

## **Questionnaire concerning the practical operation of the *Hague Convention of***

### ***25 October 1980 on the Civil Aspects of International Child Abduction***

(Including questions on implementation of the *Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children*)

### **The role and functions of Central Authorities**

1. Have any difficulties arisen in practice in achieving effective communication with other Central Authorities? In particular, how are “modern rapid means of communication,”<sup>1</sup> used by your Central Authority in order to expedite communications, bearing in mind the requirements of confidentiality?

The communication between the Bulgarian Central Authority and the Central Authorities of the remaining Contracting States – parties to the Convention is implemented, subject to observance of the requirement of confidentiality, mainly by post or by fax. E-mail and telephones are used in cases where immediate actions have to be taken. In its practice the Bulgarian Central Authority has not faced any serious difficulties in the communication with the Central Authorities of the other States.

2. Are there any other problems of co-operation with other Central Authorities to which you wish to draw attention?

No serious difficulties have arisen in the communication with the Central Authorities of the other Contracting States to date.

3. Does your Central Authority maintain a website and / or a brochure / information pack? (Please provide the web address or check if the information on the Hague Conference website is accurate, see < [www.hcch.net](http://www.hcch.net) > Child Abduction Section Links to related websites). If so, does the website and / or brochure / information pack contain the following information as recommended by the Special Commission of 2001:

*“a) the other Contracting States in relation to whom the Convention is in effect;*

*b) the means by which a missing child may be located;*

*c) the designation and contact details for the Central Authority;*

*d) application procedures (for return and access), documentary requirements, any standard forms employed and any language requirements;*

- e) details, where applicable, of how to apply for legal aid or otherwise for the provision of legal service;*
- f) the judicial procedures, including appeals procedures, which apply to return applications;*
- g) enforcement options and procedures for return and access orders;*
- h) any special requirements which may arise in the course of the proceedings (e.g. with regard to matters of evidence);*
- i) information concerning the services applicable for the protection of a returning child (and accompanying parent, where relevant), and concerning applications for legal aid for, or the provision of legal services to, the accompanying parent on return;*
- j) information, if applicable, concerning liaison judges”?*

To date the Ministry of Justice of the Republic of Bulgaria has not arranged the creation of a website and has not published any brochure dedicated to issues related to the implementation of the Hague Convention on the Civil Aspects of International Child Abduction. Material referring to the main aspects of the Convention and the accession of the Republic of Bulgaria to it as well as a brief analysis of the proceedings under the Convention has been published in the review “European Integration and Law” – issued by the Ministry of Justice, implemented in pursuance of the Project “The Judicial Reform – Gateway to Europe” under the working programme “Communication Strategy for accession of the Republic of Bulgaria to the European Union”. The consideration of the issue of publishing of this material on the website of the Ministry of Justice [www.mjeli.government.bg](http://www.mjeli.government.bg), as well as the elaboration of a special part to it dedicated to the Hague Convention is forthcoming.

4. What measures does your Central Authority undertake to encourage voluntary returns and amicable resolutions, and how do you seek to ensure that these negotiations do not lead to undue delay in return proceedings? [Note: Questions 20-22 deal with the subject of mediation.]

Upon receipt of an application under the Hague Convention and after establishing the location of the child, the Ministry of Justice undertakes steps to approach the respective Social Assistance Directorate at the current address of the child for taking actions for voluntary return of the child and avoiding infringement of its rights as well as for imposing protection measures, if necessary.

Here it should be mentioned also the opportunity provided for by the Law on Mediation for extra-judicial settlement of the dispute through conclusion of mediation agreement between the parents of the child.

*1 See the Guide to Good Practice – Part I on Central Authority Practice, Chapter 1.3.3.*

5. In accordance with the Guide to Good Practice – Part I on Central Authority Practice, has your Central Authority shared its expertise with another Central Authority or benefited from another Central Authority sharing its expertise with your Central Authority?<sup>2</sup>

*See the response to question VIII.12 from Standard questionnaire for newly acceding States.*

### **Court proceedings**<sup>3</sup>

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6. Do you have any special arrangements whereby jurisdiction to hear return applications is concentrated in a limited number of courts or judges? Are such arrangements being contemplated?

