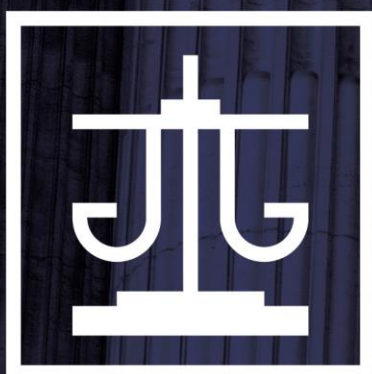




EPHESUS

Promoting fundamental rights in (post)
pandemic times in cross-border proceedings

Country Fiche Bulgaria



1. The competent authority

a. As Issuing State

In Bulgaria, the supervising public prosecutor is competent to issue and send a decision imposing a measure of procedural constraint for supervision to another EU Member State.¹

Although there is no centralised public body authorised to issue and send decisions imposing measures of procedural constraint, the Ministry of Justice is authorised to collect information about all such decisions issued in Bulgaria. To this end, by 31 January of each year, the competent authorities are required to submit to the Ministry of Justice information on the number of decisions issued and sent in the previous year.²

b. As Executing State

In Bulgaria, the competent authority to recognise a decision imposing measures of procedural constraint, which was issued in another EU Member State, is the district court in the place of residence of the person for whom the measure was requested. Where this person has no place of residence on the territory of Bulgaria, the Sofia City Court is competent to recognise the decision. Where the decision has been sent to an authority which is not competent to recognise it, it is obliged to send it ex officio to the appropriate court and to immediately notify the competent authority in the issuing State thereof in a manner allowing a written record and authentication.³

2. Recourse to a central authority: No

In Bulgaria, there is no centralised public body authorised to either issue and send, or receive and recognise, decisions imposing measures of procedural constraint. However, the Ministry of Justice is authorised to collect information about all such decisions issued and received in Bulgaria. To this end, by 31 January of each year, the competent authorities are required to submit to the Ministry of Justice information on the number of decisions issued, sent, received or recognised in the previous year.⁴

¹ Bulgaria, Recognition, Execution and Transmission of Measures of Constraint Other than Measures Requiring Detention Act ([Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане](#)), 26 April 2016, Article 15.

² Bulgaria, Recognition, Execution and Transmission of Measures of Constraint Other than Measures Requiring Detention Act ([Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане](#)), 26 April 2016, Article 3.

³ Bulgaria, Recognition, Execution and Transmission of Measures of Constraint Other than Measures Requiring Detention Act ([Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане](#)), 26 April 2016, Article 4.

⁴ Bulgaria, Recognition, Execution and Transmission of Measures of Constraint Other than Measures Requiring Detention Act ([Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане](#)), 26 April 2016, Article 3.



3. Types of supervision measures ready to supervise – common

	Yes	No
(a) an obligation for the person to inform the competent authority in the executing State of any change of residence, in particular for the purpose of receiving a summons to attend a hearing or a trial in the course of criminal proceedings;	Y ⁵	
(b) an obligation not to enter certain localities, places or defined areas in the issuing or executing State;	Y ⁶	
(c) an obligation to remain at a specified place, where applicable during specified times;	Y ⁷	
(d) an obligation containing limitations on leaving the territory of the executing State;	Y ⁸	
(e) an obligation to report at specified times to a specific authority;	Y ⁹	
(f) an obligation to avoid contact with specific persons in relation with the offence(s) allegedly committed.	Y ¹⁰	

4. Types of supervision measures ready to supervise – optional:

	Yes	No
(a) an obligation not to engage in specified activities in relation with the offence(s) allegedly committed, which may include involvement in a specified profession or field of employment;	Y ¹¹	
(b) an obligation not to drive a vehicle;		N ¹²

⁵ Bulgaria, Recognition, Execution and Transmission of Measures of Constraint Other than Measures Requiring Detention Act ([Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане](#)), 26 April 2016, Article 2.

⁶ Bulgaria, Recognition, Execution and Transmission of Measures of Constraint Other than Measures Requiring Detention Act ([Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане](#)), 26 April 2016, Article 2.

⁷ Bulgaria, Recognition, Execution and Transmission of Measures of Constraint Other than Measures Requiring Detention Act ([Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане](#)), 26 April 2016, Article 2.

⁸ Bulgaria, Recognition, Execution and Transmission of Measures of Constraint Other than Measures Requiring Detention Act ([Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане](#)), 26 April 2016, Article 2.

⁹ Bulgaria, Recognition, Execution and Transmission of Measures of Constraint Other than Measures Requiring Detention Act ([Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане](#)), 26 April 2016, Article 2.

¹⁰ Bulgaria, Recognition, Execution and Transmission of Measures of Constraint Other than Measures Requiring Detention Act ([Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане](#)), 26 April 2016, Article 2.

¹¹ Bulgaria, Recognition, Execution and Transmission of Measures of Constraint Other than Measures Requiring Detention Act ([Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане](#)), 26 April 2016, Article 2.

