

CONSTITUTION of the Republic of Bulgaria

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We, the National Representatives of the Seventh Grand National Assembly, aspiring to express the will of the Bulgarian people,

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

Elevating to the rank of paramount principle the rights of the human person and the dignity and security thereof;

Aware of our irrevocable duty to safeguard the national and state unity of Bulgaria,

Hereby proclaim our determination to create a democratic, law-governed and social state, wherefor we adopt the present

CONSTITUTION

Chapter One

FUNDAMENTAL PRINCIPLES

Article 1. (1) Bulgaria is a republic with a parliamentary system of government.

(2) The people is the sole fountain of state power. The people shall exercise this power directly and through the bodies established by this Constitution.

(3) No part of the people, political party or any other organization, institution of state, or individual may usurp the exercise of the people's sovereignty.

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

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

Article 3. Bulgarian is the official language of the Republic.

Article 4. (1) The Republic of Bulgaria is a state committed to the rule of law. It is governed according to the Constitution and the laws of the land.

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

(3) (New, SG No. 18/2005) The Republic of Bulgaria shall participate in the building and development of the European Union.

Article 5. (1) The Constitution shall be the supreme law, and no other law may be in conflict therewith.

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

(3) No one shall be convicted of any act or omission which was not declared to be a criminal offence by the law at the time of commission thereof.

(4) Any international treaty, which has been ratified according to a procedure established by the Constitution, which has been promulgated, and which has entered into force for the Republic of Bulgaria, shall be part of the domestic law of the land. Any such treaty shall take priority over any conflicting standards of domestic legislation.

(5) All statutory instruments shall be published. They shall enter into force three days after the date of the promulgation thereof unless otherwise provided by the instruments themselves.

Article 6. (1) All persons are born free and equal in dignity and rights.

(2) All citizens shall be equal before the law. Neither abridgement of rights nor any privileges whatsoever shall be admissible on the basis of race, nationality, ethnic identity, sex, origin, religion, education, convictions, political affiliation, personal and social status, or property status.

Article 7. The State shall incur liability for any detriment caused by unlawful acts or actions by authorities and officials of the State.

Article 8. State power shall be divided between a legislative, an executive, and a judicial branch of government.

Article 9. (1) (Redesignated from Article 9, SG No. 12/2007, effective 1.01.2008) The armed forces shall guarantee the sovereignty, security, and independence of Bulgaria and shall defend the territorial integrity thereof.

(2) (New, SG No. 12/2007, effective 1.01.2008) The operation of the armed forces shall be regulated by statute.

Article 10. Elections and national and local referendums shall be held on the basis of universal, equal and direct suffrage by secret ballot.

Article 11. (1) Political life in the Republic of Bulgaria shall be based on the principle of political pluralism.

(2) Not a single political party or ideology may be proclaimed or asserted as state-sponsored.

(3) All parties shall facilitate the formation and expression of citizens' political will. The procedure for the formation and dissolution of political parties, as well as the conditions for their activity, shall be established by statute.

(4) Political parties may not be formed on an ethnic, racial, or religious basis, nor [shall it be permissible to form] any parties which make it their object to seize state power by force.

Article 12. (1) Citizens' associations shall serve to satisfy and protect the interests of the members thereof.

(2) No citizens' association, including any trade union, may adopt any political purposes or engage in any political activities which are intrinsic only to political parties.

Article 13. (1) Religious denominations shall be free.

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

(3) Eastern Orthodox Christianity is a traditional religion in the Republic of Bulgaria.

(4) Religious communities and institutions, or religious convictions, may not be used for political purposes.

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 maintenance and diversity of wildlife, and the rational utilization of the natural wealth and resources of the country.

Article 16. Labour shall be guaranteed and protected by the law.

Article 17. (1) The right to own and to inherit property shall be guaranteed and protected by the law.

(2) Property shall be private and public.

(3) Private property shall be inviolable.

(4) The regime applying to the items of state and municipal property shall be established by statute.

(5) Property may be taken by eminent domain for state and municipal needs solely in pursuance of a law subject to the condition that these needs cannot be satisfied in another manner and after an advance and equivalent compensation.

Article 18. (1) The subsurface resources, the coastal beaches, the national roads, as well as the waters, forests and parks of national importance, the nature reserves and archaeological reserves designated by statute, shall constitute exclusive state property.

(2) The State shall exercise sovereign rights to the continental shelf and within the exclusive economic zone in re-spect of exploration, development, protection and management of the biological, mineral, and energy resources of these maritime spaces.

(3) The State shall exercise sovereign rights to the radio frequency spectrum and positions on the geo-stationary orbit allocated to the Republic of Bulgaria by international agreements.

(4) A state monopoly may be established by statute on rail transport, the national postal and telecommunication networks, the use of nuclear energy, the manufacture of radioactive products, weapons, explosives, and biologi-cally potent substances.

(5) The terms and procedure whereunder the State shall award concessions to the items of property and shall grant licences for the activities covered under the foregoing paragraphs shall be established by statute.

(6) The state-owned corporeal immovables shall be stewarded and managed in the interests of citizens and of so-ciety.

Article 19. (1) The economy of the Republic of Bulgaria shall be based on free economic enterprise.

(2) The law shall establish and guarantee equal legal conditions for economic activity to all citizens and legal per-sons through prevention of abuse of monopolism and unfair competition and through protection of consumers.

(3) The investments and economic activity of Bulgarian and foreign citizens and legal persons shall enjoy the pro-tection of the law.

(4) The law shall establish conditions for the formation of cooperatives and other forms of association of citizens and legal persons for the attainment of economic and social advancement.

Article 20. The State shall create conditions conducive to a balanced development of the separate regions of Bul-garia and shall assist the territorial authorities and activities through financial, credit, and investment policies.

Article 21. (1) Land shall be a basic national resource which shall enjoy the special protection of the State and society.

(2) Arable land shall be used solely for agricultural purposes. Any change of the assigned use of arable land shall be permissible solely by exception, provided the necessity has been proven, and under terms and according to a procedure established by statute.

Article 22. (Amended, SG No. 18/2005, effective as from the date of entry into force of the Treaty concerning the Accession of the Republic of Bulgaria to the European Union, not applicable to pre-existent international treaties) (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) Passage of an act to ratify any international treaty referred to in Paragraph (1) shall require a majority of two-thirds of all National Representatives.

(3) The regime applying to the land shall be established by statute.

Article 23. The State shall create conditions for free development of science, education, and the arts, and shall assist them. The State shall take care of the conservation of the national historical and cultural heritage.

Article 24. (1) The foreign policy of the Republic of Bulgaria shall be implemented in accordance with the princi-ples and standards of international law.

(2) The principal objectives of the foreign policy of the Republic of Bulgaria shall be the national security and independence of Bulgaria, the well-being and the fundamental rights and freedoms of Bulgarian citizens, as well as assistance to the establishment of a just international order.

Chapter Two

CITIZENS' FUNDAMENTAL RIGHTS AND DUTIES

Article 25. (1) Any person, whereof at least one of the parents is a Bulgarian citizen, or who has been born within the territory of the Republic of Bulgaria, shall be a Bulgarian citizen unless acquiring another citizenship by de-scent. Bulgarian citizenship may furthermore be acquired by naturalization.

(2) Persons of Bulgarian descent shall acquire Bulgarian citizenship according to a relaxed procedure.

(3) A Bulgarian citizen by birth may not be deprived of Bulgarian citizenship.

(4) (Amended, SG No. 18/2005) 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) Bulgarian citizens resident abroad shall be under the protection of the Republic of Bulgaria.

