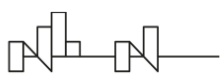


Potential to Improve the Realisation of
Fundamental Rights through Greater Use of the
EU Charter of Fundamental Rights

**ACTION PLAN ON IMPROVING THE
APPLICATION OF THE EU CHARTER AND
CRPD IN THE USE OF EU FUNDS**

Iceland
Liechtenstein
Norway grants



ОМБУДСМАН
НА РЕПУБЛИКА БЪЛГАРИЯ



ACTION PLAN ON IMPROVING THE APPLICATION OF THE EU CHARTER AND CRPD IN THE USE OF EU FUNDS

I. Introduction

EU funds must be spent in line with the Union's fundamental rights. *"Since Bulgaria's accession to the EU, EU funds have become an increasingly important component of public investment in the country. For 2021, they account for around half of capital investment at national level. This share is even higher at local level, where almost all municipal projects are EU-funded."*¹ The EU commits billions of euros to create jobs, economic growth, sustainable development and improve people's lives. To prevent funds being spent in a way that violates fundamental rights, through Regulation (EU) 2021/1060 on the generally applicable provisions,² in 2021 the EU has increased the conditions under which Union funds can be spent with newly introduced *"horizontal enabling conditions"*. These are linked to the EU Charter of Fundamental Rights (EU Charter / Charter) and the UN Convention on the Rights of Persons with Disabilities (CRPD).³ The Charter is the EU's legal framework for human rights. It binds EU institutions and Member States to respect it when they act within the framework of EU law.

This Action Plan has been developed in line with publications developed by experts within [project no. 2018-1-1440 \(6\) 'Supporting National Human Rights Institutions in monitoring fundamental rights and the fundamental rights aspects of the rule of law'](#), funded by EEA and Norway Grants. It seeks to support the implementation of the EU Charter and CRPD in the shared management of eight EU funds in Bulgaria. The action plan draws on recommendations and conclusions from workshops with public authorities, NGOs and local ombudspersons (public mediators) to formulate a proposal for concrete actions and indicators to assess success.

II. Status and Needs Assessment

A. According to national diagnostic workshops with representatives of public authorities, NGOs and local ombudspersons in February 2024, it is necessary:

¹ According to the report "The Role of National Human Rights Institutions in Ensuring Respect for Fundamental Rights in the Use of EU Funds", Centre for the Study of Democracy, March 2024.

² [Regulation \(EU\) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy.](#)

³ According to the report on "EU Funds Ensuring Compliance with EU Fundamental Rights", FRA, December 2023, available in English here: <https://fra.europa.eu/en/publication/2023/eu-funds>.

- To build a reference materials database on the application of the EU Charter of Fundamental Rights and the UN CRPD in public policies, focusing on concrete examples of their scope and applicable law;
- For local ombudspersons to be included in the network of institutions / organisations ensuring the effective use of EU funds in line with the EU Charter and the CRPD;
- Additional training and clear guidance on the functioning of the funds and the application of the EU Charter and the CRPD for both NGOs and public authorities;
- Better publicise the complaints mechanism, especially through the communication component of the EU programmes and the available system of [local information centres](#);
- Make further efforts to increase the capacity of both NGOs and public authorities to implement the Charter and the CRPD;
- Increase knowledge and sensitivity on fundamental rights among experts in the new units coordinating EU funds in Bulgaria within the Ministry of Finance;

B. According to the report "Promising Practices for the Use of the EU Charter of Fundamental Rights - Implementation in Bulgaria" ⁴ of March 2024:

"The effective use of the Charter [and CRPD] depends on a number of favourable preconditions, such as: their good knowledge as part of EU law; investment in continuous training of administrative staff; the introduction of an internal monitoring procedure that takes into account all aspects of the legal framework analysis; fruitful cooperation with human rights NGOs; etc."

