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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**DRAFT LAW**  
**ON NORMATIVE ACTS**  
**of BULGARIA\***

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\* Translation provided by the Ministry of Justice.

## CHAPTER ONE

### GENERAL PROVISIONS

**Article 1** This Law shall govern the preparation, adoption, issuance, **promulgation, effect** and application of normative acts.

**Article 2** The normative act shall contain general rules of conduct that apply to an indefinite and unlimited number of addressees, have a multiple action and be adopted or issued by the competent authority.

**Article 3** (1) Normative acts may be adopted or issued only by authorities empowered by the Constitution or by law.

(2) The authority to adopt or issue a normative act may not be transferred.

**Article 4** (1) The normative act must comply with the Constitution and the other normative acts of a higher level.

(2) The correlation between the normative acts, which have varying **levels**, shall be established according to the place of the adopting, respectively the issuing authority, in the hierarchy of the bodies of **state** power. (**Article 8 of the Constitution of the Republic of Bulgaria**) /Variant: **public authorities**

(3) Normative acts may be amended, supplemented or repealed only by an act of the same level.

**Article 5** (1) Public relations from the same area shall be governed by one and not a few acts of the same level.

(2) **A special normative act may provide for deviations from the general framework of a specific matter in an act of the same level only if required by the nature of the social relations governed by it.**

**Article 6** (1) **Public relations, which fall within the area, for which a normative act has been adopted or issued, shall be governed by amending or supplementing that act and not by a separate act of the same level.**

(2) Repeal of a normative act and its replacement by a new one, which refers to the same matter, shall be permitted only if the changes are numerous and important.

(3) Normative acts shall be repealed, amended or supplemented by an explicit provision of the new, amending or supplementing act.

**Article 7** **A normative act shall be also adopted or issued in cases where measures required for the implementation and enforcement of European Union acts with a binding force or of international treaties concluded by the European Communities should be adopted at national level. (Article 17)**

## CHAPTER TWO

### TYPES OF NORMATIVE ACTS

**Article 8** Normative acts shall be as follows:

1. The Constitution;
2. codes and laws;
3. by-laws - decrees, rules, ordinances and instructions.

**Article 9** The Constitution is the supreme law and other legislative acts may not contradict it.

**Article 10** (1) The Code shall regulate the public relations, which are the object of a whole branch of the legal system or a separate important part thereof.

(2) The rules of this law, which relate to the laws, shall also apply to the codes.

**Article 11** (1) Within the matter to which this law applies, it shall fully regulate all basic public relations, which are permanently governable.

(2) For the governing of other public relations within the scope of that matter, this law may provide for the issuance of a by-law.

(3) The provision, which empowers the acceptance or issuance of a by-law, shall indicate the type of the act, the authority, which must accept or issue it, and the **object of regulation**.

**Article 12** (1) A by-law may only govern the matter for which provisions are made that a by-law should be **adopted** or issued. It must govern exhaustively the matter to which it refers.

(2) A **by-law** may not assign other authorities to issue regulations for its application.

**Article 13** **By decrees the Council of Ministers shall:**

1. **Adopt rules and ordinances;**
2. **Govern, in accordance with the laws, the outstanding public relations within the scope of its executive and regulatory activities.**

**Article 14** **Ministers shall issue rules, ordinances and instructions.**

**Article 15** **The Municipal Council shall adopt the following:**

1. **Ordinances, which govern, according to the normative acts of a higher level, the outstanding public relations of local significance;**
2. **Rules and regulations on the application of a law;**
3. **Instructions.**

**Article 16** Rules shall be adopted or issued for the application of a law in its entirety, and for the structure, organization and activities of an administration, which supports a body of **state** power. **/Variant: public authority.**

**Article 17** An ordinance shall be adopted or issued for the application of certain provisions of a law or sub-sections thereof.

**Article 18** An instruction shall be a normative act by which the superior authority instructs its subordinate authorities on the implementation of a normative act which it has adopted or issued or whose implementation it should provide.

### CHAPTER THREE

#### ACTS OF THE EUROPEAN UNION WITH A BINDING FORCE

**Article 19** (1) For the purposes of this Law, Acts of the European Union with a binding force shall be regulations, directives, decisions and framework decisions adopted under the Treaties of the European Union.

(2) The Regulation shall be an act of general application, which is binding in its entirety and has a direct effect.

(3) The Directive shall be an act, which is binding in terms of achieving a result, whilst leaving national authorities the choice of form and means of achieving it.

(4) The Decision is an act, binding in its entirety for those named in it as addressees.

(5) **The Framework Decision is an act in the field of police and judicial cooperation in criminal matters**, which is binding in terms of achieving a result, whilst leaving national authorities the choice of form and means of achieving it.

**Article 20** (1) The Acts of the European Union with a binding force shall be published in the Bulgarian language in the Official Journal of the European Union.

(2) The publication shall be deemed made on the day designated as day of issue of the number of the Official Journal of the European Union.

