

IMPROVEMENT OF ADMINISTRATIVE AND TERRITORIAL DIVISION LEGISLATION IN THE LIGHT OF EU MEMBERSHIP OF BULGARIA

*Dani Kanazireva*¹

Summary

The local government is a subject of legal regulation ever since the time of the liberation of the country from the Turkish yoke. The adopted in time legal acts have left traces in the legal culture of the country and have formed certain traditions in the local government. The main mark in the development of the local government legislation is the thrive for autonomy from the central administration. In the years of transition this trend is strongly expressed by a movement to a **decentralized** local government.

Keywords: local government, region, deconcentration, LLSGLA, legislation, division

Introduction

The local government is a subject of legal regulation ever since the time of the liberation of the country from the Turkish yoke. The adopted in time legal acts have left traces in the legal culture of the country and have formed certain traditions in the local government. The main mark in the development of the local government legislation is the thrive for autonomy from the central administration. In the years of transition this trend is strongly expressed by a movement to a decentralized local government. The deconcentration of the authority is the other aspect of the local autonomy and reflects the desire to bring closer the government mechanisms to

¹ PhD. student in Law, Varna Free University “Chernirizets Hrabar”, Bulgaria.

the source of the problems of the citizens in the administrative-territorial units of the country².

It seems paradoxical but the improvement in the quality of the governing originally declared in the local affairs by the adoption of the Law on the Local Self-governing and the Local Administration/LLSGLA/ back in 1991³, latest and slowest is realized exactly there. The attention of the society is concentrated on the centers of the political authority, in the capital, where the state machine is established and where the foreign observers and experts usually “land”. Exactly in the city centers, where the studies of the social opinion are performed, and more precisely, from the position of the people there the conclusions for the successes of the reform are derived.

The local self-government and the local administration are indisputably amongst the critical factors⁴ of the democratic development of the Bulgarian society. The supply and the quality of the public services depend exactly on the government of the local affairs and from there – the subjective sense for the quality of life of the people. The local government is conservative also due to the objective insufficiency of the reformation’s resource and due to the limitation to the access to the instruments of the improvement. The success in live and the career of the people in the young democracies is not associated with realization in the small-populated areas, which are far from the media attention and the central administration⁵.

Territorial limits

The local government takes place in certain territorial limits. The division of the country’s territory pursues primarily managerial, i.e. political purposes⁶ and it changes according to the political conceptions for the architecture of

² A. Żywicka, *Rola samorządu gospodarczego w rozwoju branży turystycznej w Polsce*, Zeszyty Naukowe WSEI, seria Administracja (1/2011), Lublin 2011, str. 153-163.

³ LLSLA, promulgated SG issue 79 from 17th September 1991, with multiple amendments and supplements.

⁴ In the literature, dedicated to the government of the local affairs is accepted without a doubt that on the success of the local government depends in highest level the stability of the political regime as well as the perspectives of the social stability of the society. *Local Governments in the CEE and CIS, 1994. An Anthology of descriptive papers*. Institute for Local Government and Public Service, Budapest, 1995, p. 5.

⁵ See more: S. Ćmiel, *Personal and Managerial Competences in the Organization Management*. [in:] “Human Resources The Main Factor Of Gerional Development”, nr 5 Journal of Social Sciences, Klaipedos Universitetas, Litwa 2011.

⁶ Kozareva H., Slavova, M. *Local self-government and local administration B: Constitution Court*. Jurisprudence 1991 – 1996, COLPI, 1997, p. 392 and successive.

the authority. The history of the administrative and territorial division of Bulgaria is familiar with two-level and three-level systems for distribution of the functions of the local authority. In 1987 there was a reform in the organization of the local authority aimed towards the centralization of the local authority, whereas at the place of the existing up till then counties, by the Law on Establishment of Administrative Units⁷ – regions are differentiated 9 regions. The legal framework of the administrative and territorial division of Bulgaria is seen as a priority by the legislator in the process of democratic changes after 1989. The constitutional and legal fundamentals of the administrative and territorial division are subject of Chapter VII of the Constitution of Republic of Bulgaria/CRB/ from 1991.

