

## **Constitution of the Republic of Bulgaria**

established

by the Grand National Assembly

on 12 July, 1991.

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- Darzhaven vestnik No 78/26 September 2006 - Constitutional Court Judgment No 7/2006;
- Darzhaven vestnik No 12/6 February 2007;
- DV, No. 100/18 December 2015.

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

by pledging our loyalty to the universal human values of liberty, peace, humanism, equality, justice and tolerance;

by elevating as the uppermost 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 promulgate our resolve to create a democratic, law-governed and social state,

by establishing this Constitution.

## **Chapter one - Fundamental principles**

### [Article 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 organisation, state institution or individual shall usurp the expression of the popular sovereignty.

### [Article 2](#)

1. The Republic of Bulgaria shall be an integral state with local self-government. No autonomous territorial formations shall exist.
2. The territorial integrity of the Republic of Bulgaria shall be inviolable.

### Article 3

Bulgarian shall be the official language of the Republic.

### [Article 4](#)

1. The Republic of Bulgaria shall be a law-governed state. 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 the civil society.
3. The Republic of Bulgaria shall participate in the construction and development of the European Union.

### [Article 5](#)

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. Any international instruments which have been ratified by the constitutionally established procedure, promulgated and come into force with respect to the Republic of Bulgaria, shall be considered part of the domestic legislation of the country. They shall supersede any domestic legislation stipulating otherwise.
5. All legislative acts shall be promulgated and shall come into force three days after the date of their promulgation unless otherwise envisaged by the acts themselves.

#### [Article 6](#)

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, nationality, ethnic self-identity, sex, origin, religion, education, opinion, political affiliation, personal or social status or property status.

#### [Article 7](#)

The state shall be held liable for any damages caused by illegitimate rulings or acts on the part of its agencies and officials.

#### [Article 8](#)

The power of the state shall be divided between a legislative, an executive and a judicial branch.

#### Article 9

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.

## Article 10

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

## Article 11

1. Politics in the Republic of Bulgaria shall be founded on the principle of political plurality.
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 a law.
4. There shall be no political parties on ethnic, racial or religious lines, nor parties which seek the violent usurpation of state power.

## Article 12

1. The associations of citizens shall serve to meet and safeguard their interests.
2. Citizens' associations, including the 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.

## Article 13

1. The practising of any religion shall be free.
2. The 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.

#### [Article 14](#)

The family, motherhood and childhood shall enjoy the protection of the state and society.

#### Article 15

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 utilisation of the country's natural and other resources.

#### [Article 16](#)

Labour shall be guaranteed and protected by law.

#### [Article 17](#)

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 a 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.

#### Article 18

1. The state shall enjoy exclusive ownership rights over the nethers of the earth; the coastal beaches; the national thoroughfares, as well as over waters, forests and parks of national importance, and the natural and archaeological reserves established by a 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 frequencies and the geostationary orbital positions assigned by international instruments to the Republic of Bulgaria.

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

6. The state shall utilise and manage all the state's assets to the benefit of citizens and society.

#### Article 19

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 corporate entities by preventing any abuse of a monopoly status and unfair competition, and by protecting the consumer.

3. All investments and economic activity by Bulgarian and foreign persons and corporate entities shall enjoy the protection of the law.

4. The law shall establish conditions conducive to the setting up of co-operatives and other forms of association of citizens and corporate entities in the pursuit of economic and social prosperity.

#### Article 20

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.

#### [Article 21](#)

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.

## [Article 22](#)

(1) Aliens or non-resident legal persons may acquire a right to ownership of land under the terms arising from the accession of the Republic of Bulgaria to the European Union or by virtue of an international treaty which has been ratified, which has been promulgated, and which has entered into force for the Republic of Bulgaria, as well as through legal succession.

(2) The passage of an act to ratify any international treaty referred to in Paragraph (1) shall require a majority of two-thirds of all Members of the National Assembly.

(3) The arrangements applying to the land shall be established by law.

## Article 23

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

## Article 24

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 uppermost 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 obligations of citizens**



## Article 25

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, and should not be entitled to any other citizenship by virtue of origin. Bulgarian citizenship shall further be acquirable through naturalisation.
2. A person of Bulgarian origin shall acquire Bulgarian citizenship through a facilitated procedure.
3. No one shall be deprived of a Bulgarian citizenship acquired by birth.
4. No citizen of the Republic of Bulgaria may be surrendered to another State or to an international court for the purposes of criminal prosecution except where this is provided for in an international treaty which has been ratified, which has been promulgated, and which has 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 a law.

## Article 26

1. Irrespective of where they are, all citizens of the Republic of Bulgaria shall be vested with all rights and obligations 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 obligations for which a Bulgarian citizenship is required by this Constitution or by another law.

## Article 27

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 a 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 a law.

#### Article 28

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

#### Article 29

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.

#### Article 30

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 a law.

3. The state authorities shall be free to detain a citizen only in the urgent circumstances expressly stipulated by a 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.

#### [Article 31](#)

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

2. No one shall be forced to plead guilty, and no one shall be convicted solely by virtue of a 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 purpose 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 a law.
7. There shall be no limitation to the prosecution and the execution of a sentence for crimes against peace and humanity.

#### Article 32

1. The privacy of citizens shall be inviolable. Everyone shall be entitled to protection against any illegal 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 a law.

#### [Article 33](#)

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 a 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.

#### Article 34

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.