(6) The terms and the procedure for acquisition, retention and loss of Bulgarian citizenship shall be established by statute.

Article 26. (1) The citizens of the Republic of Bulgaria, wherever they may be, shall have all rights and duties under this Constitution.

(2) Any alien resident in the Republic of Bulgaria shall have all the rights and duties under this Constitution, with the exception of such rights and duties wherefor the Constitution and the laws require Bulgarian citizenship.

Article 27. (1) No alien who legally resides in Bulgaria may be expelled therefrom or surrendered to another State against the will of the said alien, except under the terms and according to the procedure prescribed by statute.

(2) The Republic of Bulgaria grants asylum to aliens who are persecuted for reasons of their convictions or activities in defence of internationally recognized rights and freedoms.

(3) The terms and procedure for the granting of asylum shall be regulated by statute.

Article 28. Everyone shall have the right to life. Any trespass to human life shall be punished as a most serious 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 their voluntary written consent.

Article 30. (1) Everyone shall have the right to liberty and inviolability of person.

(2) No one shall be detained or subjected to inspection, search or any other interference with the personal inviolability thereof except under terms and according to a procedure established by statute.

(3) In instances of urgency expressly specified by the law, the competent state authorities may detain a citizen and shall immediately notify the judicial authorities of any such detention. The [competent] judicial authority shall pronounce on the legal conformity of any such detention within 24 hours thereafter.

(4) Everyone shall have the right to legal counsel from the time of detention or arraignment.

(5) Everyone shall have the right to meet their defence counsel in private. The confidentiality of such communication shall be inviolable.

Article 31. (1) Anyone charged with a criminal offence must be brought before an authority exercising judicial power within the time limit established by statute.

(2) No one may be compelled to plead guilty, nor may be convicted solely on the basis of a confession thereof.

(3) A defendant shall be presumed innocent until otherwise proven by an effective sentence.

(4) The rights of a defendant may not be restricted beyond what is necessary for the administration of justice.

(5) Persons deprived of their liberty shall be afforded conditions conducive to the exercise of the fundamental rights thereof as are not restricted by the effect of the sentence.

(6) The penal sanction of deprivation of liberty shall be implemented solely in the places designated by statute.

(7) Statutory limitation shall be inapplicable to criminal prosecution and to the implementation of penal sanctions for crimes against peace and humanity.

Article 32. (1) The privacy of citizens shall be inviolable. Everyone shall have the right to protection against any unlawful interference in their private or family life and against any attack on their honour, dignity, and reputation.

(2) No one shall be followed, photographed, filmed, recorded, or subjected to any other similar actions without their knowledge or despite their express disapproval, save in cases provided for in the law.

Article 33. (1) The home shall be inviolable. No one may enter a home or stay inside a home without the consent of the occupant thereof, save in the cases expressly stipulated in the law.

(2) Entering a home or staying inside a home without the consent of the occupant thereof or without authorization from the judiciary shall be permissible solely for the prevention of an imminent crime or a crime in progress, for apprehension of the perpetrator of any such crime, as well as in the cases of extreme necessity.

Article 34. (1) The freedom and confidentiality of correspondence and of all other communications shall be inviolable.

(2) Exceptions to this rule shall be permissible solely with authorization from the judiciary, where this is necessitated for detection or prevention of grave crimes.

Article 35. (1) Everyone shall have the right to freely choose a residence, to move within the national territory, and to leave the country. This right may be restricted solely by statute for protection 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 the use of the Bulgarian language shall be a right and a duty of every Bulgarian citizen.

(2) Any citizens whereof the mother tongue is other than Bulgarian shall have the right, in addition to the compulsory study of the Bulgarian language, to study and to use their own languages.

(3) The cases where solely the official language may be used shall be specified by the law.

Article 37. (1) Freedom of conscience, freedom of thought, and choice of religion and of religious or atheistic views shall be inviolable. The State shall assist the maintenance of tolerance and respect among believers adhering to different denominations, as well as between believers and non-believers.

(2) Freedom of conscience and religion may not be directed against national security, public order, public health and morals, or against the rights and freedoms of other citizens.

Article 38. No one may be persecuted or restricted in his rights because of his convictions, or be obligated or forced to provide information about his own or another person's convictions.

Article 39. (1) Everyone has the right to express an opinion or to impart an opinion by means of words - either in writing or orally, through sound, image, or by any other medium.

(2) This right shall not be used to the detriment of the rights and reputation of others, or for incitement to a change of the constitutionally established order by force, to the commission of criminal offences, or for incitement to animosity or to personal violence.

Article 40. (1) The press and the other mass communication media are free and shall not be subjected to censorship.

(2) A suppression and seizure of a print publication or of another information medium shall be admissible solely in pursuance of an act of the judiciary, by reason of moral turpitude or incitement to a change of the constitutionally established order by force, to the commission of a criminal offence, or to personal violence. Unless seizure follows within 24 hours, the effect of any suppression shall lapse.

Article 41. (1) Everyone has the right to seek, receive, and disseminate information. The exercise of this right may not be prejudicial to the rights and reputation of other citizens, or to national security, public order, public health and morals.

(2) Citizens have the right to obtain information from any state body or institution on any matter of legitimate interest to them, provided that such information is not classified as a state secret or other secret protected by the law and does not affect the rights of others.

Article 42. (1) All citizens, who have attained the age of 18 years, with the exception of persons placed under interdiction or persons serving a custodial sentence, shall have the right to elect central and local government authorities and to participate in referrals to the people.

(2) The organization and procedure for the conduct of elections and referendums shall be established by statute.

(3) (New, SG No. 18/2005) The elections of Members of the European Parliament and the participation of citizens of the European Union in elections of local authorities shall be regulated by statute.

Article 43. (1) Citizens shall have the right to assemble peacefully and without arms for meetings and demonstrations.

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

(3) No authorization shall be required for meetings held indoors.

Article 44. (1) Citizens shall have the right to freedom of association.

(2) Any organization, whereof the activity is directed against the sovereignty and territorial integrity of Bulgaria or against the unity of the nation, or at incitement to racial, national, ethnic or religious animosity, or at violation of citizens' rights and liberties, as well as any organization, which establishes clandestine or para-military structures or seeks to accomplish the purposes thereof by violence, is hereby prohibited.

(3) The law shall specify the organizations which shall be subject to registration, establish the procedure for dissolution thereof, as well as regulate the relationships thereof with the State.

Article 45. Citizens shall have the right to present complaints, suggestions, and petitions to the state authorities.

Article 46. (1) Matrimony shall be a voluntary union between a man and a woman. No marriage other than civil marriage shall have legal effect.

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

(3) The form of marriage, the terms and procedure for the contracting and termination of marriage, and the inter-spousal relations in personam and in rem shall be established by statute.

Article 47. (1) The rearing and upbringing of children until attainment of majority shall constitute a right and an obligation of the parents thereof and shall be assisted by the State.

(2) Mothers shall enjoy special protection on the part of the State, which shall guarantee them paid leave before and after confinement, free obstetrical care, relaxed conditions of work, and other types of social assistance.

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

(4) Children left without the care of the immediate family thereof shall enjoy the special protection of the State and society.

(5) The terms and a procedure for the restriction or suspension of parental custody shall be established by statute.

Article 48. (1) Citizens shall have the right to work. The State shall take care to create conditions for exercise of this right.

(2) The State shall create conditions for exercise of the right to work of persons with physical and mental impairments.

(3) Every citizen shall be free to choose an occupation and a place of work.

