

# Bulgaria

by Maria Spirova

*Capital:* Sofia  
*Population:* 7.3 million  
*GNI/capita, PPP:* US\$15,000

Source: The data above are drawn from the World Bank's *World Development Indicators 2014*.

## Nations in Transit Ratings and Averaged Scores

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Electoral Process	1.75	1.75	1.75	1.75	1.75	1.75	1.75	2.00	2.00	2.25
Civil Society	2.75	2.75	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.25
Independent Media	3.50	3.25	3.50	3.50	3.75	3.75	3.75	3.75	4.00	4.00
National Democratic Governance	3.50	3.00	3.00	3.00	3.25	3.25	3.50	3.50	3.50	3.75
Local Democratic Governance	3.50	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00
Judicial Framework and Independence	3.25	3.00	2.75	2.75	3.00	3.00	3.00	3.25	3.25	3.25
Corruption	4.00	3.75	3.75	3.50	4.00	4.00	4.00	4.00	4.00	4.25
Democracy Score	3.18	2.93	2.89	2.86	3.04	3.04	3.07	3.14	3.18	3.25

NOTE: The ratings reflect the consensus of Freedom House, its academic advisers, and the author(s) of this report. The opinions expressed in this report are those of the author(s). The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. The Democracy Score is an average of ratings for the categories tracked in a given year.

# EXECUTIVE SUMMARY

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Since the collapse of communism, Bulgaria has consolidated a system of democratic institutions, joining its neighbors as a member of the North Atlantic Treaty Organization (NATO) in 2004 and the European Union (EU) in 2007. A number of general, presidential, and local elections have been held freely, fairly, and without disturbance. Before 2013, the country had enjoyed more than a decade of stable, full-term governments.

These successes notwithstanding, Bulgaria's democratic institutions display a number of problematic weaknesses. Inefficiency and graft within the political system as a whole—and within the judiciary in particular—are still considered major obstacles in the country's fight against high-level corruption and organized crime. Public trust in democratic institutions is low, and ethnic minorities face discrimination. Developments in 2013, including the appointment of a wealthy media mogul as national security chief, which elicited widespread protests, underscored these problems and exposed close ties between political leadership and various economic interests.

**National Democratic Governance.** Widespread popular protests against the rising cost of electricity forced Bulgaria's center-right government to resign in February. When early elections in May resulted in a hung parliament, the center-left Bulgarian Socialist Party (BSP) formed a coalition government while relying on support from the extremist party Ataka. The appointment of a media mogul to head the Bulgarian security agency provoked a new wave of antigovernment demonstrations in June that continued until December. Despite protests, calls for political reforms from the nongovernmental sector, and political deadlock in the parliament, the cabinet remained in office. Due to political instability and resulting legislative deadlock, *Bulgaria's national democratic governance rating declines from 3.50 to 3.75.*

**Electoral Process.** Only four parties—the Citizens for European Development of Bulgaria (GERB), BSP, the liberal Movement for Rights and Freedoms (DPS), and the extremist Ataka—won seats in the early parliamentary elections held in May. At 51 percent, voter turnout hit an all-time low, and one-fourth of votes went to parties that did not receive any seats in the parliament. Though the elections were declared free and fair, observers noted numerous irregularities, including serious accusations of administrative mismanagement, unequal media coverage, intimidation, and vote buying. The process was further marred by the discovery of 350,000 illegal ballots in an official printing facility. As a result of serious irregularities, *Bulgaria's electoral process rating declines slightly, from 2.00 to 2.25.*

**Civil Society.** Civil society has become increasingly active and dynamic as a result of EU support and the expansion of social media and the internet. In early 2013, the increased cost of electricity prompted the biggest protests in 15 years, leading to the resignation of Prime Minister Boyko Borisov's government. Demonstrations resumed following the appointment of a media mogul as chief of the national security agency in June and continued, on and off, throughout the year. The protests, which created an opportunity for citizens to express deeply felt frustration with the growing overlap between political and economic power, put tangible pressure on political decision-makers. Due to increased mobilization of civil society actors and their apparent impact on domestic political processes, *Bulgaria's civil society rating improves from 2.50 to 2.25.*

**Independent Media.** Partisanship and the concentration of media ownership continue to erode the quality and diversity of Bulgaria's newsmedia. In 2013, outlets owned by the New Bulgarian Media Group (NBMG) and the television channel TV7 published or broadcast reports discrediting various political figures. The digital switchover in September 2013 left 40,000–60,000 people without access to public broadcasting. *Bulgaria's independent media rating remains unchanged at 4.00.*