#### [Article 35](#)

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

2. Every Bulgarian citizen shall have the right to return to the country.

#### Article 36

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 a law.

#### [Article 37](#)

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 practiced to the detriment of national security, public order, public health and morals, or of the rights and freedoms of others.

#### [Article 38](#)

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.

### Article 39

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.

### Article 40

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.

### Article 41

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. Citizens 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.

### Article 42

1. Every citizen above the age of 18, with the exception of those placed under judicial interdiction or serving a prison sentence, shall be free to elect state and local authorities and vote in referendums.
2. The organisation and procedure for the holding of elections and referendums shall be established by a law.

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

#### Article 43

1. Citizens shall have the right to peaceful and unarmed assembly for meetings and manifestations.
2. The procedure for the organising and holding of meetings and manifestations shall be established by a law.
3. No notice to the municipal authorities shall be required for meetings held indoors.

#### [Article 44](#)

1. Citizens shall be free to associate.
2. No organisation shall act to the detriment of 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 organisation shall establish clandestine or paramilitary structures or shall seek to attain its aims through violence.
3. The law shall establish which organisations shall be subject to registration, the procedure for their termination, and their relationships with the state.

#### Article 45

Citizens shall have the right to lodge complaints, proposals and petitions with the state authorities.

#### Article 46

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 a law.

#### Article 47

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 a law.

#### [Article 48](#)

1. 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 exercise 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 a law.

#### [Article 49](#)

1. Workers and employees shall be free to form trade union organisations 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.

#### Article 50

1. 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 a law.

#### [Article 51](#)

1. Citizens shall have the right to social security and welfare aid.
2. The state shall provide social security for the temporarily unemployed in accordance with conditions and procedures established by a law.
3. The aged without relatives and unable to support themselves, as well as the physically and mentally handicapped shall enjoy the special protection of the state and society.

#### [Article 52](#)

1. Citizens shall have the right to medical insurance guaranteeing them affordable medical care, and to free medical care, and to free medical care in accordance with conditions and procedures established by a law.
2. Citizens' medical care shall be financed from the state budget, by employers, through private and collective health-insurance schemes, and from other sources in accordance with conditions and procedures established by a law.
3. The state shall protect the health of citizens and shall promote the development of sports and tourism.
4. No one shall be subjected to forcible medical treatment or sanitary measures except in circumstances established by a law.

5. The state shall exercise control over all medical facilities and over the production and trade in pharmaceuticals, biologically active substances and medical equipment.

#### Article 53

1. Everyone shall have the right to education.
2. School attendance up to the age of 16 shall be compulsory.
3. Primary and secondary education in state and municipal schools shall be free. In circumstances established by a law, the higher educational establishments shall provide education free of charge.
4. Higher educational establishments shall enjoy academic autonomy.
5. Citizens and organisations shall be free to found schools in accordance with conditions and procedures established by a 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.

#### Article 54

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.

#### Article 55

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

## [Article 56](#)

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.

## [Article 57](#)

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 a law, except for the rights established by Article 28, Article 29, Article 31 paragraphs 1, 2 and 3, Article 32 paragraph 1, and Article 37.

## Article 58

1. 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.

## Article 59

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 preparation of citizens for defence of the Fatherland shall be governed by law.

## [Article 60](#)

1. Citizens shall pay taxes and duties established by a law proportionate to their income and property.

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

#### Article 61

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

### **Chapter three - National Assembly**

#### [Article 62](#)

1. The National Assembly shall be vested with the legislative authority and shall exercise parliamentary control.
2. The National Assembly shall have its own independent budget.

#### Article 63

The National Assembly shall consist of 240 members.

#### [Article 64](#)

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.

#### [Article 65](#)

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 is not serving a prison sentence.
2. A candidate for a National Assembly seat holding a state post shall resign upon the registration of his candidacy.

#### Article 66

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

#### Article 67

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.

#### Article 68

1. 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 a law.

#### Article 69

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

#### Article 70

1. A Member of the National Assembly shall be immune from detention or criminal prosecution except for the perpetration of a crime of general character, when a warrant from the National Assembly or, in between its session, from the Chairman of the National Assembly, shall be required. No warrant shall be required when a Member is detained in the course of committing a crime of

general character; the National Assembly or, in between its session, the Chairman of the National Assembly, shall be notified forthwith.

2. Authorization to conduct criminal prosecution shall not be required if the implicated Member of the National Assembly gives his/her consent in writing.

#### Article 71

The National Assembly shall establish the emoluments of its Members.

#### [Article 72](#)

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

- i. resignation presented before the National Assembly;
- ii. enforcement of a prison sentence for an international crime, or of an unsuspended prison sentence;
- iii. establishment of ineligibility or incompatibility;
- iv. death.

2. Instances 1 and 2 shall require a resolution of the National Assembly; instance 3 shall require a ruling by the Constitutional Court.

#### Article 73

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

#### Article 74

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

#### Article 75

A newly elected National Assembly shall be convened for a first session by the President of the Republic 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.

#### Article 76

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 am sworn."
3. The National Assembly shall elect at the same session its Chairman and Vice Chairmen.

#### Article 77

1. The Chairman of the National Assembly shall:
  - i. represent the National Assembly;
  - ii. propose the agenda for each session;
  - iii. open, chair and close the sessions of the National Assembly and maintain orderly proceedings;
  - iv. attest by his signature the contents of the acts passed by the National Assembly;
  - v. promulgate all resolutions, declarations and addresses passed by the National Assembly;
  - vi. organise the National Assembly's international contacts.
2. The Vice Chairmen of the National Assembly shall assist the Chairman and carry out any activities devolved by him.

