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Bulgarian

Defendants (criminal proceedings)

Bulgaria

These factsheets explain what happens when a person is suspected or accused of a crime which is dealt with by a trial in court. For information on road traffic offences, which are usually dealt with by a fixed penalty like a fine, go to Factsheet 5. If you are the victim of a crime, you can find full information about your rights here.

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Summary of the criminal process

The Bulgarian criminal process has two stages – pre-trial and trial.

The pre-trial proceedings aim to collect, through investigation, evidence to either confirm or deny an assumption that a certain person has committed a certain crime. The investigation is carried out by investigating magistrates, or investigating policemen, under the guidance of a prosecutor. The objective is to prepare and assist the prosecutor in deciding whether to file and justify charges in court against the accused person or to terminate the proceedings.

The trial begins with the prosecutor filing charges in court against a person for a crime committed by that person. Court proceedings involve opposing parties and the prosecutor, defendant and defence lawyer have equal procedural rights. The court examines the evidence produced by the prosecutor but may, at the request of the parties, or on the court's own initiative, collect and examine new evidence in the search for truth.

The trial ends with a court judgement, which either convicts and imposes a penalty on the defendant, or declares the defendant not guilty.

Details about all of these stages in the process, and about your rights, can be found in the factsheets. This information is not a substitute for legal advice and is intended to be for your guidance only.

Role of the European Commission

Please note that the European Commission has no role in criminal proceedings in Member States and cannot assist you if you have a complaint. Information is provided in these factsheets about how to complain and to whom.

Click on the links below to find the information that you need

1 – Getting legal advice
2 – My rights during the investigation of a crime
Investigation (incl. bringing charges and questioning)
Arrest (including European Arrest Warrant)
First court hearing
Detention or release
Preparation for trial by the prosecution
Preparation for trial by the defence
Measures to prevent evasion of prosecution
Ban on leaving Bulgaria
3 – My rights during the trial
Interviewing a protected witness
4 - My rights after the trial
5 – Minor road traffic offencessubpage:169:5

Related links

Criminal Procedure Code

Last update: 20/07/2022

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1 - Getting legal advice

Getting independent legal advice is very important when you are involved in some way with the criminal process. The factsheets tell you when, and in what circumstances, you are entitled to be represented by a lawyer. They also tell you what a lawyer will do for you. This general factsheet tells you how to find a lawyer and how the costs of the lawyer will be met if you cannot afford to pay.

Finding a lawyer

If you think that you need a lawyer but do not know any, you can choose among lawyers working with the district court in the area where you live. You can also find contact details of the 27 Bar Associations in Bulgaria on the Supreme Bar Council website. If you are arrested, you are entitled to see a lawyer from the moment of your arrest. As, after the arrest, you also have the right to contact a relative or a friend, you can ask them to hire a lawyer for you.

Paying for a lawyer

If you choose your lawyer, you pay for the services under a written agreement signed between you and the lawyer.
If you cannot afford, but wish to have a lawyer, and the interests of justice require this, you are entitled to free legal aid. It can be provided either at your request or by virtue of the law if you must have defence. Depending on the stage of the process (see Factsheet 1), that decision is made either by the prosecutor (pre-trial) or by the court (during trial) following an assessment of your property status.
If you need to have legal advice, the prosecutor or the court promptly send their decision to the Council of the respective Bar Association to allocate a lawyer for you. Please note that if you are convicted you must refund the sum paid to the lawyer allocated to you.

Related links

The Bar Act
Legal Aid Act
Criminal Procedure Code
National Legal Service Authority
Supreme Bar Council

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2 - My rights during the investigation of a crime (before the case goes to court)

What is the purpose of a criminal investigation?

The investigation collects evidence either to prove or deny an assumption that a person has committed a crime. An investigation can be caused by a complaint to the investigating authorities about a crime committed, or by information in the possession of those authorities, suggesting a crime. If the police catch someone in the act of committing a crime, that can also start an investigation.
Usually, all stages of the investigation are carried out by the police. Some cases are dealt with by investigating magistrates or prosecutors. But it is only a prosecutor that can guide and control an investigation.

What are the pre-trial stages?

