

ORDINANCE No 85 of 17 April 2007
concerning the organisation and coordination of matters relating to the
European Union

Promulgated in the State Gazette No 35/2007)

THE COUNCIL OF MINISTERS
HAS DECREED AS FOLLOWS:

Article 1

- (1) The Council of Ministers shall manage and implement the policy of the Republic of Bulgaria as a Member State of the European Union by means of:
1. resolving policy issues concerning the membership of the Republic of Bulgaria in the European Union;
 2. adopting and updating the annual Programme for the participation by the Republic of Bulgaria in the process of decision-making of the European Union;
 3. approving the positions of the Republic of Bulgaria at regular or informal meetings of the European Council, the Council of the European Union or other European Union institutions, and approving the mandate for their presentation;
 4. approving framework positions of the Republic of Bulgaria on the matters discussed by the European Council, by the Council of the European Union and its auxiliary bodies, and in the Comitology process;
 5. adopting the positions of the Republic of Bulgaria on ensuring the protection of the country's rights and interests before the judicial institutions of the European Union;
 6. adopting decisions on approaching the judicial institutions of the European Union by the Republic of Bulgaria;
 7. adopting strategic documents and operational plans relating to the implementation of the commitments arising from the Republic of Bulgaria's membership in the European Union;
 8. approving draft acts to adopt measures on the national level concerning the implementation and enforcement of European Union acts;
 9. adopting the legislative programme of the Council of Ministers in line with the policies and acts of the European Union.

- (2) The Council of Ministers shall submit the National Assembly information concerning:
 - 1. matters related to the obligations of the Republic of Bulgaria in connection with this country's membership in the European Union;
 - 2. the actions included in the Programme under paragraph 1(2);
- (3) When the Council of Ministers participates in the preparation or the adoption of acts of the European Union, it shall beforehand inform the National Assembly thereof, and shall report to it about its activities.
- (4) The Council of Ministers shall inform the National Assembly of its positions concerning the draft acts of the European Union included in the National Assembly's annual working programme on EU-related matters.

Article 2

- (1) The Minister of Foreign Affairs, jointly with the Minister of European Affairs, shall ensure the execution of a unified national policy of the Republic of Bulgaria on all matters related to the European Union.
- (2) The Minister of Foreign Affairs shall:
 - 1. take part in the General Affairs and External Relations Council meetings and in related meetings, including the format of the ministers for development;
 - 2. manage the Permanent Representation of the Republic of Bulgaria to the European Union;
 - 3. instruct the Permanent Representation of the Republic of Bulgaria to the European Union in relation to this country's participation in the bodies and institutions of the European Union, on the basis of the framework positions agreed upon and approved pursuant to this Ordinance;
 - 4. submit to the Council of Ministers draft positions for the General Affairs and External Relations Council meetings;
 - 5. submit to the Council of Ministers a report on the outcome of the General Affairs and External Relations Council meetings;
 - 6. coordinate the appointment of national experts to the institutions and bodies of the European Union and maintain a database of such appointments;
 - 7. organise and exercise the general coordination of the correspondence between the individual administrations and the European Union's institutions and the Permanent Representation of the Republic of Bulgaria to the European Union.

(3) The Minister of European Affairs shall:

1. exercise the general control of the performance of the coordination mechanism in EU-related matters;
2. coordinate the implementation of the commitments arising from the Republic of Bulgaria's membership in the European Union;
3. coordinate the development of draft operational documents and plans related to the membership of the Republic of Bulgaria in the European Union;
4. coordinate the preparation and coordination of draft framework positions on matters discussed by the European Council, the Council of the European Union and its auxiliary bodies and on the Comitology process, except for matters pertaining to the common foreign and security policy and the European security and defence policy;
5. coordinate the preparation and coordination of draft positions for the meetings of the European Council and the Council of the European Union, except for matters pertaining to the common foreign and security policy and the European security and defence policy;
6. coordinate the activities of the working groups with the Council for European Affairs and the units for European affairs with the ministries and the other administrations;
7. formulate and submit to the Council for European Affairs and the Council of Ministers specific matters related to the Republic of Bulgaria's membership in the European Union;
8. chair the meetings of the Council for European Affairs.

Article 3

- (1) The ministers shall represent the Republic of Bulgaria at the meetings of the Council of the European Union according to their areas of competency. A coordinating minister shall be appointed for each format of the Council, as stipulated in Annex 1.
- (2) In the framework of their respective competency, the ministers shall administer, coordinate and control the operational work concerning the preparation of materials which must be submitted to the European Union's institutions, by way of:
 1. preparing and submitting to the Council of Ministers for approval draft positions for the meetings of the European Council and the Council of the European Union based on the framework positions on the respective matters;

2. submitting to the Council of Ministers for approval, in the cases envisaged by this Ordinance, draft framework positions of the Republic of Bulgaria on the items discussed by the auxiliary bodies of the Council of the European Union and in the framework of the Comitology process;
 3. submitting to the Council of Ministers for approval draft acts to adopt measures on the national level concerning the implementation and enforcement of European Union acts;
 4. organising the development and endorsement of instructions concerning the implementation of the framework positions for the meetings of the auxiliary bodies of the Council of the European Union and of the bodies in the framework of the Comitology process;
 5. proposing to the Council of Ministers draft strategic documents and operational plans concerning the implementation of the commitments arising from the Republic of Bulgaria's membership in the European Union;
 6. nominating the Bulgarian experts who will participate in the meetings of the auxiliary bodies of the Council of the European Union, in the meetings of the bodies of the Comitology process, and of advisory committees and working groups with the institutions of the European Union, by advising the chairperson and the secretariat of the Council for European Affairs and the Ministry of Foreign Affairs thereof;
 7. ensuring the organisation and coordination of EU-related matters in the framework of the respective ministry, including in respect of the European Commission's mechanism for cooperation and assessment.
- (3) The draft acts for adoption of national measures necessary for the implementation and enforcement of European Union acts, which are submitted to the Council of Ministers, shall be accompanied by the opinion of the respective working group pursuant to Article 7 and by a table of conformity pursuant to Annex 2.
- (4) After each meeting of the Council of the European Union, the respective minister shall submit to the Council of Ministers a report on the results of the meeting and the decisions taken.

Article 4

- (1) The permanent representative of the Republic of Bulgaria to the European Union shall manage the overall activities of the Permanent Representation of the Republic of Bulgaria to the European Union, and shall carry out the operational management in respect of all matters that are within the competency of the Committee of Permanent Representatives (COREPER), the permanent representatives' format.

- (2) The permanent representative of the Republic of Bulgaria to the European Union shall approve rules for the coordination of the activities of the Permanent Representation of the Republic of Bulgaria to the European Union pursuant to this Ordinance.
- (3) The permanent representative of the Republic of Bulgaria to the European Union shall ensure the due dispatch to the sectoral ministries and institutions, to the secretariat of the Council for European Affairs and to the Directorate for the European Union of the Ministry of Foreign Affairs of the reports and memoranda written by the staff of the Permanent Representation of the Republic of Bulgaria to the European Union concerning matters within the competency of the Council for European Affairs or the results of sessions and meetings within European Union institutions or their auxiliary bodies, and shall organise the inclusion of such documents in the system pursuant to Article 16.
- (4) The deputy permanent representative shall organise and manage the operational activities of the staff of the Permanent Representation of the Republic of Bulgaria to the European Union where such activities are related to the area of competency of COREPER, the deputies' format.

