

**Question for written answer E-003588/2014
to the Commission**
Rule 117
Slavi Binev (EFD)

Subject: Flagrant violations of EU law in the Bulgarian electoral code

The new Bulgarian electoral code has been adopted just two months before the elections to the European Parliament. That code is seriously at odds with EU law and recommendations.

It was adopted after a sham public consultation in which the largest extra-parliamentary movement – the patriotic union centring on the ‘National Front for the Salvation of Bulgaria’ (NFSB) – was not allowed to participate. The only participants were ‘convenient’ nominated opposition parties.

The violations include the following:

- the Treaty of Lisbon empowers the EP to establish the rules applicable to European elections. Under those rules, the EP explicitly prohibits a threshold of over 5 % of the votes for a party to be allocated seats in the EP. In Bulgaria, that threshold will, under the new electoral code, be 5.9%!
- failure to comply with the recommendation of the Venice Commission that electoral codes should be adopted at least one year before elections; in Bulgaria, the code was adopted two months before the elections.
- amendment of the electoral law to the effect that opposition movements cannot have members on all the electoral commissions – the central electoral commission, the regional electoral commissions and the district electoral commissions. I am referring in particular to the Patriotic Front, as there is an explicit clause in the law which relates exclusively to the NFSB. This violates the principle of political pluralism, which is guaranteed under the constitution.

My questions are as follows:

1. Is the Commission aware of the above facts?
2. What action is it considering taking in connection with the violation of EU legislation by those in power in Bulgaria?