

HIGH-LEVEL PUBLIC APPOINTMENTS IN THE EXECUTIVE POWER IN BULGARIA

Analysis of the normative framework and
institutional practice of the appointment of
managers of structures in public administration

Summary

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FOREWORD

How many and what kind of structures are there in the executive power that are not part of ministries? What do they do and what budgets do they operate with? Who are the managers of those structures? How are they being overseen and how do they report? How are they appointed? Are they independent?

We seek to find the answers to these questions in this analysis. The document is part of Bulgarian Institute for Legal Initiatives Foundation's persistent efforts to impose the highest standards in the appointments of leaders in the different branches of powers. Our work started back in 2010 with monitoring of how the Supreme Judicial Council (SJC) appoints the administrative managers of courts. Later on we included in the monitoring the administrative managers of prosecutorial offices. We drafted and published over 200 public presentations (profiles) of magistrates who have participated in appointment procedures for courts' presidents as well as of those who applied for members of the SJC. Our practice was institutionalized and is systematically implemented by the SJC. We adapted our methodology for monitoring over the procedures for appointments of various institutions by the National Assembly and created a specialized platform for monitoring – www.appointmentsboard.bg

Currently we direct our focus towards the executive power and the structures which managers are appointed by the government. In the Bulgarian context these are **94 entities (without their territorial subdivisions) and include state agencies, state commissions, executive agencies and administrative structures, established by a normative act and having functions related to the execution of executive power.** There is a genuine variety among them – agency, center, fund, office, institute, general directorate, bureau, commission, inspectorate, department, house, museum, register, directorate, etc. The managers of those bodies are exposed to a higher risk of corruption and/or undue influence. **In a**

total, they spend over 4 billion and 609 million BGN¹. For comparison – the state’s expenditure budget as adopted for 2021 is 15 billion and 817 million BGN. The calculation shows that the above-mentioned bodies spend 29,14% of all public expenditures planned for 2021.

The analysis is organized in 4 main parts. The first one reflects on the theoretical aspects and conceptual currents in the process of rationalizing and establishing those agencies in the period before, throughout and after the introduction of the theory for New Public Management in public administration. The principles, stages, pros and cons in the agentification process (or the creation of at arm’s length from government or those semi-autonomous structures that are laid within the executive, but are outside ministerial administrations) are depicted in details. The concept for high-level public service is analyzed and an attempt to explain the *raison d’être* of agencies is made. The second part of the analysis presents a synthesized information from numerous studies of public administration in EU member states in regard to how the managers of similar agencies are appointed. The third section of the analysis is focused on the Bulgarian context and the normative framework and institutional practice of establishing these structures, the way the managers are recruited – their appointment and accountability. We have also researched the budget dimensions of the structures and the level of their (in)dependence. The fourth part offers recommendations of normative, institutional and practical character for improving public environment. Various analytical methods and tools are applied – legal analysis, normative analysis, comparative analysis, statistical analysis, documental analysis, etc.

Overall, we can conclude that Bulgaria experiences problems with the way of recruitment and appointment of managers of agencies. In the majority of cases the appointment and dismissal of managers are done without arguments and are highly politicized. The requirements for obtaining a given position, where available, are common and formal. There are media publications for corruption practices in the work of these structures. Meanwhile, they carry out extremely important social functions in regard to policy making and policy implementation, delivery of services, licensing, registration, sanctioning of natural persons and firms in differ-

1 1 Lev (BGN) is 0,51 Euro.

ent public spheres such as national security, transportation, healthcare, agriculture, social services, culture, etc. It's of immediate public interest that for managers of these structures are appointed professionals in a transparent and competitive procedure that provides guarantees for citizens that the state works in favor of the public good.

The publication is unique for Bulgaria as it is the first purposeful analysis of the statute and appointment of managers of administrative structures in the central public administration. It is directed to those who make and take decisions, the academic community and active citizens. It was made possible with the financial support of the Active Citizens Fund to whom we are thankful.

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1. Recruitment and Appointment

The entities of state power, concerning the way of their establishment, are constitutionally arranged, created by law or by a secondary legislation. For the former institutions, a higher level of legal stability is required as they are the most fundamental and significant organs of state governance. For the latter, the requirements for higher flexibility and operability are followed to secure effective implementation of multiple and complex tasks related to the governance of the country.

There are two ways in establishing these bodies – election or appointment. The most widespread administrative law method applied for the organs in the executive power is appointment, albeit it is not the only one. For instance a mayor is elected through direct elections and there are examples for indirect election of the so called independent regulators. Some of the independent collective bodies are formed through a mixed model – indirect election and appointment.

Organs of the executive power are central and territorial, unilateral and collective, mandated and non-mandated. The requirements for the different senior public administration managers (SPAMs) ought to be based on the type of the respective body (according to the differentiations listed above) and on the volume and specificities of the vested powers.

Important criteria in selecting of senior public administration managers are related to eligibility – the conditions and prerequisites for appointment on a certain position. Defining of general and specific requirements for appointment on high level public administration positions, as well as defining of conflicting positions and activities, is a result of legislative assessment and expediency.

A major part of the senior public administration managers of the executive power's central structures is appointed based on political motives and without clear criteria. These people, installed on these positions through politicized appointments, manage organizations which are in the foundation of significant policies that affect each and every citizen and organization in the country. The budgets of the state agencies, executive agencies and commissions and other primary and secondary operators of state budget's fund are enormous.

Although the responsibility of these structures' managers is high and their sig-

nificance for the state and society is formidable, in very rare occasions there is any transparency in the appointment process. Most often the only public information available is the announcement that a certain person is appointed as a manager of a concrete organ. A number of unanswered questions arise: What are the qualifications of the concrete candidates for the positions? What is the vision and idea of the candidate for the policy sector and the organization? Who were the other candidates for the position and with what the appointed one surpasses the others? Were there any other candidates at all?

The transparency deficit is not in collision with the normative framework. The lawmakers strictly applied the principle that the government should have almost unrestricted political powers to select the cadres who implement the governmental policy. This theoretical and normative concept includes explicitly the understanding that with the change of the executive power the new government will select new managerial staff for the organs of the executive branch. As it often occurs, in administrative science and legislative framework the abstract model seems logical, but its practical application quite often raises problems.

