

Code of Civil Procedure

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*Note: An update of the English text of this Act is being prepared following the amendments in SG No. 53/27.06.2014

Text in Bulgarian: Граждански процесуален кодекс

PART ONE

GENERAL RULES

Chapter One

BASIC PROVISIONS

Subject Matter

Article 1. This Code regulates proceedings in civil cases.

Due Protection and Facilitation

Article 2. Courts shall be obligated to examine and adjudicate in each petition submitted thereto for protection and facilitation of personal and property rights.

Good Faith

Article 3. The persons participating in court proceedings and the representatives thereof, on pain of liability for damages, shall be obligated to exercise the procedural rights conferred thereon in good faith and in compliance with good morals. The said persons shall be obligated to present to the court nothing but the truth.

Court Language, Oral Interpreters and Sign-Language Interpreters

Article 4. (1) Court proceedings shall be conducted in the Bulgarian language.

(2) Where any persons participating in the case have no command of the Bulgarian language, the court shall appoint an oral interpreter with the assistance of whom such persons shall perform the court procedural steps and shall be provided with an explanation of the steps taken by the court.

(3) Where a deaf or a mute person participates in the case, a sign-language interpreter shall be appointed thereto.

Chapter Two

FUNDAMENTAL PRINCIPLES

Legality

Article 5. The court shall examine and adjudicate in cases according to the precise meaning of the laws, and where the laws are deficient, obscure or conflicting, according to the common sense thereof. In the absence of an applicable law, the court shall found the judgment thereof on the fundamental principles of law, custom and ethics.

Dispositive Principle

Article 6. (1) Court proceedings shall commence on a petition by the interested person or on a motion by the prosecutor in the cases specified by a law.

(2) The subject matter of the case and the amount of the protection and facilitation due shall be determined by the parties.

Ex Officio Principle

Article 7. (1) The court shall perform ex officio the procedural steps necessary for the progress and close of the case and shall see to the admissibility and due performance of the procedural steps by the parties. The court shall facilitate the parties to clarify the factual and legal aspects of the case.

(2) The court shall serve upon the parties a duplicate copy of the acts which are subject to appellate review by separate appeal.

Adversarial Principle

Article 8. (1) Each party shall have the right to be heard by the court before rendition of an act relevant to the rights and interests of the said party.

(2) The parties shall indicate the facts underlying the demands thereof and shall present evidence supporting the said facts.

(3) The court shall afford the parties an opportunity to familiarize themselves with the demands and arguments of the opposing party, with the subject matter of the case and the progress thereof, as well as to express a stand on the said demands, arguments and subject matter.

Equality of Parties

Article 9. The court shall afford the parties an equal opportunity to exercise the rights conferred thereon. The court shall apply the law equally in respect of all.

Establishment of the Truth

Article 10. The court shall afford the parties an opportunity and shall facilitate the parties to establish the facts relevant to adjudication of the case.

Publicity and Immediacy

Article 11. Cases shall be examined orally in public session, save as where a law provided that such examination take place in camera.

Inner Conviction

Article 12. The court shall weigh all evidence in the case and the arguments of the parties, guided by its inner conviction.

Examination and Adjudication of Cases within Reasonable Time

Article 13. The court shall examine and adjudicate in the cases within a reasonable period of time.

Chapter Three

JURISDICTION

Jurisdiction over Civil Cases

Article 14. (1) The courts shall have jurisdiction over all civil cases.

(2) The court shall have discretion to determine whether a case instituted is entertainable thereby.

(3) No other institution shall have the right to admit for examination a case which is already being examined by the court.

Verification of Jurisdiction

Article 15. (1) The question of whether a case instituted is under the jurisdiction of the court may be raised either by the parties or ex officio by the court during any stage of the proceeding, save as where a time limit for this is established in a law.

(2) The ruling of the court on this issue shall be appealable by an interlocutory appeal.

Jurisdiction Dispute

Article 16. Where the courts and the other institutions have refused to examine a case by reason of declining jurisdiction, the plaintiff may bring a jurisdiction dispute before the Supreme Court of Cassation.

Competence over Pre-conditioning Questions

Article 17. (1) The court shall take a stand on all questions which are relevant to adjudication of the case, with the exception of the question as to whether a criminal offence has been committed.

(2) The court shall pronounce on the validity of administrative acts as an incidental question regardless of whether the said acts are subject to judicial review. The court may not pronounce on the legal conformity of administrative acts as an incidental question, save as where any such act is opposed to a party to the case who did not participate in the administrative proceeding for the issuing and appellate review of the said act.

Judicial Immunity

Article 18. (1) The Bulgarian court shall be competent to examine actions where to a foreign State, as well as a person enjoying judicial immunity, is a party in the following cases:

1. where judicial immunity is waived;
2. under actions based on contractual relations, where the obligation is performed in the Republic of Bulgaria;
3. under actions for damages sustained as a result of a tort or delict where the harmful act was committed in the Republic of Bulgaria;
4. under actions regarding rights to succession property and vacant succession in the Republic of Bulgaria;
5. under cases which are under the exclusive jurisdiction of the Bulgarian courts.

(2) The provisions of Items 2, 3 and 4 of Paragraph (1) shall not apply to any legal transactions and moves performed in execution of official functions of the persons or, respectively, in connection with the exercise of sovereign rights of the foreign State.

Arbitration Agreement

Article 19. (1) The parties to a property dispute may agree that the said dispute be settled by an arbitration court, unless the said dispute has as its subject matter any rights in rem or possession of a corporeal immovable, maintenance obligations or rights under an employment relationship.

(2) The arbitration may have a seat abroad if one of the party has his, her or its habitual residence, registered office according to the basic instrument thereof or place of the actual management thereof abroad.

Chapter Four

COURTS

Court Panel

Article 20. First-instance cases shall be examined by a one-judge panel, and intermediate appellate review cases and cassation cases shall be examined by a three-judge panel, including a presiding judge.

Deliberation

Article 21. (1) The deliberation and the voting of the court panel shall be moderated by the presiding judge and shall be conducted in camera.

(2) None of the judges may abstain from voting.

(3) The members of the panel shall vote in the order of seniority. The first to vote shall be the junior member, and the presiding judge shall vote last.

(4) Where, upon adjudication of the case on the merits, the court has to pronounce on several actions, a separate vote shall be taken on each of the said actions.

(5) Judgments of the court shall be adopted by a majority of the votes of the judges.

(6) Any judge who dissents from the opinion of the majority shall sign the judgment, reasoning separately for his or her dissenting opinion.

Grounds for Recusal

Article 22. (1) Participation in a case as a judge shall be inadmissible for any person:

1. who is a party to the case or, together with any of the parties to the case, has entered into the contested legal relation or into a legal relation linked thereto;

2. who is a spouse of or a lineal relative up to any degree of consanguinity, or a collateral relative up to the fourth degree of consanguinity, or an affine up to the third degree of affinity, to any of the parties or to any representative of any such party;

3. who is a de facto cohabitee with any party to the case or with any representative of any such party;

4. who has been a representative or an attorney-in-fact, as the case may be, of any party to the case;

5. who has taken part in adjudication in the case in a court of another instance or who has been a witness or an expert witness in the case;

6. in respect of whom other circumstances exist which give rise to reasonable doubts as to the impartiality of the said person.

(2) The judge shall be obligated to exclude himself or herself in the cases covered under Items 1 to 5 of Paragraph (1), and should he or she decline the recusal under Item 6 of Paragraph (1), to disclose the circumstances.

Recusal Procedure

Article 23. (1) Each of the parties may move for exclusion during a hearing after the grounds for an exclusion have arisen or have become known.

(2) The court shall determine the question of the exclusion with the participation of the judge in respect of whom the motion was made.

(3) If, owing to the exclusion of judges, the examination of the case at the relevant court is impossible, the superior court shall decree the transmittal of the case for examination to another court of equal rank.

Recusal of Other Officials

Article 24. The prosecutor and the clerk of court may be excluded on the grounds covered under Article 22 (1) herein.

Rogatory Commissions

Article 25. (1) Where evidence has to be taken outside the geographical jurisdiction of the court, the court may commission the territorial regional court to take the said evidence.

(2) The court shall communicate to the commissioned court the time limit wherewithin the evidence must be taken and, if possible, the day of the next succeeding hearing of the case.

(3) The commissioned court shall notify the commissioning court forthwith of all circumstances which delay or impede the fulfilment of the commission.

(4) The commissioned court shall render a ruling on all questions in connection with the fulfilment of the commission.

Chapter Five

PARTIES. REPRESENTATION

Parties

Article 26. (1) Parties to civil cases shall be the persons who or which sue and who or which are sued.

(2) Save in the cases provided for by a law, no one may claim under another's rights on one's own behalf before a court of law.

(3) A prosecutor may participate in the proceeding, enjoying the rights of a party, in the cases provided for by a law. A prosecutor may not perform any steps which constitute disposition of the subject matter of the case.

(4) In a case under which any person claims under another's right, the person under whose right the first-mentioned person claims shall likewise be summoned as a party.

Capacity to Have Procedural Rights and Duties

Article 27. (1) A person shall be capable of having procedural rights and duties if the said person is of full capacity to have rights and duties under the substantive law.

(2) The government institutions which are spending units shall likewise be capable of having procedural rights and duties. If a government institution is not a spending unit, the court procedural steps shall be performed by and against the superior institution which is a spending unit.

Procedural Capacity to Sue

Article 28. (1) The natural persons of full capacity to act shall perform procedural steps at court in person.

(2) Minors and limited interdicts shall perform procedural steps at court in person, but with the consent of the parents or curators thereof.

(3) Minors may sue in person for any disputes over employment relationships or for any disputes arising from transactions referred to in Article 4 (2) of the Persons and Family Act, as well as in other cases specified by a law.

(4) Minors and full interdicts shall be represented by the legal representatives thereof: parents or tutors.

Ad Hoc Procedural Representation

Article 29. (1) Absent persons unheard of shall be represented by representatives thereof appointed by the court, and persons declared absent shall be represented by the heirs whereto possession has been delivered.

(2) The party who wishes to perform a procedural step which brooks no delay in respect of any person who lacks procedural

capacity to sue and who does not have a legal representative or curator, may approach the court wherebefore the case is pending with a motion to appoint an ad hoc representative of the said party. In such case, the costs shall be initially borne by the said party.

(3) A person whose permanent and present address is unknown shall be represented by a person expressly appointed by the court. In such case, the costs shall be initially borne by the opposing party.

(4) If there is a conflict between the interests of a represented person and a representative, the court shall appoint an ad hoc representative. In such case, the court, acting according to the circumstances, shall rule whether the costs shall be initially borne by the represented person or by the representative.

(5) The ad hoc representative may perform steps for which an express power of attorney is required solely with the approval of the court wherebefore which the case is pursued.

Representation of Legal Persons

Article 30. (1) Legal persons shall be represented before the courts by the persons who represent the said persons by law or according to the rules of organization thereof.

(2) In the absence of a rule for representation, the legal person shall be represented by two members of the management thereof.

(3) Government institutions shall be represented by the heads thereof according to the rules of organization of the said institutions.

(4) Municipalities shall be represented by the mayors.

Representation of the State

Article 31. (1) The State shall be represented by the Minister of Finance, unless otherwise provided for in a law.

(2) (Amended, SG No. 66/2013, effective 26.07.2013) In cases concerning corporeal immovables constituting state property, the State shall be represented by the Minister of Regional Development.

Representation Per Procuracionem

Article 32. The following may be representatives of the parties by authorization:

1. the lawyers;
2. the parents, the children or the spouse;
3. the legal advisers or other employees possessing legal qualifications at the institutions, the enterprises, the legal persons and the sole trader;
4. (amended, SG No. 66/2013, effective 26.07.2013) the regional governors, authorized by the Minister of Finance or by the Minister of Regional Development, in the cases referred to in Article 31 herein;
5. other persons provided for in a law.

Power of Attorney

Article 33. The attorneys-in-fact shall identify themselves by means of a power of attorney signed by the party or by the representative thereof. The power of attorney shall state the forename, patronymic and surname, the exact address and telephone number of the attorney-in-fact. Authorization may furthermore be made orally before the court, and shall be included in the judicial record of the court hearing.

Representative Authority

Article 34. (1) A general power of attorney shall confer a right to perform all procedural steps at court, including receipt of costs deposited and sub-delegation.

(2) Bringing actions for civil status, including matrimonial actions, shall require an express power of attorney.

(3) Conclusion of a settlement, diminution of the demand, withdrawal from or abandonment of the action, admission of the demands of the other party, receipt of money or of other valuables, as well as any steps constituting disposition of the subject matter of the case, shall require an express power of attorney.

(4) A power of attorney shall remain valid until completion of the case in the courts of all instances, unless otherwise agreed.

Withdrawal of Authorization

Article 35. The principal shall have the right to withdraw at any time the authorization granted thereby, notifying the court thereof, but this shall not stay the examination of the case. All steps performed lawfully by the attorney-in-fact until withdrawal of the power of attorney shall remain valid.

Adjournment of Case upon Termination of Authorization

Article 36. In the event of death, mental derangement or disqualification of the principal, as well as upon renunciation of the authorization thereof, of which the said principal has notified the court, the proceeding in the case shall not be stayed but examination of the case may be adjourned for another hearing if the court determines that these circumstances could not have become known to the party or that the party has learnt of the said circumstances too late to be able to replace the attorney-in-fact in due time.

Chapter Six

COMMUNICATIONS AND SUMMONSES

Section I

Communications

Addressee

Article 37. Addressee shall be the person wherefor the communication is destined.

Address for Service

Article 38. A communication shall be served at the address named under the case. Where the addressee has not been found at the address named, the communication shall be served at the present address of the said addressee, and in the absence of a present address, at the permanent address.

