## **Content Overview**

Table of Contents	13
Zusammenfassung	7
Table of Abbreviations	23
Part 1: Introduction	25
A. Starting Points	25
B. Purpose of the Research and Research Question	29
C. State of the Art and Research Relevance	32
D. Methodology	36
E. Research Structure	38
Part 2: Social Protection in Bulgaria	41
A. Functional Systematization of the Bulgarian Social Protection	41
I. The Concept of Social Protection	41
II. Functional Systematization of Social Protection	58
B. Analysis of the Bulgarian Social Protection System	73
I. Development and Organization	73
II. Coverage and Benefits	125
Part 3: Constitutional, International, and European Union Law	
Influence on the Social Protection System in Bulgaria	177
A. Preliminary Considerations on the Potential Influencing	
Factors	177
I. Constitutional Law	177
II. International Law	221
III. European Union Law	230
B. The Influence of Constitutional, International, and EU Law	
on the Social Protection System	241



I. Abstract Definition of the Concept of Influence	241
II. Methodological Questions: The Phases of Influence	247
III. Institutional Actors	250
IV. Concrete Influences	261
Part 4: Conclusion	339
A. Bulgarian Social Protection: Critical Evaluation	339
B. Cross-sectional Discussion on Concrete Influences	347
I. Creation of Rights and Systems	348
II. Prevention of Curtailment of Rights and Systems	350
III. Expansion of Rights and Systems	353
IV. The Dimensions of Influence and European Union Law	354
C. Constitutional, International and European Union Laws:	
Similarities and Difference of Influence Capacities	356
D. The Influences on the Bulgarian System in Comparative	
Perspective	360
E. Final Remarks	368
Bibliography	371
References	389

## Table of Contents

Zusammenfassung	7
Table of Abbreviations	23
Part 1: Introduction	25
A. Starting Points	25
B. Purpose of the Research and Research Question	29
C. State of the Art and Research Relevance	32
D. Methodology	36
E. Research Structure	38
Part 2: Social Protection in Bulgaria	41
A. Functional Systematization of the Bulgarian Social Protection	41
I. The Concept of Social Protection	41
1. Development and Usage of the Term "Social	
Protection"	42
a. Development and Usage of the Term in the	42
International and European Union Law  aa. International Law and Policy	42 42
bb. EU Law and Policy	48
b. The Usage of the Term "Social Protection" in	40
Bulgaria	51
2. Conceptual Considerations: Perspective and	
Purposes of Social Protection	54
3. Conclusion and Concept Definition	56
II. Functional Systematization of Social Protection	58
1. Comparative Law Perspective	58
2. Bulgarian Social Protection - System-inherent	
Structure	62
a. Social Insurance System	62
b. Healthcare	65

	c. Social Assistance	66
	d. Further Tax-financed Measures Part of Different	
	Legislations	67
	e. Conclusion and Schematic Representation	68
3.	Systematized Structure of the Bulgarian Social	
	Protection	69
B. Analysis	of the Bulgarian Social Protection System	73
I. De	velopment and Organization	73
1.	Historical Development	74
	a. The Beginning of the Social Protection System in	
	Bulgaria	74
	b. Social Protection in the Socialist Period	76
	c. Development of the Social Protection System	
	after 1990	78
2.	Social Protection's Demographic and Economic	
	Background	83
3.	Institutional Organization	87
	a. Public Institutions	87
	aa. Social Insurance System	87
	bb. Healthcare	92
	(1) General Healthcare Organization	92
	(2) Health Insurance	98
	cc. Minimum Protection	103
	(1) Social Pensions	103
	(2) Social Assistance System	105
	dd. Support and Social Inclusion Benefits	106
	(1) Children and Family Benefits	107
	(2) Protection of People with Disabilities	107
	(3) Social Services	108
	b. Private Institutions	110
	aa. Social Insurance System	110
	bb. Voluntary Health Insurance	112
4.	Financing	113
	a. Contribution-based Systems	113
	aa. Social Insurance System	114
	(1) Public Social Insurance	114
	(2) Private Social Insurance	118

		bb.	Health Insurance	119
			(1) Mandatory Health Insurance	119
			(2) Voluntary Health Insurance	121
	b.	Tax	financed Systems	121
			Social Compensation	122
		bb.	Minimum Protection	122
		cc.	Support and Social Inclusion Benef	fits 123
		dd.	Risk-specific, Non-contributory Be	nefits 124
II. C	ove		and Benefits	125
1.	Co	ntri	oution-based Systems	125
	a.	Soc	al Insurance System	125
		aa.	Coverage in View of Addressed Soc	ial Risks 126
			(1) Public Mandatory and Volunta	ry Social
			Insurance	126
			(2) Private Mandatory and Volunta	ry Social
			Insurance	128
		bb.	Short-term Benefits	129
			(1) General Sickness & Occupation	nal
			Accident and Disease	129
			i. Qualifying Conditions	129
			ii. Benefits	131
			iii. Labor Adjustment	131
			(2) Maternity	132
			<ol> <li>Qualifying Conditions</li> </ol>	132
			ii. General Benefits	134
			iii. Labor Adjustment	136
			(3) Unemployment	136
			i. Qualifying Conditions	136
			ii. Benefits	137
			iii. Voluntary Private Unemplo	yment
			Insurance	138
		cc.	Long-term Benefits	139
			(1) Old-Age Pensions	139
			i. Statutory Old-Age Pension	139
			ii. Old-age Pension from Univ	ersal
			Pension Funds	144
			iii. Fixed-term Early Pension f	rom
			Professional Pension Funds	s 145

