

About this application form

This form is a formal legal document and may affect your rights and obligations. Please follow the instructions given in the "Notes for filling in the application form". Make sure you fill in all the fields applicable to your situation and provide all relevant documents.

Warning: If your application is incomplete, it will not be accepted (see Rule 47 of the Rules of Court). Please note in particular that Rule 47 § 2 (a) requires that a concise statement of facts, complaints and information about compliance with the admissibility criteria **MUST** be on the relevant parts of the application form itself. The completed form should enable the Court to determine the nature and scope of the application without recourse to any other submissions.

Barcode label

If you have already received a sheet of barcode labels from the European Court of Human Rights, please place one barcode label in the box below.

Reference number

If you already have a reference number from the Court in relation to these complaints, please indicate it in the box below.

A. The applicant

A.1. Individual

This section refers to applicants who are individual persons only. If the applicant is an organisation, please go to section A.2.

1. Surname

2. First name(s)

3. Date of birth

D	D	M	M	Y	Y	V	V

e.g. 31/12/1960

4. Place of birth

5. Nationality

6. Address

7. Telephone (including international dialling code)

8. Email (if any)

9. Sex

☐ male

☐ female

A.2. Organisation

This section should only be filled in where the applicant is a company, NGO, association or other legal entity. In this case, please also fill in section D.1.

10. Name

ANTI-CORRUPTION FUND FOUNDATION

11. Identification number (if any)

177101397

12. Date of registration or incorporation (if any)

2	7	1	0	2	0	1	6
D	D	M	M	Y	Y	Y	Y

e.g. 27/09/2012

13. Activity

Anti-corruption Watchdog

14. Registered address

Knyaz Boris Str. 71, fl. 2
Sofia, 1000
Bulgaria

15. Telephone (including international dialling code)

+359 29079700

16. Email

acf@acf.bg

B. State(s) against which the application is directed

17. Tick the name(s) of the State(s) against which the application is directed.

- | | |
|---|--|
| ☐ ALB - Albania | ☐ ITA - Italy |
| ☐ AND - Andorra | ☐ LIE - Liechtenstein |
| ☐ ARM - Armenia | ☐ LTU - Lithuania |
| ☐ AUT - Austria | ☐ LUX - Luxembourg |
| ☐ AZE - Azerbaijan | ☐ LVA - Latvia |
| ☐ BEL - Belgium | ☐ MCO - Monaco |
| ☒ BGR - Bulgaria | ☐ MDA - Republic of Moldova |
| ☐ BIH - Bosnia and Herzegovina | ☐ MKD - North Macedonia |
| ☐ CHE - Switzerland | ☐ MLT - Malta |
| ☐ CYP - Cyprus | ☐ MNE - Montenegro |
| ☐ CZE - Czech Republic | ☐ NLD - Netherlands |
| ☐ DEU - Germany | ☐ NOR - Norway |
| ☐ DNK - Denmark | ☐ POL - Poland |
| ☐ ESP - Spain | ☐ PRT - Portugal |
| ☐ EST - Estonia | ☐ ROU - Romania |
| ☐ FIN - Finland | ☐ RUS - Russian Federation* |
| ☐ FRA - France | ☐ SMR - San Marino |
| ☐ GBR - United Kingdom | ☐ SRB - Serbia |
| ☐ GEO - Georgia | ☐ SVK - Slovak Republic |
| ☐ GRC - Greece | ☐ SVN - Slovenia |
| ☐ HRV - Croatia | ☐ SWE - Sweden |
| ☐ HUN - Hungary | ☐ TUR - Türkiye |
| ☐ IRL - Ireland | ☐ UKR - Ukraine |
| ☐ ISL - Iceland | |

* On 16 September 2022 the Russian Federation ceased to be a Party to the European Convention on Human Rights.

C. Representative(s) of the individual applicant

An individual applicant does not have to be represented by a lawyer at this stage. If the applicant is not represented please go to section E.