C. According to the report "EU Funds: ensuring compliance with EU fundamental rights", ⁵ FRA, December 2024:

FRA Opinion 2: *"Member States should conduct periodic evaluations of fundamental rights issues upfront in the process of implementing EU Funds covered by the Common Provisions Regulation to ensure fundamental rights-relevant thematic targets are met and obligations under the horizontal enabling conditions on the Charter and the CRPD are respected. They should set up indicator frameworks in the programming phase and ensure that relevant fundamental rights data are gathered so that the fundamental rights impact of funded operations can be measured. Member States should consult independent fundamental rights bodies and specialised CSOs on such indicator frameworks."*

FRA Opinion 4: *"Member States should ensure that the officials dealing with programming and implementation of the funds governed by the CPR 21–27, as well as fund beneficiaries, have sufficient expertise, tools and expert advice at their disposal to fulfil the Member States’*

⁴ Available here: <https://www.ombudsman.bg/bg/p/nablyudenie-na-osnovnite-prava-577>.

⁵ The Bulgarian translation is available here: <https://www.ombudsman.bg/bg/p/nablyudenie-na-osnovnite-prava-577>.

obligation to apply the Charter and CRPD correctly, including by ensuring dedicated and focused training."

FRA Opinion 5: *"Member States should provide for avenues that allow officials to easily access specialised fundamental rights expertise, for instance by appointing a fundamental rights focal point or allowing officials to consult independent fundamental rights bodies on specific questions that may arise throughout the programming period or on developing fundamental rights guidance and training. Officials and beneficiaries should have access to practical guidance on fundamental rights issues relevant to them, such as checklists based on the Commission's 2016 'Guidance on ensuring the respect for the Charter of Fundamental Rights of the European Union when implementing the European Structural and Investment Funds.'"*

FRA Opinion 7: *"Member States should, in accordance with international standards, make sure that, when independent fundamental rights bodies are engaged in the preparation, implementation or monitoring and evaluation of EU-funded programmes and operations, including through participation in monitoring committees, they are provided with sufficient and where required additional human, technical and financial resources so that they are able to perform their core tasks and exercise their powers effectively, including at local or regional level."*

FRA Opinion 8: *"Member States and their managing authorities should fully use the potential granted by Articles 36 and 37 of the CPR 21–27 to fund capacity building and additional technical assistance for independent fundamental rights bodies that are included in a partnership in the meaning of Article 8 of the CPR 21–27. Member States should also fully use similar fund-specific technical assistance, such as the assistance on the delivery of employment, education and social inclusion policies provided in Article 9 of the ESF+ Regulation. Such capacity building should include training on the functioning of EU funds and their related procedures."*

FRA Opinion 9: *"Member States should ensure the possibility of an independent review of decisions by fund managers on fundamental rights grounds through transparent and effective complaint mechanisms. Such mechanisms need to be equipped with sufficient expertise and capacity to handle complaints based on fundamental rights."*

"Member States should ensure that prospective complainants are pointed to the right body or bodies to file complaints, including by making relevant information on both complaint bodies and Charter arrangements available on dedicated Fund websites and clearly designating entry points for complaints. They should consult independent fundamental rights bodies when setting up complaint mechanisms. Whenever the Commission is alerted about fundamental rights concerns in the implementation of the funds, it should examine whether the issues are properly resolved at national level. If this is not the case, or if repeated violations occur, the Commission should refuse reimbursement in line with Article 15 CPR."

D. According to the report "The Role of National Human Rights Institutions in Ensuring Respect for Fundamental Rights in the Use of EU Funds", Centre for the Study of Democracy, March 2024:

"In the new period, the trend towards centralisation is even more pronounced, with all responsible bodies at central level appearing to be concentrated within a single ministry. Respect for fundamental rights within this process is therefore even more dependent on the central government's awareness of their importance. The EC seems to be the only body that can influence decisions at the national level. Thus, fundamental rights seem to remain a national priority to the extent that the EC requires and ensures that they are."

"Civil servants need to have a broader mindset and not just focus on rules and regulations, respecting and applying them restrictively, but rather be able to see opportunities and seek synergies so as not to miss the fundamental rights issues arising in each case."

"At the evaluation stage, programmes should include quality assessments from a fundamental rights perspective. Such requirements shall be placed in each programme at the preparation stage. National bodies with competence in the field of human rights may participate in such evaluations or review those already prepared from the position of their competence."