Article 5

- (1) A Council for European Affairs shall be established with the Council of Ministers, with the following composition:
 - 1. Chairperson: the Minister of European Affairs;
 - 2. Members:
 - (a) the permanent representative of the Republic of Bulgaria to the European Union and his deputy;
 - (b) the deputy ministers in charge of European affairs and/or the members of the political cabinets of the Prime Minister, the deputy prime ministers and the ministers;
 - (c) the director of the Directorate for Coordination of EU-related matters and International Financial Institutions with the administration of the Council of Ministers;
 - (d) the head of the Department for Coordination of EU-related matters and International Financial Institutions with the administration of the Council of Ministers;
 - (e) the director of the Directorate for the European Union of the Ministry of Foreign Affairs;
 - (f) the head of the Department for Coordination within the Directorate for the European Union of the Ministry of Foreign Affairs;
 - (g) the political director of the Ministry of Foreign Affairs;
 - (h) the heads of the working groups under Article 7.

- (2) The chairperson of the Committee for European Affairs of the National Assembly and a representative of the President of the Republic of Bulgaria shall be invited to the meetings of the Council for European Affairs.
- (3) The members of the Council for European Affairs shall be determined by order of the Prime Minister on a proposal by the Minister of European Affairs; the composition of the Council shall be based on the representatives nominated by the respective minister of head of administration.
- (4) The Directorate for Coordination of EU-related matters and International Financial Institutions with the administration of the Council of Ministers shall act as secretariat of the Council for European Affairs.

Article 6

- (1) The Council for European Affairs shall:
 1. approve draft framework positions of the Republic of Bulgaria on matters discussed by the European Council, the Council of the European Union and its auxiliary bodies, as well as in the Comitology process, except for framework positions adopted in the meaning of Article 11, paragraph 1, item 2;
 2. approve draft documents amending framework positions;
 3. approve the draft positions for the informal meetings of the European Council and the Council of the European Union prior to their consideration by the Council of Ministers;
 4. approve the draft positions for the meetings of the European Council and the Council of the European Union prior to their consideration by the Council of Ministers;
 5. approve the draft Programme pursuant to Article 1, paragraph 1, item 2;
 6. approve the list of the contact persons concerning the framework positions of the Republic of Bulgaria on matters discussed by the European Council, the Council of the European Union and its auxiliary bodies, and in the Comitology process;
 7. resolve coordination matters which are of the competency of more than one ministry, and on which no agreement has been reached in the respective working group under Article 7;
 8. analyse the information concerning the implementation of the commitments arising from the Republic of Bulgaria's membership in the European Union, and propose to the working groups under Article 7 to adopt priority actions in this respect;

9. consider matters related to the European Commission's mechanism for cooperation and assessment;
 10. set up ad hoc working groups for specific purposes.
- (2) The Council for European Affairs shall not discuss matters pertaining to the common foreign and security policy and the European security and defence policy.
 - (3) The regular meetings of the Council for European Affairs shall be held at least once a week. A regular meeting of the Council for European Affairs may be cancelled by decision of its chairperson.
 - (4) The Council for European Affairs shall hold extraordinary meetings if required or by decision of its chairperson.
 - (5) The secretariat of the Council for European Affairs shall advise the members of the Council of the date and time of the extraordinary meetings in writing and by electronic way.
 - (6) The members of the Council for European Affairs may propose to the chairperson of the council to convene a meeting to discuss specific matters. Such proposals shall be submitted in writing.
 - (7) Any additional items for discussion may be introduced only by the end of the working day preceding the meeting. Proposals for introduction of additional items of the agenda shall be submitted in writing, including by electronic way, by the members to the chairperson and the secretariat of the Council for European Affairs.
 - (8) In the cases under paragraph 7, the secretariat of the Council for European Affairs shall immediately notify the members of the Council of any additional items on the agenda.
 - (9) When coordinating materials within the Council for European Affairs, including in a written procedure, the rule of the silent consent shall apply, and a deadline and contact person for submitting opinions and comments shall be defined in every individual case.
 - (10) By decision of the chairperson of the Council for European Affairs, representatives of the civil society, including representatives of the Economic and Social Council, may be invited to the Council meetings.
 - (11) The agenda for the regular meetings of the Council for European Affairs shall be composed of two parts:
 1. part A: draft documents in respect of which no comments have been submitted, and which do not necessitate a discussion; and
 2. part B: draft documents necessitating discussion.

- (12) Official records shall be made of the meetings of the Council for European Affairs. The minutes shall be signed by the chairperson and by the director of the Directorate for Coordination of EU-related Matters and International Financial Institutions of the Council of Ministers. The Secretariat of the Council shall send a copy of the minutes of the meetings to the members of the Council for European Affairs, to the chairperson of the Committee for European Affairs of the National Assembly, and to the representative of the President of the Republic of Bulgaria.
- (13) The documents approved by the Council for European Affairs shall be considered to have passed the preliminary coordination pursuant to Article 58 of the Rules for the Structure of the Council of Ministers and its Administration prior to their introduction in the Council of Ministers for consideration.

Article 7

- (1) Working groups shall be established with the Council for European Affairs per the respective leading institutions, pursuant to Annex 3.
- (2) The members of the working groups shall be proposed by the interested ministers or heads of institution or administration, and shall be determined by order of the leading minister or of the head of the leading institution or administration.
- (3) By decision of the Council for European Affairs, ad hoc working groups may also be set up for the purpose of dealing with specific tasks; the leading institution shall be indicated in such cases.
- (4) The working groups shall consist of a head, deputy head(s), secretary and members.
- (5) In the working groups, experts from the Directorate for Coordination of EU-related Matters and International Financial Institutions with the administration of the Council of Ministers, experts from the Directorate for the European Union of the Ministry of Foreign Affairs, lawyers, legal advisers and experts from the specialised administration of the interested institutions having theoretical and practical knowledge in the respective area and a command of at least one of the working languages of the European Union shall be included on a mandatory basis.

Article 8

- (1) In the performance of their functions, the heads of the working groups shall convene regular and extraordinary meetings, to which they shall invite representatives of the civil society, including representatives of the Economic and Social Council.
- (2) The head of the working group may establish a sub-group in a specific area(s) or topic(s).
- (3) The agenda of the meeting of the working groups and the materials for the meeting shall be circulated by electronic way to the members of the working group.

- (4) The members of the working group shall send their opinions and proposals to the head of the working group by electronic way.
- (5) At the meeting, the head of the working group shall report on the opinions and proposals received; the working group shall use them as a basis for formulating a common opinion.

Article 9

The working group shall appoint a secretary from among its members, who shall have the following tasks:

1. to prepare the meetings, and to send invitations and the materials for the meetings to all the members of the working group;
2. to prepare the minutes of the meetings which shall be sent to the members of the working group, to the sectoral deputy minister or the deputy chair of the state agency or commission, and to the secretariat of the Council for European Affairs;
3. to perform such tasks as are assigned by the head of the working group.

