



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

### NEWS REPORT

<b>Country:</b>	Bulgaria
<b>Title:</b>	ADL amendments of definitions of 'indirect discrimination' and 'unfavourable treatment'
<b>Date:</b>	9 January 2017
<b>Expert:</b>	Margarita Ilieva
<b><u>Context</u></b>	
<b>Issue at stake:</b>	Definitions of 'indirect discrimination' and 'unfavourable treatment'
<b>Ground of discrimination:</b>	All grounds
<b>Source:</b>	Legislation
<b>Field:</b>	All fields
<b>Applicable law:</b>	Protection Against Discrimination Act

### Content

**Law development:** On 30 December 2016, Parliament adopted a government bill to amend the Protection Against Discrimination Act (PADA).<sup>1</sup> The bill features two amended provisions: new definitions for indirect discrimination and for unfavourable treatment.

The new definition for indirect discrimination is as follows: "Indirect discrimination shall be placing a person or persons who have a [protected] characteristic, or, who without having such a characteristic, together with the former suffer less favourable treatment, or are placed at a particular disadvantage deriving from an apparently neutral provision, criterion, or practice, unless the provision, criterion, or practice are objectively justified with a view to a legitimate aim and the means to achieving that aim are appropriate and necessary." The former definition was as follows: "Indirect discrimination shall be placing a person on [protected] grounds in a less favourable situation compared to other persons through an apparently neutral provision, criterion, or practice, unless that provision, criterion, or practice is objectively justified with a view to a legitimate aim and the means to achieving that aim are appropriate and necessary."

The new definition for unfavourable treatment is as follows: "Unfavourable treatment shall be any act, action or omission that results in less favourable treatment of a person compared to another on [protected] grounds, or that may place a person or persons who have a [protected] characteristic at a particular disadvantage compared to other persons." The former definition was as follows: "Unfavourable treatment shall be any act, action or omission that directly or indirectly affects rights or legitimate interests."

The amendments were introduced as a follow-up to the ruling of the Court of Justice of the European Union in case C-83/14 (the "Chez" case).

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<sup>1</sup> Protection Against Discrimination Amendment Act, adopted on 22.12.2016, promulgated in the State Gazette, issue 105 of 30.12.2016, available at: <http://www.parliament.bg/bg/laws/ID/42259> (in BG), last accessed on 9.1.2017.

**Key points of analysis:** The amendments seek to clarify that indirect discrimination by association is banned, and that less favourable treatment is not restricted to rights provided for under law.

**Internet link source:** <http://www.parliament.bg/bg/bills/ID/42259/> (*in BG*).