III. Plan

A. Short-term Measures

Aim	Indicator	Target value by date	Source of verification
Complaints mechanism well promoted through the communication component of the EU programmes and the available system of local information centres	Number of communication campaigns conducted (locally) on the complaints mechanism related to fundamental rights in the EU	28 communication campaigns in Bulgaria at the end of 2024	Materials on conducted campaigns published in accessible places and language (incl. electronically)
	Percentage of Bulgarian citizens indicating awareness of the complaints mechanism by May 2025	50% on average in Bulgaria of randomly regionally-diverse respondents indicating awareness of the complaints mechanism by May 2025	Survey results
	Inclusion of local ombudspersons in the network of institutions and organisations promoting the effective use of EU funds in line with the Charter and the CRPD	27 local ombudspersons selected, active and trained in the network of institutions and organisations promoting the effective use of EU funds in line with the Charter and the CRPD by March 2025	List of active local ombudspersons from municipalities' websites and other sources

Additional training on the functioning of the funds and the application of the Charter and the CRPD for public authorities, especially among experts in the new units coordinating EU funds in Bulgaria within the Ministry of Finance	Number of public authorities trained from units participating in a managing authority or monitoring committee of one of the eight EU funds under Regulation (EU) 2021/1060	By December 2024 having trained: <ul style="list-style-type: none"> • All officials in units coordinating EU funds in Bulgaria within the Ministry of Finance and the Council of Ministers; • 5 people each from all 10 directorates of the eight ministries functioning as managing authorities; • 3 persons from each directorate of other ministries, agencies or bodies otherwise involved in the process of managing or monitoring EU funds; 	Minutes and attendance lists of trainings held for representatives of public authorities
	Percentage of trained public authority representatives from units participating in a managing authority or monitoring committee of one of the eight EU Funds under Regulation (EU) 2021/1060 rated their level of preparation for the application of EU Charter and the CRPD in all stages of programme implementation as "satisfactory"	70% of all trained public authority representatives, directly involved in a managing authority or monitoring committee, rate their level of preparedness for the application of EU Charter and CRPD in all phases of programme implementation as "satisfactory"	Survey results of trained public authorities representatives
Additional training on the functioning of EU funds and the application of the Charter and the CRPD for NGOs	Number of trained civil society representatives participating in a monitoring committee of one of the eight EU funds under Regulation (EU) 2021/1060	As of December 2024 having trained: <ul style="list-style-type: none"> • 2 people from CSOs participating in a monitoring committee of one of the eight EU funds under Regulation (EU) 2021/1060; • 30 people from other fundamental rights CSOs, whose organisations are not directly involved in the management or monitoring of EU funds; 	Minutes and attendance lists of trainings held for public authorities representatives

	Percentage of trained representatives of public authorities from units involved in a managing authority or monitoring committee of one of the eight EU funds under Regulation (EU) 2021/1060 rated their level of preparation for the application of the Charter and the CRPD in all stages of programme implementation as 'satisfactory'	70% of all trained representatives of civil society organisations, rate their level of preparation for the application of the EU Charter and the CRPD in all stages of programme implementation as "satisfactory"	Results of surveys of trained CSO representatives
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B. Mid-term measures

Aim	Indicator	Target value by date	Source of verification
Review of the effectiveness of Guidelines for the implementation of the EU Charter and its annexes (to Order No. B-105 of 19.07.2022 ⁶) with the participation of the NHRIs and NGOs	Number of NHRIs and NGOs involved in a public, inclusive and accessible process of revision of the Guidelines for the implementation of the EU Charter of Fundamental Rights and their annexes at national level	All NHRIs in the country and with 4 different NGOs represented in the monitoring committee of each programme in the EU Funds under Regulation (EU) 2021/1060 have been involved in a public, inclusive and accessible process of revision of the Guidelines	Protocols and attendance lists of the hybrid process of revision of the Guidelines
	Percentage of recommendations made by NHRIs and NGOs in a public, inclusive and accessible process have been incorporated into the new Guidelines for the implementation of the EU Charter and their annexes	70% of the recommendations made in the consultative process for the revision of the Guidelines have been adopted	Protocols and attendance lists from the hybrid process for the revision of the Guidelines

⁶ Available in Bulgarian here: <https://www.eufunds.bg/bg/node/8223>.