**Article 21** (1) The bodies of **state** power. **/Variant: public authorities** shall take the necessary measures for the implementation and application of the Acts under Article 19 according to the terms set out in them.

(2) Regarding draft normative acts relating to the implementation or application of the European Union acts with a binding force, correlation tables shall be prepared in line with a procedure established by an act of the Council of Ministers.

(3) Draft acts under paragraph (2), together with the correlation table, shall be forwarded for an opinion to:

1. a unit in the administration of the Council of Ministers, determined in its Rules of Organisation;
2. the relevant working group of the Council for European Affairs at the Council of Ministers.

(4) The opinions and the correlation table shall be attached to the dossier of the normative act under Article 36.

**Article 22** (1) Regarding draft acts under Article 19, framework positions shall be prepared following a procedure established by an act of the Council of Ministers.

(2) A framework position shall be a document, which contains the opinion of the Republic of Bulgaria on a draft Act of the European Union with a binding force, which is considered in the decision-making process in the European Union.

**Article 23** Regarding draft acts under Articles 19 and 21(2), an impact assessment shall be prepared following a procedure **established by the Ordinance under Article 41**.

**Article 24** The Council of Ministers shall adopt an annual programme for the participation of Bulgaria in the decision-making process in the European Union.

## CHAPTER FOUR

### PLANNING OF BILLS

**Article 25** (1) Preparation and submission of bills to the National Assembly by the Council of Ministers shall be planned.

(2) The legislative initiative of the Council of Ministers shall take place on the basis of a legislative programme, which is adopted for a period of six months.

(3) Inclusion of bills in the legislative programme shall be done in a reasoned proposal on the basis of a partial impact assessment.

(4) The partial impact assessment shall be an analysis of positive and negative effects of the proposed bill on businesses and citizens, and in case of significant effects that should be specifically indicated.

(5) The proposal for inclusion in the legislative programme shall include:

1. Analysis of current regulations;
2. Necessity of adopting the **law**;
3. Objectives and subject of the planned **bill**;
4. Summary of the contents of the partial impact assessment;
5. Analysis of the consequences if the **planned bill** is not passed.

(6) The proposal for including a bill in the legislative programme of the Council of Ministers shall be published on the website of the authority which has made it.

(7) Citizens and organizations shall be given a 30-day period from the publication to make proposals. Proposals shall be considered if they are submitted in time and meet the requirements of **Article 39 (4) /Article 42 (3) ???**

**(8) The adopted legislative programme shall be published on the website of the Council of Ministers and the site for public consultation.**

**Article 26** The Rules of Organisation and Procedure of the Council of Ministers shall govern **the content and procedure for including bills in the legislative programme.**

**Article 27** A bill in the legislative programme of the Council of Ministers may be withdrawn from the programme by the authority, which proposed it.

**Article 28** (1) Any authority, which is empowered to adopt or issue by-laws, shall draw up a programme for their adoption or issuance. **The programme shall be published on the website of the relevant authority.**

(2) The programme under paragraph (1) shall include the normative acts to be adopted or issued and the period for consultation with citizens and organizations.

## CHAPTER FIVE

### PREPARATION AND INTRODUCTION OF DRAFTS OF NORMATIVE ACTS

#### Section I

##### General Provisions

**Article 29** Preparation of draft legislation shall be subject to the principles of necessity, validity, planning, legitimacy, stability, consistency, openness and accessibility.

**Article 30** (1) A minister assigned by the Council of Ministers or another executive authority shall be responsible for the preparation of bills planned by the Council of Ministers.

(2) The authority responsible for the drafting up of a bill determines its compiler.

**Article 31** (1) **Preparation of a bill may be preceded by a conception, which should be discussed in advance with the concerned authorities and NGOs. The conception shall include the reasons for adopting the bill, its basic principles, expected outcomes of its implementation and the anticipated effects for the administration and the obligated entities.**

(2) **This conception shall be published on the website of the authority responsible for drafting up the bill.**

**Article 32** (1) Grounds shall be prepared for every bill.

(2) Those grounds shall include:

1. The reasons that necessitate the adoption of the bill;
2. The objectives, which are set;
3. The main findings of the impact assessment;
4. The nature of the most important points;
5. The expected results from the application of the law;
6. The analysis of compliance with the Law of the European Union - where the bill introduces acts of the European Union with a binding force.

(3) An impact assessment and a legal expertise shall be applied to the Bill.

**Article 33** (1) Draft laws to be submitted for adoption by the Council of Ministers and Municipal Councils shall be accompanied by a report.

(2) The report shall contain the **essential elements** of Article 32(2), points 1, 2, 4 and 5, as well as financial and other resources required for implementing the new regulations. The report shall contain the **essential elements** of Article 32(2), points 3 and 6 only in view of the acts, which are accompanied by an impact assessment or analysis of compliance with the Law of the European Union.

(3) An impact assessment and a legal expertise shall be applied to the Bill.

**Article 34** (1) In preparing draft by-laws, which determine amounts of charges, procedures for the formation of specific amounts of fees shall be used.

