

Independent Reporting Mechanism (IRM): Bulgaria End-of-Term Report 2016-2018

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Table of Contents

Overview: Bulgaria	3
About the Assessment	6
Commitment Implementation	8
Theme 1: E-government	12
1.1.1. New e-services for the National Revenue Agency.	12
1.1.2. Ministry of Environment and Waters e-government strategy and roadmap	14
1.1.3. Public e-register of VOC-emitting installations and provision of two related e-services	17
1.1.4. National waste management information system and related e-services	20
1.1.5. E-referrals and e-prescriptions	23
1.1.6. Transformation of CSO registration procedure	26
1.1.7. Connect EU fund management and National Statistical Institute information systems	29
1.1.8. Customs Agency's information system upgrade	31
1.1.9. Centralized Public Procurement System	34
Theme 2: Access to information	37
General transparency	37
2.1.1. Revision of internal procedures for RTI compliance	37
2.1.2. RTI act implementation trainings for administrative officials	38
Sectoral transparency	42
2.1.3. Maintaining public electronic registers on gambling	42
2.1.4. Publish the annual priorities of the National Revenue Agency	44
2.1.5. Analysis/research publication for information exchange	47
2.1.6. Register of regulatory and supervisory agencies whose officials are appointed by parliament	50
2.1.7. National Institute for Immovable Cultural Heritage information system and e-services	53
Theme 3: Open cities	56
3.1.1. Opening local government data	56
3.1.2. Pilot "citizen budget" initiative	59
Theme 4: Civic participation	62
4a.1.1. Public consultations improvements	62
4a.1.2. E-petitions for national and local initiatives	65
4a.1.3. M&E mechanism for OGP action plan	67
4a.1.4. Design-thinking collaborative method	69
4a.1.5. Forums on Corporate Social Responsibility Strategy	71
4b.1.1. Update Strategy for Developing Civil Society Organizations	73
Theme 5: Public Integrity	76
5.1.1. Public register for e-government projects	76
5.1.2. Information System for Corruption Risk Analysis	79
5.1.3. Customs Agency suitability test	82
5.1.4. Citizen feedback mechanism for the Customs Agency	84

5.1.5. Beneficial ownership disclosure in public contracts	87
Theme 6: Open Data	89
6.1.1. Improve Open Data Portal	89
6.1.3. Open data promotional events	89
6.1.4. Open Data Usage Manual	89
6.1.2. Publish data on EU funds	92
6.1.5. GIS applications for the register of protected areas in Bulgaria	95
6.1.6. Macroeconomic forecast data	97
6.1.7. Publication of open data on migration	99
6.1.8. Publish Crime Prevention Information System data	101
Methodological Note	104



Overview: Bulgaria

Independent Reporting Mechanism (IRM) End-of-Term Report 2016-2018

Bulgaria's third action plan was mostly oriented towards e-government and depended on the technical implementation of projects, which was often slowed down by changes in government and long public procurement procedures. At the end of the action plan cycle, over half of the commitments saw only limited completion or were not started, and most did not lead to any changes in government practice.

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. The Independent Reporting Mechanism (IRM) carries out a review of the activities of each OGP-participating country. This report summarizes the results of the period July 2016 to June 2018 and includes some relevant developments up to January 2019.

The Council of Ministers leads the OGP process in Bulgaria. During the reporting period, the political leadership and day-to-day responsibilities for Bulgaria's OGP commitments changed twice. Former Deputy Prime Minister Rumiana Bachvarova became Head of the Political Cabinet of the Prime Minister after a short interim government period (late January–early May 2017), early elections (in late March), and formation of a new government. 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. This was because neither the political lead nor the dedicated team had the ability to compel other agencies to enter into or implement commitments.

Civil society organizations (CSOs) participated in the action plan development, but the government did not organize a regular forum to consult stakeholders on implementation. By the time of writing of this report in early 2019, the government had not published a self-assessment report.

Less than half of the commitments were completely or substantially implemented. One of the frequent reasons for this was disruptions to the public procurement procedures related to implementation of commitments, often related to the reorganizations in government. The action plan lacked sufficient financing, and most commitments depended on EU programs and funds for implementation.

In September 2018, the OGP team from the Administration of the Council of Ministers organized a comprehensive and meaningful discussion on the future action plan commitments. All stakeholders

Table I: At a Glance

	Mid-term	End of term
Number of Commitments	35	
Level of Completion		
Completed	7	9
Substantial	6	6
Limited	14	13
Not Started	8	7
Number of Commitments with...		
Clear Relevance to OGP Values	32	32
Transformative Potential Impact	2	2
Substantial or Complete Implementation	13	15
All Three (☆)	0	0
Did It Open government?		
Major	0	
Outstanding	0	
Moving Forward		
Number of Commitments Carried Over to Next Action Plan	N/A	

had the chance to propose and discuss in-person with the OGP team and potential implementing agencies. At the time of writing this report, Bulgaria has not developed its fourth action plan.

Consultation with Civil Society during Implementation

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

The government did not organize a forum to consult stakeholders on implementation of the action plan. In a few cases, the lead implementing experts in different agencies consulted stakeholders on the implementation progress of individual commitments. This was generally initiated either by the government experts as informal individual meetings or as formal working groups on specific projects or draft legislation. In addition, in some cases stakeholders also took the initiative to meet with government officials and experts on OGP commitments and related projects as part of their advocacy campaigns. However, this was not the general practice for most of the action plan commitments.

Table 2: Consultation during Implementation

Regular Multistakeholder Forum	Midterm	End of Term
1. Did a forum exist?	No	No
2. Did it meet regularly?	No	No

Table 3: Level of Public Influence during Implementation

The IRM has adapted the International Association for Public Participation (IAP2) “Spectrum of Participation” to apply to OGP.¹ 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 Implementation of Action Plan		Midterm	End of Term
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	✓	✓

¹ More information on the IAP2 Spectrum, http://cymcdn.com/sites/www.iap2.org/resource/resmgr/foundations_course/IAP2_P2_Spectrum_FINAL.pdf

About the Assessment

The indicators and method used in the IRM research can be found in the IRM Procedures Manual.¹ One measure, the “starred commitment” (☆), deserves further explanation due to its particular interest to readers and usefulness for encouraging a race to the top among OGP-participating countries. Starred commitments are considered exemplary OGP commitments. 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 judgment 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.²
- The government must make significant progress on this commitment during the action plan implementation period, receiving an assessment of “substantial” or “complete” implementation.

Starred commitments can lose their starred status if their completion falls short of substantial or full completion at the end of the action plan implementation period.

At the end of term, 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 reporting process. For the full dataset for Bulgaria, see the OGP Explorer at www.opengovpartnership.org/explorer.

About “Did It Open Government?”

To capture changes in government practice, the IRM introduced a new variable “Did It Open Government?” in end-of-term reports. This variable attempts to move beyond measuring outputs and deliverables to looking at how the government practice has changed as a result of the commitment’s implementation.

As written, some OGP commitments are vague and/or not clearly relevant to OGP values but achieve significant policy reforms. In other cases, commitments as written appear relevant and ambitious, but fail to open government as implemented. The “Did It Open Government?” variable attempts to capture these subtleties.

The “Did It Open Government?” variable assesses changes in government practice using the following spectrum:

- **Worsened:** Government openness worsens as a result of the commitment.
- **Did not change:** No changes in government practice.
- **Marginal:** Some change, but minor in terms of its effect on level of openness.
- **Major:** A step forward for government openness in the relevant policy area but remains limited in scope or scale.
- **Outstanding:** A reform that has transformed “business as usual” in the relevant policy area by opening government.

To assess this variable, researchers establish the status quo at the outset of the action plan. They then assess outcomes *as implemented* for changes in government openness.

Readers should keep in mind limitations. IRM end-of-term reports are prepared only a few months after the implementation cycle is completed. The variable focuses on outcomes that can be observed in government openness practices at the end of the two-year implementation period. The report and the variable do not intend to assess impact because of the complex methodological implications and the time frame of the report.

¹ IRM Procedures Manual, <http://www.opengovpartnership.org/about/about-irm>.

² The International Experts Panel changed this criterion in 2015. For more information, visit <http://www.opengovpartnership.org/node/5919>.

Commitment Implementation

General Overview of Commitments

As part of OGP, countries are required to make commitments in a two-year action plan. The tables below summarize the completion level at the end of term and progress on the “Did It Open Government?” metric. For commitments that were complete at the midterm, the report will provide a summary of the progress report findings but focus on analysis of the ‘Did It Open Government?’ variable. For further details on these commitments, please see the Bulgaria IRM progress report 2016–2017.

Bulgaria’s third action plan contained 37 commitments, loosely grouped into six themes: e-government; access to information; open cities; civic participation; public integrity; and open data. One commitment—4a.1.5. Forums on Corporate Social Responsibility Strategy—was included only in the Bulgarian version of the action plan and not in the English version. The IRM researcher re-clustered three commitments into a single commitment: 6.1.1 (Improve Open Data Portal), 6.1.3 (Open data promotional events), and 6.1.4 (Open Data Usage Manual). These three were designed to be implemented together through the same EU-funded project. For the rest of the action plan, the IRM researcher maintained the government’s original order of the commitments.

Table 4: Assessment of Progress by Commitment

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion	Midterm		Did It Open Government?					
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major
I.1.1. New e-services for the National Revenue Agency		✓			Unclear					✓					✓			✓			
I.1.2. Ministry of Environment and Waters e-government strategy and roadmap				✓	✓					✓				✓				✓			
I.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				✓	Unclear						✓		✓				✓			
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		✓			Unclear					✓			✓				✓			
1.1.9. Centralized Public Procurement System			✓		✓			✓		✓			✓				✓			
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 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				✓	✓			✓		✓			✓					✓				
3.1.1. Opening local government data		✓			✓			✓		✓				✓				✓				
3.1.2. Pilot “citizen budget” initiative				✓	✓					✓			✓					✓				
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		✓			Unclear				✓				✓				✓					
4a.1.5. Forums on Corporate Social Responsibility Strategy			✓		✓	✓				✓					✓				✓			
4b.1.1. Update Strategy for Developing				✓	✓	✓				✓			✓		✓			✓				

Civil Society Organizations																						
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			✓		Unclear					✓								✓				
5.1.4. Citizen feedback mechanism for the Customs Agency		✓				✓	✓			✓						✓			✓			
5.1.5. Beneficial ownership disclosure in public contracts			✓		✓						✓		✓						✓			
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 migration		✓			✓					✓								✓		✓		
6.1.8. Publish Crime Prevention Information System data		✓			✓			✓		✓				✓					✓			

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: Ministry of Finance

Start date: 1 July 2016

End date: 30 June 2018

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm End of Term		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
I.I.I. New services for NRA		✓			Unclear					✓					✓			✓			

Commitment Aim:

Bulgaria's tax-collecting authority, the National Revenue Agency (NRA), provides the greatest number of electronic services (e-services) amongst public bodies.¹ In order to reduce red tape and apply a customer-oriented approach, this commitment aimed to expand the scope and improve the quality of the e-services provided by the NRA.² However, this commitment did not clearly list the number of e-services to be created or updated.

Status

Midterm: Substantial

This commitment was substantially completed by the midterm. At that time, the government self-assessment³ report listed 13 new online e-services introduced in the period from July 2016 to June 2017.⁴ For more information, please see the 2016–2017 IRM midterm report.⁵

End of term: Substantial

The NRA continued implementing the commitment during the second year of the action plan. A draft of the government self-assessment lists⁶ 14 new e-services, which the NRA introduced between July 2017 and June 2018. Among them are services for automatic exchange of financial information, electronic notifications and service of documents, report on income (other than employment) paid to individuals, notifications for different actions, and e-declarations for specific circumstances. However, since the NRA had not specified the number of new e-services that would be introduced through this commitment, the IRM researcher considers the commitment to still be substantially implemented at the end of the action plan cycle.

Did It Open Government?

Access to information: Did not change

Civic participation: Did not change

Public accountability: Did not change

The NRA aimed to reduce red tape and expand the e-services it provides. Overall, it introduced 27 new e-services in the action plan's two-year cycle. As the draft self-assessment states, the NRA provides services to more than 5.4 million clients per year.⁷ The Agency receives more than 50 million tax and social security declarations, 90% of them through internet.⁸ Annually, the NRA exchanges over 100 million e-documents with its clients.⁹ This saves businesses and citizens over 300 million BGN (roughly 150 million euros) of administrative expenses.¹⁰

Continuing the NRA policy of introducing e-government and e-services in its operations has a positive effect on the reduction of paper-based and in-person procedures. However, by itself, the improvement of e-services does not automatically improve transparency, civic participation, or public accountability. Additionally, while the commitment aimed to improve provision of services to citizens by determining the most demanded services, the NRA implemented the commitment without consulting stakeholders. Therefore, this commitment did not lead to changes in government practice.

Carried Forward?

As of the time of writing this report, Bulgaria has not developed its fourth action plan.

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 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 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>

⁵ Stephan Anguelov, “IRM: Republic of Bulgaria Progress Report 2016–2017”, Independent Reporting Mechanism, Open Government Partnership, page 30, https://www.opengovpartnership.org/sites/default/files/Bulgaria_Mid-Term_Report_2016-2018_EN.pdf.

⁶ Partial draft of the end-of-term self-assessment report, provided to the IRM researcher by the OGP team in the Administration of the Council of Ministers, 11 January 2019.

⁷ Partial draft of the end-of-term self-assessment report, *ibid.*, 11 January 2019.

⁸ Partial draft of the end-of-term self-assessment report, *ibid.*, 11 January 2019.

⁹ Partial draft of the end-of-term self-assessment report, *ibid.*, 11 January 2019.

¹⁰ Partial draft of the end-of-term self-assessment report, *ibid.*, 11 January 2019.

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): N/A

Start date: 1 July 2016

End date: 31 October 2016

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
1.1.2. New e-gov strategy and roadmap for the MOEW				✓	✓					✓				✓				✓			

Commitment Aim:

The Ministry of Environment and Water (MOEW) committed to draft a sectoral e-government strategy and a roadmap (non-legally binding policy documents) for the protection of the environment. The sectoral e-government strategy and roadmap aimed to offer predictability, traceability, and publicity to the processes for introducing e-government in the environment protection field.

Status

Midterm: Limited

By the midterm, final internal for the MOEW drafts of the strategy and the roadmap were prepared.¹ However, the MOEW did not introduce these documents in the Council of Ministers, and they had not been officially adopted, nor published. For more information, please see the 2016–2017 IRM midterm report.

End of term: Limited

By the end of the action plan cycle (June 2018), the MOEW had not made additional progress on the implementation of the commitment. According to a representative from the MOEW,² the lack of progress was due to the upcoming projected end of the strategy (in 2020). The MOEW representative also considers as a further obstacle to the implementation of the commitment the fact that the draft strategy now has to pass through a new process of interagency consultation and approval due to the change of e-government rules caused by the unspecified methodological guidelines of the State “E-government” Agency and the unspecified new “architectural framework of e-government” in force since early 2018. To the IRM researcher’s understanding, the expert was referring to the Electronic Government Act,³ which states that all e-government strategies should be consulted and approved before their adoption by the State E-government Agency.

Did It Open Government?

Access to Information: Did Not Change

While the intended outcome of this commitment was positive, the strategy was not adopted by the end of the action plan cycle, and it therefore did not lead to change in government practice on access to information. Interviewed civil society stakeholders involved in environmental protection⁴ noted that strategies are traditionally not respected in Bulgaria. This means that ministries and its agencies would implement their e-government projects regardless of the existence of an official sectoral strategic document. The adoption of another strategy could have helped improve transparency in the environmental sector, but was unlikely to change business as usual, as the government does not systematically monitor these strategies and past assessments have had little practical effect.⁵

Carried Forward?

As of the time of writing this report, Bulgaria has not adopted the fourth action plan.

As the IRM researcher noted in the 2016–2017 midterm report⁶ 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 carrying this commitment forward to the next action plan, provided that the scope is expanded to include meaningful dialogue and co-creation with civil society of the measures in the strategy. Specifically, the following steps could be considered:

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

¹ 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.

² Dessislava Lozanova, system administrator in “Human resources, information services, public relations and protocol”, directorate of the Ministry of Environment and Waters, responses to IRM researcher’s questionnaire, received by e-mail, 3 September 2018.

³ Electronic Government Act, State e-Government Agency, https://e-gov.bg/en/about_us

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

⁵ Ivaylo Hlebarov, *ibid.*

⁶ Stephan Anguelov, “IRM: Republic of Bulgaria Progress Report 2016–2017”, Independent Reporting Mechanism, Open Government Partnership, page 33, <https://www.opengovpartnership.org/report/bulgaria-mid-term-report-2016-2018-year-1>.

