

# Questionnaire relating to the *Convention of 25 October 1980 on International Access to Justice (Access to Justice Convention)*

Responding State:

Bulgaria

## I. General Feedback

1. How does your State rate the general operation of the Access to Justice Convention?  
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2. How does your State rate the operation of the Model Forms?  
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3. In your State's opinion, should the PB develop further guidance or explanatory material on the operation of the Access to Justice Convention?  
(b) No.

## II. Operation of the Convention

4. Has your State, as a requesting or as a requested State, experienced any difficulties in the application of any of the chapters of the Access to Justice Convention?  
(b) No.
5. Has the concept of habitual residence, as used in the Access to Justice Convention, led to any difficulties of interpretation or application in your State?  
(b) No.
6. Has your State granted legal aid to legal persons (as opposed to "natural" persons) under Chapter I of the Convention (noting comments in the Explanatory Report by Gustaf Möller, which excludes legal persons from Chapter 1).  
(b) No.
7. If your State has made a reservation under Article 28(1), please indicate whether your State has exercised the power granted by that Reservation.  

(Art. 28(1) allows a Contracting Party to exclude the obligation of Article 1 of the Convention:

(1) in the case of persons who are not nationals of a Contracting Party, but who have their habitual residence in a Contracting Party other than the reserving State, and / or

(2) in the case of persons who formerly had their habitual residence in the reserving State, if, in either of these cases, there is no reciprocity of treatment between the reserving State and the State of nationality of the applicant.)

(b) No.

8. In your State, is legal aid made available only in civil and commercial matters, or also in administrative, social or fiscal matters? (Art. 1(3))
- (a) Civil and commercial.  
“Legal aid is granted only to natural persons, in criminal, civil and administrative matters before courts of all instances.  
According to the Bulgarian Law on Legal Aid there are four types of legal aid:  
1. a consultation and/or preparing of documents in view of reaching a settlement before the start of court proceedings or to file a case, to start or conduct proceedings to issue an individual administrative act and/or dispute it under an administrative procedure, including a consultation and/or preparing documents under Chapter Five "a", section II;  
2. procedural representation;  
3. representation in out-of-court procedures;  
4. representation upon detention under Article 72 (1) of the Ministry of Interior Act, under Article 16a of the Customs Act and under Article 124b(1) of the State Agency for National Security Act.  
For each type of legal aid has rules regulating the persons entitled to it.”
9. In judicial proceedings before the courts of your State, does the law or practice of your State impose any security, bond or deposit upon certain categories of persons such as foreign nationals or persons who are not resident or domiciled in your State?
- (b) No.
10. Is your State able to provide the PB with an example or case of the Convention operating effectively in practice?
- (b) No.

### III. Use of Information Technology

The questions below seek information from Contracting Parties on the use of technology and in light of the COVID-19 pandemic.

11. Has your State taken any steps (including through legislation) to enable or increase the use of technology or electronic means to facilitate the transmission or processing of applications for legal aid under the Convention, including in response to the COVID-19 pandemic?
- (b) No.
12. In the past five years, has your State **received** any applications using electronic means?
- (b) No.
- 12.1. If no, please provide further information about why this is not yet possible.
- “No applications under the Convention.”
13. In the past five years, has your State **sent** any applications using electronic means?
- (b) No.

13.1. If no, please provide further information about why this is not yet possible.

*“No applications under the Convention.”*

14. What challenges, if any, has your State faced regarding the use of information technology under the Access to Justice Convention?

(a) None.

15. In addition to the Access to Justice Convention, is your State a party to any bilateral, regional, or multilateral agreements that provide rules for access to justice in a cross-border context?

(a) Yes.

*“Within the EU, the matter is governed by the Legal Aid Directive that had to be transposed by 30 November 2004 / 30 May 2006*

*-European Agreement on the Transmission of Applications for Legal Aid, 1977*

*- Treaty between the People's Republic of Bulgaria and the Union of Soviet Socialist Republics on legal assistance in civil, family and criminal matters; (Moscow, 19 February 1975; EIF: 18 January 1976)*

*- Treaty on judicial and legal assistance in civil, commercial, family and criminal matters between the People's Republic of Bulgaria and the People's Democratic Republic of Algeria (Algeria, 20 December 1975; EIF: 1 April 1985)*

