

Citizens' Engagement and Empowerment in the area of energy policy governance - the case with Bulgaria

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Abstract

Almost three decades after the establishment of the democratic system in Bulgaria, the emergence and institutionalization of civic participation in the process of making and implementing public policies was started to established, albeit at a slow pace. However, research on civic participation in governance process, and in particular in the governance of the Bulgarian energy sector, is relatively small, even insufficient. Most of them are dedicated to the knowledge of the legal framework for the establishment and organization of the activities of non - profit organizations, rather than to the knowledge of the connection between the civil sector and good governance. From this perspective, the aim of the article is to focus not only to the emergence, but also to the development and participation of NGOs in the governance of the Bulgarian energy sector, in order to answer the question how NGOs influenced in the formulation and implementation of policy in the energy field, to develop knowledge about the role of NGOs and the benefits and challenges of its enlargement at national level and some kind international level. In order to answer the formulated question it is going to be used a combination of approaches including theoretical, normative and data based analysis to better understand the role of citizens' engagement and empowerment in the area of energy policy governance in Bulgaria. The theoretical and normative analysis allows following the process of developing and affirming the status of the civil sector in Bulgaria after the fall of the Communist regime. The data based analysis aims at presenting the contemporary influence of the non-governmental sector in the formulation and implementation of the energy policy at national level. The results of the research are formulated in several groups and aim to show the main problems and challenges facing civic participation in the process of making and implementing public policy in the study area. The article contains the regional aspect, based on the Bulgarian experience.

Key words: *Citizens participation, NGOs, Energy, Public Policies, Governance*

Introduction

By the mid-1980s, the mention of NGOs (representing civil sector participation) was too limited at national and in some cases in international level. It is preliminary based on some sporadic academic research on the essence of the civil sector, without taking into account its role for the public policy implementation. Why, however, after this period, the number and role of NGOs is increasing and what are they actually representing? There are at least three interrelated reasons that put civil society organizations in the spotlight after that period. The first is associated with the emergence of the so-called "Deadlock" (Lewis, 2001), with the collapse of the attractiveness of the macroeconomic view of excessive government investment in the different spheres of life - civil society, the main user of public services, has a tendency to seek justice in terms of resource allocation in society. The second concerned to the search

for alternatives to the action of the public sector, the government's help in the fight against poverty, and the third - for the emergence of the "third sector" has merit the society itself.

The importance of civic participation in the process of making and implementing the energy policy at national level is enshrined in a number of international documents, which are the product of the contemporary model of energy governance - the so-called regulatory state. Some of them are binding for the States, others are variable. The common among all of them is that they concern the legal framework of interaction between institutions - citizens (or their associations) - through which the civic interests, needs and values are taken into account by the government in the decision-making process in connection with the implementation of the energy policy.

Citizens' Engagement and NGOs participation in Bulgarian energy policy

The emergence and peculiarities of non-governmental organizations in Bulgaria after 1989 generally reflect the spirit of the Bulgarian transition with its legal, political and economic specifics. The Constitution of the Republic of Bulgaria, adopted in 1991, proclaims the freedom of association as a basic right of citizens. The opportunity to exercise this right is through the creation of associations that serve to satisfy and protect civil interests. Non-governmental organizations in Bulgaria (according to the Non-Profit Legal Act) are two types - foundations and associations.

In accordance with their objectives, these organizations are divided into two categories - legal entities operating in private interest and those whose functions and purposes are in the public interest. The common among all of them is that they are independent of government - they have no right to political ends and activities. Non-governmental organizations are developing a public non-profit making activity. This is probably the reason why, instead of the widely-used notion of non-governmental organization - a literal but not accurate translation of the English term non-governmental organization (NGO) - the latter means not just "non-governmental", but wider "managerial" - the government at all levels - national, regional and local), in Bulgaria, to use the more legal term - non-profit organization or non-profit-making legal entity - association or foundation.