**Local Democratic Governance.** The municipality remains the only level of local governance in the country. Municipalities have gained power over time but still lack sufficient resources to exercise a full measure of self-governance. In 2013, local elections were held in five municipalities. Most of the mayoral seats were won by BSP or DPS, further concentrating power in the hands of the major national parties and lowering the percentage of municipalities led by local political parties. The year's protests spread outside the capital and led to the resignation of Kirill Iordanov, longtime mayor of Bulgaria's third largest city, Varna. Iordanov's resignation was seen as a victory against the patronage networks controlling the city. *Bulgaria's local governance rating remains unchanged at 3.00.*

**Judicial Framework and Independence.** A number of scandals in 2013 demonstrated unethical behavior by high-ranking members of the judiciary. In April, a wiretapped conversation between Prime Minister Borisov, former minister of agriculture Miroslav Naydenov, and chief prosecutor of Sofia Nikolay Kokinov revealed their attempt to influence the course of a corruption investigation against Naydenov. Civil society groups drew attention to potential flaws in the courts' method of randomized case allocation. *Bulgaria's rating for judicial framework and independence remains unchanged at 3.25.*

**Corruption.** Pervasive corruption and close ties between political leaders and economic groups—especially media owners—came under closer scrutiny in 2013. In June, the appointment of media magnate and DPS member Delyan Peevski as head of the national security agency became a symbol of state capture by oligarchs, sparking massive protests. Demonstrators in Varna also gathered to decry

the political connections of the city's biggest employer, the TIM group, which is popularly believed to be involved in smuggling, drug trade, and prostitution. In late 2013, the governing majority prepared a bill intended to control offshore tax evasion. With the state making no meaningful progress in curbing organized crime or dismantling Bulgaria's extensive patronage networks, *Bulgaria's corruption rating declines from 4.00 to 4.25.*

**Outlook for 2014.** With public discontent persisting and elections to the European Parliament scheduled for May 2014, policymaking for a government that does not have majority in parliament will be increasingly challenging. Potential calls for early elections and an institutional struggle between the president and parliament will likely add to political tension.

# MAIN REPORT

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## National Democratic Governance

2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
3.50	3.00	3.00	3.00	3.25	3.25	3.50	3.50	3.50	3.75

Bulgaria is a parliamentary republic with three branches of power and a clearly defined system of checks and balances. The National Assembly (parliament) selects the prime minister and some of the members of the highest judiciary organs. The parliament itself is popularly elected. An independent Constitutional Court serves as a check on all branches of power. The country's constitutional and legal framework allows for the free formation of political parties and for citizens' participation in political and governance processes through elections, legislative consultations, civil society organizations, and the media.

The president of Bulgaria has no strong formal powers but has often played an important role in domestic politics. The directly elected office is independent of the other branches of government and provides a check on their power. In the midst of antigovernment protests in July, President Rosen Plevneliev took a strong position, urging the government to “listen to the people.”<sup>1</sup> The president also vetoed revisions of the 2013 budget in early August, demanding more transparency in public spending and a commitment to higher rates of tax collection.<sup>2</sup> At the time, Plevneliev's critics claimed he had partisan reasons for voicing objections that benefitted or echoed those of his former party, the Citizens for European Development of Bulgaria (GERB), while the president's supporters insisted he was acting in the interest of fair politics.<sup>3</sup>

Public anger over rising electricity prices, corruption, and declining living standards ignited mass protests nationwide in early 2013, with protesters demanding the resignation of Prime Minister Boyko Borisov and the Citizens for European Development of Bulgaria (GERB) government. The protests appeared to take GERB—Bulgaria's most powerful political force for the last 6 years—by surprise. Following clashes between demonstrators and police, the Borisov government resigned on 19 February, becoming the first administration to leave office early in Bulgaria since 1997. President Plevneliev accepted Prime Minister Borisov's resignation and appointed a caretaker government headed by a former diplomat, Marin Raikov. Early elections were scheduled for mid-May, and as protests subsided, the caretaker cabinet governed without any major problems for the next three months, even solving some long-standing issues with Brussels.<sup>4</sup>

GERB won more seats (97 of 240) in the May elections than any other party, but not enough to form a government. After two weeks of negotiations, a coalition government formed between the center-left Bulgarian Socialist Party (BSP)—leader of the electoral alliance Coalition for Bulgaria, which won 84 seats at the polls—

and the Movement for Rights and Freedoms (DPS), which primarily represents the country's Turkish minority and controls 36 seats.<sup>5</sup>

The new government led by former finance minister Plamen Oresharski (BSP) faced strong public opposition almost from the very beginning. The June appointment of media mogul and DPS party member Delyan Peevski to head the Bulgarian security agency provoked immediate antigovernment protests that continued for most of 2013. The appointment itself was revoked shortly after the protests began, but it resonated in the public's consciousness as a symbol of deeper problems in Bulgarian politics—namely, the lack of transparency in political decision-making and the political elite's dependence on economic power groups. The demonstrations continued throughout the summer and reignited in the fall, when students staged sit-ins at Sofia University, demanding another change of government. President Plevneliev, who was elected on the GERB ticket in 2011, endorsed the rallies and urged government leadership to consider early elections,<sup>6</sup> but the Oresharski cabinet remained in office.

