

Challenges for the Social Business Initiative in Bulgaria

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Abstract: Social enterprises play a key role in the social and economic development of the European Union, and in achieving the United Nations Sustainable Development Goals. Following the European Commission's 2011 Social Business Initiative, national legislation on social enterprises has been adopted by almost all European countries. In 2019 the Act on Social and Solidarity-Based Enterprises entered into force in Bulgaria, introducing social enterprises as subjects of the social and solidarity-based economy. Four and a half years after the adoption of the Act, there are only fifty-one officially registered social enterprises in Bulgaria, indicating a major failure of the social business initiative. This paper explores the reasons for this significant backlog through both desk research and primary data analysis of a survey of non-profit organisations, which are supposed to be the main actors of the social economy and therefore the focus of the Act on Social and Solidarity-Based Enterprises. The main findings point to critically low awareness of the new Act and weak motivation to apply for a Social Enterprise statute, poorly designed conditions and ineffective communication. The lessons learnt can be used to prevent similar mistakes in other countries and to improve support for social entrepreneurship initiatives.

Key Words: social business, non-profit organisations, regulatory framework

1. INTRODUCTION

Social business plays a key role in the economic and social development of the European Union. Social enterprises (SEs) align economic and social principles and create inclusive and sustainable growth thus contributing to the achievement of the United Nations Sustainable Development Goals. SEs address major societal challenges and provide opportunities for diverse groups to create economic activities with social impact (OECD, 2022). According to the European Commission, there are 2.8 million social economy enterprises in the EU, representing 10% of all businesses. They employ almost 13.6 million people, accounting for 6.2% of the EU's employees. In addition, social enterprises mobilise volunteers across the EU, equivalent to 5.5 million full-time workers (European Commission, 2023).

In 2011, the European Commission launched the Social Business Initiative, including an action plan to support social entrepreneurship in Europe with three key actions: improving access to funding, increasing the visibility of social entrepreneurship, and improving the legal environment. The document introduced the following definition of an SE: "a social enterprise is an operator in the social economy whose main objective is to have a social impact rather than to make a profit for its owners or shareholders. It operates by providing goods and services to the marketplace in an entrepreneurial and innovative manner and uses its profits primarily to achieve social objectives. It is managed in an open and responsible manner, involving in

particular employees, consumers and other stakeholders affected by its business activities" (European Commission, 2011). This definition, although not binding, has strongly influenced the national legislation on SEs that has subsequently been adopted in almost all European countries. Although there are differences between the individual national laws in the European Union, they all share a similar understanding of the nature of the SE, in terms of the legal status of the organisation, the purpose pursued, the way in which profits and assets are distributed, the nature of the activities carried out and the forms of governance (Fici, 2020).

As an EU member state, Bulgaria followed the European Social Business Initiative and in 2012 a National Social Economy Concept was launched. Further to this, in May 2019 the Act on Social and Solidarity-Based Enterprises (ASSBE) came into force, introducing SEs as subjects of the social and solidarity-based economy. The Act aimed at supporting the development of a socially oriented industry that generates social added value. Prior to this, the main actors of the social economy in Bulgaria were cooperatives and specialised enterprises for people with disabilities. While cooperatives and specialised enterprises for people with disabilities are regulated by specific laws (the Law on Cooperatives and the Law on People with Disabilities), the new Act on Social and Solidarity-Based Enterprises provides a detailed explanation of the nature of SEs.

Depending on the level of social value added they provide, social enterprises in Bulgaria can be divided

into two classes: class A and class A+. According to the Bulgarian ASSBE, a class A social enterprise is any social enterprise, regardless of its legal form, that meets the following conditions:

(1) The organisation carries out a social activity that generates social value added (as determined in accordance with Methodology for assessing social value added, by the Minister of Labour and Social Policy);

(2) The organisation is managed in a transparent manner, involving its members and employees in the decision-making process in accordance with the procedure laid down in the organisation's founding document.

