

LAW ON NORMATIVE ACTS

Promulgated, State Gazette No. 27/3.04.1973, amended and supplemented, SG No. 65/21.07.1995, supplemented, SG No. 55/17.06.2003, effective 18.12.2003, amended and supplemented, SG No. 46/12.06.2007, SG No. **34/3.05.2016, effective as of 4.11.2016**

Chapter One GENERAL PROVISIONS

Article 1. (Amended, SG No. 46/2007) This Law is intended to improve the preparation, issuance and implementation of normative acts.

Article 1a. (New, SG No. 46/2007) The normative act contains general rules on behaviour which apply to an individually undefined range of subjects; it has multiple applications and is issued or adopted by a competent state body.

Article 2. (1) (Amended, SG No. 46/2007) Normative acts may be issued solely by the bodies as provided for in the Constitution or in a law.

(2) The competence to issue normative acts may not be delegated.

Article 2a. (New, SG No. 55/2003, repealed, SG No. 46/2007, effective 1.01.2008).

Article 3. (1) (Amended, SG No. 46/2007) A law is a normative act which regulates or on the basis of the Constitution the social relations subject to sustained regulation, according to the subject matter or the subjects in one or several legal institutes or their subdivisions.

(2) A law may provide for the issuance of acts of secondary legislation to govern other relations within the same subject matter.

Article 4. (1) (Amended, SG No. 46/2007) A code is a normative act which regulates the social relations subject to an entire branch of the legal system or to a separate division thereof.

(2) The provisions of this Law applicable to laws shall furthermore apply to codes.

Article 5. (Repealed, SG No. 46/2007).

Article 6. The Council of Minister shall issue decrees:

1. adopting regulations, ordinances or instructions;
2. (amended, SG No. 46/2007) regulating social relations in the sphere of the executive and regulatory activities thereof in compliance with laws which are unregulated by any such laws and decrees.

Article 7. (Supplemented, SG No. 65/1995, amended, SG No. 46/2007) (1) Implementing regulations are normative acts issued for application of a law in its entirety, for organization of

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central and local government authorities, or for the internal procedure of the operation thereof.

(2) An ordinance is a normative act which is issued for application of particular provisions or subdivisions of a superior normative act.

(3) An instruction is a normative act by which a superior authority shall give authorities subordinate thereto directions regarding the application of a normative act issued by the said superior authority or in order to provide for the implementation of the said act.

Article 7a. (New, SG No. 46/2007) A normative act shall be issued also in those cases where measures at national level, necessary for the execution and implementation of acts of the European Union or of international contracts, concluded by the European Communities, must be adopted.

Article 8. (Amended, SG No. 65/1995) Each Municipal Council may issue ordinances regulating thereby social relations of local importance in compliance with superior normative acts which are unregulated by the said normative acts.

Article 9. (1) The provisions of the normative acts shall be formulated briefly, precisely and clearly in the Bulgarian language of common use.

(2) (New, SG No. 46/2007) As an exception, in the cases under Article 7a in a provision of a normative act or in an annex thereto, designations in a foreign language, established in the international practice, such as codes, indexes, classifications, models of documents and others, as well as official names of institutions and of issued by them official documents, may be used, when this is necessary out of considerations for preciseness and clarity.

(3) (Renumbered from Paragraph 2, SG No. 46/2007) The structure of the normative acts and the formulation of the provisions thereof must comply with the decree on application of this Law.

Article 10. (1) Social relations within one and the same sphere shall be regulated by one, rather than by several normative acts of the same rank.

(2) Social relations appertaining to a sphere in respect of which a normative act has already been issued shall be regulated by an act to supplement or amend the said act rather than by a separate act of the same rank.

Article 11. (1) It shall be admissible to repeal a law and to supersede a law by a new law referring to the same subject matter solely where the revisions are numerous and substantial.

(2) Where a general framework has been provided to a particular subject matter, a special law may provide for deviations from the said framework solely if this is dictated by the nature of the social relations governed by the said law.

(3) Normative acts shall be repealed, amended or supplemented by an explicit provision of the new amending or supplementing act.

Article 12. The normative act for application of a law may regulate solely the subject matter for which the said act is provided to be issued.

Article 13. (1) A normative act for application of a law shall become inoperative in whole or

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in part concurrently with the full or partial repeal of the law, depending on the scope of the repeal.

(2) The new law may provide that all or some of the provisions of normative act on application of the repealed law remain in effect temporarily, provided the said provisions are compatible with the provisions of the new law.