Where the application is lodged on behalf of an individual applicant by a non-lawyer (e.g. a relative, friend or guardian), the non-lawyer must fill in section C.1; if it is lodged by a lawyer, the lawyer must fill in section C.2. In both situations section C.3 must be completed.

C.1. Non-lawyer

18. Capacity/relationship/function

19. Surname

20. First name(s)

21. Nationality

22. Address

23. Telephone (including international dialling code)

24. Fax

25. Email

C.2. Lawyer

26. Surname

27. First name(s)

28. Nationality

29. Address

30. Telephone (including international dialling code)

31. Fax

32. Email

C.3. Authority

The applicant must authorise any representative to act on his or her behalf by signing the first box below; the designated representative must indicate his or her acceptance by signing the second box below.

I hereby authorise the person indicated above to represent me in the proceedings before the European Court of Human Rights concerning my application lodged under Article 34 of the Convention.

33. Signature of applicant

34. Date

e.g. 27/09/2015

D D M M Y Y Y Y

I hereby agree to represent the applicant in the proceedings before the European Court of Human Rights concerning the application lodged under Article 34 of the Convention.

35. Signature of representative

36. Date

e.g. 27/09/2015

D D M M Y Y Y Y

Electronic communication between the representative and the Court

37. Email address for eComms account (if the representative already uses eComms, please provide the existing eComms account email address)

By completing this field you agree to using the eComms system.

D. Representative(s) of the applicant organisation

Where the applicant is an organisation, it must be represented before the Court by a person entitled to act on its behalf and in its name (e.g. a duly authorised director or official). The details of the representative must be set out in section D.1.

If the representative instructs a lawyer to plead on behalf of the organisation, both D.2 and D.3 must also be completed.

D.1. Organisation official

38. Capacity/relationship/function (please provide proof)

Director

39. Surname

Stankushev

40. First name(s)

Boyko

41. Nationality

Bulgarian

42. Address

Knyaz Boris Str. 71, fl. 2
Sofia, 1000
Bulgaria

43. Telephone (including international dialling code)

+359 8

44. Fax

45. Email

acf@acf.bg

D.2. Lawyer

46. Surname

Georgieva Mateeva

47. First name(s)

Lora

48. Nationality

Bulgarian

49. Address

Knyaz Boris Str. 71, fl. 2
Sofia, 1000
Bulgaria

50. Telephone (including international dialling code)

+359

51. Fax

52. Email

georgieva@acf.bg

D.3. Authority

The representative of the applicant organisation must authorise any lawyer to act on its behalf by signing the first box below; the lawyer must indicate his or her acceptance by signing the second box below.

I hereby authorise the person indicated in section D.2 above to represent the organisation in the proceedings before the European Court of Human Rights concerning the application lodged under Article 34 of the Convention.

53. Signature of organisation official

54. Date

1 7 0 8 2 0 2 3 e.g. 27/09/2015
D D M M Y Y Y Y

I hereby agree to represent the organisation in the proceedings before the European Court of Human Rights concerning the application lodged under Article 34 of the Convention.

55. Signature of lawyer

56. Date

1 7 0 8 2 0 2 3 e.g. 27/09/2015
D D M M Y Y Y Y

Electronic communication between the representative and the Court

57. Email address for eComms account (if the representative already uses eComms, please provide the existing eComms account email address)

georgieva@acf.bg

By completing this field you agree to using the eComms system.

Subject matter of the application

All the information concerning the facts, complaints and compliance with the requirements of exhaustion of domestic remedies and the four-month time-limit laid down in Article 35 § 1 of the Convention must be set out in this part of the application form (sections E, F and G). It is not acceptable to leave these sections blank or simply to refer to attached sheets. See Rule 47 § 2 and the Practice Direction on the Institution of proceedings as well as the "Notes for filling in the application form".

E. Statement of the facts

58.

