

**Providing an Alternative to Silence:**

**Towards Greater Protection and Support for  
Whistleblowers in the EU**

**COUNTRY REPORT: BULGARIA**

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# **Providing an Alternative to Silence: Toward Greater Protection and Support for Whistleblowers in the EU.**

## **Country Report – Bulgaria**

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### **1. Introduction**

Bulgaria is a party to the United Nations Convention against Corruption (UNCAC) and two Conventions adopted by the Council of Europe, the Civil Law Convention on Corruption (CoE Civil Law Convention) and the Criminal Law Convention on Corruption (CoE Criminal Law Convention). As such, Bulgaria has undertaken certain commitments concerning whistleblower protection (based on Article 33 of UNCAC and Article 9 of CoE Civil Convention). In addition, the issue of whistleblowing was the subject of an evaluation within the monitoring duties carried out by the Group of States against Corruption (GRECO) and the Organisation for Economic Co-operation and Development's Working Group on Bribery in International Business Transactions.

In Bulgaria, there is no direct translation of the word 'whistleblowing' from English into Bulgarian and the term 'signal' is used instead. In addition, the term 'investigative journalism' is used when the signals come from websites, journalists, and reporters.

The situation in Bulgaria as regards whistleblowing and whistleblower protection is that there is no generic, free standing whistleblowing and whistleblower protection law. Generic provisions are included to a certain extent in the Administrative Procedure Code (APC). However, the provisions of the APC are only applicable to the public administration sector. Following GRECO and OECD recommendations, in 2006-2007 the government considered the introduction of specific legislation for protection of whistleblowers in both the public and private sectors but unfortunately the government failed to prepare and submit a draft law. It appears that the authorities believed that there was no need for a separate law and that the legislative initiatives in this field should be based on a 'sectoral approach'.

A certain degree of general legal protection exists for whistleblowers, e.g. the protection against unlawful dismissal established by the Labour Code and the Civil Servant Law, as well as the right to compensation for retaliations under the Law on Contracts and Obligations. Nevertheless, the mechanisms for protecting whistleblowers against retaliations are not effective as the scope of these provisions is far too limited. In addition, the compensation awarded under those legislative provisions is far too restricted. Legislative provisions must be designed to protect whistleblowers and deter others from carrying out acts of personal and professional retaliation. Such provisions need to be much more robust than the inadequate provisions that already exist.

The public attitude to whistleblowing and the lack of political will to protect whistleblowers are barriers to effective whistleblowing in Bulgaria. The negative attitude of the public towards those who blow the whistle stems from the existence of the communist regime in Bulgaria from 1946-1989. The effects of the 'neighbour society' are still prevalent in small and medium sized communities. In addition, there has been little to no focus on the issue of whistleblowing in the political agenda. The parliamentary elections, held in May 2013 and the

change of government did not result in a new-found focus in encouraging whistleblowing and protecting those who blow the whistle.

## **2. Compilation, description and assessment of whistleblower legislation**

### **(i) Whistleblowing legislation**

In Bulgaria there is no free standing whistleblower protection law. The regulation of whistleblowing can be found in a number of different statutes. This position has resulted in a diffusion of whistleblower protection provisions as well as some serious discrepancies between the existing provisions.

The general regulation of whistleblowing in the public sector is governed by the Administrative Procedure Code (APC).<sup>1</sup> The APC provides for the right to file a signal for corruption and infringements as well as the general protection for whistleblowers from persecution. The APC also provides for the procedure of filing a signal and as well as obliging the recipient body to conduct an internal check on foot of receiving the report.

Some of the definitions of the criminal offences that could be subject to whistleblowing are regulated by the Criminal Code.<sup>2</sup>

The Law for the Civil Servants<sup>3</sup> regulates the role of the Inspectorates within the ministries as the main bodies competent to receive signals for corruption and infringements and to perform internal checks. All public officials, including civil servants, are under the obligation to immediately report criminal offences that have come to their knowledge to the investigating authorities, as well as to take the necessary steps to preserve the evidence of the crime.<sup>4</sup> The inspectors, who are entrusted with exercising control over the implementation of legislation in the field of civil service, are also obliged to notify the public prosecutor about any violations found during their inspections.

