

LEGISLATION ON ACCESS TO INFORMATION

Context

Developments in our country are invariably influenced by and linked to the international context. Russia's war with Ukraine and the wars between the United States and Israel on one side and Iran on the other, as well as the breakdown of the united front between the United States and the European Union on several policy issues, have implications for processes in individual countries. The protection of fundamental rights, the rule of law, and democracy are at risk in quite a few countries around the world. Although the EU is a much more stable region, similar attacks are also observed there, particularly in the systems of Eastern European member states. No substantial amendments to the Access to Public Information Act were proposed in 2025. However, other legislative changes were adopted that affect the environment surrounding access to information and its judicial protection. For example, a legislative amendment to the Administrative Procedure Code in the summer of 2025 introduced grounds for suspending administrative proceedings due to a pending interpretive case relevant to the legal dispute. Undoubtedly, the only pending interpretive case at that time was the one filed by Acting Chief Prosecutor Borislav Sarafov in late 2024, seeking an interpretation of provisions of the Access to Public Information Act (APIA) that would exclude a significant portion of the information held by the Prosecutor's Office from the scope of the law. This amendment was supported by the political majority, which was unwilling to see the leadership of the Prosecutor's Office operate transparently and be accountable to citizens.

The ruling coalition in 2025 and early 2026 also undertook other initiatives and actions aimed at restricting access to information and freedom of expression. At the end of 2025, at the initiative of the Minister of Justice, the Regulations on Registrations were amended, and the broad access to notarial deeds and other important documents – which had existed for decades – was revoked, to the detriment of the stability of civil transactions and investigative journalism. Shortly before that, in the fall of 2025, a group of Members of Parliament from the ITN party proposed an amendment to the Criminal Code that would make it a criminal offense to publish information revealing details of a person's private life. This amendment posed a threat to critical journalism and to the transparency and accountability that public figures owe to citizens. Following a heated public debate, the proposal was abandoned.

Concerns have been raised about the Representation of Interests Transparency Act (RITA), which was passed unusually quickly at the end of March 2026. It had been the

subject of years of debate and sharp criticism in previous years, and even in the fall of 2025, the increased transparency of the government's ties with private individuals, as declared by this law, is unlikely to be achieved; yet, for unclear reasons, instead of making institutions more transparent, non-governmental organizations have been required to register in yet another registry. Failure to do so is punishable by a fine. The actual lobbyists, who were supposed to be regulated by this peculiar "Lobbying Act", remain outside its scope.

Another unexpected development in the legislative sphere was the sudden repeal of the Anti-Corruption Act. Consequently, the Anti-Corruption Commission was also dissolved. A large portion of its powers were transferred to the National Audit Office. The change was implemented without an impact assessment or a meaningful justification.

Progress was made in drafting an amendment to the Civil Procedure Code that would allow courts to dismiss at an early-stage cases brought based on claims aimed at obstructing civic participation and restricting freedom of speech. Although the draft legislation had been in preparation for years in working groups at the Ministry of Justice, it was not submitted to the Council of Ministers either by the end of 2025 or by the end of the government's term. It was not until the caretaker government's term that the draft was released for public consultation, which concluded on the 18th of May 2026. Consequently, these necessary legislative changes were not adopted within the timeframe set forth in the Anti-SLAPP Directive¹.

¹ Directive (EU) 2024/1069 of the European Parliament and the Council of 11 April 2024, on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings ('Strategic lawsuits against public participation')

INTERNATIONAL STANDARDS RELATED TO THE RIGHT OF ACCESS TO INFORMATION

Convention on Access to Official Documents – the Concept of “Official Documents”

Following the entry into force of the Council of Europe Convention on Access to Official Documents (also known as the Tromsø Convention), the specific mechanism for monitoring its implementation also began to function. The international instrument provides for the establishment of a Group of Specialists consisting of between 10 and 15 members.² It also provides for the so-called Consultation of the Parties, whose task is to review the reports, opinions, and proposals of the Group of Specialists, and to make recommendations and proposals to the States Parties to the Convention or regarding amendments to the Convention itself.³ The Group of Specialists is currently known as the Council of Europe Working Group on Access to Information and held its meeting in early June 2026. The draft agenda for the meeting shows that, in addition to reviewing an evaluation report concerning North Macedonia, it includes consideration of the Working Group’s opinion on the concept of “official documents”.⁴

According to the conclusions in the draft report on the concept of “official documents”, the term is used in the Convention in its broadest possible sense, regardless of the medium on which the information is recorded. The term “drawn up” in the phrase “official documents” in Article 1 of the Convention – which refers to “any information recorded in any form, drawn up or received” – should be understood to mean a document that is complete and ready for use for its intended purpose. Documents related to the decision-making process, such as memoranda, opinions, advice, summary notes, impact reports, or other working documents, should be considered official documents provided they are complete and are no longer in the process of being drafted.⁵ If a document is entered in a specific register, this constitutes proof that it is a document within the meaning of the Convention.⁶ However, if it has not been entered in a register, this does not in and of itself mean that it should not be

² See Art. 11, par. 1-3 of the Convention. The text is available on the following web address: <https://rm.coe.int/1680084826>

³ See Art. 12 of the Convention.