¹² The obligation not to drive a vehicle is not explicitly mentioned in the law. It is also not included in the list of measures Bulgaria is willing to supervise, which was sent to the General Secretariat of the Council pursuant to



(c) an obligation to deposit a certain sum of money or to give another type of guarantee, which may either be provided through a specified number of instalments or entirely at once;	Y ¹³	
(d) an obligation to undergo therapeutic treatment or treatment for addiction;		N ¹⁴
(e) an obligation to avoid contact with specific objects in relation with the offence(s) allegedly committed.		N ¹⁵
(f) Others, what?		N ¹⁶

5. What is / are the body / bodies responsible for supervising the measures?

I. Supervisory measure – Common	Supervisory body / bodies
(a) an obligation for the person to inform the competent authority in the executing State of any change of residence, in particular for the purpose of receiving a summons to attend a hearing or a trial in the course of criminal proceedings;	Police ¹⁷
(b) an obligation not to enter certain localities, places or defined areas in the issuing or executing State;	Probation service ¹⁸

Article 8(2) of Framework Decision 2009/829/JHA. In theory, a decision imposing such a measure could be received and recognised if the obligation not to drive a vehicle is interpreted as an obligation not to engage in specified activities in relation with the offence. However, there is currently no case law confirming or rejecting this interpretation.

¹³ Bulgaria, Recognition, Execution and Transmission of Measures of Constraint Other than Measures Requiring Detention Act ([Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане](#)), 26 April 2016, Article 2.

¹⁴ The obligation to undergo therapeutic treatment or treatment for addiction is not explicitly mentioned in the law. It is also not included in the list of measures Bulgaria is willing to supervise, which was sent to the General Secretariat of the Council pursuant to Article 8(2) of Framework Decision 2009/829/JHA.

¹⁵ The obligation to avoid contact with specific objects in relation with the offence(s) allegedly committed is not explicitly mentioned in the law. It is also not included in the list of measures Bulgaria is willing to supervise, which was sent to the General Secretariat of the Council pursuant to Article 8(2) of Framework Decision 2009/829/JHA.

¹⁶ No other measures are mentioned in the law or included in the list of measures Bulgaria is willing to supervise submitted to the General Secretariat of the Council pursuant to Article 8(2) of Framework Decision 2009/829/JHA.

¹⁷ Bulgaria, Recognition, Execution and Transmission of Measures of Constraint Other than Measures Requiring Detention Act ([Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане](#)), 26 April 2016, Article 10. By law, the supervision of recognised measures 'shall be exercised according to a procedure established by law'. However, there are no specific provisions defining which authority is responsible for supervising the implementation of each measure. According to § 3 of the Additional Provisions, in the absence of special rules, the provisions of the Criminal Procedure Code apply. In this case, Article 60, paragraph 3 of the Criminal Procedure Code should be applied.

¹⁸ Bulgaria, Recognition, Execution and Transmission of Measures of Constraint Other than Measures Requiring Detention Act ([Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за](#)



(c) an obligation to remain at a specified place, where applicable during specified times;	Probation service ¹⁹
(d) an obligation containing limitations on leaving the territory of the executing State;	Border police ²⁰
(e) an obligation to report at specified times to a specific authority;	Public prosecutor / police ²¹
(f) an obligation to avoid contact with specific persons in relation with the offence(s) allegedly committed.	Not expressly regulated ²²

[процесуална принуда, различни от мерките, изискващи задържане](#)), 26 April 2016, Article 10. By law, the supervision of recognised measures 'shall be exercised according to a procedure established by law'. The issue here is that, under Bulgarian law, this is not considered a measure of procedural coercion under the Code of Criminal Procedure. Instead, it is classified as a measure of control and influence, applicable in cases of a "probation" sentence or when imposed during the probationary period of a suspended sentence of deprivation of liberty. However, since the Bulgarian court must ensure the application of EU law, it will likely accept the measure. Given that a similar mechanism exists in national law, aligns with measures of control and influence, and is not associated with deprivation of liberty, supervision will likely be assigned to the relevant probation service, as permitted under national law.

¹⁹ Bulgaria, Recognition, Execution and Transmission of Measures of Constraint Other than Measures Requiring Detention Act ([Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане](#)), 26 April 2016, Article 10. By law, the supervision of recognised measures 'shall be exercised according to a procedure established by law'. The issue here is that, under Bulgarian law, this is not considered a measure of procedural coercion under the Code of Criminal Procedure. Instead, it is classified as a measure of control and influence, applicable in cases of a "probation" sentence or when imposed during the probationary period of a suspended sentence of deprivation of liberty. However, since the Bulgarian court must ensure the application of EU law, it will likely accept the measure. Given that a similar mechanism exists in national law, aligns with measures of control and influence, and is not associated with deprivation of liberty, supervision will likely be assigned to the relevant probation service, as permitted under national law.

²⁰ Bulgaria, Recognition, Execution and Transmission of Measures of Constraint Other than Measures Requiring Detention Act ([Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане](#)), 26 April 2016, Article 10. By law, the supervision of recognised measures 'shall be exercised according to a procedure established by law'. However, there are no specific provisions defining which authority should supervise the implementation of each measure. There is only a general provision that decisions are sent to the public prosecutors for execution. There is no case law on the recognition of this measure either, from which to infer the supervisory authority for its implementation. If the ban on leaving the country is imposed as a measure in national criminal proceedings, the decision is usually sent for execution to the border police and the respective police department responsible for the issuance and revocation of the person's identification documents.