(2) In the cases under paragraph (1) the draft normative act shall be accompanied by a financial justification for its impact on the relevant economic sector following the model set by the Rules of Organisation and Procedure of the Council of Ministers.

**Article 35** A draft normative act, together with all supporting documents, shall be submitted for approval or acceptance by the competent authority.

**Article 36** (1) Each normative act shall have a dossier to which all supporting documents in accordance with this law are attached.

(2) This dossier shall be public. Access to it may be restricted only by virtue of other laws.

## Section II

### Impact Assessment

**Article 37** (1) The preparation of draft legislation shall be accompanied by an impact assessment.

(2) Standard impact assessment shall be made for all **bills included in the legislative programme of the Council of Ministers**. The minimum content of a standard impact assessment shall be fixed by the Ordinance under Article 41(1).

(3) Full Impact Assessment shall be made for a bill when **in its standard assessment** one of the following circumstances is established:

1. Significant negative impacts on the competitiveness of the national economy;
2. Significant environmental damages;
3. Significant negative impacts on those in the lowest income bracket;
4. Significant changes in the economic market or a significant impact on competition or consumers;
5. Significant or disproportionate costs of **administration** or business;
6. Significant public interest.

(4) The main conclusions of the impact assessment shall be included in the grounds of the bill.

**Article 38** (1) The authority, **which is responsible for** drafting up the bill, shall make the impact assessment.

(2) The impact assessment shall be attached to the bill in its public hearing, coordination, approval and adoption.

**Article 39** The Council of Ministers in its programme under Article 28 may determine the specific normative acts, which should have an impact assessment made in accordance with the requirements of this law.

**Article 40** Control of conformity of the impact assessment of bills of the executive with the requirements of this law shall be carried out by a unit in the administration of the Council of Ministers determined in its Rules of Organisation and Procedure.

**Article 41** (1) The Council of Ministers shall, by ordinance, determine the procedure for conducting partial, standard and full impact assessments and their minimum content.

(2) Partial, standard and full impact assessments shall be drawn up following the model forms in the applications to the Ordinance under paragraph (1).

### Section III

#### Public hearing and coordination

**Article 42** (1) The bill, together with its grounds and its impact assessment, shall be published on the website of the authority which prepared it / **is responsible for its preparation**, whereby its public hearing procedure is opened, and the deadline for receiving opinions and suggestions is fixed.

(2) Public hearing shall be carried out through written consultations, discussions, surveys and other appropriate forms of discussion.

(3) Opinions shall be presented by individuals and organizations within 30 days from the publication and shall include motivated concrete proposals for improving the bill or any other possible solutions. Opinions and proposals should be formulated in writing and **signed by the relevant person**.

(4) The authority, which organizes a public hearing, must consider the opinions and suggestions of the participants in the public hearing if they are submitted in time and meet the requirements of paragraph (3).

**Article 43** Within 30 days from the end of the public hearing the authority which has organized it shall publish on its website a summary of accepted and rejected proposals.

**Article 44** The public hearing procedure shall also apply to by-laws.

**Article 45** (1) Draft normative acts to be examined by the Council of Ministers shall be forwarded by the Minister who moved the act to all the ministers and to the authorities whose powers are related to the object of regulation of the proposed act or who are obliged to apply it.

(2) The opinions on the discussed draft normative acts shall be prepared within a period of 14 days.

(3) The Council of Ministers in its Rules of Organisation and Procedure may also determine other authorities and administrative structures, apart from those referred to in paragraph (1), which are a part of the coordination procedure.



## Section IV

### Legal expertise

**Article 46** After the end of the public hearing and the coordination procedure the draft normative acts, which should be approved or adopted by the Council of Ministers, must be forwarded to the Minister of Justice for legal expertise.

**Article 47** (1) The legal expertise shall contain a legal expert opinion on:

1. The compliance of the normative act with the Constitution;
2. The compliance of the normative act with international treaties, which constitute a part of the national law under Article 5(4) of the Constitution;
3. The compliance with the Convention for the Protection of Human Rights and Fundamental Freedoms;
4. The general characteristics of the contents of the act;
6. The legal and technical design;
5. The compatibility with national legislation, respect for the hierarchy of normative acts and compliance with the practice of the Constitutional Court.

(2) The legal expert opinion under Article 21(3), point 1 shall be attached to the legal expertise.

**Article 48** (1) The Legislation Council Directorate shall make the legal expertise.

(2) The legal expertise shall be discussed at meetings of the Legislation Council. Representatives of the person who moved the draft normative act may take part in such meetings.

**Article 49** (1) The legal expertise shall be forwarded to the person who moved the draft normative act.

(2) Where the person who moved the draft normative act does not agree with the legal expertise, he may, by a reasoned opinion, submit the draft act for consideration in the Council of Ministers.

## Section Five

### Legislation Council

**Article 50** (1) The Legislation Council is a structure under the Minister of Justice with law-making, analytical and control functions with regard to law-making process, which support the realization of the Minister's powers under this and other laws.