*- Treaty on legal assistance in civil matters between the Republic of Bulgaria and the Republic of Albania (Sofia, 17 November 2003; EIF: 19 January 2006)*

*- Treaty between the Government of the Republic of Bulgaria and the Government of the Republic of Lebanon on legal assistance in civil matters (Beirut, 20 March 2001; EIF: 10 April 2004)*

*- Treaty on legal assistance in civil matters between the Republic of Bulgaria and Georgia (Sofia, 19 January 1995; EIF: 6 June 1996)*

*- Treaty on legal assistance in civil matters between the Republic of Bulgaria and the Republic of Armenia (Sofia, 10 April 1995; EIF: 7 December 1997)*

*- Treaty on legal assistance in civil matters between the Republic of Bulgaria and the Republic of Azerbaijan (Sofia, 29 June 1995; EIF 26 September 1997)*

*- Treaty between the People's Republic of Bulgaria and the State of Kuwait on legal and judicial assistance in civil and criminal matters; (Kuwait, 26 December 1988; EIF: 6 July 1989)*

*- Treaty between the People's Republic of Bulgaria and Great Socialist People's Libyan Arab Jamahiriya on legal assistance (Tripoli, 8 March 1984; EIF: 5 August 1985)*

*- Treaty between the People's Republic of Bulgaria and the People's Democratic Republic of Yemen on legal assistance in civil and criminal matters; (Sofia, 13 May 1988; EIF: 22 January 1989)*

*- Treaty on legal assistance in civil and criminal matters between the People's Republic of Bulgaria and the Republic of Turkey (Ankara, 2 September 1975; EIF: 27 October 1978)*

*- Treaty on legal assistance in civil, family and criminal matters between the People's Republic of Bulgaria and the Socialist Republic of Vietnam; (Sofia, 3 October 1986; EIF: 5 July 1987)*

*- Treaty between the People's Republic of Bulgaria and the Democratic People's Republic of Korea on rendering of mutual legal assistance in civil, family and criminal matters (Pyongyang, 17 May 1989; EIF: 15 February 1990)*

*- Treaty between the Republic of Bulgaria and the Republic of Uzbekistan on legal assistance in civil matters. (Sofia, 24 November 2003; EIF: 11 November 2004)*

*- Treaty between the People's Republic of Bulgaria and the Republic of Cuba on legal assistance in civil, family and criminal matters (Havana, 11 April 1979; EIF: 25 July 1980)*

*- Treaty the People's Republic of Bulgaria and the People's Republic of Mongolia on rendering of mutual legal assistance in civil, family and criminal matters; (Sofia, 27 November 1968; EIF: 10 April 1969)”*

*For Parties that answered yes to Q15 above:*

15.1. Do any of these agreements provide for the use of electronic means (e.g., e-mail) to transmit or process applications for access to justice?

(b) No.

#### **IV. 2024 Meeting of the Special Commission & Monitoring**

16. What are the three key topics or practical issues related to the Access to Justice Convention that your State would like discussed at the 2023 meeting of the Special Commission?

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16.1 Please indicate whether the information provided in Q16 above may be published.

N/A

17. Does your State have any suggestions that could assist in the promotion, implementation, or operation of the Access to Justice Convention?

(b) No.

17.1. If the answer to Q17 above is “yes”, please indicate whether the information provided may be published.

N/A

## DATA & STATISTICS FOR CONTRACTING PARTIES

### I. General Application

- Please indicate, by numbering from 1 to 4, the Access to Justice Convention chapters which have been most frequently applied in your State (1 representing the highest, 4 the lowest)

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### II. Application for Legal Aid

#### A. Chapter 1 – Legal Aid

##### 1. Incoming Requests

- How many **incoming applications** for legal aid has your State received and granted?

Year	Number of requests received	Number of requests granted
2017	0	0
2018	0	0
2019	0	0
2020	0	0
2021	0	0
2022	0	0
Unknown – <i>please explain.</i>		
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- Which three States made the most requests?

N/A

- If possible, please provide a breakdown of how long (in months) it took to execute incoming requests.

	< 1	1-3	3-6	6-12	> 12
2017	-	-	-	-	-
2018	-	-	-	-	-
2019	-	-	-	-	-
2020	-	-	-	-	-
2021	-	-	-	-	-
2022 (if data available)	-	-	-	-	-

Unknown – *please explain.*  
 “No applications under the Convention.”