²¹ Bulgaria, Recognition, Execution and Transmission of Measures of Constraint Other than Measures Requiring Detention Act ([Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане](#)), 26 April 2016, Article 10. By law, the supervision of recognised measures 'shall be exercised according to a procedure established by law'. However, there are no specific provisions defining which authority should supervise the implementation of each measure. There is only a general provision that decisions are sent to the public prosecutors for execution. In practice, persons obliged to report at specified times to a specific authority report to the Regional Police Department in their place of residence (for example, see District Court of Sliven (*Окръжен съд - Сливен*), Ruling on private criminal case No 369/2017 ([Определение по частно наказателно дело № 369/2017](#)), ECLI:BG:DC220:2017:20170200369.001, 11 July 2017).

²² Bulgaria, Recognition, Execution and Transmission of Measures of Constraint Other than Measures Requiring Detention Act ([Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за](#)



II. Supervisory measures - Optional	Supervisory body / bodies
(a) an obligation not to engage in specified activities in relation with the offence(s) allegedly committed, which may include involvement in a specified profession or field of employment;	Not expressly regulated ²³
(b) an obligation not to drive a vehicle;	Not applicable ²⁴
(c) an obligation to deposit a certain sum of money or to give another type of guarantee, which may either be provided through a specified number of instalments or entirely at once;	The deposit shall be made to the bank account of the court that recognized and accepted for execution the measure. ²⁵
(d) an obligation to undergo therapeutic treatment or treatment for addiction;	Not applicable ²⁶

[процесуална принуда, различни от мерките, изискващи задържане](#)), 26 April 2016, Article 10. By law, the supervision of recognised measures 'shall be exercised according to a procedure established by law'. However, there are no specific provisions defining which authority should supervise the implementation of each measure. There is only a general provision that decisions are sent to the public prosecutors for execution. In practice, court decisions recognising and allowing for the execution of this measure only state that the person is 'banned from having contact with certain persons connected with the alleged offences' and then list the specific persons by name' (for example, see District Court of Sliven (*Окръжен съд - Сливен*), Ruling on private criminal case No 369/2017 ([Определение по частно наказателно дело № 369/2017](#)), ECLI:BG:DC220:2017:20170200369.001, 11 July 2017). In case of a breach of the court ruling, a complaint should be filed with the police.

²³ Bulgaria, Recognition, Execution and Transmission of Measures of Constraint Other than Measures Requiring Detention Act ([Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане](#)), 26 April 2016, Article 10. By law, the supervision of recognised measures 'shall be exercised according to a procedure established by law'. However, there are no specific provisions defining which authority should supervise the implementation of each measure. There is only a general provision that decisions are sent to the public prosecutors for execution. There is no case law on the recognition of this measure either, from which to infer the supervisory authority for its implementation.

²⁴ The measure is not explicitly mentioned in the law and is not included in the list of measures Bulgaria is willing to supervise submitted to the General Secretariat of the Council pursuant to Article 8(2) of Framework Decision 2009/829/JHA.

²⁵ Bulgaria, Recognition, Execution and Transmission of Measures of Constraint Other than Measures Requiring Detention Act ([Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане](#)), 26 April 2016, Article 10. By law, the supervision of recognised measures 'shall be exercised according to a procedure established by law'. However, there are no specific provisions defining which authority should supervise the implementation of each measure. According to § 3 of the Additional Provisions, in the absence of special rules, the provisions of the Criminal Procedure Code apply.

²⁶ The measure is not explicitly mentioned in the law and is not included in the list of measures Bulgaria is willing to supervise submitted to the General Secretariat of the Council pursuant to Article 8(2) of Framework Decision 2009/829/JHA.



(e) an obligation to avoid contact with specific objects in relation with the offence(s) allegedly committed.	Not applicable ²⁷
(f) Others, what?	Not applicable ²⁸

6. What is the duration of the measure?

I. Supervisory measure – Common	Maximum duration
(a) an obligation for the person to inform the competent authority in the executing State of any change of residence, in particular for the purpose of receiving a summons to attend a hearing or a trial in the course of criminal proceedings;	If the case is still in the pre-trial phase: - 1 year and 6 months for serious crimes punishable by more than 5 years of imprisonment. - 8 months for all other cases. If the case has already been submitted to court, the measure may remain in effect until the conclusion of the proceedings.²⁹
(b) an obligation not to enter certain localities, places or defined areas in the issuing or executing State;	Maximum duration is not explicitly provided for in the law. ³⁰
(c) an obligation to remain at a specified place, where applicable during specified times;	If the case is still in the pre-trial phase: - 1 year and 6 months for serious crimes punishable by more than 5 years of imprisonment. - 8 months for all other cases. If the case has already been submitted to court, the measure may remain in effect until the conclusion of the proceedings.³¹

²⁷ The measure is not explicitly mentioned in the law and is not included in the list of measures Bulgaria is willing to supervise submitted to the General Secretariat of the Council pursuant to Article 8(2) of Framework Decision 2009/829/JHA.

