

**Economic and Social Council Act**  
**(Prom. OG. 41/24 Apr 2001, amend. OG. 120/02, amend. OG. 20/03; amend.**  
**17/06; amend. 36/4 April 2008)**

**Chapter one**  
**GENERAL**

Art. 1. (1) Economic and Social Council is established as a consultative body expressing the will of the structures of civil society for economic and social development.

(2) The Economic and Social Council, called hereinafter "the Council", is a legal entity at budget support with headquarters in Sofia.

Art. 2. The goals of the Council shall be:

1. to provide the participation of a wide circle of representatives of the civil society in the public and economic life, strengthening the principles of the constitutional democratic and social state;

2. (amend., OG, 36/08) to serve as a permanent institutional form of social and civil dialogue and of the consultations on economic and social policies between the President of the Republic, the National Assembly and the Council of Ministers and the structures of the organised civil society;

3. to answer to the legal aspirations of social and economic groups, to the structures of civil society to express opinion, statements and proposals regarding acts of the legislative and executive powers having impact on their interests.

4. (new, OG, 36/08) to strengthen the principles of participatory democracy applying the experience of the European Economic and Social Committee and other similar national and international organisations based on cooperation with them.

Art. 3. (amend., OG, 36/08) The Council shall carry out its activity on the basis of the principles of

1. independence and publicity
2. cooperation and interaction with the bodies of the legislative and executive powers;

3. equality and mutual respect of interests of the structures of civil society represented in it.

## **Chapter two ACTIVITY**

Art. 4. (1) (Previous text of art. 4, OG 36/08) The Council shall work out and adopt:

1. opinions on bills, national programmes and plans regarding economic and social development;
2. opinions on acts of the National Assembly regarding economic and social development;
3. opinions on strategic problems of economic and social policies;
4. resolutions on topical issues of economic and social policies and of civil society;
5. analyses of problems of economic and social policies.

(2) (New, OG, 36/08) The Council organises discussions and consultations with representatives of the legislative and executive powers and structures of civil society on publicly significant issues on economic and social development.

(3) (New, OG, 36/08) The Council maintains contacts and cooperation with the European Economic and Social Committee and other similar national and international institutions.

Art. 5. (amend., OG, 36/08)

(1) The statements under art. 4, para 1 shall be worked out upon a proposal of the President of the Republic, Chairman of the National Assembly, of the Council of Ministers, as well as in the cases stipulated by law.

(2) The President of the Republic, the Chairman of the National Assembly or the Council of Ministers shall determine a deadline for announcing a Council's decision, which cannot be shorter than one month from the receipt of the proposal. The President of the Republic in fulfilment of his authority under art. 98, item 4 **and**

art. 101, para 1 of the Constitution of the Republic of Bulgaria may determine a deadline for announcing the Council's decision shorter than one month.

3) The Council can work out statements according to art. 4, item 1 on its own initiative as well.

(4) In cases of para 3, the Council submits the adopted statements to the respective institutions within 7 working days.

(5) The Institutions, upon whose proposal the Council's statements have been adopted, as well as those, to which Council's own-initiative statements have been sent, invite for participation representatives of the Council when discussing and/or solving issues, which have been the reason for the respective statement to be adopted.

Art. 6. The state and municipal bodies shall be obliged to submit the information necessary for the work of the Council, inasmuch as something else is not stipulated by special laws.

### **Chapter three MEMBERS**

Art. 7. (1) (amend., OG 20/03) The Council shall consist of president and 36 members divided into three groups.

(2) (amend., OG 20/03) The president of the Council shall be elected by the National Assembly upon a proposal of the Council of Ministers, coordinated in advance with the groups represented in the Council.

(3) (amend., OG 20/03) The first group shall consist of 12 members appointed by the managing bodies of the representative organisations of employers on national level acknowledged by the Council of Ministers by the order of the Labour Code.