Service upon Representative

Article 39. (1) Where the party has named a person for service of communications in the seat of the court (a legal addressee), or where the party has an attorney-in-fact for the case, service shall be effected upon the said person or upon the attorney-in-fact.

(2) Where several plaintiffs or respondents have named a shared legal addressee or have a shared attorney-in-fact in the seat of the court, a single communication shall be issued for all persons, wherein the names thereof shall be stated.

(3) If there are multiple plaintiffs or respondents, where the interests thereof are not conflicting, the court, acting either on a motion by the opposing party or at its own discretion, may order the said plaintiffs or respondents to name one of them or another person as a shared legal addressee. Upon failure to comply with this obligation, the court may appoint a representative of the said plaintiffs or respondents for service of papers at their own expense and risk.

(4) Where the addressee lacks procedural capacity to sue, the communication shall be served upon the legal representative thereof.

Legal Addressee

Article 40. (1) Any party, who resides abroad or leaves the country for more than one month, shall be obligated to name a person in the seat of the court for service of communications: a legal addressee, if the said party does not have an attorney-in-fact for the case in the Republic of Bulgaria. The same obligation shall apply to the legal representative, the curator and the attorney-in-fact of any such party.

(2) Where the persons referred to in Paragraph (1) fail to name a legal addressee, all communications shall be filed with the case records and shall be presumed served. The said persons must be warned of these consequences by the court upon service of the first communication.

Obligation to Notify

Article 41. (1) Any party, who is absent for more than one month from the address which the said party has communicated under the case or whereat a communication has been served thereon once, shall be obligated to notify the court of the new address thereof. The same obligation shall furthermore apply to the legal representative, the curator and the attorney-in-fact of any such party.

(2) Upon failure to comply with the obligation referred to in Paragraph (1), all communications shall be filed with the case records and shall be presumed served. The said persons must be warned of these consequences by the court upon service of the first communication.

Server

Article 42. (1) Communications shall be served by a court official, by post or through a courier service by means of a registered item with an addressee's acknowledgment of receipt. Where there is no court institution in the place of service, service may be effected care of the municipality or the mayoralty.

(2) On a motion by the party, the court may order that communications be served by a private enforcement agent. The costs of the private enforcement agent shall be borne by the party.

(3) Where the communication has not been served in another manner, the court may decree, as an exception, that service be effected by a court official by means of telephone, telex, telefax or by telegram.

(4) Communications may furthermore be served upon the party at an electronic address named thereby. Any such communications shall be presumed served upon the receipt thereof in the named information system.

Manner of Service

Article 43. (1) A communication shall be served personally or through another person.

(2) The court may order that service be effected by means of filing of the communication with the case records or by means of posting of a notification.

(3) The court may order that service be effected by means of publication.

Attestation of Service

Article 44. (1) (Supplemented, SG No. 42/2009) The server shall attest, by the signature thereof, the date and the manner of service, as well as all steps in connection with the service. The server shall furthermore note the capacity of the person whereupon the communication has been served after requiring from the said person to identify himself or herself by presenting an identity document. Upon refusal to present the identity document, the server may request the assistance of the Chief Directorate of Security at the Ministry of Justice. The recipient shall likewise attest, by the signature thereof, that the said recipient has received the communication. A refusal to accept a communication shall be noted on the receipt and shall be attested by the signature of the server. The refusal of the recipient shall not affect the dueeness of the service.

(2) Service by telephone or by telefax shall be attested in writing by the server, and service by telegram shall be attested by an advice of delivery of the said telegram, and where service has been effected by means of telex, service shall be attested by a written confirmation of delivery of the message. Service by post shall be attested by the addressee's acknowledgment of receipt.

(3) Service at an electronic address shall be attested by a copy of the electronic record of the service.

(4) The receipt attesting service by a court official or by a private enforcement agent, the addressee's acknowledgment of receipt attesting service by a postal officer, the advice of delivery of a telegram, as well as the written confirmation of delivery of a message by telex, shall be returned to the court immediately after being drafted.

Personal Service

Article 45. A communication shall be served upon the addressee personally. Service upon a representative shall be considered personal service.

Service upon Another Person

Article 46. (1) Where a communication cannot be served upon the addressee personally, the said communication shall be served upon another person who is willing to accept it.

(2) Another person may be any member of the household or any person who resides at the address, or who is a factory or office worker employed by or, respectively, an employer of the addressee and who has attained the age of 18 years. The person wherethrough service is effected shall sign the receipt, undertaking to pass the summons to the addressee. Service may not be effected upon persons who participate in the case as an opposing party to the addressee.

(3) The court shall exclude from the range of other persons those who are interested in the outcome of the case or who are expressly named in a written statement by the addressee. These persons shall be listed in the communication and in the addressee's acknowledgment of receipt.

(4) Upon receipt of the communication by the other person, service shall be presumed effected upon the addressee. The addressee may move for resumption of the time limit if the addressee was absent from the address and was unable to learn of the service in due time. The time limit referred to in Article 64 (2) herein shall begin to run as from the time when the addressee was able to learn of the service.

Service through Posting of Notification

Article 47. (1) Where the respondent cannot be found at the address named under the case and a person willing to accept the communication cannot be found, the server shall post a notification on the door or on the mailbox, and where no access is afforded thereto, on the front door or in a conspicuous place around the front door. Where the mailbox is accessible, the server shall place a notification therein as well.

(2) The notification shall state that the papers have been left at the office of the court, where service is effected through a court official or a private enforcement agent or, respectively, at the municipality, where service is effected through a municipal official, as well as that the said papers can be claimed there within two weeks after the posting of the notification.

(3) Where the respondent does not present himself or herself to claim the papers, the court shall instruct the plaintiff to present a statement of search of records regarding the residence registration of the respondent, except in the cases referred to in Article 40 (2) and Article 41 (1) herein, when the communication shall be filed with the case records. If the address named [in the statement] is other than the permanent and present address of the party, the court shall order service at the current or permanent address according to the procedure established by Paragraphs (1) and (2).

(4) Where the server finds that the respondent does not reside at the address named, the court shall instruct the plaintiff to present a statement of search of records regarding the residence registration of the respondent notwithstanding the posting of the notification under Paragraph (1).

(5) The communication shall be presumed served upon expiry of the time limit for claiming the said communication from the office of the court or the municipality.

(6) Having established that the service has been duly effected, the court shall order that the communication be filed with the case records and shall appoint an ad hoc representative at the expense of the plaintiff.

(7) (Supplemented, SG No. 42/2009) The provisions of Paragraphs (1) to (5) shall apply, *mutatis mutandis*, to the service of communications on an assisting party, as well as to the service of an enforcement order.

(8) The provisions of Paragraphs (1) and (2) shall apply to the service of communications on a witness, an expert witness and a person who does not participate in the case, with any such communication being deposited in the mailbox and, where no

access is afforded thereto, through posting of a notification.

Service through Publication

Article 48. (1) (Amended, SG No. 100/2010, effective 21.12.2010) If, when the case is instituted, the respondent does not have a registered permanent or present address, on a motion by the plaintiff, communication thereto of the case instituted shall be effected through publication in the Unofficial Section of the State Gazette. The court shall authorize the effecting of service according to this procedure after the plaintiff certifies by a statement of search of records that the respondent does not have a residence registration and the plaintiff confirms by a declaration that the said plaintiff is not aware of the address of the respondent abroad.

(2) (Amended, SG No. 100/2010, effective 21.12.2010) If, despite the publication, the respondent fails to appear in court, in order to receive duplicate copies of the statement of action and the attachments, the court shall appoint an ad hoc representative of the said respondent at the expense of the plaintiff.

Place of Service

Article 49. The place of service shall be the residence, the weekend house, the place of employment, the place of civil service, the registered office, the place of implementation of economic activity or another place which is inhabited by the addressee, as well as any other place wherein the addressee can be found.

Service upon Merchants and Legal Persons

Article 50. (1) The place of service of a merchant and of a legal person which is recorded in the relevant register shall be the last address named in the register.

(2) If the person has left the address thereof and the new address thereof is not recorded in the register, all communications shall be filed with the case records and shall be presumed duly served.

(3) Service upon merchants and upon legal persons shall take place at the offices thereof and may be effected upon each office or factory worker who is willing to accept them. Upon attestation of the service, the server shall indicate the names and position of the recipient.

(4) Where the server does not obtain access to the office and does not find a person willing to accept the communication, the server shall post a notification under Article 47 (1) herein. A second notification shall not be posted.

Service upon Lawyer

Article 51. (1) Service upon a lawyer shall be effected personally at the office of the said lawyer or in any place where the said lawyer is on business. Service at the office may be effected upon any person who works for or assists the lawyer. Upon attestation of the service, the server shall indicate the name and capacity of the recipient.

(2) Where a person to receive the communication cannot be found at the lawyer's office, the server shall post a notification under Article 47 (1) herein. A second notification shall not be posted.

(3) The lawyer may not refuse to receive a communication of a client thereof, except after withdrawal of the power of attorney according to the procedure established by Article 35 herein, renunciation of authorization under Article 36 herein, as well as where the power of attorney unambiguously shows that it does not refer to the court of the instance whereto the summoning applies. A refusal of the lawyer to accept the communication shall be noted in the receipt and shall be attested by the signature of the server. Any such refusal shall not affect the dueeness of the service.

Service upon Government Institutions and Municipalities

Article 52. Government institutions and municipalities shall be obligated to ensure an official to accept communications within normal business hours.

Service upon Foreigners Resident in Bulgaria

Article 53. Service upon foreigners resident in Bulgaria shall be effected at the address stated to the relevant administrative services.

Cure of Non-conformities upon Service

Article 54. If there are any non-conformities upon the service, the said service shall be presumed effected at the time at which the communication actually reached the addressee.

Standard Forms

Article 55. The Minister of Justice shall issue an ordinance endorsing thereby the standard forms of all papers related to service.

Section II

Summoning

Summonses

- Article 56.** (1) The court shall summon the parties for the hearings of the case.
- (2) Upon adjournment of the case, the parties who are duly summoned shall not be summoned for the next succeeding hearing where the date of the said hearing has been announced during the hearing.
- (3) Summoning shall be effected not later than one week before the hearing. This rule shall not apply in the enforcement procedure.

Summons: Content

Article 57. A summons shall state:

1. the issuing court;
2. the name and address of the person summoned;
3. the case and the capacity in which the person is summoned;
4. the place and time of the hearing, and
5. the legal consequences of non-appearance.

Procedure for Service of Summonses

Article 58. Summonses under a case shall be served according to the procedure applicable to service of communications.

Chapter Seven

TIME LIMITS AND RESUMPTION OF TIME LIMITS

Section I

Time Limits

Setting of Time Limits

Article 59. The time limits in the procedure, which are not established by the law, shall be set by the court.

Calculation of Time Limits

Article 60. (1) A time limit shall be calculated in years, months, weeks and days.

(2) A time limit which is counted in years shall expire on the respective day of the last year, and if the month in the last year lacks a respective day, the time limit shall expire on the last day of the said month.

(3) A time limit which is counted in months shall expire on the respective day of the last month, and if the last month lacks a respective day, the time limit shall expire on the last day of the said month.

(4) A time limit which is counted in weeks shall expire on the respective day of the last week.

(5) A time limit which is counted in days shall be calculated as from the day next succeeding the day from which the time limit begins to run, and shall expire at the end of the last day.

(6) Where the last day of a time limit is a non-working day, the time limit shall expire on the first next succeeding working day.

Suspension of Time Limit

Article 61. As the proceeding is stayed, all time limits which have begun to run but have not expired shall be suspended. In such case, the suspension of the time limit shall begin as from the event in connection with which the proceeding has been stayed.

Expiry of Time Limit

Article 62. (1) The last day of the time limit shall continue until the end of the twenty-four hour, but if any step has to be performed or if anything has to be presented in court, the time limit shall expire at the time of close of normal business hours.

(2) A time limit shall not be considered exceeded where the petition has been dispatched by post. A time limit shall not be considered exceeded, either, where the petition has been submitted to another court or to the prosecution office within the time limit, except where submitted by electronic means.

(3) Where the court sets a time limit longer than the time limit established by a law, a step performed after the expiry of the statutory time limit but before the expiry of the time limit set by the court shall not be considered overdue.

Extension of Time Limit

Article 63. (1) The statutory time limits and the time limits set by the court may be extended by the court on a petition by the interested party submitted before the expiry of the time limits, if there are valid reasons.

(2) The newly set time limit may not be shorter than the initial time limit. An extension of the time limit shall run as from the expiry of the initial time limit.

(3) Paragraph (1) shall not apply to the time limits for appellate review and for submission of a petition for a reversal of an effective judgment.

Section II

Resumption of Time Limits

Conditions

Article 64. (1) Any procedural steps performed after the expiry of the time limits as set shall be ignored by the court.

(2) A party, which has exceeded any time limit established by the law or set by the court, may move for resumption of the said time limit if the said party proves that the excess was due to special unforeseen circumstances which the said party was unable to overcome.

(3) The petition for resumption shall be submitted within one week after the communication of the excess of the time limit. Resumption shall not be granted if extension of the time limit for performance of the omitted step was possible.

(4) The time limit for submission of a petition for resumption of a time limit may not be extended.

Petition for Resumption

Article 65. (1) The petition shall state:

1. all circumstances which justify the petition;
2. all items of evidence proving that the petition is well-founded.

(2) Any papers for the issuing whereof a resumption of the time limit is required shall be submitted simultaneously with the petition for resumption of the time limit, and where the time limit is for depositing of amounts for costs, the court shall set a new time limit for depositing the said amounts.

(3) Submission of the petition shall not suspend the course of the proceedings.