²⁸ No other measures are mentioned in the law or included in the list of measures Bulgaria is willing to supervise submitted to the General Secretariat of the Council pursuant to Article 8(2) of Framework Decision 2009/829/JHA.

²⁹ Maximum duration is not explicitly provided for in the Recognition, Execution and Transmission of Measures of Constraint Other than Measures Requiring Detention Act ([Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане](#)), 26 April 2016. According to § 3 of the Additional Provisions, in the absence of special rules, the provisions of the Criminal Procedure Code apply. In this case, Article 234, paragraph 8 of the Criminal Procedure Code should be applied.

³⁰ If the obligation not to enter certain localities, places or defined areas is imposed as a measure in national criminal proceedings (which is possible only as a victim protection measure). This measure may remain in effect until the final judgment or the end the proceedings on other grounds. It can be lifted at any time upon the victim's request.

³¹ Maximum duration is not explicitly provided for in the Recognition, Execution and Transmission of Measures of Constraint Other than Measures Requiring Detention Act ([Закон за признаване, изпълнение и изпращане на](#)



(d) an obligation containing limitations on leaving the territory of the executing State;	If the case is still in the pre-trial phase: - 1 year and 6 months for serious crimes punishable by more than 5 years of imprisonment. - 8 months for all other cases. If the case has already been submitted to court, the measure may remain in effect until the conclusion of the proceedings.³²
(e) an obligation to report at specified times to a specific authority;	If the case is still in the pre-trial phase: - 1 year and 6 months for serious crimes punishable by more than 5 years of imprisonment. - 8 months for all other cases. If the case has already been submitted to court, the measure may remain in effect until the conclusion of the proceedings.³³
(f) an obligation to avoid contact with specific persons in relation with the offence(s) allegedly committed.	Maximum duration is not explicitly provided for in the law. ³⁴

II. Supervisory measures - Optional	Maximum duration
(a) an obligation not to engage in specified activities in relation with the offence(s) allegedly committed, which may include involvement in a specified profession or field of employment;	If the case is still in the pre-trial phase: - 1 year and 6 months for serious crimes punishable by more than 5 years of imprisonment. - 8 months for all other cases.

актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане), 26 April 2016. According to § 3 of the Additional Provisions, in the absence of special rules, the provisions of the Criminal Procedure Code apply. In this case, Article 234, paragraph 8 of the Criminal Procedure Code should be applied.

³² Maximum duration is not explicitly provided for in the Recognition, Execution and Transmission of Measures of Constraint Other than Measures Requiring Detention Act ([Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане](#)), 26 April 2016. According to § 3 of the Additional Provisions, in the absence of special rules, the provisions of the Criminal Procedure Code apply. In this case, Article 234, paragraph 8 of the Criminal Procedure Code should be applied.

³³ Maximum duration is not explicitly provided for in the Recognition, Execution and Transmission of Measures of Constraint Other than Measures Requiring Detention Act ([Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане](#)), 26 April 2016. According to § 3 of the Additional Provisions, in the absence of special rules, the provisions of the Criminal Procedure Code apply. In this case, Article 234, paragraph 8 of the Criminal Procedure Code should be applied.

³⁴ If the obligation to avoid contact with specific persons is imposed as a measure in national criminal proceedings (which is possible only as a victim protection measure). This measure may remain in effect until the final judgment or the end the proceedings on other grounds. It can be lifted at any time upon the victim's request.



	If the case has already been submitted to court, the measure may remain in effect until the conclusion of the proceedings. ³⁵
(b) an obligation not to drive a vehicle;	Not applicable ³⁶
(c) an obligation to deposit a certain sum of money or to give another type of guarantee, which may either be provided through a specified number of instalments or entirely at once;	If the case is still in the pre-trial phase: - 1 year and 6 months for serious crimes punishable by more than 5 years of imprisonment. - 8 months for all other cases. If the case has already been submitted to court, the measure may remain in effect until the conclusion of the proceedings.³⁷
(d) an obligation to undergo therapeutic treatment or treatment for addiction;	Not applicable ³⁸
e) an obligation to avoid contact with specific objects in relation with the offence(s) allegedly committed.	Not applicable ³⁹
(f) Others, what?	Not applicable ⁴⁰

³⁵ Maximum duration is not explicitly provided for in the Recognition, Execution and Transmission of Measures of Constraint Other than Measures Requiring Detention Act ([Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане](#)), 26 April 2016. According to § 3 of the Additional Provisions, in the absence of special rules, the provisions of the Criminal Procedure Code apply. In this case, Article 234, paragraph 8 of the Criminal Procedure Code should be applied.

³⁶ The measure is not explicitly mentioned in the law and is not included in the list of measures Bulgaria is willing to supervise submitted to the General Secretariat of the Council pursuant to Article 8(2) of Framework Decision 2009/829/JHA.