⁴ See the draft agenda published at: <https://rm.coe.int/council-of-europe-convention-on-access-to-official-documents-cets-no-2/48802c0461>

⁵ See the cited document, § 34.

⁶ In some systems, access to documents applies only to documents that have been registered in the relevant case management systems, but not to accompanying materials that are not subject to separate registration.

considered an official document within the meaning of the internationally binding legal instrument.⁷

To the extent that the concept of “public information” within the meaning of the Access to Public Information Act is also defined as broadly as possible – including in the case law of the Supreme Administrative Court – the understanding adopted in the report of the Working Group on Access to Information is also useful for the work of the Bulgarian administration in handling requests, even though Bulgaria has not yet signed the Convention and no steps have been taken toward doing so.

European Court of Human Rights – Measures following the “Girginova v. Bulgaria” Judgment

In its 2025 judgment in the case of “Girginova v. Bulgaria”, the ECHR held that Bulgaria had violated Articles 10 and 13, in conjunction with Article 10, of the European Convention on Human Rights. Specifically, the violation occurred through an unjustified refusal to grant access to information relevant to public debate. The case concerned the reasoning behind the acquittal handed down by the Sofia City Court in a high-profile case against former Minister of the Interior Tsvetan Tsvetanov, who was charged with failing to exercise control over the use of special intelligence means.

The decisions of the second and third instances were published, unlike the verdict in question, which was classified as a state secret and denied to journalist Galina Girginova of the “Court Reports” website. A panel of the Supreme Administrative Court refused to examine the grounds for the denial on its merits, citing both the state secret classification and the inapplicability of the Access to Public Information Act (APIA) to access to court judgments, decisions, and rulings.

According to the ECHR ruling,⁸ access to the document was unjustifiably denied, which constitutes a state monopoly on information relevant to public debate. Separately, the Supreme Administrative Court’s refusal to consider the applicant’s arguments on the merits – formally accepting that the Access to Public Information Act does not apply to information of a judicial nature – also constitutes a violation of Article 13 of the European Convention on Human Rights.

The Bulgarian government has proposed a plan to implement the general measures set forth in the ECHR’s judgment. It includes translating the judgment into Bulgarian

⁷ Ibid., § 36.

⁸ The decision, rendered in response to complaint No. 4326/18, took effect on June 4, 2025.

and publishing it, as well as instructing the courts to familiarize themselves with it.⁹ However, the plan falls far short of the actual application of the Court in Strasbourg's interpretation of the Convention. In practice, there continue to be cases in which courts refuse to provide unpublished decisions under the Access to Public Information Act, claiming that the law is inapplicable.¹⁰ This highlights the need for a more serious approach within the framework of the functions of the Supreme Judicial Council and the National Institute of Justice.¹¹

LEGISLATION ON ACCESS TO INFORMATION AND CHALLENGES IN ITS IMPLEMENTATION

When the Access to Public Information Act (APIA) was adopted in 2000, there were about 25 similar national laws worldwide. By 2026, according to the international ranking of access to information laws, 142 countries had such laws.¹² This demonstrates the rapid development of the right to access information over the past two and a half decades. The Bulgarian Access to Public Information Act was not revolutionary for the time, but to this day it remains an effective tool in the hands of citizens, journalists, and non-governmental organizations – and even businesses. At the same time, the procedure for filing a request is simple and accessible, and the formal requirements for filing a request are minimal. Judicial review is an accessible, swift, and effective means of guaranteeing the right to access to public information. The system of institutions responsible for monitoring and overseeing the law's implementation functions adequately, to the extent that citizens themselves, who exercise their rights under the APIA, refer to it as “the Citizens' Law”. Last but not least,

⁹ See the government's action plan for implementing the decision at:

[https://search.coe.int/cm#{%22Title%22:\[%22Girginova%22\],%22sort%22:\[%22CoEValidationDate%20Descending%22\]}](https://search.coe.int/cm#{%22Title%22:[%22Girginova%22],%22sort%22:[%22CoEValidationDate%20Descending%22]})

¹⁰ For example, following an appeal against a refusal based on such grounds to grant access to Mirela Veselinova, a journalist from “Kapital”, the Sofia Appellate Court, as the court of second instance, initiated Administrative Case No. 3568/2026 on the docket of the Sofia City Administrative Court, 68th Panel. It is noteworthy that the decision of the lower court in the same case – on which the Sofia Appellate Court also ruled – was published on the Sofia City Court's website, whereas the Sofia Appellate Court's decision was not to.

