

Formalisation of legal family formats in Bulgaria

by Daniela Furtunova ¹

The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples

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Based on the [LawsAndFamilies questionnaire](#) on legal family formats for same-sex and/or different-sex couples (Section 1 – Formalisation)

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made on an earlier version of the answers in this section of the database.

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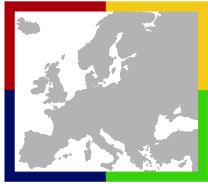


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Disclaimer

This paper and this database contain information with a scientific aim. Nothing in this paper and in this database should be seen as legal advice. Not all nuances and exceptions are included, and there may be errors and further legal developments. The experts, the authors, the editors, the Institut national d'études démographiques and Leiden University cannot be held liable for any inaccurate or incomplete information in this paper or in this database. More particularly, they cannot be held liable for any damage or consequences from the direct or indirect use of contents of this paper or database.

The six sections of the questionnaire

The [interactive LawsAndFamilies Database](#) is based on the [LawsAndFamilies questionnaire](#), which consists of six sections:

- Section 1 – Formalisation
- Section 2 – Income and troubles
- Section 3 – Parenting
- Section 4 – Migration
- Section 5 – Splitting up
- Section 6 – Death

Papers and an interactive database

For each jurisdiction there are therefore six papers like this one. And each of these papers contains the full answers, references and explanations (given by

a legal expert for the jurisdiction concerned) to the questions in one of these six sections. All these papers can be found in open access at www.LawsAndFamilies.eu. There the user also has access to the [interactive part of the LawsAndFamilies Database](#), which can be used to search the whole database and to create comparative overviews for different questions, different years, different countries and/or different legal family formats.

This website also contains references to publications analysing the results of the project, and to some other legal, sociological and statistical publications about same-sex and different-sex families. And it gives information about the methodology used for this questionnaire and database.

About the questionnaire

The [full text of the questionnaire](#) can be found in the paper: K. Waaldijk, J.M. Lorenzo Villaverde, N. Nikolina & G. Zago, 'The LawsAndFamilies questionnaire on legal family formats for same-sex and/or different-sex couples: Text of the questions and of the accompanying guidance document', *FamiliesAndSocieties Working Paper* 64(2016), www.familiesandsocieties.eu.

The [Guidance document](#) contained in that paper, asked the experts answering the questionnaire to make several assumptions. These included the assumption that the partners have been living together as a couple already for at least two years. Plus the assumption (except for certain questions in Section 4 – Migration) that both partners have the citizenship of the country where they are now both lawfully and habitually residing, and that this is also the country where their relationship would have been formalised and where it would be dissolved.

About the answers

This paper contains the answers, references and explanations – for one jurisdiction – to all questions in one of the six sections of the questionnaire. The answers are presented in columns. Each column is a coloured timeline, representing legal developments for one question for one legal family format.

The year at the top of each coloured timeline is the most recent year for which a question was answered by the author. In the timelines the years given above and below an answer indicate that the answer applied between a certain day in the lower year and a certain day in the higher year. The year "0000" means that the answer applied since an unknown year before 1965. See further the [Guidance document](#).

The following **answer codes and colours** have been used:

Yes	Yes, this is so in the law of this country/jurisdiction, although possibly with a qualifying period of 24 months or less.
Yes, but	Yes, but with exceptions or restrictions, for example a qualifying period of 25 months or more, or only in most parts of the country/jurisdiction, or this is mostly a “dead letter”.
No, but	No, but it may be so exceptionally, or in a very limited way, or in a few parts of the country/jurisdiction, or indirectly, or by using a different legal instrument, or legislation says no while some courts might say yes.
No	No, this is not so in the law of this country/jurisdiction.
Doubt	The law is unclear (the law does not “know” the answer).
?	No information was available.
N/A	Not applicable (for example because this family format is not available in this jurisdiction, or not for same-sex or different-sex couples).
X	This question was not asked for this legal family format.
Open question	Question without answer codes like Yes and No.
Empty cell	For this year the question was not asked or not answered.

