



OMBUDSMAN OF THE REPUBLIC OF BULGARIA

# Constitutional Case No. 2/2019

**LIMITATIONS TO THE CONSTITUTIONAL RIGHT TO WORK,  
REMUNERATION AND SOCIAL SECURITY AND ACCESS TO PUBLIC  
SERVANT POSITIONS**

# SUCCESSFUL REFFERALS TO THE CONSTITUTIONAL COURT



## **LIMITATIONS TO THE CONSTITUTIONAL RIGHT TO WORK, REMUNERATION AND SOCIAL SECURITY AND ACCESS TO PUBLIC SERVANT POSITIONS - challenging deprivation of persons who have exercised their right to pension of the possibility to assume a public servant position and to receive remuneration**

- The Ombudsman addressed a request for establishing the unconstitutionality of §14 and §15 of the Transitional and Final Provisions of the 2019 State Budget of the Republic of Bulgaria Act, creating and amending provisions of the Public Servants Act (promulgated, State Gazette, issue 103 of 13 December 2018, in force as of 1 January 2019). The challenged texts deprive persons who have exercised their right to pension of the possibility to assume a public servant position and to receive remuneration for it. Public servants appointed before the entry into force of the act need to notify the appointment authority of inadmissibility grounds.
- According to the Ombudsman, the provisions are contrary to: the rights and dignity of the person (paras 3 and 5 of the Preamble) and the principle of rule of law (Art. 4 of the Constitution); the constitutional right to labour, remuneration and social security and access to public servant positions (Art. 48, para 1 and 5, Art. 51, para 1 and Art. 116, para 2 of the Constitution).
- **Constitutional case No. 2/2019** was initiated upon the request which was joined to constitutional case No. 16/2018.
- **By Decision No. 3 of 7 March 2019 the Constitutional Court found Art. 7, para 2, item 8 of the Public Servants Act and § 15 of the Transitional and Final Provisions of the 2019 State Budget unconstitutional.**