

Appendix 3

Cases initiated for corruption-related offences in 2023 – Supreme Cassation Prosecutor's Office

PROSECUTOR'S OFFICE OF THE REPUBLIC OF BULGARIA

SUPREME CASSATION PROSECUTOR'S OFFICE ANALYTICAL DEPARTMENT 05

Annex No. I

Statistical data on cases initiated for corruption-related offences in the period 2022 – first three quarters of 2023.

(general data and by segments¹ – Segment I "Actual corruption crimes"; Segment II "Crimes of officials with probable corruption motive"; Segment III "Abuse of official position by officials and crimes of non-officials with probable corruption motive")

| Indicators | Total 2022. | Of which: | | | Total first three quarters of 2023 | Of which: | | |
|--|-------------|--------------|---------------|----------------|------------------------------------|--------------|---------------|----------------|
| | | on segment I | on Segment II | on III segment | | on Segment I | on Segment II | on Segment III |
| Monitored pre-trial proceedings | 2,777 | 267 | 1,350 | 1,160 | 2,361 | 242 | 1,102 | 1,017 |
| New initiated pre-trial proceedings | 848 | 139 | 388 | 321 | 660 | 97 | 241 | 322 |
| Completed pre-trial proceedings | 1,335 | 152 | 609 | 574 | 899 | 101 | 381 | 417 |
| Suspended pre-trial proceedings | 125 | 12 | 51 | 62 | 83 | 6 | 32 | 45 |
| Terminated pre-trial proceedings | 715 | 54 | 331 | 330 | 571 | 28 | 280 | 263 |
| Prosecutor's acts submitted to the court | 288 | 80 | 71 | 137 | 179 | 60 | 38 | 81 |

¹ According to the Unified Catalogue of Corruption Crimes, introduced by Order No. LS-726/18.03.2014, amended and supplemented by Order No. RD-04-279/02.10.2017 and Order No. RD-04-425/28.12.2017 of the Prosecutor General.

| Indicators | Total 2022. | Of which: | | | Total first three quarters of 2023 | Of which: | | |
|--|----------------|--------------|---------------|----------------|------------------------------------|--------------|---------------|----------------|
| | | on segment I | on Segment II | on III segment | | on Segment I | on Segment II | on Segment III |
| <i>Indictments</i> | 231 | 79 | 44 | 108 | 155 | 59 | 28 | 68 |
| <i>Accords</i> | 51 | 0 | 23 | 28 | 22 | 0 | 9 | 13 |
| <i>Proposals under Article 78a of the Criminal Code</i> | 6 | 1 | 4 | 1 | 2 | 1 | 1 | 0 |
| Persons brought to trial | 332 | 95 | 85 | 152 | 221 | 63 | 57 | 101 |
| Cases returned by the court to the prosecutor's office | 51 | 8 | 16 | 27 | 30 | 4 | 10 | 16 |
| Persons convicted by final judgement | 227 | 80 | 59 | 88 | 166 | 69 | 29 | 68 |
| Persons acquitted by final judgement | 48 | 0 | 22 | 26 | 28 | 8 | 13 | 7 |
| Penalties imposed on persons convicted and sanctioned by final judgments | 359 | 172 | 66 | 121 | 260 | 146 | 29 | 85 |
| of which: | | | | | | | | |
| <i>Effective imprisonment</i> | 17 | 8 | 1 | 8 | 10 | 6 | 0 | 4 |
| <i>Conditional imprisonment</i> | 141 | 55 | 19 | 67 | 112 | 50 | 9 | 53 |
| <i>Probation</i> | 55 | 16 | 29 | 10 | 32 | 12 | 15 | 5 |
| <i>Fine</i> | 81 | 65 | 10 | 6 | 70 | 55 | 5 | 10 |
| <i>Amount of fine (BGN)</i> | 151,220 | 106,820 | 22,600 | 21,800 | 112,700 | 71,400 | 5,300 | 36,000 |
| <i>Other penalties</i> | 65 | 28 | 7 | 30 | 36 | 23 | 0 | 13 |