The six papers about Bulgaria

The answers concerning Bulgaria can be found in the [interactive database](#) and in the following six papers (all of which are published in open access in: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*, Paris: INED, 2017, www.LawsAndFamilies.eu):

Formalisation of legal family formats in Bulgaria by Daniela Furtunova (Section 1)

Income, troubles and legal family formats in Bulgaria by Daniela Furtunova (Section 2)

Parenting and legal family formats in Bulgaria by Daniela Furtunova (Section 3)

Migration and legal family formats in Bulgaria by Adela Katchaounova (Section 4)

Splitting up and legal family formats in Bulgaria by Adela Katchaounova (Section 5)

Death and legal family formats in Bulgaria by Adela Katchaounova (Section 6)

So this paper is based on **Section 1 (Formalisation)** of the [LawsAndFamilies questionnaire](#), which contains questions about the following topics:

- 1.1 Legal family formats
- 1.2 Two siblings
- 1.3 With resident foreigner
- 1.4 With non-resident foreigner
- 1.5 Two foreigners
- 1.6 Two resident foreigners
- 1.7 Two non-resident foreigners
- 1.8 Start at registry
- 1.9 Start at public authority
- 1.10 Start at religious building
- 1.11 Contract
- 1.12 Statutory contract
- 1.13 Surname
- 1.14 Living together
- 1.15 Sex
- 1.16 General background regarding formalisation
- 1.17 Literature

In the following pages of this paper, first the answers to questions 1.16 and 1.17 are presented, followed by the answers to questions 1.1 to 1.15.

1.16 - General background regarding formalisation (Open question)

If you consider it useful to provide some general information or comments about (past, present or future) developments and trends in legal policy and case law in your country/jurisdiction, or information on other aspects (socio-legal, political, constitutional, legal-cultural, religious, etc.) that may be relevant for the understanding of your answers above regarding formalisation, then please do so here.

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1.17 - Literature (Open question)

Please list some relevant literature about the family formats concerned, especially in English and/or online (with web links).

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Jurisdiction: **Bulgaria**

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Section: **1 - Formalisation**

Question: **1.01 - Legal family formats**

Which of the three legal family formats mentioned here are available to different-sex and/or same-sex couples?

(For the distinction between registered partnership and cohabitation, see section e of the [Guidance for experts answering questions in the questionnaire](#). If there are two or more formats available for informally cohabiting couples, then please mention these formats separately in the explanation to this question.)

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 0000	2015 No 0000	2015 No 0000	2015 No 0000	2015 Yes 2005	2015 No, but 2006
				? 0000	? 0000
References to legal sources: Art. 46 (1), Constitution of the Republic of Bulgaria (Конституция на Република България) (1991). Art. 5, Family Code (Семеен кодекс) (2009).		References to legal sources:		References to legal sources:	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Since according to Bulgarian Constitution marriage is regarded as a union between a man and a woman, the requirement of opposite sex of the spouse is considered to be a part of the Bulgarian public order.</p>		<p>Explanations and nuances: Bulgarian legal order does not recognise the form of registered partnership.</p>		<p>Explanations and nuances: De facto cohabiting couples are only occasionally mentioned as holders of rights and (more often in terms of) obligations in some legal acts, such as: the Entering, Residence and Leaving the Republic of Bulgaria by European Union Citizens and Members of Their Families Act, the Conflict of Interests Prevention and Ascertainment Act, Civil Procedure Code, Criminal Procedure Code and others. When doing so, the legislator does not differentiate or indicate whether the couple is different-sex only or also include same-sex. However in general, the notion of unions of same-sex persons is not legally recognised.</p> <p>See also questions 2.7 (domestic violence), 2.8 (criminal procedure) and 4.4 (partner of EU citizen).</p>	

Jurisdiction: **Bulgaria**

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Section: **1 - Formalisation**

Question: **1.02 - Two siblings**

Is starting this type of relationship legally possible for two siblings?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No 0000	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	2015 No 0000	2015 No 0000
<p>References to legal sources: Art 7(2), Family Code (2009). Art. 13(2), Family Code (1985) (repealed).</p>		<p>References to legal sources:</p>		<p>References to legal sources:</p>	
<p>Explanations and nuances: A marriage cannot be concluded by: 1) relatives of direct line of descent; 2) brothers and sisters, as well as other relatives of collateral line of descent up to fourth degree; 3) persons, between whom adoption creates a relationship between relatives of direct line of descent or between brothers and sisters.</p>		<p>Explanations and nuances:</p>		<p>Explanations and nuances:</p>	

Jurisdiction: **Bulgaria**

Source: **D. Furtunova, "Formalisation of legal family formats in Bulgaria".** In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-BG-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.03 - With resident foreigner**

Is starting this type of relationship legally possible for a national citizen and a foreigner both residing in the country?
 (As to the meaning of “residing”, see section c of the [Guidance for experts answering questions in the questionnaire](#).)

