

Questionnaire

(E)

About this Questionnaire

1. Couples cohabiting outside marriage may face legal uncertainties when they leave the State where the registered partnership or unmarried cohabitation was formed and become subject to a foreign legal system that does not necessarily recognise their status in relation to one another, or in relation to their (adopted) children, or third parties. Even if they do not leave the State wherein their relationship originated, issues may arise abroad concerning the validity or effects of their relationship or aspects thereof.

2. The Hague Conference on Private International Law (“Hague Conference”) has been monitoring the legal situation of cohabiting couples and registered partners, focusing on the private international law implications, since 1987. In March 2015, the Permanent Bureau presented an “[u]pdate on the developments in internal law and private international law concerning cohabitation outside marriage, including registered partnerships” (“2015 Update on cohabitation outside marriage”)¹ at the Council on General Affairs and Policy of the Hague Conference (“the Council”). The Council subsequently asked the Permanent Bureau to prepare a Questionnaire to seek further information on private international law issues relating to cohabitation outside marriage, including registered partnerships. It requested that a report on the results from this survey be presented to the Council in 2017.²

3. In line with the mandate provided by the Council, the **objective** of this Questionnaire is to gather information from various national legal systems about aspects of internal and private international law relating to cohabitation outside marriage (e.g., information about the recognition of partnerships registered abroad or the applicable law in cross-border situations). The information gathered will facilitate a better understanding of the issues that registered partners and unmarried cohabitants may face in a cross-border situation.

4. Terms used to describe cohabitation outside marriage differ widely.³ For this reason, and in order to facilitate the survey, it is suggested that the **terminology** as described in the “2015 Update on cohabitation outside marriage” be applied in this Questionnaire:⁴

- The term **“cohabitation outside marriage”** encompasses “unmarried cohabitation” and “registered partnerships”.
- The term **“registered partnerships”** refers to a form of cohabitation outside marriage which, under the domestic law of the State where it originates, requires the fulfilment of certain formalities, specifically registration in a central registry. The term as used here has a wide meaning and thus also covers, *inter alia*, “domestic partnerships”, “civil partnerships”, “civil unions”, “permanent couple unions”, “statutory cohabitation”, registered “de facto relationships” and “civil

¹ Prel. Doc. No. 5 of March 2015 for the attention of the Council on General Affairs and Policy of March 2015, available on the Hague Conference website at < www.hcch.net > under “Projects” then “Legislative Projects” and “Cohabitation outside marriage”. This document was completed pursuant to the mandate given by the Council in April 2013, which invited the Permanent Bureau to continue to follow developments in this area and, resources permitting, to update its “Note on developments in internal law and private international law concerning cohabitation outside marriage, including registered partnerships”, Prel. Doc. No. 11 of March 2008 for the attention of the Council on General Affairs and Policy of April 2008.

² See the Conclusions and Recommendations adopted by the Council of 2015 (24-26 March 2015), para. 10, available on the Hague Conference website at < www.hcch.net > under “Governance” then “Council on General Affairs and Policy”.

³ For an explanation of the terminology, see, e.g., Prel. Doc. No. 11 of 2008 (*op. cit.* note 1), paras 10 *et seq.*, paras 18 *et seq.* and paras 72 *et seq.*

⁴ See Prel. Doc. No. 5 of March 2015 (*op. cit.* note 1), paras 7-10.

pacts of solidarity". Individuals in a registered partnership are referred to as "registered partners".

- The term "**unmarried cohabitation**" refers to *concubinage* or *de facto* union without this union having been registered with an authority, formed by the parties' actual cohabitation.⁵ Individuals living in unmarried cohabitation are referred to as "unmarried cohabitants".

5. The **structure** of the Questionnaire reflects the situation that most legal systems which allow for the registration of a partnership draw a distinction between unmarried cohabitation and registered partnerships. For this reason, the questions for each of these (legal) institutions are addressed in different sections of the Questionnaire accordingly (Part A: Registered Partnerships, Part B: Unmarried Cohabitation).

6. The Questionnaire further distinguishes between aspects that are **purely domestic** – aspects of internal law – and those that have an **international connection** – issues of private international law.

7. Moreover, while certain questions are **for all States to complete**, others are **relevant only to specific States**, *e.g.*, those whose internal domestic law provides for the possibility to register a partnership or have a special regime for cohabitation (or attach certain legal effects to cohabitation). Whether a question is to be answered by all or only specific States is indicated at the beginning of each question.