Investigation (including bringing charges and questioning)

The investigating authorities seek to collect evidence which will prove or deny an assumption that a crime has been committed. If they collect enough evidence to support the assumption that a specific person has committed the crime, the investigating officer must notify that person in writing. The person must sign the notification. Right after that, the accused person is questioned.

Arrest

If the police find evidence suggesting that a person has committed a crime, the police can arrest and hold that person, but for not more than 24 hours. Only a prosecutor can decide whether the detention should be extended, but for not more than 72 hours. Otherwise, the detained person should be released. The purpose of the police detention is to establish whether a person should be accused. The prosecution detention is to ensure the first court appearance of the accused person.

First court hearing

In principle, the prosecutor determines what measure to prevent evasion of prosecution is to be imposed on the defendant. But if the prosecutor decides that the measure to prevent evasion of prosecution should be detention or house arrest, the prosecutor files such a request to the court and ensures that the defendant appears before the court.

Detention or release

If the defendant is brought to court, only the court can decide whether the measure to prevent evasion of prosecution will be detention or house arrest, or whether the detainee must be released.

Preparation of the case by the prosecution

When the investigation is completed, the investigating officer sends the collected evidence to a prosecutor. The prosecutor examines the evidence and decides whether the assumption that a crime has been committed has been proven beyond a reasonable doubt. Only then can the prosecutor file charges in court. Otherwise, the prosecutor dismisses the case.

Preparation of the case by the defence

Once they are informed of the charges, the defendant and the defence lawyer can produce proof in the defendant's favour. After the end of the investigation, if requested by the defendant and the defence lawyer, the investigating officer must make all the collected evidence available to them and give them enough time to examine the evidence.

My rights during the investigation

Please note that the stages "arrest", "first court hearing" and "detention" are possible but not necessary. Follow the links below to find out more about your rights at each stage.

Investigation (incl. bringing charges and questioning) (1)
Arrest (including European Arrest Warrant) (2)
First court hearing (3)
Detention or release (4)
Preparation for trial by the prosecution (5)
Preparation for trial by the defence (6)
Measures to prevent evasion of prosecution (7)
Ban on leaving Bulgaria (8)

Investigation (including bringing charges and questioning) (1)

What will I be told about what's happening?

If enough evidence is found against you, the investigating officer will call you and notify you in writing of the crime which he is accusing you of. Immediately after that, the officer must advise you of your rights during the investigation. You will sign a document stating that you have been informed of your rights.

Will an interpreter be provided if I don't speak the language?

Yes. You may refuse to sign the paper notifying you of the charge if an interpreter has not been provided to you. The interpreter will assist you during the entire investigation. You do not have to pay for the interpreter.

At what stage will I be able to speak to a lawyer?

When calling to notify you of the charges, the investigating officer is required to tell you that you can come with a lawyer. The investigating officer must give you enough time to contact a lawyer. The Criminal Procedure Code determines when you must have defence. For your choice of lawyer and right to free legal advice, see here. You are entitled to see and talk with your lawyer in private. You can have an interpreter if you do not speak the language.

Will I be asked for information? Should I provide information?

As soon as you are told about the charges, the investigating officer will question you. You can either speak or remain silent in connection with the charges. You can also provide explanations later at any time during the investigation.

What happens if I say something which is bad for my case?

Your confession could lead to a lighter penalty. Keeping silent cannot make your situation worse. The court cannot convict you on the basis of your confession only.

I am from another country. Do I have to be present during the investigation?

Being a defendant, you should be available to the investigating authorities. For that purpose, a measure to prevent evasion of prosecution can be imposed on you. An investigation can be held in your absence from the country when:

your place of residence is unknown;

you cannot be summoned for other reasons;

having been summoned, you did not appear and or give any valid reasons for not doing so.

In those cases, a duty defence lawyer will be allocated to you under the procedure described here

You can be questioned by video-link if you are out of the country and that would not hinder the investigation. In that interrogation, you will have the same rights as those outlined earlier in this factsheet.

Can I be sent back to my home country?

Yes, but under the conditions specified in the Criminal Procedure Code. You will need a lawyer's advice.

Will I be held in custody or be released?

You may be held in custody. For more detailed information see First court hearing (3) and Detention or release (4).

Can I leave the country during the investigation?

You can if you are not held in custody but you should inform the investigating authority. If they think that there is a risk of your evading investigation, you may be banned from leaving the country.