The Anticorruption Fund Foundation (ACF) is a civic, expert organization, established in 2016. The main objective of the organization is to "build an effective civic model through a sectoral anticorruption strategy to prevent, identify and counter corruption and abuse of power in the Republic of Bulgaria" (Attachment 1). ACF approach includes both investigations of alleged corruption, conflict of interest and other abuse of power, on one side and analytical work and advocacy efforts, on the other side, including strategic litigation on cases of public interest. ACF's investigations concentrate on cases of alleged malpractice within all three branches of government, on both the central and local level. Such investigations include the Eight dwarves (Attachment 4), which is familiar to this Court through the application of Yavor Zlatanov; and the List of Quick Control (Attachment 5), which has also reached this Court via the application of Ivayla Bakalova and Veselin Denkov. The activities of the ACF also include the preparation of an Annual Anti-Corruption Monitoring Report, as part of the organization's advocacy efforts. The report is issued since 2019 and includes analysis of the work of the anticorruption institutions with regards to high level corruption in Bulgaria, namely the Prosecutor's Office and the Commission for Anti-corruption and the Forfeiture of Illegally Acquired Property (CAFIAP, the Commission).

CAFIAP was created in 2018 with the adoption of the new Anti-corruption and Forfeiture of Illegally Acquired Property Act (AFIAPA). CAFIAP possesses a wide range of powers connected to establishing conflict of interests for senior public office holders, identification and the forfeiture of unlawfully acquired assets and prevention of corruption. The results from the conflict-of-interest proceedings are published on the CAFIAP's website. The decisions on establishing conflict of interest have been the subject of heavy criticism by numerous lawyers, CSOs, politicians and journalists for their arbitrariness and conflicting interpretation and application of the law (Attachment 24).

However, since its creation the Commission continuously denies publishing any information about its other activities. This complete information blackout includes the proceedings related to the identification and forfeiture of unlawfully acquired assets, which constitute the largest part of the Commission's activities. CAFIAP's decisions on this matter are of great importance, as they become the basis of judicial proceedings against the people who have allegedly acquired assets illegally. The forfeiture proceedings have also been heavily criticized by prominent lawyers, both in terms of legal grounds (i.e. procedure, as per the AFIAPA), as well as in terms of actual legal application of the law by the Commission (Attachment 2). Accordingly, it is vital to determine the following: if the Commission has set in stone sufficient safeguards for the rights of the accused; if the Commission has an objective methodology for determining which assets are illegally acquired and; if the decisions of the Commission are duly and sufficiently reasoned. However, due to the lack of transparency of the Commission's decisions on identification and forfeiture of unlawfully acquired assets, it is hard to analyze the CAFIAP's work and to determine whether there are any gaps or arbitrary tendencies in its methodology and procedures.

In an attempt to remedy this lack of transparency, ACF submitted an application for access to public information on 29.04.2022 (Attachment 6), pursuant to the Access to Public Information Act (APIA). In the application ACF requested the CAFIAP to provide access to its decisions for filing a claim for forfeiture to the state of illegally acquired property (issued as per Art. 140 (2), 2. AFIAPA), issued in the period 23.01.2018 to 31.12.2021.

On 15.05.2022 the Chairman of the CAFIAP issued a decision, refusing to provide access to the requested public information (Attachment 7). The reasoning for this refusal was that the requested information was classified and that it contained personal data, protected by the General Data Protection Regulation (GDPR).

ACF appealed the CAFIAP's decision before the Administrative Court - Sofia-city (ACSC), pursuant to the APIA and the Administrative Procedure Code (APC). In the appeal (Attachment 8) ACF argued that, first, the requested information could not be considered classified as per Art. 19 AFIAPA, as this provision protects only the information, handled by the Commission during the investigation phase, so as not to endanger the effectiveness of the investigation. However, the information requested by the ACF is the result of the investigations, which result is then sent to the respective court as part of the forfeiture procedure. Second, ACF claimed that the Commission is abusing GDPR – based arguments, aiming to hide the argumentation behind its decisions to initiate or not forfeiture proceedings and is thus barring access to the

Statement of the facts (continued)

59.

work product of the Commission, which is contrary to the right to access to public information on the activities of state organs and agencies. Moreover, once the case goes to court, the proceedings are public and all personal data (name, personal number, identification of seized property) is published in full by the court in State Gazzette (Attachment 3).