(4) No one may be compelled to perform forced labour.

(5) Factory and office workers shall have the right to healthy and safe working conditions, to a minimum labour remuneration, and to pay commensurate to the work performed, as well as to rest and leave, under terms and according to a procedure established by the law.

Article 49. (1) Factory and office workers shall have the right to associate in trade union organizations and amalgamations for protection of the interests thereof in the sphere of labour and social security.

(2) Employers shall have the right to associate for protection of the economic interests thereof.

Article 50. Factory and office workers shall have the right to strike for protection of the collective economic and social interests thereof. This right shall be exercised under terms and according to a procedure established by the law.

Article 51. (1) Citizens shall have the right to social security and social assistance.

(2) The persons who are temporarily unemployed shall be provided with social security under terms and according to a procedure established by the law.

(3) Elderly people without immediate family who are unable to support themselves on the property thereof, as well as persons with physical and mental impairments, shall enjoy the special protection of the State and society.

Article 52. (1) Citizens shall have the right to health insurance guaranteeing them affordable medical care, and to use at no charge of medical services under terms and according to a procedure established by statute.

(2) The health care of citizens shall be financed from the state budget, by employers, through personal and collective health insurance contributions, and from other sources under terms and according to a procedure established by statute.

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

(4) No one may be forcibly subjected to medical treatment or to sanitary measures except in cases provided for by the law.

(5) The State shall exercise control over all health-care facilities, as well as over the manufacture of, and trade in, medicinal products, biologically active preparations, and medical equipment.

Article 53. (1) Everyone shall have the right to education.

(2) Schooling up to the age of 16 years shall be compulsory.

(3) Tuition at state-owned and municipal primary and schools shall be free of charge. Under terms established by the law, tuition at public higher schools shall be free of charge.

(4) Higher schools shall enjoy academic autonomy.

(5) Citizens and organizations may establish schools under terms and according to a procedure established by the law. Instruction delivered at such schools must conform to the state standard requirements.

(6) The State shall promote education by establishing and financing schools, by assisting gifted pupils and students, and by creating conditions for vocational training and retraining. The State shall exercise control over schools of all types and levels.

Article 54. (1) Everyone shall have the right to benefit from the national and universal human cultural values, as well as to develop their own culture in accordance with their ethnic identification, and this right shall be recognized and guaranteed by the law.

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

(3) Inventors' rights, copyrights and neighbouring rights shall be protected by the law.

Article 55. Citizens shall have the right to a healthy and favourable environment in accordance with the established standards and norms. They shall be obligated to protect the environment.

Article 56. Every citizen, whose rights or legitimate interests are violated or jeopardized, shall have the right to remedy. Appearing before any institution of State, every citizen may be represented by legal counsel.

Article 57. (1) Citizens' fundamental rights shall be inalienable.

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

(3) Upon declaration of war, of a state of martial law or another state of emergency, the exercise of particular citizens' rights may be temporarily restricted by statute, with the exception of the rights provided by Article 28, Article 29 (1), (2) and (3), Article 32 (1), and Article 37 herein.

Article 58. (1) Citizens shall be obligated to observe and obey the Constitution and the laws. They shall respect the rights and the legitimate interests of others.

(2) Religious and other convictions may not be invoked as grounds for a refusal to fulfil the obligations established in the Constitution and the laws.

Article 59. (1) Defence of the Fatherland shall be a duty and a matter of honour for every Bulgarian citizen. Treason and betrayal of the Fatherland shall be crimes of extreme gravity and shall be punished to the full extent of the law.

(2) (Amended, SG No. 12/2007, effective 1.01.2008) The preparation of citizens for defence of the Fatherland shall be regulated by statute.

Article 60. (1) Citizens shall be obligated to pay taxes and fees, established by statute, according to their income and property.

(2) Tax reliefs and surcharges may be established solely by statute.

Article 61. Citizens shall be obligated to render assistance to the State and society in the event of natural or other disasters, under terms and according to a procedure established by the law.

Chapter Three

NATIONAL ASSEMBLY

Article 62. (1) (Redesignated from Article 62, SG No. 12/2007) The National Assembly shall exercise legislative power and shall have parliamentary oversight.

(2) (New, SG No. 12/2007) The National Assembly shall have an independent budget.

Article 63. The National Assembly shall consist of 240 National Representatives.

Article 64. (1) The National Assembly shall be elected for a term of four years.

(2) In the event of war, a state of martial law or another state of emergency which has occurred during the term of the National Assembly or after the expiry thereof, the period of the credentials thereof shall be extended until the lapse of the said circumstances.

(3) Elections of a new National Assembly shall be held within two months after termination of the credentials of the preceding National Assembly.

Article 65. (1) Eligibility for the office of National Representative shall be limited to Bulgarian citizens who hold no other citizenship, who have attained the age of 21 years, who are not interdicted, and who do not serve a custodial sentence.

(2) Any candidate for the office of National Representative, who has entered civil service, shall suspend the performance of the said service upon registration of the candidacy thereof.

Article 66. The legitimacy of an election may be disputed before the Constitutional Court according to a procedure established by statute.

Article 67. (1) National Representatives shall represent not only the constituents thereof but also the entire people. Assumption of any binding mandate shall be void.

(2) National Representatives shall act in pursuance of the Constitution and the laws in accordance with the dictates of the conscience and convictions thereof.

Article 68. (1) National Representatives may not perform any other civil service or carry out any activities which, according to the law, are incompatible with the status of a National Representative.

(2) Any National Representative, who has been elected government minister, shall suspend the credentials thereof for the duration of the ministership thereof. In such a case, a replacement for the said National Representative shall fill the vacancy according to a procedure established by the law.

Article 69. National Representatives shall not incur criminal liability for any opinions expressed or for any vote in the National Assembly.

Article 70. (1) (Previous Article 70, amended, SG No. 27/2006) A National Representative may not be detained, and criminal prosecution may not be undertaken thereagainst, save for criminal offences at public law, and then solely on authorization from the National Assembly or, should the latter be in recess, from the Chairperson of the National Assembly. No authorization for detention shall be required where a National Representative is detained in the act of committing a grave criminal offence, but in such a case the National Assembly or, should the latter be in recess, the Chairperson of the National Assembly, shall be notified forthwith.

(2) (New, SG No. 27/2006) Authorization for undertaking of criminal prosecution shall not be required if the National Representative concerned grants consent in writing.

Article 71. National Representatives shall receive compensation whereof the amount shall be fixed by the National Assembly.

Article 72. (1) The credentials of a National Representative shall terminate prior to the expiry of the term of office thereof upon:

1. submission of resignation to the National Assembly;
2. entry into effect of a sentence whereby a penal sanction of deprivation of liberty has been imposed for a pre-meditated offence, or where implementation of the penal sanction of deprivation of liberty has not been deferred;
3. establishment of ineligibility or incompatibility;
4. death.

(2) In the cases referred to in Items 1 and 2, termination of credentials shall require a resolution of the National Assembly, and in the cases referred to in Item 3, termination of credentials shall require a judgment of the Constitutional Court.

Article 73. The organization and procedure of the National Assembly shall be implemented in pursuance of the Constitution and of Rules adopted thereby.

Article 74. The National Assembly shall be a standing body. It shall have discretion to determine the time during which it shall be not in session.

Article 75. A newly elected National Assembly shall be convened to the first sitting thereof by the President of the Republic within one month after the election of the said National Assembly. Should the President fail to convene the National Assembly within the said period, the Assembly shall be convened by one-fifth of the National Representatives.

