

# Code of Administrative Procedure

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Text in Bulgarian: Административнопроцесуален кодекс

## TITLE ONE GENERAL DISPOSITIONS

### Chapter One SUBJECT MATTER, SCOPE AND APPLICATION

#### Subject Matter

**Article 1.** This Code shall regulate:

1. the issuance, contestation and enforcement of administrative acts, as well as the judicial contestation of statutory instruments of secondary legislation;
2. the consideration and addressing of alerts and proposals by individuals and organizations;
3. the proceedings for compensation for detriment resulting from wrongful acts, actions or omissions by administrative authorities and officials;
4. the examination of requests to obligate an administrative authority to perform or to refrain from performing a specific action;
5. the activity concerning the standardization of administrative case law;
6. the enforcement of administrative acts and of judicial acts in administrative cases;
7. (new, SG No. 27/2014, effective 25.03.2014) the provision of integrated administrative services;
8. (new, SG No. 74/2016) settlements and administrative contracts.

#### Territorial Scope and Applicability

**Article 2.** (1) This Code shall apply to administrative proceedings before all authorities of the Republic of Bulgaria, save insofar as otherwise established by a law.

(2) The provisions of this Code shall not apply to any acts:

1. of the National Assembly and of the President of the Republic;
2. whereby a right to initiate legislation is exercised;
3. whereby rights or obligations are created for any authorities or organizations subordinated to the authority which has issued the act, except where rights, freedoms or legitimate interests of individuals or legal persons are affected thereby.

#### Personal Applicability

**Article 3.** This Code shall apply to any foreigners who reside in the Republic of Bulgaria or who are participants in an administrative proceeding before a Bulgarian authority outside the Republic of Bulgaria, insofar as the Constitution and the laws do not require Bulgarian citizenship.

## Chapter Two FUNDAMENTAL PRINCIPLES

#### Legality

**Article 4.** (1) The administrative authorities shall act within the limits of the powers vested therein as established by the law.

(2) Administrative acts shall be issued for the purposes, on the grounds, and according to the procedure established by the law.

(3) The parties subject to the administrative process shall be obligated to exercise the rights and freedoms thereof without inflicting detriment on the State and the public and without affecting the rights, freedoms and legitimate interests of other parties.

#### Prevalence of Higher-Tier Statutory Instrument

**Article 5.** (1) Where any decree, regulations, ordinance, instruction or another statutory instrument of secondary legislation is in conflict with a higher-tier statutory instrument, the higher-tier instrument shall prevail.

(2) Where any law or statutory instrument of secondary legislation is in conflict with an international treaty, which has been ratified according to a procedure established by the Constitution, which has been promulgated, and which has entered into force for the Republic of Bulgaria, the international treaty shall prevail.

#### Proportionality

**Article 6.** (1) The administrative authorities shall exercise the powers vested therein reasonably, in good faith, and fairly.

(2) An administrative act and the enforcement thereof may not affect any rights and legitimate interests to a greater extent than the minimum necessary for the purpose for which the act is issued.

(3) Where an administrative act affects any rights or creates any obligations for individuals or for organizations, the measures which are more favourable to the said individuals or organizations shall be applied if the purpose of the law can likewise be achieved in this manner.

(4) Should there be two or more legally conforming possibilities, the authority, in compliance with Paragraph (1), (2) and (3), shall be obligated to choose the possibility which is most economically feasible and is most favourable to the State and the public.

(5) The administrative authorities must refrain from any acts and actions which may inflict detriment manifestly disproportionate to the object pursued.

#### Truthfulness

**Article 7.** (1) Administrative acts shall be based on the actual facts relevant to the case.

(2) All facts and arguments relevant to the case shall be subject to assessment.

(3) The truth about the facts shall be established according to the procedure and by the means provided for in this Code.

#### Equality

**Article 8.** (1) All parties concerned with the outcome of the proceedings under this Code shall enjoy equal procedural opportunities to participate in the said proceedings for the defence of the rights and legitimate interests thereof.

(2) Within the limits of operational autonomy, similar cases shall be treated equally under equal conditions.

#### Ex Officio Initiation

**Article 9.** (1) Under the terms specified in the law, the administrative authority shall be obligated to initiate, to conduct and to conclude the administrative proceeding, save where the said authority is vested with a discretionary power to issue or not to issue the act.

(2) The administrative authority shall collect all evidence necessary even where the parties concerned have not made such a request.

(3) The court shall instruct the parties that they do not adduce evidence of certain circumstances relevant to adjudication in the case.

(4) The administrative authority and the court shall cooperate procedurally with the parties for a legally conforming and fair resolution of the issue which is the subject of the proceeding, including a settlement.

#### Independence and Impartiality

**Article 10.** (1) The administrative authority shall carry out the proceeding independently. A superior authority may not order an inferior authority to surrender thereto an issue within the competence of the inferior authority for settlement unless this is provided for by law.

(2) An official, who is interested in the outcome of a proceeding or who has relations with any of the parties concerned giving rise to reasonable doubts as to the impartiality of the said official, may not participate in the proceeding. In such case, the said official may be recused either on his or her own initiative or at a request by some of the parties concerned.

#### Celerity and Procedural Economy

**Article 11.** Procedural actions shall be performed within the time limits established by the law, and within the shortest time necessary according to the specific circumstances and the purpose of the action or of the administrative act.

## Accessibility, Public Openness and Transparency

**Article 12.** (1) The authorities shall be obligated to ensure public openness, reliability and comprehensive coverage of the information in administrative proceedings.

(2) The parties shall exercise the right thereof to access to the information in the proceeding according to the procedure established by this Code, and the rest of the parties shall exercise the said right according to the procedure established by the Access to Public Information Act.

(3) No stamp duties shall be collected and no court costs shall be paid on any proceedings under this Code, unless so provided for therein or in another law, as well as in the cases of a judicial appeal against administrative acts and upon bringing a legal action under this Code.

## Consistency and Predictability

**Article 13.** The administrative authorities shall disclose publicly in due time the criteria, the internal rules and the established practice in the exercise of the operational autonomy thereof for application of the law and achievement of the purposes thereof.

## Integrated Administrative Services

**Article 13a.** (New, SG No. 27/2014, effective 25.03.2014) The administrative authorities shall apply the integrated administrative service principle when providing administrative services.

## Language

**Article 14.** (1) The proceedings under this Code shall be conducted in the Bulgarian language.

(2) The persons who have no command of the Bulgarian language may use their native language or another language which they name. In such a case, an interpreter shall be appointed.

(3) Any documents presented in a foreign language must be accompanied by an accurate translation into the Bulgarian language. If the competent authority is unable itself to verify the accuracy of the translation, the said authority shall appoint a translator for the account of the party concerned, unless a law or an international treaty provides otherwise.

(4) The costs of translation shall be borne by the person who has no command of the Bulgarian language if the administrative proceeding was initiated at the request thereof, unless a law or an international treaty provides otherwise.

(5) Where a party or another participant in the proceeding is deaf-mute, deaf, mute or blind, an interpreter shall be appointed at the request of the said party or if the procedural actions would otherwise be impeded or become impossible to perform.

## Chapter Three

### PARTIES AND REPRESENTATION

#### Parties to Administrative Process

**Article 15.** (1) The administrative authority, the prosecutor and any individual or organization whereof the rights, freedoms or

legitimate interests are or would be affected by the administrative act or by the judgment of court, or in respect of whom the said act or judgment would give rise to rights or obligations, may be parties to the administrative process.

(2) The existence of personal and direct standing shall not be required for the submission of a proposal or alert.

#### Participation of Prosecutor in Administrative Process

**Article 16.** (1) The prosecutor shall see to the observance of legality in the administrative process and, to this end:

1. (amended, SG No. 74/2016) shall take action for the reversal of legally non-conforming administrative acts, settlements, administrative contracts and judicial acts;
2. where so provided for in this Code or in another law, shall participate in administrative cases;
3. shall initiate or join proceedings already instituted under this Code and where the prosecutor determines that an important State or public interest so requires.

(2) The prosecutor shall exercise the rights vested therein by the law in accordance with the rules established for the parties to the case.

(3) Upon participation in administrative cases, the prosecutor shall render a conclusion.

#### Representation of Administrative Authorities

**Article 17.** (1) The collective administrative authorities shall be represented by the chairpersons thereof or by other members of the authority empowered by the said chairpersons.

(2) The single-person authorities shall act in person or shall be represented by deputies empowered thereby.

(3) The administrative authorities may be represented before the court by authorization according to the procedure established by the Code of Civil Procedure.

#### Representation of Individuals and Organizations

**Article 18.** (1) Individuals and organizations shall be represented by law and by authorization according to the procedure established by the Code of Civil Procedure.

(2) Individuals and organizations may furthermore be represented before the administrative authorities by other individuals or organizations by a written power of attorney with notarization of the signature.

## TITLE TWO

### PROCEEDINGS BEFORE ADMINISTRATIVE AUTHORITIES

#### Chapter Four

#### GENERAL DISPOSITIONS

##### Competence Disputes

**Article 19.** (1) Any competence disputes between administrative authorities shall be settled by the common superior administrative authority thereof. Where there is no such authority, any such dispute shall be settled by a ruling by the competent administrative court, and where the authorities are within different geographical jurisdictions any such dispute shall be settled by the Sofia City Administrative Court.

(2) Any acts referred to in Paragraph (1) shall be unappealable.

#### Administrative Contract Defined

**Article 19a.** (New, SG No. 74/2016) (1) In a proceeding before administrative authorities, the parties may conclude an administrative contract for issues of substantial public interest, where this is provided for by law.

(2) The administrative contract shall be an agreement in writing between an administrative authority and individuals or organizations.

(3) The administrative contract shall be concluded in writing and shall contain the following: parties, subject matter and content, date of conclusion and signatures of the parties, unless otherwise stated in a special law.

#### Rules for Concluding the Administrative Contract

**Article 19b.** (New, SG No. 74/2016) (1) The provisions of Chapter Five, Section I, with the exception of Articles 21, 26, 32, 35, 58, 59, 61, 63 and 64, shall apply to the proceedings for conclusion of an administrative contract, unless otherwise stated in a special law.

(2) The administrative contract shall be concluded within the time limits referred to in Article 57, Paragraph (1) and Paragraphs (4) through (9), unless otherwise stated in a special law.

(3) Where a special law requires the prior consent or opinion of another administrative authority for conclusion of an administrative contract, the contract shall take effect after the relevant administrative authority has given its consent or opinion in the manner prescribed by the law.

(4) Should the other administrative authority fail to give its consent or opinion within the time limit prescribed by the special law, Article 53 shall apply.

(5) Where an administrative contract must be concluded urgently in order to prevent or cease violations affecting the national security and public order, to safeguard the life, health and property of individuals, it shall be admissible not to comply with the provisions of Chapter Five, Section I regarding the collection of documents from persons not participating in the proceedings, the elucidations by a party to the proceedings, the expenses of the party and of the non-participating person, and the time limit for conclusion of the contract pursuant to Article 57.

#### Effect of the Administrative Contract

**Article 19c.** (New, SG No. 74/2016) An administrative contract which affects any rights or legitimate interests of a third party shall take effect with regard to that party after such party has given its consent in writing.

#### Anticipatory Enforcement of the Administrative Contract

**Article 19d.** (New, SG No. 74/2016) (1) In order to protect the public interest, the administrative authority may include a clause making possible the anticipatory enforcement of the contract.

(2) A case of anticipatory enforcement shall be appealable through the administrative authority before the court within the time limits and according to the procedure referred to in Article 60 of this Code.

(3) In case the contract does not contain an anticipatory enforcement clause, any of the parties may request such enforcement from the court under the same terms as those under which it may be allowed by the administrative authority. The request shall be considered in camera and the court shall immediately issue a ruling which shall be contestable by an interlocutory appeal no later than 7 days after the ruling is communicated. In such case the court may require a relevant guarantee for an amount at the court's discretion.

#### Amendment and Termination of the Administrative Contract

**Article 19e.** (New, SG No. 74/2016) (1) If after the contract is concluded any of the parties is unable to comply with it due to a significant change in the circumstances under which it was concluded, such party may request amendment of the contract provisions relevant to the changed circumstances. Where this is impossible or in case of refusal from the other party, this party may terminate the contract.

(2) The administrative authority may terminate the contract unilaterally by written notice in order to prevent or remove grave consequences to the public interest.

#### Invalidity of the Administrative Contract

**Article 19f.** (New, SG No. 74/2016) (1) The administrative contract shall become invalid on the grounds referred to in Article 146.

(2) Where the invalidity concerns only a part of the contract which is irrelevant to public interest, the contract shall take effect, provided it can be assumed that it would have been concluded without the invalid part.

#### Procedure for Contestation of the Administrative Contract

**Article 19g.** (New, SG No. 74/2016) (1) The administrative contract may be contested before the court following the procedure referred to in Chapter Ten, Section I.

(2) The contestation of the contract shall not stay its execution.

(3) The court shall examine the case and issue a ruling within two months of receipt, unless otherwise stated in a special law.

#### Settlement

**Article 20.** (1) In a proceeding before administrative authorities, the parties may reach a settlement should it do not come into conflict with the law.

(2) Settlement may be reached between the administrative authority and the parties to the proceeding or between the parties to the proceeding only. In the latter case, the administrative authority shall approve the settlement in writing.

(3) Settlement may be reached until the entry into effect or contestation of the administrative act before a court.

(4) Upon reaching or upon approval of a settlement under Paragraph (2), as the case may be, the administrative act shall be invalidated.

(5) Settlement shall be reached in writing and shall state: identification of the authority before which the settlement is reached,

date of settlement, parties, subject matter and content of the settlement, note that the settlement was read and accepted, and signatures of the parties, as well as name and signature of the official.

(6) If the settlement concerns any questions whereof the addressing requires the opinion or consent of another authority, the settlement shall be reached after the said opinion or consent is obtained.

(7) If the settlement affects any rights or legitimate interests of a person who did not participate in reaching the said settlement, the settlement shall not give rise to effect until approved by the said person in writing. The written approval shall become an integral part of the settlement.

(8) The settlement shall supersede the administrative act.

## **Chapter Five**

### **ISSUANCE OF ADMINISTRATIVE ACTS**

#### **Section I**

##### **Individual Administrative Acts**

###### Individual Administrative Act Defined

**Article 21.** (1) "Individual administrative act" shall be an express declaration of will or a declaration of will expressed by an action or omission of an administrative authority or another authority or organization empowered to do so by a law, whereby rights or obligations are created or rights, freedoms or legitimate interests of particular individuals or organizations are affected, as well as the refusal to issue any such act.

(2) "Individual administrative act" shall furthermore be a declaration of will whereby pre-existing rights or obligations are declared or ascertained.

(3) "Individual administrative act" shall furthermore be a declaration of will for the issuance of a document relevant to the recognition, exercise or extinguishment of rights or obligations, as well as the refusal to issue any such document.

(4) "Individual administrative act" shall furthermore be the refusal by an administrative authority to perform or to refrain from performing a specific action.

(5) Any declarations of will, which are part of proceedings for the issuance or enforcement of individual or general administrative acts or which are part of proceedings for the issuance of statutory instruments, shall not be individual administrative acts.

###### Inapplicability of Proceeding

**Article 22.** The proceeding under this Section shall not apply to:

1. any administrative acts which, by virtue of a special law, are issued and enforced forthwith or a special proceeding is provided for, considering the nature of the said acts;
2. any individual administrative acts of the Council of Ministers.

###### General Competence



**Article 23.** (1) Where a statutory instrument does not specify the authority which must issue an administrative act on any matters with the competence of municipality authorities, the administrative act shall be issued by the municipality mayor and, in the cases covered under Article 46 of the Local Self-Government and Local Administration Act, by the mayoralty mayor or the borough mayor depending on the powers thereof.

(2) In the cases referred to in Paragraph (1), the acts related to management of state property shall be issued by the regional governors.

#### Initiative to Initiate Proceeding

**Article 24.** (1) A proceeding for the issuance of an individual administrative act shall be initiated on the initiative of the competent authority or at the request of an individual or an organization and, in the cases provided for in the law, by the prosecutor, the ombudsman, the superior or another state body.

(2) A proceeding for the issuance of an individual administrative act shall be initiated at the request of a state body where the said body has been approached with another request for the issuance of an administrative act but the said administrative act cannot be issued without the issuance of the administrative act requested on the part of the said body.

#### Date of Initiation

**Article 25.** (1) The date of initiation of a proceeding shall be the date on which the competent administrative authority whereto the request has been submitted receives the said request.

(2) Where, without a need to submit a request, an obligation arises for a specific authority directly by virtue of a law to issue an individual administrative act or to make a proposal for the issuance of any such act, the date of initiation of the proceeding shall be the date on which the obligation arose, save as where otherwise provided for in the said law.

(3) In the cases other than those provided for in Paragraphs (1) and (2), the date of initiation of a proceeding on the initiative of the authority competent to issue the act shall be the date of performance of the first procedural action under the said act.

#### Obligation to Notify

**Article 26.** (1) The known individuals and organizations concerned, other than the applicant, shall be notified of the initiation of the proceeding. If the time limit for close of the proceeding exceeds seven days, the notification shall include information on the latest date on which the act must be issued.

(2) If the address or other possible modes of notification (telephone, telefax, electronic mail) of the individuals and organizations concerned are unknown, communication shall be effected according to the procedure established by Article 61 (3) herein.

#### Admissibility of Request and Parties to Proceeding

**Article 27.** (1) Upon submission of a request for institution or for joinder of the proceeding or upon receipt of the notification referred to in Article 26 herein, the applicant, the individuals and organizations concerned who and which have been impleaded or have joined the proceeding shall become parties to the proceeding for the issuance of an individual administrative act.

(2) The administrative authority shall verify the prerequisites for the admissibility of the request and for the participation of the individuals or organizations concerned in the proceeding for the issuance of the individual administrative act:

1. lack of an effective administrative act with an identical subject matter and parties;

2. lack of an administrative proceeding with an identical subject matter pending before the identical authorities and with the

participation of the identical party, regardless of whether in the phase of issuance or contestation;

3. presence of a matter lying within the competence of another authority, where the act cannot be issued without the said matter being addressed theretofore;
4. capacity to act of the individuals and procedural legal capacity of the organizations;
5. existence of standing of the applicant, the individuals and organizations who and which have been impleaded or have joined the proceeding;
6. existence of other special requirements established by a law.

#### Cooperation and Information from Administrative Authorities

**Article 28.** (1) In the exercise of the powers thereof, the administrative authorities:

1. shall ensure generally accessible, accurate, systematized and comprehensible information on the competence of the said authorities;
2. shall ensure access to the standard forms and assist in the completion thereof;
3. shall provide comprehensive information on the time limits applicable to the proceeding and on the fees due;
4. shall afford a possibility that the requests for the issuance of acts be submitted at the territorial divisions of the authority and, if practicable, and/or at the municipalities, indicating exhaustively the place and manner of such submission;
5. shall organize the activity thereof in such a manner that, if practicable, they service the individuals and organizations concerned in a single place on a single office premise, and this requirement shall furthermore apply to the territorial units of the administrative authorities;
6. shall arrange office hours suitable for individuals and organizations.

(2) The administrative authorities shall announce the information covered under Paragraph (1), as well as information on the possibilities to submit or receive documents by electronic means on the Internet site of the said authorities, on the official notice board thereof, in brochures available to any interested person, through explanations by the officials receiving the requests, or in another suitable way.

(3) Any relevant officials, who fail to fulfil the requirements under Paragraphs (1) and (2), shall incur administrative penalty liability according to the procedure established by this Code, without this affecting the validity of the administrative act.

#### Form of Request for Initiation of Proceeding

**Article 29.** (1) (Supplemented, SG No. 27/2014, effective 25.03.2014) Unless otherwise provided for in a special law, the request for the issuance of an individual administrative act shall be submitted in writing or orally, whereby the applicant shall choose the form and method of application.

(2) A written request shall state the full name and address of the individual or organization wherefrom the said request originates, the nature of the request, date and signature. The applicant shall be obligated to state a telephone and telefax number and an electronic mail address, if available. The request shall furthermore contain other mandatory elements if such are provided for in a special law.

(3) The official who receives the request shall confirm the submission thereof by written entry.

(4) (Amended, SG No. 27/2014, effective 25.03.2014) Depending on the technical facilities available, a written request and any attachments thereto may be submitted by electronic means, by a licensed postal operator, by telefax, or by any other means announced by the authority as technically feasible.

(5) A request submitted orally shall be recorded in a memorandum which shall be signed by the applicant and by the official who drew up the said memorandum.

(6) The administrative authority shall receive oral requests during the office hours open to the public and written requests during the office hours of the said authority. Any requests submitted by post, by electronic mail, by telefax or by other technically feasible means prior to the expiry of a specific time limit, even after the office hours of the authority, shall be considered as having been submitted in due time. In the latter case, the time limits to be respected by the administrative authority for making a decision shall begin to run as from the next succeeding working day.

#### Rectifying Deficiencies in Request

**Article 30.** (1) Where a written request does not carry any signature, the administrative authority, when in doubt whether the said request originates from the individual or organization named therein, shall require confirmation of the said request by a hand-written or electronic signature within three days after communication. Upon failure to submit such confirmation in due time, the proceeding shall be terminated.

(2) If the request does not satisfy the rest of the requirements of the law, the applicant shall be notified for rectification of the defects within three days after communication with the proviso that failure to rectify will cause termination of the proceeding.

(3) The time limit to be respected for pronouncement shall begin to run as from the date of rectification of irregularities.

#### Redirection to Competent Authority

**Article 31.** (1) The request shall be addressed to the administrative authority competent to address the matter.

(2) Where the authority which has initiated the proceeding finds that the individual administrative act must be issued by another administrative authority, the former authority shall forthwith transmit the case file to the latter authority, notifying the party on whose initiative the proceeding has been initiated, as well as the individuals and organizations concerned who or which have been impleaded theretofore.

(3) Any request submitted in due time to a non-competent authority shall be considered as having been submitted in due time.

(4) Where the competent authority cannot be determined on the basis of the data in the request or where it is evident from the said data that the said request must be addressed to the court, the authority whereto the said request has been submitted shall return the said request to the applicant with brief written or oral directions.

(5) If the request affects several matters to be considered by multiple authorities, the administrative authority whereto the said request has been submitted shall institute a proceeding for consideration of the matters falling within its competence. Simultaneously, the said authority shall notify the applicant that a separate request on the rest of the matters must be submitted to the relevant authority. Paragraph (3) shall apply in such cases.

(6) (New, SG No. 27/2014, effective 25.03.2014) When the request concerns integrated administrative services, it may be submitted to any of the involved administrative authorities. The administrative authority to which the request has been submitted shall institute proceedings. The interaction with the other administrative authorities involved shall follow the procedures set out in the regulation referred to in Article 5a(1) of the Administration Act.

#### Related Proceedings

**Article 32.** A single proceeding affecting multiple parties may be initiated and conducted in proceedings in which the rights and obligations of the parties arise from an identical state of facts and which fall within the competence of an identical administrative authority.

#### Recusal

**Article 33.** (1) Where there exist grounds for recusal under Article 10 (2) herein, the official shall be removed from participation in the proceeding either on his or her own initiative or at the request of a participant in the proceeding.

(2) The request for recusal shall be submitted forthwith upon learning of the grounds therefor. The official in respect of whom any grounds for recusal have arisen shall take solely actions which brook no delay in order to protect important State or public interests and to prevent a risk of frustration of or material impediment to the enforcement of the act or in order to protect a particularly important interest of an individual or organization concerned.

(3) Any disputes under Paragraph (2) shall be settled by the immediately superior authority, if any.

#### Participation of Parties in Proceeding

**Article 34.** (1) The administrative authority shall afford the parties an opportunity to inspect the documents under the case file, as well as to take notes and obtain excerpts or, depending on the technical possibilities available, copies at their own expense.

(2) Upon request by a party with impaired vision, the authority shall familiarize the said party with the content of the case file by means of reading or in another suitable way, depending on the technical facilities available.

(3) The administrative authority shall afford the parties an opportunity to express an opinion on the evidence collected, as well as on the requests submitted, setting a time limit which may not exceed seven days. The parties may submit written requests and objections.

(4) The administrative authority may not apply Paragraphs (1), (2) and (3) solely in case the addressing of the matter brooks no delay, in order to ensure the life or health of individuals or to protect important State or public interests. The administrative authority shall state the reasons for non-application of Paragraphs (1), (2) and (3) in the reasoning of the act issued.

#### Clarification of Facts and Circumstances

**Article 35.** The individual administrative act shall be issued after clarification of the facts and circumstances relevant to the case and consideration of the explanations and objections of the individuals and organizations concerned, should any such explanations and objections have been given and lodged, as the case may be.

#### Collection of Evidence

**Article 36.** (1) Evidence shall be collected by the administrative authority on its own initiative, except in the cases provided for in this Code or in a special law.

(2) The parties shall assist the authority in the collection of evidence. They shall be obligated to present evidence which is in their possession and not on the possession of the administrative authority. In all cases where a special law exhaustively determines the evidence which the individual or organization must present, the administrative authority shall not have the right to require presentation of other evidence from the said individual or organization.

(3) All evidence collected shall be verified and assessed by the administrative authority.

(4) (New, SG No. 27/2014, effective 25.03.2014) The administrative authorities may not require the provision of information or documents that they-or another authority-have at their disposal, but shall automatically make them available for the purposes of the relevant proceedings.

(5) (New, SG No. 103/2017, effective 1.01.2018) Where a statutory instrument has introduced requirements relating to the conviction status of a natural person, the required information concerning Bulgarian citizens shall be established by the relevant administrative authority by official channels.

## Evidence

**Article 37.** (1) Any data, which are related to any facts and circumstances relevant to the rights and obligations or the legitimate interests of the individuals or organizations concerned and which are ascertained according to the procedure provided for in this Code, may serve as evidence in the proceeding for the issuance of an individual administrative act.

(2) Any commonly known facts, any facts which are presumed by the law, as well as any facts which are known to the authority *ex officio*, shall not be subject to proving.

## Respect for Parties' Secrecy

**Article 38.** The parties to the proceeding shall be entitled to require that the matters of confidential nature, including such relating to the private lives of the said parties, the industrial and professional secrets thereof, be not revealed except in the cases provided for in the law.

## Instruments of Evidence

**Article 39.** (1) The facts and circumstances shall be ascertained by means of explanations, statements by the parties or by representatives thereof, information, instruments of written and physical evidence, conclusions by experts and other instruments which are not prohibited by a law, unless a special law prescribes the use of other instruments as well for the demonstration of certain facts and circumstances.

(2) Any instruments of evidence, which have not been collected or prepared under the terms and according to the procedure established by this Code, or according to the procedure established by the special laws, shall be inadmissible.

## Written Evidence

**Article 40.** (1) Written evidence shall be admitted for ascertainment of all facts and circumstances relevant to the proceeding.

(2) The force of written evidence shall be determined in conformity with the statutory instruments which were effective at the time and in the place where the said evidence was drawn up, unless this is incompatible with any provisions of Bulgarian law. Where a foreign law is applicable to a document, this shall be proven by the party providing the said document.

(3) The administrative authority shall assess the probative force of a document containing any crossings, deletions, insertions between lines and other external defects *vis-a-vis* all circumstances and facts collected in the course of the proceeding.

## Collection of Documents from Parties and from Persons Non-participating in Proceeding

**Article 41.** (1) Upon and in connection with a pending proceeding, each of the parties may request, through the agency of the administrative authority, that another party to the proceeding present, within three days after the request, certified copies of any own or another's documents in the possession of the said party which are relevant to the case.

(2) Upon and in connection with a pending proceeding, each party may request, through the agency of the administrative authority, that individuals and organizations non-participating in the proceeding present, within three days after the request, certified copies of any own or another's documents in the possession of the said individuals and organizations which are relevant to the case.

(3) Any non-participating individual or organization, who or which fails to present the requested document without good reason, shall be liable to the party for the detriment inflicted thereto.

## Certification on Obtaining Documents from State Bodies

**Article 42.** At the request of the party, the authority conducting the proceeding shall issue a certificate by virtue of which the State bodies, municipal and judicial authorities are obligated to supply the said party with another certificate or with the documents needed in connection with the determination of the rights and obligations of the said party. The certificate due from the authority conducting the proceeding shall be issued within three days after the date of request, and the certificates and documents due from the other authorities shall be issued within five days after the date of request.

#### Written Statements

**Article 43.** The administrative authority may not refuse to accept a written statement whereby facts and circumstances are ascertained in respect of which a special law does not provide for demonstration in a particular way or by particular means. The said authority may likewise accept a written statement whereby facts and circumstances are ascertained in respect of which a special law provides for proving by means of an official document where such a document has not been issued in Bulgaria within the time limit set for this purpose, except where a statutory instrument provides for otherwise in respect of particular types of documents.

#### Information from Persons Non-participating in Proceeding

**Article 44.** (1) The administrative authority may request information from persons non-participating in the proceeding, where this is necessary for clarification of material facts and circumstances relevant to the proceeding which cannot be ascertained in another way.

(2) Any such information shall be provided in writing. The said information shall be signed by the persons who have provided it and shall be countersigned by the administrative authority or by an official designated thereby.

(3) Where the person cannot provide information in writing, the said person shall be summoned to provide such information orally to the administrative authority or an official designated thereby. Any such information shall be recorded and shall be signed by the authority or the official, stating the name and position thereof, and shall be countersigned by the person.