Parliamentary deadlock and the chaotic political environment effectively paralyzed the BSP-DPS government, and no significant steps were taken to address corruption or the lack of citizen participation in the political processes denounced by protesters. As Oresharski's ruling coalition controls only half the seats in the legislature, it relies heavily on the 23 delegates from the nationalist-extremist Ataka (Attack) party in order to pass laws. In fact, with MPs from GERB often boycotting parliamentary sessions, MPs from Ataka are necessary to pass any laws.<sup>7</sup>

#### Electoral Process

2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
1.75	1.75	1.75	1.75	1.75	1.75	1.75	2.00	2.00	2.25

Bulgaria's president is directly elected, and seats in the national parliament are distributed according to a proportional representation system, with a 4 percent threshold required for a party to enter parliament. There are no special provisions for the representation of minority groups in the country, and the constitutional ban on ethnic parties makes the representation of minorities difficult. Bulgaria's Turkish minority has been represented in parliament since 1990 through the liberal Movement of Rights and Freedoms (DPS), while the less populous and poorly organized Roma minority has not been able to secure legislative representation. Since 1991, international observers have deemed all Bulgarian elections free and fair, but in recent years allegations of vote buying and other irregularities have become more common. Many such irregularities were observed in the May 2013 snap elections.

A widely criticized electoral code adopted in 2010 raised campaign spending limits and increased the number of signatures required for the establishment of an electoral coalition at the national level. It also created a residency requirement

for those voting in European Parliament elections, introduced preferential voting, and eliminated direct election of mayors in small settlements. These changes have made campaigns more expensive and elections more difficult for small parties and alliances to enter.<sup>8</sup>

In early February, the parliament adopted amendments to the electoral code in order to address problems raised by local and international observers ahead of the next election. A report by the Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) praised the amendments for increasing electoral transparency by providing for live broadcasts of electoral commission sessions and guaranteeing observers' right to monitor the electoral process.<sup>9</sup> However, the report also noted that the new law left other issues unaddressed, including problems with media coverage and electoral advertising in minority languages.<sup>10</sup> In a highly controversial move, the legislation also repealed preferential voting, which was supported by protests earlier.<sup>11</sup>

Following the government's resignation in February, snap elections were scheduled for 12 May. More than 36 parties appeared on the ballot, compared to 22 in the 2009 elections.<sup>12</sup> Still, only four parties won seats in parliament and no new party formations reached the 4 percent threshold. GERB remained the most popular choice, receiving 30.53 percent of the vote, followed by the BSP-led coalition of center-left parties, Coalition for Bulgaria (26.61 percent); the party of the Turkish minority, DPS (11.31 percent); and the nationalist Ataka (7.3 percent).<sup>13</sup>

For the first few weeks, the campaign was dominated by the social issues that had fueled protests early in the year—declining standards of living, poverty, and corruption. At first, the appointment of a caretaker government allowed GERB to distance itself from its recent failures while in power and engage in policy debates in a non-defensive way; however, as election day approached, allegations that the GERB government's Interior Ministry had wiretapped journalists and state officials changed the tone of debate, and both GERB and BSP embarked on a negative campaign.<sup>14</sup>

In the preelection period, 350,000 illegal ballots were discovered in the official printing facility, suggesting plans to manipulate the voting process. GERB was accused of electoral fraud, and the investigation resulted in a court case against Rosen Zhelyakov, the general secretary of the Council of Ministers, who was responsible for supervising ballot printing. The case was ongoing at year's end.<sup>15</sup>

Turnout on election day was 51.33 percent, the lowest in independent Bulgaria's history.<sup>16</sup> The election also recorded a higher-than-usual number of "wasted" votes—more than 24 percent of ballots were cast for parties that did not receive any seats in parliament.<sup>17</sup> Though low turnout and wasted votes are not unusual in European elections, these figures raise questions about the representativeness of Bulgaria's government and legislature.

