

# **Coronavirus pandemic in the EU – Fundamental Rights Implications**

**Country:** Bulgaria

**Contractor's name:** Project One / Center for the Study of Democracy

**Date:** 4 May 2020

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# 1 Measures taken by government/public authorities

## 1.1 Emergency laws/states of emergency, including enforcement actions

In **Bulgaria**, the parliament extended by one month the state of emergency declared on 13 March 2020.<sup>1</sup> The new end date of the state of emergency was set to 13 May 2020.

In **Bulgaria**, the parliament adopted amendments to the special law governing the measures during the state of emergency.<sup>2</sup> The amendments expanded the protection of individuals with financial obligations to include persons with obligations to banks and other financial institutions. The government was authorised to release wartime stocks to support the population or the economy during the state of emergency. The amendments also envisaged that during a state of emergency employment contracts for short-term seasonal agricultural work may be concluded for more than one day (in principle, such contracts may be concluded for only one day) this time not being recognised as work experience. Other changes were related to the measures concerning the various time limits affected by the state of emergency and to the introduction of rules allowing public authorities to conduct meetings and adopt decisions online. Courts were allowed to hold hearings online, including in criminal proceedings, provided that the remote participation of all parties is duly ensured. In the area of employment, the amendments revised the rules for paying compensation to employers affected by the state of emergency, who have not dismissed their employees. The originally envisaged state compensation of 60 % of the employees' remuneration was expanded to include also the corresponding social security contributions due from the employer. The rules and procedure for paying the compensation are laid down in a government regulation adopted on 30 March 2020.<sup>3</sup>

In **Bulgaria**, a number of institutions were involved in the enforcement of the anti-epidemic measures. The Ministry of the Interior (Moi) (*Министерство на вътрешните работи*, MBP) reported that the police had organized more than 200 checkpoints across the country to enforce the traffic restrictions in big cities. The police were also responsible for enforcing the mandatory wearing of face masks, the ban on visiting city parks and public gardens, the restriction on mass gatherings and the observance of mandatory isolation by persons placed under quarantine (persons coming from abroad and persons who had been in contact with infected individuals).<sup>4</sup> The enforcement of anti-epidemic measures at the workplace was supervised by the General Labour Inspectorate Executive Agency (GLI EA) (*Изпълнителна агенция „Главна инспекция по труда“*, ИА ГИТ), which reported about more than 1,500 violations established since the introduction of the state of emergency on 13 March until

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<sup>1</sup> Bulgaria, National Assembly (*Народно събрание*), Decision to extend the declared state of emergency ([Решение за удължаване на срока на обявеното извънредно положение](#)), 7 April 2020.

<sup>2</sup> Bulgaria, Amendment to the Measures and Activities during the State of Emergency Declared by Decision of the National Assembly of 13 March 2020 Act ([Закон изменение и допълнение на Закона за мерките и действията по време на извънредното положение, обявено с решение на Народното събрание от 13 март 2020 г.](#)), 9 April 2020.

<sup>3</sup> Bulgaria, Council of Ministers (*Министерски съвет*), Decree No. 55 of 30 March 2020 laying down the conditions and procedure for payment of compensation to employers in order to preserve the employment of workers and employees in a state of emergency, announced by a decision of the National Assembly of 13 March 2020 ([Постановление № 55 от 30 март 2020 г. за определяне на условията и реда за изплащане на компенсации на работодатели с цел запазване на заетостта на работниците и служителите при извънредното положение, обявено с решение на Народното събрание от 13 март 2020 г.](#)), 1 April 2020.

<sup>4</sup> Bulgaria, Ministry of the Interior (*Министерство на вътрешните работи*) (2020), 'Security and traffic police teams closely monitor adherence to anti-epidemic measures' (['Екипи на Охранителна и Пътна полиция следят стриктно спазването на противоепидемичните мерки'](#)), press release, 30 April 2020.

the end of April.<sup>5</sup> The Bulgarian Food Safety Agency (BFSA) (*Българска агенция по безопасност на храните*, БАБХ) issued detailed guidelines for all operators in the field of production, processing and distribution of food and food products, and instructed its local units to exercise increased supervision for their compliance.<sup>6</sup>

## 1.2 Measures affecting the general population

### 1.2.1 Social distancing

In **Bulgaria**, stay at home was never applied as a general measure and was imposed only on persons placed in mandatory home isolation (quarantine). These included all persons who tested positive for COVID-19, for whom mandatory home isolation was initially applied for a period of 14 days<sup>7</sup> but was subsequently increased to 28 days,<sup>8</sup> and all persons who came from abroad or who were in close contact with an infected person, for whom the measure applied for 14 days.<sup>9</sup> According to official statistics, as of the end of April 2020, a total of 22,879 persons were staying home due to mandatory home isolation (quarantine).

In **Bulgaria**, physical distancing when outside the house applied only to specific public places, which were allowed to operate only if applying certain anti-epidemic measures, including measures to for ensuring physical distancing. Thus, for example, farmers markets were advised to apply measures ensuring a minimum distance of two meters between merchants and customers,<sup>10</sup> medical establishments were obliged to ensure a minimum distance of a meter and a half between patients waiting in front of doctors' offices,<sup>11</sup> and families with children, which were allowed to visit city parks and public gardens, were obliged to keep a minimum distance of two and a half meters from other visiting families.<sup>12</sup>

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<sup>5</sup> Bulgaria, General Labour Inspectorate Executive Agency (*Изпълнителна агенция „Главна инспекция по труда“*), 'The control bodies of the Labour Inspectorate found registered unemployed persons going to work' (*Контролните органи на Инспекцията по труда установиха регистрирани безработни да полагат труд*), press release, 30 April 2020.

<sup>6</sup> Bulgaria, Bulgarian Food Safety Agency (*Българска агенция по безопасност на храните*), Order No РД-11-816 in connection with the control over the implementation of the measures for prevention of the spread of COVID-19 (*Заповед № РД-11-816 във връзка с контрола по изпълнение на мерките за предотвратяване на разпространението на COVID-19*), 2 April 2020.

<sup>7</sup> Bulgaria, Ministry of Health (*Министерство на здравеопазването*), Order No РД-01-129 on mandatory isolation of persons with confirmed COVID-19 infection (*Заповед № РД-01-129 за задължителна домашна изолация на потвърдени случаи на COVID-19*), 16 March 2020.

<sup>8</sup> Bulgaria, Ministry of Health (*Министерство на здравеопазването*), Order No РД-01-165 amending Order No РД-01-129 on mandatory isolation of persons with confirmed COVID-19 infection (*Заповед № РД-01-165 за изменение на Заповед № РД-01-129 за задължителна домашна изолация на потвърдени случаи на COVID-19*), 27 March 2020.

<sup>9</sup> Bulgaria, Ministry of Health (*Министерство на здравеопазването*), Order No РД-01-183 on temporarily prohibiting the entry and quarantine of entrants to the Republic of Bulgaria and on measures for truck drivers and air crews (*Заповед № РД-01-183 за временна забрана за влизане и поставяне под карантина на влизащите в РБ и за мерки за водачите на товарни автомобили и екипажите на въздухоплавателни средства*), 6 April 2020.

<sup>10</sup> Bulgaria, Ministry of Health (*Министерство на здравеопазването*), Order No РД-01-179 on the operation of farmers markets (*Заповед № РД-01-179 за функционирането на кооперативните и фермерски пазари*), 6 April 2020.

<sup>11</sup> Bulgaria, Ministry of Health (*Министерство на здравеопазването*), Order No РД-01-225 amending Order No РД-01-124 introducing anti-epidemic measures in the country (*Заповед № РД-01-225 за изменение на Заповед № РД-01-124 за въвеждане на противоепидемични мерки в страната*), 20 April 2020.

<sup>12</sup> Bulgaria, Ministry of Health (*Министерство на здравеопазването*), Order No РД-01-239 amending Order No РД-01-143 on the prohibition of visits to sports and children's playgrounds and facilities in open and closed public places, the organisation of checkpoints at the entry-exit roads of the district centres (*Заповед № РД-01-239 за изменение на Заповед № РД-01-143 за забрана на посещенията на спортни и детски площадки и съоръжения на открити и закрити обществени места, организиране на контролно-пропускателни пунктове на входно-изходните пътища на областните центрове*), 26 April 2020.