(4) The administrative authority shall explain to the persons referred to in Paragraph (1) that should the administrative act be contested before the court, they may be questioned as witnesses.

(5) The parties to the proceeding shall be entitled to access to the information provided according to the procedure established by Paragraphs (2) and (3).

#### Elucidations by Party

**Article 45.** (1) The administrative authority may summon a party to the proceeding to provide elucidations, should this be necessary for clarification of the case or for performance of the actions undertaken, as well as where a special law so provides.

(2) In the cases under Paragraph (1), a hearing shall be scheduled whereat all parties to the proceeding shall be invited to attend. The parties to the proceeding may put questions to the elucidator through the agency of the authority conducting the proceeding.

#### Special Procedure for Performance of Certain Procedural Actions

**Article 46.** (1) The administrative authority may request from the relevant territorial administrative authority to summon a person who has an address or a registered office and address of a place of management, as the case may be, in another municipality, to provide information, explanations, elucidations or to perform other actions related to the proceeding in progress. The authority before which the proceeding is pursued shall determine the circumstances which are subject to the information, explanations, elucidations or actions which must be performed. In case there is no territorial administrative

authority vested with the same competence in the relevant municipality, the administrative authority may approach the relevant municipality or mayoralty.

(2) Upon the oral hearing referred to in Paragraph (1), a memorandum shall be drawn up, containing the name of the person who provided information, explanations or elucidations, the information material to the case, the signature, name and position of the official who drew up the memorandum, and the date of drawing up.

(3) The administrative authority may furthermore receive information, explanations or elucidations by telephone if there is no reason to doubt the identity of the provider.

### Summons Content and Expenses upon Summoning

**Article 47.** (1) The summons shall state:

1. designation and address of the administrative authority;
2. name, address or registered office and address of a place of management, as the case may be, of the person summoned;
3. the specific proceeding, the capacity in which the person is summoned, and the specific procedural actions for the performance of which the person is summoned;
4. whether the person must appear in person or may be represented by an authorized representative, or must provide information, explanations or elucidations in writing;
5. the time limit wherewithin the person must appear, or the day, hour and place for appearance of the person or of the authorized representative thereof;
6. the legal consequence of non-appearance.

(2) Any person referred to in Article 44 (3) herein, who has an address in another municipality and who has appeared in person when summoned except in the cases referred to in Article 46 (1) herein, shall be allowed travel and other expenses. The said expenses shall furthermore be allowed upon the personal appearance of a party where the proceeding has been instituted at the request of another party or ex officio. The request that the expenses be allowed shall be addressed to the authority conducting the proceeding prior to the issuance of the act. The expenses shall be allowed according to standard specifications determined by the Minister of Finance.

### Right to Refuse to Provide Information, Explanations and Elucidations

**Article 48.** (1) The right to refuse to provide information, explanations and elucidations shall be limited to:

1. the lineal relatives to an individual concerned who participates in the proceedings, the spouse and siblings of any such individual, as well as the affines thereof up to the first degree of affinity;
2. the persons who, by the replies thereof, would incur immediate detriment, disgrace or criminal liability for themselves or for any relatives covered under Item 1.

(2) The lawyers, the ministers of religion and the persons who, by law, are obligated to respect the professional secrecy of a party to the proceeding, may refuse to provide information obtained in this capacity.

(3) The information protected by law may be provided solely under the terms and according to the procedure established by the relevant law.

### Expert Examination

**Article 49.** (1) An expert examination shall be assigned where the clarification of certain matters that have arisen requires special expertise in the sphere of science, art, the crafts and other such that the authority does not possess.

- (2) If the subject of examination is complicated or composite, the authority may appoint multiple experts.
- (3) The administrative authority which has assigned the expert examination shall verify the identity of the expert, the relations thereof with the parties, as well as the existence of any grounds for recusal. The grounds for recusal of an expert shall be the same as those applicable to a recusal of an administrative authority.
- (4) All authorities, individuals or organizations in possession of any materials as shall be necessary for the expert examination shall afford the expert access to the said materials in accordance with the access to the level of classified information for which the said expert is cleared.
- (5) The expert shall identify himself or herself by a certificate issued by the authority which assigned the expert examination.

#### Excuse of Expert

**Article 50.** An expert shall be excused from the assignment thereof where the said expert is unable to fulfil the said assignment by reason of disease or lack of qualifications in the relevant field or by other valid reasons. The said expert may furthermore decline the assignment in all cases in which a refusal to provide information by a third party is admissible.

#### Expert Findings

**Article 51.** (1) The expert shall perform the expert examination within the time limit set.

- (2) After conducting the necessary checks and investigations, the expert shall draw up written findings.
- (3) The expert may not modify, supplement or expand the assignment thereof without the consent of the authority which assigned the expert examination.
- (4) The expert shall submit the written findings thereof to the relevant authority together with transcripts for the parties, and the said findings shall be attached to the case file under the proceeding.
- (5) The administrative authority shall assess the findings of the expert together with the other evidence collected in the course of the proceeding.
- (6) If the authority disagrees with the findings of the expert, the said authority shall provide reasons in the act.

#### Inspection

**Article 52.** (1) The administrative authority shall conduct an inspection only where the case cannot be clarified through the use of other means for the collection of evidence.

- (2) At the request of the authority, third parties who possess the subject of inspection shall make the said subject available to the authority or shall ensure access thereto.

#### Consent or Opinion of Another Authority

**Article 53.** (1) Where a special law requires the consent or opinion of another authority and unless otherwise provided, the administrative authority conducting the proceeding shall immediately approach the said authority for cooperation.

- (2) The other authority shall react to the query within a time limit set by the authority conducting the proceeding which may not be longer than fourteen days.
- (3) If the other authority fails to pronounce in due time, consent on the part thereof shall be presumed.



(4) If the opinion is not communicated within the time limit set, the act shall be issued without the said opinion.

### Suspension of Proceeding

**Article 54.** (1) The administrative authority shall suspend the proceeding:

1. in case of death of an individual concerned who is a party to the proceeding;
2. where guardianship or custodianship has to be arranged for an individual concerned who is a party to the proceeding;
3. where incriminating circumstances are detected in the course of the proceeding whereof the establishment is relevant to the issuance of the act;
4. where the Constitutional Court has admitted the consideration on the merits of a petition contesting the constitutionality of an applicable law;
5. if another administrative or court proceeding has been instituted and the act may not be issued prior to the close of the said proceeding; in such cases, suspension shall be decreed after presentation of a certificate of the existence of an instituted proceeding issued by the authority before which the said proceeding has been instituted;
6. where the parties submit an application on reaching a settlement.

(2) The administrative authority shall not suspend the proceeding in the cases referred to in Item 1, 2 and 4 of Paragraph (1) if suspension may endanger the life or health of individuals or jeopardize important State or public interests.

(3) Upon suspension of the proceeding, the time limits provided for the issuance of the act shall cease to run.

(4) The administrative authority shall inform the parties to the proceedings of the suspension of the proceeding according to the procedure for communication of the act.

(5) The act on suspension of the proceeding shall be appealable according to the procedure established by Section IV of Chapter Ten herein.

### Resumption of Suspended Proceeding

**Article 55.** (1) The proceeding shall be resumed ex officio or at the request of one of the parties, after the grounds for the suspension thereof have lapsed.

(2) Upon resumption, the proceeding shall commence from the action whereat the proceeding was suspended.

### Termination of Proceeding

**Article 56.** (1) The administrative authority shall terminate the proceeding at the request of the party on whose initiative the proceeding was initiated, unless otherwise provided for in a law.

(2) The administrative authority shall furthermore terminate the proceeding in the cases referred to in Article 30 (1) and (2) herein.

(3) The administrative authority shall inform the parties to the proceedings of the termination of the proceeding according to the procedure for communication of the act.

(4) The act on termination of the proceeding shall be appealable according to the procedure established by Section IV of Chapter Ten herein.

## Time Limits for Issuance of Individual Administrative Act

**Article 57.** (1) The administrative act shall be issued within fourteen days after the date of initiation of the proceeding.

(2) The administrative act referred to in Article 21 (2) and (3) herein shall be issued within seven days after the date of initiation of the proceeding.

(3) Where the issuance of an act or the performance of an action under Paragraph (2) includes an expert examination or where the personal participation of the person concerned is required for the performance of the said expert examination, the act shall be issued within fourteen days.

(4) (Supplemented, SG No. 27/2014, effective 25.03.2014) Any case files which may be reviewed on the basis of evidence presented together with the request or proposal to initiate proceedings, or by another administrative authority which has them available, or on the basis of well-known facts, officially known facts or legal presumptions, shall be resolved without delay and no later than seven days. Information which another authority concerned has available on paper shall be provided within three days upon request, and the time limit for pronouncement shall start from the date of receipt of the information. Automatic notification within the meaning of the Electronic Governance Act shall be made immediately.

(5) Where necessary to collect evidence on material circumstances or to allow other individuals and organizations to defend themselves, the act shall be issued within one month after initiation of the proceeding.

(6) Where the authority is collective, the question of the issuance of the act shall be addressed not later than at the first meeting after the expiry of the time limits referred to in Paragraphs (1) to (5).

(7) Where another authority has to be approached for consent or opinion, the time limit for the issuance of the act shall be presumed to have been extended accordingly, but this extension may not exceed fourteen days.

(8) In the cases under Paragraphs (5), (6) and (7), the administrative authority shall notify the applicant immediately of the extension of the time limit.

(9) (New, SG No. 27/2014, effective 25.03.2014) The administrative authorities shall deliver the relevant integrated administrative services within three days from obtaining access to data maintained by administrative authorities which are primary controllers.

## Tacit Refusal and Tacit Consent

**Article 58.** (1) Non-pronouncement in due time shall be considered as a tacit refusal to issue the act.

(2) Where the proceeding has been instituted before a specific authority and the said authority is supposed to make a proposal to another authority for the issuance of the act, a tacit refusal shall occur regardless of whether the authority issuing the act was approached with a proposal.

(3) Where a tacit refusal is reversed by an administrative or judicial procedure, the express refusal which follows prior to the decision on reversal shall likewise be considered reversed.

(4) Non-pronouncement in due time shall be considered as a tacit consent in the cases and under the terms provided for in special laws.

## Form of Individual Administrative

**Article 59.** (1) The administrative authority shall issue or shall refuse to issue the act by a reasoned decision.

(2) Where the administrative act is issued in writing, the said act shall state:

1. designation of the issuing authority;
2. designation of the act;

3. addressee of the act;
  4. grounds of fact and law on which the act is issued;
  5. operative part, wherein the rights or obligations, the manner and time limit for enforcement are specified;
  6. direction regarding costs;
  7. identification of the authority and time limit for appeal of the act;
  8. date of issue and signature of the person who issued the act, indicating the position thereof; where the authority is collective, the act shall be signed by the chairperson or by a deputy chairperson.
- (3) Verbal administrative acts, as well as administrative acts expressed through actions or omissions, shall be issued solely where so provided for in a law.

### Anticipatory Enforcement

**Article 60.** (1) The administrative act shall include a direction on the anticipatory enforcement thereof, where this is required in order to ensure the life or health of individuals, to protect particularly important State or public interests, to prevent a risk of the frustration or material impediment of the enforcement of the act, or where delay in enforcement may lead to a significant or irreparable detriment, or at the request of some of the parties in protection of a particularly important interest thereof. In the latter case, the administrative authority shall require a relevant guarantee.

- (2) Anticipatory enforcement may be admitted even after the act is rendered.
- (3) A second request by a party under Paragraph (1) may be submitted solely on the basis of new circumstances.
- (4) The direction whereby anticipatory enforcement is admitted or refused shall be appealable through the agency of the administrative authority before the court within three days after communication, regardless of whether the administrative act has been contested.
- (5) The appeal shall be considered immediately in camera, and transcripts of the said appeal shall not be served on the parties. Any such appeal shall not stay the anticipatory enforcement as admitted, but the court may stay the said enforcement until final adjudication in the appeal.
- (6) When revoking the direction appealed, the court shall adjudicate in the case on the merits. If the anticipatory enforcement is revoked, the administrative authority shall restore the status quo ante the enforcement.
- (7) The ruling of the court shall be appealable.

### Communication

**Article 61.** (1) The administrative act and, respectively, the refusal to issue an act, shall be communicated within three days after the issuance thereof to all persons concerned, including those who did not participate in the proceeding.

- (2) Communication may be effected through oral notification of the content of the act, which shall be certified by a signature of the notifying official, or through dispatch of a written communication, inter alia via electronic mail or telefax, if the party has named such address or number.
- (3) Where the address of some of the persons concerned is unknown or the said person has not been reached at the address named thereby, the communication shall be posted on the notice board, on the Internet site of the relevant authority, or shall be announced in another customary manner.
- (4) (New, SG No. 27/2014, effective 25.03.2014) Individual administrative acts may be received in the office where they were initially requested, or at a specified address if the service of a licensed postal operator was requested, or by electronic means.

## Correction of Apparent Error of Fact, Supplementation and Interpretation

**Article 62.** (1) The administrative authority may rectify any deficiency in the act prior to the expiry of the time limit for appeal. The persons concerned shall be informed of the modifications made. The decision to rectify the deficiencies shall be appealable according to the procedure established by this Code.

(2) Apparent errors of fact made in the administrative act shall be corrected by the issuing authority even after the expiry of the time limit for appeal. The persons concerned shall be informed of the correction of apparent errors of fact. The decision to correct shall be appealable according to the procedure established by this Code.

(3) The authority which has issued the decision shall explain in writing the actual content thereof at the request of the parties. The act on interpretation shall be appealable according to the procedure established by this Code.

## Directions on Progress of Proceeding

**Article 63.** Directions on progress of the proceeding shall be issued solely in the cases provided for in this Code or in a special law. Any such directions shall contain a name and a designation of the position of the issuing official, a date of issue and signature.

## Unappealability

**Article 64.** The administrative procedural actions of the administrative authority concerning the issuance of the act shall not be subject to separate appeal, unless otherwise provided for in this Code or in a special law.

## Section II General Administrative Acts

### General Administrative Act Defined

**Article 65.** "General administrative acts" shall be the administrative acts of a single legal effect whereby rights or obligations are created or rights, freedoms or legitimate interests of an indefinite number of persons are affected, as well as the refusals to issue such acts.

### Notification of Forthcoming Issuance of General Administrative Act

**Article 66.** (1) The initiation of the proceeding for the issuance of a general administrative act shall be made public through the mass communication media, through dispatch of the draft to organizations of the persons concerned, or in another suitable way.

(2) Any notification under Paragraph (1) shall furthermore include the principal considerations for issuance of the act, as well as the forms of participation of the persons concerned in the proceeding.

(3) Any notification under Paragraph (1) in respect of general administrative acts within the competence of the Council of Ministers shall be effected by the competent government minister who proposes the act.

### Representation of Persons Concerned

**Article 67.** The organizations referred to in Article 66 (1) herein may represent the persons concerned in the proceeding for the issuance and administrative appeal of the administrative act.

#### Right to Access to Information in Case File

**Article 68.** Save insofar as otherwise provided for in a special law, the persons concerned and the organizations thereof shall have the right to access to the entire information contained in the case file on the issuance of the general administrative act.

#### Forms of Participation of Persons Concerned in Proceeding

**Article 69.** (1) The administrative authority shall designate and make public, according to the procedure established in Article 66 (1) herein, one or more of the following forms of participation of the persons concerned in the proceeding for the issuance of the act:

1. written proposals and objections;
2. participation in advisory bodies assisting the authority issuing the act;
3. attendance of sessions of the authority issuing the act, where the said authority is collective;
4. public debate.

(2) The administrative authority shall afford the persons concerned an opportunity to exercise the right thereof to participation within a reasonable time limit set by the administrative authority which may not be shorter than one month after the day of notification under Article 66 herein.

#### Participation in Proceeding of Persons Concerned from Neighbouring State

**Article 70.** (1) Where the administrative act is likely to affect rights, freedoms or legitimate interests of an indefinite number of persons within the territory of a neighbouring State, the administrative procedure for participation in the proceeding for the issuance of the administrative act, regulated in this Section, must be accessible to the persons concerned in the relevant State on a basis of reciprocity.

(2) Upon request, the administrative authority shall provide the information covered under Article 68 herein to the persons concerned in the neighbouring State.

(3) Notification under Article 66 herein shall be effected simultaneously with the notification of the Bulgarian citizens. Any such notification may be effected directly by all suitable means, subject to the condition that the provisions or the practice of contacts between the two States allow this, or through the agency of the relevant authorities of the neighbouring State.

(4) The agreements on representation, concluded between the two countries, shall apply upon the representation of the persons concerned who are citizens of the neighbouring State.

(5) The persons concerned of the neighbouring State may submit the proposals and objections thereof directly, according to the rules of this Section, or through the agency of the authorities of the neighbouring State.

(6) The administrative authority may provide the information referred to in Paragraph (2) to the persons concerned of the neighbouring State in the Bulgarian language. Any proposals and objections may be submitted in a foreign language as well.

(7) The persons concerned of the neighbouring State shall be notified of the issuance of the administrative act according to the procedure established by Paragraph (3).

(8) The legal remedies available to the persons concerned of the neighbouring States and to the Bulgarian citizens shall be identical.

## Consideration of Proposals and Objections and Issuance of Act

**Article 71.** A general administrative act shall be issued after clarification of the facts and circumstances relevant to the case and consideration of the proposals and objections by the individuals concerned and the organizations thereof.

## Communication of Act

**Article 72.** (1) The content of the general administrative act shall be communicated according to the procedure according to which the notification under Article 66 herein was effected.

(2) If separate individuals or organizations concerned have participated in the proceeding through proposals, objections or in another way, a separate communication on the issuance of the act shall be transmitted thereto.

## Urgently Issued General Administrative Act

**Article 73.** (Amended, SG No. 35/2009, effective 12.05.2009) Where a general administrative act must be urgently issued in order to prevent or cease violations affecting national security and public order, to safeguard the life, health and property of individuals some of the provisions of this Section on notification and participation of persons concerned in the proceeding for the issuance of the act may not be observed. In such cases, the considerations for the issuance of the act shall be made public in the course of the enforcement thereof.

## Subsidiary Application

**Article 74.** Section I of this Chapter shall apply to any matters unregulated in this Section.

## Section III Statutory Administrative Acts

### Statutory Administrative Act Defined

**Article 75.** (1) "Statutory administrative acts" shall be administrative acts of secondary legislation which contain administrative-law standards, concern an indefinite and unlimited number of addressees, and have a multi-occasion legal effect.

(2) Statutory administrative acts shall be issued for the application of a law or a higher-tier statutory instrument of secondary legislation.

(3) Each statutory administrative act shall have a title which shall specify the type and the issuer of the act and the principal subject matter thereof.

(4) Each statutory administrative act, with the exception of the statutory acts whereby other statutory acts are amended, supplemented or repealed, shall specify the legal basis for the issuance thereof.

## Competent Authority

**Article 76.** (1) Statutory administrative acts shall be issued by authorities expressly empowered by the Constitution or a law.

(2) The competence to issue statutory administrative acts may not be transferred.

(3) The municipal councils shall issue statutory acts regulating social relations of local importance in conformity with the higher-tier statutory acts.

#### Procedure for Issuance

**Article 77.** The competent authority shall issue the statutory administrative act after considering the draft together with the opinions, proposals and objections submitted.

#### Authentication and Promulgation of Acts

**Article 78.** (1) The text of the statutory administrative act, as well as the adoption thereof according to the duly established procedure, shall be authenticated:

1. applicable to a Council of Ministers decree: by the Prime Minister;

2. applicable to the other statutory administrative acts: by the issuing authority or, where the said authority is collective, by the chairperson thereof.

(2) The statutory administrative acts, except those of the municipal councils, shall be promulgated in the State Gazette.

(3) The statutory administrative acts of the municipal councils shall be made public through the local print media or in another suitable way.

#### Repeal, Amendment and Supplementation

**Article 79.** Statutory administrative acts shall be repealed, amended and supplemented by an express provision of a succeeding statutory act.

#### Subsidiary Application of the Statutory Instruments Act

**Article 80.** The provisions of the Statutory Instruments Act shall apply to any matter unregulated in this Section.

## Chapter Six

## ADMINISTRATIVE CONTESTATION OF ADMINISTRATIVE ACTS

#### Contestation to Superior Administrative Authority

**Article 81.** (1) Individual and general administrative acts may be contested according to an administrative procedure to the immediately superior administrative authority.

(2) The content of a document may likewise be contested according to an administrative procedure.

#### Exclusions from Scope of Administrative Contestation

**Article 82.** (1) The following acts shall not be contestable according to the administrative procedure provided for in this Code:

1. any acts of the President of the Republic and of the Chairperson of the National Assembly;
2. any acts of the Council of Ministers, the Prime Minister, the Deputy Prime Ministers, the government ministers and the heads of other central-government departments and bodies under the direct orders of the Council of Ministers;
3. any acts of the Governor of the Bulgarian National Bank and the President of the National Audit Office;
4. any acts of the Supreme Judicial Council;
5. any acts of the regional governors;
6. any acts in respect of which a special law provides for direct contestation before a court of law.

(2) The acts of the authorities which have no superior administrative authority shall not be subject to contestation according to an administrative procedure.

#### Contestants

**Article 83.** (1) The persons concerned may lodge an appeal against the administrative act.

(2) An appeal may contest both the legal conformity and the expediency of the administrative act.

(3) A prosecutor may lodge a protest solely regarding the legal conformity of the administrative act.

#### Form of Appeal and Protest. Time Limit for Contestation

**Article 84.** (1) An appeal or a protest shall be lodged in writing through the agency of the administrative authority whereof the act is contested, within fourteen days after communication of the said act to the persons and organizations concerned.

(2) A tacit refusal or a tacit consent may be contested within one month after the expiry of the time limit wherewithin the administrative authority was obligated to pronounce.

#### Appeal and Protest Content

**Article 85.** (1) An appeal and a protest shall be written in the Bulgarian language and shall state:

1. the forename, patronymic and surname, telephone number, telefax number and electronic mail address, if available - applicable to Bulgarian citizens or, respectively, the name and position of the prosecutor, the telephone number, telefax number or telex number, if available;
2. the full name and the personal number - applicable to a foreigner, and the address declared to the relevant administration, telephone number, telefax number and electronic mail address, if available;
3. the business name of the merchant or the designation of the legal person, written in the Bulgarian language as well, the registered office and the address of the place of management last named in the relevant register, and the electronic mail address thereof;
4. the act which is contested and the authority which has issued the said act;
5. the authority wherewith the appeal or protest is lodged;
6. the objections and the grounds thereof;



7. the request;

8. signature of the submitter.

(2) An appeal or a protest may request the collection of evidence supporting the requests contained therein, or the consideration of facts and circumstances which were ignored by the administrative authority upon the issuance of the act or which have occurred after the issuance thereof.

(3) All evidence which is relevant to the request or which was not presented to the authority which has issued the administrative act contested may be collected in the proceeding before the superior administrative authority.

#### Attachments

**Article 86.** The following shall be attached to an appeal or a protest:

1. power of attorney, where the appeal is lodged through the agency of an authorized representative;
2. certificate of registration and current status of the merchant of the legal person;
3. documentary proof of stamp duty paid, where such is due;
4. transcripts of the appeal or protest and the written evidence for the rest of the parties.

#### Non-conforming Appeal and Protest

**Article 87.** (1) If an appeal or a protest does not conform to the requirements of Articles 85 and 86 herein, a communication shall be dispatched to the submitters on curing the non-conformities within seven days after receipt of the communication.

(2) Where the submitter's address is not named, notification under Paragraph (1) shall be effected by means of posting of a notice at the place designated for this purpose in the building of the administrative authority in the course of seven days.

(3) If the submitter fails to cure the non-conformities, the appeal or protest, together with the attachments, shall be returned, and if the address is incomplete the said documents shall be left at the records office of the authority at the disposal of the submitter.

#### Appeal and Protest Left without Consideration

**Article 88.** (1) An appeal and protest shall be left without consideration where:

1. they are not under the jurisdiction of the superior administrative authority;
2. they were submitted after expiry of the time limit referred to in Article 84 herein;
3. the submitter has no standing to appeal;
4. the submitter withdraws the appeal or protest by a written submission.

(2) In the cases referred to in Item 1 of Paragraph (1), the appeal or protest shall be forwarded to the competent authority, and in the rest of the cases the proceeding shall be terminated by the superior administrative authority.

(3) The act on termination may be contested within seven days after the communication thereof by an interlocutory appeal or by a protest before the competent court, which shall render a ruling which shall be unappealable.

#### Resumption of Time Limit

**Article 89.** (1) In the cases referred to in Item 2 of Article 88 (1) herein, the appellant may request resumption of the time limit within seven days after communication of the act on termination of the proceeding, if non-compliance with the said time limit is due to special unforeseen circumstances. The returned appeal shall be attached to any such request.

(2) The request shall be considered by the administrative authority which is competent to consider the appeal.

#### Enforcement of Act Barred

**Article 90.** (1) The administrative acts shall not be enforced prior to the expiry of the time limits for the contestation thereof or, where an appeal or a protest has been lodged, until resolution of the dispute by the relevant authority.

(2) This rule shall not apply where:

1. all parties concerned request in writing an anticipatory enforcement of the act;
2. an anticipatory enforcement of the act is admitted by a law or by a direction under Article 60 herein.

(3) (Amended, SG No. 39/2011) The superior administrative authority may stay the anticipatory enforcement, allowed by order, upon the request of the contestant if this is required by the public interest or would inflict an irreparable detriment on an person concerned.

#### Review of Act

**Article 91.** (1) Within seven days or, where the authority is collective, within fourteen days after receipt of the appeal or protest, the administrative authority may review the matter and withdraw on its own initiative the contested act, revoke or amend the said act, or issue the relevant act, if the said authority has refused to issue the said act, and notify the parties concerned of this.

(2) The new act shall be contestable according to the procedure established by this Code. In such cases, a second review of the act shall be inadmissible.

#### Forwarding of Case File

**Article 92.** (1) Where the administrative authority finds no grounds to re-address the matter, the said authority shall immediately forward the appeal or protest together with the entire case file to the competent superior administrative authority.

(2) Unless the entire case file is forwarded to the competent superior administrative authority within three days after expiry of the time limit referred to in Article 91 (1) herein, the appellant may transmit a transcript of the appeal, and the prosecutor may transmit a transcript of the protest, directly to the superior authority, which shall immediately require transmittal of the case file.

#### Competent Authority

**Article 93.** (1) The administrative authority immediately superior to the authority which has issued the contested act shall be competent to consider the appeal or protest.

(2) The administrative acts of mayoralty mayors and borough mayors shall be contested before the municipality mayor.

(3) The administrative acts of the specialized executive bodies of the municipality shall be contested before the municipality mayor.

(4) The administrative acts of municipality mayors shall be contested before the regional governor.

(5) A refusal by an organization to issue an administrative act may be contested before the relevant administrative authority depending on the nature of the matters treated by the contested act.

### Commission on Consideration of Case

**Article 94.** In cases presenting a factual or legal complexity, the authority competent to consider the appeal or protest may appoint a commission to enquire into and examine the case. The said commission shall consist of not fewer than three members, of whom one shall be a qualified lawyer and two shall be experts in the relevant sphere, and at least one of the experts shall be a person who does not work at the relevant administration.

### Commission's Opinion

**Article 95.** (1) Within a time limit as the competent authority shall set, the commission shall examine the case file with the objections to the appeal or protest and the written evidence attached thereto, shall collect new evidence and, if need be, shall prepare a reasoned written opinion on the legal conformity and expediency of the contested administrative act.

(2) The opinion shall be signed by all members of the commission and shall be made available to the administrative authority.

### Hearing

**Article 96.** The persons concerned may be given a hearing by the authority competent to consider the appeal or protest within a reasonable time limit. A memorandum shall be drawn up on any such hearing.

### Pronouncement by Competent Authority

**Article 97.** (1) Within two weeks after receipt of the case file, where single-person, or within one month, where collective, the authority competent to consider the appeal or protest shall render a reasoned decision, whereby the said authority shall pronounce the contested act void, shall revoke the said act in whole or in part as legally non-conforming or inexpedient, or shall reject the appeal or protest.

(2) The authority competent to consider the appeal or protest shall consider the matter on the merits, unless the requested act lies within the express competence of an inferior authority.

(3) Where the administrative authority has wrongfully refused to issue a document, the authority competent to consider the appeal or protest shall direct the said authority to do so, furthermore setting a time limit for the issuance of the document.

(4) Where the authority competent to consider the appeal or protest sets aside the opinion of the commission, the said authority shall set forth its reasoning for doing so.

(5) Where the authority competent to consider the appeal or protest fails to pronounce within the time limit referred to in Paragraph (1), the legal conformity of the administrative act may be contested before the court through the agency of the administrative authority which issued the act, if the said act is subject to judicial contestation.

### Communication of Decision and Appeal

**Article 98.** (1) The decision of the authority competent to consider the appeal or protest shall be communicated immediately to the contesting party and to the other persons concerned.

(2) Where the matter has been addressed on the merits, the decision of the authority competent to consider the appeal or protest shall be contestable before the court as to legal conformity. If the appeal or protest has been rejected, the original

administrative act shall be contestable before the court.