The constitutional provisions of the administrative – territorial division were initially specified in the adopted in the same year LLSGLA. LLSGLA provides municipalities and regions as units of the territory of the country and the ability to associate municipalities in order to solve common problems, including through the creating of new administrative territorial units. In the first version of the law the creation of districts is provided, on a voluntarily basis, by neighboring municipalities. Due to the financial instability of the municipalities, those districts were never realized during the operation of the LLSGLA. The relevant provisions were revoked by the supplementations and amendments to the law from 1995. As part of the legislative reform in 1995 a special law on the administrative territorial structure of the country⁸ was adopted, that governs the establishment of administrative-territorial and territory units in Republic of Bulgaria/LATSRB/ and the accomplishment of the administrative territorial modifications⁹. Along with the main administrative-territorial units, the special law had foreseen the establishment of city halls and regions as constituent administrative territorial units within the municipalities.

Territorial units, within the meaning of art 3, ph. 1 of the Law on the populated areas and village settlements, which are distinguished not only by the quantity of people, but also by the absence of local governing entities in some cases¹⁰. The territorial units have subordinate legal

⁷ Law on Establishment of Administrative Units, promulgated in SG ed. 65 from 1987.

⁸ LATSRB, promulgated SG, issue 63 from 14 July 1995., with supplementations and amendments, last issue 66 from July 2013

⁹ Art. 1 of LATSRB.

¹⁰ The international practice places amongst the varieties of territorial units, even those without population, which is the case with four municipalities from the department Mioz in France, preserved due to their historical and cultural significance. Vodenicharov Al., *Legal characteristics of the territorial communities in France*, “Modern Law”, 1996, volume 1, p. 60 and 74.

status¹¹ in regards to the administrative territorial ones, as part of the whole, but this dependency may not lead to interference with their interests due to their natural mutual-contingency. The populated area is characterized by a historically or functionally established territory, constant residents, construction or land and construction borders, social and engineering infrastructure¹². The populated areas are cities and villages which are registered in the Unified Classifier of the administrative and territorial units and the territorial units¹³.

The village settlements are territories out of the construction borders of the populated areas but determined by their own construction borders for carrying out certain activities. Their main difference from the other administrative and territorial units and territorial units is the absence of constant residents¹⁴. The village settlements have gained a particular actuality on the occasion of the launched, by representatives of the executive administration, proposal for the village settlements in the large sea and mountain resorts to be separated into independent municipalities¹⁵. The proposal for their separation from the municipalities, to which they have belonged so far, is motivated by their chances for effective governance and a better target financing.

The review of the legal framework, dedicated to the administrative and territorial structure of the country, shows that the legislator seeks unification of the characteristics of the types of units by characterizing them with a territory, border, population, name, administrative center and subunits. Thus, the district consists of one or more municipalities, the municipality – of one or more populated areas, the City Hall – of one or more neighboring populated areas, the populated area – of cities and villages. The characteristics are specialized for smaller units but in all cases they retain some degree of conditionality.

More explicit, but with less application, is the quantitative criteria size of the population¹⁶. The Unified Classifier for administrative and territorial and territorial units uses the National Register for the populated areas, created by the National Statistics Institute, coordinated with Ministry of Regional Development and Public Works and the Ministry of Agriculture and Forests. The intended function of the Unified Classifier is exactly to structure an

¹¹ Kostov, D. *Administrative and Territorial Structure of Republic of Bulgaria*, Administrative Law Lectures. “Sibi”, 2000, p. 8-9.

¹² Art. 3, ph. 3 of LATS RB, amended 1998

¹³ Unified Classifier of administrative-territorial and territorial units, ratified with Resolution № 565 by the Council of Ministers of 10 August, 1999 г., promulgated SG, issue 73 of 17 August 1999

¹⁴ Art. 3, ph. 4 of LATS RB, amended in 1998

¹⁵ “Albena”, “Golden Sands”, “Sunny Beach”, “Borovets” и “Pamporovo” are examples for better governance of the tourism and the local infrastructure of the village settlements.

¹⁶ Slavova, M. *Local Authority...*, s. XII.

unification in the identification and classification of the administrative-territorial and territorial units by main criteria for the establishment of information systems at national, regional and local level¹⁷. The national, regional and local information systems are a certain condition for the effectiveness of the governance and an absolute prerequisite for introduction of the country to the common information network of the Euro-Atlantic Structures. The information society builds prerequisites for overcoming of the technical and technological limitation, more precisely, through fast adaptation to the possibilities for electronic communication between the governance mechanisms in national, European and international plan.