The general and minimal requirements for the managers of structures of central executive power are provided in Art. 19, paras 5, 6 and 7 of the Administration Act: **education** (acquired higher education with minimal education level “master”); **citizenship** (to be Bulgarian citizens), **professional experience** (experience in the respective field is required, but its minimal duration is not set); clear criminal record (the person shall not be indicted for a premeditated offence of general character, except they are not expunged). The educational requirements have been introduced with the normative amendments in 2016, but the legislator did not set any other general criteria to guarantee better appointment model for high-level public officials.

Incompatibility is also defined by law – managers of central bodies of the executive power cannot:

1. hold another public office;
2. carry on business or be managing directors, business attorneys, commercial agents, managerial agents, brokers, liquidators or trustees in bankruptcy;
3. be members of a management or supervisory body of any not-for-profit

legal entity, commercial corporation or co-operative;

4. be freelancers, with the exception of research or teaching or exercise of copyrights and neighboring rights;

5. be appointed as heads of election campaign of any party, coalition of parties or nominating committee.

According to Art. 19, para 2 of the Administration Act the legal relations with the analyzed managers may be terminated without notice by the appointing or designating authority upon its discretion. This provision gives a lot of space and freedom of the respective designating authority to change a given manager of administrative structure without being necessary to motivate their decision.

1.1. State Agencies

In contrast to the state commission and the manager of executive commissions, whose duties include control and executive functions, the legislator establishes a specific statute of a state agency's manager, whose powers are tied to policy development and implementation. Due to these functions, a **political cabinet** is formed only under the manager of a state commission. State agencies are "little ministries," according to Alexander Marinov, whose formation is the product of solely political factors rather than the good modeling principles of "agencification." He concludes that *the agencies' managers (and the SPAM working in them) are appointed entirely on a party-political basis by the respective ruling party or coalition.*²

2 Marinov, A. Introduction of the Agency..., p. 85.

Table 5: Appointment of managers of State agencies

No	Manager of	Normative act regulating the structure and functions	Determined by	Body of appointment	Mandate	Political cabinet
1	Archives State Agency (ASA)	National Archival Fonds Act;	DCM	Prime Minister	not specified	Two Deputy Managers
2	State Agency “Road Safety” (STRS)	Rules of Procedure; Appendix № 1 of Decree of Council of Ministers № 21/01.02.2019	Not described, ergo it’s a DCM	Prime Minister	not specified	Deputy Manager and a PR Expert
3	State Agency “State Reserve and War-time Stocks” (STSRWS)	Law of the State Reserves and the War Time Reserves	DCM	Prime Minister	not specified	Deputy Manager and a PR Expert
4	State Agency for Refugees (SAR)	Asylum and Refugees Act; Rules of Procedure	DCM	Prime Minister	5 years	Two Deputy Managers and a PR Expert
5	State Agency for Child Protection (SACP)	Rules of Procedure	DCM	Prime Minister	not specified	Deputy Manager and a PR Expert
6	State Agency for Metrological and Technical Surveillance (SAMTS)	Rules of Procedure	DCM	Prime Minister	not specified	Two Deputy Managers
7	State Agency for National Security (SANS)	State Agency for National Security Act; The Rules and Regulations on the Implementation of State Agency for National Security Act	DCM	The President of the Republic (with a decree; on proposal of the Council of Ministers)	5 years	Two Deputy Managers
8	State Intelligence Agency (SIA)	State Intelligence Agency Act; The Rules and Regulations on the Implementation of the State Intelligence Agency Act	DCM	The President of the Republic (with a decree; on proposal of the Council of Ministers)	5 years, but not more than two mandates	Deputy Managers
9	State Agency for Technical Operations (SATO)	The Special Intelligence Means Act; Rules of Procedure	DCM	The President of the Republic (with a decree; on proposal of the Council of Ministers)	5 years, but not more than two mandates	Deputy Managers
10	National Statistical Institute (NSI)	Statistics Act; Rules of Procedure	DCM	Prime Minister	7 years, but not more than two mandates	Three Deputy Managers

According to Art. 47, para. 4 of the Administration Act (AA) the managers of state agencies are determined by a decision of the Council of Ministers, and the Prime Minister concludes, amends and terminates their contracts.

The SPAM appointments for state agencies are carried out in compliance with the AA as well as the qualifications for applying for the position. There are more stringent requirements for the agencies within the system of national security. There is also an exception for the director of the National Statistics as he or she is chosen through a competition procedure. The bodies with set mandates must comply with additional criteria.

Though **the managers of the state agencies are determined according to the political appointments' model** (the only additional criteria is the political trust and approval of the government's goals and programme), a recruitment procedure is arranged for some of them, that includes a competition, professional requirements, and presentation of their vision for the institutions' development.

With regard to dismissal and the possibility of political and party changes, in general, the provision of the AA is followed, which allows the appointing body to dismiss the manager of state agencies **without requiring additional reasons or motivation for the decision**. Practice shows that **the existence of a mandate defined for some state agencies' managers, doesn't influence the political decision for personnel change**. The State Agency for National Security is an example of this, as five managers have taken the position since 2009 and Dimitar Georgiev has been the only one who has held the position for more than two years (a total of 6 years and 2 months).

State agencies have a more unique statute. From this point of view, there are additional reasons to call for **elaboration of the recruitment and appointment procedure**, and one crucial step is to present a vision for the development of the relevant administrative structure and some kind of management program, i.e., the assignment shall aim at achieving of minimum goals and results.

1.2. State commissions

The general procedure for determining and appointing the manager and members of a state commission is described in Art. 50, Para. 4 and 5 of the Administration Act. The manager and members of a certain state commission are determined by decision of the Council of Ministers (DCM), while the Prime-Minister concludes, amends and terminates their contracts.

Table 6: Appointment of State commissions

№	Members of...	Normative act regulating the structure and functions of the State Commission	Determined by	Upon proposal of	Appointment body	Mandate
1	State Commission on Information Security (SCIS)	Classified Information Protection Act from 2002; Rules of Procedure	DCM	Prime Minister	Prime Minister	5 years
2	Commodity Exchange and Wholesale Markets State Commission (CEWMSC)	Commodity Exchanges and Commodity Markets Act from 1996; Rules of Structure and Procedure	DCM	Minister of Economy and Industry	Council of Ministers	5 years
3	Commission for Consumer Protection ³ (CCP)	Consumer Protection Act from 2006; Rules of Procedure	DCM	–	Prime Minister	5 years
4	National Council on Prices and Reimbursement of Medicinal Products (NCPRMP)	Medicinal Products in Human Medicine Act from 2007; Rules of Procedure	DCM	Minister of Health	Council of Ministers	not specified

Source: Indicated in the table normative acts, Decisions of the Council of Minister and the Administrative register, the Integrated Information System of the State Administration (IISSA)

³ It is required that at least one of the CCP members is a lawyer and one is an economist.