The process of public participation is limited to three main forms – *information/public discussions, advices* and in some cases still rare at national level- to *co-decision*. These forms concern the minimum regulatory conditions that enable citizens to effectively interact with the State institutions, provide opinions on the acts drafted by the institutions, and also be involved in the initial policy formulation process. For example "The interaction of the Energy and Water Regulatory Commission with non-governmental sector organizations is essential for the adoption of regulatory solutions that benefit the whole of society. The role of this cooperation stems both, from the EU's understanding of the need for a public consensus in the development of integrated national plans in the energy and climate sector, and from the proven benefit of such a practice of balancing solutions in the interests of all actors"¹. The law requires the regulator's engagement to publicly discuss and take into account the views of the

¹ Ivan Ivanov, Chief of the Bulgarian Energy and Water Regulatory Commission – Discussion "The Role of NGOs in the Formation of Energy Policy", which is part of the program of the Bulgarian Presidency of the Council of the EU.

non-governmental sector in the course of the decision-making process. EWRC organizes open sessions and public discussions on the adoption of publicly significant solutions (the price of electricity and natural gas), the discussion of general administrative acts / general conditions in the contracts between consumers and licensed companies / as well as the adoption of secondary legislation / regulations, methodologies, rules, etc./. All opinions of the non-governmental sector expressed during the discussions or subsequently submitted in writing within the time limits are accounted for by the Commission, and for each of them the regulator issues reasoned opinions. The regulator fully commands the principles of the Fourth Energy Package (Clean Energy for All Europeans), in which the main focus is on consumer interests. Also, in implementation of the publicity and transparency policy, the Commission publishes on its website all the projects under discussion and broadcasts its meetings online, enabling users across the country to follow up on its work and to send comments on the issues of interest. At the institutional level, the Regulator also closely interacts with the Consumer Protection Commission, which set up joint expert groups on individual themes, with a view to taking the utmost account of the interests of compulsive consumers.

At the Bulgarian level, civic participation in energy governance process in recent years has increasingly begun also to advance in the *development, implementation and change of the legislative base and energy strategies*. Among the main forms of participation are the growing public deliberations that give citizens and their representatives the right to actively express their position on the relevant report or legislative act. The process of participation is increasingly being promoted through the institutionalization of civil representation in a variety of associations representing their interests in the different parts of the energy sector. For example, energy associations in Bulgaria can be classified into *three major groups*:

- Electricity (associations working in the field of liberalization of the energy market in Bulgaria),
- Green (renewable) energy sources associations, and
- Gas associations working towards changes in the regulatory framework relevant to the natural gas sector.

The majority of the Bulgarian energy' associations are established on a branch basis, and have the objective through constant contacts with the State administration bodies and direct participation of their experts to assist in the processes of preparation, amendment and supplementation of normative documents and strategies with a view to the public interest and protection on market competition.

In the field of *electricity markets*, for example, the emergence of NGOs is a relatively new phenomenon and this fact related to the establishment of electricity competitive market. This concept also predetermines the goals of the Electricity Associations in Bulgaria - building a real competitive environment for the Bulgarian electricity market, ensuring wider and equal access to the market for all participants, protecting the common interests of traders, producers and consumers of electricity. These objectives are in the context of the European understanding of building a European energy market within which all traders, producers and consumers are able to apply and protect their own interests. Among the leading players at the national level are:

- Free Energy Market Association and
- Association of traders with electricity in Bulgaria.

Both organizations are nonprofit organizations, which goals are to protect the rights and interests of electricity traders in Bulgaria, and the Free Energy Association is also open to "consumers and producers of electricity, as building a stable, transparent and predictable electricity market of all participants"². For this reason, they also carry out a number of studies, analyzes and consultations on electricity trade, provide a platform for dialogue and exchange of ideas between members and represent them to public institutions and other national and international organizations in the sector, as well as in the field of legal framework.

In the field of *green energy* in Bulgaria, the following main non-governmental players are registered:

- Association of Producers of Ecological Energy;
- Confederation of Associations for Ecological Energy;
- Independent Energy Producers Association;
- Bulgarian Photovoltaic Association;
- International Geothermal Association;
- National Association for Biofuels;
- Bulgarian Solar Association;
- Union of Producers of Ecological Energy;
- Bulgarian Biomass Association and etc.

Their main goal is to cooperate with regulators, government institutions and other non-governmental organizations related to the development of ecological energy in Bulgaria, to familiarize institutions and citizens with different aspects of renewable energy, with the benefits of the production of clean energy, to contribute to the reduction of carbon emissions in the atmosphere. They also assist in the development of new renewable energy sources and bring to the attention of stakeholders. All these organizations cooperate with their partners at European and international level:

- European Wind Energy Association;
- European Renewable Energy Council;
- European Renewable Energy Federation;
- European Small Hydroelectric Association;
- European Biofuel Association;
- World Wind Energy Association;
- World Wind Energy Council, etc.