In addition to the two above, at least one of the following two conditions must be met for an organisation to be considered a class A social enterprise:

(3) More than 50% of the organisation's accounting profit after tax from the last reporting period, but not less than BGN 7,500 (EUR 3,835), is spent on implementing social activities, or

(4) At least 30%, but no less than three, of the organisation's employees are disadvantaged, including people with permanent disabilities, long-term unemployed, people under 29 with no work experience, people who have served a sentence of imprisonment of at least five years, homeless, etc.

If an enterprise meets the first two conditions and at least one of the second two, it can be recognised as a class A SE under the Bulgarian ASSBE. The Act also provides an option for an organisation to be recognised as an A+ class SE. To achieve this, it must meet all four of the above requirements plus at least one of the following three:

(a) The organisation's social value added is generated within the administrative boundaries of municipalities with an unemployment rate equal to or higher than the national average, or

(b) More than 50% of the organisation's accounting profit after tax from the last reporting period, but not less than BGN 75,000 (EUR 38,341), is spent on implementing social activities, or

(c) At least 30% of the organisation's employees are disadvantaged people and have been working in the enterprise continuously for the last 6 months.

To support organisations willing to operate as SEs, the Bulgarian Ministry of Labour and Social Policy has developed a dedicated website on the social economy, a Registry of Social Enterprises, and a Methodology for Assessment of the Social Value Added. To date, four and a half years after the

introduction of the Act on Social and Solidarity-Based Enterprises, there are only 51 officially registered SEs in Bulgaria. Given the focus on SEs across the European Union and their significant impact on the economy and society as a whole, the aim of this paper is to explore the reasons for Bulgaria's backlog in the establishment and development of SEs.

2. MATERIAL AND METHODS

To achieve the aim of this paper, a research approach was adopted that combined an exploration of the current state of SEs in Bulgaria with a look back at the perceptions of prospective SEs at the time of the launch of ASSBE. In order to gather secondary data on the current state of SEs in Bulgaria, desk research was conducted between 6th November and 22nd December 2023, using the following sources:

(a) Registry of the Social Enterprises supported by the Bulgarian Ministry of Labour and Social Policy. The Ministry monitors the implementation of ASSBE, and the registry provides information on the number of SEs, their type and legal form, etc.

(b) A specialized website on social economy, created and supported by the Bulgarian Ministry of Labour and Social Policy. This website should provide useful information for current and potential SEs, including funding opportunities, etc.

(c) National Statistical Institute which provides data on the non-profit organisations in Bulgaria, including summarised balance sheets and profit and loss accounts.

(d) Methodology for Assessment of the Social Value Added, published by the Bulgarian Ministry of Labour and Social Policy, which includes quantitative indicators for calculating the social value added by the organisations seeking to apply for an SE statute.

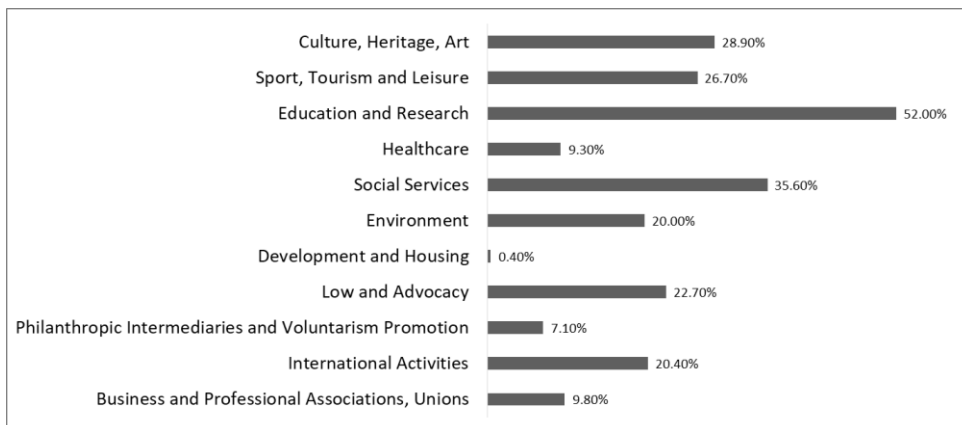
In order to provide a historical perspective on the reasons for the delayed establishment and the development of SEs in Bulgaria, we reviewed research papers that explore the topic, including Adamova et. al. (2021), Valley of Growth (2021), European Commission (2020a, 2020b). In addition, primary research was conducted we conducted primary research at the time of the launch of ASSBE. Primary data was collected through an online questionnaire between 5th July to 6th August 2019, using a convenience sample. The primary research focused on legal entities registered as non-profit organisations under the Bulgarian Law on Non-Profit Entities, as they are considered to be the main