In **Bulgaria**, some measures affected the free movement between big cities. A special traffic regime was introduced in the main city of each administrative district (27 cities, including the capital city Sofia). The measure was introduced on 20 March 2020 and as of the end of April 2020 were still valid.<sup>13</sup> Checkpoints were placed at the main entry points to control incoming and outgoing traffic and access was granted only to persons living or working in the city as well as to persons travelling for health reasons or for taking care of relatives. Persons wishing to pass through the checkpoints were obliged to present a written declaration indicating the purpose of their trip. A more restrictive traffic regime was temporarily introduced in the capital Sofia during the Easter break to prevent the expected increased traffic from and to the city for the holidays. The measure was imposed on 17 April 2020<sup>14</sup> and was lifted on 21 April 2020.<sup>15</sup> During this period, persons travelling to and from work were allowed to pass through the checkpoints only between 6:00 a.m. and 8:00 a.m. and between 6:00 p.m. and 8 p.m.<sup>16</sup> At the end of April 2020, the Ministry of the Interior (Moi) (*Министерство на вътрешните работи*, MBP) reported that the police had checked a total of 55,000 declarations, which the persons crossing the checkpoints were obliged to present, and found incorrect information in more than 3,400 of them

In **Bulgaria**, access was forbidden to all sports and children's playgrounds and facilities in open and closed public places as well as to all city parks and public gardens. The ban was introduced on 20 March 2020 and as of the end of April 2020 was still valid.<sup>17</sup> The ban was partly lifted on 26 April 2020, when permission to visit parks and gardens was given to children up to 12 years of age (between 9:30 a.m. and 6:30 p.m.) and dog owners (before 9:30 a.m. and after 6:30 p.m.). Children had to be accompanied by parents or family members (not more than two adults at a time).<sup>18</sup>

In **Bulgaria**, one more place was fully quarantined for a period of two weeks. After the town Bansko, where the quarantine lasted from 17 March to 31 March 2020, the village of Panicherevo (with a population of about 950 people) was locked down for two weeks from 15 April to 29 April 2020. The measure was imposed after a resident of the village, who tested positive and was hospitalised,

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<sup>13</sup> Bulgaria, Ministry of Health (*Министерство на здравеопазването*), Order No РД-01-143 on the prohibition of visits to sports and children's playgrounds and facilities in open and closed public places, the organisation of checkpoints at the entry-exit roads of the district centres ([Заповед № РД-01-143 за забрана на посещенията на спортни и детски площадки и съоръжения на открити и закрити обществени места, организирани на контролно-пропускателни пунктове на входно-изходните пътища на областните центрове](#)), 20 March 2020.

<sup>14</sup> Bulgaria, Ministry of Health (*Министерство на здравеопазването*), Order No РД-01-224 introducing anti-epidemic measures on the territory of the city of Sofia ([Заповед № РД-01-224 за въвеждане на противоепидемични мерки на територията на София град](#)), 16 April 2020.

<sup>15</sup> Bulgaria, Ministry of Health (*Министерство на здравеопазването*), Order No РД-01-226 amending Order No РД-01-224 introducing anti-epidemic measures on the territory of the city of Sofia ([Заповед № РД-01-226 за изменение на Заповед № РД-01-224 за въвеждане на противоепидемични мерки на територията на София град](#)), 21 April 2020.

<sup>16</sup> Bulgaria, Ministry of Health (*Министерство на здравеопазването*), Order No РД-01-224 introducing anti-epidemic measures on the territory of the city of Sofia ([Заповед № РД-01-224 за въвеждане на противоепидемични мерки на територията на София град](#)), 16 April 2020.

<sup>17</sup> Bulgaria, Ministry of Health (*Министерство на здравеопазването*), Order No РД-01-143 on the prohibition of visits to sports and children's playgrounds and facilities in open and closed public places, the organisation of checkpoints at the entry-exit roads of the district centres ([Заповед № РД-01-143 за забрана на посещенията на спортни и детски площадки и съоръжения на открити и закрити обществени места, организирани на контролно-пропускателни пунктове на входно-изходните пътища на областните центрове](#)), 20 March 2020.

<sup>18</sup> Bulgaria, Ministry of Health (*Министерство на здравеопазването*), Order No РД-01-239 for amending Order No РД-01-143 on the prohibition of visits to sports and children's playgrounds and facilities in open and closed public places, the organisation of checkpoints at the entry-exit roads of the district centres ([Заповед № РД-01-239 за изменение на Заповед № РД-01-143 за забрана на посещенията на спортни и детски площадки и съоръжения на открити и закрити обществени места, организирани на контролно-пропускателни пунктове на входно-изходните пътища на областните центрове](#)), 26 April 2020.

escaped from the hospital and returned to the village.<sup>19</sup> Entering and leaving the village was forbidden to everyone except for police officers and medical staff, and the people, living in the village, were not allowed to leave their homes except for purchasing food or medicines or for visiting a doctor.<sup>20</sup> During the quarantine, more than 400 persons from the village were tested and fifteen of them tested positive.<sup>21</sup>

In **Bulgaria**, the Ministry of the Interior (Moi) (*Министерство на вътрешните работи*, МВР) reported that, as of 30 April 2020, a total of 19,262 violations of anti-epidemic measures were registered, mostly cases of not wearing protective masks at public places. More than 1,300 criminal proceedings were launched, including 200 proceedings for presenting false data in the declarations at the city checkpoints.<sup>22</sup> It should be noted that the relevant provision of the Criminal Code (*Наказателен кодекс*) was amended in March 2020 to extend its scope and increase the penalties. The public prosecution reported regularly on newly instituted criminal proceedings against persons allegedly violating the anti-epidemic measures. Several persons had already been found guilty and convicted to probation or suspended imprisonment in combination with financial fines.<sup>23</sup> The regional court in Plovdiv sentenced a 38-year old man to probation for 10 months and a fine of BGN 5,000 (approximately €2,500)<sup>24</sup> and a 26-year old man to suspended imprisonment for three months and a fine of BGN 10,000 (approximately €5,000)<sup>25</sup> for leaving their homes during a quarantine. The same court sentenced a 42-year old man to probation for six months and a fine of BGN 5,000 (approximately €2,500) for letting clients in his fitness when all sport facilities were supposed to be closed.<sup>26</sup> The regional court in Blagoevgrad sentenced a 19-year old student to probation for six months and ten days for leaving his home during a quarantine.<sup>27</sup> The regional court in Sofia sentenced a man to

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<sup>19</sup> bTV (2020), 'End of the blockade for the village of Panicherevo' (['Край на блокадата за село Паничереве'](#)), bTV, 28 April 2020.

<sup>20</sup> Bulgaria, Ministry of Health (*Министерство на здравеопазването*), Order No РД-01-217 introducing anti-epidemic measures on the territory of the village of Panicherevo ([Заповед № РД-01-217 за въвеждане на противоепидемични мерки на територията на с. Паничереве](#)), 14 April 2020.

<sup>21</sup> bTV (2020), 'End of the blockade for the village of Panicherevo' (['Край на блокадата за село Паничереве'](#)), bTV, 28 April 2020.

<sup>22</sup> Bulgaria, Ministry of the Interior (*Министерство на вътрешните работи*) (2020), 'Security and traffic police teams closely monitor adherence to anti-epidemic measures' (['Екипи на Охранителна и Пътна полиция следят стриктно спазването на противоепидемичните мерки'](#)), press release, 30 April 2020.

<sup>23</sup> For all press releases published by the prosecutions service, see the [News](#) section of the website of the Prosecutor's Office of the Republic of Bulgaria.

<sup>24</sup> Bulgaria, Prosecutor's Office of the Republic of Bulgaria (*Прокуратура на Република България*) (2020), 'A 38-year-old man was sentenced to probation and a BGN 5,000 fine for violating mandatory quarantine in a fast-track procedure of the Plovdiv Regional Prosecutor's Office' (['По бързо производство на Районна прокуратура – Пловдив е осъден 38-годишен мъж на пробация и 5 000 лева глоба за нарушаване на задължителна карантина'](#)), press release, 3 April 2020.

