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**Bulgarian**

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## National justice systems

### Bulgaria

This section provides information about the judiciary in Bulgaria.

#### Organisation of justice – judicial system

The administration of justice in Bulgaria is based on three instances. The courts are state bodies that administer justice in civil, criminal and administrative cases.

The following courts exist in Bulgaria:

district courts– 113

provincial courts– 28

administrative courts – 28

Specialised Criminal Court – 1

courts of appeal – 5

Specialised Criminal Court of Appeal – 1

military courts – 5

Military Court of Appeal – 1

Supreme Court of Cassation – 1

Supreme Administrative Court – 1

#### Administration of the courts

The organisation and activities of the Bulgarian courts are governed by the Judicial System Act, which lays down the structure and operating principles of the judicial bodies and governs their interaction with each other and with the legislative and executive bodies.

Under the Judicial System Act, published in State Gazette No 64/2007, the Supreme Judicial Council is the highest administrative authority and is responsible for managing the judiciary and ensuring its independence. It determines the composition and organisation of the judiciary and manages its affairs without interfering with the independence of the bodies concerned.

The Supreme Judicial Council determines the number of judicial districts and the seats of the district, provincial, administrative and appeal courts on the basis of a proposal by the Minister of Justice and – as regards military courts – in coordination with the Minister of Defence.

The territorial jurisdictions of the district, provincial, administrative, military and appeal courts do not necessarily coincide with the administrative division of the country.

#### Types of courts – brief description

**District courts** – The district courts are the main courts for examining cases in the first instance. Their decisions are subject to appeal before the relevant provincial court.

**Provincial courts** – The provincial courts act as courts of first and second instance. As courts of first instance, they examine a precisely defined category of cases involving significant sums or substantial societal interest. When acting as a second (appellate) instance, they re-examine decisions taken by the district courts.

**Administrative courts** - The administrative courts have jurisdiction over all actions seeking: the issue, amendment, repeal or annulment of administrative acts; a declaration that an agreement covered by the Administrative Procedure Code is null or void; redress against unwarranted actions and omissions by the administration; protection against unlawful coercive enforcement; compensation for injury resulting from unlawful acts, actions or omissions by administrative authorities and officials; compensation for injury resulting from coercive enforcement; the annulment, invalidation or setting-aside of judgments rendered by administrative courts; a finding that an administrative act covered by the Administrative Procedure Code is not authentic.

Anyone can bring a legal action for ascertainment of the existence or non-existence of an administrative right or legal relationship, provided he or she has an interest and no other remedy is available.

Cases are examined by the Administrative Court within whose geographical jurisdiction the seat of the authority which issued the contested administrative act is located. If that seat is located abroad, cases are referred to the Sofia City Administrative Court.

Administrative acts directly implementing Bulgaria's national foreign, defence or security policy are not subject to judicial appeal, unless otherwise provided for in law.

#### Other Specialised Courts

**Military courts** examine, as courts of first instance, criminal cases concerning offences allegedly committed in the performance of their duties, or in connection therewith, by generals, officers, non-commissioned officers and rank-and-file in the Bulgarian army, civilian staff at the Ministry of Defence and personnel at other ministries and agencies within the structures reporting to the Minister of Defence, at the National Security Agency and at the National Intelligence Service. For such cases, the court of second instance is the Military Court of Appeal. The Criminal Procedure Code sets out the jurisdiction of the military courts. These courts have the same status as a provincial court.

There is only one **Military Court of Appeal**, which examines appeals and objections lodged against decisions handed down by military courts nationwide.

**The courts of appeal** consider appeals and objections against first-instance rulings by provincial courts within their territorial jurisdictions.

**The Specialised Criminal Court**, which has its seat in Sofia, is equivalent to a provincial court. Its jurisdiction is laid down by law. The criminal offences coming under the jurisdiction of the Specialised Criminal Court – essentially those committed by or for organised criminal groups – are exhaustively listed in Article 411a of the Criminal Procedure Code.

