

LAW

Unofficial Translation

on Amendments and Supplements to the Constitution of the Republic of Bulgaria

(Official Gazette, Issue No. 56 of 1991; amended, Issue No. 85 of 2003, Issue No. 18 of 2005, Issue No. 27 of 2006; Decision No. 7 of the Constitutional Court of 2006 – Issue No. 78 of 2006; amended, Issue No. 12 of 2007 and Issue No. 100 of 2015)

§ 1.

In Article 23, a new first sentence is created:

"Science, education, and culture are national values."

The current first sentence becomes the second sentence, and in it, the words *"for the free development of science, education, and the arts"* are replaced with *"for their free development."* The current second sentence becomes the third sentence.

§ 2.

In Article 64, the following amendments and supplements are made:

1. In paragraph 2, the words *"or after the expiration"* are deleted.
 2. Paragraph 3 is amended as follows:
(3) Elections for a new National Assembly shall be held no later than one month before the expiration of the term of office of the current National Assembly.
 3. A new paragraph 4 is created:
(4) With the swearing-in of the newly elected members of parliament, the powers of the previous National Assembly shall cease.
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§ 3.

In Article 65, paragraph 1, a second sentence is created:

"A Bulgarian citizen who also holds another citizenship may be elected as a member of parliament if they have resided in the country for the last eighteen months."

§ 4.

In Article 84, item 16, after the words *"Supreme Judicial Council,"* a comma is inserted, followed by *"respectively, from the Supreme Prosecutorial Council."*

§ 5.

In Chapter Three, a new Article 91b is created:

Article 91b.

(1) The National Assembly adheres to the principles of openness, transparency, publicity, and justification in the selection of members of bodies that are wholly or partially elected by it to ensure their independence.

(2) Election decisions shall be made by a two-thirds majority of all members of parliament, where required by law.

§ 6.

Article 93, paragraph 2 is amended as follows:

(2) A person may be elected as President if they are a Bulgarian citizen by birth, at least 40 years old, do not hold another citizenship, are not under legal incapacity, are not serving a sentence of imprisonment, and have resided in the country for the last five years.

§ 7.

In Article 99, the following amendments and supplements are made:

1. In paragraph 5, in the first sentence, after the word "*President*," the words "*after consultations with parliamentary groups and on the proposal of the candidate for caretaker Prime Minister*" are added. The words "*dissolves the National Assembly*" are deleted, and at the end, the words "*within the period under Article 64, paragraph 3*" are replaced with "*within a two-month period.*" The current second sentence is amended as follows:
"The caretaker Prime Minister shall be appointed from among the Speaker of the National Assembly, the Governor or Deputy Governor of the Bulgarian National Bank, the President or Vice President of the Court of Auditors, and the Ombudsman or their deputy."
 2. Paragraph 7 is amended as follows:
(7) The main task of the caretaker government is to organize fair and free elections. Restrictions on its powers may be provided by law.
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§ 8.

In Article 102, paragraph 3, item 3 is repealed.

§ 9.

In Article 110, the word "*only*" is deleted, and at the end, the following is added:
"The condition under Article 65, paragraph 1, second sentence shall not apply."

§ 10.

In Article 117, paragraph 2, at the end of the first sentence, the following is added:
"and its primary bearer is the court."

A new second sentence is created:

"The prosecution and investigative bodies are part of the judiciary."

The current second sentence becomes the third sentence.

§ 11.

In Article 126, the following amendments and supplements are made:

1. At the end of paragraph 1, the words "*which handle criminal cases*" are added.
 2. Paragraph 2 is amended as follows:
(2) The Prosecutor General represents the prosecution and leads the Supreme Prosecutor's Office.
 3. A new paragraph 3 is created:
(3) The Prosecutor General, upon the proposal of the Supreme Prosecutor's Office, approves general methodological guidelines for the activities of prosecutors, investigators, and other investigative bodies in pre-trial proceedings. These guidelines are subject to appeal before the Supreme Administrative Court in accordance with the procedure established by law.
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§ 12.

In Article 127, items 5 and 6 are amended as follows:

5. *Takes actions to challenge unlawful acts before the court in cases provided for by law.*
6. *Apart from criminal cases of general nature, in cases prescribed by law, participates in other proceedings to protect significant public interests or the interests of persons requiring special protection.*

§ 13.

Article 128 is amended as follows:

Article 128.

"Investigative bodies conduct investigations in criminal cases in instances provided for by law."

§ 14.

Article 129 is amended as follows:

Article 129.

(1) Judges shall be appointed, promoted, demoted, transferred, and dismissed by the Supreme Judicial Council.

(2) The President of the Supreme Court of Cassation and the President of the Supreme Administrative Court shall be appointed and dismissed by the President of the Republic upon the proposal of the Supreme Judicial Council for a term of seven years, without the right to reappointment. The President cannot refuse the appointment or dismissal upon a second proposal.

(3) The decree of the President, both for the initial and subsequent proposal, shall be issued within seven days. If the decree is not issued within this period, the person proposed by the Supreme Judicial Council shall be considered appointed or dismissed, and the Council's decision shall be published.