## Chapter Seven

# RESUMPTION OF PROCEEDINGS FOR ISSUANCE OF ADMINISTRATIVE ACTS

### Grounds for Resumption

**Article 99.** Any effective individual or general administrative act, which has not been contested before the court, may be revoked or modified by the immediately superior administrative authority, and if the act was not subject to administrative contestation, by the authority which issued the said act:

1. where some of the requirements for the legal conformity of the said act has been materially breached;
2. upon discovery of any new circumstances or new written evidence of material relevance to the issuance of the act, which could not have been known to the party to the administrative proceeding when the administrative authority addressed the matter;
3. upon ascertainment, according to the duly established judicial procedure, of a criminal act committed by the party, by the representative thereof or by the administrative authority, where single-person, or of a member of the composition thereof, where collective, which has had an impact on the addressing of the subject matter of the administrative proceeding;
4. if the administrative act is based on a document which has been pronounced forged according to the duly established judicial procedure, or on an act of a court or another institution of State which was subsequently revoked;
5. if the identical administrative authority has issued another effective administrative act on the identical matter and on identical grounds in respect of the identical persons which is in conflict with the administrative act concerned;
6. if, consequent to the breach of the administrative procedure rules, the party was deprived of the possibility to participate in the administrative proceeding or was not duly represented, as well as where the party was unable to participate in person or through an authorized representative by reason of an obstacle that the party cannot remove;
7. if the European Court of Human Rights has found, by judgment, any violation of the Convention for the Protection of Human Rights and Fundamental Freedoms.

### Resumption Initiative

**Article 100.** In the cases referred to in Item 1 of Article 99 herein, the administrative proceeding shall be resumed on the initiative of the administrative authority or at the request of the competent prosecutor or by the ombudsman, and in the cases referred to in Items 2 to 7 of Article 99 herein, alternatively at the request of a party to the proceeding.

### Request for Resumption by Person Who Did Not Participate in Proceeding

**Article 101.** Resumption of the administrative proceeding may furthermore be requested by a person in respect of whom the administrative act is in effect, even though the said person was not a party to the proceeding.

### Time Limit for Institution of Resumption Proceeding

**Article 102.** (1) (Amended, SG No. 39/2011) The proceeding can be resumed under Item 1 of Article 99 herein within three

months after the date of entry of the act into effect.

(2) The proceeding can be resumed under Items 2 to 7 of Article 99 herein within three months after learning of the circumstance which serves as grounds for revocation or modification of the administrative act but not later than one year after occurrence of the said grounds. Where occurrence of the grounds precedes the issuance of the administrative act, the time limit for resumption shall begin to run as from the date of entry of the act into effect.

#### Resumption Proceeding

**Article 103.** (1) Acting on its own initiative, the administrative authority shall constitute the third parties which have acquired rights under the administrative act as a party to the proceeding.

(2) The administrative authority shall consider the request for resumption according to the procedure established by Chapter Six herein.

(3) A refusal to admit resumption shall be contestable according to the procedure established by Section IV of Chapter Ten herein.

(4) If the request for resumption is justified, the proceeding shall be resumed according to the procedure established by Chapter Five herein.

(5) In the case referred to in Item 5 of Article 99 herein, the legally non-conforming administrative act shall be revoked.

#### Contestation of New Administrative Act

**Article 104.** The new administrative act, issued upon the resumption of the proceeding, or the refusal to issue such an act, as the case may be, shall be contestable according to the procedure established by this Code.

#### Respect for Third Parties' Rights

**Article 105.** The revocation or modification of the administrative act according to the procedure established by this Chapter may not affect the rights acquired by bona fide third parties.

#### Administrative Act Contested before Court

**Article 106.** Where the administrative act or the refusal to issue an act, as the case may be, has been contested before the court, Chapter Fourteen herein shall apply to the resumption.

## **Chapter Eight PROPOSALS AND ALERTS**

### **Section I General Dispositions**

#### Subject Matter and Scope

**Article 107.** (1) The proposals and alerts submitted to administrative authorities, as well as to other authorities performing functions at public law, shall be considered according to the procedure established by this Chapter.

(2) This Chapter shall not apply to any proposals and alerts which must be considered and addressed according to another procedure provided for in a law.

(3) Proposals may be made for improvement of the organization and operation of the authorities referred to in Paragraph (1) or for addressing other matters falling within the competence of the said authorities.

(4) Alerts may be submitted about abuse of power and corruption, mismanagement of State or municipal property and about other legally non-conforming or inexpedient actions or omissions of administrative authorities and officials in the relevant administrations, which affect State or public interests, rights or legitimate interests of other persons.

## Principles

**Article 108.** (1) The authorities referred to in Article 107 (1) herein shall be obligated to consider and address the proposals and alerts within the established time limits objectively and in conformity with the law.

(2) No one may be persecuted solely by reason of submission of a proposal or alert under the terms and according to the procedure established by this Chapter.

## Parties

**Article 109.** Any individual or organization, as well as the ombudsman, may submit a proposal or alert.

## Arrangements for Handling Proposals and Alerts

**Article 110.** (1) The arrangements for handling the proposals and alerts shall be determined in the rules of organization of the authorities referred to in Article 107 (1) herein.

(2) The authorities referred to in Article 107 (1) herein shall be responsible for the overall handling of proposals and alerts.

(3) The authorities referred to in Article 107 (1) herein shall be obligated to receive individuals and representatives of organizations and to hear the proposals and alerts thereof on appointed and preannounced days and hours.

## Form of Proposal and Alert

**Article 111.** (1) The proposals and alerts may be written or verbal, may be submitted in person or through the agency of an authorized representative by telephone, telegraph, telefax or electronic mail.

(2) The proposals submitted according to the procedure established by Paragraph (1) shall be registered.

(3) Where the proposal or alert has to be submitted in writing or to satisfy specific requirements, the submitter shall be given relevant explanations.

(4) No proceeding shall be instituted on anonymous proposals or alerts, as well as on alerts concerning violations committed before a period exceeding two years.

## Redirection to Competent Authority

**Article 112.** The proposals and alerts which have been submitted to a non-competent authority shall be redirected within seven days after the receipt thereof to the competent authorities, unless information is available that the matter has already been referred to the said authorities as well. The submitter of the proposal or alert shall be notified of the redirection.

#### Limitations

**Article 113.** Alerts may not be addressed by the authorities or by the officials against whose actions the said alerts have been submitted, unless where the said authorities or officials hold the said alerts to be justified and grant them.

#### Clarification of Case

**Article 114.** (1) A decision on a proposal or alert shall be made after the case is clarified and the explanations and objections of the persons concerned are considered.

(2) The authorities whereto proposals and alerts have been submitted shall explain to the submitters the rights and obligations thereof.

(3) All means which are not prohibited by the law may be used for ascertainment of the facts and circumstances.

(4) The means for clarification of the case shall be determined by the authority competent to render the decision, unless another statutory instrument prescribes that proving be effected in a specific manner or by specific means.

(5) Organizations shall be obligated to provide the documents, information and explanations requested within the time limit set by the administrative authority competent to render the decision.

(6) Individuals shall be obligated to present the documents requested and to provide information, unless this may injure their rights or legitimate interests or may damage the dignity thereof.

(7) Where the requests are legally non-conforming or unjustified, or may not be granted for objective reasons, the reasoning shall be specified.

#### Enforcement

**Article 115.** The authority which has rendered the decision shall take measures for the enforcement of the said decision, determining the manner and time limit for enforcement.

#### Close of Proceeding

**Article 116.** The proceeding on proposals and alerts shall close by the enforcement of the decision.

## Section II Proposals

#### Competence

**Article 117.** (1) Proposals shall be made to the authorities competent to address the matters raised in the said proposals.

(2) Transcripts of the proposals may be transmitted to superior authorities as well.

#### Decision

**Article 118.** (1) A decision on a proposal shall be made not later than two months after the receipt of the said proposal, and the said decision shall be communicated to the submitted within seven days.

(2) Where a longer investigation is required, the time limit for making the decision may be extended by the superior authority to a period not exceeding six months, of which the submitter shall be informed.

(3) The decision rendered on a proposal made shall be unappealable.

### Section III Alerts

#### Competence

**Article 119.** (1) Alerts shall be submitted to the authorities which immediately direct and control the authorities and the officials whose legally non-conforming or inexpedient actions or omissions are reported.

(2) At the discretion of the submitter, an alert may furthermore be submitted through the agency of the authority whose action or omission the said alert opposes.

(3) Transcripts of the alerts may be transmitted to superior authorities as well.

#### Stay of Enforcement

**Article 120.** An alert as submitted shall not stay the enforcement of the act contested or the performance of a specific activity, unless the authority competent to pronounce directs enforcement to be stayed until rendition of the decision.

#### Time Limit for Pronouncement

**Article 121.** A decision on an alert shall be made not later than two months after the receipt thereof. Where particularly important reasons so require, this time limit may be extended by the superior authority by not more than one month, of which the submitter shall be notified.

#### Decision

**Article 122.** (1) Granting the alert, the authority shall take immediate measures for rectification of the violation or inexpediency committed, of which the authority shall notify the submitter and the other persons concerned.

(2) Should the authority referred to in Article 119 (2) herein refuse to admit that the alert is justified, the said authority shall transmit the said alert, together with the explanations of the said authority, to the relevant superior authority within one month after the submission of the said alert and shall notify the submitter of the said transmittal.



## Communication of Decision

**Article 123.** (1) The decision on an alert shall be written and reasoned and shall be communicated to the submitter within seven days after the rendition of the said decision.

(2) Where the decision affects rights or legitimate interests of other persons, the said decision shall be communicated to the said persons as well.

(3) Where the alert has been redirected to the competent authority by a National Representative, a Municipal Councillor, a state body, a local self-government body or a mass communication medium, they shall be notified of the decision as well.

(4) Should there be reason to believe that a criminal offence has been committed, the competent prosecutor shall be notified immediately.

## Unappealability

**Article 124.** (1) Any re-submitted alerts on a matter on which a decision has been made shall not be considered unless in connection with the enforcement of the decision or based on new facts and circumstances.

(2) The decision rendered on a specific alert shall be unappealable.

## Enforcement

**Article 125.** (1) The decision on the alert shall be enforced within one month after the rendition thereof. By way of exception, where particularly important reasons so require, this time limit may be extended by the rendering authority by not more than two months, of which the submitter shall be notified.

(2) Upon enforcement of the decision on the alert, the harmful consequences caused by the legally non-conforming or inexpedient actions shall be eliminated. Where this is impossible, the persons affected shall be satisfied in another legal way or shall be provided with explanations on the procedure according to which they should act.

(3) The authority whereto the enforcement of the decision on the alert has been assigned, shall notify the rendering authority of the enforcement.

## **TITLE THREE PROCEEDINGS BEFORE THE COURT (Effective 1.03.2007)**

### **Chapter Nine**

#### Initiation of Proceedings

**Article 126.** Court proceedings shall be initiated on a motion by a person concerned or by the prosecutor in the cases specified in this Code or in another law.

#### Denial of Justice Prohibited

**Article 127.** (1) The courts shall be obligated to consider and adjudicate, within a reasonable time, in each motion submitted thereto.

(2) The court may not deny justice under the pretext that there is no legal standard on the basis of which they can adjudicate in the motion.

## Jurisdiction

**Article 128.** (1) The administrative courts shall have jurisdiction over all cases on motions for:

1. (supplemented, SG No. 74/2016) issuance, modification, revocation or declaration of nullity of administrative acts and administrative contracts;
2. declaration of nullity or voidance of settlements under this Code;
3. (new, SG No. 74/2016) execution of an administrative contract, unless otherwise stated in a special law;
4. (renumbered from Item 3, SG No. 74/2016) remedies against unwarranted actions and omissions by the administration;
5. (renumbered from Item 4, SG No. 74/2016) protection against wrongful coercive enforcement;
6. (renumbered from Item 5, SG No. 74/2016) compensation for detriment resulting from legally non-conforming acts, actions and omissions by administrative authorities and officials;
7. (renumbered from Item 6, SG No. 74/2016) compensation for detriment resulting from coercive enforcement;
8. (renumbered from Item 7, SG No. 74/2016) declaration of nullity, invalidation or reversal of judgments rendered by the administrative courts;
9. (renumbered from Item 8, SG No. 74/2016) establishment of the falsity of administrative acts under this Code.

(2) Everyone can bring a legal action for ascertainment of the existence or non-existence of an administrative right or legal relation, where he or she has standing and no other remedial procedure is available thereto.

(3) Any administrative acts, whereby the national foreign policy, defence and security are immediately implemented, shall not be subject to judicial appeal, save as otherwise provided for in a law.

## Joinder of Appeals

**Article 129.** (1) If the legal conformity of an administrative act or of a refusal to issue an administrative act has been contested simultaneously before a superior administrative authority and before a court, the appeals shall be joined into a single proceeding under the jurisdiction of the court.

(2) The rule under Paragraph (1) shall not apply where the expediency of the administrative act has been contested by the appeal before the superior administrative authority. In such case, if a court proceeding has been instituted as well, the said proceeding shall be suspended until pronouncement by the superior administrative authority.

## Jurisdiction Disputes

**Article 130.** (1) The administrative court shall have discretion to determine whether the case instituted is entertainable thereby or by another authority outside the court system.

(2) No other authority shall have the right to admit for consideration a case which is already being examined by the court.

(3) The question as to whether a case instituted is entertainable by the administrative court or by another authority outside the court system may be raised during any stage of the proceeding and ex officio by the court.

(4) Should the court find that the case is outside its jurisdiction, the court shall transmit the case to the competent authority. The order or ruling shall be contestable by an interlocutory appeal by the parties and by the authority whereto the case has been transmitted.

## Proceedings in Two Instances

**Article 131.** Court proceedings under this Code shall be conducted in two instances, save as otherwise established in the said Code or in another law.

## Generic Cognizance

**Article 132.** (1) The administrative courts shall take cognizance of all administrative cases with the exception of such cognizable in the Supreme Administrative Court.

(2) The following shall be cognizable in the Supreme Administrative Court:

1. the contestations of the statutory instruments of secondary legislation, except such issued by the municipal councils;
2. the contestations of acts of the Council of Ministers, the Prime minister, the Deputy Prime Ministers and the government ministers;
3. the contestations of decisions of the Supreme Judicial Council;
4. the contestations of acts of the bodies of the Bulgarian National Bank;
5. cassation appeals and protests against first-instance judgments of court;
6. interlocutory appeals against rulings and orders;
7. motions for reversal of effective judicial acts on administrative cases;
8. the contestations of other acts specified in a law.

## Territorial Cognizance

**Article 133.** (Amended, SG No. 104/2013, effective 4.01.2014) (1) Proceedings on contestation of individual administrative acts shall be heard by the administrative court at the seat of the territorial structure of the administration of the authority, which issued the contested act, in the area of which the permanent or current address or seat of the appellant is located.

(2) Proceedings under Paragraph (1) shall be heard by the administrative court at the area of the seat of the authority, which issued the contested administrative act, in cases where:

1. the act has several addressees who have a permanent or current address in areas different than the area of the territorial structure of the administration of the authority that issued the act;
2. the administration of the authority that issued the contested act does not have a territorial structure.

(3) Proceedings on contestation of general administrative acts shall be heard by the administrative court at the seat of the authority that issued the contested act.

(4) Proceedings under Paragraphs (1) - (3) shall be heard by Sofia City Administrative Court in cases where the seat of the issuing authority is located abroad.

(5) Legal actions for compensation shall be brought before the court at the address or seat of the appellant also in cases where they are adjoined with a contestation under Paragraphs (1) - (4).

(6) (New, SG No. 27/2014, effective 25.03.2014) When the competent court cannot review a case, the Supreme Administrative Court shall order for the case to be forwarded to an administrative court of equal standing.

### Compulsory Cognizance

**Article 134.** (1) The cognizance determined by the law may not be altered by agreement between the persons participating in the case.

(2) An objection to the territorial cognizance of the court may be lodged not later than at the first hearing before the court of first instance.

### Cognizance Disputes

**Article 135.** (1) Each court shall have discretion to determine whether a case brought before it is cognizable therein.

(2) Should the court find that the case is not cognizable therein, the court shall transmit the said case to the competent court. In such case, the case shall be considered instituted as from the day on which the case is brought before the non-competent court, and the actions performed by the said court shall retain the force thereof.

(3) Any cognizance disputes between administrative courts shall be settled by the Supreme Administrative Court or, should a three-judge panel of the Supreme Administrative Court be party to any such dispute, by a five-judge panel of the said Court.

(4) Any cognizance disputes between the ordinary and the administrative courts shall be settled by a panel consisting of three representatives of the Supreme Court of Cassation and two representatives of the Supreme Administrative Court.

(5) If the court whereto the case has been transmitted finds that the said case is not cognizable therein, the said court shall transmit the said case to the court referred to in Paragraph (3) or in Paragraph (4), as the case may be, for determination of cognizance.

(6) Where the court whereto the case has been transmitted according to the procedure established by Paragraph (2) finds that the said case is cognizable in a third court, the said court shall transmit the said case to the court or panel referred to in Paragraph (3) or (4), depending on the position of the third court, for determination of cognizance.

(7) Any rulings rendered on cognizance disputes shall be unappealable.

### Compulsory Representation

**Article 136.** (1) Where more than ten persons with identical interests, who are not represented by an authorized representative, participate in the case, the court may obligate the said person to name, within a reasonable time limit, a joint authorized representative from amongst themselves. If the said persons fail to name such an authorized representative, the court, acting on its own initiative, shall appoint a joint legal counsel to represent the said persons in the court proceedings.

(2) The procedural actions of the party shall take precedence of the procedural actions of the joint authorized representative or legal counsel.

(3) The representative authority of the joint legal counsel appointed by the court shall be terminated by a declaration of the person represented by the said counsel after lapse of the prerequisites under Paragraph (1).

(4) The costs on the joint legal counsel shall be incurred by the administrative authority in proportion to the granted part of the contestation.

## Summoning

**Article 137.** (1) A party shall be summoned at the address whereat the said party was last summoned in the proceeding before the administrative authority, unless the party has named a different address under the case.

(2) Summonses may furthermore be served on a party at an electronic mail address named thereby. Any such summonses shall be considered served upon the reception thereof in the named information system and shall be certified by a copy of the electronic record of the said reception.

(3) Where there are no addresses referred to in Paragraphs (1) and (2), the party shall be summoned at the current address thereof, and where there is no current address, at the permanent address thereof.

(4) Persons of unknown address shall be summoned by means of the State Gazette and the proceeding shall continue.

(5) Where any persons participating in the proceeding are represented by a joint authorized representative or legal counsel, summoning may be effected through the agency thereof.

(6) If identical summoning of more than ten persons who have no joint authorized representative or legal counsel has to be effected, the judge presiding the panel may order summoning through the State Gazette for the succeeding procedural actions. The said order shall be communicated to the parties.

(7) The parties who have been duly summoned shall not be sent succeeding summonses, unless the case has been adjourned in camera or the further progress of the said case has been barred.

## Communications

**Article 138.** (1) Save insofar as otherwise provided for in this Code, the judicial acts shall be communicated to the parties by means of dispatch of transcripts of the said acts according to the procedure established by Article 137 herein.

(2) The other communications and papers under the case shall be served according to the same procedure.

## Adjournment of Case

**Article 139.** (1) The court shall adjourn the case if a party and the authorized representative thereof are unable to appear owing to an obstacle that the party cannot remove. In such cases, the next hearing shall be scheduled within three months.

(2) Upon a second motion by the same party, the case may be adjourned, by way of exception, solely on different grounds if, considering all circumstances, the court determines that this right is not abused.

## Extension of Time Limits for Appeal upon Non-conforming Communication

**Article 140.** (1) Where the administrative act or the communication on the issuance thereof does not specify the authority and the time limit for lodgment of an appeal, the relevant time limit for appeal under this Section shall be extended by two months.

(2) Where the administrative act or the communication on the issuance thereof erroneously states that the said act is unappealable, the time limits for lodgment of an appeal under this Section shall be extended by six months.

## Presentation of Electronic Documents

**Article 141.** (Amended, SG No. 100/2010, effective 1.07.2011, SG No. 85/2017) Electronic documents, signed by means of a qualified electronic signature pursuant to the requirements of Regulation (EU) No. 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal

market and repealing Directive 1999/93/EC (OJ, L 257/73 of 28.8.2014) and of the Electronic Document and Electronic Trust Services Act, may be presented to the court.

### Assessment of Conformity with Substantive Law

**Article 142.** (1) The conformity of an administrative act with the substantive law shall be assessed at the time of issuance of the said act.

(2) The ascertainment of new facts relevant to the case after the issuance of the act shall be assessed at the time the parties rest the oral arguments thereof.

### Liability for Costs

**Article 143.** (1) Where the court revokes the appealed administrative act or refusal to issue an administrative act, the stamp duties, the court costs and the fee for one lawyer, if the appellant had retained a lawyer, shall be reimbursed from the budget of the authority which issued the revoked act or refusal.

(2) The appellant shall furthermore be entitled to be awarded costs under Paragraph (1) upon dismissal of the case by reason of a withdrawal of the administrative act contested thereby.

(3) Where the court rejects the contestation or the appellant withdraws the appeal, the party where to the administrative act is favourable shall be entitled to be awarded costs.

(4) Where the court rejects the contestation or the appellant withdraws the appeal, the appellant shall pay all costs incurred in litigation, including the minimum fee for one lawyer fixed according to the ordinance referred to in Article 36 (2) of the Bar Act, if the other party has retained a lawyer.

### Subsidiary Application of Civil Procedure Code

**Article 144.** The Civil Procedure Code shall apply to any matters unregulated in this Section.

### Reference for preliminary rulings in criminal matters

**Article 144a.** (New, SG No. 63/2017, effective 5.11.2017) Where the validity of an instrument or the interpretation of European Union law in the field of police and judicial cooperation in criminal matters, or the ruling on the validity and interpretation of measures implementing such instrument are relevant to the proper outcome of a case, the court before which the case is pending shall make a reference for a preliminary ruling to the Court of Justice of the European Union under Chapter Thirty-Seven of the Criminal Procedure Code.

## Chapter Ten

### FIRST-INSTANCE CONTESTATION OF ADMINISTRATIVE ACTS

#### Section I

#### Contestation of Individual Administrative Acts

## Subject of Contestation

**Article 145.** (1) Administrative acts may be contested before the court in respect of the legal conformity of the said acts.

(2) The following shall be subject to contestation:

1. the original individual administrative act, including the refusal to issue such an act;
2. (amended, SG No. 39/2011) the decision of the superior administrative authority amending the act referred to in Item 1, or revoking it and ruling on the substance of the matter;
3. the decisions on requests to issue documents relevant to the recognition, exercise or extinguishment of rights or obligations.

(3) Administrative acts may be contested in whole or in separate parts thereof.

## Grounds for Contestation

**Article 146.** Administrative acts may be contested on the following grounds:

1. lack of competence;
2. non-compliance with the established form;
3. material breach of administrative procedure rules;
4. conflict with provisions of substantive law;
5. non-conformity with the purpose of the law.

## Right to Contest

**Article 147.** (1) The right to contest an administrative act shall vest in the individuals and organizations whereof the rights, freedoms or legitimate interests are violated or jeopardized by the said act or in respect of whom the said act gives rise to obligations.

(2) The prosecutor may lodge a protest against the act in the cases covered under Article 16 herein.

## Electivity of Procedure for Contestation

**Article 148.** An administrative act may be contested before the court even if the possibility for administrative contestation of the said act has not been exhausted, unless otherwise provided for in this Code or in a special law.

## Time Limits for Contestation

**Article 149.** (1) Administrative acts shall be contestable within fourteen days after the communication thereof.

(2) A tacit refusal or a tacit consent shall be contestable within one month after the expiry of the time limit wherewithin the administrative authority was obligated to pronounce.

(3) Where the act, the tacit refusal or the tacit consent have been contested according to an administrative procedure, the time limit referred to in Paragraph (1) or in Paragraph (2), as the case may be, shall begin to run as from the communication that the superior administrative authority has rendered a decision and, if the said authority has not pronounced, as from the latest date on which the said authority should have pronounced.

(4) Where a prosecutor has not participated in the administrative proceeding, the said prosecutor may contest the act within one month after the issuance thereof.

(5) No time limitation shall apply to the contestability of administrative acts by a motion to declare the nullity thereof.

## Form and Content of Appeal and Protest

**Article 150.** (1) An appeal and a protest shall be lodged in writing and must state:

1. specification of the court;
2. the forename, patronymic and surname, telephone number, telefax number and electronic mail address, if available - applicable to Bulgarian citizens or, respectively, the name and position of the prosecutor, the telephone number, telefax number or telex number, if available;
3. the full name and address, the personal number - applicable to a foreigner, and the address declared to the relevant administration, telephone number, telefax number and electronic mail address, if available;
4. the business name of the merchant or the designation of the legal person, written in the Bulgarian language as well, the registered office and the address of the place of management as last named in the relevant register, and the electronic mail address thereof;
5. indication of the administrative act which is contested;
6. specification of the legal non-conformity of the act;
7. essence of the request;
8. signature of the person who lodges the appeal or protest.

(2) In the appeal or protest, the contestant shall be obligated to specify the evidence which the contestant wants to be collected and to present the written evidence in the possession thereof.

## Attachments

**Article 151.** The following shall be attached to the appeal or protest:

1. certificate of the existence and representation of an appellant organization;
2. power of attorney, where the appeal is lodged by an authorized representative;
3. documentary proof of stamp duty paid, where such is due;
4. transcripts of the appeal or protest, of the written evidence and of the attachments according to the number of the rest of the parties.

## Lodgment of Appeal and Protest

**Article 152.** (1) The appeal or protest shall be lodged through the agency of the authority which issued the contested act.

(2) Within three days after the expiry of the time limits for contestation by the rest of the persons, the authority shall transmit the appeal or protest, together with a certified copy of the entire case file on the issuance of the act, to the court, notifying the submitter of the said transmittal.

(3) The authority shall be obligated to attach to the case file a list of the parties to the proceeding for the issuance of the administrative act, stating the addresses at which the said parties were last summoned.



(4) If the authority fails to fulfil the obligations thereof under Paragraphs (1) to (3), the court, acting on its own initiative, shall have the case file delivered on the basis of a copy of the appeal or protest.

## Parties

**Article 153.** (1) The contestant, the authority which issued the administrative act, as well as all persons concerned, shall be parties to the case.

(2) Should the authority be closed down after the issuance of the administrative act without identifying a legal successor to the said authority, the authority empowered with the competence to issue the same acts shall be a party to the case.

(3) Should the administrative authority be deprived of competence in the matter, the court shall strike the said authority and, acting on its own initiative, shall constitute a competent authority as a party to the case.

(4) The ruling under Paragraph (3) shall be contestable by an interlocutory appeal.

## Constituting the Parties

**Article 154.** (1) The court shall constitute the parties, acting on its own initiative.

(2) Where the administrative authority has failed to fulfil the obligation thereof under Article 152 (3) herein, the court shall set a time limit for the fulfilment of the said obligation.

## Withdrawal and Abandonment of Contestation

**Article 155.** (1) During any stage of the proceeding, the contestant may withdraw the contestation or abandon the contestation in whole or in part.

(2) A motion to declare nullity may be withdrawn without the consent of the respondents to the appeal before the close of the first hearing of the case.

(3) A withdrawal and an abandonment of the contestation outside a court hearing shall be effected by means of a written application.

(4) Any advance waiver of the right to contest shall be void.

## Withdrawal of Contested Act

**Article 156.** (1) During any stage of the proceeding, with the consent of the rest of the respondents, the administrative authority may withdraw the contested act in whole or in part or may issue the act which the said authority has refused to issue.

(2) The consent of the contestant as well shall have to be obtained for a withdrawal of the act after the first hearing of the case.

(3) The withdrawn act may be re-issued solely under new circumstances.

(4) Where a legal action for compensation has been joined with the contestation, the proceeding on the said action shall continue.

## Institution and Scheduling of Case

**Article 157.** (1) The president of the court, a vice president or the head of the department shall institute the administrative

case, which shall be delivered to a rapporteur judge. The rapporteur judge shall schedule the case within a period that may not exceed two months after the receipt of the appeal at the court.

(2) The rapporteur judge shall be designated depending on the order of receipt of the contestations at the court through an electronic distribution or in another manner of random case distribution, specified in internal rules adopted by the relevant court and publicly announced.

#### Verification of Conformity of Appeal and Protest

**Article 158.** (1) Where the appeal or protest does not conform to the requirements of Article 150 (1) and Article 151 herein, the said appeal or protest shall be left without progress, and a communication shall be sent to the contestant to cure the non-conformities within seven days.

(2) Where the addresses of the contestant and of the representative thereof are not named, the communication referred to in Paragraph (1) shall be effected by means of posting a notice at the place designated for this purpose at the court in the course of seven days.

(3) Should the non-conformities be not cured within the time limit referred to in Paragraph (1), the appeal or protest shall be left without examination by an order of the rapporteur judge. Where the non-conformities are detected while the proceeding is in progress, the court shall dismiss the case.

(4) The cured contestation shall be considered conforming as from the day of the submission thereof.

#### Verification of Admissibility of Appeal and Protest

**Article 159.** The appeal or protest shall be left without examination and, if a court proceeding has been instituted, it shall be terminated where:

1. the act is incontestable;
2. the contestant lacks legal personality;
3. the contested administrative act has been withdrawn;
4. the contestant has no standing to contest;
5. the contestation is overdue;
6. there is an effective judgment of court on the contestation;
7. a case has been instituted before the identical court, between the identical parties, and on identical grounds;
8. the contestation is withdrawn or abandoned.

