

Independent Reporting Mechanism (IRM): Republic of Bulgaria Progress Report 2016 – 2017

Stephan Anguelov, Independent Researcher

Table of Contents

| | |
|--|-----------|
| Executive Summary: Bulgaria | 3 |
| I. Introduction | 16 |
| II. Context | 17 |
| III. Leadership and Multi-stakeholder Process | 20 |
| IV. Commitments | 29 |
| <i>Theme 1: E-government</i> | 32 |
| 1.1.1. New e-services for the National Revenue Agency | 32 |
| 1.1.1. Improving the existing and developing new e-services for the National Revenue Agency | 32 |
| 1.1.2. Ministry of Environment and Waters e-government strategy and roadmap | 35 |
| 1.1.3. Public e-register of VOC-emitting installations and provision of two related e-services | 37 |
| 1.1.4. National waste management information system and related e-services | 40 |
| 1.1.5. E-referrals and e-prescriptions | 43 |
| 1.1.6. Transformation of CSO registration procedure | 46 |
| 1.1.7. Connect EU fund management and National Statistical Institute information systems | 48 |
| 1.1.8. Customs Agency's information system upgrade | 50 |
| 1.1.9. Centralized Public Procurement System | 53 |
| <i>Theme 2: Access to information</i> | 56 |
| 2.1.1. Revision of internal procedures for RTI compliance | 56 |
| 2.1.2. RTI act implementation trainings for administrative officials | 59 |
| 2.1.3. Maintaining public electronic registers on gambling | 61 |
| 2.1.4. Publish the annual priorities of the National Revenue Agency | 63 |
| 2.1.5. Analysis/research publication for information exchange | 66 |
| 2.1.6. Register of regulatory and supervisory agencies whose officials are appointed by parliament | 68 |
| 2.1.7. National Institute for Immovable Cultural Heritage information system and e-services | 71 |
| <i>Theme 3: Open cities</i> | 73 |
| 3.1.1. Opening local government data | 73 |
| 3.1.2. Pilot "citizen budget" initiative | 76 |
| <i>Theme 4: Civic participation</i> | 78 |
| 4a.1.1. Public consultations improvements | 78 |
| 4a.1.2. E-petitions for national and local initiatives | 82 |
| 4a.1.3. M&E mechanism for OGP action plan | 84 |
| 4a.1.4. Design-thinking collaborative method | 86 |

| | |
|--|------------|
| <i>4a.1.5. Forums on Corporate Social Responsibility Strategy</i> | 88 |
| <i>4b.1.1. Update Strategy for Developing Civil Society Organizations</i> | 90 |
| <i>4b.1.1. Updating the Strategy for Developing Civil Society Organizations and adoption of a new action plan thereto and lead institution</i> | 90 |
| <i>Theme 5: Public Integrity</i> | 93 |
| <i>5.1.1. Public register for e-government projects</i> | 93 |
| <i>5.1.2. Information System for Corruption Risk Analysis</i> | 95 |
| <i>5.1.3. Customs Agency suitability test</i> | 98 |
| <i>5.1.4. Citizen feedback mechanism for the Customs Agency</i> | 100 |
| <i>5.1.5. Beneficial ownership disclosure in public contracts</i> | 102 |
| <i>Theme 6: Open Data</i> | 104 |
| <i>6.1.1. Improve Open Data Portal</i> | 104 |
| <i>6.1.3. Open data promotional events</i> | 104 |
| <i>6.1.4. Open Data Usage Manual</i> | 104 |
| <i>6.1.2. Publish data on EU funds</i> | 107 |
| <i>6.1.5. GIS applications for the register of protected areas in Bulgaria</i> | 109 |
| <i>6.1.6. Macroeconomic forecast data</i> | 112 |
| <i>6.1.7. Publication of open data on migration</i> | 114 |
| <i>6.1.8. Publish Crime Prevention Information System data</i> | 116 |
| V. General Recommendations | 119 |
| VI. Methodology and Sources | 123 |
| VII. Eligibility Requirements Annex | 125 |

Executive Summary: Bulgaria

Independent Reporting Mechanism (IRM) Progress Report 2016–17

Bulgaria's third national action plan addressed a range of issues from access to information and civic participation, to anti-corruption efforts. Much of the action plan focused on enhancing information technologies and e-services. Moving forward, the government should focus on involving civil society in more meaningful dialogue and co-creation of ambitious commitments clearly relevant to OGP values.

The Open Government Partnership (OGP) is a voluntary international initiative that aims to secure commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. Bulgaria began participating in OGP in 2011. The Independent Reporting Mechanism (IRM) carries out an annual review of the activities of each country that participates in OGP.

During the reporting period, the political leadership and day-to-day responsibilities for Bulgaria's OGP commitments changed hands twice. Former Deputy Prime Minister Rumiana Bachvarova, after a short interim government period (late January – early May 2017), the early elections and the formation of a new government, became Head of the Political Cabinet of the Prime Minister. She had the political leadership of the OGP process during most of the assessment period. The two consecutive teams from the administration of the Council of Ministers coordinating the OGP process had little legal power to enforce policy changes within other government agencies as neither the political lead nor the dedicated team had the ability to compel other agencies to enter into or implement commitments.

OGP Process

Countries participating in the OGP follow a process for consultation during development of their OGP action plan and during implementation.

Bulgaria's third action plan involved some collaboration between the government and civil society groups in the planning phase—out of the 37 commitments included in the action plan, seven originated from civil society input. The government gave advance notice of consultations and carried out some awareness raising, including presentations in a CSO conference and through a Facebook post on the Bulgarian OGP profile page.

The government did not organize a regular forum to consult with stakeholders on implementation of the action plan. There was no consultation during the first year of action plan implementation. To address this deficiency, the government needs to encourage active citizen involvement and increase the quality of implementation through a structured, online monitoring mechanism for OGP action plans. Alternatively, coordination and organization of

At a Glance:

Member since: 2011
Number of commitments: 37

Level of Completion:

Completed: 19% (7)
Substantial: 16% (6)
Limited: 43% (16)
Not started: 22% (8)

Commitment Emphasis:

Access to information: 81% (30)
Civic participation: 41% (15)
Public accountability: 5% (2)
Tech & innovation for transparency & accountability: 49% (18)
Unclear: 14% (5)

Commitments that are

Clearly relevant to an OGP value: 86% (32)
Of transformative potential impact: 5% (2)
Substantially or completely implemented: 35% (13)
All three (★): 0% (0)

meetings could be decentralized if the OGP team in the administration of the Council of Ministers does not have the capacity to organize them regularly.

The government published a draft of its self-assessment on the Public Consultation Portal on 14 September 2017 and provided a two-week window for public feedback. The OGP team forwarded the document to 44 civil society actors via email. A final version, including comments from two CSOs, was published on 5 October 2017.

Commitment Implementation

As part of OGP participation, countries make commitments in a two-year action plan. The Bulgaria action plan contains 37 commitments. Table 1 summarizes each commitment's level of completion and potential impact. Table 2 provides a snapshot of progress for each commitment and recommends next steps. In some cases, similar commitments are grouped and reordered to make reading easier.

Note that the IRM updated the criteria for starred commitments in early 2015 in order to raise the standard for model OGP commitments. Under these criteria, commitments must be highly specific, relevant to OGP values, of transformative potential impact, and substantially completed or complete. Bulgaria's third action plan contained no starred commitments.

Table 1: Assessment of Progress by Commitment

| COMMITMENT SHORT NAME | POTENTIAL IMPACT | | | | LEVEL OF COMPLETION | | | |
|---|------------------|-------|----------|----------------|---------------------|---------|-------------|----------|
| | NONE | MINOR | MODERATE | TRANSFORMATIVE | NOT STARTED | LIMITED | SUBSTANTIAL | COMPLETE |
| Theme 1: E-government | | | | | | | | |
| 1.1.1. New e-services for the National Revenue Agency | | | | | | | | |
| 1.1.2. Ministry of Environment and Waters e-government strategy and roadmap | | | | | | | | |
| 1.1.3. Public e-register of VOC-emitting installations and provision of two related e-services | | | | | | | | |
| 1.1.4. National waste management information system and related e-services | | | | | | | | |
| 1.1.5. E-referrals and e-prescriptions | | | | | | | | |
| 1.1.6. Transformation of CSO registration procedure | | | | | | | | |
| 1.1.7. Connect EU fund management and National Statistical Institute information systems | | | | | | | | |
| 1.1.8. Customs Agency's information system upgrade | | | | | | | | |
| 1.1.9. Centralized Public Procurement System | | | | | | | | |
| Theme 2: Access to information | | | | | | | | |
| 2.1.1. Revision of internal procedures for RTI compliance | | | | | | | | |
| 2.1.2. RTI act implementation trainings for administrative officials | | | | | | | | |
| 2.1.3. Maintaining public electronic registers on gambling | | | | | | | | |
| 2.1.4. Publish the annual priorities of the | | | | | | | | |

| COMMITMENT SHORT NAME | POTENTIAL IMPACT | | | | LEVEL OF COMPLETION | | | |
|---|------------------|-------|----------|----------------|---------------------|---------|-------------|----------|
| | NONE | MINOR | MODERATE | TRANSFORMATIVE | NOT STARTED | LIMITED | SUBSTANTIAL | COMPLETE |
| National Revenue Agency | | | | | | | | |
| 2.1.5. Analysis/research publication for information exchange | | | | | | | | |
| 2.1.6. Register of regulatory and supervisory agencies whose officials are appointed by parliament | | | | | | | | |
| 2.1.7. National Institute for Immovable Cultural Heritage information system and e-services | | | | | | | | |
| Theme 3: Open cities | | | | | | | | |
| 3.1.1. Opening local government data | | | | | | | | |
| 3.1.2. Pilot “citizen budget” initiative | | | | | | | | |
| Theme 4: Civic participation | | | | | | | | |
| 4a.1.1. Public consultations improvements | | | | | | | | |
| 4a.1.2. E-petitions for national and local initiatives | | | | | | | | |
| 4a.1.3. M&E mechanism for OGP action plan | | | | | | | | |
| 4a.1.4. Design-thinking collaborative method | | | | | | | | |
| 4a.1.5. Forums on Corporate Social Responsibility Strategy | | | | | | | | |
| 4b.1.1. Update Strategy for Developing Civil Society Organizations | | | | | | | | |
| Theme 5: Public integrity | | | | | | | | |
| 5.1.1. Public register for e-government projects | | | | | | | | |
| 5.1.2. Information System for Corruption Risk Analysis | | | | | | | | |
| 5.1.3. Customs Agency suitability test | | | | | | | | |
| 5.1.4. Citizen feedback mechanism for the Customs Agency | | | | | | | | |
| 5.1.5. Beneficial ownership disclosure in public contracts | | | | | | | | |
| Theme 6: Open data | | | | | | | | |
| 6.1.1. Improve Open Data Portal | | | | | | | | |
| 6.1.3. Open data promotional events | | | | | | | | |
| 6.1.4. Open Data Usage Manual | | | | | | | | |
| 6.1.2. Publish data on EU funds | | | | | | | | |
| 6.1.5. GIS applications for the register of protected areas in Bulgaria | | | | | | | | |
| 6.1.6. Macroeconomic forecast data | | | | | | | | |
| 6.1.7. Publication of open data on | | | | | | | | |

| COMMITMENT SHORT NAME | POTENTIAL IMPACT | | | | LEVEL OF COMPLETION | | | |
|---|------------------|-------|----------|----------------|---------------------|---------|-------------|----------|
| | NONE | MINOR | MODERATE | TRANSFORMATIVE | NOT STARTED | LIMITED | SUBSTANTIAL | COMPLETE |
| migration | | | | | | | | |
| 6.1.8. Publish Crime Prevention Information System data | | | | | | | | |

Table 2: Summary of Progress by Commitment

| NAME OF COMMITMENT | RESULTS |
|--|--|
| I.1.1. Improving the NRA's e-services <ul style="list-style-type: none"> • OGP Value Relevance: Unclear • Potential Impact: Minor • Completion: Substantial | <p>In order to reduce red tape and administrative burdens for businesses, this commitment aims to expand the scope and quality of the e-services provided by the National Revenue Agency (NRA). The majority of the NRA's most frequently used services are digitized. Moving forward, the NRA could improve its practices by identifying relevant stakeholders and consulting with them on service improvement.</p> |
| I.1.2. New e-gov strategy and roadmap for the MOEW <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Minor • Completion: Limited | <p>Environmental resource management requires using resources more efficiently, curbing the loss of biodiversity, and establishing new environment-friendly behavior patterns. This commitment seeks to develop a strategy and implementation roadmap to address these concerns through e-government. Final drafts of the strategy and the roadmap were ready in 2016 but neither has been officially adopted or published by the government. Moving forwards, responsibility should be shared with MOEW's strategic planning unit, and the ministry should carry out a public consultation with CSOs.</p> |
| I.1.3. Develop public electronic register of installations emitting VOCs with e-services <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: None • Completion: Complete | <p>Emissions of volatile organic compounds (VOCs) contribute to the formation of ground-level ozone, both of which induce negative effects on human health and the environment. This commitment aims to create a new public register of VOC-emitting installations and expand it to include electronic submission of registration applications and applications for registration changes. Early results indicate that explanations on the register's published information is needed. The government should take up a commitment to expand the publically-available information on air pollution and update it in real time.</p> |
| I.1.4. Develop a national information system for waste management with e-services <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Minor • Completion: Substantial | <p>In order to provide more information on waste management, this commitment seeks to digitalize existing public registers, as well as the registering and reporting process. The National Information System for Waste was launched on 1 January 2017. As is, the system does not provide enough detailed information on the waste management activities and is not useful to citizens. The government should pro-actively publish detailed, aggregated data on waste management, including types of treatments, in an open format.</p> |
| I.1.5. Develop applications for real-time processing of health care information <ul style="list-style-type: none"> • OGP Value Relevance: Unclear • Potential Impact: Transformative • Completion: Limited | <p>The commitment's objective is to digitalize healthcare processes, and to improve control over the use of public health funds. This is a first step toward establishing the entire National Health Information System, which would electronically house datasets from various medical professionals and institutions. The Ministry of Health developed a prototype system. Moving forwards, the government should establish specific legislation on e-healthcare, providing clear structural organization and establishing a sanctioning mechanism.</p> |
| I.1.6. Transform CSO registration procedure <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Limited | <p>CSOs were, until recently, subject to time-consuming and costly court registration, unlike companies and other legal entities. This commitment seeks to consolidate the data on CSOs in a digital register, simplify the registration procedure and grant CSOs the ability to register themselves electronically. An ordinance for public consultation was drafted and then adopted, and the government is preparing technical documentation. Implementation should be continued.</p> |

| | |
|--|---|
| <p>1.1.7. Connect EU Information System with the information system of NSI</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Minor • Completion: Not Started | <p>This commitment aims to provide statistical data for program indicators to ensure more accurate evaluations of the implementation and effectiveness of EU-financed programs, and provide publically-available information about the operation of government agencies. The public procurement procedure on the development and optimization of the EU funds information system is not finalized. Moving forwards, the government should publish all available data, which would allow for better analysis of the impact of EU funds on the Bulgarian economy by sectors, regions, etc.</p> |
| <p>1.1.8. Upgrade Customs Agency's information systems</p> <ul style="list-style-type: none"> • OGP Value Relevance: Unclear • Potential Impact: Minor • Completion: Limited | <p>The commitment seeks to improve the accessibility and usability of the e-services provided to citizens and businesses by automating and centralizing customs information and services. So far, the Customs Agency has launched the online module for e-identity management. In order to bolster the commitment's effectiveness, the government should organize public consultations with stakeholders.</p> |
| <p>1.1.9. Develop a centralized public procurement system</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Limited | <p>Building on Bulgaria's second action plan, this commitment aims to digitalize the entire public procurement process and provide transparent evaluation of bids and contracting. The Public Procurement Agency has contracted a consortium to build the electronic platform but the start date for mandatory use has been pushed back from 1 July 2017 to 18 October 2018. Implementation should be continued.</p> |
| <p>2.1.1. Revise procedures for providing public access to information</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Not Started | <p>Amendments to the Access to Public Information Act, adopted in December 2015, required new obligations related to the provision and re-use of public information, which necessitated the revision of internal rules and clear allocation of responsibilities within the administration. This commitment aims to introduce standards and improve the processes of information provision and control. Implementation is behind schedule with support for the revisions set to start when the Access to Information Platform is operational.</p> |
| <p>2.1.2. Conduct trainings on the ATI for administrative officials</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Limited | <p>The commitment seeks to train public officials on how to properly implement the Access to Public Information Act and ensure proper provision of information. As of writing, the state Institute for Public Administration (IPA) has conducted four trainings, while Access to Information Program, a partner civil society group, has conducted 12. This commitment's responsible institution could better implement the commitment if it coordinates among the IPA, the Access to Information Program, and the private companies that are providing the trainings on access to information.</p> |
| <p>2.1.3. Maintaining public electronic registers on gambling</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: None • Completion: Complete | <p>The commitment seeks to maintain the gambling registers to ensure the publicity and transparency of the gambling market. The commitment is complete as the SCG published and maintained four electronic registers (e-registers) prior to the adoption of the action plan. The IRM researcher recommends modifying the commitment by publishing the e-registers as open data or expanding on the commitment's ambition.</p> |
| <p>2.1.4. Publish annual priorities of the NRA</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear | <p>This commitment's objective is to increase the transparency in the operation of the National Revenue Agency (NRA) and reduce the administrative burden for taxpayers by regularly publishing a list of annual priorities, the results of its activities, and the results of NRA-</p> |

| | |
|--|--|
| <ul style="list-style-type: none"> • Potential Impact: Minor • Completion: Complete | <p>commissioned opinion polls on customer satisfaction. The IRM researcher recommends expanding the scope of the commitment and carrying it forward to the next action plan. Consultation with stakeholders should take place as to what data should be published.</p> |
| <p>2.1.5. Publish analysis/research as a resource for information exchange</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Minor • Completion: Not Started | <p>The EU Funds Management System includes the basic common rules, principles and key elements of all operational programs. This commitment would publish analyses and research financed by the EU Funds in a standardized manner. The content of the research was not specified and thus the IRM researcher was unable to distinguish the implementation of the commitment from the usual functioning of the Portal for EU Funds. The researcher recommends continuing implementation and determining with stakeholders the types of analyses to be published.</p> |
| <p>2.1.6. Create a register of agencies appointed by Parliament</p> <p>OGP Value Relevance: Clear Potential Impact: Minor Completion: Not Started</p> | <p>The commitment seeks to improve access to information by explaining the work of the regulatory bodies, and to increase the transparency of their operation through the establishment of a public register of all regulatory, supervisory, and control agencies appointed by the legislature. The IRM researcher recommends fully implementing the commitment and carrying it over to the next action plan with more specifically formulated text if it cannot be completed on time.</p> |
| <p>2.1.7. Establish an information system and provide e-services by creating a digital archive and e-register</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Limited | <p>This commitment aims to enhance the scope and accessibility of the public information by building a digital public archive and electronic register of archaeological sites within the National Institute for Immovable Cultural Heritage (NIICH), providing information in an electronic format that would replace existing paper archives. The commitment is strongly supported by civil society groups and the IRM researcher recommends continuing this commitment on cultural heritage in the next action plan.</p> |
| <p>3.1.1. Adoption of a program and schedule for opening local government data</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Minor • Completion: Substantial | <p>To increase the publication of information in an open, machine-readable format at the municipal level, this commitment's objective is to expand the scope of the open data policy and create new opportunities for citizen engagement at the local level. The commitment has been substantially implemented through the adoption of annual decisions by the Council of Ministers requiring the publication of open datasets by municipal governments. The IRM researcher recommends focusing on providing consultations with stakeholders and municipalities regarding the drafts of list of new open datasets to be published and their quality.</p> |
| <p>3.1.2. Introducing a citizen budget in the Sofia Municipality</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Limited | <p>This commitment aims to increase citizen participation and awareness in municipal budgeting through the creation of a citizen budget. The IRM researcher recommends continuing efforts at transparency in a proper citizen budget and for the next action plan publish presentations and explanatory documents of future draft budgets on the municipality's website at least 14 days prior to the start of public consultations.</p> |
| <p>4a.1.1. Improving the Public Consultation Portal; drafting unified standards for public and consultative councils; developing training</p> | <p>This commitment is a continuation from the previous action plan addressing the low levels of trust and involvement of civil society in public consultations on draft legislation and in the other consultation tools on decision making. The government would address the weaknesses in trust and involvement through four activities, combined into one European Union-funded project, which the IRM researcher</p> |

| | |
|---|--|
| <p>programs for public officials on the organization of public consultations; developing guidelines for citizen engagement and provision of feedback</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Limited | <p>divided into four milestones: 1) improve the 2008 Public Consultations Portal; 2) draft standards on public and consultative councils; 3) develop training programs for public officials; and 4) develop guidelines for public consultations. By including varied activities, this commitment targets informing officials and citizens, capacity building, and upgrading the participatory portal to ensure better communication between citizens and institutions, including through the crucial provision of feedback. The IRM researcher recommends involving civil society more in the implementation of the commitment activities as well as creating uniform standards for public consultations, citizen engagement and feedback provision.</p> |
| <p>4a.1.2. Introducing e-petition in law and reducing red tape</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Transformative • Completion: Not Started | <p>One of the five SMART recommendations from the 2014–2015 IRM Progress report, this commitment aims to provide citizens with easier ways to organize, sign and present to the public authorities a legally valid citizen petition/initiative through amending the Direct Participation of Citizens Act. Currently there is no legally binding opportunity for citizens to support and join e-petitions for national and local initiatives. Government and civil society should work on gathering political support of members of the National Assembly for completing the commitment.</p> |
| <p>4a.1.3. OGP Monitoring Platform</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Minor • Completion: Limited | <p>This commitment seeks to encourage active citizen involvement and increase the quality of implementation through a structured, online monitoring mechanism for OGP action plans. Completion of this commitment is contingent on completion of Commitment 4a.1.1. as the mechanism would be part of the Public Consultations Portal. The government should proactively consult with stakeholders on the following: what the mechanism should specifically look like, if an internet platform would cover all the needs of a monitoring mechanism, and what functionalities the platform should have.</p> |
| <p>4a.1.4. Piloting a new collaborative method (design-thinking)</p> <ul style="list-style-type: none"> • OGP Value Relevance: Unclear • Potential Impact: None • Completion: Not Started | <p>Despite not defining the “co-design method,” nor the term “design thinking,” this commitment aims to pilot a design-thinking method for addressing complex policy issues around European Union funds. The wording of the commitment is unclear and is not readily relevant to any of OGP’s values. The IRM researcher recommends that the commitment’s implementation not be continued in the next action plan cycle.</p> |
| <p>4a.1.5. Organizing forums on a new CSR Strategy</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Minor • Completion: Substantial | <p>The aim of this commitment is to introduce clear mechanisms for promoting corporate social responsibility (CSR) in public institutions. The government sets out to do this through organizing forums on CSR with different stakeholders and drafting and publishing a new state Strategy for Corporate Social Responsibility (a non-legally binding policy document). CSR experts and business organizations both agreed that the government should implement the recommendations of the 2015 Opinion on “Corporate social responsibility – achievements and challenges” by the Economic and Social Council.</p> |
| <p>4b.1.1. Update Strategy for Developing Civil Society Organizations</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Minor | <p>This commitment aims to create a favorable environment for civil society organizations and promote their active involvement in decision making, policy formulation, and citizen control through: updating and continuing the implementation of the existing Strategy for Developing Civil Society Organizations, drafting a new action plan, and determining a responsible institution for its implementation. The IRM researcher</p> |

| | |
|--|---|
| <ul style="list-style-type: none"> • Completion: Not Started | recommends designating an institution to develop the strategy, identifying partners from civil organizations to set out strategic goals and measures, and developing a strategy. |
| 5.1.1. New public register for budget and project control on e-government <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Limited | This commitment's objective is to establish a transparent and centralized online register that provides public access to information about all e-government initiatives and projects. The State E-Government Agency has drafted and started a funding project on the commitment's implementation, but completion is not likely before the stated end date (December 2017). The IRM researcher stresses that implementation should be complemented with legal safeguards to deter corruption and efforts to undermine the register's effectiveness. |
| 5.1.2. New Information System for Corruption Risk Analysis <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Limited | This commitment would centralize corruption risk assessments through aggregating information sources on individual officials' declarations under the Information System for Corruption Risk Analysis. As the commitment is unlikely to be completed within this action plan's timeframe, it should be carried forward to the next action plan. After a preliminary analysis of existing anti-corruption measures, a new commitment should be formulated that establishes a corruption risk analysis system that also provides access to a register of public officials' assets and conflict of interest declarations. |
| 5.1.3. Draft ordinance on suitability of customs officials <ul style="list-style-type: none"> • OGP Value Relevance: Unclear • Potential Impact: Minor • Completion: Complete | This commitment's objective is the establishment of a standardized procedure for assessing the professional and psychological suitability of candidates for recruitment or promotion in the Customs Agency. The commitment was completed but the standardized nature of the assessment does not allow for subjective evaluations and access to the results is not provided. In the future, the IRM researcher suggests focusing on more direct approaches to curbing corruption. |
| 5.1.4. Increase transparency of customs authorities <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Minor • Completion: Substantial | This commitment seeks to engage the public in efforts to prevent corruption in the Customs Agency through use of communication channels for citizen input. As the communication channels already exist, the commitment is more likely to improve their maintenance and services rather than expand their capabilities. The IRM researcher recommends that specific activities visible to citizens be identified when this commitment is taken forward to the next action plan. |
| 5.1.5. Amend the Public Procurement Act <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Not Started | Public procurement in Bulgaria suffers from a lack of public trust and the perception of a few companies monopolizing the awarded contracts. The government sought to address this through amendments to the Public Procurement Act whereby procurement contractors would be obligated to publicly disclose beneficial owners. The IRM researcher recommends fully implementing the commitment and retaining the original intent of the commitment across any changes in the government. |
| 6.1.1. Improving the Open Data Portal <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Limited | These commitments seek to promote the use of open data through information events (6.1.3), an improved Open Data Portal (6.1.1), and a data usage manual to encourage the improvement of public officials' data processing and analysis skills (6.1.4.). These commitments will be addressed through a European Union-funded project that will both improve the processes of maintaining information in an open, machine-readable format, and create new mechanisms for access to public information. Full implementation of each of the commitments would continue to scale up Bulgaria's efforts at open data reform, though more effective use of open data and a more reliable implementation |
| 6.1.3. Promotion of the open data events <ul style="list-style-type: none"> • OGP Value Relevance: | |

| | |
|--|---|
| <ul style="list-style-type: none"> • Clear • Potential Impact: Moderate • Completion: Limited | mechanism that could ensure regular publication of datasets identified by the public would expand the commitment's potential impact. The IRM researcher recommends the government perform an impact assessment of open data and its effectiveness and capabilities to meet the society's demands for more transparency and accountability. |
| 6.1.4. Open Data Usage Manual <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Limited | |
| 6.1.2. Publishing data on EU funds <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: None • Completion: Complete | This commitment aims to publish data on the Open Data Portal and improve the usability of the information released, however, it is unclear if the commitment focuses on new or existing practices of publication. Should the government carry the commitment forward in the next action plan, the IRM researcher recommends combining it with the public-facing efforts on Commitment 1.1.7., where publishing all available data on the implementation progress on European Union funds' programs and projects would allow deeper and clearer analysis of their impact on Bulgarian economy by sectors, regions, etc. |
| 6.1.5. Development of GIS applications for the register of protected areas in Bulgaria <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Minor • Completion: Substantial | This commitment aims to update, maintain and further develop a geographic information systems (GIS) application developed by the Ministry of Environment and Waters and the Executive Environment Agency that provides free access to information on protected areas and zones in Bulgaria. The commitment should include data on water (i.e. the rivers and the points of abstraction) in the application; establish a connection and correspondence with the national cadaster; develop web services of the GIS and compatibility with private and widely-used GIS services such as Google or Open Street Map; and make the information more accessible in terms of technical language. |
| 6.1.6. Publication of data from the macroeconomic forecast <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Minor • Completion: Complete | To increase fiscal transparency and government accountability under this commitment, the Ministry of Finance will publish its macroeconomic forecast twice per year, in an open, machine-readable format. The IRM researcher recommends that a follow up to this commitment be taken forward into the next action plan that includes more granular and open data from the information that the Ministry of Finance already publishes and to expand the scope to the many other Ministry of Finance publications currently in PDF format. |
| 6.1.7. Publication of open data on migration <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Minor • Completion: Complete | This commitment's objective is to facilitate migration data analysis and promote greater citizen involvement through publication of open data on migration, providing numbers on migrants registered, detained and repatriated at the different Bulgarian borders each month. The Ministry of Interior has published such information in PDF format since 2015 and has begun publishing it in an open, CSV format on the Open Data Portal since early 2017. Available information should be enhanced with larger domestic migration trends and their economic impact, as well as with information that takes into account what data civil society requires to better inform public debate around the topic. |
| 6.1.8. Publishing data from the Crime Prevention Information System | This commitment's objective is to improve crime prevention and increase the transparency of the judicial system through creating a secure automatic information system that will publish more information and increase the quality and usability of that data. The IRM researcher |

| | |
|--|---|
| <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Minor • Completion: Limited | <p>considers that in order to improve the transparency of the judiciary and law-enforcement system, the Prosecutor's office and the Inter-Institutional council should seek civil society participation in the debate determining which data should be published.</p> |
|--|---|

Recommendations

Bulgaria's third national action plan builds on commitments from the previous action plan (e.g. access to information and civic participation) and takes into account stakeholder priorities (e.g. attitude of civil servants toward transparency and improving civic participation). However, many of the stated commitments revolve around e-government efforts and do not address the bigger structural problems. Often their ambition is low and if implemented they would not significantly change the status quo. Introducing a mechanism to facilitate regular consultation between stakeholders and government officials would encourage verifiable commitment implementation.

Beginning in 2014, all OGP IRM reports include five key recommendations about the next OGP action planning cycle. Governments participating in OGP will be required to respond to these key recommendations in their annual self-assessments. These recommendations follow the SMART logic; they are Specific, Measurable, Answerable, Relevant, and Timebound. Given these findings, the IRM researcher presents the following key recommendations:

Table 3: Five Key Recommendations

| |
|---|
| 1. Establish a nationwide, permanent mechanism discussing OGP implementation, with regular meetings and clear rules. |
| 2. To ensure continuity, the OGP team and individual implementing bodies need to ensure transfer of institutional memory during transitions and establish a repository of all commitments. Such repository should contain full history files on each commitment including information on how the commitment was formulated; what other strategic documents contain the commitment; stakeholder comments on the commitment content and implementation. |
| 3. The next action plan could include a commitment for the National Assembly to publish all laws (and their equivalent) or higher legislation in their full consolidated texts online, free of charge and with a guarantee of authenticity and precision. |
| 4. Provide citizens with the possibility for e-initiatives and lower the thresholds on initiating and passing referendums, through the amendment of the Law for Direct Participation of Citizens in Government and Local Government. |
| 5. Expand the initiative creating accessible language budgets for the citizens of other major municipalities such as Plovdiv, Varna, Burgas and Russe. |

Eligibility Requirements: To participate in OGP, governments must demonstrate commitment to open government by meeting minimum criteria on key dimensions of open government. Third-party indicators are used to determine country progress on each of the dimensions. For more information, see Section VII on eligibility requirements at the end of this report or visit bit.ly/1929F11.

Stephan Anguelov is a lawyer and researcher in the Access to Information Programme, a non-governmental organization in Bulgaria. Stephan's line of work includes providing legal aid in access to information and related personal data protection cases, research and monitoring in the areas of transparency, and accountability.

The Open Government Partnership (OGP) aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP's Independent Reporting Mechanism (IRM) assesses development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.



I. Introduction

The Open Government Partnership (OGP) is an international multi-stakeholder initiative that aims to secure concrete commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP provides an international forum for dialogue and sharing among governments, civil society organizations, and the private sector, all of which contribute to a common pursuit of open government.

Bulgaria began its formal participation in September 2011 when Rumiana Bachvarova, Head of Cabinet of the Prime Minister, declared her country's intention to participate in the initiative.¹

In order to participate in OGP, governments must exhibit a demonstrated commitment to open government by meeting a set of (minimum) performance criteria. Objective, third-party indicators are used to determine the extent of country progress on each of the criteria: fiscal transparency, public official's asset disclosure, citizen engagement, and access to information. See Section VII: Eligibility Requirements for more details.

All OGP-participating governments develop OGP action plans that elaborate concrete commitments with the aim of changing practice beyond the status quo over a two-year period. The commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area.

Preparation for the third national action plan began in January 2016, and the development process took place between April and July 2016. The action plan was approved on 12 July 2016.² The official implementation period for the action plan was 1 July 2016 through 30 June 2018. This year one report covers the action plan development process and first year of implementation, from July 2016 to June 2017. Beginning in 2015, the IRM started publishing end-of-term reports on the final status of progress at the end of the action plan's two-year period. Any activities or progress occurring after the first year of implementation June 2017 will be assessed in the end-of-term report. The government published a draft of its self-assessment report in September 2017 and a final self-assessment report in October 2017.

In order to meet OGP requirements, the Independent Reporting Mechanism (IRM) of OGP has partnered with Stephan Anguelov, who carried out this evaluation of the development and implementation of Bulgaria's third action plan. To gather the voices of multiple stakeholders, the IRM researcher held a focus group and interviews in the capital – Sofia. The IRM aims to inform ongoing dialogue around development and implementation of future commitments. Methods and sources are dealt with in Section VI of this report (Methodology and Sources).

¹ "Bulgaria", Open Government Partnership, <http://bit.ly/1NyjqRq>

² Decision of the Council of Ministers no. 570 of 11 July 2016, Government Legal Information System, <http://bit.ly/2heicsu>

II. Context

Bulgaria's third OGP action plan was drafted and implemented in its first year in an environment of political instability. The government included some stakeholder priorities in the action plan, such as those related to improving civil society environment and access to information. While the plan extends to new topics that are part of the national debate, such as administrative reform and anti-corruption initiatives, many commitments revolve around e-government efforts and do not address bigger structural problems.

2.1 Background

Bulgaria is currently pursuing its third national action plan, since its initial membership with OGP in 2011. In a region struggling to build functioning democracies, OGP has been aiming to transform the modus operandi of the government and promote openness and transparency. Bulgaria is considered a semi-consolidated democracy, ranking 3.29 (in a 1 to 7 scale, with 7 being least democratic), according to the 2017 Nations in Transit Report.¹ In the past year, the country's governance rating, independent media score and civil society score have all declined.² There has also been little progress in the fight against corruption. These trends have led to further dissatisfaction with the political process. As related in the last table (7.1) of this report (Eligibility Requirements Annex) and monitoring results, there has been no significant change in the rules and government practices related to access to information,³ budget transparency⁴ and the publication of assets declarations.

The timing of this progress report and the decline in governance ratings coincided with the country's political instability in 2016. In November 2016, following his party's loss in the presidential elections, Prime Minister Boyko Borissov (of the Citizens for European Development of Bulgaria/GERB) and his government resigned, triggering a government crisis. The National Assembly followed and resigned in January 2017. A caretaker government ruled between January and May 2017 and a new parliament was elected in March 2017. It voted in a new coalition government in May 2017, led again by Prime Minister Borissov. The new government offers continuity but has also received critique over the nationalist positions of the junior partners.⁵ The institutional instability, resulting from the frequent changes of governments, led the administration to refocus its priorities. As a result, the government has abandoned efforts on some of the reform projects and, in general, such instability slows down the OGP action plan's implementation.

Public Distrust of Government

Bulgaria is perceived to be the most corrupt country in the EU, according Transparency International.⁶ President Radev's triumph partly reflected widespread discontent with the government's poor record on tackling corruption and poverty.⁷ While many Bulgarians still consider democracy the best form of government and their fundamental rights protected,⁸ the general trust in Bulgarian institutions remains low.⁹ According to many Bulgarians, the laws are not fair and are not equally applied to all citizens.¹⁰ According to the same survey, Bulgarians consider the lack of good governance and the existing corruption as among the country's main problems.¹¹ In 2016, an overwhelming majority thought that the government was not handling these issues well.¹²

Civil Society

Issues of civil society and civic engagement figured prominently in the assessment period. Civic engagement is a problematic area of civil society development, with 80 percent of Bulgarian citizens not participating in any form of organized public life.¹³ In July 2017, the National Assembly amended the Environment Protection Act in a way that limits the possibility for citizen and judicial control over environmental impact assessments of large construction projects.¹⁴ The National Assembly also

amended the Judiciary Act and the Criminal Procedure Code in such a way that puts judges' independence in risk of being effectively ousted by the prosecutor's office.¹⁵ The work on these amendments also concerned the freedom of association of magistrates,¹⁶ however, the final version of the law did not aggravate the situation.