(4) (amend., OG 20/03) The second group shall consist of 12 members appointed by the managing bodies of the representative organisations of workers and employees on national level acknowledged by the Council of Ministers by the order of the Labour Code.

(5) (amend., OG 20/03) The third group shall consist of 12 members distributed as follows:

1. one representative of the organisations of agricultural producers;

2. one representative of the organisations of industrial cooperations;
3. one representative of the organisations of the craftsmen;
4. one representative of the professional branch organisations;
5. one representative of the organisations of consumers;
6. one representative of the organisations of women;
7. one representative of the ecological organisations;
8. (amend., OG, 36/08) one representative of the organisations of the disabled;
9. one representative of the organisations of the retired;
10. (amend., OG, 36/08) one representative of the organisations supporting the socially weak, disabled or the persons needing care;
11. two independent scientists - specialists on the issues of economic and social policies appointed by the Council of Ministers upon proposal of the Minister of the Economy and the Minister of Labour and Social Policy.

(6) (new, OG 20/03) One organisation may be represented only in one of the groups.

Art. 8. (1) (amend., OG, 36/08) The mandate of the Council, the president and the members shall be 4 years and it starts from the date of holding the first plenary session.

(2) Within the term of the mandate under para 1 the organisations under art. 7, para 3, 4 and 5 can replace their representatives by the order of their appointment, including by applying the principle of rotation between the representatives of individual organisations. The replacement shall be obligatory in case of occurrence of some of the circumstances of incompatibility according to art. 9, para 1.

(3) (amend., OG 20/03) Until the expiration of the mandate under para 1, the president of the Council and the members under art. 7, para 5, item 11 cannot be replaced except in the cases of:

1. resignation;
2. permanent impossibility to fulfil their functions;
3. occurrence of some of the circumstances of incompatibility according to art. 9, para 1;
4. death.

(4) (amend., OG 20/03) In the cases under para 3, the president of the Council and the members under art. 7, para 5, item 11 shall be replaced by the order by which they have been elected or appointed for the term until the end of the mandate of the Council.

(5) (new, OG, 36/08) In case of resignation, the authority of the president of the Council shall be terminated after the expiration of two months after its submission, if in this period a new president has not been elected.

(6) (new, OG, 36/08) If within the mandate of the Council, an organisation under art. 7, para 3 and 4 loses its capacity of being representative by the order of the Labour Code, then the mandate of its representatives in the Council is terminated from the date of coming into force of the decision of the Council of Minister and the respective member seats shall be distributed between the rest of the organisations in the group by consensus with a term until the end of the mandate of the Council.

(7) (new, OG 20/03; previous para 5, 36/08) The president and the members of the Council may be elected or appointed for an indefinite number of mandates.

Art. 9. (1) President and members of the Council cannot be:

1. persons with foreign citizenship;
2. persons under age;
3. person under judicial disability;
4. persons without higher education;
5. national representatives and municipal counsellors;
6. persons under art. 19 **and** 19a of the Act on Administration and Members of Their Political Offices;

7. civil servants;
8. judges, prosecutors and investigators;
9. (amend., OG, 17/06) staff military men in the context of Defence and Armed Forces Act of the Republic of Bulgaria, as well as civil servants in the context of the Ministry of Interior Act;
10. persons elected in the national managing bodies of political parties;
11. persons convicted for deliberate indictable offence, unless they have been rehabilitated;
12. persons deprived of the right to occupy managing, accountancy or material liability position;
13. (amend., OG 20/03) persons who have been members of managing or control bodies of a company terminated due to declared bankruptcy during the last two years preceding the date of the decision for declaring bankruptcy, if dissenting creditors have remained.

(2) The lack of the circumstances under para 1 shall be declared in writing as follows:

1. by the president of the Council - before the National Assembly;
2. by the secretary general - before the president of the Council;
3. by the members of the Council - before the bodies appointing them.