*Under Article 307a, paragraph 1 of the Civil Procedure Code, competent to deal with and take decision on the cases instituted on applications for return of children and for exercising of the right of personal relations is the Sofia City Court.*

7. What measures exist to ensure that Hague applications are dealt with promptly (Article 7) and expeditiously (Article 11)? In particular:

a) Are there set timetables at both trial and appellate level to ensure the speedy determination of return applications?

b) What special measures / rules exist to control or limit the evidence (particularly oral evidence) which may be admitted in Hague proceedings?

*a) The proceedings on applications under the Hague Convention are in conformity with the requirement for speed. Under Article 504, paragraph 1 of the Civil Procedure Code the Sofia City Court rules by a decision within 30 days from filing of the application. The decision of the court is subject to appeal before the Sofia Appellate Court within 14 days after its announcement. The Sofia Appellate Court rules by a decision within 30 days and its decision is final.*

*b) The nature of the proceedings has necessitated the introduction, through the provision of Article 506 of the Civil Procedure Code, of a strengthened *ex officio* principle when dealing with an application under the Hague Convention, having provided for the possibility of the court to collect evidence on its own motion as well as to assist the parties in the exercising of their procedural rights.*

8. What measures exist to provide or facilitate the provision of legal aid and advice, including the participation of legal counsel and advisers? Do such measures lead to delays?

The Ministry of Justice as a Central Authority under the Convention takes part in the proceedings before the court only where the application has been submitted through it. The application filed in the Ministry of Justice and the accompanying documents are forwarded ex officio to the Sofia City Court for examination and taking of decision. In the procedure before the court the Ministry of Justice represents the applicant provided an authorization by the applicant for this purpose is enclosed to the application, according to the requirements of the Convention. This is not a hindrance for a counsel hired by the applicant to participate in the proceedings.

Naturally, in exercising its powers as a Central Authority under the Convention, the Ministry of Justice helps the parties to achieve voluntary resolution of the dispute in child abduction and violated right of personal relations by involving for this purpose also the Social Assistance Directorate.

9. In what circumstances and by what procedures / methods are children heard in Hague proceedings? In particular how will a determination be made as to whether a child objects to return, and in what circumstances might judges refuse to return a child based on his or her objections?

On the grounds of Article 502, paragraph 2 of the Civil Procedure Code, the Sofia City Court hears the child under Article 15 of the Law on Child Protection.

The provision of Article 15 envisages that each administrative or court proceedings affecting the rights and the interests of a child, should provide for a mandatory hearing of the child, provided it has reached the age of 10, unless this proved harmful to its interests. Depending on the degree of its development the child may be given a hearing also when it has not reached the age of 10, the decision for the hearing being substantiated. Before hearing of the child the court or the administrative body are bound to provide the child with the necessary information which would help it to form its opinion, as well as to inform it about the possible consequences of its wishes, of the opinion supported by it, as well as about all the decisions made by the judicial or administrative body.

The hearing and the consultation of the child take by all means place in appropriate surroundings and in the presence of a social worker from the Social

Assistance Directorate at the current address of the child. Where necessary the presence of another appropriate specialist is secured. If ordered by the court or the administrative body, the hearing of the child takes place also in the presence of a parent, guardian or another close to the child person, with the exception when this is not in the child's best interest.

The child has the right to legal aid and appeal in all proceedings, affecting its rights or interests. In the cases provided for by law also the Social Assistance Directorate at the current address of the child may represent the child. In proceedings on applications under the Hague Convention the Directorate has the obligation to express opinion.

When issues related to the custody of the child and the measures concerning personal relations are to be decided, a fundamental criterion in the Bulgarian legislation is the best interest of the child. Leading is the principle of Article 3 of the Family Code for a comprehensive protection of the children.

10. How has Article 20 of the Convention been applied in your State? Are you aware of an increase in the use of this Article, bearing in mind that the Statistical Survey of all cases in 1999 found no case in which this exception to return was successfully invoked?

There are no cases known by the Ministry of Justice where the Bulgarian court has referred to Article 20 of the Hague Convention as a ground to refuse the return of the child.

### **Legal issues and interpretation of key concepts**

11. Please comment on any Constitutional procedures or principles which make it difficult to implement the Hague Convention fully.

In the Constitution of the Republic of Bulgaria there are no procedures and principles which would make it difficult to implement proceedings on applications under the Hague Convention.

12. Are there any important developments in legislation, case law or procedural law relevant to the operation of the 1980 Convention to which you wish to draw attention? Please could you provide us with an electronic copy of relevant legislation if possible?

