

OPAL Country Reports

The Bulgarian Parliament and EU Affairs

Dobrin Kanev, Associate Professor, New Bulgarian University

To cite this report: D. Kanev (2012), *OPAL Country Reports: The Bulgarian Parliament and EU Affairs*, weblink



September 2012



University of Cologne

OPAL Country Report on the Bulgarian Parliament¹

Dobrin Kanev, Associate Professor, New Bulgarian University

I. General Position of Parliament in the Constitutional Balance of the Member State: Constitutional and institutional factors	
This section looks at the role of Parliament in the political system, to help us understand the relative power position of the legislature.	
1.1	What is the type of government in the political system of your member state? (i.e. parliamentary or semi-presidential)
	Parliamentary system with a directly elected president.
1.2	Is it a uni- or bicameral Parliament? If bicameral, is one house dominant or are both equally strong? Please briefly explain.
	Unicameral Parliament.
1.3	Is the state federal, decentralized or unitary? If applicable, is it a form of asymmetrical federalism?
	Unitary state.
1.4	Briefly describe the electoral system, if applicable, for each chamber.
	<p>After an initial experiment in 1990 with a mixed voting system, according to which half of the members of parliament (MPs) were elected through proportional representation system with a 4 per cent threshold and the other half through majority voting system in two rounds in one-mandate constituencies, a proportional voting system has been consistently applied since 1991 until 2009. Only in April 2009, after continuous and heated debates, a proposal to elect 31 out of 240 MPs through majority system was approved by the parliament. The revised voting system provides for 209 MPs to be elected through proportional representation in 31 multi-mandate constituencies with a threshold of 4 per cent and 31 MPs to be elected through majority system in one round (“first pass the post”) in the same constituencies.</p> <p>A new Electoral Code was adopted by the Parliament in 2011 which eliminates the majority vote and restores the pre 2009 electoral system based on proportional representation adding an open list system with 9% threshold for preferential vote.</p> <p>Mandates are allocated according to the Hare-Niemayer method.</p> <p>In February 2013 the Electoral Code was amended again and the closed list vote was restored.</p>
1.5	What (f)actors can prevent the parliament agreeing on EU legislation and/or treaty reform? (e.g. a constitutional court, or public referenda on questions of EU integration)

¹ This country report provides some basic data that has been collected in the context of the research for a chapter to be published in C.Heffler, C. Neuhold, O. Rozenberg, J. Smith & W. Wessels (Eds.). (forthcoming in 2014). *The Palgrave Handbook of National Parliaments and the European Union*. London: Palgrave, Macmillan.

	<p>According the constitution the National Assembly has to ratify or denounce by law (passed by majority of two-thirds of all members of the Parliament) all international treaties which confer to the European Union powers ensuing from the Constitution. Treaties ratified by the National Assembly may be amended or denounced only by their built-in procedure or in accordance with the universally acknowledged norms of international law.</p> <p>The Constitutional Court can only rule on the compatibility between the Constitution and the international treaties concluded by the Republic of Bulgaria prior to their ratification.</p> <p>No compulsory referenda are envisaged. Referenda on issues in an international treaty can be held only before the ratification.</p>
--	--

2. General Position of Parliament in the Constitutional Balance of the Member State: Political Factors

This section is about the basic political factors which might influence parliament's strength in relation to the government.

2.1	What is the type of government after the most recent elections e.g. single party, minority, coalition, oversized coalition government?		
	Single party minority government, supported in parliament at the beginning (2009) by three other parliamentary groups, at the moment (2012-2013) supported by several independent MPs.		
2.2	When were the most recent general elections and what were the results? Could you please give a short list of the parliamentary groups, their no. of seats in parliament and ideological position?		
	Latest election:	5 July 2009 (there have been slight changes in the results after a decision of the Constitutional Court (GERB – 117 instead of 116, DPS – 37 instead of 38). Here the results of the elections after the corrections)	
	Name of the party	No. and percentage of seats in parliament	Ideological position (e.g. Communist, left liberal, socialist, liberal, right liberal, conservative, christian democrat, extreme right, ethnic minority or regionalist party)
	GERB	117 (48.75%)	Christian democrat (EPP member)
	BSP (Coalition for Bulgaria)	40 (16.66%)	Socialist
	DPS	37 (15.41%)	Liberal
	Ataka	21 (8.75%)	Extreme Right
	RZS	10 (4.16%)	Populist
2.3	How polarized was parliamentary debate over ratification of the Lisbon Treaty? Which parliamentary party groups supported and which opposed ratification?		
	Bulgaria was the sixth member country to ratify the Treaty (21 March 2008). 199 MPs (from the then ruling majority of the socialist BSP and the two liberal parties NDSV and DPS as well as from the centre right opposition) voted in favour, which shows no polarization of the		

	ratification debate. Only 15 MPs voted against (most of them from the eurosceptic party Ataka and some independents).
--	---

3. New Provisions of the Lisbon Treaty on Direct Contact with EU Institutions

The Lisbon Treaty provides national parliaments with new opportunities for direct contact with the EU institutions. This section addresses the incorporation of the new Lisbon provisions into national law and concrete procedures. Questions 3.3 to 3.5 investigate in how far these procedures have been used.