actors of the social economy due to their social orientation and therefore have a special focus in ASSBE. The primary research aimed to investigate the awareness of Bulgarian non-profit organizations of the opportunities offered by ASSBE, as well as to analyse their chances and willingness to register as SEs and thus receive capacity building support for self-financing.

A total of 230 complete questionnaire responses were received and analysed. The profile of the respondents was highly educated – 93.5% had a university degree and 4.3% had a professional qualification. In addition, the majority had a long-term commitment and a good understanding of the organisation's goals and values. In almost 60% of cases the respondent was the chairperson of the non-profit organization, and in a further 14.9% of cases they were a member of the management board. Less frequently, the respondent was a professional (9.4%), an employee (7.1%), a volunteer (6.7%) or a secretary (2.7%). Over 55% of respondents had been involved in the organisation for more than 10 years, and a further 31% for between 5 and 10 years.

In terms of geographical coverage, the organisations surveyed were distributed as follows: 36.5% were local, 23% were regional, 29.6% were national and 10.9% had an international profile. Most of them can be classified as micro-organisations, as the total number of employees hardly exceeded 5 people. The surveyed non-profit organizations cover the whole spectrum of activity areas as defined by the International Classification Scheme for Non-Profit Organisations (Salamon and Anheier, 1996), which has been further adapted to better reflect Bulgarian specificities. The distribution of Bulgarian nonprofits by field of activity is shown in Figure 1. The most common field of activity is education and research, followed by social services. Some organisations are active in more than one field, hence the percentages for the different fields of activity exceed 100%. The main groups of beneficiaries served by the organizations participating in the research were also diverse, and some of them declared to have more than one group of beneficiaries.

Figure 1: Distribution of the surveyed Bulgarian non-profit organisations by field of activity



The empirical research has the following limitations:

(a) The research covers only associations and foundations registered under the Bulgarian Law on Non-Profit Entities, which has been in force since 01.01.2001. The research, however, excludes all other types of non-profit organisations whose foundation and activity are regulated by separate laws (including budget organizations, political parties, and religious organizations) as their specific character alters the applicability of social entrepreneurship.

(b) The research questionnaire was distributed online to a total of 6621 non-profit organisations, for which an e-mail database was created by the authors. These organisations can be defined as

“active online”, as they have provided an e-mail address in at least one of the following: Registry of Non-Profit Entities or Bulgarian Non-Governmental Organisations Information Portal. The Registry of Non-Profit Entities is an official registry that contains records for every legal entity of the specified type. The Bulgarian Non-Governmental Organisations Information Portal is the largest public voluntary weblog of non-profit organisations in Bulgaria, established in 2010 and currently containing records of more than 14 100 civil structures. Contact details provided on either of these platforms indicate an active status and can therefore be used to filter out inactive organisations.

(c) The opportunities and constraints of funding the activities of non-profit organisations through social entrepreneurship were assessed on the basis of the perceived problems and self-assessed capacities of the organisations that participated in the research.