#### Contestation of Act on Admissibility of Appeal and Protest

**Article 160.** (1) The order whereby the appeal or protest is left without examination, or the ruling whereby the case is dismissed, shall be contestable by an interlocutory appeal. A transcript of any such appeal shall not be presented if the order was rendered prior to the service of a transcript of the contestation.

(2) (Amended, SG No. 39/2011) Interlocutory appeals shall be examined in camera, unless the court finds it appropriate to review such appeals in a public hearing.

#### Resumption of Time Limit for Appeal

**Article 161.** (1) Within seven days after the communication that the appeal has been left without examination, a resumption of the time limit may be motioned if non-compliance with the said time limit is due to special unforeseen circumstances or to behaviour of the administration that misled the appellant. Alternatively, any such motion may be submitted with the appeal.

(2) A motion for resumption of the time limit shall cite all evidence supporting the grounds under Paragraph (1).

(3) The ruling whereby the motion referred to in Paragraph (1) is rejected shall be contestable by an interlocutory appeal. The ruling whereby the motion referred to in Paragraph (1) is granted shall be appealed together with the judgment on the case.

#### Communication of Act by Court

**Article 162.** (1) Where the administrative act has not been communicated to all persons affected, the court shall transmit a communication to the said persons and shall continue the court proceeding on the appeal, affording the said persons a possibility to defend the interests thereof.

(2) Where the contested act is favourable to the persons referred to in Paragraph (1), the court, acting on its own initiative, shall constitute the said persons as parties and shall adjourn the case if necessary.

(3) Where any appeals from the persons referred to in Paragraph (1) are received as well prior to the commencement of the oral arguments, the appeals shall be joined into a single proceeding for the rendition of a common judgment.

#### Service of Appeal and Protest Transcripts and Response Thereto

**Article 163.** (1) If the appeal or protest is admissible, the rapporteur judge shall order the transmittal of transcripts thereof to the parties.

(2) Within fourteen days after receipt of the transcript, each of the parties may present a written response and adduce evidence. The written evidence in the possession of the parties shall be attached to the response.

(3) Where collection of further evidence, other than such contained in the case file, is necessary for clarification of the legal dispute, the rapporteur judge shall instruct the relevant party on the need to collect such evidence.

#### Administrative Court Panel

**Article 164.** The administrative court shall examine the case sitting in a panel of a single judge.

#### Supreme Administrative Court Panel

**Article 165.** The Supreme Administrative Court shall examine the case sitting in a panel of three judges.

#### Stay of Enforcement of Administrative Act

**Article 166.** (1) A contestation shall stay the enforcement of the administrative act.

(2) (Amended and supplemented, SG No. 39/2011) During any stage of the proceeding until the entry into effect of the judgment, acting on a motion by the contestant, the court may stay the anticipatory enforcement admitted by an effective direction of the authority which has issued the act under Article 60(1) if the said enforcement could inflict a significant or irreparable detriment on the contestant. The enforcement may be stayed solely on the basis of new circumstances.

(3) (Amended, SG No. 39/2011) The motion referred to in Paragraph (2) shall be examined in camera. The court shall

immediately render a ruling, which shall be contestable by an interlocutory appeal within seven days after the announcement of the ruling.

(4) (New, SG No. 39/2011) When no explicit prohibition of judicial review is stipulated, any anticipatory enforcement which has been allowed in respect of an administrative act on the grounds of a given law may be stayed by the court under the conditions laid down in Article 2, upon the request of the contestant.

#### Admission of Anticipatory Enforcement by Court

**Article 167.** (1) During any stage of the proceeding, the court may admit anticipatory enforcement of the administrative act under the terms whereunder the said enforcement can be admitted by the administrative authority.

(2) Where anticipatory enforcement could inflict a significant or irreparable detriment, the court may admit such enforcement subject to the condition of a payment of a security deposit at an amount set by the court.

(3) The ruling on the motion shall be appealable within three days after the communication thereof. If anticipatory enforcement is reversed, the status quo ante the enforcement shall be restored.

(4) A second motion may be submitted to the court solely on the basis of new circumstances.

#### Subject of Court Verification

**Article 168.** (1) The court shall not limit itself to consideration of the grounds stated by the contestant but shall be obligated, proceeding from the evidence presented by the parties, to verify the legal conformity of the contested administrative act of all grounds covered under Article 146 herein.

(2) The court shall declare the nullity of the act even if the court has not been approached with a motion to do so.

(3) Nullity may be declared even after the expiry of the time limit referred to in Article 149 (1) to (3) herein.

#### Judicial Review and Operational Autonomy

**Article 169.** Upon contestation of any administrative act issued in operational autonomy, the court shall verify whether the administrative authority possessed operational autonomy and whether the said authority complied with the requirement for legal conformity of administrative acts.

#### Burden of Proof

**Article 170.** (1) The administrative authority and the persons where to the contested administrative act is favourable must establish the existence of grounds of fact specified in the said act and the fulfilment of the legal requirements upon the issuance thereof.

(2) Where a refusal to issue an administrative act is contested, the contestant must establish that the conditions for the issuance of the said act have existed.

#### Evidence

**Article 171.** (1) The evidence duly collected in the proceeding before the administrative authority shall have force before the court as well. The court may question as witnesses the persons who have provided information to the administrative authority and the experts solely if the court finds it necessary to hear the said persons directly.

(2) On a motion by the parties, the court may collect new evidence as well which are admissible under the Code of Civil Procedure. The court may also act on its own initiative when it appoints experts and orders inspection and certification.

(3) The parties shall be obligated to cooperate for establishment of the truth.

(4) The court shall be obligated to cooperate with the parties for rectification of any errors in form and any ambiguities in the statements of the parties and to instruct the said parties that certain circumstances relevant to the case do not furnish evidence.

(5) The court shall pronounce on the motions for evidence in camera. Any such motions may furthermore be granted at the first hearing of the case, should the court find it necessary to hear also the oral explanations of the parties on the evidence adduced thereby.

### Judgment on Case

**Article 172.** (1) The court shall render judgment within one month after the hearing whereat the examination of the case was completed.

(2) The court may declare the nullity of the contested administrative act, may revoke the said act in whole or in part, may modify the said act, or may reject the contestation.

(3) Where a tacit refusal or a tacit consent is revoked, an express refusal or an express consent succeeding prior to the judgment on revocation shall likewise be considered to be revoked.

(4) The judgment shall state the names of the parties, unless the judgment is effective erga omnes.

### Contents of the judgement

**Article 172a.** (New, SG No. 39/2011) (1) The judgement shall refer to:

1. the date and place of its issuance;
2. the court; the names of the judge/s, the court secretary and the prosecutor, when the latter has been involved in the case;
3. the reference number of the case in which the judgement is passed;
4. the reference number and the date of the administrative act and the name of the issuing authority;
5. the names of the parties;
6. the contents of the court ruling;
7. the person who is ordered to pay the costs;
8. whether the judgment is subject to appeal, to which court and within what period;

(2) In its judgement, the court shall present its reasons, specifying the positions upheld by the parties, the facts in the main proceedings and the legal conclusions of the court.

(3) The judgement shall be signed by the judge/s involved in passing it. When any of the judges is obstructed from signing the judgement, the chair of the chamber shall note down the reasons thereof in the judgement.

### Powers of Court upon Nullity or Revocation of Administrative Act

**Article 173.** (1) Where the matter does not lie within the discretion of the administrative authority, after declaring the nullity or revoking the administrative act, the court shall adjudicate in the case on the merits.

(2) Outside the cases referred to in Paragraph (1), as well as where the act is null by reason of lack of competence or if the nature of the said act precludes adjudication in the matter on the merits, the court shall transmit the case file to the relevant competent administrative authority with mandatory instructions on the interpretation and application of the law.

(3) In the event of a wrongful refusal to issue a document, the court shall order the administrative authority to issue the said document without giving instructions as to the content thereof.

(4) In the event of a refusal by a non-competent authority to issue an administrative act, the court shall declare the refusal null and shall transmit the case as a case file to the relevant competent authority.

#### Setting Time Limit for Enforcement of Judgment of Court

**Article 174.** Upon obligating the authority to issue an administrative act or a document, the court shall furthermore set a time limit for the said issuance.

#### Correction of Apparent Error of Fact

**Article 175.** (1) Acting on its own initiative or on a motion by a party, the court may correct any written errors, errors in calculations or other such apparent inexactitudes committed in the judgment.

(2) The judgment of the correction shall be rendered in camera and shall be appealable according to the procedure established by the judgment itself. Upon the entry thereof into effect, the said judgment shall be noted on the corrected judgment and the transcripts.

#### Rendition of Additional Judgment

**Article 176.** (1) Where the court has not pronounced on the entire contestation, the court, acting on its own initiative or on a motion by a party to the case submitted within one month, shall render an additional judgment.

(2) The court, sitting in public session and summoning the parties, shall render the additional judgment which shall be contestable according to the procedure established by the original judgment.

#### Effect of Judgment of Court

**Article 177.** (1) The judgment shall be effective inter partes. If the contested act is revoked or modified, the judgment shall be effective erga omnes.

(2) Any acts and actions performed by the administrative authority in contravention with an effective judgment of court shall be null. Each party concerned may always invoke the nullity or motion the court to declare it.

(3) A judgment whereby a contestation claiming revocation of an administrative act has been rejected shall be an impediment to the contestation of the said act claiming nullity, as well as to the contestation of the said act on other grounds.

#### Judicial Settlement

**Article 178.** (1) A judicial settlement may be reached during any stage of the proceeding under the conditions whereunder a settlement may be reached in the proceeding before the administrative authority, even if the said authority has refused to confirm the said settlement.

(2) All parties to the case shall mandatorily participate in the settlement.

- (3) A refusal of the court to confirm a settlement shall be contestable by an interlocutory appeal lodged jointly by the parties to the said settlement.
- (4) By the ruling conforming the settlement, the court shall invalidate the administrative act and shall dismiss the case.
- (5) The ruling may be appealed solely by a party which did not participate in the settlement. Should any such settlement be revoked, examination of the case shall proceed.
- (6) A confirmed settlement shall have the significance of an effective judgment of court.

## **Section II**

### **Contestation of General Administrative Acts**

#### Time Limits for Contestation

**Article 179.** General administrative acts shall be contestable within one month after the communication of the issuance thereof or within fourteen days after the separate communications to the persons who participated in the proceeding before the administrative authority.

#### Effect of Contestation

**Article 180.** (1) A contestation shall not stay the enforcement of the general administrative act.

(2) The court may stay enforcement on the grounds and according to the procedure established by Article 166 (2) and (3) herein.

#### Communication of Contestation

**Article 181.** (1) If the contestation conforms to the requirements, the court shall communicate the said contestation within one month by means of a notice inserted in the State Gazette, which shall specify the contested administrative act or part thereof and the number of the case instituted.

(2) A copy of the notice shall be posted at a place designated for this purposes at the court and on the Internet site of the Supreme Administrative Court.

(3) A ruling on suspension of the case shall likewise be communicated according to the procedure established by Paragraphs (1) and (2).

#### Parties

**Article 182.** (1) The contestant and the authority which issued the administrative act shall be parties to the case.

(2) (Amended, SG No. 59/2007) The parties whereto the contested act is favourable may join the case as parties alongside the administrative authority prior to the commencement of the oral arguments during any stage of the proceeding. Should any party which has joined after the first hearing cause adjournment of the case by a procedural action, the said party shall incur, regardless of the outcome of the case, the costs of the new hearing, of the collection of new evidence or of the re-collection of previously collected evidence, the costs incurred by the other party and of the authorized representative thereof on appearance in the case, as well as shall pay an additional stamp duty to the amount of one-third of the initially paid stamp duty but not less

than BGN 100.

(3) Any person who or which has standing may join the contestation or join as a party alongside the administrative authority prior to the commencement of the oral arguments during any stage of the proceeding, without having the right to motion for repetition of procedural actions which have been performed. A transcript of the petition for joinder of the contestation or as a party shall be made available to the opposing parties.

(4) A ruling whereby a joinder is not admitted shall be contestable by an interlocutory appeal.

#### Effect of Judgment

**Article 183.** A judgment whereby the contested act is declared null, is revoked or modified, shall be effective erga omnes.

#### Subsidiary Application

**Article 184.** The provisions on contestation of individual administrative acts, with the exception of Article 155 herein, shall apply to any matters unregulated in this Section.

### Section III

## Contestation of Statutory Instruments of Secondary Legislation

#### Subject of Contestation

**Article 185.** (1) Any statutory instruments of secondary legislation shall be contestable before a court of law.

(2) Statutory instruments of secondary legislation may be contested in whole or in separate parts thereof.

#### Right to Contest

**Article 186.** (1) The right to contest a statutory instrument of secondary legislation shall vest in the individuals, the organizations and the authorities whereof the rights, freedoms or legitimate interests are affected or may be affected by the said instrument or in respect of whom the said instrument gives rise to obligations.

(2) The prosecutor may lodge a protest against the instrument.

#### Contestability Sine Die

**Article 187.** (1) No time limitation shall apply to the contestability of statutory instruments of secondary legislation.

(2) A successive contestation of a statutory instrument of secondary legislation on identical grounds shall be inadmissible.

#### Communication of Contestation

**Article 188.** A contestation shall be communicated according to the procedure established by Article 181 (1) and (2) herein.



## Parties

**Article 189.** (1) The contestant and the authority which issued the statutory instrument of secondary legislation shall be parties to the case.

(2) Any person who or which has standing may join the contestation or join as a party alongside the administrative authority prior to the commencement of the oral arguments during any stage of the proceeding, without having the right to motion for repetition of procedural actions which have been performed. A transcript of the petition for joinder of the contestation or as a party shall be made available to the opposing parties.

(3) A ruling whereby a joinder is not admitted shall be contestable by an interlocutory appeal.

(4) (Amended, SG No. 59/2007) The persons who have joined the contestation or as parties shall incur, regardless of the outcome of the case, the costs of the new hearing, of the collection of new evidence or of the re-collection of previously collected evidence, the costs incurred by the other party and of the authorized representative thereof on appearance in the case, as well as shall pay an additional stamp duty to the amount of one- third of the initially paid stamp duty but not less than BGN 100.

## Effect of Contestation

**Article 190.** (1) The contestation shall not suspend the effect of the statutory instrument of secondary legislation, unless the court decrees otherwise.

(2) The ruling of the court under Paragraph (1) on suspension of the effect of the statutory instrument of secondary legislation shall be promulgated in the manner of promulgation of the instrument and shall enter into effect as from the day of promulgation.

## Cognizance and Court Panel

**Article 191.** (1) Statutory instruments of secondary legislation shall be contested before the Supreme Court of Cassation, which shall examine the case sitting in a panel of three judges.

(2) The statutory instruments of secondary legislation issued by the municipal councils shall be contested before the competent administrative court, which shall examine the case sitting in a panel of three judges.

## Participation of Prosecutor

**Article 192.** The case shall be examined with the participation of a prosecutor.

## Judgment on Case

**Article 193.** (1) The court may declare the nullity of the contested statutory instrument of secondary legislation or of a part thereof, may revoke the said instrument in whole or in part, or may reject the contestation.

(2) The judgment of court shall be effective erga omnes.

## Promulgation of Judgment of Court

**Article 194.** A judgment of court, whereby nullity of a statutory instrument of secondary legislation is declared or any such

instrument is revoked, and whereagainst no cassation appeal or protest has been lodged in due time or any such appeal or protest has been rejected by the court of second instance, shall be promulgate in the manner of promulgation of the instrument and shall enter into effect as from the day of promulgation.

#### Effect of Judgment Revoking Statutory Instrument of Secondary Legislation

**Article 195.** (1) A secondary instrument of secondary legislation shall be considered revoked as from the day of entry into effect of the judgment of court.

(2) The legal consequences which have arisen from any statutory instrument of secondary legislation which has been declared void or which has been revoked as nullifiable shall be settled ex officio by the competent authority within a period that may not exceed three months after the entry into effect of the judgment of court.

#### Subsidiary Application

**Article 196.** The provisions on contestation of individual administrative acts, with the exception of Article 152 (3), Articles 173 and 178 herein, shall apply to any matters unregulated in this Section.

### Section IV

## Contestation of Refusal to Consider Request for Issuance of Administrative Act

#### Right to Contest and Time Limit for Contestation

**Article 197.** An express refusal by an administrative authority to consider on the merits a request for the issuance of an individual or general administrative act submitted to the said authority shall be appealable through the agency of the said authority before the court by the person who submitted the request within fourteen days after communication.

#### Service of Transcripts and Transmittal of Appeal to Court

**Article 198.** (1) After receiving the appeal, the authority shall transmit transcripts to the rest of the parties to the administrative proceeding, which may lodge objections within seven days after receipt of the said transcripts.

(2) Upon expiry of the time limit referred to in Paragraph (1), the appeal, together with a copy of the administrative case file, the opinion of the administrative authority and the objections, shall be transmitted to the court.

#### Examination of Appeal

**Article 199.** The appeal shall be examined in public session.

#### Ruling on Appeal

**Article 200.** (1) Within one month after receipt of the appeal, the court shall render a ruling whereby the court may reject the appeal or revoke the refusal, and shall transmit the case file to the competent administrative authority for determination of the request on the merits, with the time limit for pronouncement by the authority beginning to run as from the receipt of the case file by the said authority.

(2) The ruling shall be contestable by an interlocutory appeal by the parties participating in the administrative proceeding.

#### Effect of Ruling

**Article 201.** In respect of the matter resolved thereby, the ruling shall be binding on the administrative authority and on the persons participating in the appeal.

#### Appeal of Decree Suspending Administrative Proceeding

**Article 202.** The act on suspension of a proceeding for the issuance of an administrative act shall likewise be appealable according to the procedure established by this Section.

## Chapter Eleven PROCEEDINGS FOR COMPENSATION

#### Applicable Law

**Article 203.** (1) Any legal actions for compensation for detriment inflicted on individuals or legal persons by legally non-conforming acts, actions or omissions of administrative authorities and officials shall be examined according to the procedure established by this Chapter.

(2) (Supplemented, SG No. 13/2017, effective 7.02.2017) The provisions of the Act on the Liability Incurred by the State and the Municipalities or the Implementation of Penal Sanctions and Detention in Custody Act for Detriment shall apply to any unregulated matters regarding pecuniary liability.

The provisions of the Act on the Liability for Damage Incurred by the State and the Municipalities shall apply to any unregulated matters regarding pecuniary liability.

#### Admissibility of Legal Action

**Article 204.** (1) A legal action may be brought after the revocation of the administrative act according to the relevant procedure.

(2) A legal action may alternatively be brought together with a contestation of the administrative act prior to the close of the first hearing of the case. All defects of the statement of action must be cured not later than the next succeeding hearing.

(3) Where detriment is caused by a null or withdrawn administrative act, the legal non-conformity of the act shall be established by the court before which the legal action for compensation has been brought.

(4) The legal non-conformity of an action or omission shall be established by the court before which the action for compensation has been brought.

#### Respondent in Legal Action

**Article 205.** A legal action for compensation shall be brought against the legal person represented by the authority whose legally non-conforming act, action or omission has inflicted the detriment.

#### Separation of Legal Action

**Article 206.** (1) On a motion by a party or at the discretion of the court, the legal action for compensation may be separated if the examination thereof would impede the proceeding for contestation of the administrative act.

(2) The examination of the separated legal action shall proceed in the same court after entry into effect of the judgment whereby the act is declared null or is revoked.

#### Termination of Proceeding on Joined Legal Action

**Article 207.** (1) Should the proceeding for contestation of the administrative act be terminated, the proceeding on the legal action joined therewith shall be terminated as well, except where the said action is for compensation for detriment resulting from a null administrative act or where the proceeding for contestation has been terminated by reason of withdrawal of the administrative act.

(2) The proceeding on the legal action shall furthermore be terminated if the contestation of the administrative act is rejected. Upon reversal of the judgement of court, the proceeding shall be resumed.

(3) Alternatively, a settlement on the amount of compensation may be reached upon termination of the proceeding.

## Chapter Twelve CASSATION PROCEEDING

#### Subject of Cassation Contestation

**Article 208.** The first-instance judgment of court shall be subject to cassation contestation in whole or in separate parts thereof.

#### Grounds for Cassation

**Article 209.** A cassation appeal or a cassation protest shall be lodged where the judgment is:

1. null;
2. inadmissible;
3. incorrect by reason of violation of the substantive law, material breach of the rules of court procedure, or lack of justification.

#### Right to Cassation Contestation

**Article 210.** (1) The right to contest the judgment shall vest in the parties to the case whereto the said judgment is adverse.

(2) The persons in respect of whom the judgment is effective shall have the right to appeal the said judgment where it is adverse

thereto, even if the said persons did not participate in the case.

(3) The Prosecutor General or the Deputy Prosecutor General heading the Supreme Cassation Prosecution Office may lodge a cassation protest.

#### Time Limit for Cassation Contestation

**Article 211.** (1) The appeal shall be lodged with the Supreme Administrative Court through the agency of the court which rendered the judgment within fourteen days after the day of communication that the judgment has been drafted.

(2) The Prosecutor General or the Deputy Prosecutor General heading the Supreme Cassation Prosecution Office may lodge a protest with the Supreme Administrative Court through the agency of the court which rendered the judgment within one month after the day of rendition of the said judgment.

(3) The persons referred to in Article 210 (2) herein may appeal the judgment as from the time of the entry of the said judgment into effect in respect of the parties to the case.

#### Form and Content of Appeal and Protest

**Article 212.** (1) An appeal and a protest shall be lodged in writing and must state:

1. specification of the court;
2. the name and exact address of the appellant and, if a natural person, also the Standard Public Registry Personal Number thereof, the name and exact address of the legitimate representative or authorized representative, if any, or, respectively, the name and position of the prosecutor;
3. indication of the judgment which is contested;
4. exact and reasoned indication of the specific defects of the judgment which constitute the grounds for cassation;
5. essence of the petition;
6. signature of the person who lodges the appeal or protest.

(2) The contestant shall be obligated to specify all evidence which the contestant wants to be collected and to present the written evidence in the possession thereof.

#### Attachments

**Article 213.** The following shall be attached to the appeal or protest:

1. certificate of the existence and representation of the appellant organization, unless presented to the first instance;
2. power of attorney, where the appeal is lodged by an authorized representative;
3. documentary proof of stamp duty paid, where such is due;
4. transcripts of the appeal or protest, of the written evidence and of the attachments according to the number of the rest of the parties.

#### Withdrawal and Abandonment of Contestation

**Article 214.** (1) The contestant may withdraw the contestation or abandon the contestation in whole or in part prior to the

close of the cassation proceeding.

(2) Any advance waiver of the right to contest shall be void.

#### Leaving Appeal and Protest without Examination

**Article 215.** An appeal or protest shall be left without examination, and the cassation proceeding instituted shall be dismissed, where:

1. the said appeal or protest has been lodged by an individual or organization which did not participate in the court proceeding;
2. the judgment or the appealed part thereof is non-existent;
3. the said appeal or protest has been lodged after expiry of the time limit referred to in Article 211 herein;
4. the said appeal or protest has been lodged against a judgment which is not subject to cassation contestation;
5. the said appeal or protest is withdrawn or abandoned by a written application.

#### Leaving Appeal and Protest without Progress

**Article 216.** The appeal or protest shall be left without progress where the said appeal or protest does not contain an exact and reasoned indication of the specific defects of the judgment or does not conform to the requirements of Articles 212 and 213 herein, and a communication shall be sent to the contestant to cure the non-conformities within seven days. Article 158 herein shall apply in such cases.

#### Examination of Case

**Article 217.** (1) The case shall be examined by a three-judge panel of the Supreme Administrative Court, where the judgment has been rendered by an administrative court, and by a five-judge panel, where the judgment has been rendered by a three-judge panel of the Supreme Administrative Court.

(2) The case shall be examined in public session with the participation of a prosecutor.

#### Subject of Cassation Review

**Article 218.** (1) The Supreme Administrative Court shall limit itself to considering the defects of the judgment as indicated in the appeal or protest.

(2) The court, acting on its own initiative, shall furthermore see to the validity, admissibility and conformity of the judgment to the substantive law.

#### Evidence

**Article 219.** (1) Written evidence shall be admissible for establishment of the grounds for cassation.

(2) No evidence shall be admissible for establishment of any circumstances irrelevant to the grounds for cassation.

#### Establishment of Facts Prohibited

**Article 220.** The Supreme Court of Cassation shall assess the application of the substantive law on the basis of the facts established by the court of first instance in the contested judgment.

#### Judgment on Cassation Contestation

**Article 221.** (1) The Supreme Administrative Court shall render judgment within one month after the hearing in which the examination of the case was completed.

(2) The Supreme Administrative Court shall leave in effect the judgment or shall reverse the judgment in the contested part thereof if the said judgment is incorrect.

(3) Where the judgment is inadmissible, the Supreme Administrative Court shall invalidate the said judgment in the contested part and thereupon shall dismiss the case, shall refer the case back for re-examination, or shall forward the case to the competent court or authority.

(4) Where the administrative authority, acting with the consent of the rest of the respondents, withdraws the administrative act or issues the act which the said authority has refused to issue, the Supreme Administrative Court shall invalidate the judgment of court rendered on the said act or refusal as inadmissible and shall dismiss the case.

(5) Where the judgment is null, the Supreme Administrative Court shall declare the nullity thereof in whole and if the case is not dismissible, shall refer the said case back to the court of first instance for rendition of a new judgment.

(6) Where settlement has been reached before the Supreme Administrative Court, the court shall confirm the said settlement by a ruling whereby the judgment of court shall be invalidated and the case shall be dismissed.

#### Powers of Supreme Administrative Court upon Reversal of Judgment

**Article 222.** (1) When reversing the judgment, the Supreme Administrative Court shall adjudicate in the case on the merits.

(2) The Supreme Administrative Court shall refer the case for re-examination by another panel of the court of first instance where:

1. the Supreme Administrative Court finds a material breach of the rules of court procedure;
2. facts must be established, for which collection of written evidence is not sufficient.

#### Finality of Cassation Judgment

**Article 223.** The cassation judgment shall be final.

#### Binding Orders on Application of Law

**Article 224.** The orders of the Supreme Administrative Court on the interpretation and application of the law shall be binding upon a further examination of the case.

#### Examination of Appeal and Protest against Re-rendered Judgment

**Article 225.** An appeal or protest against a re-rendered judgment shall be examined by another panel of the Supreme Administrative Court.

#### Re-examination of Case by Court of First Instance

**Article 226.** (1) The court of first instance shall examine the case according to the standard procedure, with the proceeding commencing from the first legally non-conforming procedural action which served as grounds for the referral of the case back to the said court.

(2) Solely written evidence which could not have been known to the party, as well as evidence of newly discovered or intervening circumstances after the initial examination of the case by the court of first instance, shall be admissible upon re-examination of the case.

(3) The court shall furthermore pronounce on the costs of litigation at the Supreme Administrative Court.

#### Powers of Supreme Administrative Court upon Reversal of New Judgment

**Article 227.** (Amended, SG No. 39/2011) (1) Where the judgment of the court of first instance is reversed again, the Supreme Administrative Court shall not remand the case for a new review but shall adjudicate on the substance of the matter.

(2) When the reversal grounds require so, after reversing the judgement, the Supreme Administrative Court shall schedule a date for reviewing the case in a public hearing and, if necessary, shall also collect new evidence.

#### Subsidiary Application

**Article 228.** The provisions on first-instance proceeding shall apply, mutatis mutandis, to any matters unregulated in this Chapter.

## Chapter Thirteen APPEAL OF RULINGS AND ORDERS

#### Subject of Appeal

**Article 229.** (1) Appealability shall apply to any rulings and orders:

1. which bar the further progress of the proceeding;
2. in the cases expressly specified in the law.

(2) Appealability shall not apply to any rulings and orders rendered in a proceeding before a five-judge panel of the Supreme Administrative Court, save where the proceeding is for a reversal of an effective judicial act.

#### Time Limit for Appeal

**Article 230.** The interlocutory appeal shall be lodged within seven days after communication of the ruling or order or, where the said ruling or order was rendered in a court hearing, within seven days after the day of the hearing in respect of the party which appeared at the said hearing.

#### Form of Appeal



**Article 231.** The provisions of Articles 212, 213 and 216 herein shall apply, mutatis mutandis, in respect of the interlocutory appeal.

#### Response to Appeal

**Article 232.** The court shall transmit a transcript of the appeal to the opposing party which may lodge an objection with written evidence to the said appeal within three days after receipt of the said transcript.

#### Effect of Appeal

**Article 233.** (1) The interlocutory appeal shall not stay the enforcement of the ruling or order appealed, save where the law provides otherwise.

(2) Where the ruling or order does not bar the progress of the case, the examination of the said case shall proceed and the higher court shall be sent only an official transcript of the judicial act together with the interlocutory appeal, the attachments and the objectives.

(3) The higher court may suspend the proceeding on the case or stay the enforcement of the ruling or order appealed until adjudication in the appeal.

#### Examination of Appeal

**Article 234.** (1) The interlocutory appeal shall be examined in camera, unless the court decrees otherwise.

(2) Acting on its own initiative, the court may collect all evidence as may be necessary for adjudication in the matter under the interlocutory appeal.