Article 76. (1) The first sitting of the National Assembly shall be opened by the senior National Representative present.

(2) At the first sitting, the National Representatives shall take the following oath of office: "I do swear in the name of the Republic of Bulgaria that I will observe the Constitution and the laws of the land and will be guided in all my actions by the interests of the people. I have sworn to it."

(3) The National Assembly shall elect a Chairperson and Deputy Chairpersons at the same sitting.

Article 77. (1) The Chairperson of the National Assembly shall perform the following functions:

1. represent the National Assembly;
2. move a draft agenda for the sittings;
3. open, preside over, and close the sittings of the National Assembly, and ensure that order be maintained at the said sittings;
4. authenticate by the signature therefor the contents of the acts passed by the National Assembly;
5. promulgate all resolutions, declarations, and addresses passed by the National Assembly;
6. organize the international contacts of the National Assembly.

(2) The Deputy Chairpersons of the National Assembly shall assist the Chairperson and shall carry out any activities assigned thereto by the said Chairperson.

Article 78. The National Assembly shall be convened to a sitting by the Chairperson of the National Assembly:

1. on the Chairperson's own initiative;
2. at the request of one-fifth of the National Representatives;
3. at the request of the President;
4. at the request of the Council of Ministers.

Article 79. (1) The National Assembly shall elect standing committees and ad hoc committees from amongst the members thereof.

(2) The standing committees shall assist the activities of the National Assembly and shall exercise parliamentary oversight on its behalf.

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

Article 80. Officials and citizens, where summoned, shall be obligated to appear before the parliamentary committees and to submit thereto any information and documents as required.

Article 81. (1) (Amended, SG No. 12/2007) The National Assembly may open the sittings thereof and pass the acts thereof provided more than one-half of the National Representatives are present.

(2) The National Assembly shall pass the laws and the other acts by a majority of more than one-half of the National Representatives present, unless the Constitution requires a different majority.

(3) The National Representatives shall vote in person and the vote shall be taken by open ballot, except where the Constitution requires, or the National Assembly resolves on, holding a secret ballot.

Article 82. The sittings of the National Assembly shall be held in public. By exception, the National Assembly may resolve to hold particular sittings in private.

Article 83. (1) The members of the Council of Ministers may attend the sittings of the National Assembly and the meetings of the parliamentary committees. When desiring to speak, they shall enjoy priority in being given a hearing.

(2) The National Assembly and the parliamentary committees may order government ministers to appear at the sittings and meetings thereof and to answer questions addressed thereto.

Article 84. The National Assembly shall exercise the following powers:

1. pass, amend, supplement, and repeal the laws;
2. adopt the state budget and the report on the implementation thereof;
3. (Amended, SG No. 12/2007) establish the taxes and determine the amount of central-government taxes;
4. schedule elections of President of the Republic;
5. pass resolution on the holding of a national referendum;
6. elect and release the Prime Minister and, acting on a motion thereby, the Council of Ministers; effect changes in the Government, acting on a motion by the Prime Minister;
7. create, transform and close down ministries, acting on a motion by the Prime Minister;
8. elect and release the heads of the Bulgarian National Bank and of other institutions specified by the law;
9. grant consent to the conclusion of agreements on government loans;
10. resolve on the matters concerning declaration of war and making of peace;
11. authorize the deployment and employment of Bulgarian armed forces abroad, as well as the presence of foreign troops within the national territory or the passage of such troops through the said territory;
12. acting on a motion by the President or by the Council of Ministers, declare a state of martial law or another state of emergency on the entire national territory or on a part thereof;
13. grant amnesty;
14. institute orders and medals;
15. establish the public holidays;
16. (New, SG No. 27/2006, amended, SG No. 12.2007) hear and adopt the annual reports of the Supreme Court of Cassation, of the Supreme Administrative Court and of the Prosecutor General, as submitted by the Supreme Judicial Council, on the application of the law and on the operation of the courts, the prosecuting magistracy and the investigating authorities;
17. (New, SG No. 12/2007) hear and adopt reports on the operation of any bodies which are elected in whole or in part by the National Assembly, where this is provided for by statute.

Article 85. (1) The National Assembly shall ratify or denounce by statute the international treaties which:

1. are of a political or military nature;
2. concern the participation of the Republic of Bulgaria in international organizations;
3. provide for a modification of the border of the Republic of Bulgaria;
4. impose financial obligations on the State;
5. provide for participation of the State in arbitration or judicial settlement of international disputes;
6. affect fundamental human rights;
7. affect the operation of the law or require measures of a legislative nature for the performance thereof;
8. expressly require ratification;

9. (New, SG No. 18/2005) grant the European Union powers arising from this Constitution.

(2) (New, SG No. 18/2005) 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 National Representatives.

(3) (Renumbered from Paragraph (2), SG No. 18/2005) Any treaties ratified by the National Assembly may be amended or denounced solely according to the procedure specified in the treaties themselves, or in accordance with the universally recognized standards of international law.

(4) (Renumbered from Paragraph (3), SG No. 18/2005) The conclusion of international treaties, which require any amendments to the Constitution, shall be preceded by the passage of the said amendments.

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 the state bodies, the organizations, and the citizens.

Article 87. (1) The right to initiate legislation shall vest in every National Representative and in the Council of Ministers.

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

Article 88. (1) Bills shall be debated and passed by two votes taken at separate sittings. By exception, the National Assembly may resolve that both votes be taken at a single sitting.

(2) All other acts of the National Assembly shall be passed by a single vote.

(3) The acts passed shall be promulgated in the State Gazette within 15 days after the passage thereof.

Article 89. (1) One-fifth of the National Representatives may propose to the National Assembly to pass a motion of no confidence in the Council of Ministers. To be carried, any such motion shall require the affirmative vote of more than one-half of all National Representatives.

(2) Should the National Assembly pass a motion of no confidence in the Prime Minister or in the Council of Ministers, the Prime Minister shall tender the resignation of the Government.

(3) Should the National Assembly reject a motion of no confidence in the Council of Ministers, a new motion of no confidence on the same grounds may not be entered within the succeeding six months.

Article 90. (1) National Representatives shall have the right to address questions and interpellations to the Council of Ministers and to individual government ministers, who shall be obligated to answer.

(2) On a motion seconded by one-fifth of the National Representative, a debate may be held and a resolution may be passed on any interpellation.

Article 91. (1) The National Assembly shall establish a National Audit Office which shall exercise control over the implementation of the budget.

(2) The organization, powers, and procedure of operation of the National Audit Office shall be established by statute.

Article 91a. (New, SG No. 27/2006) (1) The National Assembly shall elect an Ombudsman, who shall advocate the rights and freedoms of citizens.

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

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 Republic of Bulgaria in international relations.

(2) The President shall be assisted in the activities thereof by a Vice President.

Article 93. (1) The President shall be elected by popular vote for a term of five years according to a procedure established by statute.

(2) Eligibility for the office of President shall be limited to natural-born Bulgarian citizens who have attained the age of 40 years of age and who possess the electoral qualifications requisite for National Representatives, and who have been resident in Bulgaria during the last preceding five years.

(3) To be elected, a candidate must have received more than one-half of the valid votes, provided that more than one-half of the eligible voters have participated in the polls.

(4) Should none of the candidates for President have been elected, a new election shall be held within seven days, and the said election shall be contested by the two candidates who have received the most votes. The candidate who receives a plurality of votes shall be elected.

(5) Election of a new President shall be held not earlier than three months and not later than two months prior to the expiry of the term of office of the incumbent President.

