

**Monitoring of Bulgaria's EU accession readiness, by the Open Society Institute (OSI) – Sofia**

The Open Society Institute – Sofia aims to promote, help develop and sustain the values, attitudes and practices of the open society in Bulgaria, and to support Bulgaria's accession to the European Union by broadening the integration process into the whole public domain.

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Report on the implementation of commitments in the areas of serious concern of Bulgaria's preparation for membership in the European Union' (15 March 2006, <http://tinyurl.co.uk/ap1k<sup>1</sup>>)

**1. Which organisation(s) carried out the monitoring?**

The monitoring was carried out by the Open Society Institute (OSI) – Sofia (<http://www.osf.bg>)

**2. What did you monitor?**

The basis for the monitoring was the European Commission's 'Comprehensive Monitoring Report on Bulgaria' (October 2005, <http://tinyurl.co.uk/ro7q<sup>2</sup>>). This report presents the Commission's findings on Bulgaria's preparations for accession to the EU. It identifies five 'red areas' where the delay of reforms has given cause for *serious concern*: company law, freedom to provide services, agriculture, regional policy, and justice and home affairs. In December 2005, the OSI – Sofia initiated its 'Civic Monitoring' project, with the aim to assess the work of the State administration in implementing the Commission's recommendations in these five 'red areas'.

**3. Please explain the rationale for the monitoring? What factors motivated the decision to carry out the monitoring?**

Bulgaria's accession to the European Union (EU) affects the life and fate of all its citizens. It is therefore essential that there is full transparency in the accession process, and that the public is kept informed of important developments. Considering the broad public support for Bulgaria to join the EU on 1 January 2007, and the short time left before this date, the OSI – Sofia concluded that redoubled efforts were required both to enhance the partnership between civil society and government institutions, and to monitor constantly the activities carried out by Government institutions in connection with the accession process. Monitoring was considered to be a means of exercising civic control over the performance of the Government.

The overall goals of the Civic Monitoring were therefore defined as follows:

- to put pressure on the Government to successfully complete the reforms required in the five 'red' areas , before 1 January 2007;
- to inform civil society, and the authorities in Sofia and Brussels, about the actual progress achieved in the five "red areas", *simultaneously with - and independently of - the Government*; and
- to stimulate transparency and accountability in the performance of the State administration.

On 5 December 2005, the OSI – Sofia and the Minister of European Affairs, Meglena Kuneva, jointly signed an 'Agreement on Civic Monitoring' on the work of the State administration on implementing the recommendations of the European Commission in the five 'red areas'. The Agreement established the country's first mechanism for independent civic monitoring of the Government's implementation of measures that are a *sine qua non* condition for Bulgaria to accede to the EU on 1 January 2007.

#### 4. Please describe the methodology used for the monitoring

The monitoring focused on the five 'red areas' identified in the European Commission's 2005 report. The main underlying principles of the monitoring were *objectivity* and *impartiality*. The monitoring did not seek to make a political assessment, but rather to arrive at an expert conclusion about the extent of implementation of the measures that the Bulgarian Government has planned and undertaken. The monitoring focused on the tangible *results* of the measures undertaken, which is why their planning was treated as just a point of departure, rather than as a result in its own right.

The monitoring comprised several steps:

- identifying *areas of serious concern*, according to the European Commission's report;
- establishing *actions* planned by the Government in response to the Commission's critical remarks;
- correlating the specific problems to the relevant area of serious concern;
- gathering information on the *impact* of the measures undertaken; and
- *summarising* the information.

When outlining the scope of the monitoring, the actions planned by the Government were divided into the following three types of activities:

- implemented commitments to adopt new legal standards or align existing legal standards with the *acquis communautaire*;
- practical application of already harmonised legal standards; and
- activities that defy statutory regulation (i.e. administrative capacity, partnership, operational interaction).

For each of these three categories, the OSI – Sofia defined *indicators* and *information sources*.