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: Ministry of Environment and Waters

Start date: 1 July 2016

End date: 31 July 2016

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Comple tion		Midterm End of Term		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
1.1.3. Public electronic register of the installations emitting VOC coupled with two e-services				✓	✓			✓	✓							✓		✓			

Commitment Aim:

This commitment sought to create a new public electronic register of the installations emitting volatile organic compounds (VOCs), which are precursors of tropospheric or ground-level ozone, an

air pollutant. The register would provide the electronic services (e-services) of electronic submission of registration applications and applications for changes in the registration. The register would also replace paper-based, in-person administrative services with e-services, ensuring high-quality services for businesses, improving the information provided to citizens, and increasing transparency around protecting air quality.¹ This commitment would implement obligations from European Union (EU)² and Bulgarian³ legislations requiring the registration of VOC-emitting installations be made available to the public.

Status

Midterm: Complete

The commitment was fully completed before the adoption of the action plan. The Ministry of Environment and Waters, along with the Executive Environment Agency (EEA), made publicly available the fully functioning electronic register of the installations emitting VOCs with its e-services in June 2016, prior to the final adoption of the action plan.⁴ For more information, please see the 2016–2017 IRM midterm report.

An interviewed EEA representative⁵ stated that the register continues to function as planned and provides information in real time on the registered or deregistered installations. The EEA representative also provided a link⁶ to the manual, work instructions, and references to the regulatory framework, explaining the functioning of the register, the existence of which the IRM researcher was unable to verify for the 2016–2017 IRM midterm report.⁷

Did It Open Government?

Access to Information: Did Not Change

The EEA sought to implement EU and Bulgarian legislations,⁸ which provide for the use of a public register of VOC-emitting installations. Bulgarian legislation provides for this register to be available online. Adding to the implementation of this obligation, the commitment also aimed to provide e-services for the registering entities (businesses) to send their applications online. The EEA completed this commitment before the adoption of the action plan, and for this reason, the implementation of the commitment did not change government transparency during the assessment period.

While the implementation of e-services makes the exchange of documents with the administration easier, it does not automatically render the government more transparent. The online publication and maintenance of the public register of VOC-emitting installations is at best a marginal move in improving transparency, since it allows the EEA and its regional directorates to publish faster and easier information freely accessible online about the registered entities. A stakeholder⁹ with experience in monitoring air quality, however, explained the e-register 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. 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.

Carried Forward?

As of the time of writing this report, Bulgaria has not developed the fourth action plan.

As the IRM researcher noted in the 2016–2017 midterm report,¹⁰ the government could consider taking up a commitment to expand the publicly-available information in real time on major pollutants such as dust and fine particles.¹¹

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 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>.

³ 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>.

⁴ 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.

⁵ Valya Zhelyazkova, Chief of Department in Directorate “Information Services and Technologies, International Cooperation and Public Relations” of the Executive Environment Agency, responses to IRM researcher’s questionnaire, received by e-mail, 3 September 2018.

⁶ Information System on the VOC-emitting installations (“Информационна система за инсталациите, източници на емисии на летливи органични съединения”), Executive Environment Agency, <https://bit.ly/2ESwut7>.

⁷ Stephan Anguelov, “IRM: Republic of Bulgaria Progress Report 2016–2017”, Independent Reporting Mechanism, Open Government Partnership, page 35, <https://www.opengovpartnership.org/report/bulgaria-mid-term-report-2016-2018-year-1>.

⁸ 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, *ibid.* and Article 30I (30A) of the Clean Atmospheric Air Act (Закон за чистотата на атмосферния въздух), *ibid.*

⁹ Ivaylo Hlebarov, Air and Waste advisor in “For the Earth” (environment protection NGO), interview by IRM researcher, 19 September 2017.

¹⁰ Stephan Anguelov, “IRM: Republic of Bulgaria Progress Report 2016–2017”, Independent Reporting Mechanism, Open Government Partnership, pages 35 and 36, <https://www.opengovpartnership.org/report/bulgaria-mid-term-report-2016-2018-year-1>.

¹¹ “Air quality in Europe—2016 report”, page 60, EEA, <https://www.eea.europa.eu/publications/air-quality-ineurope-2016>.

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: Ministry of Environment and Waters

Start date: 1 July 2016

End date: 31 December 2017¹

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm End of Term		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
1.1.4. National information system for waste and e-services			✓		✓			✓		✓					✓			✓			

Commitment Aim:

The commitment aimed to provide more accurate information on the mandatorily declared circumstances related to waste management in Bulgaria and to reduce the administrative burden for operators of waste disposal installations.² 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 in the new National Information System for Waste.³

Status

Midterm: Substantial

The Executive Environment Agency (EEA) officially launched the National Information System for Waste (also known as National Waste Monitoring System) on 1 January 2017.⁴ The system offers eight public electronic registers of the operators dealing with or generating future waste and of the waste disposal sites.⁵ The remaining deliverable required for the commitment's completion was for the system to operate the entire flow of correspondence after 1 January 2018, when its use by the specific operators would become mandatory. For more information, please see the 2016–2017 IRM midterm report.

End of term: Substantial

By the end of term, implementation remained substantial. Due to problems in the functioning of the new system, the Ministry of Environment and Waters (MOEW)⁶ initiated a change in the legislation that the parliament adopted, and mandatory use of the National Information System for Waste was postponed by one year to 1 January 2021.⁷

Did It Open Government?

Access to Information: Did Not Change

The implementation of this commitment could have enhanced the government's capabilities to control and publish the mandatorily declared information related to waste management. This would be done by streamlining the reporting process in the National Information System for Waste through standard declaration forms, which would both limit the chances of unwanted errors and malpractices, such as declaring fake circumstances, according to a government expert.⁸ By replacing the paper-based process of declaring and reporting with electronic services online, the commitment's main benefit would have been to alleviate the administrative burden related to the mandatory reporting by private entities. Another goal of the commitment was to increase the accuracy of the declared information published in the system.

At the end of the assessment period, the system is functioning; however, it is not used as the only mandatory means to declare data related to waste management. Stakeholders involved in environmental policy outlined problems in the system, such as the impossibility to declare some specific information or to modify already declared information that has changed over time.⁹ Paper declarations are still being used, and thus, the system did not attain its goal to channel all information related to waste management through its electronic services. The risks of technical errors and malpractices, such as declaring fake circumstances, are still relevant. Also, because the system is still not the only mandatory means for declaring and reporting on waste management, and because its functions do not cover all the legal hypotheses it should cover, as outlined in the stakeholders' statement to the MOEW and EEA,¹⁰ the system does not provide more accurate information than before the start of the action plan. This means that the government practices related to improving the information published on waste management have not changed.

Carried Forward?

As of the time of writing this report, Bulgaria has not developed the fourth action plan.

As is, this commitment serves controlling government bodies over the public¹¹—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 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 Stephan Anguelov, “IRM: Republic of Bulgaria Progress Report 2016–2017”, Independent Reporting Mechanism, Open Government Partnership, page 37, <https://www.opengovpartnership.org/report/bulgaria-mid-term-report-2016-2018-year-1>.

⁴ National Information System for Waste, in Bulgarian, <https://nwms.government.bg/wms/>.

⁵ National Information System for Waste, “Public registers” section, in Bulgarian, https://nwms.government.bg/wms/public/Controler?control=ReadNomenclatureForm&doc_def_id=8.

⁶ Letter from the Deputy Minister of Environment and Waters to the Bulgarian Industrial Association about “Filing requests and documents, reporting and provision of information through the National Information System for Waste, no. 15-00-27 of 23 November 2017, in Bulgarian, https://www.bia-bg.com/uploads/files/MOSV_letter-Nov2017.pdf.

⁷ § 29 of the Law amending the Spatial Planning Act (“Закон за изменение и допълнение на Закона за устройство на територията (обн., ДВ, бр. 1 от 03.01.2019 г., в сила от 01.01.2019 г.)”) by which is amended also the Waste Management Act (Закон за управление на отпадъците (ДВ, бр. 105 от 2016 г.)), State Gazette, issue 1 of 2019, 3rd January 2019, in Bulgarian, <https://dv.parliament.bg/DVWeb/showMaterialDV.jsp?idMat=133336>.

⁸ Valya Zhelyazkova, Chief of Department in Directorate “Information Services and Technologies, International Cooperation and Public Relations” of the Executive Environment Agency, responses to IRM researcher’s questionnaire, received by e-mail, 3 September 2018.

⁹ Recommendations of the Association of the Specialist on Environment Management for improvements in the National Information System for Waste, sent to the MOEW and EEA (“Препоръки на Асоциация на Специалистите по Управление на Околната Среда за подобрения в НИСО, подадени до МОСВ и ИАОС”), News, Association of the Specialist on Environment Management, in Bulgarian, 23 January 2018, <http://asuos.eu/2018/01/stanovishhte-niso/>.

¹⁰ Idem.

¹¹ Iyaylo Hlebarov, Air and Waste advisor in “For the Earth” (environment protection NGO), interview by IRM researcher, 19 September 2017.

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: National Health Insurance Fund

Start date: 1 July 2016

End date: 31 December 2018¹

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Comple-tion		Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
I.1.1.5. Develop applications for e-prescriptions				✓	Unclear							✓		✓			✓				

Commitment Aim:

This commitment aimed to streamline and digitalize the healthcare processes to increase the quality of and access to health services and to improve control over the use of public health funds.² The development of software applications for real-time processing of information and issuance of e-referrals and e-prescriptions are a part of the first stage of the project that should establish the entire National Health Information System.³ The new system would provide e-services to alleviate the administrative burden for medical professionals, ease the control of financial flows in the health system and provide integration between the datasets used in healthcare for the benefit of the patients. 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 better control over their individual health records and related spending, the commitment does not disclose new public information or create a mechanism for more government transparency or accountability. As such, this commitment did not meet the criteria for the OGP values of access to information, public accountability, or civic participation.

Status

Midterm: Limited

By the midterm, the implementation of the commitment was limited. In January and February 2017, the Ministry of Health developed a prototype system for e-prescriptions, e-referrals and e-ambulatory sheets.⁴ This prototype was to be integrated into the future National Health Information System. A team from the Ministry of Health was preparing the technical documentation for the public procurement procedure for contracting a company, which would build the future National Health Information System.⁵ For more information, please see the 2016–2017 IRM midterm report.

End of term: Limited

At the end of the assessment period, according to a Ministry of Health expert, the Ministry had formed a working group to draft the assignments for the individual modules of the future tender.⁶ The Ministry of Health did not launch a public procurement procedure by the end of the action plan. However, on 24 August 2018, after the assessment period, the Ministry launched the public tender.⁷ As of the writing of this report, this procedure is being blocked by a legal suit from a competitor,⁸ which jeopardizes the implementation of the project, according to the Ministry.⁹

Did It Open Government?

Access to information: Did not change

Civic participation: Did not change

Public accountability: Did not change

The commitment is not strictly relevant to the OGP values and was also not implemented. Therefore, it did not lead to any changes to open government.

Carried Forward?

As of the time of writing this report, Bulgaria has not developed the fourth action plan.

The IRM researcher reiterates the recommendations from the midterm report:¹⁰ 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, the IRM researcher does not recommend including it 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 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 “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%3>.

⁴ Audit report on the implementation of “Electronic Healthcare”, no. 0300100816, Bulgarian National Audit Office, “Reports” section, page 8, in Bulgarian, <http://www.bulnao.government.bg/bg/articles/dokladi-128>.

⁵ 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.

⁶ Svetlana Guleva, expert in the “International Projects and Electronic Healthcare” directorate of the Ministry of Health, responses to IRM researcher’s questionnaire, received by e-mail, 3 September 2018.

⁷ “Choosing a contractor for developing information systems and sub-systems implementing five of the activities included in the project “Building the national health information system (NHIS) – stage 1 and stage 2” including five lots” (“Избор на изпълнители за разработване на информационни системи и подсистеми в изпълнение на пет от дейностите, включени в проект “Доизграждане на националната здравна информационна система (НЗИС) – етап 1 и етап 2”, включваща пет обособени позиции.), Public Procurement Register, 24 August 2018, in Bulgarian, <https://bit.ly/2CMQxqw>.

⁸ “A complaint stops the public procurement procedure for the sreation of the National Health Information System”, (“Жалба спира обществена поръчка за реализация на Националната здравна информационна система”), News, Ministry of Health, 24 November 2018, in Bulgarian, <https://www.mh.government.bg/bg/novini/aktualno/zhalba-spira-obshchestvena-porchka-za-realizaciya-na/>.

⁹ Idem.

¹⁰ Stephan Anguelov, “IRM: Republic of Bulgaria Progress Report 2016–2017”, Independent Reporting Mechanism, Open Government Partnership, page 41, <https://www.opengovpartnership.org/report/bulgaria-mid-term-report-2016-2018-year-1>.

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: 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 (as written)				Potential Impact				Comple tion		Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
1.1.6. Transform initial registration procedure for CSOs			✓		✓			✓			✓			✓	✓				✓		

Commitment Aim:

Bulgarian legislation on nonprofit legal entities changed in order to ease, centralize, and digitalize their registration and annual financial reporting.¹ Under the old paper-based and decentralized registration regime, it was unclear how many civil society organizations (CSOs) are registered in Bulgaria and how many of them are active. This commitment sought to consolidate data on registered CSOs and their annual finances in a centralized online catalogue, alongside the

Commercial Register,² 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 planned to 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.

Status

Midterm: Limited

By the midterm, implementation of the commitment was limited and behind schedule. The Ministry of Justice and the Registry Agency had not adopted the specific rules regarding the registration process. The Ministry and Agency were also delaying the public procurement procedure for the needed upgrade of the Commercial Register, which would integrate the functionalities regarding the registration of CSOs. For more information, please see the 2016–2017 IRM midterm report.

End of term: Substantial

In late 2017, the Minister of Justice issued an ordinance,³ and the Council of Ministers issued a tariff⁴ detailing the specific rules on registration of the nonprofit legal entities. The Registry Agency started the public procurement procedure for the upgrade of the Commercial Register related to the integration of the registration of CSOs in October 2017.⁵ The new registration process started on schedule on 1 January 2018. According to the law, all CSOs must register through the new process by 31 December 2020.⁶ The re-registration of existing CSOs and the registration of new CSOs in the Commercial Register and Register of the Non-Profit Legal Entities⁷ is ongoing and the Agency should finish the re-registration and thus complete the commitment by the end of 2020. For this reason, implementation at the end of term is considered substantial.

Did It Open Government?

Access to Information: Marginal

The commitment aimed to transform the previously decentralized and paper-based registration procedure for nonprofit legal entities to a centralized and electronic system. Prior to the commitment there was no official data on how many are the really functioning NGOs and only a part of the NGOs—those registered in public benefit—published annual financial reports. As a result of the commitment's implementation, the Registry Agency through the new online Commercial Register and Register of the Non-Profit Legal Entities⁸ would provide information on how many CSOs are legally registered and how many were functioning in the previous year. According to an experienced civil society environment expert,⁹ the re-registration process for all CSOs is overall smooth and successful. The Registry Agency publishes the data on the registration, functioning, and annual financial reports of the nonprofit legal entities that have re-registered. In the practice of their organization,¹⁰ which provided more than 650 consultation on re-registration, there are cases where the Registry Agency refused registration without sending the common prior instructions to the CSOs, or cases where the Registry Agency published unduly some protected personal data that should have remained undisclosed. However, these problems are not common, according to the stakeholder,¹¹ and so far, clear statistics of these cases cannot be established. The Registry Agency has not published data on the re-registration process, so far. In general, a full picture of the process and of the registered and functioning CSOs in Bulgaria would be available after the end of the re-registration period in 2020.

Due to unforeseen schedule conflicts in the legislation, during the process of re-registration, some CSOs were prevented from publishing their annual financial reports or the declarations for lack of activity of the entities, which is mandatory.¹² After the assessment period, the government and Registry Agency solved these problems through adequate changes in different rules.¹³ Again, after the assessment period—in August 2018—the Commercial Register and Register of the Non-Profit Legal

Entities stopped functioning for more than a week, which blocked both the registration of CSOs process and much of the business in Bulgaria.¹⁴

Because the re-registration of CSOs has not finished, the Agency has not published data on the process, and because of the several problems that occurred with the process and the Register, the IRM researcher considers that by the time of writing this report—in late 2018—the implementation of the commitment has marginally improved the administrative practices in terms of transparency of the registration of CSOs.

Carried Forward?

As of the time of writing this report, Bulgaria has not developed the fourth action plan.

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/2fo0GIC>.

² Idem.

³ “Ordinance № 1 of 14 February 2007 on maintenance, keeping and access to the Commercial Register and the Non-profit Legal Entities Register” (“Наредба № 1 от 14 Февруари 2007 г. за водене, съхраняване и достъп до Търговския регистър и до регистъра на юридически лица с нестопанска цел” (Обн. ДВ. бр. 78 от 29 Септември 2017 г.)), State Gazette issue 78 of 29 September 2017, Registry Agency, in Bulgarian, https://www.registryagency.bg/media/filer_public/2017/11/03/naredba_1_tr.pdf.

