



EUROPEAN PARLIAMENT  
DIRECTORATE GENERAL FOR RESEARCH  
DIVISION FOR INTERNATIONAL AND CONSTITUTIONAL AFFAIRS

**FACTSHEET**

**BULGARIA**

**Chapter 13 – Employment and social policy**

**1. The *acquis*<sup>1</sup>**

The *acquis* covers areas where there is already a substantial body of secondary legislation such as health and safety, labour law and equality of treatment, as well as other areas such as social dialogue, employment and social protection, where convergent policies are being developed on the basis of the EC Treaty.

- *Labour law*: Directives exist in the field of collective redundancies, safeguarding employment rights in case of transfer of an undertaking, obligation on employers to inform workers of the conditions applicable to employment contracts, guarantee for employees in the event of the insolvency of the employer, posting of workers and organisation of working time.
- *Equal treatment*: The Amsterdam Treaty added equality between men and women to the list of EC objectives. New Article 141 EC is particularly important in this context. The practical implementation of gender mainstreaming is spelt out in the Community Framework Strategy on Gender Equality 2001-2005. Legislation is also used to achieve equality, in particular in the fields of equal treatment in employment and occupation, social security, occupational social security schemes, parental leave, protection of pregnant women, women who have recently given birth and women who are breastfeeding.
- *Anti-discrimination*: Under new Article 13 EC, the Community has the power to combat discrimination on a wider range of grounds in the employment context and in other areas. Two recent directives prohibit discrimination on grounds of race, ethnicity, religion, disability, age and sexual orientation.
- *Health and safety*: The Single European Act gave impetus to social policy in this field. The *acquis* includes directives fixing minimum standards for working conditions. Timely and complete transposition of the legislation must be backed up by the effective operation of the relevant inspectorates.
- *Social protection*: The funding and organisation of social protection systems is a matter for the Member States, but the EC requires that these systems are able to develop and operate sustainable and universally applicable social protection standards in line with the Treaty objectives.

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<sup>1</sup> Information largely drawn from the European Commission, DG Enlargement, <http://europa.eu.int/comm/enlargement/negotiations/chapters/index.htm>

- *Social dialogue*: The Treaty requires that social dialogue be promoted and gives the social partners additional powers. The candidates are invited to confirm that they accord the importance required to social dialogue and that social partners are sufficiently developed to discharge their responsibilities, and to indicate that they are consulted on the relevant legislation.
- *Employment*: The candidate countries are required to cooperate with the EU on the follow-up to the employment policy review.
- *Public health*: Article 152 EC stipulates that a high level of health protection shall be ensured in all Community policies and activities. There are also several specific directives in the area of tobacco production and advertising.
- *Institutions*: The candidate countries are requested to enforce the *acquis* effectively through national judicial and administrative systems similar to those of the existing Member States.

The *acquis* also covers the European Social Fund, public health programmes, ECSC measures, the Council regulation on the European Monitoring Centre on Racism and Xenophobia and measures concerning the European Foundation for the Improvement of Living and Working Conditions.

## 2. The Negotiations

**Chapter opened:** October 2001

**Status:** provisionally closed April 2002

**Transitional arrangements:**

Directive 90/239/EEC as modified by Directive 2001/37/EEC (maximum tar yield of cigarettes) until 31 December 2010

## 3. Position of the European Parliament

In its resolution of 4 October 2000 on Bulgaria's application for membership of the European Union and the state of negotiations<sup>1</sup>, Parliament:

- Concurs with the Commission's view in its 1999 Regular Report that, while fulfilling the Copenhagen political criteria, Bulgaria needs to make further efforts to strengthen the rule of law and to improve the situation of minorities, particularly the Roma population, where recent government decisions need to be followed up by concrete measures and better targeted programmes in which the international community will have a role to play;
- Calls upon the Bulgarian authorities to closely involve Roma communities and local authorities in the design and implementation of national integration programmes as well as to provide for successful implementation of these programmes by establishing the appropriate structures and institutions;
- ...; underlines the fact that the existence of a representative and autonomous social dialogue constitutes an indispensable element of accession preparations, and urges the Bulgarian Government to associate closely the social partners and NGOs in the economic and social policy-making process.

In its resolution of 5 September 2001 on Bulgaria's application for membership of the European Union and the state of negotiations<sup>2</sup>, Parliament:

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<sup>1</sup>OJ No. C 178/2001

<sup>2</sup>OJ No. C 072E/2002

- ... recognises the serious problems which the government faces in integrating the Roma into society; regrets that the administrative capacity of the NCEDI to implement the framework programme for the integration of Roma into Bulgarian society remains low and the financial means allocated inadequate to the task;
- Calls upon the Bulgarian government to eliminate provisions in the penal code that discriminate against homosexual men and lesbian women, notably Article 157, a provision that has been declared contrary to the European Convention on Human Rights by the European Commission of Human Rights; stresses that retention of this Article in the penal code would mean a failure to comply with the political Copenhagen criteria;
- Underlines the need for further steps to fully integrate Bulgarian citizens of Turkish origin, in particular the need to target social problems such as poverty and high unemployment in affected regions;
- Notes nevertheless the high level of popular disillusionment, as demonstrated in the elections of 17 June 2001, in the ability of government and the administration to translate macroeconomic and financial stability into higher standards of living, improvement of social services and social protection, and lower unemployment; considers that, to this end, it is necessary to significantly reinforce government measures to promote equality, to combat unemployment, to establish higher levels of social benefits and cover, and to tackle the problems of poverty and marginalisation; stresses, in this context, the need to strengthen the role of social dialogue in economic and social policy-making.