Article 14. (1) Normative acts may be retroactive solely by exception, and then by an explicit provision.

(2) A normative act issued in pursuance of another act may be retroactive solely given the act in pursuance of which the said normative act has been issued is retroactive.

(3) Retroactivity may not be granted to any provisions for sanctions, unless they are less severe than the repealed provisions.

Article 15. (1) The normative act must comply with the Constitution and the other superior normative acts.

(2) (New, SG No. 46/2007) Should a normative act contradict a regulation of the European Union, the regulation shall be applied.

(3) (Renumbered from paragraph 2, SG No. 46/2007) Should a Decree, Rules, Ordinance or Instruction contradict any superior normative act, the justice administering authorities shall apply the superior normative act.

Article 16. (1) The state bodies must inform the body authorized to repeal a normative act about the discrepancy between the said normative act and a superior act.

(2) Within the limits of the competence vested therein by the Constitution, the Prosecutor General shall enter a protestation for repeal of a normative act or of specific provisions thereof should the said provisions be contrary to a superior normative act.

Article 17. (Repealed - SG No 34/2016 effective as of 4.11.2016)

Article 18. (1) (Amended, SG No. 46/2007) State bodies, legal persons and citizens may submit proposals for improvement of legislation.

(2) Proposals shall be addressed to the body empowered to issue the normative act, or to the competent body entitled to initiate legislation.

Article 18a. (New - SG No. 34/2016 effective as of 4.11.2016) In the process of legal drafting ex ante impact assessment and public consultations with citizens and legal entities are carried out in accordance with Chapters Two and Three.

Article 18b. (New - SG No. 34/2016 effective as of 4.11.2016) (1) The results from the implementation of a normative act are checked by ex post impact assessment.

(2) Based on the check, repeal, amendment or supplement of the act are proposed, if necessary.

Chapter Two

(Repealed - SG 46/2007, New - SG 34/3.05.2016, effective as of 4.11.2016)

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(Title changed - SG 34/3.05.2016, effective as of 4.11.2016)

Art. 19. (Repealed - SG 46/2007, New - SG 34/3.05.2016, effective as of 4.11.2016)

(1) The authorities proposing drafts of normative acts shall carry out impact assessment, when provided in this Law.

(2) Impact assessment is ex ante and ex post. The impact assessment explores the correlation between formulated objectives and expected (achieved) results.

(3) The National Assembly adopts methodology for impact assessment regarding drafts of laws and codes proposed by Members of Parliament.

(4) The Council of Ministers adopts by a normative act the rules and procedures for planning and doing impact assessment relating drafts of laws, codes and implementing regulations proposed by the Council of Ministers. The scope and methodology for carrying out impact assessment are set forth in an ordinance issued by the Council of Ministers.

Art. 20. (Repealed - SG 46/2007, New - SG 34/3.05.2016, effective as of 4.11.2016)

(1) The ex ante impact assessment is partial and full.

(2) Partial ex ante impact assessment shall be carried out before the development of any drafts of a law, code or implementing regulation of the Council of Ministers.

(3) Full ex ante impact assessment is carried:

1. when new laws and codes are being developed;

2. during the development of drafts of normative acts, for which the assessment under par. 2 has shown that considerable consequences could be expected.

(4) Apart from the cases under par. 3, full ex ante impact assessment may be carried any time upon the judgement of the authority proposing draft legislation.

Article 21. (Repealed - SG 46/2007, New - SG 34/3.05.2016, effective as of 4.11.2016)

(1) The legislative initiative of the Council of Ministers is based on a legislative agenda and the adoption of implementing regulations is based on an operational agenda. The legislative and operational agendas are approved by the Council of Ministers for a period of 6-months.

(2) The entry of drafts of laws and codes in the legislative agenda and implementing regulations of the Council of Ministers in the operational agenda is done upon the completion of ex ante impact assessment.

(3) The Council of Ministers shall accept for consideration drafts of laws, codes and implementing regulations of the Council of Ministers, which are not entered in the legislative and the operating agenda, only if they are accompanied by ex ante impact assessment.

(4) The legislative and operational agendas of the Council of Ministers together with the ex ante impact assessments shall be published on the Portal for Public Consultations.

(5) The ex ante impact assessments as per par. 2 and 3 shall be concurred with the

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administration of the Council of Ministers.

Art. 22. (Repealed - SG 46/2007, New - SG 34/3.05.2016, effective as of 4.11.2016)

(1) The authority having the competence to implement a normative act shall carry out ex-post impact assessment for the new laws, codes and implementing regulations of the Council of Ministers.