#### Ruling on Appeal

**Article 235.** (1) If the court reverses the ruling or order appealed, the court shall have discretion to adjudicate in the matter under the interlocutory appeal.

(2) The ruling of the court shall be binding on the lower court.

#### Subsidiary Application

**Article 236.** The rules for the cassation proceeding shall apply, mutatis mutandis, to the proceeding on interlocutory appeals to the extent that no special rules are established by this Chapter.

## **Chapter Fourteen**

### **REVERSAL OF EFFECTIVE JUDICIAL ACTS**

#### **Section I**

#### **Reversal on Motion by Party to Case**

## Subject of Reversal

**Article 237.** (1) Reversibility shall apply to the effective judgments of court and to the effective rulings and orders whereby the progress of the case is barred.

(2) The effective judicial acts, rendered by a five-judge panel of the Supreme Administrative Court, shall be reversible by a seven-judge panel of the same Court, with the exception of any judgments rendered on a contestation of a statutory instrument of secondary legislation.

(3) Any effective judicial acts rendered by a seven-judge panel of the Supreme Administrative Court shall be irreversible.

## Right to Motion for Reversal

**Article 238.** (1) A right to motion for reversal shall vest in a party to the case whereto the judicial act is adverse.

(2) The Prosecutor General or the Deputy Prosecutor General heading the Supreme Cassation Prosecution Office may motion for the reversal of effective judicial acts on the grounds and within the time limits ruled for the parties.

## Grounds for Reversal

**Article 239.** An act shall be reversible:

1. upon discovery of new circumstances or new written evidence of material relevance to the case, which could not have been known to the party upon the adjudication in the case;
2. upon establishment, according to the duly established court procedure, of falsity of the testimony of witnesses or of expert findings on which the act is based, or of a criminal act by the party, by the representative thereof or by a member of the court panel in connection with the adjudication in the case;
3. where the act is based on a document which has been pronounced forged according to the duly established judicial procedure, or on an act of a court or of another of State which was subsequently revoked;
4. where another effective judgment has been rendered in respect of an identical motion, between identical parties and on identical grounds and the said judgment is contrary to the judgement whereof the reversal is motioned;
5. if, consequent to the breach of the relevant rules, the party was deprived of the possibility to participate in the administrative proceeding or was not duly represented, as well as where the party was unable to appear in person or through an authorized representative by reason of an irremovable obstacle;
6. if the European Court of Human Rights has found, by judgment, any violation of the Convention for the Protection of Human Rights and Fundamental Freedoms.

## Time Limits for Submission of Motion

**Article 240.** (1) Reversal may be motioned within one year after occurrence of the grounds for reversal or, where the said grounds precede the judgment whereof the reversal is motioned, within one year after the entry into effect of the judgment.

(2) In any case the motion may not be submitted later than three months after learning of the grounds for reversal and, in the case of Item 5 of Article 239 herein, later than three months after learning of the judgment.

## Form of Motion

**Article 241.** The motion shall be submitted in writing. The said motion must conform to the requirements of Article 212 (1) and Article 213 herein and must contain an accurate and reasoned recital of the grounds for reversal, as well as addresses at which the rest of the parties to the case are to be summoned.

#### Submission of Motion

**Article 242.** (1) The motion for reversal shall be submitted through the agency of the court of first instance. If the said motion does not conform to the requirements referred to in Article 241 herein, the said motion shall be left without progress for curing of the non-conformities within seven days.

(2) Within seven days after receipt of transcripts of the motion, the rest of the parties may lodge objections.

#### Examination of Motion

**Article 243.** The motion for reversal shall be examined in public session by a three-judge panel of the Supreme Administrative Court where the act has been rendered by an administrative court, by a five-judge panel of the Supreme Administrative Court where the act has been rendered by a three-judge panel of the Supreme Administrative Court, and by a seven-judge panel, where the act has been rendered by a five-judge panel of the Supreme Administrative Court.

#### Adjudication in Motion

**Article 244.** (1) The Supreme Administrative Court may reject the motion or may reverse the judgment in whole or in part.

(2) When reversing the judgment, the Supreme Administrative Court shall refer the case back to the competent court for re-examination by a different panel, specifying the point from which the re-examination must commence. In the case referred to in Item 4 of Article 239 herein, the court shall reverse the incorrect judgment.

(3) The judgment on the motion shall be unappealable.

## Section II

### Reversal on Motion by Third Party

#### Subject of Reversal

**Article 245.** (1) Reversibility on a motion by a third party shall apply to effective judgments of court and judicial settlements.

(2) The effective judicial acts rendered by a five-judge panel of the Supreme Administrative Court shall be reversible by a seven-judge panel of the same Court, with the exception of any judgments rendered on contestation of a statutory instrument of secondary legislation.

(3) Any effective judgments rendered by a seven-judge panel of the Supreme Administrative Court shall be irreversible.

#### Right to Motion for Reversal

**Article 246.** (1) A right to motion for reversal shall vest in any person whereto the judgment of settlement is effective and

adverse, even if the said person was not a party to the case.

(2) A third party may motion for reversal of a judgment on declaration of nullity or on revocation of a general administrative act or of a settlement on the act if the contestation was duly communicated according to the procedure established by Article 181 (1) herein.

#### Proceeding on Motion

**Article 247.** The provisions of Articles 240 to 243 herein shall apply to the time limits, form, submission and examination of the motion.

#### Adjudication in Motion

**Article 248.** (1) If it finds the motion to be legally sound, the Supreme Administrative Court shall reverse the judgment in whole or in part and shall refer the case back to the court of first instance for re-examination by a different panel as from the commencement of the court proceeding.

(2) The judgment on the motion shall be unappealable.

#### Subsidiary Application

**Article 249.** The provisions on first-instance proceeding shall apply, mutatis mutandis, to any matters unregulated in this Chapter.

### **Chapter Fifteen**

## **REMEDIES AGAINST UNWARRANTED ACTIONS AND OMISSIONS BY THE ADMINISTRATION**

### **Section I**

#### **Remedies against Unwarranted Actions**

##### Right to Motion

**Article 250.** (1) Any person who has standing may motion for the cessation of actions performed by an administrative authority or an official which are not warranted by an administrative act or by the law.

(2) (Repealed, SG No. 94/2008, effective 1.01.2009).

##### Submission of Motion

**Article 251.** (1) The motion shall be submitted in writing to the administrative court exercising jurisdiction over the place of performance of the actions.

(2) (Repealed, SG No. 94/2008, effective 1.01.2009).

(3) Any such motion shall be entered into a special book, noting the exact time of receipt and the submitter.

#### Examination of Motion

**Article 252.** (1) The motion shall be examined by a judge without delay.

(2) (Amended, SG No. 94/2008, effective 1.01.2009) The court shall obligate the administrative authority or the official who performs the unwarranted actions, to provide immediately data on the grounds of the actions performed.

(3) (Amended, SG No. 94/2008, effective 1.01.2009) The court may verify, through the authorities of the police, as well as in any other ways which are not prohibited by the law, whether the actions are performed, on whose behalf and on what grounds and, respectively.

(4) The verifying authorities shall draw up a memorandum on the verification performed.

#### Pronouncement on Motion

**Article 253.** (1) Immediately after completion of the verification, the court shall render an order on the basis of the data collected by the said verification and of the evidence presented by the parties.

(2) An unconditional cessation of the actions which are not performed in implementation of an administrative act presented upon the verification or of the law shall be ordered or the motion shall be rejected by the order referred to in Paragraph (1). Any such order shall be enforced immediately by the authorities of the police.

(3) (Repealed, SG No. 94/2008, effective 1.01.2009).

#### Appeal

**Article 254.** (1) (Amended, SG No. 94/2008, effective 1.01.2009) The order shall be appealable within three days of the issuance thereof by the authority or the official who has performed the actions where the motion is granted, and by any person who has standing where the motion is rejected.

(2) The appeal shall be examined according to the procedure established by Chapter Thirteen herein and shall not stay the enforcement.

#### Legal Action for Ascertainment

**Article 255.** The remedies under this Chapter shall not prejudice actionability under Article 128 (2) or under Article 203 herein.

## Section II

### Remedies against Unwarranted Omissions

#### Subject of Contestation

**Article 256.** The non-performance of actual actions, which the administrative authority is obligated to perform by virtue of the law, shall be contestable within fourteen days after the submission of a request to the authority for the Performance of the said action.

#### Procedure for Contestation

**Article 257.** (1) The inaction of an administrative authority on an obligation arising directly from a statutory instrument shall be appealable indefinitely, applying, mutatis mutandis, the provisions on contestation of individual administrative acts.

(2) By the judgment thereof, the court may order the administrative authority to perform the action, establishing a time limit for this, or may reject the motion.

## **TITLE FOUR INTERPRETATIVE ACTS**

### **Chapter Sixteen INTERPRETATIVE JUDGMENTS AND INTERPRETATIVE DECREES (Repealed, SG No. 64/2007)**

**Article 258.** (Repealed, SG No. 64/2007).

**Article 259.** (Repealed, SG No. 64/2007).

**Article 260.** (Repealed, SG No. 64/2007).

**Article 261.** (Repealed, SG No. 64/2007).

**Article 262.** (Repealed, SG No. 64/2007).

**Article 263.** (Repealed, SG No. 64/2007).

**Article 264.** (Repealed, SG No. 64/2007).

**Article 265.** (Repealed, SG No. 64/2007).

**Article 266.** (Repealed, SG No. 64/2007).

## **TITLE FIVE ENFORCEMENT OF ADMINISTRATIVE ACTS AND JUDGMENTS OF COURT**

## **Chapter Seventeen**

# **ENFORCEMENT OF ADMINISTRATIVE ACTS AND JUDGMENTS OF COURT IN ADMINISTRATIVE CASES**

## **Section I**

### **General Dispositions**

#### Subject of Enforcement

**Article 267.** The exigible obligations arising from the enforcement title provided for in this Code or in another law shall be enforceable according to the procedure established by this Title.

#### Enforcement Titles

**Article 268.** The following, which have entered into effect or are subject to anticipatory enforcement, shall be enforcement titles under this Code:

1. individual or general administrative acts;
2. judgments, rulings and orders of the administrative courts;
3. settlements reached before the administrative authorities or before the court;
4. (new, SG No. 74/2016) administrative contracts.

#### Inapplicability

**Article 269.** (1) Any public receivables arising from enforcement titles under Article 268 herein shall be enforced according to the procedure established by the Tax and Social-Insurance Procedure Code.

(2) Any private receivables of the State and the municipalities, and any receivables for detriment resulting from legally non-conforming administrative acts and from coercive enforcement and the other private monetary receivables arising from or certified by enforcement titles under Article 268 herein, as well as any receivables for costs incidental to enforcement, shall be enforced according to the procedure established by the Code of Civil Procedure.

#### Simultaneous Conduct of Enforcement Proceedings

**Article 270.** The enforcement proceedings under this Code shall be conducted independent of the pending enforcement proceedings under the Code of Civil Procedure or under the Tax and Social-Insurance Procedure Code against the same execution debtor.

#### Enforcement Authority

**Article 271.** (1) The enforcement authority shall be:

1. in respect of enforcement against individuals and organizations: the administrative authority which issued or should have issued the administrative act, unless another authority is specified in the enforcement title or in the law;

2. in respect of enforcement against an administrative authority: the enforcement agent within the geographical jurisdiction whereof the place of performance of the obligation is situated.

(2) Should the authority referred to in Item 1 of Paragraph (1) be closed down after the issuance of the enforcement title without identifying a legal successor or should the said authority be deprived of competence in the matter, the enforcement authority shall be the authority referred to in Article 153 (2) and (3) herein.

(3) Where the nature of the obligation so necessitates, the authority referred to in Paragraph (1) may request assistance from the authorities of the police, other State bodies and from the municipalities. All State bodies shall be obligated, upon request, to assist the enforcement authority and the persons authorized for the enforcement.

(4) The owners or occupants of non-residential immovable properties shall be obligated to afford the persons duly assigned or authorized for the enforcement unobstructed access to the said properties, where the said enforcement cannot be carried out in another manner and where the entering of such properties is not restricted by a law, in compliance with the conditions under Article 272 (2) herein.

(5) Upon enforcement, third parties may not be obligated to perform actions or omissions other than those provided for in Paragraph (4).

(6) The enforcement authorities shall render decrees.

#### Proportionality upon Enforcement

**Article 272.** (1) The enforcement authority shall be obligated to carry out the enforcement in the manner specified in the enforcement title. Where no such manner specified or where the manner specified is impracticable, the enforcement authority shall determine:

1. manners and means of enforcement which, considering the peculiarities of the specific case, will ensure most effective performance of the obligation;

2. the manners and means which are most favourable to the individuals or organizations in respect of whom or which or in favour of whom or which the enforcement is carried out, where it is possible to carry out the said enforcement in several equally effective manners.

(2) Entering a home or staying inside a home without the consent of the occupant thereof shall be permissible solely on a warrant issued by a judge of the administrative court on a reasoned motion by the enforcement authority, on the basis of the enforcement title, if enforcement cannot be carried out in another manner. Any such warrant or refusal to issue a warrant shall be subject to an interlocutory appeal by the parties to the enforcement, which shall stay the enforcement. No warrant shall be required for enforcement of an order to surrender a home which has been issued or endorsed by a court of law.

#### Liability of Enforcement authority

**Article 273.** The enforcement authority shall be obligated to carry out the enforcement within the time limit indicated in the enforcement title. Upon non-fulfilment of this obligation, a fine shall be imposed on the blameworthy officials.

#### Parties to Enforcement Proceeding

**Article 274.** (1) The administrative authority which issued or should have issued the administrative act, and any individual, organization or body indicated in the enforcement title, or the legal successors thereof, may be an execution creditor.



(2) The individuals and organizations, as well as the bodies indicated in the enforcement title, or the legal successors thereof, may be execution debtors.

(3) The prosecutor, the Ombudsman or another authority empowered in a special law shall also be parties to the proceeding where the enforcement proceeding was initiated on the initiative thereof.

### Legal Succession in Enforcement Proceeding

**Article 275.** (1) Enforcement shall be carried out against the authorities, individuals and organizations obligated by the enforcement title. Upon death of an obligated individual, enforcement shall be carried out against the successors thereto if the enforcement action is not of a personal character. A title for enforcement issued against the antecessor may be levied on the property of the successors thereto, unless the said successors demonstrate that they have renounced the succession or have accepted the succession as per inventory. Where the successor has not accepted the succession, the enforcement authority shall determine the time limit under Article 51 of the Succession Act, communicating the statement of the successor to the competent regional judge for due recording of the said statement.

(2) The successors and the private legal successors to the execution creditor may demand enforcement on the basis of an enforcement title issued in favour of the grantor thereof. Legal succession shall be established by written evidence.

(3) Should the authority obligated according to the enforcement title be closed down after the issuance of the said title without identifying a legal successor thereof, or should the said authority be deprived of competence in the matter, the authority referred to in Article 153 (2) and (3) herein shall be obligated.

## Section II

### Commencement, Stay, Termination and Completion of Enforcement

#### Commencement of Enforcement

**Article 276.** (1) Enforcement shall commence ex officio, on the initiative of the authority which issued or should have issued the administrative act.

(2) Enforcement may furthermore commence on the initiative of the superior authority, of the prosecutor or the Ombudsman, or at a written request of an individual or organization concerned. An official transcript of the enforcement title shall be presented with any such request. The provisions of Article 158 herein shall apply in respect of the request.

#### Notice of Voluntary Compliance

**Article 277.** (1) The enforcement authority shall address to the execution debtor a notice of voluntary compliance within fourteen days after the receipt thereof.

(2) Any such notice shall state:

1. name or, respectively, designation, and address of the execution debtor;
2. data regarding the enforcement title and the obligation arising therefrom;
3. name and address of the execution creditor;
4. warning of the undertaking of coercive actions in the absence of voluntary compliance within fourteen days;

5. amount of the fine or pecuniary penalty which may be imposed in case of failure to comply voluntarily with the obligation;
6. the possibility to address a request for assistance to the competent authority referred to in Article 271 (3) herein.

(3) Should an obligated natural person die within the time limit for voluntary compliance, the enforcement authority shall transmit a new notice to the successor prior to proceeding with the actions thereof.

### Deferral and Rescheduling of Enforcement

**Article 278.** (1) Where the property status of the execution debtor or other objective circumstances impede immediate enforcement, the enforcement authority, acting at the request of the execution debtor, may allow, on a single occasion, that enforcement be carried out in whole after a specified time limit or in parts according to a schedule approved by the said authority. In such case, the authority may determine additional conditions upon the non-compliance of which the deferral or rescheduling will be cancelled.

(2) Deferral shall be permissible for a fourteen-day period after the date of enforcement as initially appointed in the enforcement title. Rescheduling shall be permissible for a time limit of two months after the date of enforcement as initially appointed in the enforcement title. Where a date of enforcement is not expressly appointed in the enforcement title, the time limits referred to in the foregoing sentences shall begin to run as from the date of entry into effect of the enforcement title. Where the Code makes reference to other laws, the time limits provided for in the said laws shall apply to the deferral and rescheduling.

(3) The decrees on deferral or rescheduling shall be unappealable.

### Interim Measures of Protection

**Article 279.** (1) On the basis of an effective enforcement title, the enforcement authority may impose interim measures of protection where performance of an obligation or collection of the costs on such obligation is impossible or impeded, even where the said obligation has been deferred or rescheduled.

(2) Interim measures of protection shall be imposed by a decree of the competent enforcement authority according to the procedure provided for in this Section. Where the Code makes reference to other laws, the procedure provided for in the said laws shall apply to the imposition of interim measures of protection.

### Stay of Enforcement

**Article 280.** The enforcement proceeding shall be suspended:

1. upon order by the court in the cases provided for by the law, with the court also determining the period of suspension by the said order;
2. at a written request of the execution creditor, and
3. upon death or dissolution of a party or where curatorship or tutorship has to be arranged.

### Resumption of Proceeding

**Article 281.** (1) The proceeding shall be resumed ex officio or at the request of the execution creditor, after the impediments to the progress thereof have been removed.

(2) In the cases referred to in Item 3 of Article 280 herein, the proceeding shall be resumed if the obligation is not for a substitutable action.

(3) Upon resumption, the proceeding shall commence from the action whereupon the proceeding was suspended.

## Termination of Proceeding

**Article 282.** (1) The enforcement proceeding shall be terminated:

1. where it was initiated by a person or against a person or authority other than such covered under Article 274 herein;
2. at a written request of the execution creditor;
3. where the enforcement title is found null or is revoked;
4. upon presentation of an effective judgment referred to in Article 298 herein;
5. upon extinguishment of the obligation by reason of performance of the said obligation, established by a document originating from the execution creditor or by an official document;
6. by reason of death of a party, where the obligation is *intuitu personae* of the said party;
7. by reason of a factual or legal impossibility to perform the said obligation;
8. owing to other incontestable circumstances established by written evidence;
9. upon objection by the execution debtor, if the prescription referred to in Article 285 herein has lapsed prior to receipt of the notice referred to in Article 277 herein;
10. in the cases referred to in Item 2 of Article 280 herein, if the execution creditor does not request resumption of the proceeding within one month after the suspension;
11. in the cases referred to in Item 3 of Article 280 herein, upon the lapse of three months after the decree on suspension, in case the obligation is for an unsubstitutable action.

(2) Where the assistance of the execution creditor is required for continuation of the proceeding, the enforcement authority shall allow the said execution creditor time to perform the requisite procedural action. If the execution creditor fails to perform the procedural action in due time, the proceeding shall be terminated.

(3) Within three days after the date of entry into effect of the decree on termination, the enforcement authority shall lift the interim measures of protection imposed *ex officio*.

(4) The effective decree whereby termination is refused shall not prejudice actionability under Article 292 herein.

## Completion of Enforcement

**Article 283.** The enforcement proceeding shall be completed upon performance of the obligation and the collection of the costs incidental to the proceeding.

## Memoranda and Decrees

**Article 284.** (1) The enforcement authority shall draw up a memorandum on each action undertaken and performed thereby, wherein the said authority shall state the day, place of performance, the demand and statements of the participants and the costs incurred for the enforcement. The said memorandum shall be served on the parties present and on third parties participating in the enforcement upon signed acknowledgement of service.

(2) All memoranda on the actions undertaken by the authority under Paragraph (1), the decrees issued, as well as other documents certifying the enforcement or the existence of conditions for suspension, resumption or termination of the proceeding, shall be attached to the case file.

## Prescription

**Article 285.** (1) Unless a special law directs otherwise, the enforcement title shall not be carried into effect if five years have lapsed since the entry into effect of the said title.

(2) Prescription shall not apply ex officio.

## Section III Enforcement against Individuals and Organizations

### Execution of Substitutable Obligations

**Article 286.** Where the execution debtor must execute an action which may be performed by another person, the action shall be executed for the account of the execution debtor by the enforcement authority. At the request of the execution creditor, the enforcement authority may authorize the said execution creditor to carry out the enforcement and the costs incurred therefor shall be paid by the authority for the account of the execution debtor.

### Execution of Non-substitutable Obligations

**Article 287.** (1) Where the action cannot be performed by another person but depends exclusively on the will of the execution debtor, upon culpable non-performance the enforcement authority shall impose a fine of BGN 50 or exceeding this amount but not exceeding BGN 1,000 per week on the obligated individual or a pecuniary penalty of BGN 500 or exceeding this amount but not exceeding BGN 10,000 per week on the obligated organization, concurrently with a fine of BGN 50 or exceeding this amount but not exceeding BGN 1,000 per week on the persons representing the organization, with the exception of the persons authorized by the organization. The fines and pecuniary penalties shall be imposed until performance of the obligation for a specified action.

(2) The fines and pecuniary penalties referred to in Paragraph (1) shall [furthermore] be imposed upon any non-performance of the obligation to refrain from action.

(3) The fines and pecuniary penalties referred to in Paragraph (1) shall be imposed by the enforcement authority without compliance with the procedure for ascertainment of administrative violations and imposition of administrative sanctions provided for in the Administrative Violations and Sanctions Act and in this Code.

(4) The fines and pecuniary penalties imposed shall be appealable according to the procedure established by Section VI herein.

### Enforcement of Obligation to Surrender Thing

**Article 288.** (1) The obligation to surrender a thing shall be enforced by the competent enforcement authority according to the procedure established by the Code of Civil Procedure.

(2) The value of the corporeal movable, which has not been found in the possession of the execution debtor or which deteriorated, shall be determined by the administrative enforcement authority.

(3) A corporeal immovable shall be surrendered even where found in the possession of a third party who has acquired factual power after issuance of the enforcement title. If the third party claims any rights which existed upon the issuance of the enforcement title and are affected thereby, the enforcement authority shall defer enforcement and shall allow the person seven days for contestation of the title. The contestation shall stay enforcement until adjudication therein.

## **Section IV**

### **Enforcement against Administrative Authority**

#### Execution of Substitutable Obligations

**Article 289.** Substitutable obligations of administrative authorities shall be executed for the account thereof by the execution creditor on the basis of a decree by the enforcement agent.

#### Execution of Non-substitutable Obligations

**Article 290.** (1) Upon culpable non-performance, the enforcement authority shall impose a fine of BGN 50 or exceeding this amount but not exceeding BGN 1,200 per week on the officials performing the functions of a State body until performance of the obligation for a specific action. If the obligated authority is collected, no fines shall be imposed on the members thereof who voted in favour of performance of the obligation.

(2) The fines referred to in Paragraph (1) shall furthermore be imposed upon any non-performance of the obligation to refrain from action.

(3) The fines referred to in Paragraph (1) shall be imposed by the enforcement authority without compliance with the procedure for ascertainment of administrative violations and imposition of administrative sanctions provided for in the Administrative Violations and Sanctions Act and in this Code.

(4) The fines imposed shall be appealable according to the procedure established by Section VI herein.

#### Execution of Obligation to Surrender Thing

**Article 291.** (1) Where the obligated authority owes the surrender of a thing, Article 288 herein shall apply.

(2) The provisions of Article 290 herein shall apply to the surrender of a document issued by the obligated authority.

## **Section V**

### **Remedial Legal Action**

#### Legal Action for Negative Ascertainment

**Article 292.** The enforceable obligation shall be contestable by means of a legal action solely on the basis of facts which occurred after the issuance of the enforcement title.

#### Parties and Cognizance

**Article 293.** (1) The legal action shall be brought by the execution debtor against the execution creditor.

(2) Where an individual or an organization is obligated, the administrative authority which issued or should have issued the administrative act shall likewise be constituted as a respondent.

(3) The legal action shall be brought before the administrative court exercising jurisdiction over the residence or the registered office of the execution creditors, and in the cases referred to in Paragraph (2), over the seat of the administrative authority.

## **Section VI**

### **Appeal of Enforcement authority's Actions**

#### Subject of Appeal

**Article 294.** The decrees, actions and omissions of the enforcement authorities shall be appealable.

#### Right to Appeal

**Article 295.** The right to appeal shall vest in the parties to the enforcement proceeding, as well as in the third parties whereof the rights, freedoms or legitimate interests are affected thereby.

#### Cognizance and Time Limit for Appeal

**Article 296.** (1) The appeal shall be lodged through the agency of the enforcement authority to the administrative court exercising jurisdiction over the place of performance within seven days after performance of the action, if the party was present upon the performance of the said action or if the said party was summoned, and in the rest of the cases, within seven days after the day of communication. In respect of third parties, the time limit shall begin to run from learning of the action.

(2) An omission by the enforcement authority shall be appealable sine die upon the lapse of seven days after submission of the request for performance of the enforcement action.

#### Proceeding on Appeal

**Article 297.** (1) The appeal shall be examined according to the procedure established by Chapter Thirteen herein, and transcripts of the said appeal shall be served by the enforcement authority.

(2) Any appeal lodged by a third party shall be examined by the court in public session.

(3) The enforcement authority shall transmit to the court reasoning of the action appealed together with a copy of the case file.

(4) Submission of an appeal shall not stay enforcement, but the court may stay the said enforcement until adjudication therein.

#### Adjudication in Appeal

**Article 298.** (1) If it revokes the decree appealed, the court shall have discretion to adjudicate in the matter of the appeal, and if it revokes another action, the court shall order the enforcement authority to re-perform the said action validly or not to perform the said action. Where the omission appealed is legally non-conforming, the court shall order the enforcement authority to perform what is due, establishing a time limit for this.

(2) A revocation of the action appealed shall restore the status quo ante the performance thereof.

(3) Where the legally non-conforming omission is by an administrative enforcement authority, the court, acting on a motion by the execution creditor, shall impose the fines referred to in Article 290 (1) herein and shall assign the rest of the enforcement actions until completion of the enforcement to the enforcement agent within the geographical jurisdiction whereof the place of performance of the obligation is situated. The enforcement agent whereto completion of the enforcement actions has been assigned shall request the case file or shall obtain the documents necessary in connection with the proceeding.

(4) The judgment shall be unappealable.

## **Section VII**

### **Restoration and Compensation**

#### Obligation to Compensate

**Article 299.** (1) The State shall incur pecuniary liability for any detriment inflicted on individuals and organizations as a result of wrongful coercive enforcement if the administrative enforcement authority is a State body, and the municipality shall incur such liability if the said authority is a municipal authority, regardless of whether the detriment has been inflicted culpably.

(2) Compensation shall be recoverable from the State for any detriment resulting from enforcement and inflicted on third parties of the administrative authority which issued or should have issued the administrative act is a State body and from the municipality if the said authority is a municipal authority.

#### Proceeding on Legal Actions

**Article 300.** The legal actions shall be examined according to the procedure established by this Code.

#### Restoration Measures upon Revocation of Act

**Article 301.** Where an administrative act is revoked after commencement of the enforcement thereof, the administrative authority shall restore the violated right within one month or, should this be impossible, shall satisfy the injured party in another legal manner. Failing this, the injured party shall be entitled to compensation.

## **TITLE SIX**

### **ADMINISTRATIVE PENALTY PROVISIONS**

#### **Chapter Eighteen**

### **ADMINISTRATIVE VIOLATIONS AND SANCTIONS**

#### Sanction for Failure to Issue Administrative Act or Document

**Article 302.** (1) Any official, who breaches or fails to perform in due time the official duties thereof in connection with the issuance of an administrative act or document, which has resulted in non-compliance with the time limit for pronouncement on the request submitted, shall be liable to a fine of BGN 50 or exceeding this amount but not exceeding BGN 1,000.

(2) Any official, who fails to execute an order by a superior administrative authority to issue a relevant administrative act or document, shall be liable to a fine of BGN 100 or exceeding this amount but not exceeding BGN 1,000, unless subject to a severer sanction.

#### Sanction for Non-Pronouncement in Due Time and Non-Forwarding of Appeal or Protest

**Article 303.** A fine of BGN 150 or exceeding this amount but not exceeding BGN 1,500, unless a severer sanction applies, shall be imposed on any official who, without a reasonable excuse:

1. fails to pronounce in due time on an appeal or protest against an administrative act;
2. fails to forward, in due time, an appeal or protest against an administrative act to the superior administrative authority or to the court;
3. fails to pronounce in due time on a proposal or alert.

#### Sanction for Non-enforcement of Court Acts

**Article 304.** (1) Any official, who fails to perform an obligation arising from an effective judicial act, outside the cases covered under Section V herein, shall be liable to a fine of BGN 200 or exceeding this amount but not exceeding BGN 2,000.

(2) Any repeated violation under Paragraph (1) shall be punishable by a fine of BGN 500 for each week of non-performance, unless this is due to objective impossibility.

