

Independent Reporting Mechanism

Action Plan Review:
Bulgaria 2022–2024

Open
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Introduction

In January 2021, the Independent Reporting Mechanism (IRM) rolled out the new products that resulted from the IRM Refresh process.¹ The new approach builds on the lessons learned after more than 350 robust, independent, evidence-based assessments conducted by the IRM and inputs from the OGP community. The IRM seeks to put forth simple, timely, fit for purpose, and results-oriented products that contribute to learning and accountability in key moments of the OGP action plan cycle.

IRM products are:

- **Co-Creation Brief:** Brings in lessons from previous action plans, serves a learning purpose, and informs co-creation planning and design.
- **Action Plan Review:** A quick, independent technical review of the characteristics of the action plan and the strengths and challenges IRM identifies to inform a stronger implementation process.
- **Results Report:** An overall implementation assessment that focuses on policy-level results and how changes happen. It also checks compliance with OGP rules and informs accountability and longer-term learning. This product was rolled out in a transition phase in 2022, beginning with action plans ending implementation on 31 August 2022. Results Reports are delivered up to four months after the end of the implementation cycle.

This product consists of an IRM review of the Bulgaria 2022–2024 action plan. The action plan comprises 14 commitments. This review emphasizes its analysis on the strength of the action plan to contribute to implementation and results. For the commitment by commitment data, see Annex 1. For details regarding the methodology and indicators used by the IRM for this Action Plan Review, see Section III.

¹ IRM Refresh: <https://www.opengovpartnership.org/process/accountability/about-the-irm/irm-refresh/>

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Section I: Overview of the 2022–2024 Action Plan

Bulgaria's fourth action plan renewed national engagement in the open government process. It includes a promising commitment on COVID-19 anti-corruption efforts. Reformers inside and outside government will need to adapt to a fractious political period to successfully implement commitments.

Bulgaria's fourth action plan includes 14 commitments focused on transparency and access to information, good governance and anti-corruption, open data, and civic participation. This 2022–2024 action plan renewed the country's open government process after a hiatus since 2018. Most of its commitments engage new policy areas.

Bulgaria's co-creation process saw improvements compared to previous cycles but did not meet the minimum requirements of the updated OGP Participation and Co-Creation Standards.¹ Bulgaria's multi-stakeholder Transitional Council on Coordination on OGP did not meet for the last seven months of the co-creation process. To meet OGP requirements during the implementation period, Bulgaria needs to ensure that its Multi-Stakeholder Forum (MSF) convenes at least every six months.

Bulgaria briefly began a consultation process in 2018 and restarted its co-creation process in 2021. The government opened a six-week public call for commitment submissions during June to July 2021, eliciting 38 submissions, evenly split between government and civil society proposers. The government held a second public consultation in September to allow for voting on the proposals. It then formed a Transitional Council on Coordination on OGP, with working groups made up of all civil society and government stakeholders that had proposed commitments. The Council's working groups met in November and December to draft the action plan, narrowing down to 18 commitments based on criteria set by the government.² Then, the government held a month-long public consultation on the final draft from December 2021 to January 2022. The Council did not meet again, but before the action plan was finalized in July 2022, planned financial resources for implementation were reduced, and four commitments were removed from the plan. One of these commitments was implemented before July, and the

AT A GLANCE

Participating since: 2011
Action plan under review: 2022–2024
IRM product: Action Plan Review
Number of commitments: 14

Overview of commitments:

- Commitments with an open government lens: 13 (93%)
- Commitments with substantial potential for results: 1 (7%)
- Promising commitments: 1

Policy areas

Carried over from previous action plans:

- Access to Information
- Open Data
- Direct Democracy

Emerging in this action plan:

- Open Government Strategy
- Internet and Artificial Intelligence Governance
- Livestock Oversight
- Metrology Data
- Rights of Volunteers
- Consumer Protection
- Education Quality

Compliance with OGP minimum requirements for co-creation: No

other three others were withdrawn by their drafters. Efforts to disseminate information on the finalized plan did not begin until May 2023. Through the three public consultations and the working group discussions, Bulgaria offered more opportunities for participation than it had in previous co-creation processes. Overall, civil society stakeholders reflected positively on the level of collaboration during the co-creation process and see the renewed OGP process as an opening to work with government.

One of the action plan's commitments lays out a promising anti-corruption reform. Commitment 6 aims to establish a national COVID-19 task force, which would be Bulgaria's first body to specifically focus on developing anti-corruption measures for emergencies like the pandemic. The commitment also plans to consolidate and publish data on expenses related to the pandemic.

The remaining commitments continue existing work plans or anticipate modest results. Several commitments offer incremental steps in impactful policy areas but do not envisage major changes to existing government practice—such as Commitment 2 on access to official documents, Commitments 8 and 9 on open government data, or Commitments 13 and 14 on consultations for consumer protection and education. Others could go further to outline necessary mechanisms for change. Commitments 1 and 3 plan reviews of internet governance and strategy documents' relevance to open government principles but do not set clear guarantees on corresponding actions to be taken in response to these reviews. Commitment 12 would offer an online petition tool to state institutions but could improve its impact if these institutions were to formulate clear voluntary rules and procedures to guarantee proper consideration for petitions. Commitments 4, 5, 10, and 11 need to gain buy-in from implementing institutions to achieve results. In particular, plans for legislative changes face a context in which political uncertainty and lack of involvement by parliamentary parties in design of the commitments are risk factors to implementation. Additionally, Commitment 7 on metrology could be more impactful if its open government lens were strengthened.

Implementation of this action plan is expected to be impacted by the fallout from Bulgaria's recent elections and economic situation. The 2023 national elections were the fifth in two years, but no party gained enough political support to form a governing coalition, leaving a caretaker government in place.³ In addition to a fractious political period, Bulgaria also faces economic problems following the height of the COVID-19 pandemic and accentuated by the war in Ukraine. This may draw implementers' attention away from commitments that do not directly address these issues. Although many of the commitments can be carried out by government experts and civil society stakeholders, the initiation, adoption by the legislature, and long-term impact of the reforms depend on engaging political support. In the wake of recent elections, government and civil society implementers will need to come together to implement the action plan.