The internal audit units also have the obligation to inform the head of their administration when they find data of fraud committed during their inspections, and if no action is taken afterwards to inform the public prosecutor.<sup>5</sup> An obligation to inform the public prosecutor is imposed on the National Audit Office (NAO) in cases where the performed audit reveals data

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<sup>1</sup> In force from 12.07.2006, Prom. SG. 30/11 Apr 2006.

<sup>2</sup> Prom. SG. 26/2 Apr 1968, corr. SG. 29/12 Apr 1968, amend. SG. 92/28 Nov 1969, amend. SG. 26/30 Mar 1973, amend. SG. 27/3 Apr 1973, amend. SG. 89/15 Nov 1974, amend. SG. 95/12 Dec 1975, amend. SG. 3/11 Jan 1977, amend. SG. 54/11 Jul 1978, amend. SG. 89/9 Nov 1979, amend. SG. 28/9 Apr 1982, corr. SG. 31/20 Apr 1982, amend. SG. 44/5 Jun 1984, amend. SG. 41/28 May 1985, amend. SG. 79/11 Oct 1985, corr. SG. 80/15 Oct 1985, amend. SG. 89/18 Nov 1986, corr. SG. 90/21 Nov 1986, amend. SG. 37/16 May 1989, amend. SG. 91/24 Nov 1989, amend. SG. 99/22 Dec 1989, amend. SG. 10/2 Feb 1990, amend. SG. 31/17 Apr 1990, amend. SG. 81/9 Oct 1990, amend. SG. 1/4 Jan 1991, amend. SG. 86/18 Oct 1991, corr. SG. 90/1 Nov 1991, amend. SG. 105/19 Dec 1991, suppl. SG. 54/3 Jul 1992, amend. SG. 10/5 Feb 1993, amend. SG. 50/1 Jun 1995, amend. SG. 97/3 Nov 1995, amend. SG. 102/21 Nov 1995, amend. SG. 107/17 Dec 1996, amend. SG. 62/5 Aug 1997, amend. SG. 85/26 Sep 1997, amend. SG. 120/16 Dec 1997, suppl. SG. 83/21 Jul 1998, amend. SG. 85/24 Jul 1998, suppl. SG. 132/5 Nov 1998, amend. SG. 133/11 Nov 1998, amend. SG. 153/23 Dec 1998, amend. SG. 7/26 Jan 1999, amend. SG. 51/4 Jun 1999, amend. SG. 81/14 Sep 1999, amend. SG. 21/17 Mar 2000, amend. SG. 51/23 Jun 2000, amend. SG. 98/1 Dec 2000, suppl. SG. 41/24 Apr 2001, amend. SG. 101/23 Nov 2001, amend. SG. 45/30 Apr 2002, amend. SG. 92/27 Sep 2002, amend. SG. 26/30 Mar 2004, amend. SG. 103/23 Nov 2004, amend. SG. 24/22 Mar 2005, amend. SG. 43/20 May 2005, amend. SG. 76/20 Sep 2005, amend. SG. 86/28 Oct 2005, amend. SG. 88/4 Nov 2005, amend. SG. 59/21 Jul 2006, amend. SG. 75/12 Sep 2006, amend. SG. 102/19 Dec 2006, amend. SG. 38/11 May 2007

<sup>3</sup> Law for civil servants, in force from 27.08.1999 amend. SG. 35/12 May 2009.

<sup>4</sup> Art. 205, para.2 of the Criminal Procedure Code

<sup>5</sup> Internal Audit Act, art. 30.

that a crime has been committed. In such cases, the audit materials or the audit report is submitted to the public prosecution office by decision of the NAO.<sup>6</sup>

However, specific reporting obligations are not part of the Code of Conduct for Civil Servants. There are, however, reporting obligations specifically included in the code of conduct developed by the Ministry of Interior. Nonetheless, as a result of the lack of reporting obligations, there is a problem with making the reporting of corruption a part of the culture of civil servants.