³⁷ Maximum duration is not explicitly provided for in the Recognition, Execution and Transmission of Measures of Constraint Other than Measures Requiring Detention Act ([Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане](#)), 26 April 2016. According to § 3 of the Additional Provisions, in the absence of special rules, the provisions of the Criminal Procedure Code apply. In this case, Article 234, paragraph 8 of the Criminal Procedure Code should be applied.

³⁸ The measure is not explicitly mentioned in the law and is not included in the list of measures Bulgaria is willing to supervise submitted to the General Secretariat of the Council pursuant to Article 8(2) of Framework Decision 2009/829/JHA.

³⁹ The measure is not explicitly mentioned in the law and is not included in the list of measures Bulgaria is willing to supervise submitted to the General Secretariat of the Council pursuant to Article 8(2) of Framework Decision 2009/829/JHA.

⁴⁰ No other measures are mentioned in the law or included in the list of measures Bulgaria is willing to supervise submitted to the General Secretariat of the Council pursuant to Article 8(2) of Framework Decision 2009/829/JHA.



7. Prolongation.

I. Supervisory measure – Common	Can it be prolonged?	By who?	For how long?
(a) an obligation for the person to inform the competent authority in the executing State of any change of residence, in particular for the purpose of receiving a summons to attend a hearing or a trial in the course of criminal proceedings;	Y ⁴¹	The court that issued the original decision	If the case is still in the pre-trial phase: - 1 year and 6 months for serious crimes punishable by more than 5 years of imprisonment. - 8 months for all other cases. If the case has already been submitted to court, the measure may remain in effect until the conclusion of the proceedings
(b) an obligation not to enter certain localities, places or defined areas in the issuing or executing State;	Y ⁴²	The court that issued the original decision	Not expressly regulated
(c) an obligation to remain at a specified place, where applicable during specified times;	Y ⁴³	The court that issued the original decision	Not expressly regulated

⁴¹ Bulgaria, Recognition, Execution and Transmission of Measures of Constraint Other than Measures Requiring Detention Act ([Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане](#)), 26 April 2016, Article 10 and Article 12. While the supervision is being carried out, the court may request information from the competent authority of the issuing State on the need for its extension and on the period for which it is to be extended. On receipt of a decision of the competent authority of the issuing State renewing, modifying or revoking supervision measures, the court shall make a decision under the procedure for recognition of decisions imposing supervision measures.

⁴² Bulgaria, Recognition, Execution and Transmission of Measures of Constraint Other than Measures Requiring Detention Act ([Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане](#)), 26 April 2016, Article 10 and Article 12. While the supervision is being carried out, the court may request information from the competent authority of the issuing State on the need for its extension and on the period for which it is to be extended. On receipt of a decision of the competent authority of the issuing State renewing, modifying or revoking supervision measures, the court shall make a decision under the procedure for recognition of decisions imposing supervision measures.

⁴³ Bulgaria, Recognition, Execution and Transmission of Measures of Constraint Other than Measures Requiring Detention Act ([Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане](#)), 26 April 2016, Article 10 and Article 12. While the supervision is being carried out, the court may request information from the competent authority of the issuing State on the need for its extension and on the period for which it is to be extended. On receipt of a decision of the competent authority of the issuing State renewing, modifying or revoking supervision measures, the court shall make a decision under the procedure for recognition of decisions imposing supervision measures.



(d) an obligation containing limitations on leaving the territory of the executing State;	Y ⁴⁴	The court that issued the original decision	If the case is still in the pre-trial phase: - 1 year and 6 months for serious crimes punishable by more than 5 years of imprisonment. - 8 months for all other cases. If the case has already been submitted to court, the measure may remain in effect until the conclusion of the proceedings
(e) an obligation to report at specified times to a specific authority;	Y ⁴⁵	The court that issued the original decision	Not expressly regulated
(f) an obligation to avoid contact with specific persons in relation with the offence(s) allegedly committed.	Y ⁴⁶	The court that issued the original decision	Not expressly regulated

⁴⁴ Bulgaria, Recognition, Execution and Transmission of Measures of Constraint Other than Measures Requiring Detention Act ([Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане](#)), 26 April 2016, Article 10 and Article 12. While the supervision is being carried out, the court may request information from the competent authority of the issuing State on the need for its extension and on the period for which it is to be extended. On receipt of a decision of the competent authority of the issuing State renewing, modifying or revoking supervision measures, the court shall make a decision under the procedure for recognition of decisions imposing supervision measures.

⁴⁵ Bulgaria, Recognition, Execution and Transmission of Measures of Constraint Other than Measures Requiring Detention Act ([Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане](#)), 26 April 2016, Article 10 and Article 12. While the supervision is being carried out, the court may request information from the competent authority of the issuing State on the need for its extension and on the period for which it is to be extended. On receipt of a decision of the competent authority of the issuing State renewing, modifying or revoking supervision measures, the court shall make a decision under the procedure for recognition of decisions imposing supervision measures.