In assessing the extent to which any given measure had actually been implemented, a scale of four values was adopted:

- *Not implemented*: the deadline for implementation has been missed and work on implementation of the measure has not started;
- *Rather not implemented*: the deadline for implementation has been missed, work on implementation of the measure has started, but implementation is at an initial stage;
- *Rather implemented*: the deadline for implementation has been missed, work on implementation of the measure has started, and implementation is at a final stage;
- *Implemented*: the measure has been implemented by the deadline.

#### 5. How did you collect data?

The main data for the monitoring was collected written information, and interviews with officials of the principal ministries. (These are: the Ministry of Regional Development and Public Works, the Ministry of Finance, the Ministry of Environment and Water, the Ministry of Agriculture and Forestry, the Ministry of Justice, the Ministry of Interior, the Ministry of Labour and Social Policy, the Ministry of Culture, the Ministry of Economy and Energy and the Ministry of State Administration and Administrative Reform.)

The monitoring was carried out by *five expert groups*, formed by Open Society Institute – Sofia, to carry out the monitoring in each of the five 'red areas'. The groups were made up of representatives of NGOs and the academic community. The expert groups attended the meetings held by the Council for Coordination and Monitoring with the Council of Ministers.

The expert groups were tasked with monitoring the extent to which the Bulgarian Government had honoured its commitments, and subsequently informing the authorities and civil society of the actual progress achieved. In addition to evaluating the implementation of measures undertaken, the expert teams also assessed the effect of the application of each measure. They also

formulated recommendations for ensuring an adequate outcome for the measures. For example, some of the measures were considered too technical, so the experts recommended follow-up actions to guarantee the achievement of concrete results in the specific area. (For example, one 'measure' was to form a working group to decide on a certain issue. However, the formation of a working group was judged by the expert group to be a 'tool' rather than an end result.)

## **6. What was the final output of the monitoring?**

The expert groups prepared an *Interim Monitoring Report* on 16 January 2006 and a *Final Monitoring Report* on 15 March 2006.

The *Interim Report* focused on an evaluation of the adequacy of the measures planned by the Government, and the extent of their implementation in practice.

The *Final Report* evaluates both the extent of implementation of the measures, and the impact of their application (at present or in the medium term). It also formulates recommendations intended to guarantee achievement of the desired effect. The Final Report is structured as follows: Executive Summary, Introduction, Monitoring Methods, Analysis of Implementation of Commitments according to the EC Monitoring Report of October 2005 (Evaluation of Implementation of the Measures, Expected Outcome of Implementation of the Measures, Recommendations to Guarantee Effectiveness, and Findings on Implementation of the Measures), and consolidated Conclusions by the monitoring team.

## **7. Please describe any advocacy activities carried out to publicise the results of the monitoring?**

Two press conferences were held, to present to the general public the findings of the interim and final monitoring reports, respectively. The results of the Final Report were also presented to the Ambassadors of the 25 member states of the EU at a roundtable in Sofia. Additional meetings and interviews with officials and journalists, both from Bulgaria and the EU, have also taken place as a follow up to the final report.

## **8. What do you think was the main impact of the monitoring? Do you consider it a 'success'?**

### **Impact of the Interim Monitoring report:**

*Media coverage:* The press conference presenting the Interim monitoring report was covered by: eight television stations, including the three national television stations, three radio stations, seven newspapers, and three news agencies. The members of the expert groups participated in six television and radio broadcasts. There were 15 publications in newspapers and news agencies that covered the event, including one in the DG Enlargement newsletter.

*Other impact:* The report was distributed to the Bulgarian Government and administration, the Embassies of the EU member States in Bulgaria, representatives of international organisations and the relevant institutions in Brussels. The Dutch Ambassador and the Danish first secretary met with the OSI experts and discussed the findings of the report. The Bulgarian Deputy Minister of Justice, Margarit Ganev, sent a letter of grateful acknowledgement to the OSI – Sofia for the preparation of the Interim Report. In the letter, he states that the collaboration between the NGOs and the State institutions would undoubtedly contribute to the accession of Bulgaria in the EU in 2007, as planned.

