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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

BULGARIA

DRAFT NEW CONSTITUTION*

**unofficial translation*

REPUBLIC OF BULGARIA
FORTY-FOURTH NATIONAL ASSEMBLY

Draft!

CONSTITUTION
of the Republic of Bulgaria

Preamble

We, the Members of the Eighth Grand National Assembly, guided by our desire to express the will of the people of Bulgaria,

by pledging our loyalty to the **national, European** and universal human values: freedom, peace, humanism, equality, justice and tolerance;

by holding as the highest principle the rights, dignity and security of the individual;

in awareness of our irrevocable duty to guard the national and state integrity of Bulgaria,

hereby proclaim our resolve to create a democratic and social state **that affirms national values and traditions**

by establishing this

CONSTITUTION

Chapter One.
Fundamental Principles

Art. 1. (1) Bulgaria shall be a republic with a parliamentary form of government.

(2) The entire power of the State shall derive from the people. The people shall exercise this power directly and through the bodies established by this Constitution.

(3) No part of the people, no political party nor any other organization, state institution or individual shall usurp the expression of the popular sovereignty.

Art. 2. (1) The Republic of Bulgaria shall be a unitary State with local self-government. No autonomous territorial formations shall be allowed to exist therein.

(2) The territorial integrity of the Republic of Bulgaria shall be inviolable.

Art. 3. Bulgarian shall be the official language of the Republic of Bulgaria.

Art. 4. The coat of arms of the Republic of Bulgaria shall depict a gold crowned lion rampant on a dark gules shield. There is a big crown above the shield that was originally the crown of Bulgarian rulers of the Second Bulgarian State with five crosses and another cross over the crown. The shield is supported by two gold crowned rampant lions turned towards the shield from the left and right heraldic sides. They stand on two crossed oak branches with fruit. "Unity makes strength" is written in golden letters below the shield on a white band with a three-coloured edge put over the oak branches.

Note: Art. 5-9 are not new, but their systematic place in the Constitution has been shifted (previously those were Art. 165-169).

Art. 5. The state seal shall depict the coat of arms of the Republic of Bulgaria.

Art. 6. The flag of the Republic of Bulgaria shall be a tricolour: white, green, and red from top, placed horizontally.

Art. 7. The rules for the placing of the state seal and the raising of the national flag shall be established by law.

Art. 8. The National Anthem of the Republic of Bulgaria shall be the song "Mila Rodino".

Art. 9. The Republic of Bulgaria shall have for its capital the City of Sofia.

Art. 10. (1) The Republic of Bulgaria shall be a State governed by the rule of law. It shall be governed by the Constitution and the laws of the country.

(2) The Republic of Bulgaria shall guarantee the life, dignity and rights of the individual and shall create conditions conducive to the free development of the individual and of civil society.

(3) Republic of Bulgaria shall participate in the building and development of the European Union.

Art. 11. (1) The Constitution shall be the supreme law, and no other law shall contravene it.

(2) The provisions of the Constitution shall apply directly.

(3) No one shall be convicted for action or inaction which at the time it was committed, did not constitute a crime.

(4) International treaties which have been ratified in accordance with the constitutional procedure, promulgated and having come into force with respect to the Republic of Bulgaria, shall be part of the legislation of the State. They shall have primacy over any conflicting provision of the domestic legislation.

(5) All legislative acts shall be promulgated and shall come into force three days after the date of their publication unless otherwise envisaged by the acts themselves.

Art. 12. (1) All persons are born free and equal in dignity and rights.

(2) All citizens shall be equal before the law. There shall be no privileges or restriction of rights on the grounds of race, national or social origin, ethnic self-identity, sex, religion, education, opinion, political affiliation, personal or social status or property status.

Art. 13. The State shall be held liable for any damages caused by unlawful acts or actions on the part of its agencies and officials.

Art. 14. The power of the State shall be divided between legislative, executive and judicial branches.

Art. 15. (1) The armed forces shall guarantee the sovereignty, security and independence of the country and shall defend its territorial integrity.

(2) The activity of the armed forces shall be established by law.

Art. 16. All elections, and national and local referendums shall be held on the basis of universal, equal and direct suffrage by secret ballot.

Art. 17. (1) Political activity in the Republic of Bulgaria shall be founded on the principle of political pluralism.

(2) No political party or ideology shall be proclaimed or affirmed as a party or ideology of the State.

(3) All parties shall facilitate the formation and expression of the citizens' political will. The procedure applying to the formation and dissolution of political parties and the conditions pertaining to their activity shall be established by law.

(4) There shall be no political parties on ethnic, racial or religious lines, nor parties which seek the violent seizure of state power.

Art. 18. (1) Associations of citizens shall serve to meet and safeguard their interests.

(2) Associations, including trade unions, shall not pursue any political objectives, nor shall they engage in any political activity which is in the domain of the political parties.

Art. 19. (1) The practicing of any religion shall be unrestricted. **The freedom of belief and religion shall be inviolable.**

(2) Religious institutions shall be separate from the State.

(3) Eastern Orthodox Christianity shall be considered the traditional religion in the Republic of Bulgaria.

(4) Religious institutions and communities, and religious beliefs shall not be used to political ends.

Art. 20. (1) The family, motherhood and children shall enjoy the protection of the State and society.

(2) The state shall take special care to promote the birth rate in accordance with the generally accepted standards of education, culture and socialization for the Bulgarian society and to support the family, motherhood and children.

Art. 21. The Republic of Bulgaria shall ensure the protection and reproduction of the environment, the conservation of living Nature in all its variety, and the sensible utilization of the country's natural and other resources.

Art. 22 The right to work and to dignified working conditions shall be guaranteed and protected by law.

Art. 23. (1) The right to property and inheritance shall be guaranteed and protected by law.

(2) Property shall be private and public.

(3) Private property shall be inviolable.

(4) The regime applying to the different units of State and municipal property shall be established by law.

(5) Forcible expropriation of property in the name of State or municipal needs shall be effected only by virtue of a law, provided that these needs cannot be otherwise met, and after fair compensation has been ensured in advance.

Art. 24. (1) The State shall enjoy exclusive ownership rights over the underground resources; beaches and national thoroughfares, as well as over waters, forests and parks of national importance, and the natural and archaeological reserves established by law.

(2) The State shall exercise sovereign rights in prospecting, developing, utilizing, protecting and managing the continental shelf and the exclusive off-shore economic zone, and the biological, mineral and energy resources therein.

(3) The State shall exercise sovereign rights with respect to radio frequency spectrum and the geostationary orbital positions allocated by international agreements to the Republic of Bulgaria.

(4) A state monopoly shall be establishable by law over railway transport, the national postal and telecommunications networks, the use of nuclear energy, the manufacturing of radioactive products, armaments and explosive and powerful toxic substances.

(5) The conditions and procedure by which the State shall grant concessions over units of property and licences for the activities enumerated in the preceding two paragraphs shall be established by law.

(6) The State shall utilize and manage all the state's assets to the benefit of individual and society.

Art. 25. (1) The economy of the Republic of Bulgaria shall be based on free economic initiative.

(2) The State shall establish and guarantee equal legal conditions for economic activity to all citizens and legal entities by preventing any abuse of a monopoly

status and unfair competition, and by protecting the consumer.

(3) All investments and economic activity by citizens and legal entities shall enjoy the protection of the law.

(4) The law shall establish conditions conducive to the setting up of cooperatives and other forms of association of citizens and legal entities in the pursuit of economic and social prosperity.

Art. 26. The State shall establish conditions conducive to the balanced development of the different regions of the country, and shall assist the territorial bodies and activities through its fiscal, credit and investment policies.

Art. 27. (1) Land, as a chief national asset, shall enjoy particular protection on the part of the State and society.

(2) Arable land shall be used for agricultural purposes only. Any change in purposes shall be allowed only in exceptional circumstances, when necessity has been proven, and on terms and by a procedure established by a law.

Art. 28. (1) Foreigners and foreign legal entities may acquire property over land under the conditions ensuing from Bulgaria's accession to the European Union, or by virtue of an international treaty that has been ratified, promulgated and entered into force for the Republic of Bulgaria, as well as through inheritance by operation of the law.

(2) The law ratifying the international treaty referred to in para 1 shall be adopted by a majority of two thirds of all Members of the National Assembly.

(3) The land regime shall be established by law.

Art. 29. The State shall establish conditions conducive to the free development of science, education and the arts, and shall assist that development. It shall organize the conservation of all national monuments of history and culture.

Art. 30. (1) The Republic of Bulgaria shall conduct its foreign policy in accordance with the principles and norms of international law.

(2) The foreign policy of the Republic of Bulgaria shall have as its highest objective the national security and independence of the country, the well-being and the fundamental rights and freedoms of the Bulgarian citizens, and the promotion of a just international order.

Chapter Two.

FUNDAMENTAL RIGHTS AND DUTIES OF CITIZENS

Art. 31. (1) A Bulgarian citizen shall be anyone born of at least one parent holding a Bulgarian citizenship, or born on the territory of the Republic of Bulgaria, should he not be entitled to any other citizenship by virtue of origin. Bulgarian citizenship shall further be acquirable through naturalization.

(2) A citizen of Bulgarian origin shall acquire Bulgarian citizenship by award

under facilitated conditions and procedure.

(3) No one shall be deprived of Bulgarian citizenship acquired by birth.

(4) No Bulgarian citizen may be surrendered to another State or to an international tribunal for the purposes of criminal prosecution, unless the opposite is provided for by international treaty that has been ratified, published and entered into force for the Republic of Bulgaria.

(5) Any Bulgarian citizen abroad shall be accorded the protection of the Republic of Bulgaria.