¹¹ As part of the National Training Program in 2025, an invitation was extended to the Access to Information Programme (AIP) to provide training for judges in the judicial districts of the Lovech and Pleven regions; however, it is necessary to expand this initiative to cover the administrative court system nationwide. See: https://www.aip-bg.org/news/Лекции_на_ПДИ_в_обучение_за_магистрати_и_адвокати/20251111001632/

¹² See the rating here: <https://www.rti-rating.org/country-data/>

a large number of important journalistic investigations and activities by non-governmental organizations are based on gathering information using the APIA.

The changes in political leadership, which have been quite frequent over the past six years, as well as turnover within the public administration, have led to a lack of familiarity with – or even a forgetting of – the understanding and interpretation of the law that has been developed over the past 26 years. Reasons for denial that have long been rejected in established case law are sometimes repeated.

The Definition of “Public Information” in the Access to Public Information Act

Article 2, paragraph 1 of the Access to Public Information Act sets forth the objective to be achieved through access to public information is intended to enable citizens to form their own opinions about the activities of public authorities.¹³

In case law, this concept of the legislature has been further developed. It is accepted that access to information encompasses any set of data structured according to specific criteria and with a specific purpose and intent, as well as any information regarding a particular situation or activity of the entities obligated under Article 3 of the Access to Public Information Act.

It is also accepted in practice that the applicant’s lack of knowledge regarding where a particular piece of information is stored, in what exact form, or in which document, does not constitute an insurmountable obstacle to exercising the right of access to information. Citizens, however, have the right to ask questions of the administration, which is obligated to provide answers by ensuring access to the relevant documents or other information carriers.¹⁴

This principle, established in case law, and the obligation to answer questions are of essential importance; nevertheless, it is not uncommon in practice for administrative bodies to deny access by claiming that they are not obligated to create new information from scratch. According to case law, however, compiling information in accordance with the request in the application does not constitute the creation of new information when the information is easy to process. For example, data on the highest

¹³ These provisions are set forth in Decision No. 9720 of October 10, 2006, in Administrative Case No. 5011/2006 of the Supreme Administrative Court, Five-Member Panel, along with supporting case law.

¹⁴ Ibid. The court finds that the applicant had a legitimate request for access to information regarding whether it is standard practice for the state administration to process the correspondence of political parties, given that he received a response to his proposal for a constitutional amendment from the Administration of the Council of Ministers rather than from the ruling party to which he had addressed it.

and lowest salaries for categories of employees in a given organization constitute public information, and a request for access to such information, and a request for access to such information does not require the creation of new information. It is sufficiently easy to process the information already available within the institution to provide a response to such a request.¹⁵

Case law further emphasizes that the defining characteristics of the concept of “public information” are found rather in other provisions of the Access to Public Information Act (APIA), namely Article 10 of the APIA, according to which information contained in the acts of public authorities is public, and Article 11 of the APIA, which states that such information also includes any information received, collected, and stored in connection with the acts of public authorities, as well as in connection with and in the course of the activities of public authorities and their administrations.

Thus, the courts have adopted the understanding that the subject matter of requests under the APIA may include not only documents such as contracts, internal rules, and reports, as well as lists, video recordings (for example, of a meeting with the Minister of Culture), correspondence, measurement data (for example, on air quality), and the names of public officials (for example, the heads of the “Traffic Police” units in the Regional Directorates of the Ministry of Internal Affairs).

With the addition of Chapter Four to the Access to Public Information Act (APIA),¹⁶ access to public information has been expanded to include access to entire databases for the purpose of re-use – that is, to build upon them with other products, such as creating visualizations through further processing of the information. The “Open Dat Portal” provides 10 104 datasets for free access and use.¹⁷ The future of access to information from government institutions requires the development of knowledge and skills within the administration to ensure proper organization of documents, taking into account the specifics of digital organization and documentation, and maintaining documents in a format suitable for providing full or at least partial access.

¹⁵ Access to such information regarding the salaries of doctors and nurses in certain hospitals should be granted, according to case law. See [Decision No. 2781 of April 24, 2023](#), of the Sofia Administrative Court, Second Division, 53rd Panel, in a. c. No. 1546/2023; [Decision No. 1532 of March 9, 2023](#), of the Sofia Administrative Court, Second Division, 77th Panel, in a. c. No. 207/2023; Decision No. 3177 of May 12, 2023, of the Sofia Administrative Court, Second Division, 72nd Panel, in a. c. No. 1476/2023.

¹⁶ Titled “Procedure for the Re-use of Public Sector Information”. This chapter was adopted as an amendment and supplement to the Access to Public Information Act, promulgated in the S.G., Issue No. 49/2007.

