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The messy fight against corruption in Bulgaria and the need for ambition in the EU institutions

A new report commissioned by the Greens/EFA Group in the European Parliament has found that much more ambition is required in the fight against corruption both within Bulgaria but also at EU level.

As Bulgaria takes on the Presidency of the Council of the European Union, there is a key opportunity upcoming in the first half of 2018. After at least a decade in which the European Commission has been monitoring Bulgaria's progress in the fight against corruption and organised crime, it is now Bulgaria's chance to push the EU to increase its ambition in tackling corruption within the EU institutions themselves, an issue that has been drastically neglected to date.

Bulgaria ranks as the worst-performing country in the European Union in the fight against corruption, despite having been placed under the special Mechanism for Cooperation and Verification (CVM) by the European Commission since 2007. Out of all EU Member States, Bulgaria also wins the dubious title of having the lowest ranking when it comes to media freedom as well as having the highest levels of distrust in the perceived independence of the judiciary. The recently adopted Anti-Corruption Law is steeped in controversy and critics fear it may be instrumentalised to silence critics, as outlined in the report.

While the European Union has spurred legislation that is relevant for the fight against corruption, it remains sectoral in nature and there is no comprehensive anti-corruption directive or regulation under discussion to date. The European Commission has recently even stepped back from monitoring corruption efforts in the Member States, preferring instead to shelve the second edition of what was supposed to be a yearly anti-corruption report. Most importantly, although the EU has been instrumental in pushing Bulgaria to adopt more ambitious reforms, it has not matched this ambition internally.

Key findings

While the continued pressure from the European Commission has finally led Bulgaria to adopt a specific anti-corruption law, the results are far from satisfying:

- The weak protection that existed for whistleblowers reporting specifically on conflicts of interests cases has been reversed with the new anti-corruption law, as the Parliament clearly stated that whistleblowers should be held legally responsible for their reporting on corruption.
- The law fails to introduce coherent provisions to prevent corruption by increasing the integrity and

transparency of the public sector. Rather, it focuses on the confiscation of assets and property, also for crimes completely unrelated to corruption, which raises fears that the seizure of assets might be used to silence criticism of the government.
- The newly established Anti-Corruption Commission will be given the power to use secret surveillance and to target "corruptive behaviour", which is not defined in the legislation, but it will not be given the authority to oversee potential conflicts of interest in the civil service.
- The close ties between the government, oligarchs, banks and the media raise questions about journalistic integrity and media pluralism, with Bulgaria ranked 109th out of all countries when it comes to press freedom. This situation is further complicated by the fact that media outlets falling below journalistic ethics standards are actually also recipients of EU funds.

The Bulgarian President decided to veto the Anti Corruption Law in early 2018 due to its deficiencies and potential to be abused for political reasons, but the veto was overcome by a vote in the Parliament on the 12th January, meaning that the law should soon enter into force.

Recommendations directed at EU level:

The EU has in principle signed up to different anti-corruption initiatives but it is not applying them properly in practice, at least not within the EU institutions themselves. Although the EU has been instrumental in pushing Bulgaria to adopt more ambitious reforms, it also needs to step up its efforts internally in order to be able to lead by example.

- The European Commission should take more ambitious action to fight against corruption at Member State level, for example by adopting an Anti-Corruption Directive or Regulation.
- At the very least, the Commission should finally publish its second Anti-Corruption Report instead of backing away from monitoring the performance of the EU Member States in this area.
- Of course, the Commission would be much more credible in demanding anti-corruption measures at the national level if it were to properly apply these measures to the EU institutions themselves. The EU should therefore join the Council of Europe's Group of States against Corruption (GRECO) and finally start to undertake periodic self-assessments under the UN Convention against Corruption (UNCAC).

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