As part of the court proceedings, the CAFIAP presented an order of the chairperson of the Commission from 2018 (Attachment 9), according to which all information gathered within the identification of the origin of the property and forfeiture of unlawfully acquired assets procedure, including the decision to start court proceedings for forfeiture is to be considered classified. In a written statement to the Court ACF, (Attachment 10), ACF argued that: 1) according to the Protection of Classified Information Act, the period for the protection of information designated as classified is 6 months; a period which has long passed, given that the ACF's request for access to information is from April 2022 and the Order - from 2018; 2) the Order in question violates Art. 26 (1) of the Protection of Classified Information Act, as it classifies all the information within the forfeiture procedure, regardless if the legal requirements for information classification are met or not; 3) the full and indefinite prohibition of access to all the forfeiture proceedings information leads to serious infringement and practically deprives the society of its right to access to public information, allowing the society to form an opinion on how the Commission, being a state body is handling their activities.

On 14.11.2022 the ACSC rendered its judgment (Attachment 11). The court agreed with ACF's arguments and found that the requested information does not fulfil the criteria for being classified information, pursuant to the Protection of Classified Information Act, and is indeed of public character. The ACSC declared further that in case there is an issue with GDPR the CAFIAP could provide the requested information after deleting the personal details, wherever necessary to comply with GDPR. Furthermore, the court held that the right to data protection is not an absolute one, but it must be examined in light of the right to access to public information. The ACSC concluded that the requested information is indeed public and there is no lawful reason for the Commission to refuse access to it. Furthermore, access should be provided even in cases of lack of content of affected parties (Art. 37 (1) (2) APIA), due to "prevailing public interest" of information provision (Art.6 Additional Provisions APIA). With that, the court revoked the appealed decision for denial of access to public information and sent the matter back to CAFIAP for reconsideration within 14-day deadline in line with the binding court instructions on interpreting and implementation of the law. As this is a one-instance proceeding, the ACSC judgment is final and is subject to enforcement.

On 30.11.2022 ACF received a decision by CAFIAP as of 28.11.2022 (Attachment 12) for suspending administrative proceedings on providing access to the information as per the ACSC judgment. CAFIAP claimed they would not execute the ACSC judgment. Instead, they suspended judgement execution, as they have commenced court proceedings, aiming to annul said judgment (Attachment 16). ACF was constituted as a party to these proceedings. CAFIAP, in their application, argued that the judgment in question was not understandable and was not feasible to execute. The Commission further claimed that ACF had requested the information aiming not to form an opinion about the work of CAFIAP but aiming to obtain personal information about the people under investigation. The court of first instance, namely ACSC, rendered its decision on 22.03.2023 (Attachment 17), in which the Court dismisses CAFIAP's application. The court's reasoning was that the arguments submitted by CAFIAP do not constitute legal grounds for annulment of court judgment.

CAFIAP appealed the judgment of 22.03.2023 before the Supreme Administrative Court (SAC) (Attachment 18). ACF, in its reply to the Commission's application (Attachment 19) argued that the application is submitted by the Deputy-Chair of the Commission, who is not authorized to participate in legal disputes on behalf of the Commission. The CAFIAP does not have a Chair as of 02.02.2022 after the resignation of the former Chair Sotir Tsatsarov. Since then, the National Assembly has not chosen a new chairperson in his stead. Furthermore, ACF argued that the judgment of 14.11.2022 has in fact entered into force and consequently the issued writ of execution is a valid document. Those proceedings are currently pending before SAC.