There are additional professional requirements for the members of two of the commissions. As for the recruitment process of the state commissions, **the model of political appointments** has been adopted, but with some particularities. Firstly, the mandate of the appointees differentiates from that of the Council of Ministers, and limits the possibility of dismissal at any time and without a reasoned decision. Secondly, because of the defined mandate, it is assumed that not every cabinet can appoint specific members for the senior public administrative positions. Despite that, practice shows that **the mandate does not guarantee better security and cannot prevent the governments from making changes among the personnel.** The prerequisites for applying for a position don't alter the model since they don't significantly reduce the options for selection (the requirement for five years of professional experience, for example, isn't particularly limiting, but it does assure some level of competence).

There is a significant imbalance in the recruitment process between the authorities that are appointed with primarily regulatory powers (chosen in full or in part by the National Assembly) and the bodies that are indirectly elected (in this case, the state commissions).

In the former case, it is assumed that a competitive selection principle may be applied. The state commissions' members should be chosen based on the same approach. The model of so-called *formal political appointments* should also be applied, where there is a pre-defined and publicly announced set of criteria and requirements for holding the position and the Council of Ministers can choose from among candidates proposed after a preliminary selection.

1.3. Administrative structures, formed by a Normative Act, which have functions related to the implementation of executive power

These administrative structures are separated into two groups - to the Council of Ministers and to the ministries. The AA does not contain a general, explicitly arranged procedure for the selection of the manager - such is described in the corresponding special normative act for each of them. Furthermore, only for some of these structures additional requirements have been introduced for managers, other than those under Art. 19, para. 5, 6 and 7 of the AA.

Structures to the Council of Ministers

There are 5 variants of the procedure for appointing the manager of this administrative structures' category:

Table 7: Appointment of managers of administrative structures, established by Normative act, which have functions related with the implementation of executive power (to the Council of Ministers)

The manager is	Administrative structure	Mandate
elected with DCM and he/ she is appointed by the Prime Minister	Nuclear Regulatory Agency	5 years, but not more than two mandates
appointed by the Prime Minister	Institute of Public Administration	*
	National Inspectorate of Education	
appointed by the Prime Minister on proposal of the Minister of Education and Science	National Evaluation and Accreditation Agency	6 years, but not more than two mandates
	National Agency for Vocational Education and Training	4 years, but not more than two mandates
Appointed by the President of the Republic with a decree after consultation with the Council of Ministers	National Service for Protection	5 years, but not more than two mandates
Deputy Prime Minister, elected by the Council of Ministers	National Commission for Combating Trafficking in Human Beings (NCCTHB) and Central Commission for Combating Juvenile Delinquency (CCCJD)	*

Source: Normative acts regulating the structure and functions of the addressed administrative structures

For half of the structures in this group, additional criteria and requirements are provided for holding the position of the manager - mainly for professional experience in the specific field.

Structures to the ministries

In this group of executive bodies, there is a fair diversity in terms of recruitment and appointment.

Table 8: Appointment of managers of administrative structures, established by Normative act, which have functions related with the implementation of executive power (to the ministries)

The manager is appointed by the	Number of administrative structures	They are appointed after a selection procedure after passing a competition
Minister in charge	24	Diplomatic Institute with the Ministry of Foreign Affairs; State Institute of Culture with the Minister of Foreign Affairs; National Institute of Immovable Cultural Heritage; Anti-Doping Center; National Museum of Military History
Minister in charge after consultation with the Prime Minister or on proposal of the Prime Minister ⁴	4	
Prime Minister	3	
Prime Minister on proposal of the Minister in charge	4	
The President of the Republic with a decree ⁵	1	
Managing Board	3	Bulgarian National Science Fund

Source: Normative acts regulating the structure and functions of the addressed administrative structures

This group of administrative structures **is characterized by a high level of diversity in the recruitment and appointment of their managers.** The differences are both procedural and substantive - related to specific requirements for holding the position. Despite everything, in about 2/3 of the addressed 40 bodies, the appointments are political without specific requirements. As described above,

⁴ The director of the Industrial Center of the Republic of Bulgaria in Moscow must have a diplomatic rank.

⁵ Service "Military Police"

for the remaining 1/3 there are additional concrete requirements for the respective position. Also, the significantly longer experience required (10 years) in well-defined professional fields, as well as the several positions requiring management experience, are a serious criterion for the candidates' qualifications and ability for professional performance. **The smallest group are senior public positions, determined by competition.** There is a mandate for three of the bodies within the executive, addressed here (The Bulgarian National Science Fund - 4 years, The National Museum of Military History - 5 years, and National Office for Legal Assistance - 4 years). In the case of the first two, they follow the rule of periodic recruitment by combining a competitive model of appointments with a set mandate. However, in this case no conclusions can be drawn about the efficiency of this legally defined condition. In the case of The Bulgarian National Science Fund since 2015 none of the elected managers has completed its mandate. On the other hand, the director of the National Museum of Military History hasn't been replaced since 2007.

1.4. Executive Agencies

This is the second largest group of central executive authorities, but hardly any deviations from the main accepted model for recruitment and appointments of senior public positions are observed. **Only two bodies use the model based on the competitive principle and foresee selection through a competition.** The rest of the senior positions in the bodies are filled by political appointments.

The general procedure for executive directors' appointment of an executive agency is regulated in Art. 54, para. 5 of the AA - *the contract with the executive director of the executive agency is concluded, amended, and terminated by the minister to whom it was created, in agreement with the Prime Minister.* The executive directors of 23 out of a total of 32 executive agencies are appointed according to the regulated procedure. **There are no additional requirements for them to hold the position.** For three of the reviewed bodies, there are specifics in the appointment procedure, but no additional requirements for the candidates are provided either. **The Executive Director of the Executive Environmental Agency** is elected through a compe-

tion. The Director of the **National Institute for Conciliation and Arbitration** is appointed by the Minister of Labor and Social Policy after consultation with the Supervisory Board.

Additional requirements are provided for the managers of 4 executive agencies, **with a fixed minimum period of 5 years of professional experience** in the specific field - Bulgarian Drug Agency, Executive Agency “Bulgarian Accreditation Service”, Registry Agency and Geodesy, Cartography and Cadastre Agency.