(2) The Legislation Council, by conducting a legal expertise, realizes preliminary control over draft laws prepared by the executive, in order to improve their quality before being submitted to the Council of Ministers.

(3) The Legislation Council prepares draft laws and by-laws concerning the judicial system and activities which are under the powers of the Minister of Justice, as well as draft laws and by-laws assigned by the Council of Ministers.

(4) The Legislation Council performs other functions concerning the activities under Article 50. (2) and Article 50.(3) which are outlined in the Rules of Procedure of the Ministry of Justice.

(5) The Minister of Justice shall issue Rules on the Organization and Internal Order of the activities of the Legislation Council Directorate.

**Article 51** (1) The Chair of the Legislation Council shall be the Minister of Justice.

(2) The Legislation Council has a secretary to directly organize and manage its work.

(3) The Legislation Council consists of regular employees, who are included in the established number of employees of the Ministry of Justice.

(4) To support the work of the Legislation Council Directorate the Minister of Justice may also involve external experts.

(5) The persons involved shall be remunerated.

**Article 52** (1) The Legislation Council shall have the following sections:

1. Constitutional Law, Administrative Law and Administrative Process;
2. Tax Law and Finance Law;
3. Law of Property;
4. Law of Obligation;
5. Family Law;
6. Commercial and Banking Law;
7. Labour and Employment Law;
8. Civil Process;
9. Criminal Law and Criminal Proceedings;
10. International Law and Law of the European Union.

(2) The Minister of Justice may also establish other sections.

(3) Each section shall have a numerical strength of no less than the sector standard in the specialized administration of central administrations.

**Article 53** (1) The Secretary of the Legislation Council shall be a person who has legal capacity and at least fifteen years of legal experience.

(2) A member of the Legislation Council shall be a person who has legal capacity and at least twelve years of legal experience.

(3) For secretary and members of the Legislation Council can be appointed persons with written and spoken knowledge of English or French languages.

(4) For filling the positions of secretary and members of the Legislation Council a competition under the Labour Code shall be conducted.

(5) Additional requirements for the secretary and members of the Legislation Council may be established only with this Law.

**Article 54** (1) The basic monthly salary of a member of the Legislation Council shall be at the rate of 2 average monthly salaries of the employees with employment relationship and

service in the public sector according to the National Statistical Institute. The basic monthly salary shall be adjusted each quarter, taking into account the average salary for the last month of the previous quarter.

(2) The basic monthly salary of the secretary of the Legislation Council shall be 30 per cent higher than the salary under Article 54 (1).

(3) The time of service as a secretary and a member of the Legislation Council shall be considered time of service under Article 164 (1) through (5) of the Law on the Judiciary.

**Article 55** For outstanding questions in this section regarding employees in the Legislation Council the provisions of the Labour Code shall apply.

## CHAPTER SIX

### STRUCTURE OF NORMATIVE ACTS

**Article 56** (1) Each normative act shall have a name, which includes the type of act and its main subject.

(2) Names of the decrees of the Council of Ministers, of ordinances and instructions issued by other authorities of **state** power, shall contain their reference number and year of issuance.

(3) Names of amending or supplementing ordinances and **instructions** shall not contain their reference number and year of issuance

**Article 57** The name of the amending or supplementing normative act shall include:

1. Full name of the amended Act;
2. Number and year of issuance of the State Gazette, in which the act is promulgated, amended or supplemented;
3. Number and year of issuance of the State Gazette, in which a decision of the Constitutional Court declaring non-compliance with the Constitution of provisions of a law or a decision of the Supreme Administrative Court for annulment of provisions of a by-law is published.

**Article 58** Introduction may be included **only in the Constitution, in a code or law.**

**Article 59** (1) A normative act shall consist of articles. The Additional, Transitional and Final provisions shall be indicated by paragraphs.

(2) An article may consist of paragraphs, the paragraph - of points and the point - of letters.

(3) Notes and examples to articles or their sub-divisions shall be allowed as an exception. Numbers shall be indicated in words.

**Article 60** (1) A normative act, which amends, supplements or repeals other acts shall consist of paragraphs.

(2) Amending, supplementing or revocation of an article or the sub-divisions thereof shall be made by a separate paragraph for each article.

(3) Where one and the same word or phrase is replaced or deleted in one or several articles, the deleted, respectively replaced word, or the new word or phrase, and the articles where it is deleted or replaced, shall be stated in a separate paragraph.

**Article 61** The new provisions, which supplement a normative act, shall be included in it as follows:

1. At the relevant systematic place in the structure of the act;
2. At the end of the act and before the Additional Provisions, if a new title of the act is created, when it is the largest sub-division in its structure, and no other systematic place is imposed by the subject of the regulation.

**Article 62** (1) General provisions of normative acts shall precede special provisions.

(2) General provisions shall determine the purpose of regulation, scope, objectives and principles of the normative act, and other general terms.

(3) Special provisions shall be drawn in the following order: structural, substantive, procedural, and administrative and penal provisions.