Fully utilising the potential of Articles 36 and 37 of the ROP 21-27 and fund-specific technical assistance to finance capacity building activities and additional technical assistance on the functioning of EU funds and related procedures for public administrations, NGOs and independent fundamental rights bodies ⁷	Number of trainings on the application of the EU Charter and the CRPD conducted under the Technical Assistance Fund for representatives of public authorities, NHRIs and NGOs	10 trainings conducted by March 2026 with at least 150 participants in total	Minutes and attendance lists from the hybrid guideline revision process
	Percentage of representatives trained through the Technical Assistance Fund on the application of the Charter and the CRPD rating their ability to apply the Charter and the CRPD in all stages of programme implementation as "satisfactory"	70% of all those trained rating their ability to apply the Charter and the CRPD in all stages of implementation of the specific programme as "satisfactory"	Survey results of those trained
	Number of trainings on the application of the EU Charter and CRPD conducted under the technical assistance financial line specific to each EU fund for public authorities, NHRIs and NGOs	2 trainings per EU fund conducted by September 2026 with at least 10 participants in total	Minutes and attendance lists from the hybrid guideline revision process conducted
	Percentage of representatives trained through the fund-specific technical assistance window on the application of the Charter and the CRPD rating their ability to apply the Charter and the CRPD in all stages of programme implementation as "satisfactory"	70% of all trainees rating their ability to apply the Charter and the CRPD in all stages of programme-specific implementation as "satisfactory"	Survey results of those trained

⁷ Included in *partnerships* within the meaning of Article 8 of ROP 2021-2027.

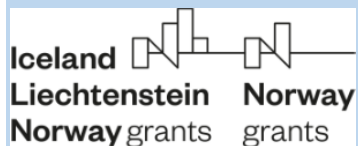
C. Long-term measures

Aim	Indicator	Target value by date	Source of verification
Indicators in place at the programming stage to ensure that data related to fundamental rights is collected to track the impact of funded operations on fundamental rights	Availability of qualitative and quantitative information by percentage of project proposals reflecting measures planned to mitigate the potential negative impact of the proposed project on fundamental rights	Qualitative and quantitative information available in 100% of approved project proposals as of December 2029	Reports from competent authorities
Availability of sustainable, operational, transparent and effective complaint mechanism(s)	Percentage of beneficiary and NGO representatives of each programme rating their awareness of making a complaint about fundamental rights in EU funds as 'satisfactory'	80% of beneficiary and NGO representatives surveyed rating their awareness of making a complaint about fundamental rights in EU funds as 'satisfactory'	Results of beneficiary and NGO representatives surveys
	Number of complaints handled and reported to the monitoring committee of each operational programme for the period 2021-2027	At least 5 complaints for each operational programme for the period 2021-2027 as of December 2029	Reports of the managing authority and monitoring committee of each operational programme
In-depth and periodic assessments of fundamental rights issues in the implementation process of EU funds covered by the CPR, to ensure that the thematic objectives relevant to	Number of evaluations carried out by public authorities	A minimum of 2 evaluations per programme by January 2028 - one interim and one final	Evaluation reports and protocols carried out by public authorities

fundamental rights are achieved and obligations under the horizontal triggers on the EU Charter and the CRPD are met	Number of evaluations carried out by independent external auditors	Minimum of 2 evaluations per programme by January 2028 - one interim and one final	Evaluation reports and protocols from independent external auditors
Results of in-depth and periodic evaluations carried out on fundamental rights issues in the implementation process of EU funds covered by Regulation (EU) 2021/1060 applied to ensure that the thematic objectives relevant to fundamental rights are achieved and obligations under the horizontal triggers on the EU Charter and the CRPD are met	Percentage of recommendations from in-depth and periodic evaluations of fundamental rights issues in the implementation process of the EU funds 2021-2027 reflected in the 2027-2033 programme documents	60% of recommendations collected reflected in the Bulgaria-EU Partnership Agreement, in the plans of all funds, and in the documents governing the functioning of the governing bodies and monitoring committees for the programming period 2027-2033	The Bulgaria-EU Partnership Agreement, in the plans of all Funds, and in the documents governing the functioning of the management bodies and monitoring committees for the 2027-2033 programming period
Consultation with independent fundamental rights bodies and specialised civil society organisations on fundamental rights indicators for proper implementation against the State's obligations under the horizontal enabling conditions for the Charter and the CRPD	Number of consultations with independent fundamental rights bodies and specialised CSOs on the indicators under the horizontal enabling conditions for the Charter and the CRPD	20 consultations by December 2028	Minutes or other records, including correspondence, of consultations held

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