⁴ Tariff on the State Fees gathered by the Registry Agency (Тарифа за държавните такси, събирани от Агенция по вписванията (Обн. ДВ. бр. 99 от 19 Декември 2017 г.)), State Gazette issue 99 of 19 December 2017, Registry Agency, in Bulgarian, https://www.registryagency.bg/media/filer_public/2018/01/26/tarifa_12_2017.pdf.

⁵ “Upgrading the Property Register for Integration with the Cadaster Register and additional services” and “Upgrading the Commercial Register in view of supporting the transfer of the registration of Non-profit Legal Entities...” („Надграждане на имотния регистър за интеграция с кадастралния регистър и предоставяне на допълнителни е-услуги“ и „Надграждане на търговския регистър с оглед осигуряване прехвърлянето на регистрацията на юридическите лица с нестопанска цел от окръжните съдилища към Агенция по вписванията, както и осигуряване на интеграцията му с имотния регистър, единната входна точка за подаване на годишни финансови отчети, регистъра на професионално-квалифицираните лица, регистъра за гражданска регистрация, регистъра на българските документи за самоличност и регистъра на пълномощните“), Customer Profile, Registry Agency, 27 October 2017, in Bulgarian, <https://www.registryagency.bg/bg/profil-na-kupuvacha/protseduri/nadgrazhdane-imoten-registr-trgovski-registr-opdu/>.

⁶ “Law for amending the Non-profit Legal Entities Act”, Ibid.

⁷ Commercial Register and Register of the Non-Profit Legal Entities, Registry Agency, <http://brra.bg/Default.ra>.

⁸ Idem.

⁹ Anna Adamova, Program Director in the Bulgarian Center for Not-for-profit Law (BCNL), interviewed by the IRM researcher, 9 January 2018.

¹⁰ Bulgarian Center for Not-for-profit Law (BCNL), <http://bcnl.org/en>.

¹¹ Anna Adamova, *ibid*.

¹² “Proposals for normative changes, relating to all NGOs” (“Предложения за нормативни промени, които засягат всички НПО”), News, BCNL, 4 September 2018, in Bulgarian, <http://bcnl.org/news/predlozheniya-za-normativni-promeni-koito-zasyagat-vsichki-npo.html>.

¹³ Idem.

¹⁴ “Crash of commercial register of Bulgaria blocks business deals, Bulgarian National Radio”, 15 August 2018, <http://bnr.bg/en/post/101007646/crash-of-commercial-register-of-bulgaria-blocks-business-deals>.

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 (as written)				Potential Impact				Comple tion		Midterm	Did It Open Government?					
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
1.1.7. Connect EU Information System with the information system of NSI		✓			✓					✓			✓					✓			

Commitment Aim:

This commitment aimed to remedy the information gaps related to the integrated monitoring of the spending and impact of the European Union structural and investment funds (EU funds). At the time

the commitment was adopted, data on EU funds' spending and project completion did not easily translate to the traditional national economy and financial indicators, and the EU funds' precise influence on the Bulgarian economy was difficult to evaluate. This commitment planned 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.¹ The government had to achieve this by connecting the Information System for Managing and Monitoring the EU Funds² with the information system of the National Statistical Institute.

Status

Midterm: Not Started

At the midterm point the implementation had not started. For more information, please see the 2016–2017 IRM midterm report.

End of term: Not Started

By the end of the action plan cycle, this commitment remained not started. According to a representative from the Administration of the Council of Ministers,³ in June 2018 the Administration concluded a public procurement contract⁴ for development, optimization, and maintenance of the Information System for Managing and Monitoring the EU Funds. The implementation of the contract would include the connecting of the information system with the National Statistical Institute. However, this would depend on the specific implementation of the contract which is outside of the assessment period, since the IRM researcher could not find in the Technical Specification⁵ of the procurement procedure and the contract a specifically and explicitly planned functionality to connect the EU funds and the National Statistical Institute's information systems.

Did It Open Government?

Access to Information: Did Not Change

Since the commitment was not started during the assessment period, it did not lead to any changes in government practice.

Carried Forward?

As of the time of writing this report, Bulgaria has not developed the fourth action plan.

The IRM researcher reiterates the recommendation from the midterm report; the government could carry on the commitment to publish all available data on EU funds spending related to the data from the National Statistical Institute on economic sectors and activities, which would allow for a deeper and clearer analysis of the impact of EU funds on the Bulgarian economy by sector, region, 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 Information system for management and monitoring of EU funds in 2014–2020 (UMIS 2020), <http://2020.eufunds.bg/en>.

³ Kiril Ezekiev, expert in the “Central Coordinating Unit” Directorate of the Administration of the Council of Ministers, responses to IRM researcher's questionnaire, received by e-mail, 4 September 2018.

⁴ “Development, optimization and maintenance of the Information system for management and monitoring of EU funds in 2014–2020 (UMIS 2020) (“Развитие, оптимизация и поддръжка на Информационната система за управление и наблюдение (ИСУН) 2020)”, Administration of the Council of Ministers, Customer Profile, contract concluded on 4 June 2018, in Bulgarian, <http://customerprofile.government.bg/vieworder.php?id=16e07c79-9151-11e6-8d3f-f04da2031065>.

⁵ “Development, optimization and maintenance of the Information system for management and monitoring of EU funds in 2014–2020 (UMIS 2020) (“Развитие, оптимизация и поддръжка на Информационната система за управление и наблюдение (ИСУН) 2020)”, Ibid., Technical Specification published as Addendum to the contract on 11 June 2018, in Bulgarian, <http://customerprofile.government.bg/vieworder.php?id=16e07c79-9151-11e6-8d3f-f04da2031065>.

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: Ministry of Finance

Start date: 1 July 2016

End date: 30 June 2018

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Comple tion		Midterm End of Term		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
1.1.8 Information system upgrade		✓			Unclear					✓				✓				✓			

Commitment Aim:

The Bulgarian Customs Agency set out to implement European Union legislation¹ by introducing electronic customs and harmonizing 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.² The IRM determined the commitment's deliverables through interviews and desk research. The deliverables included developing a module for integrating the Agency's information systems with other EU countries, and to integrate into the system several customs, processes, and related services with the EU domain (such as import, export, transit, customs debt, guarantees management, and information exchange). It also planned to 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.

Status

Midterm: Limited

By the midterm, implementation of the commitment was limited. The Customs Agency had started work on the funding project,³ but it had yet to launch the public procurement procedures for the actual development of the IT systems and functionalities.

End of term: Substantial

The Customs Agency implemented the commitment through two public procurement procedures. The contract for the first one was concluded in March 2017,⁴ and it was executed in December 2018,⁵ after the end of term point for this report. The second contract was concluded in March 2018⁶ and executed by December 2018,⁷ after the end of the action plan cycle. Out of the tenders' documentations, the IRM researcher considers that the execution of both contracts would achieve the expected results set by the commitment. However, the implementation at the end of the assessment period is not complete but substantial, because both contracts ended nearly six months after the action plan assessment period.

Did It Open Government?

Access to information: Did not change

Civic participation: Did not change

Public accountability: Did not change

This commitment did not result in opening government, and as implemented, it did not lead to any changes affecting the government practice on access to information, civic participation, or public accountability.

Carried Forward?

As of the time of writing this report, Bulgaria has not developed the fourth action plan.

¹ The Union Customs Code, European Commission, https://ec.europa.eu/taxation_customs/business/unioncustoms-code_en.

² "Electronic customs", European Commission, https://ec.europa.eu/taxation_customs/general-informationcustoms/electronic-customs_en.

³ 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/1/0/Project/Details?contractId=Xg%2BmIYr0UI4%3D>.

⁴ "Development of the institutional architecture of the Customs Agency for the customs processes: import, export, transit, customs debt, guarantees management and information exchange with the EU domain (REX, BTI, SURVEILLANCE3, CDMS)..." („Развитие на институционалната архитектура на АМ за митнически процеси: внасяне, изнасяне, транзит, митническо задължение, управление на обезпечения и обмен на информация с общностния домейн (REX, BTI, SURVEILLANCE3, CDMS), и въвеждане на институционалната архитектура на АМ, чрез внедряване на системи и модули в БИМИС, съответстващи на тези митнически процеси"), contract concluded on 20 March 2017, Customer Profile, Customs Agency, in Bulgarian, <https://customs.bg/wps/portal/agency/home/buyer-profile/customer-profile-do-31122017/procedures-do-31122017/procedures-2016>.

⁵ "Development of the institutional architecture of the Customs Agency for the customs processes: import, export, transit, customs debt, guarantees management and information exchange with the EU domain (REX, BTI, SURVEILLANCE3, CDMS)..." Ibid, Notice of ending of the public procurement contract of 28 December 2018, Customer Profile, Customs Agency, in Bulgarian, <https://customs.bg/wps/portal/customs.bg28892/agency/home/buyer-profile/documents-31122017/607/607>.

⁶ "Development of the institutional architecture of the Customs Agency for the customs processes: unique registration and identification of economic operators (EORI2), customs referential data (CSRD2) and approved economic operators

(AEO)...” („Развитие на Институционалната архитектура на АМ за митнически процеси: Единна регистрация и идентификация на икономическите оператори (EORI2), Референтни данни (CSRD2) и Одобрени икономически оператори (AEO), и въвеждане на Институционалната архитектура на АМ, чрез внедряване на модули в БИМИС, съответстващи на тези митнически процеси”), contract conclude on 21 March 2018, Customer Profile, Customs Agency, in Bulgarian, <https://customs.bg/wps/portal/agency/home/buyer-profile/customer-profile-do-31122017/procedures-do-31122017/procedures-2017>.

⁷ “Development of the institutional architecture of the Customs Agency for the customs processes: unique registration and identification of economic operators (EORI2), customs referential data (CSRD2) and approved economic operators (AEO)...”, Ibid., Notice of ending of the public procurement contract of 19 December 2018, Customer Profile, Customs Agency, in Bulgarian, <https://customs.bg/wps/portal/customs.bg28892/agency/home/buyer-profile/documents-31122017/605/605>.

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: Ministry of Finance

Start date: 1 July 2016

End date: 30 June 2018

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Comple tion		Midterm End of Term		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
1.1.9. Develop a centralized public procurement system			✓		✓			✓			✓			✓				✓			

Commitment Aim:

Bulgaria has a long history of weaknesses in public procurement rules, which “are considered an important source of corruption” by the Co-operation and Verification mechanism of the European Commission.¹ This commitment sought to introduce a fully electronic procurement process through a new online platform in order to simplify the public procurement procedures and create guarantees for a transparent and unbiased evaluation of bids and contracting. It could improve access to

information on the evaluation of bids and contracting, as well as control all stages of procurement and could streamline the maintenance of the public register of government contracts.

Status

Midterm: Limited

By the midterm, the completion of this commitment was limited. In late August 2017, the Public Procurement Agency had chosen a consortium to build the new platform.² Competitors who lost the tender attacked in court this specific public procurement procedure in order to have it annulled and have a new tender procedure, hence a new shot to win it.³ At the time of the midterm report, the legal procedure was ongoing, which was preventing the further implementation of the commitment.⁴ For more information, please see the 2016–2017 IRM midterm report.

End of term: Limited

At the end of the assessment period (June 2018), the implementation remained limited. By the end of 2017, the litigation was over.⁵ In early 2018, the Public Procurement Agency concluded the contract⁶ with the chosen consortium to build the new platform, so the implementation could start. As written, the commitment focuses on the full development, in the Bulgarian version “completion,” of the new platform. A representative from the Public Procurement Agency stated that some of the early results, like an analysis of the business processes and the schedules for completion, have been delivered. However, the first stages of actual functioning of the system are planned for October 2018,⁷ after the end of the assessment period. The reporting government expert did not point to any publicly available results.

Did It Open Government?

Access to Information: Did Not Change

The commitment aimed at building a new platform that would digitize all the steps of the public procurement process. Since the platform is not yet functional, nor public, the implementation of the commitment has so far not changed government practice on access to information. In the two-year time frame of the action plan, the public procurement process continued to be carried out through the same, mostly paper-based, exchange of documents.

Carried Forward?

As of the time of writing this report, Bulgaria has not developed the fourth action plan.

¹ 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>.

² “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>.

³ 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>.

⁴ Idem.

⁵ Decision no. 1323 of 16 November 2017 of the Commission for Protection of Competition, 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>.

⁶ Contract of 10 January 2018, “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>.

⁷ Dafinka Velcheva (Chief Expert in Information Services of the Public Procurement Register Department in the Agency), e-mail correspondence with the IRM researcher, 21 and 28 August 2018.

Theme 2: Access to information

General transparency

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-ues 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

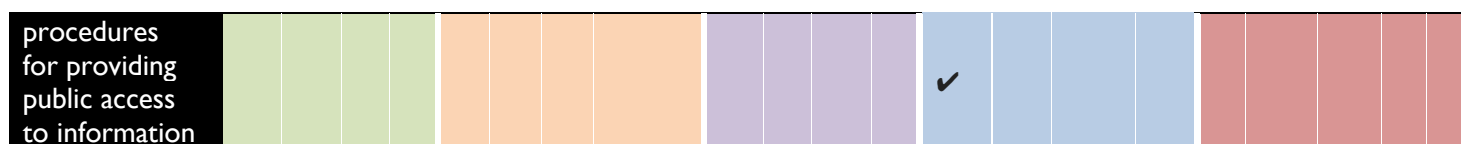
Supporting institution(s): All public institutions

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 (as written)				Potential Impact				Comple tion		Midterm		Did It Open Government?				
2.1.1. Revise internal			✓		✓		✓				✓		✓					✓			



Commitment Aim:

The amendments to the Access to Public Information Act (APIA),¹ adopted in December 2015, engendered new obligations related to access to public information.² It is now necessary for the heads of more than 570 public institutions to establish new rules or revise their existing internal rules and clearly allocate responsibilities within their administrations with regards to proactive online publication and internal control. This commitment aimed to provide coordination and support for the public bodies reforming their internal rules. The clear deliverables of this activity were to be determined in the future.

Status

Midterm: Not Started

The government had not started implementing the commitment by the midterm. The coordination and support for the revisions should have started when the future access to information platform (a centralized online platform for requesting and receiving public information) was functional. For more information, please see the 2016–2017 IRM midterm report.

End of term: Not started

By the end of the action plan period, this commitment remained not started. The reason is the same; the implementation should start once the future access to information platform is ready (in 2019).³

Did It Open Government?

Access to Information: Did Not Change

Public Accountability: Did Not Change

Since the commitment was not implemented, it did not change government practices.

Carried Forward?

As of the time of writing this report, Bulgaria has not developed the fourth action plan.

¹ "Access to Public Information Act", Access to Information Programme, available in an unofficial English version, <http://bit.ly/1sebjVV4>.

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 Platform for publicly available information, Council of Ministers, <https://pitay.government.bg/PDoiExt/indexExt.jsf;jsessionid=tXkFMRXpRebC-alCmirtAehi4xhbfatjCIHvQpI5.egpI6-app2p>.

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: 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 (as written)				Potential Impact				Comple tion		Midterm End of Term		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
2.1.2. Conducting trainings on ATI for the administrative officials			✓		✓						✓			✓				✓			

Commitment Aim:

The 2015 amendments to the Access to Public Information Act (APIA)¹ provided 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, and the establishment of an online

access to information platform. Adopting a civil society proposal,³ the commitment aimed to conduct government trainings for the civil servants responsible for providing access to information.

Status

Midterm: Limited

This commitment saw limited implementation by the midterm. Interviewed government experts from the Bulgarian Institute of Public Administration (IPA)⁴ indicated that the Institute carried out four trainings, gathering 84 civil servants in the first half of 2017. Independently and in a manner not coordinated with the IPA, the Access to Information Programme, a supporting CSO, carried out 12 trainings with more than 120 civil servants and local officials.⁵ However, despite these training sessions, the Bulgarian version of the action plan, which is the officially adopted version, states that “all” administrative officials responsible for access to information would be trained. The government had not created a plan or an estimate for when all officials will be trained. For more information, please see the 2016–2017 IRM midterm report.

End of term: Limited

The government experts⁶ stated that the IPA trained 17 civil servants in the assessment period. A study carried out by the IPA at the end of the trainings (trainees’ satisfaction study) among the trained civil servants showed that after the training, they are more motivated and prepared to execute their obligations under the Access to Public Information Act, according to the IPA experts.⁷ The Access to Information Programme did not organize trainings during that period. The government did not create a plan or an estimate for when all officials will be trained, and the provided numbers of trained civil servants during the two-year action plan cycle are modest in comparison to the more than 570 public bodies from the executive. Thus, the IRM researcher considers the level of implementation as limited.

Did It Open Government?