3. RESULTS AND DISCUSSION

According to the Registry of the Ministry of Labour and Social Policy, as of February 2024 there are 51 registered social enterprises in Bulgaria. Of these, 2 belong to class A+ and belong 49 to class A (Table

1). As required by ASSBE, all of them generate social added value and are managed in a transparent manner. In addition, the majority of the SEs of class A (73.5%) meet the requirement that at least 30% but not less than three of their employees are disadvantaged (conditions 1, 2 & 4). Thus, only 26.5% of the SEs of class A spend more than 50% of the accounting profit after tax of the last reporting period the past year's profit, but not less than BGN 7,500 (EUR 3,835), on implementing social activities. This disproportion indicates the prevalence of the social nature of Bulgarian SEs over their ability to generate profit to reinvest and create social value added.

Table 1: Registered active social enterprises class A in Bulgaria

Legal form of the SE	Number of SEs according to eligibility conditions			Total number of SEs
	Conditions 1, 2 & 3	Conditions 1, 2 & 4	Conditions 1, 2, 3 & 4	
Registered under Non-profit Legal Entities Act	5	12	1	18
Registered under Commerce Act	5	22	2	29
Municipal enterprise		2		2
Total number of SEs	10	36	3	49

Social enterprises are unevenly distributed across Bulgaria, with 57% of them concentrated in the country's three largest cities. Non-profit organisations should be the main actors in building the social economy. The Bulgarian National Statistical Institute keeps a record of 10,137 non-profit organisations and only 18 of them are registered as SEs (Registry of Social Enterprises). Thus, only 0.18% of Bulgarian non-profits decided to apply for the SE statute and proved to meet the requirements of ASSBE.

The results of the primary research can reveal some of the reasons for the exceptionally low number of SEs in Bulgaria. The data analysis shows that, about three months after the ASSBE came into force, the Bulgarian non-profit organisations' awareness of the new Act was critically poor. Only 9.1% of respondents were very familiar with it, and another 18.3% were only vaguely aware of it. The majority of respondents (72.6%) were completely unfamiliar with the ASSBE when it came into force; more specifically, 37.4% had only heard that a new Act existed, and 35.3% had not even heard of it. A further indication of the low level of awareness of the ASSBE was provided by the respondents' answers to the question of whether they had already registered as an SE: 17% admitted that they did not know whether their organisation was registered as an SE, a further 46% said that they had not considered the idea of applying for an SE statute, and 16.5% had no plans to do so at all. Only

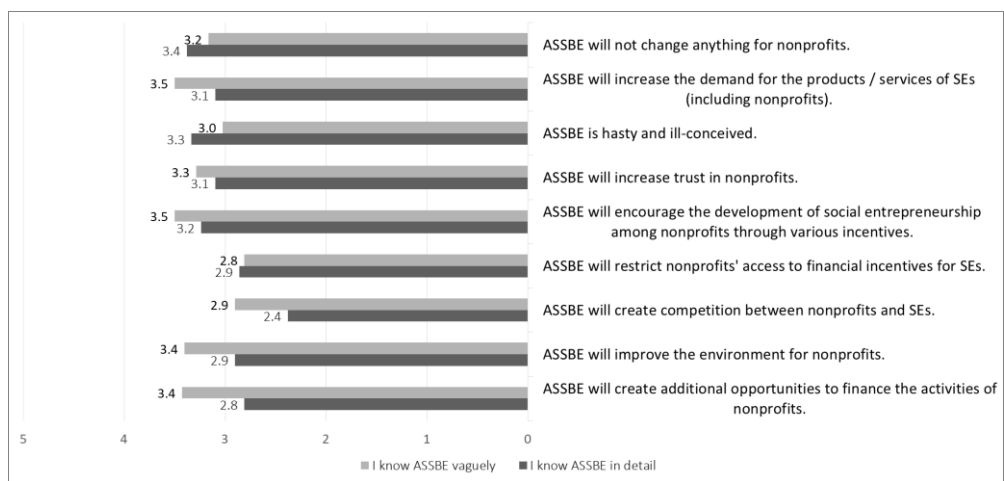
around 14% said they were planning to register as an SE, and only 7% said they were in the process of registering. However, a closer examination of these data revealed that some of the respondents who had rejected the idea of applying for the SE statute did not fully understand the nature of the ASSBE, as they justified their rejection with irrelevant explanations such as "We are a non-profit organisation" (apparently unaware that non-profit organisations are a special focus of the law) or "I am not informed about the formalities". In fact, the majority of respondents, both from organisations that intended to register as an SE and those that did not, admitted that they were not familiar with the newly introduced ASSBE. It can be argued that this general lack of awareness on the part of non-profit organisations, which should be the main enthusiasts for the adoption of social entrepreneurship, has to a large extent led to the failure of the SE initiative. In fact, no information campaigns were launched in Bulgaria to raise the awareness of potential social entrepreneurs and motivate them to create SEs (Adamova et. al., 2021).