3.1	<p>Have there been any regulations adopted by your member state to incorporate the new powers that are entrusted to the national parliaments by the Treaty of Lisbon? If so, please list the regulations in their appropriate categories:</p> <p>a. Constitutional provisions</p> <p>b. Legal provisions - Statutory provisions</p> <p>c. Parliamentary Standing Orders</p> <p>d. Other (please specify)</p> <p>Is this process complete or ongoing?</p>
	<p>After the Treaty came into force, the role of the Bulgarian parliament in the whole process of decision-making in the EU is strengthened through the opportunity to participate more actively in the “early warning system” and to express objections on certain European legislative proposals, when in its view, the latter is in contradiction with the principle of subsidiarity. In this regard, in June 2010, Chapter 10 of the Rules of Organisation and Procedure of the National Assembly was changed in order to adapt the existing procedures so as to allow the subsidiarity checks to take place within the 8-week period, established by the Treaty.</p>
3.2	What exactly are the rules (i.e. parliamentary bodies involved, procedure, regional parliament’s involvement, cooperation in bicameral systems) for...
3.2 i	The “Political Dialogue“ with the Commission
	The NA is using the different forms of political dialogue with the EU institutions, incl. the European Commission.
3.2 ii	The Early Warning Mechanism (EWM)
	<p>Within the Bulgarian Parliament, CEAOEF coordinates the subsidiarity checks and plays a key role in the process, by elaborating a final report. In the parliamentary practice as of 2011, the usual practice to follow the cabinet’s agenda putting in the Annual Working Programme of parliament on EU affairs current or closing files was changed. Priority is given to the so called new dossiers (files) – legal acts on which consideration is still forthcoming and on which the national parliaments can exercise subsidiarity control.</p> <p>Reasoned opinions are adopted by the CEAOEF and through the Chairperson of the NA and sent to the EU institutions. Among the many positive statements two reasoned opinions in 2011 and one in 2013 have been adopted.</p>
3.2 iii	The “Passarelle clause”
	This clause is not mentioned in the Rules of Procedure.
3.2 iv	The action of annulment before ECJ on breach with the subsidiarity principle (What quota of MPs is needed to enforce the action of annulment?)

	According to the Rules of Procedure the government, at the request of the NA, has to set an action in the Court of the European Union against an act (of the European Union Institutions) which does not comply with the principle of subsidiarity. There is not a special quota envisaged. No action has been enforced up to now.
3.2 v	Accession of new member states to the EU
	The National Assembly considers the applications of countries willing to join the European Union. At the beginning of 2012, it ratified the Treaty for accession of Croatia in the EU.
3.3	How actively does the parliament engage in the political dialogue and “early warning mechanism” with the Commission?
	In 2011, the Bulgarian Parliament, through the CEAOEF stated its position on 21 European Commission draft acts included in the National Assembly’s Annual Work Programme (AWP). Thus, at the end of 2011, the implementation of the AWP reached 70% of all published EU draft acts in 2011. In 2012 the AWP consisted of a list of 50 proposals for EU acts.
3.4	Has parliament ever threatened to bring a legislative act to the ECJ because of subsidiarity concerns?
	No.
3.5	If applicable to your member state, how does parliament proceed on the ratification of: a. Treaty Establishing the European Stability Mechanism, signed 2 Feb 2012 b. Treaty on Stability, Coordination and Governance in the Economic and Monetary Union, signed 2 March 2012
	<p>a. Bulgaria as non-member of the Eurozone is not part of the Treaty and didn’t have to ratify it. The NA ratified the European Council decision amending Article 136 of TFEU on 13 July 2012 through a rush procedure without any discussion in the plenary.</p> <p>b. The Bulgarian parliament developed unusual activity with regard to this treaty. It was not the government but three MPs – the chairs of CEAOEF, the Budget and Finance Committee, and the Foreign Affairs and Defence Committee – who put forward the draft decision of the NA regarding the participation of Bulgaria in the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union.</p> <p>The draft decision was discussed within the respective parliamentary committees in the presence of the Minister of Finance and the Minister of Foreign Affairs, and was later debated at the plenary and adopted by the National Assembly on January 27, 2012.</p> <p>With this decision, the Bulgarian Parliament endorsed Bulgaria’s participation in the negotiations on the European financial and fiscal rules and supported the country’s accession to the Treaty under the conditions that:</p> <ol style="list-style-type: none"> 1. Bulgaria shall implement the provisions under the Treaty’s Section III “Fiscal Pact” after its ratification by the National Assembly. 2. The Treaty shall be fully implemented when Bulgaria becomes a part of the Eurozone and the derogation under Article 5 of the Act concerning the conditions necessary for the accession of the Republic of Bulgaria and Romania to the European Union and the changes in the Treaties is

	<p>abolished.</p> <p>The decision of the NA was voted by a majority of 129 MPs (178 out of 240 attending, one against, 48 abstentions).</p>
--	---