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# If my claim is to be considered in this country

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Bulgaria



Bulgaria

## Which type of crime can I get compensation for?

In the Republic of Bulgaria, you can receive compensation from the state for material damage sustained as a direct result of the following crimes:

- terrorism; murder; attempted murder; intentional grievous bodily harm; molestation; rape; trafficking in human beings;
- offences committed upon the order or decision of an organised criminal group;
- other violent intentional crime which has caused, as intrinsic consequences, death or grievous bodily harm.

## Which type of injury can I get compensation for?

See the answer to the first question.

## Can I get compensation if I'm a relative or dependant of a victim who has died as a result of a crime? Which relatives or dependants can get compensation?

Where the victim has died as a result of a crime, the right to compensation accrues to the victim's successors or partner/cohabitee.

## Can I get compensation if I'm a relative or dependant of a victim who has survived? Which relatives or dependants can get compensation in this case?

No, you cannot. The victim's successors or partner/cohabitee can get compensation only if the victim has died as a result of a crime.

## Can I get compensation if I'm not a national of an EU country?

Compensation can be awarded to foreign nationals in cases provided for in an international agreement to which the Republic of Bulgaria is party.

## Can I claim compensation from this country if I live here or am from here

(this is country of my residence or nationality) even if the crime was committed in another EU country? Could I do this instead of claiming compensation in the country where the crime took place? If so, under what conditions?

No, you cannot. The compensation is paid by the competent authority of the Member State in which the crime was committed.

Do I have to have reported the crime to the police first, to be able to claim compensation?

Yes, you do. No compensation is provided when the victim has not reported the crime to the competent authorities, unless the victim was not able to do so for legitimate reasons.

Do I have to await the outcome of any police investigations or criminal proceedings before I can claim?

Yes, you do. Crime victims are entitled to claim compensation once criminal proceedings have been concluded by a final decision of the judicial authorities, namely:

- a criminal conviction, including where the case has been heard in the defendant's absence;
- an out-of-court settlement agreement;
- a decision by the Public Prosecutor's Office or the competent court terminating the criminal proceedings, excluding cases terminated on the grounds of Article 24(1) subparagraphs 1, 7, 8a, and 9 of the Criminal Procedure Code (*Nakazatelno-protsesualen kodeks*);
- a decision by the Public Prosecutor's Office or competent court suspending criminal proceedings because the offender has not been identified.

Do I first have to seek compensation from the offender – if they have been identified?

While there is no such requirement, compensation will not be provided if the victim has otherwise been compensated.

If the offender has not been identified or convicted, can I still qualify for compensation? If so, what evidence do I need to present to support my claim?

See the answer to the question: 'Do I have to await the outcome of any police investigations or criminal proceedings before I can claim?'

Is there a time limit within which I have to claim compensation?

Applications for compensation have to be submitted no more than one year after the date on which the relevant decision of the judicial authority becomes final.

Which losses and expenses are covered by the compensation?

The compensation covers, jointly and severally, material damage sustained as a direct result of the crime, including:

- treatment costs, excluding costs paid from the budget of the National Health Insurance Fund;
- loss of earnings;

- legal costs;
- loss of means of subsistence;
- funeral costs;
- other material damage.

Victims have to submit the relevant documents proving all material damage claimed.

## Is the compensation paid out in a single payment or monthly instalments?

Crime victims are entitled to a single compensation payment from the state.

## In what way could my own behaviour in relation to the crime, my criminal record or failure to cooperate during the compensation proceedings affect my chance of receiving compensation, and/or the amount I receive?

Compensation will not be provided in cases where:

- the victim was convicted of a crime listed in the answer to the first question in the five-year period before submitting the application for compensation;
- the offence was committed under extreme emotional disturbance caused by an illegal action of the victim which resulted in, or may have resulted in, severe consequences for the offender or offender's relatives;
- the offence was committed while overstepping the limits of legitimate self-defence.
- If the victim has contributed to the criminal outcome, the amount of compensation which would otherwise have been payable will be reduced.