¹⁷ See the portal at: <https://testdata.egov.bg/>

Procedure for Requesting Access to Public Information

Bulgarian law provides for a relatively short deadline for providing information – a maximum of 14 calendar days – with certain possibilities for extending the deadline. Submitting electronic requests via email or through the Platform for Access to Public Information simplifies the process for applicants. Analysis of data from the annual reports on the state of the administration shows that the number of requests submitted electronically is increasing,¹⁸ as is their percentage relative to requests submitted on paper.¹⁹ Electronic requests are much more convenient for citizens, as they can be submitted from a computer or mobile device, do not require a digital signature, do not require a protocol to be drawn up for the provision of information, and electronic access is free of charge for the requester. AIP reports have traditionally recommended that applicants be sent a receipt number via email immediately after the request is registered.

Overriding Public Interest in Access to Public Information

Access to public information may be denied when there is another right or legitimate public interest that must be protected. These competing rights are listed in Article 41, paragraph 1, sentence 2 of the Constitution, as well as in Article 37, paragraph 1 of the Access to Public Information Act (APIA). A large portion of these restrictions on the right of access to public information are subject to an assessment of whether an overriding public interest exists. This means that in the cases specified in § 1, item 5 and 6 of the Supplementary Provisions of the Access to Public Information Act, the administration must assess whether the right of access to public information prevails. If it determines that there is no “overriding public interest”, then it is presumed that the interest in protecting another right or legally protected interest prevails.

The obligation to assess the existence of an “overriding public interest” was introduced by the 2008 amendment to the Access to Public Information Act.²⁰ The

¹⁸ See [Comments on the report “The State of the Administration 2025” regarding the implementation of the Access to Public Information Act](#), authored by Dr. Gergana Zhuleva, in the AIP Information Bulletin, [Issue 5 \(269\), May 2026](#). The article tracks the data on an annual basis from 2019 to 2025, and it can be seen that in 2019 the number of electronic requests under the APIA was 5 822, or about 56% of the total number of requests, while in 2025, that number had risen to 11 691, or over 62% of all requests.

¹⁹ According to the 2025 annual report on the state of the administration, prepared by the Administration of the Council of Ministers, electronic requests in 2024 and 2025 accounted for about 62% of the total number of requests (p. 64). The number of requests submitted via the Platform for Access to Public Information – which are also electronic – rose to 3 134 in 2025, compared to 1 900 in 2024. The report is available at: https://iisda.government.bg/annual_report/703

²⁰ Amendments to the APIA, published in the S.G. Issue 104/2008.

scenarios of such a preponderance are listed in the law but are too abstract; therefore, familiarity with case law is essential for clarifying them. Court decisions have identified numerous different scenarios involving an overriding public interest for each of the restrictions.²¹ In 2025, a significant number of decisions were issued by administrative courts under the APIA, in which the question of the existence of an overriding public interest was also discussed.²²

Access to Information and Transparency in Decision-Making Processes

In some legal systems, there is legislation regarding “open government” or “transparent governance”, “sunshine governance”. This legislation provides for unrestricted access to the meetings of collective bodies and to the documents reflecting those meetings, as well as to meetings between government bodies and senior public officials and other individuals. Under the Access to Public Information Act (APIA), the right of access to public information also covers information and documents created in the course of adopting a given decision. This right may be restricted. The APIA contains a restriction related to the protection of information created and stored during the drafting of a decision within the administration.²³ This restriction may apply for a maximum of two years from the creation of the information. Furthermore, it is subject to a mandatory assessment of “overriding public interest”. It is established in case law that factual information, such as reports and analyses, does not fall within the scope of this restriction.

In the practice of the Supreme Administrative Court, it is accepted that the legislative process should be as transparent as possible, and when the requested information relates to it, there is an overriding public interest.²⁴

Over the past decade and a half, several cases involving meetings of senior government officials have attracted significant public interest; these undoubtedly fall within the scope of the transparency required regarding decision-making processes. In 2014, the Supreme Administrative Court definitively overturned the Ministry of the

²¹ See the section in the report on court cases.

²² According to data from the CIELA legal information system, in 2025 and 2026, administrative courts issued 204 rulings under the Access to Public Information Act, in the reasoning for which the “overriding public interest” was discussed. In 2026, the number of such judicial decisions was 74, meaning that 130 were issued in 2025. According to the Report on the State of the Administration, a total of 162 court proceedings were concluded in 2025, meaning that the issue of whether an “overriding public interest” existed was considered in nearly every case.

²³ See Art. 13, para. 2, item 1 of the Access to Public Information Act.

²⁴ See [“Transparency of the Legislative Process Is a Principle”](#), by Alexander Kashumov, [AIP Newsletter, Issue 6 \(186\), June 2019](#).