8. Furthermore, if the answer to any of the questions depends on the relevant **type of registered partnership or unmarried cohabitation** (*e.g.*, same-sex or opposite-sex), Members and non-Member States are kindly requested to answer the questions for each of the different types.

9. Finally, while the focus of the Questionnaire lies on the **legal aspects** of cohabitation outside marriage, the final section of the Questionnaire (Part C) asks for **statistical data** which Members and non-Member States are kindly requested to provide to the extent available.

Instructions for completion

10. In this Questionnaire the term "State" is used to cover any jurisdictional unit having competence to regulate the subject matter. Members and non-Member States are invited to complete the Questionnaire for each jurisdictional unit, if applicable.

11. Members and non-Member States are kindly invited to complete the Questionnaire (in either English or French) at their earliest convenience, but in any event by no later than **Friday 16 September 2016**.

12. In order to allow the Permanent Bureau to extract parts of the Questionnaire for a compilation and analysis of the responses, please **use this Word version** of the document, and please **do not return a PDF version** of the completed Questionnaire.

13. The Permanent Bureau would also appreciate it if a copy of, or a link to, any **legislation** mentioned in the response (preferably in English or French) could be provided, as well as relevant **case law** on private international law issues in relation to cohabitation outside marriage, including registered partnerships, if available.

14. The completed Questionnaire, as well as additional information on legislation and case law, should be sent by e-mail to < **secretariat@hcch.net** > to the attention of Ms Kerstin Bartsch, Senior Legal Officer, with the subject line: "Questionnaire – Cohabitation outside marriage".

⁵ Since in most legal systems this term is not defined, this is simply a working definition. For an explanation of the terminology, see Prel. Doc. No 11 of 2008 (*op. cit.* note 1), paras 10 *et seq.*

Publication of responses

15. The Permanent Bureau will place all responses to this Questionnaire on the Hague Conference website < www.hcch.net > unless expressly asked not to do so. A report summarising the results of this consultation will also be made available on the Hague Conference website.

Identification

Your contact information:

Name of Member or non-Member
State (or territorial unit, where applicable): Republic of Bulgaria

For follow-up purposes:

Name of contact person: Ms. Lubomira Dimitrova; Ms. Liliana Gurova
Name of Authority / Office: Ministry of Justice, Directorate International Legal Cooperation and European Affairs
Telephone number: +359 2 9237 411; +359 2 9237 545
E-mail address: lubomira@justice.government.bg;
L_Gyurova@justice.government.bg

PART A: REGISTERED PARTNERSHIPS

The term "**registered partnership**" refers to a form of cohabitation outside marriage which, under the domestic law of the State where it originates, requires the fulfilment of certain formalities (*i.e.*, registration). The term as used here has a wide meaning (see *supra* para. 4).

A.1. INTERNAL LAW

Formation:

1. For all States:

- a. Does the law of your State provide for the possibility of registering partnerships?
 Yes
 No

- b. If the answer is "No", is the introduction of registered partnerships being envisaged or studied by your State?

As a member state of the European Union and of the Council of Europe the Republic of Bulgaria has harmonised its national legislation with the legal framework of these organisations.

According to Article 5, para 4 of the Bulgarian Constitution any international treaty, which has been ratified, promulgated and entered into force for the Republic of Bulgaria, shall be part of the domestic law. Any such treaty shall take precedence over any conflicting rules of domestic legislation.

In view of the above, Article 8 "Right to Respect for Private and Family Life" of the European Convention on Human Rights (ratified, promulgated and entered into force for the Republic of Bulgaria) is applicable and has direct effect in Bulgaria. The Charter on Fundamental Rights of the EU, which is part of the EU Treaties and has direct effect in the Member States (MS), also contains in its article 7 an obligation for the MS to respect the private and family life of everyone.

The Bulgarian Constitution in Article 32 (1) stipulates that the private life of citizens shall be inviolable. Everyone shall have the right to protection against any unlawful interference with their private or family life and against any encroachment on their honour, dignity and reputation.

In addition, recently the European Union has adopted a new Regulation

2016/1104 implementing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of the property consequences of registered partnerships (promulgated in the Official Journal of the European Union, dated 8 July 2016), which will be applicable in 18 MS including Bulgaria.

The Regulation will start to apply from 29 January 2019. In accordance with the main principles of the EU law the Republic of Bulgaria should guarantee on national level the direct application of this Regulation and to provide for the necessary legal and administrative measures to facilitate its effective application. The interinstitutional working party will be established to the Ministry of Justice with the participation of relevant stakeholders to discuss the need of any legal changes and to draft and propose the necessary legal texts to ensure the implementation of the Regulation.