In its resolution of 13 June 2002 on the state of enlargement negotiations<sup>1</sup>, Parliament

- Reiterates its call on the Bulgarian Government to eliminate provisions in the penal code that discriminate against homosexual men and lesbian women, notably Article 157, a provision that has been declared contrary to the European Convention on Human Rights by the European Commission on Human Rights;
- Welcomes the proposal by the Government to draw up a comprehensive anti-discrimination bill by the end of 2002; recommends, however, that close attention be paid to the need for a targeted approach and a framework covering areas for concern highlighted in recent EU and EP reports (such as the rights of children in institutions, homosexuals and the disabled); calls for substantial progress in the implementation of the framework programme for the integration of the Roma, going beyond token gestures and in closer consultation and partnership with the population concerned;
- .... underlines, therefore, the urgent need for macro-economic progress to be translated into tangible economic benefits and more substantial social welfare for the population; considers accordingly that it will be necessary to intensify the measures to foster equality, combat unemployment, and eradicate poverty and exclusion by taking active steps to promote employment and increase the levels of social benefits and the degree of welfare cover.

In its resolution of 20 November 2002 on the progress made by each of the candidate countries towards accession<sup>2</sup>, Parliament

- ...reiterates, furthermore, the urgent need for Bulgaria's macro-economic progress to be translated into tangible economic benefits for all, with concrete actions taken to tackle the statistically high levels of unemployment and poverty and to improve the efficiency of health care and education;..
- Welcomes recent amendments to the Penal Code which remove certain discriminatory provisions, .... is concerned about the treatment of the Roma - for whom the Framework Programme remains just that - where tokenism continues to be the norm,...

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<sup>1</sup> OJ 261 E/2003

<sup>2</sup> OJ 025 E/2004

In its resolution of 11 March 2004 on progress towards accession by Bulgaria<sup>1</sup>, Parliament:

- Recognises that a large proportion of the children in care are from the Roma community and that more effective and substantive action is required to overcome barriers between the Roma community and the wider society; recognises that this is more than a question of discrimination and is in fact a two way process; acknowledges therefore the government's new Roma action plan, which has a noteworthy budgetary allocation; encourages the government to persevere in its policy to promote the integration of the Roma community into wider Bulgarian society; urges the Bulgarian authorities and the Commission to target their efforts on practical schemes that can deliver substantive improvement, in particular in relation to the education of Roma women in family planning and problems of child welfare and also Bulgarian language competence in the Roma community; welcomes the recent practice of recruiting Roma to the police and calls on the government to persevere in this effort; at the same time calls on the representatives of the Roma community to identify social and structural problems in the Roma community's way of life and to assist in implementing measures to bring about change within the Roma community that will facilitate Roma integration into wider Bulgarian society;
- Welcomes the adoption by Bulgaria of a comprehensive anti-discrimination legislation to transpose the EU anti-discrimination *acquis*, including provisions on equal treatment for men and women, and non-discrimination on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation;
- Recalls that Bulgaria is the only accession country that is lacking implementation mechanisms in the field of gender equality and that these institutional mechanisms remain a sine qua non for the transposition of the EU *acquis*; expects Bulgaria to follow carefully the specific situation of Roma women, who are subject to twofold discrimination: on the basis of gender and on the basis of belonging to a minority; calls on the Commission to incorporate these facts into its analysis of political criteria.

#### **4. Latest Assessment of the European Commission<sup>2</sup>**

Since last year's report, Bulgaria has made some progress in aligning with the *acquis* in the area of employment and social policy.

Bulgaria has achieved a reasonably high degree of alignment of the *acquis* in the area of anti-discrimination policy. However, alignment with the *acquis* in the areas of labour law, equal treatment and health and safety at work has not yet been completed and needs to be continued. The administrative capacity of relevant bodies, including the General Labour Inspectorate, needs to be strengthened in order to effectively implement the *acquis*. Furthermore, preparations for the future management of the European Social Fund activities after accession should be further stepped up. The translation of the EU's objectives of promoting social inclusion into national policies must be pursued.

Bulgaria is generally meeting the commitments and requirements arising from the accession negotiations in this field.

May 2004

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<sup>1</sup> Minutes of the Plenary Session

<sup>2</sup> European Commission, 2003 Regular Report on Bulgaria's progress towards accession  
[http://www.europa.eu.int/comm/enlargement/report\\_2003/pdf/rr\\_bg\\_final.pdf](http://www.europa.eu.int/comm/enlargement/report_2003/pdf/rr_bg_final.pdf)