iv. Voluntary Private Pension Insurance	145
v. Voluntary Occupational Pension	
Insurance	146
(2) Disability Pensions	146
i. Common Qualifying Conditions	146
ii. General Sickness Disability Pension	148
iii. Occupational Accident or Disease	
Disability Pension	149
(3) Survivor Pensions	151
<ol> <li>Qualifying Conditions</li> </ol>	151
ii. Benefits	153
b. Health Insurance	154
aa. Mandatory Health Insurance	154
bb. Voluntary Health Insurance	157
2. Minimum Protection	158
a. Coverage	158
b. Social Assistance System	158
c. Social Old-Age Pension and Personal Pensions	161
3. Social Compensation	163
4. Support and Social Inclusion	164
a. Benefits for People with Disabilities	164
b. Children and Family Benefits	168
c. Social Services	170
5. Risk-Specific, Non-contributory Benefits	173
Part 3: Constitutional, International, and European Union Law	
Influence on the Social Protection System in Bulgaria	177
A Proliminary Considerations on the Potential Influencing	
A. Preliminary Considerations on the Potential Influencing Factors	177
I. Constitutional Law	177
Bulgarian Constitutional Law: Past and Present  The Constitutional Conscient  The Constitution Conscient  The Constitution Conscient  The Constitution Conscient  The Conscient Conscient  The Conscient Conscient Conscient  The Conscient Consc	177
a. The Constitutional Genesis	177
aa. Overview of Constitutional Developments from 1879 to 1991	170
	178
bb. The Creation of the 1991 Constitution and	101
its Social Rights	181
cc. Amendments of the Current Constitution	100
since 1991	186

b. Constitutional Law in Bulgaria	191
aa. General Considerations	191
(1) Constitutional Content and Functions	191
(2) Conceptual Considerations	195
bb. Bulgarian Constitutional Law in the	
Framework of the Research	197
c. Structure of the Current Bulgarian Constitution	201
2. The Constitutional Norms Relevant to Social	
Protection	204
a. Fundamental Rights	205
aa. Types of Fundamental Rights in the	
Bulgarian Constitution	205
bb. The Concept of Fundamental Social Rights	209
cc. Fundamental Rights relevant to Social	
Protection	211
b. Constitutional Principles	216
c. State Objectives	219
II. International Law	221
1. International Law and Bulgarian Constitutional Law	222
2. International Law in the Framework of the Research	225
3. Potential Influencing International Law Factors	227
III. European Union Law	230
1. European Union Law and Bulgarian Constitutional	
Law	231
2. European Union Law in the Framework of the	
Research	233
3. Potential Influencing European Union Law Factors	239
B. The Influence of Constitutional, International, and EU Law	
on the Social Protection System	241
I. Abstract Definition of the Concept of Influence	241
II. Methodological Questions: The Phases of Influence	247
III. Institutional Actors	250
Norm Creation: The Legislature	250
2. Norm Control: The Constitutional Court	252
a. Development, Structure, and Proceedings of the	
Constitutional Court	252
b. Types of Decisions	255
aa. Hierarchical Norm Control	257

	_		bb. Interpretative Decisions	259
IV.			rete Influences	261
	1.	Cr	eation of Norms	261
		a.	Contribution-based Systems: Framework Laws	261
			aa. Social Insurance Code	261
			bb. Law on Health Insurance	264
			Social Compensation	267
		c.	Minimum Protection	268
			aa. Influences Prior to the Law on Social	
			Assistance	268
			bb. Enactment of the Law on Social Assistance	270
			cc. Subsequent Reforms and Further	
			International Law Influences	273
		d.	Support and Social Inclusion	275
			aa. Children Benefits	276
			bb. People with Disabilities	278
			cc. Social Services	281
		e.	Laws Concerning Risk-specific and Non-	
			contribution Benefits	286
		f.	Analysis of the European Union Law Influence	288
			aa. Freedom of Movement	289
			(1) Coordination and Exportability of	
			Benefits	289
			(2) Pension Entitlement	292
			bb. Equal Treatment and Pension Insurance	294
			cc. From Cross-border Healthcare to Internal	
			Market	297
			dd. Free Movement of Capital and the Internal	
			Market	301
	2.	Co	ontrol of Norms	303
		a.	Contribution-based Systems: Common	
			Questions	303
			aa. Mandatory Participation in Social and	
			Health Insurance	304
			bb. Questions Regarding Social and Health	
			Insurance Financing	308
		b.	Social Insurance Questions	313
			aa. Protected Positions in Pension Insurance	313

bb. Private Pension Insurance	316
cc. Right to Property and Pension Insurance	319
dd. Legitimate Expectations in Pension	
Insurance	320
ee. Disability Pension Rights	322
ff. Paid Maternity Leave Rights	323
c. Health Insurance Questions	324
aa. Legislature's Discretion in Health Insurance	
Organization	324
bb. Affordability of Health Insurance	327
cc. Limitation of Claims	329
d. Free Medical Care: Scope of the Right to Free	
Obstetric Care	331
e. Minimum Protection & Support and Social	
Inclusion Benefits	332
aa. Constitutional Similarities and Differences	332
bb. Equality and Support and Social Inclusion	
Benefits	333
cc. Social Services & Support and Social	
Inclusion Benefits	335
Part 4: Conclusion	339
A. Bulgarian Social Protection: Critical Evaluation	339
B. Cross-sectional Discussion on Concrete Influences	347
I. Creation of Rights and Systems	348
II. Prevention of Curtailment of Rights and Systems	350
III. Expansion of Rights and Systems	353
IV. The Dimensions of Influence and European Union Law	354
C. Constitutional, International and European Union Laws:	
Similarities and Difference of Influence Capacities	356
<del>-</del>	550
D. The Influences on the Bulgarian System in Comparative Perspective	360
•	
E. Final Remarks	368
Bibliography	371
References	389