

LETTER FROM BULGARIAN CIVIL SOCIETY ORGANIZATIONS

Re: Bill on the registration of foreign agents undermines civic space

To: Representatives of relevant authorities

Dear Sirs and Madams,

We, the undersigned organizations, appeal to you for a reaction and firm rejection of the Bill on the registration of foreign agents submitted by a group of MPs from PP Revival ("Vazrazhdane"/"Възраждане") to the National Assembly on the 27th of October 2022 ([the Bill](#)).

The Bill briefly:

1. Defines a foreign agent as "that natural person or legal entity, civil association or political party which receives money or other material benefits from foreign sources. The same shall be domestic entities with foreign financial assistance" (§1, .2 of the Bill). At the same time, according to Art. 1 in conjunction with Art. 6 of the Bill, all legal entities, or natural persons, except religious organizations, sports clubs and the types of commercial companies explicitly listed in Art. 3, para. 2, which have received funds exceeding BGN 1,000, material benefits estimated to be at least BGN 1,000 or covering the costs of participation in "trainings, seminars and educational courses and programs, social activities or projects of the equivalent of at least BGN 1,000 in a fiscal year" from foreign governments or foreign state-owned enterprises, foreign natural persons, foreign companies, foreign foundations, not-for-profit organizations, foreign civil societies and other unifications of people" excluding funds received from commercial transactions, gambling or from the European Union.
2. Defines "legal persons associated with foreign agents" as "the founders, directors, participants, or employees of organizations defined as foreign agents", which means virtually anyone who has a connection to a particular civic organization (not only employees, but also members, donors, and volunteers).
3. Creates a *de facto* blacklist of foreign agents, maintained by the Ministry of Justice (a concept well known from the Hungarian Transparency Law, declared contradictory to EU law, and VMRO's (a political party part of the ruling coalition in Bulgaria at the time of the proposed Bill) similar proposal in 2020 to amend the Non-profit Legal Persons Act) and introduces sanctions if the persons concerned, in accordance to the vague definitions in the Bill, fail to declare their inclusion in it. The condition for a

person to be removed from this list is not to receive funding from abroad for a period of 5 years.

4. Entitles the Ministry of Justice to send an *ex officio* notification of each legal entity registered in the register of foreign agents to the Registry Agency or the BULSTAT Register (it is not clear why the BULSTAT Register is listed as a separate addressee as this register is also maintained by the Registry Agency), which will "register the entity as a foreign-assisted organization by including an indication next to the entity's name '- foreign agent.'" From the proposed amendment in the Law for the BULSTAT Register in Bill's additional provisions, it may be assumed that the intention is that the natural persons and legal entities designated as foreign agents who are not registered in another register maintained by the Registry Agency will be registered *ex officio* in the BULSTAT Register.
5. Introduces an obligation for every "foreign-assisted entity" to indicate that it is a "foreign agent" on printed publications and other publications as well as on photographs, address cards, print samples, engravings, etc. (the list of forms of expression to which the rule applies is long and is contained in Article 12 of the Bill). It is also envisaged that foreign agents would be subject to a mandatory annual financial audit, and it is not clear how this could be carried out in respect of natural persons deemed to be a foreign agent.
6. Provides several prohibitions on foreign agents and the natural persons and legal entities related to them for provision of activities in schools, kindergartens, BAS (Bulgarian Academy of Science), etc., as well as restrictions on political rights and access to state funding and participation in public procurement procedures. One of the many internal contradictions in the Bill is that under Art. 11, para. 3 prohibits foreign agents from "engaging in political activities," and Article 7, para. 2, item 3 requires them to file "a detailed declaration of any activity of a political nature that the declarant is carrying out or intends to carry out."

If the Bill passes:

- The Bulgarian Constitution and the constitutionally guaranteed civil and political rights of the Bulgarian citizens would be violated and in particular the freedom of expression and the freedom of association. It also contravenes the European Convention on Human Rights, in particular Articles 10, 11 and 14, as well as the General Guidelines on Freedom of Association of the Organization for Security and Cooperation in Europe and the Venice Commission and other international human rights instruments in which Bulgaria participates. At the same time, the Bill also proposes measures in violation of the EU law, in particular the freedom of movement of capital and the rights guaranteed by the EU Charter of Fundamental Rights amongst which the protection of personal data, the freedom of association and of private and family life.

- It will lead to stigmatizing and denigrating of civil society organizations and individuals as 'foreign agents'.
- It will introduce a new discriminatory ground for any Bulgarian citizen on the sole basis of having received funding from abroad.
- It will enable the government to control people without a clear legal basis related to the commission of a crime or offence, but only because they have received funding from abroad.