Will I be asked for fingerprints, samples of my DNA (e.g. hair, saliva) or other bodily fluids?

You can be asked for such samples if they cannot be obtained in any other way. You must provide them. If you refuse, they will be taken by force with the court's permission. If sample taking requires penetration of your body, it is performed by a doctor. You have the right to be informed about the procedure by the investigating officer.

Can there be a body search?

The investigating officer can order a body search to collect evidence or seize objects that may hinder the investigation or help you run away. The search should be sanctioned by a warrant of the court or would require subsequent court approval. You are entitled to see both the search protocol and the court decision.

Can my home, business premises, car etc. be searched?

The answer is the same as above.

Can I plead guilty to all or some of the charges before the trial?

You can plead guilty during the first interrogation after you hear what you are accused of. About confessing and your rights in that context, see the information earlier in this factsheet.

Can the charges be changed before the trial?

If new evidence is collected, the charges can be changed. You should be notified immediately of any new charges and, questioned in that connection.

Can I be charged with an offence which I have already been charged with in another Member State?

Yes, unless provided for otherwise under an effective international agreement to which Bulgaria is a party.

Will information be requested about my criminal record?

Yes, whether or not you wish this.

Arrest (including European Arrest Warrant) (2)

What will I be told about what's happening?

The arrest (police detention) is ordered by a police officer. You may not be held for more than 24 hours. The grounds for detention are specified in the arrest warrant. You have the right to know the grounds, see the warrant and sign it.. The police authorities should release you as soon as there is no longer a reason for your detention.

Will an interpreter be provided if I don't speak the language?

If you don't speak the language, you are entitled to know the reasons for your arrest right away. An interpreter will be provided for free.

At what stage will I be able to speak to a lawyer?

You can contact a lawyer from the moment of your arrest. For more details see here

Will I be asked for information? Should I provide information?

You may be asked to provide information in connection with the detention. You may but don't have to provide information.

What happens if I say something which is bad for my case?

At that stage, any information provided by you is not accepted as evidence. Therefore, it cannot be used against you. Only the information provided by you during an interrogation held once you know the charges can serve as evidence. For more details see Investigation (incl. bringing charges and questioning) (1) .

Can I contact a family member or a friend?

You can. The police officer must immediately notify a person suggested by you of your arrest.

Can I see a doctor if I need one?

You are entitled to medical aid if you need it. The police will get a doctor for you.

Can I contact my Embassy if I am from another country?

You can contact the consular office of your country. The detaining authority should immediately read that right to you.

Can there be a body search?

After you are arrested, there will be a body search. The court should later give its approval for the personal effects found on you to be used as evidence. You have the right to see the search protocol.