There are additional requirements for 2 of the executive agencies, as well as differences in the procedure. The Executive director of the Executive Agency Certification Audit of European Agriculture Funds must have at least 7 years of professional experience, he/ she is elected with DCM and is appointed by an order of the Prime Minister. The head of the Bulgarian National Film Center - Sofia must have at least 5 years of professional experience in the field and he/ she is appointed after passing a **competition**.

A 5-year mandate has been set for five of the executive directors.⁶ Only the director of the Bulgarian National Film Center-Sofia is chosen through a competitive process, and he/ she holds office for a set mandate. In retrospect, the prerequisites for periodic recruitment for this management post don't result in a durable trend in replacing the director (from 2004 to 2015 the executive director has not been replaced and, since 2015, no one has retained the position for a full term). **The five-year mandate of appointment has no effect** in the case of the Registration Agency, where since 2009 the managers have remained in office from a few months to nearly three years (the executive director, dismissed in 2009, was reappointed in 2021). In such cases, it is reasonable to assume that **the recruitment criteria for administrative managers is insufficient and ineffective** in selecting suitable candidates for the position and cannot limit party patronage or political pressure and influence.

The last regular government replaced the manager of the “Audit of EU Funds” Executive Agency, who has been in the position for 7 years and 9 months, i.e., the last appointment was not made in accordance with the term principle.

⁶ Hail Suppression Agency; Executive Agency of Variety Testing Field Inspection and Seed Control; Bulgarian National Film Center; Registry Agency; Audit of EU Funds Executive Agency.

From what has been described, it can be concluded that for this group of executive authorities, **the mandate does not affect the selection and appointment of management positions.**

1.5. Specialized territorial administrations

Of all the specialized territorial administrations, which are **structures to the ministries**, only the heads of the **Regional Health Inspectorates (RHI)** have additional requirements for the position. Each director of a RHI must have **3 years of professional experience** after acquiring the specialty, and he/she must have a **qualification in health management**. Directors of RHIs are subject to performance evaluation process every three years, and in the event of a negative outcome, they are removed from office. The body of appointment is the Ministry in charge, and the management positions are taken after passing a competition (except for the directors of Regional Directorates “Agriculture”, who don’t have a regulated competition procedure). Control is exercised by the Minister in charge, and the accountability is through annual reports on the activity of the relevant administrative structure, and in some cases, monthly and quarterly reports are also presented.

The other group of specialized territorial administrations is the **structures of the executive agencies**. **The Executive Forest Agency (EFA)** is the only one that has structures of this type. There are requirements for the acquired specialty of higher education for taking the management position - it must be in Forestry (as for the directors of the Nature Parks Departments, the higher education may also be in the field of Ecology and Environmental Protection), and the duration of the internship must be in the specialty. All management positions are taken after passing a **competition**, and the appointment body is EFA’s Executive Director.

Table 9: Appointment of managers of specialized territorial administrations

Administrative structure / management body	Appointment body
Regional Health Inspectorate (RHI – 28); director	Minister of Health
Regional Directorate “Agriculture” (RDA – 28); director	Minister of Agriculture
Regional Departments of Education (RDE – 28); head (public servant)	Minister of Education and Science
Basin Directorate (BD – 4); director	Minister of Environment and Water
Department “National Park” (DNP – 3); director	Minister of Environment and Water
Regional Inspectorate on Environment and Water (RIEW – 15); director	Minister of Environment and Water
Forest Seed Control Station (FSCS – 2); director	Executive Director of Executive Forests Agency
Nature Park Department (NPD – 11); director	Executive Director of Executive Forests Agency
Forestry Protection Station (FPS – 3); director	Executive Director of Executive Forests Agency
Regional Department of Forestry (RDF – 16); director	Executive Director of Executive Forests Agency

Source: Normative acts regulating the structure and functions of the addressed administrative structures

In specialized territorial administrations, senior public positions are filled after passing a competition (with the exception of Regional Directorate of Agriculture).⁷

In conclusion, it should be highlighted that the executive power generally lacks properly designed processes for appointment and recruitment. In the majority of the cases, it adheres to the general model outlined in the AA. For most administrative structures, no special requirements are foreseen as a way to at least partially ensure that the candidate of choice is capable of carrying out the duties

⁷ In 2009 all of the 28 directors of the Regional Directorates of Agriculture are replaced

assigned to that position. Only a small number of positions are recruited via competitions, evaluations of concepts or visions for the administration's future that are brought forward, etc. This is in direct contrast to the processes for selecting civil servants, who should pass a competition. Additionally, it contrasts from the protocol established for senior public administrative managers (according to the Civil Servants Act). For the various groups of authorities, it is necessary to develop models of common procedural rules, which will provide more serious assurances that the political decisions regarding the appointment of senior public administrative positions are based on particular standards and that the most qualified professionals are chosen to manage the relevant administration.

2. Independence and politicization

The issues of independence and levels of politicization (interference in the work of institutions through a change in their management) are examined through a temporal analysis. On the one hand, temporal analysis's purpose is to trace how long a body's managers hold their positions. On the other hand, it tries to capture the fluctuations between 2009 and July 2022 regarding changes in the managers of the institutions. The main goal is, on the basis of empirical data, to make an attempt to clarify if there is political interference in the decision-making process for changing the management of the authorities and, if so, to what degree.

In terms of methodology, primary information was obtained from: 1) The Register of Commercial Registration Codes (BULSTAT); 2) the Administrative Register; and 3) Media publications. The obstacles in obtaining the primary information came from the fact that not all structures have their own commercial registration code, some information in the Administrative Register is missing or contradictory (in these cases, we have considered the information from the Register of commercial registration code to be more reliable). The primary information was analyzed through a set of statistical methods.

From the beginning of 2009 until July 15, 2022, **a total of 313 people were heads of 90 bodies.**⁸ The majority of them have hold the position between 0 months and 2 years - 149 people; between 2 years and 4 years - 71 people; between 4 and 8 years - 58 people, and over 8 years - 35 people. The record holder for the longest tenure is Gavril Mitov, who was registered as the executive director of the National Compensation Housing Fund (NCHF) on September 27, 1991 and was dismissed by Prime Minister Kiril Petkov on May 20, 2022, which means that Mitov **was director of the NCHF for 31 years**⁹.

