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NOTE

From: General Secretariat of the Council
To: Council

Subject: Proposal for a Regulation of the European Parliament and of the Council establishing the 'AgoraEU' programme for the period 2028-2034, and repealing Regulations (EU) 2021/692 and (EU) 2021/818
- *Partial general approach*
- *Statement by the Republic of Bulgaria*

The Republic of Bulgaria has requested that the following statement be entered in the Council minutes.

Statement by the Republic of Bulgaria on the Proposal for a regulation of the European Parliament and of the Council establishing the ‘AgoraEU’ programme for the period 2028-2034, and repealing Regulations (EU) 2021/692 and (EU) 2021/818

The Republic of Bulgaria fully supports the continuation of the support for the cultural sector through a separate programme in the next MFF and the preservation of the main strands, objectives and actions of the Creative Europe programme ("Culture" and "MEDIA") joint with the “Citizens, Equality, Rights and Values” within its successor – the AgoraEU. The Programme has the potential to provide a response to the growing challenges facing the Union and its citizens and, at the same time, to provide the necessary support to the sectors themselves to continue to function and develop in times of geopolitical and technological change.

We strongly support the objectives of the programme to safeguard, preserve, develop and promote cultural and linguistic diversity and heritage, to increase competitiveness of the cultural and creative sectors, including media and audiovisual contributing to a more level playing field; to safeguard and strengthen artistic and media freedom and to protect and promote equality, active citizenship, rights and values as enshrined in the Treaties and in the Charter.

The Republic of Bulgaria attaches great importance and is firmly committed to the promotion and protection of fundamental rights, an important part of which is the equality between women and men. We are and will remain dedicated to the principles and values of the European Union as enshrined in the Treaties.

Our country strongly supports the Union's efforts to combat all forms of discrimination, as enshrined in the Treaties and the Charter, and is actively engaged in preventing and combatting any forms of violence as well as in providing protection and support to its victims.

We welcome the relevant objectives and actions of the programme set out to combat all forms of discrimination, to promote fundamental rights, equality and Union citizens’ rights as enshrined in the Treaties and the Charter, as well as to prevent and combat violence and support its victims.

Regrettably, **the Republic of Bulgaria is unable to support the adoption of the Partial General Approach of the Regulation**, as the current text contains concepts, such as the term „gender identity“ that are considered incompatible with the main principles of the Bulgarian Constitution and the binary understanding of the notion „sex“ (“пол”). In 2018, the Bulgarian Constitutional Court adopted a decision stating that the Council of Europe’s Convention on Preventing and Combatting Violence against Women and Domestic Violence (“Istanbul Convention”) promotes legal concepts that intend to differentiate between “sex” as a biological (women and men) category and “gender” as a social construct. In 2021, the Constitutional Court adopted another decision clarifying that the notion “sex” used in the Constitution could only be regarded in the sense of its biological determination. The Bulgarian constitutional and legal order firmly reject the concept of "gender" as a fluid social construct and does not recognize "gender identity" as a legally valid category.

During the negotiations, our country consistently and constructively requested that the terminology be aligned with universally recognized characteristics or formulated in a way that respects the diverse constitutional frameworks of all Member States. Under Article 4(2) TEU, the Union is obligated to respect the equality of Member States before the Treaties as well as their national identities, inherent in their fundamental structures, both political and constitutional.

Because the final text of the Partial General Approach retains concepts that explicitly contradict the mandatory jurisprudence of the Bulgarian Constitutional Court, Bulgaria is constitutionally bound to oppose it.

The Republic of Bulgaria reiterates that not supporting the Partial General Approach is not a rejection of the Regulation's broader goals of fostering a discrimination-free society, but a necessary defence of its national constitutional identity.

Furthermore, the Republic of Bulgaria asserts that, should the Regulation be adopted by the Council in this form, it does not obligate it to recognize or integrate into its national legal order any concepts, incl. „gender identity“ that intend to differentiate between “sex” as a biological (women and men) category and “gender” as a social construct and it will interpret the ones used in the proposal for Regulation as encompassing only the female and male sex in their biological meaning.