Election monitors from Transparency International (TI) Bulgaria reported an increase in irregularities over previous elections. Around 60 percent of complaints registered with TI dealt with administrative problems, but there were also numerous

incidents of vote buying and so-called “controlled votes,” i.e. votes obtained through various forms of intimidation, such as the threat of being fired. Reportedly, pressure of this nature and other forms of unlawful campaigning were often exercised by local government officials.<sup>18</sup>

The OSCE/ODIHR also recorded widespread allegations of controlled votes and vote-buying, as well as shortcomings in election administration. The monitors’ report noted that GERB was overrepresented in the leadership of electoral commissions. While the report acknowledged some progress in addressing recommendations from previous years, it also asked for further efforts to counter vote buying and ensure the impartial administration of elections, the use of bilingual election materials, and the transparency of media ownership.<sup>19</sup>

Both the OSCE/ODIHR and the TI monitoring reports emphasized the need to create a more level playing field among campaigning parties, particularly with regard to media coverage. All forms of campaign advertising are paid for by candidates and parties, which gives an advantage to parties eligible to receive campaign financing from the state.<sup>20</sup> Meanwhile, independent candidates rely on private donations to fund their campaigns. In mid-December, BSP introduced a bill providing for media access to all contestants. The bill, still under parliamentary review at year’s end, would also reintroduce preferential voting and tighten controls over the printing of electoral ballots.<sup>21</sup>

After the elections, numerous formal complaints were filed with the Central Electoral Commission (CEC) and other public offices. GERB requested an annulment of election results, citing violations of “campaign silence,”<sup>22</sup> obstacles faced by diaspora voters in Turkey, and administrative irregularities. The appeal reached the Constitutional Court, which ruled against it.<sup>23</sup>

#### Civil Society

2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
2.75	2.75	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.25

Bulgarian civil society has become increasingly assertive and dynamic in recent years, as evidenced by widespread demonstrations against perceived government corruption and mismanagement of the economy in 2013. Early in the year, the increased cost of electricity prompted Bulgaria’s biggest protests in 15 years, leading to the resignation of Prime Minister Borisov’s government. Demonstrations resumed following the appointment of a media mogul as chief of the national security agency in June, spurring public debate on political reform for the remainder of 2013.

Civil society organizations mushroomed in the postcommunist period, partly due to the expansion of internet access and online social networks and European Union (EU) support for nongovernmental and grassroots associations. According to the central register of the Ministry of Justice, there were more than 11,000 entities defining themselves as public interest organizations at the end of 2013.<sup>24</sup> An independent web portal for nongovernmental organizations (NGOs), launched

in 2010, contained 5,691 entries in 2013, compared to 5,576 in 2012 and 5,302 in 2011. The top five self-defined activities of organizations on the portal were education (951), social services (572), culture and art (553), economic development (367), and youth issues (330).<sup>25</sup>

There were no major changes to the legal framework concerning civil society organizations in 2013. Registration and tax processes remained relatively simple and stable. Late in the year, the government introduced a bill intended to formalize volunteer work, which would, for the first time, give volunteering a legal status and provide for legal protections.<sup>26</sup>

The first antigovernment rallies of 2013 began in February, when tens of thousands of citizens gathered in Sofia and other large cities to protest rising electricity and fuel prices. Demonstrators quickly raised a wide range of additional grievances, from monopolistic business practices to environmental concerns. Soon they began demanding the resignation of the Borisov government, seen as responsible for many of these problems. Protests on 18 February were followed by small-scale clashes with the police, resulting in arrests and injuries.<sup>27</sup> In February and March, there were at least four self-immolations resulting in deaths as well—a previously unknown phenomenon in Bulgaria.<sup>28</sup> Prime Minister Borisov submitted the resignation of his government on 20 February, saying he was returning power to the people.<sup>29</sup>

After the government stepped down, protesters' demands evolved into systemic goals, beginning with institutional adjustments, such as a new electoral system or amendments to the constitution, and ultimately aiming for wider citizen participation in political processes.<sup>30</sup> The movement organized into two political entities, both of which declared support for early elections. However, they did not manage to produce a joint candidate list for May or join the mainstream political process.<sup>31</sup>

In mid-June, the new, Socialist-led government appointed 32-year-old Delyan Peevski of DPS to chair the Bulgarian State Agency for National Security (DANS). To many, the appointment of Peevski—a controversial figure, whose mother used to head the national lottery and who now leads a growing media empire with strong political and economic connections to the leadership—sent a strong signal that the new government would be no less beholden to powerful private interests than its predecessors. Over the years, Peevski has been accused of involvement in various forms of corruption, including misuse of his influence over the security apparatus for political purposes,<sup>32</sup> as well as contributing to the overconcentration of media ownership.

