



Strasbourg, 23 June 2006

Public
Greco RC-I (2004) 3E
Addendum

First Evaluation Round

Addendum to the Compliance Report on Bulgaria

Adopted by GRECO
at its 29th Plenary Meeting
(Strasbourg, 19-23 June 2006)

I. INTRODUCTION

1. GRECO adopted the First Round Evaluation Report on Bulgaria at its 9th Plenary Meeting (13-17 May 2002). The report (Greco Eval I Rep (2001) 14E), which contains 14 recommendations addressed to Bulgaria was made public on 5 July 2002.
2. Bulgaria submitted the Situation Report required by GRECO's compliance procedure on 30 December 2003. On the basis of this report and a Plenary debate, GRECO adopted the First Round Compliance Report (RC-Report) on Bulgaria at its 18th Plenary meeting (14 May 2004) which was made public on 24 May 2004. The Compliance Report (Greco RC-I (2004) 3E) concluded that recommendations i, ii, iii, v, vii, viii, ix and xii had been implemented satisfactorily. Recommendations iv, vi, xiii and xiv had been dealt with in a satisfactory manner. Recommendations x and xi had been partly implemented; GRECO requested additional information on the implementation of the latter. The additional information requested was submitted on 19 May 2006.
3. Pursuant to Rule 31, paragraph 9.1 of GRECO's Rules of Procedure the objective of the present Addendum to the First Round Compliance Report is to appraise the implementation of recommendations x and xi in the light of the additional information referred to in paragraph 2.

II. ANALYSIS

Recommendations x and xi

4. *GRECO recommended that corruption cases throughout the investigation be dealt with by departments specialised in such cases in order to increase the quality and the speed of the pre-trial investigation and thus provide for speedier court proceedings and adjudication. GRECO also recommended to establish specialised departments for corruption cases at the regional levels of the Investigation Service and the prosecution offices.*
5. In the compliance report GRECO considered that the Interpretative Decision issued by the Supreme Court, which established guidelines on when cases should be referred back to pre-trial authorities for further investigation, was a useful tool for judges and would positively contribute to speeding up court proceedings and adjudication. GRECO noted that these measures met one of the concerns expressed in particular in recommendation x. As regards the second concern raised in both recommendation x and xi (specialised departments to deal with corruption cases), GRECO acknowledged that wide-scale reforms to target corruption – and make Investigation Service staff and prosecutors more specialised in this field – were being implemented. Nevertheless, it considered that there was room for progress in anti-corruption specialisation of the Investigation Service and prosecution offices, above all at regional and district level. For that reason, GRECO concluded that recommendations x and xi had only been partly implemented.
6. The authorities of Bulgaria report that the Council of Ministers adopted a National Concept for the Reform of Criminal Justice in December 2004. In October 2005, in conformity with the National Concept, a new Code of Criminal Procedure was adopted, with the aim of doing away with the complicated multi-layer investigation structure and simplifying the lengthy and formalistic procedure of the previous code. With the new code, police investigators were entrusted with the investigation of most criminal offences, including corruption. A new "reasonable time" principle was introduced in relation to criminal proceedings. The new Code of Criminal Procedure aims at speeding up the investigation, enhancing the efficiency of the Bulgarian criminal justice system

and establishing the required capacity to deal with organised crime and corruption. The new Code entered into force in April 2006.

7. The authorities of Bulgaria further report that in March 2006 the new Prosecutor General issued an order (N 905/23.03.2006) establishing a Specialised Department “Fight against organised crime and corruption” within the Supreme Cassation Prosecutor’s office as well as specialised anti-corruption sections at the appellate and regional prosecutor’s offices. The specialised department within the Supreme Cassation Prosecutor’s office is already operational and is at present composed of 8 prosecutors and 3 specialists. The specialised anti-corruption sections at the appellate and regional prosecutor’s offices are also in operation and the total number of prosecutors who work in these specialised sections is 78.
8. GRECO takes note of the information provided by the authorities of Bulgaria and welcomes the steps taken with the aim of speeding up and streamlining the processing of criminal cases, including corruption. Moreover, GRECO takes note of the establishment of specialised departments for corruption and welcomes the fact that these units are already operational.
9. GRECO concludes that recommendations x and xi have been implemented satisfactorily.

III. CONCLUSION

10. In addition to the conclusions in the First Round Compliance Report on Bulgaria and in view of the above, GRECO concludes that Bulgaria has implemented recommendations x and xi satisfactorily.
11. The adoption of the present Addendum to the Compliance Report terminates the First Evaluation Round compliance procedure in respect of Bulgaria.