Procedure

Article 66. (1) The petition shall be submitted accompanied by a duplicate copy for the opposing party, who may give an answer within one week. The petition shall be examined in public session.

(2) An interlocutory appeal may be lodged against a ruling whereby resumption of the time limit is refused.

(3) Where granting of the petition necessitates the holding of a public court session, the court may, where necessary, vacate the steps performed before resumption of the time limit.

Costs

Article 67. All costs, which have arisen for the opposite party from the excess of the time limit and in the proceeding for resumption of the time limit, shall be borne by the petitioner.

Chapter Eight

FEES AND COSTS

Section I

Cost of Action

Cost of Action

Article 68. The value of the subject matter of the case, appraised in money, shall be the cost of action.

Cost of Action: Amount

Article 69. (1) The amount of the cost of action shall be:

1. in actions for pecuniary receivables: the sum claimed;
2. in actions for ownership and other rights in rem to an immovable: the tax assessed value or, in the absence of such value, the market price of the right in rem;
3. in actions for disturbed possession: one-fourth of the amount referred to in Item 2;
4. in actions for existence, for annulment or for rescission of a contract and for conclusion of a final contract: the value of the contract, and where the contract has, as a subject matter, any rights in rem to an immovable, the amounts referred to in Item 2;
5. in actions for existence or termination of a lease contract: the rent for one year;
6. in actions for term annuities: the sum total of all payments;

7. in actions for perpetual annuities or for life annuities: the sum total of the payments for three years.

(2) In actions which are not specified under Paragraph (1), the court shall determine the initial cost of action.

Cost of Action: Determination

Article 70. (1) The cost of action shall be named by the plaintiff. An issue of the cost of action may be raised either by the respondent or ex officio by the court at the latest during the first hearing for examination of the case. In the event of discrepancy between the cost named and the actual cost, the court shall determine the cost of action.

(2) The ruling of the court, whereby the cost of action is increased, shall be appealable by an interlocutory appeal.

(3) In actions whereunder an appraisal gives rise to difficulties at the time when the action is brought, an approximate cost of action shall be determined by the court and an additional fee shall subsequently be charged or the overcollected fee shall be refunded depending on the cost which the court determines upon adjudication of the case.

Section II

Stamp Duties and Costs

Incurrence of Fees and Costs

Article 71. (1) Stamp duties on the cost of action and court costs shall be collected upon conduct of the case. Where the action is unappraisable, the amount of the stamp duty shall be determined by the court.

(2) Where the subject matter of the case is a right of ownership or other rights in rem to an immovable, the amount of the stamp duty shall be determined on one-fourth of the cost of action.

Stamp Duties upon Joinder of Actions

Article 72. (1) In cumulatively joined actions brought by a single petition, stamp duty shall be collected for each action.

(2) In alternatively or eventually joined actions brought by a single petition against a single person, stamp duty shall be collected for a single action.

(3) In alternatively or eventually joined actions brought by a single petition against multiple persons, stamp duty shall be collected for the actions against each person.

Stamp Duty

Article 73. (1) There shall be simple and proportionate stamp duties.

(2) Simple duties shall be determined on the basis of the material, technical and administrative expenses required for the proceeding. Proportionate taxes shall be determined on the basis of the proprietary interest.

(3) The stamp duty shall be collected upon presentation of a motion for protection or facilitation and upon the issuing of the document for which duty is paid, according to a rate schedule adopted by the Council of Ministers.

(4) (New, SG No. 49/2012) The percentage of the proportionate stamp duty in enforcement cases shall decrease while the proprietary interest increases, but the stamp duty may not exceed the maximum amount set in the rate schedule under paragraph 3. The proportionate stamp duty for inventories shall be charged on the lesser of the following two amounts: the price of the inventoried item or the price of the pecuniary claim. The sum total of all proportionate stamp duties payable by the execution debtor or execution creditor in enforcement proceedings may not exceed one-tenth of the debt unless their minimum amount set in the rate schedule exceeds one-tenth of the debt.

Modification of Demand

Article 74. Upon diminution of the demand, the stamp duty paid shall not be refunded. Upon increase of the demand, the stamp duty on the difference shall be paid additionally.

Determination of Costs

Article 75. The remuneration of witnesses shall be determined by the court considering the time allocated and the expenses incurred, and the remuneration of expert witnesses shall be determined by the court considering the work done and the expenses incurred.

Advance Deposit for Costs

Article 76. Each party shall make an advance deposit to the court for the costs for the steps which the said party has moved for. The amounts for costs for steps on a motion by both parties or on the initiative of the court shall be deposited by both parties or by one party depending on the circumstances.

Coercive Collection of Costs

Article 77. If any costs remain due by a party, the court shall render a ruling on the coercive collection of the said costs.

Award of Costs

Article 78. (1) The fees paid by the plaintiff, the costs of the proceeding and the fees for one lawyer, if any, shall be paid by the respondent commensurate to the portion of the action granted.

(2) If the respondent has not provided an occasion for institution of the case by the behaviour thereof or if the respondent admits the demand, the costs shall be awarded against the plaintiff.

(3) The respondent, too, shall have the right to move for payment of the costs incurred thereby commensurate to the portion of the action dismissed.

(4) The respondent shall be entitled to costs even upon dismissal of the case.

(5) If the fees for a lawyer paid by the party are excessive considering the actual legal and factual complexity of the case, the court, acting on a motion by the opposing party, may award a lower amount of the costs in this part, but not less than the minimum amount set according to Article 36 of the Bar Act.

(6) Where the case has been adjudicated in favour of a person for whom payment of stamp duty or of costs of the proceeding is waived, the person found against shall be obligated to pay all fees and applicable costs due. The respective amounts shall be awarded in favour of the court.

(7) If the claim of a recipient of legal aid is granted, the lawyers' fees paid shall be awarded in favour of the National Legal Aid Office commensurate to the portion of the action granted. In the cases of a judgment adverse to the recipient of legal aid, the said recipient shall owe costs commensurate to the portion of the action dismissed.

(8) A lawyer's fee shall be awarded, inter alia, in favour of legal persons and sole traders, if the said persons and traders have been defended by a legal adviser.

(9) Upon conclusion of the case by a settlement, half of the stamp duty deposited shall be refunded to the plaintiff. The costs of the proceeding and of the settlement shall be borne by the parties who incurred the said costs, unless otherwise agreed.

(10) A third-party intervenor shall not be awarded costs, but any such intervenor shall owe the costs inflicted by the procedural steps thereof.

(11) Where the prosecutor participates in the case as a party, the costs due shall be awarded to the State or shall be paid thereby.

Costs of Enforcement

Article 79. (1) The costs of enforcement shall be borne by the State except in the cases where:

1. the case is dismissed according to Article 433 herein, except by reason of a payment effected after commencement of the enforcement proceeding, or
2. the enforcement steps are abandoned by the execution creditor or are vacated by the court.

(2) Where the fees on enforcement are not deposited by the execution creditor, the said fees shall be collected from the execution debtor.

(3) (New, SG No. 49/2012) No fee shall be collected for making a property inventory within the time limit for voluntary payment.

List of Costs

Article 80. (Amended, SG No. 100/2010, effective 21.12.2010) The party who has moved for the award of costs shall present to the court a list of costs not later than before the close of the last hearing in the court of the relevant instance. Failing this, the said party shall not have the right to move for a modification of the judgment in its part concerning the costs.

Award of Costs

Article 81. In each act which concludes the case in the court of the relevant instance, the court shall pronounce, inter alia, on the demand of costs.

Order Regarding Amounts Deposited for Costs and Bonds

Article 82. Any amounts for costs and bonds deposited and furnished in money and valuables shall be credited to State budget revenue unless claimed within one year after the date at which the said amounts became exigible.

Waiver of Fees and Costs

Article 83. (1) Fees and costs of the proceeding in the cases shall not be deposited:

1. by the plaintiffs who are factory or office workers or cooperative members in respect of any actions arising from employment relationships;
2. by the plaintiffs: in respect of any actions for maintenance obligations;
3. on any actions brought by a prosecutor;
4. by the plaintiff: in respect of any actions for damages sustained as a result of a tort or delict, for which a sentence has entered into effect;
5. by the ad hoc representatives of the party whose address is unknown, appointed by the court.

(2) Fees and costs of the proceeding shall not be deposited by any natural persons who have been found by the court to lack sufficient means to pay the said fees and costs. Considering the petition for waiver, the court shall take into consideration:

1. the income accruing to the person and to the family thereof;
2. the property status, as certified by a declaration;
3. the family situation;
4. the health status;
5. the employment status;
6. the age;
7. other circumstances ascertained.

(3) In the cases covered under Paragraphs (1) and (2), the costs of the proceeding shall be paid from the amounts allocated under the budget of the court.

Waiver in Special Cases

Article 84. Payment of stamp duty but not of court costs shall be waived for:

1. (amended, SG No. 50/2008, effective 1.03.2008; amended by Judgment No. 3 of the Constitutional Court of the Republic

of Bulgaria, SG No. 63/2008) the State and the government institutions, except in actions for private state receivables and rights to corporeal things constituting private state property;

2. the Bulgarian Red Cross;

3. the municipalities, except in actions for private municipal receivables and rights to corporeal things constituting private municipal property.

Chapter Nine

FINES

Witness, When Fined

Article 85. (1) If a witness summoned to appear in court fails to appear without reasonable excuse, the court shall impose a fine thereon and shall decree that the attendance of the said witness during the next succeeding hearing be compelled.

(2) If a witness refuses to testify without reasonable excuse, the court shall impose a fine thereon.

Expert Witness, When Fined

Article 86. If an expert witness fails to appear, refuses to give a conclusion, or fails to present a conclusion in due time without reasonable excuse, the court shall impose a fine thereon.

Third Party, When Fined

Article 87. If a third party who does not participate in the case refuses to present a document or a tangible thing for inspection demanded therefrom by the court, which has been established to be in the possession of the said party, the court shall impose a fine thereon and shall urge to present the said document or thing.

Fine for Breaches upon Service

Article 88. (1) The court shall impose a fine on any server who has misserved a communication, who has failed to duly attest the service, or who has not returned to court, in due time, the receipt proving service, or who has failed to comply with any other commands of the court in connection with the service.

(2) The court shall impose a fine on the manager of the office, where a person willing to accept a communication cannot be found in the office of a government institution or a municipality within normal business hours.

Fine for Breaches upon Examination of Case

Article 89. The court shall impose a fine for:

1. disorderly behaviour during a court hearing;
2. disobedience of the orders of the court;
3. insult of the court, a party, a representative, a witness or an expert witness.

Wrongful Receipt of Legal Aid

Article 90. (1) The court shall impose a fine on a party who has stated any untrue or incomplete data in an application for legal aid and, as a result of this, has received or has attempted to receive legal aid.

(2) A fine shall likewise be imposed in the cases where a party who has been granted legal aid fails to notify the court in due time of any circumstances relevant to the judgment referred to in Articles 96 and 97 herein.

Amount of Fine

Article 91. (1) The fine for any breaches covered under Article 85 to 90 herein shall be BGN 50 or exceeding this amount but

not exceeding BGN 300.

(2) The fine for any breaches which impede the course of proceedings or which are re-committed shall be BGN 100 or exceeding this amount but not exceeding BGN 1,200.

Appellate Review

Article 92. (1) A petition for vacation of a fine as imposed may be submitted within one week to the court which has imposed the said fine. The time limit shall begin to run as from the day of the court hearing, and in the cases where the person does not attend the hearing, as from the day of the communication.

(2) The court shall examine the petition in camera and, if it finds the reasons set forth valid, the court shall reduce or vacate the fine, as well the compelled attendance.

(3) The ruling shall be appealable by an interlocutory appeal.

Fine of Party

Article 92a. (New, SG No. 42/2009) Any party, which groundlessly causes an adjournment of the case, shall bear the costs of the new hearing regardless of the outcome of the case and shall pay a fine to the amounts referred to in Article 91 herein. The ruling of the court shall be appealable according to the procedure established by Article 92 herein.

Fines upon Coercive Enforcement

Article 93. (1) The enforcement agent shall impose a fine in the amounts referred to in Article 91 herein for:

1. any breaches covered under Articles 85 to 88 herein;
2. posing any obstacles to the viewing of the corporeal thing offered for sale;
3. failure to obey any other commands of the enforcement agent.

(2) The decree whereby the enforcement agent imposes the fine shall be appealable within one week after communication before the regional judge, who shall pronounce in camera, rendering a ruling which shall be unappealable.

Chapter Ten

LEGAL AID

Content of Legal Aid

Article 94. Legal aid shall consist in ensuring defence by legal counsel free of charge.

Grant of Legal Aid

Article 95. (1) An application for legal aid shall be submitted in writing to the court wherebefore the case is pending.

(2) In the ruling whereby the application is granted, the court shall specify the type and scope of the legal aid granted.

(3) The ruling on the grant of legal aid shall have effect as from the submission of the application, unless the court decrees otherwise.

(4) The ruling shall be rendered in camera, unless the court deems it necessary to hear the party in order to clarify all circumstances.

(5) The ruling whereby legal aid is refused shall be appealable by an interlocutory appeal.

(6) The ruling of the court on the interlocutory appeal shall be final.

Termination of Legal Aid

Article 96. (1) Legal aid shall be terminated:

1. upon change of the circumstances on the grounds of which the said aid has been granted;
2. by the death of the natural person whereto the said aid has been granted.

(2) The court, acting either ex officio or on a motion by a party or by the assigned counsel, shall decree termination in whole or in part of the legal aid granted, effective from the time of occurrence of a change in the circumstances which justified the grant of the said aid.

Deprivation of Legal Aid

Article 97. (1) The court, acting either ex officio or on a motion by a party or by the assigned counsel, shall deprive the party of legal aid in whole or in part if it is established that the conditions for the grant of the said aid did not exist at all or in part.