¹ "2021 OGP Participation and Co-Creation Standards," Open Government Partnership, last modified 24 November 24 2021, <https://www.opengovpartnership.org/ogp-participation-co-creation-standards/>.

² The following criteria was used to determine the commitments in Bulgaria's action plan (see <https://www.strategy.bg/PublicConsultations/View.aspx?lang=bq-BG&Id=6327>):

1. To cover the OGP values
2. To be specific, with clear financial parameters and measurable results
3. To be implemented in a two-year timeframe

4. To include cooperation between a government institution and a civil society organization at the planning, implementation, or control of the commitment
5. To have a transformative potential for the functioning of government

³ Stoyan Nenov, “Bulgaria Set for Tough Coalition Talks After Fifth Inconclusive Election,” Reuters, 3 April 2023, <https://www.reuters.com/world/europe/ex-pm-borissovs-gerb-nudges-ahead-bulgarian-election-partial-results-2023-04-03/>.

Section II: Promising Commitments in Bulgaria’s 2022–2024 Action Plan

The following review looks at the commitment that the IRM identified as having the potential to realize the most promising results. Promising commitments address a policy area that is important to stakeholders or the national context. They must be verifiable, have a relevant open government lens, and have modest or substantial potential for results. This review also provides an analysis of challenges, opportunities, and recommendations to contribute to the learning and implementation process of this action plan.

Table 1. Promising commitments

Promising Commitments
<p>6. COVID-19 Task Force: This commitment aims to establish Bulgaria’s first body specifically focused on developing anti-corruption measures for an emergency like the COVID-19 pandemic. It also plans to consolidate and publish data on expenses related to the pandemic.</p>

Commitment 6: COVID-19 Task Force (National Council on Anti-Corruption Policies at the Council of Ministers, Bulgarian Institute for Legal Initiatives)

For a complete description of the commitment, see Commitment 6 in Bulgaria’s 2022–2024 Action Plan: <https://www.opengovpartnership.org/documents/bulgaria-action-plan-2022-2024/>.

Context and objectives

This commitment aims to establish a national COVID-19 task force, as well as to consolidate and publish national data on public expenses related to the pandemic. The Bulgarian Institute for Legal Initiatives (BILI) proposed this commitment during the initial stage of the co-creation process, drafting the commitment during the November–December 2021 working group consultations of the Council on Coordination on OGP.¹ The Council and government adopted the commitment as drafted by BILI. The commitment would implement transparency measures from the National Strategy for Preventing and Countering Corruption (2021–2027).²

The COVID-19 pandemic brought serious challenges to Bulgaria’s healthcare system, government efficiency and openness, and protection of fundamental rights.³ An Access to Information Programme article shows that early in the pandemic, the government did not publish all relevant legal documents, including on preventive measures by the Minister of Health.⁴ BILI’s report on criminal and administrative court cases demonstrates that public health activities did not yield satisfactory results.⁵ The report adds that the authorities did not develop an adequate strategy for public awareness and instead relied on repressive and criminal law methods to address widespread noncompliance with public health measures (such as monetary sanctions and criminal prosecutions), which were often subsequently quashed by courts. At the same time, there was a lack of investigations into serious corruption allegations, although corruption risks were high. BILI noted two major corruption risks during the pandemic. First, there was considerable mismanagement of pandemic finances, particularly for vaccines, tests,

medicinal preparations, medical devices and equipment, and capital construction. Second, for a certain time period, the government and parliament limited application of the Public Procurement Act for pandemic-related procurement, which increased the possibility for misuse of state and EU funds, and price speculation.⁶ A report on public procurement integrity by the Southeast European Legal Development Initiative adds that as the first wave of the pandemic hit Europe, countries like Bulgaria saw a considerable uptick in COVID-19-related product purchases and corruption risks associated with these purchases and the wider healthcare market.⁷ The report indicates that a few companies skimmed the vast majority of the extra funding in the healthcare sector, illustrating serious issues with clientelism in Bulgaria and the region.⁸

The commitment has two components.⁹ First, it outlines plans for a task force to be created, with representatives of public institutions, industry and employer organizations, trade unions, and CSOs. In March 2023, during the first stages of implementation, the task force was established by order of the Prime Minister, co-chaired by representatives of BILI and the Administration of the Council of Ministers, and including representatives of ministries, the Agency for State Financial Inspections, and the National Statistical Institute.¹⁰ This task force would analyze the spending of pandemic-dedicated public funds and recommend measures, standards, and protocols for institutions to reduce corruption risks and increase institutional accountability and transparency. The commitment emphasizes the participation of a wide range of public and private organizations, representing different societal groups and possibly minorities. The second component focuses on improving the collection and consolidation of information on pandemic-related spending and its publication on Bulgaria's COVID-19 Unified Information Portal (coronavirus.bg).¹¹ These two components are relevant to civic participation and transparency.