<sup>25</sup> Bulgaria, Prosecutor's Office of the Republic of Bulgaria (*Прокуратура на Република България*) (2020), 'Based on indictment of the Regional Prosecutor's Office - Plovdiv, a 26-year-old man was sentenced to three months of suspended imprisonment and a fine of BGN 10,000 for violating mandatory quarantine' (['По обвинителен акт на Районна прокуратура – Пловдив е осъден 26-годишен мъж на три месеца условно и 10 000 лева глоба за нарушаване на задължителна карантина'](#)), press release, 14 April 2020.

<sup>26</sup> Bulgaria, Prosecutor's Office of the Republic of Bulgaria (*Прокуратура на Република България*) (2020), 'A 42-year-old man was sentenced to probation and a fine of BGN 5,000 in a fast-track procedure of the Regional Prosecutor's Office - Plovdiv for violating anti-epidemic measures - admitting clients to a gym' (['По бързо производство на Районна прокуратура – Пловдив е осъден 42-годишен мъж на пробация и 5 000 лева глоба за нарушаване на противоепидемични мерки – допуснал клиенти във фитнес зала'](#)), press release, 10 April 2020.

<sup>27</sup> Bulgaria, Prosecutor's Office of the Republic of Bulgaria (*Прокуратура на Република България*) (2020), 'The criminal proceedings against the nineteen-year-old student who violated the obligatory quarantine in the town of Blagoevgrad have ended with imposed probation measures' (['С наложени пробационни мерки е приключило наказателното производство срещу деветнадесетгодишния студент, нарушил задължителната карантина в гр. Благоевград'](#)), press release, 9 April 2020.

probation for six months and a fine of BGN 10,000 (approximately €5,000) for leaving his home and visiting a public place during a quarantine.<sup>28</sup> The regional court in Targovishte sentenced a man to suspended imprisonment for three months and a fine of BGN 10,000 (approximately €5,000),<sup>29</sup> a 25-year old woman to probation for six months,<sup>30</sup> a 38-year old man to suspended imprisonment for a period of one year,<sup>31</sup> a 39-year old man to probation for six months and a fine of BGN 5,000 (approximately €2,500),<sup>32</sup> and a 29-year old man to suspended imprisonment for six months and a fine of BGN 10,000 (approximately €5,000),<sup>33</sup> all of them found guilty of leaving their homes during a quarantine. The regional court in Knezha found a woman guilty of leaving her home and travelling to another location during a quarantine and sentenced her to probation for six months.<sup>34</sup> The regional court in Petrich sentenced two men to suspended imprisonment for five months and a fine of BGN 10,000 (approximately €5,000), one man to probation for two years and a fine of BGN 5,000 (approximately €2,500),<sup>35</sup> and one man to probation for six months,<sup>36</sup> all of them for leaving their homes during a quarantine. The regional court in Dupnitsa found a 38-year old man guilty of leaving his home and visiting friends during a quarantine and sentenced him to probation and a fine of BGN 10,000 (approximately €5,000).<sup>37</sup> The regional court in Svilengrad sentenced a 19-year old woman to

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<sup>28</sup> Bulgaria, Prosecutor's Office of the Republic of Bulgaria (*Прокуратура на Република България*) (2020), 'Probation and a fine in the amount of BGN 10,000 for violating the obligatory quarantine after an agreement was reached by the Sofia Regional Prosecutor's Office' (['Пробация и глоба в размер на 10 000 лева за нарушаване на задължителната карантина след постигнато споразумение на Софийска районна прокуратура'](#)), press release, 14 April 2020.

<sup>29</sup> Bulgaria, Prosecutor's Office of the Republic of Bulgaria (*Прокуратура на Република България*) (2020), 'First person convicted of violating quarantine in the area of the Appellate Prosecutor's Office in Varna' (['Първи осъден за нарушаване на карантина в района на Апелативната прокуратура във Варна'](#)), press release, 15 April 2020.

<sup>30</sup> Bulgaria, Prosecutor's Office of the Republic of Bulgaria (*Прокуратура на Република България*) (2020), '100 hours of community service and probation measures is the punishment of a 25-year-old woman who violated quarantine, after an agreement approved by the court with the Regional Prosecutor's Office in Targovishte' (['100 часа безвъзмезден труд и пробационни мерки е наказанието на 25-годишна жена, нарушила карантина, след одобрено от съда споразумение с Районната прокуратура в Търговище'](#)), press release, 22 April 2020.

<sup>31</sup> Bulgaria, Prosecutor's Office of the Republic of Bulgaria (*Прокуратура на Република България*) (2020), 'Conviction for a man who violated the measures against the spread of COVID-19 after a court-approved agreement with the Targovishte Regional Prosecutor's Office' (['Осъдителна присъда за мъж, нарушил мерките против разпространението на COVID-19 след одобрено от съда споразумение с Районната прокуратура в Търговище'](#)), press release, 22 April 2020.

<sup>32</sup> Bulgaria, Prosecutor's Office of the Republic of Bulgaria (*Прокуратура на Република България*) (2020), 'Probation and a fine of BGN 5,000 for a man who violated quarantine after an agreement approved by the court with the Regional Prosecutor's Office in Targovishte' (['Пробация и 5000 лева глоба за мъж, нарушил карантина, след одобрено от съда споразумение с Районната прокуратура в Търговище'](#)), press release, 27 April 2020.

<sup>33</sup> Bulgaria, Prosecutor's Office of the Republic of Bulgaria (*Прокуратура на Република България*) (2020), 'Under an agreement approved by the court with the Regional Prosecutor's Office in Targovishte, a man who violated the quarantine measures received a conviction and a fine of BGN 10,000' (['По одобрено от съда споразумение с Районната прокуратура в Търговище мъж, нарушил карантинните мерки, получи осъдителна присъда и глоба от 10 000 лева'](#)), press release, 27 April 2020.

<sup>34</sup> Bulgaria, Prosecutor's Office of the Republic of Bulgaria (*Прокуратура на Република България*) (2020), 'First person convicted of non-complying with quarantine measures in the area of the Appellate Prosecutor's Office in Veliko Tarnovo' (['Първи осъден за неспазване на карантинните мерки в района на Апелативна прокуратура – В. Търново'](#)), press release, 15 April 2020.

<sup>35</sup> Bulgaria, Prosecutor's Office of the Republic of Bulgaria (*Прокуратура на Република България*) (2020), 'Under agreements with the Regional Prosecutor's Office - Petrich, defendants were punished for non-compliance with anti-epidemic measures' (['По споразумения с Районна прокуратура – Петрич са наложени наказания на подсъдимите за неспазване на противоепидемичните мерки'](#)), press release, 16 April 2020.

<sup>36</sup> Bulgaria, Prosecutor's Office of the Republic of Bulgaria (*Прокуратура на Република България*) (2020), 'Conviction for a man who violated the mandatory quarantine in the town of Petrich' (['Осъдителна присъда за мъж, нарушил задължителната карантина в гр. Петрич'](#)), press release, 29 April 2020.