(2) (Amended, SG No. 50/2008, effective 1.03.2008) In the case referred to in Paragraph (1), the party shall be obligated to deposit or to restore all amounts from the payment of which the said party has been groundlessly exempted, as well as to pay the fee to the counsel assigned thereto.

Consequences of Termination and Deprivation of Legal Aid

Article 98. (1) The assigned counsel shall exercise the powers thereof until the entry into effect of the ruling on termination or on deprivation of legal aid, if this is necessary to safeguard the party against adverse legal consequences.

(2) The time limits for appellate review shall be interrupted as from the rendition and until the entry into effect of the ruling on termination or on deprivation of legal aid and shall commence anew thereafter.

Advice of Parties on Legal Aid

Article 99. The court shall apprise the parties of their legitimate rights and obligations in connection with legal aid, as well as of the legal consequences upon failure to comply with the obligations thereof.

Chapter Eleven

PROCEDURAL STEPS BY PARTIES

Form

Article 100. The parties shall perform procedural steps orally during a court hearing. The procedural steps outside a court hearing shall be performed in writing.

Non-conformity of Procedural Step

Article 101. (1) The court, acting ex officio, shall see to the due performance of procedural steps. The court shall instruct the party as to the nature of the non-conformity of the procedural step performed thereby and to the manner in which the said non-conformity can be cured, and shall set a time limit for the curing.

(2) The cured procedural step shall be deemed conforming as from the time of performance thereof.

(3) Upon failure to cure the non-conformity within the time limit set, the procedural step shall be deemed non-performed.

Written Statements

Article 102. (1) Any written statements to the court shall contain:

1. a reference to the court;
2. the name and address of the party making the statement or, respectively, the name and address of the representative wherethrough the statement is effected;

3. the nature of the statement;

4. signature.

(2) The following shall be attached to written statements:

1. a power of attorney, where the statement is effected through a representative;

2. documentary proof of payment of fees and costs, where such are due;

3. duplicate copies of the statement and the attachments according to the number of opposing parties.

PART TWO

STANDARD ACTION PROCEDURE

TITLE ONE

PROCEEDING BEFORE COURT OF FIRST INSTANCE

Chapter Twelve

COGNIZANCE

Section I

Generic Cognizance

Basic Cognizance

Article 103. The regional court shall take cognizance of all civil cases, with the exception of such as are cognizable in the district court acting as a court of first instance.

Cognizance of District Court

Article 104. The district court, acting as a court of first instance, shall take cognizance of:

1. any actions to establish or disavow filiation, to terminate adoption, any actions for interdiction or for vacation of interdiction;

2. (repealed, SG No. 50/2008, effective 1.03.2008);

3. any actions for ownership and other rights in rem to an immovable with a cost of action exceeding BGN 50,000;

4. (supplemented, SG No. 50/2008, effective 1.03.2008) any actions on civil and commercial cases with a cost of action exceeding BGN 25,000, with the exception of any actions for maintenance obligations, for labour disputes, and for receivables under deficit deeds;

5. any actions to establish inadmissibility or nullity of a recording, as well as for non-existence of a recorded circumstance, where so provided for in a law;

6. any actions which, under other laws, are subject to examination by the district court.

Section II

Territorial Cognizance

General Territorial Cognizance

Article 105. An action shall be brought before the court within whose geographical jurisdiction the permanent address or the registered office of the respondent is located.

Actions against Minors or Full Interdicts

Article 106. Actions against minors or full interdicts shall be brought before the court exercising jurisdiction over the permanent address of the legal representative thereof.

Actions against Persons whose Address Is Unknown

Article 107. (1) An action against a person whose address is unknown shall be brought before the court exercising jurisdiction over the permanent address of the attorney-in-fact or representative of the said person or, should there be no such attorney or representative, over the permanent address of the plaintiff.

(2) The rules under Paragraph (1) shall furthermore apply to any respondent who does not reside at the permanent address thereof within the territory of the Republic of Bulgaria.

(3) If the respondent does not have a permanent address in the Republic of Bulgaria, either, the action shall be brought before the competent court in Sofia.

Actions against Government Institutions and Legal Persons

Article 108. (1) Actions against government institutions and legal persons shall be brought before the court within whose geographical jurisdiction the place of management or registered office thereof is located. In respect of any disputes which have arisen from direct relations with divisions or branches of any such institutions or persons, actions may alternatively be brought before the court exercising jurisdiction over the location of the said divisions or branches.

(2) Actions against the State shall be brought before the court within whose geographical jurisdiction the contested legal relation has arisen, except in the cases referred to in Articles 109 and 110 herein. Where the said relation has arisen abroad, the court shall be brought before the competent court in Sofia.

Cognizance in Place of Corporeal Immovable

Article 109. Actions for rights in rem to a corporeal immovable, for partition of a co-owned corporeal immovable, for boundaries, and for remedy against disturbed possession of a corporeal immovable shall be brought before the court exercising jurisdiction over the place where the immovable is located. Actions for conclusion of a final contract for creation and transfer of rights in rem to a corporeal immovable, as well as for rescission, annulment and declaration of nullity of contracts for rights in rem to a corporeal immovable, shall likewise be brought before the court exercising jurisdiction over the place where the immovable is located.

Cognizance in Place of Opening of Succession

Article 110. (1) Actions for succession, for annulment or reduction of testaments, for partition of succession and for annulment of voluntary partition shall be brought before the court exercising jurisdiction over the place where the succession has been opened.

(2) If the decedent is a Bulgarian citizen but the succession has been opened abroad, the actions referred to in Paragraph (1) may be brought before the court exercising jurisdiction over the last permanent address of the said decedent in the Republic of Bulgaria or before the court within whose geographical jurisdiction the immovables of the said decedent are located.

Action for Pecuniary Receivables on Contractual Grounds

Article 111. An action for pecuniary receivables on contractual grounds may be brought, alternatively, before the court exercising jurisdiction over the present address of the respondent.

Action for Maintenance Obligations

Article 112. An action for maintenance obligations may be brought, alternatively, before the court exercising jurisdiction over the permanent address of the plaintiff.

Consumers' Actions

Article 113. A consumer may bring an action, alternatively, before the court exercising jurisdiction over the current or permanent address of the said consumer.

Actions in Labour Cases

Article 114. A worker may bring an action against the employer thereof, alternatively, before the court exercising jurisdiction over the place where the said worker habitually performs the work thereof.

Actions for Tort or Delict

Article 115. An action for damages sustained as a result of a tort or delict may be brought, alternatively, before the court exercising jurisdiction over the place where the act was committed.

Concurrent Cognizance

Article 116. An action against respondents from different geographical jurisdictions or for an immovable located in different geographical jurisdictions shall be brought, at the choice of the plaintiff, before the court of any of the said geographical jurisdictions.

Agreed Cognizance

Article 117. (1) The cognizance determined by the law may not be altered by agreement between the parties.

(2) By written agreement, the parties to a property dispute may name a court other than the court wherein the case is cognizable conforming to the rules of territorial cognizance. This provision shall not apply to the cognizance referred to in Article 109 herein.

(3) An agreement on choice of court under consumers' actions and under labour disputes shall take effect only if concluded after the dispute has arisen.

Section III

Cognizance Proceeding

Verification of Cognizance

Article 118. (1) Each court shall have discretion to decide whether a case commenced before it is cognizable therein.

(2) If the court determines 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 pending before that court as from the day of submission of the petition to the non-competent court, and the steps performed by the latter shall retain the validity thereof.

Opposition over Lack of Cognizance

Article 119. (1) An opposition to the generic cognizance of the case may be lodged prior to the close of the proceeding in the court of second instance and may furthermore be raised ex officio by the court.

(2) An opposition over lack of cognizance of the case in the court exercising jurisdiction over the place where the corporeal immovable is located may be lodged by the party and may be raised ex officio by the court prior to the conclusion of the trial in the court of first instance.

(3) In all cases other than those referred to in Paragraphs (1) and (2), an opposition over lack of cognizance of the case may be lodged solely by the respondent and then within the time limit for an answer to the statement of action.

(4) Simultaneously with the lodgment of the opposition, the party shall be obligated to present the evidence thereof.

Stabilization of Cognizance

Article 120. Any changes in the factual circumstances, justifying the territorial cognizance, which have occurred after submission of the statement of action, shall be no grounds for transmittal of the case.

Appellate Review of Ruling on Cognizance

Article 121. The interested party may appeal the ruling in connection with cognizance.

Cognizance Disputes

Article 122. Any cognizance disputes between courts shall be resolved by the common superior court thereof. If the said courts are located within the geographical jurisdictions of different superior courts, the dispute shall be resolved by the superior court within whose geographical jurisdiction the court which last accepted or refused to examine the case is located. Any cognizance disputes involving an appellate court shall be resolved by the Supreme Court of Cassation. The court shall pronounce on any cognizance dispute sitting in camera.

Determination of Cognizance by Supreme Court of Cassation

Article 123. Where the competent court cannot be determined according to the rules of this Chapter, Supreme Court of Cassation, acting on a motion by the party and sitting in camera, shall determine the court wherebefore the action must be brought.

Chapter Thirteen

ORDINARY PROCEEDING

Section I

Bringing an Action

Types of Action

Article 124. (1) Every person may bring an action in order to restore a right thereof where the said right has been impaired, or to establish the existence or non-existence of a legal relation or of a right, where the said person has standing to do so.

(2) An action may be brought for the respondent to be ordered to comply with recurrent obligations, even if the said obligations become exigible after rendition of the judgment.

(3) An action for the arising, modification or termination of civil legal relations may be brought solely in the cases provided for in a law.

(4) An action may be brought to establish the truthfulness or falsity of a document. An action to establish the existence or non-existence of other facts of legal relevance shall be admitted solely in the cases provided for in a law.

(5) An action to establish a criminal circumstance relevant to a civil legal relation or to reversal of an effective judgment shall be admitted solely in the cases where criminal prosecution may not be instituted or has been terminated on any of the grounds referred to in Items 2 to 5 of Article 24 (1) or has been suspended on any of the grounds referred to in Item 2 of Article 25 or Article 26 of the Criminal Procedure Code, and in the cases where the perpetrator of the act has remained undiscovered.

Bringing the Action

Article 125. An action shall be brought by the receipt of the statement of action in the court.

Dismissal in Pending Procedure

Article 126. (1) Where two cases between the same parties are pending before the same court or before different courts on the same grounds and in respect of the same demand, the case which has been instituted later shall be dismissed ex officio by the court.

(2) Where the dismissal is decreed by the intermediate appellate review court, the said court shall invalidate the judgment of the court of first instance.

Statement of Action: Content

Article 127. (1) The statement of action must be written in the Bulgarian language and must contain:

1. a reference to the court;
2. the name and address of the plaintiff and respondent, of the legal representatives or attorneys-in-fact thereof, if any, as well as the Standard Public Registry Personal Number of the plaintiff and the telefax and telex number, if any;
3. the cost of action, where the action is appraisable;
4. a narrative of the circumstances upon which the action is based;
5. the nature of the demand;
6. signature of the person who submits the statement.

(2) In the statement of action, the plaintiff shall be obligated to cite the evidence and the specific circumstances which the said plaintiff is to prove thereby, and to present, together with the said statement, all written evidence.

(3) If the submitter of the statement does not know or is unable to sign the said statement, the said statement shall be signed by the person whom the submitter has assigned to do so, stating the reason for which the submitter himself or herself has not signed the statement.

Statement of Action: Attachments

Article 128. The following shall be presented attached to the statement of action:

1. the power of attorney, where the statement is submitted by an attorney-in-fact;
2. documentary proof of payment of stamp duties and costs, where such are due;
3. duplicate copies of the statement of action and of the attachments thereto according to the number of respondents.

Statement of Action: Verification

Article 129. (1) The court shall verify the conformity of the statement of action.

(2) Where the statement of action does not conform to the requirements covered under Article 127 (1) and under Article 128 herein, a communication shall be sent to the plaintiff instructing the plaintiff to cure the non-conformities within one week, as well as apprising the plaintiff of the possibility to use legal aid, if necessary and if entitled thereto. Where the address of the plaintiff is not named and is unknown to the court, the communication shall be effected by means of posting of a notice in a place designated for this purpose at the court in the course of one week.

(3) Where the plaintiff fails to cure the non-conformities, the statement of action together with the attachments shall be returned, and where the address is unknown, the said statement shall be left in the office of the court at the disposal of the plaintiff. An interlocutory appeal may be lodged against the return of the statement of action without presenting a duplicate copy of the said appeal for service.

(4) It shall be proceeded in the same manner where the non-conformities in the statement of action are noticed in the course of the proceeding.

(5) The cured statement of action shall be considered conforming as from the day of submission.

(6) Any official, who forwards a statement without the full amount of stamp duty having been paid, shall be liable under Article 6 of the Stamp Duty Act.

Verification of Admissibility of Action

Article 130. Where, upon verification of the statement of action, the court establishes that the action brought is inadmissible, the court shall return the statement of action. An interlocutory appeal may be lodged against the return of the statement of action without presenting a duplicate copy for service.

Answer to Statement of Action

Article 131. (1) After accepting the statement of action, the court shall transmit a duplicate copy of the said statement together with the attachments to the respondent, instructing the said respondent to submit a written answer within one month, specifying the mandatory content of the answer and the consequences of non-submission of an answer or of the non-exercise of rights, as well as the possibility to use legal aid, if necessary and if entitled thereto.

