

By their appointments you will know them

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There are signs already signaling that the new National Assembly will be able to form a majority enough to vote a regular government. It is obvious that Slavi Trifonov's formation is looking for crossing points with other parliamentary groups, after the failed attempt of "There is such a people" to announce a government from the TV and by doing so to press the parties represented in the parliament to sign an empty cheque. In fact, nobody wants another elections – it is not clear at all what the reaction of the voters who supported "There is such a people" will be, if the party does not succeed in forming a government. It is also not clear if GERB and BSP will succeed in stopping the falling down of their electoral mass or if "Democratic Bulgaria" will affirm its growth. Finally, nobody can foresee which one of the parties will be able to overcome the threshold and enter the parliament. The President doesn't have an interest in new elections either despite the fact that the caretaker government has earned broad approval. By the beginning of the fall the parties should have announced their nominees for President and if there are two election campaigns running simultaneously, they will influence each other. It is no coincidence that the President is not hesitant with handing in the mandate right away. However, he cannot postpone endlessly.

Parties should make compromises (not small ones) in order to form a majority. They are united in that mainly by the fact that they do not want preterm elections, but also by the anti-GERB rhetoric. The majority of the voters who supported the four political formations that will in turn support a regular government, will be also willing to accept such collaboration, because they want to see Borissov's party which has captured the state eradicated. Current negotiations are on policies and the negotiators are shying away from questions related to concrete names. We can speculate that an agreement on the names of the ministers will be reached, because there are also deputy ministers, heads of agencies, funds and other administrative positions to fill in. The real test for the parliament though, will come when it starts dealing with the cadre issues related to the independent regulatory and monitoring bodies.

The Bulgarian parliament is responsible for the election (full or partial) of institutions of national importance (single or as collective bodies). They in turn, are responsible for the management and functioning of whole systems, operating with budget money amounting to billions. Usually the heads of these bodies are anonymous and the public learns about them when there is some kind of scandal. One of the recent such scandals is related to "the girl" for "valuable directions" – these are the SMS-es disseminated by Bozhkov which show that the deputy head of the Financial Supervision Commission Maria Filipova has received such valuable directions from the Minister of finance Goranov. The Commission is supposed to be an independent institution. In the 44th parliament the majority formed by GERB and the patriotic formations cemented the leadership at the Commission for Protection of the Competition by prolonging its mandate from 5 to 7 years. The proposal for this came from the head of the Commission – Yulia Nenkova. One can judge on the level of their independence by looking at the change in the statement of the Commission on the deal with CEZ. The mandates of the members of the Commission for Personal Data Protection (CPDP) and the inspectors at the Inspectorate to the Supreme Judicial Council (ISJC) have expired more than a year ago, but they are still there. Some time ago the CPDP showed a completely inadequate reaction when the personal data of millions of Bulgarians was leaked by the National

Revenue Agency. The current composition of the ISJC will remain in the history with its denial to disclose the outcomes from the checkup over the then prosecutor general and his meeting with some businessmen (the so called TZUM gate) as well as with the publication of the personal data of judge Miroslava Todorova who is known for her critical positions. Not to mention the previous management of the Bulgarian National Bank which showed no reaction to the CTB bank saga.

In its cadre decisions, the parliament is making a negative selection. The parties distribute on a quota principle the seats in the collective bodies. Usually they are looking for loyal people who only formally are matching the criteria for the respective position. Therefore, a litmus test for the real majority in the parliament will be the moment when it starts filling in the empty seats in these regulatory bodies. The procedures, which require a qualified majority of 2/3, will be a real challenge as there the votes of MPs from GERB and the MRF will be needed. On the other hand, we might witness different majorities from the ones which could support a regular government. It will depend on the type of the body which membership should be filled in.

Consolidated democracies incorporate some procedural standards which increase transparency, publicity and civic participation when it comes to election of such bodies. On the first place, this is the way, people are nominated. According to the Bulgarian legislation, the parliament possesses the exclusive right to do this through separate MPs or parliamentary groups. This narrows extremely the access to the procedure at its pre-parliamentary phase. Experts from the civic sector, from the academia and from the professional community should be recognized by a political party and when the matter is about magistrates, this might be a dangerous idea. What can be done is to allow for the possibility for self-nomination when the person matches the required criteria and is willing to do so. This can partially solve the problem with the competition, as currently it is common for the parties to suggest the exact number of candidates needed for the respective position. Another mandatory element is the submission of a written concept paper outlining the candidates' vision for the management and development of the respective sector. The concept paper should be public providing enough time for interested parties to make themselves acquainted with the ideas of the candidates. At present only a few laws require such written concept paper, but it can become the basis for a professional debate in the parliament and eventual legislative changes – as part of the election procedure. It turns out that at the moment the procedure to be hired at a call center is more complex than the one for an election of a member of the SJC, for example. In order to restore trust in the parliament, it is crucial to provide opportunity for citizens and civil society organizations to take part in the hearing and the discussion. Many times questions submitted by CSOs and professional organizations were not admitted and asked in order to assure maximum comfort to the candidates and vote for them without any discussions. These are only part of the elements that should be included in the Regulation for the internal organization and activities of the parliament which is currently drafted.

Regardless of the procedural standards implemented, the most important thing remains the genuine desire for integrity and professionalism when it comes to these elections and appointments. Without them, one can always find a way to circumvent even the best possible procedures. The mandates of quite a number of bodies have already expired and the parliament needs to initiate procedures for election of members and/or leadership. The castings for these appointments are yet to be observed, but of one we can be sure – by their appointments we will know who is really pulling the strings in the parliament.