2. *For States that provide for the possibility to register a partnership:*

- a. Who can register a partnership in your State?
- (1) Only opposite-sex couples
 Yes
 No
- (2) Only same-sex couples
 Yes
 No
- (3) Both opposite-sex and same-sex couples
 Yes
 No
- b. If the answer is "Yes" to questions (1) or (2), does your State envisage or study a change in the existing partnership regime? (If yes, please explain.)
[Please insert text here](#)

3. *For States that provide for the possibility to register a partnership:*

- a. What are the requirements regarding the formation of a registered partnership? (If the answer depends on the relevant type of registered partnership (e.g., same-sex or opposite-sex), please answer the question for each of the different types.)
- In particular, does the law of your State include the following requirements?
- (1) Neither of the partners must be married or united in a partnership with a third person.
[Please insert text here](#)
- (2) The partners must not be related by marriage, adoption or blood. (In the latter case, what is the accepted degree of blood relationship?)
[Please insert text here](#)
- (3) Both partners must attain a minimum age in order to form a partnership. (If yes, what is the minimum age?)
[Please insert text here](#)
- (4) Both partners must have the mental capacity to consent to the partnership.
[Please insert text here](#)
- (5) Both partners must consent freely to the partnership.

Please insert text here

(6) Please state any other requirements:

Please insert text here

b. Does your State envisage or study any changes regarding the present requirements? (If yes, please explain.)

Please insert text here

Effects:

4. For States that provide for the possibility to register a partnership:

a. What **rights** and **obligations** do registered partners have under the internal law of your State?

Please answer this question by taking into account the following subject matters and provide the legal basis (*i.e.*, legal rules or case law). (If your answer depends on the relevant type of registered partnership (*e.g.*, same-sex or opposite-sex), please answer for each of the different types.)

- (1) relationship between partners, *e.g.*,
 - (a) personal obligations and duties of partners (*e.g.*, duty of care of partners):
Please insert text here
 - (b) maintenance obligations:
Please insert text here
 - (c) property
Please insert text here
 - (d) inheritance:
Please insert text here
 - (e) other(s):
Please insert text here
- (2) children, *e.g.*,
 - (a) parental status:
Please insert text here
 - (b) parental responsibility:
Please insert text here
 - (c) child support:
Please insert text here
 - (d) adoption:
Please insert text here
 - (e) inheritance:
Please insert text here
 - (f) assisted reproduction:
Please insert text here

- (g) surrogacy:
Please insert text here
- (h) other(s):
Please insert text here
- (3) other financial matters, *e.g.*,
 - (a) pensions, including social security benefits:
Please insert text here
 - (b) other(s):
Please insert text here
- b. Does your State envisage or study any changes in respect of these effects? (If yes, please explain.)
Please insert text here

Annulment or Dissolution:

5. *For States that provide for the possibility to register a partnership:*

- a. Consider the situation where a couple has registered their partnership in your State.

Does your State have a special procedure for **annulment** and / or **dissolution** of the partnership? Please describe the judicial or administrative process. (If your answer depends on the relevant type of registered partnership (*e.g.*, same-sex or opposite-sex), please answer for each of the different types.)
Please insert text here
- b. Does your State envisage or study any changes regarding the conditions or procedures for annulment or dissolution of a registered partnership? (If yes, please explain.)
Please insert text here

A.2. PRIVATE INTERNATIONAL LAW

Formation (in situations with an international element):

6. *For States that provide for the possibility to register a partnership:*

- a. Does the law of your State provide for the possibility of registering a partnership if:
 - (1) One partner is a national of your State and the other partner is not?
 Yes
If yes, are there further requirements (*e.g.*, regarding habitual residence)?
Please insert text here
 No
 - (2) Neither of the partners are nationals of your State?
 Yes
If yes, are there further requirements (*e.g.*, regarding habitual residence)?
Please insert text here
 No
 - (3) One partner is habitually resident in your State and the other partner is not
 Yes

If yes, are there further requirements (*e.g.*, regarding nationality)?

Please insert text here

No

- (4) Both partners have their habitual residence in a State other than your State?

Yes

If yes, are there further requirements (*e.g.*, regarding nationality)?

Please insert text here

No

- b. If the response to any of these questions is "Yes":

- (1) Does the internal law of your State govern the **formal requirements for registration** in your State, or does, under the conflict of law rules of your State, the internal law of another State apply and, if so, what law(s)?