Diagram 1: Duration of management of the managers of administrative structures



Ivan Bakalov, who **was director of the Center for Human Resources Development and Regional Initiatives to the Ministry of Labour and Social Policy is at the other end of this scale. He held the leadership position for only 19 days** (from June 1, 2016 to June 20, 2016).

There was no statistically significant correlation between the sectors of government (such as security, health-care, agriculture, and the environment), the type

⁸ The bodies usually chaired by a minister in charge are excluded from the analysis - The National Commission for Combating Trafficking in Human Beings and The Central Commission for Combating Juvenile Delinquency

⁹ NCHF was closed in 2022 with a DMC

of authority (for example, executive agency, secondary or primary operator of a state budget fund, etc.) , or the functions (registration, licensing, permitting, control, sanctioning, supervisory, service providers, and so on) that the considered structures perform in relation to the management timeframe. In a number of cases, natural causes of change (death, maternity leave, etc.)¹⁰ have influenced the process. However, the acquired information enables the conclusion that **there is a sizable turnover among executive power bodies' managers.** In addition, 18.53% of the managers held their positions for longer than the government's mandate, keeping in mind that ten governments came and went during the analyzed period. Five of them were caretaker governments that, by July 15, 2022, had been in power for a total of almost year and a half combined.

When analyzing the data, the frequency with which changes are made over the years stands out.

Diagram 1: Duration of management of the managers of administrative structures



10 A relative correlation can be found only in regards to the executive agencies, , but they are also the predominant part of the structures

Significant accumulation of leadership changes can be observed in 2009, 2013, 2017 and 2021, and up until July, 2022, there are 22 changes.¹¹ The total number of occurring changes is 333 (the number exceeds the number of persons who were managers, as some of them were reassigned to the same position or were managers of another of the analyzed bodies). The periods listed coincide with political and government changes.

It can be concluded that **the political processes have strong influence on the dismissal and appointment of people on the senior management positions.** With the change of the government one can see a concentration of changes of the managers of various agencies. This is especially obvious in 2021, when two caretaker governments appointed by President Rumen Radev were in charge, **i.e. there is a hyperactivity of the caretaker governments regarding the appointments of bodies in the executive power in 2021.** Another significant concentration of changes at the top of the agencies was observed in 2009 with the the first government of Boyko Borisov, in 2013 - with the government of Plamen Oresharski, and in 2017 - under the third cabinet of Boyko Borisov, who ruled in a coalition, which could be the reason for the increased number of changes, i.e. the desires of the coalition partners to install their one cadre had to be satisfied.

It is obvious that the senior administrative management within the bodies of the executive power is extremely unstable to changes in the political leadership of the state. This formal criterion can be used to explain how politicized and dependent on **politics management positions in the executive bodies are.** It has to be reminded that the data from the comparative theoretical and empirical studies (in the first part of the analysis) are contradictory: it cannot be determined whether the actual independence of the agencies can be influenced to a greater extent if managers are appointed or dismissed based on the confidence (or lack of it) of the minister, the prime minister, or the Council of Ministers in certain agency managers or if the principle of career

¹¹ Due to editorial completion of the analysis as of July 15, 2022, the document doesn't include the order adopted by the Council of Ministers on July 20, 2022, for forming a single-shareholder company with state share in the capital - "Hely Med Service" to carry out flights for emergency medical assistance by air.

growth in public administration is being followed, since there is evidence that this principle can also be politically affected.

As already stated, rarely when dismissing a manager the electing/appointing organ is showing the reasons for this or another personnel change. An interesting example is the case of **The Executive Agency “Road Transport Administration” where there has been a concentration of changes among agency’s directors due to investigations and arrests** (a total of 10 personnel changes for the analyzed period). To illustrate this - Vasil Bozhkov who held the director position for ten years and 2 months, was arrested in 2013¹². Tsvetelin Tsvetanov, who had been in the position for a year and 3 months was also arrested on bribery charges in 2016¹³. Generally speaking, **the managers of these authorities are little known to the public, and their names are becoming known in the context of scandals**. Among the most prominent cases that have gained the public attention is the one with Kalina Ilieva, executive director of State Fund Agriculture. She was appointed to the position in 2009 by the government of Boyko Borissov and later she was sentenced by **Sofia Regional Court to 3 years of suspended sentence of imprisonment with a 5-year probationary period for forging her documents for higher education**.

It is interesting to note that in some structures there is **a significant management personnel turnover**, and The National Commission for Combating Trafficking in Human Beings and The Central Commission for Combating Juvenile Delinquency are excluded from the analysis, as they are both chaired by the deputy-ministries in charge, ministries in charge or the prime-minister.

12 The head of RTA Valentin Bozhkov I arrested. 14.08.2013, Mediapool, [Visited in July, 2022] Link for access: <https://www.mediapool.bg/arestuvan-e-shefat-na-dai-valentin-bozhkov-news210076.html>

13 The head of RTA is arrested for bribery 30.03.2016, 24 hours, [Visited in July, 2022] Link for access: <https://www.24chasa.bg/bulgaria/article/5399849>

Table 13: Number of changes of bodies' managers by structures (January 1, 2009 – July 15, 2022)

Most changes <i>January 1, 2009 – July 15, 2022</i>		Budget-expenditures For 2021 in thousands BGN.
Structure	Number of changes	
State Fund Agriculture	13	370879
The Executive Agency for Forests	11	29647
Executive Environment Agency	11	22612
State Agency for Bulgarians Abroad,* <i>*Since May 5, 2022 it has transformed to Executive Agency for Bulgarians Abroad, to the Minister of Foreign Affairs</i>	10	1118
Executive Agency "Road Transport Administration"	10	14617
Registry Agency	9	31983
Executive Agency for Fisheries and Aquaculture	9	6215
The National Customs Agency	8	137687
Executive Agency "Military Clubs and Military Recreation"	7	No information
Least changes <i>January 1, 2009 – July 15, 2022</i>		
Structure	Number of changes	
State Agency Road Safety	1	3047
State Agency for Scientific Studies and Innovations* <i>* Founded in 2020 and closed in 2022. It is replaced by the Ministry of Innovation and Growth</i>	1	8566
National Compensation Housing Fund	1	No information
National Inspectorate of Education	1	1038
National Center for Information and Documentation	1	3716
National Museum of Military History	1	No information
Central Register of Special Pledges	1	1009
National Board for aircraft, maritime and railway accident investigation	1	754
Agency for Quality of Social Services	1	3000
Social Protection Fund	1	5819