Freedom of the Press

The constitution in Bulgaria protects freedom of speech and of the press, and the media is generally free of overt government interference. However, due to an environment dominated by corruption and collusion among media, politicians and oligarchs, Bulgaria is ranked lower in the World Press Freedom Index than any other European Union member, ranking 109 out of 180 countries.¹⁷ The Freedom of the Press 2017 report also marks a decline in the field related to the political and economic environment, while continuing to consider Bulgaria's press as only partly free.¹⁸ The media environment was illustrated by the fate of a new satirical cartoons newspaper which started printing in March 2017.¹⁹ "Prass-press", as it is called, almost did not reach the newsstands, as it is controlled by a distribution monopoly. Due to its popularity, however, it managed to build an alternative distribution network.²⁰ In October 2017, hundreds of journalists protested against the mounting pressure on the media by the legislature and the government.²¹ The rally was prompted by threats and accusations against the media launched by a deputy Prime Minister and an MP from the ruling coalition. As a result, the MP resigned, however, the deputy PM remained in office.²²

2.2 Scope of Action Plan in Relation to National Context

The third national action plan includes open government initiatives in a variety of sectors and includes almost three times more commitments than the previous one (37 new, compared to 14 commitments in the last action plan). Some of the new measures build on commitments from the previous action plan in the areas of access to information and open data (commitments 2.1.1., 2.1.2, theme 3 Open cities and theme 6 Open data), and civic participation (see commitments 4a.1.1, 4a.1.2 and 4b.1.1). The third national action plan also touches on new topics which are an important part of the national debate, such as the anti-corruption efforts (commitment 5.1.2), the health-care reform (commitment 1.1.5), the judicial reform (commitment 6.1.8) and administrative reform. Many of the commitments also relate to issues for Bulgarian society and promoted by stakeholders, such as access to information (theme 2), improving civic participation (theme 4) and improving the integrity of public officials. The action plan also features commitments covering EU-wide and international topics of interest, such as beneficial ownership (commitment 5.1.5) and public procurement (commitment 1.1.9).

The commitments are organized into six themes, however, the themes are superficial and often the commitments in a single theme, such as themes 1, 2, 4, 5 and 6, are not related to each other in terms of joint efforts, implementing teams or coordination mechanisms. Many of the stated commitments revolve around e-government efforts and do not address the bigger structural problems. Often their ambition is low and if implemented they would not significantly change the status quo.

¹ Nations in Transit 2017 report, Freedom House, <https://freedomhouse.org/report/nations-transit/2017/bulgaria>

² Ibid.

³ "Results from the Civil audit of active transparency" section, Access to Information in Bulgaria 2016 report, pages 15 – 32, Access to Information Programme, 2017, http://store.aip-bg.org/publications/ann_rep_eng/2016/report2016-en.pdf

⁴ Open Budget Survey 2017 Bulgaria, Country Summary, page 2, <https://www.internationalbudget.org/wp-content/uploads/bulgaria-open-budget-survey-2017-summary.pdf>

⁵ Overview in "Bulgaria's proposed new Borissov coalition cabinet: 10 things to know" Clive Leviev-Sawyer, The Sofia Globe, 5 May 2017, <http://bit.ly/2hPWw2V>

⁶ Corruption Perceptions Index in Bulgaria for 2016, Transparency International Bulgaria, <http://bit.ly/2Aq8HLA>

⁷ Bulgaria PM Borisov quits after presidential election blow, BBC News, 14 November 2016, <http://www.bbc.com/news/world-europe-37972526>

⁸ “Democracy and Civic Participation 2016” survey, Open Society Institute Sofia, Publications, Reports, 6 June 2016, in Bulgarian, <http://bit.ly/2zDaK1o>

⁹ Idem, see also “Assessment of the Work of the Government” and the other major institutions, Alpha Research (an independent private agency for marketing and social research), August 2009–September 2017, <http://bit.ly/2etSuxB>

¹⁰ “Democracy and Civic Participation 2016” survey, Ibid.

¹¹ Idem.

¹² Idem.

¹³ “Democracy and Civic Participation 2016” survey, Ibid.

¹⁴ Overview in “The fight for the protection of environment continues” Mirela Vesselinova, Capital.bg, 1 August 2017, in Bulgarian, <http://bit.ly/2AqhVaA>

¹⁵ Overview “The Bulgarian Judges Association calls for veto on the amendments on the Criminal Procedure Code and the Judiciary Act” (Съюзът на съдиите иска вето върху промените в НПК и съдебния закон) Mirela Vesselinova, Capital.bg, 1 August 2017, in Bulgarian, <http://bit.ly/2zo47x2>. See more statements on the Bulgarian Judges Association’ site, <https://www.judgesbg.org/en/>

¹⁶ Commentary “The amendments in the criminal procedure and the taming of civil society” (Промените в наказателния процес и опитомяването на гражданското общество) by Emilia Nedeva, attorney-at-law, Dnevnik.bg, 16 August 2017, in Bulgarian, <http://bit.ly/2AgGlwQ>

¹⁷ World Press Freedom Index 2017, Reporters Without Borders, <https://rsf.org/en/bulgaria>

¹⁸ Freedom of the Press 2017: Bulgaria profile, Freedom House, <https://freedomhouse.org/report/freedom-press/2017/bulgaria>

¹⁹ “Cartoonists Earn a Prime Minister’s Ire — and His Subscription”, Boryana Dzhambazova, The New York Times, 5 May 2017, <https://www.nytimes.com/2017/05/05/world/europe/cartoonists-newspaper-bulgaria.html>

²⁰ “Satirical Cartoonists Take Aim at Bulgaria’s Media Distribution ‘Monopoly’”, Nadezhda Yankulska, SEENMP, 11 July 2017, <http://seenpm.org/satirical-cartoonists-take-aim-bulgarias-media-distribution-monopoly/>

²¹ “Hundreds of Bulgarian Journalists Protest Censorship Threats”, Slav Okov, Bloomberg, 11 October 2017, <https://www.bloomberg.com/news/articles/2017-10-11/hundreds-of-bulgarian-journalists-protest-against-censorship>

²² “Bulgarian Journalists to Protest State Pressure”, Mariya Cheresheva, Balkan Insight, 11 October 2017, <http://www.balkaninsight.com/en/article/bulgarian-journalists-to-protest-state-pressure-10-11-2017>

III. Leadership and Multi-stakeholder Process

The government improved its consultation practices compared to the development of the previous action plans. It provided advance notice, some awareness-raising efforts and published the self-assessment report. It should put more efforts into the depth and breadth of the consultations, especially during implementation and should create the much-needed regular multi-stakeholder forum.

3.1 Leadership

This subsection describes the OGP leadership and institutional context for OGP in Bulgaria. Table 1.1 summarizes this structure while the narrative section (below) provides additional detail.

Table 3.1: OGP Leadership

| 1. Structure | Yes | No |
|---|-------------------------------------|-------------------------------------|
| Is there a clearly designated Point of Contact for OGP (individual)? | <input checked="" type="checkbox"/> | |
| | Shared | Single |
| Is there a single lead agency on OGP efforts? | | <input checked="" type="checkbox"/> |
| | Yes | No |
| Is the head of government leading the OGP initiative? | | |
| 2. Legal Mandate | Yes | No |
| Is the government's commitment to OGP established through an official, publicly released mandate? | <input checked="" type="checkbox"/> | |
| Is the government's commitment to OGP established through a legally binding mandate? | | <input checked="" type="checkbox"/> |
| 3. Continuity and Instability | Yes | No |
| Was there a change in the organization(s) leading or involved with the OGP initiatives during the action plan implementation cycle? | <input checked="" type="checkbox"/> | |
| Was there a change in the executive leader during the duration of the OGP action plan cycle? | <input checked="" type="checkbox"/> | |

During the reporting period, the political leadership and day-to-day responsibilities for Bulgaria's OGP commitments changed hands twice. Deputy Prime Minister Rumiana Bachvarova was in charge of coalition policy, public administration, and Minister of Interior, and was the official responsible for the coordination and participation of Bulgaria in OGP from the second half of the previous action plan until January 2017.¹ An advisor to the political cabinet of the Deputy Prime Minister headed a three-person team from the administration of the Council of Ministers which coordinated Bulgaria's OGP process. However, many of the commitments were drafted by the political cabinet, without the participation of civil servants.

In January 2017 the government resigned, followed by the parliament, and a caretaker government stepped in. Through the middle of March until early May 2017, the Deputy Prime Minister in charge of European Union funds took political responsibility for the coordination and participation of Bulgaria in OGP.² After the early elections and formation of new parliament and government, in early June 2017, Rumiana Bachvarova, now Head of the Political Cabinet of the Prime Minister, took over political leadership of the OGP

process.³ The “Modernization of the administration” Directorate from the administration of the Council of Ministers dedicated a small ad hoc team of three civil servants which is now the leading administrative unit and point of contact responsible for Bulgaria’s OGP commitments. There is no dedicated budget for this activity.

Both teams from the administration of the Council of Ministers had little legal power to enforce policy changes within other government agencies. (See Table 3.1 on the leadership and mandate of OGP in Bulgaria). The Council of Ministers always gives the same mandate to the leading political official, namely “to be responsible for the coordination and participation of the Republic Bulgaria in the Global initiative Open Government Partnership”. The political lead and dedicated team do not have the ability to compel other agencies to enter into, or to implement, commitments.

The Deputy PM’s team prioritized commitments on electronic government policy. As a result, the action plan is heavily oriented toward e-government projects, which means making use of more technology. Many of the commitments relate to transparency, but few relate to civic participation or accountability.

The action plan’s implementation was inconsistent as a result of the limited mandate, coupled with the changes in the lead and coordination of OGP commitments. If civil servants, who generally tend to keep their positions during changing governments, had participated fully in the action plan’s development or if the government had kept a full record of development activities, there would have been better continuity and traceability in the action plan’s implementation. Another factor in the loss of institutional memory is that officials from different agencies who proposed individual commitments are often not the officials who are directly responsible for their implementation and reporting. At the time of writing this report, several commitments do not have a clear lead implementing officer. Due to this, some commitments have received no implementation. Other commitments have unclear deliverables and consequently unclear implementation.

Finally, it is important to note that constitutionally, Bulgaria has a highly centralized executive, which often operates with coalition governments. This results in the coalition partners controlling different parts of central government. Beyond the central government, the municipalities add another layer of independent power for local matters. This means that the administrations’ center – the administration of the Council of Ministers – has little authority to compel ministries, agencies and municipalities. However, a few of the commitments involving interagency cooperation show that the different government bodies can coordinate when needed. This is not to imply, however, that the consultation (even within government) took place beyond the capital (see Section II on “Development of Action Plan”).

3.2 Intragovernmental Participation

This subsection describes which government institutions were involved at various stages in OGP. The next section will describe which nongovernmental organizations were involved in OGP.

Table 3.2 Participation in OGP by Government Institutions

| How did institutions participate? | Ministries, Departments, and Agencies | Legislative | Judiciary (including quasi-judicial agencies) | Other (including constitutional independent or autonomous bodies) | Subnational Governments |
|--|---------------------------------------|-------------|---|---|-------------------------|
| Consult: These institutions observed or were invited to observe the action plan but may not be responsible for commitments in the action plan. | 20 ⁴ | 0 | 1 ⁵ | 1 ⁶ | 0 |
| Propose: These institutions proposed commitments for inclusion in the action plan. | unclear | unclear | unclear | unclear | unclear |
| Implement: These institutions are responsible for implementing commitments in the action plan whether or not they proposed the commitments. | 20 ⁷ | 0 | 1 ⁸ | 1 ⁹ | 0 |

In Bulgaria, the possibility of participation in OGP was extended to a large array of major institutions. However, the IRM researcher could not find an exact list of the institutions that were invited to participate. Thus, the institutions that “observed” the drafting of the plan, indicated in Table 3.2, are the institutions listed by the action plan. The government self-assessment¹⁰ also does not indicate the specific institutions that were invited to participate. To the IRM researcher’s knowledge, all bodies from the central executive (all ministries and state agencies, and possibly executive agencies) were invited to participate through letters from the Council of Ministers.

Because of the breach of continuity in the action plan implementation process, the IRM researcher and the self-assessment could not completely reconstruct the inter-agency drafting process. In some cases (commitments 6.1.5 and 6.1.6) the individual institutions proposed the commitments. In others (commitments 6.1.8, 3.1.1 and 3.1.2), the initiative came from the central government. However, the IRM researcher could not establish a clear picture, since not all commitments are traceable. In certain cases, the texts of commitment

proposals have been modified by the political cabinet officials who directly formulated the commitments. In other cases, individual institutions lost the institutional memory on the original concept of the commitments (commitment 4a.1.4). At the end of the drafting process a single meeting gathered government experts from different bodies and civil society stakeholders. There are no published meeting minutes, nor has a list of participants been made available.

During implementation, the government's practices did not change. Some of the government experts responsible for the implementation and reporting of commitments attended the launch event of the end-of-term IRM report for the previous action plan cycle in June 2017, which was hosted by the Council of Ministers. This was the only event gathering experts from different bodies in the first year of implementation. At the time of writing this report (September 2017), the government and civil society had still not created a permanent dialogue mechanism on the action plan's implementation. Some of the experts implementing commitments of the action plan (for example 3.1.2 and 6.1.8) only learned that their activities were included in the OGP process when the OGP team or IRM researcher contacted them after the first year of implementation in relation to the drafting of the respective progress reports.

3.3 Civil Society Engagement

Countries participating in OGP follow a set of requirements for consultation during development, implementation, and review of their OGP action plan. Table 3.3 summarizes the performance of Bulgaria during the 2016-2018 action plan.

Table 3.3: National OGP Process

| Key Steps Followed: 4 of 7 | | | | | | |
|------------------------------|---|-----|----|--|-----|-----|
| Before | 1. Timeline Process & Availability | | | 2. Advance Notice | | |
| | Timeline and process available online prior to consultation | Yes | No | Advance notice of consultation | No | Yes |
| | | | X | | | ? |
| | 3. Awareness Raising | | | 4. Multiple Channels | | |
| | Government carried out awareness-raising activities | Yes | No | 4a. Online consultations: | Yes | No |
| | | ? | | | ? | |
| | | | | 4b. In-person consultations: | Yes | No |
| | | | ? | | | |
| 5. Documentation & Feedback | | | | | | |
| Summary of comments provided | | | | | Yes | No |
| | | | | | | X |
| During | 6. Regular Multi-stakeholder Forum | | | | | |
| | 6a. Did a forum exist? | Yes | No | 6b. Did it meet regularly? | Yes | No |
| | | X | | | | X |
| After | 7. Government Self-Assessment Report | | | | | |
| | 7a. Annual self-assessment report published? | Yes | No | 7b. Report available in English and administrative language? | Yes | No |
| | | ? | | | ? | |
| | 7c. Two-week public comment period on report? | Yes | No | 7d. Report responds to key IRM recommendations? | Yes | No |
| ? | | | ? | | | |

In late January 2016, the government published an outline of activities on the consultation and drafting process for the 2016-2018 action plan.¹¹ Although the outline groups activities by month, without providing specific dates, it does not serve as a useful timeline for actors monitoring the process. The OGP team officials made some awareness-raising efforts through presentations at a CSO conference¹² and through a post on the Bulgarian government OGP Facebook profile.¹³ The government initiated the consultation process by posting an invitation, eight days before the meeting, on its social media profile,¹⁴ which is followed by a small number of people (220 in October 2017), and by emailing an invitation¹⁵, seven days before the meeting, to 32 civil society actors traditionally participating or familiar with the OGP process.

In April 2016, the first in-person meeting took place in the building of the Council of Ministers. It was agreed that communication between the OGP team and participating stakeholders would continue by email. Proposal on the drafts would be sent by email and posted online during the official online public consultation period once a draft of the action plan was ready. After the meeting, the group of participating stakeholders received a detailed schedule of the following meetings.¹⁶ Nine CSOs participated in the first meeting with the OGP team to draft the action plan.¹⁷ Organizations representing business did not participate, nor did other branches of government. The participating CSOs are traditionally active stakeholders on different societal topics revolving around improving governance, public policy analysis, access to information, public participation in decision making, citizen and citizens' organizations empowerment, judicial reform and promotion of e-government. The group discussed the formulations of some of the CSOs' proposals. Eventually, most stakeholders formulated individual proposals which they sent by email.

Less than a fortnight later, the government organized a second in-person meeting in late April 2016¹⁸ with experts from several ministries and agencies and with the participating CSOs. All nine participating CSOs were invited, but a smaller number attended that meeting. The IRM researcher and self-assessment were unable to find a complete list of participants in that meeting. The government also organized a third event – a conference on open data.¹⁹ However, it did not serve as a forum for exchanging specific comments and proposals on the drafting of the action plan. The government did not organize the two additional events which were outlined on its initial schedule.

In the action plan, the government adopted some of the CSOs' proposals, reformulated others and rejected others. Out of 37 finally adopted commitments, seven originated from civil society. The commitment text includes a specific category, "Other non-governmental actors involved", which lists the individual CSOs who proposed them. In sum, there was some collaboration between government and civil society (Table 3.4). Before and after the publication of the action plan, the government did not publish a summary of the comments and proposals made during the drafting process. The stakeholders who participated in the drafting said they received some verbal feedback on some of their proposals. However, they did not consider that the government provided adequate feedback as a whole.

Table 3.4: Level of Public Influence

The IRM has adapted the International Association for Public Participation (IAP2) "Spectrum of Participation" to apply to OGP.²⁰ This spectrum shows the potential level of public influence on the contents of the action plan. In the spirit of OGP, most countries should aspire for "collaborative."

| Level of public influence | | During development of action plan | During implementation of action plan |
|---------------------------|---|-----------------------------------|--------------------------------------|
| Empower | The government handed decision-making power to members of the public. | | |
| Collaborate | There was iterative dialogue AND the public helped set the agenda. | ✓ | |
| Involve | The government gave feedback on how public inputs were considered. | | |
| Consult | The public could give inputs. | | |
| Inform | The government provided the public with information on the action plan. | | |
| No Consultation | No consultation | | ✓ |

3.4 Consultation During Implementation

As part of their participation in OGP, governments commit to identify a forum to enable regular multi-stakeholder consultation on OGP implementation. This can be an existing entity or a new one. This section summarizes that information.

The government did not identify a forum to enable regular consultation on the action plan's implementation. There was almost no consultation during implementation in the first year of assessment. The 6 June 2017 launch event for the end-of-term IRM report for the previous action plan cycle, hosted by the Council of Ministers, gathered civil society actors and government experts responsible for the implementation and/or reporting of some of the commitments. The IRM researcher and government officials, who organized the event together, did not establish the full list of participants. This sole discussion allowed for some exchange of opinions on the implementation mainly between civil society actors and the OGP team from the administration of the Council of Ministers.

The main concern from civil society is related to the lack of feedback and procedures that would guarantee regular discussions and feedback on implementation and comments. The government has committed in the action plan (4a.1.3) to build an OGP-specific internet platform which would serve as the main channel for monitoring implementation and facilitating communication between government and civil society. This commitment is yet to be implemented. Stakeholders asked for clear political leadership by deputy prime ministers or a minister who has the portfolios on administrative reform and e-government. Stakeholders have demanded the establishment of a clear schedule for regular meetings to discuss the action plan's implementation and clear rules for giving proposals and receiving feedback from the government outside of the annual self-assessment reports (see the [Stakeholder priorities in Section V](#) of this report). Several stakeholders²¹ have also suggested that the roles on coordination and organization of meetings on specific topics and discussions on implementation could be decentralized if the OGP team in the administration of the Council of Ministers does not have the capacity to organize them regularly. Experts from other ministries could be responsible for organizing discussions on specific topics where the respective implementing experts should also participate. Another option is for each individual ministry and state and executive agency to determine an expert responsible for the organization of public consultations, who would also participate in the monitoring of the implementation of the action plan.²²







3.5 Self-Assessment

The OGP Articles of Governance require that participating countries publish a self-assessment report three months after the end of the first year of implementation. The self-assessment report must be made available for public comments for a two-week period. This section assesses compliance with these requirements and the quality of the report.

The government published a draft of its self-assessment on the Public Consultation Portal²³ on 14 September 2017 and provided a 14-day period for comments on it. The OGP team also sent an email on the same day with the draft report to 44 civil society actors, including activists and organizations outside of the usual participants in OGP.²⁴ Two CSOs sent comments on the self-assessment and their statements are published on the same page on the Public Consultations Portal.²⁵ Both of these statements criticized the action plan's drafting and implementation process, but not the actual self-assessment, except the fact that it was published two-and-a-half months after the assessment period ended (June 2017). The government included its comments and critiques on the individual commitments as footnotes in the final version of the self-assessment, published on 5 October 2017.²⁶ The government also provided feedback on the comments and critiques in a summary document.²⁷ In the IRM researcher's opinion, the self-assessment presents a generally accurate report of the action plan implementation. It sometimes diverges from this IRM report in terms of assessing relevance to the OGP values of transparency, accountability and public participation. However, it is an accurate source on the completion and implementation details of most commitments.

3.6 Response to Previous IRM Recommendations

Table 3.5: Previous IRM Report Key Recommendations

| | Recommendation | Addressed? | Integrated into Next Action Plan? |
|----------|--|---|---|
| 1 | Government should consider the creation of a permanent dialogue mechanism around implementing the action plan. This mechanism would be comprised of civil society representatives, private sector, and government representatives in charge of OGP commitments and would meet at least every three months. The Administration of the Council of Ministers should provide support for this mechanism. |  |  |
| 2 | To ensure that everybody has equal access to legislation in force, the National Assembly should publish the consolidated versions of the laws and the other normative acts of the same or higher rank, which are in force. They should be available online and accessible for free. The electronic texts should have the same legal value as the print edition of the State Gazette. |  |  |
| 3 | To enhance civic participation in the legislative process, parliament and government should complete the reform of the legislation on normative acts by adopting currently proposed amendments. To this end, the Council of Ministers should adopt the respective bylaws relating to the methodology and practical guidance on impact assessments on draft and enacted legislations as well as guidance on publishing information about the Public Consultations Portal. In addition, the National Assembly should adopt amendments to the Rules of Procedure of the National Assembly, which should detail obligations for members of parliament to carry out prior |  |  |

| | | | |
|---|--|---|---|
| | impact assessments of the draft legislation they initiate. | | |
| 4 | Local government can be brought into the OGP process by publishing citizen budgets — in an accessible format — in municipalities that have the resources and capacity to organize consultation, such as the municipalities of Sofia, Plovdiv, Varna and Burgas. | ? | ? |
| 5 | Effectiveness of citizen initiatives, especially for holding referenda, could be increased through amending the Law for Direct Participation of Citizens in Government and Local Government by: ensuring citizens could support initiatives through an easily accessible online form; lowering the threshold for organizing a national referendum on citizen initiatives; and lowering or dropping the participation threshold for adopting a proposal subject to a national referendum. | ? | ? |

Government addressed all five SMART recommendations in its self-assessment and integrated four recommendations to a certain extent in the 2016-2018 action plan. Key recommendation three (Table 3.5) was implemented regarding the executive, but not the legislative, during the previous action plan cycle.²⁸ The part of it concerning publishing information on the Public Consultations Portal was incorporated in commitment 4a.1.1 of the current action plan. None of the four new commitments addressing the SMART recommendations (3.1.2, 4a.1.1, 4a.1.2 and 4a.1.3) was substantially or completely implemented in the assessment period. During the multiple stakeholder meeting organized by the IRM researcher, the participants focused on the need to create a permanent dialogue mechanism on OGP and on the key recommendation which did not make it to the action plan – the need to publish free full texts (consolidated versions) of the legislation in force online, with the same legal force as the printed version of the State Gazette.

¹ Decision no. 8 from Protocol no. 48 of the Council of Ministers session on 19 November 2014 (Решение № 8 от Протокол № 48 от заседанието на Министерския съвет на 19 ноември 2014 г.), Public Consultations Portal, in Bulgarian, <http://bit.ly/2vM3JKq>

² Decision no. 2 from Protocol no. 12 of the Council of Ministers session on 15 March 2017 (Решение № 2 от Протокол № 12 от заседанието на Министерския съвет на 15 март 2017 г.), Public Consultations Portal, in Bulgarian, <http://bit.ly/2wGSlad>

³ Decision no. 12 from Protocol no. 23 of the Council of Ministers session on 25 May 2017 (Решение №12 от Протокол №23 от заседанието на Министерския съвет на 25 май 2017 г.), Public Consultations Portal, in Bulgarian, <http://bit.ly/2j3KJRt>

⁴ 1. Administration of the Council of Ministers; 2. Center for Prevention and Countering Corruption and Organized Crime; 3. Customs Agency; 4. Executive Environment Agency; 5. Institute of Public Administration; 6. Ministry of Culture; 7. Ministry of Environment and Water; 8. Ministry of Finance; 9. Ministry of Health-Care; 10. Ministry of Interior; 11. Ministry of Justice; 12. Ministry of Labor and Social Policy; 13. National Health Insurance Fund; 14. National Institute of Immovable Cultural Heritage; 15. National Revenue Agency; 16. National Statistical Institute; 17. Public Procurement Agency; 18. Registry Agency; 19. State Commission on Gambling; 20. State E-Government Agency.

⁵ Supreme Judicial Council.

⁶ Sofia Municipality.

⁷ See endnote 4, Ibid.

⁸ Prosecutor's Office of the Republic of Bulgaria.

⁹ Sofia Municipality, Ibid.

¹⁰ Bulgaria Mid-Term Self-Assessment Report 2016-2018, Open Government Partnership, <https://www.opengovpartnership.org/documents/bulgaria-mid-term-self-assessment-report-2016-2018> See also the Bulgarian government Public Consultations Portal for comments and feedback on the self-assessment, 5 October 2017, <http://bit.ly/2zjNgNT>

¹¹ "Schedule on drafting Bulgaria's third action plan on the initiative Open Government Partnership 2016 – 2018" (График за изготвяне на Трети план за действие на България по инициативата "Партньорство за открито управление" 2016 – 2018 г.), Public Consultations Portal, 27 January 2016, in Bulgarian, <http://bit.ly/2edvP3H>

-
- ¹² Presentation on the OGP action plan development process by Milena Nedeva, then advisor in the political cabinet of the Deputy Prime Minister for Coalition Policy and Public Administration and Minister of Interior Rumiana Bachvarova (November 2014 – January 2017), Conference “Access to information – a tool for achieving our goals” organized by Access to Information Programme, 29 January 2016, in Bulgarian, <http://bit.ly/2ixnXOy>
- ¹³ Bulgarian government OGP Facebook profile (Партньорство за открито управление), first publication on the action plan drafting – 6 April 2016, <http://bit.ly/2zAzuHC>
- ¹⁴ Idem.
- ¹⁵ Group e-mail invitation sent by Milena Nedeva, then advisor in the political cabinet of the Deputy Prime Minister for Coalition Policy and Public Administration and Minister of Interior Rumiana Bachvarova (November 2014 – January 2017), 7 October 2016.
- ¹⁶ Group e-mail correspondence sent by Milena Nedeva, then advisor in the political cabinet of the Deputy Prime Minister for Coalition Policy and Public Administration and Minister of Interior Rumiana Bachvarova (November 2014 – January 2017), 18 October 2016.
- ¹⁷ Access to Information Programme, the Bulgarian Centre for Non-Profit Law, the Bulgarian Institute for Legal Initiatives, the Centre for the Study of Democracy, the Centre for Liberal Strategies, the Citizens (Гражданите), My eMunicipality (Моята еОбщина), NGO Links, the Institute for Public Environment Development, meeting in the Council of Ministers building, 14 April 2016.
- ¹⁸ Meeting on 26 April 2016, organized by the government in the Council of Ministers building.
- ¹⁹ “The data invite – one year later” conference (конференция „Данни канят – една година по-късно“), Council of Ministers, 10 May 2016.
- ²⁰ IAP2’s Public Participation Spectrum, http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/foundations_course/IAP2_P2_Spectrum_FINAL.pdf
- ²¹ Gergana Jouleva, executive director of Access to Information Programme, interview by IRM researcher, 13 September 2017; and Nadia Shabani, Director of the Bulgarian Centre for Not-for-Profit Law (BCNL), stakeholder meeting organized by IRM researcher, 10 October 2017.
- ²² Nadia Shabani, Director of the BCNL, Ibid.
- ²³ Draft self-assessment report on the third national action plan (Проект на доклад за междинна самооценка от администрацията за изпълнението на мерките от третия национален план за действие на Република България в рамките на инициативата „Партньорство за открито управление“), Public Consultations Portal, 14 September 2017, in Bulgarian, <http://bit.ly/2goj8oP>
- ²⁴ Group email correspondence by Ralitsa Velichkova, Senior Associate of European Projects Management and Programs at the “Modernization of Administration” Directorate from the administration of the Council of Ministers, received by IRM researcher, 14 September 2017.
- ²⁵ Statement by the Bulgarian Center for Not-for-Profit Law and the Citizen Participation Forum, 25 September 2017, published on the Public Consultations Portal, <http://bit.ly/2goj8oP>, and Statement of the Bulgarian Institute for Legal Initiatives on the Draft government self-assessment, 28 September 2017, in Bulgarian, <http://bit.ly/2goj8oP>
- ²⁶ Interim self-assessment report on the third national action plan (Междинен доклад за самооценка на администрацията по изпълнението на Третия национален план за действие в рамките на инициативата „Партньорство за открито управление“), Public Consultations Portal, 5 October 2017, in Bulgarian, <http://bit.ly/2hfFz4M>
- ²⁷ Responses to comments and statements, published on the same page as the self-assessment,“ Public Consultations Portal, 5 October 2017, in Bulgarian, <http://bit.ly/2hfFz4M>
- ²⁸ Commitment I in the Bulgaria: 2014–2016 End-of-Term Report, Independent Reporting Mechanism, Open Government Partnership, <http://bit.ly/2i0JIPp>

IV. Commitments

All OGP-participating governments develop OGP action plans that include concrete commitments over a two-year period. Governments begin their OGP action plans by sharing existing efforts related to open government, including specific strategies and ongoing programs.

Commitments should be appropriate to each country's unique circumstances and challenges. OGP commitments should also be relevant to OGP values laid out in the OGP Articles of Governance and Open Government Declaration signed by all OGP-participating countries.¹

What Makes a Good Commitment?

Recognizing that achieving open government commitments often involves a multiyear process, governments should attach timeframes and benchmarks to their commitments that indicate what is to be accomplished each year, whenever possible. This report details each of the commitments the country included in its action plan and analyzes the first year of their implementation.

The indicators used by the IRM to evaluate commitments are as follows:

- **Specificity:** This variable assesses the level of specificity and measurability of each commitment. The options are:
 - High: Commitment language provides clear, verifiable activities and measurable deliverables for achievement of the commitment's objective.
 - Medium: Commitment language describes activity that is objectively verifiable and includes deliverables, but these deliverables are not clearly measurable or relevant to the achievement of the commitment's objective.
 - Low: Commitment language describes activity that can be construed as verifiable but requires some interpretation on the part of the reader to identify what the activity sets out to do and determine what the deliverables would be.
 - None: Commitment language contains no measurable activity, deliverables, or milestones.
- **Relevance:** This variable evaluates the commitment's relevance to OGP values. Based on a close reading of the commitment text as stated in the action plan, the guiding questions to determine the relevance are:
 - Access to Information: Will the government disclose more information or improve the quality of the information disclosed to the public?
 - Civic Participation: Will the government create or improve opportunities or capabilities for the public to inform or influence decisions?
 - Public Accountability: Will the government create or improve opportunities to hold officials answerable for their actions?
 - Technology & Innovation for Transparency and Accountability: Will technological innovation be used in conjunction with one of the other three OGP values to advance either transparency or accountability?²
- **Potential impact:** This variable assesses the *potential impact* of the commitment, if completed as written. The IRM researcher uses the text from the action plan to:
 - Identify the social, economic, political, or environmental problem;
 - Establish the status quo at the outset of the action plan; and
 - Assess the degree to which the commitment, if implemented, would impact performance and tackle the problem.

Starred commitments are considered exemplary OGP commitments. In order to receive a star, a commitment must meet several criteria:

- Starred commitments will have “medium” or “high” specificity. A commitment must lay out clearly defined activities and steps to make a judgement about its potential impact.
- The commitment’s language should make clear its relevance to opening government. Specifically, it must relate to at least one of the OGP values of Access to Information, Civic Participation, or Public Accountability.
- The commitment would have a “transformative” potential impact if completely implemented.³
- The government must make significant progress on this commitment during the action plan implementation period, receiving an assessment of “substantial” or “complete” implementation.

Based on these criteria, Bulgaria’s action plan did not contain any starred commitments.

Finally, the tables in this section present an excerpt of the wealth of data the IRM collects during its progress reporting process. For the full dataset for Bulgaria and all OGP-participating countries, see the OGP Explorer.⁴

General Overview of the Commitments

The action plan contains commitments from the government and civil society. It is heavily oriented towards electronic government (e-government) commitments, most of them originated by the government. The action plan often copies these commitments from the general and sectoral e-government strategies.⁵ This means that decisions on the adoption of these commitments were taken elsewhere and not as part of the OGP process. Instead of a forum for the generation of commitments aiming at open government, the OGP process in Bulgaria produces an action plan which reflects, but rarely creates, open government efforts. In addition, most of the commitments originated by civil society received no or limited implementation. The changes in government and OGP teams caused a loss of institutional memory on several commitments. However, in the IRM researcher’s opinion in a few cases, these factors are used by government experts as excuses not to implement certain commitments. Lastly, the government experts responsible for the implementation and/or reporting of the commitments do not display ownership of the action plan. Some view OGP as a “boutique” initiative that is not part of the main strategic framework of the state. Other government experts view their OGP role as simply reporting. The activities they report are part of projects, funded and implemented by other policy documents. Thus, the views of the government and its administration are not oriented in terms of OGP values. This, in turn, pushes away stakeholders who do not see the initiative as a reliable channel for discussion with the government and administrations.

Another problem in the action plan and some of the commitments in particular, which affects the understanding of non-Bulgarian readers, is the poor translation of the English version of the text. Multiple terms are incorrectly translated. For example, the commitments’ subheading category, “Deliverables and impact,” should be read as “Expected impact.” This section states the intended goals of the commitment and not its specific products (or deliverables) of implementation. Additionally, commitment 4a.1.5 only exists in the Bulgarian version and did not make it to the English report. This commitment was translated for the purposes of this report by the IRM researcher.

Themes

Originally the action plan contained 37 commitments divided into six themes - 'E-Government', 'Access to Information', 'Open Cities', 'Civic Participation', 'Public Integrity' and 'Open Data'. The IRM researcher kept this division for reasons of clarity and regrouped only three commitments (6.1.1, 6.1.3 and 6.1.4) into a single commitment, since they would be implemented by the government together under the same EU-funded project. Thus, this report assesses a total of 35 commitments.

¹ Open Government Partnership: Articles of Governance, June 2012 (Updated March 2014 and April 2015), https://www.opengovpartnership.org/sites/default/files/attachments/OGP_Articles-Gov_Apr-21-2015.pdf

² IRM Procedures Manual. Available at: http://www.opengovpartnership.org/sites/default/files/IRM-Procedures-Manual-v3_July-2016.docx

³ The International Experts Panel changed this criterion in 2015. For more information visit: <http://www.opengovpartnership.org/node/5919>

⁴ OGP Explorer: bit.ly/1KE2Wil.

⁵ Strategy for development of the electronic governance in Bulgaria 2014 – 2020 (Стратегия за развитие на електронното управление в Република България 2014 – 2020 г.) and related documents, Public Consultations Portal, in Bulgarian, <http://bit.ly/2iyFiGK>

Theme I: E-government

I.I.I. New e-services for the National Revenue Agency

Commitment Text:

Title: I. The Bulgarian government will improve the accessibility and quality of public services by employing e-government tools

I.I.I. Improving the existing and developing new e-services for the National Revenue Agency

Status quo/Problem addressed: At present the National Revenue Agency (NRA) is the agency providing the greatest number of e-services, but for some services the taxpayers still have to visit the respective tax office which is time-consuming and costly and represents an administrative burden for citizens and businesses.

Main objective: To expand the scope and improve the quality of the e-services provided by NRA with a view of further reducing red tape and employing customer-oriented approach. To improve the internal processes and procedures of the Agency.

Ambition: Simplification of procedures and improvement of the taxpayer – oriented methods.

Deliverables and impact: More convenient and easy access to tax services; reduced administrative burden for the citizens and businesses; economic benefits from saved time and human resource costs for citizens and businesses; improved management of NRA internal processes and increased efficiency of the tax administration.

Responsible institution: National Revenue Agency

Supporting institution(s): Ministry of Finance

Start date: 1 July 2016

End date: 30 June 2018

| Commitment Overview | Specificity | | | | OGP Value Relevance | | | | Potential Impact | | | | On Time? | Completion | | | |
|-----------------------------|-------------|-----|--------|------|-----------------------|---------------------|-----------------------|--|------------------|-------|----------|----------------|----------|-------------|---------|-------------|----------|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | Tech. and Innov. for Transparency and Accountability | None | Minor | Moderate | Transformative | | Not Started | Limited | Substantial | Complete |
| I.I.I. New services for NRA | | ✓ | | | Unclear | | | | | ✓ | | | Yes | | | ✓ | |

Context and Objectives

The National Revenue Agency (NRA), as Bulgaria's tax-collecting authority, provides the greatest number of electronic services (e-services) amongst public bodies. In 2016, more than half of the agency's services were online and more than 90 percent of all declarations (tax, social security, and notifications under the Labor code) for 2016 were filed with the agency online.¹ However, taxpayers still have to visit the respective tax office for some services, which is time-consuming, costly, and represents an administrative burden for citizens and businesses.² To reduce red tape and apply a customer-oriented approach, this commitment aims to expand the scope and improve the quality of the e-services provided by the NRA.³ The commitment's language specificity is low, since it does not clearly list the e-services to be created or updated.

The potential impact is minor, because of the text's vagueness and because the NRA already provides online services, with the majority of its often-used services already digitalized, according to a stakeholder⁴ with experience working with and analyzing the NRA's activities. Further digitalization of all services will not be a transformational move but a positive continuation to transition all of the NRA's services to e-services. The interviewed experts explained that each year during the budget procedure, the agency chooses at least three services to digitalize. The agency gives priority to the services most frequently used and/or sought by the users according to the NRA's own surveys, with regard to budget constraints.⁵ Currently the agency focuses on new e-services that could prevent different risks of tax or social security rules violation, which are identified through the agency's active risk analyses. The stakeholder also stressed the NRA's efforts in opening more e-services to identification via a free, personal identification code as an alternative to the paid and rarely-used qualified electronic signature.