A writ of execution of 21.12.22 (Attachment 20) of the ACSC judgement of 14.11.2022 was issued after a request by the ACF. CAFIAP appealed the writ of execution on 24.03.2023 (Attachment 21) and separate proceedings were instituted for this matter before SAC. Those proceedings are pending.

In January 2023 the ACF commenced proceedings for establishing an administrative offence (Attachment 22) before the Chairperson of the ACSC. In its request, ACF argued that by suspending the administrative proceedings for providing access to information the members of the Commission did not comply with the final and binding court judgment as of 14.11.2022

Statement of the facts (continued)

60.

and have therefore violated Art. 304 of the Administrative Procedural Code. The Chair of ACSC issued a Court Order on 15.02.2023 (Attachment 23), which dismissed ACF's request on the grounds that there is no administrative offence committed by the respective Commission members, as there are a pending annulment proceedings of the judgment in question.

In the meantime, on 14.12.2022 ACF appealed before ACSC the CAFIAP's decision as of 28.11.2022 (s.a. Attachment 12) for suspending administrative proceedings. In the appeal (Attachment 13), ACF argued that, according to Art. 54(1)(5) APC suspending administrative proceedings is possible only upon presentation of a certificate of pending proceedings. In this case CAFIAP has suspended the administrative proceedings on the same day it sent out its application for annulment of the judgment from 14.11.2022. That is further proof that CAFIAP is just attempting to avoid executing a judgment, which has already entered into force, and restrict the access to information of ACF. Additionally, ACF submitted that proceedings regarding the APIA only have one instance and appeal before the SAC is not envisaged by APIA, which is *lex specialis* to APC.

The main argument ACF submitted was that the mere fact of initiating annulment proceeding does not have the effect of preventing the execution of a final, executable court decision, as it is only the court that can pronounce annulment and until annulled by a final court decision the decision claimed to be null is valid and subject to execution. Accepting the opposite would be in violation of the principals of the Bulgarian Administrative Procedural Code as it would allow every administration to easily avoid timely execution of a final court decision by merely starting an annulment procedure that would go on two court instances. Thus, the suspending the administrative proceedings for providing access to public information and the consequent initiated annulment proceedings are means for CAFIAP to abuse procedural opportunities aimed at limiting access to public information concerning the largest part of the Commission's work.

Nevertheless, the ACSC in its decision of 27.01.2022 (Attachment 14) dismissed the ACF's application on the grounds that even though the CAFIAP did not strictly follow the procedure for suspension of administrative proceedings, their application for annulment of the judgment of 14.11.2022 does have preliminary nature over the administrative proceedings for providing access to public information. ACF appealed the court's decision of 27.01.2023 before SAC. SAC in its decision of 19.04.2023 (Attachment 15) ruled that the decision of the first-instance court is correct and that the administrative proceedings were lawfully suspended pending the proceedings for the annulment of the judgment of 14.11.2022. With this decision the right to access to public information of ACF was further restricted and denied, as the main reason CAFIAP continues with the annulment proceedings is to avoid the timely provision of information about the way it exercises its powers on identification and forfeiture of unlawfully acquired assets.

