

## Legislative Initiatives of the Ombudsman 2023

The Ombudsman uses the powers to influence the regulatory framework in the interest of the citizens when referred to with complaints and alerts, some accompanied by collections of signatures. The Ombudsman also takes steps *ex officio* when, in the course of support for citizen actions, it is established that there is a legislative gap or that the provisions create prerequisites for violations of the citizens' rights.

Among the important highlights for 2023 continued to be the adoption of the **Personal Insolvency Act**, but so far the bill has not yet been voted on second reading.

In April 2023 the Ombudsman provided an opinion in relation to **a bill on amendment to the Tax and Social Insurance Procedure Code** published for public consultation, concerning the execution of transactions if the owner has no obligations to the state, including for unpaid fines.

A recommendation was sent to the Minister of Labour and Social Policy regarding the criteria for **granting a supplement from the pension of a deceased spouse**, according to which the survivor must have been in a civil marriage with his deceased partner – **Article 84 of the Social Insurance Code, excluding cases of cohabitation**.

In 2023 the Ombudsman's legislative proposal to give **matriculants a second chance** if they do not pass the matriculation examination serving as entrance to higher education institutions was tabled again.

The Ombudsman also sent to the National Assembly a proposal for legislative changes to the **Criminal Code** to **criminalise acts degrading human dignity by causing physical pain or suffering**. The purpose of the proposed changes is to introduce a new offence which includes acts that meet the definitions of torture and degrading treatment. The purpose of the proposed changes is to introduce a **new offence that includes acts that meet the definitions of torture, torment and degrading treatment**.

A recommendation was sent to Minister of Health and the Minister of the Interior requesting that **a list be drawn up of drugs that could show a false positive drug test**, as there was **no official list** and there were drugs that had an effect when tested.

A recommendation was sent to the Speaker of the National Assembly on the **Representative Actions to Protect the Collective Interests of Consumers Bill** introduced by the Council of Ministers on 13 April 2023.

The Ombudsman expressed an opinion on **the bill for amendments and supplements to the Condominium Management Act**, as the Ombudsman institution received numerous complaints related to condominium management and demands for legislative changes.

In relation to the **Act Amending and Supplementing the Constitution of the Republic of Bulgaria**, the Ombudsman pointed out in her opinion that **the amendments to the Basic Law should be carefully and thoroughly considered and a broad public consensus** should be reached. Particularly important were the proposed changes to the provision of **Article 150 of the Constitution**, in particular in view of the envisaged **possibility for citizens and legal entities to refer to the Constitutional Court** a request to establish the unconstitutionality of a law, under the conditions and in accordance with the procedure laid down in the law and the rules of the Constitutional Court.