<sup>37</sup> Bulgaria, Prosecutor's Office of the Republic of Bulgaria (*Прокуратура на Република България*) (2020), 'Penalty "probation" and a fine of ten thousand levs for a man from the town of Dupnitsa for violating mandatory quarantine' (['Наказание „пробация“ и глоба в размер на десет хиляди лева за мъж от гр. Дупница за нарушаване на задължителна карантина'](#)), press release, 24 April 2020.

suspended imprisonment for five months and a fine of BGN 10,000 (approximately €5,000) for visiting friends in another city during a quarantine.<sup>38</sup> The regional court in Haskovo sentenced a 26-year old woman to suspended imprisonment for three months and a fine of BGN 10,000 (approximately €5,000) for going to the shop during a quarantine.<sup>39</sup> The regional court in Levski sentenced a 33-year old man to probation for ten months and a 29-year old man to suspended imprisonment for five months and a fine of BGN 10,000 (approximately €5,000), both for leaving their homes during a quarantine.<sup>40</sup> The regional court in Varna found two men guilty of indicating incorrect reasons for leaving the city in order to pass through the city checkpoint and sentenced them to probation for six months.<sup>41</sup> The regional court in Dimitrovgrad sentenced a 64-year old to probation for nine months for going to the shop during a quarantine.<sup>42</sup> The regional court in Razgrad found a 20-year old woman and a man guilty of leaving their homes and sentenced them to suspended imprisonment for six months and a fine of BGN 10,000 (approximately €5,000) and to probation for eight months and a fine of BGN 5,000 (approximately €2,500), respectively.<sup>43</sup> The regional court in Stara Zagora sentenced a 30-year old man to probation for one year and a fine of BGN 5,000 (approximately €2,500) for leaving his home during a quarantine.<sup>44</sup>

In **Bulgaria**, as of 30 April 2020, the restrictions that were still valid included the ban on visiting restaurants, bars and big shopping centres, the ban on visiting city parks and public gardens (with the

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<sup>38</sup> Bulgaria, Prosecutor's Office of the Republic of Bulgaria (*Прокуратура на Република България*) (2020), 'In the pre-trial proceedings of the Regional Prosecutor's Office - Svilengrad, a 19-year-old woman was sentenced to 5 months of suspended imprisonment and a fine of BGN 10,000 for violating the mandatory quarantine' (['По досъдебно производство на Районна прокуратура – Свиленград е осъдена 19-годишна жена на 5 месеца условно и 10 000 лева глоба за нарушаване на задължителната карантина'](#)), press release, 24 April 2020.

<sup>39</sup> Bulgaria, Prosecutor's Office of the Republic of Bulgaria (*Прокуратура на Република България*) (2020), 'In a pre-trial proceeding of the Haskovo Regional Prosecutor's Office, a 26-year-old woman was sentenced to three months of probation and a BGN 10,000 fine for violating the mandatory quarantine' (['По досъдебно производство на Районна прокуратура - Хасково е осъдена 26-годишна жена на три месеца условно и 10 000 лева глоба за нарушаване на задължителната карантина'](#)), press release, 29 April 2020.

<sup>40</sup> Bulgaria, Prosecutor's Office of the Republic of Bulgaria (*Прокуратура на Република България*) (2020), 'Two persons convicted of non-compliance with the quarantine imposed on them in pre-trial proceedings, taken under special supervision by the Veliko Tarnovo Appellate Prosecutor's Office' (['Двама осъдени за неспазване на наложената им карантина по досъдебно производство, взето на специален надзор от Великотърновската апелативна прокуратура'](#)), press release, 29 April 2020.

<sup>41</sup> Bulgaria, Prosecutor's Office of the Republic of Bulgaria (*Прокуратура на Република България*) (2020), 'Two people received six months of probation under a court-approved agreement with the Regional Prosecutor's Office in Varna for declaring false circumstances at the checkpoint in order to leave the city' (['Шест месеца пробация получиха двама по одобрено от съда споразумение с Районната прокуратура във Варна за деклариране на неверни обстоятелства на КПП с цел да напуснат града'](#)), press release, 30 April 2020.

<sup>42</sup> Bulgaria, Prosecutor's Office of the Republic of Bulgaria (*Прокуратура на Република България*) (2020), 'A 64-year-old man was sentenced to probation in the pre-trial proceedings of the Regional Prosecutor's Office - Dimitrovgrad for violating the obligatory quarantine' (['По досъдебно производство на Районна прокуратура - Димитровград е осъден 64-годишен мъж на "Пробация" за нарушаване на задължителната карантина'](#)), press release, 30 April 2020.

<sup>43</sup> Bulgaria, Prosecutor's Office of the Republic of Bulgaria (*Прокуратура на Република България*) (2020), 'Razgrad Regional Court approves two agreements of the Regional Prosecutor's Office with violators of quarantine measures against COVID-19' (['Разградският районен съд е одобрил две споразумения на Районната прокуратура с нарушители на карантинните мерки против COVID-19'](#)), press release, 30 April 2020.

<sup>44</sup> Bulgaria, Prosecutor's Office of the Republic of Bulgaria (*Прокуратура на Република България*) (2020), 'In the pre-trial proceedings of the Regional Prosecutor's Office - Stara Zagora, a 30-year-old man was sentenced to probation and a fine of BGN 5,000 for violating the mandatory quarantine' (['По досъдебно производство на Районна прокуратура – Стара Загора е осъден 30-годишен мъж на „Пробация“ и 5 000 лева глоба за нарушаване на задължителната карантина'](#)), press release, 30 April 2020.

exception of families with small children and dog owners), and the ban on holding public events (including sport, cultural and scientific events).<sup>45</sup>

## 1.2.2 Education

In **Bulgaria**, all universities, schools and other educational institutions and organisations remain closed. The measure was introduced on 13 March 2020 and as of the end of April was still valid.<sup>46</sup> The Minister of Education and Science obliged all schools to replace in person classes with electronic distance learning to ensure continuity of education.<sup>47</sup> Each school was allowed to choose how to organise the distance learning considering the age of its students, the internet connectivity, the available resources and the digital skills of teachers and students. At the beginning of April 2020, the Minister of Education and Science reported that 89 % of all students were effectively included in the e-learning process, while for the remaining 11 % as well as for students with learning difficulties the authorities were discussing the option of holding additional in person educational activities in June and July.<sup>48</sup>

In **Bulgaria**, the Ministry of Education and Science (MES) (*Министерство на образованието и науката*, МОН) undertook several measures to support teachers, students and parents. An e-learning hotline (0800 10 112) was opened for receiving questions and recommendations related to e-learning. A National Electronic Library for Teachers (*Национална електронна библиотека на учителите*) was created to enable teachers to share educational resources, personal experience and innovative practices. According to the Minister of Education and Science, as of 10 April 2020, the library included 2,353 educational resources with 4,066 files attached to them. During the first week since its launch, the library was visited by more than 50,000 users.<sup>49</sup> Helplines for providing psychological support to teachers, students and parents were opened some of the Regional Centres for Supporting the Process of Inclusive Education (RCSPIE) (*Регионален център за подкрепа на процеса на приобщаващото образование*, РЦПППО).<sup>50</sup>

In **Bulgaria**, private donors donated devices children in disadvantaged situation to facilitate their inclusion in e-learning. The Social Assistance Agency (SAA) (*Агенция за социално подпомагане*, АСП) reported the receipt of a donation of 104 tablets, which were distributed among children

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<sup>45</sup> For an up-to-date list of all applicable restrictions, see the [Restrictive Measures](#) section of the official COVID-19 information portal.

<sup>46</sup> Bulgaria, Ministry of Health (*Министерство на здравеопазването*), Order No РД-01-124 introducing anti-epidemic measures in the country ([Заповед № РД-01-124 за въвеждане на противоепидемични мерки в страната](#)), 13 March 2020.

<sup>47</sup> Bulgaria, Ministry of Education and Science (*Министерство на образованието и науката*), Order No РД09-704 for distance learning in electronic environment ([Заповед РД09-704 от 31.03.2020 - за обучение в електронна среда от разстояние](#)), 31 March 2020.

<sup>48</sup> Bulgaria, Ministry of Education and Science (*Министерство на образованието и науката*) (2020), 'The Ministry of Education and Science with a proposal for new dates for the state graduation exams and the national external evaluation in the case of extended e-learning' (['МОН с проект за нови дати за ДЗИ и НВО при удължено обучение в електронна среда'](#)), press release, 2 April 2020.

<sup>49</sup> Bulgaria, Ministry of Education and Science (*Министерство на образованието и науката*) (2020), 'Over 2,000 lessons are published in the National Electronic Library' (['Над 2000 урока са публикувани в Националната електронна библиотека'](#)), press release, 10 April 2020.