This is not the first attempt in recent years for restriction of the civil rights and freedoms of Bulgarian citizens. Back in March 2013 Yane Yanev and a group of MPs submitted a BILL TO AMEND THE LAW ON PUBLICITY OF THE PROPERTY OF PERSONS HOLDING SENIOR PUBLIC OFFICES, which proposed to introduce the requirement for members of the governing bodies of not-for-profit legal entities for public benefit and their immediate family to declare all their personal income and assets. The implicit aim of the proposal was to restrict, through disproportionate administrative burdens, the creation of new and the activities of existing CSOs, as well as to create legal opportunities for institutional pressure and repression on people involved in the management of organizations expressing opinions critical of the government. In the same year, 2013, Volen Siderov and a group of MPs submitted a BILL TO AMEND THE CRIMINAL CODE with a proposal for restrictions of the rights of people with homosexual orientation and participation in organizations. In 2019, VMRO and PP "Ataka" tried to restrict the funding of professional organizations of judges, prosecutors, and investigators. In 2020, and only two weeks after the EU Court of Justice declared the Hungarian Transparency Act discriminatory, a Bill to Amend the Law for Not-for-profit Legal Entities was submitted in the National Assembly, which provided for the introduction of measures similar to those in the Hungarian Act.

We would also like to point out that the Bill contains several internal contradictions, the terminology used in it does not correspond to the legal terminology adopted in Bulgaria, and it regulates public relations that are explicitly regulated by separate existing laws (such as the activities of political parties, which are subject to the Law for the Political Parties). We therefore consider that the adoption of this Bill is unlikely, but it is not the intention of the submitter in the first place. To us it is obvious that the Bill is intended to continue a smear campaign against the civil society sector, certain media, the principles of democracy and the rule of law, the human rights protection system and several countries allied to Bulgaria.

We are therefore concerned that the political-party agitation in Bulgaria is increasing, based on demands to restrict citizens' rights and to give the state exclusive power to monitor, restrict rights and sanction anyone - whether a natural person or a legal entity - who wants to be active in society, to have an opinion, to organize peaceful assemblies or protests, etc.

Civil society organizations in Bulgaria work actively and consistently to protect the rights and interests of different groups in society, to support civic activism and charity, and to uphold basic democratic principles and values such as good governance, pluralism of opinion and the rule of law. Our main role is also to be a constructive critical voice in the decision-making process. That is why we participate in the public debate, expressing the voice of the different members of society, often the most vulnerable, for the sake of the state hearing different opinions and making informed decisions that will make Bulgaria a better place for all. This process is unthinkable without open dialogue and partnership with the institutions, but recent trends cast a shadow of doubt on whether this is what they want.

We urge you to take a clear stand against this Bill and the defamatory suggestions it strives to make, and to defend the common principles of democracy, rule of law and human rights shared by the European Community.

Our statement has been supported by more than 180 Bulgarian non-profits.

We look forward to your response.

Yours sincerely,

1. National Network For Children Association
2. Bulgarian Center For Not-For-Profit Law Foundation
3. Agora Platform - Active Communities For Development Alternatives Association
4. Human Rights Center Vassil Levski – Karlovo Association
5. Maria's Family Center Association
6. EU Space 21 Association
7. Young, Active, Creative Association
8. Stara Zagora Regional Economic Development Agency – ARIR
9. Initiative BG Association
10. Smile Association
11. For the Earth Ecological Association
12. Center for Interethnic Dialogue and Tolerance Amalipe Association
13. Anti-Corruption Fund Foundation
14. Bulgarian Huntington Association
15. Program And Analytical Center For European Law Foundation
16. Bulgarian Fund For Women Foundation
17. Ecology and Sustainable Development Association Getia Pontika
18. Charity Catholic organization Caritas Vitania Foundation
19. Organization for protection of the Bulgarian citizens Association
20. Citizen Participation Forum Association
21. NGO's Club Targovishte Association
22. Public Council for Education Berkovitsa Association
23. YOUTHub Association
24. Devetaki Plateau Association
25. Assosiation For Culture, Ethnology And Anthropology Mediator
26. Ariet Moceva
27. Access To Information Programme Foundation

28. Stoina Krastanova Foundation
29. HALO 2019 Foundation
30. INDEX Foundation
31. Paralel Silistra Association
32. Local Initiative group Pleven Association
33. Association for Democratic Education Far Burgas
34. Multi Kulti Collective Association
35. Aletheia Ltd.
36. Social Initiative For Safer Playground Association
37. CIECA Also Association
38. National Association Of Patients With Mitochondrial Diseases
39. Single Step Foundation
40. INEOVA – NOVA LTD
41. Mission Wings Foundation
42. St. Nicholas the Wonderworker Foundation
43. The Wonderful Garden Ltd.
44. Karin Dom Foundation
45. Made with love 21 Foundation
46. Dobrudzha – history, traditions, culture Foundation
47. Ekaterina Karavelova Foundation
48. Cornerstone Foundation
49. Intimate With Nature Society Association
50. Transmariska Association
51. Community Center "Lyuben Karavelov - 1897" – Kurtovo Konare
52. For Our Children Foundation
53. Law Firm Iordanov and Ratchev
54. Bulgarian Scouts Organization Association
55. National Management School Association
56. Green Strandzha Association
57. Education Without Backpacks Association
58. Marginalia Association for human rights
59. Ever Clever Association
60. Future World Association
61. Save Strandzha Association
62. Icat Rescue Foundation
63. International Research Foundation Hasumi Bulgaria
64. BlueLink Foundation – network for civic action
65. Youth Volunteer Network Association
66. Crocus Foundation
67. Association for strategic management – Delphi
68. Moyra Pensioners Association
69. Bulgarian Pensioners Association – unity
70. Stoina Krastanova Foundation
71. Lazur Academy Association
72. VS Professional Association
73. Astika Foundation
74. Concordia Bulgaria Foundation
75. Capital Foundation
76. Prista Scout Association
77. The Duke of Edinburgh's International Award – Bulgaria Foundation
78. Center for Educational Programs and Social Initiative Association
79. Biodiversity Bulgarian Foundation
80. Posoki Foundation