Please insert text here

- (2) Does the internal law of your State govern the **substantive requirements for registration** in your State, or does, under the conflict of law rules of your State, the internal law of other State(s) apply and, if so, what law(s)?

Please insert text here

Recognition of the validity and effects of a partnership registered abroad:

7. For all States:

- a. Would the **validity** of a partnership registered abroad be **recognised** in your State?

Yes

Yes, except for situations where there is a substantial link to my State.

Please indicate what connecting factor(s) would prevent recognition (*e.g.*, no recognition if one or both partners are nationals of or habitually resident in your State).

Please insert text here

Yes, with exceptions (*e.g.*, where there is no substantial connection of partners with my State, or: no connection between the partners and the State of registration).

Please provide details of any such exceptions to recognition by your State.

The registered partnership could be recognised on case by case bases as far as Article 8 of the ECHR is applicable.

The Bulgarian Private International Law Code regulates the conditions of recognition and enforcement:

Article 117. The judgments and authentic acts of the foreign courts and other authorities shall be entitled to recognition and enforcement where:

1. the foreign court or authority had jurisdiction according to the provisions of Bulgarian law, but not if the nationality of the plaintiff or the registration thereof in the State of the court seised was the only ground for the foreign jurisdiction over disputes in rem;

2. the defendant was served a copy of the statement of action, the parties were duly summonsed, and fundamental principles of Bulgarian law, related to the defence of the said parties, have not been prejudiced;

3. if no effective judgment has been given by a Bulgarian court based on the same facts, involving the same cause of action and between the same parties;

4. if no proceedings based on the same facts, involving the same cause of action and between the same parties, are brought before a Bulgarian court earlier than a case instituted before the foreign court in the matter of which the judgment whereof the recognition is sought and the enforcement is applied for has been rendered;

5. the recognition or enforcement is not contrary to Bulgarian public policy (ordre public).

The newly adopted EU Regulation 2016/1104 also provides for the possibility not to recognise on one of the grounds in its article 37:

(a) if such recognition is manifestly contrary to public policy (ordre public) in the Member State in which recognition is sought; (b) where it was given in default of appearance, if the defendant was not served with the document which instituted the proceedings or with an equivalent document in sufficient time and in such a way as to enable him to arrange for his defence, unless the defendant failed to commence proceedings to challenge the decision when it was possible for him to do so; (c) if it is irreconcilable with a decision given in proceedings between the same parties in the Member State in which recognition is sought; (d) if it is irreconcilable with an earlier decision given in another Member State or in a third State involving the same cause of action and between the same parties, provided that the earlier decision fulfils the conditions necessary for its recognition in the Member State in which recognition is sought.

No

b. Would any of the following **effects** of the partnership registered abroad be **recognised** in your State?

(1) relationship between partners, *e.g.*,

(a) personal obligations and duties of partners (*e.g.*, duty of care of partners):

[Please insert text here](#)

(b) maintenance obligations:

[Please insert text here](#)

(c) property:

After the start of the application of the EU Regulation 2016/1104 the property consequences of the registered partnerships will be recognised and enforced in Bulgaria under the conditions in the Regulation and the private international rules in the national law.

(d) inheritance:

[Please insert text here](#)

(e) other(s):

[Please insert text here](#)

(2) children, *e.g.*,

(a) parental status:

[Please insert text here](#)

(b) parental responsibility:

[Please insert text here](#)

(c) child support:

[Please insert text here](#)

(d) adoption:

[Please insert text here](#)

(e) inheritance:

[Please insert text here](#)

(f) assisted reproduction:

Please insert text here

(g) surrogacy:
Please insert text here

(h) other(s):
Please insert text here

(3) other financial matters, *e.g.*,
(a) pensions, including social security benefits:
Please insert text here

(b) other(s):
Please insert text here

(4) Would the registered partnership constitute an impediment to the conclusion or formation by one of the partners of a marriage or a new partnership with a third person?

Yes

No

(5) Would the surname declared by the partners upon the registration of their partnership be recognised in your State?

Yes

No

c. If your response to a. is "Yes" or "Yes, except for situations where there is a substantial link to my State", what are the **requirements for recognition** of the **validity** of the registered partnerships?

Please see the answer to question a.

In particular, does the law of your State require any of the following?

(1) The registered partnership must be valid in accordance with the internal law or conflict of law rules of the State in which registration took place.