#### Article 78

The National Assembly shall be convened for its sessions by its Chairman:

- i. on his own initiative;
- ii. at the request of one-fifth of its members;
- iii. at the request of the President;
- iv. at the request of the Council of Ministers.

#### Article 79

1. The National Assembly shall elect permanent and ad hoc committees from among its Members.
2. The permanent 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.

#### Article 80

Any official or citizen summoned by a parliamentary commission shall be obligated to testify and present any required documents.

#### Article 81

1. 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.

#### Article 82

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

#### Article 83

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.

#### [Article 84](#)

The National Assembly shall:

1. pass, amend, and rescind the laws;
2. pass the state budget bill and the budget report;
3. establish the taxes and determine the size of the state taxes;
4. schedule the elections for a President of the Republic;
5. resolve on the holding of a national referendum;
6. elect and dismiss the Prime Minister and, on his motion, the members of the Council of Ministers; effect changes in the government on a motion from the Prime Minister;
7. create, transform and close down ministries on a motion from the Prime Minister;
8. elect and dismiss the Governor of the Bulgarian National Bank and the heads of other institutions established by a law;
9. approve state-loan agreements;
10. resolve on the declaration of war and conclusion of peace;

11. approve any deployment and use of Bulgarian armed forces outside the country's borders, and the deployment of foreign troops on the territory of the country or their crossing of that territory;

12. on a motion from the President or the Council of Ministers, introduce martial law or a state of emergency on all or part of the country's territory;

13. grant amnesty;

14. institute orders and medals;

15. establish the official holidays;

16. hear and approve the annual reports of the Chairman of the Supreme Court of Cassation, of the Chairman of the Supreme Administrative Court and of the Prosecutor General on law enforcement and on the operation of the courts, the prosecution offices and the investigating authorities. The National Assembly may also hear and approve other reports by the Prosecutor General on the operation of the prosecution in law enforcement, counteraction of crime and implementation of penal policy;

17. give a hearing and pass reports on the activity of bodies, wholly or partially appointed by the National Assembly, where this is provided by law.

## [Article 85](#)

1. The National Assembly shall ratify or denounce by law all international instruments which:

(1) are of a political or military nature;

(2) concern the Republic of Bulgaria's participation in international organizations;

(3) envisage corrections to the borders of the Republic of Bulgaria;

(4) contain obligations for the treasury;

(5) envisage the state's participation in international arbitration or legal proceedings;

(6) concern fundamental human rights;

(7) affect the action of the law or require new legislation in order to be enforced;

(8) expressly require ratification;

(9) grant the European Union powers arising from this Constitution.

2. The passage of an act to ratify any international treaty referred to in Item 9 of Paragraph (1) shall require 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.

#### Article 86

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 organisations and all citizens.

#### Article 87

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.

#### [Article 88](#)

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 Durzhaven Vestnik (The State Gazette) within 15 days from its passage.

#### [Article 89](#)

1. A motion of no confidence in the Council of Ministers shall require a seconding by one-fifth or more 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 before the expiry of six months.

#### Article 90

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.

#### Article 91

1. The National Assembly shall establish an Accountancy Chamber to control the implementation of the budget.

2. The organisation, authority and procedures by which the Accountancy Chamber shall act shall be established by a law.

#### Article 91a

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**

#### [Article 92](#)

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.

#### [Article 93](#)

1. The President shall be elected directly by the voters for a period of five years by a procedure established by a 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 runoff 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 within a month's time after the election.

#### Article 94

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.

#### Article 95

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.

#### Article 96

The President and the Vice President shall swear before the National Assembly the oath established by Article 76 paragraph 2.

#### Article 97

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:

- i. resignation submitted before the Constitutional Court;
- ii. lasting incapacitation caused by a grave illness;
- iii. in pursuant to Article 103.
- iv. death.

2. In instances 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 instance 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 Chairman 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.

#### [Article 98](#)

The President of the Republic shall:

i. schedule the elections for a National Assembly and for the bodies of local self-government and shall set the date for national referendums pursuant to a resolution of the National Assembly;

ii. address the nation and the National Assembly;

iii. conclude international treaties in the circumstances established by the law;

iv. promulgate the laws;

v. on a motion from the Council of Ministers, determine the borders of the administrative territorial units and their centres;

vi. on a motion from the Council of Ministers, appoint and dismiss the heads of the Republic of Bulgaria's diplomatic and permanent missions at international

organisations, and receive the credentials and the letters of recall of the foreign diplomatic representatives to this country;

- vii. appoint and dismiss from office other state officials, established by a law;
- viii. award orders and medals;
- ix. grant, restore, relieve from and withdraw Bulgarian citizenship;
- x. grant asylum;
- xi. exercise the right to pardon;
- xii. cancel uncollectable debts to the state;
- xiii. name landmarks and communities of national importance;
- xiv. inform the National Assembly on basic problems within his prerogatives.

#### Article 99

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. Absent an agreement on the formation of a government, the President shall appoint a caretaker government, dissolve the National Assembly and schedule new elections within the period established by Article 64 paragraph 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 instances envisaged by Article 111 paragraph 1.