⁴⁶ Bulgaria, Recognition, Execution and Transmission of Measures of Constraint Other than Measures Requiring Detention Act ([Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане](#)), 26 April 2016, Article 10 and Article 12. While the supervision is being carried out, the court may request information from the competent authority of the issuing State on the need for its extension and on the period for which it is to be extended. On receipt of a decision of the competent authority of the issuing State renewing, modifying or revoking supervision measures, the court shall make a decision under the procedure for recognition of decisions imposing supervision measures.



II. Supervisory measures - Optional	Can it be prolonged?	By who?	For how long?
(a) an obligation not to engage in specified activities in relation with the offence(s) allegedly committed, which may include involvement in a specified profession or field of employment;	Y ⁴⁷	The court that issued the original decision	Not expressly regulated
b) an obligation not to drive a vehicle;	N ⁴⁸	Not applicable	Not applicable
c) an obligation to deposit a certain sum of money or to give another type of guarantee, which may either be provided through a specified number of instalments or entirely at once;	Y ⁴⁹	The court that issued the original decision	If the case is still in the pre-trial phase: - 1 year and 6 months for serious crimes punishable by more than 5 years of imprisonment. - 8 months for all other cases. If the case has already been submitted to court, the measure may remain in effect until the conclusion of the proceedings

⁴⁷ Bulgaria, Recognition, Execution and Transmission of Measures of Constraint Other than Measures Requiring Detention Act ([Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане](#)), 26 April 2016, Article 10 and Article 12. While the supervision is being carried out, the court may request information from the competent authority of the issuing State on the need for its extension and on the period for which it is to be extended. On receipt of a decision of the competent authority of the issuing State renewing, modifying or revoking supervision measures, the court shall make a decision under the procedure for recognition of decisions imposing supervision measures.

⁴⁸ The measure is not explicitly mentioned in the law and is not included in the list of measures Bulgaria is willing to supervise submitted to the General Secretariat of the Council pursuant to Article 8(2) of Framework Decision 2009/829/JHA.

⁴⁹ Bulgaria, Recognition, Execution and Transmission of Measures of Constraint Other than Measures Requiring Detention Act ([Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане](#)), 26 April 2016, Article 10 and Article 12. While the supervision is being carried out, the court may request information from the competent authority of the issuing State on the need for its extension and on the period for which it is to be extended. On receipt of a decision of the competent authority of the issuing State renewing, modifying or revoking supervision measures, the court shall make a decision under the procedure for recognition of decisions imposing supervision measures.



(d) an obligation to undergo therapeutic treatment or treatment for addiction;	N ⁵⁰	Not applicable	Not applicable
e) an obligation to avoid contact with specific objects in relation with the offence(s) allegedly committed.	N ⁵¹	Not applicable	Not applicable
f) Others, what?	N ⁵²	Not applicable	Not applicable

8. Can the measures be modified during the pre-trial or trial stage?

I. Supervisory measure – Common	Yes (explain)	No
(a) an obligation for the person to inform the competent authority in the executing State of any change of residence, in particular for the purpose of receiving a summons to attend a hearing or a trial in the course of criminal proceedings;	Y ⁵³	
(b) an obligation not to enter certain localities, places or defined areas in the issuing or executing State;	Y ⁵⁴	
(c) an obligation to remain at a specified place, where applicable during specified times;	Y ⁵⁵	

⁵⁰ The measure is not explicitly mentioned in the law and is not included in the list of measures Bulgaria is willing to supervise submitted to the General Secretariat of the Council pursuant to Article 8(2) of Framework Decision 2009/829/JHA.

⁵¹ The measure is not explicitly mentioned in the law and is not included in the list of measures Bulgaria is willing to supervise submitted to the General Secretariat of the Council pursuant to Article 8(2) of Framework Decision 2009/829/JHA.

⁵² No other measures are mentioned in the law or included in the list of measures Bulgaria is willing to supervise submitted to the General Secretariat of the Council pursuant to Article 8(2) of Framework Decision 2009/829/JHA.

⁵³ Bulgaria, Recognition, Execution and Transmission of Measures of Constraint Other than Measures Requiring Detention Act ([Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане](#)), 26 April 2016, Article 12. On receipt of a decision of the competent authority of the issuing State renewing, modifying or revoking supervision measures, the court shall make a decision under the procedure for recognition of decisions imposing supervision measures.

⁵⁴ Bulgaria, Recognition, Execution and Transmission of Measures of Constraint Other than Measures Requiring Detention Act ([Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане](#)), 26 April 2016, Article 12. On receipt of a decision of the competent authority of the issuing State renewing, modifying or revoking supervision measures, the court shall make a decision under the procedure for recognition of decisions imposing supervision measures.

⁵⁵ Bulgaria, Recognition, Execution and Transmission of Measures of Constraint Other than Measures Requiring Detention Act ([Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане](#)), 26 April 2016, Article 12. On receipt of a decision of the competent authority of the issuing State renewing, modifying or revoking supervision measures, the court shall make a decision under the procedure for recognition of decisions imposing supervision measures.



