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Brussels IIb Regulation - Matrimonial matters and matters of parental responsibility (recast)

Bulgaria



Bulgaria

FINDING COMPETENT COURTS/AUTHORITIES

The search tool below will help you to identify court(s)/authority(ies) competent for a specific European legal instrument. Please note that although every effort has been made to ascertain the accuracy of the results, there may be some exceptional cases concerning the determination of competence that are not necessarily covered.

Article 103 (1) (a) (1st part) – Public authorities or other authorities authorized to establish an authentic instrument referred to in point (2)(b) of Article 2(2), and public authorities authorized to register an agreement referred to in point (3) of Article 2(2)

Article 2(2)(2)(b) – There are no authentic instruments under Bulgarian law within the meaning of the Regulation, in the field of matrimonial matters and matters of parental responsibility, and we therefore have no authority to declare.

- Article 2(2)(3) – There are no agreements under Bulgarian law related to matrimonial matters and matters of parental responsibility, and we therefore have no authority to declare.

Article 103 (1) (a) (2nd part) – Administrative authorities granting legal aid referred to in Article 74(2)

- Article 74(2) – There are no administrative authorities under Bulgarian law within the meaning of the Regulation, in the field of matrimonial matters and matters of parental responsibility, and we therefore have no authority to declare.

Article 103 (1) (b) (1st part) – Courts competent to issue certificates for a decision pursuant to Article 36(1), and courts and authorities competent to issue a certificate for an authentic instrument or agreement referred to in Article 66

- Article 36(1) – issuance of certificates concerning court decisions:

- Annex II – the certificate concerning decisions in matrimonial matters is issued by the district court (*rayonen sad*);
- Annex III – the certificate concerning decisions in matters of parental responsibility is issued by the district court;
- Annex IV – the certificate of return of a child following a procedure under the 1980 Hague Convention is issued by Sofia City Court (*Sofiyski gradski sad*).

- Article 66 – There are no authentic documents or agreements in Bulgaria within the meaning of Article 2(2)(3), related to matrimonial matters and matters of parental responsibility.

Article 103 (1) (b) (2nd part) – Courts competent to rectify certificates referred to in Article 37(1), Article 48(1), and courts competent to issue a certificate specifying that the lack or limitation of a certified decision referred to in Article 49; and courts and authorities competent to rectify the certificate, issued under Article 66(1), referred to in Article 67(1);

- Article 37 – rectification of a certificate concerning a court decision– the competent court is the court that issued the certificate:

- Annex II – the certificate concerning decisions in matrimonial matters is rectified by the district court;
- Annex III – the certificate concerning decisions in matters of parental responsibility is rectified by the district court;
- Annex IV – the certificate of return of a child following a procedure under the 1980 Hague Convention is rectified by Sofia City Court.

- Article 48(1) – rectification and withdrawal of a certificate issued for privileged decisions:

The competent court for the rectification and withdrawal of the certificate is the district court.

- Article 49 – certificate on lack or limitation of enforceability – the competent court is the district court.

- Article 66(1) in conjunction with Article 67(1) – not applicable.

Article 103 (1) (c) – Courts competent for recognition of a decision (Article 30(3)) and for the refusal of recognition (Article 40(2)), as well as the courts and authorities competent for refusal of enforcement, for challenge or appeal, and for further challenge or appeal referred to in 58(1), 61(2) and 62

- Article 30(3) – the competent court is the provincial court (*okrazhen sad*) with jurisdiction at the place of the permanent address of the debtor, or at the place of enforcement.

- Article 52 – the competent body is the bailiff (*sadeben izpalnitel*).

- Article 40(1) – the competent court is the provincial court with jurisdiction at the place of the permanent address of the debtor, or at the place of enforcement.

- Article 58(1) – the competent court is the provincial court with jurisdiction at the place of the permanent address of the debtor, or at the place of enforcement.

- Article 61(2) – the competent court is Sofia court of appeal (*apelativen sad*).

- Article 62 – the competent court is the Supreme Court of Cassation (*Varhoven kasatsionen sad*).

Article 103 (1) (d) – Authorities competent for enforcement referred to in Article 52

- Article 52 – the competent body is the bailiff.

Article 103 (1) (e) – Redress procedures against a decision on the application for refusal of enforcement referred to in Articles 61 and 62

- Article 61 – the intermediate appeal procedure set out in the Code of Civil Procedure (Chapter 20).

- Article 62 – the cassation appeal procedure set out in the Code of Civil Procedure (Chapter 22).

Article 103 (1) (f) – Names, addresses and means of communication for the Central Authorities designated to assist with the application of the Regulation in matters of parental responsibility. In case more than one Central Authority is designated, geographical and functional jurisdiction

of each Central Authority to be indicated as referred to in Article 76

The Ministry of Justice

- For matters of parental responsibility – International Child Protection and International Adoptions Directorate, ul. Slavyanska No 1, Sofia; contact details – through official channels by post and by email, tel. 0035929237396, 0035929237332, mpzdmo@justice.government.bg.

- For matrimonial matters - International Legal Cooperation and European Affairs Directorate, ul. Slavyanska No 1, Sofia; contact details – through official channels by post and by email, tel. 0035929237415, civil@justice.government.bg.

Article 103 (1) (g) – If applicable, categories of close relatives, in addition to parents, with which the child may be placed within the territory of a Member State, without the prior consent of that Member State as referred to in Article 82

Bulgaria requires consent in all cases of placement of children in the country, unless they are placed with a parent, direct relatives up to the third degree (grandmother/grandfather) or collateral relatives up to the fourth degree (brother/sister of the child, or brother/sister of the child's parent).

Article 103 (1) (h) – Languages of the institutions of the European Union other than the own language of a Member State, in which communications to its Central Authorities can be accepted as referred to in Article 91(3))

English and French.

Article 103 (1) (i) – Languages accepted for the translations of requests and accompanying documents sent under Articles 80, 81, 82, and of the free text fields of the certificates as referred to in Article 91(2)

- Article 80(3) – documents need to be translated into Bulgarian only.
- Article 81(2) – documents need to be translated into Bulgarian only.
- Article 82(4) – documents need to be translated into Bulgarian only.
- Article 91(2) – documents need to be translated into Bulgarian only

■ Last update: 28/11/2024

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