(2) The written answer of the respondent must contain:

1. a reference to the court and to the case number;
2. the name and address of the respondent, as well as of the legal representative or attorney-in-fact, if any;
3. a stand on the admissibility of the action and on whether the action is well-founded;
4. a stand on the circumstances upon which the action is founded;
5. the oppositions to the action and the circumstances upon which the said oppositions are founded;
6. (amended, SG No. 50/2008, effective 1.03.2008) signature of the person who submits the answer.

(3) In the answer to the statement of action, the respondent shall be obligated to cite the evidence and the specific circumstances which the said respondent is to prove thereby, and to present all written evidence in the possession thereof.

Answer to Statement of Action: Attachments

Article 132. The following shall be presented attached to the answer to the statement of action:

1. a power of attorney, where the answer is submitted by an attorney-in-fact;
2. duplicate copies of the answer and of the attachments thereto according to the number of plaintiffs.

Consequences of Non-submission of Answer

Article 133. (Amended and supplemented, SG No. 50/2008, effective 1.03.2008, amended, SG No. 100/2010, effective 21.12.2010) Where the respondent fails, within the established time limit, to submit a written answer, to take a stand, to lodge oppositions, to contest the truthfulness of a document presented or to exercise the rights thereof under Article 211 (1), Article 212 and Article 219 herein, the said respondent shall forfeit the possibility to do so later, unless the omission is due to special unforeseen circumstances.

Section II

Court Hearings

Types of Session

Article 134. (1) The court shall examine the cases sitting in public session and in camera.

(2) Hearings shall be conducted in camera in the cases provided for by the law without the parties attending.

Place and Time

Article 135. (1) Hearings of the cases shall be conducted at the building of the court. Conduct of hearings outside the building of the court shall be admissible if larger costs can be avoided in this way.

(2) The court shall assign a place, day and hour for the public sessions.

(3) Hearings may not be conducted on non-working days.

Exclusion of Publicity

Article 136. (1) The court, acting either ex officio or on a motion by any of the parties, may decree that the case be examined or only some steps be performed behind closed doors where:

1. the public interest so necessitates;
2. the protection of the privacy of the parties, of the family, or of the persons under curatorship so necessitates;
3. the case involves a trade, industrial, inventor's or tax secret whereof the public disclosure would impair any defensible interests;
4. other valid reasons apply.

(2) In the cases covered under Paragraph (1), the parties, the attorneys-in-fact thereof, the expert witnesses and the witnesses, as well as the persons permitted by the presiding judge to attend, shall be admitted to the courtroom.

Examination of Motion to Exclude Publicity

Article 137. The motion shall be examined in public session behind closed doors. The ruling rendered on any such motion shall be published.

Obligation to Maintain Confidentiality

Article 138. Where a hearing has been conducted behind closed doors, the public disclosure of the content of the said hearing shall be prohibited.

Persons Who May Not Attend Hearing

Article 139. The following may not attend a court hearing without permission of the court:

1. any minors who are not parties to the case or witnesses;
2. any armed persons, except court security.

Section III

Examination of Case

Preparation of Case in Camera

Article 140. (1) After verifying the conformity and admissibility of the actions brought, as well as the other demands and oppositions of the parties, the court shall render a ruling on all preliminary issues and on admission of the evidence.

(2) Where counter demands are made in the answer, the court may alternatively pronounce on the said demands and on admission of some of the items of evidence during the first hearing of the case.

(3) The court shall schedule a hearing of the case in public session, for which the court shall summon the parties, serving thereon a duplicate copy of the ruling referred to in Paragraph (1). The court may furthermore communicate to the parties the court's draft of a report on the case, as well as direct the parties to mediation or another procedure for voluntary resolution of the dispute.

Presiding Judge's Duties

Article 141. (1) The hearing shall be chaired by the presiding judge.

(2) The presiding judge shall see to order in the courtroom and may impose fines for breach of the said order.

(3) The presiding judge may expel any person who breaches the order.

(4) Where, despite a warning of expulsion, order in the courtroom is breached by any party or by any representative thereof, the court may expel the offender for a specified period of time. After the expelled person returns to the courtroom, the presiding judge shall apprise him or her of the steps performed in the absence thereof by means of reading of the judicial record.

Proceeding with and Adjournment of Case

Article 142. (1) The non-appearance of any of the parties, who has been duly summoned, shall be no impediment to examination of the case. The court shall proceed with examination of the case after examining the cases to which the parties have appeared.

(2) The court shall adjourn the case if the party and the attorney-in-fact thereof cannot appear due to an obstacle which the party cannot remove.

(3) Upon adjournment of the case, the court shall announce the date of the next succeeding hearing, for which the parties and the witnesses and expert witnesses who have appeared in the case shall be considered summoned.

(4) Where another date for conduct of the hearing has to be assigned, the court, sitting in camera, shall set the said date and shall summon the parties, the witnesses and the expert witnesses.

Examination of Case in Public Session

Article 143. (1) The court, sitting in public session, after addressing the preliminary issues, shall proceed with clarification of the factual aspect of the dispute.

(2) The plaintiff may explain and amplify the statement of action, as well as cite and present evidence in connection with the contestations made by the respondent, and the respondent may cite and present new evidence which the said respondent was unable to cite and present in the answer to the statement of action.

(3) The parties shall be obligated to make and justify all demands and oppositions thereof and to take a stand on the circumstances alleged by the opposing party.

Additional Time

Article 144. (1) The respondent may move to be allowed additional time in order to take a stand on the motions for evidence made by the respondent during this hearing and to cite additional evidence in connection with the contestations made.

(2) Where the motion referred to in Paragraph (1) is granted, the court, sitting in camera, shall render a ruling on the contestations and demands made, which shall be communicated to the parties.

Instructions of Court

Article 145. (1) The court shall pose questions to the parties for clarification of the facts, specifying the relevance of the said facts to the case.

(2) (Amended, SG No. 50/2008, effective 1.03.2008) The court shall instruct the parties to particularize the allegations thereof and to eliminate any contradictions therein.

(3) Thereafter, the court shall invite the parties to reach a settlement and shall specify the consequences thereof. If no settlement is reached, the court shall make a report which shall be included in the judicial record.

Report on Case

Article 146. (1) The report on the case shall contain:

1. the circumstances wherefrom the claimed rights and oppositions arise;
2. the legal qualification of the rights claimed by the plaintiff, of the counter rights and the oppositions of the respondent;
3. which rights and which circumstances are admitted;

4. which circumstances need to be proved;

5. how the burden of proving the facts to be proved is apportioned.

(2) The court shall instruct the parties as to the facts alleged thereby in respect of which they do not cite evidence.

(3) (Supplemented, SG No. 100/2010, effective 21.12.2010) The court shall afford the parties an opportunity to set forth the stand thereof in connection with the instructions given and the report on the case, as well as to undertake the relevant procedural steps. If the parties do not avail themselves of the opportunity afforded thereto to make motions for evidence, the parties shall forfeit the opportunity to do so later, except in the cases covered under Article 147 herein.

(4) The court shall render a ruling on the motions for evidence of the parties, admitting the evidence which is relevant, admissible and requisite.

New Facts and Circumstances

Article 147. Prior to the conclusion of the trial, the parties may:

1. allege any new circumstances and cite and present any new evidence solely if the parties were unable to learn of such circumstances and to cite and present such evidence in due time;

2. allege any intervening circumstances, which are relevant to the case, and cite and present evidence of any such circumstances.

Taking of Evidence

Article 148. The court shall take all items of evidence admitted with the participation of the parties. If necessary, the court shall schedule a new hearing for taking of evidence which has not been taken for reasons beyond the control of the parties.

Conclusion of the Trial

Article 149. (1) After taking of the evidence, the court shall reinvite the parties to reach a settlement. If no settlement is reached, the court shall proceed with the oral arguments.

(2) When the case is clarified, the court shall declare the oral arguments concluded and shall assign a day whereon the said court is to publish the judgment.

(3) If the case is of factual and legal complexity, the court, acting on a motion by any of the parties, may set a suitable time limit for presentation of written defences. Written defences shall be presented with duplicate copies according to the number of parties.

Judicial Record of Hearing

Article 150. (1) A judicial record on the examination of the case shall be prepared, entering therein the place and time of the hearing, the composition of the court, the name of the clerk, the parties who appeared and the representatives thereof, the essence of the parties' statements, demands and speeches, the written evidence presented, the testimony of the witnesses and of the other persons in the case, and the findings and rulings of the court.

(2) The judicial record shall be prepared under the dictation of the presiding judge. The said record shall be made available to the parties within three days after the hearing.

(3) If technically possible, a sound recording of the hearing shall be made and the judicial record shall be prepared on the basis of the said recording within three days.

(4) The judicial record shall be signed by the presiding judge and by the clerk.

Correction and Amplification of Judicial Record

Article 151. (1) Within one week after the judicial record is made available to the parties, each participant in the procedure may move for the amplification or correction of the said record.

(2) If a sound recording has been made during the hearing, any corrections and amplification of the judicial record shall be

admitted solely on the basis of the sound recording.

(3) If no sound recording has been made during the hearing, any corrections and amplification of the judicial record shall be admitted solely on the basis of notes taken on the content of the said record.

(4) The court shall pronounce on the motion for corrections and amplification of the judicial record after summoning the parties and the petitioner and after hearing the sound recording or, respectively, the explanations of the clerk.

(5) The sound recording shall be preserved until expiry of the time limit for motion for corrections and amplification of the judicial record or, if such a motion has been made, until the entry into effect of the judgment in the case.

Evidential Value of Judicial Record

Article 152. The judicial record of the court hearing shall be evidence of the court procedural steps performed during the court hearing. Any steps which are not attested in the judicial record shall be considered non-performed.

Chapter Fourteen

EVIDENCE

Section I

General Rules

What Is to Be Proved

Article 153. The contested facts relevant to adjudication of the case and the links therebetween shall be subject to proving.

Burden of Proof

Article 154. (1) Each party shall be obligated to establish the facts upon which the demands or oppositions thereof are founded.

(2) Facts in respect of which a presumption established by law exists need not be proved. Refutation of such presumptions shall be granted in all cases except where a law prohibits this.

Facts Not to Be Proved

Article 155. Any facts of common knowledge and any facts known to the court ex officio, of which the court shall be obligated to inform the parties, shall not have to be proved.

Motion for Evidence

Article 156. (1) In a motion for evidence, a party shall cite the facts and the means by which the said facts will be proved.

(2) In a motion for admission of an examination of a witness, the party shall cite the facts about which the said witness is to be examined, the forename, patronymic and surname of the said witness and the address, where the party motions for the summoning thereof.

(3) A motion for admission of explanations by the other party shall formulate the questions which the other party is to answer.

(4) A motion for admission of an expert examination shall specify the field in which special knowledge is required, the subject and the task of the expert examination.

Admission of Evidence

Article 157. The court shall render a ruling on admission of evidence, setting thereby a time limit for the taking of such evidence as well. The said time limit shall begin to run as from the day of the court hearing during which the said time limit was set, and this beginning shall apply as well to the party who did not appear.

Time Limit for Taking of Evidence

Article 158. (1) If the taking of any item of evidence is doubtful or presents a special difficulty, the court may set a relevant time limit for the taking of the said item, after the expiry of which the case shall be heard without the said item of evidence.

(2) Upon the further examination of the case, the said item of evidence may be taken, if this does not delay the proceeding.

Non-admission of Evidence

Article 159. (1) Any motions by the parties for admission of evidence regarding facts which are irrelevant to adjudication of the case, as well as any untimely motions for admission of evidence, shall be denied by the court by a ruling.

(2) Where a party names multiple witnesses for the establishment of the same fact, the court may admit only some of the said witnesses. The rest of the witnesses shall be admitted if the witnesses summoned do not establish the contested fact.

Costs of Taking of Evidence

Article 160. (1) Where costs have to be incurred on the taking of evidence, the court shall set an amount and a time limit for depositing of the said costs. The said time limit shall begin to run as from the day of the court hearing during which the said time limit was set, and this beginning shall apply as well to the party who did not appear.

(2) The evidence shall be taken after presentation of documentary proof of making the deposit set for costs.

(3) The time limit for depositing of costs shall be interrupted by the submission of a petition for waiver of the depositing of such costs and shall not run while the said petition is examined.

Consequences of Obstruction of Proving

Article 161. Considering the circumstances of the case, the court may hold as proved the facts in respect of which a party has created impediments to the taking of admitted evidence.

Discretionary Power

Article 162. Where the action is established as to cause but there is no sufficient information about the amount of the said action, the court shall determine the said amount at its own discretion or shall consult the conclusion of an expert witness.

Section II

Testimony

Duty to Testify

Article 163. (1) A witness shall be obligated to appear before court in order to give testimony.

(2) If there is an important reason, the examination of the witness may be conducted even before the day assigned for the hearing, as well as outside the premises of the court. The parties shall be summoned for any such examination.

Admissibility of Testimony

Article 164. (1) Testimony shall be admitted in all cases except where:

1. legal transactions, for the validity whereof a law requires a written instrument, have to be established;
2. the content of an official document has to be denied;
3. circumstances have to be established, for the proving whereof a law requires a written instrument, as well as for establishment of contracts to a value exceeding BGN 5,000, except where concluded between spouses or lineal relatives, collateral relatives up to the fourth degree of consanguinity and affines up to the second degree of affinity;
4. obligations, established by a written instrument, have to be extinguished;

5. written accords have to be established, wherein the party moving for the witnesses has participated, or such accords have to be modified or repudiated;

6. the content of a private document originating from the party has to be denied.

(2) In the cases referred to in Items 3, 4, 5 and 6 of Paragraph (1), testimony shall be admitted solely with the express consent of the parties.

Exceptions to Inadmissibility

Article 165. (1) In the cases where the law requires a written document, testimony shall be admitted if it is proved that the document has been lost or destroyed not through the fault of the party.