Art. 10. (amend., OG 20/03)

(1) Not later than three months before the expiration of the mandate of the Council the National Assembly shall elect a new president. Until his assuming office he shall exercise only the legal capacities related to determining the new members of the Council.

(2) Within 15 days from his election the president of the Council shall address the bodies and organisations under art. 7, promulgating in the Official Gazette and in one central daily newspaper an invitation for undertaking the necessary actions for determining the new members of the Council. The president may also extend written invitations to the organisations represented in the Council.

(3) Within 30 days from the promulgation of the invitation under para 2 the organisations under art. 7 shall present to the president the decisions of their bodies for appointing their representatives in the Council and the declarations under art. 9, para 2.

(4) (amend., OG, 36/08) Upon expiration of the term under para 3, if more candidates of different organisations are nominated, the president of the Council shall invite representatives of their managing bodies for the purpose of appointing their representatives in the Council by a consensus. If a consensus is not reached within three months from the election of the new president it shall be considered that no representative has been appointed.

(5) Not appointing a representative on the part of the individual organisations after the expiration of the set periods shall not be an obstacle for the Council to carry out its activity. In this case the quorum shall be determined by the actual number of members of the Council.

(6) The candidates appointed later shall fulfil their functions until the end of the mandate of the Council.

Art. 10a. (new, OG 20/03; amend. 36/08) The president and the members of the Council shall continue to fulfil their functions until the first plenary session of the new council takes place.

Art. 10b. (new, OG 20/03)

(1) (revoked, OG 20/03)

(2) For commissioning the president of the Council and its members shall be entitled to travel, daily and accommodation expenses under condition and of size according to the current normative provisions.

## **Chapter four MANAGEMENT**

Art. 11. Bodies of management of the Council shall be:

1. the plenary session;
2. the president;

### 3. Presidents board.

Art. 12. (1) The president of the Council, the vice presidents, the members and the secretary general, who has no voting right, shall participate in the plenary session.

(2) The plenary session shall:

1. adopt regulations for the activity of the Council;

2. (amend., OG 20/03) adopt the annual plans and reports on the activity of the Council;

3. (amend., OG 36/08) approve the draft annual budget and the accountancy report on its fulfilment;

4. (amend., OG 36/08) adopt the size of the basic remuneration of the president of the Council upon proposal of the Presidents board;

5. (amend., OG 36/08) adopt the statements under art. 4, para 1;

6. approve the vice presidents;

7. elect the chairmen and the members of the standing and temporary commissions.

8. (new, 36/08) nominate before the Council of Ministers candidates for members of the European Economic and Social Committee.

(3) (suppl., OG 20/03) The meetings of the plenary session shall be considered

regular if they are attended by the president and at least half of the members of the Council including representatives of each of the three groups. The members of the Council shall participate in the meetings personally and shall not have the right to authorise for that other persons.

(4) The president and the members of the Council can vote “pro”, “con” and “abstain”.



(5) The decisions of the plenary session under para 2, item 1 - 3 shall be adopted by a majority of no less than two thirds of the present members of the Council.

(6) (suppl., OG, 36/08) The decisions of the plenary session under art. 4, para 1 and under art. 13, para 2 shall be taken by a majority of no less than three fourth of the present members of the Council.

(7) The decisions of the plenary session under para 2, item 4, 6 and 7 shall be taken by a majority of more than half of the present members of the Council

(8) The members of the Council who vote “con” in taking the decisions under para 6 shall have the right to present in writing their reservations, which shall be attached to the approved act.

Art. 13. (1) The president shall:

1. manage the activity of the Council and represent it;
2. convene plenary session on his own initiative or on the initiative of one third of the members of the Council and chair the meetings of the plenary session and of the Presidents board;
3. sign the acts adopted by the plenary session, order their submitting to the interested bodies and their publication by the order of art. 19, para 2;
4. (revoked, OG 20/03)
5. (amend., OG 36/08); approve staff table, conclude, amend and terminate the labour contracts of Council's employees;
6. determine by a written order a vice president who shall substitute him in his absence;
7. (amend., OG 36/08) distribute among the commissions proposals under art. 5, para 1 and 2;
8. inform the public about the activities of the Council.