7. In the instances envisaged by 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.

#### [Article 100](#)

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 dismiss the higher command of the Armed Forces and shall bestow all higher military ranks on a motion from the Council of Ministers.
3. The President shall preside over the Consultative National Security Council, the status of which shall be established by a law.
4. The President shall proclaim general or partial mobilisation 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.

#### Article 101

1. Within the term established by Article 88 paragraph 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 denied.
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.

#### [Article 102](#)

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:
  - i. the appointment of a caretaker government;
  - ii. the appointment of a Prime Minister-designate;
  - iii. dissolution of the National Assembly;
  - iv. return of a bill to the National Assembly for further debate;
  - v. the organisation and manner of action of the offices of the Presidency and the appointment of their staff;
  - vi. the scheduling of an election or referendum;
  - vii. the promulgation of a law.

#### Article 103

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-fourth 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 proceedings against them.

#### Article 104

The President shall be free to devolve to the Vice President the prerogatives established by Article 98 subparagraphs 7, 9, 10 and 11.

## **Chapter five - Council of Ministers**

### [Article 105](#)

1. The Council of Ministers shall head the implementation of the state's domestic and foreign policy.
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 matters concerning the obligations arising for the Republic of Bulgaria from its membership of the European Union.
4. Where participating in the drafting and adoption of acts of the European Union, the Council of Ministers shall inform in advance the National Assembly and shall render account for the actions thereof.

### Article 106

The Council of Ministers shall manage the implementation of the state budget; organise the management of the state's assets; conclude, confirm or denounce international treaties when authorized to do so by law.

### [Article 107](#)

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

### Article 108

1. The Council of Ministers shall consist of a Prime Minister, Deputy Prime Ministers and ministers.
2. The Prime Minister shall head, co-ordinate and bear responsibility for the overall policy of the government. He shall appoint and dismiss the deputy ministers.

3. Each member of the Council of Ministers shall head a ministry, except in so far as the National Assembly resolves otherwise. Each minister shall account for his own activity.

#### [Article 109](#)

The members of the Council of Ministers shall swear before the National Assembly the oath established by Article 76 paragraph 2.

#### [Article 110](#)

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

#### [Article 111](#)

1. The authority of the Council of Ministers shall expire upon any of the following occurrences:
  - i. a vote of no confidence in the Council of Ministers or the Prime Minister;
  - ii. the resignation of the Council of Ministers or the Prime Minister;
  - iii. 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.

#### [Article 112](#)

1. The Council of Ministers shall be free to ask for 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.

#### [Article 113](#)

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.

#### Article 114

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

#### Article 115

A minister shall issue rules, regulations, instructions and orders.

#### Article 116

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. A law shall establish the conditions for the appointment and dismissal 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.

### **Chapter six - Judicial power**

#### [Article 117](#)

1. The judicial branch of government shall safeguard the rights and legitimate interests of all citizens, legal entities and the state.

2. The judicial branch 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 judicial branch of government shall have an independent budget.

#### Article 118

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

### Article 119

1. Justice shall be administered by the Supreme Court of Cassation, the Supreme Administrative Court, courts of appeals, courts of assizes, courts-martial and district courts.
2. Specialised courts may be set up by virtue of a law.
3. There shall be no extraordinary courts.

### Article 120

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 contest any administrative act which affects them, except those listed expressly by the laws.

### Article 121

1. The courts shall ensure the equality and mutual challenge ability of the parties to a judicial trial.
2. Judicial proceedings shall ensure the establishment of truth.
3. All courts shall conduct their hearings in public, unless provided otherwise by a law.
4. All court rulings shall be motivated.

### Article 122

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 a law.

### Article 123

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

#### [Article 124](#)

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

#### [Article 125](#)

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 individual ministers, and of other acts established by a law.

#### [Article 126](#)

1. The structure of the prosecutors' office shall correspond to that of the courts.

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

#### [Article 127](#)

The Prosecutor's Office shall ensure that legality is observed:

1. by leading the investigation and supervising the legality thereof;
2. may conduct investigation;
3. by bringing charges against criminal suspects and supporting the charges in common criminal trials;
4. by overseeing the enforcement of penalties and other measures of compulsion;
5. by acting for the rescindment of all illegitimate acts;
6. by taking part in civil and administrative suits whenever required to do so by law.

## Article 128

The investigating magistracy shall be within the system of the judiciary. The investigating magistracy shall be within the system of the judiciary.

The investigating authorities shall be within the system of the judiciary.

They [the investigating authorities] shall conduct investigation in criminal cases where so provided for in law.

## Article 129

(1) (Supplemented, SG No. 100/2015) Judges, prosecutors, and investigating magistrates shall be appointed, promoted, demoted, transferred and released from office by the Judges Chamber or, respectively, by the Prosecutors Chamber [of the Supreme Judicial Council].

(2) (Supplemented, SG No. 100/2015) The President of the Supreme Court of Cassation, the President of the Supreme Administrative Court, and the Prosecutor General shall be appointed and released by the President of the Republic on a motion by the Plenum of the Supreme Judicial Council for a single term of seven years. The President may not refuse to decree any such appointment or release upon a second motion.

(3) (Amended, SG No. 85/2003, supplemented, SG No. 100/2015) After completing a fifth year in the office as a judge, prosecutor or investigating magistrate and after appraisal, judges, prosecutors and investigating magistrates shall acquire a tenure status by a decision of the Judges Chamber or, respectively, of the Prosecutors Chamber of the Supreme Judicial Council. They, including the persons covered under Paragraph (2), may be released from office solely upon:

1. attainment of the age of 65 years;
2. tendering resignation;
3. entry into effect of a sentence imposing a penal sanction of deprivation of liberty for an intentional offence;
4. sustained actual inability to discharge the duties thereof for a period exceeding one year;
5. grave breach or systematic dereliction of the official duties, as well as actions damaging the prestige of the judiciary.