See the response to question I.1 from *Standard questionnaire for newly acceding States*.

In addition we can say that Ordinance No. 11 of 16.08.2006 concerning the activity of the Central Authority under the Hague Convention on the Civil Aspects of International Child Abduction, the European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children and the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children is in force as of 01.09.2006.

The text of the Ordinance in Bulgarian language (no translation into English or French has been made to date), as well as Part Seven “Proceedings for returning a child or exercising the right of personal relations” of the Criminal Procedure Code translated in English are enclosed to the Questionnaire.

13. Please indicate any important developments since the Special Commission of 2001 in your jurisdiction in the interpretation of Convention concepts, in particular the following:

- a) rights of custody (Articles 3 *a*) and 5 *a*);
- b) habitual residence (Articles 3 *a*) and 4);
- c) rights of access (Article 5 *b*);
- d) the actual exercise of rights of custody (Articles 3 *b*) and 13(1) *a*);
- e) the settlement of the child in his / her new environment (Article 12(2));
- f) the one year period for the purposes of Article 12;
- g) consent or acquiescence to the removal or retention of the child (Article 13(1) *a*);
- h) grave risk (Article 13(1) *b*);
- i) exposure to physical or psychological harm (Article 13(1) *b*);
- j) intolerable situation (Article 13(1) *b*);
- k) the child objects to being returned (Article 13(2)); (see also question 9)
- l) fundamental principles relating to the protection of human rights and fundamental freedoms (Article 20). (See also question 10).

Within the specified period, in May 2005 was adopted the Code of International Private Law. The provision of Article 48, paragraph 7 of the Code introduced the rule under which the concept “habitual residence of a natural person” means the place where the said person has settled to live predominantly without this being related to the need of registration or permission for stay or settlement. For determination of this place, special regard must be paid to circumstances of personal or professional nature arising from sustained connections of the person with the said place or from the intention of the said person to establish such connections

As regard to the interpretation of the other concepts mentioned above there are no substantial changes.

### **Direct international judicial communication**

14. Please describe any developments in the area of direct international judicial communication. If your country has responded to the 2002 Questionnaire on direct international judicial communication please describe any developments in this area since your response was made. (The Questionnaire is available on the website of the Hague Conference at: < [www.hcch.net](http://www.hcch.net) > Child Abduction Section Questionnaire & Responses).

The Central Authority is not aware whether there is any development in this area.

### **Immigration / asylum / refugee matters**

15. Have you any experience of cases in which immigration / visa questions have arisen as to the right of the child and / or the abducting parent to re-enter the country from which the child was abducted or unlawfully retained? If so, how have such issues been resolved?

No, the Central Authority has no such experience.

16. Have you any experience of cases involving links between asylum or refugee applications and the 1980 Convention? In particular, please comment on any cases in which the respondent in proceedings for the return of a child has applied for asylum or refugee status (including for the child) in the country in which the application for return is to be considered. How have such cases been resolved?

No, the Central Authority has no such experience.

17. Have you any experience of cases in which immigration / visa questions have affected a finding of habitual residence in the State from which the child was removed or retained?

No, the Central Authority has no such experience.

18. Have you any experience of cases in which immigration / visa questions have inhibited the exercise of rights of access?

No, the Central Authority has no such experience.

## **Criminal proceedings**

19. Please comment on any issues that arise, and how these are resolved, when criminal charges are pending against the abducting parent in the country to which the child is to be returned.

There is information on two of the proceedings instituted before the Bulgarian Central Authority about criminal charges raised against the abducting parent by the penal authorities of the State from which he has abducted the child. We do not expect any problem to arise however with regard to the return of the child, as the applicants have stated that they travel to Bulgaria in order to take their children personally if the Bulgarian court issues a ruling thereof. We believe that if the applicants have not stated this, it would be a problem for the parent against whom the charges were raised, to travel to the respective country in order to return his/her child there.

## **Mediation**

20. Are there any programmes of mediation available in your State for parents or other persons involved in Hague Convention cases? Please describe these, indicating *inter alia* the methods employed to ensure that mediated agreements are enforceable and respected by the parties, as well as the availability of, and training opportunities for, international mediators.

21. How do you ensure that mediation procedures do not unduly delay proceedings for the return of the child?

20-21: There are no special programmes related to the mediation in cases which fall in the application field of the Hague Convention. In 2004 in the Republic of Bulgaria was passed the Law on Mediation which regulated the relations related to the mediation as an alternative method of resolution of legal and non-legal disputes. The text of the Law in English is enclosed to the Questionnaire.