(2) In the cases of art. 8, para 3 the plenary session shall elect one of the vice presidents “president pro tempore” until the election of a new president by the National Assembly for a period until the end of the mandate of the Council.

Art. 14. (1) The vice presidents of the Council shall be three and each of them shall be nominated by each of the groups under art. 7.

(2) The vice presidents shall substitute the president of the Council and shall fulfil functions delegated by him in writing.

Art. 15. (1) The Presidents board shall consist of the president and the vice presidents. The secretary general shall also participate in its meetings with a consultative voice.

(2) The Presidents board shall consult and assist the work of the president between plenary sessions and shall propose their agenda.

(3) (amend., OG 20/03, 36/08) Upon a proposal of members of the Economic and Social Council, of its commissions and on its own initiative the Presidents board shall take decisions for working out statements in the cases under art. 5, para 4.

(4) The Presidents board shall discuss and propose to the plenary session the drafts of:

1. the regulations for the activity of the Council;
2. the annual working plan;
3. the annual budget;
4. the annual report on the activity of the Council;
5. the annual report on the fulfilment of the budget;

6. (amend., OG 36/08) resolutions on topical issues of economic or social policies and of the civil society.

(5) (new, OG, 36/08) The Presidents board fulfils other functions, as well, stipulated by the Regulations for the activity of the Council.

(6) (previous para 5, OG, 36/08) The meetings of the Presidents board shall be considered regular if at least three of its members participate. The decisions shall be taken unanimously.

(7) (previous para 6, OG, 36/08) As an exception, in cases of objective impossibility to provide the quorum under para 5, the president or his deputy, in the cases under art. 13, para 2, shall personally fulfil the functions under para 2, 3 and 4.

Art. 16. (1) The secretary general shall be appointed by the president upon approval of his nomination by the Presidents board. He must meet the requirements of art. 9, para 1.

(2) The secretary general shall:

1. (amend., OG 36/08) manage the work of the administration of the Council;
2. coordinate the development of the drafts under art. 15, para 4 by an order established by the Regulations for the activity of the Council;
3. send the materials for discussion at the meetings of the plenary session and of the Presidents board;
4. be in charge of the minutes of the meetings of the plenary session, the Presidents board and the commissions under art. 18 and the storing of the documentation of the Council;
5. fulfil other functions assigned to him by the Regulations for the activity of the Council.

## **Chapter five ORGANISATION OF THE ACTIVITY**

Art. 17. The Economic and Social Council shall work on the basis of regulations for its activity and annual plans.

Art. 18. (1) (amend., OG 20/03) Standing and temporary commissions shall be established at the Council

(2) The work of the commissions shall be organised in compliance with the Regulations for the activity of the Council.

(3) (suppl., OG, 36/08) The commissions under para 1 shall prepare for the plenary session draft statements under art. 4, para 1, items 1, 2, 3 and 5 observing the deadlines determined by the Regulations for the activity and by the annual plan for the work of the Council.

Art. 19. (1) (suppl., OG, 36/08) The plenary sessions of the Council shall be public unless the Council decides otherwise.

(2) The statements under art. 4, para 1 shall be published by a decision of the plenary session in the official bulletin of the Council.

## **Chapter six FINANCING**

Art. 20. (amend., OG 20/03) The activity of the Council shall be financed by its budget, which shall be a part of the budget of the National Assembly.

Art. 21. (amend., OG 20/03)

(1) (amend., OG, 36/08) The Council's budget administrator is the president or a person authorised by him.

(2) The draft budget of the Council shall be worked out by the Council and shall be submitted for inclusion in the general budget of the National Assembly by the order and by the deadlines determined by the Structure of the State Budget Act and by the acts of the Council of Ministers for the respective year.