Access to Information: Did Not Change

The government, through the IPA, aimed to improve the implementation of the recently-amended transparency legislation through training the administrative officials responsible for access to information. However, while implementing this commitment, the IPA continued organizing trainings on access to information in the same way it had organized them before the action plan. Private organizations like the Access to Information Programme also continued their practice of organizing such trainings separately from the IPA. All training providers took steps to update their programs regarding the newly introduced legislative amendments. However, the IRM researcher could not find evidence that the government made efforts to further improve the quality, coordination, or scope of the trainings traditionally organized by the different actors. In this sense, government practice regarding access to information did not change.

Carried Forward?

As of the time of writing this report, Bulgaria has not developed the fourth 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”, Stephan Angelov, 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>.

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- 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/2yfW4DV>; April 2017, Issue 4 (160), in Bulgarian, <http://bit.ly/2ygsSAZ>; May 2017, Issue 5 (161), in Bulgarian, <http://bit.ly/2yaS0pa>.
- ⁶ Nevena Amova and Diana Eneva, "Trainings, international activities and projects", Directorate of the Bulgarian Institute of Public Administration, email correspondence with the IRM researcher, 4 January 2019.
- ⁷ Nevena Amova and Diana Eneva, Institute of Public Administration, *ibid.*, 4 January 2019.

Sectoral transparency

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: Ministry of Finance

Start date: 1 July 2016 (ongoing)

End date: 30 June 2018 (ongoing)

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Comple tion		Midterm		Did It Open Government?				
															End of Term						
2.1.3. Maintaining public electronic registers on gambling	None				Access to Information				None				Not Started				Worsened				
	Low				Civic Participation				Minor				Limited				Did Not Change				
	Medium				Public Accountability				Moderate				Substantial				Marginal				
	High			✓				Technology & Innovation for Transparency & Accountability					Completed		✓		Major				
					✓				✓								✓				Outstanding

Commitment Aim:

The State Commission on Gambling (SCG) takes measures to prevent illegal gambling in Bulgaria by supporting investment in the sector and protecting legitimate businesses and citizens. The SCG committed to ensure the publicity and transparency of the regulated gambling market through the continued maintenance of the four electronic registers listed in the commitment's title.¹

Status

Midterm: Complete

This commitment was already completed prior to the official start of the action plan period. The four e-registers were all published at the SCG Portal for electronic services, and access is free.² An interviewed SCG official³ explained that the SCG has been publishing the four registers in their current forms since 2015. For more information, please see the 2016–2017 IRM midterm report.

The interviewed SCG official⁴ indicated that in addition to what was set out in action plan, in November 2017, the SCG uploaded the four public registers as open data in open format (CSV) on the government's Open Data Portal.⁵ After their publication in this portal, the SCG updated the four registers once in September 2018, ten months later.⁶

Did It Open Government?

Access to Information: Did Not Change

The commitment aimed at “maintaining” the four public online registers on gambling—the register of the gambling operators, the register of the manufacturers, distributors, importers, and technicians of gambling equipment, the register of the suspended, revoked, and denied gambling licenses, and the register of the approved gambling equipment. The word maintaining is accurate since the commitment did not plan to go further than what was practiced by the SCG since 2015. The interviewed SCG official⁷ considers that the Commission has not changed its practices regarding access to information in keeping a high level of transparency on its website. Although the commitment has not improved access to information compared to the situation prior to the action plan period, the publishing the registers' data in open format is a positive step that should be encouraged, because it eases the possible future crossing of the registers with other government data, which could potentially bring more transparency.

Carried Forward?

As of the time of writing this report, Bulgaria has not developed the fourth action plan. The IRM researcher does not recommend continuing this commitment since it was completed and had no potential impact.

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 The four registers are: 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 Marian Popov, Secretary General of the State Commission on Gambling, e-mail correspondence with the IRM researcher, 5 September 2018.

⁵ 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, State Commission on Gambling profile, Open Data Portal, published on 16 November 2017, updated on 5 September 2018, in Bulgarian, <https://opendata.government.bg/organization/dyrjavna-komisiya-po-hazarta>.

⁶ Idem.

⁷ Marian Popov, Secretary General of the State Commission on Gambling, e-mail correspondence with the IRM researcher, 5 September 2018.

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: Ministry of Finance

Start date: 1 July 2016

End date: 30 June 2018

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Comple tion		Midterm End of Term		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
2.1.4. Publish annual priorities of the NRA			✓		✓					✓						✓		✓			

Commitment Aim:

This commitment aimed to increase the transparency of the National Revenue Agency's (NRA) operations and reduce the administrative burden for taxpayers.¹ The NRA would achieve this by regularly publishing three sets of documents on its website: 1) its annual priorities, 2) the results of its activities (reports on an annual and possibly quarterly basis), and 3) the results from opinion polls on customer satisfaction commissioned by the NRA. Of the three listed documents, the only new

publication for the assessment period would be the NRA's annual priorities, which were previously published as a part of the Agency's annual reports.

Status

Midterm: Complete

By the midterm, the commitment was fully implemented in accordance with the time schedule. The Agency had published its annual report for 2016 in March 2017.² It published the results of its last two opinion polls on customer satisfaction for 2015³ and 2016.⁴ At the end of 2016, the NRA also made available online its annual priorities for the coming year.⁵ For more information, please see the 2016–2017 IRM midterm report.

By the end of the action plan period, the NRA continued regularly publishing the three types of documents: the annual report for 2017;⁶ the annual opinion poll on customer satisfaction;⁷ and the NRA's annual priorities for 2018.⁸ By October 2018, the NRA has still not published a separate document on its webpage as its annual priorities for 2019. However, this does not affect the completion of the commitment, since the NRA usually publishes its annual priorities for the upcoming year after June of the previous year, i.e. after the end of the action plan's assessment period.

Did It Open Government?

Access to Information: Did Not Change

The NRA aimed to improve transparency through publishing online three sets of documents. The Agency was already regularly publishing its annual reports and the results from opinion polls on customer satisfaction before the implementation of this commitment.⁹ The only new publication for the assessment period is the NRA's annual priorities, which were previously being published as a part of the NRA's annual reports.¹⁰ The annual priorities include a list of up to ten lines of activities formulated in a general manner such as “development of the oversight capabilities (of the NRA) and countering of tax and social security fraud,” or “effective and efficient gathering of foreclosed dues,” or “maintaining optimal processes in the NRA structure,” or “motivation and development of NRA's civil servants.”¹¹ This document on its own does not bring any new quality of information. For these reasons, the IRM researcher considers that the completion of this commitment does not change the existing transparency practices of the NRA.

Carried Forward?

As of the time of writing this report, Bulgaria has not developed the fourth action plan.

The IRM researcher reiterates the recommendation in the midterm report from an experienced stakeholder,¹² asking the NRA to 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 “Annual report on the NRA's activities”, “Main Documents” section, National Revenue Agency, in Bulgarian, 15 March 2017, <http://bit.ly/2xDI04k>.

³ “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>.

⁴ “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/2gi0oMd>.

⁵ “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>.

⁶ “Annual report on the NRA’s activities”, “Main Documents” section, National Revenue Agency, in Bulgarian, 3 August 2018, <http://www.nap.bg/document?id=16984>.

⁷ “Monitoring survey on the execution of tax and social security obligations for 2017” (“Мониторингово проучване за спазване на данъчните и осигурителни задължения за 2017 г.”), “Main Documents” section, National Revenue Agency, in Bulgarian, 23 March 2018, <http://www.nap.bg/document?id=16410>.

⁸ “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 2018, <http://www.nap.bg/document?id=15124>.

⁹ Stephan Anguelov, “IRM: Republic of Bulgaria Progress Report 2016–2017”, Independent Reporting Mechanism, Open Government Partnership, page 61, <https://www.opengovpartnership.org/report/bulgaria-mid-term-report-2016-2018-year-1>.

¹⁰ Idem.

¹¹ Some of the “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 2018, <http://www.nap.bg/document?id=15124>.

¹² 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.

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): N/A

Start date: 1 July 2016

End date: 30 June 2018

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Comple tion		Midterm End of Term		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
2.1.5. Publish analysis/ research as a resource for information exchange		✓			✓					✓			✓					✓			

Commitment Aim:

This commitment sought to contribute to the development of better-quality projects that apply for EU funding (a major source of investment for Bulgaria)¹ and to improve their implementation and management.² 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.

Interpretation of the commitment diverged between the IRM researcher and the government experts at the Administration of the Council of Ministers³ that were interviewed for this report. The former understood the commitment as creating a public repository of analyses, drafted thanks to EU funds, to inform the creation of future projects, and, 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.⁴

Status

Midterm: Not Started

By the midterm, the IRM researcher considered this commitment not started. The interviewed government experts at the Administration of the Council of Ministers⁵ 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.⁶ However, they did not identify the specific types of publications that would distinguish the implementation of the commitment from the usual functioning of the Portal. This meant that even if there was some implementation of the commitment, the IRM researcher was unable to verify it. For more information, please see the 2016–2017 IRM midterm report.

End of term: Limited

The interviewed government expert at the Administration of the Council of Ministers⁷ stated that the regular publishing of information on the Portal for the EU structural funds continued during the second year of the action plan. In addition, in 2018 the government prepared the technical documentation, and in June 2018, launched a public procurement procedure for the upgrade of the Portal. One of the goals of the upgrade is to “provide opportunity for research and testing related to the management of EU funds and to provide aggregated information.”⁸ The government formulated this contract goal vaguely, and further on in Technical specification,⁹ the IRM researcher could not find clear texts guaranteeing the publishing of uniform information such as results, analyses, and research financed by EU funds. However, the execution of the commitment going beyond the assessment period could implement the vaguely formulated goal in accordance with the commitment. For this reason, the IRM researcher considers that the Portal upgrade procedure is relevant to the commitment and is a first (though limited) step of its implementation.

Did It Open Government?

Access to Information: Did Not Change

The commitment aimed to increase the transparency of the results of research carried out with EU financing. The government had to increase the quality, uniformity, and possibility for search in the publishing of analyses/research financed by the EU funds. The administration started implementing the commitment in the last months of the action plan cycle by preparing a public procurement procedure for upgrade of the Portal for the EU structural funds, which was launched after the end of the action plan. As of the time of writing this report, October 2018, the contract is yet to be fully executed and the government has not started using the new upgrades of the Portal. Hence, at this point of time, there has been no change in the ongoing government practices.

Carried Forward?

As of the time of writing this report, Bulgaria has not developed the fourth action plan.

The IRM researcher reiterates the recommendations from the midterm report; the government should increase the amount and the quality of publications of research financed by EU funds and specifically:

- 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 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.

⁴ Single information web portal for Structural and Cohesion Funds in Bulgaria, www.eufunds.bg.

⁵ Kiril Ezekiev, Lyubomir Stoyanov, Ibid.

⁶ Single information web portal for Structural and Cohesion Funds in Bulgaria, www.eufunds.bg.

⁷ Kiril Ezekiev, expert in the “Central Coordinating Unit” Directorate of the Administration of the Council of Ministers, e-mail correspondence with the IRM researcher, 4 September 2018.

⁸ Technical specification part of the contract concluded on 22 August 2018 for the “Upgrade of the Single information web portal (www.eufunds.bg)” („Надграждане на Единния информационен портал (www.eufunds.bg)”), Customer Profile, Administration of the Council of Ministers, procedure launched on 19 June 2018, in Bulgarian, <http://customerprofile.government.bg/viewinvitation.php?id=6E940CE6-70A9-11E8-B961-F04DA2031065>.

⁹ Idem.

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): N/A¹

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 (as written)				Potential Impact				Comple tion		Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
2.1.6. Register of agencies appointed by Parliament		✓			✓					✓			✓					✓			

Commitment Aim:

Several independent regulatory bodies in Bulgaria oversee key areas such as the financial system, competition protection, consumer protection, water and energy market regulation, communications regulation, corruption prevention, and illegal assets forfeiture, etc. Currently, there is no consolidated information online regarding their functions, powers, decisions, etc.² Amidst protests and doubts³ of undermined independence, effectiveness, and transparency of these regulatory bodies,

the government aimed to improve access to information by explaining the work of the regulatory bodies, and to increase the transparency of their operations.⁴ To this end, the Administration of the Council of Ministers committed to establish a public register displaying information such as the powers, mandates, members, and decisions of the agencies appointed by Parliament.

Status

Midterm: Not Started

By the midterm point, the Administration of the Council of Ministers had not started implementing this commitment. For more information, please see the 2016–2017 IRM midterm report.

End of term: Not started

By the end of term, the Administration of the Council of Ministers had still not started implementing this commitment. The interviewed expert and official from the Administration of the Council of Ministers⁵ explained that the commitment's implementation is hampered by two restrictions. The first is technical—an upgrade of the Administrative register⁶ in order to comprise a more detailed register of all regulatory, supervisory, and control agencies pending on the approval of the State E-Government Agency. The Administration of the Council of Ministers and the State Agency have planned such a future project to upgrade the Administrative register, however the actual work on it and its implementation will happen after the end of this action plan cycle.⁷ The second restriction is political. According to an Administration of the Council of Ministers official and expert, it is difficult for a unit from the executive, such as the Administration of the Council of Ministers, to force more transparency on the independent bodies that only answer to the legislative.

Did It Open Government?

Access to Information: Did Not Change

The government did not implement the commitment; hence, it did not change administrative practices.

Carried Forward?

As of the time of writing this report, Bulgaria has not developed the fourth action plan.

The IRM researcher reiterates the recommendations from the midterm report; the commitment can be taken forward to the next action plan with more specifically formulated text. The implementing government should consult with the stakeholders individually listed by the action plan and consider the stakeholders' analyses⁸ and already functioning model website,⁹ 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/2zuWKUb>.

⁴ National action plan, Ibid.

⁵ Krassimir Bozhanov and Ralitz Velichkova, Director and expert of the "Modernization of the administration", Directorate of the Administration of the Council of Ministers and the government OGP team, interviewed by the IRM researcher, Council of Ministers, 13 September 2018.

⁶ Administrative register, <http://iisda.government.bg/>.

⁷ Krassimir Bozhanov and Ralitz Velichkova, Ibid.

⁸ “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/2zuWKUb>, Ibid.

⁹ 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 (as written)				Potential Impact				Comple tion		Midterm		Did It Open Government?						
															End of Term								
None					Access to Information				None				Not Started			Substantial		Worsened					
Low					Civic Participation				Minor				Limited	✓	✓			Did Not Change	✓				
Medium					Public Accountability				Moderate	✓				✓				Marginal					
High	✓				Technology & Innovation for Transparency & Accountability	✓			Transformative									Major					
2.1.7. NIICH information system and e-services				✓				✓				✓		✓									

Commitment Aim:

The National Institute for Immovable Cultural Heritage (NIICH) implements state policy in the field of conservation and preservation of cultural properties—architectural and archeological sites and objects. 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.² The commitment sought 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 incomplete or are lost.

Status

Midterm: Limited

By the midterm, implementation of the commitment was limited. According to the Ministry of Culture and NIICH experts,³ the two agencies had developed a funding project. However, this project was waiting for approval by the funding authority of Operative Program “Good Governance” within the government. For more information, please see the 2016–2017 IRM midterm report.

End of term: Limited

According to the Ministry of Culture expert,⁴ the Ministry started the implementation of the commitment in early 2018 by launching three public procurement procedures for an electronic register of immovable heritage,⁵ for the delivery of the needed equipment,⁶ and for the digitalization of photographic plates for 350 immovable cultural heritage objects.⁷ In July 2018, the Ministry discontinued the third tender procedure—the one on digitalization of photographic plates—because of a lack of offers.⁸ Overall, implementation remained limited since none of the three projects have materialized by the end of the assessment period, and no new information or concrete plans had been published by that point.

Did It Open Government?

Access to Information: Did Not Change

The Ministry of Culture and the NIICH aimed to improve access to the documents regarding the national immovable heritage objects through their digitalization and the creation of an electronic register. At the time of writing of this report (October 2018), the work is ongoing but neither a beta version of the system, nor any kind of new information, has been published. Therefore, the administrations’ practices of transparency of the immovable heritage paperwork has so far not changed.

Carried Forward?

As of the time of writing this report, Bulgaria has not developed the fourth action plan.

The IRM researcher reiterates the recommendations from the midterm report; the government could 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.⁹

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 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 Margarita Gospodinova, chief jurisconsult in the Ministry of Culture, e-mail correspondence with the IRM researcher, 11 September 2018.

⁵ “Analysis, planning, development and integration of the Specialized information systems (SIS), electronic register of the immovable cultural heritage and public portal...” (“Анализ, проектиране, разработване и внедряване на Специализирана информационна система (СИС), електронен регистър на недвижимите културни ценности и публичен портал. Създаване на нови/актуализиране на съществуващи вече вътрешни правила за основните процеси и правила за предоставяне на електронни услуги и формулиране на предложения във връзка с въвеждането на електронното управление. Дигитализиране на документен архив за 1490 обекта на недвижими културни ценности с национално и

световно значение""), procedure launched on 4 January 2018, ongoing, Customer profile, Ministry of Culture, in Bulgarian, <https://bit.ly/2LT9F93>.