Potential for results: Substantial

Interviewed state and civil society experts stressed that the task force is Bulgaria's first body specifically focused on developing anti-corruption measures for an emergency like the COVID-19 pandemic.¹² According to the research director of the Center for the Study of Democracy (CSD), the pandemic is an important field for anti-corruption measures, given the length of the crisis, management by different institutions, and a considerable amount of dedicated funds.¹³

Pandemic-related spending included healthcare expenses and financial state aid to struggling businesses in order to keep their employees. The task force has begun gathering information from the largest beneficiaries, such as hospitals and big employers, and oversight authorities to devise appropriate analysis and anti-corruption measures. By April 2024, it is expected to collect and analyze information from across public institutions, and produce two reports with recommendations on spending of public funds during the pandemic. While the commitment does not outline the exact composition, a state expert expected the task force to gather a diverse range of public and private institutions, including nationally-financed media, that are interested in funding related to COVID-19.¹⁴

The commitment plans for the task force to become a permanent working group of the National Council for Anti-Corruption Policies, which could support long-term sustainability beyond the period of the fourth action plan. Although this Council has been inactive in recent years,¹⁵ the Prime Minister may order it be reengaged. A civil society representative anticipates that in the

future, the task force could serve as a blueprint when preparing anti-corruption measures for events of similar magnitude, like the war in Ukraine or care for refugees, and could come up with solutions to the structural problem of misallocation and opaque spending of public funds for emergency situations.¹⁶ Because the task force is a policy drafting and advisory body in nature, its success ultimately depends on the extent to which the government adopts its recommendations on crisis management and anti-corruption policies.

Currently, Bulgaria's COVID-19 Unified Information Portal provides data on the pandemic's spread and information on how to benefit from related economic measures.¹⁷ However, it does not provide clear information on the spending of public and EU funds allocated to the pandemic response. The author of the commitment noted that different institutions have their own public registers on spending, which makes it difficult to form a complete understanding of government spending.¹⁸ The research director of the CSD added that the System for Electronic Budget Payments and the Public Procurement Register do not indicate whether payment or procurement is related to the pandemic or another emergency situation, which makes it difficult to track dedicated funds.¹⁹ BILI's director explained that under this commitment, the task force could audit the existing public information, decide which data to consolidate in one location, and publish in an open format. From her perspective, this could ease tracking of spending in designing optimization measures and historic analyses of spending. This information could be made available on the COVID-19 Unified Information Portal.²⁰

It has not yet been determined whether this initiative will publish new data. According to a state expert, the Ministry of Health, which is not directly involved in the commitment, has now taken over the portal. The task force will publish its reports on this portal. Consolidated data might also be made available on the National Council on Anti-Corruption Policies' website. This could further the Council's role as a hub for anti-corruption measures and data.

The main expected outcomes of the commitment have substantial potential for results. For the first time, an institutionalized working group could carry out a focused and sustained effort to identify problems and corruption risks in past and ongoing pandemic-related spending and make real-time proposals for anti-corruption measures. Consolidation and publication of open data would both strengthen the task force's analyses and give the public the opportunity to reuse the data for greater transparency on crisis spending and the task force's work. The task force could establish a methodology for future transparent and accountable public spending in emergency situations.

Opportunities, challenges, and recommendations during implementation

A crucial advantage to the commitment's feasibility is the fact that, unlike other commitments in the action plan, its implementation does not require legislative reform or a reform of bylaws. Thus, the commitment does not depend on the parliamentary process, and it could be acted upon by either an elected or appointed interim government. Implementation may depend on civil society-government cooperation, and in particular, navigation of current political instability and the short duration of governments in recent years. Regarding the task force, the IRM recommends:

- **Ensure effective operation of the task force to facilitate transparent decision-making.** Meetings of the task force could be scheduled to curb dependency of initiative by the government (and consequently, curb the dependency on the current political

instability). To ensure progress is made, members of the task force could define a timetable of deliverables early on. Furthermore, the task force could make minutes of meetings, decisions, and recommendations transparent and allow for public comments and feedback.

- **Build on the reengaged task force as a mechanism to make anti-corruption recommendations.** The task force’s scope could be expanded, or its structure duplicated to focus on other areas of anti-corruption policy in Bulgaria. More broadly, these various task forces could be adapted to serve the implementation of the National Strategy for Preventing and Countering Corruption (2021–2027). A further step could include the Council of Ministers committing itself to providing feedback and publishing any official response to recommendations (in a timely manner) from the task forces.
- **The task force could aim to consolidate and make financial data on the pandemic openly traceable** from its source (the state or EU budget lines) through beneficiaries to the final subcontractors, as advised by the Open Spending EU coalition.²¹ The task force could make this information available as open data according to international open contracting standards. The task force could also consider options like including a single indicator in the System for Electronic Budget Payments and the Public Procurement Register, which would make future emergency funds traceable.

Other commitments

Other commitments that the IRM did not identify as promising commitments are discussed below. This review provides recommendations to contribute to the learning and implementation of these commitments, which address four thematic areas.

The first thematic area, “transparency and access to information,” has three commitments. Commitment 1 intends to review strategic documents’ relevance to open government principles. Implementers have not yet specified the scope of strategic documents, the methodology of the review, or its intended outcomes. To produce stronger open government results, implementers can move beyond marginal changes to existing documents, and develop a new open government strategy. Commitment 2 considers legislative changes to bring Bulgaria in line with the Convention on Access to Official Documents, but amendments are expected to be incremental.²² Commitment 3 focuses on assessing the internet development and governance in Bulgaria under UNESCO’s Internet Universality Indicators according to the ROAM principles of Rights, Openness, Accessibility, Multi-stakeholder participation,²³ explained by the head of department in the Ministry of E-Government.²⁴ Implementation may involve a multi-stakeholder approach to the assessment, but the expected result is a report with policy recommendations without a guarantee for taking action toward opening government.