(6) Any disputes regarding the legitimacy of a presidential elections shall be settled by the Constitutional Court within one month after the elections.

Article 94. The Vice President shall be elected simultaneously and on the same candidate list as the President, under the terms and according to procedure for election of a President.

Article 95. (1) The President and the Vice President shall be limited to a single re-election to the same office.

(2) The President and the Vice President may not be National Representatives, or carry out any other state, public or economic activities, or participate in the leadership of any political party.

Article 96. The President and the Vice President shall take the oath of office, referred to in Article 76 (2) herein, before the National Assembly.

Article 97. (1) The credentials of a President and a Vice President shall terminate prior to the expiry of the term of office thereof upon:

1. resignation submitted to the Constitutional Court;
2. sustained inability to execute the powers thereof due to a severe grave illness;
3. under the terms established by Article 103 herein;
4. death.

(2) In the cases referred to in Items 1 and 2, the credentials of the President or Vice President shall terminate upon establishment by the Constitutional Court of the circumstances stated therein.

(3) In the cases referred to in Paragraph (1), the Vice President shall assume the office of President for the re-remainder of the term of office.

(4) Should the Vice President be unable to assume office, the powers of the President shall be executed by the Chairperson of the National Assembly until election of a President and Vice President. In such a case, elections of a President and Vice President shall be held within two months.

Article 98. The President of the Republic shall perform the following functions:

1. schedule elections of a National Assembly and of bodies of local self-government, and appoint a date for conduct of a national referendum, where the National Assembly has passed a resolution on this;
2. address messages to the nation and the National Assembly;
3. conclude international treaties in the cases specified by statute;
4. promulgate the laws;
5. acting on a motion by the Council of Ministers, endorse changes in the boundaries and the centres of the territorial units;
6. acting on a motion by the Council of Ministers, appoint and remove from office the chiefs of the diplomatic missions and the permanent representatives of the Republic of Bulgaria to international organizations, and receive the credentials and the letters of recall of the foreign diplomatic representatives to Bulgaria;

7. appoint and remove from office other civil servants specified by statute;
8. confer orders and medals;
9. decree the acquisition, resumption, release from, and deprivation of, Bulgarian citizenship;
10. afford asylum;
11. exercise the right to pardon;
12. forgive uncollectible state receivables;
13. name places of national importance and nucleated settlements;
14. brief the National Assembly on basic issues within the range of the powers thereof.

Article 99. (1) Following consultations with the parliamentary groups, the President shall ask a Prime Minister-designate, nominated by the numerically largest parliamentary group, to form a government.

(2) Should the Prime Minister-designate fail to propose a list of members of the Council of Ministers within seven days, the President shall entrust this task to a Prime Minister-designate nominated by the numerically second largest parliamentary group.

(3) Should a list of members of the Council of Ministers be not proposed in this case, either, the President shall ask some of the next largest parliamentary groups to nominate a Prime Minister-designate within the time limit established in the foregoing Paragraph.

(4) Should the exploratory mandate have been successfully fulfilled, the President shall propose to the National Assembly to elect the Prime Minister-designate.

(5) Should no agreement be reached on the formation of a government, the President shall appoint a caretaker cabinet, shall dissolve the National Assembly, and shall schedule new elections within the time limit established by Article 64 (3) herein. The act whereby the President shall dissolve the National Assembly shall furthermore appoint a date for elections of a new National Assembly.

(6) The procedure for the formation of a government under the foregoing paragraphs shall furthermore apply in the cases referred to in Article 111 (1) herein.

(7) In the cases referred to in Paragraphs (5) and (6), the President may not dissolve the National Assembly during a period of three months preceding the expiry of his term of office. Should Parliament be unable to form a government during any such period, the President shall appoint a caretaker cabinet.

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 discharge the highest command personnel of the Armed Forces and shall award the highest military ranks, acting on a recommendation by the Council of Ministers.

(3) The President shall preside over the Consultative Council on National Security, whereof the status shall be established by statute.

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

(5) The President shall declare a state of war in the event of an armed attack against Bulgaria or in response to the need of urgent honouring of international commitments, or shall proclaim a state of martial law or another state of emergency whenever the National Assembly is not in session. In such cases, the National Assembly shall be convened forthwith to pronounce on the decision.

Article 101. (1) Within the time limit established by Article 88 (3) herein, the President, stating his reasons, may return a law to the National Assembly for further consideration, which cannot be refused.

(2) The National Assembly may revoke any such law by a majority of more than one-half of all National Representatives.

(3) Any law so revoked by the National Assembly shall be promulgated by the President within seven days after its receipt.

Article 102. (1) In execution of the powers therein vested, the President shall issue decrees, addresses, and messages.

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

(3) Countersigning shall be inapplicable to any decrees whereby the President shall:

1. appoint a caretaker cabinet;
2. entrust an exploratory mandate for the formation of a government;
3. dissolve the National Assembly;
4. return a law voted by the National Assembly for further consideration;
5. determine the organization and procedure of operation of the services with the Presidency and appoint their staff thereof;
6. schedule elections and a referendum;
7. promulgate the laws.

Article 103. (1) The President and the Vice President shall not incur liability for any actions performed in the discharge of the functions thereof, with the exception of high treason and violation of the Constitution.

(2) Impeachment shall require a motion by at least one-fourth of the National Representatives and shall be pursued by the National Assembly if more than two-thirds of the National Assembly have voted in favour.

(3) The Constitutional Court shall consider an impeachment of the President or Vice President within one month after the impeachment has been entered. Should it be established that the President or Vice President have committed high treason or have violated the Constitution, the credentials of the President or Vice President shall terminate.

(4) The President and the Vice President may not be detained, and criminal prosecution may not be undertaken against them.

Article 104. The President may devolve to the Vice President the powers vested therein, referred to in Items 7, 9, 10 and 11 of Article 98 herein.

Chapter Five

COUNCIL OF MINISTERS

Article 105. (1) The Council of Ministers shall direct and implement the domestic and foreign policy of Bulgaria in accordance with the Constitution and the laws.

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

(3) (New, SG No. 18/2005) 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) (New, SG No. 18/2005) 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 moves thereof.

Article 106. The Council of Ministers shall direct the implementation of the state budget; shall organize the stewardship of state property; and shall conclude, endorse, and denounce international treaties where so provided for by the law.

Article 107. The Council of Ministers shall rescind any act of an individual government minister which is legally non-conforming or incorrect.

Article 108. (1) The Council of Ministers shall consist of a Prime Minister, Deputy Prime Ministers, and government ministers.

(2) The Prime Minister shall direct and coordinate the general policy of the government and shall bear responsibility for the said policy. The Prime Minister shall appoint and remove from office the deputy ministers.

(3) The government ministers shall head individual ministries, unless the National Assembly shall resolve otherwise. The government ministers shall bear responsibility for the actions thereof.

Article 109. The members of the Council of Ministers shall take the oath of office, referred to in Article 76 (2) herein, before the National Assembly.

Article 110. Eligibility for membership of the Council of Ministers shall be limited to Bulgarian citizens who possess the electoral qualifications requisite for National Representatives.

Article 111. (1) The powers of the Council of Ministers shall terminate:

1. by the passage of a motion of no confidence in the Council of Ministers or in the Prime Minister;
2. by acceptance of the resignation of the Council of Ministers or of the Prime Minister;
3. upon the death of the Prime Minister.

(2) The Council of Ministers shall tender the resignation thereof to the newly elected National Assembly.

