

Amendments to the Bulgarian constitution: a way to overcome the political crisis

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On 19 December, the Bulgarian National Assembly adopted a package of changes to the Constitution aimed at finding a permanent solution to the country's continuing political crisis (where parliamentary elections have been held five times in the last two years). The amendments limit the president's prerogatives as regards appointing interim governments in times when the parliament is dissolved. At present, the head of state chooses the prime minister arbitrarily. The amendment will entrust this function to a person selected from among seven high-ranking state officials (including the speaker of the dissolved parliament, the president of the central bank and the national ombudsman).

The changes will also affect the justice system. The term of office of the prosecutor general has been shortened from seven to five years, and re-election to this position will no longer be possible. Furthermore, the number of members of the Supreme Judicial Council (SJC) has also been reduced from 25 to 15. In addition, a new body has been established: this is the National Council of Prosecutors, which will consist of 10 representatives of the prosecution authorities.

The constitutional amendments were supported by 165 MPs from the government coalition parties: We Continue the Change–Democratic Bulgaria (PP-DB) and GERB–the Union of Democratic Forces (GERB-SDS), as well as the Movement for Rights and Freedoms (DPS) representing the Turkish minority, which has so far supported the government coalition in key votes. 71 deputies from the opposition parties – Revival, the Bulgarian Socialist Party (BSP) and There Is Such a People (ITN) – voted against the changes. President Rumen Radev is also against the constitutional change, but he cannot veto it because it has been passed by a two-thirds majority of votes. Therefore, the parliamentary opposition has announced it will contest the amendments at the Constitutional Court, which may lead to the course of the entire legislative process coming under investigation.

Commentary

- The amendments recently passed by the parliament have the widest scope of all amendments to the constitution since it was adopted in 1991 as a result of the democratic transformation of Bulgaria's political system. The constitutional amendments, along with joining the Schengen area and introducing the euro, are among the key issues on the agenda of Nikolai Denkov's rotating cabinet, which was formed last June by the PP-DB and GERB-SDS grand coalition (see '[Temporary stabilisation? Bulgaria's](#)

new government'). The successful completion of the difficult process of developing the constitutional amendments proves that the coalition is capable of implementing thorough reforms, despite the constant friction between the two main partners. The support provided by the Turkish minority party is also important, because thanks to it the government can count on a stable majority of 168 votes in the 240-seat National Assembly, and thus introduce significant changes in the functioning of the state. The coalition may therefore last longer than originally expected.

- The constitutional amendments clearly reduce the presidential prerogatives to appoint interim governments. So far, Radev created cabinets entirely at his own discretion, appointing his trusted associates as ministers. From now on, in situations of political crisis and snap elections, the head of state will no longer be able to completely disregard the role of the National Assembly, and will be forced to seek a broader compromise with the outgoing governments. Since the president's position has been weakened, Radev (who will hold his mandate until 2026) will most likely further intensify his critical rhetoric and unfavourable approach towards the government of the PP-DB and GERB-SDS coalition, and will continue to hinder its efforts to reform the country.
- The changes in the justice system are the crowning effect of years of efforts to reform it, which Bulgaria has been consistently encouraged to do by the European Union and the Venice Commission. The need for reforms was growing, especially given the long-standing conflict between the political class and the former Prosecutor General Ivan Geshev (who abused his position and ultimately resigned last year), as well as the courts' widely perceived ineffectiveness in prosecuting corruption, together with the high levels of organised and common crime in the country (for example, in some cases acts of violence against women went entirely unpunished, which sparked mass public protests last summer). However, the final version of the changes in this area is not radical in nature: for example, the functions of the justice minister and the Prosecutor General have not been merged, even though the amendments have weakened the previously strong position which the latter held in the judicial system.