(4) (New, SG No. 27/2006, declared unconstitutional by the Constitutional Court of the Republic of Bulgaria - SG No. 78/2006)

In the cases referred to in Item 5 of Paragraph (3), the Chairman of the Supreme Court of Cassation, the Chairman of the Supreme Administrative Court and the Prosecutor General shall furthermore be released by the President of the Republic on a motion by one-fourth of the Members of the National Assembly, passed by a majority of two-thirds of the Members of the National Assembly. The President shall not refuse to decree any such release upon a second motion.

(5) (New, SG No. 85/2003, renumbered from Paragraph (4), SG No. 27/2006) Once acquired, a tenure status shall be restored upon resumption of the office of judge, prosecutor or investigating magistrate in the cases of release under Items 2 and 4 of Paragraph (3).

(6) (New, SG No. 85/2003, effective 1.01.2004, renumbered from Paragraph (5), SG No. 27/2006) The administrative heads in the judicial authorities, with the exception of such covered under Paragraph (2), shall be appointed to the managerial position for a term of five years and shall be reappointable.

### [Article 130](#)

(1) The Supreme Judicial Council shall consist of 25 members. The President of the Supreme Court of Cassation, the President of the Supreme Administrative Court, and the Prosecutor General shall be ex officio members of the said Council.

(2) Eligibility for non-ex-officio membership of the Supreme Judicial Council shall be limited to jurists of high professional standing and moral integrity who have practised law for at least 15 years.

(3) (Supplemented, SG No. 100/2015) Eleven of the members of the Supreme Judicial Council shall be elected by the National Assembly by a majority of two-thirds of the National Representatives, and eleven shall be elected by the judicial authorities. The members of the Supreme Judicial Council shall be elected under the terms established by Article 130a (3) and (4) herein and according to a procedure established by statute.

(4) The elective members of the Supreme Judicial Council shall serve terms of five years. They may not be re-elected immediately upon expiration of the said term.

(5) (Repealed, SG No. 100/2015).

(6) (New, SG No. 12/2007, repealed, SG No. 100/2015).

(7) (New, SG No. 12/2007, repealed, SG No. 100/2015).

(8) (New, SG No. 12/2007) The term of office of an elective member of the Supreme Judicial Council shall terminate upon:

1. resignation;
2. an enforceable judicial act on a criminal offence committed by the said member;
3. sustained actual inability to discharge the duties thereof during a period exceeding one year;
4. release from office by reason of breach of discipline or disqualification from practising a legal profession or activity.

(9) (New, SG No. 12/2007) Upon termination of the term of office of an elective member of the Supreme Judicial Council, a replacement shall be elected from the relevant quota to serve for the remainder of the term of office [of the member whose term of office is terminated].

#### Article 130a

(New, SG No. 100/2015) (1) The Supreme Judicial Council shall implement the powers thereof through a Plenum, a Judges Chamber and a Prosecutors Chamber.

(2) The Plenum shall consist of all members of the Supreme Judicial Council. The Plenum of the Supreme Judicial Council shall perform the following functions:

1. adopt the draft judiciary budget;
2. adopt a decision on termination of the credentials of an elective member of the Supreme Judicial Council under the terms established by Article 130 (8) herein;
3. arrange the continuing education of judges, prosecutors, and investigating magistrates;
4. addresses organizational matters common to the judiciary;
5. hear and adopt the annual reports referred to in Item 16 of Article 84 herein;
6. administrate the corporeal immovables of the judiciary;
7. make motions to the President of the Republic for the appointment and release of the President of the Supreme Court of Cassation, the President of the Supreme

Administrative Court and the Prosecutor General;

8. implement other powers as well, determined by statute.

(3) The Judges Chamber of the Supreme Judicial Council shall consist of 14 members and shall comprise the presidents of the Supreme Court of Cassation and of the Supreme Administrative Court, six members elected directly by the judges, and six members elected by the National Assembly.

(4) The Prosecutors Chamber of the Supreme Judicial Council shall consist of 11 members and shall comprise the Prosecutor General, four members elected directly by the prosecutors, one member elected directly by the investigating magistrates, and five members elected by the National Assembly.

(5) The chambers, each acting within its professional domain, shall perform the following functions:

1. appoint, promote, transfer and release from office the judges, prosecutors and investigating magistrates;

2. periodically appraise the judges, prosecutors, investigating magistrates and the administrative heads in the judicial authorities and address matters concerning the acquisition and restoration of a tenure status;

3. impose the disciplinary sanctions of demotion and release from office on the judges, prosecutors, investigating magistrates and administrative heads in the judicial authorities;

4. appoint and release the administrative heads in the judicial authorities;

5. address matters concerning the organization of the operation of the respective system of judicial authorities;

6. implement other powers as well, determined by statute.

#### Article 130b

(1) The meetings of the Plenum of the Supreme Judicial Council shall be presided over by the Minister of Justice. The said Minister shall attend in a non-voting capacity.

(2) The Judges Chamber of the Supreme Judicial Council shall be chaired by the Chairman of the Supreme Court of Cassation. The Prosecutors Chamber of the Supreme Judicial Council shall be chaired by the Prosecutor General. The Minister of Justice may attend the meetings in a non-voting capacity.

