

Bulgarian Identity Documents Act

SG, issue 93 from 11 August 1998, last amended SG 26 from 6 April 2010

Chapter one BULGARIAN PERSONAL DOCUMENTS

Section I General Provisions

Art. 1. (1) This act stipulates the terms and the procedure for issuance, usage and keeping of Bulgarian personal documents.

(2) Bulgarian personal documents shall be issued by the Ministry of Interior, the Ministry of Foreign Affairs, the Ministry of Transport, Information Technologies and Communications and the Ministry of Defence, pursuant to the competences assigned to them by this act.

(3) The refusal to issue Bulgarian personal documents, their withdrawal and any injunction on their use shall be stipulated by law.

(4) The Bulgarian personal documents may be issued also *ex officio* in the cases stipulated by law.

(5) The Bulgarian personal documents referred to in this law shall be:

1. identity documents;
2. driving licenses;
3. residence documents.

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Art. 4. (1) Every Bulgarian citizen shall have right to identification document.

(2) Any foreigner, staying on the territory of the Republic of Bulgaria, shall have the right to identity document or residence document, and also to a driving license when this is specified in the law.

(3) The European Union (EU) nationals, the nationals of states – parties to the Agreement on the European Economic Area (EEA), the nationals of the Swiss Confederation, as well as their families who are not citizens of EU, EEA and the Swiss Confederation, who by virtue of international treaties with the EU are entitled to free movement, shall have the right to a residence document and a driving license, issued by the Republic of Bulgaria under the order and in the cases specified in a law.

(4) The competent bodies shall not have the right to refuse the issuance, to revoke or detain any Bulgarian personal document except in the cases and pursuant to the procedure determined by a law.

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Art. 8. (1) ...

(2) In case of a loss, theft, damage or destruction of a Bulgarian personal document the person shall be obliged, within three days, to declare this fact to the closest office of the Ministry of Interior or to the overseas diplomatic or consular missions of the Republic of Bulgaria, and in the cases of Art. 39a – to the Ministry of Defense or to the overseas diplomatic or consular missions of the Republic of Bulgaria.

(3) (new - SG 88/08; amend. – SG 82/09) In case of a loss, theft, damage or destruction of a Bulgarian personal document the person may submit a declaration of these circumstances within three days by electronic means pursuant to the order specified in an act of the Council of Ministers.

(4) If the declaration pursuant to para 2 refers to identification document of a foreigner, who has been granted asylum, refugee status or humanitarian status under the Asylum and Refugees Act, the

respective service of the Ministry of Interior shall notify immediately the State Agency for the Refugees or its nearest local branch.

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Section II

Types of Bulgarian personal documents

Art. 13. (1) The following identity documents shall be issued to the Bulgarian citizens:

1. personal card;
2. passport, diplomatic passport, service passport, sailor's passport, military identity card;
3. driving licence.

(2) The following documents substituting the passport shall also be issued to the Bulgarian citizens:

1. temporary passport;
2. Official open pass for crossing the border;
3. temporary passport for leaving the Republic of Bulgaria for good.

(3) Any of the documents pursuant to para 1 and 2 may serve to ascertain the identity of the Bulgarian citizens.

Art. 14. (1) The following identity documents shall be issued to the foreigners staying in the Republic of Bulgaria:

1. refugee's card;
2. card of a foreigner granted asylum;
3. card of a foreigner with humanitarian status;
4. temporary card of a foreigner;
5. refugee's certificate for travelling abroad;
6. certificate for travelling abroad of a foreigner granted asylum;
7. certificate for travelling abroad of a foreigner with humanitarian status;
8. certificate for travelling abroad for a person without citizenship;
9. temporary certificate for leaving the Republic of Bulgaria;
10. certificate for a return of a foreigner to the Republic of Bulgaria.

(2) The foreigners residing in the Republic of Bulgaria who have been granted residence pursuant the Foreigners Act shall be given residence documents – residence permit pursuant to Council Regulation (EC) No 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals, hereinafter referred to as “Regulation (EC) No 1030/2002”.

(3) To the staying in Bulgaria family members of EU nationals, of citizens of countries – parties to the EEA Agreement, of citizens of the Swiss Confederation who are not themselves nationals of the EU, EEA and the Swiss Confederation, but by virtue of international treaties with the EU have exercised their right of free movement pursuant to the EU citizens and Families Entry, Stay and Departure Act, shall be issued residence documents – residence permit containing the note “card, exercised the right to free movement”.