The commitment aims to improve provision of services to citizens by engaging with users to determine used and demanded services. However, the government initiated and implemented the commitment without consulting stakeholders. Furthermore, the IRM researcher finds it difficult to determine how exactly the commitment would improve transparency, accountability or civic participation. This is why the commitment is coded as unclear in terms of relevance to OGP values.

Completion

The commitment is substantially completed. It is not clear at what point the commitment would be fully completed, since the outcomes are not clearly specified. The interviewed NRA experts⁶ and the government's self-assessment report lists 13 new online e-services introduced in the period from July 2016 to June 2017.⁷ According to the NRA, of those 13 e-services, the most frequently used includes the request and provision of information on an entity's or a person's tax liabilities to public procurers and administrative bodies. Other new e-services provide information about the income paid to individuals, and information on the declared sales by the value added tax registered entities.

The government sources also stated that the NRA updated in early 2017 a series of unspecified e-services in line with the amendments to the tax, social security, pensions and labor rules. The IRM researcher cannot determine whether the new and updated e-services follow the NRA's internal schedule. However, the commitment's end date coincides with end of the action plan's period, so the commitment is coded as on time.

Early Results

According to a stakeholder⁸ with experience in working with and analyzing the NRA's activities, businesses and organizations are the most frequent users of NRA's e-services. The challenge is to engage a larger portion of regular citizens. The NRA is taking action in this field by optimizing and digitalizing its on-spot services in tax offices. However, the agency needs a more thorough public opinion survey amongst users in order to determine with precision the users' needs and behavior toward its e-services.⁹

Next Steps

The IRM researcher recommends this commitment be taken forward in the next action plan, provided the government improve the commitment's implementation process. For example, NRA could improve its practices by identifying the relevant stakeholders, targeted by its e-services and consult with them on the improvement of the services. As part of these consultations the NRA could also organize a more detailed user survey focused on the user groups and their needs.

¹ NRA 2016 annual report, NRA, page 20, in Bulgarian, <http://bit.ly/2h0KL98>

² National action plan of the Republic of Bulgaria July 2016 – June 2018, Open Government Partnership, https://www.opengovpartnership.org/sites/default/files/NAP3-Bulgaria_EN_0.pdf

³ Idem.

⁴ Todor Galev (Senior analyst, Economic Program, Center for the Study of Democracy – an independent interdisciplinary public policy institute and Bulgaria’s largest NGO), interview by IRM researcher, 21 September 2017.

⁵ Kiril Hrisimov, Ignat Gavrilov, Ibid.

⁶ Kiril Hrisimov, Ignat Gavrilov, experts in the Strategic Directorate of the NRA, interview by IRM researcher, 2 August 2017, NRA.

⁷ Lists of e-services, Portal for e-services, NRA, in Bulgarian, for citizens, <http://www.nap.bg/page?id=312>, and for businesses, <http://www.nap.bg/page?id=319>

⁸ Todor Galev (Senior analyst, Economic Program, Center for the Study of Democracy – an independent interdisciplinary public policy institute and Bulgaria’s largest NGO), interview by IRM researcher, 21 September 2017.

⁹ Idem.

1.1.2. Ministry of Environment and Waters e-government strategy and roadmap

Commitment Text:

Title: 1.1.2. Development of an E-government Strategy 2016 - 2020 of the Ministry of Environment and Waters and a Roadmap for its implementation

Status quo/Problem addressed: Nowadays environmental resource management in the context of sustainable development is faced with a number of challenges: climate change and adaptation to climate change, the need for more efficient use of resources, curbing the loss of biodiversity, establishment of new environment-friendly behavior patterns, etc. E-government in the environmental area would significantly improve the management processes, contribute to providing timely and accurate information to the public and is conducive to actively engaging the citizens in addressing the above challenges.

Main objective: To develop accessible, predictable, effective and efficient e-government to the benefit of society and the environment.

Ambition: Flexibility and effectiveness of the environment protection measures, reducing the document processing time, convenient access to and transparency of procedures.

Deliverables and impact: Coherence and consistency of the efforts for introducing e-government in the area of environment protection; predictability, traceability and publicity of the processes and clear division of responsibilities and timelines; improvement of internal procedures and consolidation of data from different sources.

Responsible institution: Ministry of Environment and Waters

Supporting institution(s): No

Start date: 1 July 2016

End date: 31 October 2016

| Commitment Overview | Specificity | | | | OGP Value Relevance | | | | Potential Impact | | | | On Time? | Completion | | | |
|--|-------------|-----|--------|------|-----------------------|---------------------|-----------------------|--|------------------|-------|----------|----------------|----------|-------------|---------|-------------|----------|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | Tech. and Innov. for Transparency and Accountability | None | Minor | Moderate | Transformative | | Not Started | Limited | Substantial | Complete |
| 1.1.2. New e-gov Strategy and Roadmap for the MOEW | | | | ✓ | ✓ | | | | | ✓ | | | No | | ✓ | | |

Context and Objectives

According to the Ministry of Environment and Waters (MOEW), environmental resource management requires more efficient use of resources, curbing the loss of biodiversity, and establishing new environment-friendly behavior patterns.¹ Developing electronic government (e-government) in the environmental management sector would significantly improve management processes, contribute to the provision of timely and accurate information to the public, and actively engage citizens in addressing the above challenges.² With the adoption of the general e-government strategy (a non-legally binding policy document) in 2014, the government planned a specific focus on the environment through the adoption of a future sectoral e-government strategy for the protection of the environment.³

The commitment specifically states its deliverables (a strategy and roadmap) and sets a schedule for their adoption. Stakeholders⁴ consider the creation of such strategic documents a positive development in terms of access to information since they publicly outline the government's and the ministry's political will and general direction for future actions.

However, the potential impact of the commitment is minor. If the government adopts and publishes a sectoral e-government strategy and roadmap, they would offer predictability, traceability, and publicity to the processes for introducing e-government in the environment protection field. The strategy and roadmap would also outline a clear division of responsibilities and timelines, improve internal procedures and consolidate data from different sources.⁵ While the intended outcome seems positive and impactful, strategies are traditionally not respected in Bulgaria.⁶ This means that the government, the ministry and its agencies would carry on implementing their e-government projects regardless of the existence of an official sectoral strategic document. The adoption of another strategy would be positive for transparency, but is unlikely to change business as usual, as no one systematically monitors these strategies and past assessments have had little practical effect.⁷

Completion

The completion of the commitment is limited. The interviewed government expert⁸ explained that a final draft of the strategy was ready in July 2016 and a draft of the roadmap was finished in September 2016. Similarly, the government's self-assessment report considers it complete. However, the MOEW did not introduce these documents in the Council of Ministers and they have not been officially adopted, nor published. As the draft documents were not published as of the writing of this report in September 2017 and the commitment's end date is 31 October 2016, the implementation is behind schedule and limited.

Next Steps

The MOEW's unit responsible for drafting and advancing the e-government strategy and roadmap is the information services department, which is not the traditional strategic or planning team.

The IRM researcher recommends that this commitment be taken forward in the next action plan, provided that the scope of the commitment is expanded to include meaningful dialogue and co-creation with civil society of the measures in the strategy. Specifically, the following steps should be considered:

- Responsibility and leadership for adoption should be shared between the MOEW's strategic planning unit and the information services department;
- The ministry should carry out a complete and proactive public consultation, including civil society in the process of drafting the strategy;
- The minister should openly endorse the process and strategy.

¹ National action plan of the Republic of Bulgaria July 2016 – June 2018, Open Government Partnership, https://www.opengovpartnership.org/sites/default/files/NAP3-Bulgaria_EN_0.pdf

² Idem.

³ Decision 163/21.03.2014 of the Council of Ministers adopting the Strategy for the Development of Electronic Government in the Republic of Bulgaria (2014 – 2020), Council of Ministers, Legal Information Systems, in Bulgarian, http://pris.government.bg/prin/document_view.aspx?DocumentID=3s43770Ev9rXTts8GZ2tNA

⁴ Ivaylo Hlebarov, Air and Waste advisor in "For the Earth" (environment protection NGO), interview by IRM researcher, 19 September 2017.

⁵ National action plan, *ibid.*

⁶ Ivaylo Hlebarov, *ibid.*

⁷ Ivaylo Hlebarov, *ibid.*

⁸ Dessislava Lozanova, system administrator in "Human resources, information services, public relations and protocol", directorate of the Ministry of Environment and Waters, interview by IRM researcher, 4 September 2017.

1.1.3. Public e-register of VOC-emitting installations and provision of two related e-services

Commitment Text:

Title: 1.1.3. Establishment of a public electronic register of the installations emitting volatile organic compounds and provision of two e-services – submission of applications for registration and submission of applications for changes to the registration

Status quo/Problem addressed: The current obligation to maintain a public electronic register of the installations emitting volatile organic compounds would be expanded to include e-submission of registration applications and applications for changes in the registration.

Main objective: To ensure high-quality service for businesses, improve the information provided to the citizens and increase transparency with regards to protecting the quality of ambient air.

Ambition: Modern service provision and greater transparency of the process of controlling and protecting the quality of ambient air.

Deliverables and impact: Reducing the lead time for document processing; increased flexibility and effectiveness of internal procedures; enhanced access to services; open, fast and transparent interaction with the stakeholders; services meeting the users' needs; quick generation and processing of data.

Responsible institution: Executive Agency on Environment, Regional Environment and Waters Inspectorates

Supporting institution(s): Ministry of Environment and Waters

Start date: 1 July 2016

End date: 31 July 2016

| Commitment Overview | Specificity | | | | OGP Value Relevance | | | | Potential Impact | | | | On Time? | Completion | | | |
|---|-------------|-----|--------|------|-----------------------|---------------------|-----------------------|--|------------------|-------|----------|----------------|----------|-------------|---------|-------------|----------|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | Tech. and Innov. for Transparency and Accountability | None | Minor | Moderate | Transformative | | Not Started | Limited | Substantial | Complete |
| 1.1.3. Public electronic register of the installations emitting VOC coupled with two e-services | | | | ✓ | ✓ | | | ✓ | ✓ | | | | Yes | | | | ✓ |

Context and Objectives

Air pollution is partly caused by industrial emissions of volatile organic compounds (VOC) due to the use of organic solvents.¹ The interviewed government experts² explained that VOCs are precursors of tropospheric or ground-level ozone, an air pollutant.³ The Regional Inspectorate on Environment and Waters under the Ministry's supervision monitors ozone levels and VOC emissions and compiles the data in the national monitoring system.⁴ For these purposes, regional inspectorates also overview the registration of installations emitting VOCs. European Union⁵ and Bulgarian⁶ legislations require the registration of VOC-emitting installations be made available to the public.

This commitment seeks to create a new public electronic register of the installations emitting VOCs and expand to include electronic submission of registration applications and applications for changes in the registration. The objective is to replace paper-based, in-person administrative services with e-services, ensuring a high-quality service for businesses, improving the information provided to citizens, and increasing transparency around protecting ambient air quality.⁷ The text's language is highly specific in outlining the two new e-services that the Executive Environment Agency should implement, and the specific electronic register that would include these e-services.

The commitment has no potential impact as it was completed before the adoption of the action plan. The functioning of the new e-register and e-services would reduce the lead time for document processing, increase flexibility and effectiveness of internal procedures, enhance access to services, and ensure higher accuracy of the information through the electronic treatment. A stakeholder⁸ with experience in monitoring air quality, however, explained that this would only be a minor step in improving transparency on VOC emissions. The e-register, already fully functioning at the action plan's adoption, does not give information on specific pollutants by specific polluters, does not list the preventive measure taken, nor does it permit aggregation of its information in open or machine-readable formats.

Completion

The commitment was fully completed before the adoption of the action plan. The electronic register of the installations emitting VOCs⁹ was fully functioning in April 2016 and the Ministry of Environment and Waters, along with the Executive Environment Agency (EEA), made it publically available in June 2016,¹⁰ prior to the final adoption of the action plan. Only citizens who have the paid, electronic signature internet identification, i.e. mainly businesses, may use the register's two e-services for the registration of installations emitting VOCs and for changes in the registration.

In May 2018, the EEA provided the following additional information.¹¹ They stated that the site stores and provides data for VOC-emitting installations and installations performing activities which requires registration. Additionally, the information in the register is updated in real-time. The EEA also added that they published detailed manuals, work instructions and references to the Policy and Regulatory Framework. However, the IRM researcher is unable to verify these claims since the register does not publish timestamps of updated information and the government experts did not provide links to the aforementioned manuals, instructions and references.

Early Results

Since the launch of the electronic services, interest increased and calls to the ministry asking for guidance on how to use the services increased, according to a government expert.¹² The interviewed stakeholder¹³ engaged in environment protection noted that the register lacks explanations on the specific information it publishes. The site does not explain which information can be useful and for what purposes, other than for the businesses who have to register, and the site offers no means for stakeholders to understand whether the information is up-to-date and complete.

Next Steps

Moving forwards, the government should continue its efforts in opening government in the field of environmental policy, and particularly air quality management, concentrating on factors for air pollution in Bulgaria, specifically the major pollutants—dust and fine particles.¹⁴

The IRM researcher recommends that the government consider taking up a commitment to expand the publicly available information on air pollution, including dust and fine particles, in real time. Bulgaria has the highest levels and the highest increase in the past 15 years of exposure to particulate matter (PM₁₀ and PM_{2.5}) of all 28 European Union (EU) member

states.¹⁵ The percentage of premature deaths caused by exposure to dust and fine particles (PM_{2.5}) in Bulgaria is the highest in the entire EU.¹⁶ The number of premature deaths (13,700) attributable to dust and fine particles (PM_{2.5}) are more than 41 times higher than those (330) attributable to the exposure to ozone for 2013.¹⁷ The European Court of Justice previously found Bulgaria in violation of EU rules “by exceeding the daily and annual limit values for PM₁₀ concentrations systematically and continuously from 2007 until 2014.”¹⁸ Environmental protection organizations also strongly criticize the state and ask for more information and precise data on air pollution.¹⁹ Citizens in Sofia and the surrounding area established a private online and real-time monitoring network for the levels of dust and fine particles (PM₁₀ and PM_{2.5}),²⁰ with the aim of expanding to other cities.

¹ Industrial Emissions, The VOC Solvents Emissions Directive, European Commission, <http://ec.europa.eu/environment/archives/air/stationary/solvents/index.htm>

² Idem

³ “Air pollution due to ozone: health impacts and effects of climate change”, European Environment Agency, <http://bit.ly/2kraecT>

⁴ National System for Monitoring of the Environment (Национална система за мониторинг на околната среда), Executive Environment Agency, in Bulgarian, <http://eea.government.bg/bg/cds/exea/air-01.html>

⁵ Article 65, par. 1 of the Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) Text with EEA relevance, EUR-Lex, <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1507032146459&uri=CELEX:32010L0075>

⁶ Article 30I (30A) of the Clean Atmospheric Air Act (Закон за чистотата на атмосферния въздух), Executive Environment Agency, in Bulgarian, <http://eea.government.bg/bg/legislation/air/zakonair.pdf>

⁷ National action plan of the Republic of Bulgaria July 2016 – June 2018, Open Government Partnership, https://www.opengovpartnership.org/sites/default/files/NAP3-Bulgaria_EN_0.pdf

⁸ Ivalyo Hlebarov, Air and Waste advisor in “For the Earth” (environment protection NGO), interview by IRM researcher, 19 September 2017.

⁹ “Electronic register of the installations under Article 30I of the Clean Atmospheric Air Act” (Електронен регистър на инсталациите, съгласно чл.30A от ЗЧАВ), Executive Environment Agency, in Bulgarian, <http://eea.government.bg/regiaoslospub/aleea/eeascr103LosRegister.jsf?jftfdi=&jffi=eeascr103LosRegister>

¹⁰ Rossalina Indzhieva, Director and Valya Zhelyazkova, Chief of Department in Directorate “Information Services and Technologies, International Cooperation and Public Relations” of the Executive Environment Agency, in-person interview, 7 July 2017; Elena Yakimova, State expert in the Directorate “Air Quality Management” of the Ministry of Environment and Waters, in-person interview, 4 September 2017.

¹¹ Executive Environment Agency. E-mail message to IRM staff, May 21, 2018.

¹² Elena Yakimova, State expert in the Directorate “Air Quality Management” of the Ministry of Environment and Waters, in-person interview, 4 September 2017, *ibid*.

¹³ Ivalyo Hlebarov, *ibid*.

¹⁴ “Air quality in Europe — 2016 report,” page 60, EEA, <https://www.eea.europa.eu/publications/air-quality-in-europe-2016>

¹⁵ European Union emission inventory report 1990–2015 under the UNECE Convention on Long-range Transboundary Air Pollution (LRTAP), page 53, <https://www.eea.europa.eu/publications/annual-eu-emissions-inventory-report>, *ibid*.

¹⁶ “Air quality in Europe — 2016 report,” page 60, EEA, <https://www.eea.europa.eu/publications/air-quality-in-europe-2016>

¹⁷ Idem.

¹⁸ Judgment of the Court of Justice of the European Union (Third Chamber), in Case C-488/15, the Commission v. the Republic of Bulgaria, CJCE, <http://curia.europa.eu/juris/document/document.jsf?text=&docid=189624&pageIndex=0&doclang=EN&mode=req&dir=&occ=first&part=1&cid=547748>

¹⁹ “On the air in Bulgaria,” Greenpeace Bulgaria, http://www.greenpeace.org/bulgaria/bg/campaigns/climate_change/chistota-na-vyzduha/za-vyzduha-v-bulgaria/

²⁰ AirBG.info, <http://sofia.maps.luftdaten.info/#13/42.6863/23.3423>

1.1.4. National waste management information system and related e-services

Commitment Text:

Title: 1.1.4. Development of a national information system for waste with supporting e-submission of applications, generation of reports and provision of information online

Status quo/problem addressed: Waste management has traditionally attracted public attention and has often been the cause of concern of the local communities and hence a source of contention between the citizens, operators of waste processing installations, local and central authorities. The lack of aggregated electronic data on waste disposal and the difficult access to such data further escalate the existing conflicts and prevents the constructive and informed dialog aimed at finding mutually acceptable solutions.

Main objective: To use the advantages of technology in order to provide more information about waste management in Bulgaria and to reduce the administrative burden for the operators of waste disposal installations.

Ambition: Establish a framework in which potential issues are addressed in a timely manner.

Deliverables and impact: Improved control over the operators; more convenient and faster application submission process; widened scope of the public information published online.

Responsible institution: Executive Environment Agency

Supporting institution(s): Ministry of Environment and Waters

Start date: 1 July 2016

End date: 31 December 2017¹

| Commitment Overview | Specificity | | | | OGP Value Relevance | | | | Potential Impact | | | | On Time? | Completion | | | |
|---|-------------|-----|--------|------|-----------------------|---------------------|-----------------------|--|------------------|-------|----------|----------------|----------|-------------|---------|-------------|----------|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | Tech. and Innov. for Transparency and Accountability | None | Minor | Moderate | Transformative | | Not Started | Limited | Substantial | Complete |
| 1.1.4. National information system for waste and e-services | | | ✓ | | ✓ | | | ✓ | | ✓ | | | Yes | | | ✓ | |

Context and Objectives

Bulgaria is the second highest producer of hazardous waste in the European Union (EU)² and is also struggling to meet the EU's recycling target for municipal waste management.³ The lack of aggregated electronic data on waste disposal and the limited access to such data compounds the existing waste management challenges mentioned in the action plan.

The commitment's objective is to provide more information on waste management in Bulgaria and to reduce the administrative burden for operators of waste disposal installations.⁴ The processes of paper-based registration and reporting would become electronic and the existing public registers would be available online and updated in real time. This directly relates to improving access to information and using technologies for transparency. The Executive Environment Agency will develop an online waste management information system with several public registers of operators dealing with or generating

future waste and of the waste disposal sites coupled with electronic services for registering the information online. The commitment text states some deliverables and a time schedule, though it is unclear what new information would be published online.

If fully implemented, the information system would improve waste operation oversight through automatic and regular data uploads. Centralizing an electronic process for submission of applications on a single platform, which is currently primarily paper-based and decentralized to each individual regional office, would improve convenience and speed. However, this would have a minor impact in increasing access to online information since the e-registers and e-services are mainly directed at alleviating the administrative burden on businesses. The new site would not focus on the results of waste management measures, but on information relevant for the agency's function of control on mandatory registration.

Completion

The Executive Environment Agency officially launched the National Information System for Waste (also known as National Waste Monitoring System)⁵ on 1 January 2017.⁶ The system offers eight public electronic registers of the operators dealing with or generating future waste and of the waste disposal sites.⁷ Users are able to access entire datasets and also draw excerpts from each individual register and download them in machine-readable format (.xls). The system also offers the electronic service of uploading the mandatory daily reports on waste management by the obliged operators. The implementation of the commitment is substantial and, so far, is on schedule. The remaining deliverable required for the commitment's completion is for the system to operate the entire flow of correspondence after 1 January 2018, when its use by the specific operators becomes mandatory.⁸ This means that the operators would no longer be able to send their reports on paper but will have to communicate using the electronic system.

Early Results

A government expert⁹ explained that the system is useful to operators who have to register different activities, including daily, quarterly, or annual reporting, which covers roughly 10,000 companies and about 35,000 reports per year. The system also eases the work of the monitoring bodies (i.e. the Agency and the Ministry of Environment and Waters) through electronic, rather than manual, paper-based processing of documents.

A civil society expert¹⁰ remarked that the new system does not offer enough information on waste management activities—citizens are not informed of how their taxes are appropriated or spent in regard to waste management. The system also does not provide detailed, aggregate data on the treatment of specific types of waste like organic, hazardous or manufacturing waste. For certain trends and machine-readable statistics, the European Commission's statistics (Eurostat)¹¹ are necessary. Eurostat obtains its data from the Bulgarian authorities, who extract it from the non-public part of the information system. The Agency's annual summary reports on waste¹² lack specificity and to access more information, direct communication with the municipalities, which primarily manage waste, is required.

Next Steps

As is, this commitment serves controlling government bodies over the public¹³—the regional environment and water inspectorates and the Ministry of Environment and Waters. The IRM researcher recommends that the government reframe this commitment to pro-actively publish detailed aggregated data on waste management online in an open format. Disclosed data should include the types of treatments and the types of waste treated by municipality, where possible.

¹ The English version of the action plan sets the end date for "December 2016". The Bulgarian version of the action plan sets it for "December 2017." The IRM researcher considers the Bulgarian version as the original one,

since this text was officially adopted by a decision of the Council of Ministers, and thus holds legal normative value.

² “Prevention of hazardous waste in Europe – the status in 2015”, EEA Report No 35/2016, page 45,

<https://www.eea.europa.eu/publications/waste-prevention-in-europe>

³ “Municipal waste management in Bulgaria” by Tamas Kallay, European Environment Agency, page 4,

<https://www.eea.europa.eu/publications/managing-municipal-solid-waste/bulgaria-municipal-waste-management>

⁴ National action plan of the Republic of Bulgaria July 2016 – June 2018, Open Government Partnership,

https://www.opengovpartnership.org/sites/default/files/NAP3-Bulgaria_EN_0.pdf

⁵ National Information System for Waste, in Bulgarian, <https://nwms.government.bg/wms/>

⁶ Interim self-assessment report on the third national action plan (Междинен доклад за самооценка на администрацията по изпълнението на Третия национален план за действие в рамките на инициативата „Партньорство за открито управление“), Public Consultations Portal, 5 October 2017, in Bulgarian, <http://bit.ly/2hfFz4M>

⁷ National Information System for Waste, “Public registers” section, in Bulgarian,

https://nwms.government.bg/wms/public/Controller?control=ReadNomenclatureForm&doc_def_id=8

⁸ Interim self-assessment report, in Bulgarian, <http://bit.ly/2hfFz4M>, *ibid*.

⁹ Vesselina Roshleva, expert in the “Monitoring and Assessment of the Environment”, Executive Environment Agency, in-person interview, 7 August 2017.

¹⁰ Ivaylo Hlebarov, *Ibid*.

¹¹ Waste statistics, Eurostat, European Commission, http://ec.europa.eu/eurostat/statistics-explained/index.php/Waste_statistics

¹² “Reports on waste” section, Executive Environment Agency, in Bulgarian,

<http://eea.government.bg/bg/nsmos/waste/dokladi>

¹³ Ivaylo Hlebarov, *Ibid*.

1.1.5. E-referrals and e-prescriptions

Commitment Text:

Title 1.1.5. Development and implementation of software applications for real-time processing of information and issuance of e-referrals and e-prescriptions.

Status quo/problem addressed: Currently almost no e-health services are provided in Bulgaria which results in significant administrative burden for the medical professionals, inconvenience and delays for the patients and difficulties in controlling the financial flows in the health system.

Main objective: To streamline and digitalize the health care processes with a view of increasing the quality and access to health services and improving the control over the use of the public health funds.

Ambition: Significant reduction of administrative workload for the general practitioners and doctors and improvement of the health service provided to patients.

Deliverables and impact: Significant reduction of the time for issuance and execution of referrals, prescriptions, etc.; traceability of the medical checks and medication prescribed; more accurate analysis of the referral process and better planning; improved access to health services for the patients.

Responsible institution: Ministry of Health

Supporting institution(s): National Health Insurance Fund

Start date: 1 July 2016

End date: 31 December 2018¹

| Commitment Overview | Specificity | | | | OGP Value Relevance | | | | Potential Impact | | | | On Time? | Completion | | | |
|---|-------------|-----|--------|------|-----------------------|---------------------|-----------------------|--|------------------|-------|----------|----------------|----------|-------------|---------|-------------|----------|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | Tech. and Innov. for Transparency and Accountability | None | Minor | Moderate | Transformative | | Not Started | Limited | Substantial | Complete |
| 1.1.5. Develop applications for e-prescriptions | | | | ✓ | Unclear | | | | | | | ✓ | Yes | | ✓ | | |

Context and Objectives

Bulgaria has a mandatory social and medical security, and a large part of patients' medical expenses are covered by the National Health Insurance Fund. In recent years, there have been many cases in which hospitals and the National Health Insurance Fund have spent money for nonexistent treatments or nonexistent patients.² Additionally, at the action plan's³ outset, almost no e-health services were provided in Bulgaria which resulted in significant administrative burdens for medical professionals. Other resulting consequences were general inconvenience, delays for patients and difficulties in controlling the financial flows in the health system.

The commitment's objective is to streamline and digitalize healthcare processes to increase the quality of and access to health services, and to improve control over the use of public health funds.⁴

If fully implemented, the commitment has a transformative potential impact on the traceability of funds and the management of the entire healthcare system. As an experienced

analyst and actor in the healthcare system⁵ explained, the listed deliverables are a part of the first stage of the project which should establish the entire National Health Information System.⁶ The system would improve access to health information and would provide accountability for health professionals' activities.⁷ The system would provide the basis (IT platform) for the software applications for real-time processing of information and for e-referrals and e-prescriptions.

The system would operate through individual patient identification (personal health card) leading to automatic electronic access to the patient's electronic profile which would list the prescriptions, referrals, medications delivered and actions taken by the medical professionals the patient was referred to. This would result from the combination of multiple datasets and registers held by different medical professionals and institutions – the Ministry of Health, the National Health Insurance Fund, the individual medical centers and practitioners, the individual pharmacies, optics and suppliers of medications and medical supplies. The integration and interoperability of these datasets and systems, along with their accurate updating by the involved medical professionals and suppliers would be the greatest challenge to the system's functioning.⁸ According to a recent audit report on electronic healthcare in Bulgaria,⁹ the lack of legal rules on e-healthcare and on the National Health Information System complicates their implementation. There is no mechanism for coordination and an effective system of consultation on the actions, projects and public procurements between the healthcare institutions. This results in ineffective spending of public funds and hampers the realization of strategic projects.¹⁰

The e-referrals, e-prescriptions and information processing applications would provide information to all patients and healthcare actors in real-time. Patients would be able to trace the public funds spent on his or her account. Despite an improvement for individuals to gain better control of their individual health records and related spending, the commitment does not disclose any new public information or create a mechanism for more government transparency or accountability. As such, this commitment does not meet the criteria for the OGP values of access to information, public accountability or civic participation.

Completion

The implementation of the commitment is limited. The audit report on e-healthcare states that in January and February 2017 the Ministry of Health developed a prototype of a system for e-prescriptions, e-referrals and e-ambulatory sheets.¹¹ The interviewed experts from the Ministry of Health¹² stated that the ministry's team is preparing the technical documentation for the public procurement procedure for contracting a company, which would build the future National Health Information System. The system should include the actual IT features of the e-prescriptions, e-referrals and e-ambulatory sheets. The government is also preparing another public procurement procedure on legislation analysis concerning the functioning of the future system.¹³ This analysis should identify and tackle some of the major legal obstacles to the functioning of the system. Since the end date for the commitment is in December 2018, the work is on schedule.

Next Steps

In view of the transformative potential impact of the commitment, the government should complete its implementation. Since the commitment is not clearly relevant to OGP values, it should not be included in the next action plan. However, the government could consider specific legislation on e-healthcare, providing clear structural organization of the activities and clear responsibilities for the actors, in addition to establishing an effective sanctioning mechanism.

¹ The English version of the action plan sets the end date for "June 2018". The Bulgarian version of the action plan sets it for "December 2018." The IRM researcher considers the Bulgarian version as the original one, since this text was officially adopted by a decision of the Council of Ministers, and thus holds legal normative value.

² Interview of the National Health Insurance Fund's director "Prof. Kamen Plochev: The medical insurance scheme is not correct" ("Проф. Камен Плочев: Схемата на медицинското осигуряване е неправилна"), Denyat zepochva, Bulgarian National Television 1, 4 October 2017, in Bulgarian, <http://bit.ly/2C64AID>

³ National action plan of the Republic of Bulgaria July 2016 – June 2018, Open Government Partnership, https://www.opengovpartnership.org/sites/default/files/NAP3-Bulgaria_EN_0.pdf

⁴ Idem.

⁵ Prof. Petko Salchev, director of directorate in the National Center of Public Health and Analyses (NCPHA), interview by IRM researcher, 27 September 2017.

⁶ "Establishment of the National Health Information System (NHIS) Stage 1 and Stage 2", BG05SFOP001-I.002-0007-C02, funded by the ESF under the "Good Governance" Operative Program, Information system for management and monitoring of EU funds in 2014-2020 - UMIS 2020, <http://2020.eufunds.bg/en/0/0/Project/Details?contractId=WPrKUeV8xIY%3D>

⁷ Interim self-assessment report on the third national action plan (Междинен доклад за самооценка на администрацията по изпълнението на Третия национален план за действие в рамките на инициативата „Партньорство за открито управление“), Public Consultations Portal, 5 October 2017, in Bulgarian, <http://bit.ly/2hfFz4M>

⁸ Idem.

⁹ Audit report on the implementation of "Electronic Healthcare", no. 0300100816, Bulgarian National Audit Office, "Reports" section, page 7, in Bulgarian, <http://www.bulnao.government.bg/bg/articles/dokladi-128>

¹⁰ Idem.

¹¹ Audit report on the implementation of "Electronic Healthcare", page 8, *ibid*.

¹² Svetlana Guleva and Christian Vilner, experts in the "International Projects and Electronic Healthcare" directorate of the Ministry of Health, interview by IRM researcher, 1 September 2017.

¹³ Svetlana Guleva, experts in the "International Projects and Electronic Healthcare" directorate of the Ministry of Health, email correspondence with IRM researcher, 16 October 2017.

1.1.6. Transformation of CSO registration procedure

Commitment Text:

Title: 1.1.6. Transformation of the initial registration procedure for civil society organizations from court registration into administrative registration and centralization and electronization of the CSO register in the Registry Agency

Status quo/problem addressed: Until recently civil society organization in Bulgaria unlike companies and other legal entities were subject to court and not administrative registration. The court procedure is time-consuming and costly, and the CSO register maintained separately was incomplete, not fully digitalized and prevented the CSOs from using electronic registration services.

Main objective: To consolidate the data on registered civil society organizations in a fully digital register, simplify the registration procedure and grant the CSOs access to digital registration services.

Ambition: Full digitalization of the CSO register and provision of a convenient service (issuance of certificates, electronic checks and submission of documents) to the CSOs.

Deliverables and impact: Fully digital and comprehensive CSO register; simplified faster registration procedure and access to e-services for CSOs.

Responsible institution: Registry Agency

Supporting institution(s): Ministry of Justice

Other non-governmental actors involved: Center for the Study of Democracy

Start date: 1 July 2016

End date: 30 June 2017

| Commitment Overview | Specificity | | | | OGP Value Relevance | | | | Potential Impact | | | | On Time? | Completion | | | |
|--|-------------|-----|--------|------|-----------------------|---------------------|-----------------------|--|------------------|-------|----------|----------------|----------|-------------|---------|-------------|----------|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | Tech. and Innov. for Transparency and Accountability | None | Minor | Moderate | Transformative | | Not Started | Limited | Substantial | Complete |
| 1.1.6. Transform initial registration procedure for CSOs | | | ✓ | | ✓ | | | ✓ | | | ✓ | | No | | ✓ | | |

Context and Objectives

Until recently¹, civil society organizations in Bulgaria were subject to court and not administrative registration, unlike other legal entities. The court procedure is time-consuming and costly, and it generates 28 regional paper registers of all CSOs. The Ministry of Justice separately manages another, online CSO register for associations and foundations registered “in public benefit,” which is not fully digitalized and does not allow CSOs to register electronically.² As a result, it is unclear how many CSOs are registered in Bulgaria and how many of them are active. The commitment’s objective is to consolidate the data on registered CSOs and their annual finances in a centralized online catalogue, separate from the Commercial Register,³ simplify the registration process, and permit digital registration services for CSOs. The simplified registration procedure and reduced costs, combined with access to e-services, would significantly aid citizens in forming associations and organizations

and make it easier for existing CSOs to operate. This commitment will centralize complete data on how many CSOs are legally registered and how many were functioning in the previous year, objectives relevant to access to information and technology and innovation.

While the commitment lists some activities, the actual deliverables are derived from 2016 amendments to the Non-profit Legal Entities Act.⁴ The deliverables are the adoption of a new ordinance (a bylaw) on the registration process; a new tariff on registration and other service fees; and the development, launch, and functioning of the new online CSO register. The interviewed CSO experts support the activities put forward by the action plan and agree it provides all CSOs with an equal level of transparency.⁵ In the IRM researcher's opinion, the commitment's potential impact is moderate. Reforming the registration procedure would help facilitate CSO registration to a large extent. Additionally, the reform would improve CSO transparency by publishing online information about the largest group of CSOs—those which are not registered in public benefit—for the first time. However, the commitment is limited in scope. It would improve government transparency only in terms of publishing reliable government data on registered and actively reporting civil society organizations.

Completion

As the government self-assessment notes, implementation is limited and is behind schedule.⁶ The Ministry of Justice and the Registry Agency published a draft of the ordinance for public consultation at the end of July 2017.⁷ The consultation period ended on 26 August 2017 and the government drafted feedback in response to the two received stakeholder opinions, indicating which proposals were accepted, which were rejected, and their reasoning.⁸ The government adopted the ordinance in late September 2017.⁹ The Minister of Justice formed an interagency working group on drafting the tariff in early 2016.¹⁰ However, at the time of writing of this report in September 2017, the government has not published a draft of the tariff. The interviewed Registry Agency experts explained that the administration is preparing the technical documentation for a call for proposals to upgrade the Commercial Register. However, the procedure could not start before the adoption of the specific legal framework—the ordinance.¹¹

Next Steps

The government should continue and complete the implementation of the commitment.

¹ "Law for amending the Non-profit Legal Entities Act," National Assembly, promulgated on 13 September 2016 entering into force on 1st January 2018, in Bulgarian, <http://bit.ly/2fo0G1C>

² National action plan, Ibid.

³ "Law for amending the Non-profit Legal Entities Act," Ibid.

⁴ "Law for amending the Non-profit Legal Entities Act," Ibid.

⁵ Maria Yordanova, Legal Program Director, Center for the Study of Democracy, interview by IRM researcher, 21 September 2017.

⁶ Interim self-assessment report on the third national action plan (Междинен доклад за самооценка на администрацията по изпълнението на Третия национален план за действие в рамките на инициативата „Партньорство за открито управление“), Public Consultations Portal, 5 October 2017, in Bulgarian, <http://bit.ly/2hfFz4M>

⁷ Draft Ordinance amending Ordinance no. 1 of 14 February 2007 on managing, keeping and access to the Commercial Register (Проект на Наредба за изменение и допълнение на Наредба № 1 от 14 февруари 2007 г. за водене, съхраняване и достъп до търговския регистър), Public Consultations Portal, in Bulgarian, <http://www.strategy.bg/PublicConsultations/View.aspx?lang=bg-BG&Id=2838>

⁸ Idem.

⁹ Ordinance amending Ordinance no. 1 of 14 February 2007 on managing, keeping and access to the Commercial Register (Наредба за изменение и допълнение на Наредба № 1 от 14 февруари 2007 г. за водене, съхраняване и достъп до търговския регистър), promulgated on 26 September 2017, State gazette issue 77, in Bulgarian, <http://bit.ly/2xARFYg>

¹⁰ Interim self-assessment report on the third national action plan, Ibid.

¹¹ Zlatozar Zlatev, registration official and Maria Tumbeva, chief expert in General Directorate "Registers" of the Registry Agency, interview by IRM researcher, 3 August 2017.