(2) The ex-post impact assessment is carried out within five years from the date of entry into force of the new law, code or implementing regulation of the Council of Ministers or in a shorter term specified by the authority under par. 1.

(3) The ex-post impact assessment carried out by the authority under par. 1, shall be published on the website of the relevant authority and the Portal for Public Consultations within 30 days from its completion.

(4) Where an ex post impact assessment is carried out by a local authority, it is published on the website of the municipality within 30 days from its completion.

Art. 23. (Repealed - SG 46/2007, New - SG 34/3.05.2016, effective as of 4.11.2016)

The state authorities and the budget organizations, in the sense of the definition for the latter given in the Public Finance Act, to whom requests for information or assistance are sent in relation to the carrying out of impact assessments are obliged to provide the information and the assistance to the body organizing the process of impact assessment.

Article 24. (Repealed, SG No. 46/2007).

Article 25. (Repealed, SG No. 46/2007).

Chapter Three

(Repealed, New - SG No. 46/2007, effective as of 1.01.2008)

DEVELOPMENT OF DRAFTS OF NORMATIVE ACTS

(Title amended, SG No. 46/2007)

Article 26. (Repealed, new - SG 46 of 2007) (1) (Amended - SG 34/3.05.2016 effective as of 4.11.2016) The development of a draft of a normative act is done in compliance with the principles of necessity, validity, predictability, openness, coherence, subsidiarity, proportionality and stability.

(2) (New - SG 34/3.05.2016, effective as of 4.11.2016) In the process of development of a draft of a normative act public consultations with citizens and legal entities are conducted.

(3) (Previous par, 2, Amended and supplemented - SG 34/3.05.2016, effective as of 4.11.2016) Before submitting a draft of a normative act for issuance or acceptance by the competent authority the proposing body shall publish it on the website of the relevant institution together with the motives, respectively the report and the ex ante impact assessment as per art. 20. When the proposing authority is part of the executive power, the publication is done on the Portal for Public Consultations and when it is a local authority – on the website of the Municipality and / or the Municipal Council.

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(4) (New - SG 34/3.05.2016, effective as of 4.11.2016) The term for suggestions and opinions regarding the drafts of normative acts published for public consultations under par. 3 shall not be shorter than 30 days. In cases of extraordinarity, explicitly justified in the motives, respectively in the report, the proposing authority may determine a different term, but not shorter than 14 days.

(5) (New - SG 34/3.05.2016, effective as of 4.11.2016) Upon completion of the public consultation under par. 3 and prior to the adoption or issue of the normative act, the proposing authority shall publish on its institutional website a report on the received suggestions with a justification providing reasons for not taking into account of those rejected. When the proposing authority is a body of the executive power, the publication of the report is done simultaneously on the Portal for Public Consultations as well.

Article 27. (Repealed, new - SG. 46 of 2007) (1) (Supplemented - New - SG 34/3.05.2016, effective as of 4.11.2016) A Minister proposing a draft of a normative act, subject to consideration by the Council of Ministers shall send it together with the ex ante impact assessment under Art. 20 for concurrence to the authorities whose competence covers the scope of regulation of the proposed act or those obliged to implement it and to the National Association of Municipalities in Republic of Bulgaria if the draft refers to the powers of the municipalities.

(2) The statements of the authorities under paragraph 1 shall be prepared within 14 days.

Art. 28. (Repealed., New - SG. 46 of 2007) (1) (Supplemented - New – SG 34/3.05.2016, effective as of 4.11.2016) The draft of a normative act together with the motives, respectively the report, and the ex ante impact assessment as per art. 20 is submitted for discussion and approval by the competent authority.

(2) The reasons, respectively the report, shall contain:

1. the reasons which require its adoption;
2. the objectives of the act;
3. the financial and other means necessary for the adoption of the new regulation;
4. the expected results from its application, including the financial ones, if there are such;
5. an analysis regarding the compatibility with the European Union law.

(3) (New - SG 34/3.05.2016, effective as of 11.04.2016) A draft of a law or a code, subject to consideration by the Council of Ministers, shall be accompanied by a check for compliance with the Convention for the Protection of Human Rights and Fundamental Freedoms and the practice of the European Court of Human Rights, carried out by the Ministry of Justice.