(6) The conditions and procedure for the acquiring, preservation or loss of Bulgarian citizenship shall be established by law.

Art. 32. (1) Irrespective of where they are, all citizens of the Republic of Bulgaria shall be vested with all rights and duties proceeding from this Constitution.

(2) Foreigners residing in the Republic of Bulgaria shall be vested with all rights and obligations proceeding from this Constitution, except those rights and duties for which Bulgarian citizenship is required by this Constitution or by another law.

Art. 33. (1) Foreigners residing legally in the country shall not be expelled or extradited to another State against their will, except in accordance with the provisions and the procedures established by law.

(2) The Republic of Bulgaria shall grant asylum to foreigners persecuted for their opinions or activity in the defence of internationally recognized rights and freedoms.

(3) The conditions and procedure for the granting of asylum shall be established by law.

Art. 34. Everyone shall have the right to life. Any attempt upon a human life shall be punished as a most severe crime.

Art. 35. (1) No one shall be subjected to torture or to cruel, inhuman or degrading treatment, or to forcible assimilation.

(2) No one shall be subjected to medical, scientific or other experimentation without his voluntary written consent.

Art. 36. (1) Everyone shall be entitled to personal freedom and inviolability.

(2) No one shall be detained or subjected to inspection, search or any other infringement of his personal inviolability except on the conditions and in a manner established by law.

(3) The State authorities shall be free to detain citizens only in the urgent circumstances expressly stipulated by law, and shall immediately advise the judicial authorities accordingly. The judicial authorities shall rule on the legality of a detention within the next 24 hours.

(4) Everyone shall be entitled to legal counsel from the moment of detention or from the moment of being charged.

(5) Everyone shall be entitled to meet his legal counsel in private. The

confidentiality of such communication shall be inviolable.

Art. 37. (1) Anyone charged with a crime shall be brought before a court within the time established by law.

(2) No one shall be forced to plead guilty, and no one shall be convicted solely by virtue of confession.

(3) A defendant shall be considered innocent until proven otherwise by a final verdict.

(4) The rights of a defendant shall not be restricted beyond what is necessary for the purposes of a fair trial.

(5) Prisoners shall be kept in conditions conducive to the exercise of those of their fundamental rights which are not restricted by virtue of their sentence.

(6) Prison sentences shall be served only at the facilities established by law.

(7) There shall be no limitation to the prosecution and the execution of a sentence for crimes against peace and humanity.

Art. 38. (1) The privacy of citizens shall be inviolable. Everyone shall be entitled to protection against any unlawful interference in his private or family affairs and against encroachments on his honour, dignity and reputation.

(2) No one shall be followed, photographed, filmed, recorded or subjected to any other similar activity without his knowledge or despite his express disapproval, except when such actions are permitted by law.

Art. 39. (1) The home shall be inviolable. No one shall enter or stay inside a home without its occupant's consent, except in the cases expressly stipulated by law.

(2) Entry or stay inside a home without the consent of its occupant or without the judicial authorities' permission shall be allowed only for the purposes of preventing an immediately impending crime or a crime in progress, for the capture of a criminal, or in extreme necessity.

Art. 40. (1) The freedom and confidentiality of correspondence and all other communications shall be inviolable.

(2) Exceptions to this provision shall be allowed only with the permission of the judicial authorities for the purpose of discovering or preventing a grave crime.

Art. 41. (1) Everyone shall be free to choose a place of residence, right to freedom of movement in the territory of the country and to leave the country. This right shall be restricted only by virtue of law in the name of national security, public health, and the rights and freedoms of other citizens.

(2) Every Bulgarian citizen and every person of Bulgarian origin shall have the right to return to the country.

Art. 42. (1) The study and use of the Bulgarian language shall be a right and an obligation of every Bulgarian citizen.

(2) Citizens whose mother tongue is not Bulgarian shall have the right to study and use their own language alongside the compulsory study of the Bulgarian language.

(3) The situations in which only the official language shall be used shall be established by law.

Art. 43. (1) The freedom of conscience, the freedom of thought and the choice of religion and of religious or atheistic views shall be inviolable. The State shall assist the maintenance of tolerance and respect among the believers from different denominations, and among believers and non-believers.

(2) The freedom of conscience and religion shall not be practised to the detriment of national security, public order, health and morals, or of the rights and freedoms of others.

Art. 44. No one shall be persecuted or restricted in his rights because of his views, nor shall be obligated or forced to provide information about his own or another person's views.

Art. 45. (1) Everyone shall be entitled to express an opinion or to publicize it through words, written or oral, sound or image, or in any other way.

(2) This right shall not be used to the detriment of the rights and reputation of others, or for the incitement of a forcible change of the constitutionally established order, the perpetration of a crime, or the incitement of enmity or violence against anyone.

Art. 46. (1) The press and the other mass information media shall be free and shall not be subjected to censorship.

(2) An injunction on or a confiscation of printed matter or another information medium shall be allowed only through an act of the judicial authorities in the case of an encroachment on public decency or incitement of a forcible change of the constitutionally established order, the perpetration of a crime, or the incitement of violence against anyone. An injunction suspension shall lose force if not followed by a confiscation within 24 hours.

Art. 47. (1) Everyone shall be entitled to seek, obtain and disseminate information. This right shall not be exercised to the detriment of the rights and reputation of others, or to the detriment of national security, public order, public health and morality.

(2) Everyone shall be entitled to obtain information from state bodies and agencies on any matter of legitimate interest to them which is not a state or official secret and does not affect the rights of others.

Art. 48. (1) Every citizen above the age of 18, with the exception of those placed under judicial interdiction or serving a prison sentence, shall have the right **and civil duty** to elect state and local authorities and vote in referendums.

(2) The organization and procedure for the holding of elections and

referendums shall be established by law.

(3) The elections for Members of the European Parliament and the participation of European Union citizens in the elections for local authorities shall be regulated by law.

Art. 49. (1) All citizens shall have the right to peaceful and unarmed assembly for meetings and demonstrations.

(2) The procedure for the organizing and holding of meetings and demonstrations shall be established by law.

(3) No notice to the municipal authorities shall be required for meetings held indoors.

Art. 50. (1) All citizens shall be free to associate.

(2) The organization/s activity shall not be contrary to the country's sovereignty and national integrity, or the unity of the nation, nor shall it incite racial, national, ethnic or religious enmity or an encroachment on the rights and freedoms of citizens; no organization shall establish clandestine or paramilitary structures or shall seek to attain its aims through violence.

(3) The law shall establish which organizations shall be subject to registration, the procedure for their termination, and their relationships with the State.

Art. 51. All citizens shall have the right to lodge complaints, proposals and petitions with the state authorities.

Art. 52. (1) Matrimony shall be a free union between a man and a woman. Only a civil marriage shall be legal.

(2) Spouses shall have equal rights and obligations in matrimony and the family.

(3) The form of a marriage, the conditions and procedure for its conclusion and termination, and all private and material relations between the spouses shall be established by law.

Art. 53. (1) The raising and upbringing of children until they come of legal age shall be a right and obligation of their parents and shall be assisted by the State.

(2) Mothers shall be the object of special protection on the part of the State and shall be guaranteed prenatal and postnatal leave, free obstetric care, alleviated working conditions and other social assistance.

(3) Children born out of wedlock shall enjoy equal rights with those born in wedlock.

(4) Abandoned children shall enjoy the protection of the State and society.

(5) The conditions and procedure for the restriction or suspension of parental rights shall be established by law.

Art. 54. Citizens shall have the right to work. The State shall take care to provide conditions for the exercising of this right.

(2) The State shall create conditions conducive to the exercising of the right

to work by the physically or mentally handicapped.

(3) Everyone shall be free to choose an occupation and place of work.

(4) No one shall be compelled to do forced labour.

(5) Workers and employees shall be entitled to healthy and non-hazardous working conditions, to guaranteed minimum pay and remuneration for the actual work performed, and to rest and leave, in accordance with conditions and procedures established by law.

Art. 55. (1) Workers and employees shall be free to form trade union organizations and alliances in defence of their interests related to work and social security.

(2) Employers shall be free to associate in defence of their economic interests.

Art. 56. Workers and employees shall have the right to strike in defence of their collective economic and social interests. This right shall be exercised in accordance with conditions and procedures established by law.

Art. 57. (1) Citizens shall have the right to social security and social assistance.

(2) The State shall provide social security for the temporarily unemployed in accordance with conditions and procedures established by law. **Unemployed workers who are eligible for social assistance shall be enrolled in employment programmes under conditions and procedures established by law. Where such persons are not enrolled in employment programmes, they shall do community service.**

(3) **The amount of the minimum retirement pension shall guarantee a decent existence.**

(4) The aged without relatives and unable to support themselves, as well as invalids and the socially weak shall receive special protection from the State and society.

Art. 58. (1) Citizens shall have the right to medical insurance guaranteeing **them affordable and free of charge** medical care, and to free medical services under conditions and procedures established by law.

(2) Medical care shall be financed from the state budget, by employers, through private and collective health-insurance schemes, and from other sources under conditions and procedures established by law.

(3) The State shall protect the health of all citizens and shall promote the development of sports and tourism.

(4) No one shall be subjected to forcible accommodation and medical treatment or sanitary measures except in circumstances established by law.

(5) The State shall exercise control over all **medical** and healthcare facilities and over the production of and trade **in medicinal products** and medical devices.

Art. 59. (1) Everyone shall have the right to education.

(2) School education shall be compulsory up to the age of 16 **and shall aim to**

achieve the minimum standards for training, knowledge of Bulgarian language, education and socialization under conditions and procedures established by law.