Can I appeal?
You can challenge the legality of the police detention by appealing before the court. The court will immediately decide your appeal.
What happens if I am arrested under a European Arrest Warrant?
If a Member State issues a European Arrest Warrant against you, you can be detained in another Member State and turned over to the issuing State after a hearing by a judge. You are entitled to a lawyer and an interpreter, if you need one, at the hearing.
First court hearing (3)
Why does the first court hearing take place?
When you are told about the charges against you as "a defendant", the prosecutor may ask that you be held in custody on remand, or placed under house arrest, as a measure to prevent evasion of prosecution. Each of these two measures is imposed by the court as proposed by the prosecutor. As such a measure cannot happen in your absence, you should be brought to court which will decide on the measure.
Who plays what role?
The prosecutor's role is to ensure that you appear before the court. While you are held by the police, the prosecutor can extend your detention but for not more than 72 hours. The only purpose of that detention is to secure your appearance before the court within those 72 hours. The court will hear you out, examine the collected evidence and decide, pursuant to the law, whether to detain or release you.
What will I be told about what's happening?
You have the right to be told by the prosecutor why you are detained and when you will be brought to court.
Will an interpreter be provided if I don't speak the language?
If you don't speak the language, you can have an interpreter, free of charge, at the court hearing.
At what stage will I be able to speak to a lawyer?
You can contact a lawyer before the first court hearing. For the choice of a lawyer and your right to free legal advice, see here.
Will I be asked for information? Should I provide information?
The court will ask you to confirm your personal details. You have the right to be heard by the court as to whether you should be detained or released. Your lawyer will give you advice about what to say.
What happens if I say something which is bad for my case?
At that stage, any information provided by you is not accepted as evidence. Therefore, whatever you may say cannot be used against you.
Will I get information about the evidence against me?
Both you and your lawyer have the right to see the evidence on which the prosecutor has asked for your detention. You will have enough time to examine the evidence before the court hearing.
Will information be requested about my criminal record?
The court will ask to see your criminal record no matter what you want.
Detention or release (4)
What will I be told about what's happening?
After the court examines the collected material and hears out the prosecutor, your lawyer and yourself, you will know the court's decision at the same court session.
At the first hearing, the court can:
determine a measure to prevent evasion of prosecution– for you to be held in custody on remand or to be placed under a house arrest;
decide on a lighter measure to prevent evasion of prosecution and release you;
release you without imposing any measure to prevent evasion of prosecution.
At that hearing, the court will not decide on how well-founded the charges against you are.
Can I contact a family member or a friend?
If the court orders that you be held in custody, your family will be notified immediately.
Can I see a doctor if I need one?
If you are held in custody, you are entitled to medical aid when you need it.
Can I contact my Embassy if I am from another country?
If you are detained, the court will order that the Bulgarian Ministry of Foreign Affairs be notified immediately so that it can contact the consular office of your country.
Can I appeal?
You can appeal against the court decision on your detention or release within 3 days from the day it is made. The Court of Appeal will consider your appeal within 7 days from the pronouncement of the first instance decision. Its decision will be final.
Preparation of the case by the prosecution (5)
What is the purpose of this stage?
This stage comes after the investigation is completed (for more about the investigation see here). The purpose is for the prosecutor to examine the collected evidence and decide whether the assumption that a crime has been committed has been proven beyond any doubt. Only then can the case be taken to court to start a criminal process.
Who has a leading role?
The prosecutor. At this stage, the prosecutor decides whether to take the case to court. Also, the prosecutor can terminate pre-trial proceedings when that is provided for by the law. Then the case is not taken to court. Further, the prosecutor can suspend pre-trial proceedings if allowed by law until the reasons for suspension are no longer valid and then the proceedings are resumed. If the prosecutor finds anything incorrect in the way the investigation material is examined by the defendant, the prosecutor can refer the case back to the investigating officer to correct it or can do that himself.
How will I know what's happening?
If the charges against you are filed in court, the court will send you a copy of the indictment. If the prosecutor terminates or suspends the proceedings, the prosecutor will send you a copy of the decision.
Can I appeal?
You can appeal, before the court, against the prosecutor's decision of termination within 7 days from the receipt of the copy. The court of first instance will examine the appeal within 7 days from the day it is filed. The court's decision can be appealed before the Court of Appeal which will make a final decision.
You can also appeal, before the court, against the prosecutor's decision of suspension. Then the court's decision will be final.
Will I get any further information?

Where the prosecutor finds anything wrong in the way you examined the investigation materials and refers the case back to the investigating officer to correct the breach or corrects it himself, you have the right to be informed of those further acts.

Preparation of the case by the defence (6)

What is the purpose of this stage?

The purpose is for you and your lawyer to examine all the evidence collected during the investigation, after it is completed, including material that is in your favour. Thus you will know what evidence would support the prosecutor in filing charges against you in court. That will help you and your lawyer to organize your defence during the trial.

How will I know what's happening?

When the investigation is over and if you, or your lawyer, so request, the investigating officer, before sending the collected material to the prosecutor, will let you and your lawyer know the place, date and time for you to examine the evidence. You and your lawyer are entitled to have enough time to do that.

Will an interpreter be provided if I don't speak the language?

If you don't speak the language, you should examine the evidence in the presence of an interpreter. You don't have to pay for the translation.

Will I be asked for information? Should I provide information?

At that stage, you will not be questioned and don't have to provide any information on the case.

What information will I get?

You can see all the collected evidence and read all witness testimonies. Your lawyer will explain to you the meaning of the evidence collected.

What are my rights after I see the evidence?

Assisted by your lawyer, you can ask for new evidence and make comments on, or objections to, any acts related to the investigation. The investigating officer will record your requests, comments and objections while the prosecutor will decide whether or not they are justified.

What happens if my requests, comments and objections are justified?

The prosecutor will instruct the investigating officer to take further action about the investigation. You have the right to be notified of such action and new evidence, if any, under the procedure described so far.