22. Do you have any other comments relating to mediation in the context of the 1980 Convention either at a preventive stage or when a removal or retention has occurred?

We have no other comments as at present.

## **Training and education**

23. Do you have any comments relating to how judicial (or other) seminars or conferences at the national, regional and international levels have supported the effective functioning of the Convention? In particular, how have the conclusions and recommendations of these seminars or conferences, (some of which are available on the website of the Hague Conference at: < [www.hcch.net](http://www.hcch.net) > Child Abduction Section), had an impact on the functioning of the 1980 Convention?

The answer under point 5 should be taken into consideration.

24. Can you give details of any training sessions / conferences organised in your country, and the influence that such sessions have had?

The answer under point 5 should be taken into consideration.

**Ensuring the safe return of children where issues such as domestic violence and abuse are raised**

25. Is the issue of domestic violence or abuse often raised as an exception to return in child abduction cases? What is the general approach of your courts to such cases and, in particular, how far do they investigate the merits of a claim that such violence or abuse has occurred?

26. What procedures and measures are in place in your State to secure the safe return of the child (and the accompanying parent, where relevant) where issues of (alleged) domestic violence or abuse are raised?

27. To what extent are your courts entitled and prepared to employ “undertakings” (*i.e.* promises offered by, or required of the applicant) as a means of overcoming obstacles to the safe return of the child? Please describe the subject matter of undertakings required / requested.

28. Will your courts / authorities enforce or assist in implementing such undertakings in respect of a child returned to your jurisdiction? Is a differentiation made between undertakings by agreement between the parties and those made at the request of the court?

29. To what extent are your courts entitled or prepared to seek or require, or as the case may be to grant, safe harbour orders or mirror orders (advance protective orders made in the country to which the child is to be returned)?

30. Do you have any comments on the use of undertakings, mirror orders or safe harbour orders?

31. Do you have any other comments relating to domestic violence or abuse in the context of the 1980 Convention?

32. Are you aware of cases in which your authorities have refused to make or enforce an order in respect of a young child on the basis that an abducting parent who is the child's primary carer, refuses or is otherwise not in a position to return with the child?

25-32. The nature of the proceedings has necessitated the introduction, through the provision of Article 506 of the Criminal Procedure Code, of a strengthened *ex officio* principle when examining an application under the Hague Convention by providing for the court to be able, on its motion, to collect evidence, as well as assist the parties for exercising their procedural rights. The purpose is to consider all circumstances under the case by ensuring absolutely all evidence required.

### **Standard questionnaire for newly acceding States**

33. If your State has acceded to the Convention have you filled out the standard questionnaire for newly acceding States? If so, have you any comments about the ease or otherwise of filling out this questionnaire? If not, can you explain why?

Yes, the Republic of Bulgaria has filled out the standard questionnaire for newly acceding States which has been published in the website of the Hague Conference on International Private Law in 2004.

There are no further comments in connection with the filling out of the questionnaire.

34. Has your State found the responses to the standard questionnaire for newly acceding States (available on the website of the Hague Conference at: < [www.hcch.net](http://www.hcch.net) > Child Abduction Section Standard questionnaire for newly acceding States) useful when considering whether or not to accept the accession of an acceding State? What additional information would be useful?

We consider the responses to the questions contained in the questionnaire to be useful but not crucial for taking decision to accept the accession.

35. What measures, if any, do your authorities take, before deciding whether or not to accept a new accession (under Article 38), to satisfy themselves that the newly acceding State is in a position to comply with Convention obligations, and how do you ensure that this process does not result in undue delays?

It is in the interest of the Republic of Bulgaria that the Hague Convention be applied between more States. That is why Bulgaria has declared that it accepts the accession of the States that have acceded after it – the Dominican Republic and the Republic of Ukraine. There are no special rules which regulate the decision making about accepting the accession.

### **The Guide to Good Practice**

36. In what ways have you used the Guide to Good Practice – Part I on Central Authority Practice, Part II on Implementing Measures and Part III on Preventive Measures to assist in implementing for the first time, or improving the implementation or operation of, the Convention in your State?

37. How has the Guide to Good Practice assisted your State in making policy or practical decisions relating to the implementation or operation of the Convention?