<sup>50</sup> Bulgaria, Ministry of Education and Science (*Министерство на образованието и науката*) (2020), 'Psychologists will provide psychological support to students, teachers and parents' (['Психолози ще оказват психологическа подкрепа на ученици, учители и родители'](#)), press release, 28 April 2020.



accommodated in family-type residential services across the country.<sup>51</sup> For children not in social services, the Ministry of Education and Science (MES) (*Министерство на образованието и науката*, МОН) had received and distributed a donation of 500 tablets made by one of the national mobile service providers.<sup>52</sup>

At the end of April 2020, the media published a detailed analysis of the electronic distance learning one and a half months after its introduction. It pointed out that the Ministry of Education and Science (MES) (*Министерство на образованието и науката*, МОН) had provided 461 schools in the country with a total of 1,986 laptops, 500 of which were equipped with My-Fi devices for internet access with prepaid three-month unlimited access. According to the analysis, the major problem, which remained unsolved, was the provision of devices and internet connection to students. The Ministry of Education and Science (MES) (*Министерство на образованието и науката*, МОН) reported that it had reached an agreement with mobile operators for providing internet connection to students at preferential prices and had changed the rules for school financing allowing schools to cover the expenses for internet of students whose families did not have the resources to pay for internet at their homes.<sup>53</sup>

### 1.2.3 Work

In **Bulgaria**, restriction of work was never implemented as a mandatory measure and the concept of 'essential workers' was therefore not defined and applied in practice. Since the beginning of the state of emergency, employers were instructed to introduce, as far as possible, distance working for their employees, or, where this was not possible, to apply anti-epidemic measures at the workplace.<sup>54</sup> The minimum set of measures to be applied by employers were listed in an order issued by the Minister of Labour and Social Policy in the beginning of April 2020. These measures included: mandatory provision of emergency training to employees, with a focus on limiting the spread of COVID-19 and providing up-to-date information on infection risks, including providing appropriate instructions, information materials and guidance on using reliable sources of information; establishment of a security clearance and non-admission of employees, as well as visitors, with symptoms of contagious diseases, introduction of rules to minimise direct contacts both between employees and between them and visitors and, where possible, keeping a distance of not less than one to one and a half meters, compulsory cleaning and disinfection of workplaces, sanitary facilities and rest and eating places (at least twice during the working day / work shift), provision of the necessary conditions for observing the personal hygiene of the workers (running hot water, detergents, napkins and disposable towels, disinfectants); ensuring good respiratory hygiene in the workplace by regularly ventilating the premises; provision of the necessary personal and collective means of protection of workers (protective masks, gloves); disinfection and ventilation of vehicles after each course, when used for official transport, minimising the number of employees in the vehicle and providing them with

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<sup>51</sup> Bulgaria, Social Assistance Agency (*Агенция за социално подпомагане*) (2020), '104 children from accommodation centres will be able to study remotely with donated tablets' (['104 деца от Центрове за настаняване ще могат да учат дистанционно с дарени таблети'](#)), press release, 16 April 2020.

<sup>52</sup> 24 Chasa (*24 часа*) (2020), 'Vivacom donates 500 tablets to MES for distance learning' (['Виваком дарява 500 таблета за дистанционно обучение на МОН'](#)), 24 Chasa, 18 March 2020.

<sup>53</sup> Georgieva, S. (*Георгиева, С.*) (2020), 'For thousands of children, e-learning is on paper' (['За хиляди деца електронното обучение е на хартия'](#)), *Sega*, 1 May 2020.

<sup>54</sup> Bulgaria, Ministry of Health (*Министерство на здравеопазването*), Order No РД-01-124 introducing anti-epidemic measures in the country ([Заловед № РД-01-124 за въвеждане на противоепидемични мерки в страната](#)), 13 March 2020.

protective equipment; temporary suspension from work of employees<sup>55</sup> with flu-like symptoms or employees not using the personal protective equipment provided to them.<sup>56</sup> At the end of April, the General Labour Inspectorate Executive Agency (GLI EA) (*Изпълнителна агенция „Главна инспекция по труда“*, ИА ГИТ) reported more than 1,500 established violations of anti-epidemic measures, the majority of which were related to failure of employers to provide the mandatory emergency training.<sup>57</sup>

In **Bulgaria**, the majority of socioeconomic measures in the area of employment consisted of financial support provided by the state to persons whose employment was affected by the state of emergency. The main such measure was a compensation scheme for covering a share of 60 % of the remuneration of employees, who were not dismissed by their employers during the state of emergency. The scheme was envisaged in the special law on the measures during the state of emergency<sup>58</sup> and the payment of the compensations was done according to a government regulation laying down the eligibility criteria and the application procedure.<sup>59</sup> On 22 April 2020, the government reported the first results of the implementation of the scheme: 4,445 employers had submitted applications for covering the remuneration of 61,337 employees, and 715 applications for 11,996 employees were already approved.<sup>60</sup> Another financial support measure was a one-off social assistance allowance of BGN 375 (approximately €190) envisaged for parents of children up to 12 years of age, who had been on unpaid leave for at least 20 days because of their inability to work from home during the state of emergency.<sup>61</sup>

In **Bulgaria**, no measures were implemented specifically targeting people in precarious work situation apart from the general financial support measures targeting all businesses and employees affected by the anti-epidemic restrictions. Work in construction and agriculture, in particular, was not suspended at any time during the reporting period, and the measures envisaged in these sectors were mostly in the form of financial support. Thus, for example, the Minister of Regional Development and Public Works announced that none of the major construction projects across the country was interrupted and new ones had started to keep the construction business fully operational and provide

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<sup>55</sup> According to Article 199 of the Labour Code (*Кодекс на труда*), employers may temporarily suspend from work employees who report to work in a condition preventing them from performing their tasks. For the period of suspension employees do not receive remuneration.

<sup>56</sup> Bulgaria, Ministry of Labour and Social Policy (*Министерство на труда и социалната политика*), Order No РД01-219 on introducing measures to prevent the risk of COVID-19 outbreak (*Заповед № РД01-219 за мерките за превенция на риска от разпространение на COVID-19*), 2 April 2020.

<sup>57</sup> Bulgaria, General Labour Inspectorate Executive Agency (*Изпълнителна агенция „Главна инспекция по труда“*), 'The control bodies of the Labour Inspectorate found registered unemployed persons going to work' (*Контролните органи на Инспекцията по труда установиха регистрирани безработни да полагат труд*), press release, 30 April 2020.

<sup>58</sup> Bulgaria, Measures and Activities during the State of Emergency Declared by Decision of the National Assembly of 13 March 2020 Act (*Закон за мерките и действията по време на извънредното положение, обявено с решение на Народното събрание от 13 март 2020 г.*), 24 March 2020.

<sup>59</sup> Bulgaria, Council of Ministers (*Министерски съвет*), Decree No 55 of 30 March 2020 laying down the conditions and procedure for payment of compensation to employers in order to preserve the employment of workers and employees in a state of emergency, announced by a decision of the National Assembly of 13 March 2020 (*Постановление № 55 от 30 март 2020 г. за определяне на условията и реда за изплащане на компенсации на работодатели с цел запазване на заетостта на работниците и служителите при извънредното положение, обявено с решение на Народното събрание от 13 март 2020 г.*), 1 April 2020.

<sup>60</sup> Bulgaria, Ministry of Labour and Social Policy (*Министерство на труда и социалната политика*) (2020), 'More than 61,000 employees will retain their jobs with the measure 60/40' (*Над 61 000 работници и служители ще запазят работните си места с мярката 60/40*), press release, 22 April 2020.