Measures to prevent evasion of prosecution (7)

Coercive measures may be imposed on you if it can be reasonably assumed, on the basis of the evidence, that you have committed the crime you are accused of. The measures aim to prevent you from going into hiding, committing a new offence or hindering the enforcement of a possible sentence.

Measures to prevent evasion of prosecution are:

Signing - you assume the obligation to not leave your place of residence without permission of the competent authority.

Bail – you pay a certain amount of cash or securities. If you go into hiding, that amount is seized and a more severe measure is imposed on you.

House arrest – you are prohibited from leaving your home without permission.

Custody on remand – you are forcefully kept in isolation.

A person is held in custody on remand on police premises or in prison.

You have the right to know, against your signature, of the measure to prevent evasion of prosecution against you. Signing and bail are imposed by the prosecutor. House arrest and custody on remand are determined by the court as requested by the prosecutor. The measure is based on the gravity of the charge, the evidence and your personal status. It can be decided, on the basis of those factors, not to impose any such preventive measure on you.

No measure preventing evasion of prosecution can be imposed in your absence. The court has to consider any application filed by you for changing the measures "custody on remand" and "house arrest" to more lenient ones.

Police arrest and detention ordered by a prosecutor for up to 72 hours are preparatory measures and are not, by law, measures to prevent evasion of prosecution.

Ban on leaving Bulgaria (8)

If you are charged with a crime, punishable by imprisonment for more than 5 years, a prosecutor may ban you from leaving Bulgaria without their permission. The border checkpoints will be immediately notified of the ban. The measure is aimed to prevent you from evading the investigation.

You or your lawyer can request the prosecutor to allow you to leave the country once for a fixed period of time. The prosecutor will reply within three days from the date of receipt of your request. If it is denied, you are entitled to appeal before the court. The court will immediately consider your request without a hearing. The court may confirm the prosecutor's denial or permit you to leave the country for a certain period. That decision will be final.

In the same way, you and your lawyer can request the court to lift completely the ban on leaving Bulgaria. The court will do so if it decides that there is no risk that you will go into hiding abroad.

In the above court procedures, the grounds of the charges against you will not be considered.

Related links

Criminal Procedure Code

Ministry of the Interior Act

Extradition and European Arrest Warrant Act

Regulations on the Enforcement of the Ministry of the Interior Act

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3 - My rights in court

Where and how will the trial be held?

The Criminal Procedure Code defines whether the court of first instance to hear your case will be a district or a regional court. For more information on courts, visit the Supreme Judicial Council website.

In principle, the trial is public. However, it is possible for the entire trial or individual hearings to be held behind closed doors. That is done to protect state secrets, public morals or the secret identity of a protected witness.

Depending on the gravity of the charge, the case will be decided by a judge or a panel of one judge and two jurors. Most serious crimes cases are handled by a panel of 2 judges and 3 jurors. The judge and jurors have equal votes in the process.

Can the charges be changed during the trial?

That is possible if, during the trial, new facts unknown to the investigating authorities until then, are proven to support the charge. But new charges can be brought up only when:

serious changes of the facts described in the original charges are needed;

even without such changes, the new charges concern graver crimes.
If there is a new charge, you may ask to prepare for it before the trial goes on.
If you plead guilty to any charge, you may get a lighter sentence. But the court cannot pass judgement on the basis of your confession only.

What are my rights during the trial?

If you are accused of a crime punishable by imprisonment of more than 5 years, you must attend the trial. If you come from another country and your presence is mandatory, the trial can be held without you only under the conditions specified here. In those cases, a duty solicitor will be allocated to you under the procedure specified here.
In principle, participation in a trial by video-link is not allowed. If the court deems that the truth would not be hindered, the court can only question you by video-link – and only if you are outside the country. Mandatory participation means your physical presence during the entire trial. If your participation is not mandatory, you have the right to be present. If you do not speak the language, you can get an interpreter free of charge.
The Criminal Procedure Code specifies the cases when you must have legal defence. About your choice of a lawyer and right to free legal aid, see here . You can change your lawyer. If you are detained, you can see and talk to your lawyer in private. You can be helped by an interpreter if you do not speak the language.
You may, but do not have to, speak during the trial. Even if you say something which is not true, that will not have any bad consequences for you. But you should confirm your personal details.