Article 10

- (1) The working groups under Article 7 shall assist the leading institution, which shall:
 1. analyse the policies and follow regularly the amendments to the legislation of the European Union in the respective area;
 2. prepare proposals for measures and action, which shall be included in the Programme referred to in Article 1, paragraph 1, point 2;
 3. prepare draft framework positions on the matters discussed by the European Council, the Council of the European Union and its auxiliary bodies, and in the Comitology process;
 4. organise the performance of an impact assessment in the preparation of framework positions;
 5. prepare draft positions for the meetings of the European Council and the Council of the European Union, including for their informal meetings, and submit them in the Council for European Affairs;
 6. prepare instructions for the implementation of the framework positions;
 7. discuss draft acts for the adoption of national measures necessary for the implementation and enforcement of European Union acts, and issue opinions on them and on the table of conformity;

8. make an analysis of the obligations arising from the Republic of Bulgaria's membership in the European Union, and prepare materials, documents and opinions;
 9. prepare and submit the necessary information in the event of a procedure launched under Article 226 or Article 227 of the Treaty establishing the European Community;
 10. analyse and propose to the Council for European Affairs measures concerning the implementation of the priorities and commitments arising from the Republic of Bulgaria's membership in the European Union;
 11. coordinate the texts of the European Union acts which are translated into the Bulgarian language;
 12. perform the notification of acts of the Bulgarian domestic legislation which adopt national measures necessary for the implementation and enforcement of European Union acts;
- (2) Where the documents under paragraph 1 must be sent to the bodies or institutions of the European Union, they shall be prepared in the Bulgarian language and in one of the working languages of the European Union.
 - (3) The heads of the working groups shall sign the prepared documents and shall be responsible for the timely preparation of accurate information of quality.
 - (4) The working groups shall report to the Council for European Affairs on their activities.
 - (5) The heads of the working groups may assign to the members of the working groups the implementation of concrete tasks in the framework of the competency of the institution the respective member represents.

Article 11

- (1) The drafting and approval of framework positions shall be carried out in the following order:
 1. the framework positions shall be prepared in the format given in Annex 4 in respect of each individual point discussed by the European Council, the Council of the European Union and its auxiliary bodies, and in the Comitology process; the draft framework positions shall be introduced for discussion and approval in the Council for European Affairs, except for those mentioned in item 2;
 2. where the framework position concerns matters on which agreement has been reached in the respective working group and/or which are only in the area of competency of the leading sectoral institution, the framework position shall be approved by the respective sectoral deputy minister or the deputy chair of the state agency or commission; the draft framework position shall be sent to the

Directorate for Coordination of EU-related matters and International Financial Institutions with the administration of the Council of Ministers and to the Directorate for the European Union of the Ministry of Foreign Affairs, which may make comments or proposals, including concerning the introduction of the draft framework position in the Council for European Affairs for consideration;

3. the finalised text of the approved framework position under paragraph 2 shall be sent by the head of the respective working group under Article 7 to the secretariat for reference, and through the secretariat to the members of the Council for European Affairs;
 4. where an agreement on a draft framework position of the Council for European Affairs is impossible to reach, or where the draft framework position concerns priority issues of national importance, the draft shall be tabled by the sectoral minister or by the deputy prime minister in the Council of Ministers for consideration.
- (2) If there is need to update the framework position, the draft amending the framework position shall be prepared and approved in the order and under the terms of paragraph 1. The draft amending the framework position shall be approved by the body that has approved the framework position, which is subject of updating.
 - (3) The draft positions for the regular and the informal meetings of the European Council and the Council of the European Union shall be introduced in the Council for European Affairs for consideration before they are submitted to the Council of Ministers.

Article 12

- (1) At the meetings of the auxiliary bodies of the Council of the European Union and the meetings in the Comitology process, instructions are prepared in line with the adopted framework positions.
- (2) Except for COREPER meetings, the instructions shall be prepared, approved and circulated under the following terms and in the following order:
 1. the leading institution under Annex 3, assisted by the working groups under Article 7, shall prepare the instructions;
 2. the instructions shall be approved by the head of the working group under Article 7 and/or the sectoral deputy minister, deputy chair of state agency or commission respectively;
 3. the instructions shall be sent for execution to the representatives of the Republic of Bulgaria taking part in the work of the auxiliary bodies of the Council of the European Union or in a meeting in the Comitology process, with a copy to the Directorate for Coordination of EU-related matters and International Financial Institutions with the administration of the Council of Ministers and to the Directorate for the European Union of the Ministry of Foreign Affairs;

4. on the basis of information received from the Permanent Representation of the Republic of Bulgaria to the European Union, the embassies of the Republic of Bulgaria to the member states of the European Union, or of the embassies of the member states of the European Union to the Republic of Bulgaria, the Directorate for the European Union of the Ministry of Foreign Affairs may make amendments to the instructions jointly with the leading institution, pursuant to Annex 3, or with the head of the working group pursuant to Article 7; the finalised text of the instructions as amended or supplemented shall be sent by the leading institution or by the head of the working group under Article 7 to all the interested parties, pursuant to item 3.
- (3) Concerning COREPER meetings, the instructions shall be prepared, approved and sent under the following terms and in the following order:
1. the sectoral diplomats at the Permanent Representation of the Republic of Bulgaria to the European Union shall prepare preliminary communications on the respective items of the agenda and shall send them to the leading institutions under Annex 3, to the Directorate for Coordination of EU-related matters and International Financial Institutions with the administration of the Council of Ministers and to the Directorate for the European Union of the Ministry of Foreign Affairs; the preliminary communications shall include a recommendation on instruction elements based on the information available to the respective diplomat;
 2. immediately following the receipt of the agenda for the respective COREPER meeting, the coordinators at the Permanent Representation of the Republic of Bulgaria to the European Union shall send it to the secretariat of the Council for European Affairs and the Directorate for the European Union of the Ministry of Foreign Affairs;
 3. the secretariat of the Council for European Affairs shall send the agenda to the members of the Council for European Affairs;
 4. the leading institutions under Annex 3, assisted by the working groups under Article 7, shall duly prepare the instructions and shall send them to the secretariat of the Council for European Affairs and to the Directorate for the European Union of the Ministry of Foreign Affairs;
 5. the Directorate for the European Union of the Ministry of Foreign Affairs shall verify whether the instructions are in line with the general policy of the Republic of Bulgaria in the European Union or with the framework position; the verification shall also take into account the information received from the Permanent Representation of the Republic of Bulgaria to the European Union, the embassies of the Republic of Bulgaria to the member states of the European Union or the embassies of the member states of the European Union to the Republic of Bulgaria;

6. if no discrepancies are found, the instructions concerning the respective item of the agenda shall be approved by the Directorate for the European Union of the Ministry of Foreign Affairs, and shall be forwarded to the Permanent Representation of the Republic of Bulgaria to the European Union;
 7. in the event of discrepancies, the Directorate for the European Union of the Ministry of Foreign Affairs, jointly with the leading institution or with the head of the working group under Article 7, shall take actions for amendment and/or supplement of the instructions, of which it shall notify the permanent representative of the Republic of Bulgaria to the European Union or his deputy, depending on the area of competency, and the secretariat of the Council for European Affairs;
 8. in the event described in item 7, the finalised text of the instructions shall be sent by the Directorate for the European Union of the Ministry of Foreign Affairs to the Permanent Representation, with a copy to the head of the working group under Article 7 and to the secretariat of the Council for European Affairs;
 9. the instructions shall be reported according to competency by the respective sectoral diplomats with the permanent representative of the Republic of Bulgaria to the European Union or with his deputy; where the instructions envisage no specific action for the attainment of the respective objectives, a written report shall be prepared which shall include proposals for such action based on topical information received by the respective diplomat;
 10. the secretariat of the Council for European Affairs shall inform the Council's chairperson of instructions on agenda items of the respective COREPER meeting which had not been received on time; the chairperson of the Council for European Affairs shall request the respective instructions from the sectoral ministry or institution.
- (4) In exceptional cases demanding urgent action, instructions under paragraphs 2 and 3 may be issued orally. The person issuing the instructions shall as soon as possible submit them in writing to the Directorate for the European Union of the Ministry of Foreign Affairs and the Directorate for Coordination of EU-related matters and International Financial Institutions with the administration of the Council of Ministers. The receiving of oral instructions shall obligatorily be noted down in the report on the outcome of the respective meeting.
 - (5) The minister of European affairs shall pronounce himself in the absence of an agreement on instructions concerning items within the competency of more than one institution, if the respective procedure cannot be followed.
 - (6) The terms and order of the organisation of the reporting activities on the instructions under paragraphs 2 and 3 at the Permanent Representation of the Republic of Bulgaria to the European Union shall be regulated by Internal Rules pursuant to Article 4, paragraph 2.