(4) (Previous par. 3, Supplemented - SG 34/3.05.2016, effective as of 11.04.2016) A draft of a normative act to which no motives, respectively no report as per par. 2 are applied or such not accompanied by an ex ante impact assessment in accordance with Chapter Two, also laws and codes not accompanied by a compliance check as per par. 3, shall not be discussed by the competent authority.

Article 29. (Repealed, SG No. 46/2007).

Article 30. (Repealed, SG No. 46/2007).

Article 31. (Repealed, SG No. 46/2007).

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Article 32. (Repealed, SG No. 46/2007).

Article 33. (Repealed, SG No. 46/2007).

Chapter Four

AUTHENTICATION AND PROMULGATION OF NORMATIVE ACTS

Article 34. (Amended, SG No. 46/2007) The texts of the normative acts, as well as the due adoption thereof, shall be authenticated:

1. in respect of laws: by the Chairman of the National Assembly;
2. in respect of decrees by the Prime Minister
3. in respect of other normative acts - by the issuing body or, should they be issued by a collective body, by the chairman of the said body.

Article 35. Authentication shall be executed on the document containing the text of the normative act, immediately below the text.

Article 36. (1) The authenticated text of a normative act shall be the original. All other texts shall be transcripts.

(2) The authenticated text shall be in the custody of the body that has issued the act.

(3) Any discrepancy between the authenticated text and the adopted text of a normative act shall be corrected by the body that has authenticated the text.

Article 37. (1) (Amended, SG No. 46/2007) Laws, Council of Ministers decrees and normative acts of ministers and the heads of other central government departments shall be promulgated in the State Gazette.

(2) (New, SG No. 46/2007) The EC Regulations shall be promulgated in the Official Journal of the European Union in Bulgarian.

(3) (Renumbered from Paragraph 2, amended, SG No. 46/2007) Normative acts of the municipal councils shall be promulgated in the press or shall be announced by other means on the territory of the municipality.

Article 38. A normative act shall be promulgated within a single issue of the State Gazette.

Article 39. (1) (Amended, SG No. 46/2007) Promulgation shall be ordered:

1. laws on supplement and amendment to the Constitution - by the chairman of the National Assembly by an order;

2. laws - by the President by a decree;

3. normative acts of the Council of Ministers - by the Prime Minister;

4. in respect of any other normative acts: by the body that has issued the acts or, should the act be issued by a collective body, by the chairman of the said body.

(2) (Supplemented, SG No. 46/2007) A certified transcript of the original of the normative act shall be attached to the order for promulgation.

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Article 40. (1) The promulgation must reproduce literally the text of the certified transcript of the normative act.

(2) Should prior to the promulgation any errors be detected in the text transmitted for promulgation, the said errors shall be corrected by the body that has authenticated the normative act.

Article 41. (1) (Supplemented, SG No. 46/2007) The promulgation shall be presumed effected on the day indicated as publication date of the respective issue of the State Gazette or of the Official Journal of the European Union - in the cases under Article 37, Paragraph 2.

(2) The publication date of the Official Gazette shall be the date whereon the distribution of the respective issue may commence.

(3) Where a normative act enters into force upon the lapse of a certain period of time after the promulgation thereof, the promulgation date shall be excluded from the said period.

(4) The period of time shall expire at 24:00 hrs on the last day.

Article 42. (1) Any discrepancy between the text as promulgated and the transcript as transmitted for promulgation shall be corrected according to the procedure established for the promulgation.

(2) Any discrepancy between the text as transmitted for promulgation and the text as authenticated or as adopted shall be detected by the body that has authenticated the text and shall be corrected according to the procedure established for the promulgation.

Article 43. (1) A correction shall be made immediately upon detection of a discrepancy.

(2) The text of the correction must be formulated so as to indicate clearly and precisely the discrepancy as well as the correct text.

Article 44. A correction shall enter into force according to the same procedure and within the same period of time applicable to the normative acts as corrected. Such period of time shall always be three days, provided the term for entry into force of the respective normative act is longer.

Article 45. (1) Acts of citizens or juristic persons performed in compliance with a promulgated text prior to the entry into force of the correction thereof, shall be considered lawful and effective, respectively, unless an error was apparent.

(2) Following the entry into force of a correction, the normative acts of state bodies based on the wrong text shall be subject to repeal according to the procedure established by the law, should they be legally non conforming considering the correct text. This rule shall not apply where repeal would lead to a liability incompatible with the foregoing paragraph, or to infringement of rights attained in compliance with the said paragraph.