**The Specialised Criminal Court of Appeal** considers appeals and objections lodged against decisions handed down by the Specialised Criminal Court.

**The Supreme Court of Cassation** is the supreme judicial instance in criminal and civil cases. Its jurisdiction covers the entire territory of the Republic of Bulgaria. It exercises supreme judicial review over the proper and uniform application of laws by all courts. It has its seat in Sofia.

**The Supreme Administrative Court** exercises supreme judicial review over the proper and uniform application of laws by administrative courts.

The Supreme Administrative Court deals with complaints and objections against acts by the Council of Ministers, Prime Minister, Deputy Prime Minister, ministers, heads of other institutions directly subordinate to the Council of Ministers, acts of the Supreme Judicial Council, acts of the Bulgarian National Bank, acts of district governors and other acts established by statute; it adjudicates on challenges to the lawfulness of statutory instruments of secondary legislation; as a cassation instance, it examines judicial acts, adjudicates in administrative cases and examines applications for final judicial decisions in administrative cases to be set aside.

#### **Arbitration Court at the Bulgarian Chamber of Commerce and Industry**

The Arbitration Court settles civil disputes and disputes over filling gaps in contracts or adapting contracts to new circumstances, regardless of whether one or both parties have their registered office or domicile in the Republic of Bulgaria.

#### **Constitutional Court of the Republic of Bulgaria**

The Bulgarian **Constitutional Court** acts as guarantor for the irreversibility of the democratic processes in Bulgaria, the realisation of which is the Constitution's main aim. This court is not part of the judicial system; it is an independent body which derives its powers directly from the Constitution and which operates under a special law. The Court's decisions on, *inter alia*, the protection of citizens' human rights and legal interests, the separation of powers, the inviolability of private property, free enterprise, the independence of the media, the prohibition of censorship and the constitutionality of the Framework Convention for the Protection of National Minorities have won considerable public and international acclaim.

Legal database

Every court in Bulgaria maintains a website, which provides information both on the court's structure and activities and on cases past and present.

The website of the **Supreme Judicial Council** provides a detailed list of the courts in Bulgaria, along with their addresses and websites (available in Bulgarian only).

The main court websites are:

[Sofia District Court \(\*Sofiyski Rayonen Sad\*\)](#) (SRS)

[Sofia City Court \(\*Sofiyski Gradski Sad\*\)](#) (SGS)

[Sofia Provincial Court \(\*Sofiyski Okrazhen Sad\*\)](#) (SOS)

[Specialised Criminal Court \(\*Spetsializiran Nakazatelen Sad\*\)](#) (SpNS)

[Sofia Court of Appeal \(\*Sofiyski Apelativen Sad\*\)](#) (SAS)

[Military Court of Appeal \(\*Voenna Apelativen Sad\*\)](#)

[Specialised Criminal Court of Appeal \(\*Apelativen Spetsializiran Nakazatelen Sad\*\)](#) (ASpNS)

[Supreme Administrative Court \(\*Varhoven Administrativen Sad\*\)](#) (VAS)

[Supreme Court of Cassation \(\*Varhoven Kasatsionen Sad\*\)](#) (VKS)

[Constitutional Court \(\*Konstitutsionen Sad\*\)](#) (KS)

#### **Electronic legislation databases:**

**Commercial**

[Apis](#)

[Ciela](#)

[Juridical Encyclopaedia \(\*Yuridicheska Entsiklopedia\*\)](#)

**Free of charge**

**Lex**

[Electronic Official Journal \(\*Elektronen Darzhaven Vestnik\*\)](#)

#### **Other useful websites providing legal information:**

[National Assembly \(\*Narodno Sabranie\*\)](#)

[Council of Ministers \(\*Ministerski Savet\*\)](#)

[Ministry of Justice \(\*Ministerstvo na Pravosadieto\*\)](#)

[Supreme Judicial Council \(\*Vissh Sadeben Savet\*\)](#)

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