Article 13

Concerning the White and Green Papers of the European Commission and the meetings of the working groups and committees with the European Commission, the leading institution shall, pursuant to Annex 3 and using the assistance of the working groups under Article 7, prepare framework positions and instructions on the matter under discussion in the terms and conditions established by virtue of Articles 11 and 12.

Article 14

- (1) Depending on their competency, experts and representatives of the Bulgarian public administration shall participate in all the meetings of the auxiliary bodies of the Council of the European Union and in the meetings of the bodies in the Comitology process.
- (2) The experts and representatives under paragraph 1 shall be nominated by the sectoral ministers or by the heads of the respective leading institutions.
- (3) During the meetings held pursuant to paragraph 1, the expert shall present this country's framework position on the item under consideration, in line with the instructions received under the terms and conditions stipulated in Article 12.

Article 15

- (1) After the meeting is over, a report on the outcome of the meeting shall be prepared, as follows:
 1. the reports of the participants from the Permanent Representation of the Republic of Bulgaria to the European Union shall be prepared as quickly as possible, but no later than one day following the respective meeting;
 2. the reports of the participants from the capital city shall be prepared as quickly as possible, but no later than three days following the respective meeting.
- (2) The report shall comprise a brief summary, information about the achieved results, conclusions of the meeting and an analytical part containing recommendations concerning the forthcoming meetings on the respective items.
- (3) The participant in the meeting shall send the report to the head of the respective working group under Article 7, the head or deputy head(s) of the respective leading institution, to the Directorate for Coordination of EU-related matters and International Financial Institutions with the administration of the Council of Ministers and the Directorate for the European Union of the Ministry of Foreign Affairs, and to the Permanent Representation of the Republic of Bulgaria to the European Union.
- (4) The reports shall be introduced in the information system under Article 16 by their author or by a participant in the same meeting.

Article 16

- (1) A computerized information system shall be put in place to store materials and documents received from the European Union or presented before the Union's bodies and institutions. It shall contain no classified information.
- (2) The information system shall be used for automated sending and for storage of the materials received from the General Secretariat of the Council of the European Union.
- (3) The heads of the working groups under Article 7 shall ensure the inclusion of the finalised texts of the materials under Articles 11 and 15 in the information system.

Article 17

The coordination of the materials in the order of this Ordinance and the convening of meetings of the working groups under Article 7 may also be carried out by electronic way; as regards materials of particular importance or urgency, their sending by electronic way shall be confirmed by telephone.

Article 18

- (1) The Directorate for Coordination of EU-related matters and International Financial Institutions with the administration of the Council of Ministers shall carry out the coordination of the pre-trial phase in the event of a procedure launched under Articles 226 or 227 of the Treaty establishing the European Community.
- (2) The leading institutions shall, pursuant to Annex 3 and with the assistance of the working groups, prepare the draft positions and the documents necessary for the pre-trial phase of the procedures under Articles 226 or 227 of the Treaty establishing the European Community.
- (3) The draft positions shall be prepared and approved under the following terms and in the following order:
 1. The Permanent Representation of the Republic of Bulgaria to the European Union shall send the official letter and documents of the European Commission concerning the pre-trial phase of the procedures under paragraph 1 to the Directorate for Coordination of EU-related matters and International Financial Institutions and the Directorate for Procedural Representation before the Judicial Institutions of the European Union with the administration of the Council of Ministers, the Directorate for the European Union and the Legal Directorate of the Ministry of Foreign Affairs, and to the competent territorial directorate of the Ministry of Foreign Affairs, pursuant to Article 31 of the Rules for the Structure of the Ministry of Foreign Affairs in the event of a procedure launched under Article 227 of the Treaty establishing the European Community;
 2. The Directorate for Coordination of EU-related matters and International Financial Institutions with the administration of the Council of Ministers shall issue instructions to the respective working group concerning the deadline for

preparation of the reply; the draft reply shall contain a substantiated opinion on the official statement of the European Commission, a deadline and the measures required to meet the obligation (provided that it has not been met in the meantime), as well as any other information requested by the European Commission;

3. the draft reply shall be coordinated with the members of the Council for European Affairs via the secretariat of the Council;
 4. in the absence of comments submitted within the deadline, the finalised text of the reply shall be approved by the respective deputy minister or by the deputy head of the state agency or commission in charge of European affairs, and shall be sent to the secretariat of the Council for European Affairs with a copy to the Directorate for Procedural Representation before the Judicial Institutions of the European Union with the administration of the Council of Ministers;
 5. in the event of comments of substance, the draft reply shall be introduced for discussion and approval in the Council for European Affairs; the finalised text of the reply shall be prepared by the introducer, and shall be sent to the secretariat of the Council for European Affairs;
 6. the secretariat of the Council for European Affairs shall send the finalised text of the reply to the Directorate for Procedural Representation before the Judicial Institutions of the European Union with the administration of the Council of Ministers and to the Directorate for the European Union of the Ministry of Foreign Affairs of the Ministry of Foreign Affairs which shall forward it to the Permanent Representation of the Republic of Bulgaria to the European Union;
 7. The Permanent Representation of the Republic of Bulgaria to the European Union shall send the reply of the Bulgarian side to the European Commission.
- (4) Where no agreement can be reached on a draft reply in the framework of the coordinated procedure within the Council for European Affairs, or where the draft reply concerns priority issues of national importance, it shall be introduced by the sectoral minister or the deputy prime minister in the Council of Ministers for consideration, enclosed with a substantiated report.
- (5) Where a draft law is introduced in the National Assembly concerning the adoption of national measures for the implementation and enforcement of European Union acts – the subject of a request received from the European Commission – the approved reply shall be also sent to the chair of the Committee for European Affairs of the National Assembly.

Article 19

- (1) The Directorate for Procedural Representation before the Judicial Institutions of the European Union with the administration of the Council of Ministers shall organise the

procedural representation and legal protection of the Republic of Bulgaria before the judicial institutions of the European Union by way of:

1. organising the preparation of a position on each case to which the Republic of Bulgaria is a party or in which this country has a legal interest;
 2. preparing the finalised text of a position and organising its presentation before the judicial authorities of the European Union;
 3. acting as contact point concerning the official notifications of the Secretary of the European Court of Justice and the Secretary of the European Court of First Instance; the official notifications shall also be sent to the Supreme Judicial Council;
 4. keeping a register of the cases with the judicial institutions of the European Union to which the Republic of Bulgaria is a party;
 5. studying and analysing the practice of the judicial institutions of the European Union and proposing the adoption of concrete measures;
 6. monitoring, jointly with the secretariat of the Council for European Affairs, the implementation of the respective measures concerning the implementation of the decisions of the judicial institutions of the European Union on the cases to which the Republic of Bulgaria is a party, which have entered into force;
 7. submitting information concerning the cases to which the Republic of Bulgaria is a party.
- (2) The Directorate for Procedural Representation before the Judicial Institutions of the European Union with the administration of the Council of Ministers shall assist the activities of the Council pursuant to Article 21, paragraph 1.