(3) The Inspector General may attend the meetings of the Plenum of the Supreme Judicial Council and the meetings of the Judges Chamber and the Prosecutors Chamber of the Supreme Judicial Council in a non-voting capacity.

#### Article 130c

The Minister of Justice:

1. (amended, SG No. 100/2015) shall propose a draft judiciary budget and shall lay the said draft before the Supreme Judicial Council;

2. (repealed, SG No. 100/2015);

3. may propose the appointment, promotion, demotion, transfer and release from office of judges, prosecutors and investigating magistrates;

4. shall participate in the arrangements for the continuing education of judges, prosecutors and investigating magistrates;

5. (repealed, SG No. 12/2007).

#### Article 131

(Amended, SG No. 85/2003, SG No. 12/2007, repealed, SG No. 100/2015).

#### Article 132

1. Upon exercise of judicial power, judges, prosecutors and investigating officers shall not incur criminal and civil liability for the official actions thereof and for the acts decreed thereby, save where what is done shall constitute an intentional publicly prosecutable offence.

2,3 and 4 - *repealed*

#### Article 132a

(New, SG No. 12/2007) (1) There shall be established an Inspectorate with the Supreme Judicial Council, which shall consist of an Inspector General and ten inspectors.

(2) The Inspector General shall be elected by the National Assembly by a majority of two-thirds of the National Representatives for a term of five years.

(3) The inspectors shall be elected by the National Assembly for a term of four years according to the procedure established by Paragraph (2).

(4) The Inspector General and the inspectors may be re-elected, but not for two sequential terms of office.

(5) The budget of the Inspectorate shall be adopted by the National Assembly within the judiciary budget.

(6) (Supplemented, SG No. 100/2015) The Inspectorate shall examine the operation of the judicial authorities without affecting the independence of judges, jurors, prosecutors and investigating magistrates in the performance of the functions thereof. The Inspectorate shall conduct checks for integrity and conflict of interest of judges, prosecutors and investigating magistrates, of the financial interest disclosure declarations thereof, 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 in the performance of the functions thereof and shall be subservient only to the law.

(7) The Inspectorate shall act on its own initiative, on the initiative of citizens, legal persons or state bodies, including judges, prosecutors and investigating magistrates.

(8) The Inspectorate shall present an annual report on the operation thereof to the Supreme Judicial Council.

(9) The Inspectorate shall approach other state bodies, including the competent judicial authorities, with alerts, proposals and reports. The Inspectorate shall make public information on the operation thereof.

(10) The terms and procedure for the election and release of the Inspector General and of the inspectors, as well as the organization and operation of the Inspectorate, shall be regulated by statute.

### [Article 133](#)

The organisation and the activity of the Supreme Judicial Council, of the courts, the prosecution and the investigation, the status of the justices, prosecutors and

investigating magistrates, the conditions and the procedure for the appointment and dismissal of justices, court assessors, prosecutors and investigating magistrates and the materialisation of their liability shall be established by a law.

#### Article 134

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 organisation and manner of activity of the bar shall be established by a law.

### **Chapter seven - Local self-government and local administration**

#### Article 135

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

#### Article 136

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.

#### Article 137

1. Municipalities shall be free to associate in the solution of common matters.
2. The law shall establish conditions conducive to association among municipalities.

## Article 138

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 established by a law.

## Article 139

1. The mayor shall be the body of executive power within a municipality. He shall be elected by the municipal council for a term of four years by a procedure established by a law.
2. In his activity a mayor shall be guided by the law, the acts of the municipal council and the sense of the populace.

## Article 140

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

## Article 141

1. A municipality shall have its own budget.
2. A municipality's permanent sources of revenue shall be established by a law.
3. The Municipal Council shall determine the amount of local taxes under terms, according to a procedure, and within a range established by law.
4. The Municipal Council shall determine the amount of local fees according to a procedure established by law
5. The state shall ensure the normal work of the municipalities through budget appropriations and other means.

## Article 142

A region shall be an administrative territorial unit entrusted with the conduct of a regional policy, the implementation of state government on a local level, and the ensuring of harmony of national and local interests.

## Article 143

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.

## Article 144

The central bodies of state and their local representatives shall exercise control over the legality of the acts of the bodies of local government only when authorized to do so by a law.

## Article 145

A municipal council shall be free to challenge before a court any act which encroaches on its rights.

## [Article 146](#)

The organisation and the procedures of the bodies of local self-government and local administration shall be established by a law.

## **Chapter eight- Constitutional Court**

### [Article 147](#)

1. The Constitutional Court shall consist of 12 justices, 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 justices of the Supreme Court of Cassation and the Supreme Administrative Court.
2. The justices of the Constitutional Court shall be elected or appointed for a period of nine years and 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, in a rotation order established by a law.

3. The justices of the Constitutional Court shall be lawyers of high professional and moral integrity and with at least fifteen years of professional experience
4. The justices of the Constitutional Court shall elect by secret ballot a Chairman of the Court for a period of three years.
5. The status of a justice 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 practicing of a free, commercial, or any other paid occupation.
6. A justice of the Constitutional Court shall enjoy the same immunity as a Member of the National Assembly.