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 0000	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	X	X
References to legal sources: Art. 76, Code of International Private Law (Кодекс на международното частно право) (2005).		References to legal sources:			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: The law says that when one of the persons is a Bulgarian citizen, the marriage is concluded before the Bulgarian civil status official and if the applicable foreign national law establishes an impediment for the conclusion of the marriage, which under the Bulgarian law is incompatible with the freedom of entering into marriage, this impediment shall not be taken into account. Since according to Bulgarian Constitution marriage is regarded as a union between a man and a woman, the requirement of opposite sex of the spouse is considered to be a part of the Bulgarian public order.</p>		<p>Explanations and nuances:</p>			

Jurisdiction: **Bulgaria**

Source: **D. Furtunova, "Formalisation of legal family formats in Bulgaria". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-BG-Section1.pdf](#) (please use this full citation when citing any information from this table).**

Section: **1 - Formalisation**

Question: **1.04 - With non-resident foreigner**

Is starting this type of relationship legally possible for a national citizen residing in the country and a foreigner residing abroad?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 0000	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	X	X
References to legal sources: Art. 76(2), Code of International Private Law (2005).		References to legal sources:			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: The law says that when one of the persons is a Bulgarian citizen, the marriage is concluded before the Bulgarian civil status official and if the applicable foreign national law establishes an impediment for the conclusion of the marriage, which under the Bulgarian law is incompatible with the freedom of entering into marriage, this impediment shall not be taken into account. Since according to Bulgarian Constitution marriage is regarded as a union between a man and a woman, the requirement of opposite sex of the spouse is considered to be a part of the Bulgarian public order.</p>		<p>Explanations and nuances: Bulgarian legal order does not recognise the form of registered partnership.</p>			

Jurisdiction: **Bulgaria**

Source: **D. Furtunova, "Formalisation of legal family formats in Bulgaria".** In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-BG-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.05 - Two foreigners**

Is starting this type of relationship legally possible for two foreigners, only one of whom is residing in the country?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 0000	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	X	X
References to legal sources: Art. 76(2), Code of International Private Law (2005).		References to legal sources:			
Explanations and nuances: Different-sex couples would be able to marry in Bulgaria only if one of the partners has a habitual residence in the Republic of Bulgaria. Since according to Bulgarian Constitution marriage is regarded as a union between a man and a woman, the requirement of opposite sex of the spouse is considered to be a part of the Bulgarian public order.		Explanations and nuances:			

Jurisdiction: **Bulgaria**

Source: **D. Furtunova, "Formalisation of legal family formats in Bulgaria". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-BG-Section1.pdf](#) (please use this full citation when citing any information from this table).**

Section: **1 - Formalisation**

Question: **1.06 - Two resident foreigners**

Is starting this type of relationship legally possible for two foreigners residing in the country?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 0000	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	X	X
References to legal sources: Art. 76(2), Code of International Private Law (2005).		References to legal sources:			
Explanations and nuances: Different-sex couples would be able to marry in Bulgaria only if one of the partners has a habitual residence in the Republic of Bulgaria. Since according to Bulgarian Constitution marriage is regarded as a union between a man and a woman, the requirement of opposite sex of the spouse is considered to be a part of the Bulgarian public order.		Explanations and nuances:			

Jurisdiction: **Bulgaria**

Source: **D. Furtunova, "Formalisation of legal family formats in Bulgaria". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-BG-Section1.pdf](#) (please use this full citation when citing any information from this table).**