(4) To the EU nationals, citizens of countries – parties to the EEA Agreement, citizens of the Swiss Confederation residing in the Republic of Bulgaria pursuant to the EU citizens and Families Entry, Stay and Departure Act shall be issued residence certificates of an EU national.

(5) To any employee of diplomatic or consular missions of an international organization that has been granted accreditation in the Republic of Bulgaria shall be issued a card of an accredited employee.

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Art. 17. (1) The citizens shall apply for issuance of Bulgarian personal documents to the competent bodies.

(2) The application shall be signed personally by the applicant in the presence of authorised official, who shall gather biometric data in the cases provided for in the law.

(3) For gathering of the biometric data provided for in this Law the applicant shall appear in person.

(4) Biometric data – fingerprints - shall not be gathered from children under 12 years of age and from persons, from whom it is physically impossible fingerprints to be gathered. Biometric data – fingerprints – shall not be gathered also from children under 6 years of age and from persons, from whom it is physically impossible fingerprints to be gathered upon their application for residence documents pursuant to Art. 59, Para 2 and 3.

(5) The person may not appear personally to submit his application for issuing Bulgarian personal documents, when:

1. there is no change in the name, unified citizen's number (personal number or personal number of a foreigner), sex, citizenship or there are not considerable and permanent changes to the image of the face, and

2. the required biometric data has been taken not later than two years prior to the date of submission of the application;

3. this is stipulated in a law.

(6) (new – SG 82/09) Bulgarian personal documents shall be received personally, and as exception, when the application was submitted personally – by a proxy upon presentation of notary-certified explicit power of attorney.

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Art. 18a. The application for Bulgarian personal documents may be filed electronically pursuant to the conditions and order, specified in an act of the Council of Ministers when:

1. the person was issued a Bulgarian personal document following an application filed personally no later than 59 month before the date of filing an application for a new document;

2. the person holds a valid certificate for universal electronic signature;

3. the required biometric data has been taken from the person.

(2) When filing the application electronically, the person shall sign it with a universal electronic signature.

(3) (amend. – SG 82/09) Filing an application for a Bulgarian personal document electronically shall not be accepted in case of a change in the name, the unified citizen's number (personal number or personal number of a foreigner), the sex, the citizenship or other substantial permanent changes to the image of the person.

(4) Filing an application for issuing a driving license electronically shall be allowed in case of name changes, if the person was already issued an identity card with the changed name.

(5) When the application for a Bulgarian personal document was filed electronically, the document shall be received personally.

Art. 39. Further to the passports under Art. 38, the following substituting documents may be issued:

1. temporary passport - issued by the diplomatic and consular missions of the republic of Bulgaria to Bulgarian citizens, who are residing abroad and do not hold valid documents for travelling or identification - with a term of validity up to 12 months taking into consideration the required time to return to the Republic of Bulgaria, after coordination with the Ministry of Interior;

2. official open pass for crossing the border - issued by the Ministry of Interior to persons with term of validity and extension possibilities according to the international treaties;
3. temporary passport for final leaving of the Republic of Bulgaria - issued by the Ministry of Interior to persons who have lost their Bulgarian citizenship.

Art. 39a. For the purpose of crossing the state border of the Republic of Bulgaria while their regular military service is served on the territories of countries – members of NATO and/or participants in "Partnership for peace" to the servicemen from the units of the Ministry of Defence shall be issued a military identity card pursuant to the conditions of art. III of the Agreement between the parties of the North Atlantic Treaty about the statute of their armed forces. The military identity card shall be issued by the Ministry of Defence.

Art. 39b. (new – SG 105/06, in force from 01.01.2007) Diplomatic and consular missions of the Republic of Bulgaria shall issue provisional documents for travelling to citizens of other member states of the European Union, who have their documents lost or stolen, provided that the member state whose citizen is the person concerned, does not have representation in the country where he is.

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Art. 44. (1) The application for issuing a passport shall be submitted in person.

(2) The application for issuing of a document substituting the passport shall be submitted personally and, by way of exception, by a proxy upon presentation of notary-certified explicit power of attorney.

(3) The passport or the substituting document shall be received in person, and by way of exception, where the application was filed personally – by a proxy upon presentation of notary-certified explicit power of attorney or by a person whose name was indicated by the applicant in the application upon its submission.

Note on translation:
Unofficial translation by Vesselin Paskalev