Region as a administrative-territorial unit in Republic of Bulgaria

The region is the biggest administrative-territorial unit in Republic of Bulgaria. Within the meaning of art.6 of LATS RB, the territory of the country is divided into 28 districts where in this way certain traditions are kept from the oldest preserved division of the country, in the last century, in 28 counties. The capital city has also a status of a region. The Administrative Centers of the regions are endorsed by a Decree of the President of the Republic according to a proposal from Council of Ministers/CM/. Thus, with Decree № 1 of 5 January 1999¹⁸ the borders of the administrative centers of the 28 districts and the municipalities on their territory were asserted. Within the prerogatives of the President of the Republic is also to approve modifications in the borders and the centers of the administrative-territorial units according to a proposal from CM. According to CRB, the municipality is the main administrative-territorial unit. The Constitutional Regulation legalizes the practice in the administrative-territorial division of the country which shows the remarkable resistance of the municipality as a division of the state's territory in historical and legal aspect. This conclusion is actually supranational. The municipality, also in other countries around the world, though with different name and characteristics, appears to be the most stable and self-reproducing element of the state structure.

The municipality covers the included in its territory populated areas and bears the same name as the one which is defined as its administrative center. The provisions of art. 8 and art. 9 of the law are devoted to the

¹⁷ Art. 2, art. 3 and art.. 5 of the Unified Classifier of Administrative-Territorial and Territorial Units.

¹⁸ Promulgated SG, issue 2 from 8 January 1999.

procedures for establishment of a new municipality. Art.8 presents in details the conditions for its establishment and art. 9 provides for the holding of local referendum for a new municipality. Except the hard achievable for Bulgaria today demographic criterion – the presence of over 6,000 inhabitants, for formation of a new municipality amongst the conditions of art. 8 are described economic, financial and infrastructure requirements that impede the application of the provision. Thus for instance, according to par.1 point 5 of art.8, there should be a proven ability for financing of the expenses for the newly-established municipality with own revenues in an amount not less than half of the average amount for the municipalities which is provided in the approved for the relevant year republican budget.

Within the long year's period from the entry into force of LATSRB in 1995, the legislator reaches the same conclusion stated in the made in 1998 amendments to the law. Upon failure to fulfill any of the conditions for the establishment of a new municipality according to art. 8 of LATSRB, due to geographic, economic, communication, historical and other reasons, the CM takes a decision for establishing a new municipality by using some of the possibilities of the procedure to hold a local referendum.

In such cases CM acts in terms of discretion, which the blanks of the amended art. 8 and art. 9 produce for it, upon assessment of the actual impossibility to fulfill the requirements of the general procedure. The discretion of the CM is limited only by the requirement for an affirmative vote of half of the voters in the populated areas, who have participated in the referendum and positive standpoints of the district governor and the minister of the regional development. The impossibility to fulfill the requirements of art.8, due to reasons from geographic, economic, communication, historical or other nature, should be found independently by CM. The blanks are so widely formulated that practically they may include any real or fictitious demand, which, on its own, is a prerequisite for political pressure. It should, moreover, be considered that the assessment of CM for the impossibility to fulfill the legal requirements, formulated in art. 8 of LATSRB, is not subject to any supervision.

The establishment of zones is provided for cities with population of over 300 thousand, or as an exception – in cities with population of over 100 thousand, with a resolution of the municipality council, according to a proposal from the Mayor of the Municipality. The zone in the large cities should have at least 25 thousand residents and a territory with a possibility for zoning according to their applicable general city-development plans, in compliance with permanent natural and geographic and infrastructure criterion¹⁹.