Article 20

- (1) The procedural representation of the Republic of Bulgaria before the judicial institutions of the European Union shall be exercised by governmental procedural agents who are members of the staff of the Directorate for Procedural Representation before the Judicial Institutions of the European Union with the administration of the Council of Ministers.
- (2) The persons who may be appointed to serve as governmental procedural agents shall have:
 1. university degree in law, legal qualifications and the necessary professional skills;
 2. written and oral skills in at least one of the working languages of the European Union.

Article 21

- (1) A Council for Legal Protection with the Council of Ministers shall be put in place to assist the representation of the Republic of Bulgaria before the judicial institutions of the European Union.
- (2) The Council for Legal Protection shall have advisory functions concerning the need for approaching the judicial institutions of the European Union, the positions submitted by the Republic of Bulgaria before these institutions, and the defence strategy.
- (3) A deputy minister of justice shall be the chair of the Council for Legal Protection.
- (4) The members of the Council for Legal Protection shall be eminent representatives of the academic community and legal practice. The members of the Council shall be appointed by the Prime Minister.
- (5) The Prime Minister of the Republic of Bulgaria may assign to the Council for Legal Protection the implementation of concrete tasks.
- (6) The ministers and the Directorate for Procedural Representation before the Judicial Institutions of the European Union with the administration of the Council of Ministers may approach the Council for Legal Protection with a request for an opinion. The request for an opinion shall include an advisable deadline for the opinion to be issued.
- (7) The opinions of the Council for Legal Protection shall be sent to the subject on whose request they have been prepared, and in the cases under paragraph 6, they shall also be sent to the Directorate for Procedural Representation before the Judicial Institutions of the European Union with the administration of the Council of Ministers.

Article 22

The procedure concerning the preparation and approval of the position of the Republic of Bulgaria before the judicial institutions of the European Union shall start upon a case being brought by them or on a proposal by the interested ministers.

Article 23

- (1) Immediately after a judicial institution of the European Union has brought a case, the Directorate for Procedural Representation before the Judicial Institutions of the European Union with the administration of the Council of Ministers shall send all the available documents to the interested administration, including instructions concerning the deadline for the preparation of a draft position. The draft proposal shall contain legal and factual arguments.
- (2) The documents under paragraph 1 shall be copied to the Directorate for the European Union and the Legal Directorate of the Ministry of Foreign Affairs, as well as to the competent territorial directorate of the Ministry of Foreign Affairs pursuant to Article 31 of the Rules for the Structure of the Ministry of Foreign Affairs in the event of a procedure under Article 227 of the Treaty establishing the European Community.

Article 24

Where a judicial institution of the European Union must be approached by the Republic of Bulgaria, the respective minister shall organise the preparation of a substantiated report and a draft position, including all the necessary supporting documents.

Article 25

- (1) The draft positions pursuant to Articles 23 and 24 shall be agreed beforehand with the Directorate for Coordination of EU-related matters and International Financial Institutions and the Directorate for Procedural Representation before the Judicial Institutions of the European Union and, where necessary, with other directorates with the specialised administration of the Council of Ministers, with the Directorate for the European Union of the Ministry of Foreign Affairs and the Legal Directorate of the Ministry of Foreign Affairs, with the ministers and the interested administrations, upon which they are submitted to the Council of Ministers for approval. At the discretion of the introducer, the draft positions may be accompanied by an opinion issued by the Council for Legal Protection.
- (2) In the event of a procedure under Article 227 of the Treaty establishing the European Community, the draft positions pursuant to Articles 23 and 24 shall also be coordinated with the competent territorial directorate of the Ministry of Foreign Affairs in line with Article 31 of the Rules for the Structure of the Ministry of Foreign Affairs.

Article 26

The draft positions to be submitted before the European Court of Justice in the event of a procedure under Articles 226 or 227 of the Treaty establishing the European Community shall be agreed in advance with the members of the Council for European Affairs, via the secretariat of the Council.

Article 27

Following the approval of the position by the Council of Ministers, it shall be submitted to the judicial institution of the European Union by a governmental procedural agent.

Article 28

The Directorate for Coordination of EU-related matters and International Financial Institutions with the administration of the Council of Ministers shall:

1. extend expert assistance for the activities of the Council of Ministers concerning the implementation of the Republic of Bulgaria's coordinated policy vis-à-vis the European Union;
2. formulate proposals for inclusion in the legislative programme of the Council of Ministers of draft acts, in line with the policies and acts of the European Union;

3. prepare opinions on the draft decisions of the Council for European Affairs and on the draft acts of the Council of Ministers and of the ministers in order to ensure their compliance with the European Union's policies and the *acquis communautaire*;
4. coordinate, jointly with the Ministry of Foreign Affairs, the activities relating to the preparations for the participation by the Prime Minister of the Republic of Bulgaria in meetings of the European Council;
5. monitor and coordinate the process of preparation and approval of the draft framework positions on the matters discussed by the European Council, the Council of the European Union and its auxiliary bodies, in the Comitology process and the draft framework positions on the White and Green Papers of the European Commission, except for matters pertaining to the common foreign and security policy or the European security and defence policy;
6. monitor and coordinate the process of preparation and approval of the draft positions for the meetings of the European Council and the Council of the European Union, including the informal meetings;
7. coordinate instructions concerning the meetings of the auxiliary bodies of the Council of the European Union and of the bodies in the Comitology process;
8. analyse the policies of the European Union and monitor the implementation of the Republic of Bulgaria's commitments to the European Union;
9. coordinate the notification of the Bulgarian legislative acts which introduce measures on the national level, such as are necessary for the implementation and enforcement of the directives of the European Communities;
10. exercise monitoring of the adoption of acts introducing measures on the national level that are necessary for the implementation and enforcement of European Union acts within the deadline indicated by the respective European Union institutions;
11. coordinate the pre-trial phase of the procedures mentioned in Articles 226 and 227 of the Treaty establishing the European Community;
12. administer the information system under Article 16;
13. provide organisational and technical assistance to the Council for European Affairs;
14. act as National Contact Point with the Technical Assistance Information Exchange Office (TAIEX) of the European Commission in respect of the administration of the executive power in the Republic of Bulgaria'

15. represent a national SOLVIT centre in the framework of the European on-line problem-solving network in which the Member States work together to solve problems caused by the misapplication of Internal Market law by public authorities.