(d) an obligation containing limitations on leaving the territory of the executing State;	Y ⁵⁶	
e) an obligation to report at specified times to a specific authority;	Y ⁵⁷	
(f) an obligation to avoid contact with specific persons in relation with the offence(s) allegedly committed.	Y ⁵⁸	

II. Supervisory measures - Optional	Yes (explain)	No
(a) an obligation not to engage in specified activities in relation with the offence(s) allegedly committed, which may include involvement in a specified profession or field of employment;	Y ⁵⁹	
b) an obligation not to drive a vehicle;		N ⁶⁰
c) an obligation to deposit a certain sum of money or to give another type of guarantee, which may either be provided through a specified number of instalments or entirely at once;	Y ⁶¹	

⁵⁶ Bulgaria, Recognition, Execution and Transmission of Measures of Constraint Other than Measures Requiring Detention Act ([Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане](#)), 26 April 2016, Article 12. On receipt of a decision of the competent authority of the issuing State renewing, modifying or revoking supervision measures, the court shall make a decision under the procedure for recognition of decisions imposing supervision measures.

⁵⁷ Bulgaria, Recognition, Execution and Transmission of Measures of Constraint Other than Measures Requiring Detention Act ([Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане](#)), 26 April 2016, Article 12. On receipt of a decision of the competent authority of the issuing State renewing, modifying or revoking supervision measures, the court shall make a decision under the procedure for recognition of decisions imposing supervision measures.

⁵⁸ Bulgaria, Recognition, Execution and Transmission of Measures of Constraint Other than Measures Requiring Detention Act ([Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане](#)), 26 April 2016, Article 12. On receipt of a decision of the competent authority of the issuing State renewing, modifying or revoking supervision measures, the court shall make a decision under the procedure for recognition of decisions imposing supervision measures.

⁵⁹ Bulgaria, Recognition, Execution and Transmission of Measures of Constraint Other than Measures Requiring Detention Act ([Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане](#)), 26 April 2016, Article 12. On receipt of a decision of the competent authority of the issuing State renewing, modifying or revoking supervision measures, the court shall make a decision under the procedure for recognition of decisions imposing supervision measures.

⁶⁰ The measure is not explicitly mentioned in the law and is not included in the list of measures Bulgaria is willing to supervise submitted to the General Secretariat of the Council pursuant to Article 8(2) of Framework Decision 2009/829/JHA.

⁶¹ Bulgaria, Recognition, Execution and Transmission of Measures of Constraint Other than Measures Requiring Detention Act ([Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане](#)), 26 April 2016, Article 12. On receipt of a decision of the competent authority of the issuing State renewing, modifying or revoking supervision measures, the court shall make a decision under the procedure for recognition of decisions imposing supervision measures.



(d) an obligation to undergo therapeutic treatment or treatment for addiction;		N ⁶²
e) an obligation to avoid contact with specific objects in relation with the offence(s) allegedly committed.		N ⁶³
f) Others, what?		N ⁶⁴

9. Can the measure be appealed?

I. Supervisory measure – Common	Yes – to who	No
(a) an obligation for the person to inform the competent authority in the executing State of any change of residence, in particular for the purpose of receiving a summons to attend a hearing or a trial in the course of criminal proceedings;	Y ⁶⁵	
(b) an obligation not to enter certain localities, places or defined areas in the issuing or executing State;	Y ⁶⁶	
c) an obligation to remain at a specified place, where applicable during specified times;	Y ⁶⁷	
(d) an obligation containing limitations on leaving the territory of the executing State;	Y ⁶⁸	

⁶² The measure is not explicitly mentioned in the law and is not included in the list of measures Bulgaria is willing to supervise submitted to the General Secretariat of the Council pursuant to Article 8(2) of Framework Decision 2009/829/JHA.

⁶³ The measure is not explicitly mentioned in the law and is not included in the list of measures Bulgaria is willing to supervise submitted to the General Secretariat of the Council pursuant to Article 8(2) of Framework Decision 2009/829/JHA.

⁶⁴ No other measures are mentioned in the law or included in the list of measures Bulgaria is willing to supervise submitted to the General Secretariat of the Council pursuant to Article 8(2) of Framework Decision 2009/829/JHA.

⁶⁵ Bulgaria, Recognition, Execution and Transmission of Measures of Constraint Other than Measures Requiring Detention Act ([Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане](#)), 26 April 2016, Article 8. All court decisions recognising or refusing to recognise a decision for imposing supervision measures can be appealed before the respective court of appeal.

⁶⁶ Bulgaria, Recognition, Execution and Transmission of Measures of Constraint Other than Measures Requiring Detention Act ([Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане](#)), 26 April 2016, Article 8. All court decisions recognising or refusing to recognise a decision for imposing supervision measures can be appealed before the respective court of appeal.

⁶⁷ Bulgaria, Recognition, Execution and Transmission of Measures of Constraint Other than Measures Requiring Detention Act ([Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане](#)), 26 April 2016, Article 8. All court decisions recognising or refusing to recognise a decision for imposing supervision measures can be appealed before the respective court of appeal.