1.1.7. Connect EU fund management and National Statistical Institute information systems

Commitment Text:

Title: 1.1.7. Connecting the Information System for Managing and Monitoring the EU Funds with the information system of the National Statistical Institute

Status quo/Problem addressed: The information system for managing the European funds contains the full data on projects and beneficiaries under the operational programs financed from the EU funds. Currently there are shortcomings and information gaps relating to the development of an integrated monitoring approach to be employed by the different level administrative units in using statistical data to assess the implementation of European and national strategies and the operational programs financed from the European Structural and Investment Funds.

Main objective: To provide statistical data for the program indicators in order to ensure more precise, data-based evaluation of the implementation and effectiveness of programs financed from EU funds.

Ambition: Timely evidence-based assessment of program impact aimed at generating maximum benefit from the interventions.

Deliverables and impact: Generation of detailed, statistically based implementation reports; clear evidence - based impact assessment of the programs financed from EU funds; better targeting of funds; publicity of results.

Responsible institution: Administration of the Council of Ministers, Central Coordinating Unit

Supporting institution(s): National Statistical Institute

Start date: 1 July 2016

End date: 31 December 2017

| Commitment Overview | Specificity | | | | OGP Value Relevance | | | | Potential Impact | | | | On Time? | Completion | | | |
|---|-------------|-----|--------|------|-----------------------|---------------------|-----------------------|--|------------------|-------|----------|----------------|----------|-------------|---------|-------------|----------|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | Tech. and Innov. for Transparency and Accountability | None | Minor | Moderate | Transformative | | Not Started | Limited | Substantial | Complete |
| 1.1.7. Connect EU Information System with the information system of NSI | | ✓ | | | ✓ | | | | | ✓ | | | No | ✓ | | | |

Context and Objectives

The information system for managing the European funds¹ contains data on projects and beneficiaries under the operational programs financed from the European Union structural and investment funds (EU funds). Currently there are shortcomings and information gaps related to the development of an integrated monitoring approach. This means that the data on EU funds' spending and project completion does not easily translate to the traditional national economy and financial indicators, and the EU funds' precise influence on the Bulgarian economy is difficult to evaluate.

The commitment's objective is to provide statistical data for the program indicators in order to ensure more precise, data-based evaluation of the implementation and effectiveness of programs financed from EU funds. The measure aims to ensure more effective management of public funds by providing more detailed information about the operation of the government agencies in the process of developing and implementing programs, financed from EU funds.² As such, this commitment is relevant to the OGP value of access to information. Although the commitment text does not explicitly state that the newly-aggregated data will be made available to the public, the implementing institution's, the National Statistical Institute (NSI), main role is to publish statistics.

The commitment's specificity is low. It points to the connection of the two information systems without identifying what data would be exchanged, or how often. The NSI would likely publish the correlated data between the EU funds data and the national economic statistics.

The potential impact of this commitment is minor because of the low specificity. If fully implemented, interviewed stakeholders have suggested that the entire database for the monitoring of EU funds could be opened to the NSI.² The output indicators and results would be available as aggregated data. Then, the NSI would be able to analyze this data in relation to different datasets on economic sectors and activities.³ This in turn should lead to publishing better information for assessing the EU funds' impact on the GDP.⁴ These analyses are currently impossible to make with the existing data.

Completion

As the government self-assessment states, the implementation has not started and is behind schedule.⁵ The interviewed government experts explained that clear parameters for the future connection would be set once the public procurement procedure on the development and optimization of the EU funds information system takes off.⁶

Next Steps

It is recommended that the government publish all available data, which would allow for a deeper and clearer analysis of the impact of EU funds on the Bulgarian economy by sector, region, etc.

¹ Information system for management and monitoring of EU funds in 2014-2020 (UMIS 2020), <http://2020.eufunds.bg/en>

² National action plan of the Republic of Bulgaria July 2016 – June 2018, Open Government Partnership, https://www.opengovpartnership.org/sites/default/files/NAP3-Bulgaria_EN_0.pdf

² Todor Galev (Senior analyst, Economic Program, Center for the Study of Democracy – an independent interdisciplinary public policy institute and Bulgaria's largest NGO), interview by IRM researcher, 21 September 2017.

³ Denis Hristov, consultant with experience in assessing the impact of EU funds operative programs, in-person interview, 21 September 2017.

⁴ Nikola Georgiev, economist in the Economic Research Team, Finance Division of the UniCredit Bulbank, interview by IRM researcher, 1 September 2017.

⁵ Interim self-assessment report on the third national action plan (Междинен доклад за самооценка на администрацията по изпълнението на Третия национален план за действие в рамките на инициативата „Партньорство за открито управление“), Public Consultations Portal, 5 October 2017, in Bulgarian, <http://bit.ly/2hfFz4M>

⁶ Kiril Ezekiev, Lyubomir Stoyanov, experts in the “Central Coordinating Unit” Directorate of the Administration of the Council of Ministers, interview by IRM researcher, 1 September 2017.

1.1.8. Customs Agency's information system upgrade

Commitment Text:

Title: 1.1.8. Upgrading the main information systems of the Customs Agency and adding a functionality for exporting data and services to external systems

Status quo/Problem addressed: The Customs Agency is one of the first agencies to provide e-services, mainly to the economic operators. Some of the existing services offered by the Customs Agency are build on obsolete technological platforms which require upgrade towards improved accessibility and convenience of service provision. In addition, The Customs Agency is obliged under the new EU legislation to harmonize the customs measures and update its systems accordingly.

Main objective: To improve the accessibility and usability of the e-services provided to citizens and businesses.

Ambition: Reducing administrative barriers to businesses and citizens. Smooth integration of the Customs Agency system with other, external software systems.

Deliverables and impact: Established links with the key EU components; stabilization of the intrasystem components; provision of better e-services to citizens and businesses; opportunity to provide electronic administrative service internally with a view of implementing integrated administrative services.

Responsible institution: Customs Agency

Supporting institution(s): Ministry of Finance

Start date: 1 July 2016

End date: 30 June 2018

| Commitment Overview | Specificity | | | | OGP Value Relevance | | | | Potential Impact | | | | On Time? | Completion | | | |
|----------------------------------|-------------|-----|--------|------|-----------------------|---------------------|-----------------------|--|------------------|-------|----------|----------------|----------|-------------|---------|-------------|----------|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | Tech. and Innov. for Transparency and Accountability | None | Minor | Moderate | Transformative | | Not Started | Limited | Substantial | Complete |
| 1.1.8 Information system upgrade | | ✓ | | | Unclear | | | | | ✓ | | | Yes | | ✓ | | |

Context and Objectives

The Customs Agency was one of the first agencies to provide electronic services (e-services), mainly to economic operators.¹ Some of the existing services use obsolete technological platforms, which require an upgrade for more convenient use, but are unable to integrate new functionalities. In addition, the Customs Agency is obliged under the new EU legislation¹ to introduce electronic customs and harmonize its systems with the EU requirements. The electronic customs project initiated by the European Commission aims to replace paper format customs procedures with EU-wide electronic ones, thus creating a more efficient and modern customs environment.² According to the action plan, the commitment's objective is to improve the accessibility and usability of the e-services provided to citizens and businesses. The commitment's specificity is low. The text describes some activity that can be construed as verifiable (e.g. upgrade main system and add functionalities) but does not clearly state its deliverables, and the reader needs to consult other policy³ and implementation⁴ documents in order to determine the targeted outcomes.

After interviews and desk research, the IRM researcher has determined the following deliverables:

- Develop a module for integration of the Agency's information systems with other EU countries, and to provide commercial users direct access to the EU customs information systems;
- Integrate the following customs processes and related services into the system: import, export, transit, customs debt, guarantees management and information exchange with the EU domain;
- Integrate the following customs processes and related services into the system: unique registration and identification of economic operators, customs referential data and approved economic operators;
- Analyze the necessity of changes in the integration of the national domain with the EU domain as part of the EU Common Communication Network 2 platform.

As the action plan states, the commitment is expected to lead to increased automated internal control procedures. Improving the services would also mean centralized provision of the customs information relating to these services in a single online portal, which would be useful both to national and other EU economic actors. However, it is not clear what new or improved information would be disclosed. As such, this commitment is not relevant to the OGP value of access to information or to any other OGP value.

However, the commitment's potential impact is minor. While the public interface should ensure better access to the data generated by the system, the new e-customs information systems will not decisively change the transparency of the Agency. All of the specific e-services, with the exception of the guarantees management, existed previously as an e-service, according to the interviewed government expert.⁵

Completion

In view of the funding projects' timeline,⁶ the commitment's implementation is on schedule but limited. The interviewed government expert⁷ explained that most of the results would be ready, usable and online in 2018. After the assessment period (July 2016 - June 2017) in October 2017, the Customs Agency has partly implemented the first deliverable through the online launch of the module for management of digital identities (e-identity) and of access for external users.⁸

No civil society actors participated in the drafting and implementation of the commitment. The National Organization of Customs Agents (NOCA) – the branch business organization in the customs field – is critical to the way the government designed the new customs legislation,⁹ leading to the new IT systems and e-services.¹⁰

Early Results

By not organizing proactive consultation nor addressing the problems identified by stakeholders, the government could further jeopardize the commitment's effectiveness. A stakeholder representing the business community in the customs field (NOCA) stressed the lack of meaningful communication with the Agency. For example, he pointed out the business community's calls for better regulation in the remote workplace for customs agents¹⁰ and for the elimination of the practice of requiring an unnecessary document (evidence of empowerment signed by a notary).¹¹

Next Steps

To increase usefulness and usability of the new e-portal functionalities, the Customs Agency needs to focus on the manner of implementation and actively seek the opinions of stakeholders. This can be done through online public consultations, focus and working groups discussing the drafting and implementation of technical assignments, and other documents.

-
- ¹ National action plan of the Republic of Bulgaria July 2016 – June 2018, Open Government Partnership, https://www.opengovpartnership.org/sites/default/files/NAP3-Bulgaria_EN_0.pdf
- ¹ The Union Customs Code, European Commission, https://ec.europa.eu/taxation_customs/business/union-customs-code_en
- ² “Electronic customs”, European Commission, https://ec.europa.eu/taxation_customs/general-information-customs/electronic-customs_en
- ³ “Sectoral strategy for the development of e-government in the Customs Agency – e-customs 2016 - 2020” (Секторна стратегия за развитие на електронното управление в агенция „митници“ - „е-митници“ 2016-2020 г.) and Roadmap for the implementation of sectoral e-customs strategy (Пътна карта за изпълнение на секторната стратегия за развитие на електронното управление в агенция „митници“ - „е-митници“ 2016-2020 г.), phases I and 2, section “Strategy for the development of e-government in the Republic of Bulgaria 2014-2020”, Public Consultations Portal, in Bulgarian, <http://www.strategy.bg/StrategicDocuments/View.aspx?Id=892>
- ⁴ Project “Improvement of the National Customs Agency’s fundamental information systems for providing data and services to external systems - BICIS 2020 (Phase I)” (Надграждане на основните системи на Агенция „Митници“ за предоставяне на данни и услуги към външни системи - БИМИС 2020 (фаза I), по. BG05SFOP001-I.002-0002-C02, funded by the European Social Fund through the Operative Program Good Governance, Information system for management and monitoring of EU funds in Bulgaria 2014-2020, <http://2020.eufunds.bg/en/I/0/Project/Details?contractId=Xg%2BmlYr0UI4%3D>
- ⁵ Emilia Toteva, Chief of Department in the “Information systems” Directorate of the Customs Agency, in-person interview, 9 August 2017.
- ⁶ Project “Improvement of the National Customs Agency’s fundamental information systems for providing data and services to external systems - BICIS 2020 (Phase I)”, Ibid.
- ⁷ Emilia Toteva, Chief of Department in the “Information systems” Directorate of the Customs Agency, email correspondence with IRM researcher, 13 October 2017.
- ⁸ “Registration”, Bulgarian Customs Agency e-Portal, https://ecustoms.bg/eportal/public/Controler?control=UpdateForm&doc_def_id=14&row_id=1
- ⁹ Open letter to the Prime Minister of 22 January 2016, National Organization of Customs Agents (NOCA), 22 January 2016, in Bulgarian, <http://noma.bg/?p=686>
- ¹⁰ Statement on “The upcoming adoption of amendments the Customs Act”, National Organization of Customs Agents (NOCA), 7 March 2016, in Bulgarian, <http://noma.bg/?p=729>
- ¹⁰ Open letter to the Prime Minister of 22 January 2016, NOCA, *ibid.*
- ¹¹ Statement of the NOCA on Article 18 of the Customs Act, NOCA, in Bulgarian, <http://noma.bg/?p=849>

1.1.9. Centralized Public Procurement System

Commitment Text:

Title: 1.1.9. Development of a Centralized Public Procurement System containing all modules including e-evaluation and e-submission of bids. Prepare and employ a centralized tender documentation. Strengthening the role of the Central Public Procurement Authority via the e-procurement system

Status quo/Problem addressed: Public procurement is a sensitive issue for Bulgarian society. Currently the public procurement process is not fully electronic and standardized, which makes it necessary for the applicants to prepare tender documentation on paper and submit it in the offices of the respective contracting authority, to take into consideration non-uniform requirements for similar subjects which is ineffective, time-consuming and entails significant cost while at the same time making the processing and evaluation of bids difficult for the administration.

Main objective: To simplify the public procurement procedures and create guarantees for a transparent and unbiased evaluation of bids and contracting.

Ambition: Introducing fully electronic procurement process.

Deliverables and impact: Electronization of all stages of the tendering process; support for the contracting authorities by implementing standardized business processes and document templates; improved control at all stages of procurement; streamlining the process of maintaining the public register of government contracts.

Responsible institution: Public Procurement Agency, Register of Public Contracts Directorate

Supporting institution(s): Ministry of Finance

Start date: 1 July 2016

End date: 30 June 2018

| Commitment Overview | Specificity | | | | OGP Value Relevance | | | | Potential Impact | | | | On Time? | Completion | | | |
|--|-------------|-----|--------|------|-----------------------|---------------------|-----------------------|--|------------------|-------|----------|----------------|----------|-------------|---------|-------------|----------|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | Tech. and Innov. for Transparency and Accountability | None | Minor | Moderate | Transformative | | Not Started | Limited | Substantial | Complete |
| 1.1.9. Develop a centralized public procurement system | | | ✓ | | ✓ | | | ✓ | | | ✓ | | Yes | | ✓ | | |

Context and Objectives

This commitment builds on an unimplemented milestone on e-procurement in Bulgaria's second action plan.¹ Bulgaria has a long history of weaknesses in public procurement rules, which "are considered an important source of corruption."² The EU-led public procurement digitalization intends to rectify this.³

According to the commitment's text, the public procurement process is not fully electronic and standardized, which makes it necessary for applicants to prepare tender documentation on paper and submit it to the offices of the respective contracting authority. The applicants often have to satisfy non-uniform requirements for similar subjects. This is ineffective, time-consuming, and entails significant cost for the applicants while at the same time making the processing and evaluation of bids difficult for the administration.⁴

The commitment's objective is to introduce a fully electronic procurement process. This should simplify the public procurement procedures and create guarantees for a transparent and unbiased evaluation of bids and contracting.⁵ It would improve access to information on the evaluation of bids and contracting, as well as control all stages of procurement and streamline the process of maintaining the public register of government contracts.

The commitment's potential impact is moderate. If fully implemented, it would bring the digitization of all stages of the tendering process. However, according to civil society experts,⁶ e-procurement will not bring a decisive end to corruption, which is why this commitment's impact is not considered to be transformative. The biggest risks of corruption are encountered in the drafting of public tenders and offers. So far, there is no real control for preventing these risks. In practice, only another competing participant could appeal against such a procedure. The IRM researcher considers the future e-procurement platform to have the potential to help fight corruption in public procurement through improved transparency, but this measure would remain limited in scope if not coupled with a serious risk-based control approach.

The commitment's language is of medium specificity, since the reader has to turn to national⁷ and EU⁸ legislation or to the public procurement call⁹ in order to determine its deliverables.

Completion

The completion is limited, but still on schedule until the end of the action plan cycle in June 2018. The Public Procurement Agency chose a consortium to build the new platform, however, competitors are now attacking this specific public procurement procedure.¹⁰ The interviewed government expert explained that if the appeal finishes soon enough, there would still be time to build and launch the platform's first modules.¹¹ The Public Procurement Act provided for the mandatory use of the new e-procurement platform from 1 July 2017.¹² Practitioners and the media voiced concerns over the potential risks. If the platform is not functioning after this start date, this may serve as grounds to invalidate future procedures.¹³ In August 2017, the government and parliament acted hastily and through amendments in another law (the Tax and Social Security Procedure Code), a technique unfavorable to transparency, changed the start date for the mandatory use of the new platform to 18 October 2018.¹⁴

Next Steps

The IRM researcher recommends that the government should fully implement this commitment.

The government should also refrain from proposing and passing amendments to legislation that are unfavorable to transparency. The legal amendment extending the deadline for completion and launch (i.e. setting the start date for mandatory use) of the platform was passed through a bill focusing on improving the Tax and Social Security Procedure Code – a different law unrelated to public procurement legislation. It is commonly thought that the government and parliament might have used this technique in order to pass the amendment to public procurement rules quickly and avoid future problems for recently starting procurement procedures. However, this technique is damaging to transparency and hampers the possibility for citizens and experts to put forward their opinions on the draft law. The bill stayed out of the public focus and out of the focus of the organizations monitoring public procurement legislation. The specific amendment related to the public procurement

platform did not pass the mandatory period of public consultations (in principle), nor was it subject to the mandatory prior impact assessment (in principle).

¹ Bulgaria: 2014–2016 End-of-Term Report, Independent Reporting Mechanism, Open Government Partnership, pages 45-48, <http://bit.ly/2i0JlPp>

² BULGARIA: Technical Report Accompanying the document REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL On Progress in Bulgaria under the Co-operation and Verification mechanism, (SWD(2012) 232 final), European commission, 18.7.2012, pages 27 and 28, <http://bit.ly/2dvPccK>

³ “E-procurement,” European Commission, <http://bit.ly/2eagC5P>

⁴ National action plan of the Republic of Bulgaria July 2016 – June 2018, Open Government Partnership, https://www.opengovpartnership.org/sites/default/files/NAP3-Bulgaria_EN_0.pdf

⁵ Idem.

⁶ Plamen Nemchev (Director) and Atanas Roussenov (lawyer in the Public Procurement Center – a NGO), interview by IRM researcher, 12 September 2016.

⁷ Public Procurement Act, Lex.bg, promulgated on 12 February 2016... amended in August 2017, in Bulgarian, <http://bit.ly/2yUzSfE>

⁸ “E-procurement,” European Commission, <http://bit.ly/2eagC5P>

⁹ “Development, launching and maintenance of a Centralized automatic information system “Electronic Public Procurement”...” (Обществена поръчка с идентификационен номер: 00005-2017-0001, Разработване, внедряване и поддръжка на единна национална електронна уеб-базирана платформа: Централизирана автоматизирана информационна система „Електронни обществени поръчки“ (ЦАИС ЕОП), финансирана по Оперативна програма „Добро управление“ (ОПДУ), съфинансирана от Европейския съюз (ЕС) чрез Европейския социален фонд (ЕСФ)), Public Procurement Register, 27 February 2017, in Bulgarian, <http://bit.ly/2y4tLJb>

¹⁰ Procedure no. KZK/813/2013 on complaint against the decision for choosing an implementing consortium, Commission for the Protection of Competition, in Bulgarian, <http://bit.ly/2hYdglg>

¹¹ Dafinka Velcheva (Chief Expert in Information Services of the Public Procurement Register Department in the Agency), interview by IRM researcher, 21 September 2017.

¹² Article 40 of the (amended) Public Procurement Act, promulgated on 12 February 2016, National Assembly, in Bulgarian, <http://bit.ly/2equCdv>

¹³ “E-procurements are silently postponed for the end of 2018” Mila Cherneva, Capital.bg, 4 July 2017, in Bulgarian, <http://bit.ly/2y6Q3Yj>; and “E-procurements – yes, but some other time”, Capital.bg, 7 July 2017, in Bulgarian, <http://bit.ly/2y7kayA>

¹⁴ § 68 of the amendments to the Tax and Social Security Procedure Code, promulgated on 1 August 2017, National Assembly, <http://bit.ly/2hMAeSa>

Theme 2: Access to information

2.1.1. Revision of internal procedures for RTI compliance

Commitment Text:

Title: 2. The Bulgarian government will continue to improve access to information through further enhancing the scope of available public information and extensive electronization of the information provision processes

2.1.1. Coordination and support in the process of revising the internal procedures for providing access to public information in accordance with the Freedom of Information Act and establishing clear mechanisms and responsibilities for pro-active provision of information and internal control

Status quo/Problem addressed: The public institutions have had an obligation to draft and publish online internal information provision rules since 2008. Data from the Council of Ministers Report on the Status of Administration for 2015 shows that 482 of 576 administrations have such rules in place. The amendments to the Freedom of Information Act adopted in December 2015 laid down a number of new obligations related to the access to public information, active publication, provision of information in response to access to information requests, provision of information for re-use, etc. which made it necessary to revise the internal rules and clearly allocation responsibilities within the administration as regards the the active publication online and the internal control.

Main objective: To introduce standards and improve the processes of information provision and control.

Ambition: Transparent information provision process and facilitated search and re-uses of information by the citizens.

Deliverables and impact: Accelerated alignment of the internal information provision rules with the new requirements of the law

Responsible institution: Administration of the Council of Ministers

Supporting institution(s): All public institutions

Other non-governmental actors involved: Access to Information Program

Start date: 1 July 2016

End date: 1 June 2017

| Commitment Overview | Specificity | | | | OGP Value Relevance | | | | Potential Impact | | | | On Time? | Completion | | | |
|--|-------------|-----|--------|------|-----------------------|---------------------|-----------------------|--|------------------|-------|----------|----------------|----------|-------------|---------|-------------|----------|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | Tech. and Innov. for Transparency and Accountability | None | Minor | Moderate | Transformative | | Not Started | Limited | Substantial | Complete |
| 2.1.1. Revise internal procedures for providing public access to information | | | ✓ | | ✓ | | ✓ | | | | ✓ | | No | ✓ | | | |

Context and Objectives

The amendments to the Access to Public Information Act (APIA)¹, adopted in December 2015, engendered new obligations² related to access to public information. The amendments did not provide for mechanisms or guarantees for effective administrative control and centralized coordination over the implementation of the law. Additionally, the heads of public bodies act as the officials charged with finding and punishing violations of APIA obligations, although they are also direct subjects under APIA obligations.

After adopting the 2015 amendments, it is now necessary for the government to establish new rules or revise existing internal rules for more than 570 public institutions, and clearly allocate responsibilities within these administrations with regards to proactive online publication and internal control.³ The commitment is almost identical to a proposal from civil society.⁴ The only difference is the stated objective: the CSO proposal aims to deliver “model internal rules,”⁵ whereas the less specific action plan aims “to introduce standards and improve the processes of information provision and control.”⁶

This commitment is relevant to access to information insofar as it revises internal procedures to align with RTI, enabling increased access to information and obliging institutions to respond to information requests. The commitment is also relevant to public accountability since it should lead to specifying each institution’s internal rules on the legal process of obtaining information on the public bodies’ actions, i.e. of obtaining accountability. These internal rules are published online under the law and provide the specific procedures applied by the respective institution’s officials. They are also used by requesters for obtaining information from the respective institution.

The commitment’s specificity is medium. The deliverables are not clearly determined, but the action plan indicates an objectively verifiable activity—coordination and support for the public bodies having to reform their internal rules.

If fully implemented, the commitment would lead to better coordinated and better executed online transparency and practices, as well as increased internal control over the different responsibilities, since the heads of bodies would have to take steps to clearly list the categories of information they have to publish online and designate specific officers responsible for online publications. However, as explained in the 2014-2016 end-of-term IRM report⁷, it would not be enough to rectify the lack of centralized control and coordination on proactive transparency, nor would it guarantee better administrative (pre-judicial) control over the treatment of access to information requests.

Completion

This commitment has not yet been started and is behind schedule. According to the interviewed government expert⁸ and the government self-assessment report, the coordination and support for the revisions should start as soon as the future access to information platform (a centralized online platform for requesting and receiving public information) is functioning. The platform would require allocation of responsibilities and regulation of the internal processes for each body and thus, new revisions of the bodies’ internal rules.

The legal amendments, however, did not provide for such a delay for the revision of the internal rules and some bodies have already started reformulating their own procedures. Stakeholders⁹ pointed out that 159 public bodies (out of 406 audited)¹⁰ have individually revised their internal rules in 2016.

A stakeholder noted the lack of government outreach regarding the implementation, and explained that the revision process is developing spontaneously, without monitoring or coordination.¹¹

Civil society has data on the bodies that revised their internal rules, but no one has information on the substance of revisions. An analysis¹² of 19 cases of recently revised internal rules shows that the public bodies often do not cover all legal requirements and have diverging interpretations of the law. In the stakeholder’s opinion, there is clearly a need

for leadership, coordination and control over the revisions process. The government could achieve this without spending a lot of resources, by forming a working group with representatives of the municipalities (possibly the National Association of Municipalities in the Republic of Bulgaria¹³), the central executive, and a civil society representative who would together draft a model of internal rules or develop guidance for the revision basics. This working group could address issues on a regular basis as needed.¹⁴

Next Steps

The government should continue the implementation of the commitment in cooperation with civil society. If it is not implemented in the current action plan cycle, the government should continue this commitment in the next action plan.

¹ “Access to Public Information Act,” Access to Information Programme, available in an unofficial English version, <http://bit.ly/1sebjVW4>

² Star commitment “8. Improvements to Access to Public Information Act”, Bulgaria: 2014–2016 End-of-Term Report, Independent Reporting Mechanism, Open Government Partnership, pages 31–35, <http://bit.ly/2i0JlPp>

³ National action plan of the Republic of Bulgaria July 2016 – June 2018, Open Government Partnership, https://www.opengovpartnership.org/sites/default/files/NAP3-Bulgaria_EN_0.pdf

⁴ Proposed commitment 2.1.3 from the “Statement by Access to Information Programme” of 22 June 2016 on the public consultation of the draft third Bulgarian action plan, Public Consultations Portal, in Bulgarian, <http://bit.ly/2wLsMtk>, and Access to Information Programme, <http://bit.ly/2xvKVA1>

⁵ Idem.

⁶ National action plan, ibid.

⁷ Star commitment “8. Improvements to Access to Public Information Act”, Bulgaria: 2014–2016 End-of-Term Report, Independent Reporting Mechanism, ibid.

⁸ Nusha Ivanova, chief expert in the “Modernization of the administration” Directorate of the Administration of the Council of Ministers, interview by IRM researcher, 18 September 2017.

⁹ Gergana Jouleva, executive director of Access to Information Programme, interview by IRM researcher, 13 September 2017.

¹⁰ 159 (39,6 percent) out of 406 surveyed executive and independent public bodies have modified their internal rules in 2016, Results to indicator “B.7.2. Are the Internal Rules updated in line with the APIA amendments as of December 2015?”, 2017 AIP Audit on Institutional Web Sites, Access to Information Programme, <http://bit.ly/2yfBTpN>

¹¹ Gergana Jouleva, ibid.

¹² Gergana Jouleva “Access to information management and control” (“Управлението и контрола на достъпа до информация”), Monthly FOI Newsletter, Issue 6(162), 2017, in Bulgarian, <http://bit.ly/2xy28c3>

2.1.2. RTI act implementation trainings for administrative officials

Commitment Text:

Title: 2.1.2. Conducting trainings for the administrative officials and the units responsible for information provision concerning the amendments to the Freedom of Information Act

Status quo/Problem addressed: In 2016 amendments were passed to the Freedom of Information Act which introduced new provisions relating to the active publishing of public information by the institutions, increased the number of entities that are obliged to actively publish information on their web sites and the categories of information to be published. The changes in the law make it mandatory for the heads of the administrative units to draft and update lists of the information subject to publication. An obligation was adopted for information to be published online in a central, public, webbased Public Information Platform when three requests for the information have been submitted.

Main objective: To improve the capacity of the administration to implement FOIA and ensure timely and accurate provision of information.

Ambition: Introduce a new approach of pro-active publication.

Deliverables and impact: Improved skills and motivation of the public officials to provide public information and work with the Access to Information Platform.

Responsible institution: Administration of the Council of Ministers

Supporting institution(s): Institute for Public Administration

Other non-governmental actors involved: Access to Information Program

Start date: 1 July 2016

End date: 31 December 2017

| Commitment Overview | Specificity | | | | OGP Value Relevance | | | | Potential Impact | | | | On Time? | Completion | | | |
|---|-------------|-----|--------|------|-----------------------|---------------------|-----------------------|--|------------------|-------|----------|----------------|----------|-------------|---------|-------------|----------|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | Tech. and Innov. for Transparency and Accountability | None | Minor | Moderate | Transformative | | Not Started | Limited | Substantial | Complete |
| 2.1.2. Conducting trainings on ATI for the administrative officials | | | ✓ | | ✓ | | | | | | ✓ | | Yes | | ✓ | | |

Context and Objectives

The amendments to the Access to Public Information Act (APIA)¹ adopted in December 2015 laid down a number of new obligations² related to access to public information, proactive publication, provision of information in response to access requests, provision of information for re-use, the establishment of an online access to information platform, and so on. Adopting a civil society proposal,³ the commitment aims to conduct government trainings for the civil servants responsible for providing access to information. The commitment's specificity is medium, since it provides a verifiable deliverable, i.e. conducting trainings, but it does not give a target number of trainings or trained officials.

If fully implemented the commitment would improve the practices of provision of information and accountability. It would also unify divergent interpretations of the law and disseminate good practices, but it would not change the entire framework, set by the law.

This commitment is relevant to increasing access to information: by conducting trainings for the administrative officials responsible for information provision, it implements the actual legislation that obliges publication of an increased amount of information.

Completion

The completion of the commitment is limited, but on schedule. The interviewed government experts⁴ and the government self-assessment indicate that the state Institute for Public Administration (IPA) carried out four trainings, gathering 84 civil servants in the first half of 2017. The Access to Information Programme, a supporting CSO according to the action plan, carried out 12 trainings with more than 120 civil servants and local officials.⁵

Despite these training sessions, completion is limited since the Bulgarian version of the action plan, which is the officially adopted one, states that “all” administrative officials responsible for access to information would be trained. The government has not created a plan or an estimate for when all officials will be trained, and the provided numbers of trained civil servants are modest in comparison to the more than 570 public bodies from the executive.

Early Results

An interviewed stakeholder⁶ noted that there was no coordination or even exchange of information (e.g. training programs, schedules, or lists of trained officials) among the Administration of the Council of Ministers and the supporting Institute for Public Administration (IPA) and Access to Information Programme. From this stakeholder’s experience, there is clearly a need to coordinate the training programs. Civil servants have asked for more comprehensive training in the following practical issues: the balance of interests between transparency and protection of personal data, protection of preparatory documents, protection of trade secrets, etc.⁷ According to the stakeholder, the government could better implement the commitment if it organizes a meeting, a discussion between the IPA, the Access to Information Programme, and private companies providing trainings on access to information. These meetings/discussions would lead to an exchange of information on the trainees’ needs and to some coordination on the trainings’ programs.

Next Steps

The IRM researcher recommends that the government continue the implementation of the commitment in cooperation with civil society and carry the commitment forward in the next action plan.

¹ “Access to Public Information Act,” Access to Information Programme, available in an unofficial English version, <http://bit.ly/1sebjVW4>

² Star commitment “8. Improvements to Access to Public Information Act”, Bulgaria: 2014–2016 End-of-Term Report, Independent Reporting Mechanism, Open Government Partnership, pages 31–35, <http://bit.ly/2i0JlPp>

³ Proposed commitment 2.1.2 from the “Statement by Access to Information Programme” of 22 June 2016 on the public consultation of the draft third Bulgarian action plan, Public Consultations Portal, in Bulgarian <http://bit.ly/2wLsMtk> and Access to Information Programme, <http://bit.ly/2xvKVA1>

⁴ Aneta Tusheva (director), Nevena Amova (chief expert) and Stanimir Minkov (expert), “Trainings, international activities and projects” Directorate of the Bulgarian Institute of Public Administration, interview by IRM researcher, 17 August 2017, <http://www.ipa.government.bg/en>

⁵ Gergana Jouleva, executive director of Access to Information Programme, interview by IRM researcher, 13 September 2017; also notes on the trainings in AIP’s Monthly FOI Newsletter: October 2016, issue 10 (154), in Bulgarian, <http://bit.ly/2yf7oQU>; March 2017, Issue 3 (159), in Bulgarian, <http://bit.ly/2yfVW4DV>; April 2017, Issue 4 (160), in Bulgarian, <http://bit.ly/2ygxSAZ>; May 2017, Issue 5 (161), in Bulgarian, <http://bit.ly/2yaS0pa>

⁶ Gergana Jouleva, Ibid.

⁷ Gergana Jouleva, Ibid. and Aleksander Kashumov, Head of the Legal team of Access to Information Programme, interview by IRM researcher, 13 September 2017.

2.1.3. Maintaining public electronic registers on gambling

Commitment Text:

Title: 2.1.3. Maintaining public electronic registers of: online gambling sites by persons not issued a license to organize online gambling; gambling operators; manufacturers, distributors, importers and technicians of gambling equipment; suspended, revoked and denied gambling licenses; approved gambling equipment

Status quo/Problem addressed: The gambling business in Bulgaria is very dynamic and is one of the most rapidly developing businesses regulated by the respective competent bodies. The State Commission on Gambling (SCG) provides accessible free-of-charge e-services while at the same time making information available to the licensed and regulated gambling operators in the country. Gambling regulation is well-balanced based on legislative measures aimed at promoting investment in the sector. The registers maintained by SCG ensure publicity and transparency of the processes in the regulated gambling market. Thus all participants in the gambling sector receive up-to-date information and are protected from taking part in illegal gambling. In order to prevent tax revenue losses from unlicensed online betting the SCG maintains and updates a public list of gambling web sites which have not been issued licenses with a view of protecting the legitimate businesses and the citizens.

Main objective: To ensure publicity and transparency of the gambling licensing processes, protection against and prevention of illegal gambling and improvement of the business environment for the legitimate betting companies while increasing tax revenues.

Ambition: Full protection of the legitimate gambling business and the citizens.

Deliverables and impact: Support for the legitimate gambling operators; publicity and transparency for the operation of the State Commission on Gambling; improved control on gambling and improved tax collection.

Responsible institution: State Commission on Gambling

Supporting institution(s): Ministry of Finance

Start date: 1 July 2016 (ongoing)

End date: 30 June 2018 (ongoing)

| Commitment Overview | Specificity | | | | OGP Value Relevance | | | | Potential Impact | | | | On Time? | Completion | | | |
|--|-------------|-----|--------|------|-----------------------|---------------------|-----------------------|--|------------------|-------|----------|----------------|----------|-------------|---------|-------------|----------|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | Tech. and Innov. for Transparency and Accountability | None | Minor | Moderate | Transformative | | Not Started | Limited | Substantial | Complete |
| 2.1.3. Maintaining public electronic registers on gambling | | | ✓ | | ✓ | | | ✓ | ✓ | | | | Yes | | | | ✓ |

Context and Objectives

The gambling business in Bulgaria is rapidly developing. The State Commission on Gambling (SCG) takes measures to prevent illegal gambling by supporting investment in the sector and protecting legitimate businesses and citizens. The SCG set out to achieve this goal by ensuring the publicity and transparency of the regulated gambling market through the

continued maintenance of the electronic registers.¹ The commitment's specificity is high since it clearly lists the electronic registers to be maintained. The commitment is relevant to OGP values since the public registers proactively provide access to information through technological means. The potential impact of this commitment is none. The SCG had already published the four registers and had been maintaining them before the adoption of the action plan. The maintenance of the e-registers would not change the status quo of the administration's practice in any way.

Completion

The commitment is already completed. As the government self-assessment report states, the four e-registers are all published at the SCG Portal for electronic services, and access is free.² The interviewed government official³ explained that the SCG has been publishing the four registers in their current forms since 2015.

The gambling industry branch organization—the Bulgarian Trade Association of Manufacturers and Operators in the Gaming Industry⁴—did not respond to the IRM researcher's invitation for an interview.

Next Steps

The IRM researcher does not recommend carrying this commitment forward to the next action plan. A slight modification to the commitment (e.g. publish the four e-registers as open data) would permit easier search and cross-referencing and would better inform citizens on the SCG's activities. However, in order to meet the standard of high impact, the government should seek to adopt more ambitious commitments in the next OGP action plan.

¹ Idem.

² Register of the gambling operators, Register of the manufacturers, distributors, importers and technicians of gambling equipment, Register of the suspended, revoked and denied gambling licenses and Register of the approved gambling equipment, Portal for electronic services, State Commission on Gambling, <http://e-portal.dkh.minfin.bg/Register>

³ Marian Popov, Secretary General of the State Commission on Gambling, interview by IRM researcher, 3 August 2017.

⁴ Bulgarian Trade Association of Manufacturers and Operators in the Gaming Industry, <http://www.btagi.org/en/node/1>

2.1.4. Publish the annual priorities of the National Revenue Agency

Commitment Text:

Title: 2.1.4. Publishing the annual priorities of the National Revenue Agency (NRA), results and outcomes of the NRA operation and results from opinion polls commissioned by NRA on customer satisfaction

Status quo/Problem addressed: The National Revenue Agency is the government unit that businesses and citizens communicate with on a daily basis which makes it necessary that they receive the full information regarding its operation - requirements to taxpayers, planned activities and results thereof. The administration provides comprehensive information about services, forms, processes, guidelines, rights and obligations of the customers as well as many e-services. All state-of-the-art technological service provision channels are employed to offer customized service to the taxpayers. As an institution which is in constant contact with the citizens and businesses NRA pays close attention to their opinion and level of satisfaction with the services provided in order to further reduce red tape.