Section: **1 - Formalisation**

Question: **1.07 - Two non-resident foreigners**

Is starting this type of relationship legally possible for two foreigners residing abroad?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No 2005	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	X	X
No 1968				X	X
? 0000				X	X
References to legal sources: Art. 6(2), 45(1) and 76(2), Code of International Private Law (2005). Art. 131(3), Family Code (1985) (repealed). Art. 91, Family Code (1968).		References to legal sources:			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Non-resident foreign citizens may get married in Bulgaria before a diplomatic or consulate representative of their native state, if the legislation of this state permits so. The actual legal recognition of the marriages, however, remains in the discretion of the Bulgarian authorities. Article 45(1) of the Code of International Private Law does not permit legal consequences that are contradictory to the Bulgarian public order. Currently, it is not possible for two non-resident foreign citizens to conclude a marriage before the national authorities.</p>		<p>Explanations and nuances: A registered partnership may be entered by foreign citizens in Republic of Bulgaria before a diplomatic or consulate representative of their native state, if the legislation of this state permits so. The actual legal recognition of the unions, however, remains in the discretion of the Bulgarian authorities. Article 45(1) of the Code of International Private Law does not permit legal consequences that are contradictory to the Bulgarian public order.</p>			

Jurisdiction: **Bulgaria**

Source: **D. Furtunova, "Formalisation of legal family formats in Bulgaria".** In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-BG-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.08 - Start at registry**

Can you legally start this type of relationship at the registry of births, marriages and deaths (État civil, Standesamt)?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 0000	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	X	X
<p>References to legal sources: Art. 8-10, Family Code (2006).</p> <p>Art. 35, Civil Registration Act (Закон за гражданската регистрация) (1999).</p>		<p>References to legal sources:</p>			
<p>Explanations and nuances: Marriage can be concluded only before a civil status official. According to Art. 35 of the Civil Registration Act, the civil status official is the mayor of the municipality or another person from the municipal administration authorised by her.</p>		<p>Explanations and nuances:</p>			

Jurisdiction: **Bulgaria**

Source: **D. Furtunova**, "Formalisation of legal family formats in Bulgaria". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-BG-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.09 - Start at public authority**

Can you legally start this type of relationship at another public authority (e.g. notary public, local population administration, court)?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No 0000	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	X	X
References to legal sources: Art. 8-10, Family Code (2006). Art. 35, Civil Registration Act.		References to legal sources:			
Explanations and nuances: Marriage can be concluded only before a civil status official. According to Art. 35 of the Civil Registration Act, the civil status official is the mayor of the municipality or another person from the municipal administration authorised by her.		Explanations and nuances:			

Jurisdiction: **Bulgaria**

Source: **D. Furtunova, "Formalisation of legal family formats in Bulgaria". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-BG-Section1.pdf](#) (please use this full citation when citing any information from this table).**

Section: **1 - Formalisation**

Question: **1.10 - Start at religious building**

Can you legally start this type of relationship at a church, synagogue, mosque or other religious building?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No 0000	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	X	X
References to legal sources: Art. 4(2), Family Code (2006). Article 6(2), Family Code (1985) (repealed). Art. 2, Family Code (1968). Art. 176(3), Criminal Code (1968) (provision repealed in 2000).		References to legal sources:			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: While different-sex couples are free to have religious ceremonies commemorating their marriage, according to the Family Code, the religious marriage ceremony does not have legal effect. Up until 2009 the Family Code stipulated that a religious marriage ceremony can be performed only after a civil marriage has been conducted.</p> <p>Up until 2000 the Criminal Code stipulated also that it is a criminal offence for a priest to perform a religious ceremony before a civil marriage has been concluded.</p>		<p>Explanations and nuances:</p>			

Jurisdiction: **Bulgaria**

Source: **D. Furtunova, "Formalisation of legal family formats in Bulgaria". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-BG-Section1.pdf](#) (please use this full citation when citing any information from this table).**

Section: **1 - Formalisation**

Question: **1.11 - Contract**

Can the partners make a contract (with or without third-party effect) to organise their relationship, for example with regard to property or personal obligations? (Think of prenuptial contracts and cohabitation contracts.)

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2009	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	2015 No 0000	2015 No 0000
No 0000					
References to legal sources: Art. 37, Family Code (2009). Family Code (1985) (repealed).		References to legal sources:		References to legal sources:	
Explanations and nuances: A possibility for concluding a matrimonial contract has been provided for the first time in the Family Code (2009). This possibility is given only to married, namely different-sex, couples. The matrimonial contract covers only property rights.		Explanations and nuances:		Explanations and nuances:	

Jurisdiction: **Bulgaria**

Source: **D. Furtunova, "Formalisation of legal family formats in Bulgaria".** In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-BG-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.12 - Statutory contract**

Are there specific statutory rules regarding such a contract?