⁶ "Delivery of equipment" ("Доставка на оборудване" в рамките на проект „Дигитализация на архива на недвижимите културни ценности от световно и национално значение, изграждане на специализирана информационна система, електронен регистър и публичен портал“, ДБФП № BG05SFOP001-I.002-0017-C01/18.08.2017 г. по Оперативна програма „Добро управление“ 2014–2020.), procedure launched on 4 January 2018, contract concluded on 29 October 2018, ongoing, Customer profile, Ministry of Culture, in Bulgarian, <https://bit.ly/2s9sZVL>.

⁷ "Digitalization of photographic plates for 350 immovable cultural heritage objects" ("Дигитализиране на фотограматични плаки за 350 обекта на недвижими културни ценности по Договор за предоставяне на безвъзмездна финансова помощ BG05SFOP001-I.002-0017-C01/18.08.2017 по ОПДУ, 2014-2020 г."), procedure launched on 30 May 2018, discontinued for lack of offers on 13 July 2018, Customer profile, Ministry of Culture, in Bulgarian, <https://bit.ly/2C57UBI>.

⁸ Idem.

⁹ "Our proposal" (Нашето предложение), Heritage.bg, in Bulgarian, <http://bit.ly/2gL10HF>.

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): N/A

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 (as written)				Potential Impact				Comple tion		Midterm End of Term		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
		✓			✓			✓		✓				✓			✓				
														✓							
3.1.1. Opening local Government data														✓			✓				

Commitment Aim:

The publication of information in an open, machine-readable format pertains mostly to central government information, but less so at the municipal level.¹ According to the action plan, there is a high demand for municipal data, and this data has the potential to unlock a great number of unspecified economic and social benefits.² The government set out to adopt a schedule for opening

local government data in all 265 self-governing municipalities. According to experts at the Administration of the Council of Ministers,³ the government would implement this commitment through the adoption of the annual decisions of the Council of Ministers on open data publication.

Status

Midterm: Substantial

By the midterm and a little after, the government had adopted two decisions listing eight datasets in October 2016⁴ and 38 in August 2017,⁵ which all of the 265 municipalities were required to publish. However, no known assessment of the rates and/or quality of the municipalities' publications of the open datasets existed. An interviewed stakeholder representing the municipalities' interests and working on e-government⁶ opined 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 much larger 2017 list, nor did it organize a public consultation on the 2017 list. The stakeholder added that the government included data sets in the 2017 list that the municipalities did not originally build, but only used in their work, which infringed on the traditional principle of publication in Bulgaria that only primary data set creators published the respective data sets in open format.⁷ For more information, please see the 2016–2017 IRM midterm report.

End of term: Limited

By the end of term, the implementation of the commitment was reduced compared to the midterm. As mentioned above, in August 2017, the government published a list of 38 data sets that all municipalities had to publish as open data. Contrary to previous practice, the government did not organize a public consultation on the 2017 list. This represents a worsening of the implementation of the sole star commitment in the previous 2014–2016 action plan.⁸ Regarding the list for 2018, the government and State E-Government Agency launched a consultation for proposals of data sets that could make the future list.⁹ However, by the end of 2018, for the first time since 2015, the government did not publish a draft and did not adopt such a list.

The State E-Government Agency experts¹⁰ explained that the Agency started assessing the implementation of the already-adopted 2015, 2016, and 2017 lists of data sets to be opened. The government had not carried out such an assessment so far. The reasons for the delay of the 2018 list are related, according to the experts,¹¹ to the internal and bilateral consultations within the administration and with unspecified business partners and the National Association of Municipalities. The State E-Government Agency experts consider the implementation of the commitment substantial mainly because of the publication of the 2017 list in August 2017. However, the IRM researcher took into account the 2017 list in the midterm report. Given the lack of implementation in 2018, the IRM researcher considers that commitment to have limited implementation at the end of the action plan cycle.

Did It Open Government?

Access to Information: Worsened

The government aimed to continue improving its open data efforts by establishing a specific list of data sets for all municipalities to publish in open formats. An EU-wide survey in 2018 shows that Bulgaria is no longer a trend setter country on open data in Europe.¹² This is mainly due to the low impact of released open data sets, but also to the lack of measurement of the impact, especially the economic impact. The IRM researcher considers that the government is making an important and positive step in the evaluation of its policy by assessing the implementation of the already adopted lists of data sets to be published in open format. However, the same survey also points out the “insufficient awareness, understanding and grasp on the part of citizens and organizations” on open data. The government and State E-Government Agency added to that setback the deficiencies in the consultation process and the non-adoption of a 2018 list. These negative effects are probably due to the changes of government and the establishment of the new State E-Government Agency during and before the assessment period. However, as of the writing of this report in early 2019, these facts

represent a worsening of the government practices regarding transparency and this commitment on opening local government data.

Carried Forward?

As of the time of writing this report, Bulgaria has not developed the fourth 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 Idem.

³ 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.

⁴ Decision no. 214 / 25.03.2016 of the Council of Ministers, in Bulgarian, <http://bit.ly/2zeB8e5>.

⁵ Decision no. 436 / 04.08.2017 of the Council of Ministers, in Bulgarian, <http://bit.ly/2xLcY9E>.

⁶ Ventseslav Kozuharov, 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.

⁷ Idem.

⁸ 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/2i0JlPp> and Bulgaria 2014–2015 IRM Progress Report, Open Government Partnership, page 70, <http://bit.ly/2ygyKBs>.

⁹ Public consultation on “Prioritization of the public information for 2018 which should be published in an open format in the Open Data Portal according to the Access to Public Information Act” (“Приоритизиране на публичната информация за 2018 г., която да бъде публикувана в отворен формат на Портала за отворени данни, съгласно изискванията на Закона за достъп до обществена информация”), Public Consultations, State E-Government Agency, January 2018, in Bulgarian, <https://www.e-gov.bg/bg/96> and Template of the table for proposals, Publications, Public Consultations Portal, 25 January 2018, in Bulgarian, <https://bit.ly/2AvfzZt>.

¹⁰ Reni Borissova, chief expert “Data” department, “Information systems and operational compatibility”, Directorate of the State E-Government Agency, email correspondence with the IRM researcher, 11 January 2019.

¹¹ Reni Borissova, State E-Government Agency, *ibid.*, 11 January 2019.

¹² “Open Data Maturity in Europe 2018”, report by Gianfranco Cecconi, Cosmina Radu, European Commission, European Data Portal, https://www.europeandataportal.eu/sites/default/files/edp_landscaping_insight_report_n4_2018.pdf and Bulgaria, Country Factsheet, European Commission, European Data Portal, https://www.europeandataportal.eu/sites/default/files/country-factsheet_bulgaria_2018.pdf.

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: National Association of Municipalities in Bulgaria

Start date: 1 July 2016

End date: 30 June 2017

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm	Did It Open Government?					
															End of Term						
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
				✓	✓						✓			✓				✓			
	3.1.2. Pilot “citizen budget” initiative																				

Commitment Aim:

Most Bulgarian municipalities actively publish information on their budgets, but often the information is complex and requires specialized expertise to understand.¹ This commitment planned to promote citizen participation by providing understandable information about municipal budgets through the creation of a citizen budget for the Sofia Municipality.

Status

Midterm: Limited

By the midterm, completion of this commitment was limited. The interviewed municipal officials explained that the Sofia Municipality carried out a series of consultations and presentations of the 2017 draft municipal budget.² 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.

End of term: Limited

For the 2018 budget the interviewed municipal experts³ stated that the Sofia Municipality organized an in-person public consultation on 5 January 2018.⁴ The municipality also provided access to citizens on the Sofia Municipal Council budget committees meetings,⁵ and published prior notification⁶ for the in-person consultation, along with a draft of the budget for 2018,⁷ and other data on spending of the municipal budget.⁸ The implementation of the commitment remained limited for two reasons. Firstly, all cited activities and information published by the Municipality are part of the traditional practice in the Sofia Municipality.⁹ Secondly, the administration did not prepare the commitment's main deliverable—the “citizen budget” of Sofia for 2018.

Did It Open Government?

Access to Information: Did Not Change

The government aimed at expanding the initiative for publishing documents, explaining for nonexperts the main points of the current year budget, the so-called “citizen budget,” at the municipality level. The commitment addressed one of the five Key Recommendations from the IRM 2014–2015 Progress Report.¹⁰ However, the government limited the implementation to only the capital city and its close surroundings. In addition, the city administration did not show ownership of the commitment. The IRM researcher was informed anonymously that this might have been due to the government's adoption of the commitment without buy-in from the city administration. During the assessment period, the city continued implementing its ongoing—and established prior to the action plan—policy on budget transparency by organizing in-person consultations, drafting presentations of the draft budget in accessible language, and publishing an important amount of budget data.¹¹ However the Municipality did not develop nor publish an explanation in accessible language of the adopted budget—the “citizen budget”. Hence, it did not change its practices.

Carried Forward?

As of the time of writing this report, Bulgaria has not developed the fourth action plan.

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.”

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

³ Yordanka Stankova and Iliana Guginska, heads of departments in the “Finance” Directorate of the Sofia Municipality, e-mail correspondence with the IRM researcher, 11 September 2018.

⁴ Information published in the “Budget 2018” Section, Sofia Municipality, in Bulgarian, <https://www.sofia.bg/web/guest/2018-financial-year>.

⁵ Yordanka Stankova and Iliana Guginska, heads of departments in the “Finance” Directorate of the Sofia Municipality, e-mail correspondence with the IRM researcher, 11 September 2018.

⁶ Information published in the “Budget 2018” Section, Sofia Municipality, in Bulgarian, <https://www.sofia.bg/web/guest/2018-financial-year>.

⁷ Idem.

⁸ Idem.

⁹ See the Budget sections for 2017: <https://www.sofia.bg/web/guest/2017-financial-year>; and for 2016: <https://www.sofia.bg/web/guest/2016-financial-year>, published before the action plan, Sofia Municipality, in Bulgarian.

¹⁰ SMART recommendation no. 4, Stephan Angelov, Bulgaria 2014–2015 IRM Progress Report, Open Government Partnership, page 70, <http://bit.ly/2yqyKBs>.

¹¹ Information published in the “Budget 2018” Section, Sofia Municipality, in Bulgarian, <https://www.sofia.bg/web/guest/2018-financial-year> and Budget sections for 2017, Sofia Municipality, in Bulgarian <https://www.sofia.bg/web/guest/2017-financial-year>.

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: 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 (as written)	Potential Impact	Completion	Midterm End of Term	Did It Open Government?
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	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
4a. I. I. Overall				✓	✓	✓		✓			✓			✓				✓			

Commitment Aim:

The commitment aimed to improve public consultations, especially on draft legislation, through four activities, combined into one EU-funded project:¹

1. improve the 2008 Public Consultation Portal;
2. draft standards on public and consultative councils;
3. develop training programs for public officials; and
4. develop guidelines for public consultations.

Status

Midterm: Limited

By the midterm, the commitment saw limited implementation. All four milestones would be carried out through the EU-funded project.² The government had started working on the project, but it was yet to launch the public procurement procedure. For more information, please see the 2016–2017 IRM midterm report.

End of term: Limited

In late December 2017, the government started the procurement procedure.³ In late June 2018, the government concluded the contract⁴ with the company who would build the new Public Consultations Portal. According to the interviewed experts from the Administration of the Council of Ministers,⁵ the other three milestones will also be implemented through a public procurement procedure after the end of the two-year action plan cycle.

Did It Open Government?

Access to Information: Did Not Change

Civic Participation: Did Not Change

Since the commitment was not fully implemented, it did not improve access to information on public consultation opportunities, nor did it improve the ability of the public to participate in decision-making.

Carried Forward?

As of the time of writing this report, Bulgaria has not developed the fourth action plan. According to the government, this commitment will not be carried forward because it will be fully implemented in before the official start of the next action plan.⁶

¹ 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>.

² Idem.

³ Market consultations of 22 December 2017, “Updating the Public Consultation Portal www.strategy.bg” („Актуализация на Портала за обществени консултации www.strategy.bg“ по Проект BG05SFOP001-2.001-0002-C01 „Администрация и гражданско общество – партньорство в управлението“, финансиран по Оперативна програма „Добро управление“), Customer Profile, Administration of the Council of Ministers, in Bulgarian, <https://bit.ly/2xXlm8e>.

⁴ Contract of 22 December 2017, “Updating the Public Consultation Portal www.strategy.bg” („Актуализация на Портала за обществени консултации www.strategy.bg“ по Проект BG05SFOP001-2.001-0002-C01 „Администрация и гражданско общество – партньорство в управлението“, финансиран по Оперативна програма „Добро управление“), Customer Profile, Administration of the Council of Ministers, in Bulgarian, <https://bit.ly/2xXlm8e>.

⁵ Krassimir Bozhanov and Ralitza Velichkova, Director and expert of the “Modernization of the administration” Directorate of the Administration of the Council of Ministers and the government OGP team, interviewed by the IRM researcher, Council of Ministers, 13 September 2018.

⁶ The IRM received this information from the government of Bulgaria during the pre-publication review for this report.

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): N/A

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 (as written)				Potential Impact				Completion		Midterm End of Term		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
4a.1.2. E-petitions for national and local initiatives			✓			✓		✓				✓	✓					✓			

Commitment Aim:

This commitment sought to provide citizens with easier ways to organize, sign, and present to public authorities a legally valid citizen petition. Currently, the Direct Participation of Citizens Act¹ does not allow citizens to support or sign petitions online (e-petitions) for national and local initiatives.² However, citizens do have this opportunity for the EU-level initiatives,³ which creates a disparity for public participation between the national and sub-national levels. This commitment attempts to satisfy calls from civil society to introduce e-petitions and lower the prohibitory legal requirements for initiating referenda and passing them with a binding decision.⁴

Status

Midterm: Not Started

Implementation of the commitment had not started by the midterm. The government's interim self-assessment report implied that amendments to the Direct Participation Act should be proposed by Members of Parliament.⁵ This means that the government considers that the initiative for implementing the commitment should be taken by the legislative and not by the executive. For more information, please see the 2016–2017 IRM midterm report.

End of term: Not started

At the end of the action plan, implementation of the commitment remained not started. The government experts in the Administration of the Council of Ministers⁶ explained to the IRM researcher that the commitment has not managed to gather political support. According to them, in the Bulgarian political traditions, it is unusual for the Council of Ministers (government) to propose amendments to the Direct Participation Act, and this legislation is considered a competence of the Members of Parliament.⁷ However, there is no legal impediment for the government to propose such amendments. Both the legislature and the government did not express political will to change the status quo.

Did It Open Government?

Civic Participation: Did Not Change

Since the commitment was not implemented, it did not change government practice in terms of the public's ability to propose and sign online petitions.

Carried Forward?

As of the time of writing this report, Bulgaria has not developed the fourth action plan.

Civil society organizations are still demanding the implementation of similar, if not the same, measures that this commitment outlines. The Bulgarian Centre for Not-for-Profit Law, the Citizen Participation Forum,⁸ and the Institute for Direct Democracy issued specific proposals for the introduction of such a commitment in the next action plan. A future commitment should aim to amend the Direct Participation Act by introducing the possibility for a legally valid e-petition for national and local citizen initiatives. It should cut red tape, including through minimizing the personal data mandatorily gathered for these purposes.

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

⁴ "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>.

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 Krassimir Bozhanov and Ralitzia Velichkova, Director and expert of the "Modernization of the administration" Directorate of the Administration of the Council of Ministers and the government OGP team, interviewed by the IRM researcher, Council of Ministers, 13 September 2018.

⁷ Idem.

⁸ Proposals for commitments in the Fourth National Action Plan by the Bulgarian Centre for Not-for-Profit Law and the Citizen Participation Forum, Public Consultations Portal, 23 July 2018, in Bulgarian, <https://bit.ly/2xzepLn>.

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 (as written)				Potential Impact				Comple tion		Midterm		Did It Open Government?				
															End of Term						
4a.1.3. OGP monitoring platform			✓		✓	✓	✓		✓					✓			✓				

Commitment Aim:

The approach to involving stakeholders in the monitoring and evaluation of the implementation of Bulgaria's previous OGP action plans has been inconsistent and poorly 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. This commitment aimed to encourage active citizen involvement and increase the quality of

implementation through a structured monitoring mechanism (and/or an online platform) for Bulgaria's OGP action plans.

Status

Midterm: Limited

The government interprets the commitment as building an OGP-specific online platform. According to an interviewed expert from the Administration of the Council of Ministers,² the platform would be a specific section of the improved or entirely new Public Consultations Portal (Commitment 4a1.1.). Therefore, at the midterm, the technical documentation outlining plans for the platform had been developed, but not yet published. For more information, please see the 2016–2017 IRM midterm report.