Main objective: To increase the transparency in the operation of the National Revenue Agency and reduce administrative burden for taxpayers.

Ambition: Apply customer-oriented approaches to service provision.

Deliverables and impact: Increased predictability of the business environment in Bulgaria; services corresponding to the expectations and needs of the users; improved citizen control over the work of NRA.

Responsible institution: National Revenue Agency

Supporting institution(s): Ministry of Finance

Start date: 1 July 2016

End date: 30 June 2018

| Commitment Overview | Specificity | | | | OGP Value Relevance | | | | Potential Impact | | | | On Time? | Completion | | | |
|---|-------------|-----|--------|------|-----------------------|---------------------|-----------------------|--|------------------|-------|----------|----------------|----------|-------------|---------|-------------|----------|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | Tech. and Innov. for Transparency and Accountability | None | Minor | Moderate | Transformative | | Not Started | Limited | Substantial | Complete |
| 2.1.4. Publish annual priorities of the NRA | | | ✓ | | ✓ | | | | | ✓ | | | Yes | | | | ✓ |

Context and Objectives

The National Revenue Agency (NRA) administers state taxes and social security contributions, including income taxes and health insurance contributions. As the NRA is a government unit that businesses and citizens communicate with on a daily basis, it is necessary that they receive information regarding its operation (e.g. requirements to taxpayers, planned activities, and results thereof).¹ The commitment's objective is to increase the transparency of the NRA's operations and reduce the administrative burden for taxpayers.² The NRA aims to achieve this by regularly publishing three sets of documents on its website: its annual priorities, the results of its activities (reports on an annual and possibly quarterly basis), and the results from opinion polls on customer satisfaction commissioned

by the NRA. The deliverables are clearly listed, however, a detailed description of the contents of the published documents and a timeline for each publication were not provided.

A stakeholder³ with experience in working with and analyzing the NRA's activities explained that a lot of information is contained in its annual reports, but the Agency gathers much more detailed data than it publishes. As a think tank policy brief⁴ shows, the NRA needs to publish more information in order to allow an assessment of the efficiency of its different control measures. While this commitment aims to improve transparency through proactive publication online, its potential impact, as written, is minor. Of the three listed documents, the only new publication for the assessment period would be the NRA's annual priorities. Publishing them as a separate document is a positive, but incremental improvement of transparency. The NRA's annual priorities were already being published as a part of the Agency's annual reports.

Completion

For the assessment period, the commitment is complete. The Agency has published its annual reports online since 2006,⁵ and published its annual report for 2016 in March 2017.⁶ The annual reports present the results and outcomes of the Agency's operations. The interviewed government experts explained that they are working on improving the details of the published information and they may possibly publish certain data on quarterly basis.⁷ The Agency published the results of its last two opinion polls on customer satisfaction for 2015⁸ and 2016.⁹ At the end of 2016, the NRA also started publishing its annual priorities for the coming year.¹⁰ So far, the priorities for 2017¹¹ and 2018¹² are identical to those listed in the already published annual reports. When asked why the priorities were published twice, the interviewed experts¹³ stressed that the publication in a separate document aimed to increase the publicity of the priorities, as they are the basis for organizing the Agency's working plan for the coming year.

Next Steps

The IRM researcher recommends this commitment's scope be expanded and taken forward in the next action plan. To decide what data should be published, the NRA should consult with stakeholders. As an interviewed think tank expert proposed,¹⁴ the government could focus on publishing further detailed statistics on the companies that underwent tax inspections.¹⁵ Additionally the NRA could publish more granular statistics of the different control measures (inspections, findings of violations, sanctions issued, appeals before the courts, and so on) by economic sectors and groups of companies (tax debtors).

¹ National action plan of the Republic of Bulgaria July 2016 – June 2018, Open Government Partnership, https://www.opengovpartnership.org/sites/default/files/NAP3-Bulgaria_EN_0.pdf

² Idem.

³ Todor Galev (Senior analyst, Economic Program, Center for the Study of Democracy – an independent interdisciplinary public policy institute and Bulgaria's largest NGO), interview by IRM researcher, 21 September 2017.

⁴ "The hidden economy in Bulgaria," Policy Brief No. 42, November 2013, page 11, Center for the Study of Democracy, <http://bit.ly/2zqa4cK>.

⁵ "Main Documents" section, National Revenue Agency, in Bulgarian, <http://bit.ly/2ggFkWD>.

⁶ "Annual report on the NRA's activities", "Main Documents" section, National Revenue Agency, in Bulgarian, 15 March 2017, <http://bit.ly/2xDl04k>

⁷ Silvia Genova, Kiril Hrisimov, Ignat Gavrilov, Ibid.

⁸ "Monitoring survey on the execution of tax obligations for 2015" ("Мониторингово проучване за спазване на данъчните и осигурителни задължения за 2015 г."), "Main Documents" section, National Revenue Agency, in Bulgarian, 25 February 2016, <http://bit.ly/2i9k0D4>

⁹ "Monitoring survey on the execution of tax obligations for 2016" ("Мониторингово проучване за спазване на данъчните и осигурителни задължения за 2016 г."), "Main Documents" section, National Revenue Agency, in Bulgarian, 8 February 2017, <http://bit.ly/2gj0oMd>

¹⁰ "Priorities of the National Revenue Agency for 2017" ("Приоритети на Национална агенция за приходите за 2017 г."), "Main Documents" section, National Revenue Agency, in Bulgarian, 14 December 2016, <http://bit.ly/2xD0LZE>

¹¹ Idem.

¹² “Priorities of the National Revenue Agency for 2018” (“Приоритети на Национална агенция за приходите за 2018 г.”), “Main Documents” section, National Revenue Agency, in Bulgarian, 14 August 2017, <http://bit.ly/2kJFlns>

¹³ Silvia Genova, Kiril Hrisimov, Ignat Gavrilov, Ibid.

¹⁴ Todor Galev, Ibid.

2.1.5. Analysis/research publication for information exchange

Commitment Text:

Title: 2.1.5. Publication of analyses/research financed by the EU Funds as a resource for information exchange and thematic mapping of the information resources aimed at improving access to information

Status quo/Problem addressed: The EU Funds Management System includes the basic common rules, principles and key elements of all operational programs. Often the irregularities and challenges in the management of one program/type of projects may serve as a foundation for the formulation of solutions that can be applied to the management of other programs/projects. Similarly, the “good practices” in one program/project area may be transferred to others. The publication of relevant information will contribute to the development of better quality projects and improving their implementation/management.

Main objective: To support the beneficiaries in developing better quality projects and improve the implementation/management of projects.

Ambition: Better coordination between the administrative units and beneficiaries, increased information exchange and improved access to information. Establishing a unified approach to EU funds management and increased transparency.

Deliverables and impact: Uniform practice of publication of information; enhanced access to analytical expertise accumulated in EU program and project implementation.

Responsible institution: Administration of the Council of Ministers, Central Coordination Unit

Supporting institution(s): None

Start date: 1 July 2016

End date: 30 June 2018

| Commitment Overview | Specificity | | | | OGP Value Relevance | | | | Potential Impact | | | | On Time? | Completion | | | |
|---|-------------|-----|--------|------|-----------------------|---------------------|-----------------------|--|------------------|-------|----------|----------------|----------|-------------|---------|-------------|----------|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | Tech. and Innov. for Transparency and Accountability | None | Minor | Moderate | Transformative | | Not Started | Limited | Substantial | Complete |
| 2.1.5. Publish analysis/research as a resource for information exchange | | ✓ | | | ✓ | | | | | ✓ | | | Yes | ✓ | | | |

Context and Objectives

Through ten national programs, European structural and investment funding of 9.9 billion euro—representing an average of 1,363 euro per person from the European Union (EU) 2014-2020 budget—supports Bulgarian economic development.¹ The aim of this commitment is to contribute to the development of better quality projects applying for EU funding and to improve their implementation and management.² Currently, the national EU Funds Management System only includes the basic common rules, principles, and key elements of all operational programs.³ Through this commitment, the government would publish analyses and research financed by the EU Funds. By introducing a uniform practice of

publication, relevant information from one project could be used and applied to improve other programs' implementation and management, increasing access to information.

The specificity of the commitment is low. The text outlines one deliverable: the publication of analyses and research using EU funds. However, the content of the research is unspecified and no timetable for publication is given. Consequently, the commitment's potential impact is minor.

The commitment relates to a specific stakeholder priority, identified in the IRM 2014–2015 Progress Report.⁴ However, the direct causal relation between that priority and the current commitment is ambiguous. Interpretation of the commitment diverged between the IRM researcher and the government experts that were interviewed for this report: the former understood the commitment aimed to create a public repository of analyses, financed by EU funds, that would inform the creation of future projects and would, to a certain extent, limit the expenses and efforts of performing the same analyses in future projects. The experts interpreted the aim as publishing good practices and other unspecified documents on the Portal for the EU structural funds.⁵

Completion

At the time of evaluation, the commitment had yet to be implemented and thus its completion is not started. Although this commitment has no listed end date, completion is coded based on the two-year implementation cycle and, technically, is still on schedule.

The interviewed government experts⁶ and the government self-assessment report stated that the implementation of the commitment is substantial and consists of up-to-date and systematic publishing of information on the Portal for the EU structural funds.⁷ They did not identify the specific types of publications which would distinguish the implementation of the commitment from the usual functioning of the Portal. This means that even if there is some implementation of the commitment the IRM researcher is unable to verify it. For this reason, the IRM researcher considers that the commitment has not been implemented.

Next Steps

The IRM researcher recommends that the government implement this commitment in the second half of the action plan period with greater ambition. This should result in an actual increase in the amount and the quality of publications of research financed by EU funds. Specifically, the IRM researcher recommends the following:

- Consult with stakeholders regarding what type of analyses to be published;
- Publish EU-funded analysis and research that is accessible and open to the public; and
- Focus on ensuring the stable transference of information about the OGP commitments, despite changes of government.

¹ Country Data for: Bulgaria, European Structural & Investment Funds, European Commission, <https://cohesiondata.ec.europa.eu/countries/BG#>

² National action plan of the Republic of Bulgaria July 2016 – June 2018, Open Government Partnership, https://www.opengovpartnership.org/sites/default/files/NAP3-Bulgaria_EN_0.pdf

³ Idem.

⁴ Bulgaria 2014 – 2015 IRM Progress Report, Open Government Partnership, page 65, <http://bit.ly/2yqyKBs>

⁵ Single information web portal for Structural and Cohesion Funds in Bulgaria, www.eufunds.bg

⁶ Kiril Ezekiev, Lyubomir Stoyanov, Ibid.

⁷ Single information web portal for Structural and Cohesion Funds in Bulgaria, www.eufunds.bg, Ibid.

2.1.6. Register of regulatory and supervisory agencies whose officials are appointed by parliament

Commitment Text:

Title: 2.1.6. Creating a register of all regulatory, supervisory and control agencies appointed by Parliament (in conjunction or not with the Council of Minister and/or the President) containing information about their web sites, powers, mandate, members, decisions, etc.

Status quo/Problem addressed: There are a number of regulatory, supervisory and control bodies in Bulgaria operating in key areas such as financial supervision, protection of competition, protection of consumers, etc. Currently there is no consolidated information online regarding their functions, powers, decisions, etc.

Main objective: To improve access to information about the work of the regulatory bodies and increase the transparency of their operation.

Ambition: More active citizen control over the regulatory, supervisory and control bodies.

Deliverables and impact: Structured and consolidated information about the regulators and filled information gaps; more effective citizen control over the work of the regulators.

Responsible institution: Administration of the Council of Ministers

Supporting institution(s): None!

Other non-governmental actors involved: Center for Liberal Strategies, Bulgarian Institute for Legal Initiatives

Start date: 1 July 2016

End date: 30 June 2018

| Commitment Overview | Specificity | | | | OGP Value Relevance | | | | Potential Impact | | | | On Time? | Completion | | | |
|---|-------------|-----|--------|------|-----------------------|---------------------|-----------------------|---|------------------|-------|----------|----------------|----------|-------------|---------|-------------|----------|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | Techn. and innov. for Transparency and Accountability | None | Minor | Moderate | Transformative | | Not Started | Limited | Substantial | Complete |
| 2.1.6. Register of agencies appointed by Parliament | | ✓ | | | ✓ | | | | | ✓ | | | Yes | ✓ | | | |

Context and Objectives

Several independent regulatory, supervisory and control bodies in Bulgaria regulate and oversee key areas such as the financial system, competition protection, consumer protection, water and energy market regulation, communications regulation, etc. Currently, there is no consolidated information online regarding their functions, powers, decisions, etc.² Furthermore, civil society and analysts indicate that the independence, effectiveness and transparency of some, if not all, of these regulatory bodies is seriously undermined by undue political or other influence, which has led to public protests against monopolies in the water, electric, and central heating services.³ This results in lower trust in these institutions. This problem could be addressed by increasing transparency on the regulatory bodies' functioning and activities which would allow for better monitoring from civil society and further public pressure to resist undue influence.⁴

The commitment's objective is to improve access to information by explaining the work of the regulatory bodies, and to increase the transparency of their operation.⁵ To this end, the Administration of the Council of Ministers has committed to establish a public register displaying information such as the powers, mandate, members and decisions of the agencies appointed by Parliament. The main deliverable is clearly stated but the information to be included in this register could be more specific.

The commitment text does not clearly indicate whether the information to be provided on the new register differs from the existing information in the Administrative Register.⁶ However, according to the civil society organizations⁷ that proposed the commitment, the National Assembly should take a decisive role in the process. An interviewed CSO expert remarked that the new register should aggregate and publish the following new information: an extensive list of all bodies (over 30)⁸ whose management is appointed by the legislative; details on the individual appointment procedures; a calendar with the upcoming expirations of the regulatory and control bodies officials' mandates; a calendar with the upcoming hearings of candidates; and better visualization and accessibility in simple, non-technical language.⁹

The commitment's potential impact is coded as minor, because of the vagueness of its text and the deliverables therein. However, fully implementing the commitment as proposed by civil society would be an important step in improving access to information and creating the opportunities for better citizen involvement as the enhanced transparency would allow for citizens and CSOs to better track, monitor, and hold candidates and elected and appointed officials accountable. However, the scope would remain limited since it does not provide a means for the public's inclusion in the decision-making process.

Completion

Implementation has not started but could still be completed on schedule. According to the government self-assessment report, implementation is substantial and the information has been published in the Administrative Register. The quality of information published in the register has not changed relative to before the development of this commitment. Stakeholders¹⁰ noted¹¹ that some of the information on the regulatory and control bodies is out of date; the self-assessment explains that these bodies are not obligated to fill in information in the Administrative Register.

Finally, both interviewed stakeholder organizations, identified explicitly by the action plan, stated that the government has not sought their opinion on the commitment's objectives and implementation.

Next Steps

In the IRM researcher's understanding, this commitment is another case where information on the commitment's idea was lost during the changes in government and in the OGP team. If implementation cannot be completed in the current period, the commitment can be taken forward to the next action plan with more specifically formulated text. Additionally, the implementing government should consult with the stakeholders individually listed by the action plan, and consider the stakeholders' analyses¹² and already functioning model website¹³, which gathers and displays the information for some of the regulatory and control bodies.

¹ The English version of the action plan lists as a supporting institution the "Parliament," i.e. the National Assembly. The Bulgarian version of the action plan does not list any supporting institutions. The IRM researcher considers the Bulgarian version as the original one, since this text was officially adopted by a decision of the Council of Ministers, and thus holds legal normative value.

² National action plan of the Republic of Bulgaria July 2016 – June 2018, Open Government Partnership, https://www.opengovpartnership.org/sites/default/files/NAP3-Bulgaria_EN_0.pdf

³ "Problems with the independence of the regulatory and supervisory bodies in Bulgaria" (Проблеми с независимостта на регулаторни и контролни органи в България), Centre for Liberal Strategies, report from

the project “Problems of Transition: Enhancing Trust in and Independence of Liberal Democratic Institutions” financed by the NGO Programme in Bulgaria under the Financial Mechanism of the European Economic Area, September 2015, In Bulgarian, <http://bit.ly/2zuWKUUb>

⁴ Idem.

⁵ National action plan, *ibid.*

⁶ “Administrative structures reporting their activities to the National Assembly” Section (Административни структури, отчитащи дейността си пред Народното събрание), Integrated Information System of the State Administration, Administrative Register, <http://bit.ly/2wZ8UD9>

⁷ The Centre for Liberal Strategies and the Bulgarian Institute for Legal Initiatives.

⁸ Bilyana Gyaurova-Wegertseder (founder and director) and Teodor Slavev (researcher and policy expert) of the Bulgarian Institute for Legal Initiatives, interview by IRM researcher, 19 September 2017.

⁹ Ruzha Smilova, Programme Director at the Centre for Liberal Studies, interview by IRM researcher, 25 September 2017.

¹⁰ Bilyana Gyaurova-Wegertseder and Teodor Slavev from the Bulgarian Institute for Legal Initiatives, *ibid.*

¹¹ Statement of the Bulgarian Institute for Legal Initiatives on the Draft government self-assessment, 28 September 2017, in Bulgarian, <http://bit.ly/2goJ8oP>

¹² “Problems with the independence of the regulatory and supervisory bodies in Bulgaria” (Проблеми с независимостта на регулаторни и контролни органи в България), Centre for Liberal Strategies, report from the project “Problems of Transition: Enhancing Trust in and Independence of Liberal Democratic Institutions” financed by the NGO Programme in Bulgaria under the Financial Mechanism of the European Economic Area, September 2015, in Bulgarian, <http://bit.ly/2zuWKUUb>, *ibid.*

¹³ Appointments Board, Bulgarian Institute for Legal Initiatives, Project “Initiative for transparent parliamentary appointments” financed by the NGO Programme in Bulgaria under the Financial Mechanism of the European Economic Area, in Bulgarian, <http://appointmentsboard.bg/>

2.1.7. National Institute for Immovable Cultural Heritage information system and e-services

Commitment Text:

Title: 2.1.7. Establishment of an information system for collection, digitalization and storage of the central archive of the National Institute for Immovable Cultural Heritage (NIICH) and provision of e-services to citizens, central and local administrations by creating a digital public archive and e-register of archaeological sites.

Status quo/Problem addressed: At present the document archive of the National Institute for Immovable Cultural Heritage is not digitalized. The archiving system and its search functionalities make it difficult to process documents which in turn caused delays in the issuance of decisions and certificates. NIICH collects digital information - photographs, texts, layouts - which is often not archived due to the lack of full digitalization.

Main objective: To enhance the scope and accessibility of the public information provided and increase the engagement of the citizens in conserving and protecting the immovable cultural heritage.

Ambition: Full update and digitalization of the information about the immovable cultural heritage.

Deliverables and impact: Updated, full and electronically accessible archive of the immovable cultural heritage; improved exchange of information enabling fast inspections; e-services for citizens, local governments and central administrative units facilitating the restoration, conservation and management of immovable cultural heritage.

Responsible institution: Ministry of Culture

Supporting institution(s): National Institute for Immovable Cultural Heritage

Start date: 1 July 2016

End date: 31 December 2017

| Commitment Overview | Specificity | | | | OGP Value Relevance | | | | Potential Impact | | | | On Time? | Completion | | | |
|--|-------------|-----|--------|------|-----------------------|---------------------|-----------------------|--|------------------|-------|----------|----------------|----------|-------------|---------|-------------|----------|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | Tech. and Innov. for Transparency and Accountability | None | Minor | Moderate | Transformative | | Not Started | Limited | Substantial | Complete |
| 2.1.7. NIICH information system and e-services | | | | ✓ | ✓ | | | ✓ | | | ✓ | | Yes | | ✓ | | |

Context and Objectives

The National Institute for Immovable Cultural Heritage (NIICH) implements state policy in the field of conservation and preservation of cultural properties. As part of its duties, it collects various types of information including digital data, photographs, texts, and layouts, which is often not archived because the archive has not yet been fully digitalized.¹

Information that is currently available on the archive is often incomplete and not easily accessible, and is often in archival collections of other public institutions (e.g. municipalities, regional governors, Ministry of Culture). In addition, the NIICH archiving system and its search functionalities make it difficult to process documents which in turn causes delays in the issuance of decisions and certificates.²

The commitment seeks to enhance the scope and accessibility of the public information by building a digital public archive and e-register of archaeological sites. This would complement

and, in the future, replace the existing paper archives, which are often not fully assembled, or are lost. The commitment has clear deliverables and provides a timeline for completion.

The potential impact of the commitment is moderate since the digitalization of the archive would be a major step forward for transparency and should lead to the establishment and trustworthy keeping of full electronic “dossiers” of the immovable cultural sites. The NIICH would become the central place for access to this information. The commitment is limited in scope, however, since it does not provide clear guarantees for the regular update of the e-register (and digital archive) by experts in the regions. Another limit to the commitment’s scope is the lack of measures aimed at recovering the currently missing documents on existing monuments. A stakeholder³ with experience in the preservation of cultural sites added that many documents and entire files on architectural monuments have been taken out of the national archives and are now in private hands (e.g. architects, archeologists, and others who used to work in the system).

Completion

A funding project has been developed by the Ministry of Culture and the NIICH, however, it has not been approved by the funding authority within the government yet. The interviewed government experts³ and the government self-assessment report explained that implementation of the commitment is limited, and its further completion depends on the funding. The completion date is now anticipated to be in December 2018.

Next Steps

Full implementation of the commitment is encouraged: this commitment has been strongly recommended by civil society⁴ and is a major part of citizens’ and experts’ recommendations for improvements in cultural heritage preservation.⁵

The IRM researcher also recommends that the government continue this commitment on cultural heritage in the next action plan by:

- Actively consulting with stakeholders through public discussions, public consultations and including stakeholders in the dedicated government working groups; and
- Addressing all the specific problems which experts describe in their analyses.⁶

¹ National action plan of the Republic of Bulgaria July 2016 – June 2018, Open Government Partnership, https://www.opengovpartnership.org/sites/default/files/NAP3-Bulgaria_EN_0.pdf.

² Idem.

³ Prof. Diana Gergova, archeologist, Discussion – the Cultural Heritage at Risk, Stroyko 2000 expo, National Palace of Culture, answers and discussion on questions by IRM researcher, 20 October 2017.

³ Margarita Gospodinova, Malinka Tsuparska, chief jurisconsults in the Ministry of Culture and Kalina Georgieva, jurisconsult in the National Institute for Immovable Cultural Heritage, interview by IRM researcher, 17 August 2017.

⁴ “The NIICH archive”, Heritage.bg, in Bulgarian, <http://bit.ly/2grbuPj>

⁵ “Our proposal” (Нашето предложение), Heritage.bg, in Bulgarian, <http://bit.ly/2gL10HF>

⁶ Idem.

Theme 3: Open cities

3.1.1. Opening local government data

Commitment Text:

Title: 3.1.1. Adoption of a program and schedule for opening local government data

Status quo/Problem addressed: The publication of information in open, machine-readable format at this point covers almost entirely central government information. Few are the examples of active release of open data at city level. On the other hand, the demand for municipal data is quite big and this data has the potential to unlock a great number of economic and social benefits.

Main objective: To expand the scope of the open data policy and create new opportunities for citizen engagement at the local level.

Ambition: Gradual inclusion of the big cities in the open data initiative and unlocking the economic and social potential of city data.

Deliverables and impact: Increased transparency of municipal policies; data-based products and services created; more active engagement of citizens in the development of municipal services and in the decision-making processes at local level.

Responsible institution: Administration of the Council of Ministers

Supporting institution(s): None

Other non-governmental actors involved: National Association of Municipalities in Bulgaria, Sofia Municipality, NGO Links

Start date: 1 July 2016

End date: 31 December 2017

| Commitment Overview | Specificity | | | | OGP Value Relevance | | | | Potential Impact | | | | On Time? | Completion | | | |
|--------------------------------------|-------------|-----|--------|------|-----------------------|---------------------|-----------------------|--|------------------|-------|----------|----------------|----------|-------------|---------|-------------|----------|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | Tech. and Innov. for Transparency and Accountability | None | Minor | Moderate | Transformative | | Not Started | Limited | Substantial | Complete |
| 3.1.1. Opening local government data | | ✓ | | | ✓ | | | ✓ | | ✓ | | | Yes | | | ✓ | |

Context and Objectives

The publication of information in an open, machine-readable format almost pertains to all central government information, but much less so at the city level.¹ The demand for municipal data is big and this data has the potential to unlock a great number of unspecified economic and social benefits, according to the action plan.² The government sets out to adopt a schedule for opening local government data in all 265 self-governing municipalities. Organizing the publication of online datasets in an open format relates to improving access to information through technology and innovation.

If fully implemented the program would be a positive step in improving proactive transparency and open data, since all municipalities would have to publish the same kind of data in an open format. However, as a stakeholder with experience in e-government and local administration explained, there is no common structure, nor are there rules for guaranteeing the common structure of the data to be published. This could jeopardize the comparability and thus possibilities for re-use of that data.³ Additionally, the commitment text lacks specificity on the information to be included in the program and the way the program would be established, which affects its potential impact.

The commitment's deliverables are listed but open to interpretation and some impacts listed (e.g. "more active engagement of citizens") are not clearly measurable. The type of information the program would address, how it would be implemented, or at what pace the data would be opened at the municipal level are not determinate. The scope of publications and the involvement of stakeholders is unclear.

Completion

The commitment is substantially completed and on schedule. The interviewed government expert⁴ and the government self-assessment report detailed the commitment's implementation through adoption of the annual decisions of the Council of Ministers on open data publication. These decisions listed eight datasets in October 2016⁵ and 38 in August 2017,⁶ which the municipalities are obliged to publish. No known assessment of the rates and/or quality of the municipalities' publications of the open datasets exists.

A stakeholder⁷ noted that the government did not proactively invite the municipalities or their representative—the National Association of Municipalities—to comment on a draft before the adoption of the second and much larger list of datasets to be opened. A public consultation of the 2017 list⁸ could not be located on the Public Consultations Portal,⁹ meaning that the 2017 list was also not subject to the online public consultation. This, in addition, would be a worsening of the implementation of the sole star commitment in the previous 2014–2016 action plan.¹⁰

Next Steps

Another interviewed stakeholder¹¹ argued that municipalities should first address and publish what their citizens want to see published.

The IRM researcher recommends that the government finish the implementation in the remaining period of the action plan and focus on the following steps in the next action plan:

- Assess the quality and quantity of open dataset publications listed in its decisions;
- Identify the deficiencies in the implementation of the policy and formulate efforts to coordinate and ensure the implementation of the Council of Ministers decisions;
- Provide open consultations on the drafts of lists of new open datasets in order to determine what citizens want to see published; and
- Consult with municipalities, in an open and proactive manner, regarding future lists of datasets to be published as open data and promote the organization of local discussions in each municipality.

¹ National action plan of the Republic of Bulgaria July 2016 – June 2018, Open Government Partnership, https://www.opengovpartnership.org/sites/default/files/NAP3-Bulgaria_EN_0.pdf

² Idem.

³ Ventseslav Kozhuharov, e-government expert of the National Association of Municipalities in the Republic of Bulgaria (NAMRB) – a specific organization gathering all local governments and being "The Voice" of municipalities in Bulgaria", interview by IRM researcher, 23 October 2017.

⁴ Nusha Ivanova, expert in the "Modernization of the administration" Directorate from the Administration of the Council of Ministers, interview by IRM researcher, 18 September 2017.

⁵ Decision no. 214 / 25.03.2016 of the Council of Ministers, in Bulgarian, <http://bit.ly/2zeB8e5>

⁶ Decision no. 436 / 04.08.2017 of the Council of Ministers, in Bulgarian, <http://bit.ly/2xLcY9E>

⁷ Ventseslav Kozhuharov, Ibid.

⁸ Decision no. 436 / 04.08.2017 of the Council of Ministers, in Bulgarian, <http://bit.ly/2xLcY9E>, Ibid.

⁹ Public Consultations Portal, <http://strategy.bg>

¹⁰ Milestone 5 of Commitment 8 on the prioritization of information to be published as open data in Bulgaria: 2014–2016 End-of-Term Report, Independent Reporting Mechanism, Open Government Partnership, <http://bit.ly/2i0lPPp> and Bulgaria 2014 – 2015 IRM Progress Report, Open Government Partnership, page 70, <http://bit.ly/2yqyKBs>

¹¹ Ginka Tchavdarova, executive director of the National Association of Municipalities in the Republic of Bulgaria (NAMRB), interview by IRM researcher, 23 October 2017.

3.1.2. Pilot “citizen budget” initiative

Commitment Text:

Title: 3.1.2. Increasing local governmental financial transparency through pilot citizen budget initiative in the municipalities

Status quo/Problem addressed: Most Bulgarian municipalities actively publish information about their budgets, but often the information is too complex and its interpretation and understanding require specialized expertise. This in turn discourages the citizens and reduces citizen participation in such an important area as municipal finances.

Main objective: To promote citizen participation by providing understandable information about municipal budgets or the so called citizen budget.

Ambition: Introducing the “citizen budget” approach at the local level.

Deliverables and impact: Improved understanding of municipal finances by the citizens; better capacity of municipal authorities to provide understandable and accessible information about the local budgets; development of effective outreach methods; more active citizen involvement in the formulation and control of municipal budgets.

Responsible institution: Sofia Municipality

Supporting institution(s): National Association of Municipalities in Bulgaria

Start date: 1 July 2016

End date: 30 June 2017

| Commitment Overview | Specificity | | | | OGP Value Relevance | | | | Potential Impact | | | | On Time? | Completion | | | |
|--|-------------|-----|--------|------|-----------------------|---------------------|-----------------------|--|------------------|-------|----------|----------------|----------|-------------|---------|-------------|----------|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | Tech. and Innov. for Transparency and Accountability | None | Minor | Moderate | Transformative | | Not Started | Limited | Substantial | Complete |
| 3.1.2. Pilot “citizen budget” initiative | | | | ✓ | ✓ | | | | | | ✓ | | No | | ✓ | | |

Context and Objectives

Most Bulgarian municipalities actively publish information about their budgets, but often the information is too complex and understanding it requires specialized expertise.¹ This in turn discourages citizens and reduces citizen participation in the important area of municipal finances.² The objective of this commitment is to promote citizen participation by providing understandable information about municipal budgets through the creation of a citizen budget. The commitment is implementing one of the five SMART recommendations of the IRM 2014–2015 Progress Report.³ However, implementation is only planned for the capital city and its close surroundings, Sofia Municipality.

The commitment text is straightforward and does not leave any room for interpretation in the Bulgarian version; the English version is less specific. However, both versions identify the clear deliverable of creating and publishing a citizen budget for the Sofia Municipality budget by June 2017. The commitment is thus aimed at improving access to budgetary information.

If fully implemented, the potential impact is moderate. Even though the Sofia Municipality currently publishes extensive information on its finances,⁴ the data is too technical—its “translation” to accessible language would effectively encourage a greater number of citizens to access and read this information. While this serves as an incentive to other municipalities, as Sofia’s citizen budget would be only the second publication of this type in Bulgaria, a transformative commitment would include a larger implementation scope.

Completion

The completion is limited and behind schedule. The interviewed municipal officials⁵ and the government self-assessment report explain that the Sofia Municipality carried out a series of consultations and presentations of the 2017 draft municipal budget. Participants, including the IRM researcher, received an explanatory document in accessible language and a presentation of the draft budget. However, the municipality did not prepare such a document for the adopted 2017 budget.

It is the IRM researcher’s understanding that due to the changes of government and of the OGP team, the communication on the action plan between the central government and the municipality was lost and the government did not notify the adoption of the commitment to the implementing municipality.

Next Steps

The critiques claiming a lack of transparency during the public consultation on the draft 2017 Sofia budget⁶ show that civil society and the Sofia Municipality still have work to do in terms of cooperation. In the remaining period of the action plan cycle, the Sofia Municipality should continue its efforts in providing financial transparency and implementing a proper citizen budget.

The IRM researcher recommends that in the next action plan the Sofia Municipality formulate further commitments to open its budgeting process such as:

- Publish presentations and explanatory documents of the draft budget on the municipality’s website at least 14 days before the start of the public consultations;
- Organize and provide all available information of proactive public consultations on the infrastructure and renovation projects before their start and before the final budgetary decision is taken by the Municipality and the Municipal Council.

Additionally, in the next action plan, it is recommended that the government concentrate on coordinating the OGP process and ensure communication throughout the drafting and adoption of the action plan, as well as throughout the implementation period.

¹ National action plan of the Republic of Bulgaria July 2016 – June 2018, Open Government Partnership, https://www.opengovpartnership.org/sites/default/files/NAP3-Bulgaria_EN_0.pdf

² Idem.

³ SMART recommendation no. 4, Bulgaria 2014 – 2015 IRM Progress Report, Open Government Partnership, page 70, <http://bit.ly/2yqyKBs>

⁴ Budget section, Sofia Municipality, <http://bit.ly/2kWydnW>

⁵ Yordanka Stankova and Iliana Guginska, heads of departments in the “Finance” Directorate of the Sofia Municipality, interview by IRM researcher, 18 August 2017.

⁶ “The public discussion of Sofia’s budget – solving a problem without a definition” Lili Granitska (“Публичното обсъждане на бюджета на София – решаване на задача без условие” Лили Границка), Mediapool, 4 January 2017, in Bulgarian, <http://bit.ly/2xLuorT>

Theme 4: Civic participation

4a.1.1. Public consultations improvements

Commitment Text:

Title: 4a. Bulgarian government will maintain an active dialog with civil society based on innovative forms of interaction allowing for feedback and co-authorship of policy

4a.1.1. Improving the quality of public consultation through upgrading the functionalities of the Public Consultation Portal; drafting unified standards for the selection of the members of public and consultative councils, publicity of their operation and decision – making mechanisms; development in conjunction with civil society organizations of training programs for public officials on the organization of effective public consultations, developing guidelines for citizen engagement and provision of feedback

Status quo/Problem addressed: The new amendments of the Normative Acts Law introduce more detailed requirements regarding the quality of public consultations. The experience gained so far also shows that there are some shortcomings in the manner in which public consultations were organized and conducted. These weaknesses need to be addressed in order to promote more active involvement of all stakeholders and improve the quality of the end products. For this purpose it is necessary to upgrade the skill of the public officials in relation to holding public consultations while at the same time integrating the new requirements in the Public Consultations Portal as the main communication channel. Being developed in 2008 many of the Portal's functionalities are obsolete and do not meet the expectations of the users - mainly in terms of feedback, crowdsourcing tools, search, etc.

Main objective: To increase the quality of public consultations and more actively involve the stakeholders in policy-formulation and development of legislation.

Ambition: Making use of new technologies to expand the scope of public consultations.

Deliverables and impact: Increased number of stakeholders taking part in public consultations; improved quality of consultations; improved internal procedures for organizing public consultations; broadened skills of the public officials to take part in and facilitate public consultations.

Responsible institution: Administration of the Council of Ministers

Supporting institution(s): Institute for Public Administration, Council for Administrative Reform,

Other non-governmental actors involved: Bulgarian Center for Non-Profit Law, Forum "Citizen Initiatives"

Start date: 1 July 2016

End date: 31 December 2017

| Commitment Overview | Specificity | | | | OGP Value Relevance | | | | Potential Impact | | | | On Time? | Completion | | | |
|---------------------|-------------|-----|--------|------|-----------------------|---------------------|-----------------------|--|------------------|-------|----------|----------------|----------|-------------|---------|-------------|----------|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | Tech. and Innov. for Transparency and Accountability | None | Minor | Moderate | Transformative | | Not Started | Limited | Substantial | Complete |
| 4a.1.1. Overall | | | | ✓ | ✓ | ✓ | | ✓ | | | ✓ | | Yes | | ✓ | | |

| | | | | | | | | | | | | | | | | | |
|--|--|--|--|---|---|---|--|---|--|--|---|--|-----|--|---|--|--|
| 1. Improve the Public Consultation Portal | | | | ✓ | | ✓ | | ✓ | | | ✓ | | Yes | | ✓ | | |
| 2. Unified standards for public and consultative councils | | | | ✓ | ✓ | ✓ | | | | | ✓ | | Yes | | ✓ | | |
| 3. Training programs for public officials in conjunction with CSOs | | | | ✓ | | ✓ | | | | | ✓ | | Yes | | ✓ | | |
| 4. Guidelines for citizen engagement and provision of feedback | | | | ✓ | ✓ | ✓ | | | | | ✓ | | Yes | | ✓ | | |

Context and Objectives

This commitment continues efforts from Bulgaria's previous action plan addressing low levels of trust and involvement of civil society in public consultations on draft legislation.¹ New amendments to the Law on Normative Acts introduced more detailed requirements regarding the quality of public consultations, such as establishing impact assessments on draft legislation with the participation of stakeholders, increasing the timeframe of public consultations on draft legislation, providing feedback on proposals rejected during public consultations, and establishing the existing Public Consultations Portal as the single site for all online public consultations on draft legislation proposed by the executive.² The government's and citizens' experiences with public consultations indicate shortcomings in how they have been organized and conducted;³ these include the lack of preparatory information on certain consultations; the lack of current and accurate information on the structure, functioning, meetings, and minutes of councils; the lack of feedback on consultations from public institutions; and the specific organization of consultations.⁴

The commitment aims to address these weaknesses in order to promote more active involvement of all stakeholders and improve the quality of the end products.⁵ The government would do this through four activities, combined into one European Union (EU)-funded project,⁶ which was divided into four milestones: 1) improve the 2008 Public Consultation Portal; 2) draft standards on public and consultative councils;⁷ 3) develop training programs for public officials; and 4) develop guidelines for public consultations. All four activities are verifiable and relevant to this commitment's objective.