(3) Primary and secondary education in state and municipal schools shall be free. In circumstances established by law, the higher educational establishments shall provide education free of charge.

(4) Higher educational establishments shall enjoy academic autonomy.

(5) Citizens and organizations shall be free to found schools in accordance with conditions and procedures established by law. The education they provide shall fit the requirements of the State.

(6) The State shall promote education by opening and financing schools, by supporting capable school and university students, and by providing opportunities for occupational training and retraining. It shall exercise control over all kinds and levels of schooling.

Art. 60. (1) Everyone shall have the right to avail himself of the national and universal human cultural values and to develop his own culture in accordance with his ethnic self-identification, which shall be recognized and guaranteed by the law.

(2) Artistic, scientific and technological creativity shall be recognized and guaranteed by the law.

(3) The State shall protect all inventors' rights, copyrights and related rights.

Art. 61. Everyone shall have the right to a healthy and favourable environment corresponding to established standards and norms. They shall protect the environment.

Art. 62. Everyone shall have the right to legal defence whenever his rights or legitimate interests are violated or endangered. He shall have the right to be accompanied by legal counsel when appearing before an agency of the State.

Art. 63.(1) The fundamental civil rights shall be irrevocable.

(2) Rights shall not be abused, nor shall they be exercised to the detriment of the rights or the legitimate interests of others.

(3) Following a proclamation of war, martial law or a state of emergency the exercise of individual civil rights may be temporarily curtailed by law, except for the rights established by Art. 34, Art. 35, Art. 37 paras 1, 2 and 3, Art. 38, para 1, and Art. 43.

Art. 64. (1) All citizens shall observe and implement the Constitution and the laws. They shall respect the rights and the legitimate interests of others.

(2) Obligations established by the Constitution and the law shall not be defaulted upon on grounds of religious or other convictions.

Art. 65. (1) To defend the Country shall be a duty and a matter of honour of every Bulgarian citizen. High treason and betrayal of the Country shall be treated as crimes of utmost gravity and shall be punished with all the severity of the law.

(2) The training of the citizens to defend the country shall be established by

law.

Art. 66. (1) Citizens shall pay taxes and duties established by law proportionately to their income and property.

(2) Any tax concession or surtax shall be established by law.

Art. 67. Citizens shall assist the State and society in the case of a natural or other disaster, on conditions and in a manner established by law.

Chapter Three. **NATIONAL ASSEMBLY**

Art. 68. (1) The National Assembly shall be vested with the legislative authority and shall exercise parliamentary control.

(2) The National Assembly shall have an independent budget.

Art. 69. The National Assembly shall **consist of 120 members.**

Art. 70. (1) The National Assembly shall be elected for a term of four years.

(2) In case of war, armed hostilities or another state of emergency occurring during or after the expiry of the National Assembly's term, its mandate shall be extended until the expiry of the circumstances.

(3) Elections for a new National Assembly shall be held within two months from the expiry of the mandate of the preceding one.

Art. 71. (1) Eligible for election to the National Assembly shall be any Bulgarian citizen who does not hold another citizenship, is above the age of 21, is not under a judicial interdiction and has not been sentenced to imprisonment for an indictable offence.

(2) A candidate for a National Assembly seat who is in civil service shall suspend its performance upon the registration of his candidacy.

Art. 72. The legitimacy of an election may be contested before the Constitutional Court by a procedure established by law.

Art. 73. (1) Members of the National Assembly shall represent not only their constituencies but the entire nation. No Member shall be held to a mandatory mandate.

(2) Members of the National Assembly shall act on the basis of the Constitution and the laws and in accordance with their conscience and convictions.

Art. 74. A Member of the National Assembly shall not occupy another state post, nor shall engage in any other activity which the law defines as incompatible with the status of a Member of the National Assembly.

(2) A Member of the National Assembly elected as a minister shall cease to

serve as a Member during his term of office as a minister. During that period, he shall be substituted in the National Assembly in a manner established by law.

Art. 75. Members of the National Assembly shall not be held criminally liable for their opinions or votes in the National Assembly.

Art. 76. A Member of the National Assembly shall be immune from detention or criminal prosecution except for the perpetration of a criminal offence, and in such case the permission of the National Assembly or, in between its session, of the President of the National Assembly, shall be required. No permission shall be required when a Member is detained in flagrante delicto; the National Assembly or, in between its session, the President of the National Assembly, shall be notified forthwith.

(2) No permission for initiating criminal prosecution shall be required where the Member of the National Assembly has given his consent thereto in writing.

Art. 77. The National Assembly shall establish the emoluments of its Members.

Art. 78. (1) A Member's prerogatives shall expire before the expiry of his term of office upon any of the following occurrences:

1. resignation submitted to the National Assembly;
2. entry into force of a final sentence imposing imprisonment for a **general crime**;
3. establishing conditions of non-electability or incompatibility;
4. death.

(2) Cases referred to in items 1 and 2 shall require a resolution of the National Assembly; cases referred to in item 3 shall require a ruling by the Constitutional Court.

Art. 79. The National Assembly shall be organized and shall act in accordance with the Constitution and its own internal rules.

Art. 80. The National Assembly shall be a permanently acting body. It shall be free to determine its recesses.

Art. 81. A newly elected National Assembly shall be convened for a first session by the President of the Republic of Bulgaria within a month following its election. Should the President fail to do so, it shall be convened by one-fifth of the Members of the National Assembly.

Art. 82. (1) The first session of the National Assembly shall be opened by the senior present Member.

(2) At the first session the Members shall swear the following oath: "I swear in the name of the Republic of Bulgaria to observe the Constitution and the laws of the country and in all my actions to be guided by the interests of the people. I have

sworn."

(3) The National Assembly shall elect at the same session its President and Vice-Presidents.

Art. 83. (1) The President of the National Assembly shall:

1. represent the National Assembly;
2. propose a draft agenda for the sessions;
3. open, run and close the sessions of the National Assembly and ensure their proper conduct;
4. certify with his signature the content of the resolutions adopted by the National Assembly;
5. promulgate the decisions, declarations and addresses approved by the National Assembly;
6. organize the international relations of the National Assembly.

(2) The Vice-Presidents of the National Assembly shall assist the President and carry out any activities devolved by him/her.

Art. 84. The National Assembly shall be convened for its sessions by its President:

1. on his own initiative;
2. at the request of one fifth of the Members of the National Assembly;
3. at the request of the President;
4. at the request of the Council of Ministers.

Art. 85. (1) The National Assembly shall elect standing and ad hoc committees from among its Members.

(2) The standing committees shall aid the work of the National Assembly and shall exercise parliamentary control on its behalf.

(3) Ad hoc committees shall be elected to conduct inquiries and investigations.

Art. 86. Any official or citizen subpoenaed by a parliamentary committee shall be obligated to testify and present any required documents.

Art. 87. The National Assembly shall open its sessions and pass resolutions when more than half of its Members are present.

(2) The National Assembly shall pass laws and other acts by a majority of more than one-half of the present Members, except when a qualified majority is required by the Constitution.

(3) Voting shall be personal and open, except when the Constitution requires or the National Assembly resolves on a secret ballot.

Art. 88. Sessions of the National Assembly shall be public. The National Assembly may by exception resolve to hold some sessions behind closed doors.

Art. 89. (1) Ministers shall be free to attend the sessions of the National Assembly and the parliamentary committees. They shall be given priority in

addressing the Members.

(2) The National Assembly and the parliamentary committees shall be free to order ministers to attend their sessions and respond to questions.

Art. 90. The National Assembly shall:

1. adopt, amend, supplement and repeal laws;
2. adopt the state budget and the budget implementation report;
3. establish taxes and determine the amount of state taxes;
4. schedule elections for President of the Republic of Bulgaria;
5. adopt a decision to hold a national referendum;
6. elect and dismiss the Prime Minister and, on his proposal, the Council of Ministers; make changes to the Government on the proposal of the Prime Minister;
7. establish, transform and close ministries on a proposal of the Prime Minister;
8. elect and dismiss the heads of the Bulgarian National Bank and other institutions designated by law;
9. give consent to the conclusion of public loan contracts;
10. decide on the declaration of war and concluding a peace treaty;
11. authorize the dispatch and use of Bulgarian armed forces outside this country, as well as the residing of foreign troops on the territory of this country or their passing through it;
12. declare a military or other state of emergency on the whole or part of the territory of this country on a proposal of the President or the Council of Ministers;
13. grant amnesty;
14. found medals and medals;
15. determine the public holidays;
16. hear and approve the annual reports of the Supreme Court of Cassation and the Supreme Administrative Court submitted by the Judicial Council of Judges on the application of the law and the activities of the courts;
17. hear and approve every 6 months the reports of the Prosecutor General on the implementation of the law on the activities of the Prosecutor's Office and the investigative bodies submitted by the Judicial Council of Prosecutors, as well as other reports of the Prosecutor General on the activities of the Prosecutor's Office on the implementation of the law, combating crime and the implementation of the criminal policy;
18. may hear the Prosecutor General on matters related to specific criminal proceedings subject to the authorisation by the monitoring prosecutor;
19. hear and approve reports on the activity of bodies, wholly or partially appointed by the National Assembly, where this is provided by law.

Art. 91. (1) The National Assembly shall ratify or denounce by law all international treaties which:

1. are political or military in nature;
2. relate to the participation of the Republic of Bulgaria in international organizations;

3. provide for the adjustment of the border of the Republic of Bulgaria;
4. contain financial obligations for the State;
5. provide for the participation of the State in arbitration or judicial settlement of international disputes;
6. relate to fundamental human rights;
7. relate to the operation of the law or require measures of legislative nature for their implementation;
8. expressly provide for ratification;
9. confer on the European Union powers ensuring from this Constitution.