Analyzing the information, we can draw the conclusion for a direct dependance between the frequency of changing the managers administrative structures and the budget of the respective institution. It's obvious that the more public funds are allocated in the expenditure part of the units' budgets, the more tempted the political management is to make changes in their leadership. The only exception with regard to the comparison with the budget in the top 10 organizations whose managements have been changed the most is that of the Executive Agency for Bulgarians Abroad, whose budget expenditures amount to one million BGN and 118 thousand BGN for 2021. However this agency's responsibilities include identifying a bulgarian origin of foreign citizens, who are applying for Bulgarian citizenship and/ or continuous/ permanent residence in the Republic of Bulgaria, which is a stage of obtaining Bulgarian citizenship. That being said, this agency's functioning has a high corruption risk¹⁴. **It can be assumed that the agencies with the highest corruption risk, are the ones with most changes,** and in reviewing the media there is an abundance of information about the existence of corrupt practices over the years, some of which have also received prosecution. From a functional point of view, there is no statistically significant correlation between the number of changes and, for example, the number of offered services, sphere or type of activity - whether they are service providers, or whether they have registration, licensing, control, supervisory or sanctioning powers. Regarding the type of structure a relative correlation is deduced - **executive agencies are the ones with most changes.** The structures with the fewest changes were established rather recently (most of them were non-existent from the beginning of the period in question - 2009), the expenditure section of their budgets is relatively low, and the majority of them are engaged in analytical work as subsidiary bodies to the Council of Ministers or individual ministries. They operate in sectors where narrow expertise is required and there is a significantly smaller number of individuals with knowledge in the given field.

In the specialized literature on the subject, there is a lack of theoretical consensus and unified empirical evidence on the degree of independence of agencies,

¹⁴ The case against the former head of the EABA Petar Haralampiev is starting, Dir.bg. 8.01.2021, [Visited in July, 2022] Link for access: <https://dnes.dir.bg/temida/tragva-deloto-sreshtu-bivshiya-shef-na-dabch-petar-haralampiev-tragva-po-sashtestvo>

depending on whether these bodies' managers have a clear political profile from the point of view of the method of appointment or belonging to a given political force, or whether their career development is entirely based on an administrative principle. It's even more complicated to create a relation between efficiency and achieved results of an agency in terms of how politically involved its manager is. There are examples of successful directors of agencies who are prominent representatives of a given political force, and vice versa - managers with a classic profile of career growth in the administration, who allowed strong interference from the political leadership or had poor results in what was achieved during their management. A widely known practice described in the studies is the practice of the so-called "revolving doors"—changing the position of the same person between the legislative and regulatory body on the one hand, or between holding a senior public position in a regulatory body and the private sector that was subject to regulation by this same body, on the other hand. The analysis rather examines the first case, as it is adapted for the environment in Bulgaria, and seeks to assess the degree of politicization of the agencies.

Having in mind the characteristics of the political environment in Bulgaria, the current analysis is guided by the initial **assumption that the occupation of a political position (in the past or in the future) of a certain manager of a structure, is rather a negative phenomenon**, which has a direct effect on increasing the political (partisan) influence in the institution's work and has a negative effect on its independence. An overview was made of the professional development of the heads of the analyzed bodies and whether they held a **political position**. By political position, we understand the application (in case the appointed person is from a political party or a coalition of parties) or holding the positions of: prime-minister, minister, member of the political office of a minister or minister's adviser, member of parliament, mayor, member of the municipal council, district governor, and deputy district governor.

Two preliminary remarks should be made: firstly, in a consolidated democratic institutional complex, parties serve as "cadre banks." In that sense, they are able to gather various specialists with high professional knowledge in a specific field; and secondly, it's normal for the managers of these structures to be socially and

politically active, and under perfect conditions, this should not affect their personal independence and doesn't "transfer" to the independence of the institutions they manage. The assumption that the analysis makes is a result of the many publicly known cases in the Bulgarian practice of party-political appointments in executive power structures, often involved in some sort of inefficient management or public scandal.

From the publicly accessible data on the managers' professional backgrounds, **11.82% of which or 37 individuals of them, have held political position.** It should be acknowledged that not all positions, in our restricted definition of political position for the purposes of this analysis (for example, advisor to a minister in the latter's political office), have public information available; thus, the number of managers of structures who held political office may be significantly higher.

Among the bodies' managers, who have consequently become ministers, emerge the names of Rumen Porozhanov, who has successively held the position of Minister of Finance, Executive Director of State Fund Agriculture and Minister of Agriculture, Food and Forests. Temenuzhka Petrova was director of The Public Financial Inspection Agency (PFIA), later she took the position of Deputy-Minister of Finances and then she became Minister of Energy in two governments - from 2014 to 2021. The case of The Stage Agency for Bulgarians Abroad is fairly interesting, as it was headed by two people related to IMRO. The State Agency for National Security is also a producer of personnel for the political leadership, as its directors are holding after that various other positions. Petko Sertov - advisor to political offices, Tsvetlin Yovchev - Minister of Internal Affairs, Dimitar Georgiev - Deputy Minister of Internal Affairs (and arrested on accusation of poaching), Delyan Peevski – Member of Parliament.

RECOMMENDATIONS

The analysis presents a rather problematic picture of the executive power in Bulgaria showing:

- **Lack of systematic structure** – the various administrative bodies are stretched in a lot of branches both horizontally and vertically, leading to lack of effectiveness and doubling of functions.
- **Lack of adherence to key democracy and good governance principles in matters of appointment of Senior Public Administration Managers (SPAM) and termination of their professional relationship** such as transparency, providing information to citizens, mandates, competitiveness, high standards for candidates applying for the SPAM positions.
- **Existence of too many possibilities for political influence during SPAMs' selection and appointments** comfortably utilized by those in power at a given moment. That leads to an increased corruption risk, especially when CAM exercise their rights.

Some of the problems we have identified have been seen by the administration itself. In the Strategy for the development of the state administration (2014–2020), among other challenges faced by the administration are pointed out also „...*fragmented structure of the administration leading to doubling and overlapping of functions, hinders coordination and execution of sectoral and horizontal policies, creating prerequisites for overspending of public resources...*“. Unfortunately the policies of all governments from 2014 until now do not include among their priorities the resolution of these problems.