In fact, "the green energy production development in Bulgaria could be divided in two periods, which describe the policy for renewable energy sources (RES) increase, namely:

- First period from 2007 till 2012 and
- Second period after 2012" During the second phase, when the policy of renewable energy become focus of the Bulgarian society at all levels the increasing role of the NGOs were registered. They become key players in decision-making process on policy issues and implementation.

Concerning the *gas markets in Bulgaria*, the branch organization "Bulgarian Natural Gas Association (BAPG)" has a major influence on the formulation and implementation of the energy gas policy. It consists of the following companies:

² <http://asep.bg/en/who-we-are/>

- 1. Overgas Inc. AD
- 2. "Bulgartransgaz" EAD
- 3. Citygaz Bulgaria EAD
- 4. "TASI" Ltd.
- 5. "AutoMethane" Ltd.
- 6. "SevlievoGaz-2000" AD
- 7. "Remix Bulgaria" Ltd.
- 8. "Black Sea Technology Company" AD
- 9. "Overgas Technika" AD
- 10. "Gastechnica" EOOD
- 11. "Comece" AD.

The organization was established at the beginning of the democratic changes in Bulgaria, at such a moment in the development of the society when the current regime and the insufficient use of energy sources are among the main problems that mark the daily life of the Bulgarian society. Under these conditions, natural gas is emerging as an alternative energy source with a wide range of uses.

Among the leading goals of the company are active actions in the areas of legislative change, security of gas supply, sustainable development and safety. In this connection, the Association has also established four committees, which continue to work for the implementation of formulated goals. Through continuous consultations and studies on the gas markets, the association offers its public opinion on the preparation, amendments or additions to the energy strategies and regulations. In the field of security of gas supply and sustainable development, the association supports active policy through a series of seminars, reports and statements, the main purpose of which is based on the understanding of the universality of services and the European legislation in this direction. BAPG's activity is at national as well as international level.

Determining the exact amount and structure of the "third sector" in the energy sector at national level encounter a number of difficulties, the majority of which are caused by the lack of clarity on the number of actually operating organizations by sector, mode of financing, as well as on forms of participation in the definition, development and implementation of policy in the field.

Conclusion – the main problems OF Citizens' Engagement and Empowerment in the governance of the Bulgarian energy sector

More than three decades after the beginning of the democratic changes in Bulgaria the question of the legal and political relations between the state institutions and the non-governmental sector continues to be the main cornerstone of Bulgarian energy policy.

The participation of the non-governmental sector in the consultative processes towards the state institutions, both at national and local level, still is not completed. Regulation, as far as it exists, is scattered across different legal acts, which raises doubts about the lack of effective participation in the decision-making process on policy issues in Bulgaria. The emergence, development and participation of non-governmental organizations in the governance of the

Bulgarian energy sector are also marked by a considerable delay, mainly due to the specifics of the sector.

Unlike other sectors in the Bulgarian economy, the energy sector falls within the scope of the so-called services of general economic interest, the specifics of which require compliance with European regulatory rules. In this complex context, the prerequisite for effective participation of NGOs in the governance of the Bulgarian energy sector is mainly conditioned by the existence of a political will to do. It is the one that paves the way for change by ensuring through the necessary norms and administrative procedures the access of these organizations to the formulation, implementation and evaluation of the respective policies. This in turn raises a number of problems related to the participation of non-governmental organizations in the development and implementation of the energy policy at national level. Therefore, the focus of non-governmental organizations' involvement in the governance of Bulgarian energy sector should be placed on the principles of the concept of good governance, in which legal, institutional building and transparency ensure the effective participation of citizens, their organizations and other stakeholders in the governance. However, “the theoreticians and political leaders from the public governance sphere in Europe must note the fact that the paradigm of supplying public services has changed from the classical provision to regulation in the general interest”³. This lead to increasing role of the NGOs, which main goals are to protect public interest, despite the fact that the open opposition against NGOs at national level in some cases still exist.

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³ Andreeva, L.M. (2018). The Regulatory Model of Energy Services' Governance in the EU. Public Administration Issues, Special Issue, E-ISSN 2409-5095.

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