The second thematic area, “good governance and anti-corruption,” has three commitments. Commitment 4 aims to develop government standards for artificial intelligence in order to ensure equal access and respect for human rights. According to a representative from the Ministry of E-Government,²⁵ the structural changes in the government before and after the co-creation process left the commitment no clear leading implementing institution and an unclear future. Commitment 5 aims to implement the legal obligation of civil society control during inspections in livestock and other animal breeding facilities. Its potential results might be hampered by the lack of ownership from Ministry of Agriculture, as pointed out by the

representative of the Campaigns and Activism for Animals in the Industry Association during the December meeting of the Council on Coordination on OGP.²⁶

The third thematic area, “open data,” comprises three commitments. Under Commitment 7, the Bulgarian Institute of Metrology aims to construct a national metrological network and publish data of reference and auxiliary equipment in order to increase the reliability of the measurements, reduce the processing time, and limit the possibilities of manipulation. This is likely an important development for businesses’ relations with the Bulgarian Institute of Metrology, but it does not have a direct open government lens. Commitments 8 and 9 continue the government’s and civil society’s ongoing efforts in promoting and using open government data,²⁷ as well as analyzing its use.²⁸ Since the last national action plan and IRM report, the Bulgarian government has made efforts to establish the impact and use of open data,²⁹ as well as to continue publishing new open data sets.³⁰ Hence, the implementation of the Commitments 8 and 9 do not envisage major changes but are a guarantee for maintaining the momentum and building on the established foundations. The IRM recommends that the government address the conclusions of Open Data Maturity reports of the EU Commission and specifically work on the improvement of the quality of data and metadata,³¹ as well as further its efforts on the implementation of the EU Open Data Directive.³²

The fourth thematic area, “civic participation,” includes five commitments. Commitments 10 and 11 plan for participatory processes to draft reforms to the Law on Direct Citizen Participation and draft a new Law on Volunteers. Passage of these legal reforms is a long-standing goal of Bulgarian civil society,³³ but is not explicitly guaranteed by the commitments’ milestones. Plans for legislative changes face a context in which political uncertainty is a risk factor to implementation. Although the specifics of these legal reforms are not yet determined, stakeholders hope that these could institute measures to strengthen public referenda and volunteer-based organizations. Where legislative change is less likely, the IRM recommends considering alternative or deliberative approaches to widening democracy, and to strengthening civil society participation in setting standards for volunteering in Bulgaria. Recommendations on public participation in OGP’s Regulatory Governance Guide provide relevant examples to incorporating greater citizen participation in policy and legislative processes that Bulgaria could adopt.³⁴ For Commitment 10, the Citizen Participation Forum and “I Decide” suggest that reforms could address topics such as use of new technologies, for example in management of documentation, personal information gathered, and online collection of signatures for referenda. Amendments could also limit the amount of unnecessary personal information gathered.³⁵ For Commitment 11, which includes a central role for the Council for the Development of Civil Society in the drafting process, the Bulgarian Center for Not-for-Profit Law (BCNL) suggests that including a wide range of state institutions and non-governmental organizations in the consultation process may help to ensure buy-in for reforms.³⁶ The IRM also notes that these reforms can improve the operating environment for volunteer-based CSOs and the capacities of volunteers by centering the drafting process on inclusive consultations with volunteers, civil society stakeholders, and the public. Reforms should avoid creating administrative barriers to civil society’s operating environment in Bulgaria.

Under Commitment 12, the Ministry of E-Government and BCNL aim to develop a template for online petitions. A civic participation expert and former representative of BCNL who proposed this commitment explained that it may directly implement the fundamental right to petition state bodies from Article 45 of the Constitution.³⁷ According to the expert, “petition” is broader

than citizen initiative and should not be constrained by the additional formalities of the Direct Participation of Citizens Act.³⁸ The commitment's idea is to offer a tool to state institutions through which citizens will be able to send their requests, identify problems to solve through petitions, and legally sign petitions online.³⁹ However, this technological solution does not address gaps in the guarantees provided by the law. Without legislative changes, action on future petitions will be left to state bodies' free will, which hampers the potential for results in opening government. The IRM recommends that public bodies formulate clear rules and procedures on receiving petitions which they follow and whereby for every petition they guarantee proper consideration and feedback in a reasonable time limit.

Commitments 13 and 14 aim to invite civil society participants to participate in consultative bodies on consumer protection and education. While they could lead to useful changes in mediation or problem identification, they do not seem likely to significantly improve government practices and decision-making.

¹ Стартира събирането на предложения за Четвъртия национален план за действие на Република България в рамките на глобалната инициатива „Партньорство за открито управление“ [The collection of proposals for the Fourth National Action Plan of the Republic of Bulgaria within the framework of the global initiative "Open Government Partnership" has started], Public Consultations Portal, 18 June 2021, <https://www.strategy.bg/Articles/View.aspx?lang=bg-BG&categoryId=&Id=39&y=&m=&d=>.

² "Priority 1, Measure 6 on increasing transparency in the executive, and of Priority 5, Measure 7 on increasing transparency of public funds spending by medical establishments, National Strategy for Preventing and Countering Corruption (2021–2027)," Public Consultations Portal, accessed 18 April 2023, <https://strategy.bg/StrategicDocuments/View.aspx?lang=bg-BG&Id=1353>.

³ Ekaterina Baksanova, "Bulgaria country report," in *Expressing Civil And Political Liberties in Times of Crisis, COVID-19 First Wave as a Case Study: Bulgaria, Greece, North Macedonia, and Romania*, eds. Bican Sahin and Ivaylo Tsonev (Friedrich Naumann Foundation for Freedom, 2021), 6–10, <https://www.freiheit.org/sites/default/files/2021-04/expressing-civil-and-political-liberties-in-times-of-crisis.pdf>.

⁴ Александър Кашъмов, „Достъп до информация във време на извънредно положение“ [Aleksander Kashumov, "Access to information in times of emergency"], *AIP information bulletin, item 3 (195), 2020*, Access to Information Programme, <https://bit.ly/3WxzR0>.

⁵ Галина Гергинова „Преглед и анализ на дейността на прокуратура в условията на извънредно положение и извънредна епидемична обстановка и анализ на административно-наказателните и наказателните дела, свързани с пандемията от COVID-19“, [Galina Gerginova, "Review and analysis of the activities of the prosecutor's office in the conditions of a state of emergency and an extraordinary epidemic situation and analysis of the administrative sanctions and criminal cases related to the COVID-19 pandemic"], (Sofia: Bulgarian Institute for Legal Initiatives, 2021), http://www.bili-bg.org/cdir/bili-bg.org/files/Analysis_Prosecution_Covid-19.pdf.

