



CERHA HEMPEL CEE NEWSLETTER *Bulgaria*

Bulgarian Whistleblower Protection Act

The Bulgarian Whistleblower Protection Act (the “Act”) was adopted in January 2023. The Act transposes into Bulgarian law the EU Whistleblower Directive (Directive (EU) 2019/1937 on the protection of persons who report breaches of Union law) (the “Directive”). The Act will enter into force on 3 May 2023. Companies with between 50 and 249 employees will be required to establish internal reporting channels as of 17 December 2023.

The Act imposes on legal entities with 50 or more employees, among others, an obligation to establish internal reporting channels for whistleblowers. The obligation also applies to companies carrying out certain regulated activities, such as financial services, regardless of the number of employees. Below we provide a brief overview which focuses on areas where the Act deviates from the Directive.

Extended scope

Beyond the areas outlined in the Directive, the Act covers the reporting of crimes (in general) and violations of Bulgarian law in certain areas, such as local laws regarding public obligations and labour legislation.

Reporting channels

Although the Directive allows companies to establish reporting channels that enable reporting either in writing or orally (or both), the Act seems to require the obliged entities to establish channels for reporting both in writing and orally.

Whistleblowing officer

The rules of the Act imply that where an obliged company is required to appoint a data protection officer (DPO), the DPO must also be appointed to act as a whistleblowing officer. The respective local provisions are rather poorly drafted and in conflict with the Directive, therefore the local whistleblowing authority is expected to provide guidelines on this matter.

Other local specifics

Additional local requirements include, among others:

- The obliged companies are required to provide information about the applied reporting procedures on their websites and on their premises, as well as to adopt internal whistleblowing rules.
- For registering reports, companies must use a template approved by the local whistleblowing authority.
- Whistleblowing officers are required to provide statistical information to the local whistleblowing authority on a regular basis.
- The Act stipulates fines for violations in the amount of up to BGN 30,000 (approx. EUR 15,000).

The local whistleblowing authority (which will be the Commission for Personal Data Protection) is expected to adopt rules on the implementation of the Act and to provide further guidelines on the various controversial matters already identified



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