End of term: Limited

According to the same interviewed government official and expert,³ in late December 2017, the government started the procurement procedure.⁴ In late June 2018, the government concluded the contract⁵ with the company who would build the new Public Consultations Portal and the OGP-specific platform part of the Portal.

Did It Open Government?

Access to Information: Did Not Change
Civic Participation: Did Not Change

Since at the time of writing of this report in October 2018, the commitment was not implemented, it did not change government practice.

Carried Forward?

As of the time of writing this report, Bulgaria has not developed the fourth action plan.

In addition, since the organization and functioning of a regular multi-stakeholder forum became a mandatory part of participation in OGP, the Bulgarian government could create such a forum or platform outside of its action plans.

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 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.

³ Krassimir Bozhanov and Ralitza Velichkova, Director and expert of the “Modernization of the administration” Directorate of the Administration of the Council of Ministers and the government OGP team, interviewed by the IRM researcher, Council of Ministers, 13 September 2018.

⁴ Market consultations of 22 December 2017, “Updating the Public Consultation Portal www.strategy.bg” („Актуализация на Портала за обществени консултации www.strategy.bg“ по Проект BG05SFOP001-2.001-0002-C01 „Администрация и гражданско общество – партньорство в управлението“, финансиран по Оперативна програма „Добро управление“), Customer Profile, Administration of the Council of Ministers, in Bulgarian, <https://bit.ly/2xXlm8e>.

⁵ Contract of 22 December 2017, “Updating the Public Consultation Portal www.strategy.bg” („Актуализация на Портала за обществени консултации www.strategy.bg“ по Проект BG05SFOP001-2.001-0002-C01 „Администрация и гражданско общество – партньорство в управлението“, финансиран по Оперативна програма „Добро управление“), Customer Profile, Administration of the Council of Ministers, in Bulgarian, <https://bit.ly/2xXlm8e>.

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): N/A

Start date: 1 July 2016

End date: 31 December 2016

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Comple tion		Midterm	Did It Open Government?						
															End of Term							
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding	
	4a.1.4. Pilot a New design-thinking method		✓			Unclear				✓				✓				✓				

Commitment Aim:

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.” Interviewed experts² from the Administration of the Council of Ministers referred to a scholarly article³ shedding light on these terms. However, they did not identify any specific stakeholder who had participated in the implementation of this method.⁴ They also could not specify which “open issues in the decision-making process relating to the EU funds” method would be applied. The vague description of the commitment in the action plan does not point to relevance to any OGP values.

Status

Midterm: Not Started

By the midterm, the IRM researcher did not find any evidence that implementation had started. For more information, please see the 2016–2017 IRM midterm report.

End of term: Not started

By the end of term, the Administration of the Council of Ministers expert stated that the government was “defining the specific topics of discussion regarding to the methods” to which the design-thinking should be applied.⁵ The IRM researcher did not find any evidence that implementation had started.

Did It Open Government?

Access to information: Did not change

Civic participation: Did not change

Public accountability: Did not change

Since the commitment was not directly relevant to OGP values and its implementation did not start during the assessment period, it did not change government practices.

Carried Forward?

As of the time of writing this report, Bulgaria has not developed the fourth action plan.

Moving forward, 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 Kees Dorst “The core of ‘design thinking’ and its application”, *Design Studies*, Volume 32, Issue 6, November 2011, Pages 521-532, <https://doi.org/10.1016/j.destud.2011.07.006>.

⁴ 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.

⁵ Kiril Ezekiev, Lyubomir Stoyanov, experts in the “Central Coordinating Unit” Directorate of the Administration of the Council of Ministers, *ibid*.

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): N/A

Start date: 1 July 2016

End date: 30 June 2018

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did It Open Government?					
															End of Term							
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding	
			✓		✓	✓				✓					✓					✓		
																✓						

Commitment Aim:

Stimulating corporate social responsibility (CSR) has been a topic of public debate for years.² So far, however, related initiatives mainly result from private companies with little action from public institutions.³ This commitment aimed to introduce clear public mechanisms for the promotion of CSR through organizing forums with different stakeholders and drafting and publishing a new state Strategy for Corporate Social Responsibility (a non-legally binding policy document).

Status

Midterm: Substantial

By the midterm, the Ministry of Labor and Social Policy had organized four different forums on developing a new CSR Strategy. The Ministry had also set up a consultative council that includes a number of stakeholders to draft a new strategy. For more information, please see the 2016–2017 IRM midterm report.

End of term: Substantial

According to the interviewed representative from the Ministry of Labour and Social Policy,⁴ in August, the Ministry organized another seminar on CSR. During the second year of the action plan, the consultative council established a structure and a first draft of the future national strategy on CSR, the expert added. A draft of the strategy for public consultation will be published by March 2019. At the time of writing of this report, in late 2018, the Ministry has not published the draft yet.

Did It Open Government?

Access to Information: Did Not Change
Civic Participation: Marginal

The government aimed to promote and foster CSR through the organization of forums and drafting a new national strategy (a non-legally binding policy document). In Bulgaria, multiple private CSR initiatives already existed,⁵ and stakeholders supported the recommendations of the 2015 Opinion on “Corporate social responsibility – achievements and challenges” by the Economic and Social Council.⁶ The government improved its practice on civic participation by organizing multiple forums and setting up the consultative council that combines government, business, and civil society to work on the future strategy. Previously, the government was inactive in this field. This step remains, however, an incremental step before achieving the final result of this work, which is the adoption of the strategy. In terms of transparency, the government’s practice has not changed, since the results of the council’s work have not been published so far.

Carried Forward?

As of the time of writing this report, Bulgaria has not developed the fourth action plan.

¹ This commitment was included in the Bulgarian version of the action plan, but not in the English version. 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 Theodora Todorova, State expert at the Directorate “Strategic Planning and Demographic Policy” of the Ministry of Labour and Social Policy, email correspondence with the IRM researcher, 8 January 2019.

⁵ Stephan Anguelov, “IRM: Republic of Bulgaria Progress Report 2016–2017”, Independent Reporting Mechanism, Open Government Partnership, page 86, <https://www.opengovpartnership.org/report/bulgaria-mid-term-report-2016-2018-year-1>.

⁶ “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>.

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): N/A

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 (as written)				Potential Impact				Comple tion		Midterm		Did It Open Government?				
															End of Term						
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
4b.1.1. Update Strategy for Developing CSOs				✓	✓	✓				✓			✓	✓				✓			

Commitment Aim:

The Strategy for Developing Civil Society Organizations¹ is a non-legally binding policy document that outlines the government's views on fostering an enabling environment for civil society, the 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 schedules. The existing Strategy for Developing Civil Society Organizations (2012–2015) expired in 2015, and no institution has been

tasked with its update and consequent implementation.² This commitment outlines three key activities: updating and continuing the implementation of the existing strategy, drafting a new action plan, and determining an institution responsible for its implementation.

Status

Midterm: Not Started

By the midterm, the government had not started implementing the commitment. Experts from the Administration of the Council of Ministers³ explained that implementation would be carried out in 2018. The government experts stated that the future Council on Civil Society Development had to implement the commitment. This Council should be formed under the amendments to the Non-Profit Legal Entities Act that enter into force on 1 January 2018. The respective legal amendments⁴ expressly state that the main purpose of the Council is to develop and to carry out policies supporting the development of civil society. For more information, please see the 2016–2017 IRM midterm report.

End of term: Limited

By the end of the action plan cycle, the government implemented the commitment to a limited extent. In December 2017, representatives of 70 civil society organizations (CSOs) chose 22 members who, along with other government experts and under an order of the Prime Minister,⁵ formed a working group preparing the Rules of organization and functioning of the future Council on Civil Society Development as well as the rules for determining the members of the Council.⁶ The working group had seven meetings and ended its work in early February 2018.⁷ In late October 2018, after the conclusion of the action plan period, the government published for public consultation the draft Rules of organization and functioning of the future Council on Civil Society Development.⁸ As of the writing of this report in late 2018, the public consultation period has ended, but the government has not adopted the Rules, nor officially established the Council. In the meantime, in June 2018, the Council of Ministers appointed the Deputy Prime Minister Tomislav Donchev as president of the future Council and responsible for the implementation of the Strategy for Developing Civil Society Organizations.⁹ Thus, the government implemented a part of one of the three activities of this commitment, namely to determine an institution—in this case an elected official—responsible for the implementation of the Strategy for Developing Civil Society Organizations. The update and implementation of the Strategy, as well as the adoption of a new action plan, the government left to the future functioning of the Council.

Did It Open Government?

Access to Information: Did Not Change Civic Participation: Did Not Change

Bulgaria's Strategy for CSOs' environment and development had expired in 2015 without being implemented. The government aimed to update and continue implementing the Strategy, as well as determining a new responsible institution for the Strategy's monitoring and implementation. During the action plan period, and as far as late 2018, the government appointed a responsible Deputy Prime Minister, but did not finish the work of creating a Council to implement and draft an update of the CSOs Strategy. Consequently, it did not change the status quo, and there were no visible changes in government practices in terms of transparency or civic participation.

Carried Forward?

As of the time of writing this report, Bulgaria has not developed the fourth action plan.

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/1m3tVVB>.

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- 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 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.
- ⁴ Law for amending the Non-profit Legal Entities Act, National Assembly, promulgated on 13 September 2016, in Bulgarian, <http://bit.ly/2fo0G1C>.
- ⁵ Protocols of the meetings of the working group drafting the Rules on the Organization and Functioning of the Council on Civil Society Development and the rules on determining the members of the Council (“Протоколи от заседанията на работната група за подготовката на проект на Правилник за организацията и дейността на Съвета за развитие на гражданското общество и на правила за избор на членове на съвета”), “Publications” section Public Consultations Portal, 31 January 2018, in Bulgarian, <http://strategy.bg/Publications/View.aspx?lang=bg-BG&Id=243>.
- ⁶ Idem.
- ⁷ “Council on Civil Society Development – what has been done?”, interview with Iva Taralezhkova, director of the Citizen Participation Forum (“Съвет за развитие на гражданското общество – до къде стигнаха нещата?”), News, Bulgarian Center for Not-for-Profit Law, 15 February 2018, in Bulgarian, <http://bcnl.org/news/savet-za-razvitie-na-grazhdanskoto-obshtestvo-do-kade-stignaha-neshtata.html>.
- ⁸ Draft Rules of organization and functioning of the Council on Civil Society Development, prior impact assessment and statements from multiple CSOs, Public Consultations Portal, 20.09.2018, in Bulgarian, <https://bit.ly/2sbrw2a>.
- ⁹ Decision no. 428 of 28 June 2018 of the Council of Ministers on appointing for President of the Council on Civil Society Development with the Council of Ministers, responsible for the implementation of the Strategy for Developing Civil Society Organizations in the Republic of Bulgaria (Решение № 428 от 28.06.2018 на МС ЗА ОПРЕДЕЛЯНЕ ПРЕДСЕДАТЕЛ НА СЪВЕТА ЗА РАЗВИТИЕ НА ГРАЖДАНСКОТО ОБЩЕСТВО КЪМ МИНИСТЕРСКИЯ СЪВЕТ, ОТГОВОРЕН ЗА ИЗПЪЛНЕНИЕТО НА СТРАТЕГИЯТА ЗА ПОДКРЕПА НА РАЗВИТИЕТО НА ГРАЖДАНСКИТЕ ОРГАНИЗАЦИИ В РЕПУБЛИКА БЪЛГАРИЯ), Legal Information System of the CoM, 28 June 2018, in Bulgarian, <https://bit.ly/2SKhOPJ>.

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: State E-Government Agency

Start date: 1 July 2016

End date: 31 December 2017

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Comple tion		Midterm End of Term		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
5.1.1. New public register for budget and project control on e-government				✓	✓			✓			✓			✓	✓				✓		

Commitment Aim:

Introducing e-government in Bulgaria is a large-scale priority 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 planned to establish a transparent, online register that provides public access to information about all e-government projects in a single place.⁴

Status

Midterm: Limited

By the midterm, the State E-Government Agency (SEGA) had drafted and started a funding project to implement this commitment.⁵ For more information, please see the 2016–2017 IRM midterm report.

End of term: Substantial

By the end of term, the SEGA continued implementing the commitment. The project's implementation started in June 2017 and was planned to continue for 18 months until December 2018.⁶ However, according to an expert at the SEGA,⁷ because of a suspension of the public procurement contract, a new procedure has been started and the implementation would continue until December 2019. SEGA organized a public presentation of the project where it underlined the four expected results:

- an information system for ex-ante, ongoing, and ex-post controls of expediency in the field of e-governance and ICT;
- a public register of e-government projects and activities;
- a portal for access to e-government software development software resources.

The government expert added that until the launch of the new register, its function is carried out by the Agency's website.⁸ The IRM researcher considers the implementation of the commitment substantial, though not fully complete, since the planned register is still not created.

Did It Open Government?

Access to Information: Marginal

The government sought to improve the efficiency of spending of public funds for e-government by building a public register of all e-government projects and allowing public overview of their implementation. At the time of writing this report in late 2018, the project is being implemented by an ongoing project with no published results and by a list of e-government projects published on the State E-Government Agency website.⁹ Publishing the list and starting the project is a positive, though incremental step towards improving transparency. All the listed projects that have received EU financing were already easily accessible in the Information System for Management and Monitoring of EU Funds in Bulgaria 2014–2020 (UMIS 2020).¹⁰ This means that anyone interested in e-government projects financed with EU money could find them online in UMIS 2020 through a search. The publication of the list of projects on the SEGA website eliminates the need for a search and the risks of not identifying some related project and in this way incrementally improves transparency.

Carried Forward?

As of the time of writing this report, Bulgaria has not developed the fourth 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/2y6wthV>; Maria Manolova, "How much does electronic government cost", Capital.bg, 11 March 2015, in Bulgarian, <http://bit.ly/2y6IK1j>; 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>; Georgi Vuldzhev, "How much did electronic government cost so far" (Колко е струвало електронното управление досега?), Overview of Economic Policy, Institute for Market Economics, ISSN 131–0544, 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 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>.

⁶ “Control, accountability and transparency of the projects and expenses for e-government and IT in the administration, planned by a project of the SEGA” (“Контрол, отчетност и прозрачност на проектите и разходите за е-управление и ИКТ в администрацията, предвижда проект на ДАЕУ”), News, SEGA, 26 September 2017, in Bulgarian, <https://www.e-gov.bg/bg/news/37>.

⁷ Reni Borissova, chief expert “Data” department, “Information systems and operational compatibility” Directorate of the State E-Government Agency, email correspondence with the IRM researcher, 11 January 2019.

⁸ E-government projects, State E-Government Agency, in Bulgarian, <https://e-gov.bg/bg/88> and <https://e-gov.bg/bg/151>.

⁹ E-government projects, State E-Government Agency, in Bulgarian, <https://e-gov.bg/bg/88> and <https://e-gov.bg/bg/151>.

¹⁰ Information System for Management and Monitoring of EU Funds in Bulgaria 2014–2020 (UMIS 2020), <https://eumis2020.government.bg/en>.

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: 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 (as written)				Potential Impact				Comple tion		Midterm	Did It Open Government?					
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
5.1.2. New Information System for Corruption Risk Analysis			✓		✓			✓			✓		✓	✓				✓			

Commitment Aim:

The government units tasked with preventing and combatting corruption need a tool for corruption risk analysis for high-level public officials.¹ Currently, the check and verification process is 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 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

Status

Midterm: Limited

By the midterm, the government had reported that it started working on the future project, but due to the early elections and change in government positions, the work was halted. According to the Ministry of Justice experts, the system would be redesigned and implemented in accordance with the then-future anti-corruption law.⁶ For more information, please see the 2016–2017 IRM midterm report.

End of term: Not started

On 12 January 2018, the National Assembly adopted the controversial⁷ Anti-corruption and Forfeiture of Assets Act (AFAA).⁸ In the same month, Parliament established the new Anti-corruption and Forfeiture of Illegally Acquired Assets Commission, which is an independent specialized permanent body for implementing the policy on counteracting corruption and seizure of illegally-acquired property.⁹ As government experts explained,¹⁰ the new Commission has the general authority to carry out the Bulgarian government's anti-corruption policy, including the creation of the Information System for Corruption Risk Analysis. According to the government experts,¹¹ in February 2018, the Ministry of Justice proposed to amend the E-government Roadmap.¹² The adoption of the amendment would result in a shift of responsibility and financing regarding the creation of the Information System for Corruption Risk Analysis from the Ministry to the Commission. According to the expert,¹³ the State E-Government Agency should take steps to initiate the amendment of the Roadmap. This means that the efforts on the implementation which the Ministry carried out so far are discontinued, and the new Commission will have to start implementing the commitment anew.