(2) Testimony shall furthermore be admitted where the party seeks to prove that the consent expressed in the document is simulated, and then if there is written evidence in the case originating from the other party or attesting statements of the other party before a state body, which lend probability to the allegation of the party that the consent is simulated. This limitation shall not apply to the third parties, as well as to the heirs, where the transaction is directed thereagainst.

Refusal to Testify

Article 166. (1) No one has the right to refuse to testify except:

1. the attorneys-in-fact of the parties to the same case and the persons who were mediators in the same dispute;

2. the lineal relatives to the parties, the siblings and the affines in the first degree of affinity, the spouse and the former spouse, as well as the de facto cohabitee with a party.

(2) The persons who, by the answers thereof, would incur or inflict on the persons referred to in Item 2 of Paragraph (1) any immediate damage, defamation or criminal prosecution, may not refuse to testify but may refuse to give an answer to a particular question, stating the reasons for this.

(3) The witnesses in the case may not be attorneys-in-fact of the parties to the same case.

Dereliction of Duty to Testify

Article 167. (1) Any witness, who refuses to give testimony or to answer particular questions, shall be obligated to state the reasons for this in writing and to attest the said reasons before the hearing whereat the said witness is to be examined, or orally before the court.

(2) Any witness, who has failed to comply with the obligation thereof under Article 163 herein and has so delayed the proving:

1. shall reimburse the parties for the costs incurred as a result of non-compliance with the said obligation;

2. shall forfeit the entitlement to claim remuneration.

Witness's Entitlement to Remuneration

Article 168. A witness shall be entitled to remuneration and to costs for appearance in court, if claimed by the said witness before the end of the court hearing. The remuneration and the costs shall be paid from the deposit made.

Summoning a Witness

Article 169. (1) If a witness cannot be summoned at the address named by the party, the court shall set a time limit for naming another address.

(2) If the party fails to act on the instructions of the court, the witness shall not be summoned.

(3) The parties may bring the admitted witnesses even without summoning.

Promise to Tell the Truth

Article 170. (1) Before the examination of a witness, the court shall establish the identity thereof, shall clarify the information as

to whether the said witness may be interested, and shall remind the witness of the liability incurable under the law for perjury.

(2) The witness shall promise to tell the truth.

Conduct of Examination

Article 171. (1) Each witness shall be examined separately in the presence of the parties who have appeared. Any witnesses, who have not yet given testimony, may not be present at the examination of the other witnesses.

(2) A witness may be re-examined during the same hearing or during another hearing on a motion by the said witness, on a petition by the party, or on the initiative of the court.

(3) The court, acting on a motion by a party or on its own initiative, may include in the judicial record any specific peculiarities in the behaviour of the witness under examination.

Evaluation of Testimony

Article 172. The testimony of relatives, of the tutor or of the curator of the party who has named the witness, of the adopters, of the adoptees, of those who are in a civil or criminal dispute with the opposing party or with the relatives thereto, of the attorneys-in-fact named by the principals thereof, as well as of everybody else who are interested toward or against one of the parties, shall be evaluated by the court considering all other information on the case, giving consideration to the possibility of any such persons being interested witnesses.

Witness's Examination on Court's Initiative

Article 173. The party may abandon the examination of a witness whom the said party has invoked, but the said witness shall be examined if the other party so moves or if the court determines that the examination of the said witness is necessary for clarification of the circumstances of the case.

Confrontation

Article 174. In case of discrepancy between the testimonies of the witnesses, the court may decree the conduct of a confrontation. A confrontation may furthermore be decreed between a witness and the parties.

Section III

Explanations by Parties

Judicial Admission of Fact

Article 175. An admission of a fact, made by a party or by a representative thereof, shall be evaluated by the court considering all circumstances of the case.

Explanations by Party

Article 176. (1) The court may order a party to appear in person in order to provide explanations about the circumstances of the case.

(2) The court shall communicate to the party obligated to appear in person the questions which the said party must answer, warning the said party of the consequences of non-compliance with this obligation.

(3) The court may hold as proved the circumstances for the clarification of which the party has failed to appear or has refused to answer without reasonable excuse, as well as where the party has given evasive or unclear answers.

(4) Where the party is unable to appear before the court owing to a hardly surmountable impediment, the explanations of the said party may be provided to a delegated court.

Scope of Application

Article 177. (1) The following shall provide explanations as parties to the case:

1. the natural persons;
2. the legal representatives of the legal persons;
3. the debtors and the trustee in bankruptcy in cases related to the bankruptcy estate;
4. the partners in a general partnership;
5. the personally liable partner in a limited partnership;

(2) Where the party is an infant or a full interdict, the court may hear the legal representative of the said party. Where the party is a minor or a limited interdict, the court may examine the said party in the presence of the parent or curator thereof.

Section IV

Written Evidence

Evidential Value

Article 178. (1) The evidential value of documents shall be determined conforming to the law which was in force at the time and in the place where the said documents were drafted.

(2) The court shall evaluate the evidential value of the document which contains any crossings, deletions, insertions between the lines and other apparent blemishes, considering all circumstances of the case. This rule shall not apply to a signed electronic document.

Official Document

Article 179. (1) An official document, issued by an official within the official responsibilities thereof in the established form and according to the established procedure, shall constitute evidence of the statements made before the said official and of the steps performed by and before the said official.

(2) Officially authenticated duplicate copies or excerpts of official documents shall have the same evidential value as the originals.

Private Document

Article 180. Private documents, signed by the persons who issued the said documents, shall constitute evidence that the statements contained therein were made by the said persons.

Valid Date of Private Document

Article 181. (1) A private document shall be validly dated in respect of third parties as from the day of authentication of the said document or from the day of death, or from the occurrence of a physical incapacity of being signed by the person who signed the document, or as from the day on which the content of the document was reproduced in an official document, or as from the day on which another fact occurred, proving beyond doubt the preceding drafting of the document.

(2) To establish the date of receipts on a payment effected, the court may admit any means of proof, considering the circumstances of the case.

Account Book Entries

Article 182. Entries in account books shall be evaluated by the court according to the regularity of the said entries and considering the other circumstances of the case. Any such entries may serve the person or organization who or which has kept the books as evidence.

Presentation of Documents on Paper-Based Data Medium

Article 183. Where a document is filed with the case records, the said document may alternatively be presented in a duplicate copy authenticated by the party, but in such case, upon request, the said party shall be obligated to present the original of the document or an officially authenticated duplicate copy thereof. Failing this, the duplicate copy presented shall be excluded from the evidence in the case.

Presentation of Electronic Document

Article 184. (1) An electronic document may be presented reproduced on a paper-based data medium in the form of a duplicate copy authenticated by the party. Upon request, the party shall be obligated to present the document on an electronic data medium.

(2) If the court does not have at its disposal technical means and experts making it possible to reproduce the electronic document and to duly verify the electronic signature in the courtroom in the presence of the persons who appeared, electronic copies of the document shall furthermore be presented to each of the parties to the case. In such case, the truthfulness of the electronic document may be contested during the next succeeding court hearing.

Presentation of Document in Foreign Language

Article 185. Any document presented in any language other than Bulgarian shall be accompanied by an accurate translation into the Bulgarian language, authenticated by the party. If the court is unable to verify the accuracy of the translation on its own or if the accuracy of the translation is contested, the court shall appoint an expert witness to perform verification.

Presentation of Official Documents

Article 186. Official documents and certificates shall be presented by the parties. The court may require such documents from the relevant institution or may furnish the party with a court certificate on the basis of which the said party is to obtain the said documents. The institution shall be obligated to issue the documents required or to explain the reasons for not issuing the said documents.

Presentation of Published Items

Article 187. Items published in print shall be presented by the parties, but when the court can procure such items on its own without particular difficulty, it shall be sufficient for the party to cite where the said items were published.

Conversion of Official Document

Article 188. Any document issued by a non-competent authority or not in the prescribed form shall be relevant as a private document if signed by the parties.

Document Issued by Illiterate or Blind Person

Article 189. (1) Any private document issued by an illiterate person must bear, in lieu of a signature, an impression of the right thumb of the said person and must be countersigned by two witnesses. If the impression of the right thumb cannot be affixed, the reason for this must be noted in the document, as well as the impression of which other finger has been affixed.

(2) Any private document issued by a blind but literate person must be countersigned by two witnesses.

Obligating Party to Present Document

Article 190. (1) Each party may approach the court with a motion to obligate the other party to present a document in the possession thereof, explaining the relevance of the said document to the dispute.

(2) Non-presentation of the document shall be evaluated according to Article 161 herein.

Grounds for Refusal to Present

Article 191. (1) Presentation of a document may be refused where:

1. the content of the document concerns circumstances of the personal or family life of the party;
2. this would lead to defamation or to criminal prosecution of the party or of any relatives thereto within the meaning given by

Article 166 herein.

(2) Where the grounds covered under Paragraph (1) affect parts of the document, the party may be obligated to present an abstract of the document authenticated thereby.

Obligating Third Party to Present Document

Article 192. (1) Each party may approach the court with a written petition to obligate a person non-participating in the case to present a document in the possession thereof.

(2) A duplicate copy of the petition shall be transmitted to the third party, and a time limit shall be set thereto for presentation of the document.

(3) In addition to the liability under Article 87 herein, the third party, who groundlessly fails to present the required document, shall furthermore incur liability to the party for the damages inflicted thereon.

Contesting Truthfulness of Document

Article 193. (1) The interested party may contest the truthfulness of a document at the latest by the answer to the court procedural step whereby the said document was presented. Where the document is presented during a court hearing, contestation may be made at the latest before the end of the hearing.

(2) The court shall decree the performance of verification of the truthfulness of the document if the other party states that it wishes to avail itself of the said document.

(3) The burden of proving the falsity of the document shall be upon the party contesting the said document. Where the truthfulness of a private document, which does not bear the signature of the contesting party, is contested, the burden of proving the truthfulness shall be upon the party who presented the said document.

Verification of Document

Article 194. (1) The court shall perform verification by means of comparison with other uncontested documents, by means of examination of witnesses, or by means of expert witnesses.

(2) After the verification, the court shall render a ruling acknowledging either that the contestation is not proved or that the document is false. In the latter case, the court shall exclude the said document from the evidence, transmitting the said document to the prosecutor together with the ruling of the court.

(3) The court may alternatively pronounce on the contestation of the document by the judgment thereof in the case. In such case, the document, together with a duplicate copy of the judgment, shall be transmitted to the prosecutor.

Section V

Expert Witnesses

Appointment of Expert Witness

Article 195. (1) An expert witness shall be appointed either on a motion by a party or ex officio where special knowledge in the field of science, art, skilled crafts and other such is necessary for clarification of certain questions which have arisen in the case.

(2) The court may appoint multiple expert witnesses as well, where this is necessitated considering the circumstances of the case.

Exclusion of Expert Witness

Article 196. (1) The provisions of Article 22 (1) herein shall apply, mutatis mutandis, to expert witnesses as well.

(2) Each of the parties may move for the exclusion of an expert witness if any of the grounds referred to in Paragraph (1)

applies.

(3) The expert witness shall be obligated to communicate to the court immediately all circumstances which may be grounds for exclusion. The expert witness shall be obligated to express an opinion on the allegations in the petition for the exclusion thereof.

(4) The court shall render a ruling on the motion for exclusion of an expert witness.

Assignment of Expert Examination

Article 197. (1) The ruling whereby the court appoints an expert witness shall specify: the subject and the task of the expert examination; the materials which are provided to the expert witness; the name, education and specialist qualifications of the expert witness.

(2) The court shall allow the expert examination a suitable time for preparation of the conclusion. The expert witness shall notify the court when the said expert witness is unable to prepare the conclusion within the time limit set, and shall state the time limit that the said expert witness will need.

Excusal of Expert Witness

Article 198. An expert witness as appointed shall be excused from the task assigned thereto where the said expert witness is unable to fulfil the said task for lack of qualifications, an illness or another reason beyond the control thereof, under the terms established by Article 166 herein, or where the conclusion has not been prepared in due time.

Presentation of Conclusion

Article 199. The expert witness shall be obligated to present the conclusion thereof at least one week before the court hearing.

Hearing of Expert Witness

Article 200. (1) The court shall remind the expert witness of the liability incurable thereby for giving a false conclusion.

(2) The expert witness shall set forth orally the conclusion thereof. The parties may pose questions for clarification of the conclusion.

(3) Upon contestation of the conclusion, the court may appoint another or multiple expert witnesses. Contestation may be made pendente lite.

Additional and Second Conclusion

Article 201. An additional conclusion shall be assigned where the conclusion is not sufficiently complete and clear, and a second conclusion shall be assigned where the conclusion is not justified and gives rise to any doubt as to the correctness thereof.

Evaluation of Conclusion

Article 202. The court shall not be obligated to accept the conclusion of the expert witness but shall consider the said conclusion together with the rest of the evidence in the case.

Dissent between Expert Witnesses

Article 203. In the event of dissent between expert witnesses, each group shall set forth the separate opinions thereof. Where the court cannot take a stand on the dissent, the court shall require from the same expert witnesses additional research or shall appoint other expert witnesses.

Section VI

Inspection and Certification

Admission of Inspection and Certification

Article 204. (1) The court, acting on a motion by the parties or at its own discretion, may assign an inspection of movable or immovable things or certification of persons with the participation or without the participation of witnesses and expert witnesses.

(2) Inspection and certification shall be methods of taking and verification of evidence. They shall be performed by the entire panel of the court, by a delegated member of the court, or by another delegated court.

(3) The court shall notify the parties of the place and time of the inspection. A memorandum shall be drawn up on the inspection performed, including the findings of the inspection, the explanations of the expert witnesses, and the explanations of the witnesses who have been examined in the place of the inspection.