Protesters rallied for days after Peevski's appointment, chanting "mafia" and calling for another change of government.<sup>33</sup> Peevski was removed from his new post within days, and Prime Minister Oresharski told the parliament: "I made a political mistake, for which I apologize not only to you, but to the thousands of people who took to the streets to protest."<sup>34</sup> Nevertheless, the antigovernment protests continued until the end of the legislative session in late July, affirming that the public's frustration and desire for change went far deeper than a single political misstep. Protesters' demands reverberated in clashes between the president and parliamentary parties and in internal conflicts within the BSP.

Protests reignited in mid-October with a series of sit-ins by students calling themselves “Early Risers” who “occupied” the main building of Sofia University, demanding cleaner politics, an end to corruption in the political sphere, and the resignation of the current government. Peevski remained an important theme of the Early Risers’ protest campaign, which was soon joined by various other groups, including university professors and artists. Participation received another boost when the deputy leader of DPS and deputy speaker of parliament, Hristo Biserov, resigned after coming under investigation for possible tax fraud and money laundering.<sup>35</sup> By late December 2013, media were reporting that protests had been ongoing for more than 190 days.<sup>36</sup>

The long-term impact of the year’s demonstrations—their effect on government practices, transparency, and legislative decision-making—was still difficult to predict at year’s end. What was clear was the emergence of a more politically engaged public, prepared to force dialogue on important issues with its elected officials.

#### Independent Media

2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
3.50	3.25	3.50	3.50	3.75	3.75	3.75	3.75	4.00	4.00

Media freedom is legally protected in Bulgaria, with citizens enjoying unrestricted access to a variety of news sources. The right to information is also enshrined in the constitution and in the Law on Access to Public Information. Nevertheless, the independence of the sector has been steadily deteriorating for the past decade. The circulation of print media has declined, outlets have become concentrated in the hands of a few owners, and political influence has remained high, despite the emergence of numerous scandals revealing close ties between politicians, media owners, and businessmen.

Media ownership continued to be a contentious issue in 2013. Much of the attention focused on the New Bulgarian Media Group (NBMG), which entered the print market in 2009 and has since expanded into the electronic media market, acquiring control over TV stations and a number of other outlets. NBMG is owned by Irena Krasteva, former head of the state lottery and mother of DPS MP Delyan Peevski. There have been persistent allegations that NBMG is financed by the Corporate Commercial Bank (KTB), a small private bank that handles the finances of other state-owned enterprises. This connection raised speculations of indirect public funding.<sup>37</sup>

Allegations, however, go beyond the issue of media ownership and independence and paint a dismal picture of deeply integrated patronage networks concentrated around leading political parties. NBMG’s owners have stakes in the tobacco industry, which has been traditionally linked to the DPS because it employs Turkish tobacco farmers, who have historically favored the party. Some argue this connection explained the willingness of the government to reconsider

the ban on smoking, which would guarantee profits for NBMG not only from its media outlets but from tobacco sales as well.<sup>38</sup>

Media outlets owned by NBMG were involved in various politically motivated accusations during “media wars” that took place last year between several media moguls. Reports discrediting various political figures and accusing them of illegal behavior continued in 2013. After siding with the protesters—who demonstrated against the BSP–DPS coalition—several times, President Rosen Plevneliev was accused of corrupt dealings by TV7 in mid-October. Other questionable publications included a story about the (then allegedly) illegally printed ballots in April 2013, which the incumbent GERB claimed was used to discredit the government right before the elections.<sup>39</sup>

Collusion between media owners and politicians was addressed by several observers, including the Bulgarian Helsinki Committee and the German Ambassador to Bulgaria, and was also raised by international media.<sup>40</sup> In addition, President Plevneliev organized a public forum attended by civil society representatives. The forum, however, did not result in specific policy proposals and was not attended by media owners.<sup>41</sup>

The switchover from analog to digital television was scheduled for 30 September. Analog channels were supposed to be replaced completely by digital television; however, by the time of the scheduled transition only 95 percent of the country was covered by digital network, leaving between 40,000 and 60,000 people without access to public broadcast.<sup>42</sup> Other problems related to digitalization included unforeseen costs such as subsidizing the purchase of digital decoders for poor households.

Nationwide, Bulgarian TV channels are concentrated around four networks: the Bulgarian public television, BNT, which has three national channels and one global satellite channel; bTV and other five channels owned by Central European Media Enterprises; Nova Televizia and an additional five channels owned by Modern Times Group; and four channels, including TV7, owned by Alegro Capital. These 20 channels have nation-wide coverage but only 7 of them—the biggest of each group—were transmitted for free until September 2013.<sup>43</sup> Citizens also have access to numerous regional channels.