Yes

No

(2) There is a civil status document proving the (existence and) validity of the registered partnership.

Yes

No

(3) Neither of the partners is married or united in a partnership with a third person.

Yes

No

(4) The partners are not related by marriage, adoption or blood. (In the latter case, what is the accepted degree of blood relationship?)

Yes

No

Please insert text here

(5) Both partners had attained a minimum age when they formed the partnership.

Yes

No

(6) Both partners had the mental capacity to consent to the partnership.

Yes

No

(7) Both partners had consented freely to the partnership.

Yes

No

(8) The effects of the partnership under the applicable law must be similar to those of a marriage:

Yes

No

(9) The effects of the partnership granted in the State where the partnership was registered should not exceed the effects granted for registered partnerships under your State.

Yes

No

Not applicable (My State does not provide for registration of a partnership.)

(10) Any other requirements for the recognition of the (existence and) validity of the registered partnership (please explain):

[Please insert text here](#)

(11) May or must recognition of the (existence or) validity of a registered partnership or its effects be refused if this recognition would be manifestly contrary to public policy? If yes, under which circumstances?

Yes

[Please insert text here](#)

No

d. Would your reply to the previous questions be different when a question regarding the validity or effects of a registered partnership arises as a **preliminary issue** in the context of another question of private international law before the authorities of your State (*e.g.*, about maintenance or inheritance)?

[Please insert text here](#)

Recognition of the annulment or dissolution of a partnership registered abroad:

8. *For all States:*

Consider the situation where the partners have registered their partnership in State X. Subsequently, their partnership has been dissolved or annulled in that State or in a third State.

Would the **annulment** or **dissolution** of the partnership be **recognised** in your State? If so, under what conditions?

Yes

No

Please insert text here

Not applicable (My State would not recognise the validity or certain effects of the partnership.)

9. *For States that provide for the possibility to register a partnership:*

Consider the situation where partners have registered their partnership in your State. Subsequently the partnership has been dissolved or annulled in a *foreign* State. Would that **dissolution** or **annulment** be recognised in your State? If so under what conditions?

Yes

Please insert text here

No

Please insert text here

Jurisdiction:

10. *For States that provide for the possibility to register a partnership:*

a. Please state any specific rule applying in your State concerning the **jurisdiction** of the authorities of your State regarding the **validity** of

(1) a partnership registered in your State.

Please insert text here

(2) a partnership registered in a foreign State.

Please insert text here

b. Please state any specific rule applying in your State concerning the **jurisdiction** of the authorities of your State regarding the **annulment** and **dissolution** of

(1) a partnership registered in your State.

Please insert text here

(2) a partnership registered in a foreign State.

Please insert text here

Applicable law (conflict of laws):

11. *For States that provide for the possibility to register a partnership:*

a. Please state any specific conflict of law rule(s) applying in your State concerning the validity or any of the effects, or the dissolution or annulment of a registered partnership.

Please insert text here

b. In particular, please explain your State's approach to determine the applicable law, *e.g.*, application of, exclusively, domestic law to the effects of the partnership; application of the law of the common habitual residence of the partners, application of the law where the partnership was registered (*lex loci registrationis* rule). (See Prel. Doc. No 5 of March 2015, paras. 49 *et seq.*)

Please insert text here

12. *For States that provide for the possibility to register a partnership:*

Does your State envisage or study any changes in relation to the conflict of law rules and other private international law aspects of registered partnerships (*e.g.*, in relation to the formation of a partnership, the recognition of the validity and effects of a partnership registered abroad or the recognition of the annulment or dissolution of a partnership)? (If yes, please explain.)

Please insert text here

Legal and practical problems:

13. *For all States:*

- a. Do you know of any legal and / or practical problems that have arisen in your State in the context of registered partnerships where there are international elements involved? If so, please describe briefly.

Please insert text here

- b. In particular, do you know of any situation where registered partners lost rights they had acquired under the law of the State where they had registered their partnership after moving to another State? If so, please describe briefly.

Please insert text here

PART B: UNMARRIED COHABITATION

The term “**unmarried cohabitation**” refers to *concubinage* or *de facto* union without this union having been registered with an authority, formed by the parties’ actual cohabitation (see *supra*, para. 4).

B.1. INTERNAL LAW

Legal regime and effects:

14. *For all States:*

- a. Does the national law of your State establish a **specific legal regime** for cohabitation? (If yes, please explain.)