**Article 63** (1) Lists, tables, tariffs, charts, images, formulas and suchlike shall be drawn as applications to normative acts and shall be published together with them, unless where necessary to include them in the relevant sub-divisions of acts.

(2) Every application shall have a name. Where applications are more than one, they are numbered in sequence corresponding to the sequence of the provisions to which they relate.

(3) Every application shall indicate the sub-division of the act or article to which it applies.

**Article 64** (1) Additional provisions shall be drawn as a separate sub-division at the end of the normative act.

(2) Additional provisions shall include:

1. Rules, which are external to the subject of the act, but should be included in it;
2. Provisions, which relate to more sub-divisions of the act, but because of the nature or scope of their application cannot be included in the general rules;
3. Explanations of words or phrases which are used repeatedly in the normative act or whose explanation cannot be given in the relevant provision.
4. Provisions, which specify regulations and acts of the European Union with a binding force, whose requirements are implemented in the relevant Bulgarian act.
5. In the cases under Article 73(3) translation in the Bulgarian language of names and designations used.

**Article 65** Transitional and Final Provisions shall be drawn up as a separate sub-division after Additional Provisions. Numbered paragraphs shall follow the numbers of the Additional Provisions.

**Article 66** (1) Transitional provisions shall continue the operation of rules repealed by the new normative act or govern their application to pending legal relationships or legal facts that have started but not completed during the operation of the repealed Act.

(2) Where, despite the repeal of the law, it is necessary to maintain operation of the provisions of the Act relating to its application, this shall be provided for in the transitional provisions of the new law.

**Article 67** (1) Final Provisions shall include rules, which give a retroactive effect to the act, delay its action or limit it to a part of the territory of the country.

(2) Where a new normative act replaces an existing one, the rules for its repeal, and the rules for repealing, amending and supplementing other normative acts, shall be included in the Final Provisions.

(3) The final provisions shall specify, where necessary, the authority to which the implementation of the act and the issuance of the regulations for its application is assigned.

**Article 68** The final provisions of an act on the application of a law shall indicate the provision of the law on the basis of which it is issued.

**Article 69** (1) Each article of a Code shall have a heading, which is primarily its content.

(2) The articles of a law may also have headings.

**Article 70** (1) According to their object and number, articles may be grouped into parts, titles, chapters and sections.

(2) Parts and chapters shall have a continuous sequential numbering for the entire normative act. Titles shall have a continuous sequential numbering within the part, and sections – within the chapter.

(3) Numbers of parts, titles and chapters shall be indicated by words. Numbers of sections shall be indicated by Roman numerals.

**Article 71** (1) Provisions of normative acts shall be designated as follows:

1. Articles - by "Article " and an Arabic numeral;
2. Paragraphs in the Transitional and Final Provisions - by "§" and an Arabic numeral;
3. Paragraphs - by Arabic numerals placed in brackets;
4. Points - by an Arabic numeral;
5. Letters - by a small letter.

(2) After each number, with the exception of the numbers, which indicate paragraphs, a point is put and after each letter – a bracket.

(3) Designation of a provision shall be placed directly in front of it.

(4) A paragraph, point or letter shall start in a new line.

**Article 72** (1) In amendments and supplements to normative acts the new article(s) put in their systematic place, shall be given the number of the article, after which they are placed. The sequential small letter of the alphabet shall be attached to the number. In subsequent

amendments, which are systematically placed between articles of such designation, a small Arabic numeral shall be added in the top right of the letter.

(2) Where new paragraphs, points or letters are added to an article, they shall be placed after the existing paragraphs, points or letters. If this impedes the interpretation of the text, the new sub-divisions shall be placed in the appropriate place, and those after them, shall be renumbered.

(3) The numbering of the new articles, placed at the end of the act, shall follow the number of the last article of the supplemented act.

## CHAPTER SEVEN

### FORMULATION OF PROVISIONS OF NORMATIVE ACTS

**Article 73** (1) The provisions of the normative act shall be formulated briefly, precisely and clearly, in a logical sequence in the generally spoken Bulgarian language.

(2) Digressions from the generally spoken Bulgarian language shall be deemed acceptable only if required by the subject of the act.

(3) As an exception, in the cases under Article 7, in a provision of a normative act, or an application to it, it is possible to use names in another language which are established in the international practice, such as codes, indexes, classifications, sample documents, etc., and official names of institutions and the official documents issued by them where necessary for reasons of accuracy and clarity.

(4) Foreign words and phrases shall be used only if they have become a permanent component of the Bulgarian language or cannot be replaced by Bulgarian words.

**Article 74** (1) Words or phrases with established legal meaning shall be used in the same sense in all normative acts.

(2) If it is necessary to deviate from the general sense of a word or phrase, their meaning for the act shall be determined by an additional provision.

(3) Where in the application of a normative act doubts can arise about the meaning of a word or phrase, the procedure shall comply with the preceding paragraph.

**Article 75** Where the matter covered, does not require otherwise, the rule of conduct shall be determined in one article, and the responsibility for breaching various obligations shall be formulated jointly if it is the same.

