



OMBUDSMAN OF THE REPUBLIC OF BULGARIA

# Constitutional Case No. 1/2019

**RIGHT TO ECONOMIC ACTIVITY**

# REJECTED REFFERALS TO THE CONSTITUTIONAL COURT



## **LIMITATION OF ECONOMIC ACTIVITY RIGHTS – challenging the restrictive regulatory requirements for whole-sale traders and retailers in oil and petroleum products**

- Request for establishing the unconstitutionality of Art. 8, paras 1-6, Arts. 9-15, Art. 17, para 1, item 4, Art. 22, para 2, item 12, Art. 30 and § 1, item 8 of the Additional Provisions to the Administrative Regulation of the Economic Activities Related to Oil and Petroleum Products Act (promulgated, State Gazette, issue 62 of 27 July 2018, in force as of 28 January 2019).
- According to the Ombudsman, the disputed texts restrict the scope of economic subjects by introducing restrictive regulatory requirements for whole-sale traders and retailers in oil and petroleum products as well administrative requirements for trading in petroleum products. The provisions are considered contrary to the guaranteed consumer protection by ensuring equal legal terms for all to carry out economic activities and preventing abuse of monopoly and distorted competition (Art. 19, para 1 and 2 of the Constitution) and the citizen' right to association (Art. 44 of the Constitution).
- **Constitutional case No. 1/2019** was initiated upon the request.
- **By virtue of a ruling of 21 February 2019, the Constitutional Court dismissed the Ombudsman's request.**