



## European network of legal experts in gender equality and non-discrimination

### NEWS REPORT

**Date:** 13 February 2015  
**Expert:** Margarita Ilieva  
**Title:** Supreme Court Confirms Architectural Accessibility Requires Unaided Access  
**Country:** Bulgaria  
**Context**  
**Issue at stake:** Architectural accessibility  
**Ground of discrimination:** Disability  
**Source:** National court decision: Decision N 158 of 08.01.2015 in administrative case N 7092/2014, Supreme Administrative Court  
**Field:** Access to goods and services  
**Legislative provisions:**

### Content

**Case:** A person with a disability (limited mobility) complained before the equality body (EB) that the “dolphinarium” in Varna was not architecturally accessible. The EB ruled that the company running the dolphinarium was indeed liable for discrimination, maintaining architectural inaccessibility being a form of discrimination under the law. This decision was then confirmed on appeal by the first-instance court. The defendant company appealed the decision of the first-instance court before the Supreme Administrative Court.

**Decision of the Court:** The SAC held: “[T]here is a discriminatory result vis-à-vis a person with disabilities within the meaning of article 5 of the Protection Against Discrimination Act. The ramps installed by the company do not secure independent access, and access is limited and dependent on another’s help. It is established that the architectural environment is inaccessible; the ramps are immovable [...] and cannot be adjusted to different wheelchair types. The special privilege afforded in terms of free admission to the dolphinarium for persons with disabilities has no legal relevance to the dispute.” The SAC confirmed the lower court’s confirmation of the penalty imposed on the company by the equality body, and the latter’s instruction for correctional measures. The penalty was in the amount of BGN 500 (EUR 250), a minimum amount under the law. The instruction was to “abort the discrimination on grounds of disability consisting of maintaining an inaccessible architectural environment outside and inside the building” and to “undertake the necessary action for constructing access for persons with disabilities to and inside the building”.

**Internet link source and additional information:**

[http://www.sac.government.bg/court22.nsf/\(\\$All\)/5D9119021B4CAB8FC2257CE70027A2F1](http://www.sac.government.bg/court22.nsf/($All)/5D9119021B4CAB8FC2257CE70027A2F1) (in BG).