Another important concern regarding the successful implementation of the newly introduced ASSBE is the expectations of the positive future effects of the Act. To assess the non-profits' perceptions of the potential impact of the introduction of the ASSBE, we explored the views of those respondents who were at least somewhat familiar with it, using a 5-point scale where 5 indicates strong agreement and 1 indicates strong

disagreement (Figure 2). We found some optimism about the chances that the new Act would create better funding opportunities, improve the operating environment for non-profit organisations, encourage the development of social entrepreneurship and increase demand for the products and services of SEs. However, only respondents who were vaguely familiar with the Act were optimistic; interestingly, they were also more concerned that the new Act would create competition between SEs and non-profit organisations. On the other hand, those who claimed to be closely familiar with the Act described

it as hasty, ill-conceived and unable of bringing about positive change for the non-profit organisations. It cannot be overlooked that the overall expectations of the impact of the social entrepreneurship initiative were rather low, which meant that it was perceived as a failure from the start unless efforts were made to change these perceptions. To support and raise awareness and motivation among potential SEs, the Bulgarian Ministry of Labour and Social Policy created a dedicated website on the social economy, which, however, has been inactive for years.

Figure 2: Perceived future impact of the newly introduced Act on Social and Solidarity-Based Enterprises in Bulgaria (as of August 2019)



The different expectations of the two groups of respondents (those who were familiar with the law and those who were not) show that the Bulgarian non-profits were willing to give a vote of confidence to the emerging social business initiative, but their willingness diminished as they learned what the Act actually said. This is not surprising, given that the legal framework in Bulgaria does not provide effective support for social entrepreneurs. The only benefit for registered SEs is a free certification mark "SE product" provided by the Minister of Labour and Social Policy. Class A+ SEs can also apply for financial support to improve the vocational skills of employed disadvantaged people. There are no specific fiscal benefits for SEs in Bulgaria (European Commission, 2020b). The procedure for registration in the Registry of Social Enterprises is very complicated and requires a large amount of documentation (Regulations for the implementation of the Act on Social and Solidarity-Based Enterprises, Methodology for the assessment of social added value).

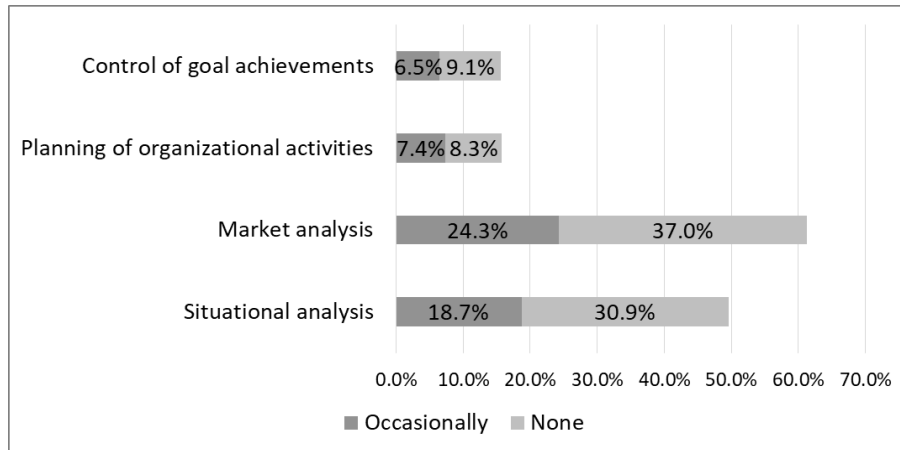
Next, we explored the motivation of the non-profit organisations to become SEs by asking about the motives of those respondents who indicated a