**Article 76** (1) Referral to the provisions of the same or another normative act shall be allowed in exceptional cases where:

1. it is necessary to apply a common regulation of a given matter, which is defined by other provisions;
2. a referral is made to a number of provisions or to the provisions of an act on the basis of which a referring act is issued;
3. reproduction of the provision to which it refers, would make the text more complicated.

(2) Referrals to provisions and acts of the European Union and promulgated international treaties shall be permitted.

(3) Referrals shall not be permitted if they lead to ambiguity of the text.

**Article 77** (1) Where reference is made to a provision of the same act, only its name shall be specified.

(2) Where reference is made to a provision of another normative act, or an act under Article 76(2), the following shall be specified:

1. For a code or law – the designation of the provision and the name of the act;
2. For other normative acts- the designation of the provision, the name of the act and at the first reference - also the number of the State Gazette, where the act is promulgated. The State Gazette shall be indicated by the abbreviation “SG”;
3. For acts of the European Union - the designation of the provision, the name of the act with its number and date, the authority which has adopted it and at the first reference - also the number of the Official Journal of the European Union, where the act is published in the Bulgarian language; the Official Journal of the European Union shall be indicated by the abbreviation “OJ”;
4. For international treaties - the name of the international treaty, place and date of its establishment and at the first reference - also the number of the Official Gazette, where it is published; when the treaty is ratified by law - also the name of the law and the relevant number of the State Gazette, where the law is promulgated.

**Article 78** (1) If a name is repeated, it shall be given fully in the provision, in which it is used for the first time, by indicating in parentheses the abbreviation, which is to be used in the subsequent provisions.

(2) Where the name of the normative act is referred repeatedly and it is inconvenient to indicate its full name, the procedure shall comply with the preceding paragraph.

## CHAPTER EIGHT

### AUTHENTICATION, PROMULGATION AND DISCLOSURE OF NORMATIVE ACTS

**Article 79** (1) The text of the normative act and its adoption in the prescribed order shall be authenticated as follows:

1. For the Constitution, a code or a law - by the Chairman of the National Assembly;
2. For a decree - by the Prime Minister;
3. For other normative acts - by the authority which issued them, and when adopted by a collective authority - by its chairman.

(2) In the absence of the authorities under paragraph (1), the persons who were assigned to perform their functions shall do the authentication.

**Article 80** Authentication shall be done on the document, which contains the text of the normative act, immediately after the text.

**Article 81** (1) The authenticated text of the normative act shall be the original text. All other texts shall be deemed copies.

(2) The authenticated text shall be kept by the authority, which has adopted or issued the act.

(3) Discrepancy between the authenticated and the adopted or issued text of the normative act shall be correct by the authority, which has authenticated it.

**Article 82** (1) Normative acts shall be promulgated in the State Gazette.

(2) Normative acts of Municipal Councils **must be publish on the website of the relevant municipality, and may be disclosed in print or by other appropriate means in the territory of the municipality.**

**Article 83** A normative act shall be promulgated in a number of the State Gazette.

**Article 84** (1) Promulgation shall be made as follows:

1. For laws amending the Constitution - by an order of the Chairman of the National Assembly;
2. For laws - by a decree of the President;
3. For normative acts of the Council of Ministers - by the Prime Minister;
4. For other normative acts - by the authority which issued them, and when adopted by a collective body - by its chairman.

(2) A certified copy of the original normative act shall be attached to the order for promulgation.

**Article 85** (1) Promulgation must literally reproduce the text of the certified copy of the normative act.

(2) If, before the promulgation, errors are found in the text submitted for promulgation, they shall be corrected by the authority, which has authenticated the normative act.

**Article 86** (1) Promulgation shall be deemed made on the day designated as the day of issuance of the relevant number of the State Gazette or the Official Journal of the European Union - in the cases under Article 19.

(2) The day of issuance of the State Gazette shall be deemed the day on which its circulation can be started.

(3) Where the normative act takes effect within a specified time after the date of its publication, the day of promulgation shall not be counted in that period.

(4) The term shall expire at 24.00 hours on the last day.

**Article 87** (1) The discrepancy between the promulgated text and the copy sent for promulgation shall be corrected in accordance with the promulgation.

(2) The discrepancy between the text, which is sent for promulgation and the promulgated text, and the authenticated or received for authentication text shall be established by the authority, which has authenticated and corrected it according to the promulgation.



**Article 88** (1) Correction shall be done immediately after non-compliance is being found.

(2) The text of the correction should be formulated so as to clearly and accurately indicate the discrepancy and the correct text.

**Article 89** The correction shall enter into force in the same order and within the same time limit as applied to the corrected normative act. That time limit shall always be of three days if the time limit for entry into force of the act is longer.

**Article 90** (1) The actions of citizens or legal persons, which are performed in accordance with the promulgated text before the entry into force of its correction, shall be deemed lawful, i.e. real, unless the error is obvious.