(2) The law ratifying the international treaty referred to in para 1, item 9 shall be adopted by a majority of two thirds of all Members of the National Assembly.

(3) Treaties ratified by the National Assembly may be amended or denounced only by their built-in procedure or in accordance with the universally acknowledged norms of international law.

(4) The conclusion of an international treaty requiring an amendment to the Constitution shall be preceded by the passage of such an amendment.

Art. 92. (1) The National Assembly shall pass laws, resolutions, declarations and addresses.

(2) The laws and resolutions passed by the National Assembly shall be binding on all state bodies, all organizations and all citizens.

Art. 93. (1) Any Member of the National Assembly or the Council of Ministers shall have the right to introduce a bill.

(2) The State Budget Bill shall be drawn up and presented by the Council of Ministers.

Art. 94. (1) Bills shall be read and voted upon twice, during different sessions. By way of exception, the National Assembly may resolve to hold both ballots during a single session.

(2) All other acts of the National Assembly shall require a single ballot.

(3) Each passed act shall be promulgated in State Gazette within 15 days of being passed.

Art. 95. (1) A motion of no confidence in the Council of Ministers shall require seconding by at least one-fifth of the Members of the National Assembly. To be passed, the motion shall require a majority of more than half of the votes of all National Assembly Members.

(2) Should the National Assembly vote no confidence in the Prime Minister or the Council of Ministers, the Prime Minister shall hand in his government's resignation.

(3) Should the National Assembly reject a vote of no confidence in the Council of Ministers, the next motion for a vote of no confidence on the same grounds shall not be made within six months.

Art. 96. (1) Members of the National Assembly shall have the right to address

questions and interpellations to the Council of Ministers and to individual ministers, who shall be obligated to respond.

(2) A motion by one-fifth of the Members of the National Assembly shall be required to turn an interpellation into a debate on which a resolution shall be passed.

Art. 97. (1) The National Assembly shall establish a National Audit Office to supervise the implementation of the budget.

(2) The organization, authority and procedures by which the National Audit Office shall act shall be established by law.

Art. 98. (1) The National Assembly shall elect an Ombudsman who shall defend the rights and freedoms of the citizens.

(2) The powers and activities of the Ombudsman shall be regulated by a law.

Chapter Four.

PRESIDENT OF THE REPUBLIC

Art. 99. (1) The President shall be the head of State. He shall embody the unity of the nation and shall represent the State in its international relations.

(2) The President shall be assisted in his actions by a Vice President.

Art. 100. (1) The President shall be elected directly by the voters for a period of five years by a procedure established by law.

(2) Eligible for President shall be any natural-born Bulgarian citizen over 40 years of age and qualified to be elected to the National Assembly, who has resided in the country for the five years preceding the election.

(3) To be elected, a candidate shall require more than one-half of the valid ballots, provided that more than half of all eligible voters have cast their ballots in the election.

(4) Should none of the candidates for President be elected, a second-round vote shall be held within seven days between the two top candidates. The winner shall be the candidate who wins the majority of the vote.

(5) A Presidential election shall be held not earlier than three months and not later than two months before the expiry of the term of office of the incumbent President.

(6) The Constitutional Court shall rule upon any challenge to the legality of a Presidential election no later than one month after the election.

Art. 101. The Vice President shall be elected at the same time and on the same ticket as the President, on the same conditions and by the same procedure.

Art. 102. (1) The President and the Vice President shall be eligible for only one re-election to the same office.

(2) The President and the Vice President shall not serve as Members of the National Assembly or engage in any other state, public or economic activity, nor shall they participate in the leadership of any political party.

Art. 103. The President and the Vice President shall swear before the National Assembly the oath established by Art. 82 para 2.

Art. 104. (1) The President's or Vice President's authority shall expire before the expiry of his term of office upon any of the following occurrences:

1. resignation submitted to the Constitutional Court;
2. permanent inability to exercise their powers due to a serious illness;
3. under the terms of Art. 110;
4. death.

(2) In the cases referred to in items 1 and 2, the prerogatives of the President or Vice President shall be suspended upon the Constitutional Court's establishing the existence of the respective circumstances.

(3) In the cases under para 1, the Vice President shall assume the duties of the President until the expiry of the term of office.

(4) Should the Vice President be incapable of assuming the President's duties, the President's prerogatives shall be assumed by the President of the National Assembly until the election of a new President and Vice President. Elections for President and Vice President shall then be held within two months.

Art. 105 The President of the Republic of Bulgaria shall:

1. schedule elections for a National Assembly and local government bodies and shall set the date for holding a national referendum where there is a decision of the National Assembly to hold such a referendum;
2. address the nation and the National Assembly;
3. conclude international treaties in the cases specified by law;
4. promulgate laws;
5. on a motion of the Council of Ministers, determine the borders of the administrative territorial units and their centres;
6. on a motion of the Council of Ministers, appoint and remove the heads of the Republic of Bulgaria's diplomatic and permanent missions at international organizations, and receive the credentials and the letters of recall of the foreign diplomatic representatives to this country;
7. appoint and remove from office other state officials, established by law;
8. award orders and medals;
9. grant, restore, relieve from and withdraw Bulgarian citizenship;
10. grant asylum;
11. exercise the right to pardon;
12. cancel uncollectible debts to the State;
13. name landmarks and communities of national importance;
14. inform the National Assembly on basic problems within its prerogative.

Art. 106. (1) Following consultations with the parliamentary groups, the President shall appoint the Prime Minister-designate nominated by the party holding the highest number of seats in the National Assembly to form a government.

(2) Should the Prime Minister-designate fail to form a government within seven days, the President shall entrust this task to a Prime Minister-designate nominated by the second largest parliamentary group.

(3) Should the new Prime Minister-designate also fail to form a government within the period established by the preceding paragraph, the President shall entrust the task to a Prime Minister-designate nominated by one of the minor parliamentary groups.

(4) Should the consultations prove successful, the President shall ask the National Assembly to elect the Prime Minister-designate.

(5) Should no agreement on the formation of a government be reached, the President shall appoint a caretaker government, dissolve the National Assembly and schedule new elections within the period established by Art. 70 para 3. The President's act on the dissolution of the National Assembly shall also establish the date of the new general elections.

(6) The procedure for forming a government established by the preceding paragraphs shall further apply in the cases referred to in Art. 118 para 1.

(7) In the cases referred to in paras 5 and 6, the President shall not dissolve the National Assembly during the last three months of his term of office. Should Parliament fail to form a government within the established period, the President shall appoint a caretaker government.

Art. 107. (1) The President shall be the Supreme Commander in Chief of the Armed Forces of the Republic of Bulgaria.

(2) The President shall appoint and remove the higher command of the Armed Forces and shall bestow all higher military ranks on a motion of the Council of Ministers.

(3) The President shall preside over the Consultative National Security Council, the status of which shall be established by law.

(4) The President shall proclaim general or partial mobilization on a motion from the Council of Ministers in accordance with the law.

(5) The President shall proclaim a state of war in the case of an armed attack against Bulgaria or whenever urgent actions are required by virtue of an international commitment, or shall proclaim martial law or any other state of emergency whenever the National Assembly is not in session and cannot be convened. The National Assembly shall then be convened forthwith to endorse the decision.

Art. 108. (1) Within the term established by Art. 94 para 3, the President shall be free to return a bill together with his motives to the National Assembly for further debate, which shall not be refused.

(2) The new passage of such a bill shall require a majority of more than half of all Members of the National Assembly.

(3) Following a new passage of the bill by the National Assembly, the President shall promulgate it within seven days following its receipt.

Art. 109. (1) Within the prerogatives vested in him, the President shall issue decrees, addresses and messages.

(2) The President's decrees shall be countersigned by the Prime Minister or the minister concerned.

- (3) No countersigning shall be required for decrees pertaining to:
1. the assignment of consultations to form a government;
 2. the dissolution of the National Assembly;
 3. the return of a bill to the National Assembly for further debate;
 4. the organization and manner of action of the offices of the Presidency and the appointment of their staff;
 5. the scheduling of an election or referendum;
 6. the promulgation of laws;
 7. **the appointment of a caretaker government.**

Note: not new, but its systematic place in the Constitution has been shifted (previously this was Art. 102, par. 3, item 1).

Art. 110. (1) The President and Vice President shall not be held liable for actions committed in the performance of their duties, except for high treason, or a violation of the Constitution.

(2) An impeachment shall require a motion from no fewer than one quarter of all Members of the National Assembly and shall stand if supported by more than two-thirds of the Members.

(3) An impeachment against the President or Vice President shall be tried by the Constitutional Court within a month following the lodging of the impeachment. Should the Constitutional Court convict the President or Vice President of high treason, or of a violation of the Constitution, the President's or Vice President's prerogatives shall be suspended.

(4) No one shall place the President or the Vice President under detention, nor shall initiate criminal prosecution against them.

Art. 111. The President shall be free to devolve to the Vice President the prerogatives established by Art. 105 items 7, 9, 10 and 11.

Chapter Five. COUNCIL OF MINISTERS

Art. 112. (1) The Council of Ministers shall direct and conduct State's domestic and foreign policy in accordance with the Constitution and the laws.

(2) The Council of Ministers shall ensure the public order and national security and shall exercise overall guidance over the state administration and the Armed Forces.

(3) The Council of Ministers shall inform the National Assembly on issues concerning the obligations of the Republic of Bulgaria resulting from its membership in the European Union.