This commitment is relevant to the OGP values of: access to information, civic participation, and technology and innovation. By improving the Public Consultation Portal, drafting standards for consultative councils, and working with civil society organizations (CSOs) to train public officials on effective public consultations, this commitment enables participation in civic space. Improving the Public Consultation Portal should also result in better search functionalities and better means of posting an opinion or statement on consultations. Drafting and publishing unified standards for public and consultative councils would provide information on how these councils should generally be organized and how citizens should participate in them. And, lastly, the development of guidelines for citizen engagement will inform the public of the standard rules to follow. It would also provide a standard procedure for participation in consultations and would detail the guarantees for provision feedback to the participants.

The commitment's overall potential impact is moderate. While some individual activities are only incremental steps in promoting transparency (e.g. the new non-mandatory standards and training a limited number of officials), the commitment as a whole is a major step forward. By including varied activities, this commitment targets informing officials and citizens, capacity building, and improving the participatory portal to ensure better communication between citizens and institutions including through the crucial provision of feedback. Together, these measures will improve public consultations. However, they would remain limited in scale because the full implementation of the standards, as well as the full use of the Portal's functionalities, is dependent on the initiative of public officials. A truly transformative commitment would introduce specific legal requirements for proactive consultation methods, i.e. ensuring institutions proactively seek citizens' opinions or introduce a reliable implementation mechanism for the existing standards that outline these consultation methods. A truly transformative commitment would also clearly distribute the responsibility for organizing public consultations to specific public officials who would be accountable for their quality.

Completion

The commitment's implementation is limited, but on schedule. However, considering the remaining short period for implementation until December 2017, the commitment is likely to be completed after the scheduled end date. All milestones would be carried out through the EU-funded project. The interviewed government expert⁸ explained that work on this project has been started and its completion could take until September 2018, beyond the action plan's implementation period. According to the project's page, the public procurement procedure(s) were not yet started by the time of writing this report (October 2017). This means that the government is still preparing the tender documentation, but no contractor has been chosen yet and the milestones have not received any implementation beyond their planning and detailing in that tender documentation, which has yet to be published.

Early Results

Stakeholders⁹ criticized the delayed implementation of commitment activities two, three and four, as well as the chosen implementation method. To them, a public procurement procedure was unnecessary, and the public consultation standards (activity four) and public and consultative councils' standards (activity two) could be done in co-creation with the government and civil society without a contractor.¹⁰

Next Steps

Based on stakeholder criticism and the commitment analysis, the IRM researcher recommends the following steps, which should be carried over to the next action plan cycle if not completed within the current one:

- Increase efforts in involving civil society in the implementation of the commitment activities, rather than only on specific occasions and in one-time discussions; and
- Devise specific implementation mechanisms for the existing and future standards on public consultations, citizen engagement and provision of feedback. These may take the form of coordination and support from the central administration for the institutions organizing public consultations.

¹ Commitments 1 and 2 in Bulgaria 2014 – 2015 IRM Progress Report, Open Government Partnership, pages 20-28, <http://bit.ly/2yqyKBs> and Bulgaria: 2014–2016 End-of-Term Report, Independent Reporting Mechanism, Open Government Partnership, pages 8-14, <http://bit.ly/2i0JlPp>

² Ibid.

³ National action plan of the Republic of Bulgaria July 2016 – June 2018, Open Government Partnership, https://www.opengovpartnership.org/sites/default/files/NAP3-Bulgaria_EN_0.pdf

⁴ Commitments 1 and 2 in Bulgaria 2014 – 2015 IRM Progress Report, Open Government Partnership, pages 20-28, <http://bit.ly/2yqyKBs>, and Bulgaria: 2014–2016 End-of-Term Report, Independent Reporting Mechanism, Open Government Partnership, pages 8-14, <http://bit.ly/2i0JIIP>, *ibid*.

⁵ *Idem*.

⁶ Project “Administration and civil society – partnership in governance,” BG05SFOP001-2.001-0002-C02, funded by the European Social Fund – Operative Program “Good Governance”, UMIS 2020, <http://bit.ly/2A4x3t4>

⁷ Commitment 2 in Bulgaria 2014 – 2015 IRM Progress Report, Open Government Partnership, pages 26-28, <http://bit.ly/2yqyKBs> and Bulgaria: 2014–2016 End-of-Term Report, Independent Reporting Mechanism, Open Government Partnership, pages 12-14, <http://bit.ly/2i0JIIP>

⁸ Iskren Ivanov, state expert in the “Modernization of the Administration” Directorate in the Administration of the Council of Ministers, interview by IRM researcher, 12 September 2017.

⁹ Nadia Shabani, Director of the Bulgarian Centre for Not-for-Profit Law (BCNL) and Iva Taralezhkova, Chair of the board of Citizen Participation Forum, interview by IRM researcher, 12 September 2017.

¹⁰ Statement by the Bulgarian Center for Not-for-Profit Law and the Citizen Participation Forum, 25 September 2017, published on the Public Consultations Portal, <http://bit.ly/2goJ8oP>

4a.1.2. E-petitions for national and local initiatives

Commitment Text:

Title: 4a.1.2. Introducing an option for a national and local electronic petition and reducing red tape and the requisite data for organizing a citizen petition. Adopting the necessary amendments to the Direct Participation Act

Status quo/Problem addressed: Currently the Direct Participation of Citizens Act does not provide for e-petitions for national and local initiatives. Such an option is available only for European citizen initiatives.

Main objective: To mobilize citizen participation through easing the procedures for the organization of national and local citizen initiatives.

Ambition: More opportunities for the citizens to influence government.

Deliverables and impact: Promote citizen organization and citizen initiatives; reduced bureaucratic barriers to direct citizen involvement.

Responsible institution: Administration of the Council of Ministers

Supporting institution(s): None.

Other non-governmental actors involved: Bulgarian Center for Non-Profit Law, Forum "Citizen Initiatives"

Start date: 1 July 2016

End date: 30 June 2018

| Commitment Overview | Specificity | | | | OGP Value Relevance | | | | Potential Impact | | | | On Time? | Completion | | | |
|--|-------------|-----|--------|------|-----------------------|---------------------|-----------------------|--|------------------|-------|----------|----------------|----------|-------------|---------|-------------|----------|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | Tech. and Innov. for Transparency and Accountability | None | Minor | Moderate | Transformative | | Not Started | Limited | Substantial | Complete |
| 4a.1.2 Introducing e-petition in law and reducing red tape | | | ✓ | | | ✓ | | ? | | | | ✓ | No | ✓ | | | |

Context and Objectives

The aim of this commitment is to provide citizens with easier ways to organize, sign and present to public authorities a legally valid citizen petition/initiative. Currently the Direct Participation of Citizens Act¹ does not provide for citizens to support and join petitions over the internet (e-petitions) for national and local initiatives.² Such a legally guaranteed option for Bulgarian nationals is available only as the European Citizens' Initiative,³ but not for the already existing and popular Bulgarian private e-petition tools.⁴ This means that Bulgarian nationals could legally compel European Union (EU) institutions to address their demands through an electronic initiative (in conjunction with citizens from at least six other countries), but they cannot do the same with their national and local authorities. E-petitions currently have no legal value, and Bulgarian authorities are not legally required to address the e-petitions; e-initiatives also cannot be used for the organization of a legally valid referendum under the Direct Participation of Citizens Act. The support for valid national and local initiatives, including for the organization of referendums, is currently gathered on

paper which is time-consuming, demands more resources, and is not as effective as the internet for reaching larger audiences.

The commitment addresses one of the five SMART recommendations from the 2014–2015 IRM progress report, which suggests the amendment of the Direct Participation of Citizens Act and the subsequent development of an easily accessible online form through which citizens could support initiatives.⁵ The text's specificity is medium since it outlines the needed legal amendments for the introduction of e-petitions and the ambition to cut red tape, however, it does not specify measures to reduce bureaucratic regulation. The potential impact is transformative. If fully implemented the commitment would satisfy the calls from civil society to introduce e-petitions and lower the prohibitory legal requirements for initiating referenda and passing them with a binding decision.⁶ The commitment directly relates to improving citizen participation in decision making through technology and innovation.

Completion

The implementation of the commitment has not started and is behind schedule. The government's self-assessment report⁷ did not provide explanation of that fact, but includes a sentence implying that amendments to the Direct Participation Act should be proposed by Members of Parliament. In the IRM researcher's opinion there is no legal impediment for the government to propose such amendments. A stakeholder⁸ participating in the citizen initiative demanding e-petition and lower thresholds for organizing and passing referenda⁹ stated that despite calls and letters to the government and the legislative, they have so far showed no desire to implement the commitment.

Next Steps

The government should initiate the commitment's implementation and work on gathering the political support of members of the National Assembly for completing the commitment. At the start of implementation, the government should organize proactive public consultations which would gather the opinions of citizens, CSOs and politicians on the needs, benefits and risks of e-initiatives and e-petitions. If the government decides not to carry on with the implementation of this commitment, it should provide reasons for this decision.

¹ Direct Participation of Citizens in Government and Local Government Act (Закон за пряко участие на гражданите в държавната власт и местното самоуправление), Lex.bg, unofficial publication, in Bulgarian, <http://bit.ly/2hPREtX>

² National action plan of the Republic of Bulgaria July 2016 – June 2018, Open Government Partnership, https://www.opengovpartnership.org/sites/default/files/NAP3-Bulgaria_EN_0.pdf

³ Idem, see also "The European Citizen's Initiative Official Register", European Commission, <http://ec.europa.eu/citizens-initiative/public/welcome>

⁴ The website PeticIQ.com hosts more than 50 petitions for each of the past three years, some of them gathering tens of thousands of signatures, in Bulgarian, <https://www.peticIQ.com/>

⁵ SMART recommendation no. 4, Bulgaria 2014 – 2015 IRM Progress Report, Open Government Partnership, pages 63 and 70, <http://bit.ly/2yqyKBs>

⁶ "Participation, Not Predestination!" National Initiative, founded on 26 February 2016 in Sofia, published by the Bulgarian Association for the Promotion of Citizens Initiative, in English, <http://bit.ly/2x7zNF8>, also in Bulgarian for more details and the draft proposal for legal amendments, <http://bit.ly/2gu57uS>

⁷ Interim self-assessment report on the third national action plan (Междинен доклад за самооценка на администрацията по изпълнението на Третия национален план за действие в рамките на инициативата „Партньорство за открито управление“), Public Consultations Portal, 5 October 2017, in Bulgarian, <http://bit.ly/2hfFz4M>

⁸ Iva Taralezhkova, Chair of the board of Citizen Participation Forum, interview by IRM researcher, 12 September 2017.

⁹ "Participation, Not Predestination!" National Initiative, Ibid.

4a.1.3. M&E mechanism for OGP action plan

Commitment Text:

Title: 4a.1.3. Establishment of a permanent joint mechanism for monitoring and evaluation of the OGP national action plan implementation

Status quo/Problem addressed: The approach to involving the stakeholders in the monitoring and evaluation of the implementation of the OGP national action plans of Bulgaria has not been consistent and well - structured. It relied to a large extent on the stakeholders being the pro-active part but given the low level of awareness of the initiative and the lack of a clear procedure, very few representatives of civic organizations took part in monitoring activities.

Main objective: To encourage active citizen involvement and increase the quality of implementation through a structured monitoring mechanism for the OGP national action plans.

Ambition: Constant improvement of the quality of implementation of the national action plans and involvement of more stakeholders in the monitoring and evaluation effort.

Deliverables and impact: Increased transparency and accountability in the implementation of national action plans; increased number of involved stakeholders; identified and addressed implementation shortcomings; strategic approach to implementation and evaluation put in place.

Responsible institution: Administration of the Council of Ministers

Supporting institution(s): Ministries in charge of implementing action plan measures

Start date: 1 July 2016

End date: 31 October 2016

| Commitment Overview | Specificity | | | | OGP Value Relevance | | | | Potential Impact | | | | On Time? | Completion | | | |
|---------------------------------|-------------|-----|--------|------|-----------------------|---------------------|-----------------------|--|------------------|-------|----------|----------------|----------|-------------|---------|-------------|----------|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | Tech. and Innov. for Transparency and Accountability | None | Minor | Moderate | Transformative | | Not Started | Limited | Substantial | Complete |
| 4a.1.3. OGP monitoring platform | | | ✓ | | ✓ | ✓ | | ✓ | | ✓ | | | No | | ✓ | | |

Context and Objectives

The approach to involving stakeholders in the monitoring and evaluation of the implementation of Bulgaria's national action plan has not been consistent, nor has it been well-structured.¹ In the IRM researcher's experience, the OGP process has amounted to a series of annual meetings for drafting and reporting on the action plans, without meaningful dialogue between government and civil society. The commitment's objective is to encourage active citizen involvement and increase the quality of implementation through a structured monitoring mechanism (an online platform) for OGP national action plans.

The specificity is medium, because it is clear this commitment sets out to establish a joint monitoring and evaluation mechanism, although the text lacks measurable deliverables. Furthermore, there is divergence between the Bulgarian and English action plans in their terminology and meaning. The Bulgarian action plan refers to a "permanent platform for monitoring," which may be narrowly interpreted as the establishment and functioning of a dedicated website with a primary aim to inform. The English version uses the term "mechanism," which may be read as a formal body—such as a council—with regular

scheduled meetings, a list of members and procedures for meetings and published minutes; this understanding emphasizes cooperation, discussion and accountability of the actual implementation of the action plans. These could also be accomplished through an internet platform, though this is less likely since no such platform is currently in use in the Bulgarian public policy sphere.

Given the commitment text's ambiguity, the commitment can be relevant to all OGP values. The commitment's evaluation mechanism increases citizens' access to information on the progress and quality of implementation. It also relates to improving civic participation in the decisions of how each commitment should be implemented (e.g. through tender procedures, by a contractor, or through pro bono cooperation). The commitment relates to public accountability in that participating government officials would provide feedback and evidence of the implementation of individual commitments. As the commitment could also be implemented through an internet platform, it relates to technology and innovation.

The potential impact is minor. Almost all interviewed stakeholders² involved with the OGP mechanism identified the establishment of a permanent monitoring or dialogue mechanism as key to OGP's success in Bulgaria. The establishment of an online platform would be an important step in reenergizing the OGP process, however, as an internet tool, regular monitoring meetings and adequate feedback from government officials, which are key to building trust in the CSOs and to radically transforming the OGP process, will need to be considered and prioritized.

Completion

Completion is limited and behind schedule. The interviewed government expert³ stated that the platform would be a specific section of the improved or entirely new Public Consultations Portal (Commitment 4a1.1.). Hence, as for the Portal, the technical documentation outlining plans for the platform have been developed, but not yet published. The tender procedures for choosing a contractor and the actual technical implementation of the platform are anticipated to start after October 2017.

Next Steps

The IRM researcher does not recommend that the government carry this commitment into the next action plan. Regardless of its action plan commitments, the government should adhere to OGP co-creation standards that mandate the creation of a multi-stakeholder forum for developing and monitoring the implementation of the action plan.

The government should also proactively consult with stakeholders on the following: what the mechanism should specifically look like, whether an internet platform would cover all the needs of a monitoring mechanism, and what functionalities the platform should have.

¹ National action plan of the Republic of Bulgaria July 2016 – June 2018, Open Government Partnership, https://www.opengovpartnership.org/sites/default/files/NAP3-Bulgaria_EN_0.pdf

² Representatives of the Access to Information Programme, the Bulgarian Center for Not-for-Profit Law, the Citizen Initiatives Forum, the Bulgarian Institute for Legal Initiatives.

³ Iskren Ivanov, state expert in the "Modernization of the administration" Directorate of the Administration of the Council of Ministers, interview by IRM researcher, 14 September 2017.

4a.1.4. Design-thinking collaborative method

Commitment Text:

Title: 4a.1.4. Piloting a new collaborative method (design-thinking) for analysis of complex open issues in the decision-making process relating to the EU Funds: organizing a seminar with stakeholders focused on the practical implementation of the environmental and climate policies as horizontal policies within the EU Funds management

Status quo/Problem addressed: The co-design method is not widely used in Bulgaria for solving complex policy issues. Predominantly conventional approaches and tools are employed in the consultative process which are often more rigid and sometimes limit creativity and innovation.

Main objective: To promote innovative consultation tools and increase the quality of policies formulated.

Ambition: To foster a collaborative culture in the process of formulating and implementing policies.

Deliverables and impact: Public official acquire skills to apply the new design-thinking method for resolving complex policy issues; increased creativity and innovation in the consultative process.

Responsible institution: Administration of the Council of Ministers, Central Coordination Unit

Supporting institution(s): None

Start date: 1 July 2016

End date: 31 December 2016

| Commitment Overview | Specificity | | | | OGP Value Relevance | | | | Potential Impact | | | | On Time? | Completion | | | |
|--|-------------|-----|--------|------|-----------------------|---------------------|-----------------------|--|------------------|-------|----------|----------------|----------|-------------|---------|-------------|----------|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | Tech. and Innov. for Transparency and Accountability | None | Minor | Moderate | Transformative | | Not Started | Limited | Substantial | Complete |
| 4a.1.4. Pilot a new design-thinking method | | ✓ | | | Unclear | | | | ✓ | | | | No | ✓ | | | |

Context and Objectives

According to the action plan, the co-design method is not widely used in Bulgaria for solving complex policy issues. Rather, conventional approaches and tools are employed in the consultative process, which are often more rigid and sometimes limit creativity and innovation.¹ The action plan does not define the “co-design method”, nor the term “design thinking.” The interviewed government experts² described “design thinking” as “a new approach for solving specific problems and formulating policies.”³ According to them, when applying this approach “a major problem is not looked upon as a whole, but is subdivided into elements and measures are designed to address every single element. This results in a more effective policy, addressing the entire problem.”⁴

The commitment’s specificity is low. The commitment text identifies one activity, the piloting of this co-design method. It does not provide detail on which issues this method would be assessing and who would be taking part, other than referencing relevant stakeholders in the implementation of environmental policies. Although the Central Coordination Unit Directorate⁵ referred the IRM researcher to a research article⁶ on design

thinking, its concept and its application to government decision-making processes is still ambiguous. The interviewed government experts did not identify any specific stakeholder who had participated in the implementation of this method. They also could not specify to which “open issues in the decision-making process relating to the EU Funds” the method would be applied.

The poor description of the commitment in the action plan does not point to relevance to any OGP values. The lack of clear relevance and the low specificity prevent the IRM researcher from determining any potential impact.

Completion

The government self-assessment claims that its completion is limited since the government has started activities on determining the topics for discussion, however, the IRM researcher did not find any evidence that implementation had started. A stakeholder’s written statement on the self-assessment criticizes the government’s lack of specificity and the lack of information on the process.⁷

Next Steps

Since the objective of this commitment is unclear and its completion not started, the IRM researcher recommends this commitment’s implementation not be continued in the next period of the action plan cycle. Moving forwards, the government should clearly state what it is committing to, how it is relevant to OGP values and should clearly define the terms it uses.

¹ National action plan of the Republic of Bulgaria July 2016 – June 2018, Open Government Partnership, https://www.opengovpartnership.org/sites/default/files/NAP3-Bulgaria_EN_0.pdf

² Kiril Ezekiev, Lyubomir Stoyanov, experts in the “Central Coordinating Unit” Directorate of the Administration of the Council of Ministers, interview by IRM researcher, 1 September 2017.

³ Idem.

⁴ Idem.

⁵ Central Coordination Unit Directorate. E-mail message to IRM staff, May 21, 2018.

⁶ https://ac.els-cdn.com/S0142694X11000603/1-s2.0-S0142694X11000603-main.pdf?_tid=6764256e-3411-4176-aec3-f05e99985ed1&acdnat=1526924146_3f49fb9ae5568c4f0c46ea90a2823a9b

⁷ Statement by the Bulgarian Center for Not-for-Profit Law and the Citizen Participation Forum, 25 September 2017, published on the Public Consultations Portal, <http://bit.ly/2goJ8oP>

4a.1.5. Forums on Corporate Social Responsibility Strategy¹

Commitment Text:

Title: 4a.1.5. Developing and organizing forums on developing a Corporate Social Responsibility Strategy

Status quo/Problem addressed: Promoting corporate social responsibility is a topic of public debate since several years, however, so far the initiatives on corporate social responsibility primarily result from the self-organization of the companies and to a lesser extent are being systemically fostered by public institutions.

Main objective: Introduce clear mechanisms to promote corporate social responsibility in cooperation with businesses.

Ambition: Ensuring the systematic focus on the process of stimulating corporate social responsibility and using the potential and resources of business for provision of better social services.

Deliverables and impact: Facilitate businesses to implement corporate social responsibility initiatives; improved cooperation between the state and business in the social sphere; predictability and systematic focus of the state stimuli on corporate social responsibility.

Responsible institution: Ministry of Labour and Social Policy

Supporting institution(s): None

Start date: 1 July 2016

End date: 30 June 2018

| Commitment Overview | Specificity | | | | OGP Value Relevance | | | | Potential Impact | | | | On Time? | Completion | | | |
|---|-------------|-----|--------|------|-----------------------|---------------------|-----------------------|--|------------------|-------|----------|----------------|----------|-------------|---------|-------------|----------|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | Tech. and Innov. for Transparency and Accountability | None | Minor | Moderate | Transformative | | Not Started | Limited | Substantial | Complete |
| 4a.1.5. Organizing forums on a new CSR Strategy | | | ✓ | | ✓ | ✓ | | | | ✓ | | | Yes | | | ✓ | |

Context and Objectives

Stimulating corporate social responsibility (CSR) has been a topic in the public debate for years.² So far, however, related initiatives mainly result from private companies with little action from public institutions.³ The commitment's aim is to introduce clear (public) mechanisms for the promotion of CSR⁴ through organizing forums with different stakeholders and drafting and publishing a new state Strategy for Corporate Social Responsibility (a non-legally binding policy document). The commitment relates to civic participation, fostered through strategy drafting forums, and to improving access to information through publishing the governments' measures to promote CSR, which the strategy will outline.

The commitment lists its deliverables but does not specify the number or type of forums to be organized. The potential impact is minor: if the government fully implements the commitment, it would engage with stakeholders in co-creating the new strategy, establish state standards for CSR, raise awareness and foster the development of CSR. However,

change of government practice would be limited since the strategy's success would depend on the different companies' willingness to introduce CSR.

Completion

Implementation is substantial and on schedule. The interviewed government expert⁵ and the self-assessment report listed four different forums which the Ministry of Labor and Social Policy organized and established during the reporting period. In June 2017, the Ministry also set up a consultative council that includes a number of stakeholders to draft a new strategy.⁶

Next Steps

The IRM researcher recommends that the government follow up on fostering CSR but to not include such a commitment in the next action plan because of its weak relevance to OGP.

CSR experts⁷ and business organizations⁸ have developed a series of tools on CSR. An interviewed stakeholder⁹ stressed the need for government companies to be the leading models on CSR. Another interviewed stakeholder¹⁰ suggested the new strategy foster relations between collective bargaining and collective social responsibility.¹¹

In the new strategy, both stakeholders agreed that the government should implement the recommendations of the 2015 Opinion on "Corporate social responsibility – achievements and challenges" by the Economic and Social Council.¹²

The IRM researcher supports this recommendation. The government should complete the commitment and actively seek cooperation with stakeholders in drafting the strategy. In the future strategy, the government should address the recommendations of the 2015 Opinion on "Corporate social responsibility – achievements and challenges" by the Economic and Social Council.

¹ The English version of the action plan does not contain this commitment, however, the Bulgarian version lists it. The IRM researcher considers the Bulgarian version as the original, since this text was officially adopted by a decision of the Council of Ministers, and is thus holding legal normative value. An unofficial translation of the commitment has been provided.

² Overview on the "Opinion on "Corporate social responsibility – achievements and challenges" by the Economic and Social Council of the Republic of Bulgaria, ESC/3/029/2015-Social Policy Commission; Labour, Incomes, Living Standard and Industrial Relations Commission, 27 November 2015, <http://bit.ly/2xYLUZI>

³ National action plan of the Republic of Bulgaria July 2016 – June 2018, Open Government Partnership, https://www.opengovpartnership.org/sites/default/files/NAP3-Bulgaria_EN_0.pdf

⁴ Idem.

⁵ Theodora Todorova, State expert at the Directorate "Strategic Planning and Demographic Policy" of the Ministry of Labour and Social Policy, interview by IRM researcher, 4 August 2017.

⁶ Order by the deputy minister.

⁷ CSR AdviceBox, <https://www.csrab.com/en/>

⁸ Soon to be published White book on the best practices on CSR, Map of the best practices on CSR in the EU and worldwide, Analysis and GAP analysis on the capabilities of CSR for synergy with the planned measure for improving the attractiveness of key profession – annexes to the results of Activity 5 of the project "Achievement of Sustainable and Quality Employment by Improving the Attractiveness of Professions with Shortage of Supply on the Labour Market in Key Sectors of the Bulgarian Economy," BG05M9OP001-1.011 – 0002, funded by the European Social Fund Operational programme: Human Resources Development, beneficiary: the Bulgarian Industrial Capital Association (BICA). The draft versions of these documents were consulted by the IRM researcher, more information on the project on <http://bit.ly/2y0tNCx> and in Bulgarian on BICA's site, <http://bit.ly/2zzaOeK>

⁹ Marina Stefanova, PhD, Director "Sustainable Development" of the UN Global Compact Network Bulgaria. Author of CSR AdviceBox, Ibid., interview by IRM researcher, 12 October 2017.

¹⁰ Teodor Dechev, PhD, Director "Industrial Policies" in the Bulgarian Industrial Capital Association, interview by IRM researcher, 16 October 2017.

¹¹ Thorough analysis in "Corporate Social Responsibility in Sectoral Collective Bargaining" by Teodor Dechev, Phd, and Petya Sofina, ("Корпоративната социална отговорност в отрасловото колективно договаряне"), Human Resources magazine, <http://www.hrmagazinebg.eu/>, issue 3-4 of 2015, in Bulgarian.

¹² "Opinion on "Corporate social responsibility – achievements and challenges" by the Economic and Social Council of the Republic of Bulgaria, ESC/3/029/2015, Ibid.

4b.1.1. Update Strategy for Developing Civil Society Organizations

Commitment Text:

Title: 4b. Bulgarian government will strive to improve the environment and provide support for the development of civil society organizations

4b.1.1. Updating the Strategy for Developing Civil Society Organizations and adoption of a new action plan thereto and lead institution

Status quo/Problem addressed: The Strategy for Developing Civil Society Organizations has expired and at present there is no responsible institution tasked with its updating and consequent implementation.

Main objective: To create favorable environment for the civil society organizations and promote their active involvement in decision-making, policy-formulation and citizen control.

Ambition: A vibrant civil society contributing to the improvement of government, providing quality services and possessing better expertise.

Deliverables and impact: Support for CSOs provided.

Responsible institution: Administration of the Council of Ministers

Supporting institution(s): None.

Other non-governmental actors involved: Bulgarian Center for Non-Profit Law, Forum "Citizen Initiatives"

Start date: 1 July 2016

End date: 31 December 2017

| Commitment Overview | Specificity | | | | OGP Value Relevance | | | | Potential Impact | | | | On Time? | Completion | | | |
|---|-------------|-----|--------|------|-----------------------|---------------------|-----------------------|--|------------------|-------|----------|----------------|----------|-------------|---------|-------------|----------|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | Tech. and Innov. for Transparency and Accountability | None | Minor | Moderate | Transformative | | Not Started | Limited | Substantial | Complete |
| 4b.1.1. Update Strategy for Developing CSOs | | | | ✓ | ✓ | ✓ | | | | ✓ | | | Yes | ✓ | | | |

Context and Objectives

The Strategy for Developing Civil Society Organizations¹ is a published, non-legally binding policy document that outlines the government's views on fostering an enabling environment for civil society, its current problems, and the means to improve this environment in the next three years. The strategy is usually coupled with an action plan that specifies measures to be taken, their funding, specific deliverables, and time schedule. Currently, the Strategy for Developing Civil Society Organizations has expired, and no institution has been tasked with its update and consequent implementation.²

The commitment's objective is to create a favorable environment for civil society organizations (CSOs) and promote their active involvement in decision making, policy formulation and citizen control.³ The commitment outlines three key activities to achieve this objective: update and continue the implementation of the existing strategy, draft a new action plan, and determine an institution responsible for its implementation. The deliverables are clearly enumerated and have a specific schedule for implementation. All Bulgarian government strategies and related documents, such as the action (or operative) plans, should be published under the Access to Public Information Act.⁴ Thus, the commitment is relevant to improving access to information as it relates to future government policy on the civil society environment. The commitment also relates to civic participation, since improving the environment for civil society ultimately helps citizen participation.

The potential impact of this commitment is minor. If fully implemented, the updated strategy would provide information on the timeline and measures that the government plans to take to improve the civil society environment. However, the 2012–2015 Strategy for Developing Civil Society Organizations received only partial implementation⁵ and there is no guarantee that the government would finish its implementation or act on a future one. Without a serious implementation mechanism and guarantees for implementation, the commitment to update the strategy on its own does not offer a reasonable expectation of an important potential impact. As a stakeholder talking about another planned strategy noted, strategies are traditionally not respected in Bulgaria.⁶

Completion

By the time of writing this report—October 2017—the government had not started implementing this commitment, due to the consecutive changes of governments, according to the self-assessment report.⁷ Stakeholders noted that this is not a valid reason for delay. They added that many of the proposals in the existing 2012–2015 strategy can also become part of the implementation of the OGP action plan.⁸

Government experts⁹ explained that the implementation of the commitment would be carried out in 2018, since the latest governmental concept on the commitment's implementation will be established once the amendments to the Non-Profit Legal Entities Act on 1 January 2018 have entered into force. The respective legal amendments¹⁰ expressly state that the main purpose of the Council is to develop and to carry out policies supporting the development of civil society. However, this falls well outside of the implementation timeframe and has not been factored into the completion assessment.

Next Steps

The IRM researcher recommends the government start the implementation of this commitment and focus on the already started measures, such as the formation of a Council on Civil Society and a funding mechanism,¹¹ provided for by the Non-Profit Legal Entities Act.¹² Concerning the development of a new strategy, the IRM researcher encourages the activities listed in the self-assessment report: designate a responsible institution to develop the strategy; identify partners from civil organizations to set out strategic goals and measures; and develop a strategy.

¹ Strategy supporting the development of civil society organizations in the Republic of Bulgaria for the period 2012–2015, adopted by Protocol no. 33.23 of the Council of Ministers on 5 September 2012, Public Consultations Portal, in Bulgarian, <http://bit.ly/1m3tVWB>

² National action plan of the Republic of Bulgaria July 2016 – June 2018, Open Government Partnership, https://www.opengovpartnership.org/sites/default/files/NAP3-Bulgaria_EN_0.pdf. Also Bulgaria: 2014–2016 End-of-Term Report, Independent Reporting Mechanism, Open Government Partnership, pages 15–18, <http://bit.ly/2i0JlPp>

³ Idem.

⁴ Article 15, par. 1, item 6 of the “Access to Public Information Act,” Access to Information Programme, available in an unofficial English version, <http://bit.ly/1sebjVW4>.

⁵ Commitment 3 in the Bulgaria: 2014–2016 End-of-Term Report, Independent Reporting Mechanism, Open Government Partnership, pages 15-18, <http://bit.ly/2i0JlPp>

⁶ Ivaylo Hlebarov, Air and Waste advisor in “For the Earth” (environment protection NGO), interview by IRM researcher, 19 September 2017. See commitment 1.1.3 in this report.

⁷ Interim self-assessment report on the third national action plan (Междинен доклад за самооценка на администрацията по изпълнението на Третия национален план за действие в рамките на инициативата „Партньорство за открито управление“), Public Consultations Portal, 5 October 2017, in Bulgarian, <http://bit.ly/2hfFz4M>

⁸ Statement by the Bulgarian Center for Not-for-Profit Law and the Citizen Participation Forum on the draft self-assessment, 25 September 2017, published on the Public Consultations Portal, <http://bit.ly/2goJ8oP>

⁹ Krassimir Bozhanov, Director of the “Modernization of the Administration” Directorate from the administration of the Council of ministers, comments on the pre-publication version of this report received via email, 11 May 2018.

¹⁰ Law for amending the Non-profit Legal Entities Act, National Assembly, promulgated on 13 September 2016, in Bulgarian, <http://bit.ly/2fo0G1C>

¹¹ Commitment 3 in the Bulgaria: 2014–2016 End-of-Term Report, Independent Reporting Mechanism, Open Government Partnership, pages 15-18, <http://bit.ly/2i0JlPp> Ibid.

¹² Law for amending the Non-profit Legal Entities Act, National Assembly, promulgated on 13 September 2016, in Bulgarian, <http://bit.ly/2fo0G1C>, Ibid.

Theme 5: Public Integrity

5.1.1. Public register for e-government projects

Commitment Text:

Title: 5. The Bulgarian government will aim to increase government integrity and improve the internal and external control of the institutions

5.1.1. Establishment of a public register for budget and project control of the e-government efforts

Status quo/Problem addressed: Introducing e-government in Bulgaria is a large-scale priority task of the Bulgarian government. A large number of big high-value projects will be implemented as part of the effort.

Main objective: To ensure transparent public access to information about all e-government projects.

Deliverables and impact: Improved traceability of projects; avoidance of overlap between projects; effective citizen control.

Responsible institution: Administration of the Council of Ministers

Supporting institution(s): State E-Government Agency

Start date: 1 July 2016

End date: 31 December 2017

| Commitment Overview | Specificity | | | | OGP Value Relevance | | | | Potential Impact | | | | On Time? | Completion | | | |
|---|-------------|-----|--------|------|-----------------------|---------------------|-----------------------|--|------------------|-------|----------|----------------|----------|-------------|---------|-------------|----------|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | Tech. and Innov. for Transparency and Accountability | None | Minor | Moderate | Transformative | | Not Started | Limited | Substantial | Complete |
| 5.1.1. New public register for budget and project control on e-government | | | | ✓ | ✓ | | | ✓ | | | ✓ | | Yes | | ✓ | | |

Context and Objectives

Introducing e-government in Bulgaria is a large-scale priority task for the Bulgarian government, encompassing a large number of high-value projects.¹ In recent years, according to different analyses, hundreds of millions of euros have been spent with limited results.² In addition, the government does not publish systematic and accessible information on the allocation of budget resources in the area of e-government.³ The commitment's objective is to establish a transparent, online register that provides public access to information about all e-government projects in a single place.⁴ The specificity of the text is high since it clearly determines its deliverable and its schedule for completion.

If fully implemented, the potential impact is moderate. An IT expert⁵ who participated in formulating the idea and project⁶ behind this commitment explained that, if established as planned, the register will publish information on all e-government efforts, including those which are not currently counted as e-government but are part of other relevant projects. This would improve the transparency and public traceability of funds spent in the field. Thus, the e-register would provide a public basis for comparison of prices for similar or identical

products and services. In the IRM researcher's opinion, this would not be completely transformational for two reasons: one, as the previously cited analyses show, currently there is a certain amount of transparency over e-government efforts. All public procurement contracts, payments and results for e-government are accessible online, though not in a single place. Two, the establishment of stricter state and civic control on expenditures and expediency would also require other efforts beyond the commitment's text, such as construction of a more elaborate information system, which is planned as another activity in the same EU-funded project,⁷ and building capacity in the controlling bodies. Large expenditures for limited results indicates that the field of e-government suffers from a lack of effectiveness and is potentially subject to corruption. Competing interests can undermine the effectiveness and completeness of the future public register. Therefore, establishing a full, unified public register on e-government could be a serious challenge and should be coupled with additional law-enforcing efforts.

Completion

The commitment's implementation in the assessment period (July 2016 – June 2017) is limited. As the government self-assessment states, the State E-Government Agency drafted and started a funding project⁸ on the implementation. Currently, the commitment is on schedule, however, it is unlikely to be completed by the end date. Rather, completion is anticipated to go beyond December 2017 and up to December 2018.⁹

Next Steps

Due to the importance of improving transparency and control over e-government projects and related spending, the IRM researcher recommends that the government fully implement the commitment. If the commitment is not completed, it should be carried over to the next action plan.

¹ National action plan of the Republic of Bulgaria July 2016 – June 2018, Open Government Partnership, https://www.opengovpartnership.org/sites/default/files/NAP3-Bulgaria_EN_0.pdf

² Some examples of varying calculations, but agreeing on the timid results: "1,5 billion euro have been spent for electronic government" (За електронното управление са похарчени над 1,5 млрд. евро), "Delnitsi", Eurocom TV, emission of 2 May 2017, in Bulgarian, <http://bit.ly/2y6wrthV>; "How much does electronic government cost" Maria Manolova, Capital.bg, 11 March 2015, in Bulgarian, <http://bit.ly/2y6lK1j>; Audit Report no. 0300000812 on auditing the development of electronic governance between 01.01.2010 г. and 30.06.2012, Bulgarian National Audit Office, 21 November 2013, in Bulgarian, <http://bit.ly/2zRe0mY>; "How much did electronic government cost so far" (Колко е струвало електронното управление досега?) Georgi Vuldzhev, Overview of Economic Policy, Institute for Market Economics, ISSN 1313 – 0544, 12 June 2015, in Bulgarian, <http://bit.ly/2yNkjtO>

³ Interim self-assessment report on the third national action plan (Междинен доклад за самооценка на администрацията по изпълнението на Третия национален план за действие в рамките на инициативата „Партньорство за открито управление“), Public Consultations Portal, 5 October 2017, in Bulgarian, <http://bit.ly/2hffz4M>

⁴ Action plan, *ibid*.