38. How have you ensured that relevant authorities in your State have been made aware of, and have had access to, the Guide to Good Practice?

36-38: The Guide to Good Practice gives our Central Authority guidelines for a better practise in fulfilling its obligations under the Convention

39. Do you have any comments concerning the Guide to Good Practice – Part III on Preventive Measures including how best to publicise this Part of the Guide?

No, as at present.

40. Please describe any developments in legislation, case law or practice relating to enforcement measures and transfrontier access / contact. If your country has responded to the Questionnaire on Enforcement Measures distributed in July 2004 or the Consultation Paper on Transfrontier Access / Contact distributed in January 2002 please describe any developments in legislation, case law or practice since your response was made. (The Questionnaire and Consultation Paper are available on the website of the Hague Conference at: < [www.hcch.net](http://www.hcch.net) > Child Abduction Section Questionnaire & Responses).

See the Questionnaire on the enforcement of return orders under the 1980 Hague convention and of access/contact orders.

41. Are there any particular matters which you would like to see included in a Guide to Good Practice on Transfrontier Access / Contact? (See “Transfrontier

Access / Contact and the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction – Final Report” drawn up by William Duncan, Deputy Secretary General, Preliminary Document No 5 of July 2002 available at: < www.hcch.net > Conventions Convention 28 Practical Operation Documents.)

No, as at present.

42. Are there any other topics that you would like to see form the basis of future parts of the Guide to Good Practice in addition to those which are already published or are under consideration (these are: Part I on Central Authority Practice; Part II on Implementing Measures; Part III on Preventive Measures as well as enforcement measures and access / contact)?

No, as at present.

43. Do you have any other comments about any Part of the Guide to Good Practice?

No.

44. Can you list any examples of good practice not included in the Guides?

No, as at present.

### **Standardised consent form**

45. The Permanent Bureau is consulting with States and relevant authorities with regard to developing a standardised or harmonised form for obtaining consent from holders of parental responsibility when a child leaves a State (see the Guide to Good Practice – Part III on Preventive Measures). Do you have any comments about the development of such a form? Or any suggestions as to what information such a form should / should not include?

Under the provision of Article 76, sub-paragraph 9 of the Law on the Bulgarian Identity Documents it may not be permitted to leave the Republic of Bulgaria, passports and substituting documents to be issued and the issued to be withdrawn of juniors and underaged and persons under legal disability who do not have written consent for travel abroad by their parents, tutors, guardians.

Along with this under the provision of Article 43, sub-paragraph 3 of the Law on the Foreigners in the Republic of Bulgaria ban on leaving the Republic of

Bulgaria is imposed on a foreigner under 18 years of age who is holder also of a Bulgarian citizenship where one of the parents is a Bulgarian citizen and has not given a written permission for his/her travel abroad.

### **Statistics and case management**

46. Does your Central Authority maintain accurate statistics concerning the cases it deals with under the Convention, and does it submit annual returns of statistics to the Permanent Bureau in accordance with the forms established by the Permanent Bureau in consultation with Central Authorities? If not, please explain why.

The Central Authority of the Republic of Bulgaria keeps statistics of the applications under the Hague Convention received by and filed through it. Such information has not been submitted to the Permanent Bureau so far.

47. Does your Central Authority use any special software for case management / statistical purposes? Would your Central Authority be interested in using the new iChild software which is currently being piloted in seven Central Authorities in six Contracting States?

The Bulgarian Central Authority does not use any special software for keeping statistics of the applications under the Hague Convention received and lodged through it. Our Central Authority would be interested in introducing the new iChild software.

### **Publicity / debate concerning the Convention**

48. Has the Convention given rise to (a) any publicity (positive or negative) in your country, or (b) any debate or discussion in your national Parliament or its equivalent?

No.

49. Is the Convention having any negative effects which are causing concern?

No.

50. By what methods do you disseminate information about the Convention?

The Central Authority provides information to the interested persons in writing by post, fax, e-mail, as well as through oral consultations by telephone or in person. The elaboration of a special part in the website of the Ministry of Justice

[www.mjeli.government.bg](http://www.mjeli.government.bg) dedicated to the Hague Convention is a matter whose considering is forthcoming.

51. Could you provide a list (including contact details and web site addresses) of nongovernmental organisations in your State which are involved in matters covered by the 1980 and / or 1996 Conventions?

There are no such organizations.