¹⁹ Art. 12, point 2 of LATSRB talks about “permanent natural-geographic and infrastructure dividers”, which applies the established and stabilized in time criterion, especially

In 1995 a special law for zoning of the capital and cities with population of over 300 thousand was adopted – Law on the Territorial Division of the Capital Municipality and the Cities²⁰. Such division, according to a quantitative symptom, however, seems more unnecessary within the context of the European charter for regional development, the application of which is prepared by the adopted in 1999 Law on Regional Development. In the basis of the future independent districts or zones, as it is accepted by the community law to call the units in the three-level administrative-territorial separation, there are economic criteria. Due to this reason, the Bulgarian Parliament²¹ is dealing diligently with the division of the territory of the country in districts of economic planning according to a European example, where the criterion “size of the population” is neither sufficient, nor decisive. Amongst the components of administrative-territorial units, the city-hall is the dominant outside the large cities. Until the amendment of LATSRB²² in July 2003, the city-halls consisted of one or more neighbouring populated areas with population of over 500 people. By LAS²³ to LATSRB from July 2003, in art.16, point 1, it was provided the quantitative criterion for establishment of city-halls to be decreased to 250 people. The legislator was forced to consider the trend of depopulation of the small populated areas with the declining birth rate and the consequences of the immigration process.

As *De lege lata* it was provided for in the People’s Councils Law of 1951, in its version of 1978, the city-halls to be established in populated areas with population of over 100 people. The sad statistics of the decline in the population in the small populated areas, the lack of young people and the high unemployment rates, is not only a factor of demographic nature but also a legal problem of the local governance. Thus with the establishment of smaller size of units in the city-halls prerequisites for a conflict appeared, when exercising the active voters right in those city-halls that does not fit in the provisions of the law. In Transitional and Final provisions/TFP/²⁴ of LAS to LATSRB from July 2003, it was provided that the populated areas

with view of the continuous history of the administrative-territorial division of the large Bulgarian cities.

²⁰ Promulgated SG, issue 66 of 25 July 1995

²¹ In the summer session of the 39th NA in 2003, the committees of the parliament reviewed a project for amendment and supplement of RDA, as well as an entirely new project for Regional Development Act, which actually provided the creation of six districts at plan economic development, in the context of the accession of the country to the EU.

²² Promulgated SG, issue 67 from 29 July 2003.

²³ Law on Amendment and Supplement.

²⁴ Transitional and Final Provisions.

which have lost their status of city-halls, prior to the amendment of law, but have not been closed with a Resolution of the Municipality Council and are not included in the contents of other city-halls, should restore their status of city-hall if at the moment of promulgation of the Decree of the President of Republic of Bulgaria for scheduling of the local elections complies to the requirements for size of the population of up to 250 people. In those populated areas elections for mayors of the city-halls should be held simultaneously with the holding of the local elections in October 2003. The same hypothesis was provided for in regard of two or more populated areas which have been included in the content of one city-hall, which has lost its status of a city-hall but have not been closed or acquired by another administrative-territorial unit.

Yet the amendment to LATSTRP could not have led to exercising the voters' right for the election of a mayor of a city-hall in the populated areas where together, or separately, have population below 250 people. Considered should have been also the voters' rights of the inhabitants of the populated areas who together, or separately, are more than 250 people, if this circumstance has occurred after the date of the promulgation of the Decree of the President of Republic of Bulgaria for scheduling the local elections. Exactly this consequence was rendered into account in the first days of the autumn session 2003 of CM by voting the Law on amendment to LATS RB²⁵. By the only § of the Law on Amendment to LATS RB is restored the status of the city-hall of the populated areas with population of above 250 people.

But in order to achieve the target of the amendment the elections for the local authorities to be hold simultaneously in the entire country, it was necessary, in regard of the restored city-halls, the date towards which this circumstance is reported to be not the date of the promulgation of the Decree of the President of Republic of Bulgaria for scheduling of the local elections but a later date referred in view of the new Law on Amendment of LATS RB – 15 September 2003. The made modification was triggered by the contradiction between LAS to LATS RB and LAS to LLE and could have been avoided only by a later amendment of LATS RB.

This analysis of events that had happened ten years ago forcers a conclusion that in terms of active legal-creative work it is necessary to pay a particular attention to the coordination of the new with the active laws in order to avoid contradictions which in some instances may affect fundamental rights and freedoms of the citizens. The same situation is ahead of the country now, facing European elections in 2014, local and presidential elections to follow.

²⁵ Promulgated ST, issue 80 from 9 September 2003

The Administrative and Territorial Changes

The Administrative and Territorial Changes²⁶ in the structure of the country are realized with some exceptions, under the conditions and procedure of the creation of the administrative-territorial units. According to § 6 of the Additional Provisions of LATSRB, the zoning of the territorial structure units of the central state administration is not a reason to violate the borders of the administrative-territorial units, unless there is an adopted explicit legal provision for that. The intention of the legislator is to avoid complications during the establishment of the local structures of the central state administration especially when they, for political, economic or historic reasons, disagree with the administrative-territorial structure of the country. The administrative and territorial changes should not derogate the independence of the local authority and should not be undertaken when they will dispute or encroach the stability and strength of the Territorial Structure.