Yes

Please insert text here

No

- b. If not, does the national law of your State attach **certain legal effects** to (aspects of) cohabitation? (If yes, please explain.)

Yes

Some legal effects to cohabitation on a national level can be achieved as a result of the direct application of Article 8 of the European Convention on Human Rights and other international treaties which have been ratified, promulgated and entered into force for the Republic of Bulgaria (in connection with Article 5, para 4 of the Bulgarian Constitution).

In certain legal acts in Bulgaria there are specific provisions related to unmarried (de facto/actual) cohabitating couples. Examples of such provisions are:

THE LAW ON THE EUROPEAN UNION CITIZENS AND MEMBERS OF THEIR FAMILIES ENTRY AND RESIDENCE IN AND DEPARTURE FROM THE REPUBLIC OF BULGARIA
Article 5. (1) The following persons shall be entitled to enter, reside and leave the Republic of Bulgaria under the procedure herein:

...

2. a person with whom the EU citizen has certified actual cohabitation.

Article 8. (2) (Supplemented, SG No. 21/2012) The long-term residence certificate shall be issued to a member of the family of an EU citizen who accompanies or joins a citizen of the European Union and presents:

...

2. a document certifying that he/she is a member of the family or is in an actual cohabitation with the EU citizen.

Article 14. The right to long-term residence of a member of the family of an EU citizen, who is a citizen of the European Union, shall not be affected in case of death, departure, termination of the marriage or the actual cohabitation with the EU citizen if he/she complies with one of the conditions under article 8, paragraphs 1 and 2.

Article 15. (3) A member of the family of the European Union, who is not an EU citizen, shall preserve the right to long-term residence in case of termination of the marriage or the actual cohabitation if he/she complies with the terms of article 8, paragraph 1, items 1 and 2 and in relation to whom one of the following circumstances exist:

1. the marriage or the actual cohabitation have continued for at least three years of which one in the Republic of Bulgaria;

...

3. (amended, SG No. 21/2012) he/she has suffered from domestic violence before the termination of the marriage or the actual cohabitation, or in other cases where preserving such right is justified by particularly difficult circumstances which have occurred against the will of such foreigner and which he/she could not have foreseen or prevented;

...

Article 16. (1) (Amended, SG No. 9/2011, supplemented, SG No. 21/2012) The member of the family of the EU citizen, who is a citizen of the European Union, shall receive a certificate for permanent residence if he/she has legally resided continuously in the Republic of Bulgaria for five years or if he/she complies with certain employment conditions.

....

(3) The conditions under paragraph 1, items 1 and 2 shall not apply when the employed or self-employed person is married or is in an actual cohabitation with a citizen of the Republic of Bulgaria or a person who has lost his/her Bulgarian citizenship due to a marriage with him/her.

SUPPLEMENTARY PROVISION § 1. In the meaning herein:

1. "Member of the family of a citizen of the European Union" shall be:

a) a person who has married or has an actual cohabitation with a citizen of the European Union;

CONFLICT OF INTERESTS PROVISIONS

In relation to the prevention of conflict of interests in numerous laws persons living in de facto cohabitation shall be regarded as related parties and due to this fact there are limitations to take certain positions or to issue certain decisions (for example, the Law on Internal Audit in the Public Sector, the Law on Personal Data Protection, the Law on Deposit Insurance in Banks, the Law on the Financial Supervision Commission, the Law on the Government agency "National Security", the Civil Service Act, the Law on the Ministry of the Interior, the Customs Law, the Law on National Accreditation of Conformity Assessment Bodies, National Audit Office Act, Judicial System Act, Financial Management and Control in the Public Sector Act and others).

In THE CONCESSIONS ACT there is legal definition of "persons having close links" for the purposes of the act:

"14. "Persons having close links" shall be:

(a) lineal relatives up to any degree of consanguinity;

(b) collateral relatives up to the fourth degree of consanguinity inclusive;

(c) affine up to the second degree of affinity inclusive;

(d) spouses or de facto cohabitants;

(e) partners;

(f) any two persons, of whom one participates in the management of the corporation of the other;

(g) a corporation and a person who holds more than 5 per cent of the voting interests or shares issued in the corporation.

CIVIL REGISTRATION ACT

Article 92. For the address registration of a person who is the cohabitee of the

owner or user of the property, the documents referred to in Paragraphs 2 and 3 shall not be required (documents evidencing that the property is used as a residence, which includes residential social service contracts and contracts on placement in specialised institutions or other documents evidencing title to or use of the property). As a proof of the said facts, a written standard-form declaration of consent by the owner or user of the property shall be presented to the body referred to in Paragraph 1 in person (mayor of the municipality, the district or the mayoralty or by persons designated by them) or, in the alternative, with the signature therein notarised.