#### [Article 148](#)

1. The mandate of a justice of the Constitutional Court shall expire upon any of the following occurrences:
  - i. the expiry of the term of office;
  - ii. resignation submitted before the Constitutional Court;
  - iii. the enforcement of a prison sentence for a deliberate crime;
  - iv. actual incapacitation which has lasted for more than one year;
  - v. incompatibility with an office or activity pursuant to Article 147 paragraph 5.
  - vi. death.
2. The Constitutional Court shall lift a justice's immunity or establish his actual incapacity to perform his duties by a secret ballot requiring a majority of at least two-thirds of the votes of all justices.
3. Should the mandate of a Constitutional Court justice be terminated, a new justice from the same quota shall be appointed or elected within one month.

#### [Article 149](#)

1. The Constitutional Court shall:

- i. provide binding interpretations of the Constitution;
  - ii. rule on challenges to the constitutionality of the laws and other acts passed by the National Assembly and the acts of the President;
  - iii. 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;
  - iv. rule on the compatibility between the Constitution and the international instruments concluded by the Republic of Bulgaria prior to their ratification, and on the compatibility of domestic laws with the universally recognised norms of international law and the international instruments to which Bulgaria is a party;
  - v. rule on challenges to the constitutionality of political parties and associations;
  - vi. rule on challenges to the legality of the election of the President and Vice President;
  - vii. rule on challenges to the legality of an election of a Member of the National Assembly;
  - viii. rule on impeachments by the National Assembly against the President or the Vice President.
2. No authority of the Constitutional Court shall be vested or suspended by a law.

#### [Article 150](#)

1. The Constitutional Court shall act on an initiative from not 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 Chief Prosecutor. A challenge to competence pursuant to paragraph 1 subparagraph 3 of the preceding article may further be filed by a municipal council.
2. Should it find a discrepancy between a 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. Any portion of a law which is not ruled unconstitutional shall remain in force.

3. The Ombudsman may seize the Constitutional Court with a request for declaring as unconstitutional a law which infringes the rights and freedoms of citizens.

4. The Supreme Judicial Council may approach the Constitutional Court with a challenge of the constitutionality of any law whereby any rights and freedoms of citizens are violated.

#### Article 151

1. A ruling of the Constitutional Court shall require a majority of more than half of the votes of all justices.

2. Rulings of the Constitutional Court shall be promulgated in Durzhaven Vestnik 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 law which is not ruled unconstitutional shall remain in force.

#### Article 152

The organisation and the manner of proceeding of the Constitutional Court shall be established by a law.

### **Chapter nine- Amendments to the Constitution/ Adoption of a new Constitution**

#### [Article 153](#)

The National Assembly shall be free to amend all provisions of the Constitution except those within the prerogatives of the Grand National Assembly.

#### Article 154

1. The initiative to introduce a constitutional amendment bill shall belong to one-fourth of the Members of the National Assembly and to the President.

2. 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.

## Article 155

1. A constitutional amendment shall require a majority of three-fourths 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-fourths 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.

## Article 156

An amendment to the Constitution shall be signed and promulgated in Durzhaven Vestnik by the Chairman of the Grand National Assembly within seven days following its passage.

## Article 157

A Grand National Assembly shall consist of 400 Members elected by the generally established procedure.

## [Article 158](#)

A Grand National Assembly shall:

- i. adopt a new Constitution;
- ii. resolve on any changes in the territory of the Republic of Bulgaria and ratify any international instrument envisaging such a change.
- iii. resolve on any changes in the form of state structure or form of government;
- iv. resolve on any amendment to Article 5 paragraphs 2 and 4 and Article 57 paragraphs 1 and 3 of this Constitution;
- v. resolve on any amendment to Chapter Nine of the Constitution.

## Article 159

1. The initiative to introduce an amendment bill pursuant to the preceding Article shall belong to one-third of the Members of the National Assembly and to the President.

2. The draft of a new constitution or a proposed amendment to the existing Constitution, and any bill to introduce a change in the territory of the country pursuant to Article 158 shall be debated by the National Assembly not earlier than two months and not later than five months from the date on which it is introduced.

#### Article 160

1. A resolution by the National Assembly announcing elections for a Grand National Assembly shall require a majority of two-thirds of the votes of all Members.

2. The President shall schedule the elections for a Grand National Assembly within three months from the passage of the National Assembly's resolution.

3. The mandate of the National Assembly shall expire with the holding of the elections for a Grand National Assembly.

#### Article 161

To pass a bill, the Grand National Assembly shall require a majority of two-thirds of the votes of all Members, in three ballots on three different days.

#### Article 162

1. A Grand National Assembly shall resolve only on the constitutional amendment bills for which it has been elected.

2. In an emergency, a Grand National Assembly shall further perform the functions of a National Assembly.

3. The prerogatives of a Grand National Assembly shall expire after it resolves on all matters for which it has been elected. The President shall then schedule elections by a procedure established by a law.

#### Article 163

An act of the Grand National Assembly shall be signed and promulgated in Durzhaven Vestnik by the Assembly's Chairman within seven days following its passage.

### **Chapter Ten- Coat of arms, seal, flag, anthem, capital**

#### Article 164

The coat of arms of the Republic of Bulgaria shall depict a gold lion rampant on a dark gules shield.

#### Article 165

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

#### Article 166

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

#### Article 167

The rules for the placing of the state seal and the display of the national flag shall be established by a law.

#### Article 168

The anthem of the Republic of Bulgaria shall be the song Mila Rodino.