F. Statement of alleged violation(s) of the Convention and/or Protocols and relevant arguments

61. Article invoked	Explanation
Art. 10 ECHR	The issue at hand is the CAFIAP's refusal to provide access to information (namely decisions for filing a claim for forfeiture to the state of illegally acquired property, issued in the period 23.01.2018 to 31.12.2021). The Court has accepted the following criteria, which ought to be assessed on a case-by-case basis, to determine if there has been a violation of the applicant's freedom-to-expression rights. These criteria are: the purpose of the information request; the nature of the information sought; the role of the applicant; and the availability of the information (<i>Magyar Helsinki Bizottság v. Hungary</i>, § 157). The purpose of the information request in the current case is for the ACF to form an opinion on the Commission's work on forfeiture of illegally acquired property. This information would have then been used to inform the public on the Commission's efforts (via the Annual Monitoring Report) and would have been the basis of advocacy efforts in order to ensure the fairness and legality of the procedures for forfeiture to the state of illegally acquired property. In short, the information requested is essential for the work of the ACF and is of great public interest. The requested information is of a public nature. This fact was also considered and declared in the national judicial decisions (see e.g., Judgment 6774 from 14.11.2022 of ACSC (Attachment 11). The information sought has to do with issues that the public would have an interest in being informed about, as they concern the heart of the CAFIAP work. The next requirement is the role of the applicant: ACF is an CSO acknowledged for its investigative and advocacy work in the combat against corruption. In that regard the organization's activities are related to matters of public interest. ACF's analyses and expertise are highly valued both by members of the community and the political scene. Having access to the requested decisions would allow ACF to analyze them and share their expert opinion on the quality of work of the Commission and thus contribute to the public debate on an issue of public interest. The last requirement, namely the availability of the information: CAFIAP has the requested information available, as it is the entity which has produced the requested decisions. Indeed, the ACF has requested a series of decisions and not one document, however, the arguments put forward by the CAFIAP, which referred to the difficulties involved in gathering the relevant materials and complying with the rules of GDPR, are unreasonable (<i>Österreichische Vereinigung zur Erhaltung, Stärkung und Schaffung v. Austria</i>, § 46). As in the cited case, the CAFIAP's alleged difficulties are to a large extent of its own making and resulted from its own choice not to publish any of its decisions on forfeiture of illegally acquired property. Furthermore, compliance with the rules of GDPR is also not at issue, as the personal data of the people, against which the claims in question were filed could be hidden even though they are published in the State Gazette. Based on the above arguments, ACF submits that the refusal of CAFIAP to provide access to decisions for filing a claim for forfeiture to the state of illegally acquired property, issued in the period 23.01.2018 to 31.12.2021 violates Art. 10 ECHR.
Art. 13 ECHR	ACF is presenting two arguments regarding the violation of Art. 13 ECHR. Firstly, ACF submits that the suspension of administrative proceedings and the proceedings, started by the CAFIAP after the ACSC judgment of 14.11.2022 unjustifiably hinder the right to an effective remedy, which was exercised by the ACF during the appeal process for refusal of access to information. Secondly, ACF submits that the remedy, received with the ACSC judgment of 14.11.2022, was not enforced by the competent authorities, which also violates Art. 13 ECHR. The right, enshrined in Art 13 ECHR has three elements: an arguable claim, national authority, and an effective remedy. The first element, the arguable claim, is common for both arguments presented by the applicant - namely a claim for the violation of Art. 10,

Statement of alleged violation(s) of the Convention and/or Protocols and relevant arguments (continued)

