



Original Contribution

**LEGISLATIVE BASE OF THE REGIONAL DEVELOPMENT OF THE
REPUBLIC OF BULGARIA – CONDITION AND PROBLEMS**

G. Velkovska

Economics Department, Faculty of Agriculture, Thracian University, Stara Zagora, Bulgaria

ABSTRACT

Bulgaria has its own legislative base, in line with European practice, which handles the rich regional problem area using different criteria. This base follows the course of the Bulgarian Constitution. Fundamental issues of the Constitution treat a list of laws and administrative acts, which include, Regional Development Law, Local Government and Local Administration Law, Cadastre and Property Register Law, Concession Law, Municipality Property Law, Administration Law, etc. Regional politics and development in a new environment now demand a full optimisation of this legislative base. Thus, the evolving issues related to this situation include the following: actuality, accuracy, separate laws' synchronization, punctuality and affiliation between reference notes from one to another text, legislator's aspiration for a permanent monitoring of the legislative act, etc. Undoubtedly the European membership of the Republic of Bulgaria and the dynamic run of the processes in the different regions are a sufficient and necessary condition for maintaining the precise status of the legislative order and seeking routes to its improvement as a permanent process.

Key words: development, region, regional development, regional politics, municipality, local self-government, municipality property, concession, public private partnership.

The Republic of Bulgaria has its own legislative base within the comity of European nations. This base treats and considers, using different criteria, the riches of regional problems of development

This legislative base reflects the European juridical practice and postulates also some Bulgarian traditions and fundamental juridical norms of regional development in Bulgaria.

Normative starting point for creating a friendly legislative field for regional development in Bulgaria is undoubtedly the Bulgarian Constitution (see The State Gazette, vol. 56/13.07.1991, in force since 13.07.1991; changed and complemented vol. 85/26.09.2003; changed and complemented vol. 18/25.02.2005, vol. 27/31.03.2006, vol. 78/26.09.2006 – Resolution № 7 of The Constitutional Court, 2006, vol. 12/06.02.2007). Article 2 Paragraph 1 states, “The Republic of Bulgaria shall be an integral state with local self-government. No autonomous territorial formations shall exist”. Chapter 7 Local Self-government and Local

Administration, article 142 states “A region shall be an administrative territorial unit entrusted with the conduct of a regional policy, the implementation of state government on a local level, and the ensuring of harmony of national and local interests” (<http://archive.bild.net/constitut.htm>; Constitution of the Republic of Bulgaria. As ratified on 12 July 1991 and amended recently on 25 February 2005, from the official website of the www.ccre.org/docs/constitution_bulgaria_local_government_and_local_administration.doc; [http://www.servat.unibe.ch/icl/bu00t___html\(#A143_\)](http://www.servat.unibe.ch/icl/bu00t___html(#A143_)) – the legislator assigns the role of the district as an administrative and territorial unit as a place for a regional politics to be held.

For the references of the main issues in the Constitution some of the laws and regulations are “responsible”: Regional Development Law, Local Government and Local Administration, Cadastre and Property Register Law, Concession Law, Municipality Property Law, Administration Law, etc.

In The Law on Local Government and Local Administration (in force since 17.09.1991; reflected denomination since 05.07.1999, promulgated in The State Gazette

* **Correspondence to:** *Gena Velkovska, Economics Department, Faculty of Agriculture, Thracian University, Stara Zagora, Bulgaria; Tel.: +359888240709, E-mail: gvelkovski@abv.bg*

vol. 77/17 Sept., 1991; amended The State Gazette vol. 24/14 Mar., 1995; amended The State Gazette vol. 49/30 May, 1995; amended The State Gazette vol. 65/21 Jul., 1995; amended The State Gazette vol. 90/24 Oct., 1996; supplemented The State Gazette vol. 122/19 Dec., 1997; amended The State Gazette vol. 33/ 24 Mar., 1998; amended The State Gazette vol. 130/5 Nov., 1998; amended The State Gazette vol. 154/28 Dec., 1998; supplemented The State Gazette vol. 67/27 Jul., 1999; amended The State Gazette vol. 69/3 Aug., 1999; supplemented The State Gazette vol. 26/9 Mar., 2000; amended The State Gazette vol. 85/7 Oct., 2000; amended The State Gazette vol. 1/ Jan., 2001; supplemented The State Gazette vol. 28/9 Mar., 2002; amended The State Gazette vol. 45/30 Apr., 2002; amended The State Gazette vol. 119/7 Dec., 2002; amended The State Gazette vol. 69/ Aug., 2003; amended The State Gazette vol. 19/ Mar., 2005; amended The State Gazette vol. 34/9 Apr., 2005; amended The State Gazette vol. 30/1 Apr., 2006; amended The State Gazette vol. 69/5 Aug., 2006; amended The State Gazette vol. 61/7 Jul., 2007; amended The State Gazette vol. 63/ Aug., 2007), regional problems are considered as “municipality” ones. For example in Chapter 3 “MUNICIPAL COUNCIL” the legislator assigns that body to accept strategies, prognoses, programmes and plans for municipality development which reflects also European politics for local areas development – texts from article 20, paragraph 12.