Based on the above, we have formulated our recommendations, which are not self-serving, but pursue the overcoming of the above-mentioned deficits. This can be achieved through an overall improvement of the structure and effectiveness of

the state administration and in particular – of the qualities and competences of SPAM. First steps in this direction could include:

RECOMMENDATION 1:

„Inventory“ of the current catalogue of executive organs aiming at its homogenization. This necessary process entails a review whether the existing structures correspond to the current times and needs of the society and if there is a doubling of duties and responsibilities. Our analysis allows drawing a motivated conclusion that over the years the system of the public administration and its bodies entwines with a lot of new elements. There are various reasons for this, but what is more important – structural changes in the administration and the creation of new bodies were not always justified by a real necessity; in some spheres the necessity has long dropped out.

RECOMMENDATION 2:

Drafting a full functional analysis of the public administration together with all institutions thereof. At present, there have been only partial analysis, which has focused on a concrete administrative structure (a process that is still ongoing), and this is having a rather negative effect on the conversation for the reform of the system of the public administration. Such full functional analysis should include a review of the analytical and scientific materials available, including the recommendations made, so that they can be summarized and compared to the actual condition of the administrative system. It should also include an overview of all the recommendations made, their authors and to what extent they have been fulfilled and if they were not – what were the reasons, which hindered their realization in practice. Where recommendations were implemented, it should be evaluated how this influenced the functioning of the respective administrative body and most importantly – how it influenced serving the citizens.

RECOMMENDATION 3:

A need for a better structuring of the SPAM system – both horizontally and vertically. After an inventory and functional analysis of the public bodies and their duties and activities are made, the system will require an optimization.

The focus should be on avoiding doubling of activities and functions and of financing respectively. Again, an evaluation should be performed as to the need for a geographic de-centralization of the administration. What would be the benefits for the citizens, for the work of the administration itself and for the society, and fiscally.

Such full revision of the system of public administration could increase citizens' trust in the administration, as well as become the base for lessening of the so called administrative burden in various spheres of the economic and civil life, something which is need for quite some time.

Reforming public administration, including the implementation of the current recommendations will require a substantial legislative activity and the related political will and public agreement. Nevertheless, the full functional analysis and the renewal of the priorities regarding the reform of the apparatus of the state administration, will best show which recommendations could be implemented within the current legal framework and which will need changes in primary and secondary legislation. **These strategic decisions will determine the future sustainability of the suggested reforms.**

The Institute on Public Administration can have a crucial role in the execution of these tasks.

RECOMMENDATION 4:

Increasing the role of the Institute on Public Administration (IPA). IPA is the leading institution when it comes to training of cadre who enter the system of the public administration. The Institute develops analytical activity by carrying out researches related to the development of public administration, observation of the tendencies and changes thereof, as well as update of the programmes for initial and continuous training. It can be stated that IPA possesses the best knowledge on the personnel in the state administration – their development, needs and problems. There is a need for a new Strategy for the development of the public administration (the last one has ended in 2020) in which IPA should have a stronger presence in the procedures for selection of senior personnel for the public administration. Such presence can include, among others, participation of IPA representatives in competitions and/or concrete procedures.

Our analysis also shows how many and how different are the ways in which SPAM are elected/appointed. The lack of unified approach not only lessens predictability when one applies for a certain position (if such a possibility is envisioned at all), but opens the door for negative influences such as nepotism, conflict of interest, suspicion for corruption, etc. Predictability matters when SPAM are elected or appointed, because it guarantees a quality selection of cadre and, in a long term, ensure the necessary institutional continuity. At the same time, there is one other serious problem, which crystalizes through our analysis. Intentionally or not, it has still remained unresolved and it is the lack of a clear definition of the respective SPAM and the related selection criteria, rights and obligations. In the light of this, we have the following group of recommendations:

RECOMMENDATION 5:

Increased publicity about the requirements for any given position – general requirements according to the Law on Administration as well as specific ones arranged in other primary or secondary normative acts. Consolidation of the information and its popularization. The easiest way to fulfill this recommendation is by creating a subpage on the webpage of the Administrative register containing the above-mentioned information.

The analysis shows an imbalance regarding transparency and predictability in appointing SPAM between bodies that are elected indirectly (fully or partially by the parliament) and such where SPAM are appointed only. The responsibilities towards society and the state of the people who are managing state agencies, executive agencies, commissions and other primary and secondary managers of state budget funds, are huge. Despite that fact, there are very few procedures for election/appointment of SPAM which have transparency requirements. More often we have observed exactly the opposite – society being informed post factum about the appointment/election of a person on a particular leadership position.

RECOMMENDATION 6:

Investing efforts in unifying the procedures for election/appointment of SPAM in the various horizontally structured organs.

RECOMMENDATION 7:

Raising the standards for electing/appointing SPAM and introducing the principle of competitiveness. That would require from the electing/appointing body and the supporting administration to envision a term within which a possibility should be created, through a proactive and inclusive approach, for a broad range of people to apply for the position. These should be people both from and outside the administration.

RECOMMENDATION 8:

Precise normative arrangement of the rights of each SPAM.

RECOMMENDATION 9:

Creating an obligation for announcement of each appointment or dismissal of SPAM, regardless of its connection with a competitive procedure or not, together with the motives for it.

Such lack of transparency does not contradict the normative regulation, on the contrary – it is viewed as a realization of the rights of the political leadership, meaning that the government has the unlimited possibility for cadre selection to implement its policies. In the Bulgarian political environment this also means the expectation (almost self-explanatory) that with each change in the executive, a new selection of the leadership in the administrative bodies will be performed. Such practice often leads to lack of continuity in implementing respective policies, lack of adherence to strategic documents and the goals incorporated thereof. It further leads to reactive actions of the organs when facing new problems and lack of channels for coordination among institutions. Last but not least, it also leads to formalization of their work and low public trust. With regard to the persons who are getting appointed, the listed deficits are reflected in: doubts in society about their professionalism and knowledge, lack of initiative, low planning horizon, political dependence and increased corruption risk. Overcoming these deficits undoubtedly creates one of the biggest challenges which any attempt to reform the administration will face. In tackling these problems, we suggest:

RECOMMENDATION 10:

Setting the proportion between election and appointment in a law.

RECOMMENDATION 11:

Making the specific requirements for education and professional experience when applying for a certain leadership position more precise. At present, in many sectors the requirements for people who apply for CPO are very general or even absent.