<sup>61</sup> Bulgaria, Ministry of Labour and Social Policy (*Министерство на труда и социалната политика*) (2020), 'BGN 375 one-off allowance for parents on unpaid leave' (*375 лева еднократна помощ за родители в неплатен отпуск*), press release, 11 April 2020.

employment opportunities for as many persons as possible. New construction permits were also issued on a regular basis.<sup>62</sup>

#### 1.2.4 Access to justice

In **Bulgaria**, the special law on the measures during the state of emergency temporarily suspended the procedural deadlines in all judicial, arbitration and enforcement proceedings with the exception of criminal proceedings, European Arrest Warrant proceedings and proceedings related to coercive measures. The amendments to the law, adopted in April 2020, defined more precisely these exceptions by adding a separate annex containing an exhaustive list of all judicial proceedings for which the suspension did not apply. The amendments also authorised the courts to hold distance hearings, including in criminal proceedings, provided that the direct virtual participation of all parties is duly ensured.<sup>63</sup> In practice, many courts started using Skype for holding open hearings on cases that were not suspended and could not be postponed. The practice was first introduced for hearing criminal cases but was gradually utilised in civil cases as well.<sup>64</sup>

In **Bulgaria**, the operation of the courts during the state of emergency was organised according to a decision of the Supreme Judicial Council (SJC) (*Висш съдебен съвет*, BCC) adopted on 15 March 2020.<sup>65</sup> The decision suspended all court cases with the exception of those specifically listed in it, introduced mandatory submission of documentation by post or electronic means of communication, instructed the courts to provide information on pending cases only by phone or electronically, restricted the access to court buildings and obliged the courts to send subpoenas and other case-related documentation only by phone or electronically. On 14 April 2020, following the amendments to the law on the measures during the state of emergency, the list of cases exempted from suspension was revised to correspond to the list of exception included in the newly adopted annex to law.<sup>66</sup> On 28 April 2020 the obligation of courts to send subpoenas and other case-related documentation only by phone or electronically was revised and conventional handling was permitted for cases, in which the party had not provided a phone number or an electronic address.<sup>67</sup>

In **Bulgaria**, no specific steps were undertaken to increase the use of alternatives to detention as an anti-epidemic measure. The main measures applied in detention facilities, apart from the increased sanitary control, was the restricted access of visitors and the temporary suspension of the transportation of inmates outside the facilities. Court hearings and other procedural actions involving

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<sup>62</sup> Bulgaria, Ministry of Regional Development and Public Works (*Министерство на регионалното развитие и благоустройството*) (2020), 'Minister Avramova: We are working hard to maintain the pace of construction in the country' (*'Министър Аврамова: Работим усилено, за да запазим темповете на строителство в страната'*), press release, 24 April 2020.

<sup>63</sup> Bulgaria, Measures and Activities during the State of Emergency Declared by Decision of the National Assembly of 13 March 2020 Act ([Закон за мерките и действията по време на извънредното положение, обявено с решение на Народното събрание от 13 март 2020 г.](#)), 24 March 2020.

<sup>64</sup> 24 Chasa (24 часа) (2020), 'First civil case on Skype in the Sofia Regional Court since 13 March' (*'Първо гражданско дело по скайп в районния съд в София от 13 март'*), 24 Chasa, 29 April 2020.

<sup>65</sup> Bulgaria, Supreme Judicial Council (*Висш съдебен съвет*), Brief protocol No 9 of the extraordinary session of the Judicial College of the Supreme Judicial Council held on 15 March 2020 ([Кратък протокол № 9 от извънредно заседание на съдийската колегия на Висшия съдебен съвет, проведено на 15 март 2020 г.](#)), 15 March 2020.

<sup>66</sup> Bulgaria, Supreme Judicial Council (*Висш съдебен съвет*), Brief protocol No 13 of the distance videoconference session of the Judicial College of the Supreme Judicial Council held on 14 April 2020 ([Кратък протокол № 13 от дистанционно заседание чрез видеоконферентна връзка на съдийската колегия на Висшия съдебен съвет, проведено на 14 април 2020 г.](#)), 14 April 2020.

<sup>67</sup> Bulgaria, Supreme Judicial Council (*Висш съдебен съвет*), Brief protocol No 14 of the distance videoconference session of the Judicial College of the Supreme Judicial Council held on 28 April 2020 ([Кратък протокол № 14 от дистанционно заседание чрез видеоконферентна връзка на съдийската колегия на Висшия съдебен съвет, проведено на 28 април 2020 г.](#)), 28 April 2020.

prisoners and pre-trial detainees were conducted via videoconference.<sup>68</sup> As of the end of April, these measures were still valid.

### 1.2.5 Freedom of movement

In **Bulgaria**, the border regime was changed several times since the beginning of the state of emergency. The last restrictions, which were still valid at the end of April, were imposed on 6 April 2020 and consisted of an entry ban on all third-country nationals and all persons arriving from certain EU and Schengen countries.<sup>69</sup> The entry ban did not apply to certain categories of persons such as Bulgarian citizens, persons with valid residence permits, medical staff, transport personnel, foreign officials, diplomats and persons travelling for humanitarian reasons.<sup>70</sup> These persons were not required to present any additional documents like medical certificates or declarations, but were placed under mandatory quarantine for two weeks at a place of their own choice by a written order issued by a border health inspector. During the quarantine period they were not allowed to leave the place, in which they were quarantined, and were obliged to follow certain measures like keeping distance of at least one meter from the people they were living with, sleeping in separate rooms if possible, eating at different times using separate towels, etc. Transit through the country was allowed only to nationals or long-term residents of another EU country or a Schengen country and their family members who were returning to their country of residence, citizens of Serbia, the Republic of Northern Macedonia, Montenegro and Turkey who were returning to their country of nationality, and transport personnel.

In **Bulgaria**, the measures affecting the situation of asylum applicants, announced by the State Agency for Refugees (SAR) (*Държавна агенция за бежанците*, ДАБ) in March, remained valid.<sup>71</sup> Applications for international protection continued to be accepted and registered within the statutory timeframe and during the procedures all preventive anti-epidemic measures had been applied. The access to reception centres of visitors, including representatives of civil society organisations, and the right of asylum applicants to leave the centres, continued to be restricted. All asylum procedures requiring the in-person participation of asylum seekers, their representatives or third parties remained suspended. Civil society organisations reported that, in this situation, they had started consulting and assisting asylum applicants by phone or online.<sup>72</sup>

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<sup>68</sup> Zarkova, A. (*Заркова, А.*) (2020), 'Judicial council member Veronika Imova before "Trud": The administration of justice does not stop when it is under quarantine' (*'Съдебният кадровик Вероника Имова пред "Труд": Правораздаването не спира, когато е под карантина'*), *Trud*, 27 April 2020.

<sup>69</sup> Bulgaria, Ministry of Health (*Министерство на здравеопазването*), Order No РД-01-183 on temporarily prohibiting the entry and quarantine of entrants to the Republic of Bulgaria and on measures for truck drivers and air crews (*Заповед № РД-01-183 за временна забрана за влизане и поставяне под карантина на влизащите в РБ и за мерки за водачите на товарни автомобили и екипажите на въздухоплавателни средства*), 6 April 2020.

<sup>70</sup> The full list of exceptions includes: Bulgarian citizens, family members of Bulgarian citizens, persons with permanent, long-term or continuous residence status in Bulgaria and members of their families; medical professionals, medical scientists and social workers travelling for a purpose related to their profession; transport personnel engaged in the transportation of goods, crews of aircraft engaged in commercial air transport and other transport personnel as necessary; foreign officials and members of their delegations, as well as diplomats, officials of international organisations, military personnel and humanitarian workers performing their duties; persons traveling for humanitarian reasons; persons directly involved in the construction, maintenance, operation and security of strategic and critical infrastructure in Bulgaria; and frontier workers and seasonal farm workers.

<sup>71</sup> Bulgaria, State Agency for Refugees (*Държавна агенция за бежанците*) (2020), 'Measures to limit the spread of COVID-19' (*'Мерки за ограничаване на разпространението на COVID-19'*), press release, 23 March 2020.

<sup>72</sup> Center for Legal Aid Voice in Bulgaria (*Център за правна помощ – Глас в България*) (2020), 'What is happening to migrants in Bulgaria and Europe in a pandemic' (*'Какво се случва с мигрантите в България и Европа в условия на пандемия'*), Center for Legal Aid Voice in Bulgaria, 22 April 2020.

### 1.3 Impact of measures on particular groups

In **Bulgaria**, in the end of March 2020, the Minister of Labour and Social Policy announced that the hotline operated by the Ministry of Labour and Social Policy (MLSP) (*Министерство на труда и социалната политика*, МТСП) started providing psychological support to older people and persons with disabilities. Consultations are provided free of charge every day from 9 a.m. to 5 p.m.<sup>73</sup> Another measure, specifically targeting older people and persons with disabilities, was the expansion of the social patronage service. The government allocated BGN 45 million (approximately €22,5 million) for supporting municipalities in expanding the service and hiring additional personnel to deliver food, medicine and other essential goods to elder people and persons with disabilities affected by the anti-epidemic measures.<sup>74</sup> The application procedure was launched on 30 March 2020 and remained open until 28 April 2020.