⁶ Биляна Гяурова-Вегертседер, редактор, „Прозрачност и ефективност на публичните средства за справяне с COVID-19 в България. Корупционни рискове и мерки при борбата с пандемията“, [Bilyana Gyaurova-Wegertseder, ed., "Transparency and effectiveness of public funds for dealing with COVID-19 in Bulgaria. Corruption risks and measures in the fight against the pandemic"], (Sofia: Bulgarian Institute for Legal Initiatives, 2021), http://www.bili-bg.org/cdir/bili-bg.org/files/2021_BILI_ANALYSIS_COVID_19_SPENDING.pdf.

⁷ Daniela Mineva et al., "Public procurement irregularities—hidden risks for the post-COVID economic recovery," in *Public Procurement Integrity in Southeast Europe* (Center for the Study of Democracy, 2022), 40–41, <https://seldi.net/publications/public-procurement-integrity-in-southeast-europe-mechanisms-red-flags-and-state-owned-enterprises-in-the-energy-sector/>.

⁸ Mineva et al., "Public procurement irregularities," 44.

⁹ Open Government Partnership, *The Republic of Bulgaria Fourth National Action Plan* (Washington, DC: Open Government Partnership, 2022), 23–24, <https://www.opengovpartnership.org/documents/bulgaria-action-plan-2022-2024/>.

¹⁰ The IRM received this information from Ralitsa Velichkova (OGP government point of contact for Bulgaria, State expert from the Directorate "Modernization of Administration" of the Administration of the Council of Ministers) and Bilyana Gyaurova-Wegertseder (Bulgarian Institute for Legal Initiatives) during the pre-publication period in May 2023.

¹¹ Bulgaria's COVID-19 Unified Information Portal, accessed 18 April 2023, <https://coronavirus.bg/>.

- ¹² Maria Tsankova (state expert from the Administration of the Council of Ministers), interview by the IRM, 29 November 2022; Bilyana Gyaurova-Wegertseider (director of the Bulgarian Institute for Legal Initiatives), interview by the IRM, 16 December 2022; and Todor Galev (director of Research of the Center for the Study of Democracy), interview by the IRM, 17 March 2023.
- ¹³ Galev, interview.
- ¹⁴ Tsankova, interview.
- ¹⁵ Council of Europe: Group of States Against Corruption, *Preventing Corruption and Promoting Integrity in Central Governments (Top Executive Functions) and Law Enforcement Agencies: Fifth Evaluation Report, Bulgaria* (Strasbourg: Council of Europe: Group of States Against Corruption, 2023), <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/1680a9cab7>.
- ¹⁶ Galev, interview.
- ¹⁷ COVID-19 Unified Information Portal.
- ¹⁸ Gyaurova-Wegertseider, interview.
- ¹⁹ Galev, interview.
- ²⁰ COVID-19 Unified Information Portal.
- ²¹ Open Spending EU Coalition, *A Whitepaper on Opening up Recovery and Resilience Facility Spending*, 23 February 2022, <https://drive.google.com/file/d/1BhOhfMcJOMAYatekciPI60L6k-KB1YOV/view>.
- ²² Ralitsa Velichkova (State expert at Council of Ministers), correspondence with the IRM, 12 December 2022 and 6 February 2023.
- ²³ "ROAM-X Indicators," UNESCO, accessed 18 April 2023, <https://www.unesco.org/en/internet-universality-indicators/roam-x>.
- ²⁴ Nelly Stoyanova (head of department, IT and Information Society in the Ministry of E-Government) and members of the Department, interview by the IRM, 25 November 2022.
- ²⁵ Stoyanova and members of the Department, interview.
- ²⁶ Discussion in the meeting of the Council on Coordination on OGP, attended by the IRM, 15 December 2022.
- ²⁷ Документи [Documents], Open Data Portal, accessed 18 April 2023, <https://data.egov.bg/document>.
- ²⁸ Пазарни консултации в ЦАИС ЕОП относно проучване на потребностите на гражданите и бизнеса за публикуване на отворени данни [Market consultations in CAIS EOP regarding the study of the needs of citizens and businesses for the publication of open data], Open Data Portal, 31 August 2021, <https://data.egov.bg/news/view/57>; see more in the News section on the Open Data Portal.
- ²⁹ Пазарни консултации в ЦАИС ЕОП относно проучване на потребностите на гражданите и бизнеса за публикуване на отворени данни [Market consultations in CAIS EOP regarding the study of the needs of citizens and businesses for the publication of open data], Open Data Portal, 31 August 2021, <https://data.egov.bg/news/view/57>, see more in the News section on the Open Data Portal.
- ³⁰ Документи [Documents], Open Data Portal.
- ³¹ Публикувани са резултатите от измерването за зрялост на отворените данни през 2021 г. [The results of the 2021 Open Data Maturity assessment have been published], Open Data Portal, 17 December 2021, <https://data.egov.bg/news/view/65>.
- ³² "Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information (recast)," EUR-Lex, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019L1024>.
- ³³ Anna Adamova (an expert in public consultations, petitions, and civic participation), interview by the IRM, 8 December 2022; Zahary Yankov (legal expert in the Bulgarian Center for Not-for-Profit Law), interview by the IRM, 7 December 2022.
- ³⁴ Renzo Falla Lopez and Valentina Saltane, *Regulatory Governance in the Open Government Partnership* (Washington, DC: Open Government Partnership, 2020), <https://www.opengovpartnership.org/documents/regulatory-governance-in-the-open-government-partnership/>.
- ³⁵ Georgi Petrov (executive director of the Citizen Participation Forum), interview by the IRM, 7 December 2022; and „Ще има ли шанс гражданското законодателство в България“ [“Will civil legislation in Bulgaria stand a chance?”], Национална гражданска инициатива „Аз решавам“ [“National citizen initiative ‘I decide’”].
- ³⁶ Slavita Dzhambazova (deputy general director and head of organizational development of the Bulgarian Red Cross), interview by the IRM, 19 December 2022.
- ³⁷ Adamova, interview; and Constitution, National Assembly.
- ³⁸ Закон за пряко участие на гражданите в държавната власт и местното самоуправление [Direct Participation of Citizens in Government and Local Government Act].
- ³⁹ Adamova, interview.