Article 29

- (1) The Directorate for the European Union of the Ministry of Foreign Affairs shall assist in the implementation of a unified coordinated policy by the Republic of Bulgaria on European affairs, except for those related to the common foreign and security policy or the European security and defence policy by performing the following functions:
 1. coordinate, jointly with the Directorate for Coordination of EU-related matters and International Financial Institutions with the administration of the Council of Ministers, the activities relating to the participation by the Republic of Bulgaria in the European Council meetings;
 2. submit to the Permanent Representation of the Republic of Bulgaria to the European Union the adopted framework positions concerning this country's participation in the European Council, the General Affairs and External Relations Council in the General Affairs part, and in the other formats of the Council of the European Union;
 3. coordinate matters and provide expert assistance in connection with the participation by the Republic of Bulgaria in the work of the Council of the European Union;
 4. coordinate matters and send instructions to the Permanent Representation of the Republic of Bulgaria to the European Union concerning Bulgaria's participation in the work of the auxiliary bodies and the bodies in the Comitology process, except for the meetings on matters concerning the common foreign and security policy and the European security and defence policy; ensure the unity of the Republic of Bulgaria's positions in the different European Union institutions;
 5. prepare analyses and opinions with regard to participation in negotiations concerning:
 - (a) the European Union's institutions and institutional matters, the future development of the European Union, amendments of the establishing Treaties, including discussions on the Constitutional Treaty;
 - (b) the enlargement policy of the European Union and negotiations with the candidate countries;
 - (c) legal aspects of the membership in the European Union;
 - (d) relations with the European Parliament;

- (e) European Union strategies;
 - (f) the European Union's sectoral and newly formulated policies, and ensuring national policy unity on the respective matters;
 - (g) the external dimensions of the European Union policies;
 - (h) the financial framework of the European Union's budget and other important financial issues, including political monitoring of the absorption of the funds allocated by the European Union;
6. monitor the process of preparation and approval of the draft framework positions on matters discussed by the European Council, the Council of the European Union and its auxiliary bodies and in the Comitology process, except for matters pertaining to the common foreign and security policy and the European security and defence policy;
 7. coordinate bilateral relations with the member states of the European Union on European Union issues;
 8. participate in the foreign economic policy and coordinate the participation by the Republic of Bulgaria in international economic organisations, such as the Organisation for Economic Cooperation and Development, the World Trade Organisation, the European Economic Area, etc., jointly with the leading ministries and institutions;
 9. assist the minister of foreign affairs in the discharge of his functions pursuant to Article 2, paragraph 2, item 6, jointly with the competent directorates of the Ministry of Foreign Affairs.
- (2) The Directorate for the European Union shall, if necessary, provide the members and the secretariat of the Council for European Affairs with information received from the Permanent Representation of the Republic of Bulgaria to the European Union, the embassies of the Republic of Bulgaria to the member states of the European Union or from the embassies of the member states of the European Union to the Republic of Bulgaria in connection with the preparation of materials under Articles 11, 12 and 13.

Article 30

- (1) Civil servants and persons employed by the central administration of the executive or by institutions, which exercise functions relating to the coordination mechanism of European affairs, may receive additional compensations in cash of up to six of their basic monthly wages per one calendar year.
- (2) The persons mentioned in paragraph 1 shall be awarded by the employing agency / the employer, following consultation with the minister of European affairs, and the secondary budget credit authorising officers – following consultation with the respective primary budget credit authorising officer. Depending on the assessment of the appointing

authority, and in the case of the secondary budget credit authorising officers – in coordination with the respective primary budget credit authorising officer – the funds allocated for additional compensations under paragraph 1, or part of these funds, may be allocated for training.

- (3) The amount of the awards referred to in paragraph 1 shall be determined in accordance with the contribution made by the respective persons towards the execution of concrete measures for implementation of the commitments arising from the Republic of Bulgaria's membership in the European Union.
- (4) The members of the political cabinets referred to in Article 27 *et al* of the Law on the Administration and the Civil Service shall not be entitled to the additional compensations under paragraph 1 pursuant to Article 8 of Ordinance 168/2006 of the Council of Ministers on wages in budget organizations.

Supplementary Provisions

§ 1. In the meaning of this Ordinance:

1. "Annual Programme for the participation by the Republic of Bulgaria in the decision-making process of the European Union" means a document containing priorities and general guidelines on Bulgaria's positions on strategic European Union matters covering a period of one calendar year. The Programme shall be developed in line with the priorities of the respective Presidency of the European Union and of the European Commission's programmes.
2. "Framework position" means a document prepared on all matters (dossiers) discussed by the European Council, the Council of the European Union, its auxiliary bodies, the Comitology process, and the White and Green Papers of the European Commission.
3. "Position" means:
 - (a) document for a regular or informal meeting of the European Council or the Council of the European Union which is conform to the framework positions on the individual items of the agenda for the meeting;
 - (b) document to ensure the protection of the rights and interests of the Republic of Bulgaria before the judicial institutions of the European Union or to be presented before other European Union institutions;
4. "Comitology" means the process of exercising the European Commission's executive powers through committees;
5. "Table of Conformity" means a comparative working document, which reflects the degree of conformity of a draft domestic normative act with an act of the *acquis communautaire*. The table shall be composed in the Bulgarian language, and shall consist of 3 columns, namely:

- (a) column one – full text of the act the European Union;
 - (b) column two – text of a draft or an existing domestic normative act that corresponds to the norm of the act indicated in column one;
 - (c) column three – evaluation of the degree of conformity (full or partial); in the absence of full conformity, a date (deadline) stating the future introduction of the respective European norm in the domestic legislation shall be indicated, together with the type of the act for its implementation.
6. “Notification” means the granting of information concerning the transposition of acts introducing measures on the national level necessary for the implementation and enforcement of the European Union directives.

Transitional and Final Provisions

§ 2. Ordinance 145/2005 of the Council of Ministers on the organisation and coordination of EU-related matters (promulgated in the State Gazette 58/2005; amended and supplemented, the State Gazette Nos. 78, 83, 84 and 96 of 2005, and Nos. 2, 24 and 55 of 2006) shall be repealed.

§ 3. The Rules for the Structure of the Council of Ministers and its Administration adopted by Ordinance No 216/2005 of the Council of Ministers (promulgated in the State Gazette 84/2005; amended, the State Gazette 89/2005; corrected, the State Gazette 92/2005; amended and supplemented, the State Gazette Nos. 19, 48, 54, 55, 71 and 81 of 2006) shall be amended as follows:

- 1. In Article 56, paragraph 2, item 2 the words “concerning the Republic of Bulgaria’s preparation for membership and” shall be deleted.
- 2. In Article 88, paragraph 1 the number “369” shall be replaced with the number “386”.
- 3. a new point 8 shall be inserted in Article 100, paragraph 2:

“8. Directorate for Procedural Representation before the Judicial Institutions of the European Union.”
- 4. Article 102 shall be amended as follows:
 - a) a new item 13 shall be inserted:

“13. prepare opinions concerning the participation in negotiations on matters related to the strategies of the European Union, the European Union’s sectoral and newly formulated policies, and ensuring national policy unity on the respective matters.”
 - b) Former items 13 – 21 shall become items 14 – 22 respectively.
- 5. Article 105 shall be amended as follows:

a) item 3 shall be amended as follows:

“3. prepare opinions on the draft decisions of the Council for European Affairs and on the draft acts of the Council of Ministers and of the ministers in order to ensure their compliance with the European Union’s policies and the *acquis communautaire*;”

b) item 4 shall be repealed;

c) new items 4 – 7 shall be inserted:

“4. coordinate, jointly with the Ministry of Foreign Affairs, the activities relating to the preparations for the participation by the Prime Minister of the Republic of Bulgaria in meetings of the European Council;

5. monitor and coordinate the process of preparation and approval of the draft framework positions on the matters discussed by the European Council, the Council of the European Union and its auxiliary bodies, in the Comitology process and the draft framework positions on the White and Green Papers of the European Commission, except for matters pertaining to the common foreign and security policy or the European security and defence policy;