In **Bulgaria**, older persons and persons with disabilities in care homes were identified as particularly vulnerable group after several care homes in the district of Vidin (one of the most affected districts) reported first COVID-19 positive persons among their staff and accommodated persons. The first one was the care home for older persons in the village of Gara Oreshets, which accommodated 25 persons, 12 of whom tested positive and two passed away.<sup>75</sup> Those who were tested positive were initially isolated on a separate floor, but after the local mayor publicly disagreed with this decision, they were transferred to medical establishments.<sup>76</sup> As a consequence of this case, the authorities announced that testing in social services for older persons will be prioritised due to the higher vulnerability risk of this group.<sup>77</sup> Meanwhile, two more social services located in the same region reported cases of COVID-19. The home for older person in the village of Kula reported three cases (two persons from the staff and one accommodated person)<sup>78</sup> and the centre for children and young persons with disabilities in the city of Vidin reported 12 cases (four persons from the staff and eight accommodated persons).<sup>79</sup> As of the end of April 2020, the increased testing of users of social services for older persons and persons with disabilities was still ongoing.

In **Bulgaria**, restrictions of access to and from neighbourhoods with large Roma populations are implemented in the cases of detected outbreak of the infection. The two Roma neighbourhoods in Sofia were quarantined for two weeks between 15 April and 28 April 2020.<sup>80</sup> The residents of the two neighbourhoods organised several protests against the measure, which were handled by the police

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<sup>73</sup> Peeva, D. (*Пеева, Д.*) (2020), 'The hotline 0800 88 001 will also provide psychological support (['Единният номер 0800 88 001 ще предоставя и психологическа подкрепа'](#))', *Дневник.bg*, 23 March 2020.

<sup>74</sup> Bulgaria, Ministry of Labour and Social Policy (*Министерство на труда и социалната политика*) (2020), 'The patronage care for older people and people with disabilities will be expanded by BGN 45 million in the Development of Human Resources Operational Programme' (['С 45 млн. лв. по ОПРЧР ще бъде разширена патронажната грижа за възрастни и хора с увреждания'](#)), press release, 30 March 2020.

<sup>75</sup> Mediapool (2020), 'The cases of Covid-19 in the country have exceeded 1500, the death toll is 66' (['Случаите на Covid-19 у нас надхвърлиха 1500, починалите са 66'](#)), *Mediapool*, 30 April 2020.

<sup>76</sup> Mediapool (2020), 'Older persons with Covid-19 from the Vidin home go to hospital, one of the first infected died' (['Възрастните с Covid-19 от видинския старчески дом отиват в болница, един от първите заразени почина'](#)), *Mediapool*, 29 April 2020.

<sup>77</sup> Mediapool (2020), 'The cases of Covid-19 in the country have exceeded 1500, the death toll is 66' (['Случаите на Covid-19 у нас надхвърлиха 1500, починалите са 66'](#)), *Mediapool*, 30 April 2020.

<sup>78</sup> Stoenelov, O. (*Стоенелов, О.*) (2020), 'New outbreak of coronavirus: in the home for older people in Kula' (['Ново огнище на коронавируса: в дома за стари хора в Кула'](#)), *Trud*, 1 May 2020.

<sup>79</sup> Kamenova, A. (*Каменова, А.*) (2020), 'An outbreak of coronavirus at the Center for Children with Disabilities in Vidin' (['Огнище на коронавируса пламна в Център за деца с увреждания във Видин'](#)), *Bulgarian National Television*, 30 April 2020.

<sup>80</sup> Mediapool (2020), 'The blockade of Filipovtsi and Fakulteta is lifted' (['Вдигат блокадата на "Филиповци" и "Факултета"](#)'), *Mediapool*, 27 April 2020.

without leading to escalation.<sup>81</sup> Other cities, which implemented restrictions in Roma neighbourhoods, included Peshtera<sup>82</sup> and Brestovitsa.<sup>83</sup> Unlike the first weeks of the state of emergency, when Roma neighbourhoods were mostly locked down as a preventive measure, in April all the quarantined neighbourhoods were isolated due to confirmed positive cases. In all Roma neighbourhoods, which were placed under quarantine, increased testing was done, which did not show higher infection rates. Upon request by the media, the local health inspection in Sofia announced the results of the testing done in the two quarantined Roma neighbourhoods. For the first three days (22-24 April) a total of 695 rapid tests were done and 36 persons tested positive. Those persons were tested with PCR and for the first nine of them the positive result was confirmed. For the others the results were not ready.<sup>84</sup> A local health mediator told the media that after the two Roma neighbourhoods in Sofia were quarantined, persons living there started to lose their jobs, because their employers were afraid that they 'will transmit the infection'.<sup>85</sup> In Peshtera, three persons from the Roma neighbourhood tested positive, while in other parts of the town the total number of positive cases was six.<sup>86</sup> In the village of Brestovitsa, the total number of positive cases was 13, all of them belonging to two Roma families.<sup>87</sup> In a media interview, the chair of the Bulgarian Helsinki Committee (BHC) (*Български хелзинкски комитет*, БХК) described the quarantine of Roma neighbourhoods as a discriminatory measure, because, being imposed on the whole neighbourhood, the restriction was not aimed to prevent the spread of the infection within the community but rather to protect the rest of the population.<sup>88</sup>

## 2 Users' data - privacy and data protection

### 2.1 Arrangements between public authorities and other actors to allow collection, sharing and processing of user data

In Bulgaria, the Ministry of Health (MH) (*Министерство на здравеопазването*, МЗ) introduced a National Information System for Countering COVID-19 (*Национална информационна система за борба с COVID-19*).<sup>89</sup> The system consists of five modules: [information web portal](#) for citizens with up-to-date information on the epidemic situation in the country; [VirusSafe](#) mobile application for

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<sup>81</sup> Mediapool (2020), 'The residents Filipovtsi and Fakulteta went out on a peaceful protest' (*'Жителите на кварталите "Факултета" и "Филиповци" излязоха на мирен протест'*), *Mediapool*, 17 April 2020.

<sup>82</sup> bTV (2020), 'The Roma neighbourhood in Peshtera is placed under blockade' (*'Поставят ромския квартал на Пещера под блокада'*), *bTV*, 4 April 2020.

<sup>83</sup> Sega (*Сега*) (2020), 'Blockade of the Roma neighbourhood in Brestovitsa because of a new outbreak' (*'Блокада на ромския квартал в Брестовица заради ново огнище'*), *Sega*, 29 April 2020.

<sup>84</sup> Zehirova, Z. (*Зехирова, З.*) (2020), "'Filipovtsi" and "Fakulteta" – special measures and little information' (*'"Филиповци" и "Факултета" - специални мерки и малко информация'*), *Dnevnik.bg*, 27 April 2020.

<sup>85</sup> Zehirova, Z. (*Зехирова, З.*) (2020), "'Filipovtsi" and "Fakulteta" – special measures and little information' (*'"Филиповци" и "Факултета" - специални мерки и малко информация'*), *Dnevnik.bg*, 27 April 2020.

<sup>86</sup> Zehirova, Z. (*Зехирова, З.*) (2020), 'Police officers at the entrance to the neighbourhood: security or discrimination during a pandemic' (*'Полици на входа на квартала: сигурност или дискриминация по време на пандемия'*), *Dnevnik.bg*, 8 April 2020.

<sup>87</sup> Paunovski, G. and Atanasova, V. (2020), 'Coronavirus in Bulgaria: 1447 patients, the programme for small companies has been approved' (*'Коронавирусът в България: заболелите са 1447, одобрена е програмата за малките фирми'*), *Dnevnik.bg*, 29 April 2020.

<sup>88</sup> Zehirova, Z. (*Зехирова, З.*) (2020), 'Police officers at the entrance to the neighborhood: security or discrimination during a pandemic' (*'Полици на входа на квартала: сигурност или дискриминация по време на пандемия'*), *Dnevnik.bg*, 8 April 2020.