The Law on Prevention and Detection of Conflict of Interests<sup>7</sup> regulates whistleblowing and the procedure for filing a signal and performance of internal checks for cases related to conflict of interest. Although this is a procedure that could only be applied to signals for conflict of interests, it is elaborated in detail and could be used for the development of similar systems for whistleblowing in other laws.

## **(ii) Eligible disclosures**

The APC contains a non-exhaustive enumeration of infringements that could be subject to signals of whistleblowers.<sup>8</sup> According to article 107(4) of the APC, reports may be filed for the abuse of power and corruption, bad management of state or municipal property or other unlawful or inexpedient acts or omissions of administrative bodies and public officials in the respective administrations. The above mentioned wrongdoings should be of such nature as to affect state or public interests, rights or legitimate interests of other persons. Some of these wrongdoings, such as the abuse of power and the bad management of public property, are incriminated in the Bulgarian Criminal Code and have legal definitions.<sup>9</sup>

The Law on the Conflict of Interest also contains regulations related to the subject matter of whistleblowing, although the regulation is limited to the notifications for different cases of conflict of interests. Under this law, the scope of wrongdoings that could be subject to reports or signals comprises all infringements of its provisions that are related to the conflict of interest, including infringements concerning the incompatibilities and revolving doors (pantouflage) restrictions.<sup>10</sup> The law defines the conflict of interest as a situation when a person holding public office has a private interest which may affect the impartial, objective fulfilment of his legal authority or obligations.

## **(iii) Who can file a signal?**

The APC provides that every natural or legal person (citizens and organisations), as well as the ombudsman, can report suspicions of corruption.<sup>11</sup>

The Conflict of Interest Law stipulates that everyone who has information about a person holding public office who infringes a provision of that legislation has the right to submit a report on the allegation of conflict of interest.<sup>12</sup>

## **(iv) Internal disclosure channels**

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<sup>6</sup> National Audit Office Act, art. 52.

<sup>7</sup> Law on prevention and detection of conflict of interests, in force from 01.01.2009, amend. SG. 26/7 April 2009.

<sup>8</sup> Administrative Procedure Code, Art.107, para.4.

<sup>9</sup> All definitions of the above mentioned crimes could be found in Annex 1, attached to the current report.

<sup>10</sup> Law on the Conflict of Interest, art. 24.

<sup>11</sup> Administrative Procedure Code, Art.109.

<sup>12</sup> Law on the Conflict of Interest, art. 24, para.1.

The law regulating internal disclosure mechanisms in Bulgaria is fragmented and inconsistent. Several laws refer to the regulation of such internal channels for disclosure of information but none of them establish a complete and well-functioning system for internal disclosure channels and for the protection of whistleblowers.

The general rule established under article 107(1) of the APC is that a whistleblower could file a signal to an administrative body or to another body that carries out public and legal functions. However, the APC does not specify the concrete administrative body that is competent to receive the signal and to do the internal check. It is the obligation of the relevant administration to designate such a body. The claims for corruption generating from the ministries and the public administration should be addressed to the relevant inspectorates within the ministries. There is also an option to address a claim for corruption to the General Inspectorate. The General Inspectorate acts as an anticorruption commission and is under the auspices of the Prime Minister. For the other administrative institutions, such as agencies, the administrative body in charge of receiving signals is the authority of appointment, who is usually the minister or the director.

According to article 119 of the APC, the signals shall be filed to the bodies who directly manage and control the bodies or the official, when unlawful or inexpedient actions or inactions are reported. The reporting person may file the signal also through the body, about whose action or inaction he complains. Copies of the signals may also be sent to the higher bodies.