(2) After the entry into force of the correction, the acts of bodies of state power, based on the wrong text, shall be subject to a cancellation in the order provided by law, if in view of the correct text they are considered unlawful. This rule shall not apply if the cancellation would lead to liability, which is incompatible with the preceding paragraph, or to violations of rights acquired in accordance with it.

**Article 91** Each authority which has adopted or issued a normative act shall disclose it on its website.

## CHAPTER NINE

### ENTRY INTO FORCE

**Article 92** (1) Normative acts shall enter into force three days after their promulgation in the State Gazette, unless otherwise provided. Ordinances of Municipal Councils shall enter into force on the day of their disclosure.

(2) Acts of the European Union with a binding force shall enter into force on the twentieth day following their publication in the Official Journal of the European Union, unless otherwise provided.

(3) The normative act shall take effect from now on and without a time limit, unless otherwise provided.

**Article 93** (1) The draft act on the application of a law shall be drawn up together with the bill and adopted within the period of entry into force of the law unless the law enters into force immediately or three days after its promulgation. In this case, the act on the application of the law shall be adopted within six months from the entry into force of the law at the latest.

(2) The preceding paragraph shall apply respectively to the amendments to the acts on the application of laws, resulting from their modification or supplement.

**Article 94** (1) Retroactive effect of normative acts may be granted only in exceptional cases, and by express provision.

(2) Retroactive effect of a normative act adopted or issued on the basis of another normative act may be granted only if the act on the basis of which it was issued or accepted has such an effect.

(3) Retroactive effect may not be granted to provisions which lay down penalties, unless they are less stringent than the repealed ones, and to provisions, which establish tax liabilities or benefits.

**Article 95** (1) The act on the application of a law shall lose its force entirely or partially along with full or partial repeal of the law, according to the scope of the repeal.

(2) The new law may provide that all or some provisions of the act on the application of that law remain temporarily in force if they are compatible with the new law.

**Article 96** Laws or individual provisions thereof, which are declared unconstitutional, shall not apply from the day of entry into force of the decision of the Constitutional Court.

**Article 97** By-laws or individual provisions thereof, which are repealed or declared void, shall not apply from the day of entry into force of the decision of the Supreme Administrative Court.

**Article 98** (1) The Constitution, laws and by-laws adopted and issued by the central authorities of the executive shall operate throughout the Republic of Bulgaria.

(2) Normative acts of the Municipal Councils shall have effect in the territory of the municipality.

**Article 99** Normative acts shall apply to Bulgarian citizens, stateless persons, foreign nationals in the territory of the Republic of Bulgaria, the Bulgarian legal entities and foreign entities with a permanent establishment in the Republic of Bulgaria, unless otherwise provided in the act or international treaty, to which the Republic of Bulgaria is a signatory.

## **CHAPTER TEN APPLICATION AND INTERPRETATION OF NORMATIVE ACTS**

**Article 100** (1) **Provisions of normative acts** shall apply according to their precise meaning.

(2) If the legal rules are unclear, they shall be interpreted in the sense that most meets the other provisions of the Act, the purpose of the interpreted act, the fundamental principles of law of the Republic of Bulgaria, and the sector to which they belong. Interpretation can be done using the rules for language formulation, contained in Chapter Seven, and the logical and systematic link of the interpreted legal rule with similar rules in the same normative act.

(3) Legal rules which establish penalties, exceptions, special rules or procedures, tax liabilities or benefits may not be subject to latitudinarian interpretation.

(4) Where the normative act is incomplete, for its outstanding cases the legal rules, which refer to similar cases, shall apply likewise if the objective of the act is met.

(5) Paragraph (4) shall not apply to establish criminal, administrative or disciplinary responsibility, tax liabilities or benefits.

**Article 101** (1) When a general normative act and a special one of the same level govern differently the same matter, the norms of the special normative act shall apply.

(2) If a decree, rules, ordinance or instruction contradict a normative act on a higher level, the normative act on a higher level shall apply.

(3) If a normative act contradicts a Regulation of the European Union, the Regulation shall apply.

(4) State authorities shall be obliged to inform the authority empowered to repeal a normative act about the discrepancy between the latter and an act on a higher level.

**Article 102** Statutory interpretation of a normative act shall be given by an act on the same level of the authority, which adopted or issued the act.

**Article 103** (1) The interpretation shall be promulgated or disclosed in the manner in which the interpreted act is promulgated or disclosed.

(2) The interpretation shall have the binding force of the act, by which it is made.

**Article 104** (1) Statutory interpretation shall be valid from the day of entry into force of the interpreted act.

(2) Statutory interpretation may, as an exception, be valid only in the future, when its retroactive effect could create complications in the application. In that case, the interpretation shall enter into force three days after its promulgation. Future operation of the interpretative act shall be stated in an express provision.

## CHAPTER ELEVEN

### SUBSEQUENT IMPACT ASSESSMENT

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**Article 105** (1) A study of the results of the application of an existing act shall be organized by:

1. The Ministers whose functional competence covers the relevant public relations management;
2. The Mayor of the Municipality – for the normative acts adopted by Municipal Councils;
3. The authorities empowered by law to adopt **or issue** normative acts - for such normative acts.