Art. 22. (amend., OG, 36/08) The resources from the budget of the Council shall be spent for financing its activity and the cooperation with the European Economic and Social Committee and with other similar national and international institutions under conditions and order stipulated in the Regulations of the activity of the Council.

Art. 23. (amend., OG 20/03) Every year, by March 31, the annual report for the activity of the Council shall be presented to the National Assembly by its president.

Art. 24. The spending of the budget resources of the Council shall be controlled by the Audit Office.

Art. 25. (1) The activity of the Council shall be assisted by an administration. The structure and the functions of the administration shall be determined by the Regulations for the activity of the Council.

(2) The president, the secretary general, as well as the employees of the administration under para 1 shall work under legal terms of employment.

Art. 26 (new, OG 36/08) The regulations of the Administration Act do not apply to the Economic and Social Council.

### **TRANSITIONAL AND CONCLUDING PROVISIONS**

§ 1. (revoked, OG 20/03)

§ 2. (revoked, OG 20/03)

§ 3. (revoked, OG 20/03)

§ 4. Within one month after the election of president the Council of Ministers shall provide premises for the work of the Council.

§ 5. The vice presidents shall be elected at the first plenary session of the Council convened by its president.

§ 6. The following amendments and supplements are introduced to **§ 2 of the transitional and concluding provisions of the Non-Profit Legal Entities Act** (OG 81/00):

1. The previous text becomes para 1;

2. Para 2 is created:

“(2) Until the enactment of the law under para 1 the registration of new trade union organisations, the entry of amendments of circumstances of legal entities of the existing trade union organisations subject to registration, as well as the related found judiciary proceedings, shall be carried out by the order of chapter one. The court shall enter the data under art. 18, para 1, item 1 - 3, 5 - 7 and 9 of the law.”

§ 7. The fulfilment of the law is assigned to the Council of Ministers.

The law was adopted by the 38th National Assembly on April 10, 2001 and was affixed with the official seal of the National Assembly.

**Economic and Social Council Amendment Act  
(prom., OG, 20/4 March 2993)**

Transitional provisions

§ 15. In the initial determining of the members of the Economic and Social Council:

1. The Council of Ministers shall, within one month after the enactment of this law, coordinate the nomination for president of the Council only with the representative organisations of workers and employees and of employers on national level and shall propose it to the National Assembly;

2. Within 15 days after the election of the president of the Council by the National Assembly he shall address the bodies and organisations under art. 7 promulgating in the Official Gazette and in one central daily newspaper an invitation for undertaking the necessary actions for determining the members of the Council;

3. within 30 days after promulgation of the invitation under item 2 the organisations under art. 7 shall present to the president of the Council decisions of their bodies for appointing their representatives in the Economic and Social Council and the declarations under art. 9, para 2;

4. upon expiration of the term under item 3, if more candidates have been nominated by the individual organisations, the president of the Council shall invite representatives of the managing bodies of the respective organisations for the purpose of determining their representatives in the Council by a consensus; if a consensus cannot be reached it shall be considered that no representative has been determined;

5. Not appointing a representative on the part of the individual organisations after the expiration of the periods under item 3 and 4 shall not be an obstacle for the Council to carry out its activity. In this case the quorum shall be determined by the actual number of members of the Council.

6. The candidates appointed later shall fulfil their functions until the end of the mandate of the Council.

§ 16. (1) In 2003 the financing of the activity of the Economic and Social Council shall be at the account of the central budget for 2003 within the framework of the resources for support of the Council allocated by the State Budget Act of the Republic of Bulgaria for 2003.

(2) The Minister of Finance shall introduce the necessary amendments between the central budget for 2003 and the budget of the National Assembly for 2003.

The law was adopted by the 39th National Assembly on February 19, 2003 and was affixed with the official seal of the National Assembly.