The Regional Development Law (in force since 31.08.2008, promulgated The State Gazette № 50/ 30 May, 2008) in its introductory texts (Chapter 1 Fundamental Principles, article 1) declares as its subject managing of the planning, programming, ruling, resources supply, monitoring, control and estimation on strategies’ implementation, also plans and programmes to conduct public policy in regional field. Namely state politics according to article 2 creates conditions for a balanced and sustainable integrated development of the regions and municipalities and covers the system of legal and regulated documents, resources and actions of the competent bodies directed to:

- diminishing of cross regional and intraregional differences;
- providing of conditions for a rapid economics growth and high employment level;
- development of district / territorial/ cooperation.

The Law on Local Government proclaims in article 3 creating of conditions for pursuing state politics for regional development, based on the following principles:

- common approach for planning and programming;
- concentration of resources;
- supplementing the financing from national public sources in addition with common financing with resources from private sources and international financial institutions;
- cross department coordination of the competent bodies’ actions in the course of planning, programming , resources supplementation, realization, monitoring and estimation;
- agreement with other structure – determining politics, tools and actions in international, national, regional and local fields;
- partnership, publicity and transparency in all fields in the course of planning, financing, monitoring and estimation.

In Chapter 4 Regional Development Management, the legislator imposes concrete and exact functions and obligations of the regional development and certain state bodies as Council of Ministers, Minister of the regional development and urbanization, Regional Development Councils, Regional Governors, Municipality Mayors, etc.

In Chapter 5 Resources Providing of the Regional Development, article 26, the legislator shows the next sources of financing the regional development:

- the state budget;
- the municipalities budgets;
- individuals’ and legal entities’ funds;
- EU funds’ resources;
- international financial institutions, etc.

The function of local state government and realization of the correspondence between national and state interests in carrying out the regional politics is given to the state governors as one-man bodies to implement the state's policy in the regions. It is shown in THE ADMINISTRATION LAW through a concrete text in article 29, paragraph 1 (promulgated in The State Gazette vol. 130/5 Nov., 1998; amended in The State Gazette vol. 8/29 Jan, 1999; supplemented in The State Gazette vol. 67/27 Jul., 1999; amended in The State Gazette vol. 64/4 Aug., 2000; amended in The State Gazette vol. 81/6 Oct., 2000; amended in The State Gazette vol. 99/ 20 Nov., 2001; revised in The State

Gazette vol. 101/23 Nov., 2001; revised in The State Gazette vol. 95/28 Oct., 2003; revised in the State Gazette vol. 19/1 Mar., 2005; revised in The State Gazette vol. 24/21 Mar., 2006; revised in The State Gazette vol.30/11 Apr., 2006; revised in The State Gazette vol. 69/25 Aug., 2006; revised in The State Gazette vol.102/19 Dec., 2006; revised in the State Gazette vol. 46/12 Jun., 2007; revised in The State Gazette vol. 78/28 Sept., 2007).

For now all this imposing package of legislative acts and norms carries out successfully in comparison with its mission as a legislative base of the regional development in Bulgaria. However, there are very serious tasks for the state and local authorities having in mind the regional politics and development. New requirements for maintaining the legislative base and its full optimization require:

- Actuality;
- Accuracy;
- Separate Laws synchronization;
- Punctuality and affiliation between reference notes from one to another text;
- Legislator's aspiration for a permanent monitoring of the legislative act, etc.;

Amendments are required in:

- Local Government and Local Administration Law;
- Territory structure Law;
- Concession Law;
- Cadastre and Property Register Law, etc.

Here in Bulgaria the moment for a new law – about Regional public – individual partnership

is already in existence. Creating and passing a new law – about Administrative and territorial division of the Republic of Bulgaria, also Trans-border cooperation, etc. should be put into the recent agenda.

Indisputably the European membership of Bulgaria and the dynamic processes run in the regions are a sufficient and required condition for maintaining the precise status of the legal organizations and seeking routes for its improvement as a permanent process.

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