Chapter Five

INTERPRETATION OF NORMATIVE ACTS

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Article 46. (1) (Amended, SG No. 46/2007) The provisions of the normative acts shall be applied according to the exact meaning thereof; should the said provision be not clear, they shall be interpreted in the meaning closest to other provisions, to the objectives of the act interpreted, to the general principles of the law of the Republic of Bulgaria.

(2) (Amended, SG No. 46/2007) Where a normative act is incomplete, cases not provided for thereby shall be governed by the provisions applicable to similar cases, provided that is in compliance with the objectives of the act. Should any such provisions be missing, relations shall be settled conforming to the general principles of the law of the Republic of Bulgaria.

(3) Penal, administrative and disciplinary liability may not be justified conforming to the foregoing paragraph.

Article 47. (Repealed, SG No. 46/2007).

Article 48. (Repealed, SG No. 46/2007).

Article 49. (Repealed, SG No. 46/2007).

Article 50. (1) Interpretations shall take effect as from the date of entry into force of the interpreted act.

(2) (Amended, SG No. 46/2007) The authority which issued the normative act for interpretation may, by exception, govern that the interpretation shall act in the future, should the retroactivity be a possible cause for complications. In such a case, the interpretation shall enter into force within three days after the promulgation thereof.

Article 51. (1) (Amended, SG No. 46/2007) A binding interpretation of a normative act shall be provided by the body that has issued the act.

(2) Interpretations shall be promulgated or announced according to the procedure established for promulgation or announcement of the act interpreted. Article 50 herein shall apply to the effect of interpretations.

ADDITIONAL PROVISIONS

(New - SG 34 of 2016, effective as of 4.11.2016)

§ 1. (New - SG 34/3.05.2016, effective as of 4.11.2016) “Portal for Public Consultations” in the sense of the Law is a central public web-based information system that provides opportunity for publishing draft normative acts for public consultation developed by the executive power or local authorities. A special section shall be created in the Portal for Public Consultations where individuals and legal entities assigned by the Government or local authorities to develop draft normative acts or impact assessments shall be listed and the amount of their remuneration shall be shown.

§ 1a. (New - SG 34/3.05.2016, effective as of 4.11.2016) Chapters Two and Three, except for the requirement for motives under art. 28, par. 1, shall not apply to:

1. the Draft-laws on the State Budget, the Budget of the State Social Security and the

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budget of the National Health Insurance Fund, as well as drafts of implementing regulations related to the implementation of the state budget;

2. the Draft-laws amending the Constitution;

3. the Draft-laws for ratification and denunciation of international treaties;

4. the drafts of normative acts related to the prevention and elimination of consequences of force majeure.

TRANSITIONAL AND FINAL PROVISIONS

§ 1b. (Previous § 1 - SG 34/3.05.2016, effective as of 11.04.2016) The provisions of Chapter Two of this Law shall apply to all draft-laws that are not developed yet.

§ 2. (1) Article 29 (2) and Article 30 herein shall apply to bills that have not been approved by the Council of Ministers until the entry into force of this Law.

(2) Article 31 herein shall apply to bills prepared by other bodies entitled to initiate legislation, provided such bills have not been laid before the National Assembly prior to the entry into force of this Law.

§ 3. All prepared drafts of normative acts, with the exception of such that have already been laid before the National Assembly, shall be redrafted conforming to the provisions of this Law and the decree on the application thereof.

§ 4. Article 2 of the Obligations and Contracts Act is hereby repealed.

§ 5. (Amended –SG 34/3.05.2016, effective as of 11.04.2016) Save as otherwise provided by this Law, it shall apply to all normative acts issued by bodies stipulated by the Constitution. Articles 2, 9-16, 34-46 and 51 herein shall apply to the other normative acts.

§ 6. (Repealed – SG34/3.05.2016, effective as of 11.04.2016).

§ 7. The implementation of this Law shall be entrusted to the State Council, which shall issue a decree on the application thereof.

TRANSITIONAL AND FINAL PROVISIONS to the Supplement and Amendment Act to the Law on Normative Acts (SG No. 46/2007)

§ 26. Paragraphs 4, 15 and 16 shall enter into force on 1 January 2008.

TRANSITIONAL AND FINAL PROVISIONS to the Supplement and Amendment Act to the Law on Normative Acts (SG 34/3.05.2016, effective as of 04.11.2016 years)

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§ 9. The drafts of normative acts developed and approved prior to the entry into force of this Law shall be accepted and adopted under the previous rules and procedures.

§ 10. This Law shall enter into force within 6 months from the date of its promulgation in the “State Gazette”.