(4) The administrative heads of courts, except for those under paragraph 2, shall be appointed for a term of five years, with the right to a single reappointment for another term.

(5) Upon reaching five years of judicial service and after evaluation, judges shall gain tenure with a decision of the Supreme Judicial Council. Judges, including those under paragraph 2, may be dismissed only under the following circumstances:

1. Reaching the age of 65;
2. Resignation;
3. Conviction by a final court ruling for an intentional criminal offense;
4. Permanent inability to perform duties for more than one year;
5. Serious misconduct, repeated failure to fulfill official duties, or actions damaging the reputation of the judiciary.

(6) The acquired tenure shall be reinstated upon reappointment as a judge in cases of dismissal under paragraph 5, items 2 and 4.

§ 15.

Article 130 is amended as follows:

Article 130.

(1) Prosecutors and investigators shall be appointed, promoted, demoted, transferred, and dismissed by the Supreme Prosecutorial Council.

(2) The Prosecutor General shall be appointed and dismissed by the President of the Republic upon the proposal of the Supreme Prosecutorial Council for a term of five years, without the right to reappointment. Candidates for Prosecutor General may be nominated by three members of the Supreme Prosecutorial Council or the Minister of Justice. The President cannot refuse the appointment or dismissal upon a second proposal.

(3) The decree of the President, both for the initial and subsequent proposal, shall be issued within seven days. If the decree is not issued within this period, the person proposed by the Supreme Prosecutorial Council shall be considered appointed or dismissed, and the Council's decision shall be published.

(4) For a general criminal offense, the Prosecutor General or their deputy shall be investigated, and the indictment shall be pursued in court by a prosecutor who previously served as a judge in the Supreme Court of Cassation in the Criminal Division or had the rank of a judge in an appellate or district criminal court. The procedure for selection and appointment shall be determined by law.

(5) The administrative heads in the prosecution system, except for the Prosecutor General, shall be appointed for a term of five years, with the right to a single reappointment for another term.

(6) Prosecutors and investigators shall acquire tenure and may be dismissed only under the conditions of Article 129, paragraph 5, with a decision of the Supreme Prosecutorial Council. The acquired tenure shall be reinstated upon reappointment as a prosecutor or investigator in cases of dismissal under Article 129, paragraph 5, items 2 and 4.

§ 16.

Article 130a is amended as follows:

Article 130a.

(1) The Supreme Judicial Council shall consist of 15 members, including the President of the Supreme Court of Cassation and the President of the Supreme Administrative Court, who are ex officio members, eight members elected directly by judges from all courts, and five members elected by the National Assembly.

(2) The Supreme Prosecutorial Council shall consist of 10 members, including the Prosecutor General, who is an ex officio member, two members elected directly by prosecutors, one member elected directly by investigators, and six members elected by the National Assembly.

(3) Members of the Supreme Judicial and Supreme Prosecutorial Councils who are not ex officio members shall be selected from among legal professionals with high professional and moral qualities, at least fifteen years of legal experience, and independence from political parties. The National Assembly shall not elect as members of the two councils individuals who hold the position of prosecutor or investigator at the time of election. Representatives of civil society and professional organizations may provide opinions on candidates and monitor the selection process.

(4) The National Assembly shall elect members of the Supreme Judicial Council and the Supreme Prosecutorial Council by a two-thirds majority of its members.

(5) The term of elected members of the Supreme Judicial and Supreme Prosecutorial Councils shall be four years. They may not be re-elected immediately after the expiration of this term. Elected members retain their status as judges, prosecutors, or investigators.

(6) The mandate of an elected member of the Supreme Judicial and Supreme Prosecutorial Councils shall terminate in cases of:

1. Resignation;
2. A final court ruling for a criminal offense;
3. Permanent incapacity to perform duties for more than one year;
4. Disciplinary dismissal from office or disqualification from practicing a legal profession.

(7) If the mandate of an elected member is terminated, a new member shall be elected from the respective quota to complete the term.

Transitional and Final Provisions

§ 22.

(1) The National Assembly shall adopt the laws related to the implementation of these amendments and supplements to the Constitution of the Republic of Bulgaria within six months of the entry into force of this Act.

(2) The employment relationships of the staff from the administration of the Supreme Judicial Council shall be preserved and regulated under the applicable legislation when transitioning to a new employer.

§ 23.

(1) The elected members of the Supreme Judicial Council and the Supreme Prosecutorial Council shall be elected within three months after the entry into force of the laws related to the implementation of Articles 129 – 130b.

(2) Until the election of the Supreme Judicial Council and the Supreme Prosecutorial Council, the Judges' College and the Prosecutors' College of the current Supreme Judicial Council shall perform the functions of the Supreme Judicial Council and the Supreme Prosecutorial Council under this Constitution, except for the powers under Article 130b, para. 2, item 2, and para. 3, item 2.

This law was adopted by the 49th National Assembly on December 20, 2023, and is stamped with the official seal of the National Assembly.

President of the National Assembly: Rosen Zhelyazkov

Stamped with the state seal.

Minister of Justice: Atanas Slavov