In an interview given after the press conference presenting the interim monitoring report, held on 29 January 2006, the Ambassador of Finland to Bulgaria, H. E. Mr. Kauko Jamsen, stated:

*The role of the Open Society Institute in Bulgaria's EU association is very important, because the EU is very carefully following how the non-governmental sector and civil society work in Bulgaria, because they guarantee the transparency of the society and it supervises the works and the doings of the ministers and the government and politicians continuously. This is one of the basic sectors of operation of civil society in Finland,*

*combating corruption. We have had active operation of the civil society in this sector for many years. They are in continuous partnership with the ministers and they guarantee transparency, together with the media, of course. Media is a very important player in democracy. As I mentioned, we very much appreciate what Minister Kuneva [Minister of European Affairs, Bulgaria] has done with this civil sector. She has continuously supported civil organisations to contribute, to supervise and to give their views on development issues, including enlargement. As I mentioned, one of the findings of the Commissioner for Enlargement, Olly Rehn, in October, was that we need to do more in the EU and in EU countries, and also to encourage NGOs to do their share.*

Also interviewed after the press conference, the Bulgarian Minister of European Affairs, , Meglena Kuneva, stated,

*The noteworthy novelty in the Open Society Institute's work is their exceptional expertise. They have a very qualified team of experts capable of giving opinions. This is very important and explains why they are a preferred collaborator. We need to be helped, we need our mistakes to be pointed out, we need suggestions on how to do things better. The administration and the Government need not be untouchable; lending an ear could only be of help. Besides, the whole idea is to get our society to be more overt, to achieve the stability and cohesion to help us attain EU membership and develop a sense of unity and worthwhile presence in Europe. This can't be left to this or that Government to do.*

### **Impact of the Final Monitoring report:**

*Media coverage:* The press conference presenting the final report was covered by eight television stations, including the three national television stations, three radio stations, seven newspapers, and three news agencies. The expert teams participated in five television and radio broadcasts. There were ten publications in newspapers, by news agencies that covered the event.

*Other impact:* The report was distributed to the Bulgarian Government and administration and to representatives of the relevant institutions in Brussels. In order to introduce the findings of the Final Report, the OSI - Sofia organised a meeting with the Ambassadors of the European member States in Bulgaria.

Speaking at a meeting with ambassadors of the EU members States in Bulgaria, organised by the OSI – Sofia on 3 April 2006, the Bulgarian Minister of European Affairs, Meglena Kuneva, stated,

*All of us, we realise that we are a small nation and there are limits of really knowledgeable people. I am very happy that here in the OSI, and the NGOs they are working with, we find a lot of really knowledgeable, dedicated personalities, ready to work, ready to take responsibilities, and to be open - not just because this is "Open society" but because this is their way of thinking. And they behaved really in a very responsible way in these last months, very demanding – well, exhausting in a way, but very rewarding. So this report will be a subject of a thorough analysis in my team. I very much hope that the OSI will find in the future new reasons to continue to work with us. Please come to Council of Coordination and Monitoring, talk to us, support, criticise, but integrate the society*

At the same meeting, the Ambassador of Austria to Bulgaria, H. E. Mr. Karl Diem, stated,

*I think what you presented was indeed very useful and very detailed also. We have the fact that we, all ambassadors, meet Minister Kuneva on a weekly, if sometimes not on a daily basis, and yesterday Mr. Kourkulas said that within seven days he would have five Commissioners coming to Bulgaria. So you can see all this amount of official work which is done and which is necessary and which should continue, because very little time is left.*

And the Ambassador of the Netherlands to Bulgaria, H. E. Mr. Willem Alexander van Ee,