81. Green Balkans Association
82. Disi 2000 – Dimitrinka Sardicheva
83. Greenpeace Bulgaria
84. Global Initiative in Psychiatry – Sofia Foundation
85. Web Shelf Foundation
86. Listen Up Foundation
87. Vzaimno Foundation
88. Active Deaf Youth Organisation Association
89. Milosardie – Sliven Foundation
90. Law and Psychology Association
91. Parents Association
92. Operation Teddy Bear Association
93. C.E.G.A. - Creating Effective Grassroots Alternatives Foundation
94. Foundation for Access to Rights
95. Ecomission 21 century Association
96. Perspectives Foundation
97. Retina Bulgaria Association
98. Flower Theatre Association
99. Gea Foundation
- 100.Symbol of Love – Gotse Delchev Foundation
- 101.Future for the children Association
- 102.Ecocommunity Foundation
- 103.For You Association
- 104.ASORI Association
- 105.Orion Grid For Leadership And Authority Association
- 106.Open Space Foundation
- 107.Win Over Cancer Foundation
- 108.Bridges Community Association
- 109.Community Center Prof. Assen Zlatarov 1927
- 110.Public Center for Environment and Sustainable Development Association
- 111.We continue change Political Organization
- 112.For Etropole Association
- 113.Gen-X Skateboard Club Association
- 114.Balkanka Association
- 115.Club of the not-for-profit Organizations in Targovishte Association
- 116.Institute for Community-based Social Services Foundation
- 117.Teach for Bulgaria Foundation
- 118.Health and social development Foundation
- 119.Caritas Sofia Association
- 120.Informal Association
- 121.Institute for Progressive Education Association
- 122.Innovation Association
- 123.Titan Properties Ltd.
- 124.Public Charity Fund – Stara Zagora Foundation
- 125.Data for Good Association
- 126.Gaber Сдружение Габер
- 127.Youth LGBT organization Deystvie Association
- 128.Social Tea House Foundation
- 129.The Cedar Foundation
- 130.Foundation for Social Change and Inclusion
- 131.Institute For Psychosocial And Therapeutical Work With Children And Families Association
- 132.Community Center Future Now – 2006
- 133.Association for shared learning ELA

- 134.Ruse Association for People with disabilities
- 135.Objective Association
- 136.Smokinya Foundation
- 137.PODLEZNO Foundation
- 138.Bulgarian Foundation for Research, Education and Entrepreneurship (BFree)
- 139.National Youth Forum Association
- 140.INCREDA Association
- 141.Community for Causes and Initiatives Association
- 142.Association of the Officers of the Reserve Atlantik
- 143.IGA Fund Foundation
- 144.BIO-B-EKO Association
- 145.Causes Foundation
- 146.Sports Club Ruse Go Association
- 147.Clemency Sliven Foundation
- 148.AEGEE-Sofia Volunteer Organization
- 149.Equilibrium Association
- 150.Academic Foundation for English and American Studies
- 151.Bulgarian Youth Association
- 152.Root Foundation Bulgaria
- 153.Athletics Club Athletic-90 Association
- 154.Artery Association
- 155.Roden Krai Association
- 156.Via Pontica Burgas Association
- 157.Friends of the Sea Club Varna Association
- 158.Bulgarian Helsinki Committe Association
- 159.Protectors Association
- 160.Hope and homes for children-branch Bulgaria
- 161.Re-Act Association
- 162.Association Bike Evolution
- 163.Infinite Opportunities Association
- 164.Education and Services Center Association
- 165.Youth Society for Peace and Development of the Balkans Association
- 166.BOEC (BUOP) – Bulgaria united with one Purpose Association
- 167.Bulgarian Association of people with cancer and other illnesses Life
- 168.Debates Association Bulgaria
- 169.Parallel World Association
- 170.With an Idea for the Future – sports, education, culture Association
- 171.Todor Radulov
- 172.Integro Association
- 173.Bulgarian Association for Family Planning and Sexual Health
- 174.Open Society Institute Foundation
- 175.Equal Partnership Foundation and Bulgarian Internet Social Radio Braille
- 176.Society for Investigation Practices Association
- 177.Ideas Fabric Association
- 178.Future Now Association
- 179.IMKA Association
- 180.Clemency Foundation

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