(2) The study of the results of the application of an existing normative act shall be done by a subsequent impact assessment.

**Article 106** (1) Subsequent impact assessment of laws shall be carried out within a period provided for in the relevant law.

(2) Subsequent impact assessment of a by-law may be carried out at the discretion and within the time limit set by the authority, which has adopted or issued the by-law.

(3) At the discretion of the authority responsible for organizing the study of the results of applying the relevant legal act, subsequent impact assessment may be made periodically within the time limit set by that authority.

**Article 107** The Minister of Justice shall carry out a subsequent impact assessment of this law.

**Article 108 State** authorities and organizations to which requests have been made for information or assistance in connection with the execution of a subsequent impact assessment must submit the information or assist the authority, which carries out the assessment.

**Article 109** A subsequent impact assessment shall include:

1. Conclusion as to whether the act has achieved its objectives;
2. Analysis of the unexpected (side) effects of implementing the act;
3. Analysis of the circumstances that delay or prevent its implementation;
4. Determination of costs and benefits of its application;
5. Proposal to continue the operation, or amend, supplement and repeal the normative act.

**Article 110** The subsequent impact assessment shall be published on the website of the relevant authority.

## **ADDITIONAL PROVISIONS**

**Paragraph 1** The provisions of **this Law** may be repealed, amended or supplemented only by a new Law on Normative Acts or a separate law for its amendment.

**Paragraph 2** Article 25 (3) through (5), Chapter Five and Chapter Eleven shall not apply to bills on the state budget, bills on the budget of state social insurance, bills on the budget of the National Health Insurance Fund, or draft regulations for their application.

**Paragraph 3** **Chapters One through Five and Chapter Eleven shall not apply to:**

- 1. Laws adopted by the National Assembly or the Grand National Assembly amending the Constitution;**
- 2. Laws adopted by the National Assembly to ratify or denunciate international treaties;**
- 3. Superseding laws adopted by the National Assembly.**

**Paragraph 4** For the purposes of this Law, “impact assessment” means a process of systematic analysis of possible economic, financial, social, environmental and other consequences of the proposed draft normative act to ensure the validity of the proposed options and to achieve sustainability of the public relations settled by this act.

## **FINAL AND TRANSITIONAL PROVISIONS**

**Paragraph 5** Chapter Four and Chapter Five of this Act shall not apply to draft normative acts drawn up under the terms and conditions of the repealed Law on Normative Acts. This provision shall apply until the expiration of a 3-month period from the entry into force of this Law.

**Paragraph 7** Subsequent impact assessment of the existing normative acts may be made at the discretion and the time limit set by the authorities under Article 105 (1).

**Paragraph 8** After the expiry of three years from the entry into force of this law, the Minister of Justice shall carry out a subsequent impact assessment.

**Paragraph 9** (1) Within one month from the entry into force of this Law the status of the existing director and state experts from the Legislation Council Directorate of the Ministry of Justice shall be converted to termless employment without conducting a competition.

(2) The requirements from Art 53. (1),(2), and (3) do not concern the director and state employees employed prior to the entry into force of this law.

**Paragraph 10** Within six months of the promulgation of this Law, the Minister of Justice shall issue the Rules under Article 50 (5).

**Paragraph 11** Within three months from the promulgation of this Law in the State Gazette, the Council of Ministers shall adopt a programme containing the necessary measures for its application.

**Paragraph 12** The Council of Ministers shall, not later than six months from the promulgation of this Law, adopt the Ordinance under Article 41 (1).

**Paragraph 13** This Law shall repeal:

1. The Law on Normative Acts (Prom., SG, No 27/1973, as amended, No 5/1995, No. 55/2003 and No 46/2007).
2. Decree No 883 on the application of the Law on Normative Acts (Prom. SG, No 39/1974, as amended, No 7/1978, No 57/1980 and No 46/2007).

**Paragraph 14** In the Law on the Judiciary (Prom., SG, No 64/2007, as amended; No 69/2008) in Article 372(1) point 7 shall be inserted:

“7. shall assist the Minister of Justice in carrying out a study of the results of applying the normative acts (subsequent impact assessment), associated with the judiciary.”

**Paragraph 15** In the Law on the State Gazette (Prom. SG, No 89/1995, as corrected, No 92/1995, as amended, No 123/1997, No 56/1999, No 1/2000, No 97/2001, No 9 and No 42/2003, No 31/2005, No 36 2006, No 16 and 110/2008) the following shall be amended:

1. In Article 1, paragraph (4) shall be inserted:

“(4) The State Gazette shall maintain an updated electronic version of all normative acts that are published in it. Access to it shall be unlimited and free of charge.”

2. In Article 4(1), point 12, the comma and the phrase “where expressly provided by law” shall be deleted.

**Paragraph 16** (1) This Law shall enter into force on January 1, 2010, with the exception of paragraphs 10, 11 and 12, which shall enter into force three days after its promulgation.