Section III. Methodology and IRM Indicators

The purpose of this review is not an evaluation. It is intended as a quick, independent, technical review of the characteristics of the action plan and the strengths and challenges the IRM identifies to inform a stronger implementation process. The IRM highlights commitments that have the highest potential for results, a high priority for country stakeholders, a priority in the national open government context, or a combination of these factors.

The IRM follows a filtering and clustering process to identify promising reforms or commitments:

Step 1: Determine what is reviewable based on the verifiability of the commitment as written in the action plan.

Step 2: Determine if the commitment has an open government lens. Is it relevant to OGP values?

Step 3: Review commitments that are verifiable and have an open government lens to identify if certain commitments need to be clustered. Commitments that have a common policy objective or contribute to the same reform or policy issue should be clustered. The potential for results of clustered commitments should be reviewed as a whole. IRM staff follow these steps to cluster commitments:

- a. Determine overarching themes. If the action plan is not already grouped by themes, IRM staff may use OGP’s thematic tagging as reference.
- b. Review commitment objectives to identify commitments that address the same policy issue or contribute to the same broader policy or government reform.
- c. Organize commitments into clusters as needed. Commitments may already be organized in the action plan under specific policy or government reforms.

Step 4: Assess the potential for results of the clustered or standalone commitment.

Filtering is an internal process. Data for individual commitments is available in Annex 1. In addition, during the internal review process of this product, the IRM verifies the accuracy of findings and collects further input through peer review, OGP Support Unit feedback as needed, interviews and validation with country stakeholders, an external expert review, and oversight by IRM’s International Experts Panel (IEP).

As described earlier, IRM relies on **three key indicators** for this review:

I. Verifiability

- **Yes, specific enough to review:** As written in the action plan, the stated objectives and proposed actions are sufficiently clear and include objectively verifiable activities to assess implementation.
- **No, not specific enough to review:** As written in the action plan, the stated objectives and proposed actions lack clarity and do not include explicitly verifiable activities to assess implementation.
- Commitments that are not verifiable will be considered not reviewable, and further assessment will not be carried out.

II. Open government lens

This indicator determines if the commitment relates to the open government values of transparency, civic participation, or public accountability as defined by the Open Government Declaration and the OGP Articles of Governance by responding to the following guiding questions. Based on a close reading of the commitment text, the IRM first determines whether the commitment has an open government lens:

- **Yes/No:** Does the commitment set out to make a policy area, institution, or decision-making process more transparent, participatory, or accountable to the public?

The IRM uses the OGP values as defined in the Articles of Governance. In addition, the following questions for each OGP value may be used as a reference to identify the specific open government lens in commitment analysis:

- **Transparency:** Will the government disclose more information, improve the legal or institutional frameworks to guarantee the right to information, improve the quality of the information disclosed to the public, or improve the transparency of government decision-making processes or institutions?
- **Civic Participation:** Will the government create or improve opportunities, processes, or mechanisms for the public to inform or influence decisions? Will the government create, enable, or improve participatory mechanisms for minorities or underrepresented groups? Will the government enable a legal environment to guarantee freedoms of assembly, association, and peaceful protest?
- **Public Accountability:** Will the government create or improve opportunities to hold officials answerable for their actions? Will the government enable legal, policy, or institutional frameworks to foster accountability of public officials?

III. Potential for results

The IRM adjusted this indicator—formerly known as the “potential impact” indicator—to take into account the feedback from the IRM Refresh consultation process with the OGP community. With the new results-oriented strategic focus of IRM products, the IRM modified this indicator to lay out the expected results and potential that would be verified in the IRM Results Report after implementation. Given the purpose of this Action Plan Review, the assessment of potential for results is only an early indication of the possibility the commitment has to yield meaningful results based on its articulation in the action plan in contrast with the state of play in the respective policy area.

The scale of the indicator is defined as:

- **Unclear:** The commitment is aimed at continuing ongoing practices in line with existing legislation, requirements, or policies without indication of the added value or enhanced open government approach in contrast with existing practice.
- **Modest:** A positive but standalone initiative or change to processes, practices, or policies. The commitment does not generate binding or institutionalized changes across government or institutions that govern a policy area. Examples are tools (e.g., websites) or data release, training, or pilot projects.
- **Substantial:** A possible game changer for practices, policies, or institutions that govern a policy area, public sector, or the relationship between citizens and state. The commitment generates binding and institutionalized changes across government.

This review was prepared by the IRM in collaboration with Stephan Anguelov and was externally expert reviewed by Brendan Halloran. According to Bulgaria’s fourth action plan, the NGO Access to Information Programme is an interested party in Commitment 1 and a partner in implementation for Commitment 2. Because the IRM researcher is under contract for legal services with the NGO Access to Information Programme, and to avoid potential conflict of interest, IRM staff carried out the assessment of Commitments 1 and 2 in this Action Plan Review.