An exception to the established division of the territory of the country and the location of the governing structures is allowed only in case of an explicit legal provision. The legislative practice knows a special law²⁷ for administrative and territorial changes in the country since 1991, which law removes from the list of the populated areas the city of Srednogorie and creates new municipalities and populated areas. The law provides the creation of temporary authorities for the governing of the population by places until establishing the new administrative and territorial units and constituting their governing entities. Obviously, this model is not perceived by the legislator in discussing the hypothesis under LATSRB and, subsequently, it was abandoned.

Deviations from the administrative and territorial scheme of the country are familiar in the area of the judiciary, tax administration, military activity, sanitary control, ecology, standardization and certification, consumer protection, health care and others. For example, according to art. 27, ph. 11, point 2 of the Law on Judiciary, the Supreme Judicial Council determines the number, the judicial regions and the seats of the regional, district, military and appellate courts according to a proposal from the Minister of Justice. By a rule, the areas of the regional courts coincide with the administrative and territorial borders of several municipalities, i.e. the population of several municipalities is in the judicial region of the relevant regional court.

²⁶ The administrative and territorial changes include merging, splitting, joining, separation and closure. The contents of the above terms is explained in §1 of the Additional Provisions to LATSRB

²⁷ Law on Administration and Territorial Changes in the Country promulgated SG, issue 69 from 22 August 1991.

The District, on its hand, corresponds to the judicial region of operation of the district court, whereas to 28 districts there are 28 district courts, including Sofia City Court for the city of Sofia, in its status of a district. The exceptions are possible in view of the historically established traditions or due to ergonomic factors. So, in 1998, the Municipality of Lucky, which is located within the territory of District of Smolyan, and relevantly has been serviced until then by the Regional Court of Smolyan and the District Court of Smolyan, is transferred according to the established by the LJ procedure to the Regional Court of Assenovgrad, respectively to the District Court – Plodvid²⁸. The motives for this decision are entirely related to the better transport connection between Lucky and its surrounding villages and Assenovgrad, respectively Plovdiv. The arguments for a better communication, however, are not applicable in regards to the regions of the appellate and supreme courts in the country.

Particular application in the field of the administrative and territorial modifications has the European Charter for Local Self-Government/ECLSG/²⁹. The provision of art.5 of the Charter requires prior consultations for every modification in the local territorial borders with the concerned local communities and the holding of a referendum in the issue where there are legal requirements for this. ECLSG proceeds from the understanding that solely the stable administrative and territorial structure complies with the tasks of the local authority and that the legal framework should foreseen measures for protection of its territorial borders.

According to the initial revision of LLSGLA from 1991, the territory of the municipality consists of the land borders of one or more populated areas which are included in it. The lands of the municipalities, on their hand, are affirmed by the Chairman of the Council of Ministers in compliance with the requirements of the Law on the cadastre and the land property register, while the disputes for the land borders between the municipalities are resolved in court.

In the next two main versions of the law from 1995 and 1999, it turns out that the disputes for land borders between the populated areas/including city-halls as explicitly mentioned in the amendments of the law from 1995/ are resolved by the district court. In the applicable revision of the LLSGLA, after the amendments in August 2003, in the provision of art. 10, ph. 2 is provided again that the disputes for the land borders between the populated

²⁸ Upon modification in the area of operation of the court, the transfer of the data from a bulleting for criminal record, as well as the registers for real estate – notary acts, registry books, etc create particular problems.

²⁹ European Charter for local self-governing, Promulgated SG, issue 1998.

areas are resolved by the court. Notwithstanding the fact of what the jurisdiction of the disputes is, it occurs the issue of how could the populated areas, and even the city-halls, participate in court proceedings upon the absence of own legal capacity. In an eventual dispute for land borders, regardless if the proceeding is before the regional or the district court, the interests of the populated area and the city-hall should be represented by the municipality at the territory of which is the territory of the city-hall, respectively of the populated area. In this hypothesis, the conflict of interests within the scope of the municipality may be hardly avoided and in some cases shall be even deepened. It is possible the interests of the populated areas or of the city-hall to be represented by civil organizations or by separate citizens as far as they should be acknowledged for actively legitimate to protect their rights in the case. The assessment shall be made by the entity leading the process.