*First of all, I would like to follow the Presidency in its compliments on this whole exercise. I believe it is crucial in the system of checks and balances that civil society plays the role it is starting to play in Bulgaria. As a matter of fact, I find that this source of pressure on the*

*political class much more effective and important than external pressure given by the European Union and ourselves, as ambassadors of the EU. So - a powerful instrument and an instrument, which is sustainable. You are here to stay. We are just observers. We follow closely but at the end of the day, Bulgarians have to organise their country for themselves, and membership for the EU fits in that.*

### **Key outcomes for the OSI - Sofia:**

The two main outcomes were as follows:

- The OSI-Sofia was recognised as an important policy player in the field of the EU Integration, contributing to thematic expertise and influencing public policy debate on reforms.
- The OSI-Sofia developed a proven track record in the field of EU Integration, based on:
  - ability for adequate and timely reaction, in a fast-changing policy environment;
  - in-depth and highly professional expertise on specific topics;
  - ability to mobilise civic resources, thus extending the limits of knowledge and expertise beyond the public administration, to civil society and the business sector; and
  - ability to attract media attention and shape the policy debate.

By implementing this key initiative in such short term, the OSI – Sofia demonstrated its leading position in the NGO sector. Moreover, its leadership was decisive in the final phase of the process of integration of Bulgaria to the EU, by setting the parameters of the debate on Bulgaria's European integration process. The monitoring initiative had a great impact on the Bulgarian public and the State administration, not only with its adequacy, but also because of the expertise that it provided. In order to obtain the best expertise, the OSI - Sofia laid the foundations of a network of NGO experts and academics working for the European integration of Bulgaria, thereby influencing public opinion and stimulating public debate, and contributing to enhancing the preparedness of Bulgaria for EU membership.

### **9. Are there any 'lessons learned' you would like to share with other organisations carrying out monitoring?**

*Impartiality and independence:* of the monitoring process is of crucial importance for the final success of the initiative. This is true for the monitoring approach and methodology, as well as for the identification of the experts, who have to be recognised by all stakeholders not only as knowledgeable in the respective thematic field, but also as not being biased towards any specific interest.

*Diversification of the messages:* presentation of the findings in ways that reflect the specificity of the target groups. In order to be heard, it is of great importance to 'speak' the language of the target group to which you want to convey the message of your monitoring effort. Thus you have to be able to 'translate' the findings that you have presented to the Ambassadors, for example, in a 'user-friendly' way to the general public.

*Preparedness for follow-up challenges:* It should be clear that the involvement of the institution carrying out the monitoring, as well as of the experts, does not end with the presentation of the report. Moreover, it is at this point when follow-up opportunities for further impact that were not planned from the outset, start to emerge (e.g. EU officials ask for clarifications and thematic discussions, foreign journalists call for interviews, etc.) This is why it is important that the institution, as well as the expert team, is adequately prepared to cope with all the opportunities for follow-up activities.

### **11. Will there be any follow-up to the monitoring?**

The OSI – Sofia is now continuing the Civic Monitoring. For the new monitoring, the focus is on the "red areas" identified in the Monitoring Report issued by the European Commission in May 2006. Two of the expert groups are the same as for the previous monitoring (Justice and Home Affairs and Agriculture – again defined as areas of "serious concern" by the Commission) and two

new expert teams have been formed (covering the areas of Financial Control and Energy/Nuclear Safety). The next OSI – Sofia report will be presented in the beginning of September 2006.

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<sup>1</sup> Full URL: [http://www.osf.bg/pdf/osi\\_monitoring\\_report\\_en\\_2006.pdf](http://www.osf.bg/pdf/osi_monitoring_report_en_2006.pdf)

<sup>2</sup> Full URL: [http://ec.europa.eu/enlargement/key\\_documents/pdf/2005/SEC1352\\_CMV\\_MASTER\\_BG%20COLLEGE.pdf](http://ec.europa.eu/enlargement/key_documents/pdf/2005/SEC1352_CMV_MASTER_BG%20COLLEGE.pdf)