



OMBUDSMAN OF THE REPUBLIC OF BULGARIA

Constitutional Case No. 19/2022

LIMITATIONS TO THE FREEDOM OF MOVEMENT

SUCCESSFUL REFFERALS TO THE CONSTITUTIONAL COURT



LIMITATIONS TO THE FREEDOM OF MOVEMENT - challenging the requirement that vignette and toll fees are paid prior to the regular periodic technical inspection of a road vehicle

- The Ombudsman addressed a request for establishing the unconstitutionality of Art. 10, para 16 of the Roads Act, providing for the payment of a vignette and road toll as a condition for the regularity of a periodic technical inspection of a motor vehicle. The payment of the due toll is certified through a check in an automated exchange of information between the information system for electronic registration of performed periodic inspections of motor vehicles, maintained by the Ministry of Transport, Information Technologies and Communications and the electronic system for the collection of road tolls.
- According to the Ombudsman, this provision is contrary to Art. 4, para 1 of the Constitution (the rule of law) and Art. 35, para 1 of the Constitution (the principle of freedom of movement within the country).
- **Constitutional case No.19/2022** was instituted on the request. *The CC admitted for examination on the merit the request of the Ombudsman to establish the unconstitutionality of Article 10, paragraph 16 of the Roads Act (SG No. 26 of 29.03.2000, last amended and supplemented SG No. 23 of 19.03.2021)*
- **The contested provision was repealed at a session of the 48th National Assembly on 1 February 2023. The amending bill to the Road Act was promulgated in the Official Gazette, No. 14 of 10 February 2023.**
- Following the legislative change, the Constitutional Court's ruling of 28 February 2023 dismisses the Ombudsman's request on the subject matter of constitutional case No. 19/2022 having become devoid of purpose.