6. monitor and coordinate the process of preparation and approval of the draft positions for the meetings of the European Council and the Council of the European Union, including the informal meetings;

7. coordinate instructions concerning the meetings of the auxiliary bodies of the Council of the European Union and of the bodies in the Comitology process;”

d) item 8 shall be repealed;

e) former item 5 shall become item 8;

f) former item 6 shall become item 9, and shall be amended as follows:

“9. coordinate the notification of the Bulgarian legislative acts which introduce measures on the national level, such as are necessary for the implementation and enforcement of the directives of the European Communities;”

g) a new item 10 shall be inserted:

“10. exercise monitoring of the adoption of acts introducing measures on the national level that are necessary for the implementation and enforcement of European Union acts within the deadline indicated by the respective European Union institutions;”

h) former item 7 shall become item 11, and shall be amended as follows:

“11. coordinate the pre-trial phase of the procedures mentioned in Articles 226 and 227 of the Treaty establishing the European Community;”

i) former item 9 shall become item 12, and shall be amended as follows:

“12. administer the information system under Article 16 of Ordinance 85/2007 of the Council of Ministers concerning the organisation and coordination of EU-related matters;”

j) former items 10, 11 and 12 shall become items 13, 14 and 15 respectively;

k) former item 13 shall become item 16, and shall be amended as follows:

“16. provide organisational and technical assistance to the Council for European Affairs;”

l) former item 14 shall become item 17, and the words “European integration matters” shall be replaced with “EU-related matters”;

m) item 15 shall be repealed;

n) former item 16 shall become item 18, and the words “with the Directorate General for Enlargement” shall be deleted;

o) a new item 19 shall be inserted:

“19. represent a national SOLVIT centre in the framework of the European on-line problem-solving network in which the Member States work together to solve problems caused by the misapplication of Internal Market law by public authorities;”

p) former items 17 – 24 shall become items 20 – 27 respectively.

6. A new Article 108 shall be inserted:

“Article 108

The Directorate for Procedural Representation before the Judicial Institutions of the European Union shall:

1. organise the exercise of the procedural representation and legal protection of the Republic of Bulgaria before the judicial institutions of the European Union by way of:

a) organising the preparation of a position on each case to which the Republic of Bulgaria is a party or in which this country has a legal interest;

- b) preparing the finalised text of a position and organising its presentation before the judicial authorities of the European Union ;
- c) acting as contact point concerning the official notifications of the Secretary of the European Court of Justice and the Secretary of the European Court of First Instance; the official notifications shall also be sent to the Supreme Judicial Council;
- d) keeping a register of the cases with the judicial institutions of the European Union to which the Republic of Bulgaria is a party;
- e) studying and analysing the practice of the judicial institutions of the European Union and proposing the adoption of concrete measures;
- f) monitoring, jointly with the secretariat of the Council for European Affairs, the implementation of the respective measures concerning the implementation of the decisions of the judicial institutions of the European Union on the cases to which the Republic of Bulgaria is a party, which have entered into force;
- g) submitting information concerning the cases to which the Republic of Bulgaria is a party;

2. assist the Council for Legal Protection in its activities.”

7. Annex 3, paragraph 2 to Article 88 shall be amended as follows:

- a) the number “369” in the title shall be replaced with “386”;
- b) the number “130” in the line “Specialised administration” shall be replaced with “147”;
- c) the number “22” in the line “Directorate for Directorate for Coordination of EU-related matters and International Financial Institutions” shall be replaced with “32”;
- d) a new line shall be inserted after the line “Directorate for Ethnic and Demographic Issues”, as follows:

“Directorate for Procedural Representation before the Judicial Institutions of the European Union.”

§ 4. The Rules for the Structure of the Ministry of Foreign Affairs adopted by Ordinance 34/2006 of the Council of Ministers (promulgated in the State Gazette 19/2006; amended and supplemented, the State Gazette Nos. 48 and 71 of 2006) shall be amended as follows:

1. Article 5, paragraph 2, item 16 shall be amended as follows:

- a) the words “the accession by the Republic of Bulgaria to” shall be replaced with “the Republic of Bulgaria’s participation in the decision-making process of”
 - b) in letter b), the words “the instructions of the Mission of the Republic of Bulgaria to the European Communities” shall be replaced with “the instructions of the Permanent Representation of the Republic of Bulgaria to the European Union”;
 - c) in letter c), the words “the Republic of Bulgaria’s accession to” shall be replaced with “the Republic of Bulgaria’s participation in”, and the word “formations” shall be replaced with “formats”;
 - d) the letter c) shall be deleted;
 - e) the former letters d) and e) shall become letters c) and d) respectively.
- 2. In Article 14, paragraph 3, the number “1766” shall be replaced with “1776”.
 - 3. In Article 26, item 2, the words “European integration” shall be replaced with “European Union”.
 - 4. In Article 31, item 5, the words “European integration” shall be replaced with “European Union”.
 - 5. In Article 34, paragraph 1, item 3, the words “European integration” shall be replaced with “European Union”.
 - 6. Article 28 shall be amended as follows:

“Article 28

- (1) The Directorate for the European Union of the Ministry of Foreign Affairs shall assist in the implementation of a unified coordinated policy by the Republic of Bulgaria on European affairs, by performing the following functions:
 - 1. coordinate, jointly with the Directorate for Coordination of EU-related matters and International Financial Institutions with the administration of the Council of Ministers, the activities relating to the participation by the Republic of Bulgaria in the European Council meetings;
 - 2. submit to the Permanent Representation of the Republic of Bulgaria to the European Union the adopted framework positions concerning this country’s participation in the European Council, the General Affairs and External Relations Council in the General Affairs part, and in the other formats of the Council of the European Union;

3. coordinate matters and provide expert assistance in connection with the participation by the Republic of Bulgaria in the work of the Council of the European Union;
4. coordinate matters and send instructions to the Permanent Representation of the Republic of Bulgaria to the European Union concerning Bulgaria's participation in the work of the auxiliary bodies and the bodies in the Comitology process, except for the meetings on matters concerning the common foreign and security policy and the European security and defence policy; ensure the unity of the Republic of Bulgaria's positions in the different European Union institutions;
5. prepare analyses and opinions with regard to participation in negotiations concerning:
 - a) the European Union's institutions and institutional matters, the future development of the European Union, amendments of the establishing Treaties, including discussions on the Constitutional Treaty;
 - b) the enlargement policy of the European Union and negotiations with the candidate countries;
 - c) legal aspects of the membership in the European Union;
 - d) relations with the European Parliament;
 - e) European Union strategies;
 - f) the European Union's sectoral and newly formulated policies, and ensuring national policy unity on the respective matters;
 - g) the external dimensions of the European Union policies;
 - h) the financial framework of the European Union's budget and other important financial issues, including political monitoring of the absorption of the funds allocated by the European Union;
6. monitor the process of preparation and approval of the draft framework positions on matters discussed by the European Council, the Council of the European Union and its auxiliary bodies and in the Comitology process, except for matters pertaining to the common foreign and security policy and the European security and defence policy;
7. coordinate bilateral relations with the Member States of the European Union on European Union issues;
8. participate in the foreign economic policy and coordinate the participation by the Republic of Bulgaria in international economic organisations, such as the Organisation for Economic Cooperation and Development, the World Trade

Organisation, the European Economic Area, etc., jointly with the leading ministries and institutions;

9. assist the minister of foreign affairs in the discharge of his functions pursuant to Article 2, paragraph 2, item 6, jointly with the competent directorates of the Ministry of Foreign Affairs.