During the action plan period until July 2018, and after until late 2018, the IRM researcher did not find evidence of the government officially amending the Roadmap, nor of the Anti-corruption and Forfeiture of Illegally Acquired Assets Commission starting a project¹⁴ to create the Information System for Corruption Risk Analysis. For these reasons, the IRM researcher considers that the actual implementation of the commitment has downgraded compared to the midterm period, as it is currently not started.

Did It Open Government?

Access to Information: Did Not Change

The government aimed to streamline and digitalize the process of performing assets and conflict of interests checks by creating an Information System for Corruption Risk Analysis. Since the Ministry of Justice, Forfeiture of Illegally Acquired Assets Commission, and the State E-Government Agency did not start implementing the commitment, it did not change the administrations practices.

Carried Forward?

As of the time of writing this report, Bulgaria has not developed the fourth 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 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 Mira Ivanova and Yanko Kovachev, experts in the Directorate “Strategic Development and Programs” in the Ministry of Justice, interviewed by the IRM researcher in September 2017.

⁷ “Bulgaria president vetoes anti-corruption law”, World News Reuters, 2 January 2018, <https://www.reuters.com/article/us-bulgaria-politics/bulgaria-president-vetoes-anti-corruption-law-idUSKBN1ER0S9>.

⁸ Anti-corruption and Forfeiture of Assets Act (Закон за противодействие на корупцията и за отнемане на незаконно придобитото имущество (обн. ДВ. бр.7 от 19.01. 2018 г.)), National Assembly, 12 January 2018, in Bulgarian,

<https://www.parliament.bg/bg/laws/ID/77820/> A short presentation of the law in English – “Bulgaria adopts new anti-corruption legislation”, Regional Anti-Corruption Initiative, <http://rai-see.org/bulgaria-adopts-new-anti-corruption-legislation/>.

⁹ Article 7, par. 2 of the AFAA, <https://www.parliament.bg/bg/laws/ID/77820/>

¹⁰ Mira Ivanova, Head of Department “Coordination of policies in the Judiciary” in the Directorate “Strategic Development and Programs” in the Ministry of Justice, e-mail correspondence with the IRM researcher, 20 August 2018.

¹¹ Mira Ivanova, Head of Department in the Ministry of Justice, *ibid.*, 20 August 2018.

¹² “Roadmap for the implementation of the Strategy for Development of Electronic Government in the Republic of Bulgaria 2016–2020” (“Пътна карта за изпълнение на Стратегията за развитие на електронното управление в Република България за периода 2016–2020 г.”), Publications, Public Consultations Portal, 8 April 2016, in Bulgarian, <https://bit.ly/1SbeXx8>.

¹³ Mira Ivanova, Head of Department in the Ministry of Justice, *ibid.*, 20 August 2018.

¹⁴ Projects section, Anti-corruption and Forfeiture of Illegally Acquired Assets Commission, <http://www.ciaf.government.bg/pages/view/proekti-po-opdu-263/>.

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 (as written)				Potential Impact				Comple tion		Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
5.1.3. Ordinance on suitability of Customs officials			✓		Unclear					✓						✓		✓			

Commitment Aim:

The Customs Agency did not have a standardized procedure for assessing the professional and psychological suitability of candidates for recruitment or promotion.¹ By adopting a procedure for assessing the professional and psychological suitability of candidates and officials, the Customs Agency aimed to ensure its staff possesses the requisite integrity and mindset.² 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.

Status

Midterm: Complete

The commitment was completed prior to the start of the action plan. 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.³ For more information, please see the 2016–2017 IRM midterm report.

The government and the Customs Agency in particular continued implementing the commitment during the second year of the action plan. According to the Agency's officials,⁴ in October 2017, the Minister of Finance amended the Ordinance⁵ leading to reduction in the number of tests necessary to constitute the psychological study. The study for professional and psychological feasibility shall be carried out without the test for the study of the intellectual capabilities.⁶ According to the Agency's officials,⁷ during the action plan period, a total of 1,174 applicants passed the test of professional and psychological feasibility.

Did It Open Government?

Access to information: Did not change

Civic participation: Did not change

Public accountability: Did not change

In implementing this commitment, the Customs Agency published and introduced a standardized procedure for assessing the integrity as well as professional and psychological suitability of candidates for recruitment or promotion. The high number applicants who passed the test indicate that the change in the Agency's practices seems important to its work. However, since the commitment is implementing an internal facing administrative reform and does not directly relate to OGP values, it cannot be assessed having opened government practice.

Carried Forward?

As of the time of writing this report, Bulgaria has not developed the fourth action plan.

Moving forwards, the Customs Agency could 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 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>.

⁴ Elena Kirilova, Director, and Julia Maleva, chief expert, of directorate "Human Resources Organisation and Management" in the Central Customs Directorate of the National Customs Agency, e-mail correspondence with the IRM researcher, 11 January 2018.

⁵ Ordinance amending 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 за изменение на Наредба № Н-І от 2016 г. за условията и реда за извършване на изследване за професионална и психологическа пригодност при назначаване и повишаване в длъжност в Агенция „Митници“, (обн. ДВ бр. 85 от 24.10.2017)), issued by the Minister of Finance, promulgated in Issue 85 of the State Gazette of 24 October 2017, in Bulgarian, <https://bit.ly/2Fqhe75>.

⁶ Idem.

⁷ 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: Ministry of Finance

Start date: 1 July 2016

End date: 30 June 2018

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Comple tion		Midterm		Did It Open Government?				
															End of Term						
5.1.4. Citizen feedback mechanism		✓				✓	✓			✓					✓			✓			

Commitment Aim:

According to a Eurobarometer survey (Feb. 2014)¹, more than two-thirds of respondents believe that abuse and corruption are widespread among customs officials in Bulgaria² and there is a high risk of corruption when dealing with Bulgaria's customs administration.³ 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.⁴ However, as written, this commitment does not specify what the targeted activity is and how it would be carried out.⁵

Status

Midterm: Substantial

This commitment saw substantial implementation by the midterm. In May 2017, the Customs Agency amended its internal rules on the functioning of its inspectorate and on handling complaints. The new rules assigned clear responsibilities to the heads of offices and improved the handling of every complaint received through the hotline, according to an interviewed customs inspector.⁶ For more information, please see the 2016–2017 IRM midterm report.

End of term: Complete

The interviewed customs inspector⁷ considers the implementation of this commitment complete at the end of the of the action plan cycle. According to him,⁸ the aim of this commitment was not implementing a totally new system of handling complaints, but to ensure the continuous and efficient work of the existing system by improving the possibilities and channels to receive complaints by users. This means that the Agency focused on improving the handling of complaints coming not only in writing in the Agency's central office, but also through the hotline, through e-mail, through the postal boxes dedicated to receiving complaints, and through the information system of the National Anti-Corruption Policies Council.⁹ According to the Agency's inspector, in the period between July 2017 and June 2018, signals were received and acted upon through all of the listed channels, and this proves that the Agency implemented fully the commitment.

Did It Open Government?

Civic Participation: Did Not Change

Public Accountability: Did Not Change

The Customs Agency aimed to improve the receiving and handling of complaints by instituting a variety of communication channels for citizen input—a hotline, information system of the National Anti-Corruption Council, email, by mail, and feedback boxes. By changing its internal rules and practices, the Agency succeeded in engaging with citizens' complaints through multiple channels. The interviewed inspector¹⁰ explained that the number of complaints received by the Agency in 2017 is not significantly different than in previous years, but in 2017, the senders of complaints used all the newly available channels—hotline, information system of the National Anti-Corruption Council, email, by mail, and feedback boxes. In the IRM researcher's opinion, the commitment improved the Agency's practices in terms of handling complaints, and there is a definite benefit for users who have multiple channels open for sending complaints. However, the commitment does not address directly civic participation, since it does not establish a new way for citizens to participate or influence the anti-corruption activities or decision-making by the Agency. The commitment also does not improve public accountability, since it does not improve the way citizens can demand and receive from the Agency and its staff explanations on their actions and decisions. Therefore, though the commitment's implementation brings positive developments to the handling of complaints, it does not change the administrative practices towards a more open government.

Carried Forward?

As of the time of writing this report, Bulgaria has not developed the fourth action plan.

¹ Eurobarometer Corruption Report 2014, Bulgaria factsheet, European Commission, February 2014, http://ec.europa.eu/commfrontoffice/publicopinion/archives/ebs/ebs_397_fact_bg_en.pdf.

² Bulgaria Corruption Report, <http://www.business-anti-corruption.com/country-profiles/bulgaria>

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 Stephan Angelov, "IRM: Republic of Bulgaria Progress Report 2016–2017", Independent Reporting Mechanism, Open Government Partnership, page 97, <https://www.opengovpartnership.org/report/bulgaria-mid-term-report-2016-2018-year-1>.

⁶ Petko Zahariev, state inspector in the Customs Agency Inspectorate, interview by IRM researcher, 9 August 2017.

⁷ Petko Zahariev, state inspector in the Customs Agency Inspectorate, email correspondence with the IRM researcher, 27 August and 7 September 2018.

⁸ Idem.

⁹ National Anti-Corruption Policies Council, <http://anticorruption.government.bg/content.aspx?p=14>.

¹⁰ Petko Zahariev, state inspector in the Customs Agency Inspectorate, email correspondence with the IRM researcher, 27 August and 7 September 2018, *ibid.*

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): N/A

Start date: 1 July 2016

End date: 30 June 2018

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Comple tion		Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
5.1.5. Beneficial ownership disclosure in public contracts			✓		✓						✓		✓					✓			

Commitment Aim:

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.¹ The government planned to tackle this by amending the Public

Procurement Act, requiring companies to disclose beneficial ownership for certain contracts and establishing an oversight mechanism.

Status

Midterm: Not Started

By the midterm, implementation of this commitment had not started. Both the government and the IRM researcher could not identify the origin of the proposal and the responsible implementing unit or officer(s). There was no available information on the progress of the commitment. For more information, please see the 2016–2017 IRM midterm report.

End of term: Not started

The commitment remained not started by the end of the action plan period. The government² and IRM researcher could still not identify the origin of the proposal and the responsible implementing unit and officer(s). There is no available information on the progress of the commitment.

Did It Open Government?

Access to Information: Did Not Change

Since the commitment implementation did not start, it has not resulted in any changes.

Carried Forward?

As of the time of writing this report, Bulgaria has not developed the fourth action plan.

In 2018, beneficial ownership became an important topic of public debate around at least two major scandals involving the projected construction of ski resort facilities in a protected area³ and the deal for buying Bulgaria's largest electricity distribution company.⁴ Both cases revolved around the question of whether the actual owners of the investor companies were the persons who were presenting themselves as the official owners. Given the current opaqueness in the Bulgarian public procurement system, the IRM researcher recommends addressing beneficial ownership in 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 Krassimir Bozhanov and Ralitza Velichkova, Director and expert of the "Modernization of the administration" Directorate of the Administration of the Council of Ministers and the government OGP team, interviewed by the IRM researcher, Council of Ministers, 13 September 2018.

³ "Analyse this: Who is the owner of the Bankso ski development project?", BulgarianPresidency.eu, 17 February 2018, <http://bulgarianpresidency.eu/analyse-owner-bankso-ski-development-project/>.

⁴ "Sale of ĆEZ Bulgaria to Inercom raises red flags; requires greater scrutiny", Transparency International, 1 March 2018, https://www.transparency.org/news/pressrelease/sale_of_chez_bulgaria_to_inercom_raises_red_flags_requires_greater_scrutiny.

Theme 6: Open Data

6.1.1. Improve Open Data Portal

Commitment Text:

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

Commitment Text:

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

Commitment Text:

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 (as written)				Potential Impact				Comple tion		Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
6.1.1. Improving the Open Data Portal				✓	✓		✓			✓			✓				✓				
6.1.3. Promotion of the open data events				✓	✓					✓			✓	✓			✓				
6.1.4. Open Data Usage Manual				✓	✓					✓			✓	✓			✓				

Commitment Aim:

This commitment aimed to improve the government Open Data Portal (6.1.1), carry out an information campaign (6.1.3), and increase the civil servants' data processing and analysis skills (6.1.4.). At the time this commitment was adopted, Bulgaria was making progress in open data publication.¹ However, this progress had not yet resulted in considerable increases in usage of the available data, and examples of employing data for policy formulation and decision making were rare.² In addition, the existing Open Data Portal, according to the government, was a demo version and does not support certain functionalities³ needed to improve the data's consistency and veracity, how it is displayed, publishing organizations, etc.⁴ The government set out to implement the three original commitments, which are presented here as milestones of a single commitment, through a single EU-funded project.⁵

Status

Midterm: Limited

By the midterm, the project had started⁶ and the administration was preparing the assignment and public procurement procedure to choose a contractor to develop the portal and the automated data input tool.⁷ For more information, please see the 2016–2017 IRM midterm report.

End of term: Limited

By the end of term, implementation of the commitment had continued, but the government and contractor have not yet published any results.⁸ In April 2018, the government concluded a contract⁹ for building a new Open Data Portal and for integrating an automated data input tool. The contract should have been finished by September 2018; however, at the writing of this report in October 2018, the new Portal is still not online. According to the interviewed government officials,¹⁰ the

government and its contractors would carry out the promotional events (milestone 6.1.3) and disseminate the open data manual (milestone 6.1.4) after the future launch of the new Portal.

Did It Open Government?

Access to Information: Did Not Change

Since the open data portal is not online at the time of writing this report, the commitment did not change access to information.

Carried Forward?

As of the time of writing this report, Bulgaria has not developed the fourth action plan. The new Open Data Portal was made public after the action plan's assessment period and after the writing of this report (<https://data.egov.bg/>). The government plans to continue the commitment by upgrading the already-accomplished efforts.

A future truly transformative commitment in this area could 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 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.

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 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> also Bulgaria: 2014–2016 End-of-Term Report, Independent Reporting Mechanism, Open Government Partnership, pages 34 and 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 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 and 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 Project "Improving the processes related to the provision, access and reuse of public sector information," BG05SFOP001-2.001-0001-C03, funded by the European Social Fund, Operative Programme "Good Governance", <https://bit.ly/2Sp775i>.

⁶ Idem.

⁷ 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>.

⁸ Krassimir Bozhanov and Ralitz Velichkova, Director and expert of the "Modernization of the administration" Directorate of the Administration of the Council of Ministers and the government OGP team, interviewed by the IRM researcher, Council of Ministers, 13 September 2018.

⁹ "Creating, testing and integration of an Open Data Portal, creating an instrument for automated data input for the Portal and related training" („Изработване, тестване и внедряване на Портал за отворени данни, разработване на инструмент за автоматизирано въвеждане на данни на портала и провеждане на свързано обучение“ по Проект BG05SFOP001-2.001-0001 „Подобряване на процесите, свързани с предоставянето, достъпа и повторното използване на информацията от обществения сектор“, финансиран по Оперативна програма „Добро управление“), contract concluded on 24.04.2018, Administration of the Council of Ministers, Customer Profile, in Bulgarian, <https://bit.ly/2SILAdp>.

¹⁰ Krassimir Bozhanov and Ralitz Velichkova, ibid.

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): N/A

Start date: 1 July 2016

End date: 30 June 2018 (ongoing)

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm End of Term		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
6.1.2. Publishing data on EU funds		✓			✓			✓	✓							✓			✓		

Commitment Aim:

Prior to the action plan,¹ the government was already uploading data from the Unified Management Information System for the EU structural instruments in Bulgaria 2007–2013 (UMIS)² to the Open Data Portal.³ In addition, the UMIS successor—the Information System for Management and Monitoring of EU Funds in Bulgaria 2014–2020 (UMIS 2020)⁴—allows the free download of data in a series of open and closed formats (.xlsx, .html, .xml).

The government did not identify the specific problem it aimed to address through this commitment, and the IRM researcher was unable to reconstruct it through interviews with government representatives. Furthermore, the action plan states the release of data will continue along with efforts to constantly improve data quality.⁵ The IRM researcher interpreted this commitment as continuing to publish the same data with ambiguous plans to improve it in the future.

Status

Midterm: Complete

By the midterm, the government was fully implementing the commitment by publishing all data freely available in UMIS as open data.⁶ For more information, please see the 2016–2017 IRM midterm report.

The interviewed government expert from the Administration of the Council of Ministers⁷ pointed out that in the assessment period between July 2017 and June 2018, the government including all EU funds payment agencies, which are all government bodies, continued regularly publishing information in real time on the implementation of the EU funds programs and projects. Since February 2018, the government also started publishing in UMIS 2020 data on the Rural Development Program.⁸

Did It Open Government?