### **Services provided by the Permanent Bureau**

52. Please comment or state your reflections on services provided by the Permanent Bureau to assist the implementation and operation of the Convention, such as:

- a) INCADAT;
- b) the Judges' Newsletter on International Child Protection;
- c) the bibliography of the Convention;
- d) the Child Abduction Section on the website of the Hague Conference;
- e) INCASTAT (the database for the electronic collection and analysis of statistics on the Convention, which is currently being developed);
- f) iChild (the electronic case management system designed by the Canadian software company WorldReach, which is currently being piloted by seven Central Authorities in six Contracting States).
- g) support for national / international judicial (and other) seminars / conferences concerning the Convention;
- h) support for communications among Central Authorities, including maintenance of updated contact details.

We appreciate all those services provided by the Permanent Bureau. We appreciate all those services provided by the Permanent Bureau.

53. Have you any comments or suggestions concerning the activities in which the Permanent Bureau engages to assist in the effective functioning of the Convention?

No, except of more possibilities for training and education of professionals, especially for judges, social workers and employees of the Central Authorities.

### **Compliance with the Convention**

54. Are there any Contracting States with whom you are having particular difficulties in achieving successful co-operation? Please specify these difficulties.

We have not encountered such problems so far. We have not encountered such problems so far.

55. Are you aware of situations / circumstances in which there has been avoidance / evasion of the Convention?

Up to now we have not observed such situations/ circumstances.

### **Non-Convention cases and non-Convention States**

56. Are you aware of any troubling cases of international abduction which fall outside the scope of the Convention?

All non convention cases are in general troubling cases, mainly the cases of child abduction to a country with an Islamic legal system.

57. Are there any States that you would particularly like to see become a State Party to the Convention? Are there any States (which are not Parties to the Convention or Members of the Hague Conference) that you would like to see invited to the Special Commission meeting in October / November 2006. Would you be willing to contribute to a fund to enable certain developing States to attend?

We have no proposals in this area.

58. Do you have any comments on bilateral or other agreements between your State and a non-Contracting State?

Bulgaria has not entered into any bilateral agreements with non-Contracting States related to the implementation of the Convention. There is only bilateral agreements concerning the legal help and the legal relations in the field of civil and criminal matters, which refers to the most general legal relations between the countries.

59. What additional information would you find useful on the non-Hague Convention page on INCADAT available at < [www.incadat.com](http://www.incadat.com) >.

We have no proposals in this area.

## **Relationship with other instruments**

60. Do you have any comments or observations on the impact of regional instruments on the operation of the 1980 Hague Convention, for example, *Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000* and the *1989 Inter-American Convention on the International Return of Children*?

We have no comments or observations concerning Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000. It will be applicable in Bulgaria after 1<sup>st</sup> January 2007.

The 1989 Inter-American Convention on the International Return of Children is not applicable to Bulgaria.

61. Do you have any comments or observations on the impact of international instruments on the operation of the 1980 Hague Convention, in particular, the *1989 United Nations Convention on the Rights of the Child*?

We have no comments.

## **The Hague Convention of 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children**

62. If the 1996 Hague Convention is in force in your State, do you have any comments regarding (a) how it has been implemented; (b) how it is operating?

Bulgaria has ratified the 1996 Convention in 2006, the same will be entered into force on 1<sup>st</sup> February 2007.

63. If the 1996 Hague Convention is not in force in your State, is your State considering implementing this Convention? What are viewed as (a) the main advantages and (b) the main difficulties in implementing this Convention?

See answer 62.

64. Have you experienced any difficulties concerning interpretation of particular provisions?

As Bulgaria has no history of application of the 1996 Convention, it is hard to identify difficulties in the interpretation of its provisions.

65. Would you find a Guide to Good Practice on implementation of this Convention useful?

Guide to Good Practice on the implementation of the Convention would be very useful.

66. The Special Commission of 2001 recognised the potential advantages of the 1996 Hague Convention as an adjunct to the 1980 Hague Convention, and recommended that Contracting States should consider ratification or accession. How has your State responded to this recommendation?

See answer 62.

#### **Any other matters and recommendations**

67. States are invited to comment on any other matters which they may wish to raise concerning the practical operation of the 1980 Convention or the implementation of the 1996 Convention.

We have no comments.

68. States are invited to make proposals concerning recommendations to be made by the Special Commission.

We have no proposals concerning the recommendations.