5. Please select the categories of persons that have been granted legal aid in your State (as a requested State) in the past five years under the Convention.

*Please also indicate the total number of persons in each category.*

Category	Number granted	Total Number
Nationals of a Contracting Party (Art. 1(1))	-	-
Persons habitually resident in a Contracting Party (Art. 1(1))	-	-
Persons who formerly had habitual residence in your State	-	-
Persons seeking the recognition and enforcement of a decision in circumstances of Article 13.2	-	-
Unknown – <i>please explain.</i> “No applications under the Convention.”		

## 2. Outgoing Requests

6. How many **outgoing applications** for legal aid has your State sent?

Year	Number of requests sent
2017	0
2018	0
2019	0
2020	0
2021	0
2022	0
Unknown – <i>please explain.</i> “No applications under the Convention.”	

7. To which three States did your State send the most requests?

N/A

8. If possible, please provide a breakdown of how long (in months) it took to have outgoing requests executed.

Year	< 1	1-3	3-6	6-12	> 12
2017	-	-	-	-	-
2018	-	-	-	-	-
2019	-	-	-	-	-
2020	-	-	-	-	-
2021	-	-	-	-	-
2022 (if data available)	-	-	-	-	-
Unknown – please explain. “No applications under the Convention.”					

9. Please indicate the categories of persons in your State (as the requesting State) that have been granted legal aid abroad in the past five years and indicate the number in each category.

Year	Nationals of your State	Habitual residents of your State	Seeking recognition or enforcement of a decision (Art. 13(2))
2017	-	-	-
2018	-	-	-
2019	-	-	-
2020	-	-	-
2021	-	-	-
2022	-	-	-
Unknown – please explain. “No applications under the Convention.”			

## B. Chapter II - Security for Costs and Enforceability of Orders for Costs

### 1. Incoming Applications

This question applies if your State has not excluded the application of Chapter II.

10. Please indicate how many applications for the enforcement of orders for costs and expenses (“Article 15 Applications”) have been **received** annually by the Central Authority(ies) of your State, in the past five years?

Year	Number of applications
2017	0
2018	0
2019	0
2020	0
2021	0
2022	0
Unknown – <i>please explain.</i>	
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11. Which three States made the most requests?

N/A

12. If possible, please provide a breakdown of how long (in months) it took to have incoming requests executed.

Year	< 1	1-3	3-6	6-12	> 12
2017	-	-	-	-	-
2018	-	-	-	-	-
2019	-	-	-	-	-
2020	-	-	-	-	-
2021	-	-	-	-	-
2022 (if data available)	-	-	-	-	-
Unknown – <i>please explain.</i>					
“No applications under the Convention.”					

## 2. Outgoing Applications

This question applies if your State has not excluded the application of Chapter II.

13. Please indicate how many applications for the enforcement of orders for costs and expenses (“Article 15 Applications”), have been **sent** annually by the authorities of your State to the Central Authorities of other Contracting Parties in the past five years?

Year	Number of requests
2017	0
2018	0
2019	0
2020	0
2021	0
2022	0
Unknown – <i>please explain.</i>	
-	

14. To which three States has your State sent most requests?

N/A

15. If possible, please provide a breakdown of how long (in months) it took to have outgoing requests executed.

Year	< 1	1-3	3-6	6-12	> 12
2017	-	-	-	-	-
2018	-	-	-	-	-
2019	-	-	-	-	-
2020	-	-	-	-	-
2021	-	-	-	-	-
2022 (if data available)	-	-	-	-	-
Unknown – <i>please explain.</i>					
“No applications under the Convention.”					

## **CASE LAW, ADDITIONAL INFORMATION & SUPPORTING DOCUMENTS**

### **I. Case Law**

Please list all your State's judicial decisions that have considered the Access to Justice Convention since 2014 and provide a link to or upload the decisions (in PDF format only).

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### **II. Additional Documents**

Please provide links to and / or any additional information or documentation to support your response (in PDF format only). This may include:

- ⇒ resources for the general public or guidelines for Central or other Authorities' staff;
- ⇒ implementation legislations, recent legislative developments; or
- ⇒ books, articles, or other published work.

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## **PUBLICATION OF RESPONSES**

Please confirm whether your responses to this questionnaire can be published on the HCCH website.

- (a) Yes.