



OMBUDSMAN OF THE REPUBLIC OF BULGARIA

Constitutional Case No. 3/2019

RIGHT TO ECONOMIC ACTIVITY AND WATER SUPPLY

REJECTED REFFERALS TO THE CONSTITUTIONAL COURT



LIMITATION OF ECONOMIC ACTIVITY RIGHTS – challenging the provision pursuant to which water and sewerage operators are obligated to apply the principle of a unified price

- Request for establishing the unconstitutionality of Art. 14, para 2 of the Regulation for Water Supply and Sewerage Services Act (promulgated SG issue 18 of 25 February 2005, amended SG issue 77 of 18 September 2018, in force as of 1 January 2019), pursuant to which water and sewerage operators are obligated to apply the principle of a unified price for the water and sewerage service on a certain territory for the service “water supply for users and/or other water and sewerage operators” and for the service “discharge of wastewater”.
- According to the Ombudsman, the provisions are contrary to Art. 4, para 1 of the Constitution (rule of law) and Art. 19, para 2 of the Constitution (guaranteeing consumer protection by ensuring equal legal terms for all to carry out economic activities and preventing abuse of monopoly and distorted competition).
- **Constitutional case No. 3/2019** was initiated upon the request.
- **By Decision No. 5 of 2 June 2020 the Constitutional Court rejects the request.**