PROSECUTOR'S OFFICE OF THE REPUBLIC OF BULGARIA

SUPREME CASSATION PROSECUTOR'S OFFICE

ANALYTICAL DEPARTMENT 05

Annex No. 2

Statistics on cases initiated for corruption-related crimes with alleged perpetrator – high-ranking officials¹ for the period 2022 – first three quarters of 2023

| Indicators | 2022 | First three quarters of 2023 |
|--|-------------|-------------------------------------|
| Monitored pre-trial proceedings | 392 | 368 |
| New initiated pre-trial proceedings | 122 | 82 |
| Completed pre-trial proceedings | 151 | 115 |
| Suspended pre-trial proceedings | 10 | 6 |
| Terminated pre-trial proceedings | 69 | 75 |
| Prosecutor's acts submitted to the court | 38 | 21 |
| Persons brought to trial | 49 | 27 |
| Persons convicted by final judgement | 20 | 16 |
| Persons acquitted by final judgement | 10 | 4 |
| Penalties imposed on persons convicted and sanctioned by final judgments | 34 | 25 |
| of which: | | |
| <i>Effective imprisonment</i> | 1 | 0 |
| <i>Conditional imprisonment</i> | 9 | 10 |
| <i>Probation</i> | 8 | 4 |
| <i>Fine</i> | 7 | 6 |
| <i>Other penalties</i> | 9 | 5 |

¹ In accordance with the indicators approved by the CMA on Table (Template 1) Report on cases initiated for corruption crimes (according to the Uniform Catalogue of Corruption Crimes) committed by high-ranking officials and others holding responsible positions in state and municipal institutions.

PROSECUTOR'S OFFICE OF THE REPUBLIC OF BULGARIA

SUPREME CASSATION PROSECUTOR'S OFFICE

ANALYTICAL DEPARTMENT 05

Annex No. 3

Aggregate data on cases initiated for crimes related to EU funds in the period 2022 – first three quarters of 2023

| Indicators | 2022 | First three quarters of 2023 |
|--|-------------|-------------------------------------|
| Monitored pre-trial proceedings | 410 | 313 |
| New initiated pre-trial proceedings | 88 | 65 |
| Completed pre-trial proceedings | 179 | 90 |
| Suspended pre-trial proceedings | 5 | 0 |
| Terminated pre-trial proceedings | 96 | 55 |
| Prosecutor's acts submitted to the court | 44 | 23 |
| <i>Indictments</i> | 23 | 13 |
| <i>Accords</i> | 11 | 2 |
| <i>Proposals under Article 78a of the Criminal Code</i> | 10 | 8 |
| Persons brought to trial | 49 | 28 |
| Cases returned by the court to the prosecutor's office | 6 | 2 |
| Persons convicted by final judgement | 33 | 21 |
| Persons acquitted by final judgement | 3 | 1 |
| Penalties imposed on persons convicted and sanctioned by final judgments | 41 | 23 |
| of which: | | |
| <i>Effective imprisonment</i> | 0 | 2 |
| <i>Conditional imprisonment</i> | 23 | 7 |
| <i>Probation</i> | 1 | 2 |
| <i>Fine</i> | 16 | 12 |
| <i>Amount of fine (BGN)</i> | 24,800 | 16,700 |
| <i>Other penalties</i> | 1 | 0 |

DG 2018

The need for changes taking into account the considerable factual and legal complexity of cases related to organised crime and corruption offences, resulting from the specificity of the means of commission, is again valid: Provision of a procedural possibility (Article 172, paragraph 2, of the CCP) to use special intelligence means in the investigation of serious intentional crimes and under Chapter Seven of the Criminal Code "Crimes against the financial, tax and social security systems"; possibility for the investigation of cases of crimes under Article 321 of the Criminal Code and those committed in execution of a decision or on the orders of an OCG, the use of SIM to last more than 6 months and up to two years for an investigation by an undercover officer (Article 175, paragraph 4, of the CCP).