(3) In the cases referred to in the foregoing paragraphs, the Council of Ministers shall discharge the functions thereof until election of a new Council of Ministers.

Article 112. (1) The Council of Ministers may ask the National Assembly to take a vote of confidence on its overall policy, on its programme, or on a specific issue. Passage of any such resolution shall require a majority of more than one-half of the National Representatives present.

(2) Should the Council of Ministers be denied the confidence sought, the Prime Minister shall tender the resignation of the Government.

Article 113. (1) The members of the Council of Ministers may not hold any office or carry out any activities incompatible with the status of a National Representative.

(2) The National Assembly may furthermore determine any other offices and activities which the members of the Council of Ministers may not hold and carry out.

Article 114. Acting in pursuance and in implementation of the laws, the Council of Ministers shall adopt decrees, directives, and decisions. By decree, the Council of Ministers shall furthermore adopt regulations and ordinances.

Article 115. The individual government ministers shall issue regulations, ordinances, instructions, and orders.

Article 116. (1) Civil servants shall implement the will and the interests of the nation. In the performance of service thereof, civil servants must be guided solely by the law and shall be politically neutral.

(2) A statute shall establish the terms for appointment and removal from office of civil servants and the conditions whereunder they may be members of political parties and trade unions, as well as exercise their right to industrial action.

Chapter Six

JUDICIARY

Article 117. (1) The judiciary shall protect the rights and legitimate interests of the citizens, the legal persons, and the State.

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

(3) The judiciary shall have an independent budget.

Article 118. Justice shall be administered in the name of the people.

Article 119. (1) Justice shall be administered by a Supreme Court of Cassation, a Supreme Administrative Court, appellate courts, district courts, military courts, and regional courts.

(2) Specialized courts may furthermore be created by statute.

(3) Extraordinary courts shall be inadmissible.

Article 120. (1) The courts shall exercise review as to the legality of the acts issued and the actions performed by administrative bodies.

(2) Citizens and legal persons may appeal against any administrative act which affects them except such as is expressly specified [as unappealable] by statute.

Article 121. (1) The courts shall ensure equality and adversarial conditions to the parties in a judicial proceeding.

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

(3) All courts shall hear the cases in sessions open to the public, unless provided otherwise by law.

(4) All acts issued in the course of administration of justice shall be reasoned.

Article 122. (1) Citizens and legal persons shall have the right to legal counsel at all stages of a proceeding.

(2) The procedure according to which the right to legal counsel is exercised shall be established by statute.

Article 123. Jurors shall participate in the administration of justice in cases specified by the law.

Article 124. The Supreme Court of Cassation shall exercise supreme judicial supervision as to the accurate and equal application of the laws by all courts.

Article 125. (1) The Supreme Administrative Court shall exercise supreme judicial supervision as to the accurate and equal application of the laws in administrative justice.

(2) The Supreme Administrative Court shall rule on all disputes as to the legality of acts of the Council of Ministers and of the individual government ministers, as well as of other acts specified in the law.

Article 126. (1) The structure of the prosecuting magistracy shall correspond to the structure of the courts.

(2) The Prosecutor General shall exercise supervision as to legality and shall provide methodological guidance re-garding the work of all other prosecutors.

Article 127. The prosecuting magistracy shall ensure that legality is observed and, to this end:

1. (New, SG No. 27/2006) shall direct the investigation and shall exercise supervision as to the legally conforming conduct of investigations;

2. (New, SG No. 27/2006) may carry out investigation;

3. (Renumbered from Item 1, SG No. 27/2006) shall indict the perpetrators of criminal offences and shall prosecute criminal cases at public law;

4. (Renumbered from Item 2, SG No. 27/2006) shall exercise supervision over the implementation of the penal sanctions and other coercive measures;

5. (Renumbered from Item 3, SG No. 27/2006) shall take action for revocation of legally non-conforming acts;

6. (Renumbered from Item 4, SG No. 27/2006) where so provided for by a statute, shall join civil and administrative cases.

Article 128. (Amended, SG No. 27/2006) The investigating authorities shall be part of the judiciary system. They shall conduct the preliminary proceedings in criminal cases.

Article 129. (1) Judges, prosecutors, and investigating magistrates shall be elected, promoted, demoted, trans-ferred and removed from office by the Supreme Judicial Council.

(2) The President of the Supreme Court of Cassation, the President of the Supreme Administrative Court, and the Prosecutor General shall be appointed and removed by the President of the Republic on a motion by the Supreme Judicial Council for a single term of seven years. The President may not refuse to decree any such appointment or dismissal upon a second motion.

(3) (Amended, SG No. 85/2003) After completing a fifth year in the office of judge, prosecutor or investigating magistrate and upon certification, judges, prosecutors and investigating magistrates shall become irremovable by a decision of the Supreme Judicial Council. They, including the persons covered under Paragraph (2), may be re-moved from office solely upon:

1. attainment of the age of 65 years;
2. submission of resignation;
3. entry into effect of a sentence imposing a penal sanction of deprivation of liberty for a premeditated 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 judi-ciary.

(4) (New, SG No. 27/2006, declared unconstitutional by the Constitutional Court of the Republic of Bulgaria, judg-ment promulgated SG No. 78/2006) In the cases referred to in Item 5 of Paragraph (3), the President of the Su-preme Court of Cassation, the President of the Supreme Administrative Court and the Prosecutor General shall fur-thermore be removed by the President of the Republic on a motion by one-fourth of the National Representatives, passed by a majority of two-thirds of the National Representatives. The President may not refuse to decree any such dismissal upon a second motion.

(5) (New, SG No. 85/2003, renumbered from Paragraph (4), SG No. 27/2006) Once acquired, irremovability shall be restored upon resumption of the office of judge, prosecutor or investigating magistrate in the cases of removal 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 administra-tive 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 mem-bers of the said Council.

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

(3) Eleven of the members of the Supreme Judicial Council shall be elected by the National Assembly, and eleven shall be elected by the judicial authorities.

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

(6) (New, SG No. 12/2007) The Supreme Judicial Council shall perform the following functions:

1. appoint, promote, demote, transfer and remove from office the judges, prosecutor, and investigating magis-trates;
2. impose the disciplinary sanctions or demotion and removal from office on judges, prosecutors, and investigating magistrates;
3. organize the continuing education of judges, prosecutors, and investigating magistrates;

4. adopt the draft judiciary budget;

5. determine the scope and structure of the annual reports referred to in Item 16 of Article 84 herein.

(7) (New, SG No. 12/2007) The Supreme Judicial Council shall hear and adopt the annual reports of the Supreme Court of Cassation, of the Supreme Administrative Court and of the Prosecutor General on the application of the law and on the operation of the courts, the prosecuting magistracy and the investigating authorities and shall lay the said reports before the National Assembly.

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

1. resignation;

2. an effective 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. removal 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. 27/2006) The Minister of Justice:

1. shall propose a draft judiciary budget and shall lay the said draft before the Supreme Judicial Council for discussion;

2. shall administrate the property of the judiciary;

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

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

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

Article 131. (Amended, SG No. 85/2003, SG No. 12/2007) Any decision of the Supreme Judicial Council on the appointment, promotion, demotion, transfer or removal from office of a judge, a prosecutor or an investigating magistrate, as well as any motion made by the said Council under Article 129 (2) herein, shall be adopted by secret ballot.

Article 132. (Amended, SG No. 85/2003) (1) Upon exercise of judicial power, judges, prosecutors and investigating magistrates shall not incur criminal and civil liability for the official actions thereof and for the acts decreed thereby, save where what is done shall be a premeditated offence at public law.