The IRM methodology, quality of IRM products, and review process are overseen by IRM’s IEP. For more information, see the IRM Overview section of the OGP website.¹

¹ IRM Overview: <https://www.opengovpartnership.org/irm-guidance-overview/>

Annex 1. Commitment by Commitment Data¹

<p>Commitment 1: Review of the Conceptual Framework for Open Governance</p> <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Modest
<p>Commitment 2: Implementation of the Standards of the Council of Europe Convention on Access to Official Documents</p> <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Modest
<p>Commitment 3: National Assessment of Internet Development</p> <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Modest
<p>Commitment 4: Public Dialogue on Common Standards in the Use of Artificial Intelligence</p> <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Modest
<p>Commitment 5: Public Control during Inspections in Animal Breeding Facilities</p> <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Modest
<p>Commitment 6: COVID-19 Task Force</p> <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Substantial
<p>Commitment 7: Construction of a National Metrological Network</p> <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? No • Potential for results: Unclear
<p>Commitment 8: Publication of Information on the Open Data Portal</p> <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Modest

Commitment 9: Study of the Needs of Citizens and Businesses for Public Sector Open Data

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 10: Changes to the Law on Direct Citizen Participation in State Power and Local Self-Government

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 11: Improving the Regime of Volunteering

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 12: Developing a Template for Online Petitions

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 13: Participation of Non-Governmental Organizations in Resolving Disputes between Consumers and Traders in Connection with CPC

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 14: Forums for Public Discussion of the Education Quality Inspection Framework

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

¹ **Editorial note:** Commitment short titles may have been edited for brevity. For the complete text of commitments, please see Bulgaria’s action plan: <https://www.opengovpartnership.org/documents/bulgaria-action-plan-2022-2024-december/>.

Annex 2: Action Plan Co-Creation

OGP member countries are encouraged to aim for the full ambition of the updated OGP Participation and Co-Creation Standards that came into force on 1 January 2022.¹ IRM assesses all countries that submitted action plans from 2022 onward under the updated standards. OGP instituted a 24-month grace period to ensure a fair and transparent transition to the updated standards. During this time, IRM will assess countries' alignment with the standards and compliance with their minimum requirements.² However, countries will only be found to be acting contrary to the OGP process if they do not meet the minimum requirements, starting with action plans submitted to begin in 2024 and onward. Table 2 outlines the extent to which the countries' participation and co-creation practices meet the minimum requirements that apply during development of the action plan.

Table 2. Compliance with minimum requirements

Minimum requirement	Met during co-creation?	Met during implementation ?
1.1 Space for dialogue: Between September 2018 and June 2021, there was no public discussion of the fourth action plan. In June 2021, the government reinitiated the MSF, centered around the Public Consultations Portal. ³ In November 2021, it formed a Transitional Council on Coordination on OGP. This Council comprised all organizations that proposed commitments and had an equal number of government and CSO members. It produced the draft fourth action plan but did not meet during the last seven months of the co-creation process (minimum requirements state that the space for dialogue meet at least every six months). ⁴ Information on the Council's role and functions is published on the Public Consultations Portal. ⁵	No	<i>To be assessed in the Results Report</i>
2.1 OGP website: The Public Consultations Portal has a section dedicated to Bulgaria's participation in OGP. ⁶ The Council of Ministers use this to publish all official announcements, self-assessment reports, IRM reports, and adopted national action plans, including the fourth plan.	Yes	<i>To be assessed in the Results Report</i>
2.2 Repository: The Public Consultations Portal has a section dedicated to Bulgaria's participation in OGP that provides information on the OGP co-creation process, government self-assessment reports, and some IRM reports. It does not provide information on the implementation of the previous action plan's commitments. ⁷	Yes	<i>To be assessed in the Results Report</i>
3.1 Advanced notice: On 18 June 2021, on the OGP-dedicated section of the website, the Council of Ministers published a calendar of the co-creation process and an invitation to send proposals for commitments in the fourth action plan. ⁸ The period for submitting proposals lasted from 18 June till 30 July 2021 (i.e., six full weeks). This period is considered long enough for scheduling, preparation, and drafting of a proposal. In this instance, the IRM considers it aligned with the minimum requirement.	Yes	Not applicable
3.2 Outreach: Other than the publications on the Public Consultation Portal and the in-person meetings of the Transitional Council on	Yes	Not applicable

Coordination on OGP, the Council of Ministers published information on its OGP-dedicated Facebook page on the start of the co-creation process and the public consultation on the received proposals. ⁹		
3.3 Feedback mechanism: In June 2021, the Council of Ministers published an invitation for proposals for commitments. ¹⁰ In September 2021, the Council of Ministers organized a public consultation on the submitted proposals with voting on each individual proposal, open to everyone. ¹¹ Between November and December 2021, the Council of Ministers formed the Transitional Council on Coordination on OGP. Its working groups included all initiators of proposals from civil society and government institutions. The government published the resulting final draft action plan and organized a public consultation open to everyone on the Public Consultations Portal from 10 December 2021 till 10 January 2022. ¹²	Yes	Not applicable
4.1 Reasoned response: All proposals for commitments from the first public consultation in June 2021 were published as a list and underwent a second public consultation with voting on each of the commitments open to everybody in September 2021. ¹³ Afterward, during the work of the Transitional Council on Coordination on OGP, the discussions were documented in minutes and tables with the changed wording of draft commitments, which were internal documents available to the participants. Most of the reasoned response happened during the work of the Transitional Council on Coordination on OGP. All commitments had to have a partner in implementation or leadership from government and from civil society. So, the reasoned response mostly took the form of a negotiation between each proposing organization and its counterpart organization—either in government or civil society. Also, the final plenary meeting of the Transitional Council on Coordination on OGP was led by the point of contact at the Administration of the Council of Ministers, who verbally listed all proposals, along with the reasons for those withdrawn and the reasons and new wording for those on the final list. Through a vote, the Council accepted all proposals on the final list as draft commitments. Each participating organization had one vote. The meetings were not public. The participants and members of the Council were representatives of all organizations that sent proposals for commitments. ¹⁴	Yes	Not applicable
5.1 Open implementation: The IRM will assess whether meetings were held with civil society stakeholders to present implementation results and enable civil society to provide comments in the Results Report.	Not applicable	<i>To be assessed in the Results Report</i>

¹ 2021 OGP Participation and Co-Creation Standards: <https://www.opengovpartnership.org/ogp-participation-co-creation-standards/>

