

Recommendations regarding legislation on access to public information:

- The government should take steps to discuss the analysis prepared by the Access to Information Programme (AIP) regarding the compliance of the Access to Public Information Act with the Council of Europe Convention on Access to Official Documents (CETS No. 205) and accession to it.
- The Access to Public Information Act should be maintained in accordance with the Constitution and international standards. Access should apply to all information held by all public authorities. Restrictions on the right of access are permissible only in exceptional cases, for the purpose of protecting a competing right or legitimate interest from harm, unless the public interest in access prevails.

Recommendations regarding other legislative acts regulating access to public information in various areas:

- Information related to draft legislative acts, general administrative acts, national strategic and programmatic documents, and other similar materials should be publicly accessible, and the opportunity for interested parties to participate in discussions on such documents should not be restricted by registration requirements or other burdens and conditions. In this regard, the in the Representation of Interests Transparency Act (RITA) should be amended and supplemented to impose obligations solely on the administration to keep records of discussions and meetings, to register participants in them, and to proactively publish this information.
- Restore access to documents related to real estate transactions by amending the Registration Regulations.

Recommendations regarding legislation related to restrictions on access to public information:

- A prohibition should be introduced, through an amendment to the Classified Information Protection Act, against designating as a legally protected secret any information that reveals violations, crimes, or corruption.

Recommendations regarding the fulfilment of obligation under the Access to Public Information Act (APIA):

- The “Access to Information” sections on the websites of public institutions should be maintained in accordance with the requirements of the APIA so that they fulfill their primary function – to assist those seeking information.
- Training for administrative staff on the Access to Public Information Act is necessary; this training should be based on stable and predictable case law and focus on issues related to the accurate application of the “overriding public interest”, and the processing of electronic requests.

Recommendations regarding the implementation of legislation related to restrictions on access to public information:

- Administrations should respect the balance established in judicial practice between the right of access to public information and its restrictions by applying the “overriding public interest” test.
- The Council of Ministers and the State Commission on Information Security should initiate, support, and oversee the process of declassifying documents within the executive branch, in accordance with the requirements of the Access to Public Information Act and its implementing regulations, and ensure that lists of declassified documents are made public.
- The Personal Data Protection Commission should strike a balance between the right to information and freedom of the press and the protection of personal data, refraining from imposing sanctions for publications in public interest.

Recommendations regarding the implementation of legislation on access to information in the courts:

- Article 64 of the Judiciary Act should be implemented by publishing all court decisions and rulings handed down in open court proceedings.
- The Judicial College of the Supreme Judicial Council and the presidents of the Supreme Court of Cassation, the appellate courts, the regional courts, and the district courts should take measures to publish the transcripts of open court hearings in criminal, civil, and commercial cases on the courts’ websites.

- Clear rules should be adopted regarding the proactive disclosure of information on cases of high public interest.

Recommendations regarding the implementation of legislation on access to information within the Prosecutor's Office of the Republic of Bulgaria:

- The Acting Chief Prosecutor should withdraw the request for an interpretive ruling on issues related to the application of the Access to Public Information Act (APIA), regarding which Interpretive Case No. 6/2024 has been initiated before the Supreme Administrative Court.
- The Prosecutorial College of the Supreme Judicial Council and the Chief Prosecutor should take steps to ensure equal access to newly created public information, so as to avoid double standards and refusals in cases where similar information has already been published or provided upon request.

Recommendations regarding legislation and practice on freedom of speech and its application:

- The discussed amendments and supplementations to the Civil Procedure Code (new special proceedings) should be adopted, which provide for the expedited dismissal and other appropriate measures regarding lawsuits filed in bad faith to hinder public participation (SLAPP lawsuits).
- The legislative and judicial branches should not permit legal entities, including government agencies and commercial companies, to be entitled to bring claims for compensation for non-pecuniary damages in cases of abuse of rights intended to hinder public participation.

Recommendations regarding legislation and practices concerning the covert surveillance of citizens and legal entities:

- The general measures in ordered in the case of "Ekimdziev et al. v. Bulgaria" should be implemented, by enacting legislative amendments to provide for effective oversight of the use of special intelligence means, the retention of and access to electronic communications traffic data, and to guarantee the right to be informed, after a specified period and under certain conditions that covert surveillance measures have been applied, as well as the right to compensation for interference with privacy.
- Ensure effective oversight of the use of special intelligence means and the retention of and access to electronic communications traffic data

regarding professional groups such as judges, journalists, and lawyers, in order to guarantee the rule of law and freedom of speech.

Recommendations regarding legislation and practices aimed at protecting against attacks on civil society and the exercise of fundamental rights:

- Refrain from enacting legislation that imposes obligations or establishes registration or licensing regimes and sanctions that impede freedom of expression and the right to participate in decision-making processes.
- Amendments to existing legislation, and in particular to the in the Representation of Interests Transparency Act (RITA), stipulating that obligations regarding transparency of contacts in the decision-making process are imposed on the administration rather than on other legal entities.