Duty to Cooperate

Article 205. The provisions regarding documents shall apply to the duty to provide, surrender or afford access to the subject of inspection.

Certification

Article 206. (1) A person may be certified solely with the consent thereof.

(2) Certification shall be performed in a manner which does not impair the personal dignity of the person certified. To this end, the judge need not attend the certification in person and may assign the performance of the certification to appropriate expert witnesses.

(3) A refusal of a person to be certified shall be evaluated according to Article 161 herein.

Section VII

Perpetuation of Evidence

Perpetuation of Evidence

Article 207. Where there is a risk that some item of evidence may be lost or the taking thereof may be impeded, the party may move for the anticipatory taking of the said item of evidence.

Proceeding for Perpetuation of Evidence

Article 208. (1) The petition for perpetuation of evidence shall be submitted to the court which examines the case, and if the case has not yet been instituted, any such petition shall be submitted to the regional court exercising jurisdiction over the permanent address of the person to be examined or over the location of the immovable to be inspected.

(2) A duplicate copy of the petition for perpetuation of evidence shall be served upon the other party.

(3) The ruling of the court, whereby the petition is dismissed, shall be appealable by an interlocutory appeal.

(4) Within the same proceeding, the court may take evidence cited by the other party if the said evidence is closely related to the evidence cited by the petitioner.

(5) Where the petitioner is not in a position to name the name and address of the other party, the court shall appoint a representative of the said other party.

(6) The general rules shall apply regarding the procedure for taking of evidence and the value thereof.

Costs

Article 209. The costs of taking of evidence shall not be awarded in favour of the party in the proceeding for perpetuation of evidence. The said costs shall be taken into consideration subsequently upon resolution of the dispute.

Chapter Fifteen

DEVIATIONS IN CONNECTION WITH SUBJECT MATTER OF CASE

Initial Joinder of Actions

Article 210. (1) The plaintiff may bring several actions against the same respondent by a single statement of action if the said actions are cognizable in the same court and are subject to examination according to the procedure of the same proceeding.

(2) Where the actions brought are not subject to examination according to the procedure of the same proceeding or where the court determines that the joint examination of the said actions will be considerably impeded, the court shall decree a disjoinder of the said actions.

Counter Action

Article 211. (1) Within the time limit for an answer to the statement of action, the respondent may bring a counter action if the said action is generically cognizable in the same court and is connected with the original action or if the said action can be set off against the original action.

(2) The counter action shall be brought according to the rules applicable to the bringing of an action. Where the court determines that the joint examination of the counter action will be considerably impeded, the court shall decree a disjoinder of the said counter action.

Incidental Action

Article 212. During the first hearing for examination of the case, the plaintiff and, in the answer to the statement of action, the respondent, may approach the court with a motion to pronounce, in the judgment thereof, *inter alia* regarding the existence or non-existence of a disputed legal relation upon which the outcome of the case depends in whole or in part.

Ex Officio Joinder of Actions

Article 213. Where several cases, in which the same persons participate for the plaintiff and for the respondent and which are interconnected, are pending before the court, the court may join the said cases in a single proceeding and may render a joint judgment in the said cases.

Modification of Action

Article 214. (1) During the first hearing for examination of the case, the plaintiff may modify the grounds of the action thereof if the court deems this appropriate considering the defence of the respondent. The plaintiff may furthermore, without modifying the grounds, modify the demand thereof. Prior to the conclusion of the trial in the court of first instance, the plaintiff may modify solely the amount of the demand made, as well as transfer from an action for a declaratory judgment to an action for performance and vice versa.

(2) The addition of overdue interest or of yields of the thing collected after the action is brought shall not be treated as an increase of the demand.

Chapter Sixteen

DEVIATIONS IN CONNECTION WITH PARTIES

Section I

Joinder of Parties

Admissibility

Article 215. An action may be brought by several plaintiffs or against several respondents if the subject matter of the dispute

are:

1. their common rights or obligations, or
2. rights or obligations resting on the same grounds.

Procedural Steps

Article 216. (1) Each of the co-parties shall act independently. The procedural steps performed or omitted by each co-party shall neither benefit nor injure the rest of the co-parties.

(2) Where, considering the nature of the contested legal relation or as dictated by the law, the judgment of the court must be identical in respect of all co-parties (necessary joinder of parties), the steps performed by some of them shall be also relevant to the co-parties who have not appeared or who have not performed such steps. In this case, too, however, the consent of all co-parties shall be required for conclusion of a settlement and for withdrawal or abandonment of the action.

Allegations Regarding Common Facts

Article 217. If the factual allegations by the co-parties regarding the common facts conflict each other, the court shall evaluate the said allegations in relation to all circumstances of the case.

Section II

Third Parties

Third Party Intervention

Article 218. A third party may intervene prior to the conclusion of the trial in the court of first instance in order to assist one of the parties if the said third party has an interest in the judgment being rendered in favour of the said party.

Impleader of Third Party

Article 219. (1) During the first hearing for examination of the case, the plaintiff and, by the answer to the statement of action, the respondent may implead a third party where the said party has the right to intervene in order to assist.

(2) The impleader shall not be granted if the third party does not have a permanent address in the Republic of Bulgaria or is resident abroad.

(3) The party who has a recourse action against the third party may bring the said action for joint examination simultaneously with the motion for impleader.

Admission of Participation

Article 220. The court shall render a ruling on admission of the third party. The ruling whereby the third party is not admitted shall be appealable by an interlocutory appeal.

Third Party's Rights

Article 221. (1) The third party shall have the right to perform all court procedural steps with the exception of the steps constituting disposition of the subject matter of the dispute.

(2) In the event of a conflict between the steps and the explanations of the party and of the third party, the court shall evaluate the said steps and explanations in connection with all circumstances of the case.

Substitution for Party Assisted

Article 222. With the consent of both parties, the third party who has intervened or who has been impleaded may substitute himself or herself for the party assisted thereby and may excuse the said party.

Effect of Judgment

Article 223. (1) The judgment rendered shall have a declaratory effect in the relations of the third party and the opposing party.

(2) What the court has declared in the reasoning to the judgment thereof shall be binding upon the third party in the relations thereof with the party assisted thereby or with the party who has impleaded the said third party. What the court has declared in the reasoning to the judgment thereof may not be contested under the pretext that the party has misconducted the case, except where the said party, acting wilfully or by gross negligence, has omitted to raise circumstances or evidence unknown to the third party.

Impleader of Person Claiming Own Rights

Article 224. (1) The respondent shall be excused from participation in the case if the said respondent deposits the amount or corporeal thing claimed and impleads the person who also claims rights of his or her own thereto. In such case, the case shall proceed solely between the two creditors.

(2) If the person impleaded fails to intervene in the case, the proceeding shall be terminated and the amount or corporeal thing deposited shall be delivered to the plaintiff.

(3) Where the respondent makes the motion for impleader by the answer to the statement of action, the said respondent shall not be liable for the costs.

Principal Intervention

Article 225. (1) The third party, who holds independent rights to the subject matter of the dispute, may intervene in the case by bringing an action against both parties.

(2) The bringing of an action by a third party shall be admitted prior to the completion of the trial in the court of first instance.

Section III

Transfer of Contested Right and Replacement of Party

Transfer of Contested Right

Article 226. (1) If in the course of the proceeding the contested right is transferred to another, the case shall follow its course between the original parties.

(2) The transferee may intervene or be impleaded in the case as a third party. The said transferee may substitute himself or herself for the grantor thereof solely under the terms established by Article 222 herein.

(3) The judgment rendered shall in any case constitute res judicata in respect of the transferee as well, with the exception of the steps of recording, where a corporeal immovable is involved (Article 114 of the Ownership Act), and where acquisition of ownership by bona fide possession (Article 78 of the Ownership Act), where movable things are involved.

Succession in Procedure

Article 227. Where the party dies or the legal person ceases to exist, the proceeding in the case shall continue with the participation of the successor.

Replacement of Party

Article 228. (1) A modification of the action through replacement of any of the parties by another party shall be admissible during any stage of the proceeding in the court of first instance with the consent of both parties and of the person who intervenes as a party to the case.

(2) The consent of the respondent shall not be necessary where the plaintiff abandons the action thereof in respect of the said respondent.

(3) The plaintiff may direct the action thereof against a respondent who does not agree to intervene in the case. In such case,

however, the action against the new respondent shall be considered brought as from the day on which the statement of action against the said respondent has been received in the court.

Chapter Seventeen

DEVIATIONS IN PROGRESS OF PROCEEDING

Section I

Stay, Resumption and Termination of Proceeding

Stay of Proceeding

Article 229. (1) The court shall stay the proceeding:

1. by consent of the parties;
2. in the event of death of any of the parties;
3. where it is necessary to institute tutorship or curatorship for any of the parties;
4. where a case is examined in the same or in another court and the judgment in the said case will be relevant to the correct resolution of the dispute;
5. where, upon examination of a civil case, criminal circumstances are discovered and the outcome of the civil dispute depends on the establishment of the said circumstances;
6. where the Constitutional Court has admitted to examination on the merits a motion whereby the constitutionality of a law applicable to the case is contested;
7. in the cases expressly provided for in a law.

(2) In the cases referred to in Item 1 of Paragraph (1), if the prosecutor participates in the case together with any of the parties, the stay shall require the consent of the said prosecutor as well. In the cases referred to in Items 2 and 3 of Paragraph (1), if the trial has been concluded, the proceeding shall be stayed after rendition of the judgment in the case.

(3) A stay of the case with the consent of the parties shall be granted on a single occasion during the proceeding in the court of any instance.

Resumption of Proceeding

Article 230. (1) The proceeding shall be resumed either ex officio or on a motion by one of the parties, after removal of the impediments to the progress of the case, for which the court, in the cases of a death of the plaintiff and under Items 3 to 6 of Article 229 (1) herein, shall take the appropriate measures of its own motion.

(2) Upon death of the respondent, the plaintiff shall be obligated, within six months after the communication, to name the successors to the said respondent and the addresses of the said successors or to take measures for appointment of an administrator of the vacant succession or for summoning of the successors according to the procedure established by Article 48 herein. Upon failure to comply with this obligation, the case shall be dismissed.

(3) Upon resumption, the proceeding shall commence from the step whereat the proceeding was stayed.

Termination of Proceeding

Article 231. (1) A proceeding stayed by mutual consent of the parties shall be terminated if none of the parties has moved for the resumption of the proceeding within six months after the stay thereof. If a judgment has been rendered, it shall be invalidated.

(2) Sentence two of Article 232 herein shall apply in the case referred to in Paragraph (1).

Section II

Withdrawal of Action, Abandonment of Action, Court Settlement

Withdrawal of Action

Article 232. The plaintiff may withdraw the statement of action thereof without the consent of the respondent before the end of the first hearing of the case. If the plaintiff brings the same action again, the said plaintiff may use the evidence taken in the new case solely if there is a hardly surmountable impediment to the taking anew of the said evidence.

Abandonment of Action

Article 233. The plaintiff may abandon, in whole or in part, the contested right during any stage of the proceeding. In such case, the plaintiff may not bring the same action again. Where the abandonment has been made before the court of intermediate appellate review instance or the court of cassation instance, the judgment appealed shall be invalidated.

Court Settlement

Article 234. (1) A memorandum shall be drawn up on any settlement which does not conflict with the law and with good morals, and the said memorandum shall be approved by the court and shall be signed thereby and by the parties.

(2) Where the prosecutor participates as a party to the case, the court shall approve the settlement after consulting the prosecutor as well.

(3) The court settlement shall have the relevance of an effective judgment and shall not be appealable before a superior court.

(4) Where the settlement refers to only part of the dispute, the court shall proceed with examination of the case in respect of the unsettled part.

Chapter Eighteen

ADJUDICATION OF CASES

Section I

Judgment in Case

Rendition of Judgment

Article 235. (1) The judgment shall be rendered by the court panel which has participated in the hearing during which the examination of the case was completed.

(2) The court shall found the judgment thereof on the circumstances of the case held thereby as established and on the law.

(3) The court shall furthermore take into account the facts which have intervened since the action was brought, which are relevant to the contested right.

(4) The judgment, together with the reasoning thereto, shall be reduced to writing.

(5) The court shall publish the judgment thereof with the reasoning within one month after the hearing during which the examination of the case was completed. The judgment shall be published in the register of judgments of courts, which shall be open to public inspection and shall be freely accessible to everyone.

Judgment: Content

Article 236. (1) The judgment must contain:

1. the date and place of rendition;
2. a reference to the court, the names of the judges, of the clerk and of the prosecutor, where a prosecutor has participated in the case;
3. the number of the case in which the judgment is rendered;
4. the names or, respectively, the designation and the address of the parties;
5. what the court decrees on the merits of the dispute;
6. against whom the costs are awarded;
7. whether the judgment is appealable, before which court and within what time limit.

(2) The court shall set forth reasoning to the judgment, stating therein the demands and oppositions of the parties, the evaluation of evidence, the findings of fact and the legal conclusions reached by the court.

(3) The judgment shall be signed by all judges who have participated in the rendition thereof. Where any of the judges is unable to sign the judgment, the presiding judge or the senior judge shall note the reasons for this on the judgment.

Judgment upon Admission of Demand

Article 237. (1) Where the respondent admits the demand, the court, acting on a motion by the plaintiff, shall terminate the trial and shall render judgment conforming to the admission.

(2) The reasoning to the judgment shall suffice to state that the said judgment is based on the admission of the demand.

(3) The court may not render judgment upon admission of the demand where:

1. the right admitted conflicts with the law or with good morals;
2. the right admitted is indisposable by the party.

(4) An admission of the demand may not be withdrawn.