PROTECTION AGAINST DISCRIMINATION ACT

ADDITIONAL PROVISIONS § 1. For the purposes of this Act:

13. "Marital status" shall mean the status of a spouse or factual cohabitation and taking care of a descendant, ascendant or collateral relative up to the third degree who is a dependent due to age or disability.

PROTECTION AGAINST DOMESTIC VIOLENCE ACT

Article 2. (1) (Amended, SG No. 102/2009, effective 22.12.2009) Domestic violence shall denote any act of physical, sexual, mental, emotional or economic violence, as well as attempts of such violence, coercive restriction of personal life, personal liberty and personal rights committed against individuals, who are related, who are or have been in a family relationship or in de-facto conjugal co-habitation.

Article 3. Protection under this Act may be sought by any person, who has become victim of domestic violence, perpetrated by:

1. spouse of former spouse;
2. person, with whom he/she is or has been in a de-facto conjugal co-habitation;

...

9. (new, SG No. 102/2009, effective 22.12.2009) ascendant or descendant of the person with whom he/she is in de-facto conjugal co-habitation;

10. (new, SG No. 102/2009, effective 22.12.2009) person, with whom the parent is or was in de-facto conjugal co-habitation.

HEALTH ACT

Article 208b (New, SG No. 98/2010, effective 14.12.2010)

(1) The body of a deceased person may be used for educational and scientific research purposes in higher medical schools, if the person is a Bulgarian national and had expressed explicit consent thereof while still alive.

(2) In the case of no consent under Paragraph 1, the body of a deceased person may be used for educational purposes in higher medical schools, upon obtaining, within a reasonably short time, the written consent of one of the following persons addressed in the same order other as presented below:

1. spouse or cohabiting partner;

MEDIATION ACT

Article 13. (2) The mediator shall be obligated to indicate all circumstances as may give rise to reasonable doubt in the parties as to the impartiality and neutrality of the mediator, including the cases when the mediator is a person:

2. who lives in de facto marital cohabitation with any party to the dispute that is the subject of the mediation;

CRIME VICTIM ASSISTANCE AND FINANCIAL COMPENSATION ACT

Article 3. (2) Where a victim has died as a result of a crime, the victim's rights to assistance and financial compensation shall be transferred to the victim's children, parents or spouse or the person with whom the victim has been in actual cohabitation.

FOREIGNERS IN THE REPUBLIC OF BULGARIA ACT

Article 24 (1) (Amended, SG No. 29/2007) A long-term residence permit may be granted to foreigners who possess a visa under Article 15, paragraph 1 and:

...

14. (new, SG No. 42/2001, amended, SG No. 37/2003, SG No. 63/2005, effective 1.01.2006, SG No. 29/2007, SG No. 23/2013) are the parents of a foreigner or are de facto cohabitantes of a foreigner who has been granted a prolonged-stay permit in pursuance of Article 23, paragraph 3 herein;

ADDITIONAL PROVISIONS

§ 1. For the purposes of this Act:

10. (New, SG No. 37/2003) Factual extramarital co-habitation exists when the persons live in one household and cohabit on the basis of spouse relationships.

No

15. *For States that establish a specific legal regime for cohabitation or which attach certain legal effects to (aspects of) cohabitation:*

What **rights** and **obligations** do unmarried cohabitants have under the law of your State? Are there any requirements which have to be fulfilled before such rights or obligations arise?

Please answer both questions by taking into account the following subject matters and provide the legal basis (*i.e.*, legal rules or case law). (If the answer depends on the type of unmarried cohabitation (*e.g.*, whether the couple is of the same-sex or opposite-sex), please answer the question for each type):

- a. relationship between unmarried cohabitants, *e.g.*,
 - (1) personal obligations and duties of unmarried cohabitants (*e.g.*, duty of care of unmarried cohabitants):
Please insert text here
 - (2) maintenance obligations:
Please insert text here
 - (3) property relations:
Please insert text here
 - (4) inheritance:
Please insert text here
 - (5) other(s):
Please insert text here
- b. children, *e.g.*,
 - (1) parental status:
Please insert text here
 - (2) parental responsibility:
Please insert text here
 - (3) child support:
Please insert text here
 - (4) inheritance:
Please insert text here
 - (5) adoption:
Please insert text here
 - (6) assisted reproduction:
Please insert text here
 - (7) surrogacy:
Please insert text here
 - (8) other(s):