62. Article invoked	Explanation manifested in the CAFIAP's refusal to provide access to public information. The other two criteria will be examined separately in the presentation of the respective argument. Regarding the first argument, the national authority about whose actions the ACF is alleging a violation of Art. 13, is the CAFIAP. The third element of Art. 13 is an effective remedy. For the purposes of this argument, the effective remedy is the appeal proceedings after a state organ has refused to provide access to public information. Normally, the appeal proceedings within APIA are with only one instance, and after the relevant court issues a judgment, it is final and must be executed promptly. In the current case, however, the CAFIAP essentially refused to execute the judgment and instead started annulment proceedings for the sole purpose of circumventing providing access to its decisions. In the constant practice of the Court, the exercise of the remedy must not be unjustifiably hindered by acts or omissions of the respondent State (<i>Aksoy v. Turkey</i>, 1996, § 95 in fine; <i>Aydın v. Turkey</i>, 1997, § 103; <i>Paul and Audrey Edwards v. the United Kingdom</i>, 2002, § 96). In the present case the CAFIAP actively hinders the access to remedy of ACF by suspension of administrative proceedings and instituting annulment proceedings. Even after the Court of First instance issued a judgment dismissing their claim for the annulment of the ACSC judgment of 14.11.2022, the Commission appealed this decision. This delay serves only one purpose - to discourage ACF and other organizations from inquiring about CAFIAP's work. That is why the Commission's actions violate the ACF's right under Art. 13 ECHR. Regarding the second argument, the national authority about whose actions the ACF is alleging a violation of Art. 13 ECHR, is the ACSC. For the purposes of this argument, the effective remedy is the possibility to appeal the suspension of administrative proceedings, CAFIAP undertook instead of executing the ACSC judgment of 14.11.2022. The constant practice of the Court has found that the obligation of States under Article 13 ECHR encompasses a duty to ensure that the competent authorities enforce remedies when granted. The contrary would lead to situations incompatible with the principle of the rule of law. During the proceedings in question, the ACF attempted to incentivize the ACSC to oblige the CAFIAP into executing the ACSC judgment of 14.11.2022. The ACSC, however, refused to do so with the argument that annulment proceedings were pending at that time. The court did not consider the ulterior motive of the CAFIAP in starting the annulment proceedings, neither did it consider the legislative reasons for having only one-instance proceedings for cases concerning access to information. This action by the ACSC made the proceedings for cases concerning access to information practically useless and sent a signal to every state or municipal organ that they could refuse to comply with judicial rulings and there would not be any negative consequences for them. Moreover, it showed that the administration could start annulment proceedings for every judgment that is not in their favor, which could potentially paralyze for months or even years the proceedings against them, violating during this time the rights under the ECHR. Thus, by not obliging the CAFIAP to timely execute the ACSC judgment of 14.11.2022, the court failed to fulfil its duty to ensure that a remedy is effective not only in theory, but in practice as well (<i>Menteş and Others v. Turkey</i>, 1997, § 89; <i>İlhan v. Turkey</i>, 2000, § 97) and has therefore violated Art. 13 ECHR.
Art. 18 in conj. with Art. 10 and Art. 13 ECHR	The ACF submits that the CAFIAP refused to provide access to the requested information and subsequently suspended the administrative proceedings for execution of the ACSC judgment of 14.11.2022 with an ulterior motive. CAFIAP initially claimed the requested information is classified information. After the ACSC ruled that the information was public, CAFIAP initiated annulment proceedings with the argument that the judgment was not understandable and not feasible to execute. The ulterior motive of CAFIAP is their wish to hide their work on the controversial topic of forfeiture of illegally acquired property. The CAFIAP wants to hide from the public the fact that their decisions lack methodology for identifying illegally acquired property and that they lack proper reasoning.

- Please ensure that the information you include here does not exceed the space provided -

G. Compliance with admissibility criteria laid down in Article 35 § 1 of the Convention

For each complaint, please confirm that you have used the available effective remedies in the country concerned, including appeals, and also indicate the date when the final decision at domestic level was delivered and received, to show that you have complied with the four-month time-limit.

63. Complaint	Information about remedies used and the date of the final decision
Art. 10, Art. 13, Art 18 + Art. 10 and 13 ECHR	ACF appealed the refusal for providing access to public information before the ACSC, which rendered a final and binding decision on 14.11.2022. In its decision, the court pronounced unlawful both the denial of the Commission to provide access to public information, as well as the making of all forfeiture related documentation secret. Thus, the court instructed the Respondent, the CAFIAP, to renew the administrative proceedings for providing access to public information and to provide access as per the binding instructions of the court on interpreting and implementation of the law. Namely, the court instructed CAFIAP to provide access to the requested public information, being such of prevailing public interest, where personal data could be deleted as per CAFIAP own judgement. CAFIAP, however, suspended the administrative proceedings on 28.11.2022. ACF appealed the suspension before the ACSC. The first instance judgment was rendered on 27.01.2023. ACF appealed this judgment before the SAC. The final judgment by SAC was given on 19.04.2023. Since 19.04.2023 ACF has exhausted all national law available remedies to ensure timely and duly protection of the right of access to public information as per Art.10 of ECHR. The annulment proceedings for the judgment of 14.11.2022 were initiated by the CAFIAP and not by the ACF. Those proceedings represent a form of abuse of process and therefore cannot be considered as remedies for the purpose of the current application. That is why the date of the final decision relevant for the start of the 4-month period as per Article 35 § 1 of the Convention is 19.04.2023.

