



OMBUDSMAN OF THE REPUBLIC OF BULGARIA

Constitutional Case No. 7/2021

LIMITATIONS TO THE RIGHT OF PROPERTY

SUCCESSFUL REFFERALS TO THE CONSTITUTIONAL COURT

LIMITATIONS TO THE RIGHT OF PROPERTY – challenging the requirement that certain categories of motor vehicles may be registered only by a legal entity, a sole trader or a farmer



- Request for establishing the non-compliance of Article 143, paragraph 1, sentence 2 of the Road Traffic Act with the Constitution.
- The provision of the Road Traffic Act challenged by the Ombudsman regulates that certain categories of motor vehicles may be registered only by a legal person, a sole trader or a farmer - these are vehicles of categories M2, M3 and N32, as well as special purpose vehicles, with the exception of camping cars, camping trailers, armoured vehicles and wheelchair accessible vehicles. Pursuant to the contested provision, the registration of unregistered vehicle categories M2, M3 and N3 and special purpose vehicles shall be terminated ex officio as of 31 December 2021 in accordance with the requirement of Art. 143(1) of the LRA. (1), second paragraph, of the Road Traffic Act. The rationale for adopting these texts is that there are cases of such vehicles registered to individuals which are actually used commercially - for unregulated transport in the “grey sector” of the economy.
- According to the Ombudsman, these texts contravene Art. 4, para. 1 (the principle of the rule of law), Art. 17 para. 1 and Art. 3 (right to property and inheritance and inviolability of private property) and Art. 57 para. 1 (principle of inalienability of fundamental rights) of the Constitution. It is also protected by the European Convention for Human Rights.
- **Constitutional case No.7/2021** was instituted on the request.
- **By Decision No. 11 of 30 September 2021**, the Constitutional Court found that the provisions challenged by the Ombudsman are in conflict with Article 4, paragraph 1 and Article 17, paragraphs 1 and 3 of the Constitution and declared unconstitutional the challenged provisions.