willingness to register their organisation in the Registry of Social Enterprises. The most common motives were to help people with disabilities, to obtain development opportunities in a growing business sector, and to have access to better financing opportunities, including project funding. These responses show the hope of the non-profit organisations that the new ASSBE could help them to build their capacity. And this turns out to be an important issue for the Act to focus on, as the research shows that the majority of the non-profit organisations have limited experience with business-like activities. Approximately 44% of the organisations that participated in the research had engaged in business activities that generated financial resources. However, the majority of these organisations reported minimal annual profits (less than BGN 7,500 / EUR 3,835). This is to be expected, as important business-related activities are not well developed, as shown by the fact that 61.3% of organisations had never carried out market analysis or only did so occasionally, and 49.6% had never carried out situation analysis or only did so occasionally. Additionally, planning organisational activities and controlling achievement of organisational goals were not a focus for the

majority of respondents (Figure 3). Other research also suggests that SEs founded as non-profits need a longer period of time to change attitudes and build business skills. Therefore, while they are in the

transitional phase between non-profit activity and business activity, they remain outside the scope of investors and financing opportunities in Bulgaria (Valley of Growth, 2021).

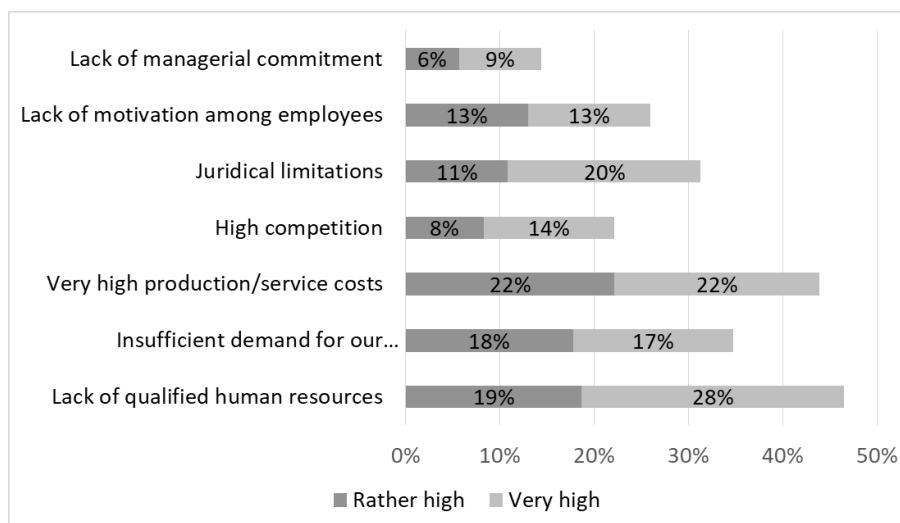
Figure 3: Business-related activities performed by non-profit organisations



Our study also found that in non-profit organisations, important business activities such as marketing & communications and human resources were assigned to the organisation's manager or to a volunteer: only 6.5% of the organisations had a department or full-time professional in charge of marketing & communications, and 6% had a department or full-time professional in charge of human resources. When asked about the main obstacles to engaging in economic activities, respondents cited the lack of qualified human resources, high production and service costs, legal

restrictions and insufficient demand for their products and services (Figure 4). These responses reflect the non-profits' need for external help in terms of administrative facilities for funding and capacity building. This is exactly what the ASSBE should be aiming at, but instead it focuses more on regulating the requirements that organisations have to meet in order to apply for an SE statute. What is more, by formulating a set of high criteria for registration as an SE, the law requires that organisations have already reached a certain level of business proficiency and therefore have somehow built up their capacities on their own.