The review of the legal framework of the administrative and territorial division of the country shows some doubling between LLSGLA and LATSRB³⁰, which is inevitable at the ration – general – special law and upon the sequence of their adoption. However, such an overlap of the regime provided by the two laws is eliminable in terms of the inevitable legislative modifications, typical for the period of social and political transition. The legislator has applied partially a similar approach for the adoption of LATSRB in 1995 when it provides the repeal of Chapter X of LLSGLA devoted to the administrative and territorial modifications.

According to art. 35, par. 2 of LNA, such review is a prerequisite to avoid disputes in the acts of similar fields of governance of the public relations and also upon every modification that the adoption of a new law inevitably causes. For example, with the adoption of the Law on Cadastre and Property Register/LCPR/³¹ is being clarified the content of the universalized criteria for the territory structure, with the adoption of the Territory Structure Law/TSL/³² is being précised the content of the terms related to the territory structure such as “populated area”, “land” and “section”. Here should be noted that with the last amendments and supplements to the LLSGLA³³ is allowed the incorrect mixture of administrative and territorial units, constituent administrative and territorial units and “parts of them” for the creation of an offices of the municipality administration. The introduction

³⁰ Art. 2 and art. 10 LLSLA and art. 7 LATSRB.

³¹ Promulgated SG, issue 34 from 2000

³² Promulgated SG, issue 1 from 2 January 2001, with amendments, in force since 31 March 2001

³³ Art. 15 of LLSLA, amended with LAS from July 2003

of the term “parts of the administrative and territorial units” in art.15 of LLSGLA contradicts to the legally defined concepts both in the TSL and in the numerous sub-legislative acts, which may lead to a different-spoken practice under the application of the two laws.

It is expected that by the improvement of the legal framework of the local authority redundancies in the main institutions shall be avoided, as well as pragmatization of their application through the system of sub-legislation acts and acts of the local entities will be achieved.

The practice in the enforcement of LATSRB and also the theoretical studies in the doctrine³⁴ require recommendations for the amendment of some legal resolutions, proposed by LATSRB in regards to the regulation of the separate administrative and territorial units. Doubts are raised by the legal resolution for the borders and centers of the districts to be established by a Decree of the President, according to a proposal from the Council of Ministers, and the zoning of the capital and the big cities to be settled by a law.

Actually, in the context of the EU law the consolidation of the divisions of the territory of the countries and the strengthening of the autonomy of the regions should be reflected³⁵. This perspective may justify the comparatively lighter procedure for determining the borders and centers of the districts with a Decree of the President of the Republic, according to a proposal from the Council of Ministers. It should be considered, however, that the different standard interferes and gives base for doubts in the objectivity of the assessment of the relevant entity, or the population for the creation, or the change of the administrative-territorial units or territorial units. The specific hypothesis may be used for political manipulations in a pre-election period and to cause an inconsequent practice and risks for the equity of the citizens in the different populated areas.

Doubts are raised also by the regulation for division of the powers between the local and central entities in the procedure for the creation of new, or modification in the existing administrative and territorial units. In the superimposition of mayors' proposals, municipality Councils' Resolutions and Regional Governments' Approvals to the realization of the direct democracy, through petitions and referendum, it is seen a desire to guarantee the interests of the population in one relatively stable sphere of public relations.

³⁴ Marinska, G., *General Review of the legislation in the field of the local self-governing and local administration*, Initiative Local Self-Governing, p.23-34, 2001.

³⁵ The concept “region” from Latin is etymologically relative to the accepted in the Bulgarian literature language concept of “region”, also from Latin. In the dictionary of the European law region is used to indicate the large administrative and territorial units which generally, and with certain agreements, comply with the Bulgarian districts.

By bearing in mind that life does not offer often conditions for creation of new, or modifications in the existing administrative and territorial units, it could be thought about simplified procedures with enhanced forms for civil control, publicity and transparency, as guarantees for the interests of the population by places.