There is flexibility of the form in which the signal could be filed. According to article 111(1) of the APC, the report may be written or oral and can be filed by telephone, telex, fax or e-mail. The signal can be filed in person or by an authorised representative. The internal procedure for receiving claims requires that the claim is subject to registration. The APC does not provide for information with regard to the time frame for registering the information, but it could be presumed that the claim is registered immediately upon receipt.

The APC provides for the option to request the whistleblower to file the claim in writing as well as to meet definite requirements. However, the law does provide the type of additional requirements that could be set. According to article 111(3) of the APC, the whistleblower “shall be given relevant explanations” if the signal has to be submitted in writing or has to satisfy specific requirements. The APC also provides that no anonymous signals shall be the subject of proceedings.

According to article 121 of the APC, a decision on the claim shall be taken no later than two months upon its receipt. In exceptional circumstances, this time limit may be extended by the higher body, but not by more than a month, and the claimant shall be notified thereof. Article 303 of the APC provides that administrative sanctions (fines) may be imposed upon public officials for failure to consider or forward claims to the competent authorities.

The procedure that is described above regulates the general rules for filing a claim but it does not provide for the regulation of a channel for disclosure and it does not establish a system for internal checks or a system for protection of whistleblowers. A protection system is supposed to be developed by the implementation of secondary legislation, namely within the internal rules and regulations of the relevant structures (ministries, agencies etc.). However, this remains to be implemented.

The Civil Servant Law regulates the office relationship between the state and the civil servants. The inspections under this law may be considered as another mechanism of disclosure within the public administration. Under article 127(2) of the Civil Servant Law, the Inspectorates assist the Minister of Public Administration and Administrative Reform in the fulfilment of his control powers on the implementation of the law. The inspectors carry

out general and specialised checks according to an annual plan, approved by the Minister of Public Administration and Administrative Reform, as well as immediate checks following signals by the chiefs of the inspectorates in the administrative structures and the trade unions or upon appeal by civil servants.<sup>13</sup> Within the framework of their competences, they are authorised to require from the bodies of appointment, explanations and full access to all necessary documents, papers and data, as well as to be informed directly by the civil servants on all issues relevant for the exercise of the control duties. In order to prevent and stop infringements of the legislation for the civil servants, the inspectors issue obligatory prescriptions to the body of appointment for removal of the violations of article 131.

The functions and regulations described above are part of the general framework of the prevention of corruption. This regulation is obviously basic and is not sufficient to establish a system for protection of whistleblowers. The rules from the Civil Servant Law are part of the general regulation and form a basis for the establishment of such a system, but do not provide for the system itself.

The internal filing of information for conflict of interest is regulated by the Law on Prevention and Detection of Conflict of Interests. The regulation is limited in scope as it only covers the conflict of interest and does not encompass any other irregularities, infringements and corruption crimes.

It should be mentioned that the comparative analysis between the general mechanism (regulated by the APC) and the special mechanism (regulated by the Law on Conflict of Interest) indicates some differences. The regulations are silent in relation to disclosures made first to supervisors and managers. Also, there is no explicit regulation in respect of cases where a whistleblower is not satisfied as to how to make disclosure to a more senior recipient (e.g. human resource officer, corporate complaints unit, etc.).

#### **(v) External disclosure channels**

Article 205 of the Criminal Procedure Code establishes two different levels of reporting obligations, one for the citizens and one for public officials. Article 205(1) provides that citizens who know about committed criminal offences are “socially” obliged to immediately inform the investigating authorities or another public authority. On the other hand, public officials should inform the investigating authority and undertake the necessary measures in order to preserve the data and proofs of the alleged crime. The aforementioned reporting obligations are applied in cases of any criminal offences.

In practice, if a whistleblower has information about a corruption offence he could file the claim directly to the Ministry of Interior, the Prosecution Office, or, in the case of serious high level political corruption, to the National Security Agency which is under the direction of the Prime Minister. Another option, not explicitly mentioned in legislation, is to approach the General Inspectorate at the Council of Ministers in cases where the inspectorate at the relevant Ministry is not taking any action. This option is possible for making reports of conflicts of interest, which is explicitly provided for in the Law on Conflict of Interests. A whistleblower may also approach the Ombudsman but only in relation to claims of maladministration.