Interior's refusal to provide information about meetings held by Member of Parliament Delian Peevski at the ministry's headquarters.²⁵ Another case, known as "TSUM-Gate", raised the issue of access to information, including the Inspectorate to the Supreme Judicial Council's investigation into a meeting between Chief Prosecutor Sotir Tsatsarov and two businessmen, one of whom is the owner of the periodical "Sega". The court overturned the refusal²⁶ to provide the minutes of the ISJC meeting on the case, but it took years to resolve the matter.²⁷ Questions regarding the need for greater transparency have also arisen from statements by businessman Vasil Bozhkov regarding meetings with the former Minister of Finance Vladislav Goranov,²⁸ as well as cases involving unregulated meetings and meeting locations for representatives of the judiciary.²⁹

The Representation of Interests Transparency Act

In 2025, a lobbying law³⁰ was debated, and in March 2026, it was adopted and promulgated under the title Representation of Interests Transparency Act.³¹ The stated goal of the legislative initiative was to increase the transparency of decision-making processes by the legislative and executive branches. According to the explanatory memorandum accompanying the hastily introduced bill, it also aims to fulfill commitments under the Recovery and Resilience Plan, as well as requirements related to future OECD membership.

The debate over the adoption of a lobbying law in Bulgaria dates back to 2001-2002. Even then, the sponsors of the bill consistently proposed imposing additional obligations and burdens on non-governmental organizations by creating a lobbyist

²⁵ Decision No. 8987 of June 27, 2014, of the Supreme Administrative Court, Fifth Division. See more about the case at: https://www.aip-bg.org/news/BAC_potvrdi_otmyanata_na_otkaz_na_MBP_da_predostavi_informaц/20140805001159/

²⁶ By Decision No. 3941 of July 16, 2020, in a. c. No. 12933/2019 of the Sofia City Administrative Court, 31st Panel.

²⁷ See details in the article in "Sega", available at: <https://www.segabg.com/hot/category-bulgaria/ivss-donese-100-kladeneca-voda-za-da-onevini-cacarov-za-cum-geyt>

²⁸ See the article in "Kapital" by Mirela Veselinova: "Bozhkov Reached an Agreement with Boyko and Paid Him Through Vladi: The Full Story of the Corruption Allegations Involving 60 million leva." Available at:

https://www.capital.bg/politika_i_ikonomika/pravo/2023/12/19/4567980_bojkov_se_razbral_s_boiko_i_si_mu_plashtal_prez_vladi/

²⁹ The cases involving Martin Bojanov – the "Notary" and Petar Petrov – "Pepi Euroto".

³⁰ Published in S.G., Issue 30 of March 27, 2026.

³¹ The very title of the law is very similar to that of the bill proposed by the FIDESZ party majority in Hungary, which they failed to pass before the parliamentary elections in early 2026, unlike in Bulgaria.

registry. And in recent years, during which the topic has been constantly discussed within the Ministry of Justice, government officials have stubbornly refused to distinguish between lobbying in the “private interest” and advocacy in the “public interest”, as is done in countries that have adopted similar laws.

Following the government’s resignation in early 2026, former Minister of Justice Georgi Georgiev and the group of the party GERB set themselves the task of introducing and passing such a law at all costs. They submitted a bill to the National Assembly even before the public consultation process on the draft law proposed by the Ministry of Justice had begun. The bill was swiftly adopted by the lead committee and in the plenary chamber in two readings, in clear violation of the legislation on transparency and public consultation regarding bills, and contrary to the sponsors’ own claim of increasing the transparency of decision-making processes.

The text of the law does not make clear how transparency in decision-making processes will be increased. It does, however, make clear how this transparency will be restricted. It is noteworthy that there is no reference whatsoever to the Access to Public Information Act (APIA) in the brief text of the Representation of Interests Transparency Act (RITA). Private individuals are required to keep track of their “contacts” with members of parliament, experts, and advisors to parliamentary committees and parliamentary groups; the president and vice president and their advisors and secretaries; members of the Council of Ministers, ministers, and deputy ministers; members, advisors, and experts in political cabinets; regional governors, mayors, municipal councilors, and certain other government bodies. Representation of interests refers to any oral or written communication intended to influence the adoption or amendment of a legislative act, a general administrative act, national strategic and programmatic documents, Bulgaria’s positions, decrees on the return of laws, or their promulgation. It is presumed that advocacy has taken place if nine contacts have occurred within a three-month period.

The law appears to be a more palatable, but not significantly different, substitute for the “foreign agents” bill proposed by the “Revival” political party, which are driven by the Russian propaganda machine. The first key question is why the administration has not been required to record and disclose whom these government officials meet with, while such obligations – backed by severe penalties – are imposed on private individuals. This would increase the transparency of governance, rather than imposing obligations outside the scope of government authority.

The next question is why a mandatory distinction has not been established between lobbying for private gain and advocacy for the public good. Under federal law in the

United States, for example, lobbyists are subject to income tax, whereas advocacy activities are tax-exempt. Such an approach would correspond to the distinction established by law in Bulgaria for profit and non-profit activities.³²

There are ambiguities and inconsistencies in the text of the law. It is unclear why the official submission of a statement to an institution's official email address or to the Public Consultation Portal is considered "contact" or "communication", given that the primary purpose of the law should be to register informal meetings. There is no definition of the terms "contact" and "communication", which creates unpredictability and ambiguity in determining the obligations under the law – especially given the risk of a fine or financial penalty ranging from 2 500 to 7 500 euros.

