

DOCUMENT PROVIDED BY BULGARIA

**SUPPLEMENTARY INFORMATION TO
NEGOTIATING POSITION
ON CHAPTER 3 – FREEDOM TO PROVIDE SERVICES
DOCUMENTS (CONF-BG 23/01, CONF-BG 41/01 AND CONF-BG 53/01)**

Bulgaria wishes to refer to its Negotiating Position on Chapter 3 “Freedom to provide services” (CONF-BG 23/01, CONF-BG 41/01 and CONF-BG 53/01) and to the European Union Common Position (CONF-BG 15/01) and to provide additional information on the right of establishment and freedom to provide services.

The Republic of Bulgaria will adopt the necessary amendments to the Law on Foreigners in the Republic of Bulgaria to remove the requirement of employing ten Bulgarian citizens for granting permit for continuous residence to EU nationals performing commercial activity. These amendments will be adopted by the end of 2001.

Bulgaria would also like to clarify that according to article 5, paragraph 4 of the Constitution of the Republic of Bulgaria, international agreements that are ratified, published in the State Gazette and entered into force, have supremacy over national legislation, as confirmed by Decision 7 of the Constitutional Court of 02.07.1992. To that effect the Europe Agreement, as an international agreement that is ratified, published in the State Gazette and entered into force, has supremacy over the national legislation.

The competent authorities have been explicitly instructed to act in all circumstances in accordance with the provisions of the Europe Agreement and therefore, in the time before the adoption of the envisaged legislative amendments, not to apply the requirement of employing ten Bulgarian citizens to EU nationals for granting permit for continuous residence in Bulgaria.

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The Bulgarian Government proposes the negotiations on this chapter to be provisionally closed on the basis of the existing acquis.

Should new elements of the acquis make it necessary, Bulgaria recognises the possibility of opening supplementary negotiations before the end of the Intergovernmental Conference.