<sup>89</sup> Bulgaria, Ministry of Health (*Министерство на здравеопазването*), Order No РД-01-184 on putting into operation of National Information System for Countering COVID-19 (*Заповед № РД-01-184 за въвеждане в експлоатация Национална информационна система за борба с COVID-19*), 6 April 2020.

citizens to report their health status (with enabled notifications to a general practitioner and up-to-date information on the individuals' health); a register of persons quarantined or in isolation and treatment and confirmed COVID-19 cases for centralised management and storage of information; COVID-19 disease and epidemic prognosis software; and geographic maps for visualisation of the number of quarantined, sick, deceased and cured persons. The information web portal and the mobile app are publicly accessible. The other modules are accessible to a predefined list of public authorities (healthcare inspectorates, social security and health insurance authorities, medical establishments, general practitioners, the police and border police, and municipal authorities). Each authority authorised to use the system has a specified scope of access rights defining what data they can use and/or enter into the system.

In **Bulgaria**, the ViruSafe app was approved by the Ministry of Health (MH) (*Министерство на здравеопазването*, МЗ) and is compliant with the European Commission recommendation on COVID-19 apps for contact tracing, ViruSafe is an open source application and its main features are daily symptoms and health status tracker; location tracker, enabled voluntarily by the user, to create a heatmap with potentially infected people; notifications, which inform users on hot news, related to COVID-19; and information and best practices, connected to the pandemic. In order to enable the full range of features of the application, users need to go through an SMS validation and to enter personal data, such as personal ID, age, any chronic diseases they may have and allow the app to use their location (GPS coordinates). Users can enter their symptoms (temperature, dry cough, difficulty in breathing and chest pain) several times a day and the general practitioner receives the processed data automatically. All personal data is accessible only by Ministry of Health and authorised governmental institutions. No legislation was passed allowing the state to use the data collected via the ViruSafe app. The rules governing the use of the collected data as well as the rights of users in relation to this use are laid down in the application's terms of reference, to which each user has to explicitly agree before they start using the app.<sup>90</sup> ViruSafe was developed as an open source application and source code was made available to the public.<sup>91</sup> Before it was officially released, the app's Privacy Policy was consulted with the Commission for Personal Data Protection (CPDP) (*Комисия за защита на личните данни, КЗЛД*) and its recommendations were taken into account.

The media also raised concerns in relation to the fact that neither the Ministry of Health (MH) (*Министерство на здравеопазването*, МЗ) nor the companies, which had developed the app, released any information about whether the app had undergone independent audit in terms of data security and data protection.<sup>92</sup>

In Bulgaria, there is no legal framework governing the sharing and use of aggregate traffic data from telecommunications service providers and there is no information about such sharing being done in practice. A private Bulgarian company, Brand New Vision, in cooperation with the Polish company Selectivv, developed and piloted an innovative approach to use aggregate data for tracking the location of Bulgarians returning from other European countries. The approach was based on the use of shared anonymised data from mobile applications, to which users had consented by agreeing to the terms of use of the respective application. It allowed for the identification of individuals abroad

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<sup>90</sup> Bulgaria, Ministry of Health (*Министерство на здравеопазването*), Terms of use of ViruSafe mobile app ([Общи условия за използване на мобилното приложение ViruSafe](#)), 4 April 2020.

<sup>91</sup> The source code of the ViruSafe application is available on [GitHub](#).

<sup>92</sup> Krastev, V. (*Кръстев, В.*) (2020), 'The coronavirus application - personal data may go to third parties' (['Приложението за коронавирус - лични данни могат да отиват при трети лица'](#)), Club Z, 7 April 2020.

using Bulgarian SIM cards or Bulgarian as the default language of their devices and their geo-tracking in Bulgaria after they had returned to the country.<sup>93</sup>

## 2.2 Legal framework enabling collection, processing, sharing and storage of user data

In **Bulgaria**, the special law on the measures during the state of emergency, adopted in March 2020, introduced amendments to the Electronic Communications Act (*Закон за електронните съобщения*) allowing the police to obtain, without prior judicial authorisation, access to traffic data for the purpose of enforcing the mandatory isolation and/or treatment of persons, on whom such measures were imposed.<sup>94</sup> It should be clarified that in such cases the court is notified for the actions taken and the reason for said actions immediately after the authorities access the data through the service providers. If the court does not confirm the actions the collected data should be immediately destroyed.

## 2.3 Privacy and data protection concerns and possible solutions

In April 2020, a group of Members of Parliament challenged before the Constitutional Court (CC) (*Конституционен съд*, KC) the amendments to the Electronic Communications Act (*Закон за електронните съобщения*) allowing the police to obtain access to traffic data. The applicants claimed that the provisions represented disproportionate interference with the right to privacy and the confidentiality of correspondence and communications as defined in the Constitution, the European Convention of Human Rights and the EU Directive on privacy and electronic communications.<sup>95</sup> As of the end of April 2020, the case was still pending.

## 2.4 Any other privacy and data protection concerns

In **Bulgaria**, data protection concerns were raised in relation to the implementation of the special traffic regime introduced in the main city of each administrative district by an order of the Minister of Health on 20 March 2020.<sup>96</sup> All persons, passing through the checkpoints, were requested to present written declarations for the purpose of their travel, which contained personal data. The Commission for Personal Data Protection (CPDP) (*Комисия за защита на личните данни*, КЗЛД) reviewed and approved this measure by an official statement published on its website. According to the statement the measure was 'necessary and proportionate in the view of safeguarding the public health and prevention of criminal offences, including the safeguarding against and the prevention of threats to public security, the threat of the spread of the virus being such undoubtedly'.<sup>97</sup> In its statement, the Commission for Personal Data Protection (CPDP) (*Комисия за защита на личните данни*, КЗЛД)

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<sup>93</sup> 24 Chasa (24 часа) (2020), 'Agency 'captured' 8104 Bulgarians returned from Europe for 7 days. Where are they? (*'Агенция "улови" 8104 българи, върнали се от Европа за 7 дни. Къде са?'*), 24 Chasa, 20 March 2020.

<sup>94</sup> Bulgaria, Measures and Activities during the State of Emergency Declared by Decision of the National Assembly of 13 March 2020 Act (*Закон за мерките и действията по време на извънредното положение, обявено с решение на Народното събрание от 13 март 2020 г.*), 24 March 2020, § 41.

<sup>95</sup> Bulgaria, Constitutional Court (*Конституционен съд*), Constitutional Case No 4/2020 (*Конституционно дело No 4/2020*), 22 April 2020.

<sup>96</sup> Bulgaria, Ministry of Health (*Министерство на здравеопазването*), Order No РД-01-143 on the prohibition of visits to sports and children's playgrounds and facilities in open and closed public places, the organisation of checkpoints at the entry-exit roads of the district centres (*Заповед No РД-01-143 за забрана на посещенията на спортни и детски площадки и съоръжения на открити и закрити обществени места, организиране на контролно-пропускателни пунктове на входно-изходните пътища на областните центрове*), 20 March 2020.

<sup>97</sup> Bulgaria, Commission for Personal Data Protection (*Комисия за защита на личните данни*) (2020), '*Lawfulness of the processing of personal data by MoI by means of collecting declarations from citizens passing through the checkpoints in the regional cities of the country*', press release, 25 March 2020.



recommended the Ministry of the Interior (Moi) (*Министерство на вътрешните работи*, МВР) to 'guarantee the security of the processing of personal data contained in the declarations by applying appropriate technical and organizational measures'. In response to this recommendation, the Minister of the Interior issued an order laying down a special procedure for the collection, storage and processing of the declarations.<sup>98</sup> According to the order, the collected declarations are stored for the duration of the anti-epidemic measures, unless they are used as evidence in connection with initiated administrative or criminal proceedings, in which case they are stored until the end of the respective proceedings.

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<sup>98</sup> Bulgaria, Ministry of the Interior (*Министерство на вътрешните работи*) (2020), 'The Ministry of the Interior has the obligation to guarantee the security of personal data in citizens' declarations for crossing the checkpoints' ([\*МВР има задължението да гарантира сигурността на личните данни в декларациите на гражданите за преминаване през КПП\*](#)), press release, 8 April 2020.