A hypothetical procedure on the case could include a submission of a request, stated by a petition signed by at least 25/100 of the concerned voters in the populated areas to the municipality council, standpoints of the mayors of the populated areas for the compliance of the request with the legal conditions for creation of a new municipality under art. 8 of the law, a resolution of the municipality council for the presence of the conditions under art.8, a verification of the district governor for the lawfulness of the resolution of the municipality council, a proposal from the District Governor to the municipality Council for resolution making for the holding of a common for the concerned populated areas referendum, provided that the request is legal, the holding of a referendum, a written report of the Regional Governor to the Council of Ministers, a standpoint of the Minister of Regional Development and Public Works, a resolution of the Council of Ministers for creation of a new municipality, approval by the President of the Republic, issuing a Decree of the President of the Republic, promulgation of the CM Resolution for the creation of a new municipality and the Decree of the President of the Republic concerning its denomination, litigation at CC, Resolution of CC, promulgation of the Resolution of CC.

Conclusions

Under the legislative and administrative reforms in the years of changes the local authorities in Bulgaria have adopted a great deal of new legislation that is unfamiliar to the population. The opportunities, provided by the new legal acts on a local level are often foreign to the population as perspectives for job alternatives or even as administrative services. Regulations on Trade Activity, Sofia Markets, Transportation, old cars disposal, Waste Sites, Dogs, Parks and Amusements, etc., are not brought to the attention of the public, respectively their implementation is not guaranteed.

Unlike the obligatory publication of all the normative acts of the Central administration bodies, according to art 5, par 5 of the Constitution, there is no such regime about the local government legislation. The special law provides for a publication in an everyday newspaper and on the official Sofia Municipality site obligation for the city of Sofia. The same applies to the the mayors and the Municipality Councils in the country.

Bringing the local authorities acts to the knowledge and the understanding of the people would strongly enlarge the enforcement of legislation process, which is considered to be the most weak part in the implementation of reforms in the country. This is conclusion shared by all the reports of the European Commission about the progress of Bulgaria as a member state.

It should be taken into consideration that the Sofia Municipality Council legislation plays an important role in the country local legislation, for it is regarded as a front of the legal, political and economic development of the local reform and management of local affairs.

Raising legal consciousness of the opportunities of local legislation should be considered not only as a segment of the ever continuing raising legal culture process, but also an matter of a pragmatic significance to the process of self-confidence – building and a practical resolution to unemployment, crime and corruption combating situation in the country. The solution would embody measures on creating better knowledge of local legislation, better access to local services by participation in the management of local affairs and civil participation in the local governance and in the civil control over local authorities.

References:

1. Ćmiel S., *Personal and Managerial Competences in the Organization Management*. [in:] “Human Resources The Main Factor Of Gerional Development”, nr 5 Journal of Social Sciences, Klaipedos Universitetas, Litwa 2011.
2. Council of Ministers of 10 August, 1999 г., promulgated SG, issue 73 of 17 August 1999.
3. European Charter for local self-governing, Promulgated SG, issue 1998.
4. Kostov, D. *Administrative and Territorial Structure of Republic of Bulgaria*, Administrative Law Lectures. “Sibi”, 2000.
5. Kozareva H., Slavova, M. *Local self-government and local administration B: Constitution Court. Jurisprudence 1991 – 1996*, COLPI, 1997.
6. Law on Establishment of Administrative Units, promulgated in SG ed. 65 from 1987.
7. Law on Administration and Territorial Changes in the Country promulgated SG, issue 69 from 22 August 1991.
8. LATS RB, promulgated SG, issue 63 from 14 July 1995., with supplementations and amendments, last issue 66 from July 2013.
9. LLSLA, promulgated SG issue 79 from 17th September 1991, with multiple amendments and supplements.
10. *Local Governments in the CEE and CIS*, 1994. *An Anthology of descriptive papers*. Institute for Local Government and Public Service, Budapest, 1995.
11. Marinska, G., *General Review of the legislation in the field of the local self-governing and local administration*, Initiative Local Self-Governing, 2001.

12. Unified Classifier of administrative-territorial and territorial units, ratified with Resolution № 565 by the Vodenicharov A., *Legal characteristics of the territorial communities in France*, "Modern Law", 1996, volume 1.
13. Żywicka A., *Rola samorządu gospodarczego w rozwoju branży turystycznej w Polsce*, Zeszyty Naukowe WSEI, seria Administracja (1/2011), Lublin 2011.