(4) When participating in the drafting and adoption of European Union instruments, the Council of Ministers shall inform the National Assembly in advance, and shall give detailed account for its actions.

Art. 113. The Council of Ministers shall manage the implementation of the

state budget; organize the management of the state's assets; conclude, confirm or denounce international treaties when authorized to do so by law.

Art. 114. The Council of Ministers shall rescind any illegitimate or improper act issued by a minister.

Art. 115. The Council of Ministers shall consist of a Prime Minister, Deputy Prime Ministers and ministers.

(2) The Prime Minister shall head, coordinate and bear responsibility for the overall policy of the government. He shall appoint and remove the deputy ministers.

(3) Each member of the Council of Ministers shall head a ministry unless the National Assembly resolves otherwise. Each minister shall account for his own activity.

Art. 116. The members of the Council of Ministers shall swear before the National Assembly an oath envisaged in Art. 82 para 2.

Art. 117. Eligible for election to the Council of Ministers shall be any Bulgarian citizen qualified to be elected to the National Assembly.

Art. 118. (1) The authority of the Council of Ministers shall expire upon any of the following occurrences:

1. a vote of no confidence in the Council of Ministers or the Prime Minister;
2. the resignation of the Council of Ministers or the Prime Minister;
3. death of the Prime Minister.

(2) The Council of Ministers shall hand in its resignation before the newly elected National Assembly.

(3) Should any of the above occur, the Council of Ministers shall continue to act until the election of a new Council of Ministers.

Art. 119. (1) The Council of Ministers shall be free to ask the National Assembly's vote of confidence in its overall policy, its programme declaration, or on a specific issue. A resolution shall require a majority of more than half of the votes of the National Assembly Members present.

(2) Should the Council of Ministers fail to receive the requested vote of confidence, the Prime Minister shall hand in the government's resignation.

Art. 120. (1) A member of the Council of Ministers shall not hold a post or engage in any activity incompatible with the status of a Member of the National Assembly.

(2) The National Assembly shall be free to determine any other post or activity which a member of the Council of Ministers shall not hold or engage in.

Art. 121. Pursuant to and in implementation of the laws, the Council of Ministers shall adopt decrees, ordinances and resolutions. The Council of Ministers shall draft rules and regulations by decree.

Art. 122. The ministers shall issue rules, regulations, instructions and orders.

Art. 123. (1) State employees shall be the executors of the nation's will and interests. In the performance of their duty they shall be guided solely by the law and shall be politically neutral.

(2) The conditions for the appointment and removal of state employees and the conditions on which they shall be free to belong to political parties and trade unions, as well as to exercise their right to strike shall be established by law.

Chapter Six. JUDICIARY

Art. 124. (1) The judiciary shall protect the rights and legitimate interests of all citizens, legal entities and the State.

(2) The judiciary shall be independent. In the performance of their functions, all judges, court assessors, prosecutors and investigating magistrates shall be subservient only to the law.

(3) The judiciary shall have an independent budget.

Art. 125. All judicial power shall be exercised in the name of the people.

Art. 126. (1) Justice shall be administered by the Supreme Court of Cassation, the Supreme Administrative Court, courts of appeal, regional courts, courts-martial and district courts.

(2) Specialized courts may be set up by virtue of law.

(3) There shall be no extraordinary courts.

Art. 127. (1) The courts shall supervise the legality of the acts and actions of the administrative bodies.

(2) Citizens and legal entities shall be free to challenge any administrative act which affects them, except those listed expressly by the laws.

Art. 128. (1) The courts shall ensure equality and equal opportunities for all the parties in the judicial trail to present their case.

(2) Judicial proceedings shall ensure the establishment of truth.

(3) All courts shall conduct their hearings in public, unless provided otherwise by law.

(4) All court rulings shall be motivated.

Art. 129. (1) Citizens and legal entities shall have the right to legal counsel at all stages of a trial.

(2) The procedure by which the right to legal counsel shall be practiced shall be established by law.

Art. 130. Court assessors shall participate in the trial process in certain cases established by law.

Art. 131. The Supreme Court of Cassation shall exercise supreme judicial oversight as to the precise and equal application of the law by all courts.

Art. 132. (1) The Supreme Administrative Court shall exercise supreme judicial oversight as to the precise and equal application of the law in administrative justice.

(2) The Supreme Administrative Court shall rule on all challenges to the legality of acts of the Council of Ministers and the ministers, and any other acts envisaged by the law.

Art. 133. (1) The structure of the prosecution office shall correspond to that of the courts.

(2) The Prosecutor General shall oversee the legality and provide methodological guidance to all other prosecutors.

Art. 134. The prosecution office shall ensure that legality is observed:

1. by leading the investigation and supervising the legality thereof;
2. by conducting investigation;
3. by bringing charges against criminal suspects and supporting the charges in indictable cases;
4. by overseeing the enforcement of penalties and other measures of compulsion;
5. by acting for the revoking of unlawful acts;
6. by taking part in civil and administrative proceedings whenever required to do so by law.

Art. 135. The investigating magistracy shall be within the system of the judiciary. They shall conduct investigation of criminal cases where it is prescribed by the law.

Art. 136. (1) Judges, prosecutors and investigating magistrates shall be appointed, promoted, demoted, transferred and released from office by the Judicial Council of Judges, respectively by the Judicial Council of Prosecutors.

(2) The President of the Supreme Court of Cassation and the President of the Supreme Administrative Court shall be appointed and dismissed by the Judicial Council of Judges for a period of five years without right to re-election.

(3) The Prosecutor General shall be appointed and dismissed by the Judicial Council of Prosecutors for a period of five years without right to re-election.

(4) Having completed a five-year term of office as a judge, prosecutor or investigating magistrate, and upon attestation, by decision of the Judicial Council of Judges, respectively the Judicial Council of Prosecutors, judges, prosecutors and investigating magistrates shall become irremovable. They, including the persons referred to in paras 2 and 3 shall be released from office only upon:

1. reaching 65 years of age;
2. resignation;
3. entry into force of a final sentence imposing imprisonment or probation for

an intentional criminal offence;

4. permanent de facto inability to perform their duties for more than one year;
5. serious infringement or systematic neglect of their official duties, as well as actions damaging the prestige of the judiciary.

(5) In cases of removal from office under para 4, items 2 and 4, the acquired irremovability shall be restored upon subsequent appointment to the office of a judge, prosecutor or investigating magistrate.

(6) The heads of the judicial bodies, except for those referred to in paras 2 and 3, shall be appointed for a period of five years and are eligible for a second mandate.

Art. 137. (1) The Judicial Council of Judges shall consist of 15 members. Sitting on it ex officio shall be the Chairperson of the Supreme Court of Cassation and the Chairperson of the Supreme Administrative Court.

(2) Six of the members of the Judicial Council of the Judges shall be elected by the National Assembly by a majority of two-thirds of the Members and seven shall be elected directly by the judges under conditions and procedures established by law.

Art. 138. The Judicial Council of Prosecutors shall consist of 11 members. Sitting on it ex officio shall be the Prosecutor General.

(2) Five of the members of the Judicial Council of the Prosecutors shall be elected by the National Assembly by a majority of two-thirds of the Members, four shall be elected directly by the prosecutors and one shall be elected directly by the investigating magistrates under conditions and procedures established by law.

Art. 139. (1) Eligible for election to the judicial councils of the judges and the prosecutors besides its ex officio members shall be practising lawyers of high professional and moral integrity with at least fifteen years of professional experience.

(2) The term of office of the elected members of the judicial councils of judges and prosecutors shall be five years. They shall not be eligible for immediate re-election.

(3) The term of office of an elected member of the judicial councils of judges and prosecutors shall be terminated in the event of:

1. resignation;
2. entry into force of a final sentence imposing imprisonment or probation for an intentional criminal offence;
3. permanent de facto inability to perform their duties for more than one year;
4. disciplinary removal from office or deprivation from the right to pursue legal profession or activity.

(4) Upon termination of the term of office of an elected member of the judicial councils of judges and prosecutors, another member of the respective community shall be elected in their place within six months, who shall complete the term of office.

Art. 140. The Judicial Council of Judges, respectively the Judicial Council of Prosecutors shall:

1. adopt a draft budget of the relevant judicial authorities;
2. adopt a decision to terminate the term of office of an elected member of the relevant Judicial Council under the conditions of Art. 139, para. 3;
3. organize the qualification of judges, prosecutors and investigating magistrates;
4. hear and approve the relevant reports under Art. 90, items 16 and 17;
5. appoint and dismiss the President of the Supreme Court of Cassation, the President of the Supreme Administrative Court and the Prosecutor General;
6. appoint, promote, transfer and dismiss judges, prosecutors and investigating magistrates;
7. conduct regular attestation to judges, prosecutors, investigating magistrates and administrative heads in the judicial authorities and shall decide on matters related to acquisition and restoration of irremovability;
8. impose disciplinary sanctions of demotion and dismissal on judges, prosecutors, investigating magistrates and administrative heads of the judiciary;
9. appoint and dismiss the administrative heads of the judicial authorities;
10. resolve matters related to the organization of the operation of the respective system of judicial authorities;
11. exercise other powers as defined by law.

Art. 141. (1) The meetings of the Judicial Council of Judges shall be chaired by the Chairperson of the Supreme Court of Cassation. The meetings of the Judicial Council of Prosecutors shall be chaired by the Prosecutor General.

(2) The Minister of Justice and the Chief Inspectors may attend the meetings of the judicial councils of judges and prosecutors without voting.