#### Article 169

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

### **Transitional and concluding provisions (1991)**

#### Clause 1

1. The Grand National Assembly shall dissolve itself after the adoption of the Constitution.
2. The Grand National Assembly shall continue to function as a National Assembly until the election of a new National Assembly. Within this term, it shall pass bills for the election of a new National Assembly, a President, bodies of local self-government, and other bills. The Constitutional Court and the Supreme Judicial Council shall be established within the same term.
3. The Members of the National Assembly, the President, the Vice President and the members of the Council of Ministers shall swear the oath established by this

Constitution at the first session of the National Assembly following the coming into force of this Constitution.

#### Clause 2

Pending the election of a Supreme Court of Cassation and a Supreme Administrative Court, their prerogatives pursuant to Article 130 paragraph 3 and Article 147 paragraph 1 of the Constitution shall be exercised by the Supreme Court of the Republic of Bulgaria.

#### Clause 3

1. The provisions of the existing laws shall be applicable in so far as 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 Article 5 paragraph 2.
3. The laws required expressly by this Constitution shall be passed by the National Assembly within three years.

#### Clause 4

The organisation of the judicial branch of government established by the Constitution shall come into force following the passage of the new structural and procedural laws within the term established by paragraph 2 of Clause 3.

#### Clause 5

Justices, prosecutors and investigating magistrates shall become unsubstitutable if within three months of its formation the Supreme Judicial Council does not rule that they lack the necessary professional merits.

#### Clause 6

Pending the passage of new legislation concerning the Bulgarian National Television, the Bulgarian National Radio and the Bulgarian News Agency, the National Assembly shall practice the prerogatives vested in the Grand National Assembly with respect to these national institutions.

#### Clause 7

1. Elections for a National Assembly and bodies of local self-government shall be held within three months from the self-dissolution of the Grand National Assembly. The date of the elections shall be scheduled by the President in accordance with his prerogatives pursuant to Article 98 subparagraph 1 of the Constitution.
2. The elections for a President and a Vice President shall be held within three months from the elections for a National Assembly.
3. Pending the election of a President and a Vice President, their functions established by this Constitution shall be performed by the Chairman (President) and the Vice Chairman (Vice President).

#### Clause 8

The government shall continue to perform its functions pursuant to this Constitution until the formation of a new government.

#### Clause 9

This Constitution shall come into force on the day on which it is promulgated in Durzhaven Vestnik (State Gazette) by the Chairman of the Grand National Assembly, and shall supersede the Constitution of the Republic of Bulgaria adopted on 18 May, 1971 (Publ. in Durzhaven Vestnik No. 39/1971; amended in DV Nos. 6/1990, 29/1990, 87/1990, 94/1990, 98/1990, corrected in DV No. 98/1990).

The Constitution of the Republic of Bulgaria was promulgated in Durzhaven Vestnik (State Gazette) No. 56 on 13 July 1991 by virtue of an ordinance of the Chairman of the Grand National Assembly, Nikolai Todorov, dated 12 July 1991.

### **TRANSITIONAL AND CONCLUDING PROVISIONS (SG 85/03)**

#### § 4.

(1) Within three months of the entry into force of the Law amending and supplementing the Constitution of the Republic of Bulgaria, the National Assembly shall adopt the laws connected with the implementation of these amendments and

supplements.

(2) Within three months of the entry into force of § 1, point 3, the Supreme Judicial Council shall appoint the heads of administration of judicial bodies.

§ 5.

The heads of the judicial bodies who, until the entry into force of this Law, have occupied the respective administrative position for more than 5 years, may be appointed to the same position for only one more mandate.

§ 6.

The judges, prosecutors and investigating magistrates who by the time of entry into force of this Law have not completed the 3-year term of office on the respective position, shall become irremovable under the terms of § 1, point 1 of this Law.

§ 7.

§ 1, point 3 shall enter into force as of 1 January 2004.

The law was adopted by the 39th National Assembly on September 24, 2003 and was affixed with the official seal of the National Assembly.

#### **FINAL PROVISIONS (SG 18/05)**

§ 7.

Paragraph 2 shall enter into force as of the date of entry into force of the Treaty concerning the Accession of the Republic of Bulgaria to the European Union and shall not apply to international treaties found.

#### **TRANSITIONAL AND FINAL PROVISIONS (No. 100/18 December 2015)**

§ 9.

Within three months after the entry into force of this Act, the National Assembly shall adopt the laws which concern the application of Articles 130a and 130b [of the Constitution of the Republic of Bulgaria].

§ 10.

The elective members of the Supreme Judicial Council by the date of entry into force of this Act shall serve for the remainder of the term of office thereof.

§ 11.

(1) Within one month after the entry into force of the laws which concern the application of Articles 130a and 130b [of the Constitution of the Republic of Bulgaria], the Supreme Judicial Council shall assign the members of the Council elected by the National Assembly to the Judges Chamber and to the Prosecutors Chamber of the Supreme Judicial Council.

(2) In case the Supreme Judicial Council fails to assign the members of the Council elected by the National Assembly to the Judges Chamber and to the Prosecutors Chamber within the time limit referred to in Paragraph (1), the National Assembly shall assign the said members by a resolution.

## **FINAL PROVISIONS (SG 12/07)**

### § 12.

The National Assembly shall adopt the laws referring to the application of these amendments and supplements, within one year following the entry into force of the Law Amending and Supplementing the Constitution of the Republic of Bulgaria,

### § 13.

Paragraphs 1 and 2 shall enter into force from 1 January 2008.