² IRM Guidelines for the Assessment of Minimum Requirements: <https://www.opengovpartnership.org/documents/irm-guidelines-for-the-assessment-of-minimum-requirements/>

³ Започва подготовката на Четвъртия национален план за действие на Република България в рамките на глобалната инициатива „Партньорство за открито управление“ [The preparation of the Fourth National Action Plan of the Republic of Bulgaria within the framework of the global initiative “Open Government Partnership” begins], Public Consultations Portal, 18 June 2021, <https://www.strategy.bg/Articles/View.aspx?lang=bg-BG&categoryId=&Id=38&y=&m=&d=>; and Стартира събирането на предложения за Четвъртия национален план за действие на Република България в рамките на глобалната инициатива „Партньорство за открито

управление" [The collection of proposals for the Fourth National Action Plan of the Republic of Bulgaria within the framework of the global initiative "Partnership for Open Government" has started], Public Consultations Portal, 18 June 2021, <https://www.strategy.bg/Articles/View.aspx?lang=bg-BG&categoryId=&Id=39&y=&m=&d=>.

⁴ Обществено обсъждане на предложенията за мерки в Четвъртия национален план на Република България в инициативата „Партньорство за открито управление" [Public consultation on the proposals for commitments in the Fourth National Plan of the Republic of Bulgaria in the "Open Government Partnership" initiative], Public Consultations Portal, 10 December 2021, <https://www.strategy.bg/PublicConsultations/View.aspx?lang=bg-BG&Id=6538>.

⁵ Започва подготовката на Четвъртия национален план за действие на Република България в рамките на глобалната инициатива „Партньорство за открито управление" [The preparation of the Fourth National Action Plan of the Republic of Bulgaria within the framework of the global initiative "Open Government Partnership" begins], Public Consultations Portal, 18 June 2021, <https://www.strategy.bg/Articles/View.aspx?lang=bg-BG&categoryId=&Id=38&y=&m=&d=>; and Стартира събирането на предложения за Четвъртия национален план за действие на Република България в рамките на глобалната инициатива „Партньорство за открито управление" [The collection of proposals for the Fourth National Action Plan of the Republic of Bulgaria within the framework of the global initiative "Open Government Partnership" has started], Public Consultations Portal, 18 June 2021, <https://www.strategy.bg/Articles/View.aspx?lang=bg-BG&categoryId=&Id=39&y=&m=&d=>.

⁶ Партньорство за открито управление [Open Government Partnership], Public Consultations Portal, <https://www.strategy.bg/Articles/List.aspx?lang=bg-BG>.

⁷ Партньорство за открито управление [Open Government Partnership], Public Consultations Portal, <https://www.strategy.bg/Articles/List.aspx?lang=bg-BG>.

⁸ Започва подготовката на Четвъртия национален план за действие на Република България в рамките на глобалната инициатива „Партньорство за открито управление" [The preparation of the Fourth National Action Plan of the Republic of Bulgaria within the framework of the global initiative "Open Government Partnership" begins], Public Consultations Portal, 18 June 2021, <https://www.strategy.bg/Articles/View.aspx?lang=bg-BG&categoryId=&Id=38&y=&m=&d=>; and Стартира събирането на предложения за Четвъртия национален план за действие на Република България в рамките на глобалната инициатива „Партньорство за открито управление" [The collection of proposals for the Fourth National Action Plan of the Republic of Bulgaria within the framework of the global initiative "Open Government Partnership" has started], Public Consultations Portal, 18 June 2021, <https://www.strategy.bg/Articles/View.aspx?lang=bg-BG&categoryId=&Id=39&y=&m=&d=>.

⁹ Партньорство за открито управление [Open Government Partnership], Facebook, accessed on 18 April 2023, <https://www.facebook.com/profile.php?id=100069203799886>.

¹⁰ Стартира събирането на предложения за Четвъртия национален план за действие на Република България в рамките на глобалната инициатива „Партньорство за открито управление" [The collection of proposals for the Fourth National Action Plan of the Republic of Bulgaria within the framework of the global initiative "Open Government Partnership" has started], Public Consultations Portal, 18 June 2021, <https://www.strategy.bg/Articles/View.aspx?lang=bg-BG&categoryId=&Id=39&y=&m=&d=>.

¹¹ Обществено обсъждане на получените предложения за мерки за Четвъртия национален план за действие в рамките на инициативата „Партньорство за открито управление" [Public consultation on the received proposals for commitments for the Fourth National Action Plan under the Open Government Partnership initiative], Public Consultations Portal, 1 September 2021, <https://www.strategy.bg/PublicConsultations/View.aspx?lang=bg-BG&Id=6327>.

¹² Обществено обсъждане на предложенията за мерки в Четвъртия национален план на Република България в инициативата „Партньорство за открито управление" [Public consultation on the proposals for commitments in the Fourth National Plan of the Republic of Bulgaria in the "Open Government Partnership" initiative], Public Consultations Portal, 10 December 2021, <https://www.strategy.bg/PublicConsultations/View.aspx?lang=bg-BG&Id=6538>.

¹³ Стартира събирането на предложения за Четвъртия национален план за действие на Република България в рамките на глобалната инициатива „Партньорство за открито управление" [The collection of proposals for the Fourth National Action Plan of the Republic of Bulgaria within the framework of the global initiative "Open Government Partnership" has started], Public Consultations Portal, 18 June 2021, <https://www.strategy.bg/Articles/View.aspx?lang=bg-BG&categoryId=&Id=39&y=&m=&d=>; and Обществено обсъждане на получените предложения за мерки за Четвъртия национален план за действие в рамките на инициативата „Партньорство за открито управление" [Public consultation on the received proposals for commitments for the Fourth National Action Plan under the Open Government Partnership initiative], Public Consultations Portal, 1 September 2021, <https://www.strategy.bg/PublicConsultations/View.aspx?lang=bg-BG&Id=6327>.

¹⁴ The IRM researcher was an observer at these meetings.