Art. 142. The Minister of Justice shall:

1. propose draft budgets of the relevant judicial authorities and submit them to the judicial councils of judges and prosecutors;
2. manage the immovable property of the judiciary;
3. participate in the organisation of the qualification of judges, prosecutors and investigating magistrates.

Art. 143. (1) When exercising the judicial function, the judges, prosecutors and investigating magistrates shall bear no civil or criminal liability for their official actions or for the acts rendered by them, except where the act performed constitutes an indictable intentional offence.

Art. 144. (1) Inspectorates shall be set up under the judicial councils of judges and prosecutors that shall consist of a chief inspector and five inspectors.

(2) The chief inspectors shall be elected by the National Assembly by a majority of two-thirds of the Members for a term of five years.

(3) The inspectors shall be elected by the National Assembly for a term of four years pursuant to the procedure laid down in para 2.

(4) The chief inspector and the inspectors may be re-elected, however not for two consecutive mandates.

(5) The budget of the Inspectorates shall be approved by the National Assembly within the frames of the relevant budgets of the judiciary bodies.

(6) In accordance with their professional orientation the inspectorates under the Council of Judges and the Council of Prosecutors shall inspect the operation of the judiciary bodies without interfering with the independence of judges, jurors, prosecutors and investigating magistrates in the performance of their duties. The Inspectorates shall carry out checks on the integrity and the conflicts of interest of judges, prosecutors and investigating magistrates, their property declarations, as well as for ascertaining any actions damaging the prestige of the judiciary and such violating the independence of judges, prosecutors and investigating magistrates. The Inspector General and the inspectors shall be independent and shall obey only the law while performing their duties.

(7) The Inspectorates shall act *ex officio*, on an initiative by the citizens, legal entities or state bodies, including judges, prosecutors and investigating magistrates.

(8) The Inspectorates shall submit an annual report on their activity to the relevant judicial councils.

(9) The Inspectorates shall submit signals, proposals and reports to other state bodies, including the competent judiciary bodies. The Inspectorates shall provide public information about their activity.

(10) The conditions and procedure applicable to the election and removal from office of the chief inspector and the inspectors, as well as the organisation and the activity of the Inspectorate shall be established by law.

Art. 145. The organization and the activity of the judicial councils of the judges and prosecutors, of the courts, the prosecution office and the investigating magistracy, the status of the judges, prosecutors and investigating magistrates, the conditions and the procedure for the appointment and removal from office of judges, court assessors, prosecutors and investigating magistrates and the materialization of their liability shall be established by law.

Art. 146. (1) The bar shall be free, independent and autonomous. It shall assist citizens and legal entities in the defence of their rights and legitimate interests.

(2) The organization and manner of activity of the bar shall be established by law.

Chapter Seven.

LOCAL SELF-GOVERNMENT AND LOCAL ADMINISTRATION

Art. 147. (1) The territory of the Republic of Bulgaria shall be divided into municipalities and regions. The territorial division and the prerogatives of the capital city and the other major cities shall be established by law.

(2) Other administrative territorial units and bodies of self-government shall be establishable by law.

Art. 148. (1) A municipality shall be the basic administrative territorial unit at the level of which self-government shall be practiced. Citizens shall participate in the government of the municipality both through their elected bodies of local self-government and directly, through a referendum or a general meeting of the populace.

(2) The borders of a municipality shall be established following a referendum of the populace.

(3) A municipality shall be a legal entity.

Art. 149. (1) Municipalities shall be free to associate in the solution of common matters.

(2) The law shall establish conditions conducive to association among municipalities.

Art. 150. The body of local self-government within a municipality shall be a municipal council elected directly by the populace for a term of four years by a procedure envisaged by the law.

Art. 151. (1) The mayor shall be the executive power within a municipality. He shall be elected for a term of four years by the populace or by the municipal council in a manner established by law.

(2) In his activity a mayor shall be guided by the law, the acts of the municipal council and the decisions of the populace.

Art. 152. A municipality shall be entitled to own municipal property, which it shall use to the interest of the territorial community.

Art. 153. (1) A municipality shall have its own budget.

(2) A municipality's permanent sources of revenue shall be established by law.

(3) The municipal council shall determine the size of local taxes under conditions, by a procedure and within the framework established by law.

(4) The municipal council shall determine the size of local taxes following a procedure established by law.

(5) The State shall ensure the normal operation of the municipalities through budget appropriations and other means.

Art. 154. The region shall be an administrative territorial unit for the conduct of a regional policy, the implementation of state governance on a local level, and the ensuring the concurrence of national and local interests.

Art. 155. (1) Each region shall be governed by a regional governor aided by a regional administration.

(2) A regional governor shall be appointed by the Council of Ministers.

(3) The regional governor shall ensure the implementation of the State's

policy, the safeguarding of the national interests, law and public order, and shall exercise administrative control.

Art. 156. The central bodies of State and their territorial sub-divisions shall exercise control over the legality of the acts of the bodies of local government only when authorized to do so by law.

Art. 157. A municipal council shall be free to challenge before a court any act which infringes its rights.

Art. 158. The organization and the procedures of the bodies of local self-government and local administration shall be established by law.

Chapter Eight.

CONSTITUTIONAL COURT

Art. 159. (1) The Constitutional Court shall consist of 12 judges, one-third of whom shall be elected by the National Assembly, one-third shall be appointed by the President, and one-third shall be elected by a joint meeting of the judges of the Supreme Court of Cassation and the Supreme Administrative Court.

(2) The judges of the Constitutional Court shall be elected or appointed for a period of nine years. They shall not be eligible for re-election or re-appointment. The make-up of the Constitutional Court shall be renewed every three years from each quota following a procedure established by law.

(3) The judges of the Constitutional Court shall be lawyers of high professional and moral integrity and with at least fifteen years of professional experience.

(4) The judges of the Constitutional Court shall elect a Chairperson of the Court by secret ballot for a period of three years.

(5) The status of a judge of the Constitutional Court shall be incompatible with a representative mandate, or any state or public post, or membership in a political party or trade union, or with the practising of a free, commercial, or any other paid occupation.

(6) A judge of the Constitutional Court shall enjoy the same immunity as a Member of the National Assembly.

Art. 160. (1) The mandate of a judge of the Constitutional Court shall expire upon any of the following occurrences:

1. expiry of the determined term of office;
2. resignation submitted to the Constitutional Court;
3. entry into force of a sentence imposing imprisonment for an intentional criminal offence;
4. de facto inability to perform their duties for more than one year;
5. incompatibility with an office or activity referred to in Art. 159, para 5;
6. death.

(2) The Constitutional Court shall lift the immunity of a judge or establish

his de facto inability to perform his duties by a secret ballot requiring a majority of at least two-thirds of the votes of all judges.

(3) Where the mandate of a Constitutional Court judge is terminated, a new judge from the same quota shall be appointed or elected within one month.

Art. 161. (1) The Constitutional Court shall:

1. provide binding interpretations of the Constitution;
2. rule on the constitutionality of the laws and other acts passed by the National Assembly and the acts of the President;
3. rule on competence suits between the National Assembly, the President and the Council of Ministers, and between the bodies of local self-government and the central executive branch of government;
4. rule on the compatibility between the Constitution and the international treaties concluded by the Republic of Bulgaria prior to their ratification, and on the compatibility of domestic laws with the universally recognized norms of international law and the international treaties to which Bulgaria is a party;
5. rule on challenges to the constitutionality of political parties and associations;
6. rule on challenges to the legality of the election of the President and Vice President;
7. rule on challenges to the legality of an election of a Member of the National Assembly;
8. rule on impeachments by the National Assembly against the President or the Vice President;
9. after all remedies have been exhausted, rule on requests by a citizen or a legal entity to establish the constitutionality of a law that violates their rights and freedoms.

(2) No authority of the Constitutional Court shall be vested or suspended by law.

Art. 162. (1) The Constitutional Court shall act on a motion of no fewer than one-fifth of all Members of the National Assembly, the President, the Council of Ministers, the Supreme Court of Cassation, the Supreme Administrative Court or the Prosecutor General. A challenge to competence pursuant to Art. 161, para 1, item 3 may be filed also by a municipal council.

(2) In case discrepancy between an applicable law and the Constitution is suspected, the court adjudicating at last instance shall, on a motion of the party concerned or on its own motion, stay the proceedings and refer the matter to the Constitutional Court.

(3) Where the initiative under para. 2 has not been respected by the court, or it has been impossible to do so because the final decision is based on a law, the application of which has not been discussed by the parties, the affected citizen or legal entity may refer the matter to the Constitutional Court within two months of the conclusion of the case with a request for establishing the constitutionality of the indicated law. Respecting the motion shall serve as grounds for reopening the proceedings.

(4) Should it find a discrepancy between law and the Constitution, the Supreme Court of Cassation or the Supreme Administrative Court shall suspend the proceedings on a case and shall refer the matter to the Constitutional Court.

(5) The Ombudsman may approach the Constitutional Court with a request for declaring as unconstitutional a law which infringes human rights and freedoms.

(6) The Supreme Bar Council may refer to the Constitutional Court a request for declaring as unconstitutional an act which violates rights and freedoms of citizens or legal entities.

Art. 163. (1) A ruling of the Constitutional Court shall require a majority of more than half of the votes of all judges.

(2) Rulings of the Constitutional Court shall be promulgated in State Gazette within 15 days from the date on which they are issued. A ruling shall come into force three days after its promulgation. Any act found to be unconstitutional shall cease to apply as of the date on which the ruling shall come into force.

(3) Any portion of a law which is not ruled unconstitutional shall remain in force.

Art. 164. The organization and the manner of proceeding of the Constitutional Court shall be established by law.

Chapter Nine.

