

Esteemed President of the Constitutional Court of the Republic of Bulgaria, Madam Panova,
Esteemed President of the Court of Justice of the European Union, Mr Lenaerts,
Esteemed Madam Vice-President of the European Commission, Madam Jourová,
Esteemed Madam Deputy Prime Minister, Mariya Gabriel,
Honourable Judges of the Constitutional Court,
Honourable Presidents of Constitutional Courts,
Honourable Judges from the Court of Justice of the European Union,
Honourable Judges from the European Court of Human Rights,
Esteemed Guests,

I am honoured to have been invited as Minister of justice to deliver a greeting address to you this morning, at the first meeting for establishment of the Balkan Constitutional Courts Forum. Now I have a background in constitutional law, and this brings the topic close to my heart.

Constitutional courts in the past years have proved to be the guardians of the rule of law, not only of the Constitution. Going back to the main definitions of what constitutional justice is all about, we will often see a paradigm of opposition between different parties as to what constitutional justice is. For example, one of my favourite definitions is that constitutional courts are called upon to provide a moral reading of the Constitution, to interpret the Constitution as a charter of values, not simply a supreme law. According to another paradigm, also very influential, the constitutional jurisdictions are meant to eliminate the barriers to democratic political representation, to open the political system and enable representation of different groups of citizens from society.

I also need to mention a very influential paradigm, a third one, which is connected to the idea that the constitutional court is meant to be the place from which the reason and morale of society should be voiced. Now that is a very challenging task.

In some national doctrines, constitutional courts are seen as counter-majority institutions, ones that need to protect the will of all citizens as voiced in the Constitution, against that of a particular, often conjunctural, majority expressed in the format of ordinary legislation and in parliament.

The challenge comes when constitutional jurisdictions go beyond the closed national constitutional system, wherein the hierarchy of legislation is most clear. Especially when constitutional courts work in integrated, broader communities, this brings life to a different challenge.

Constitutional courts across the European Union are in constant ongoing dialogue with the Court of Justice of the European Union as well as with other constitutional courts in order to bring life to the so-called common European values. And this is when we see these values on the one hand being rooted in our countries' constitutional traditions, but at the same time constitutional courts also have to guarantee for the national constitutional identity. Very often between these two terms, the common European values and national constitutional identity there is some sort of tension, not contradiction, but tension. And this is what we see even in the case law of the Bulgarian Constitutional Court but not only there. It is obvious that in this quasi-federal community which we call the European Union, the constitutional courts have a most important role, together with the Court of Justice of the European Union, to make the voice of values stronger against the different interests of different member states, communities or stakeholders.

Now a few words as to where Bulgaria is positioned currently. In the parliament several months ago a draft amendment of the Constitution was presented. One purpose was to expand the rights of citizens by making it possible for them to file a direct individual constitutional complaint to the Bulgarian Constitutional Court. Now this is a topic which has been discussed for decades among law professionals and academics. At first glance there is a consensus on this topic but it will surely be a challenge for the Constitutional Court of Bulgaria, for the judiciary and for the political system as well if such rights of citizens are to be granted. But I am hopeful that such an important step will be made with reason and balance so that we can provide constitutional justice for the best interests of citizens rather than end up in an even more confused situation.

A lot of challenges have to be overcome by all of our constitutional systems, but in my opinion what is important is to bring common European values in line with those values that actually outline us as free and democratic societies.

I would like to wish you all the best of luck and a very fruitful discussion. Thank you!