(2) (Repealed, SG No. 12/2007).

(3) (Repealed, SG No. 12/2007).

(4) (Repealed, SG No. 12/2007).

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) 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 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 removal 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 organization and procedure of the Supreme Judicial Council, of the courts, the prosecuting and the investigating authorities, the status of the judges, prosecutors and investigating magistrates, the terms and the procedure for the appointment and removal from office of judges, jurors, prosecutors and investigating magistrates, as well as the exercise of the responsibilities thereof, shall be regulated by statute.

Article 134. (1) The Bar shall be free, independent, and self-regulating. It shall assist citizens and legal persons in the protection of the rights and legitimate interests thereof.

(2) The organization and procedure governing the operation of the Bar shall be regulated by statute.

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 administrative division and the powers of Sofia Municipality and of the other large cities shall be established by statute.

(2) Other territorial units and bodies of self-government therein may be established by statute.

Article 136. (1) The municipality shall be the basic territorial unit wherein local self-government shall be exercised. Citizens shall participate in the government of the municipality both through bodies of local self-government thereby elected and directly, through a referendum or a general meeting of the community.

(2) The boundaries of a municipality shall be established following a referral to the community.

(3) Each municipality shall have legal personality.

Article 137. (1) The self-governing territorial communities may associate to address matters of common interest.

(2) The law shall create conditions conducive to the association of municipalities.

Article 138. A Municipal Council, which shall be elected by the community of the relevant municipality for a term of four years according to a procedure established by statute, shall be a body of local self-government in the said municipality.

Article 139. (1) The [municipality] mayor shall be an executive authority in the municipality thereof. Any mayor shall be elected by the community or the municipal council for a term of four years according to a procedure established by statute.

(2) In the activity thereof, any mayor shall be guided by the law, the acts of the municipal council, and the decisions of the community.

Article 140. A municipality shall have the right to own municipal property, which it shall use in the interest of the territorial community.

Article 141. (1) Each municipality shall have a self-contained budget.

(2) The permanent sources of financing of the municipalities shall be established by statute.

(3) (New, SG No. 12/2007) The Municipal Council shall determine the amount of local taxes under terms, according to a procedure, and within a range established by statute.

(4) (New, SG No. 12/2007) The Municipal Council shall determine the amount of local fees according to a procedure established by statute.

(5) (Renumbered from Paragraph (3), SG No. 12/2007) The State shall assist the normal functioning of the municipalities through budget resources and by other means.

Article 142. The administrative region shall be a territorial unit entrusted with the conduct of regional policy, the exercise of state government at the local level, and the reconciliation of national and local interests.

Article 143. (1) Each administrative region shall be governed by a regional governor, assisted by a regional administration.

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

(3) The regional governors shall ensure the implementation of state policy. They shall be responsible for the safeguarding of national interests, of law and public order, and shall exercise administrative control.

Article 144. The central government bodies and the local representatives thereof shall exercise control over the acts of the bodies of local government as to legal conformity solely where so prescribed by statute.

Article 145. A municipal council may challenge before a court of law any act or action that violates any rights thereof.

Article 146. The organization and procedure of operation of the bodies of local self-government and local administration shall be established by statute.

Chapter Eight

CONSTITUTIONAL COURT

Article 147. (1) The Constitutional Court shall consist of 12 judges, whereof one-third shall be elected by the National Assembly, one-third shall be appointed by the President, and one-third shall be elected at a general meeting of the judges of the Supreme Court of Cassation and the Supreme Administrative Court.

(2) The term of office of the Constitutional Court judges shall be nine years. They shall be ineligible for re-election or re-appointment to this office. The composition of the Constitutional Court of each quota shall be renewed every three years according to a procedure established by statute.

(3) Eligibility to the office of Constitutional Court judge shall be limited to jurists of high professional standing and moral integrity who have practised law for at least 15 years.

(4) Voting by secret ballot, the Constitutional Court judges shall elect a President of the Court for a term of office of three years.

(5) The status of a Constitutional Court judge shall be incompatible with a representative mandate, with assumption of state or public office, with membership of a political party or a trade union, and with the practice of a liberal profession, business, or any other gainful occupation.

(6) Constitutional Court judges shall enjoy the same immunity as National Representatives.

Article 148. (1) The term of office of a Constitutional Court judge shall terminate upon:

1. expiry of the designated period;
2. submission of resignation to the Constitutional Court;

3. entry into effect of a sentence whereby a penal sanction of deprivation of liberty has been imposed for a pre-meditated offence;
4. actual inability to discharge the duties thereof for a period exceeding one year;
5. incompatibility with offices and activities covered under Article 147 (5) herein;
6. death.

(2) The Constitutional Court shall lift the immunity of a judge and shall establish the actual inability of a judge to discharge the duties thereof by a secret ballot and by a majority of at least two-thirds of all judges.

(3) Upon termination of the term of office a Constitutional Court judge, a replacement of the respective quota shall be elected within one month.

Article 149. (1) The Constitutional Court shall have jurisdiction to:

1. provide binding interpretations of the Constitution;
2. pronounce on any petition to establish unconstitutionality of the laws and other acts passed by the National Assembly, as well as of the acts issued by the President;
3. settle any competence disputes between the National Assembly the President and the Council of Ministers, as well as between the bodies of local self-government and the central executive authorities;
4. pronounce on the consistency of any international treaties concluded by the Republic of Bulgaria with the Constitution prior to the ratification of any such treaties, as well as on the consistency of any [domestic] laws with the universally recognized standards of international law and with the international treaties whereof Bulgaria is a party;
5. pronounce on any disputes concerning the constitutionality of political parties and associations;
6. pronounce on any disputes concerning the legitimacy of the election of the President and Vice President;
7. pronounce on any disputes concerning the legitimacy of the election of a National Representative;
8. pronounce on any impeachments entered by the National Assembly against the President or the Vice President.

(2) The Constitutional Court may not be vested with any powers or divested of any powers by statute.

Article 150. (1) The Constitutional Court shall act on the initiative of at least one-fifth of the National Representatives, the President, the Council of Ministers, the Supreme Court of Cassation, the Supreme Administrative Court, and the Prosecutor General. Competence disputes referred to in Item 3 of Paragraph (1) of the foregoing Article may furthermore be brought by the municipal councils.

(2) Should it establish an inconsistency between a law and the Constitution, the Supreme Court of Cassation or the Supreme Administrative Court shall suspend proceedings in the case and shall refer the matter to the Constitutional Court.

(3) (New, SG No. 27/2006) The Ombudsman may approach the Constitutional Court with a petition to establish unconstitutionality of law whereby any rights and freedoms of citizens are violated.

Article 151. (1) Rendition of Constitutional Court judgments shall require the affirmative vote of more than one-half of all judges.

(2) Constitutional Court judgments shall be promulgated in the State Gazette within 15 days after the date of adoption thereof. A judgment shall enter into effect three days after the promulgation thereof. Any act which has been declared unconstitutional shall cease to apply as from the effective date of the judgment.

(3) Unconstitutionality of part of a law shall not affect the operation of the remaining part of any such law.

Article 152. The organization and the procedure of operation of the Constitutional Court shall be established by statute.

Chapter Nine

HOW THE CONSTITUTION IS AMENDED AND SUPPLEMENTED. ADOPTION OF A NEW CONSTITUTION

Article 153. The National Assembly may amend and supplement all provisions of the Constitution with the exception of such as are placed within the exclusive powers of the Grand National Assembly.