Access to Information: Marginal

This commitment focused on continuing the practice of publishing information on the implementation of EU funds online and in open data format through the UMIS 2020. The IRM researcher could not identify a qualitative improvement in the publication efforts in the action plan assessment period. The reason for this is that the government did not identify in the action plan the specific problem it aimed to address, or what new information it planned to publish and how it would improve the publication. During the pre-publication comment period for this report, the government claimed to have made available the following data in the UMIS 2020: programs' budgets by year; programs implementation by year; allocated funds as well as reimbursed; programs implementation by axes; programs indicators implementation; projects implementation; approved activities, budget, indicators, indicators achievement, reimbursed funds, public procurements; and information on contractors, sub-contractors, partners.⁹

A significant number of these data categories were published before the implementation of the commitment, and the IRM researcher has no credible means to compare which categories are newly published data and which are not. Undisputedly, the publication of the Rural Development Program is an improvement to the status quo. However, it is difficult to estimate the impact of this improvement in the assessment period. For this reason, the IRM researcher considers the publication of the new information on the UMIS 2020 as a marginal improvement to access to information.

Carried Forward?

As of the time of writing this report, Bulgaria has not developed the fourth action plan.

As the IRM researcher noted in the 2016–2017 midterm report,¹⁰ the government should focus on publishing all available data on the EU funds' programs and projects implementations and how it affects the national economy and its statistical indicators 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 Information System for Management and Monitoring of EU Funds in Bulgaria 2014–2020 (UMIS 2020), <https://eumis2020.government.bg/en>.

⁵ National action plan, *ibid*.

⁶ 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>.

⁷ Kiril Ezekiev, expert in the “Central Coordinating Unit” Directorate of the Administration of the Council of Ministers, responses to IRM researcher’s questionnaire, received by e-mail, 4 September 2018.

⁸ Operational programme: Rural Development Programme, UMIS 2020, <http://2020.eufunds.bg/en/8010510/0/OPProfile>.

⁹ The IRM received this information from the Central Coordination Unit Directorate at the Council of Ministers during the pre-publication period for this report, 5 June 2019.

¹⁰ Stephan Anguelov, “IRM: Republic of Bulgaria Progress Report 2016–2017”, Independent Reporting Mechanism, Open Government Partnership, page 105, <https://www.opengovpartnership.org/report/bulgaria-mid-term-report-2016-2018-year-1>.

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): N/A

Start date: 1 July 2016

End date: 31 May 2018

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Comple tion		Midterm	Did It Open Government?					
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
6.1.5. GIS applications for the register of protected areas		✓			✓			✓		✓					✓	✓			✓		

Commitment Aim:

Geographic information systems (GIS) applications play a key role in environment and biodiversity protection, particularly in resource management and information provision to citizens and reporting to regulatory bodies.¹ The Ministry of Environment and Waters (MOEW) and the Executive Environment Agency (EEA) had developed before the action plan's start one such application,

providing free access to information on the protected areas and zones in Bulgaria and a map visualization.² This commitment aimed to update, maintain, and develop this GIS application.

Status

Midterm: Substantial

By the midterm, the Ministry and Agency upgraded the GIS application by updating the precise geographic boundaries of the protected territories and protected zones. The Ministry and Agency also added new functionalities such as the visualization of the different layers of information, downloading in several formats (gbd, shp, dxf, dwg, dgn), and a search function.³ For more information, please see the 2016–2017 IRM midterm report.

End of term: Complete

An interviewed representative from the MOEW⁴ explained that after the introduction of the new functionalities in the first half of the action plan cycle, the Ministry and Agency considered the commitment fully implemented and did not carry it forward. A stakeholder familiar with the GIS⁵ added that in 2018 the government introduced a small but important feature—an evidence of actuality—in the GIS application of the Register of protected areas and protected zones.⁶

Did It Open Government?

Access to Information: Marginal

The Ministry of Environment and Waters and the Executive Environment Agency aimed to improve the provision of information from the Register of protected areas and protected zones in Bulgaria by updating its GIS application. By implementing this commitment, the Ministry and Agency added several functionalities—downloadable data in different formats, search, and visualization of layers. Both interviewed stakeholders for the midterm⁷ and end of term⁸ reports stated that the Register's GIS application is very useful for monitoring activities in the protected areas and zones or related to the protection of biodiversity and protected areas. According to them, the new functionalities are positive but not major steps forward. The interviewed Ministry expert also added that the system is being used by a specific, though not large, group of experts, and the usage has not significantly increased after the implementation of the commitment. All agreed on the ongoing need to reference the GIS application data to the national cadaster, once it is complete. Both stakeholders stressed that they want to see e-services that would significantly ease the work with the GIS of protected areas and zones such as a web map service (WMS).

Carried Forward?

As of the time of writing this report, Bulgaria has not developed the fourth 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 GIS of the Register of protected areas and protected zones in Bulgaria, Executive Environment Agency, in Bulgarian, http://eea.government.bg/zpo/bg/index_download.jsp.

³ Valeri Valchinkov, expert in the “National Environment Protection Service” Directorate of the Ministry of Environment and Waters, interview by IRM researcher, 9 January 2019.

⁴ Valeri Valchinkov, expert in the “National Environment Protection Service” Directorate of the Ministry of Environment and Waters, interview by IRM researcher, 9 January 2019, *ibid*.

⁵ Georgi Popgeorgiev, interview by IRM researcher, 11 January 2019.

⁶ GIS of the Register of protected areas and protected zones in Bulgaria, Executive Environment Agency, in Bulgarian, http://eea.government.bg/zpo/bg/index_download.jsp, *ibid*.

⁷ 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/>.

⁸ Georgi Popgeorgiev, interview by IRM researcher, 11 January 2019, *ibid*.

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): N/A

Start date: 1 July 2016

End date: 30 June 2018 (Twice a year in April and October)

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Comple tion		Midterm		Did It Open Government?				
															End of Term						
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
6.1.6. Macroeconomic forecast data				✓	✓					✓						✓			✓		

Commitment Aim:

This commitment is part of government efforts to expand the scope of published open data.

According to the action plan, at its outset, the Ministry of Finance's macroeconomic forecast was published in PDF, and not a machine-readable format.¹ To increase fiscal transparency and government accountability, the Ministry of Finance planned to publish its macroeconomic forecast, twice per year, in an open format.

Status

Midterm: Complete

This commitment was fully complete by the first year of the action plan. The Ministry had published regularly its macroeconomic forecasts as open data since June 2018 on the Open Data Portal² and on its website.³ For more information, please see the 2016–2017 IRM midterm report.

By the end of the action plan cycle in July 2018, and by the time of writing this report in late 2018, the Ministry of Finance continued implementing the commitment by publishing twice a year its macroeconomic forecast as open data both on its own website⁴ and on the Open Data Portal.⁵

Did It Open Government?

Access to Information: Marginal

The Ministry of Finance aimed at increasing financial transparency and providing machine readable data for more accurate economic and financial analyses by publishing its macroeconomic forecast. The Ministry started implementing the commitment in June 2016. By the end of 2018, the Ministry continued publishing the same categories of data—22 lines of data—and did not build on the implementation of the commitment. This means that the Ministry did not publish any new categories of data as compared to the status quo before the action plan’s start, but only published the same amount of data⁶ in a machine-readable format.

An interviewed expert from the Ministry of Finance⁷ provided data to the IRM researcher showing a high rate of downloads of the first forecast in open data of 443 (for the spring forecast of 2016), which dropped to between 156 and 208 downloads for the rest of the 2016 and 2017 forecasts.⁸ These statistics cover only the downloads from the Ministry’s website. The Ministry did not provide data for the use of the information published in the government Open Data Portal. Both the unchanged number of lines of data published and the relative drop in interest, witnessed by the number of downloads, show that the improvement of access to information is small in scale. While the implementation of the commitment is a positive step forward in providing machine-readable data for more accurate economic and financial analyses, it represents a marginal improvement to access to information in Bulgaria.

Carried Forward?

As of the time of writing this report, Bulgaria has not developed the fourth 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 Macroeconomic forecast, Ministry of Finance profile, Open Data Portal, in Bulgarian, <https://data.egov.bg/data/view/e5149ac3-8fa1-47b7-9881-98aa49d9201c>.

³ Macroeconomic forecast, Ministry of Finance, <http://www.minfin.bg/bg/1130>.

⁴ Macroeconomic forecast, Ministry of Finance, <http://www.minfin.bg/bg/1130>.

⁵ Macroeconomic forecast, Ministry of Finance profile, Open Data Portal, in Bulgarian, <http://bit.ly/2IFgEsV>.

⁶ Stephan Anguelov, “IRM: Republic of Bulgaria Progress Report 2016–2017”, Independent Reporting Mechanism, Open Government Partnership, page 111, <https://www.opengovpartnership.org/report/bulgaria-mid-term-report-2016-2018-year-1>.

⁷ Lilia Arabadjiiska, expert in the “Public Relations and Protocol Directorate” of the Ministry of Finance, email correspondence with the IRM researcher, 4 September 2018.

⁸ Idem.

6.1.7. Publication of open data on migration

Commitment Text:

Title: 6.1.7. Publication of open data on migration

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): N/A

Start date: 1 June 2016

End date: 30 June 2017

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm End of Term		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
6.1.7. Publication of open data on migration		✓			✓					✓						✓			✓		

Commitment Aim:

This commitment aimed to facilitate human migration data analysis and promote greater citizen involvement on this issue.¹ The Ministry of Interior (Mol) would achieve that by publishing open data on migration, since data on migration had not been published in machine-readable format.² 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.³

Status

Midterm: Complete

By the midterm, the Mol had completely implemented this commitment. As a representative from the Mol explained,⁴ the Ministry has been uploading migration data in an open (i.e., CSV) format⁵ on to the Open Data Portal since early 2017. For more information, please see the 2016–2017 IRM midterm report.

According to the Mol representative,⁶ the Ministry continued publishing monthly information on the border migration pressure in its own website in PDF⁷ and in the Open Data Portal as open data (CSV).⁸ The published data is the same type and categories of data as in the beginning of the implementation of the commitment in early 2017.

Did It Open Government?

Access to Information: Marginal

The Ministry of Interior aimed to improve the provision of information on migration by publishing in open format data on border migratory pressure, i.e. on arrested and returned illegal migrants. The Mol has published the same type of data in PDF, a closed format, since 2015,⁹ hence the information is not new, but it is now available in open data format. In addition, the border migration pressure is just one type of data on migration that leaves aside information as to the treatment of migrants, such as accommodation, assistance and integration services, or the economic impact of migration, etc. Also, the published data is not of a very important quantity. Both the Mol experts and the IRM researcher could not identify stakeholders willing to comment on the use and effect of the newly published open data. The IRM researcher considers the implementation of the commitment a positive step, since the open machine-readable format allows for easier and automated analysis of the data. However, the step is incremental in opening government, since the information has a restrained scope and was already being published by the government.

Carried Forward?

As of the time of writing this report, Bulgaria has not developed the fourth 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 Idem.

³ Stephan Anguelov, “IRM: Republic of Bulgaria Progress Report 2016–2017”, Independent Reporting Mechanism, Open Government Partnership, page 111, <https://www.opengovpartnership.org/report/bulgaria-mid-term-report-2016-2018-year-1>.

⁴ 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.

⁵ Information on the migratory 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, <https://data.egov.bg/data/view/bb5a157d-41d6-4c9c-b3cc-30da7bfb94a0>.

⁶ Gergana Todorova, expert in the “Analysis and Policies” Directorate of the Ministry of Interior, e-mail correspondence with IRM researcher, 22 August 2018.

⁷ “Migration statistics” section, Ministry of Interior, 2015–2019, <http://bit.ly/2zfFmVI>.

⁸ Information on the migratory 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, <https://data.egov.bg/data/view/bb5a157d-41d6-4c9c-b3cc-30da7bfb94a0>.

⁹ “Migration statistics” section, Ministry of Interior, 2015–2019, <http://bit.ly/2zfFmVI>.

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: Ministry of Justice

Start date: 1 July 2016

End date: 30 June 2018

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Comple tion		Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
6.1.8 Publishing data from the Crime Prevention Information System		✓			✓			✓	✓					✓	✓			✓			

Commitment Aim:

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 Data relating to the work of the law-enforcement authorities is in high demand.² Currently, such data is not published in an open, machine-readable format.³ This commitment sought to improve crime prevention and increase the transparency of the judicial system by upgrading the

Unified Crime Prevention Information System (UISCOC or UISCC) system, which will publish more information and increase its quality and usability.

As a civil society stakeholder⁴ noted, it is not clear what kind of data and what format the data would be published in. The interviewed Prosecutor's office representatives,⁵ in charge of implementing the commitment, explained that the idea is to publish aggregated information (statistics) in open format from the core of the system.

Status

Midterm: Limited

The EU-funded project implementing the commitment had started⁶ under its own schedule, and the software, which will publish the open data, was scheduled to start functioning in November 2018, according to the interviewed Prosecutor's office representative.⁷ For more information, please see the 2016–2017 IRM midterm report.

End of term: Limited

By the end of term, the public procurement contract for upgrading the UISCOC was ongoing.⁸ The contract was fully executed in October 2018,⁹ after the end of the assessment period. In addition, the interviewed Prosecutor's office representative¹⁰ explained that the contract implemented the functionalities needed to publish open data from the core of the UISCOC. However, the representative added,¹¹ the Inter-Institutional Council on the UISCOC, which is led by the Prosecutor's office, will have to initiate a revision of the rules¹² governing the functioning of the system in order to decide what types of data will be published. In the time of writing this report—in late 2018—the government has not yet revised the rules of the Inter-Institutional Council, and no open data from the UISCOC has been published.

Did It Open Government?

Access to Information: Did Not Change

The government aimed to gradually restore the trust of the citizens in the law-enforcement institutions through publishing open data statistics on crime from UISCOC. In the assessment period and a little after, the Prosecutor's office organized and implemented the technical upgrade of the existing system. The Inter-Institutional Council, however, has not yet changed the rules of the functioning and has not yet introduced rules for publishing information from the system. Without an implanted public facing element, it is unclear what type of data will be published, and thus the administrative practices on provision of information have not yet been improved by the Inter-Institutional Council.

This commitment was another case of miscommunication and poor execution of the action plan. For one, the responsible expert¹³ 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 UISCOC; 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.

Carried Forward?

As of the time of writing this report, Bulgaria has not developed the fourth action plan.

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 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 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>.

⁵ 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.

⁶ 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://www.vss.justice.bg/root/f/upload/14/PRB-proekt-resume.pdf>.

⁷ 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.

⁸ “Upgrading the Unified Crime Prevention Information System and provision of public access to information from the core of the system in relation with the Open Data initiative as well as the complex administrative services” with three positions” („Доразвитие на ЕИСПП и предоставяне на публичен достъп до информация на ядрото на системата, свързан с инициативата Open Data както и при предоставяне на КАО“ с три самостоятелно обособени..”), Prosecutor’s office, Customer profile, in Bulgarian, <https://www.prb.bg/bg/obshestveni-porchki/elektronni-prepiski/otkrita-procedura-za-vzlagane-na-obshestvena-po-25>.

⁹ Idem.

¹⁰ The Director of the “Information Services and Technologies” directorate and the Head of Department “Unified Crime Prevention Information System” of the Prosecutor’s Office, email correspondence with the IRM researcher, 10 September 2018.

¹¹ Idem

¹² “Ordinance on the Unified Crime Prevention Information System” (“НАРЕДБА ЗА ЕДИННАТА ИНФОРМАЦИОННА СИСТЕМА ЗА ПРОТИВОДЕЙСТВИЕ НА ПРЕСТЪПНОСТТА (Обн. ДВ. бр.90 от 13 Ноември 2009г., изм. и доп. ДВ. бр.47 от 6 Юни 2014г.)”), unofficial publication, Lex.bg, in Bulgarian, <https://lex.bg/bg/laws/doc/2135650504>.

¹³ Valery Mihaylov, Director of Directorate “Information Technology and Judicial Statistics” of the Supreme Judicial Council, interview by IRM researcher, 10 August 2017.

Methodological Note

The end-of-term report is based on desk research and interviews with governmental and nongovernmental stakeholders. The IRM report builds on the findings of the government's self-assessment report; other assessments of progress put out by civil society, the private sector, or international organizations; and the previous IRM progress report.

The IRM researcher used desk research, a standardized questionnaire and follow up correspondence, as well as in-person interviews to gather information for this report. The questionnaire was sent to all reporting/implementing government experts in late August 2018. It received mixed but overall unsatisfactory results. A few government officials gave detailed responses, supported by evidence. Another group, comparable in number, provided short and non-specific responses which required follow up questions and demands for evidence. But the largest group of civil servants simply did not reply. This prompted the IRM researcher to look for other means of gathering information which slowed down significantly the writing process. The OGP team in the Administration of the Council of Ministers proved crucial in providing information and helping the IRM researcher on a number of commitments.

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, to empower citizens, to fight corruption, and to harness new technologies to strengthen governance. OGP's Independent Reporting Mechanism assesses development and implementation of national action plans to foster dialogue among stakeholders and to improve accountability.

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