Three radio stations have national coverage, two stations of the Bulgarian National Radio (BNR) and one private station, Darik. The largest cities of the country have access to a variety of radio stations, including several music stations, and BNR has regional stations in nine major cities.<sup>44</sup> Both radio and television are regulated by the Council for Electronic Media (CEM), an independent body, whose members are jointly elected by the parliament and media organizations. It has been reportedly subject to political pressure, especially when appointing the directors of the public television and radio.<sup>45</sup>

The financial crisis has strained profits for most private media, making them ever more dependent on government advertising and other favors from the state. Reliance on public funds has led major media outlets to perpetuate the problem of self-censorship, as they have toned down their criticism of the government.

Fortunately, the public broadcasters, especially BNR, have avoided many of the negative trends occurring in the private sector, and institutional guarantees have generally succeeded in protecting their independence. Consequently, public radio has become a major source for objective information.

Libel remains a criminal offense punishable by fines of up to \$10,000. Though defamation suits remain common, the courts tend to interpret the law in favor of freedom of expression, and convictions are relatively few.

#### Local Democratic Governance

2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
3.50	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00

The 1991 constitution guarantees the principle of local self-government and divides the country into regions and municipalities. It identifies the municipality as the principal subunit and provides municipalities with certain rights and powers, such as the right to own property or set the budget independently. The constitution also allows citizen participation in local government through elections for mayors, city councils, and voting on local referenda.

The 264 self-governing municipalities with directly elected governments constitute 28 regions (*oblasts*). The regions are headed by a governor appointed by the prime minister, acting as the local extension of the central government. The governors are responsible for implementing laws, guaranteeing the rule of law, protecting national interests, and preserving public peace.

Power at the municipal level is divided between the mayor and the municipal council, with the latter acting as a policymaking body. Municipal councils address issues connected to local infrastructure, social welfare services, some educational and healthcare institutions, cultural development, environmental protection, and trash collection.

Municipalities still remain highly dependent on the central state financially, and regional governors have the power to annul mayoral decisions. Since Bulgaria entered the EU, however, municipalities have been more actively involved in national policymaking on local development. When negotiating with the state and with the EU, municipalities are represented by the National Association of Municipalities in the Republic of Bulgaria (NAMRB), which provides a forum for voicing local governments' concerns and also provides a venue for sharing best practices and improving administrative capacities. A similar role is played by various nongovernment organizations specializing in aiding local governments and improving their capacity.

In 2010, amendments to the electoral law eliminated direct elections for mayors in settlements with less than 350 inhabitants and cut the number of local councilors by about 20 percent in large municipalities—thus effectively increasing the electoral threshold. In the last local elections in 2011, GERB won the majority

of mayoral seats. This not only secured its power but also reversed, at least to some extent, the previous trend toward the proliferation of local political parties and coalitions.<sup>46</sup> In 2013, local elections were held in five municipalities. Most of the mayoral seats were won by BSP or DPS, diminishing GERB's lead but further lowering local parties' share.

Mayoral elections in Varna—Bulgaria's third largest city and main Black Sea port—also shed light on a novel phenomenon in 2013: the emergence of civic initiatives outside Sofia. The February protests against GERB and high energy prices spread to other larger cities besides the capital. In Varna, they were aimed at the city's mayor, Kiril Iordanov, who won his fourth term in 2011 with the support of GERB. The demonstrations evolved into the most populous protest in the city since 1997, with protesters demanding an end to the monopoly on energy distribution, an audit of all privatization deals of the last decade, and a general cleanup of the city's politics.<sup>47</sup> Protesters also demonstrated against the Varna-based company TIM, which is the biggest employer of the city, operating several businesses—including TV stations, newspapers, and branches dealing in crude oil and chemicals—and which had allegedly been involved in organized crime.<sup>48</sup> The company also supported Mayor Iordanov when he was first elected. The protests culminated in a self-immolation by 36-year-old Plamen Goranov, who died 12 days later.

Following the protests, GERB withdrew its support for Iordanov and the mayor resigned a few days later. Elections were scheduled for June 2013, but, by then, public enthusiasm had waned, and turnout was only 26 percent.<sup>49</sup> GERB's narrow victory was disputed by the BSP-supported opponent, but the Supreme Administrative Court declared the results valid.<sup>50</sup> While the protests' long-term impact on city politics and TIM's influence on it was uncertain at year's end, they represented a major mobilization of the citizenry against a strong local political figure, who symbolized the long-criticized clientelist model of local governance.