DG 2019

The above-mentioned partial amendments to the Criminal Code and the Criminal Procedure Code are not sufficient to increase the efficiency of the administration of justice. The practical problems that require an answer in the investigation of corruption offences remain relevant in the proposed and in previous reports expansion and improvement of the positive regulation of corruption offences with new constituents adequate to the social and economic conditions.

The significant deficit in the legal framework for the introduction of procedural rules appropriate to the considerable factual and legal complexity of crimes committed by organised criminal groups and corruption offences has not been overcome – reciprocal increase in the duration of the investigation, the time limits for the application of the SSA and for undercover investigations, the time limits for the application of procedural coercion measures and pre-trial detention measures, the abolition of the sanctioning effects of the provision of Article 234(7) in relation to the corruption offences.

DG 2020

The serious reconsideration and updating of corruption offences, including the abolition of the element of "special purpose" as an element of the subjective aspect, remains relevant.

DG 2021

The need to reconsider and update the offences of corruption, including the abolition of the element of 'special purpose' as an element of the subjective side, has been the subject of renewed attention.

It is considered appropriate to explicitly define in the Criminal Code (e.g. in Article 93 of the Criminal Code) the qualifying elements of 'large amounts', 'particularly large amounts', 'significant damage', 'substantial damage', etc.

DG 2022

The amendments and additions to the JSA² place serious demands on long-term efforts to achieve the necessary staffing and qualifications in the district prosecutor's offices in connection with their restored competence in the field of countering organised crime and corruption in the context of the closure of specialised prosecutor's offices and courts. Clearly, measures will also be needed to improve interaction with the relevant bodies of the Ministry of the Interior, the SANS and others, given the deconcentration by district.

² See footnote 18.

The Public Prosecutor's Office has repeatedly expressed its readiness to provide expert support for legislative activity and has submitted proposals to the National Assembly for amendments to legislation and to state bodies with the right of legislative initiative under Article 87(1) of the CRB. During the period, the Prosecutor General submitted an Expert Proposal on the necessary *amendments to the Criminal Code*, which contains an analysis of the identified problems in the current legislation and reasoned proposals to achieve greater efficiency and quality of criminal justice. The proposals are divided into 49 points, affecting both the General and the Special Part of the Criminal Code³.

³ Subject: New rules for determining a common punishment for multiple offences; abolition of the punishment of "public censure", due to its eliminated sanctioning effect; mitigation of punishment or immunity for those who have contributed to the detection and proof of the offences for which the person is a defendant, but also for other serious offences; application of a unified approach by creating a new general substantive rule regulating the incentive of the subsequent positive behaviour of the offender; make the model of Article 354c(4) of the Criminal Code, where there is no requirement that a member of the group has voluntarily surrendered to the authorities before an offence has been committed by him or by the group, applicable to criminal groups and associations, by adding the requirement that the information given has substantially facilitated the detection and proof of offences committed by members of the group; changes to the offence of bribery – the three forms of the offence (promising/offering and accepting) to be separated into separate offences; repeal of Article 307 of the Criminal Code, which criminalises provocation to bribery. The idea is to regulate provocation to bribery as a legally permitted activity – as a special intelligence tool carried out by an undercover officer, under enhanced judicial control, as a guarantee against abuse. It is also proposed to criminalize slavery, which has contemporary forms of manifestation, for the fight against which numerous international instruments have been adopted, by creating a new provision in the Criminal Code – Article 159e; in the norm of Article 255a of the Criminal Code – evasion and non-payment of tax obligations in large amounts, as an executive act should be included the sale of shares in a commercial company to persons with low social status and without permanent residence in a given locality; add 'homophobic and transphobic motives' to the offences of murder and bodily harm, and provide for destruction, damage and arson as qualifying offences; it is proposed to improve the criminal regime on terrorism by separating it into a separate section; the introduction of a new criminal offence in relation to online piracy, combined with the possibility of blocking websites and accounts; proposals relating to ensuring the necessary criminal law protection for trafficking in human beings and offences against the financial interests of the EU; proposals for harmonisation of criminal code texts.