

**TO
MRS. NADEJDA IORDANOVA
MINISTER OF JUSTICE**

DEAR MRS. IORDANOVA,

The National Assembly received your letter with Incoming Reference № AD-47-103-10-1/11.03.2022 on the provision of information in connection with a virtual meeting held on 10 March 2022 with representatives of the European Commission in connection with the preparation of the European Union's third annual 2022 Rule of law report.

In connection with clarifying questions from the representative of the Directorate-General for Economic and Financial Affairs, I provide you with the following information:

The Rules of Procedure of the National Assembly regulate the procedure for adopting bills submitted by both Members of the National Assembly and the Council of Ministers. As a mandatory part of it, requirements have been introduced for conducting public discussions and publishing their results.

Thus, according to the new rule of Art. 73, paragraph 10 of the Rules of Organization and Procedure of the National Assembly (ROPNA), at the first vote the Committee in charge shall hold a public discussion of the bills, including those submitted by Members of the National Assembly. In Art. 73, paragraph 11 of the ROPNA a requirement has been introduced the report of the Committee in charge for the first vote to contain the results of the public discussion and the examination under Art. 72, paragraph 2 of the ROPNA¹ and an assessment of the expected consequences of the application of the future law, including the financial ones, as well as a summary of the opinions received and a summary opinion of the Committee.

The long-established practice of bills submitted by Members of the National Assembly, the Chairperson of the Committee in charge to request an opinion from the Council of Ministers or the relevant line minister, as well as from the interested organizations continues. Also according to Art. 73, paragraph 3-6 of the ROPNA on bills:

- regulating labor and social insurance relations, the Chairperson of the Committee in charge shall request an opinion from the National Council for Tripartite Cooperation;
- regulating the rights of persons with disabilities, the Chairperson of the Committee in charge shall request an opinion from the National Council for the Integration of Persons with Disabilities;
- related to the judiciary power, the Chairperson of the Committee in charge shall request an opinion from the Supreme Judicial Council;
- related to the powers of the municipalities, the Chairperson of the Committee in charge

¹ Art. 72, para.2 of ROPNA: When considering the bill at the first vote, before discussing it on the substance, the Committee in charge shall check its compliance with the requirements of the Law on Normative Acts, the decree for its application and these Rules and, in case of discrepancies, recommend to the submitter through the President of the National Assembly to bring it into conformity within 7 days of the notification of the submitter. In this case, the term under paragraph 3 shall cease to run.

requests an opinion from the National Association of Municipalities in the Republic of Bulgaria.

The reports of the Committee in charge and the opinions mentioned above shall be published on the website of the Committee in charge within the website of the National Assembly (Art. 72 paragraph 3, respectively Art. 73, paragraph 8 of the ROPNA).

Other mandatory requirements established in Art. 70, paragraph 3 and 4 of the ROPNA provide in the motives to give an opinion on the expected consequences, including financial, of the implementation of the bill.

In particular, bills submitted by Members of the National Assembly should be accompanied by a preliminary impact assessment prepared in accordance with the methodology, annex to the Rules of Procedure. Part of this preliminary assessment is the analysis of the costs and benefits of the submitted bill. It contains a description of the economic, social and other public costs needed to implement the legislative initiative, including which costs are expected to be significant and/or secondary, as well as the economic, social and other benefits resulting from the adoption of the legislative initiative, including how the expected benefits meet the formulated goals. The preliminary impact assessment also contains a description of the administrative burden and structural changes, if any provided for in the draft law, namely the planned and necessary administrative changes, such as closure, merger or creation of new administrative structures, and whether they are introduced or amend regulatory regimes and fees, including whether or not they facilitate the regulatory environment.

The bills to which no motives and/or preliminary impact assessment have been attached, shall not be allocated by the President of the National Assembly until the irregularity has been resolved, which shall be notified to the submitter (Article 70, paragraph 6 of the ROPNA).

The above provisions of the Rules of Procedure of the National Assembly establishing mandatory rules for the adoption of laws can be seen as guarantees that legislative initiatives should not unduly affect the acquired rights of affected persons.

As additional guarantees in this direction can be accepted certain requirements that the Law on Normative Acts and the decree for its implementation provide for in the preparation and formulation of laws. According to them, normative acts may be retroactive only by exception, on the grounds of an explicit provision. Retroactivity may not be granted to provisions for sanctions, unless they are less severe than those repealed (Article 14, paragraphs 1 and 3 of the Law on Normative Acts). And the transitional provisions of the new normative act continue the effect of rules repealed by the new normative act, or regulate their application to pending legal relations or to legal facts that have begun but not ended under the repealed act (Art. 34 of Decree № 883 of 24.04.1974, for application of the Law on Normative Acts).

But most of all for such a guarantee can be indicated the enshrined in Art. 4, paragraph I of the Constitution of the Republic of Bulgaria principle of the rule of law and the relevant practice of the Constitutional Court.

WITH RESPECT,

**CHAIRPERSON OF
THE NATIONAL ASSEMBLY:**

NIKOLA MINCHEV