RECOMMENDATION 12:

Creating a consultative council on the appointments of CPO. Such a body, which exists in other European countries, could be comprised of members coming from: the government, the President, senior public officials, the unions, various professional organizations, IPA, academics with specialty on public administration, civil society organizations. Its functions will be entirely related to the monitoring of the procedures for selection of CPO. It will be give non-binding statements regarding the professional qualities, education, motivation and concept paper of the candidates for CPO. The idea behind the establishment of such council is two-fold – it will take out of anonymity many people pretending to be experts in certain spheres and applying for leadership positions because of this when, in fact, their appointment/election is driven by entirely political reasons. Furthermore, it will become more difficult to appoint people on leadership positions in the state administration in the blink of an eye.

RECOMMENDATION 13:

Increasing the opportunity for a broader civil and professional representation in the composition of collective managing bodies within the administrative structures by adhering to the requirements for the position.

RECOMMENDATION 14:

Establishing a legally binding possibility and/or obligation for the appointed SPAM to deliver concrete results and other specific requirements imposed on them by the appointing/electing body. In that way guarantees will be created that SPAM can implemented the policies of the respective government without them being politicized. Such a change, in fact some type of a “programme

governance” of the administrative structures would require not only concrete expectations from the SPAM, but also a clear and professional concept paper thereof. The latter will provide an opportunity for a pre-term termination of the duties of SPAM before the expiration of her mandate (in case there is a mandate) or an unilateral termination on behalf of the appointing body. This is also a way to avoid the existing normative vacuum regarding the requirements, expectations and most importantly the accountability of the SPAM. In a broader context tying SPAMs’ managerial activities with a preliminary set plan, can add value and meaning to the respective policy agenda of the government thus, better consolidating the democratic institutional infrastructure.

RECOMMENDATION 15:

Bringing back the meaning of the mandate in the administrative organs. At present, the existing legal framework practically deprives the mandate of SPAM of meaning. As a result, most of the normative acts regulating various spheres of the public life, do not even envision a mandate for the SPAM. Where it exists, it is not observed. This is a very serious problem, which is entirely politically motivated and already accepted as normality. **The negative tendency to intentionally derogate mandate leads to stripping off its very meaning as one of the most important principles of a functioning democracy.** Not to mention that it is written in our Constitution. The mandate is the safeguard of society protecting it from the danger of having someone or a group of people in power willing to misuse it. Having mandates is a tool for obstruction of excessive political (and not regulated not political) pressure over administrative bodies, however, not observing it in practice, makes it a fiction. The recommendation includes couple of elements that have to be viewed and incorporated in parallel.

- careful review of the mandate requirement – by which SPAM, for what period of time, possibility for two or more consecutive mandates, avoidance of overlapping, quota principle, etc.
- incorporating, where possible, of the requirement of continuity of the mandate in order to guarantee succession and decrease of political influence.

Important element in SPAMs’ work is their accountability for the work done

within the given mandate. What the analysis found is that often this accounting is not taken seriously. Furthermore, the fact that certain elements of the work have not been fulfilled well or not fulfilled at all, does not lead to any negative consequences for the person who has been on the leadership position at the respective institution. In the light of this, the following can be considered:

RECOMMENDATION 16:

Introducing the requirement to motivate the decision for dismissal of SPAM. The goal of this recommendation is to guarantee better protection of SPAM and at the same time sustainability within the administration in case the respective SPAM seeks out of court or legal protection.

RECOMMENDATION 17:

Precise description of the relationship and the duties and obligations stemming thereof between the SPAM and the body appointing/electing them.

RECOMMENDATION 18:

Introducing the obligation for accounting in shorter periods of time (for instance, on a quarterly basis). This will provide the possibility to see the direction in which the work and the management of the respective institution are going, whether politics/promises incorporated in the concept paper are being implemented (where there is such), and will help identifying at an early stage of any difficulties or obstacles hindering the fulfilling the initial agenda.

RECOMMENDATION 19:

Introducing a requirement for professional evaluation of the person elected/appointed as SPAM in the middle and at the end of her mandate. Such an evaluation is needed in order to show the leadership and professional skills of the respective person when he/she is already holding the leadership position and has the possibility to fully show her potential and competences. A well-structured performance evaluation will also be very useful to the organs establishing the criteria – general and specific, with which the candidates for the respective SPAM have to comply.

The analysis stresses on numerous occasions the increased corruption risk for

the SPAM. In the light of this, we recommend:

RECOMMENDATION 20:

Precise anti-corruption legislation for the persons appointed as SPAM.

The recommendation relates to all SPAM and puts an accent on the integrity checks both performed internally at an institutional level and performed by specialized bodies. These checks should be not superficial but go in-depth, especially regarding conflict of interests and the existence of previous economic interests. The latter is important because of various reasons, including the “rotating doors” principle. It makes possible the movement from one public sector to another – the “entry” and the “exit” of a person from the public sector into the private one and vice versa. The process has obvious benefits – it allows broadening and renewal of the expertise at the leadership level of the public administration. It also contributes to a more effective collaboration between the two sectors, which, at least in theory, have to partner in realizing policies serving the public good. At the same time, however, a systematic control over this process should be exercised and it should be based on criteria aiming at preserving the national interest and security.

RECOMMENDATION 21:

Creating possibilities for rotation of SPAM at all leadership positions within the public administration. The recommendation covers two hypotheses. The first one provides SPAM with the opportunity to apply for another leadership position, meaning moving from one sector to another after expiration of the respective mandate. Such examples exist in some European countries, because it is presumed that at this level the main requirements for the position are related more to leadership, management and reaction in critical situation. Exceptions can be made, of course, for some very specific leadership positions where, besides the above-mentioned qualities, a very narrow professional knowledge is required too. The second hypothesis is aiming at an internal rotation of the managers in the administration by changing their job descriptions for a certain period of time. The goals of both hypotheses are related to a full utilization of the potential of the managers and public servants on one hand, and on the other – abruption of eventual corruption networks, because the risk of establishing such is getting higher

the longer a person stays on the same leadership position.

RECOMMENDATION 22:

Prohibition to work in the private sector for a certain period of time after the mandate for the position has expired and the person has left public service (this will need a more detailed description depending on the type and position of SPAM). This prohibition should be explicitly regulated in a law. In addition, there should be a provision arranging for a checkup for adherence to the prohibition and eventually sanctions if the rule is violated. This recommendation aims at avoiding any negative effects of the so called “rotating doors” principle by putting a private sector subject in a privileged position.

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