Registered workers' and employers' organizations, professional associations, attorneys, religious organizations, political parties, diplomats, and employees of consulates and representative offices are exempt from the registration requirement.³³

The provisions of the law state that media representatives engaged in the collection, analysis, and dissemination of information, as well as citizens who are protesting and who are exercising their rights under the Direct Participation of Citizens in State Power and Local Self-Government Act, should not be required to register. This indicates that the legislature has an exceptionally broad understanding of "representation of interests" and considers interviews or comments on radio, television, or in print and online media to fall under this category. This gives rise to serious risks of violations of fundamental rights, such as the possibility that public statements by public figures and activists – who are not politicians or religious leaders and do not represent media outlets – might be deemed to fall within the scope of the law and thus subject to mandatory registration. Consequently, public speech is reduced to an extremely narrow privilege reserved for a select few, which contradicts the provisions of the Constitution.

³² See the Non-Profit Legal Entities Act.

³³ See Art. 13, para. 3 of the Representation of Interests Transparency Act

Access to Notarized Deeds and Other Documents Related to Real Estate Transactions

In December 2026, the Regulations on Registrations were amended and supplemented. One of the amendments revoked the broad access to notarized deeds, to which everyone had previously been entitled.

The Ministry of Justice announced a public consultation on its proposal for amendments and additions to the Registration Regulations, including a restriction on public access to the content of notarial deeds. The strong reaction from professional associations and the media led to an extension of the public consultation period until November 2026. AIP submitted a critical opinion on the draft. There is virtually no justification for the change; the draft merely mentions cases of fraud in general terms, without citing specific examples, and it remains unclear how the Ministry of Justice reached the conclusion that access to copies of notarial deeds has led to specific fraudulent practices. Despite the opinions of organizations such as the Supreme Bar Council, the Chamber of Independent Appraisers in Bulgaria, AIP, and the Association of European Journalists – Bulgaria, the amendments were adopted, disregarding a long-standing tradition of access to these documents.

The change contributes to a lower degree of stability in economic turnover, a lack of transparency and uncertainty in real estate transactions, risks for investors, and an obstacle to investigative journalism.

ACCESS TO INFORMATION FROM JUDICIAL AUTHORITIES

The Concept of “Public Information” and Judicial Rulings

During the first decade of the law’s implementation, the Supreme Administrative Court distinguished between administrative information held by judicial authorities and information of judicial nature. According to this practice, the former falls within the scope of the Access to Public Information Act, while access to judicial information is subject to a special regime – namely, the requirement to publish court decisions pursuant to Article 64 of the Judiciary Act. The question remains regarding the procedure for accessing the content of court decisions that have not been published but are not subject to any legal restriction on access. There is also the question of which judicial body is competent to make a decision in cases where it is claimed that a particular court decision has not been published due to the existence of a legal restriction. In such cases, one cannot simply accept the argument that the Access to Public Information Act (APIA) is inapplicable and that there is no other procedure for accessing the documents or appealing refusals. This would mean that the right of access would remain unprotected, as was the case in “*Girginova v. Bulgaria*”.

The issue is relevant because a review of the sections on the court’s websites where case documents are published reveals differences in publication practices. The AIP periodically reviews the websites of the administrative courts and the Supreme Administrative Court, where practices regarding the publication of judicial decisions and court transcripts are generally consistent. A random review of the websites of some district, regional, and appellate courts reveals significant differences in the publication of rulings in civil and criminal cases. Such issues are also evident in specific cases. Court transcripts are published by a relatively small number of these courts. A mechanism is needed to standardize and improve the processes for publishing court decisions and transcripts.

The Right of Access to Public Information Related to Investigations and Inspections Conducted by the Prosecutor’s Office

By analogy with judicial information held by the courts, the Supreme Administrative Court has developed a distinction in its case law between administrative and judicial information held by the Prosecutor’s Office. This is inconsistent with the concept, insofar as the Prosecutor’s Office clearly does not administer justice and, accordingly, its information cannot be considered to be of a judicial nature. In a broader sense, the

idea is promoted that any information intended for a specific case falls outside the scope of the Access to Public Information Act. This interpretation has been abandoned with regard to acts related to so-called prosecutorial investigations under the Judiciary Act, insofar as they are not part of specific criminal proceedings and, accordingly, there is no reason to consider them outside the scope of the APIA. There is significant public interest, particularly in the reasoning behind decisions to refuse to initiate criminal proceedings in cases of high public interest. In the practice of the administrative courts, understanding has developed that these decisions fall within the scope of the APIA. In recent years, the understanding has also developed that the reasoning behind decisions to terminate criminal proceedings in cases of high public interest also falls within the scope of the APIA. Thus, judicial practice has adopted an approach promoting greater transparency and accountability on the part of the Prosecutor's Office regarding its activities related to criminal prosecution.