#### Judicial Framework and Independence

2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
3.25	3.00	2.75	2.75	3.00	3.00	3.00	3.25	3.25	3.25

The Bulgarian constitution guarantees the independence of the judiciary, whose primary role is to “safeguard the rights and legitimate interests of all citizens, legal entities, and the state.” In the performance of their functions, “all judges, court assessors, prosecutors and investigating magistrates shall be subservient only to the law.”<sup>51</sup>

The court system is made up of the Constitutional Court (KS), the Supreme Court, the Supreme Court of Cassation, the Supreme Administrative Court (VAS), the appeals courts, military courts, and district courts. The 12 members of the Constitutional Court are elected for one nine-year term. The court ensures that laws conform to the constitution and has been involved in resolving numerous

controversial situations over the years. In October 2013, for example, the court was called upon to decide whether Delyan Peevski should be allowed to remain a member of parliament and hence protected by parliamentary immunity (the court ruled that he should).<sup>52</sup>

The Supreme Judicial Council (VSS), which was established to guarantee judicial independence, is possibly the most criticized institution of the judicial system. This 25-member body, whose members are elected for five-year terms, has the power to appoint, promote, demote, reassign, or dismiss the justices, prosecutors, and investigating magistrates. Half of its members are elected by the parliament, which allows for political influence over the selection of judges.

Bulgaria's judiciary has benefited from reforms associated with EU accession, but the 2012 European Commission report found that institutional and legal improvements have not led to practical gains in efficiency or accountability. In early 2013, several reports pointed to the continuing problem of nontransparent and uncompetitive appointment procedures in the highest judicial bodies. Both Bulgarian NGOs and the Council of Europe stressed the importance of this particular issue for Bulgaria's democracy, noting that a change would require courage to challenge vested interests.<sup>53</sup> As Bulgaria's rule of law is under close scrutiny by the European Commission through the Cooperation and Verification Mechanism (CVM), positive developments in the field are generally valued as a demonstration of political will to Brussels.

During 2013, there were several scandals involving illegal wiretapping and unethical behavior by high-ranking members of the judiciary. Media leaks of wiretapped documents revealed various attempts of public officials to circumvent justice, conclude advantageous deals, and gain undue influence. Central to these scandals was Tsvetan Tsvetanov, interior minister in the Borisov cabinet. Although he publicly denied any wrongdoing, in the leaked conversations he was accused of ordering the illegal wiretapping of numerous businessmen, politicians, and public officials during the 2011–2013 period.<sup>54</sup> In April, a wiretapped conversation between Prime Minister Borisov, former minister of agriculture Miroslav Naydenov, and chief prosecutor of Sofia Nikolay Kokinov revealed their attempt to influence the course of a corruption investigation against Naydenov.<sup>55</sup> Kokinov was dismissed by the VSS in July 2013; the delay in his dismissal was criticized as a sign of VSS's weak commitment to reforming the judiciary.<sup>56</sup>

In July 2013, for the first time since 1991, the VSS dismissed one of its members, former deputy chief prosecutor Kamen Sitnilski. Sitnilski was found guilty, together with two other judges, of violating the principles of judicial independence and the judicial code of ethics. The allegations were made on the basis of wiretaps conducted by the security services.<sup>57</sup> In October, the VSS promoted Sofia City Court Chair Vladimira Yaneva to the rank of chief justice, despite allegations that she had committed administrative and procedural violations of the judicial code and despite her personal connections with Tsvetan Tsvetanov.<sup>58</sup>

The election of a new chief inspector of the VSS requires the support of at least two-thirds of the parliament. GERB was unable to garner enough support for its

proposed candidates in 2012, but in late 2013, the BSP and DPS shortened the nomination procedure and nominated only one candidate, amidst allegations of lowering competition.<sup>59</sup>

The process of random case allocation has been criticized by many observers. A study by the Bulgarian Institute for Legal Initiatives (BiLI) in 2013 drew the public's attention to security flaws in the software used by the Supreme Administrative Court and Sofia City Court to assign cases, making the process vulnerable to manipulation.<sup>60</sup> NGOs and professional organizations joined forces later in the year to lobby the VSS to reconsider the procedure.

One controversial decision by the VSS was reversed in 2013. In July 2012, the VSS dismissed Miroslava Todorova, chair of the Bulgarian Judges Association (BJA), on alleged disciplinary grounds. The dismissal was broadly seen as political revenge by then interior minister Tsvetanov, whom Todorova had sued for libel for accusations of supporting organized crime. The dismissal was first upheld in early 2013; however, following strong criticism from NGOs, the European Commission, and the U.S. State Department, the Supreme Appellate Court reversed the decision in July.<sup>61</sup>

#### Corruption

2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
4.00	3.75	3.75	3.50	4.00	4.00	4.00	4.00	4.00	4.25

Despite repeated promises by successive governments to eradicate corruption, graft is still widespread in Bulgaria, organized crime remains powerful, and political appointment processes are largely nontransparent. A troubling overlap between political and monopolistic business interests remained in evidence throughout 2013, even after protesters denouncing economic mismanagement and political corruption brought down the GERB government in February.

