

Bulgarie

Cour administrative suprême

Bulgaria

Supreme administrative Court

Hierarchical structure of the modern system of sources of Bulgarian law

Constitution

The Constitution of the Republic of Bulgaria / prom., SG. 56 of 13.07.1991 / with effect from 13.07.1991 Constitution is the supreme law and other laws can not contradict it. Provisions of the Constitution shall apply directly. International treaties that require amendments to the Constitution shall be preceded by the adoption of these amendments.

Conventions

In recent years the Republic of Bulgaria is working on accession to the International Convention, Council of Europe, the Hague Conference on Private International Law and others. Both in criminal and in civil area.

International treaties

According to Article 5, paragraph 4 of the Constitution, international treaties ratified by the constitutionally established procedure, promulgated and entered into force for the Republic of Bulgaria are part of domestic law . They take precedence over any conflicting provision of national law which conflict with them . Bulgaria is a party to several bilateral mutual legal assistance as part of them concluded before 1989, are currently in force . They govern relations in civil and criminal matter , united in a common legal assistance treaty containing both procedural and substantive norms.

Codes and laws

Under the Act on statutory instruments the legal Act contains general rules of conduct that apply to individual indefinite number of persons, has repeatedly action and issued or accepted by the competent state authority.

The law is a normative act that regulates the primary or on the basis of the Constitution, public relations, which are susceptible to permanent regulation, according to the subject or subjects in one or several institutes of law or subdivisions thereof. The only legislative body in the Republic of Bulgaria National Assembly, which under the Constitution adopt, amend, supplement and repeal laws. Laws and resolutions of the National Assembly are binding on all state bodies, organizations and individuals.

For the settlement of other relations in this matter the law may provide issued the secondary legislation.

The Code is a legislative act which regulates the public relations subject to an entire branch of the legal system or separate his share. The rules that apply to laws apply to the codes.

Secondary legislation

The **regulation** is a legislative act to be issued to implement the law in its entirety, the organization of state and local authorities and the internal order of their activities.

The **Ordinance** is legal act which is issued for the implementation of certain provisions or units of an instrument of a higher degree.

Instruction is a legal act by which higher authority directives to subordinate authorities implementing the legal act which it has issued or whose implementation should provide.

Legislative act is issued in cases when it must be taken national measures necessary for the implementation and application of acts of the European Union or international agreements concluded by the European Union.

Other sources of law:

In the absence of applicable statutory instrument, the court based its decision on the basic **principles of law, custom, and morality.**

The **case law** is not legally recognized explicitly as a source of law in Bulgaria. Under the Judiciary Act only interpretative decisions of the Supreme Court of Cassation and the Supreme Administrative Court are binding on the judiciary and executive bodies of local self-government and all authorities issuing administrative acts.

Jurisprudence of the Court of Justice, the Court of First Instance and the European Court of Human Rights recognized as the primary source of European Union law and part of Community law is the internal source on which entities can rely on the protection of their rights to national courts.

The hierarchical structure of the modern system of sources of Bulgarian law is as follows:

Constitution - the main source of all Bulgarian law and Community law

International agreements - bilateral and multilateral ratified and those in which the country is committed otherwise / when the Constitution does not require ratification /. All they need to come into force for Bulgaria, some may not have been published

Other international instruments in force in the Republic of Bulgaria - acts of EU secondary legislation, decisions of international organizations or their organs, which are binding under international treaties of Bulgaria, resolutions, declarations.

Codes and laws.

Secondary legislation - , regulations, ordinances of the Council of Ministers.