#### Sanctions for Other Violations of this Code

**Article 305.** Any person, who fails to perform another administrative procedure obligation arising from this Code, shall be liable to a fine of BGN 150 or exceeding this amount but not exceeding BGN 1,500, unless subject to a severer sanction.

#### Procedure for Imposition of Sanction upon Non-enforcement of Judicial Acts

**Article 306.** (1) In the cases of violations under Article 304 herein, written statement on the ascertainment of the said violations shall not be drawn up.

(2) The sanctions shall be imposed by an order of the president of the competent court or by an official empowered thereby.

(3) Prior to imposition of the penalty, the offender shall be afforded an opportunity to submit written explanations within fourteen days after communication and to adduce evidence. The sanctioning authority may collect other evidence as well.

(4) A transcript of the order shall be served on the offender.

(5) The order shall be appealable before a three-judge panel of the same court within seven days after service.

(6) The court shall adjudicate in the case on the merits. The judgment of the said court shall be unappealable.

#### Procedure for Imposition of Sanctions in Rest of Cases



**Article 307.** (1) (Amended, SG No. 39/2011) In the cases under Articles 302, 303 and 305 herein, the written statements on ascertainment of the violations shall be drawn up by officials designated by the relevant authority of the executive branch, and the penalty decrees shall be issued by the said authority or by officials authorised by it.

(2) The drawing up of the written statements, the issuance, appeal and execution of the penalty decrees shall follow the procedure established by the Administrative Violations and Sanctions Act.

(3) (Repealed, SG No. 77/2012, effective 9.10.2012).

## **SUPPLEMENTARY PROVISION**

**§ 1.** Within the meaning given by this Code:

1. "Administrative authority" shall be any authority appertaining to the system of the executive branch of government, as well as any holder of administrative powers empowered in pursuance of a law.

1a. (New, SG No. 104/2013, effective 4.01.2014) "Territorial structure of the administration" shall be a territorial organizational unit of the administration established under a statutory instrument, irrespective of whether it is structured as a legal entity, which provides support to the administrative authority in the discharge of its powers.

2. "Organization" shall be any legal person or an association of legal or natural persons, which is organizationally distinct in pursuance of a law.

3. "Inexpedient administrative act" shall be any administrative act issued upon inappropriate exercise of operational autonomy.

4. "Repeated violation" shall be any violation committed within one year after the entry into effect of an act whereby a sanction was imposed on the offender for a violation of the same type;

5. (New, SG No. 27/2014, effective 25.03.2014) "Integrated administrative services" shall be administrative services delivered by administrative authorities, persons performing public functions, or organisations providing public services, whereby applicants will not need to provide information or evidence which can be linked to available data collected or generated by the primary controller delivering the relevant administrative service, regardless of whether said data are maintained electronically or on paper.

## **TRANSITIONAL AND FINAL PROVISIONS**

**§ 2.** This Code shall supersede:

1. (Effective 1.03.2007) The Supreme Administrative Court Act (promulgated in the State Gazette No. 122 of 1997; amended in No. 133 of 1998, No. 95 of 1999 and No. 84 of 2003).

2. (Effective 1.03.2007, in respect of the repeal of Section II "Appeal Before the Court" of Chapter Three) The Administrative Procedure Act (promulgated in the State Gazette No. 90 of 1979; amended in No. 9 of 1983, No. 26 of 1988, No. 94 of 1990, Nos. 25 and 61 of 1991, No. 19 of 1992, Nos. 65 and 70 of 1995, No. 122 of 1997, Nos. 15 and 89 of 1998, Nos. 83 and 95 of 1999, No. 45 of 2002 and No. 55 of 2003).

3. The Proposals, Alerts, Complaints and Petitions Act (promulgated in the State Gazette No. 52 of 1980; amended in No. 68 of 1988 and No. 55 of 2000).

4. The Administrative Services to Natural and Legal Persons Act (promulgated in the State Gazette No. 95 of 1999; amended in No. 24 of 2006).

**§ 3.** (Effective 11.04.2006) (1) There shall be established administrative courts, with seats and geographical jurisdictions which are coextensive with the seats and the geographical jurisdictions of each of the district courts.

(2) Not later than the 31st day of December 2006, the Supreme Judicial Council shall appoint the judges at the administrative courts.

(3) The presidents of the administrative courts shall be appointed by the Supreme Judicial Council upon nomination by the President of the Supreme Administrative Court within the time limit referred to in Paragraph (1).

(4) If the Supreme Judicial Council rejects the nomination referred to in Paragraph (3), the President of the Supreme Administrative Court shall second a judge of the Supreme Administrative Court, who shall perform the functions of a president of the relevant administrative court until appointment of a tenure holder by the Supreme Judicial Council. In such case, the President of the Supreme Administrative Court shall submit a new nomination within one month after the decision of the Supreme Judicial Council.

(5) The Council of Ministers and the regional governors shall provide premises for the activities of the administrative courts.

**§ 4.** (1) Any administrative cases, which have been instituted at the regional and district courts and at the Supreme Administrative Court prior to the entry of this Code into force, shall be completed in the same courts according to the hitherto effective procedure.

(2) Any administrative cases, which have been instituted at the regional and district courts after the entry of this Code into force but prior to the 1st day of March 2007, shall be completed by the same courts according to the hitherto effective procedure.

(3) The administrative courts shall commence to institute cases as from the 1st day of March 2007.

**§ 5.** Any motions submitted and pending proceedings for the rendition of interpretative judgments and decrees shall be examined by the Supreme Administrative Court, and in the cases referred to in Article 260 (1) herein, any such motions and proceedings shall be examined jointly with the Supreme Court of Cassation according to the procedure established by this Code.

**§ 6.** The rules regarding evidence and the conditions for the admission thereof, provided for in this Code, shall furthermore apply in respect of any facts which have occurred prior to the entry of the said Code into force.

**§ 7.** The hitherto effective provisions shall apply to any time limits which have begun to run prior to the entry of this Code into force.

**§ 8.** The proceedings for the issuance of individual administrative acts and the administrative and judicial appeal thereagainst, as regulated in this Code, shall furthermore apply to the provision of administrative services, as well as to the appeal of the refusals to provide any such services, unless a special law provides for otherwise.

**§ 9.** The Tax and Social-Insurance Procedure Code (promulgated in the State Gazette No. 105 of 2005) shall be amended and supplemented as follows:

1. (Effective 1.03.2007) In Article 41 (3), Article 75 (2), Article 95 (1), Article 97, Article 134 (5), Article 147 (3), Article 153 (7), Article 156 (1), Article 157 (2), Article 160 (6), Items 1 and 3 of Article 187 (1), Article 197 (2) and (4) and Article 268 (1) and (2), the word "district" shall be replaced by "administrative".

2. (Effective 1.03.2007) In Article 121 (4), the words "the district court competent to examine the appeal against the audit act" shall be replaced by "the administrative court exercising jurisdiction over the situs of the authority which imposed the interim measure of protection".

3. The words "the Administrative Procedure Act" shall be replaced passim by "the Code of Administrative Procedure".

**§ 10.** The Insurance Code (promulgated in the State Gazette No. 103 of 2005; amended in No. 105 of 2005) shall be amended as follows:

1. In Article 302 (6), the words "Article 7 (2) and Article 11 (1) of the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".
2. In the heading and in the text of Article 304, the words "the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".

**§ 11.** The Social Insurance Code (promulgated in the State Gazette No. 110 of 1999; [modified by] Constitutional Court Judgment No. 5 of 2000, [promulgated in] No. 55 of 2000; amended in No. 64 of 2000, Nos. 1, 35, and 41 of 2001, Nos. 1, 10, 45, 74, 112, 119 and 120 of 2002, Nos. 8, 42, 67, 95, 112 and 114 of 2003, Nos. 12, 38, 52, 53, 69, 70, 112 and 115 of 2004, Nos. 38, 39, 76, 102, 103, 104 and 105 of 2005 and No. 17 of 2006) shall be amended as follows:

1. (Effective 1.03.2007) In Article 118 (1), the word "district" shall be replaced by "administrative".
2. (Effective 1.03.2007) In Article 118a (2), the word "district" shall be replaced by "administrative".
3. In Article 119, the words "the Supreme Administrative Court Act" shall be replaced by "the Code of Administrative Procedure".
4. Throughout the Code, the words "the Administrative Procedure Act" and "Article 7 (2) and Article 11 (1) of the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".

**§ 12.** In Article 405 of the Labour Code (promulgated in the State Gazette Nos. 26 and 27 of 1986; amended in No. 6 of 1988, Nos. 21, 30 and 94 of 1990, Nos. 27, 32 and 104 of 1991, Nos. 23, 26, 88 and 100 of 1992; [modified by] Constitutional Court Judgment No. 12 of 1995, [promulgated in] No. 69 of 1995; amended in No. 87 of 1995, Nos. 2, 12 and 28 of 1996, No. 124 of 1997, No. 22 of 1998; [modified by] Constitutional Court Judgment No. 11 of 1998, [promulgated in] No. 52 of 1998; amended in Nos. 56, 83, 108 and 133 of 1998, Nos. 51, 67 and 110 of 1999, No. 25 of 2001, Nos. 1, 105 and 120 of 2002, Nos. 18, 86 and 95 of 2003, No. 52 of 2004, Nos. 19, 27, 46, 76, 83 and 105 of 2005 and No. 24 of 2006), the words "the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".

**§ 13.** In the Merchant Shipping Code (promulgated in the State Gazette Nos. 55 and 56 of 1970; corrected in No. 58 of 1970; amended in No. 55 of 1975, No. 10 of 1987, No. 30 of 1990, No. 85 of 1998, No. 12 of 2000, No. 41 of 2001, No. 113 of 2002, No. 55 of 2004, Nos. 42, 77, 87, 94 and 104 of 2005), the words "the Administrative Procedure Act" shall be replaced passim by "the Code of Administrative Procedure".

**§ 14.** The Family Code (promulgated in the State Gazette No. 41 of 1985; amended in No. 11 of 1992; corrected in No. 15 of 1992; amended in Nos. 63 and 84 of 2003 and No. 42 of 2005) shall be amended as follows:

1. In Article 57a (5), the words "the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".
2. In Article 136c (2), the words "the Supreme Administrative Court Act" shall be replaced by "the Code of Administrative Procedure".

**§ 15.** (Effective 1.03.2007) Article 63 of the Administrative Violations and Sanctions Act (promulgated in the State Gazette No. 92 of 1969; amended and supplemented in No. 54 of 1978, No. 28 of 1982, Nos. 28 and 101 of 1983, No. 89 of 1986, No. 24 of 1987, No. 94 of 1990, No. 105 of 1991, No. 59 of 1992, No. 102 of 1995, Nos. 12 and 110 of 1996, Nos. 11, 15, 59, 85 and 89 of 1998, Nos. 51, 67 and 114 of 1999, No. 92 of 2000, Nos. 25, 61 and 101 of 2002, No. 96 of 2004, Nos. 39 and 79 of 2005) shall be amended as follows:

1. In sentence two of Paragraph (1), the words "the district court according to the procedure established by the Supreme Administrative Court" shall be replaced by "the administrative court on the grounds provided for in the Criminal Procedure Code, and according to the procedure established by Chapter Twelve of the Code of Administrative Procedure".
2. In Paragraph (2), the words "shall be unappealable" shall be replaced by "shall be subject to interlocutory appeal".

**§ 16.** In the Carriage by Road Act (promulgated in the State Gazette No. 82 of 1999; amended in Nos. 11 and 45 of 2002, No. 99 of 2003, No. 70 of 2004, Nos. 88, 92, 95, 102, 103 and 105 of 2005), the words "the Administrative Procedure Act" shall be replaced passim by "the Code of Administrative Procedure".

**§ 17.** In Article 96c (6) and Article 96d (3) of the Copyright and Neighbouring Rights Act (promulgated in the State Gazette No. 56 of 1993; amended in No. 63 of 1994, No. 10 of 1998, No. 28 of 2000, No. 77 of 2002, Nos. 28, 43, 74, 99 and 105 of 2005), the words "the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".

**§ 18.** In the Act on Administrative Regulation of the Manufacture and Trade in Optical Disks, Stampers and Other Storage Media Loaded with Subject Matter of Copyright and Neighbouring Rights (promulgated in the State Gazette No. 74 of 2005; amended in No. 105 of 2005), the words "the Supreme Administrative Court Act" shall be replaced passim by "the Code of Administrative Procedure".

**§ 19.** The Administration Act (promulgated in the State Gazette No. 130 of 1998; [modified by] Constitutional Court Judgment No. 2 of 1999, [promulgated in] No. 8 of 1999; amended in No. 67 of 1999, Nos. 64 and 81 of 2000, No. 99 of 2001; corrected in No. 101 of 2001; amended in No. 95 of 2003, No. 19 of 2005 and No. 24 of 2006) shall be amended and supplemented as follows:

1. In Article 32 (3), the words "the Supreme Administrative Court" shall be replaced by "the competent administrative court".
2. After Article 63, there shall be inserted a Supplementary Provision with a new § 1:

#### "SUPPLEMENTARY PROVISION

§ 1. Within the meaning given by this Act:

1. "Administrative servicing" shall be any activity concerning the provision of administrative services by the administration structures and by organizations providing public services.

2. "Administrative service" shall be:

(a) issuance of individual administrative acts whereby legally relevant facts are certified;

(b) issuance of individual administrative acts whereby the existence of rights or obligations is recognized or denied;

(c) performance of other administrative actions in which a natural or a legal person has a legitimate interest;

(d) the advice, in which a natural or a legal person has a legitimate interest, regarding an administrative law regime, which is provided by virtue of a statutory instrument or where related to the issuance of an administrative act or to the provision of another administrative service;

(e) the expert examinations, in which a natural or a legal person has a legitimate interest, where a statutory instrument provides for the performance of such examination as an obligation of the administration of a State body or by an empowered organization.

3. "Public services" shall be education, health, water supply, sewerage, heat power supply, electric power supply, gas supply, telecommunications, postal or other similar services, provided for satisfaction of public requirements, inter alia as commercial activity, in connection with the provision of which administrative services can be performed.

4. "Organization providing public services" shall be any organization, regardless of the legal form of the incorporation thereof, which provides one or more of the services covered under Item 3."

**§ 20.** In Article 24 (4) of the Accreditation by Bulgarian Accreditation Service Act (promulgated in the State Gazette No. 100 of 2005; amended in No. 105 of 2005), the words "the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".

**§ 21.** In the Excise Duties and Tax Warehouses Act (promulgated in the State Gazette No. 91 of 2005; amended in No. 105 of 2005), the words "the Administrative Procedure Act" shall be replaced passim by "the Code of Administrative Procedure".

**§ 22.** The Banking Act (promulgated in the State Gazette No. 52 of 1997; supplemented in No. 15 of 1998; amended in Nos. 21, 52, 70 and 98 of 1998, Nos. 54, 103 and 114 of 1999, Nos. 24, 63, 84 and 92 of 2000, No. 1 of 2001, Nos. 45, 91 and 92 of 2002, No. 31 of 2003, Nos. 19, 31, 39 and 105 of 2005) shall be amended as follows:

1. In Article 21 (5) and in Article 65 (3), the words "Article 7 (2) and Article 11 (1) of the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".

2. In Article 101 (2), the words "the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".

**§ 23.** In Article 41 (4) of the Bank Bankruptcy Act (promulgated in the State Gazette No. 92 of 2002; amended in No. 67 of 2003, No. 36 of 2004, Nos. 31 and 105 of 2005), the words "Article 7 (2) and Article 11 (1) of the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".

**§ 24.** The Safe Use of Nuclear Energy Act (promulgated in the State Gazette No. 63 of 2002; amended in No. 120 of 2002, No. 70 of 2004, Nos. 76, 88 and 105 of 2005) shall be amended as follows:

1. In Article 70 (4), the words "the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".

2. In Article 152, the words "the Supreme Administrative Court Act" shall be replaced by "the Code of Administrative Procedure".

**§ 25.** The Biological Diversity Act (promulgated in the State Gazette No. 77 of 2002; amended in Nos. 88 and 105 of 2005) shall be amended as follows:

1. In Article 31 (12), the words "the Administrative Procedure Act or the Supreme Administrative Court Act" shall be replaced by "the Code of Administrative Procedure".

2. In Article 123, Paragraph (2) shall be amended to read as follows:

"(2) The orders referred to in Paragraph (1) and in Article 122 (1) herein shall be appealable according to the procedure established by the Code of Administrative Procedure".

**§ 26.** The Bulgarian Identity Documents Act (promulgated in the State Gazette No. 93 of 1998; amended in Nos. 53, 67, 70 and 113 of 1999, No. 108 of 2000, No. 42 of 2001, Nos. 45 and 54 of 2002, Nos. 29 and 63 of 2003, Nos. 96, 103 and 111 of 2004, Nos. 43, 71, 86, 88 and 105 of 2005) shall be amended as follows:

1. In Article 71, the words "the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".

2. In Article 79:

(a) in Paragraph (1), the words "the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure";

(b) in Paragraph (2), the words "Article 7 (2) and Article 11 of the Administrative Procedure Act" shall be replaced by "Article

26 and Article 35 of the Code of Administrative Procedure";

(c) in Paragraph (3), the words "the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".

3. In Article 84 (3), the words "the Supreme Administrative Court Act" shall be replaced by "the Code of Administrative Procedure".

**§ 27.** In the Veterinary Practices Act (promulgated in the State Gazette No. 42 of 1999; amended in No. 83 of 2003), the words "the Administrative Procedure Act" shall be replaced passim by "the Code of Administrative Procedure".

**§ 28.** In the Veterinary Practices Act (promulgated in the State Gazette No. 87 of 2005), the words "the Administrative Procedure Act" shall be replaced passim by "the Code of Administrative Procedure".

**§ 29.** In the Wine and Spirits Act (promulgated in the State Gazette No. 86 of 1999; amended in No. 56 of 2002, Nos. 16, 108 and 113 of 2004, Nos. 99 and 105 of 2005, No. 18 of 2006), the words "the Administrative Procedure Act" and "the Supreme Administrative Court Act" shall be replaced passim by "the Code of Administrative Procedure".

**§ 30.** In the Higher Education Act (promulgated in the State Gazette No. 112 of 1995; amended in No. 28 of 1996, No. 56 of 1997; corrected in No. 57 of 1997; amended in No. 58 of 1997, Nos. 60 and 113 of 1999, No. 54 of 2000, No. 22 of 2001, Nos. 40 and 53 of 2002, Nos. 48 and 70 of 2004, Nos. 77, 83 and 103 of 2005), the words "the Administrative Procedure Act" and "the Supreme Administrative Court Act" shall be replaced passim by "the Code of Administrative Procedure".

**§ 31.** In the Water Act (promulgated in the State Gazette No. 67 of 1999; amended in No. 81 of 2000, Nos. 34, 41 and 108 of 2001, Nos. 47, 74 and 91 of 2002, Nos. 42, 69, 84 and 107 of 2003, Nos. 6 and 70 of 2004, Nos. 18, 77 and 94 of 2005), the words "the Administrative Procedure Act" shall be replaced passim by "the Code of Administrative Procedure".

**§ 32.** In Article 5 (6) of the Act Restoring Ownership of Corporeal Immovables of Bulgarian Citizens of Turkish Origin Who Took Steps for Departure to the Republic of Turkey and Other Countries in the Period from May to September 1989 (promulgated in the State Gazette No. 66 of 1992; [modified by] Constitutional Court Judgment No. 18 of 1992, [promulgated in] No. 102 of 1992; amended in No. 44 of 1996), the words "the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".

**§ 33.** In Article 4 (3) of the Act Restoring Ownership of Nationalized Corporeal Immovables (promulgated in the State Gazette No. 15 of 1992; supplemented in No. 28 of 1992; amended in Nos. 20 and 40 of 1995, [modified by] Constitutional Court Judgment No. 9 of 1995, [promulgated in] No. 66 of 1995; amended in No. 87 of 1995; [modified by] Constitutional Court Judgment No. 20 of 1995, [promulgated in] No. 94 of 1995; amended in No. 51 of 1996; [modified by] Constitutional Court Judgment No. 11 of 1996, [promulgated in] No. 61 of 1996; corrected in No. 87 of 1996 by Constitutional Court Judgment No. 16 of 1996; amended in No. 107 of 1997; [modified by] Constitutional Court Judgment No. 4 of 1998, [promulgated in] No. 30 of 1998; amended in No. 45 of 1998, No. 9 of 2000), the words "the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".

**§ 34.** (Effective 1.03.2007, in respect of the replacement of the word "district" by "administrative" and the replacement of the words "the Sofia City Court" by "the Sofia City Administrative Court") In Article 13 (6) of the Act Restoring Ownership of Forests and Forest Stock Land Tracts (promulgated in the State Gazette No. 110 of 1997; amended in Nos. 33, 59 and 133 of 1998, No. 49 of 1999, Nos. 26 and 36 of 2001, Nos. 45, 63 and 99 of 2002, No. 16 of 2003), the last sentence shall be amended to read as follows: "The judgment of the regional court shall be subject to cassation appeal lodged with the competent administrative court according to the procedure established by the Code of Administrative Procedure, which shall be examined by the court in a panel of three judged."

**§ 35.** Article 26 of the Act on Factory and Office Workers' Claims Guaranteed in the Event of their Employer's Bankruptcy (promulgated in the State Gazette No. 36 of 2004; amended in Nos. 104 and 105 of 2005) shall be amended as follows:

1. In Paragraph (4), the words "the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure", and the words "the district court" shall be replaced by "the administrative court".
2. (Effective 1.03.2007, in respect of the replacement of the word "district" by "administrative" and the replacement of the words "the Sofia City Court" by "the Sofia City Administrative Court") In Paragraph (5), the words "the district court" shall be replaced by "the administrative court", and the words "the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".
3. In Paragraph (6), the words "district" shall be replaced by "administrative".

**§ 36.** In the Genetically Modified Organisms Act (promulgated in the State Gazette No. 27/2005; amended in Nos. 88 and 99/2005), the words "the Administrative Procedure Act" shall be replaced passim by "the Code of Administrative Procedure".

**§ 37.** In the Forestry Act (promulgated in the State Gazette No. 125 of 1997; amended in Nos. 79 and 133 of 1998, No. 26 of 1999, Nos. 29 and 78 of 2000, Nos. 77, 79 and 99 of 2002 and Nos. 16 and 107 of 2003), Nos. 72 and 105 of 2005), the words "the Administrative Procedure Act" shall be replaced passim by "the Code of Administrative Procedure".

**§ 38.** In the Civil Registration Act (promulgated in the State Gazette No. 67 of 1999; amended in Nos. 28 and 37 of 2001, No. 54 of 2002, No. 63 of 2003, Nos. 70 and 96 of 2004), the words "the Administrative Procedure Act" shall be replaced passim by "the Code of Administrative Procedure".

**§ 39.** In the Civil Aviation Act (promulgated in the State Gazette No. 94 of 1972; amended in No. 30 of 1990, No. 16 of 1997, No. 85 of 1998, No. 12 of 2000, Nos. 34 and 111 of 2001, Nos. 52 and 70 of 2004, Nos. 88 and 102 of 2005), the words "the Administrative Procedure Act" shall be replaced passim by "the Code of Administrative Procedure".

**§ 40.** In the Road Traffic Act (promulgated in the State Gazette No. 20 of 1999; amended in No. 1 of 2000, Nos. 43, 45 and 76 of 2002, Nos. 16 and 22 of 2003, Nos. 6, 70, 85 and 115 of 2004, Nos. 79, 92, 99, 102, 103 and 105 of 2005), the words "the Administrative Procedure Act" shall be replaced passim by "the Code of Administrative Procedure".

**§ 41.** In Article 58b (7) and Article 58c (3) of the Value Added Tax Act (promulgated in the State Gazette No. 153 of 1998; corrected in No. 1 of 1999; amended in Nos. 44, 62, 64, 103 and 111 of 1999, Nos. 63, 78 and 102 of 2000, No. 109 of 2001, Nos. 28, 45 and 117 of 2002, Nos. 37, 42, 86 and 109 of 2003, Nos. 53, 70 and 108 of 2004, Nos. 28, 43, 76, 94, 95, 100, 103 and 105 of 2005), the words "the Supreme Administrative Court Act" shall be replaced by "the Code of Administrative Procedure".

**§ 42.** Article 40 of the Access to Public Information Act (promulgated in the State Gazette No. 55 of 2000; amended in Nos. 1 and 45 of 2002, No. 103 of 2005, No. 24 of 2006) shall be amended as follows:

1. In Paragraph (1), the words "the Administrative Procedure Act or the Supreme Administrative Court Act" shall be replaced by "the Code of Administrative Procedure".
2. In Paragraph (2), the words "the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".

**§ 43.** The Civil Servants Act (promulgated in the State Gazette No. 67 of 1999; amended in No. 1 of 2000, Nos. 25, 99 and 110 of 2001, No. 45 of 2002, No. 95 of 2003, No. 70 of 2004, No. 19 of 2005, No. 24 of 2006) shall be amended and supplemented as follows:

1. In Article 29a, there shall be added a new Paragraph (4):

"(4) Conflict of interest shall exist where a civil servant or any person connected therewith has not terminated or has acquired, after the appointment of the said civil servant, the capacity of a sole trader, member, managerial agent, member of a management board or supervisory board of a commercial corporation which effects transactions or is tendering for or, respectively, has been selected as a supplier, contractor or service provider of, a public procurement with the legal person with whose head the said civil servant is in a civil-service relationship. This shall furthermore apply to any transactions, the tendering for and performance of a public procurement with any commercial corporation wherein the legal person, referred to in the foregoing sentence, holds a majority participating interest. Where the conflict of interest disclosed is not divested of within two months, it shall be considered concealed."

2. (Effective 1.03.2007, in respect of the replacement of the word "district" by "administrative" and the replacement of the words "the Sofia City Court" by "the Sofia City Administrative Court") In Article 124 (1), the words "district court according to the procedure established by the Administrative Procedure Act or by the Supreme Administrative Court according to the procedure established by the Supreme Administrative Court Act" shall be replaced by "administrative court or the Supreme Administrative Court according to the procedure established by the Code of Administrative Procedure".

3. In Item 1 of the Supplementary Provision, after the words "spouses" there shall be inserted "or de facto cohabitants".

**§ 44.** The State Property Act (promulgated in the State Gazette No. 44 of 1996; amended in No. 104 of 1996, Nos. 55, 61 and 117 of 1997, Nos. 93 and 124 of 1998, No. 67 of 1999, Nos. 9, 12, 26 and 57 of 2000, No. 1 of 2001, [modified by] Constitutional Court Judgment No. 7 of 2001, [promulgated in] No. 38 of 2001; amended in No. 45 of 2002, No. 63 of 2003, Nos. 24 and 93 of 2004, No. 32 of 2005, No. 17 of 2006) shall be amended as follows:

1. (Effective 1.03.2007) In Article 38 (2), the word "district" shall be replaced by "administrative".

2. (Effective 1.03.2007) In Article 39 (3), the words "the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".

3. The words "the Administrative Procedure Act" shall be replaced passim by "the Code of Administrative Procedure".

**§ 45.** In Item 7 of Article 7 (2) of the State Contingency Reserves and Wartime Stocks Act (promulgated in the State Gazette No. 9 of 2003; corrected in No. 37 of 2003; amended in Nos. 18, 69 and 105 of 2005), the words "under Article 15 (2) of the Administrative Procedure Act" shall be replaced by "provided for in the Code of Administrative Procedure".

**§ 46.** In Article 36 (4) of the Electronic Document and Electronic Signature Act (promulgated in the State Gazette No. 34 of 2001; amended in No. 112 of 2001), the words "the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".

**§ 47.** In the Energy Act (promulgated in the State Gazette No. 107 of 2003; amended in No. 18 of 2004, Nos. 87 and 105 of 2005), the words "the Administrative Procedure Act" shall be replaced passim by "the Code of Administrative Procedure".

**§ 48.** In the Animal Husbandry Act (promulgated in the State Gazette No. 65 of 2000; amended in No. 18 of 2004, Nos. 87 and 105 of 2005), the words "the Administrative Procedure Act" shall be replaced passim by "the Code of Administrative Procedure".

**§ 49.** The Mandatory Stocks of Crude Oil and Petroleum Products Act (promulgated in the State Gazette No. 9 of 2003; amended in No. 107 of 2003, Nos. 95 and 105 of 2005) shall be amended as follows:

1. In Article 7:

(a) in Paragraph (1), the words "under Article 15 (2) of the Administrative Procedure Act" shall be replaced by "provided for in the Code of Administrative Procedure";



(b) in Paragraphs (3) and (4), the words "the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure";

(c) in Paragraph (5), the words "the Supreme Administrative Court Act" shall be replaced by "the Code of Administrative Procedure".

2. In Article 25 (2), the words "according to Article 15 (2) of the Administrative Procedure Code" shall be replaced by "provided for in the Code of Administrative Procedure".

**§ 50.** The Child Protection Act (promulgated in the State Gazette No. 48 of 2000; amended in Nos. 75 and 120 of 2002, Nos. 36 and 63 of 2003, Nos. 70 and 115 of 2004, Nos. 28, 94 and 103 of 2005) shall be amended as follows:

1. In Article 27 (4), the words "the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".

2. In Article 43f, the words "the Supreme Administrative Court Act" shall be replaced by "the Code of Administrative Procedure".