None of the above mentioned rules and laws contain provisions as to the steps and procedures in relation to the making of a disclosure, the burden of proof, or the requirement of “reasonable belief”.

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<sup>13</sup> The Civil Servant Law, art. 128.

A whistleblower can make a disclosure to an institution that has established hotlines for the purpose of receiving information. Most of these hotlines are set up within the ministries and more precisely, within the Inspectorates which are designated to receive claims for internal infringements or corruption. Currently there are such hotlines at the Ministry of Interior, Ministry of Social Care, Ministry of Health, Ministry of Agriculture and Food, as well as at the Ministry of Education.

For cases of corruption within the judiciary, whistleblowers can approach the Inspectorate at the Supreme Judicial Council, which is designed especially to receive such claims and to do internal checks within the judiciary. However, article 54 of Law on Judiciary does not specify the way in which the judicial inspectorate could be approached. Usually the signal is submitted by letter. Another option is to send the claim to the Supreme Judicial Council itself or to the Anticorruption Commission at the Supreme Judicial Council.

Signals for corruption may be sent to the Anticorruption Commission set up at the National Assembly.

Whistleblowers may also contact advisory telephone lines of civic associations or individual governmental agencies or, inter alia, attorneys, the media or civic associations, which in some cases may represent the whistleblower in court.

None of these channels are equipped with a special system for protection of whistleblowers and thus the whistleblower must rely on the recipient's good will not to reveal their identity.

#### **(vii) Additional disclosure channels**

There are no legislative provisions dealing with the making of disclosures through additional channels other than the above mentioned channels.

Reporting to non-governmental organisations is formalised through the Advocacy and Legal Advice Centre (ALAC), operated by Transparency International Bulgaria. Operating since 2006, the ALAC has received only two whistleblowing-related notifications, one coming from a public official and one reported by the private sector.

Trade Unions have no hotlines.

Disclosures to the media are also possible but such disclosures are not looked upon favourably due to potential bias and the risk of sensationalism.

#### **(viii) Confidentiality**

The APC does not contain any explicit rules on how to guarantee the confidentiality of the whistleblower.

According to article 130 of the Civil Servant Law, inspectors who receive a complaint are obliged to protect both the confidential data received and the source of the complaint.

Some regulations on the confidentiality can be found in Chapter seven of the Law on Prevention and Detection of Conflict of Interest. According to article 32, the persons competent to consider the signal for conflict of interest, are obliged not to reveal the identity of the whistleblower or facts and data related to the signal. They are also obliged to prevent any unauthorised access of third persons to documents related to the claim.

However, it should be mentioned that anonymous signals are not taken into consideration by most of the administrations. In this respect it should be mentioned that, according to article 111(4) of the APC, no anonymous signals are taken into consideration for the purpose of proceedings. Also, according to article 25(3) of the Law on Conflict of Interest, if the signal



regarding conflict of interest is made anonymously, the competent body or commission has the discretion to decide whether to examine it or to ignore it.

#### **(ix) Protection against reprisals/retaliations**

Bulgarian legislation provides for general rules of protection of whistleblowers. However, these rules fail to provide a comprehensive system for protection for whistleblowers against reprisals or retaliations.

Article 108(2) of the APC stipulates that no person can be persecuted for filing a claim pursuant to that legislation.

Under article 32(1) of the Law on Conflict of Interest, those who report a suspicion of conflict of interest may not be persecuted solely for this reason. The persons assigned to examine such reports are obliged to make proposals to the competent administrative heads in respect of concrete measures that must be implemented to preserve the dignity of the whistleblower. These measures include measures to prevent any actions whereby the whistleblower would be subjected to mental or physical harassment. A person, who has been discharged, persecuted or who has suffered mental or physical harassment because of any actions taken as a result of a disclosure being made, is entitled to compensation for economic and non-economic damage.