⁵ Bozhidar Bozhanov, IT expert, former advisor in the political cabinet of the Deputy Prime Minister for Coalition Policy and Public Administration and Minister of Interior Rumiana Bachvarova (November 2014 – January 2017), interview by IRM researcher, 11 October 2017.

⁶ Project "Development of public registers for budget and project control of e-government and of a portal for access to resources for e-government software systems development," BG05SFOP001-I.002, financed under the Operational Program 'Good Governance', Priority Axis 'Administrative Services and E-Government', published by the State E-Government Agency, in Bulgarian with a summary in English, <http://bit.ly/2zQ7rkl>

⁷ *Idem*.

⁸ *Idem*.

⁹ *Idem*.

5.1.2. Information System for Corruption Risk Analysis

Commitment Text:

Title: 5.1.2. Development and implementation of an Information System for Corruption Risk Analysis

Status quo/Problem addressed: The government units tasked with preventing and combating corruption need a tool for corruption risk analysis for high-level public officials. Currently the check and verification process is haphazard, ineffective and requiring manual checks of a large number of facts and registers. The Information System for Corruption Risk Analysis will be a central system that will also operate at sectoral level and will automatically analyze the corruption risk by integrating and combining information from a variety of sources. The system will support periodic and ad-hoc checks. It will also support an aggregated public register.

Main objective: To improve the internal control and reduce the corruption risk.

Ambition: Fully automatic verification and control process.

Deliverables and impact: Consolidated and more effective analysis of corruption risks; increased citizen pressure through the public interface of the system and the aggregated register.

Responsible institution: Ministry of Justice

Supporting institution(s): Center for Preventing and Combating Corruption and Organized Crime

Start date: 1 July 2016

End date: 30 September 2017

| Commitment Overview | Specificity | | | | OGP Value Relevance | | | | Potential Impact | | | | On Time? | Completion | | | |
|--|-------------|-----|--------|------|-----------------------|---------------------|-----------------------|---|------------------|-------|----------|----------------|----------|-------------|---------|-------------|----------|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | techn. and innov. for Transparency and Accountability | None | Minor | Moderate | Transformative | | Not Started | Limited | Substantial | Complete |
| 5.1.2. New Information System for Corruption Risk Analysis | | | ✓ | | ✓ | | | ✓ | | | ✓ | | Yes | | ✓ | | |

Context and Objectives

The government units tasked with preventing and combating corruption need a tool for corruption risk analysis for high-level public officials.¹ Currently the check and verification process is haphazard, ineffective, and requires manual checks of a large number of facts and registers.² Under this commitment, the Information System for Corruption Risk Analysis would be a central system, also operating at the sectoral level, that would automatically analyze the corruption risk by integrating and combining information from a variety of sources.³ These sources include property and conflict of interest declarations, the National Revenue Agency, the Citizen Registration service, the Commercial Register, the Property Register, and the Ministry of Education and Science.⁴ This system would also support an aggregated public register.⁵ The specificity of the commitment is medium, since the commitment text provides an outline of the system's functionalities, but fails to determine its specific details, such as which categories of information would be gathered and analyzed. The commitment relates to improving access to information through technology and innovation.

The commitment's potential impact is moderate. If fully implemented, the system would provide a possibility for a significant inspection for potential corruption. However, in terms of transparency, this commitment is limited in scope since the entire system is not public; only the data on individual officials' declarations is publicly accessible. A stakeholder stressed the need for a single, centralized register for all declarations of conflicts of interest.⁶

Completion

The commitment has not yet started. Furthermore, based on the research, the IRM researcher has concluded that, during the government transition, information was lost on the intended changes to the functionalities of the system, which might result in a change in its future implementation.

The commitment was formulated by advisors in the Administration of the Council of Ministers.⁷ However, after the government's resignation in early 2017, the responsibilities for its implementation were left with the Ministry of Justice. The interviewed experts⁸ in the Ministry of Justice had asked for clarification from the State E-government Agency, since this is partly an e-government project.⁹ According to the Ministry of Justice experts, the system would be redesigned and implemented in accordance with the future anti-corruption law.¹⁰ Stakeholders¹¹ criticized the lack of information on the commitment details, idea, impact assessment and implementation.¹² All interviewed stakeholders¹³ stressed the need for an analysis of the existing anti-corruption measures and systems before formulating new legal provisions and implementing new information systems.¹⁴

Next Steps

The IRM researcher recommends this commitment's idea be taken forward to the next action plan. Specifically, the government should focus on the following:

- Analyzing existing anti-corruption measures, legislations and implementation before formulating future legislation; and
- After completing stated analysis, formulating a new commitment to establish a corruption risk analysis-based information system, which should both guarantee individuals' human rights, limit arbitrariness and the risk of undue pressure from investigative bodies, and provide access to an aggregated register of public officials' asset and conflict of interest declarations.

¹ National action plan of the Republic of Bulgaria July 2016 – June 2018, Open Government Partnership, https://www.opengovpartnership.org/sites/default/files/NAP3-Bulgaria_EN_0.pdf

² Idem

³ Idem.

⁴ Bozhidar Bozhanov, IT expert, former advisor in the political cabinet of the Deputy Prime Minister for Coalition Policy and Public Administration and Minister of Interior Rumiana Bachvarova (November 2014 – January 2017), interview by IRM researcher, 11 October 2017.

⁵ Action plan, Ibid.

⁶ Alexander Kashumov, Head of the Legal team of Access to Information Programme, interview by IRM researcher, 13 September 2017.

⁷ The political cabinet of the Deputy Prime Minister for Coalition Policy and Public Administration and Minister of Interior Rumiana Bachvarova (November 2014 – January 2017).

⁸ Mira Ivanova and Yanko Kovachev, experts in the Directorate “Strategic Development and Programs” in the Ministry of Justice.

⁹ See also the self-assessment.

¹⁰ Draft Law on Counteracting Corruption and Confiscation of Illegally Acquired Property, 702-01-26, National Assembly, introduced on 6 October 2017, in Bulgarian, <http://bit.ly/2za2DJc>

¹¹ Bilyana Gyaurova-Wegertseder (founder and director) and Teodor Slavev (researcher and policy expert) of the Bulgarian Institute for Legal Initiatives, interview by IRM researcher, 19 September 2017.

¹² Statement of the Bulgarian Institute for Legal Initiatives on the Draft government self-assessment, 28 September 2017, in Bulgarian, <http://bit.ly/2goJ8oP>

¹³ Bilyana Gyaurova-Wegertseder, Teodor Slavev, Ibid. and Alexander Kashumov, Ibid.

¹⁴ Statement of Access to Information Programme on the draft anti-corruption law, Access to Information Programme, 30 August 2017, in Bulgarian, <http://bit.ly/2xW2SUB>

5.1.3. Customs Agency suitability test

Commitment Text:

Title: 5.1.3. Introducing a requirement for the personnel of the Customs Agency to have passed a professional and psychological suitability test. A draft ordinance to be developed and approved by the Ministry of Finance

Status quo/Problem address: The Customs Agency and its operation are directly related to national security and rule of law. This is the reason to introduce strict requirements for the recruitment and promotion of customs officials. By adopting a procedure for assessing the professional and psychological suitability of the candidates and officials the Customs Agency aims to ensure that its staff possess the integrity and mindset necessary.

Main objective: To effectively prevent irregularities and reduce corruption risk through personnel selection and internal control measures.

Ambition: The Customs Agency becoming a model corruption-free agency.

Deliverables and impact: Reduced corruption risk; active prevention of corruption; more effective work of the Agency; recruitment of staff with high level of integrity and objectivity; adequate training and professional development of the customs officials.

Responsible institution: Customs Agency

Supporting institution(s): Ministry of Finance

Start date: 1 July 2016

End date: 30 June 2018 (ongoing)

| Commitment Overview | Specificity | | | | OGP Value Relevance | | | | Potential Impact | | | | On Time? | Completion | | | |
|--|-------------|-----|--------|------|-----------------------|---------------------|-----------------------|--|------------------|-------|----------|----------------|----------|-------------|---------|-------------|----------|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | Tech. and Innov. for Transparency and Accountability | None | Minor | Moderate | Transformative | | Not Started | Limited | Substantial | Complete |
| 5.1.3. Ordinance on suitability of Customs officials | | | ✓ | | Unclear | | | | | ✓ | | | Yes | | | | ✓ |

Context and Objectives

The Customs Agency did not have a standardized procedure for assessing the professional and psychological suitability of candidates for recruitment or promotion.¹ The government therefore introduced strict standard requirements for the recruitment and promotion of customs officials.² By adopting a procedure for assessing the professional and psychological suitability of the candidates and officials, the Customs Agency aims to ensure its staff possess the requisite integrity and mindset.³ The commitment text establishes its objective and the stated deliverable is clearly relevant; however, the text does not provide a precise schedule for the adoption of the draft ordinance (a bylaw).

This commitment is not relevant to OGP values. Although adopting a procedure will clearly and publicly determine the rules to be followed for assessing the professional and psychological suitability of candidates for recruitment or promotion, the commitment is an internal, administrative reform. Furthermore, making the procedure publicly accessible does not allow the public to use the information for accountability purposes.

The potential impact is minor. If fully implemented, the new ordinance would provide information on the rules applicable to everybody who wants to work in the Customs Agency or be promoted in its ranks. However, the Agency was already making available such information for every single recruitment procedure by an ad hoc order of the Agency's director. In the IRM researcher's opinion, the commitment adds transparency to the Agency's internal management procedures, however, it does not tackle problems related to its major activities on customs control and to its relations with citizens.

Completion

The commitment is completed. On 17 June 2016, a couple of days before the official start date of this commitment, the Ministry of Finance approved an ordinance on the procedure for conducting professional and psychological suitability tests.⁴ However, the government did not take any additional steps to build on this commitment during the implementation period.

Early Results

As the government self-assessment report states, a high number of customs officials have already passed based on the new procedure mandated by the bylaw. One of these officials brought up the issue that the Agency refused to give him access to his psychological evaluation, which prevented him from obtaining a promotion.⁵ The Agency responded that the test is standardized and does not allow for subjective evaluations, but they did not provide access to the results.⁶ In the IRM researcher's opinion, this case raises questions on the accountability of the new procedure.

Next Steps

This commitment targets the issue of integrity of customs officials, however, it is not the most direct measure that would open government in terms of fighting corruption. Moving forwards, the Customs Agency can focus on more direct tools for fighting corruption, related to control over its officials. Commitment 5.1.4 is an example of a more ambitious anti-corruption commitment.

¹ Elena Kirilova, Director of directorate "Human Resources Organisation and Management" in the Central Customs Directorate of the National Customs Agency, interview by IRM researcher, 9 August 2017.

² National action plan of the Republic of Bulgaria July 2016 – June 2018, Open Government Partnership, https://www.opengovpartnership.org/sites/default/files/NAP3-Bulgaria_EN_0.pdf

³ Idem.

⁴ Ordinance no. N-I of 3 June 2016 on the procedure and order for conducting the study of the professional and psychological fitness upon appointment and promotion in the National Customs Agency (Наредба № Н-І от 3 юни 2016 г. за условията и реда за извършване на изследване за професионална и психологическа пригодност при назначаване и повишаване в длъжност в Агенция „Митници“), issued by the Minister of Finance, promulgated in Issue 46 of the State Gazette of 17.06.2016, <http://bit.ly/2zP9Pbj>

⁵ Resume of public consultations on the 2017 amendments to the Ordinance, Ministry of Finance, 17 September 2017, <http://bit.ly/2yV4lrM>

⁶ Idem.

5.1.4. Citizen feedback mechanism for the Customs Agency

Commitment Text:

Title: Increasing the transparency of the customs authorities by instituting a variety of communication channels for citizen input – hot line, information system of the National Anti-Corruption Council, email, by mail and feedback boxes – and providing feedback and taking action on incoming complaints and proposals

Status quo/Problem addressed: Prevention and combating corruption in the Customs Agency is key for its effective operation.

Main objective: To engage the public in the efforts to prevent corruption in the agency and enhance the available communication channels for citizen input.

Ambition: The Customs Agency becoming a model corruption-free agency.

Deliverables and impact: Improved transparency of the Customs Agency; increased number of received and processed signals; better feedback to citizens; better internal control procedures.

Responsible institution: Customs Agency

Supporting institution(s): Ministry of Finance

Start date: 1 July 2016

End date: 30 June 2018

| Commitment Overview | Specificity | | | | OGP Value Relevance | | | | Potential Impact | | | | On Time? | Completion | | | |
|-----------------------------------|-------------|-----|--------|------|-----------------------|---------------------|-----------------------|--|------------------|-------|----------|----------------|----------|-------------|---------|-------------|----------|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | Tech. and Innov. for Transparency and Accountability | None | Minor | Moderate | Transformative | | Not Started | Limited | Substantial | Complete |
| 5.1.4. Citizen feedback mechanism | | ✓ | | | | ✓ | ✓ | | | ✓ | | | Yes | | | ✓ | |

Context and Objectives

According to a Eurobarometer survey, more than two-thirds of respondents believe that abuse and corruption are widespread among customs officials in Bulgaria.¹ The commitment's objective is to engage the public in the efforts to prevent corruption in the Customs Agency and enhance the available communication channels for citizen input.² A stakeholder representing the sector's business organization³ stated that communicating with the Agency in general is a challenge. The Agency needs to improve its provision of feedback on complaints ("signals" in Bulgarian administrative vernacular). Persons making a complaint do not know which agent, department or office is responsible for handling their case. This commitment meets the two OGP values of citizen participation and public accountability, because the government aims to enhance several mechanisms through which citizens can monitor corruption and communicate with the Customs Agency.

As written, this commitment does not specify what the targeted activity is and how it will be carried out. Therefore, it is not clear how this commitment will contribute to improving feedback channels and processing of complaints in a major way.

Completion

The commitment's completion is substantial and on schedule. In May 2017, the Agency amended its internal rules on the functioning of its inspectorate and on handling complaints

(“signals”).⁴ The document has not been published but was made available to the IRM researcher. The interviewed inspector⁵ explained that the rules improve the internal functioning of the Customs offices. They assign clear responsibilities to the heads of offices and improve handling of every complaint received through the hotline.

Next Steps

This commitment could be taken forward in the next action plan with clearly formulated actionable steps. The government could focus further on improving communication, by organizing regular meetings with stakeholders and guaranteeing the provision of reasoned feedback on their complaints.

¹ Bulgaria Corruption Report, <http://www.business-anti-corruption.com/country-profiles/bulgaria>

² Idem.

³ Emil Dandolov, Chair of the National Organization of Customs Agents, <http://noma.bg/?lang=en>, interview by IRM researcher, 19 September 2017.

⁴ Rules on the activities of the Inspectorate in the Customs Agency (Правила за дейността на инспектората в Агенция „Митници“), adopted by Order of the Director of the Customs Agency no. 544 of 10 May 2017, email correspondence with Petko Zahariev, state inspector in the Customs Agency Inspectorate, 10 August 2017.

⁵ Petko Zahariev, state inspector in the Customs Agency Inspectorate, interview by IRM researcher, 9 August 2017.

5.1.5. Beneficial ownership disclosure in public contracts

Commitment Text:

Title: Amendments to the Public Procurement Act introducing an obligation for applicants for large contracts to disclose their beneficial owners and undergo preliminary checks

Status quo/Problem addressed: The issue of government contracts, especially those for large infrastructure projects, has been quite a sensitive and has triggered off suspicions with regards to the ownership of applicant companies and undue influence. The existing information gaps in terms of company ownership for the companies applying for or executing government contracts undermines the trust in the public procurement process and raises doubts of covert pressure and corruption.

Main objective: To improve the internal control in expending public funds and reduce corruption in the public procurement process. To ensure transparency of company ownership for the companies operating with public funds.

Ambition: Improving the business environment, reducing the opportunities for companies whose capital is not public to have competitive advantage as compared to applicants with clear ownership.

Deliverables and impact: Limiting the chances of shell companies winning government contracts; putting in place a mechanism for combating corruption and preventing the use of public funds for criminal activities such as money laundering, human, drugs and arms trafficking, etc.; improved control over the beneficial owners of companies; enable banks and other financial institutions and businesses to easily check their business partners.

Responsible institution: Administration of the Council of Ministers

Supporting institution(s): None

Start date: 1 July 2016

End date: 30 June 2018

| Commitment Overview | Specificity | | | | OGP Value Relevance | | | | Potential Impact | | | | On Time? | Completion | | | |
|---|-------------|-----|--------|------|-----------------------|---------------------|-----------------------|--|------------------|-------|----------|----------------|----------|-------------|---------|-------------|----------|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | Tech. and Innov. for Transparency and Accountability | None | Minor | Moderate | Transformative | | Not Started | Limited | Substantial | Complete |
| 5.1.5. Amend the Public Procurement Act | | | ✓ | | ✓ | | | | | | ✓ | | Yes | ✓ | | | |

Context and Objectives

There is a general lack of trust in the Bulgarian public procurement system, which is driven in part by the perception that a few companies dominate the market. The issue of government contracts, especially those for large infrastructure projects, has been sensitive and has triggered suspicion with regards to the ownership of applicant companies and undue influence.¹ According to the action plan, the information gaps in ownership structure for the companies applying for or executing government contracts undermines the trust in the public procurement process and raises risks of corruption.² The government planned to tackle this by initiating amendments to the Public Procurement Act, requiring companies to disclose beneficial ownership for certain contracts and establishing an oversight mechanism.

The commitment is relevant to access to information since all information on government contractors should be published under the Public Procurement Act³ and is covered by a presumption of overriding public interest of disclosure under the Access to Public Information Act.⁴ This means that all public procurement contractors (if not all applicants) would be obligated to publicly disclose their beneficial owners.

The text lacks certain details as to what “large contracts” are, i.e. above what amount, and what preliminary checks would be included. The potential impact is moderate. As an EU Commission analysis⁵ outlines, the topic of beneficial ownership of companies is not among the main challenges for public procurement in Bulgaria. Partial information on ownership already exists and investigative journalists have designed tools for tracking public procurement procedures and the companies participating in different consortiums.⁶

Completion

The commitment implementation has not started. After the change of government, there is no publicly available information on the progress of this commitment. The government self-assessment report does not identify the contact point responsible for reporting on the implementation of this commitment.

Next Steps

Given the potential of this commitment to improve the openness of the Bulgarian public procurement system, the IRM researcher recommends carrying it forward to the next action plan. To ensure continuity of commitments, the government needs to organize appropriate handover and maintenance of institutional memory during government transitions.

¹ National action plan of the Republic of Bulgaria July 2016 – June 2018, Open Government Partnership, https://www.opengovpartnership.org/sites/default/files/NAP3-Bulgaria_EN_0.pdf

² Idem.

³ Article 42 of the Public Procurement Act, unofficial publication in Lex.bg, in Bulgarian, <https://www.lex.bg/bg/laws/ldoc/2136735703>

⁴ § 1, item 5 of the Additional Provision of the Access to Public Information Act, Access to Information Programme, unofficial English version, <http://bit.ly/1sebjW4>

⁵ Public procurement–Study on administrative capacity in the EU, Bulgaria Country Profile, European Commission, http://ec.europa.eu/regional_policy/sources/policy/how/improving-investment/public-procurement/study/country_profile/bg.pdf, ibid.

⁶ The search engine “Bulgarian Public Sector Contracts” for the period 01.01.2007 -31.12.2016, Data from opendata.government.bg (Договори за обществени поръчки в България), available in Bulgarian and English, <http://bit.ly/2diYx5n>.

Theme 6: Open Data

6.1.1. Improve Open Data Portal

Title: 6. The Bulgarian government will continue to publish public information in open format and take steps to improve the quality of published datasets and promote public engagement in data usage

6.1.1. Upgrading and improving the Open Data Portal by adding new functionalities – hierarchy of publishing organizations, better search capabilities, issue tracker for low-quality datasets and automatic alerts to data owners, data excellence certificates, feedback, etc.

Status quo/Problem addressed: The existing open data portal is a demo version and does not support some key functionalities.

Main objective: To upgrade the Open Data Portal and improve the quality of datasets by automated release and publishing processes.

Ambition: Improved usability of the portal and data in it.

Deliverables and impact: Better quality and usability of datasets; increased engagement of users and more effective communication with them; larger number of data-based services and products.

(Administration of the Council of Ministers. 1 July 2016 – 30 June 2017)

6.1.3. Open data promotional events

Title: 6.1.3. Organization of public events (conferences, hackathons, competitions) promoting the benefits of open data and collection of case-studies on the economic and social benefits of open data

Status quo/Problem addressed: Bulgaria is making significant progress in the active release of public information in open format. At this stage however this progress does not run parallel to considerable increases in usage mostly due to the fact that open data is a new concept which the users are not familiar with, that they lack the necessary data processing skills and are not aware of the benefits of open data analysis.

Main objective: To promote the use of open data in policy-making, service and product development and exerting control over the public institutions.

Ambition: Derive real economic and social benefits from open data.

Deliverables and impact: Sustained interest in the data published on the portal; new products and services developed; creation of an ecosystem of users.

(Administration of the Council of Ministers. 1 July 2016 – 30 June 2017)

6.1.4. Open Data Usage Manual

Title: 6.1.4. Drafting and dissemination of Open Data Usage Manual

Status quo/Problem addressed: Data processing and analysis is a relatively new skill for all users and for the public officials in particular. At present the examples of employing data for policy-formulation and decision-making are rare.

Main objective: To encourage the public officials to use data in their everyday work and improve their data processing and analysis skills.

Ambition: Increasing use of data for policy-making.

Deliverables and impact: Increased capacity of public officials to process and analyze data.

(Administration of the Council of Ministers; Institute for Public Administration. 1 July 2016 – 30 June 2017)

| Commitment Overview | Specificity | | | | OGP Value Relevance | | | | Potential Impact | | | | On Time? | Completion | | | |
|--|-------------|-----|--------|------|-----------------------|---------------------|-----------------------|--|------------------|-------|----------|----------------|----------|-------------|---------|-------------|----------|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | Tech. and Innov. for Transparency and Accountability | None | Minor | Moderate | Transformative | | Not Started | Limited | Substantial | Complete |
| 6.1.1. Improving the Open Data Portal | | | | ✓ | ✓ | | | ✓ | | | ✓ | | Yes | | ✓ | | |
| 6.1.3. Promotion of the open data events | | | | ✓ | ✓ | | | | | | ✓ | | Yes | | ✓ | | |
| 6.1.4. Open Data Usage Manual | | | | ✓ | ✓ | | | | | | ✓ | | Yes | | ✓ | | |

Context and Objectives

Bulgaria is making significant progress¹ in the proactive release of public data in open format, i.e. open data.² However, this progress has not yet resulted in considerable increases in usage³ of the available data—examples of employing data for policy formulation and decision making are rare.⁴ In addition, the existing Open Data Portal, according to the government, is a demo version and does not support certain functionalities.⁵

The government set out to address these issues through a single European Union (EU)-funded project⁶ aiming to promote the use of open data through informational events (6.1.3), an improved Open Data Portal (6.1.1), and a data usage manual to improve data processing and analysis skills (6.1.4.). All three commitments are relevant to access to information, either by improving the technological readability of information or increasing the awareness and information of the systems underpinning the disclosure of data.

If fully implemented, the commitments would continue to upgrade Bulgaria's open data policy efforts, possibly leading to an increase in the use of the more than 6,780⁷ datasets already published. As the interviewed government expert⁸ and a well-informed IT and e-governance expert⁹ explained, the primary commitment is the renovation of the Open Data Portal which should fix current problems and introduce functionalities that would improve the data's consistency and veracity, how it is displayed, and publishing organizations, etc.

Despite these positive changes, the current commitment is limited in scope. A truly transformative commitment would focus on the effective use of open data that could then inform specific policy making and foster specific business opportunities. A more transformative commitment would also set a mechanism for ongoing identification and publication of information and data around current topics of public debate. A reliable implementation mechanism that would ensure the publication of the identified datasets by the different data holders, as well as the data quality and veracity, would also contribute to a transformative impact.

Completion

The commitment's implementation is limited but on schedule. So far, the project's implementation, which includes the three milestones, has started¹⁰ and the administration is preparing the assignment and public procurement procedure to choose a contractor to develop the portal and the automated data input tool.¹¹

Next Steps

In addition, as part of the execution of the EU-funded project, the government should also address the need of an impact assessment of open data and its use in Bulgaria. The focus of a future commitment on open data in the next action plan should not only be on “prioritizing,” i.e. publishing more open datasets (Commitment 3.1.1), but also on the policy’s effectiveness and capabilities to meet society’s demands for more transparency and accountability.

¹ “Open Data Maturity in Europe 2016” report by Wendy Carrara, Margriet Nieuwenhuis and Heleen Vollers (Capgemini Consulting), European Commission, European Data Portal, <http://bit.ly/2cVHumK>, also EU Scores Open Data Portal Maturity, European Commission, European Data Portal, <http://bit.ly/2cVAM0p>

² National action plan of the Republic of Bulgaria July 2016 – June 2018, Open Government Partnership, https://www.opengovpartnership.org/sites/default/files/NAP3-Bulgaria_EN_0.pdf

³ Overview and possible approaches to measuring the impact of open data in Bulgaria, “Open Data: Policy and Implementation in Bulgaria” Anton Gerunov, former Head of the political cabinet of the Deputy Prime Minister for Coalition Policy and Public Administration and Minister of Interior Rumiana Bachvarova (November 2014 – January 2017), Conference Paper, November 2015, ResearchGate, <http://bit.ly/2hnGQ6y>

⁴ Idem, also Bulgaria: 2014–2016 End-of-Term Report, Independent Reporting Mechanism, Open Government Partnership, pages 34 and 35, <http://bit.ly/2i0JlPp>

⁵ Action plan, Ibid.

⁶ Project “Improving the processes related to the provision, access and reuse of public sector information,” BG05SFOP001-2.001-0001-C01, funded by the European Social Fund, Operative Programme “Good Governance”, <http://bit.ly/2ydnOdN>

⁷ 6,784 datasets published by 488 public bodies, Open Data Portal of the Republic of Bulgaria, October 2017, <http://bit.ly/2zoEjE6>

⁸ Nusha Ivanova, Chief Expert at the “Modernization of the Administration” Directorate of the Administration of the Council of Ministers, interview by IRM researcher, 18 September 2017.

⁹ Bozhidar Bozhanov, IT expert, former advisor in the political cabinet of the Deputy Prime Minister for Coalition Policy and Public Administration and Minister of Interior Rumiana Bachvarova (November 2014 – January 2017), interview by IRM researcher, 11 October 2017.

¹⁰ Project “Improving the processes related to the provision, access and reuse of public sector information,” Ibid.

¹¹ Nusha Ivanova, Ibid. and Interim self-assessment report on the third national action plan (Междинен доклад за самооценка на администрацията по изпълнението на Третия национален план за действие в рамките на инициативата „Партньорство за открито управление“), Public Consultations Portal, 5 October 2017, in Bulgarian, <http://bit.ly/2hfFz4M>

6.1.2. Publish data on EU funds

Commitment Text:

Title: 6.1.2. Publishing program and project data from the new information system for EU Funds management including data on implementation progress

Status quo/Problem addressed: Currently data from the system is uploaded in the open data portal. The release of data will continue along with the efforts to constantly improve data quality.

Main objective: To improve the usability of the information released in open format and enhance the scope of potential users.

Ambition: Active citizen control over the implementation of EU funded programs and projects.

Deliverables and impact: Improved quality of analysis and visualizations relating to the effectiveness of EU funded programs and projects; improved programming and planning processes based on data; increased transparency and involvement of the stakeholders.

Responsible institution: Administration of the Council of Ministers, Central Coordination Unit

Supporting institution(s): No

Start date: 1 July 2016

End date: 30 June 2018 (ongoing)

| Commitment Overview | Specificity | | | | OGP Value Relevance | | | | Potential Impact | | | | On Time? | Completion | | | |
|------------------------------------|-------------|-----|--------|------|-----------------------|---------------------|-----------------------|--|------------------|-------|----------|----------------|----------|-------------|---------|-------------|----------|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | Tech. and Innov. for Transparency and Accountability | None | Minor | Moderate | Transformative | | Not Started | Limited | Substantial | Complete |
| 6.1.2. Publishing data on EU funds | | ✓ | | | ✓ | | | ✓ | ✓ | | | | Yes | | | | ✓ |

Context and Objectives

Prior to the action plan and according to it,¹ the government was already uploading data from the Unified Management Information System for the EU structural instruments in Bulgaria 2007–2013 (UMIS)² on to the Open Data Portal.³ The government did not identify the specific problem it aimed to tackle and the IRM researcher was unable to reconstruct it. Furthermore, the action plan states the release of data will continue along with efforts to constantly improve data quality.⁴ The IRM researcher interprets this commitment as continuing to publish the same data with ambiguous plans to improve it in the future.

The government would improve the usability of the information released in open format and enhance the scope of potential users by publishing data on the operative programs, the program's projects, and their implementation in open format. The commitment's specificity is low because the types of data to be published are ambiguous and subject to interpretation.

It is unclear whether the commitment focuses on new or existing practices of publication; the potential impact cannot be objectively assessed and is coded as none. The government was publishing data in .xml format on the projects,⁵ beneficiaries,⁶ partners,⁷ and aggregated data on the operative programs⁸ for the 2007–2013 period, before the drafting of the action plan. After assessing research, the government self-assessment report⁹, an interview with a

stakeholder¹⁰ and the responsible government experts,¹¹ the IRM researcher could not determine whether the commitment focused on the publication of new data or maintaining current practices. This would not improve access to information for the subsequent 2014–2020 period, since every user can freely download data in a series of open and closed formats (.xlsx, .html, .xml) from the new UMIS 2020.¹² It launched in October 2015,¹³ before the development of the current action plan.

Completion

In the assessment period July 2016 – June 2017, the commitment is fully completed,¹⁴ ahead of schedule.

Next Steps

The government should focus on formulating clear and ambitious commitments in the next action plan. More specifically, if the government decides to carry this commitment through to the next action plan, it should combine it with the public-facing efforts of Commitment 1.1.7. from this action plan, as both commitments focus on publishing data from the Unified Management Information System for the EU structural instruments in Bulgaria 2007–2013 (UMIS). The IRM researcher reiterates the recommendation under Commitment 1.1.7. of this report: the government should focus on publishing all available data on the EU funds' programs and projects implementations which would allow for a deeper and clear analysis of the impact of EU funds on the Bulgarian economy by sectors, regions, etc.

¹ National action plan of the Republic of Bulgaria July 2016 – June 2018, Open Government Partnership, https://www.opengovpartnership.org/sites/default/files/NAP3-Bulgaria_EN_0.pdf

² Unified Information Management System for the EU structural instruments in Bulgaria 2007 – 2013 (UMIS), <http://bit.ly/2z7f0TK>

³ Data on projects (<http://bit.ly/2h2lFt2>), beneficiaries (<http://bit.ly/2z5YZOf>), partners (<http://bit.ly/2z6lphY>), and aggregated data on seven operational programs for the 2007 – 2013 period in the Council of Ministers profile, all published by 11 June 2016, Open Data Portal, <http://bit.ly/2zYxWmT>

⁴ Action plan, Ibid.

⁵ Data on all projects for the 2007 – 2013 period, Councils of Ministers profile, Open Data Portal, 8 April 2015, <http://bit.ly/2h2lFt2>, 10 June 2016, <http://bit.ly/2h63pA2>, Ibid.

⁶ Data on all beneficiaries for the 2007 – 2013 period, Councils of Ministers profile, Open Data Portal, 7 April 2015, <http://bit.ly/2z5YZOf>, Ibid.

⁷ Data on all partners for the 2007 – 2013 period, Councils of Ministers profile, Open Data Portal, 7 April 2015, <http://bit.ly/2z6lphY>, Ibid.

⁸ Aggregated data on the projects finance by the operative programs for the 2007 – 2013 period: "Competitiveness", 9 June 2016, <http://bit.ly/2ymRa9H>; "Technical assistance", 9 June 2016, <http://bit.ly/2zr34PS>; "Regional Development", 9 June 2016, <http://bit.ly/2infaP3>; "Development of Human Resources", 9 June 2016, <http://bit.ly/2z9f9q9>; "Administrative capacity", 10 June 2016, <http://bit.ly/2iVjIAa>; "Environment", 10 June 2016, <http://bit.ly/2iU3N5h>; "Transportation", 10 June 2016, <http://bit.ly/2xOM3Ld>

⁹ Interim self-assessment report on the third national action plan (Междинен доклад за самооценка на администрацията по изпълнението на Третия национален план за действие в рамките на инициативата „Партньорство за открито управление“), Public Consultations Portal, 5 October 2017, in Bulgarian, <http://bit.ly/2hffz4M>

¹⁰ Denis Hristov, consultant with experience in assessing the impact of EU funds operative programs, in-person interview, 21 September 2017.

¹¹ Kiril Ezekiev, Lyubomir Stoyanov, experts in the "Central Coordinating Unit" Directorate of the Administration of the Council of Ministers, in-person interview, 1 September 2017.

¹² Information system for management and monitoring of EU funds in 2014-2020 (UMIS 2020), <http://2020.eufunds.bg/en>

¹³ Full overview of UMIS 2020 in "UMIS 2020: an adequate system for the management of operative programs" (ИСУН 2020: адекватна система за управление на оперативните програми), ComputerWorld.bg, 8 December 2015, in Bulgarian, <http://bit.ly/2zrG2bM>

¹⁴ Aggregated data on the projects finance by the operative programs for the 2007 – 2013 period: "Competitiveness", 9 June 2016, <http://bit.ly/2ymRa9H>; "Technical assistance", 9 June 2016, <http://bit.ly/2zr34PS>; "Regional Development", 9 June 2016, <http://bit.ly/2infaP3>; "Development of Human Resources", 9 June 2016, <http://bit.ly/2z9f9q9>; "Administrative capacity", 10 June 2016, <http://bit.ly/2iVjIAa>; "Environment", 10 June 2016, <http://bit.ly/2iU3N5h>; "Transportation", 10 June 2016, <http://bit.ly/2xOM3Ld>, Ibid.

6.1.5. GIS applications for the register of protected areas in Bulgaria

Commitment Text:

Title: Update, maintenance and development of GIS applications for the register of protected areas in Bulgaria

Status quo/Problem addressed: Environment protection is an area where GIS applications have a key role for the planning and evaluation processes, resource management and allocation, information provision to the citizens and reporting to control and regulatory bodies. Currently only one such application is developed and available for the register of protected areas in Bulgaria.

Main objective: To improve decision-making and streamline the measures aimed at managing the protected areas.

Ambition: Provision of high quality information services for internal and external users.

Deliverables and impact: More effective and timely measures for protecting the protected areas; involvement of environmental organizations in the management of protected areas; development of mapping visualizations; constructing different spatial scenarios and visualizations.

Responsible institution: Ministry of Environment and Waters, National Environment Protection Service

Supporting institution(s): None

Start date: 1 July 2016

End date: 31 May 2018

| Commitment Overview | Specificity | | | | OGP Value Relevance | | | | Potential Impact | | | | On Time? | Completion | | | |
|---|-------------|-----|--------|------|-----------------------|---------------------|-----------------------|--|------------------|-------|----------|----------------|----------|-------------|---------|-------------|----------|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | Tech. and Innov. for Transparency and Accountability | None | Minor | Moderate | Transformative | | Not Started | Limited | Substantial | Complete |
| 6.1.5. GIS applications for the register of protected areas | | ✓ | | | ✓ | | | ✓ | | ✓ | | | Yes | | | ✓ | |

Context and Objectives

Environment and specifically biodiversity protection is an area where geographic information systems (GIS) applications play a key role in the planning, resource management and information provision to citizens and reporting to regulatory bodies.¹ The Ministry of Environment and Waters and the Executive Environment Agency have developed one such application, providing free access information on the protected areas and zones in Bulgaria and a map visualization.² A stakeholder³ stated that the government GIS is the only free online source for the exact boundaries, but also for the complete document files, of the protected zones and areas. The system served as a basis for the creation of at least two further civil society GIS applications focusing on the rivers⁴ and forests⁵ in Bulgaria.

The commitment aims to update, maintain and develop this GIS application. Hence, it is relevant to improving access to information through technological means. Because the commitment text does not identify how the GIS application will be updated, maintained or developed, its specificity is low. Without knowing the details and scope of this commitment, it is not clear if the potential impact would be greater than minor.

Completion

The commitment's implementation is substantial and on schedule. According to the information provided by the government,^{6 7} in the reporting period (July 2016 – June 2017), the Ministry of Environment and Waters and the Executive Environment Agency captured the precise geographic boundaries of the protected territories and protected zones, and added or updated them in the layers of the GIS application. Another added feature is the search functionality in the GIS module.⁸

Early Results

The interviewed stakeholder⁹ agreed that the upgrade to the GIS is a positive development since having the exact boundaries of protected zones and areas is essential for environmental protection activities and control.

In the stakeholder's opinion, a major lack and challenge in the system is the connectivity and correspondence with the cadaster, which would be useful for checking the locations' property statuses, especially for those in the Natura 2000¹⁰ protected zones. Another major lack is the data relating to water – the rivers, and the points of abstraction. On the technology level, the stakeholder pointed out that currently the government GIS is developed on a private software platform which is costly and creates problems with the maintenance after the end of the guarantee period and hinders the development of further modules, web services and functionalities.