**§ 51.** The Protection of New Plant Varieties and Animal Breeds Act (promulgated in the State Gazette No. 84 of 1996; amended in No. 27 of 1998, No. 81 of 1999, No. 86 of 2000, No. 18 of 2004) shall be amended as follows:

1. (Effective 1.03.2007) In Article 50 and Article 51 (1), the words "the Sofia City Court" shall be replaced by "the Sofia City Administrative Court".

2. The words "the Administrative Procedure Code" shall be replaced passim by "the Code of Administrative Procedure".

**§ 52.** In Article 64 (2) of the Skilled Crafts Act (promulgated in the State Gazette No. 42 of 2001; amended in No. 112 of 2001, No. 56 of 2002, Nos. 99 and 105 of 2005, No. 19 of 2006), the words "the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".

**§ 53.** Article 39 of the Personal Data Protection Act (promulgated in the State Gazette No. 1 of 2002; amended in Nos. 70 and 93 of 2004, Nos. 43 and 103 of 2005) shall be amended as follows:

1. (Effective 1.03.2007) In Paragraph (1), the word "district" shall be replaced by "administrative".

2. In Paragraph (5), the words "the Administrative Procedure Act or, respectively, the Supreme Administrative Court Act" shall be replaced by "the Code of Administrative Procedure".

**§ 54.** In Article 13 (8) of the Consumer Protection and Rules of Trade Act (promulgated in the State Gazette No. 30 of 1999; amended in Nos. 17 and 19 of 2003, No. 42 of 2005), the words "the Administrative Procedure Act" shall be replaced by the "Code of Administrative Procedure".

**§ 55.** In the Consumer Protection Act (promulgated in the State Gazette No. 99 of 2005), the words "the Administrative Procedure Act" shall be replaced passim by "the Code of Administrative Procedure".

**§ 56.** In Article 24 of the Plant Protection Act (promulgated in the State Gazette No. 91 of 1997; amended in No. 90 of 1999, No. 96 of 2001, No. 18 of 2004), the "Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".

**§ 57.** The Protection Against the Harmful Impact of Chemical Substances and Preparations Act (promulgated in the State Gazette No. 10 of 2000; amended in No. 91 of 2002, Nos. 86 and 114 of 2003, Nos. 100 and 101 of 2005) shall be amended as follows:

1. In Article 7d (4), the words "the Administrative Procedure Act or, respectively, the Supreme Administrative Court Act" shall be replaced by "the Code of Administrative Procedure".

2. In Article 8 (5), the words "the Supreme Administrative Court Act" shall be replaced by "the Code of Administrative Procedure".

3. In Article 19a (4), the words "the Administrative Procedure Act or, respectively, the Supreme Administrative Court Act" shall be replaced by "the Code of Administrative Procedure".

4. In Article 34, the words "the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".

**§ 58.** In Article 32 of the Protection from Environmental Noise Act (promulgated in the State Gazette No. 74 of 2005), the words "the Supreme Administrative Court Act or, respectively, the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".

**§ 59.** The Protection against Discrimination Act (promulgated in the State Gazette No. 86 of 2003; amended in No. 70 of 2004, No. 105 of 2005) shall be amended as follows:

1. In Article 68 (1), the words "the Supreme Administrative Court Act" shall be replaced by "the Code of Administrative Procedure".

2. In Article 70 (1), the words "the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".

3. In Article 73, the words "the Administrative Procedure Act or, respectively, the Supreme Administrative Court Act" shall be replaced by "the Code of Administrative Procedure".

4. In Article 84 (2), the words "the Supreme Administrative Court Act" shall be replaced by "the Code of Administrative Procedure".

**§ 60.** In Article 80 of the Protected Areas Act (promulgated in the State Gazette No. 133 of 1998; amended in No. 98 of 1999, Nos. 28, 48 and 78 of 2000, Nos. 23, 77 and 91 of 2002, Nos. 28 and 94 of 2005), the words "the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".

**§ 61.** The Health Act (promulgated in the State Gazette No. 70 of 2004; amended in No. 46 of 2005, Nos. 76, 85, 88, 94 and 103 of 2005, No. 18 of 2006) shall be amended as follows:

1. (Effective 1.03.2007) In Item 4 of Article 112 (1), the words "the Sofia City Court" shall be replaced by "the Sofia City Administrative Court".

2. The words "the Administrative Procedure Act" and "the Supreme Administrative Court Act" shall be replaced passim by "the Code of Administrative Procedure".

**§ 62.** The Health Insurance Act (promulgated in the State Gazette No. 70 of 1998; amended in Nos. 93 and 153 of 1998, Nos. 62, 65, 67, 69, 110 and 113 of 1999, Nos. 1 and 64 of 2000, No. 41 of 2001, Nos. 1, 54, 74, 107, 112, 119 and 120 of 2002, Nos. 8, 50, 107 and 114 of 2003, Nos. 28, 38, 49, 70, 85 and 111 of 2004, Nos. 39, 45, 76, 99, 102, 103 and 105 of 2005, Nos. 17 and 18 of 2006) shall be amended as follows:

1. (Effective 1.03.2007, in respect of the replacement of the word "district" by "administrative" and the replacement of the words "the Sofia City Court" by "the Sofia City Administrative Court") In Article 59 (7), the words "the Administrative Procedure Act before the competent district court" shall be replaced by "the Code of Administrative Procedure before the competent administrative court".

2. In Article 76 (2), the words "the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".

**§ 63.** In Article 119 of the Election of Members of Parliament Act (promulgated in the State Gazette No. 37 of 2001; [modified by] Constitutional Court Judgment No. 8 of 2001, [promulgated in] No. 44 of 2001; amended in No. 45 of 2002, Nos. 28, 32 and 38 of 2005, No. 24 of 2006), the words "the Supreme Administrative Court Act" shall be replaced by "the Code of Administrative Procedure".

**§ 64.** In Article 6 of the Act on the Property of the Bulgarian Communist Party, the Bulgarian Agrarian Party, the Dimitrov Young Communist League, the Fatherland Front, the Union of Active Fighters against Fascism and Capitalism, and the Bulgarian Trade Unions (promulgated in the State Gazette No. 105 of 1991), the words "the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".

**§ 65.** In Article 42 (9) of the Integration of Persons with Disabilities Act (promulgated in the State Gazette No. 81 of 2004; amended in Nos. 28, 88, 94, 103 and 105 of 2005, No. 18 of 2006), the words "the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".

**§ 66.** The Cadastre and Property Register Act (promulgated in the State Gazette No. 34 of 2000; amended in Nos. 45 and 99 of 2002, No. 36 of 2004, Nos. 39 and 105 of 2005) shall be amended as follows:

1. In Article 18 (4), the words "the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".

2. (Effective 1.03.2007, in respect of the replacement of the word "district" by "administrative" and the replacement of the words "the Sofia City Court" by "the Sofia City Administrative Court") In Article 49 (2), the words "the Administrative Procedure Act before the district court" shall be replaced by "the Code of Administrative Procedure before the administrative court".

3. (Effective 1.03.2007) In Article 49a (4), the word "district" shall be replaced by "administrative".

4. (Effective 1.03.2007, in respect of the replacement of the word "district" by "administrative" and the replacement of the words "the Sofia City Court" by "the Sofia City Administrative Court") In Article 54 (2), the words "the Administrative Procedure Act before the district court" shall be replaced by "the Code of Administrative Procedure before the administrative court".

**§ 67.** In the Chambers of Architects and Engineers in Development-Project Design Act (promulgated in the State Gazette No. 20 of 2003; amended in No. 65 of 2003, No. 77 of 2005), the words "the Administrative Procedure Act" shall be replaced passim by "the Code of Administrative Procedure".

**§ 68.** In Article 15 (3), Article 16 (3) and Article 17 (3) of the Financial Supervision Commission Act (promulgated in the State Gazette No. 8 of 2003; amended in Nos. 31, 67 and 112 of 2003, No. 85 of 2004, Nos. 39, 103 and 105 of 2005), the words "Section I of Chapter Three of the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".

**§ 69.** In the Narcotic Substances and Precursors Control Act (promulgated in the State Gazette No. 30 of 1999; amended in No. 63 of 2000, Nos. 74, 75 and 120 of 2002, No. 56 of 2003, Nos. 76, 79 and 103 of 2005), the words "the Administrative Procedure Act" shall be replaced passim by "the Code of Administrative Procedure".

**§ 70.** In the Explosives, Weapons and Ammunition Control Act (promulgated in the State Gazette No. 133 of 1998; amended in No. 85 of 2000, No. 99 of 2002, No. 71 of 2003, Nos. 102 and 105 of 2005, No. 17 of 2006), the words "the Administrative Procedure Act" shall be replaced passim by "the Code of Administrative Procedure".

**§ 71.** In Article 36a (5) of the Corporate Income Tax Act (promulgated in the State Gazette No. 115 of 1997; corrected in

No. 19 of 1998; amended in Nos. 21 and 153 of 1998, Nos. 12, 50, 51, 64, 81, 103, 110 and 111 of 1999, Nos. 105 and 108 of 2000, Nos. 34 and 110 of 2001, Nos. 45, 61, 62 and 119 of 2002, Nos. 42 and 109 of 2003, Nos. 18, 53 and 107 of 2004, Nos. 39, 88, 91, 102, 103 and 105 of 2005), the words "the Supreme Administrative Court Act" shall be replaced by "the Code of Administrative Procedure".

**§ 72.** In Article 44 (3) of the Blood, Blood Donation and Blood Transfusion Act (promulgated in the State Gazette No. 102 of 2003; amended in No. 70 of 2004), the words "the Supreme Administrative Court Act" shall be replaced by "the Code of Administrative Procedure".

**§ 73.** In the Human Medicinal Drugs and Pharmacies Act (promulgated in the State Gazette No. 36 of 1955, [modified by] Constitutional Court Judgment No. 10 of 1996, [promulgated] in No. 61 of 1996; amended in No. 38 of 1998, No. 30 of 1999, No. 10 of 2000, [modified by] Constitutional Court Judgment No. 3 of 2000, [promulgated in] No. 37 of 2000; amended in No. 59 of 2000, [modified by] Constitutional Court Judgment No. 7 of 2000, [promulgated] in No. 78 of 2000; amended in No. 41 of 2001, Nos. 107 and 120 of 2002; corrected in No. 2 of 2003; amended in Nos. 56, 71 and 112 of 2003; amended in Nos. 70 and 111 of 2004, Nos. 37, 76, 85, 87, 99 and 105 of 2005), the words "the Administrative Procedure Act" shall be replaced passim by "the Code of Administrative Procedure".

**§ 74.** In the Medical-Treatment Facilities Act (promulgated in the State Gazette No. 62 of 1999; amended in Nos. 88 and 113 of 1999; corrected, No. 114 of 1999; amended, Nos. 36, 65 and 108 of 2000; [modified by] Constitutional Court Judgment No. 11 of 2001, [promulgated in] No. 51 of 2001; amended in Nos. 28 and 62 of 2002, Nos. 83, 102 and 114 of 2003, No. 70 of 2004, Nos. 46, 76, 85, 88 and 105 of 2005), the words "the Administrative Procedure Act" shall be replaced passim by "the Code of Administrative Procedure".

**§ 75.** In the Medicinal Plants Act (promulgated in the State Gazette No. 29 of 2000; amended in Nos. 23 and 91 of 2002), the words "the Administrative Procedure Act" shall be replaced passim by "the Code of Administrative Procedure".

**§ 76.** The Marks and Geographical Indications Act (promulgated in the State Gazette No. 81 of 1999; corrected in No. 82 of 1999; amended in Nos. 28, 43, 94 and 105 of 2005) shall be amended as follows:

1. (Effective 1.03.2007) In Article 50 (1), the words "the Sofia City Court" shall be replaced by "the Sofia City Administrative Court".
2. (Effective 1.03.2007) In Article 68, the words "the Sofia City Court" shall be replaced by "the Sofia City Administrative Court".
3. (Effective 1.03.2007) In Article 77, the words "the Sofia City Court" shall be replaced by "the Sofia City Administrative Court".
4. The words "the Administrative Procedure Act" shall be replaced passim by "the Code of Administrative Procedure".

**§ 77.** In the Local Taxes and Fees Act (promulgated in the State Gazette No. 117 of 1997; amended in Nos. 71, 83, 105 and 153 of 1998, No. 103 of 1999, Nos. 34 and 102 of 2000, No. 109 of 2001, Nos. 28, 45, 56 and 119 of 2002, Nos. 84 and 112 of 2003, Nos. 6, 18, 36, 70 and 106 of 2004, Nos. 87, 94, 100, 103 and 105 of 2005), the words "the Administrative Procedure Act" shall be replaced passim by "the Code of Administrative Procedure".

**§ 78.** (Effective 1.03.2007) In Article 104 (1) of the Local Elections Act (promulgated in the State Gazette No. 66 of 1995; corrected in No. 68 of 1995; [modified by] Constitutional Court Judgment No. 15 of 1995, [promulgated in] No. 85 of 1995; amended in No. 33 of 1996; [modified by] Constitutional Court Judgment No. 4 of 1997, [promulgated in] No. 22 of 1997; amended in Nos. 11 and 59 of 1998, Nos. 69 and 85 of 1999, No. 29 of 2000, No. 24 of 2001, No. 45 of 2002, Nos. 69 and 93 of 2003, No. 28 of 2005, Nos. 17 and 24 of 2006), the word "district" shall be replaced by "administrative", and the words "the Sofia City Court" shall be replaced by "the Sofia City Administrative Court".

**§ 79.** (Effective 1.03.2007) The Local Self-government and Local Administration Act (promulgated in the State Gazette No. 77 of 1991; amended in Nos. 24, 49 and 65 of 1995, No. 90 of 1996, No. 122 of 1997, Nos. 33, 130 and 154 of 1998, Nos. 67 and 69 of 1999, Nos. 26 and 85 of 2000, No. 1 of 2001, Nos. 28, 45 and 119 of 2002, No. 69 of 2003, Nos. 19 and 34 of 2005) shall be amended as follows:

1. In Article 30 (3) and (5), the word "district" shall be replaced by "administrative".

2. In Article 32 (3), the word "district" shall be replaced by "administrative", and the words "the Sofia City Court" shall be replaced by "the Sofia City Administrative Court".

**§ 80.** In Article 20 of the Measures against Money Laundering Act (promulgated in the State Gazette No. 85 of 1998; amended in No. 1 of 2001, No. 31 of 2003, Nos. 103 and 105 of 2005), the words "the Supreme Administrative Court Act" shall be replaced by "the Code of Administrative Procedure".

**§ 81.** In the Financial Support for Culture Act (promulgated in the State Gazette No. 103 of 2005), the words "the Supreme Administrative Court Act" shall be replaced passim by "the Code of Administrative Procedure".

**§ 82.** In the Ministry of Interior Act (promulgated in the State Gazette No. 122 of 1997; [modified by] Judgment No. 3 of the Constitutional Court of 1998, [promulgated in] No. 29 of 1998; amended in Nos. 70, 73 and 153 of 1998, Nos. 30 and 110 of 1999, Nos. 1 and 29 of 2000, No. 28 of 2001, Nos. 45 and 119 of 2002, Nos. 17, 26, 95, 103, 112 and 114 of 2003, Nos. 15, 70 and 89 of 2004, Nos. 11, 19, 27, 86, 103 and 105 of 2005, No. 24 of 2006), the words "the Administrative Procedure Act" shall be replaced passim by "the Code of Administrative Procedure".

**§ 83.** The Ministry of Interior Act (promulgated in the State Gazette No. 17 of 2006) shall be amended as follows:

1. (Effective 1.03.2007) In Article 245 (2), the words "the Sofia City Court" shall be replaced by "the Sofia City Administrative Court".

2. The words "the Administrative Procedure Act" and "the Administrative Procedure Act or of the Supreme Administrative Court Act" shall be replaced passim by "the Code of Administrative Procedure".

**§ 84.** The Customs Act (promulgated in the State Gazette No. 15 of 1998; amended in Nos. 89 and 153 of 1998, Nos. 30 and 83 of 1999, No. 63 of 2000, No. 110 of 2001, No. 76 of 2002, Nos. 37 and 95 of 2003, No. 38 of 2004, Nos. 45, 86, 91 and 105 of 2005) shall be amended as follows:

1. (Effective 1.03.2007) In Article 84f(7), the word "district" shall be replaced by "administrative".

2. (Effective 1.03.2007) In Article 211i (5), the word "district" shall be replaced by "administrative".

3. The words "the Administrative Procedure Act" shall be replaced passim by "the Code of Administrative Procedure".

**§ 85.** The Maritime Space, Inland Waterways and Ports of the Republic of Bulgaria Act (promulgated in the State Gazette No. 12 of 2000; amended in No. 111 of 2001, Nos. 24 and 70 of 2004, No. 11 of 2005, [modified by] Constitutional Court Judgment No. 5 of 2005, [promulgated in] No. 45 of 2005; amended in Nos. 87, 88, 94, 102 and 104 of 2005) shall be amended as follows:

1. In Article 96 (3), the words "the Supreme Administrative Court Act" shall be replaced by "the Code of Administrative Procedure".

2. In Article 117b (6), the words "the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".

**§ 86.** In the Employment Promotion Act (promulgated in the State Gazette No. 112 of 2001; amended in Nos. 54 and 120 of 2002, Nos. 26, 86 and 114 of 2003, Nos. 52 and 81 of 2004, Nos. 27 and 38 of 2005, No. 18 of 2006), the words "the

Administrative Procedure Act" shall be replaced passim by "the Code of Administrative Procedure".

**§ 87.** In Article 24 (5) of the Independent Financial Audit Act (promulgated in the State Gazette No. 101 of 2001; amended in No. 91 of 2002, No. 96 of 2004, Nos. 77 and 105 of 2005), the words "the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".

**§ 88.** In the Notaries and Notarial Practice Act (promulgated in the State Gazette No. 104 of 1996; amended in Nos. 117, 118 and 123 of 1997, No. 24 of 1998, No. 69 of 1999, No. 18 of 2003, Nos. 29 and 36 of 2004, Nos. 19 and 43 of 2005), the words "the Supreme Administrative Court Act" shall be replaced passim by "the Code of Administrative Procedure".

**§ 89.** The Municipal Property Act (promulgated in the State Gazette No. 44 of 1996; amended in No. 104 of 1996, No. 55 of 1997, Nos. 22 and 93 of 1998, Nos. 23, 56, 64, 67, 69 and 96 of 1999, No. 26 of 2000, No. 34 of 2001, No. 120 of 2001, No. 101 of 2004) shall be amended as follows:

1. (Effective 1.03.2007) In Article 15 (5), the word "district" shall be replaced by "administrative".
2. (Effective 1.03.2007) In Article 18 (3), the word "district" shall be replaced by "administrative".
3. (Effective 1.03.2007) In Article 27 (1), the word "district" shall be replaced by "administrative".
4. (Effective 1.03.2007) In Article 46 (5), the word "district" shall be replaced by "administrative".
5. The words "the Administrative Procedure Act" shall be replaced passim by "the Code of Administrative Procedure".

**§ 90.** In the Municipal Debt Act (promulgated in the State Gazette No. 34 of 2005; amended in No. 105 of 2005), the words "the Administrative Procedure Act" shall be replaced passim by "the Code of Administrative Procedure".

**§ 91.** In Article 35 (2) of the Ombudsman Act (promulgated in the State Gazette No. 48 of 2003), the words "the Supreme Administrative Court" shall be replaced by "the Code of Administrative Procedure".

**§ 92.** The Environmental Protection Act (promulgated in the State Gazette No. 91 of 2002; corrected in No. 98 of 2002; amended in No. 86 of 2003, No. 70 of 2004, Nos. 74, 77, 88, 95 and 105 of 2005) shall be amended and supplemented as follows:

1. In Article 27, the words "the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".
2. In Article 99 (6), the words "the Administrative Procedure Act and the Supreme Administrative Court Act" shall be replaced by "the Code of Administrative Procedure".
3. In Article 113, the words "the Supreme Administrative Court Act" shall be replaced by "the Code of Administrative Procedure".
4. In Article 116g, the words "the Supreme Administrative Court Act" shall be replaced by "the Code of Administrative Procedure".
5. In Article 127 (3), the words "the Administrative Procedure Act and the Supreme Administrative Court Act" shall be replaced by "the Code of Administrative Procedure".
6. In Article 160 (4), the words "the Administrative Procedure Act or under the Administrative Procedure Act, as the case may be" shall be replaced by "the Code of Administrative Procedure".

**§ 93.** In the Agricultural Land Conservation Act (promulgated in the State Gazette No. 35 of 1996; amended in Nos. 14 and 26 of 2000, No. 28 of 2001, No. 112 of 2003, No. 18 of 2006), the words "the Administrative Procedure Act" shall be replaced passim by "the Code of Administrative Procedure".

**§ 94.** In Article 32 (4) of the Safeguarding of Farming Property Act (promulgated in the State Gazette No. 54 of 1974; amended in No. 22 of 1976, No. 36 of 1979, No. 28 of 1982, No. 45 of 1984, No. 65 of 1995, Nos. 44 and 86 of 1996, No. 11 of 1998), the words "the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".

**§ 95.** In Article 44 (1) of the Act on Protection of Public Order upon Conduct of Sports Events (promulgated in the State Gazette No. 96 of 2004; amended in Nos. 103 and 105 of 2005), the words "the Supreme Administrative Court Act" shall be replaced by "the Code of Administrative Procedure".

**§ 96.** In Article 29 (1) of the Registered Pledges Act (promulgated in the State Gazette No. 100 of 1996; amended in No. 86 of 1997, No. 42 of 1999, Nos. 19 and 58 of 2003, Nos. 34 and 43 of 2005), the words "the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".

**§ 97.** The Republic of Bulgaria Defence and Armed Forces Act (promulgated in the State Gazette No. 112 of 1995; amended in No. 67 of 1996, No. 122 of 1997, Nos. 70, 93, 152 and 153 of 1998, Nos. 12, 67 and 69 of 1999, Nos. 49 and 64 of 2000, No. 25 of 2001, Nos. 1, 40, 45 and 119 of 2002, Nos. 50, 86, 95 and 112 of 2003, Nos. 93 and 111 of 2004, Nos. 27, 38, 76, 88, 102 and 105 of 2005) shall be amended as follows:

1. In Article 131, the words "the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".

2. (Effective 1.03.2007, in respect of the replacement of the word "district" by "administrative" and the replacement of the words "the Sofia City Court" by "the Sofia City Administrative Court") In Article 132, Paragraph (1) shall be amended to read as follows:

"(1) The order on discharge from voluntary military service shall be appealable according to a judicial procedure through the agency of the authority which issued the said order. Any disputes shall be cognizable in the administrative courts or in the Supreme Administrative Court according to the procedure established by the Code of Administrative Procedure."

3. In Article 314, the words "the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".

**§ 98.** The Act on the Liability for Damage Incurred by the State and the Municipalities (promulgated in the State Gazette No. 60 of 1988; amended in No. 59 of 1993, No. 12 of 1996, No. 67 of 1999, No. 92 of 2000 and No. 105 of 2005) shall be amended and supplemented as follows:

1. The title of the Act shall be amended to read as follows: "Act on the Liability for Damage Incurred by the State and the Municipalities".

2. Article 1 shall be amended to read as follows:

"Liability for Activity of the Administration

Article 1. (1) The State and the municipalities shall be liable for any damage inflicted on individuals and legal persons by legally non-conforming acts, actions or omissions of State bodies and municipal authorities and officials upon or in connection with the performance of administrative activity.

(2) Any legal actions under Paragraph (1) shall be examined according to the procedure established in the Code of Administrative Procedure."

3. Article 3 shall be amended to read as follows:

"Obligation to Clarify

Article 3. The authority which revoked the wrongful act under Article 2 herein shall be obligated to clarify to the individual or to a representative of the legal person the procedure according to which they can protect their rights."

4. In Article 9 (2), after the word "individuals" there shall be inserted "and legal persons".

**§ 99.** The Monuments of Culture and Museums Act (promulgated in the State Gazette No. 29 of 1969; amended in No. 29 of 1973, No. 36 of 1979, No. 87 of 1980, No. 102 of 1981, No. 45 of 1984, No. 45 of 1989, Nos. 10 and 14 of 1990, No. 112 of 1995; [modified by] Constitutional Court Judgment No. 5 of 1996, [promulgated in] No. 31 of 1996; amended in No. 44 of 1996, No. 117 of 1997, No. 153 of 1998, No. 50 of 1999, No. 55 of 2004, Nos. 28 and 94 of 2005, No. 21 of 2006) shall be amended as follows:

1. In Article 7 (8), the words "the Supreme Administrative Court Act" shall be replaced by "the Code of Administrative Procedure".
2. In Article 33b (4), the words "the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".

**§ 100.** The Funds Transfers, Electronic Payment Instruments and Payment Systems Act (promulgated in the State Gazette No. 31 of 2005; amended in No. 99 of 2005) shall be amended as follows:

1. In Article 66 (2), the words "Article 7 (2) and Article 11 (1) of the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".
2. In Article 79 (2), the words "the Supreme Administrative Court Act" shall be replaced by "the Code of Administrative Procedure".

**§ 101.** The Patents Act (promulgated in the State Gazette No. 27 of 1993; amended in No. 83 of 1996, No. 11 of 1998, No. 81 of 1999, Nos. 45 and 66 of 2002, No. 17 of 2003) shall be amended as follows:

1. (Effective 1.03.2007) In Article 59, the words "the Sofia City Court" shall be replaced by "the Sofia City Administrative Court".
2. The words "the Administrative Procedure Act" shall be replaced passim by "the Code of Administrative Procedure".

**§ 102.** The Subsurface Resources Act (promulgated in the State Gazette No. 23 of 1999; amended in No. 28 of 2000, No. 108 of 2001, No. 47 of 2002, No. 86 of 2003, Nos. 28 and 94 of 2005) shall be amended and supplemented as follows:

1. (Effective 1.03.2007) In Article 75 (7), the word "district" shall be replaced by "administrative".
2. The words "the Administrative Procedure Act" shall be replaced passim by "the Code of Administrative Procedure".

**§ 103.** In the Agricultural Producers Support Act (promulgated in the State Gazette No. 58 of 1998; amended in Nos. 79 and 153 of 1998, Nos. 12, 26, 86 and 113 of 1999, No. 24 of 2000, Nos. 34 and 41 of 2001, Nos. 46 and 96 of 2002, No. 18 of 2004, Nos. 14 and 105 of 2005, No. 18 of 2006), the words "the Administrative Procedure Act" shall be replaced passim by "the Code of Administrative Procedure".

**§ 104.** In the Seed Stock and Planting Stock Act (promulgated in the State Gazette No. 20 of 2003; amended in No. 27 of 2005), everywhere the words "the Supreme Administrative Court Act" shall be replaced by "the Code of Administrative Procedure".

**§ 105.** In Article 5 (4) of the Act on Political and Civil Vindication for Individuals Who Have Undergone Repressive Actions (promulgated in the State Gazette No. 50 of 1991; amended in No. 52 of 1994, No. 12 of 2004, No. 29 of 2005), the words "the Supreme Administrative Court Act" shall be replaced by "the Code of Administrative Procedure".

**§ 106.** In the Legal Aid Act (promulgated in the State Gazette No. 79 of 2005, amended in No. 105 of 2005, No. 17 of 2006), the words "the Administrative Procedure Act" shall be replaced passim by "the Code of Administrative Procedure".



**§ 107.** (Effective 1.03.2007) The Industrial Designs Act (promulgated in the State Gazette No. 81 of 1999; amended in No. 17 of 2003, Nos. 43 and 105 of 2005) shall be amended as follows:

1. In Article 49, the words "the Sofia City Court" shall be replaced by "the Sofia City Administrative Court".
2. In Article 61, the words "the Sofia City Court" shall be replaced by "the Sofia City Administrative Court".

**§ 108.** The Vocational Education and Training Act (promulgated in the State Gazette No. 68 of 1999; amended in Nos. 1 and 108 of 2000, No. 111 of 2001, Nos. 103 and 120 of 2002, No. 29 of 2003, Nos. 28, 77 and 94 of 2005) shall be amended as follows:

1. In Article 49a (11), the words "the Supreme Administrative Court Act" shall be replaced by "the Code of Administrative Procedure".
2. In Article 68 (2), the words "the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".

**§ 109.** In Article 215 of the Public Offering of Securities Act (promulgated in the State Gazette No. 114 of 1999; amended in Nos. 63 and 92 of 2000, Nos. 28, 61, 93 and 101 of 2002, Nos. 8, 31, 67 and 71 of 2003, No. 37 of 2004, Nos. 19, 31, 39, 103 and 105 of 2005), the words "the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".

**§ 110.** In the Apiculture Act (promulgated in the State Gazette No. 57 of 2003; amended in No. 87 of 2005), the words "the Administrative Procedure Act" shall be replaced passim by "the Code of Administrative Procedure".

**§ 111.** In Article 26 (10) of the Roads Act (promulgated in the State Gazette No. 26 of 2000; amended in No. 88 of 2000, No. 111 of 2001, Nos. 47 and 118 of 2002, Nos. 9 and 112 of 2003, Nos. 6 and 14 of 2004, Nos. 88 and 105 of 2005), the words "the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".