What are my rights in relation to the evidence against me?

You can challenge the evidence produced against you. You can state that it is not admissible because it has not been legally collected or because, though admissible, it does not support the charge. Normally, evidence is challenged at the end of the trial when the lawyer presents the arguments of the defense. Admissibility of the evidence can be challenged in the course of the trial too.
You are entitled to ask for any evidence, admissible under the law, in your favour. You can request that defence witnesses be interviewed. You can ask for evidence to be produced at any time during the trial. Evidence obtained through a private detective is admissible if it is collected within the law. Your lawyer can estimate its value.
You and your lawyer can put any questions to witnesses for the prosecution in their presence. More specific is the procedure of interviewing protected witnesses. You can challenge what has been said by witnesses against you. Normally, that is done at the end of the trial when the lawyer presents the arguments of the defence.

Will information about my criminal record be taken into account?

The court will collect information about your previous criminal convictions no matter whether you agree or not. If you are found guilty and have previous convictions, they may lead to a more severe penalty. The information should be current as of the close of the trial. Any previous convictions in another Member State will be taken into account if they have been previously recognized by a Bulgarian court.

What happens at the end of the trial?

If the court determines that the charge is proven beyond a reasonable doubt, the court will find you guilty and punish you under the law. Otherwise, the court will declare you ‘not guilty’.

Possible sentences:

Life imprisonment – with or without a right to substitution: imposed for the gravest crimes. Life imprisonment without a right to substitution may not be replaced by imprisonment for a definite term. Imprisonment for a definite term – 20 years maximum or, by exception, up to 30 years. The sentence is served in prison.
Probation for a definite term – includes measures of control and influence without depriving you of your freedom. Community service can be such a measure.
Seizure - your property or part of it is forcefully taken away from you.
Fine – you have to pay a certain amount of money.
Deprivation, for a definite period, of the right to hold a certain position or practice a certain profession, the right to awards or military titles.
Public censure – your sentence is made public in an appropriate way.

What is the role of the victim during the trial?

As a private accuser, the victim will maintain the charge brought up by the public prosecutor and ask for your conviction. As a civil plaintiff, the victim will want you to be sentenced to pay for the damages caused by the crime. The victim will file a petition at the beginning of the trial and play those roles if the court decides so.

Interviewing a protected witness

Giving testimony may endanger the life or health of a witness or his/her family and friends. Then the court, if it is convinced that the danger is real, takes measures – at the request or with the consent of the witness - to urgently protect his/her safety. Not revealing a threatened witness’s identity can be such a measure.
If a protected witness with a secret identity is to testify, the court will interview him/her when the parties to the trial are not present. The law requires the court to take all possible precautions in order not to expose the identity of the witness. After the interview, the court will promptly provide you and your lawyer with duplicates of the unsigned witness statement. You and your lawyer can put your questions to the witness in writing.

Related links

https://www.lex.bg/bg/laws/ldoc/2135512224 Criminal Procedure Code
https://www.lex.bg/bg/laws/ldoc/1589654529 Criminal Code
https://www.lex.bg/bg/laws/ldoc/2135560660 The Judiciary Act
http://www.vss.justice.bg/bg/vlast/1.htm Supreme Judicial Council

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4 - My rights after the court makes its decision

Can I appeal?

Having found you “guilty” or “not guilty”, the court will issue a verdict which you will know at the end of the trial. The Criminal Procedure Code says when the court can dismiss a criminal case without issuing a verdict. Then the court makes a ruling. You can appeal against both the verdict and ruling.

The appeal must be in writing and bear your signature. It is submitted through the court of first instance to the court of appeal. If the first instance is a district court, the court of appeal will be a regional court. Verdicts and rulings of a regional court are appealed before an appellate court. More about courts see on the Supreme Judicial Council website. Appeals against verdicts are filed within 15 days from the date they are pronounced, rulings – within 7 days from the day they are made known.

In the appeal, you can complain about conclusions of the court concerning facts it found proven, application of relevant laws and unfair penalty. No matter how many, and what complaints are made, the court of appeal will decide whether the entire verdict is correct or not.

What happens if I appeal?