AMENDMENT AND SUPPLEMENTATION OF THE CONSTITUTION. ADOPTION OF A NEW CONSTITUTION

Art. 165. The National Assembly may adopt a new Constitution and amend and supplement all provisions of the Constitution.

Art. 166. The National Assembly shall rule by a majority under Art. 169 when:

1. adopting a new Constitution;
2. resolving the issue of changing the territory of the Republic of Bulgaria and ratifying international treaties providing for such changes;
3. deciding on changes in the form of government regulation and state government;
4. deciding on the amendment of Art. 11, paras 2 and 4 and Art. 63, para. 1 and 3 of the Constitution;
5. deciding to amend and supplement this Chapter.

Art. 167. (1) The initiative to introduce a constitutional amendment bill shall belong to one quarter of the Members of the National Assembly and to the President.

(2) Only the President or at least half of the Members of the National Assembly have the right to introduce an amendment bill pursuant to Art. 166.

(3) In the cases under para. 1, an amendment bill shall be debated by the National Assembly not earlier than one month and not later than three months from the date on which it is introduced, and in the cases under para. 2, the draft new

Constitution or amendment of the current Constitution shall be debated by the National Assembly not earlier than two months and not later than five months after its submission.

Art. 168. (1) Except in the cases under Art. 166, a constitutional amendment shall require a majority of three quarters of the votes of all Members of the National Assembly in three ballots on three different days.

(2) A bill which has received less than three quarters but more than two-thirds of the votes of all Members shall be eligible for reintroduction after not fewer than two months and not more than five months. To be passed at this new reading, the bill shall require a majority of two-thirds of the votes of all Members.

Art. 169. (1) In the cases under Art. 166 a new Constitution or a constitutional amendment shall require a majority of four fifths of the votes of all Members of the National Assembly in three ballots on different days.

(2) A bill which has received less than four fifths but more than three fourths of the votes of all Members shall be eligible for reintroduction after not sooner than two months and not later than five months. To be passed at this new reading, the bill shall require a majority of three fourths of the votes of all Members.

Art. 170. (1) The new Constitution shall be subject to approval at a national referendum where it is to be approved by more than half of the electors who voted and where at least half of them participate in the referendum.

(2) The laws under Art. 169 resolving the issues below shall also be subject to approval at a national referendum by the votes of more than half of the electors who have voted:

1. change of the territory of the Republic of Bulgaria and ratification of international treaties providing for such changes;
2. amendment of Art. 11, paras 2 and 4 and Art. 63, paras 1 and 3 of the Constitution;
3. changes in the form of government regulation and in the republican and parliamentary foundations of the state government;
4. amendment and supplementation of this Chapter.

Art. 171. The decision to adopt a new Constitution, together with its text, and the laws under Art. 170, para. 2 shall be signed and promulgated in the State Gazette by the President of the National Assembly within seven days of the entry into force of the decision of the Central Election Commission to announce the results of the referendum. In the other cases the act to amend and supplement the Constitution shall be signed and promulgated in the State Gazette by the President of the National Assembly within seven days of its adoption.

TRANSITIONAL AND CONCLUDING PROVISIONS

§ 1. (1) The Grand National Assembly shall dissolve itself after the adoption of

the Constitution and the President shall schedule elections for a National Assembly within two months.

(2) The Grand National Assembly shall continue to function as a National Assembly until the election of a new National Assembly.

§ 2. (1) The provisions of the existing laws shall be applicable on condition that they do not contravene the Constitution.

(2) Within a year from this Constitution's coming into force, the National Assembly shall rescind those provisions of the existing laws which have not been rescinded by virtue of the direct force of the Constitution pursuant to its Art. 11 para 2.

§ 3. This Constitution shall enter into force on the day on which it is promulgated in State Gazette by the President of the Grand National Assembly, and shall supersede the Constitution of the Republic of Bulgaria adopted on 12 July 1991.

SUBMITTED BY:

MOTIVES

to the draft Constitution of the Republic of Bulgaria

The need for a new Constitution of the Republic of Bulgaria has been a hot topic for many citizens and public organizations in recent years. To respond to the attitudes and expectations of the Bulgarian citizens, we propose a draft Constitution to safeguard the basic principles and foundations of our times. The current Constitution was adopted in another historical period, under other political circumstances at the very beginning of the transition to democracy, under a different international status of our country, and the elapsed period has shown that it would be impossible to counteract the challenges without making changes to the basic law. The basic law should be designed so as to be in line with the European rules. According to the current Constitution, a new Constitution can only be adopted by the Grand National Assembly. A Grand National Assembly needs to be convened and a new Constitution needs to be adopted in order to strengthen the citizens' confidence in the institutions. We believe that it is time to make a substantial analysis and evaluation of the new public relations in any aspect and to have them settled by the Grand National Assembly through a strong representation of the citizens. Such representation is to reflect the public expectations and the evolution of the public relations.

The representatives in the Grand National Assembly are called to restate their loyalty to national, European and universal values such as freedom, peace, humanism, equality, justice and tolerance. The human rights, the human dignity and security shall be preserved as the fundamental principles underlying the Constitution. The preservation of the national and state unity of the Republic of Bulgaria remains a solemn duty. We are guided by the determination to continue building our homeland as a democratic, law-abiding and social state.

Art. 1, para. 2 of the current Constitution affirms the popular sovereignty as a fundamental principle of the constitutional order. Therefore, we propose to fully preserve the basic premises of the Constitution – the whole state authority derives from the people, the inviolability of the territory of the country and the official language is Bulgarian. The consensus on the values of the organization and the functioning of the society and the state, the sovereignty of the people, the representation, the separation of powers and the rule of law are at the heart of the democratic government. The dynamics of the public relations requires that the legislature, as an entrusted authority, be able to respond adequately to public expectations, without, however, affecting the foundation of the underlying political decision.

In the draft Constitution, we propose that the number of Members of the National Assembly is reduced from 240 to 120. That change can only be achieved

by convening a Grand National Assembly. Pursuant to Art. 158, item 3 of the Constitution, taking into account the compulsory interpretative practice of the Constitutional Court and in so far as the change in the number of Members of the National Assembly essentially represents a change in the form of government, the competence belongs to the Grand National Assembly and not to the ordinary national assemblies. This is because it significantly affects the organization and structuring of the National Assembly, as well as its activities. The Seventh Grand National Assembly at the dawn of democracy, led by its quest to create a stable, democratic, law-abiding and social state, has introduced rules that make it virtually impossible for varying parliamentary majorities to adopt amendments to the Constitution falling within the scope of Art. 158. Therefore, by virtue of Chapter Nine of the Constitution, these most significant constitutional reforms are entrusted solely to the Grand National Assembly. That is the meaning of Interpretative Decision No 3/2003, under case No 22/2002, according to which a change of the constitutionally established number of Members of the National Assembly is to be treated as a change in the form of state government. The question of the number of Members of the National Assembly and the possibility of reducing it from 240 to 120 has another aspect related to changing the form of state government. What is important is the essence of the political representation, the harmony and the balance sought in the ratio between the number of the Bulgarian citizens and Members of the National Assembly, between the parliamentary political forces, including the possibility for all parties to be represented in the Parliament and the eventual impact of this process on the overall image of representative democracy.

Political representation is an activity aimed at making the views, opinions and interests of citizens visible in the decision-making process in public policy. Reducing the number of Members of the National Assembly in our country would mean not only a quantitative change in the composition of the institution of representatives, but would shift the emphasis on the understanding of political representation. The political issues to be resolved by the Members of the National Assembly are not only a matter of knowledge through which they are to be given an accurate expert answer. These issues include values, objectives and means to meet public expectations.

Another proposed amendment to the current constitutional model is the abolition of the body of the Grand National Assembly as a means of amending and/or supplementing the Constitution or adopting a new basic law. Its abolition and replacement by a new procedure and rules aims to introduce a comprehensive change which, on the one hand, strengthens directly the democratic credentials and the participation of citizens and, on the other, implements modern constitutional standards in that area.

Currently, the Bulgarian constitutional model is the only one in the member states of the Council of Europe, which requires the convening of a special body such as the Grand National Assembly to amend or supplement an existing basic law or to adopt a new one. In its report of 11-12 December 2009, the European

Commission for Democracy through Law (Venice Commission) has pointed out that one of the main challenges in creating and implementing rules for introducing constitutional amendments is to find an appropriate balance between their “firmness” and “flexibility” so as to ensure both the stability of the constitutional provisions and the timely opportunity to make changes where necessary.

As a general rule, the procedure for implementing constitutional changes or the adoption of a new Constitution takes place within the existing legislative body. In countries with a bicameral parliamentary system, this happens with a requirement for specific majorities in both chambers, voting on different days over a specific period of time, carrying out several readings, etc. Similar requirements apply in systems with unicameral parliaments, such as approval of constitutional changes or a new basic law with a majority of three-fifths, two-thirds or three-quarters of the Members of the National Assembly.

Another requirement that is mandatory or possible in a number of countries, as an additional form of public scrutiny, and applies simultaneously in unicameral and bicameral parliamentary systems, is the holding of a national referendum on the approval of constitutional changes or a new Constitution (a referendum on the amendment of specific provisions subject to special safeguards is mandatory under the constitutions of Estonia, Iceland, Latvia, Lithuania, Malta, Moldova, Montenegro, Poland, Serbia, Spain and Ukraine; any constitutional amendment adopted by the Parliament is subject to a mandatory referendum in Ireland, Denmark and Switzerland, etc.).