A general protection against reprisal can also be found in the Criminal Code.

Beside the above-mentioned regulation there are no other special rules for protection of whistleblowers.

#### **(x) False reporting**

The Criminal Code governs the law in relation to slander. Any individual can file such a complaint. An employer always has the right to protect its good name and reputation and may, where appropriate, have recourse to the courts. The regulations relating to whistleblowing do not contain any rules for legal liability of a person who files false information for corruption.

#### **(xi) Remedies**

As described above in the section “Protection against reprisals/retaliations”, the whistleblower has the right to compensation in cases where he was persecuted or subjected to actions leading to physical or mental harassment for the filing of the signal. In addition, the Labour Code and Civil Servant Law provide for protection against unlawful dismissal. There is, however, no direct reference to whistleblowing as a reason for dismissal, but this general regulation could be used as a remedy in the absence of specific rules.

According to article 344 of the Labour Code, employees shall be entitled to challenge the lawfulness of their dismissal before the employer or in a court and demand:

1. Recognition of dismissal as unlawful and its repeal;
2. Reinstatement to his previous position;
3. Compensation for the period of unemployment due to dismissal;
4. Revision of the grounds for dismissal, entered in his service record or other documents.

Under article 121 of the Civil Servant Law, the civil servant is entitled to the same remedies (except the reinstatement to the previous position) before the body of appointment or the court.

According to the Labour Code and Civil Servant Law, the employer or body of appointment may cancel on their own initiative the order of dismissal prior to the court proceedings.

In cases of unlawful dismissal, the employee or the official has a right to compensation from the employer for the time of unemployment. The compensation, however, is limited to a maximum of six months salary. Under article 255 of the Labour Code, compensation may also be awarded in cases where the employee has been reinstated but receives a reduced salary. Further, if the employee is not permitted to enter into the work place after he has been reinstated he will also be entitled to compensation.

The legislation does not provide for specific administrative remedies to compensate a whistleblower.

### **3. Perceptions and political will**

#### **(i) Background**

The public attitude towards whistleblowers in Bulgaria is rather a negative one. There is evidence of a lack of a reporting culture in Bulgaria and data from the Global Corruption Barometer 2009 reveals that a large proportion of the population are reluctant to report corruption related cases (82%). The main reasons for this reluctance includes the wide shared conviction that reporting will not result in any change (72%) and fear that reporting will lead to reprisals (12%). In addition the connotations of 'whistleblower' with 'traitor' or 'police informer' are still prevalent and the effects of 'neighbor society' still exist in small and medium sized communities.

However, in recent years there has been an increase in the number of television reporters who are working in the field of "investigative journalism". They base their investigations mostly on signals that they receive and they present their findings on national television. The people who make the signals, however, prefer to make them anonymously because of reasons such as a fear of being harassed, of being a victim of violent acts or a fear of being suppressed.

Nonetheless, the general public are mainly biased and do not see whistleblowing as the right thing to do. This is due in part to the communistic legacy in Bulgaria, the corruption of public officials, the strong influence of criminal organisations and the fear of physical repercussions.

In respect of the existence or not of political will in Bulgaria to protect whistleblowers, the report of the Anticorruption Commission and their action plan for 2011-2012 included provisions requiring political leaders to encourage people to file signals and to expose wrongdoings and acts of corruption. One of their main goals is to make it easy for the people to file signals if they need to. However, there is a lack of information available as to whether political leaders are in reality willing to support or protect whistleblowers.

#### **(ii) Whistleblowing agencies and whistleblowing statistics**

The Advocacy and Legal Advice Centre (ALAC), operated by Transparency International Bulgaria, was established for victims of corruption crimes or witnesses of misfeasance related to EU funds, public procurement, infrastructure projects, to report their signals. Between 2006-2009, ALAC received only two whistleblowing-related notifications, one coming from a public official and one reported by the private sector.

Every ministry has an annual report with the number of signals filed that year. The annual reports also include information as to how many signals resulted in actual action. For example

in 2012, the Ministry of Finance received 9 signals, 7 of which were actually taken into consideration and the signal givers were informed about the actions that were undertaken.