⁶⁸ Bulgaria, Recognition, Execution and Transmission of Measures of Constraint Other than Measures Requiring Detention Act ([Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане](#)), 26 April 2016, Article 8. All court



e) an obligation to report at specified times to a specific authority;	Y ⁶⁹	
(f) an obligation to avoid contact with specific persons in relation with the offence(s) allegedly committed.	Y ⁷⁰	

II. Supervisory measures - Optional	Yes - to who	No
(a) an obligation not to engage in specified activities in relation with the offence(s) allegedly committed, which may include involvement in a specified profession or field of employment;	Y ⁷¹	
b) an obligation not to drive a vehicle;		N ⁷²
c) an obligation to deposit a certain sum of money or to give another type of guarantee, which may either be provided through a specified number of instalments or entirely at once;	Y ⁷³	
(d) an obligation to undergo therapeutic treatment or treatment for addiction;		N ⁷⁴

decisions recognising or refusing to recognise a decision for imposing supervision measures can be appealed before the respective court of appeal.

⁶⁹ Bulgaria, Recognition, Execution and Transmission of Measures of Constraint Other than Measures Requiring Detention Act ([Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане](#)), 26 April 2016, Article 8. All court decisions recognising or refusing to recognise a decision for imposing supervision measures can be appealed before the respective court of appeal.

⁷⁰ Bulgaria, Recognition, Execution and Transmission of Measures of Constraint Other than Measures Requiring Detention Act ([Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане](#)), 26 April 2016, Article 8. All court decisions recognising or refusing to recognise a decision for imposing supervision measures can be appealed before the respective court of appeal.

⁷¹ Bulgaria, Recognition, Execution and Transmission of Measures of Constraint Other than Measures Requiring Detention Act ([Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане](#)), 26 April 2016, Article 8. All court decisions recognising or refusing to recognise a decision for imposing supervision measures can be appealed before the respective court of appeal.

⁷² The measure is not explicitly mentioned in the law and is not included in the list of measures Bulgaria is willing to supervise submitted to the General Secretariat of the Council pursuant to Article 8(2) of Framework Decision 2009/829/JHA.

⁷³ Bulgaria, Recognition, Execution and Transmission of Measures of Constraint Other than Measures Requiring Detention Act ([Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане](#)), 26 April 2016, Article 8. All court decisions recognising or refusing to recognise a decision for imposing supervision measures can be appealed before the respective court of appeal.

⁷⁴ The measure is not explicitly mentioned in the law and is not included in the list of measures Bulgaria is willing to supervise submitted to the General Secretariat of the Council pursuant to Article 8(2) of Framework Decision 2009/829/JHA.



e) an obligation to avoid contact with specific objects in relation with the offence(s) allegedly committed.		N ⁷⁵
f) Others, what?		N ⁷⁶

10. Is the country checking for double criminality?

Yes⁷⁷

☒

No

☐

11. What are the languages accepted as an Executing State?

The decision for the imposition of supervision measures or a certified copy thereof shall be accompanied by a certificate in accordance with Annex 1 (same as Annex 1 of Framework Decision 2009/829/JHA) with a translation into Bulgarian or a certified copy thereof.⁷⁸

12. Are there other agreements that apply in the country that enlarge, simplify, or facilitate the mutual recognition of the supervision measures?

Yes

☐

No

☒

⁷⁵ The measure is not explicitly mentioned in the law and is not included in the list of measures Bulgaria is willing to supervise submitted to the General Secretariat of the Council pursuant to Article 8(2) of Framework Decision 2009/829/JHA.

⁷⁶ No other measures are mentioned in the law or included in the list of measures Bulgaria is willing to supervise submitted to the General Secretariat of the Council pursuant to Article 8(2) of Framework Decision 2009/829/JHA.

⁷⁷ Bulgaria, Recognition, Execution and Transmission of Measures of Constraint Other than Measures Requiring Detention Act ([Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане](#)), 26 April 2016, Article 6. For the offences listed in Article 14(1) of Framework Decision 2009/829/JHA the decisions for imposing supervision measures shall be recognised and enforced without verification of the double criminality of the act, if they are punishable in the issuing State by a custodial sentence or a measure involving deprivation of liberty for a maximum period of at least three years. For other offences, not listed in Article 14(1) of Framework Decision 2009/829/JHA, double criminality is a mandatory requirement, i.e., a decision imposing supervision measures rendered in another Member State shall be recognised and enforced only if it relates to an act which also constitutes an offence under Bulgarian legislation. The enforcement of decisions imposing supervision measures in respect of taxes, duties, customs duties or exchange cannot be refused on the ground that Bulgarian law does not provide for the same type of tax or duty or does not regulate taxes, duties, customs duties or exchange in the same way as the law of the issuing State.

⁷⁸ Bulgaria, Recognition, Execution and Transmission of Measures of Constraint Other than Measures Requiring Detention Act ([Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане](#)), 26 April 2016, Article 5. The decision for the imposition of supervision measures or a certified copy thereof shall be accompanied by a certificate in accordance with Annex 1 (same as Annex 1 of Framework Decision 2009/829/JHA) with a translation into Bulgarian or a certified copy thereof. The acceptance of certificates translated into Bulgarian is also included in a declaration submitted to the General Secretariat of the Council pursuant to Article 24 of Framework Decision 2009/829/JHA.



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