The amendments to the new basic law in the Chapter on amending and supplementing the Constitution and adopting a new Constitution provide for the preservation of the powers of the ordinary National Assembly to amend and supplement the Constitution, of the entities that may initiate amendments and supplements, of the requirements for a qualified majority of three-quarters, respectively two-thirds of the votes of all Members of the National Assembly and of the time frame within which the initiative should be considered. The powers that have so far been within the competence of the Grand National Assembly – adoption of a new Constitution, changes of the territory of the Republic of Bulgaria and ratification of international treaties providing for such changes; amendment of the principle of direct effect of the Constitution and the precedence of international treaties over regulation of domestic law that contradict them; irrevocability of the fundamental rights of citizens; changes in the form of government regulation and state government, amending and supplementing the ways in which the Constitution can be changed – are envisaged to be vested with the National Assembly. However, these changes will require even greater agreement – a four-fifths majority of all Members of the National Assembly will be required to pass them. The right to introduce an amendment bill in respect of these issues is preserved – at least half of the Members of the National Assembly or the President. The motion will be considered no earlier than two months and no later than five months after the submission of the amendment bill. Approval through a national referendum will be

required in addition to the majority of four-fifths for change of the territory of the Republic of Bulgaria and ratification of international treaties providing for such changes; amendment of the principle of direct effect of the Constitution and the precedence of international treaties over regulations of domestic law that contradict them; irrevocability of fundamental rights of citizens; changes in the form of government regulation and in the republican and parliamentary foundations of state government; amending and supplementing the ways in which the Constitution can be changed and the adoption of a new Constitution.

The direct involvement of the citizens in the amendment of the basic law has been raised as a standard in a number of European countries. In order to create an efficient procedure in this area and to strengthen the foundations of direct democracy in our basic law, it is proposed to approve the new Constitution at a national referendum, where it is to be approved by more than half of the electors who voted and where at least half of them participate in the referendum.

The decisions to amend the basic law on the following issues will be subject to approval at a national referendum by the votes of more than half of the electors who have voted: change of the territory of the Republic of Bulgaria and ratification of international treaties providing for such changes; amendment of the principle of direct effect of the Constitution and the precedence of international treaties over regulations of domestic law that contradict them; irrevocability of fundamental rights of citizens; changes in the form of government regulation and in the republican and parliamentary foundations of state government; amending and supplementing the ways in which the Constitution can be changed.

The most reliable guarantor to approve the new basic law or its changes in the situations set out above is the people. The entire power of the state shall derive from the people and the people can exercise it directly and through the bodies provided for in the Constitution. Through the national referendum, every citizen entitled to vote implements the principle of popular sovereignty in its entirety. The ultimate sanction of the fundamental decisions of the constitutional legislator shall be in the hands of the citizens. When the people vote for a new Constitution, which they have approved through direct and democratic choice, they will breathe new life into it. It will become a genuine public contract in its purpose and function, affirmed by the highest authority – the will of the people.

Independence, structural and organisational reform of the judiciary are key to establishing and maintaining the rule of law in the country and to ensuring the democratic nature of the political system. Respect for the principles of the rule of law and the independence of the judiciary are a prerequisite for giving full substance to the concept of democratic rules. Therefore we propose the division of the Supreme Judicial Council into a Judicial Council of Judges and a Judicial Council of Prosecutors that will decide separately the staffing issues related to judges and prosecutors. Thus, two independent colleges – the college of judges and the college of prosecutors and investigating magistrates, will be able to resolve specific staffing issues.

The development of international cooperation to promote the rule of law and to deepen the process of European integration over the last decade has set common standards aimed to ensure the rule of law and independent and fair justice in the Member States of the Council of Europe and the European Union. It is recommended that in cases where the senior personnel and administrative body of the judiciary has functions in relation to different categories of magistrates (judges and prosecutors), separate colleges be set up to deal with the respective staff matters. This institutional decision is a guarantee against undue pressure and influence on judges that we created with the amendment of the Constitution in 2015 by dividing the Supreme Judicial Council into a college of judges and a college of prosecutors.

Very often, the Supreme Judicial Council is not perceived as an autonomous and independent body capable of effectively defending the independence of the judiciary from the executive and legislative powers. This perception is an indication of the continued mistrust in Bulgarian justice and in particular in the senior personnel and administrative body. That is why we have undertaken the initiative to completely separate the colleges of the Supreme Judicial Council. The composition of the judicial councils will be such as to guarantee their independence and enable them to perform their functions effectively.

We propose that the President of the Supreme Court of Cassation and the President of the Supreme Administrative Court is appointed and dismissed by the Judicial Council of Judges, and that the Prosecutor General is appointed and dismissed by the Judicial Council of Prosecutors. Their term of office will be five years. We propose that the Judicial Council of Judges be composed of 15 members, with the President of the Supreme Court of Cassation and the President of the Supreme Administrative Court are members *ex officio*, and the number of members elected directly from the professional quota to be greater than the number elected by the National Assembly. Accordingly, the Judicial Council of Prosecutors will consist of 11 members, the Prosecutor General will be a member *ex officio*, five members will be elected directly by their fellow prosecutors and investigating magistrates and five will be elected by the National Assembly, respectively, with a two-thirds majority.

We envisage that the National Assembly will hear and approve every 6 months the reports of the Prosecutor General on the implementation of the law on the activities of the Prosecutor's Office and the investigative bodies submitted by the Judicial Council of Prosecutors, and preserve the currently existing possibility for the National Assembly to hear and approve other reports of the Prosecutor General on the activities of the Prosecutor's Office with regard to the implementation of the law, combating crime and the implementation of the criminal policy.

We create a legal opportunity for the National Assembly to be able to hear the Prosecutor General on matters related to specific criminal proceedings subject to the authorisation by the monitoring prosecutor.

The powers of the Minister of Justice shall be limited, and he can only propose draft budgets of the relevant judicial authorities and submit them to the judicial councils of judges and prosecutors, manage the immovable property of the judiciary and participate in the organisation of the qualification of judges, prosecutors and investigating magistrates.

Next, we propose to set up inspectorates under the judicial councils of judges and prosecutors that shall consist of a chief inspector and five inspectors. The chief inspectors shall be elected by the National Assembly by a majority of two-thirds of the Members for a term of five years and the inspectors shall be elected for a term of four years.

In accordance with their professional orientation the inspectorates under the council of judges and the council of prosecutors shall inspect the operation of the judiciary bodies without interfering with the independence of judges, jurors, prosecutors and investigating magistrates in the performance of their duties. The Inspectorate shall carry out checks on the integrity and the conflicts of interest of judges, prosecutors and investigating magistrates, their property declarations, as well as for ascertaining any actions damaging the prestige of the judiciary and such violating the independence of judges, prosecutors and investigating magistrates. The Inspector General and the inspectors shall be independent and shall obey only the law while performing their duties.

We also introduce the concept of the individual constitutional complaint that shall serve as means to file a personal request for protection in cases of violation of constitutionally regulated fundamental rights and freedoms of an entity – a natural person or a legal entity. The idea of constitutional control is permanently present in Bulgaria in the debates of representatives of our legal science and the society as a whole. The constitutionality of the laws is supervised by the National Assembly in the three preceding constitutions – the Tarnovo Constitution, the Constitutions from 1947 and from 1971. Neither of the three preceding constitutions awarded the constitutional control of the laws to a constitutional court, but entrusted it to the National Assembly. The Constitutional Court of the Republic of Bulgaria was established with the adoption of the current Constitution in 1991. The discussions on the draft Constitution included also the provision of direct access to constitutional justice for citizens but the opinion prevailed that this could happen at a later stage, after democracy is established in Bulgaria as a political pillar. The Constitutional Court of the Republic of Bulgaria has emerged as an institution that effectively protects the fundamental rights and freedoms of the citizens enshrined in it and the established constitutional order. The citizens' fundamental rights and freedoms should be protected to the maximum extent also by the constitutional jurisdiction. We therefore believe that the time has come to introduce the concept of individual constitutional complaint, which will contribute to strengthening the right of citizens and organisations to protection.

The individual constitutional complaint is a specific legal concept designed to provide citizens with direct access to constitutional justice. This remedy is intended

to guarantee the fundamental rights and freedoms where a contradiction with the Constitution arises from acts of the legislature and the other remedies have been exhausted.

After all remedies have been exhausted, the Constitutional Court shall have powers to rule on requests by a citizen or a legal entity to establish the constitutionality of a law that violates their rights and freedoms.

In case discrepancy between an applicable law and the Constitution is suspected, we envisage that the court adjudicating at last instance shall, on a motion of the party concerned or on its own motion, stay the proceedings and refer the matter to the Constitutional Court. Where, however, such motion has not been respected by the court, or it has been impossible to do so because the final decision is based on a law, the application of which has not been discussed by the parties, the affected citizen or legal entity may refer the matter to the Constitutional Court within two months of the conclusion of the case with a request for establishing the constitutionality of the indicated law. Respecting the motion is envisaged to serve as grounds for reopening the proceedings.

Article 162, para. 6 removes the conflicting interpretation that the Supreme Bar Council may refer to the Constitutional Court with a request for declaring as unconstitutional an act which violates rights both of citizens and legal entities. This is in accordance with Art. 146, which stipulates, as hitherto, that the Bar shall assist citizens and legal entities in the protection of their rights

and legitimate interests.

The adoption of a new Constitution of the Republic of Bulgaria through the convening of a Grand National Assembly with a broad representation of 400 representatives elected on the basis of a universal, equal and direct right to vote, Bulgarian citizens will determine the direction and will strongly influence the future political processes. Convening a Grand National Assembly to adopt a new Constitution is a prerequisite for responding to citizens' demands – political, economic, social demands, demands for more democracy, for more justice.

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