(See question 1.11 about the possibility for the partners to make a contract to organise their relationship.)

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2009	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	2015 No 0000	2015 No 0000
No 0000					
References to legal sources: Art. 19, 38(2), 39(1) and 39(4), Family Code (2009). Family Code (1985) (repealed).		References to legal sources:		References to legal sources:	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Matrimonial contracts may be concluded at the time of the conclusion of the marriage or after that, when the couple has already been married. Matrimonial contracts are to be concluded in writing with signatures of both parties and certified by a notary. The matrimonial contracts are registered in a central electronic registry kept by the Registry Agency.</p>		<p>Explanations and nuances:</p>		<p>Explanations and nuances:</p>	

Jurisdiction: **Bulgaria**

Source: **D. Furtunova, "Formalisation of legal family formats in Bulgaria".** In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-BG-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.13 - Surname**

Can (or must) one partner use or have the surname of the other partner?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 0000	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	2015 No 0000	2015 No 0000
References to legal sources: Art. 12, Family Code (2009). Art. 11, Family Code (1985) (repealed).		References to legal sources:		References to legal sources:	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: For the marriage certificate to be issued, each of the spouses states whether they retain their surname; accept the surname of their spouse, or add up the surname of their spouse to their original surname. Regardless of the fact that there is a legal opportunity for men to use the surname of the women as theirs after the conclusion of the marriage, in practice, due to the existing patriarchal attitudes and sexist prejudice, it is only women, who take the family name of their husbands.</p>		<p>Explanations and nuances:</p>		<p>Explanations and nuances:</p>	

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Section: **1 - Formalisation**

Question: **1.14 - Living together**

Do partners in this type of relationship have a duty to live together in the same house?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No, but 0000	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	2015 No, but 2015	2015 No 0000
				No 0000	
<p>References to legal sources: Art. 15, Family Code (2009). Art. 16, Family Code (1985) (repealed).</p>		<p>References to legal sources:</p>		<p>References to legal sources: Art. 4, Family Benefits for Children Act (Закон за семейни помощи за деца) (2002, as amended in 2015). Additional Provisions, §1(b), Family Benefits for Children Act (Закон за семейни помощи за деца) (2002, as amended in 2015).</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: According to the Family Code, spouses live together unless important reasons do not require them to live separately. At the same time, there are no sanctions if spouses do not live together in the same house. In practice many married partners are registered at different addresses.</p>		<p>Explanations and nuances:</p>		<p>Explanations and nuances: Unmarried different-sex couples would be entitled to social benefits for their children if they are registered on one address. Unmarried couples are considered as a family only with regards to the Family Benefits for Children Act. According to the Act the definition of a family includes: cohabiting parents without marriage, who cohabit on the same current address, their minor children, as well as the children (either born or acknowledged by the father after birth) above the age of 18, if the latter continue their studies - until completion of secondary education or up to the age of 20. It is unclear whether this definition might include same-sex couples in the cases when both same-sex parents are recognised as the legal parents of the child by virtue of an international element.</p>	

Jurisdiction: **Bulgaria**

Source: **D. Furtunova, "Formalisation of legal family formats in Bulgaria". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-BG-Section1.pdf](#) (please use this full citation when citing any information from this table).**

Section: **1 - Formalisation**

Question: **1.15 - Sex**

Does the law require relationships of this type to be sexual or intimate?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No, but 0000	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	2015 No 0000	2015 No 0000
References to legal sources:		References to legal sources:		References to legal sources:	
Explanations and nuances: There is no such legal requirement. At the same time in cases of divorce, courts use the term "devoid of its content" ("изпразнен от съдържание"), which often actually means the lack of a sexual relationship between the spouses. Moreover, the lack of "consummation" of the marriage is used by the authorities in order to prove a sham marriage and as such is used as a reason to order extradition. The lack of intimate/sexual relationship is considered to be proof for the artificial nature of the marriage and a ground for extradition of foreign nationals.		Explanations and nuances:		Explanations and nuances:	