## In what way could my financial situation affect my chance of receiving compensation and/or the amount?

All crime victims have the same rights. The victim's financial situation has no bearing on claiming compensation from the state.

## Are there any other criteria that could affect my chance of receiving compensation and/or the amount?

Compensation will be provided by the state for crimes committed after 30 June 2005 that fall within the categories specified in the answer to the first question.

## How will the compensation be calculated?

Victims have to submit the relevant documents proving all material damage claimed.

## Is there a minimum/maximum amount that can be awarded?

The compensation payable by the state is a cash amount which may not exceed BGN 10 000. When compensation is awarded for the maintenance of dependants under the age of 18 who are successors of a person who has died as a result of a crime, the compensation for each dependant can amount to no more than BGN 10 000.

## Am I expected to quote the amount in the claim form? If so, do I get any instructions on how to calculate it or on other aspects?

Yes, you are. In the application for compensation, the victim has to specify the amount of compensation and material damage claimed.

Will any compensation I receive for my loss from other sources (such as my employer's or a private insurance scheme) be deducted from compensation paid by the authority/body?

Yes, it will.

Can I get an advance on the compensation? If so, under what conditions?

No, you cannot.

Can I get complementary or additional compensation (following e.g. a change in circumstances or worsening health etc.) after the main decision?

No, you cannot.

What supporting documents do I need to include with my claim?

- a copy of the decision of the judicial authority concerned and the statement of reasons for it in the case of a conviction;
- an extract from a judicial record if the person is not a Bulgarian national;
- a copy of an identity document;
- an attestation of the current domicile of the person entitled to compensation in Bulgaria;
- a document on legal representation, guardianship or custodianship;
- a certificate of succession if the person entitled to compensation is the child, parent or spouse of a victim who has died as a result of a crime;
- certified copies of documents supporting expenses, such as medical costs (excluding costs covered by the National Health Insurance Fund), funeral costs, etc.;
- a document certifying earnings received by the victim under employment relationships or equivalent arrangements for a six-month period before the date of the crime;
- a court statement of expenses incurred in relation to the legal proceedings;
- documents proving other material damage;
- a statement that the victim has not otherwise been compensated for the material damage sustained as a result of the crime.

Are there administrative or other charges to be paid when the claim is received and processed?

No, there are not.

Which authority decides on compensation claims (in national cases)?

The National Council for Assistance and Compensation to Victims of Crime at the Ministry of Justice of the Republic of Bulgaria.

Where do I send the claim (in national cases)?

MINISTRY OF JUSTICE OF THE REPUBLIC OF BULGARIA

National Council for Assistance and Compensation to Victims of Crime

Address: Slavyanska 1, 1040 Sofia, Republic of Bulgaria

Web: <https://www.compensation.bg>

## Do I need to be present during the procedure and/or when my claim is being decided?

No, you do not.

## How long does it take (approximately) to receive a decision on a claim for compensation from the authority?

The application for compensation is reviewed no more than one month after the date on which it was received. If necessary, this time limit can be extended by up to three months.

## If I'm not satisfied with the authority's decision, how can I challenge it?

Decisions of the National Council for Assistance and Compensation to Victims of Crime cannot be challenged.

## Where can I get the necessary forms and other information on how to claim?

The standard application form for compensation is available from the National Council for Assistance and Compensation to Victims of Crime, provincial governors, investigators, and victim support organisations. An electronic application form for compensation is available on the website of the National Council:

<https://www.compensation.bg>.

## Is there a special helpline or website I can use?

Please refer to the website of the National Council for Assistance and Compensation to Victims of Crime:

<https://www.compensation.bg>.

## Can I get legal aid (help from a lawyer) when preparing the claim?

Victim support organisations provide practical assistance to crime victims, including help with preparing the application for compensation.

## Are there any victim support organisations that can help me claim compensation?

Yes. The Bulgarian Association of Victim Support Organisations.

Tel. +359 29819300

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