- Please ensure that the information you include here does not exceed the space provided -

☐ Yes

65. If you answered Yes above, please state which appeal or remedy you have not used and explain why not

66. Have you raised any of these complaints in another procedure of international investigation or settlement?

☐ Yes

67. If you answered Yes above, please give a concise summary of the procedure (complaints submitted, name of the international body and date and nature of any decisions given)

☐ Yes

69. If you answered Yes above, please write the relevant application number(s) in the box below

[illegible]

I. List of accompanying documents

You should enclose full and legible *copies* of all documents. No documents will be returned to you. It is thus in your interests to submit copies, not originals. You MUST:

- arrange the documents in order by date and by set of proceedings;
- number the pages consecutively; and
- NOT staple, bind or tape the documents.

70. In the box below, please list the documents in chronological order with a concise description. Indicate the page number at which each document may be found

1.	Act of Incorporation of ACF (updated on 15.08.2018)	p. 1
2.	Article "Civil forfeiture is state arbitrariness against which no one is protected" by atty. Georgi Atanasov from March 2021	p. 8
3.	Excerpt of State Gazette № 86 from 06.10.2020	p. 16
4.	Case brief: "THE EIGHT DWARFS": The facts, legal analysis, conclusions, and appeals to the institutions	p. 23
5.	Article "ACF's "List of Quick Control" investigation also reached the Strasbourg Court" by the ACF team from July 2022	p. 39
6.	ACF's Application for access to public information from 29.04.2022 (CAFIAP's entry number DOI-9/29.04.2022)	p. 41
7.	Decision DOI-9#3 of CAFIAP from 15.05.2022 for refusing access to public information	p. 42
8.	Appeal of ACF on 23.05.2022 against CAFIAP's Decision DOI-9#3 from 15.05.2022 for refusing access to public information	p. 45
9.	Order by the Chairperson of the CAFIAP from 05.12.2018 for a list of the categories of information categorized as classified information in the field of activity of the Commission	p. 49
10.	Statement by ACF to ACSC from 2.11.2022 regarding the Order by the Chairperson of the CAFIAP from 05.12.2018 during the proceedings for case 4853/2022	p. 51
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Do you have any other comments about your application?

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I hereby declare that, to the best of my knowledge and belief, the information I have given in the present application form is correct.

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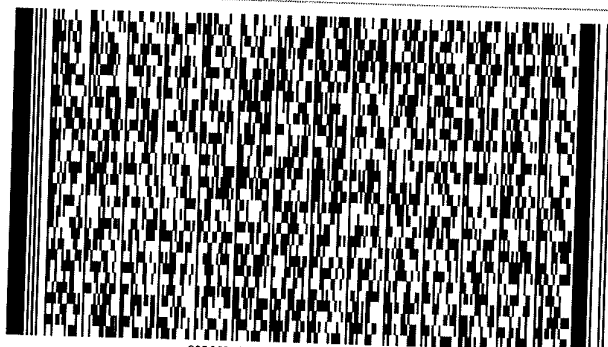
The applicant(s) or the applicant's representative(s) must sign in the box below.

Applicant(s) ☒ Representative(s) - tick as appropriate

If there is more than one applicant or more than one representative, please give the name and address of the one person with whom the Court will correspond. Where the applicant is represented, the Court will correspond only with the representative (lawyer or non-lawyer).

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