Article 154. (1) The right to initiate legislation amending and supplementing the Constitution shall vest in one-fourth of the National Representatives and in the President.

(2) Any such motion shall be considered by the National Assembly not earlier than one month and not later than three months after the submission thereof.

Article 155. (1) The National Assembly shall pass any act to amend or supplement the Constitution by a majority of three-fourths of all National Representatives, by three votes taken on three different days.

(2) Should the motion have received less than three-fourths but more than two-thirds of the votes of all National Representatives, the said motion shall be eligible for a new consideration not earlier than two months and not later than five months thereafter. To be carried upon such new consideration, any such motion shall require the affirmative vote of at least two-thirds of all National Representatives.

Article 156. Any act to amend and supplement the Constitution shall be signed and shall be promulgated in the State Gazette by the Chairperson of the National Assembly within seven days after the passage of the said act.

Article 157. A Grand National Assembly shall consist of 400 National Representatives, elected according to the standard procedure.

Article 158. The Grand National Assembly shall exercise the following powers:

1. adopt a new Constitution;
2. resolve on the matter concerning a change of the territory of the Republic of Bulgaria, and ratify any international treaties providing for any such changes;
3. resolve on the matters concerning changes in the form of state organization and of the form of government;
4. resolve on the matters concerning amendment of Article 5 (2) and (4) and of Article 57 (1) and (3) of the Constitution;
5. resolve on the matters of amending and supplementing Chapter Nine of the Constitution.

Article 159. (1) The right to initiate legislation under the foregoing article shall vest in at least one-half of the National Representatives and in the President.

(2) The draft of a new Constitution or of a revision of the effective Constitution, as well as of any changes in the national territory under Article 158 herein, shall be considered by the National Assembly not earlier than two months and not later than five months after the presentation of the said draft.

Article 160. (1) The National Assembly shall resolve on the conduct of elections of a Grand National Assembly by a majority of two-thirds of the total number of National Representatives.

(2) The President shall schedule elections of a Grand National Assembly within three months after the National Assembly resolution.

(3) The credentials of the National Assembly shall terminate by the conduct of elections of a Grand National Assembly.

Article 161. The Grand National Assembly shall pass a resolution on the drafts presented by a majority of two-thirds of all National Representatives, taking three votes on three different days.

Article 162. (1) The Grand National Assembly shall resolve solely on such matters concerning the Constitution for which it has been elected.

(2) In an emergency, the Grand National Assembly shall furthermore perform the functions of a National Assembly.

(3) The powers of the Grand National Assembly shall terminate after the said Assembly pronounces conclusively on the matters for which it has been elected. In such a case, the President shall schedule elections according to the procedure established by statute.

Article 163. The acts of the Grand National Assembly shall be signed and shall be promulgated by the Chairperson thereof within seven days after the passage thereof.

Chapter Ten

COAT OF ARMS, SEAL, FLAG, ANTHEM, CAPITAL

Article 164. The Coat of Arms of the Republic of Bulgaria shall be a lion rampant or on a shield gules.

Article 165. A design of the Coat of Arms of the Republic of Bulgaria shall appear on the State Seal.

Article 166. The flag of the Republic of Bulgaria shall be a tricolor: white, green, and red, arranged in horizontal bands from the top down.

Article 167. The procedure for affixation of the State Seal and for the hoisting of the National Flag shall be established by statute.

Article 168. The National Anthem of the Republic of Bulgaria shall be the song Mila Rodino.

Article 169. The capital city of the Republic of Bulgaria shall be the City of Sofia.

TRANSITIONAL AND FINAL PROVISIONS

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

(2) The Grand National Assembly shall continue to perform the functions of a National Assembly until election of a new National Assembly. Within this period, the Grand National Assembly shall adopt laws on election of a National Assembly, a President, of bodies of local self-government, as well as other laws. The Constitutional Court and the Supreme Judicial Council shall be constituted within the same period.

(3) The National Representatives, the President, the Vice President, and the members of the Council of Ministers shall take the oath of office provided for in this Constitution at the first sitting of the National Assembly after the entry of this Constitution into force.

§ 2. Until election of a Supreme Court of Cassation and a Supreme Administrative Court, the powers thereof under Article 130 (3) and Article 147 (1) of the Constitution shall be exercised by the Supreme Court of the Republic of Bulgaria.

§ 3. (1) The provisions of any pre-existing laws shall apply insofar as they do not conflict with the Constitution.

(2) Within one year after the entry of this Constitution into force, the National Assembly shall repeal those provisions of the pre-existing laws which have not been repealed by virtue of the direct operation of Article 5 (2) of the Constitution.

(3) The National Assembly shall adopt the laws expressly specified by the Constitution within three years.

§ 4. The organization of the judicial branch of government established by the Constitution shall take effect after the passage of the new structural and procedural laws within the term established by § 3 (2) herein.

§ 5. Judges, prosecutors, and investigating magistrates shall become irremovable if within three months of its constitution the Supreme Judicial Council does not rule that they lack the required professional merits.

§ 6. Pending the creation of new legislative framework concerning the Bulgarian National Television, the Bulgarian National Radio and the Bulgarian News Agency, the National Assembly shall exercise the prerogatives vested in the Grand National Assembly in respect of these national institutions.

§ 7. (1) Elections of a National Assembly and of bodies of local self-government shall be held within three months after the self-dissolution of the Grand National Assembly. The date of the elections shall be appointed by the President in accordance with the powers vested therein under Item 1 of Article 98 of the Constitution.

(2) The elections of a President and Vice President shall be held within three months after the election of a National Assembly.

(3) Until election of a President and Vice President, the Chairman (President) and the Deputy Chairman (Deputy President) shall perform the functions of a President and Vice President under this Constitution.

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

§ 9. This Constitution shall enter into force on the day of promulgation thereof in the State Gazette by the Chair-person of the Grand National Assembly, and shall supersede the Constitution of the Republic of Bulgaria adopted on the 18th day of May 1971 (promulgated in the State Gazette No. 39 of 1971; amended in No. 6 of 1990; amended and supplemented in No. 29 of 1990; amended in Nos. 87, 94 and 98 of 1990; corrected in No. 98 of 1990).

Act to Amend and Supplement the Constitution of the Republic of Bulgaria

Promulgated, State Gazette No. 85/2003

TRANSITIONAL AND FINAL PROVISIONS

§ 4. (1) Within three months after the entry into force of the Act to Amend and Supplement the Constitution of the Republic of Bulgaria, the National Assembly shall adopt the laws which concern the application of the relevant amending and supplementing provisions.

(2) Within three months after the entry into force of Item 3 of § 1 herein, the Supreme Judicial Council shall appoint the administrative heads in the judicial authorities.

§ 5. The administrative heads in the judicial authorities, who have held the relevant managerial position for a period exceeding five years prior to the entry of this Act into force, shall be limited to a single reappointment to the same office.

§ 6. Any judges, prosecutors and investigating magistrates, who have not completed a third year in the respective office, shall become irremovable under the terms established by Item 1 of § 1 of this Act.

§ 7. Item 3 of § 1 herein shall enter into force as from the 1st day of January 2004.

Act to Amend and Supplement the Constitution of the Republic of Bulgaria

Promulgated, State Gazette No. 12/2007

FINAL PROVISIONS

§ 12. Within one year after the entry into force of the Act to Amend and Supplement the Constitution of the Republic of Bulgaria, the National Assembly shall adopt the laws which concern the application of the relevant amending and supplementing provisions.

§ 13. § 1 and 2 herein shall enter into force as from the 1st day of January 2008.