#### **4. Strengths, weaknesses, opportunities and threats**

<p><b>Strengths</b></p> <ul style="list-style-type: none"> <li>• Generic whistleblowing provisions are provided in the Administrative Procedure Code (applicable to the public administration sector).</li> <li>• A certain degree of general legal protection exists for whistleblowers, e.g. the protection against unlawful dismissal established by the Labour Code and the Civil Servant Law as well as the right to compensation for damage provided by the Law on Contracts and Obligations in the domain of civil law.</li> </ul>	<p><b>Weaknesses</b></p> <ul style="list-style-type: none"> <li>• There is no free-standing whistleblower protection law</li> <li>• The ground for development of effective mechanisms for guaranteeing whistleblowers against retaliation is not provided.</li> <li>• No court practice is available.</li> </ul>
<p><b>Opportunities</b></p> <ul style="list-style-type: none"> <li>• International pressure</li> <li>• The early parliamentary elections, held in May 2013 did not result in a change of policy toward whistleblowers.</li> </ul>	<p><b>Threats</b></p> <ul style="list-style-type: none"> <li>• At present, protection of whistleblowers is neither on the political agenda nor in the general public focus</li> <li>• Legacy of communism still reverberates in the community.</li> </ul>

## **5. Administrative Procedure Code 2006**

	Yes	No	Partial	Notes
Broad definition of whistleblowing			X	Article 107(1) provides that signals can be submitted about abuse of power and corruption, mismanagement of State or municipal property and about other legally non-conforming or inexpedient actions or omissions of administrative authorities and officials in the relevant administrations, which affect State or public interests, rights or legitimate interests of other persons.
Broad definition of whistleblower	X			Article 109 provides that any individual or organization, as well as the ombudsman, may submit a proposal or alert.
Broad definition of retribution protection		X		Article 108(2) stipulates that no one may be persecuted solely by reason of submission of a signal under the terms and according to the procedure established by the legislation.
Internal reporting mechanism	X			Article 107(1) provides that a signal can be filed to administrative authorities, as well as to other authorities, performing functions at public law. Article 119(1) provides that signals shall be submitted to the authorities who have direct control over the authorities and the officials whose legally non-conforming or inexpedient actions or omissions are reported. Article 119(2) provides that, at the discretion of the submitter, a signal may be submitted through the agency of the authority whose action or omission the signal opposes.
External reporting mechanism		X		
Whistleblower participation		X		
Rewards system		X		
Protection of confidentiality		X		
Anonymous reports accepted		X		Article 111(4) provides that no proceedings shall be instituted on anonymous signals.
No sanctions for misguided reporting		X		
Whistleblower complaints authority		X		
Genuine day in court		X		
Full range of remedies		X		Article 108(2) stipulates that no one may be persecuted solely by reason of submission of a signal under the terms and according to the procedure established by this Chapter.
Penalties for retaliation		X		
Involvement of multiple actors		X		

## **6. References**

### **Legislation:**

- Administrative Procedure Code
- Code of Conduct for Civil Servants
- Law on Consumer Protection
- Criminal Code
- Criminal Procedure Code
- Internal Audit Act
- Labour Code
- Law on Environmental Protection
- Law on Civil Servants
- Law on the Conflict of Interests
- Law on Contracts and Obligations
- Law on Judiciary
- Law on Ombudsman Institution
- Law on Prevention and Detection of Conflict of Interests
- Law on Protection of Persons Threatened in Connection with Criminal Proceedings
- Law on State Administration
- National Audit Office Act

### **Reports:**

- ALAC Baseline study. Transparency International-Bulgaria 2007
- Global corruption Barometer 2009
- Global Integrity Report 2008: Bulgaria
- Government Program for Prevention and Counteraction of Corruption 2006-2008
- Whistleblower Protection Assessment, Country Report Bulgaria, Transparency International-Bulgaria, 2009