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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

DRAFT LAW

**RESTRICTING ACCESS
TO POSTS OF SENIOR STATE OFFICIALS
IN THE REPUBLIC OF BULGARIA**

Article 1:

1. This law establishes the conditions of access to certain posts of senior state officials filled by election or appointment.
2. The law applies to:
 1. The following government officials:
 - ministers, deputy ministers, permanent secretaries, heads of ministry divisions;
 - the chairs, vice-chairs and secretaries general of committees, agencies and commissions;
 - regional governors and their successors.
 2. The following heads of state-owned mass media:
 - directors-general of Bulgarian State Television, Bulgarian State Radio and the Bulgarian Telegraphic Agency, and their successors.
3. The following members of one-person limited-liability companies, limited-liability companies, one-person joint-stock companies and joint-stock companies with a state or municipal holding of over 50%, state owned or municipal financial institutions:
 - business managers;
 - executive directors;
 - members of governing bodies and supervisory boards.

Article 2:

1. Persons who held any of the under-mentioned posts prior to 1989 shall not be eligible for posts of senior state officials as defined in Article 1 above:
 1. Secretaries, heads of department, heads of section and members of the bureaux of municipal, district and regional councils of the Bulgarian Communist Party, members of the Central Committee of the Bulgarian Communist Party and paid party secretaries in a company, establishment or institution.
 2. Persons who were senior state officials, as defined in Article 1.2.1 and 1.2.2 above, under the previous totalitarian regime.
2. The ineligibility rule shall operate for five years from the day this law comes into effect.

Article 3:

Persons appointed as senior state officials shall be required to declare on oath that prior to 1989 they held none of the posts referred to in Article 2.1.1 and 2.1.2 above.

Article 4:

Persons who, on the day this law comes into effect, occupy one of the posts referred to in Article 1 above and who fall within the scope of Article 2 shall have two weeks within which to vacate their post.