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From:	General Secretariat of the Council
To:	Council
Subject:	Draft Council Conclusions on Equality as a driver for economic growth and competitiveness in the EU *- Approval* *- Statement by the BG delegation*

Delegations will find in the annex a statement by the BG delegation in relation to the abovementioned conclusions.

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ANNEX

Statement by the Republic of Bulgaria

on the Council Conclusions on equality as a driver for economic growth and competitiveness in the EU

The Republic of Bulgaria attaches great importance to the promotion and protection of human rights and reaffirms its commitment to ensuring equality and combating discrimination as fundamental values of the European Union.

In 2018, the Bulgarian Constitutional Court adopted a decision stating that the Council of Europe's Convention on preventing and combating violence against women and domestic violence ('Istanbul Convention') promotes legal concepts related to the notion of 'gender' that are incompatible with the fundamental principles of the Bulgarian Constitution. Moreover, in 2021 the Constitutional Court further clarified that the notion of 'sex' ('пол') used in the Constitution, should, in the context of the national legal order, be understood in its biological sense only (men and women).

Paragraph 12 of the Council Conclusions on equality as a driver of economic growth and competitiveness in the EU contains the term 'gender identity', which is incompatible with the binary understanding of sex under Bulgarian law.

The Council Conclusions on equality as a driver of economic growth and competitiveness in the EU also contain a term that is incompatible with the binary understanding of sex under Bulgarian law – LGBTIQ + with regard to its 'Q +' element. According to the definition given by the European Commission in the EC LGBTIQ + Equality Strategy 2026-2030, 'Q +' covers individuals who do not identify with some of the binary genders, unlike LGBTI individuals. The term cannot be accepted as agreed language in the Council and, in addition, it gives rise to legal uncertainty, as it is unclear which persons should be protected against discrimination on this basis.

Taking into account the importance of the topic of equality between men and women as a driver of economic growth and competitiveness, in a spirit of compromise, the Republic of Bulgaria supports the adoption of the conclusions and, in accordance with Decisions Nos 13/2018 and 15/2021 of the Constitutional Court of the Republic of Bulgaria, reserves the right to apply the terms in the document on the understanding that the concept of gender has only and exclusively a biological meaning – male and female – and does not accept terms that could go beyond it.

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