Please insert text here

- c. other financial matters, *e.g.*,
- (1) pensions, including social security benefits:
Please insert text here
- (2) other(s):
Please insert text here

B.2. PRIVATE INTERNATIONAL LAW

Recognition of the validity of a special legal regime for, or of certain legal effects of, unmarried cohabitation:

16. *For all States:*

Consider the situation where a couple has acquired certain rights and obligations under a special legal regime for unmarried cohabitation in State X, or the couple has acquired certain rights and obligations because the laws of State X attach certain legal effects to their unmarried cohabitation.

- a. Would the **validity** of the legal regime for unmarried cohabitation of State X be recognised in your State?
- Yes
 No
- b. Would any of the **effects** which the unmarried cohabitation has under the laws of State X be recognised in your State?
- Yes
 No
- c. If the answer to a. or b., is "yes", what are the requirements (*substantive and / or formal requirements*) for the recognition of the legal regime or of its effects?
- d. Would the reply to the previous questions be different when a question regarding the validity or effects of the unmarried cohabitation arises as a **preliminary issue** in the context of another question of private international law before the authorities of your State (*e.g.*, about maintenance or inheritance)?
Please insert text here

Jurisdiction:

17. *For States that provide for a specific legal regime for cohabitation or which attach certain legal effects to (aspects of) cohabitation:*

Please state any specific rules applying in your State concerning the **jurisdiction** of the authorities of your State regarding the specific legal regime for cohabitation or its effects.

Please insert text here

Applicable law (conflict of laws):

18. *For States that provide for a specific legal regime for cohabitation or which attach certain legal effects to (aspects of) cohabitation:*

Please state any specific conflict of law rules applying in your State concerning the legal regime for cohabitation or concerning the legal effects attached to (aspects of) cohabitation.

Please insert text here

Legal and practical problems:

19. For all States:

- a. Do you know of any legal and / or practical problems that have arisen in your State in the context of unmarried cohabitation where there are international elements involved? If so, please describe briefly.

Please insert text here

- b. In particular, do you know of any situation where unmarried cohabitants lost rights they had acquired under the law of the State where they had cohabited after moving to another State? If so, please describe briefly.

Please insert text here

Future developments:

20. For all States:

Are any developments foreseen in your national law, *e.g.*, modification or introduction of a legal regime for cohabitation or of certain legal effects of cohabitation? Are any developments foreseen in relation to private international law aspects of cohabitation outside marriage?

As mentioned above, the European Union has adopted a new Regulation 2016/1104 implementing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of the property consequences of registered partnerships (promulgated in the Official Journal of the European Union, dated 8 July 2016), which will be applicable to Bulgaria.

The Republic of Bulgaria has the legal obligation to provide for the necessary legal and administrative measures in order to guarantee the direct application of this regulation on national level. The interinstitutional working party will be established to the Ministry of Justice with the participation of relevant stakeholders to discuss the need of any legal changes and to draft and propose the necessary legal texts to facilitate the implementation of the Regulation.

PART C: Statistics

21. For all States:

Please provide any statistics relating to registered partnerships and unmarried cohabitation where applicable, if available, *e.g.*,

- a. the (estimated) number of registered partners in your State and any trend in this regard;

Please insert text here

- b. the (estimated) number of couples who are cohabiting without being married in your State and any trend in this regard:

Since there is no legal obligation for registering, there is no official statistics on the number of couples living in unmarried cohabitation. The regime of such couples is of a declaratory nature. Some data could be gathered from the municipal authorities on the number of such couples with children, because municipalities issue birth certificates or from the notary registries, because such couples declare the child before the Notary in order to obtain social benefits for children. Even if gathered, such data will not be full.

The EUROSTAT data shows a trend of decreasing number of marriages in Bulgaria in the period 2005-2013 (from 33 501 to 21 167), which could be an indicator for a growing number of couples living in unmarried cohabitation.

- c. the (estimated) birth / adoption / surrogacy rates for registered partners and unmarried cohabitants in your State and any trends in this regard:

Please insert text here

- d. the (estimated) number of registered partnerships that have been annulled or dissolved in your State:

Please insert text here

- e. the (estimated) number of international couples (*i.e.*, at least one partner is not a national of or habitually resident in your State) and any trends in this regard:

Please insert text here

- f. any other relevant statistics:

Please insert text here