Having received your appeal, the court of first instance will send copies of it to the prosecutor and the other parties to the trial. With its reasons for the verdict, the same court will refer the case with the appeal to the court of appeal. If the court has ordered you to be held in custody on remand as a measure to prevent evasion of prosecution the appeal will not lead to your automatic release. But you can request the court of appeal to change that measure to a more lenient one. The court will decide your appeal at a separate hearing.

There is no deadline for the court of appeal to set a hearing date. That depends on when the reasons for the verdict can be prepared and on the court of appeal's workload.

You can produce new evidence to the court of appeal because that court can find new facts. The rules of proof valid for the first instance trial apply here too.

What happens at the appeal hearing?

You can, but do not have to, attend the hearing. You and your lawyer can make an oral statement on the complaints in the appeal. The other parties present can say what they think of the appeal.

The court of appeal may:

decide to reverse the verdict and refer the case for re- examination by the prosecutor or the court of first instance.

reverse the verdict of the court of first instance and issue a new verdict.

decide to change the verdict, to a lighter sentence.

decide to reverse the verdict and dismiss the criminal proceedings.

suspend the criminal proceedings in the cases provided for in the Criminal Procedure Code

decide to confirm the verdict of the court of first instance.

What happens if the appeal is successful/unsuccessful?

If you are not happy with the verdict or decision of an appellate court, you can appeal before the Supreme Court of Cassation. If the court of appeal is a regional court, you can file an appeal to the Supreme Court of Cassation only if the regional court has issued a new verdict.

The Supreme Court of Cassation does not find new facts and therefore does not admit new evidence. That court can only say whether the laws have been applied correctly and the penalty imposed is fair. The Supreme Court of Cassation will consider only the complaints set out in the appeal to it.

You are entitled to compensation only when your conviction is overturned and a court of appeal issues a new verdict of "not guilty". For more details, see the special compensation act here. If, in spite of the appeal, the conviction remains, even with a lighter sentence, it will appear on your criminal record. A verdict of acquittal will not be recorded.

Once you have made use of all the possibilities of appealing before a court of appeal and the Supreme Court of Cassation, further appeal is not possible. The verdict will become final – if not appealed against, or appealed against but after the deadline, or after the Supreme Court of Cassation has pronounced its decision.

I am from another Member State. Can I be sent back there after the trial?

You can be sent back. In some cases, that can happen even if you do not agree. Your transfer will not automatically follow once your sentence becomes effective. A procedure described in detail in the Criminal Procedure Code must take place. You will need legal advice.

If I am convicted, can I be tried again for the same crime?

The law does not allow that you be tried for a crime for which you have already been convicted. The prohibition also applies when you have been convicted in another Member State.

Information about the charges/conviction

Information about the charges against you will be held in the police records. If you are acquitted, you can ask the police to delete that information.

Information about the conviction will be added to your criminal record. It will be held by the respective district court. If you were born outside Bulgaria, your criminal record will be kept at the Ministry of Justice.

No criminal record is deleted until you are 100 years old and then it is microfilmed and destroyed. You do not need to agree for your criminal record to be stored. You are not entitled to object to the storage of that information either.

Related links

Criminal Procedure Code

Act on the Liability of the State and Municipalities for Damages (Caused to Citizens)

Ordinance No.8 of 26 February, 2008 on the Functions and Organization of Work of Criminal Conviction Records Offices

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5 - Minor road traffic offences

How are minor road traffic offences dealt with?

Minor road traffic offences related to speeding, parking etc. are treated as administrative offences. They are dealt with administratively. Possible penalties may be either a fine or deprivation of the right to drive a motor vehicle for a fixed period of time. For graver offences, both penalties may be imposed.

Offences are detected and sanctioned by the traffic police. You can appeal against a statement of an administrative sanction applied to you before the respective district court within 7 days from the date on which the statement is delivered to you. You have the right to be defended by a lawyer. Fines of up to BGN 50 are not subject to appeal.

A district court may confirm or lift a sanction. You can appeal against a decision of a district court before the respective administrative court. Its decision is final. More about courts see on the Supreme Judicial Council website.

The same procedure applies to offences committed by nationals of other Member States.

Will these offences appear on my criminal record?

These offences will not appear on your criminal record.

Related links

Administrative Offences and Sanctions Act
Road Traffic Act
Regulations on the Enforcement of the Road Traffic Act

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