(2) The Directorate for the European Union shall, if necessary, provide the members and the secretariat of the Council for European Affairs with information received from the Permanent Representation of the Republic of Bulgaria to the European Union, the embassies of the Republic of Bulgaria to the Member States of the European Union or from the embassies of the Member States of the European Union to the Republic of Bulgaria in connection with the preparation of framework positions, positions, instructions and opinions.”

7. In Article 36, the word “accession” shall be replaced with “participation”.

8. Annex 1 to Article 14, paragraph 4 shall be amended as follows:

- a) in the title, the number “1766” shall be replaced with “1775”;
- b) the line “Directorate for European integration” 33” shall be replaced with “Directorate for the European Union” “43”.

§ 5. The former working groups set up pursuant to Ordinance 145/2005 of the Council of Ministers, from scope of which certain matters were dropped out or whose leading institution was changed, shall submit to the working groups set up pursuant to this Ordinance detailed written information concerning the state of the implementation of commitments, including updated tables of conformity with the *acquis communautaire*, commitments whose implementation is underway, positions submitted in the process of preparation, and the discussion of new initiatives in the respective area, as well as any other information concerning the commitments made by the new working group.

§ 6. For the implementation of Article 30, the minister of finance shall allocate funds from the national budget for the respective year in the order of Article 34, paragraph 1 of the Law on the National Budget into the budgets of the ministries and institutions, to the extent that these amounts are approved for the respective financial year.

§ 7. The present Ordinance shall enter into force on the day of its promulgation in the State Gazette.

Prime Minister:
Sergei Stanishev

General Secretary of the Council of Ministers:
Sevdalin Mavrov

Annex 1 to Article 3, paragraph 1:

1. General Affairs & External Relations Council – the minister of foreign affairs;
2. Economic and Financial Affairs Council – the minister of finance;
3. Justice and Home Affairs Council – the minister of justice and the minister of the interior;
4. Employment, Social Policy, Health and Consumer Affairs Council – the minister of labour and social policy;
5. Competitiveness Council – the minister of economy and energy;
6. Transport, Telecommunications and Energy Council – the minister of transport and communications;
7. Agriculture and Fisheries Council – the minister of agriculture and forests;
8. Environment Council – the minister of environment and waters;
9. Education, Youth and Culture Council – the minister of education and science

Annex 2 to Article 3, paragraph 3:

Table of conformity with the acquis communautaire

Title and identification number of the respective normative act of the European Union:	Title of the draft domestic normative act (existing normative acts) introducing the requirements:	Degree of conformity (one of the options listed below shall be written down against each text of the European Union act):
Text of the respective normative act (acts) of the European Union, article by article	Corresponding text of the respective draft act /existing domestic legislation	a. full; b. partial; specific mention must be made of the Bulgarian act which will introduce the respective requirement, including the date/deadline; comments stating the reasons for the non-introduction or the partial introduction of the provisions; c. not subject to introduction; comments; d. the Republic of Bulgaria shall not use the proposed option; comments

Annex 3 to Article 7, paragraph 1:

Working Group	Title / leading institution
Working Group No 1	Free movement of goods – Ministry of Economy and Energy
Working Group No 2	Free movement of persons – Ministry of Labour and Social Policy
Working Group No 3	Right to establishment and freedom to provide services – Ministry of Economy and Energy
Working Group No 4	Company law – Ministry of Justice
Working Group No 5	Competition policy – Commission for Protection of Competition
Working Group No 6	State aid – Ministry of Finance
Working Group No 7	Agriculture – Ministry of Agriculture and Forests
Working Group No 8	Fisheries – Ministry of Agriculture and Forests
Working Group No 9	Transport Policy – Ministry of Transport
Working Group No 10	Taxation – Ministry of Finance
Working Group No 11	Economic and monetary union – Ministry of Finance and the Bulgarian National Bank
Working Group No 12	Statistics – National Statistical Institute
Working Group No 13	Social policy and employment – Ministry of Labour and Social Policy
Working Group No 14	Energy – Ministry of Economy and Energy
Working Group No 15	Industrial policy and small and medium-sized undertakings – Ministry of Economy and Energy
Working Group No 16	Education, mutual recognition of professional qualifications, youth, research and development – Ministry of Economy and Energy
Working Group No 17	Telecommunications and information technologies – State Agency for Information Technologies and Communications
Working Group No 18	Culture and audio-visual policy, intellectual and industrial property rights protection – Ministry of Culture
Working Group No 19	Regional policy and coordination of structural instruments – Ministry of Finance
Working Group No 20	Environment – Ministry of Environment and Waters
Working Group No 21	Consumer protection – Ministry of Economy and Energy
Working Group No 22	Health – Ministry of Health
Working Group No 23	Cooperation in the field of justice and home affairs – Ministry of the Interior
Working Group No 24	Customs union – Ministry of Finance
Working Group No 25	Trade and foreign economic policy – Ministry of Economy and Energy
Working Group No 26	International cooperation for development – Ministry of Foreign Affairs
Working Group No 27	Financial control and accounting – Ministry of Finance, the National Audit Office
Working Group No 28	Financial and budgetary provisions – Ministry of Finance
Working Group No 29	Civil protection – Ministry of State Policy for Disasters and Accidents
Working Group No 30	Enlargement of the European Union – Ministry of Foreign Affairs
Working Group No 31	Lisbon Strategy – Ministry of Finance, the Administration of the Council of Ministers

Annex 4 to Article 11, paragraph 1, item 1:

FRAMEWORK POSITION

POSITION CONCERNING: Title of the item on which a decision is made.

INTERINSTITUTIONAL FILE NUMBER: if any; if not, number of the European Commission's proposal.

LEGAL GROUNDS: Article(s) of the Treaties establishing the European Union.

VOTE: unanimous; qualified majority.

DECISION-MAKING PROCEDURE: Joint decision-making, consultation, other.

ADOPTION STAGE: first reading, second reading in the European Parliament / the Council of the European Union, conciliatory committee.

GENERAL INFORMATION:

- Importance of the item discussed for the Republic of Bulgaria
- Brief background information on the matter
- Opinions of the other Member States of the European Union on the matter

IMPACT ASSESSMENT:

- Existing Bulgarian legislative basis and the need for changes in that basis respectively.
 - If the impact assessment of the existing normative basis shows that the act will not bring about changes for the Republic of Bulgaria in the respective field, and that it will not establish a precedent: the Republic of Bulgaria may support the proposal without any further impact assessment.
 - If the impact assessment of the existing normative basis shows that the act will change the law and praxis of the Republic of Bulgaria in the respective field, or that it will establish a precedent: a further impact assessment of the proposed amendments is prepared.
- Anticipated impact on the business.
- Anticipated financial impact, including the need for ensuring additional national financial resources for the implementation of the respective decision in the future.

- Positive and negative expectations from the adoption of the decision of the European Union.

TEXT OF THE FRAMEWORK POSITION:

DATA CONCERNING THE PREPARATION OF THE FRAMEWORK POSITION:

- Name of the drafting institution, name, position, telephone and e-mail of the contact person.
- Name, position, telephone and e-mail of the person in charge of the formulation of the position (head of department, director, etc.).
- Name and position of the person who has approved the position.
- Date of approval of the position.