During the period 2022-2025, journalistic interest in the activities of the Prosecutor's Office increased, particularly in cases where publicly available information pointed to suspicious or illegal activity and there was uncertainty regarding whether and what actions the Prosecutor's Office was taking in this regard. This interest appears to have unsettled the prosecution authorities to some extent; in 2024, information regarding the progress of several cases of high public interest even disappeared from the portal providing access to prosecution case files. After a lawsuit was filed against the refusal to provide information on the status of these cases and the Chief Prosecutor's Office failed to prove its claim that the information was classified, access to this data via the portal was restored.³⁴ Nevertheless, the Prosecutor's Office continued to resist public demands for greater transparency in its activities.

The increasingly broad understanding developed by the courts regarding the scope of information from the Prosecutor's Office that is accessible under the Access to Public Information Act (APIA) does not appear to have been accepted by its leadership. In December 2024, Acting Chief Prosecutor Borislav Sarafov filed a request with the Supreme Administrative Court for an interpretation of the APIA.³⁵ The main purpose of the request was to exclude documents related to pre-trial proceedings and investigations under the Judicial System Act from the scope of the APIA. An alleged inconsistent practice by the administrative courts is cited, though unconvincingly. In 2025, panels of the Sofia Administrative Court suspended proceedings in several cases

³⁴ The restoration of public access to information on the progress of cases of high public interest coincide with the appointment of Borislav Sarafov as Acting Chief Prosecutor following the early dismissal of Ivan Geshev from the position of Chief Prosecutor.

³⁵ Paradoxically, this is the only request for an interpretive ruling from the supreme courts filed by Acting Chief Prosecutor Sarafov.

challenging the Prosecutor's Office's refusals under the APIA due to the pending interpretive case. Since the Supreme Administrative Court (SAC) overturned such rulings to suspend administrative cases upon private appeals, a group of Members of Parliament from the GERB party introduced an amendment to the Administrative Procedure Code providing an explicit ground for suspending administrative cases when an interpretative case is pending before the SAC. This sudden legislative initiative strangely coincides with the apparent interests of the Prosecutor's Office leadership in ensuring that cases under the APIA challenging its refusals do not proceed and are not resolved. Such ground for suspending judicial proceedings sets a precedent and is not provided for in either criminal or civil cases. This leaves the impression that the legislative amendment was undertaken with the specific aim of assisting the leadership of the Prosecutor's Office in its pursuit of lack of transparency and accountability to citizens.

FREEDOM OF EXPRESSION AND THE RIGHT TO DISSEMINATE INFORMATION

Legislative Changes Related to the Early Dismissal of Frivolous Lawsuits

The tragic death of Maltese journalist Daphne Caruana Galizia, preceded by dozens of defamation lawsuits stemming from her investigations into politicians, corruption, and organized crime, led to legal initiatives by institutions of both the Council of Europe and the European Union. The concept of cases filed through abuse of legal process – whose actual purpose is to pressure, obstruct, restrict, or punish journalists or civic activists for publications or initiatives in the public interest – was developed. In 2024, the Council of Europe adopted a recommendation urging member states to enact legislation ensuring the early termination of such proceedings. The scope of the documents adopted by the EU is narrower, as they pertain only to civil claims. The EU's 2022 recommendation to member states calls for legislative measures related to the early termination of civil claims against public participation. The 2024 directive establishes an obligation to enact such legislation with respect to cross-border cases.³⁶ In fact, most EU member states have adopted an approach whereby national laws ensure a uniform regime for the early termination of proceedings in such claims, regardless of whether the case has a cross-border element or not.

Even before the publication of the EU Anti-SLAPP Directive, the Ministry of Justice began work on amendments to the Civil Procedure Code³⁷ to establish a procedure for the early termination of cases brought with the aim of obstructing public participation. The draft texts were finalized and released for public consultation during the caretaker government's term in April-May 2026.

The bill to amend and supplement the Civil Procedure Code includes provisions establishing a new special procedure. The aim is to provide for the early dismissal of claims involving an abuse of rights directed against public participation. The court examines the objection that the case constitutes an abuse of rights and issues an order for its dismissal if it finds the objection to be well-founded. Third parties, such as non-governmental organizations, are permitted to present evidence in these proceedings. Provision is made for the defendant's legal costs to be covered. The legislative amendments apply only to claims in civil and commercial cases but do not extend to

³⁶ See the text of the directive at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32024L1069>

³⁷ The first working group was formed under the Ministry of Justice in December 2023, during the term of Minister Atanas Slavov.

criminal and administrative cases, even if they involve abuse of rights directed against public participation. It is necessary for the legislative amendments to be swiftly introduced in Parliament and adopted.