**§ 112.** In the Agricultural and Forestry Machines and Equipment Registration and Control Act (promulgated in the State Gazette No. 79 of 1998; amended in No. 22 of 2003, Nos. 74 and 88 of 2005), the words "the Administrative Procedure Act" shall be replaced passim by "the Code of Administrative Procedure".

**§ 113.** In the Fisheries and Aquaculture Act (promulgated in the State Gazette No. 41 of 2001; amended in Nos. 88, 94 and 105 of 2005), the words "the Administrative Procedure Act" shall be replaced passim by "the Code of Administrative Procedure".

**§ 114.** In the Water-Supply and Sewerage Services Regulation Act (promulgated in the State Gazette No. 18 of 2005), the words "the Supreme Administrative Court Act" shall be replaced passim by "the Code of Administrative Procedure".

**§ 115.** In Article 9 (5) of the Irrigation Associations Act (promulgated in the State Gazette No. 34 of 2001; amended in No. 108 of 2001), the words "the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".

**§ 116.** In Article 10 (7) of the Family Allowances Act (promulgated in the State Gazette No. 32 of 2002; amended in No. 120 of 2002, No. 12 of 2003, No. 69 of 2004, No. 105 of 2005, No. 21 of 2006), the words "the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".

**§ 117.** The Agricultural Land Ownership and Use Act (promulgated in the State Gazette No. 17 of 1991; corrected in No. 20

of 1991; amended in No. 74 of 1991, Nos. 18, 28, 46 and 105 of 1992, No. 48 of 1993; [modified by] Constitutional Court Judgment No. 12 of 1993, [promulgated in] No. 64 of 1993; amended in No. 83 of 1993, No. 80 of 1994, Nos. 45 and 57 of 1995; [modified by] Constitutional Court Judgments Nos. 7 and 8 of 1995, [promulgated in] No. 59 of 1995; amended in No. 79 of 1996; [modified by] Constitutional Court Judgments No. 20 of 1996, [promulgated in] No. 79 of 1996; amended in No. 104 of 1996, Nos. 62, 87, 98 and 123 of 1997, Nos. 59, 88 and 133 of 1998, No. 68 of 1999, Nos. 34 and 106 of 2000, Nos. 62, 87, 98 and 123 of 2002, No. 16 of 2003, No. 36 of 2004, No. 17 of 2006) shall be amended as follows:

1. (Effective 1.03.2007) In Article 14 (3), sentence five shall be amended to read as follows: "The regional court judgment shall be subject to cassation appeal before the administrative court according to the procedure established by the Code of Administrative Procedure, which shall be examined by the court sitting in a panel of three judges."
2. (Effective 1.03.2007) In § 4k (6), the word "district" shall be replaced by "administrative".
3. The words "the Administrative Procedure Act" shall be replaced passim by "the Code of Administrative Procedure".

**§ 118.** In the Social Assistance Act (promulgated in the State Gazette No. 56 of 1998; amended in Nos. 45 and 120 of 2002, No. 18 of 2006), the words "the Administrative Procedure Act" shall be replaced passim by "the Code of Administrative Procedure".

**§ 119.** In Article 12 (3) of the Commodity Exchanges and Wholesale Markets Act (promulgated in the State Gazette No. 56 of 1998; amended in Nos. 41 and 153 of 1998, No. 18 of 1999, No. 20 of 2000, No. 41 of 2001), the words "the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".

**§ 120.** (Effective 1.01.2007) The Judicial System Act (promulgated in the State Gazette No. 59 of 1994; [modified by] Constitutional Court Judgment No.8 of 1994, [promulgated in] No. 78 of 1994; [modified by] Constitutional Court Judgment No. 9 of 1994, [promulgated in] No. 87 of 1994; [modified by] Constitutional Court Judgment No. 17 of 1995, [promulgated in] No. 93 of 1995; amended in No. 64 of 1996; [modified by] Constitutional Court Judgment No. 19 of 1996, [promulgated in] No. 96 of 1996; amended in Nos. 104 and 110 of 1996, Nos. 58, 122 and 124 of 1997, Nos. 11 and 133 of 1998; [modified by] Constitutional Court Judgment No. 1 of 1999, [promulgated in] No. 6 of 1999; amended in Nos. 34, 38 and 84 of 2000, No. 25 of 2001, No. 74 of 2002; [modified by] Constitutional Court Judgment No. 11 of 2002, [promulgated in] No. 110 of 2002; [modified by] Constitutional Court Judgment No. 13 of 2002, [promulgated in] No. 118 of 2002; amended in Nos. 61 and 112 of 2003, Nos. 29, 36 and 70 of 2004; [modified by] Constitutional Court Judgment No. 4 of 2004, [promulgated in] No. 93 of 2004; [modified by] Constitutional Court Judgment No. 4 of 2005, [promulgated in] No. 37 of 2005; amended in Nos. 43 and 86 of 2005, No. 17 of 2006; [modified by] Constitutional Court Judgment No. 1 of 2006, [promulgated in] No. 23 of 2006) shall be amended and supplemented as follows:

1. In Article 3 (1), after the words "district courts" there shall be placed a comma and there shall be inserted "administrative courts".

2. In Article 30 (1):

- (a) in Item 2 at the end, there shall be placed a comma and there shall be added "as well as in respect of the presidents of the administrative courts";

- (b) there shall be inserted a new Item 9:

"9. the presidents of the administrative courts: in respect of the deputies thereof and of the judges at the said courts;"

- (c) the existing Items 9 through 13 shall be renumbered to become Items 10 through 14, respectively.

3. In Article 35c (5), the words "Article 127 (1) through (5)" shall be replaced by "Article 127 (1) through 6".

4. In Article 35f(5), the words "Article 127 (1) through (5)" shall be replaced by "Article 127 (1) through 6".

5. In Article 38, after the words "district courts" there shall be placed a comma and there shall be inserted "administrative courts".

6. In Article 39:

(a) in Paragraph (1), after the words "district courts" the conjunction "and" shall be replaced by a comma and there shall be inserted "administrative courts and".

(b) there shall be inserted a new Paragraph (3):

"(3) The administrative courts shall examine the administrative cases assigned thereto by law as courts of first instance or cassation instance.";

(c) the existing Paragraphs (3), (4) and (5) shall be renumbered to become Paragraphs (4), (5) and (6), respectively.

7. In Article 41, the words "at joint sessions of the plenums of the said Supreme Courts" shall be replaced by "by the general meetings of the judges of the relevant judicial boards".

8. In Article 58 (1), after the word "commercial" the comma shall be replaced by the conjunction "and", and the words "and administrative" shall be deleted.

9. In Item 4 [sic, actually Item 5 - Translator's Note] of Article 59 (3), the words "and the Supreme Administrative Court" shall be deleted.

10. In Chapter Four, there shall be inserted a new Section IVa:

"Section IVa

Administrative Court

Article 64a. The administrative court shall take cognizance of all administrative cases with the exception of such specified by a law as cognizable in the Supreme Administrative Court.

Article 64b. The administrative court shall examine the administrative cases sitting in a panel of a single judge.

Article 64c. Should the office of any judge of an administrative court be vacant or any such judge be prevented from executing the office thereof and the said judge may not be substituted by another judge of the same court, the President of the Supreme Administrative Court may second a judge of another administrative court or a junior judge with experience of not less than two years in lieu of the said administrative court judge.

Article 64d. (1) By resolution of the general meeting of judges, departments specialized in specific subject matters may be established at the administrative court, and the said departments shall be headed by the president and the vice presidents.

(2) Each administrative court shall consist of judges and junior judges.

Article 64e. (1) The president of the administrative court shall perform the following functions:

1. exercise overall organizational and administrative direction of the administrative court, and represent the administrative court;

2. prepare:

(a) an annual report on the operation of the administrative court, and transmit the said report to the President of the Supreme Administrative Court for information and for inclusion into the annual report to the Supreme Judicial Council;

(b) reference briefs and statistics in electronic format according to a standard form endorsed by the Supreme Judicial Council, and transmit the said briefs and statistics for review to the Supreme Judicial Council and, for information, to the Minister of Justice;

3. at the end of every six-month period, prepare information on the initiation and progress of cases and submit the said information to the Inspectorate with the Ministry of Justice;

4. chair court panels of all departments, where such have been established;

5. convene the judges of the administrative court to discuss the report referred to in Item 2 (a), the reports on the audits and examinations, the motions for interpretative judgments and decrees, as well as other matters;

6. convene and preside over the general meeting of the judges of the court.

Article 64f. (1) Each administrative court shall have a general meeting which shall consist of all judges.

(2) The general meeting shall perform the following functions:

1. at the end of every three years, distribute the judges among departments, where such have been established;
2. give opinions before the Supreme Administrative Court on drafts of interpretative judgments and decrees;
3. pass resolutions in other cases provided for by a law.

(3) For the valid transaction of business at the sessions of the general meeting, at least two-thirds of the total number of judges shall have to be present thereat.

(4) Resolutions shall require a simple majority of the number of those present."

11. In Article 72, Paragraph (2) shall be repealed.

12. In Article 83, the words "Article 127 (4) shall be replaced by "Article 127 (3)".

13. In Item 2 of Article 84 (1), the words "as well as" shall be deleted, and at the end there shall be added "as well as where rendering joint interpretative decrees with a general meeting of a judicial board of the Supreme Administrative Court".

14. In Article 93:

(a) in Paragraph (1), the word "two" shall be deleted;

(b) Paragraph (2) shall be amended to read as follows:

"(2) The president and the vice presidents shall head the judicial boards."

15. In Article 94, the words "an appellate court or of a district court" shall be replaced by "an administrative court", and the words "Article 127 (4)" shall be replaced by "Article 127 (5)".

16. In Article 95:

(a) in Item 1:

(aa) in Littera (b), the word "district" shall be replaced by "administrative";

(bb) there shall be added a new Littera (c):

"(c) disputes as to the legal conformity of statutory instruments of secondary legislation;";

(b) In Item 2, Littera (a) shall be repealed;

(c) there shall be inserted new Items 3 and 4:

"3. seven judges, where examining motions for reversal of effective judicial acts;

4. a general meeting of all judges, where rendering interpretative decrees in case of conflicting or incorrect case law on the application of the laws in the administration of administrative justice.";

(d) the existing Item 3 shall be renumbered to become Item 5 and shall be amended to read as follows:

"5. a general meeting of all judges, where rendering interpretative judgments resolving controversies as to the interpretation and application of the law."

17. In Article 96:

(a) Paragraph (1) shall be amended to read as follows:

"(1) The following shall attend the sessions of the general meetings and shall express an opinion:

1. the Deputy Prosecutor General heading the Supreme Administrative Prosecution Office;
2. prosecutors of the Prosecution Office with the Supreme Administrative Court, where they wish so;
3. the presidents of the administrative courts;
4. the Chairperson or a member of the Supreme Bar Council;
5. prominent experts in the theory and practice of law.";

(b) Paragraph (2) shall be repealed;

(c) the existing Paragraph (3) shall be renumbered to become Paragraph (2);

(d) there shall be inserted a new Paragraph (3):

"(3) The President of the Supreme Administrative Court shall notify the persons covered under Paragraph (1) of the date and time of holding of the session.";

(e) Paragraph (4) shall be repealed.

18. Article 97 shall be amended to read as follows:

"Article 97. (1) Motions for rendition of interpretative judgments may originate from the President of the Supreme Court of Cassation, the President of the Supreme Administrative Court, the Prosecutor General and the Deputy Prosecutor General heading the Supreme Administrative Prosecution Office, the Ombudsman, the Minister of Justice, the presidents of the administrative courts, the Chairperson of the Supreme Bar Council and the panels of judges of the Supreme Administrative Court on specific cases.

(2) Motions for rendition of interpretative decrees may furthermore originate from the authorities covered under Paragraph (1) and from parties to cases on which there are effective conflicting judgments of court and rulings.

(3) The interpretative decrees shall be binding on the judicial and the executive authorities, on the bodies of local self-government, as well as on all authorities which issue administrative acts.

(4) The interpretative judgments shall provide guidance to the courts and to the administrative authorities."

19. In Item 1 of Article 99 (3), after the words "composition" there shall be inserted "of the judicial boards and".

20. In Item 5 of Article 123 (4), the words "Item 13" shall be replaced by "Item 14".

21. In Article 125:

(a) there shall be inserted a new Item 4:

"4. judge at an administrative court;"

(b) the existing Items 4, 5 and 6 shall be renumbered to become Items 5, 6 and 7, respectively.

22. In Article 125a:

(a) in Paragraph (1), there shall be inserted a new Item 3:

"3. the president of an administrative court;"

(b) the existing Items 3 and 4 shall be renumbered to become Items 4 and 5, respectively.

23. In Article 125c (1), the words "Items 2 through 4" in the text before Item 1 shall be replaced by "Items 2 through 5".

24. In Article 127:

(a) there shall be inserted a new Paragraph (3):

"(3) To qualify for appointment as a judge at an administrative court, a person must have completed a length of service of at least five years or at least three years as a junior judge at an administrative court.";

(b) the existing Paragraphs (3) and (4) shall be renumbered to become Paragraphs (4) and (5), respectively;

(c) the existing Paragraph (5) shall be renumbered to become Paragraph (6), and the words "Paragraphs (1) through (4)" therein shall be replaced by "Paragraphs (1) through (5)";

(d) the existing Paragraph (6) shall be renumbered to become Paragraph (7), and the words "Paragraph (3)" therein shall be replaced by "Paragraph (4)", whereas the words "Paragraph (4)" shall be replaced by "Paragraph (5)".

25. In Article 132 (2), the words "Paragraphs (1) through (5)" shall be replaced by "Paragraphs (1) through (6)".

26. In Article 143:

(a) the existing text shall be redesignated to become Paragraph (1);

(b) there shall be added a new Paragraph (2):

"(2) The persons who hold the office of judge at an administrative court shall be assigned to the rank of judge at an appellate court, judge at the Supreme Administrative Court and head of department at the Supreme Administrative Court under the terms established by Article 142 (1) herein."

27. In Item 2 of Article 146, the words "Article 127 (5)" shall be replaced by "Article 146 (6)".

28. In Article 147:

(a) there shall be inserted a new Paragraph (4):

"(4) Junior judges at the administrative courts shall be appointed by the Supreme Judicial Council for a term of three years, which may be extended by one more year.";

(b) the existing Paragraph (4) shall be renumbered to become Paragraph (5).

29. In Article 167a (3), after the words "by the presidents of the appellate" there shall be placed a comma and there shall be inserted "administrative".

30. In Article 190 (2):

(a) there shall be inserted a new Item 5:

"5. to the judges of the administrative court: by the president of the said court, and to the presidents of the administrative courts: by the President of the Supreme Administrative Court;"

(b) the existing Items 5 through 8 shall be renumbered to become Items 6 through 9, respectively.

31. In Article 200b (1), after the words "geographical jurisdiction of" there shall be inserted "an administrative court and".

32. In Article 200g:

(a) Paragraph (1) shall be amended to read as follows:

"(1) The lists referred to in Article 200b (1) herein shall be endorsed by commissions composed of:

1. chairperson: a judge of the Supreme Administrative Court, designated by the President of the said Court, and members: judges of the relevant administrative court, designated by the president of the said court: in respect of the lists of the administrative courts;

2. [the] president of the appellate court or a designee thereof, the appellate prosecutor or a designee thereof, the president of the district court, the district prosecutor and the director of the district investigation service: in respect of the lists of the district courts.";

(b) Paragraph (3) shall be amended to read as follows:

"(3) The presidents of the appellate and of the administrative courts shall transmit the lists for the respective geographical jurisdictions to the Minister of Justice for promulgation in the State Gazette and for publication via the Internet."

**§ 121.** Article 33 (6) of the Doctors and Dentists Professional Organizations Act (promulgated in the State Gazette No. 83 of 1998; amended in No. 70 of 2004, Nos. 76 and 85 of 2005), the words "the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".

**§ 122.** In Article 36 (6) of the Professional Organization of Nurses, Midwives and Associated Medical Specialists Act (promulgated in the State Gazette No. 46 of 2005; amended in No. 85 of 2005), the words "the Supreme Administrative Court Act" shall be replaced by "the Code of Administrative Procedure".

**§ 123.** In the Grain Storage and Grain Trade Act (promulgated in the State Gazette No. 93 of 1998; amended in No. 101 of 2000, Nos. 9 and 58 of 2003, Nos. 69 and 105 of 2005), the words "the Administrative Procedure Act" shall be replaced passim by "the Code of Administrative Procedure".

**§ 124.** The Technical Requirements for Products Act (promulgated in the State Gazette No. 86 of 1999; amended in Nos. 63 and 93 of 2002, Nos. 18 and 107 of 2003, Nos. 45, 77, 88, 95 and 105 of 2005) shall be amended as follows:

1. In Article 30c (2), the words "the Supreme Administrative Court Act or under the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".

2. In Article 34a (8), the words "the Supreme Administrative Court Act" shall be replaced by "the Code of Administrative Procedure".

3. In Article 36, Paragraph (7) shall be amended to read as follows:

"(7) Any refusals by the Chairperson of the State Agency for Metrological and Technical Surveillance to register the persons and any refusals by the empowered officials of the Directorate General of State Technical Surveillance Inspection shall be appealable within fourteen days after receipt of the said refusals according to the procedure established by the Code of Administrative Procedure."

4. In Article 36a, Paragraph (5) shall be amended to read as follows:

"(5) Any orders by the Chairperson of the State Agency for Metrological and Technical Surveillance, referred to in Paragraph (4), and any orders by the empowered officials of the Directorate General of State Technical Surveillance Inspection, referred to in Paragraph (4), shall be appealable within fourteen days after receipt of the said refusals according to the procedure established by the Code of Administrative Procedure."

5. In Article 49 (3), the words "the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".

**§ 125.** (Effective 1.03.2007) The Topographies of Integrated Circuits Act (promulgated in the State Gazette No. 81 of 1999) shall be amended as follows:

1. (Effective 1.03.2007, in respect of the replacement of the word "district" by "administrative" and the replacement of the words "the Sofia City Court" by "the Sofia City Administrative Court") In Article 28 (2), the words "before the Sofia City Court according to the procedure established by the Administrative Procedure Act" shall be replaced by "before the Sofia City Administrative Court according to the procedure established by the Code of Administrative Procedure".

2. In Article 38, the words "the Sofia City Court" shall be replaced by "the Sofia City Administrative Court".

**§ 126.** The Tourism Act (promulgated in the State Gazette No. 56 of 2002; amended in Nos. 119 and 120 of 2002, No. 39

of 2004, Nos. 28, 39, 94, 99 and 105 of 2005) shall be amended as follows:

1. In Article 18 (6), the words "the Supreme Administrative Court Act" shall be replaced by "the Code of Administrative Procedure".
2. In Article 20 (3), the words "the Supreme Administrative Court Act" shall be replaced by "the Code of Administrative Procedure".
3. In Article 54 (3), the words "the Administrative Procedure Act or, respectively, according to the procedure established by the Supreme Administrative Court Act" shall be replaced by "the Code of Administrative Procedure".
4. In Article 66, the words "the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".

**§ 127.** In Article 40 of the Tobacco and Tobacco Products Act (promulgated in the State Gazette No. 101 of 1993; amended in No. 19 of 1994, No. 110 of 1996, No. 153 of 1998, No. 113 of 1999, Nos. 33 and 102 of 2000, No. 110 of 2001, No. 20 of 2003, Nos. 57 and 70 of 2004, Nos. 91, 95, 99 and 105 of 2005, No. 18 of 2006), the words "the Administrative Procedure Act" and "the Supreme Administrative Court Act" shall be replaced by "the Code of Administrative Procedure".

**§ 128.** The Asylum and Refugees Act (promulgated in the State Gazette No. 54 of 2002; amended in No. 31 of 2005) shall be amended as follows:

1. (Effective 1.03.2007) In Article 84 (1), the word "district" shall be replaced by "administrative".
2. (Effective 1.03.2007) In Article 85 (1) and (4), the words "the district" shall be replaced by "the administrative".
3. In Article 86, the words "the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".
4. In Article 91, the words "the Administrative Procedure Act, the Supreme Administrative Court Act" shall be replaced by "the Code of Administrative Procedure".

**§ 129.** The Waste Management Act (promulgated in the State Gazette No. 86 of 2003; amended in No. 70 of 2004, Nos. 77, 87, 88, 95 and 105 of 2005) shall be amended as follows:

1. In Article 49:
  - (a) in Item 1, the words "the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure";
  - (b) In Item 2, the words "the Supreme Administrative Court Act" shall be replaced by "the Code of Administrative Procedure".
2. In Article 52 (3), the words "the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".
3. In Article 55 (4), the words "the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".
4. In Article 59 (2), the words "the Supreme Administrative Court Act or, respectively, under the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".
5. In Article 70, the words "the Supreme Administrative Court Act" shall be replaced by "the Code of Administrative Procedure".
6. In Article 77 (3), the words "the Supreme Administrative Court Act" shall be replaced by "the Code of Administrative Procedure".
7. In Article 78 (4), the words "the Supreme Administrative Court Act" shall be replaced by "the Code of Administrative Procedure".
8. In Article 102 (4), the words "the Supreme Administrative Court Act or, respectively, according to the procedure established by the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".



**§ 130.** In Article 72 (1) of the Crisis Management Act (promulgated in the State Gazette No. 19 of 2005, amended in No. 17 of 2006), the words "the Administrative Procedure Act or of the Supreme Administrative Court Act" shall be replaced by "the Code of Administrative Procedure".

**§ 131.** In Article 4 (2) of the Act to Settle the Housing Problems of Long-Standing Home-Purchase Savings Depositors (promulgated in the State Gazette No. 82 of 1991; amended in Nos. 62 and 94 of 1992; corrected in No. 9 of 1993; amended in No. 90 of 1993, No. 16 of 1996, No. 123 of 1997, No. 33 of 1998, Nos. 9 and 34 of 2000), the words "the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".

**§ 132.** The Spatial Development Act (promulgated in the State Gazette No. 1 of 2001; amended in Nos. 41 and 111 of 2001, No. 43 of 2002, Nos. 20, 65 and 107 of 2003, Nos. 36 and 65 of 2004, Nos. 28, 76, 77, 88, 94, 95, 103 and 105 of 2005) shall be amended as follows:

1. In Article 213, the words "under the Administrative Procedure Act and under the Supreme Administrative Court Act" shall be replaced by "under the Code of Administrative Procedure".

2. (Effective 1.03.2007) In Article 215 (1), the word "district" shall be replaced by "administrative", and the words "the Sofia City Court" shall be replaced by "the Sofia City Administrative Court".

3. In Article 216 (3), the words "the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".

4. In Article 219 (3), the words "the Administrative Procedure Act or, respectively, the Supreme Administrative Court" shall be replaced by "the Code of Administrative Procedure".

5. In Item 11 of Article 222 (1), the words "the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".

6. In Article 228, the words "the Administrative Procedure Act and the Supreme Administrative Court Act" shall be replaced by "the Code of Administrative Procedure".

**§ 133.** In Article 17 (9) of the Physical Education and Sports Act (promulgated in the State Gazette No. 58 of 1996; [modified by] Constitutional Court Judgment No. 8 of 1997, [promulgated in] No. 53 of 1997; amended in No. 124 of 1998, Nos. 51 and 81 of 1999, No. 53 of 2000; corrected in No. 55 of 2000; amended in No. 64 of 2000, No. 75 of 2002; [modified by] Constitutional Court Judgment No. 6 of 2002, [promulgated in] No. 95 of 2002; amended in No. 120 of 2002, No. 96 of 2004, Nos. 88 and 103 of 2005), the words "the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".

**§ 134.** In the Film Industry Act (promulgated in the State Gazette No. 105 of 2003; amended in Nos. 28, 94 and 105 of 2005), the words "the Administrative Procedure Act" shall be replaced passim by "the Code of Administrative Procedure".

**§ 135.** In Article 16 (3) of the Animal Feed Act (promulgated in the State Gazette No. 82 of 1999; amended in No. 101 of 2000, No. 58 of 2003, Nos. 69 and 87 of 2005), the words "the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".

**§ 136.** The Gambling Act (promulgated in the State Gazette No. 51 of 1999; amended in No. 103 of 1999, No. 53 of 2000, Nos. 1, 102 and 110 of 2001, No. 75 of 2002, No. 31 of 2003, No. 70 of 2004, Nos. 79, 94, 95, 103 and 105 of 2005) shall be amended as follows:

1. (Effective 1.03.2007) In Article 25 (1), the words "the Sofia City Court" shall be replaced by "the Sofia City Administrative Court".

2. The words "the Administrative Procedure Act" shall be replaced passim by "the Code of Administrative Procedure".

**§ 137.** In the Foodstuffs Act (promulgated in the State Gazette No. 90 of 1999; amended in No. 102 of 2003, No. 70 of 2004, Nos. 87, 99 and 105 of 2005), the words "the Administrative Procedure Act" and "the Supreme Administrative Court Act" shall be replaced passim by "the Code of Administrative Procedure".

**§ 138.** In Article 22 of the Private Security Business Act (promulgated in the State Gazette No. 15 of 2004; amended in No. 105 of 2005), the words "the Administrative Procedure Act" shall be replaced by "the Code of Administrative Procedure".

**§ 139.** In the Foreigners in the Republic of Bulgaria Act (promulgated in the State Gazette No. 153 of 1998; amended in No. 70 of 1999, Nos. 42 and 112 of 2001, Nos. 45 and 54 of 2002, Nos. 37 and 103 of 2003, Nos. 37 and 70 of 2004, Nos. 11, 63 and 88 of 2005), the words "the Administrative Procedure Act" shall be replaced passim by "the Code of Administrative Procedure".

**§ 140.** In Article 45 (5) of the Not-for-Profit Legal Entities Act (promulgated in the State Gazette No. 81 of 2000; amended in Nos. 41 and 98 of 2001, Nos. 25 and 120 of 2002, Nos. 42, 102 and 105 of 2005), the words "the Supreme Administrative Court Act" shall be replaced by "the Code of Administrative Procedure".

**§ 141.** (Amended, SG No. 39/2011) The implementation of this Code shall be entrusted to the Council of Ministers, the Supreme Judicial Council, the President of the Supreme Administrative Court, and the Minister of Justice.

**§ 142.** This Code shall enter into force three months after the promulgation thereof in the State Gazette with the exception of:

1. Title Three, Item 1 of § 2 and Item 2 of § 2 herein (in respect of the repeal of Chapter Three, Section II "Appeal Before the Court" [of the Administrative Procedure Act]), Items 1 and 2 of § 9, Items 1 and 2 of § 11, § 15, Items 1 and 2 of § 44, Item 1 of § 51, Item 1 of § 53, Item 1 of § 61, Item 3 of § 66, Items 1 to 3 of § 76, § 78, § 79, Item 1 of § 83, Items 1 and 2 of § 84, Items 1 to 4 of § 89, Item 1 of § 101, Item 1 of § 102, § 107, Items 1 and 2 of § 117, § 125, Items 1 and 2 of § 128, Item 2 of § 132 and Item 1 of § 136, as well as § 34, Item 2 of § 35, Item 2 of § 43, Item 1 of § 62, Items 2 and 4 of § 66, Item 2 of § 97, and Item 1 of § 125 herein (in respect of the replacement of the word "district" by "administrative" and the replacement of the words "the Sofia City Court" by "the Sofia City Administrative Court"), which shall enter into force as from the 1st day of March 2007;

2. § 120 herein, which shall enter into force as from the 1st day of January 2007;

3. § 3 herein, which shall enter into force as from the day of promulgation of this Code in the State Gazette.

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## TRANSITIONAL AND FINAL PROVISIONS

to the Act Amending and Supplementing the Code of Administrative Procedure

(SG No. 39/2011, amended, SG No. 58/2017, effective 18.07.2017)

.....

**§ 19.** (1) (Amended, SG No. 58/2017, effective 18.07.2017) Any individual administrative instruments issued under the Agricultural Land Ownership and Use Act and the Regulations governing its implementation, as well as any refusals to issue such instruments (excluding those issued by the Minister of Agriculture, Food and Forestry) may be appealed to the regional court having jurisdiction over the location of the land plot as per the procedure of the Code of Administrative Procedure. Any

instruments issued by the regional court pursuant to the said procedure shall be subject to cassation appeal to the administrative court, as per the Code of Administrative Procedure, which shall review the appeal sitting in a chamber comprising three judges.

(2) Any proceedings instituted prior to the entry into force of this Code before administrative courts and the Supreme Administrative Court shall be completed as per the grandfathering procedure.

.....

§ 23. Any proceedings which were pending prior to the entry into force of this Code shall be completed as per the grandfathering procedure.

TRANSITIONAL AND FINAL PROVISIONS

to the Act Amending and Supplementing the Code of Administrative Procedure

(SG No. 104/2013, effective 4.01.2014)

§ 3. Pending proceedings where the cognizance has changed under this Code, shall be heard by the courts where they were instituted.

.....

§ 5. This Code shall enter into force one month after its promulgation in the State Gazette.

FINAL PROVISIONS

to the Act Amending and Supplementing the Code of Administrative Procedure

(SG No. 27/2014, effective 25.03.2014)

.....

§ 12. (1) The administrative authorities shall put in place integrated administrative services no later than one year upon the entry into force of this Act.

(2) Responsibility for complying with the time limit referred to in paragraph 1 shall lie with the relevant Secretary General, the Permanent Undersecretary of Defence, the relevant Municipal Secretary, and the Minister of Interior or any official authorized by him in the case of the Ministry of Interior.

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