Figure 4: Perceptions of the extent to which different problems limit the capacity of non-profit organisations to do business



Bulgaria belongs to the European countries that have very limited or no publicly funded schemes specially designed for and targeting SEs (European

Commission, 2020a). The main support measures for setting up an SE in Bulgaria include grants and other support from private stakeholders, foundations and second-level organisations (

European Commission, 2020b). Most Bulgarian SEs established as non-profit organisations finance their activities through grants on a project basis, which is not economically sustainable (Valley of Growth, 2021). Nevertheless, ASSBE neglects the need of non-profit organisations for external help in capacity building and focuses only on formalising those that are already advanced. And this is a major oversight, as many non-profit organisations say they would be willing to participate more actively in the economic marketplace if they were better equipped with business skills.

Regarding the areas of business interest of the non-profits surveyed, they are mainly interested in providing educational services (77%), consultancy services (76%), sports and cultural activities (55%) and social services (43%). These activities are typical for both non-profit organisations and SEs. The fact that most of these organisations are not officially registered as SEs because they don't meet the ASSBE criteria does not change their nature. And this is another reason why ASSBE has not only failed to promote social entrepreneurship in Bulgaria, but also to document it properly. Only 18.7% of the organisations participating in this research formally meet the criteria for registration as an SE of class A, and 2.2% meet the criteria for registration as an SE of class A+. Approximately 90% of the surveyed nonprofits reported making a profit from their activities in the last year. Additionally, 73% of these organisations do not employ enough disadvantaged employees to register as an SE. Failure on both criteria at the same time virtually excludes them from being eligible to register as SEs under the ASSBE. A further 13.2% of the non-profits cannot provide sufficient evidence of social value added because they do not collect enough points under the Methodology for Assessment of the Social Added Value published by the Bulgarian Ministry of Labor and Social Policy.

These data provide a clear indication of whether the criteria for registration as an SE are appropriately formulated. If the majority of organisations that are supposed to be the main actors in a social economy are not eligible, then this signals that the criteria are too restrictive. Another issue is the real applicability of these criteria. As Adamova et al. (2021) point out, the quantification of social value added as specified in the Methodology for Assessment of the Social Added Value does not allow for a qualitative measurement of social change over time. Thus, an organization could be eligible to register as a SE at a certain point and, ironically, lose its eligibility over time exactly because it has created some positive social impact (e.g. it has at least three

disadvantaged employees at the time of registration but due to their employment for several months they have changed their status and are no longer considered disadvantaged). This could become a reason for the organisation to be deregistered, but apparently does not mean that it has failed to create social value (Adamova et al., 2021).

4. CONCLUSIONS

There is no doubt that social entrepreneurship plays a vital role in both economic and social life, mobilising business initiative to create social added value, thereby building a better world for today and tomorrow. At the European level, efforts have been made to support social enterprises through a specific Social Business Initiative, by improving their access to finance, raising the visibility of social entrepreneurship in general and improving the legal environment. As a member state, Bulgaria formally followed this trend by introducing a unique law on social and solidarity-based enterprises. However, four and a half years later, it can be argued that the initiative has failed tremendously, as there are only 51 SEs officially listed in the Registry of Social Enterprises, which was deliberately created to keep track of all SEs. This number is critically low, considering that non-profit organisations are supposed to be the main actors of the social business initiative.

Based on the research carried out, we can conclude that one of the main reasons for this failure is the ill-conceived provisions of the ASSBE, which have largely focused on designing a set of highly restrictive requirements that organisations must meet in order to apply for SE status, rather than helping them to build their capacity to generate profits. The only benefit offered to SEs by the new law is a free 'SE product' certification mark, while they need business skills and financial support. In addition, the Ministry of Labour and Social Policy, which is responsible for implementing the new law, failed to communicate effectively with potential SEs before and after the introduction of the law. As a result, Bulgarian nonprofits lacked motivation to apply for an SE statute and were unaware of the existence and scope of ASSBE

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