Attempt to Criminalize the Disclosure of Personal Information

In the fall of 2025, a group of members of parliament from the ITN party introduced a bill to amend and supplement the Criminal Code. The aim was to establish criminal liability for the disclosure of personal information without consent. A penalty of up to 6 years in prison was proposed. In early October, the proposal was approved by the leading legal committee in the National Assembly.

The main problem with this legislative initiative is that the concept of “private life” is not clearly defined, and imposing criminal liability for publications violates freedom of speech. The bill is not accompanied by any analysis of the problems it is intended to solve or its expected impact. A penalty of up to six years in prison for a publication concerning private life did not exist even during the totalitarian regime. The parliamentary majority took into account the arguments raised in the public debate regarding the bill’s inconsistency with the Constitution and the ECHR, and the proposal was withdrawn.

TRANSPARENCY AND THE FIGHT AGAINST CORRUPTION

In 2025, there was growing talk within the parliamentary majority that the Anti-Corruption Commission would be shut down. The chair of the “DPS-New Beginning” political party made this clear in public statements. In early 2026, the Anti-Corruption Act was repealed in its entirety. This occurred without the draft legislative amendment having been published in advance or subjected to public consultation, and without any analysis of the work done to date or potential problems in the Commission’s operations. There is also no justification for why the National Audit Office would be better equipped to handle all issues related to identifying conflicts of interest among public officials and other aspects of the fight against corruption, given that in 2018 it was precisely this institution that had its powers stripped and transferred to the then-established Commission for Combating Corruption and Illegally Acquired Property (KPKONPI).

A major problem in the fight against corruption in Bulgaria is the lack of a comprehensive strategy and consistent approach. In 2018, the Combating Corruption and the Forfeiture of Illegally Acquired Property was adopted without an analysis of the work of each of the four units and institutions that were merged into the then-established KPKONPI.³⁸ It was precisely the lack of such an analysis and justification that led AIP to take a critical stance in the working group at the Ministry of Justice, in which it participated, and in its statement during the public discussion of the bill at that time.

In early 2026, once again, no impact assessment was conducted, nor was there any analysis of the law’s implementation over the past few years; instead, the Anti-Money Laundering Act and the Commission for Combating Corruption (KPK), which oversaw the law’s implementation, were completely abolished. The strangest thing is that the same majority that adopted the Representation of Interests Transparency Act (RITA) – supposedly in the name of fulfilling the commitments under the Recovery and Resilience Plan – repealed the Combating Corruption Act despite the requirement that anti-corruption measure be strengthened and the institutions involved in combating corruption be reformed. The non-transparent manner in which the law was repealed, and the lack of any analysis of the successes and challenges in its implementation over

³⁸ In 2018, the Commission for Combating Corruption and Illegally Acquired Property (KPKONPI) was formed by merging the former Commission for Identifying and Preventing Conflicts of Interest, the then-KONPI, the unit within the National Audit Office responsible for the asset declarations of persons holding high-level public office, and the unit within the State Agency for National Security (DANS) responsible for combating corruption.

the past few years, is evidence that there is no genuine will to effectively combat corruption. The right to access public information, as a fundamental means of preventing corruption and a prerequisite for effectively combating it,³⁹ remains one of the few functioning components of the national system.

PROTECTING CITIZENS FROM SURREPTITIOUS SURVEILLANCE

For four years now, the state has failed to take measures to implement the January 2022 judgement in the case of “Ekimdzhiev et al. v. Bulgaria”, in which AIP is also a petitioner. In this ruling, which spans more than 100 pages, the European Court of Human Rights explains the weakness in the existing system for covert surveillance – both in the use of special intelligence means (primarily wiretapping) as well as in the retention of electronic communications traffic data – information on who communicated with whom, when, and via what device.

It is telling that, despite a clearly articulated need to amend the Special Intelligence Means Act and the Electronic Communications Act, no action has been taken to fulfill these obligations. The Special Intelligence Means Act was amended in 2025, but the changes clearly do not aim to provide greater safeguards for the rights of those under surveillance and others affected by intrusions into their private lives. There is no provision for a broader right to inform regarding the use of special intelligence means, nor for compensation in all cases of interference with the right to privacy, nor for greater safeguards regarding the legality of such interference or clearer procedures. As for the Electronic Communications Act, the situation is even more dire. In 2025, an amendment was adopted that expands the scope of cases in which the Prosecutor’s Office, the police, and the security services have access to retained electronic communications traffic data. They already have such access for proceedings related to violations of the Competition Protection Act. At the president’s request to declare this provision unconstitutional, a case was filed with the Constitutional Court.⁴⁰

³⁹ In this regard, it should be noted that AIP received a special invitation to present the organization’s experience and the use of the Access to Public Information Act (APIA) as a tool for preventing and combating corruption at the 17th session of the Working Group on the Prevention of Corruption of the 192 member states of the United Nations’ Convention against Corruption, held in May 2026 in Vienna.

⁴⁰ Constitutional Case No. 19/2025