Next Steps

In the IRM researcher's opinion, the government should continue this commitment and should focus on:

- Including data on water – the rivers and the points of abstraction – in the GIS application, as suggested by the interviewed stakeholder¹¹;
- Establishing a connection and correspondence with the national cadaster, as suggested by the government expert and the interviewed stakeholder¹²;
- Developing web services of the GIS, such as visualizations on mobile devices and interoperability with private and widely-used GIS services like Google or Open Street Map, as suggested by the interviewed stakeholder;¹³ and
- Simplifying the accessibility and language of the system in order to make it useful and usable by non-specialists, as suggested by the stakeholder.¹⁴

¹ National action plan of the Republic of Bulgaria July 2016 – June 2018, Open Government Partnership, https://www.opengovpartnership.org/sites/default/files/NAP3-Bulgaria_EN_0.pdf

² GIS of the Register of protected areas and protected zones in Bulgaria, Executive Environment Agency, in Bulgarian, <http://bit.ly/2z90Ba0>

³ Lyubomir Kostadinov, expert in protected zones and areas management with experience in building two CSO GIS – the WWF GIS “The rivers in Bulgaria”, <http://gis.wwf.bg/rivers/> and the WWF GIS “The forests in Bulgaria”, <http://gis.wwf.bg/forests/>

⁴ World Wildlife Fund (WWF) GIS “The rivers in Bulgaria”, Rivers layer, <https://gis.wwf.bg/mobilz/>.

⁵ WWF GIS “The forests in Bulgaria”, <http://gis.wwf.bg/forests/>

⁶ Valeri Valchinkov, expert in the “National Environment Protection Service” Directorate of the Ministry of Environment and Waters, interview by IRM researcher, 4 September 2017.

⁷ Interim self-assessment report on the third national action plan (Междинен доклад за самооценка на администрацията по изпълнението на Третия национален план за действие в рамките на инициативата

„Партньорство за открито управление“), Public Consultations Portal, 5 October 2017, in Bulgarian, <http://bit.ly/2hfFz4M>

⁸ GIS of the Register of protected areas and protected zones, <http://bit.ly/2z90Ba0>, Ibid.

⁹ Lyubomir Kostadinov, *ibid.*

¹⁰ Natura 2000, European Commission, <http://bit.ly/1i2vgXI>

¹¹ Lyubomir Kostadinov, *ibid.*

¹² *Idem.*

¹³ *Idem.*

¹⁴ *Idem.*

6.1.6. Macroeconomic forecast data

Commitment Text:

Title: Publication of data from the macroeconomic forecast twice a year

Status quo/Problem addressed: Currently the macroeconomic forecast is published in PDF which is not a machine-readable format.

Main objective: To increase fiscal transparency and accountability in government.

Ambition: Expanding the scope of published open data.

Deliverables and impact: Easier data processing; increased financial transparency and accountability; more accurate economic and financial analyses.

Responsible institution: Ministry of Finance

Supporting institution(s): None

Start date: 1 July 2016
year in April and October)

End date: 30 June 2018 (Twice a

| Commitment Overview | Specificity | | | | OGP Value Relevance | | | | Potential Impact | | | | On Time? | Completion | | | |
|------------------------------------|-------------|-----|--------|------|-----------------------|---------------------|-----------------------|--|------------------|-------|----------|----------------|----------|-------------|---------|-------------|----------|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | Tech. and Innov. for Transparency and Accountability | None | Minor | Moderate | Transformative | | Not Started | Limited | Substantial | Complete |
| 6.1.6. Macroeconomic forecast data | | | | ✓ | ✓ | | | | | ✓ | | | Yes | | | | ✓ |

Context and Objectives

The commitment is part of government efforts to expand the scope of published open data. According to the action plan, at its outset, the macroeconomic forecast was published in PDF, which is not a machine-readable format.¹ To increase fiscal transparency and government accountability, the Ministry of Finance will publish its macroeconomic forecast, twice per year, in an open format. The commitment's specificity is high, as its deliverables and respective timeframe are clearly stated. It is also relevant to the OGP value of access to information, by improving the quality and usability of information provided to the public.

However, its potential impact, if fully implemented, is minor. A stakeholder and winner of economics forecast awards² commented that the data in the Ministry of Finance's macroeconomic forecast is too general (only 22 types of data) and not very useful for analysis. Its publication as open data would contribute to a better, automated analysis; however, it is only an incremental step in the field. Users versed in macroeconomics data, as the interviewed economist of Bulgaria's largest private bank³ explained, do not find this data very useful. He⁴ stressed the need for more granular data presenting deeper insight into Bulgarian economics.

Completion

In the assessment period, the commitment is fully complete.⁵ According to an interviewed government expert,⁶ the Ministry of Finance has published the macroeconomic forecast on the Open Data Portal in an open CSV format since late June 2016.⁷ The data is also

published on the Ministry website in a closed format, i.e. a PDF that includes the data and several pages of narrative explanation.⁸ These two publications, especially the second one, are the most downloaded ones from the Ministry's website, according to the same government expert.⁹

Early Results

According to the interviewed stakeholder, who is an economist for the largest private bank in Bulgaria,¹⁰ the PDF containing the narrative explanation is the more useful out of the two publications. It permits analysts to see the Ministry's thinking and views on economics and the state budget. The stakeholder's team uses various types of other data published by the Ministry, not in open format, to establish the UniCredit macroeconomic forecasts.¹¹ Examples of such data are forecasts on fiscal flows, the government debt bulletin, the budget forecasts, etc.

Next Steps

The stakeholder stressed the need for more detail, including more granular data from the information that the Ministry of Finance already publishes. He also suggested that many of the publications in PDF, such as the consolidated fiscal program and all the government debt data (monthly and annual bulletin) and the government strategy could be made easier to use, if the Ministry publishes them in an open format. The IRM researcher recommends that a follow up to this commitment be taken forward into the next action plan with these suggestions in mind. The formulation of the future commitment should be co-created by the Ministry of Finance and the business and civil society stakeholders using and analyzing the published budgetary and financial data.

¹ National action plan of the Republic of Bulgaria July 2016 – June 2018, Open Government Partnership, https://www.opengovpartnership.org/sites/default/files/NAP3-Bulgaria_EN_0.pdf

² Nikola Georgiev, economist in the Economic Research Team, Finance Division of the UniCredit Bulbank (the largest bank of Bulgaria), 2015 Winner of Focus Economics 2015 Best Economic Forecaster Award for Bulgaria (<http://bit.ly/1TRfdii>), 2016 Winner of Consensus Economics 2016 Forecast Accuracy Award for Bulgaria (<http://bit.ly/2hz5KAD>), interview by IRM researcher, 1 September 2017.

³ Idem.

⁴ Idem.

⁵ Macroeconomic forecast, Ministry of Finance profile, Open Data Portal, in Bulgarian, <http://bit.ly/2lFgEsV>

⁶ Nadezhda Kasabova, expert in the "Public Relations and Protocol Directorate" of the Ministry of Finance, interview with Lilia Arabadjiska and Georgi Chukalev by IRM researcher, 14 August 2017.

⁷ Macroeconomic forecast, Ministry of Finance profile, Open Data Portal, in Bulgarian, <http://bit.ly/2lFgEsV>, *ibid.*

⁸ Macroeconomic forecast, Ministry of Finance website, in English, <http://www.minfin.bg/en/866>

⁹ Nadezhda Kasabova, expert in the "Public Relations and Protocol Directorate" of the Ministry of Finance, *ibid.*

¹⁰ Nikola Georgiev, economist in UniCredit Bulbank, *ibid.*

¹¹ Economic Information, UniCredit Bulbank, <http://bit.ly/2AbeRiy>

6.1.7. Publication of open data on migration

Commitment Text:

Status quo/Problem addressed: This data is not published in open machine - readable format.

Main objective: To facilitate migration data analysis and promote greater citizen involvement on the issue.

Ambition: Development of applications and services addressing the current crisis and existing public concerns.

Deliverables and impact: More active involvement of stakeholders in the management of the migration crisis; improved knowledge of the migration process and opportunity for rapid reaction in case of increased migration pressure; evidence-based migration policies.

Responsible institution: Ministry of Interior

Supporting institution(s): None

Start date: 1 June 2016

End date: 30 June 2017

| Commitment Overview | Specificity | | | | OGP Value Relevance | | | | Potential Impact | | | | On Time? | Completion | | | |
|--|-------------|-----|--------|------|-----------------------|---------------------|-----------------------|--|------------------|-------|----------|----------------|----------|-------------|---------|-------------|----------|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | Tech. and Innov. for Transparency and Accountability | None | Minor | Moderate | Transformative | | Not Started | Limited | Substantial | Complete |
| 6.1.7. Publication of open data on migration | | ✓ | | | ✓ | | | | | ✓ | | | Yes | | | | ✓ |

Context and Objectives

In recent years, hundreds of thousands of refugees have traveled north via the Balkan route which passes partly through Bulgaria.¹ This migrant crisis, information on migration and potential government measures have become a topic of debate in Bulgarian society.² The commitment's objective is to facilitate migration data analysis and promote greater citizen involvement on the issue.³ This is to be achieved by publishing open data on migration, since data on migration has not been published in machine-readable format.⁴ By improving the quality of disclosed data, the commitment meets the OGP value of access to information.

The specificity of the commitment is low. The deliverables of this commitment are not clearly defined, but the IRM researcher was able to interpret from the text that it focuses on border migration pressure. If implemented, the potential impact is minor. The Ministry of Interior has published such information in a closed format (i.e. PDF) since 2015.⁵ A more ambitious commitment would outline specific data to be published and include activities to promote greater civic involvement.

Completion

In the assessment period (June 2016 – July 2017), the commitment has been completed on schedule. As the Ministry of Interior officials explained,⁶ the Ministry has been uploading migration data in an open (i.e. CSV) format⁷ on to the Open Data Portal since early 2017. The data presents numbers per month on the migrants registered, detained and repatriated on the different Bulgarian borders.

Next Steps

A stakeholder interested in the economic impact of migration⁸ noted that much more information is needed from state institutions in general. Other than these statistics, and the census every 10 years, the government publishes almost no data on the migration processes in Bulgaria, in terms of how many people left the country and the workforce. Moving forwards, the government should make more information available on the migration processes and their economic impact, especially concerning the workforce.

The IRM researcher also recommends that the Ministry of Interior continue and expand this commitment in the next action plan in collaboration with relevant ministries that are responsible for collecting and processing data on migration trends and their economic analysis. The government should identify, together with stakeholders, what information on migration is available, including the government's respective measures, and what should be published in order to better inform the public debate and involve civil society. Such information might include the integration of migrants in Bulgarian society, the pressure on registration and accommodation facilities for migrants, and the different measures the government takes for border and migration control.

¹ "Traveling along the Balkan route one year on" Mariya Ilcheva, DW, 26.08.2016, <http://bit.ly/2bYJxrz>

² Migration: Bulgaria may send troops to Turkey border, News, DW, 17.08.2017, <http://bit.ly/2zapBh7>

³ Idem.

⁴ National action plan of the Republic of Bulgaria July 2016 – June 2018, Open Government Partnership, https://www.opengovpartnership.org/sites/default/files/NAP3-Bulgaria_EN_0.pdf

⁵ "Migration statistics" section, Ministry of Interior, 2015 – 2017, <http://bit.ly/2zfFmVl>

⁶ Svetla Ignatova, acting Director of the "Analysis and Policies" Directorate of the Ministry of Interior, e-mail correspondence with IRM researcher, answer to question no. 3, 14 August 2017.

⁷ Information on the migration pressure on the borders of the Republic of Bulgaria (Информация за миграционния натиск към границите на Република България), Open Data Portal, Ministry of Interior profile, in Bulgarian, <http://bit.ly/2hzeN4q>

⁸ Nikola Georgiev, economist in the Economic Research Team, Finance Division of the UniCredit Bulbank (the largest bank of Bulgaria), 2015 Winner of Focus Economics 2015 Best Economic Forecaster Award for Bulgaria (<http://bit.ly/1TRfdji>), 2016 Winner of Consensus Economics 2016 Forecast Accuracy Award for Bulgaria (<http://bit.ly/2hz5KAD>), interview by IRM researcher, 1 September 2017.

6.1.8. Publish Crime Prevention Information System data

Commitment Text:

Title: 6.1.8. Upgrade of the Crime Prevention Information System and granting public access to the system core. Export of open data and use of system data for provision of integrated administrative services

Status quo/Problem addressed: Data relating to the work of the law-enforcement authorities are in high demand given the ongoing judicial reform. At the same time this data is a valuable resource for the representatives of the law-enforcement agencies as their analysis will contribute to improving crime prevention and enhancing the credibility of the institutions of the judicial system. Currently, such data is not published in machine-readable format.

Main objective: To improve crime prevention and increase the transparency and accountability of the judicial system.

Ambition: Gradually restore the trust of the citizens in the law-enforcement institutions.

Deliverables and impact: Implementation of new data-based decision-making methods in crime prevention; identification of weaknesses in the operation of the law-enforcement agencies based on reliable data; more active involvement of the stakeholders in the efforts to reform the judicial system.

Responsible institution: Supreme Judicial Council

Supporting institution(s): Ministry of Justice

Start date: 1 July 2016

End date: 30 June 2018

| Commitment Overview | Specificity | | | | OGP Value Relevance | | | | Potential Impact | | | | On Time? | Completion | | | |
|--|-------------|-----|--------|------|-----------------------|---------------------|-----------------------|--|------------------|-------|----------|----------------|----------|-------------|---------|-------------|----------|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | Tech. and Innov. for Transparency and Accountability | None | Minor | Moderate | Transformative | | Not Started | Limited | Substantial | Complete |
| 6.1.8 Publishing data from the Crime Prevention Information System | | ✓ | | | ✓ | | | ✓ | | ✓ | | | Yes | | ✓ | | |

Context and Objectives

Trust in the criminal justice institutions in Bulgaria is low and has remained practically unchanged over the past decade. At the end of 2010, less than half the country gave the police a positive evaluation.¹ The European Commission's latest report² on Bulgaria through the Cooperation and Verification Mechanism (CVM), which monitors their progress on judicial reform and corruption, noted that final outcomes of the initiated reforms are still to be seen and the overall pace of justice reforms in 2017 had stalled. The report also expressed concern over challenges to judicial independence.³

Data relating to the work of the law-enforcement authorities is in high demand.⁴ Currently, such data is not published in an open, machine-readable format.⁵ The different institutions

involved—the police (Ministry of Interior),⁶ the State Agency of National Security,⁷ the Ministry of Defense,⁸ the Ministry of Finance,⁹ the Prosecutor’s office,¹⁰ courts,¹¹ and the General Directorate of Execution of Penalties¹²—publish different data that do not necessarily correspond to each other and render analysis difficult.

The commitment’s objective is to improve crime prevention and increase the transparency of the judicial system through creating a secure, automatic information system which will publish more information and increase its quality and usability. As such, this commitment meets the criteria of the OGP value of access to information through technology and innovation. As a stakeholder¹³ noted, it is not clear what kind of data and what format the data would be published in. Additionally, the type of access to the Unified Crime Prevention Information System (UISCOC or UISCC)¹⁴ has not been specified. The potential impact is important, although it could only be coded as moderate, because of the lack of specificity. The interviewed Prosecutor’s office representatives,¹⁵ in charge of implementing the commitment,¹⁶ explained that the idea is to publish aggregated information (statistics) in open format from the core of the system. Depending on the scope of these statistics, the public reporting on the entire criminal process (prevention, investigation, indictment, court proceedings and execution of the penalties) could improve, become traceable and susceptible to deeper analyses. This would also meet the stakeholder priority expressed in the 2014–2015 IRM Progress Report.¹⁷

Completion

The commitment’s implementation is limited and on schedule but may finish after the action plan’s end date in July 2018. The European Union-funded project implementing the commitment has started¹⁸ under its own schedule, and the software, which will publish the open data, is scheduled to start functioning in November 2018.¹⁹

This commitment was yet another case of miscommunication and poor execution of the action plan. For one, the responsible expert²⁰ for the implementation of the commitment, as designated by the government self-assessment report, was unable to provide any information on the actual implementation. His institution and the action plan’s lead agency, the Supreme Judicial Council, is not in charge of the maintenance and development of the Unified Crime Prevention Information System; rather, that responsibility lies with the Prosecutor’s office. In addition, the Prosecutor’s office representatives learned that their project was included in the OGP action plan only after the IRM researcher contacted their institution in late October 2017. This lack of communication with the responsible body prevents the participation and monitoring by the civil society actors involved in the OGP process, and transforms this process of meeting minimum standards of progress.

Next Steps

According to the interviewed experts,²¹ the Prosecutor’s office will organize a discussion in January 2018 on the scope of the aggregated information to be published. All public bodies will be invited to participate, and civil society stakeholders may be invited as well. The final decision stays with the Inter-Institutional Council on the Unified Crime Prevention Information System, which is led by the Prosecutor’s office. The Inter-Institutional Council is comprised of all other agencies filling and using data from the system: the police (Ministry of Interior), the State Agency of National Security, the Ministry of Defense, the Ministry of Finance, the Prosecutor’s office, courts, and the General Directorate of Execution of Penalties.

The IRM researcher considers that in order to improve the transparency of the judiciary and law-enforcement system, the Prosecutor’s office and the Inter-Institutional Council should involve civil society in determining which data should be published and then in co-creation and collaboration during implementation. Additionally, civil society should be able to receive feedback on the proposals which were not taken into account. If not finished in this action plan period, the commitment should continue in the next one.

-
- ¹ "PUBLIC TRUST IN THE CRIMINAL JUSTICE SYSTEM – AN INSTRUMENT FOR PENAL POLICY ASSESSMENT", Policy Brief No. 29, May 2011, Centre for the Study of Democracy, <http://www.files.ethz.ch/isn/132557/PB29PUBLIC.pdf>
- ² Report from the Commission to the European Parliament and the Council on Progress in Bulgaria under the Co-operation and Verification Mechanism, Brussels, 15.11.2017, COM(2017) 750 final, SWD(2017) 700 final}, https://ec.europa.eu/info/files/progress-report-bulgaria-2017-com-2017-750_en
- ³ Commission Challenges Bulgaria, Romania on Judicial Reform, News, Balkan Insight, 15 November 2017, <http://www.balkaninsight.com/en/article/eu-criticizes-bulgaria-romania-s-efforts-in-judicial-reform-11-15-2017>
- ⁴ National action plan of the Republic of Bulgaria July 2016 – June 2018, Open Government Partnership, https://www.opengovpartnership.org/sites/default/files/NAP3-Bulgaria_EN_0.pdf
- ⁵ Idem.
- ⁶ Annual bulletin of police statistics, the Monthly bulletin and the Migration statistics, "Statistics" section, Ministry of Interior, in Bulgarian, <http://bit.ly/2iNKTnf>
- ⁷ State Agency of National Security, <http://www.dans.bg/en>
- ⁸ Military Police Service, <http://vp.mod.bg/en/home.html>
- ⁹ Ministry of Finance, <https://www.minfin.bg/en/2>
- ¹⁰ Annual reports on the law enforcement and the activities of the Prosecutor's Office of the Republic of Bulgaria and the investigative organs (Годишен доклад за прилагането на закона и дейността на прокуратурата и разследващите органи), regularly published since 2013 and with some gaps since 2002, "Reports and analyses" section, Prosecutor's Office of the Republic of Bulgaria, in Bulgarian, <http://bit.ly/2zmZs1a>
- ¹¹ Reports on the courts activities, published every six months, Supreme Judicial Council, <http://bit.ly/2A2GpWo>
- ¹² General Directorate "Execution of penalties" of the Ministry of Justice, <http://www.gdin.bg/>
- ¹³ Comments of the Bulgarian Institute of Legal Initiatives on the draft self-assessment, 28 September 2017, published on the Public Consultations Portal, <http://bit.ly/2goJ8oP>
- ¹⁴ The self-assessment and the implementation project use without writing in full the different abbreviations UISCOC and UISCC for the Unified Crime Prevention Information System, see the self-assessment and the project "Implementation of e-justice in the Public Prosecutor's Office of Bulgaria through electronic document exchange, access to open data and electronic services for unified administrative services provided to citizens and institutions.", BG05SFOP001-3.001-0003-C01, funded by the European Social Fund through the "Good Governance" Operative Program, <http://bit.ly/2iOKEBm>
- ¹⁵ The Director of the "Information Services and Technologies" directorate and the Head of Department "Unified Crime Prevention Information System" of the Prosecutor's Office, interview by IRM researcher, 31 October 2017.
- ¹⁶ Beneficiary: Public Prosecutor's Office, project "Implementation of e-justice in the Public Prosecutor's Office of Bulgaria through electronic document exchange, access to open data and electronic services for unified administrative services provided to citizens and institutions.", Ibid., <http://bit.ly/2iOKEBm>
- ¹⁷ Bulgaria 2014 – 2015 IRM Progress Report, Open Government Partnership, page 66, <http://bit.ly/2yqyKBs>
- ¹⁸ Project "Implementation of e-justice in the Public Prosecutor's Office of Bulgaria through electronic document exchange, access to open data and electronic services for unified administrative services provided to citizens and institutions.", Ibid., <http://bit.ly/2iOKEBm>
- ¹⁹ The Director of the "Information Services and Technologies" directorate and the Head of Department "Unified Crime Prevention Information System" of the Prosecutor's Office, Ibid.
- ²⁰ Valery Mihaylov, Director of Directorate "Information Technology and Judicial Statistics" of the Supreme Judicial Council, interview by IRM researcher, 10 August 2017.
- ²¹ The Director of the "Information Services and Technologies" directorate and the Head of Department "Unified Crime Prevention Information System" of the Prosecutor's Office, Ibid.

V. General Recommendations

Bulgaria's third national action plan is extensive, encompassing 37 commitments. In the development of the next action plan, it is crucial that the government focus on improving the OGP process and include ambitious commitments on access to information and accountability mechanisms.

This section aims to inform development of the next action plan and guide completion of the current action plan. It is divided into two sections: 1) those civil society and government priorities identified while elaborating this report and 2) the recommendations of the IRM.

5.1 Stakeholder Priorities

Civil society stakeholders focused on the importance of several commitments in the action plan revolving around **improving transparency and the attitude of civil servants towards transparency** (commitments 1.1.2, 2.1.1, 2.1.2 and 2.1.7), **improving public participation** (commitments 4a.1.1, 4a.1.2 and 4b.1.1), **providing higher integrity checks and data of regulatory bodies** (commitments 2.1.6 and 5.1.2) and **changing the CSOs' registration regime** (commitment 1.1.6). All interviewed stakeholders stressed the fact that the government did not provide feedback, nor did it actively seek cooperation with civil society on the implementation of the action plan and its specific commitments.

Improve the OGP process through establishing a permanent dialogue mechanism

Stakeholders participating in the information-gathering event, organized by the IRM researcher, focused on the need to improve the OGP process. All participating stakeholders agreed that the government should implement its commitment to establish a permanent dialogue mechanism on OGP, and agreed that it should not exist only as an internet platform. More importantly, the mechanism should act as a clear procedure for organizing regular meetings, on a two or three-month basis, for discussing specific topics and for the provision of feedback. In order to engage real and meaningful dialogue, these meetings should include civil society, government officials and experts responsible for the implementation of the specific commitments. Stakeholders also suggested that if the OGP team in the administration of the Council of Ministers does not have the capacity for such organization, the responsibilities for communication and organization for the specific meetings could be decentralized and distributed by theme (group of commitments) or commitment to experts in the individual ministries or agencies implementing them. In addition, the culture and practice of public consultations could be promoted in every ministry by a deputy minister who would also be in charge of the consultations processes. The OGP process should also be visible across the whole country and not just in the capital, Sofia. These considerations were reflected in this report's key recommendation number one.

Publish the consolidated legislation online

In terms of content-specific priorities, stakeholders agreed again on the need to engage the legislative branch in the OGP process. Specifically, the National Assembly should publish all laws and higher legislation (in their full (consolidated) texts) as they are in force online, free of charge and with a guarantee for authenticity and precision. This should guarantee both equal and secure internet access to the full and authentic legislation of Bulgaria, which currently does not exist. These considerations were reflected in this report's key recommendation number three.

Include the judiciary in the OGP process, publish budgetary and temporary posting of magistrates' data

Stakeholders also called for the inclusion of the other state power – the judiciary – in the OGP process. A specific commitment would be for the Supreme Judicial Council (SJC) to publish precise data in open format on its budget procedure, including narrative explanations and a statement on the budget and its drafts. The SJC should also publish full and precise data on the temporary posting of judges and other magistrates in different, often higher, courts. The practice of temporary posting of magistrates shows that the posting often becomes permanent. And since the duration of the posting depends on the will of the respective institution's head, it could be seen as a sign of undue influence and loss of independence of the magistrates in relation to the courts' or procurator's offices' administrative heads.

Thorough analysis of existing anti-corruption measures

Concerning the often-discussed, new anti-corruption legislation, stakeholders called for a larger and deeper public debate which should start with thorough analysis of existing anti-corruption measures.

More transparency regarding the documents with expired classification periods

Requiring the mandatory publication of all documents, of which the classification periods have expired, in the Ministry of Interior and Ministry of Defense is an important move towards more transparency in security structures that have not been traditionally open.

5.2 IRM Recommendations

IRM recommendations are divided into two categories: the first are general, cross-cutting recommendations covering the OGP process and possible commitments under the three values of access to information, public accountability, and civic participation. The second are the five key recommendations that the IRM researcher has distilled from stakeholder priorities and general next steps for OGP.

Include more ambitious, OGP-relevant commitments

The third Bulgarian action plan includes more than 20 e-government related commitments. While they improve services to citizens, or internal government processes, many e-government commitments are not directly relevant to OGP values. E-government commitments should only be taken forward in the fourth Bulgarian action plan if the government includes a mechanism through which citizens are provided with increased information or have a channel through which they can influence the government's decision-making process. Moving forward, the government should focus on a smaller number of more ambitious and OGP-relevant commitments.

Position the OGP process as the major perspective in the state's strategic framework

The government and the OGP team in the administration of the Council of Ministers should work to position the OGP process and values as the major, foundational perspective in the state's strategic framework. Currently, there is a risk that civil society actors and government experts will continue to lose interest, and the initiative could not only lose its meaning, but also fail to gather participants. The OGP values should constitute the foundations of future projects, as part of their actual conception and the state's strategic and funding frameworks (e.g. the National program for reforms, the National convergence program, the EU structural and investment funds mechanism, the state budget, other budgets for the legislative, the judiciary, the national healthcare system, and so on).

The initiative needs the leadership and personal responsibility of a high-ranking elected official – a deputy prime minister or a minister. It should be coupled with the portfolios on administrative reform and e-government, since efforts on OGP often overlap with these policies.

Also, the OGP process should provide a clear mechanism or procedure for regular in-person meetings between stakeholders and government officials and experts. The provision of regular feedback and the guarantees for a meaningful, impactful dialogue are crucial.

Ensure the transference of institutional memory on OGP knowledge

In a significant number of commitments the IRM researcher witnessed a loss of the initial idea of the commitment, or of some information relating to the commitment's drafting or implementation. The government should make a greater effort to strengthen the continuity of the OGP process, especially with regards to the creation and keeping of institutional memory on specific commitments. These considerations were reflected in this report's key recommendation number two.

Access to information

The central government, through the administration of the Council of Ministers, should assess executive practices on the provision of access to information in the system. Clearly more coordination and support on the administrative level is needed, especially in relation to the obligations for proactive disclosure of information coming from different laws and regulations. The government should combine its open data publication efforts with its efforts to improve the administration's experts' skills and attitudes towards transparency. This could be done through a systematic program for large-scale trainings and by the provision of permanent support, especially for smaller administrative structures.

Budget transparency is also a field that requires more attention and effort on the part of the government. Both the judiciary and local government should publish the explanatory (narrative) notes on their budgets. The institutions should upgrade their efforts to publish aggregated data on their budgets by publishing more explanatory narrative texts for experts in finance, and also texts in accessible language and formats for non-expert citizens. Establishing citizen budgets in Bulgaria's major cities was a key recommendation in the previous 2014-2016 IRM progress report. The current action plan addressed this recommendation only in the case of the capital city – the Sofia municipality – and it is currently not being implemented. The IRM researcher restates the recommendation and considers that the other four major cities should also implement an accessible-for-every-citizen municipal budget explanatory document. These considerations were reflected in this report's key recommendation number five.

Public accountability

The executive, legislative and judiciary should make a greater effort to establish accountability mechanisms and procedures for citizens to question power. This is important in the field of environmental protection where citizens should be able to obtain further information on measures taken, such as on the reasons and legality of issuing of different permits or authorizations to adopt or bypass environmental assessments.

Also, citizens should be able to obtain more information from the judiciary on the efforts for fighting corruption and organized crime made by the prosecutor's office and law-enforcement authorities.

Often these measures should result in changes to legal provisions in environmental, administrative and criminal legislation. The legislative should guarantee their transparent passing.

Civic participation

The government should strive to increase public participation. As in the case of greater transparency, more coordinated government action is needed. The existing non-mandatory government standards on public consultations should be implemented more systematically through dedicated experts or officials in the individual structures, but also through support from the central government. The administration of the Council of Ministers, or another

central structure, should be directly responsible for the coordination and organization of the state administration.

Bulgaria's population is decreasing, civic participation is low and the institutions suffer from chronically low trust. The government needs to foster the organization of citizen petitions and the possibility for citizens to initiate referendums. A balance should be struck between democratic representation and direct democracy. The government and parliament should incite more citizen input (i.e. petitions, initiatives and referendums) in their work, provide opportunities for e-initiatives and lower the thresholds for initiating and passing referendums. These considerations were reflected in this report's key recommendation number four.

Since the previous IRM progress report key recommendations remain largely unimplemented, so far. The IRM researcher extends those which are still relevant to the national context.

Table 5.1: Five Key Recommendations

| | |
|---|--|
| 1 | Establish a nationwide, permanent mechanism discussing OGP implementation, with regular meetings and clear rules. |
| 2 | To ensure continuity, the OGP team and individual implementing bodies need to ensure transfer of institutional memory during transitions and establish a repository of all commitments. Such a repository should contain full history files on each commitment including information on how the commitment was formulated; what other strategic documents contain the commitment; and stakeholder comments on the commitment content and implementation. |
| 3 | The next action plan should include a commitment for the National Assembly to publish all laws (and their equivalent) or higher legislation in their full consolidated texts online, free of charge and with a guarantee of authenticity and precision. |
| 4 | Provide citizens with the possibility for e-initiatives and lower the thresholds on initiating and passing referendums, through the amendment of the Law for Direct Participation of Citizens in Government and Local Government. |
| 5 | Expand the initiative, creating accessible language budgets for citizens of other major municipalities, such as Plovdiv, Varna, Burgas and Russe. |

VI. Methodology and Sources

The IRM progress report is written by researchers based in each OGP-participating country. All IRM reports undergo a process of quality control to ensure that the highest standards of research and due diligence have been applied.

Analysis of progress on OGP action plans is a combination of interviews, desk research, and feedback from nongovernmental stakeholder meetings. The IRM report builds on the findings of the government's own self-assessment report and any other assessments of progress put out by civil society, the private sector, or international organizations.

Each IRM researcher carries out stakeholder meetings to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM cannot consult all interested or affected parties. Consequently, the IRM strives for methodological transparency and therefore, where possible, makes public the process of stakeholder engagement in research (detailed later in this section.) Some contexts require anonymity of interviewees and the IRM reviews the right to remove personal identifying information of these participants. Due to the necessary limitations of the method, the IRM strongly encourages commentary on public drafts of each report.

Each report undergoes a four-step review and quality-control process:

1. Staff review: IRM staff reviews the report for grammar, readability, content, and adherence to IRM methodology.
2. International Experts Panel (IEP) review: IEP reviews the content of the report for rigorous evidence to support findings, evaluates the extent to which the action plan applies OGP values, and provides technical recommendations for improving the implementation of commitments and realization of OGP values through the action plan as a whole. (See below for IEP membership.)
3. Prepublication review: Government and select civil society organizations are invited to provide comments on content of the draft IRM report.
4. Public comment period: The public is invited to provide comments on the content of the draft IRM report.

This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual.¹

Interviews and Focus Groups

Each IRM researcher is required to hold at least one public information-gathering event. Researchers should make a genuine effort to invite stakeholders outside of the “usual suspects” list of invitees already participating in existing processes. Supplementary means may be needed to gather the inputs of stakeholders in a more meaningful way (e.g., online surveys, written responses, follow-up interviews). Additionally, researchers perform specific interviews with responsible agencies when the commitments require more information than is provided in the self-assessment or is accessible online.

For this report the IRM researcher experienced unusual difficulties in gathering stakeholders' and government experts' opinions. A significant number of his invitations for meetings, especially with civil society actors, remained unanswered, which was not the case for previous reports. This might be related to low awareness of OGP or a lack of trust in the initiative. The IRM researcher interviewed in-person 64 experts and stakeholders in 41 individual interviews and one public information-gathering event. Out of those interviewed, 23 are civil society actors, the rest are government officials and civil servants. A number of the interviewees are outside of the circle of “usual suspects” of open government efforts.

The IRM researcher organized a public information-gathering event on 10 October 2017 in one of Sofia's most popular and attractive spots for NGO events – a hub. Personal invitations were sent three times to 25 civil society actors, out of whom 12 have not taken part in the OGP process, so far. Eight participated in the event – all “usual suspects” on transparency, accountability and public participation efforts. The discussion focused on formulating the stakeholder priorities for the next action plan and is largely summarized in [section 5.1](#) above.

Document Library

The IRM uses publicly accessible online libraries as a repository for the information gathered throughout the course of the research process. All the original documents, as well as several documents cited within this report, are available for viewing and comments in the IRM Online Library in Bulgaria, at <http://bit.ly/2DiVcl9>.

About the Independent Reporting Mechanism

The IRM is a key means by which government, civil society, and the private sector can track government development and implementation of OGP action plans on an annual basis. The design of research and quality control of such reports is carried out by the International Experts Panel, comprised of experts in transparency, participation, accountability, and social science research methods.

The current membership of the International Experts Panel is

- César Cruz-Rubio
- Mary Francoli
- Brendan Halloran
- Jeff Lovitt
- Fredline M'Cormack-Hale
- Showers Mawowa
- Juanita Oalaya
- Quentin Reed
- Rick Snell
- Jean-Patrick Villeneuve

A small staff based in Washington, DC, shepherds reports through the IRM process in close coordination with the researchers. Questions and comments about this report can be directed to the staff at irm@opengovpartnership.org

¹IRM Procedures Manual, V.3 : <https://www.opengovpartnership.org/documents/irm-procedures-manual>

VII. Eligibility Requirements Annex

The OGP Support Unit collates eligibility criteria on an annual basis. These scores are presented below.¹ When appropriate, the IRM reports will discuss the context surrounding progress or regress on specific criteria in the Country Context section.

In September 2012, OGP officially encouraged governments to adopt ambitious commitments that relate to eligibility.

Table 7.1: Eligibility Annex for Bulgaria

| Criteria | 2011 | Current | Change | Explanation |
|------------------------------------|--------------------------|--------------------------|-----------|---|
| Budget Transparency ² | 2 | 4 | Increase | 4 = Executive's Budget Proposal and Audit Report published 2 = One of two published 0 = Neither published |
| Access to Information ³ | 4 | 4 | No change | 4 = Access to information (ATI) Law 3 = Constitutional ATI provision 1 = Draft ATI law 0 = No ATI law |
| Asset Declaration ⁴ | 4 | 4 | No change | 4 = Asset disclosure law, data public 2 = Asset disclosure law, no public data 0 = No law |
| Citizen Engagement (Raw score) | 4 (8.82) ⁵ | 4 (8.24) ⁶ | No change | <i>EIU Citizen Engagement Index</i> raw score: 1 > 0 2 > 2.5 3 > 5 4 > 7.5 |
| Total / Possible (Percent) | 14/16 (88%) | 16/16 (100%) | Increase | 75% of possible points to be eligible |

¹ For more information, see <http://www.opengovpartnership.org/how-it-works/eligibility-criteria>.

² For more information, see Table 1 in <http://internationalbudget.org/what-we-do/open-budget-survey/>. For up-to-date assessments, see <http://www.obstracker.org/>.

³ The two databases used are Constitutional Provisions at <http://www.right2info.org/constitutional-protections> and Laws and draft laws at <http://www.right2info.org/access-to-information-laws>.

⁴ Simeon Djankov, Rafael La Porta, Florencio Lopez-de-Silanes, and Andrei Shleifer, "Disclosure by Politicians," (Tuck School of Business Working Paper 2009-60, 2009), <http://bit.ly/19nDEfK>; Organization for Economic Cooperation and Development (OECD), "Types of Information Decision Makers Are Required to Formally Disclose, and Level Of Transparency," in *Government at a Glance 2009*, (OECD, 2009), <http://bit.ly/13vGtqS>; Ricard Messick, "Income and Asset Disclosure by World Bank Client Countries" (Washington, DC: World Bank, 2009), <http://bit.ly/1clokyf>. For more recent information, see

<http://publicofficialsfinancialdisclosure.worldbank.org>. In 2014, the OGP Steering Committee approved a change in the asset disclosure measurement. The existence of a law and de facto public access to the disclosed information replaced the old measures of disclosure by politicians and disclosure of high-level officials. For additional information, see the guidance note on 2014 OGP Eligibility Requirements at <http://bit.ly/1EjL4Y>.

⁵ "Democracy Index 2010: Democracy in Retreat," The Economist Intelligence Unit (London: Economist, 2010), <http://bit.ly/eLC1rE>.

⁶ "Democracy Index 2014: Democracy and its Discontents," The Economist Intelligence Unit (London: Economist, 2014), <http://bit.ly/18kEzCt>.