Respondents to Transparency International's 2013 Corruption Perceptions Index named the judiciary as Bulgaria's most corrupt public institution, followed by the political parties and the healthcare sector.<sup>62</sup> The European Commission's July 2012 progress report found that acquittal rates were disproportionately high in corruption cases against senior government officials. An example of such was the acquittal of former minister of defense, Nikolai Tsonev, of bribery charges in a case where he had allegedly tried to get a positive outcome in an investigation against him. Two other defendants—a judge, Petar Santirov, and the Chief Secretary of the Ministry of Finance, Tencho Popov—were also acquitted in the case.<sup>63</sup> Although it should be noted that such statistics can be skewed by high unemployment, estimates for the last two years show Bulgaria's untaxed "shadow economy" accounting for roughly one-third of the country's GDP, the highest rate in the EU.<sup>64</sup>

The 2013 World Competitiveness Yearbook of the IMD World Competitiveness Center has substantially downgraded Bulgaria's competitiveness ranking since

2009,<sup>65</sup> even though the cost of living and doing business in Bulgaria is among the lowest in Europe and there is no direct government intervention in the economy. A study by the Sofia-based Center for the Study of Democracy lists the hidden economy and corruption in the business sector as two of the key obstacles affecting competitiveness in the country.<sup>66</sup>

According to the European Commission and the EU's criminal intelligence agency, Europol, Bulgarian organized crime groups are among the most widespread in Europe and specialize in human trafficking and credit card fraud. Within Bulgaria, these groups are also linked to a high number of contract killings, few of which have been prosecuted in court and even fewer of which have resulted in convictions.<sup>67</sup>

Analysts often describe the Bulgarian government as a closed-off system in which only a very limited circle of actors has access to political and economic power.<sup>68</sup> The quickly reversed nomination of Deljan Peevski to DANS set off major protests in 2013 because it was seen as symbolic of broader corrupt collusion among the political and economic elite. Peevski's NBMG media group consistently supports whatever party is in power, and its rapid expansion has been backed by the Corporate Commercial Bank (KTB), owned by the influential entrepreneur and financier Tsvetan Vassilev. The bank receives much business from state-owned enterprises. Peevski's appointment as DANS director was rushed through following a 15-minute debate in parliament.

Unhealthy ties between political and economic power also became the target of the public protests in the city of Varna. In addition to public outcry over the abuse of power by Varna mayor Kiril Jordanov, the protests represented the culmination of public dissatisfaction with the dominance of a company, the TIM group, over the city's economic and political life. TIM owns over 50 different businesses in the city and the region and has allegedly been involved in numerous illegal activities, including extortion, money laundering, and drug trafficking in the 1990s and early 2000s. According to its most vehement critics, the company has been instrumental in determining who wins elections in Varna.<sup>69</sup>

Partly in response to persistent EU criticism over the last decade, Bulgaria has developed an institutional framework designed to fight corruption on the state level. Each branch of the government has a specialized anticorruption body, and there are inspectorates for allegations of corruption, conflicts of interest, and abuse of power under the Council of Ministers and in all regional offices. The Center for Prevention and Countering Corruption and Organized Crime (BORKOR) under the Council of Ministers is tasked with curbing corruption and providing expertise and liaisons where necessary. However, the constitutional independence of the different branches of power means that, in effect, there is no common center of command or coordination of activities for these anticorruption bodies. They also have no explicit shared goals or expectations. Consequently, the various units can avoid responsibility for achieving results by blaming their counterparts' inactivity.

In late 2013, the Council of Ministers changed its internal regulations requiring BORKOR's approval of all proposed bills. The new government also

began decreasing certain excessive bureaucratic regulations, publishing a list of these changes at year's end.<sup>70</sup>

Following several scandals that exposed the role of offshore companies in the Bulgarian economy and several government officials' involvement,<sup>71</sup> the government decided to ban these companies from getting licenses in 28 sectors, including banking, media, sports clubs, mobile phone operators, and insurance. The companies in question were also prohibited from participating in public procurement and privatization deals. The bill—which was co-sponsored by Peevski—passed its first reading at year's end. Critics have described it as a watered-down initiative with loopholes, drafted in a hurry to quash antigovernment protests.<sup>72</sup>

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