Judgment by Default

Article 238. (1) If the respondent has failed to present an answer to the statement of action in due time and fails to appear during the first hearing of the case without having moved for examination of the case in the absence thereof, the plaintiff may move for rendition of a judgment by default against the respondent or may withdraw the action.

(2) The respondent may not move for dismissal of the case and award of costs or for rendition of a judgment by default against the plaintiff if the said plaintiff fails to appear during the first hearing of the case, has not taken a stand on the answer to the statement of action, and has failed to move for examination of the case in the absence thereof. If the plaintiff brings the same action again, sentence two of Article 232 herein shall apply.

(3) If the plaintiff has not cited and has not presented evidence by the statement of action thereof and the respondent has not submitted an answer in due time, and if both parties fail to appear during the first hearing of the case without having moved that the case be examined in the absence thereof, the case shall be dismissed.

Rendition of Judgment by Default

Article 239. (1) The court shall render a judgment by default where:

1. the parties have been instructed about the consequences of a failure to observe the time limits for exchange of papers and of the non-appearance of the parties during a court hearing;
2. the action is probably well-founded considering the circumstances cited in the statement of action and the evidence presented or is probably unfounded considering the oppositions raised and the evidence supporting the said oppositions.

(2) A judgment by default shall not be reasoned on the merits. It shall suffice to indicate in any such judgment that it is founded

on the existence of the prerequisites for rendition of a judgment by default.

(3) Where the court determines that the prerequisites for rendition of a judgment by default do not apply, the court shall deny the motion by a ruling and shall proceed with examination of the case.

(4) A judgment by default shall be unappealable.

Remedy against Judgment by Default

Article 240. (1) Within one month after the service of the judgment by default, the party whereagainst the said judgment has been rendered may approach the intermediate appellate review court with a motion for reversal of the said judgment if the said party has been deprived of an opportunity to participate in the case owing to:

1. undue service of the duplicate copy of the statement of action or the summonses for the court hearing;
2. an impossibility to learn in due time of the service of the duplicate copy of the statement of action or the summonses for the court hearing owing to special unforeseen circumstances;
3. an impossibility to appear in person or through counsel owing to special unforeseen circumstances which the party was unable to overcome.

(2) (Amended, SG No. 50/2008) The party whereagainst a judgment by default has been rendered may claim the same right by an action or may contest the same right, where newly discovered circumstances or new written evidence of material relevance to the case are discovered, which could not have been known to the said party upon adjudication of the said case or which the said party could not procure in due time.

(3) The action referred to in Paragraph (2) may be brought within three months after the day whereon the party learnt of the intervening circumstance or after the day whereon the party could procure the new written evidence, but not later than one year after extinguishment of the receivable.

Section II

Deferral and Rescheduling of Enforcement. Anticipatory Enforcement

Deferral and Rescheduling of Enforcement

Article 241. (1) Upon rendition of the judgment, the court may defer or reschedule the enforcement thereof considering the property status of the party or other circumstances.

(2) The court may not reschedule the enforcement of any judgment in respect of which rescheduling is provided for by law.

Admission to Anticipatory Enforcement

Article 242. (1) The court shall decree anticipatory enforcement of the judgment where the court awards maintenance, remuneration and compensation for work.

(2) The court, acting on a motion by the plaintiff, may furthermore admit the judgment to anticipatory enforcement where:

1. the court awards a receivable based on an official document;
2. the court awards a receivable which has been admitted by the respondent;
3. the delay of enforcement may result in material and irreparable damages to the plaintiff or the enforcement itself would become impossible or be considerably impeded.

(3) In the cases referred to in Paragraph (2), the court may order the plaintiff to furnish due security in advance.

Inadmissibility of Anticipatory Enforcement

Article 243. (1) Anticipatory enforcement shall be inadmissible even against security if the enforcement may result in the

infliction on the respondent of an irreparable damage or a damage which is unappraisable in terms of a specific monetary amount. Sentence one shall not apply to any judgments whereby maintenance or remuneration for work is awarded.

(2) Enforcement of any judgment against the State, the government institutions and the medical-treatment facilities covered under Article 5 (1) of the Medical-Treatment Facilities Act, which has not entered into effect, shall be inadmissible.

Appellate Review of Ruling

Article 244. The ruling, whereby the judgment is admitted to anticipatory enforcement or such enforcement is refused, shall be appealable by an interlocutory appeal.

Stay and Termination of Anticipatory Enforcement

Article 245. (1) The execution debtor whereagainst anticipatory enforcement has been admitted may, except in the cases referred to in Article 242 (1) herein, stay the enforcement by furnishing security to the execution creditor according to Articles 180 and 181 of the Obligations and Contracts Act.

(2) Enforcement shall furthermore be stayed where the judgment appealed is reversed.

(3) If the action is thereafter dismissed by an effective judgment, enforcement shall be terminated. In such case the court which has rendered the judgment shall issue the execution debtor a writ of execution against the execution creditor for recovery of the amounts or corporeal things received on the basis of the anticipatory enforcement of the reversed judgment as admitted.

Section III

Correction of Judgment

Judgment Non-Withdrawable

Article 246. After publishing the judgment in the case, the court may not reverse or modify the said judgment of its own motion.

Correction of Apparent Error of Fact

Article 247. (1) The court, acting on its own initiative or on a petition by the parties, may correct any apparent errors of fact made in the judgment.

(2) The court shall send a communication to the parties regarding the correction sought, instructing the parties to present an answer within one week.

(3) The court shall summon the parties to a public session where the said court deems this necessary.

(4) The judgment of correction shall be served upon the parties and shall be appealable according to the procedure applicable to appellate review of the judgment.

Modification of Judgment in Part Concerning Costs

Article 248. (1) Within the time limit for appellate review and, if the judgment is unappealable, within one month after rendition of the said judgment, the court, acting on a motion by the parties, may amplify or modify the judgment as rendered in the part thereof concerning the costs.

(2) The court shall send a communication to the opposing party regarding the amplification or modification sought, instructing the said party to present an answer within one week.

(3) The ruling on the costs shall be rendered in camera and shall be served upon the parties. The said ruling shall be appealable according to the procedure applicable to appellate review of the judgment.

Settlement after Conclusion of Trial

Article 249. The court shall invalidate the judgment rendered thereby if, before the entry into effect of the said judgment, the parties declare that they have reached a settlement and move for a dismissal of the case.

Amplification of Judgment

Article 250. (1) A party may move for amplification of the judgment if the court has not pronounced on the entire motion of the said party. A petition for such amplification may be submitted within one month after the service of the judgment or after the entry into effect of the said judgment.

(2) The court shall send a communication to the opposing party regarding the amplification sought, instructing the said party to present an answer within one week. The petition shall be examined in public session with the parties being summoned, where the court deems this necessary with a view to clarifying the unresolved part of the dispute.

(3) The court shall render an additional judgment which shall be appealable according to the standard procedure.

Interpretation of Judgment

Article 251. (1) Any disputes over interpretation of an effective judgment shall be examined by the court which has rendered the said judgment.

(2) An interpretation may not be sought after the judgment has been enforced.

(3) The court shall send a communication to the parties regarding the interpretation sought, instructing the said parties of the possibility to present an answer within one week.

(4) The court shall summon the parties to a public session, where the said court deems this necessary.

(5) The judgment of interpretation shall be appealable according to the procedure applicable to appellate review of the judgment which is interpreted.

Section IV

Rendition of Rulings

Scope of Application

Article 252. The court shall render a ruling where the court pronounces on any issues whereby the dispute is not resolved on the merits.

Rulings Withdrawable

Article 253. Any rulings which do not conclude the case may be modified or vacated by the same court consequent to a change of circumstances, an error or an omission.

Ruling: Content

Article 254. (1) Any ruling whereby the court pronounces on conflicting motions by the parties, as well as any ruling whereby a motion is denied, shall be reasoned. The motions by the parties and the circumstances of the case in connection with the said motions shall be cited in the reasoning, insofar as this is necessary.

(2) Where the ruling is rendered in camera, it must contain:

1. the date and place of rendition;
2. a reference to the court, the names of the judges of the court panel and of the parties;
3. the number of the case in which the ruling is rendered;
4. what the court decrees;

5. against whom the costs are awarded;
6. whether the ruling is appealable, before which court and within what time limit;
7. signatures of the judges.

Chapter Nineteen

SETTING TIME LIMIT IN CASE OF UNREASONABLE DELAY

Petition to Set Time Limit in Case of Unreasonable Delay

Article 255. (1) Where the court fails to perform a particular procedural step in due time, the party may, during any stage of the proceeding, submit a petition to set an appropriate time limit for performance of the said step.

(2) The petition shall be submitted care of the same court to the superior court. The court which examines the case shall forthwith transmit the petition together with the observations thereof to the superior court.

Granting of Petition

Article 256. (1) Where the court performs forthwith all steps stated in the petition and sends the party a communication regarding this performance, the petition shall be presumed withdrawn.

(2) The petition shall be transmitted for examination to the superior court if the party declares within one week after receipt of the communication under Paragraph (1) that it continues to maintain the said petition.

Examination and Adjudication of Petition to Set Time Limit

Article 257. (1) A petition to set a time limit shall be examined by a judge of the superior court within one week after receipt of the said petition.

(2) If the court finds an unreasonable delay, the court shall set a time limit for performance of the step. Otherwise, the court shall deny the petition. The ruling shall be unappealable.

TITLE TWO

APPELLATE REVIEW OF JUDGMENTS AND RULINGS. REVERSAL OF EFFECTIVE JUDGMENTS

Chapter Twenty

INTERMEDIATE APPELLATE REVIEW

Subject of Appellate Review and Competent Court

Article 258. (1) The judgments of regional courts shall be appealable before the district courts, whereas the judgments of district courts acting as courts of first instance shall be appealable before the appellate courts.

(2) An appeal may be lodged either against the entire judgment or against separate parts thereof.

Time Limit for Intermediate Appellate Review

Article 259. (1) The appeal shall be lodged care of the court which has rendered the judgment within two weeks after service of the said judgment upon the party.

(2) The time limit for intermediate appellate review shall be interrupted by the submission of an application for legal aid and shall not run while the said application is considered.

(3) A new time limit shall begin to run as from the entry into effect of the decision rejecting the application referred to in Paragraph (2), and in case any such application is granted, the new time limit shall begin to run as from the service of the first-instance judgment upon the assigned counsel as appointed.

(4) The submission of a subsequent application for legal aid shall not suspend and shall not interrupt the time limit for intermediate appellate review.

Intermediate Appellate Review Appeal: Content

Article 260. The appeal shall contain:

1. the name and address of the lodging party;
2. an indication of the judgment appealed;
3. a specification of the vice of the judgment;
4. formulation of the prayer;
5. the newly discovered or intervening facts which the appellant wishes to be taken into account upon adjudication of the case by the court of intermediate appellate review instance, and an exact listing of the reasons which have prevented the appellant from citing the newly discovered facts;
6. the new evidence which the appellant wishes to be taken upon examination of the case by the court of intermediate appellate review instance, and a narrative of the reasons which have prevented the appellant from citing or presenting the said evidence;
7. signature of the appellant.

Attachments to Appeal

Article 261. The following shall be attached to the appeal:

1. duplicate copies of the appeal and of the attachments thereto according to the number of persons who participate in the case as an opposing party;
2. a power of attorney, where the appeal is lodged by an attorney-in-fact;
3. the new written evidence cited in the appeal;
4. documentary proof of payment of stamp duty.

Verification by First-Instance Court

Article 262. (1) If the appeal does not conform to the requirements referred to in Items 1, 2, 4 and 7 of Article 260 and Article 261 herein, a communication shall be sent to the party, instructing the party to cure the non-conformities within one week.

(2) The appeal shall be returned where:

1. the said appeal has been lodged after expiry of the time limit for appellate review, and
2. the non-conformities are not cured in due time.

(3) The order of return shall be appealable by an interlocutory appeal.

Answer to Intermediate Appellate Review Appeal and Intermediate Appellate Review Cross-Appeal

Article 263. (1) After accepting the appeal, the court shall transmit a duplicate copy thereof together with the attachments to the other party, which may submit an answer to the appeal within two weeks after receipt of the said copy and attachments.

The provisions of Article 259 (2) to (4), Items 1, 2, 4 and 7 of Article 260 and Article 261 herein shall apply, mutatis mutandis, to any such answer.

(2) Within the time limit for an answer, the opposing party may lodge an intermediate appellate review cross-appeal. The intermediate appellate review cross-appeal must conform to the requirements applicable to an intermediate appellate review appeal.

(3) The court shall verify the conformity of the intermediate appellate review cross-appeal according to Article 262 herein. After accepting the said cross-appeal, the court shall transmit a duplicate copy thereof together with the attachments to the other party, which may submit an answer within one week after receipt of the said duplicate copy and attachments.

(4) The intermediate appellate review cross-appeal shall not be examined if the intermediate appellate review appeal is withdrawn or returned.

(5) After expiry of the time limits referred to in Paragraphs (1) and (3), the case, together with the appeals and the answers, shall be transmitted to the superior court.

Withdrawal of Intermediate Appellate Review Appeal and Waiver of Right of Appeal

Article 264. (1) During any stage of the proceeding, a party may withdraw, in whole or in part, an appeal lodged.

(2) Any advance waiver of the right of appeal shall be invalid.

Joining Intermediate Appellate Review Appeal

Article 265. (1) Not later than during the first hearing in the court of intermediate appellate review instance, each of the co-parties to the case may join the appeal lodged by the co-plaintiff or co-respondent thereof. Joinder shall be effected by means of submission of a petition in writing with duplicate copies according to the number of parties.

(2) In the cases of necessary joinder of parties, the court shall constitute the co-parties of the appellant ex officio.

Citing New Facts and Evidence Prohibited

Article 266. (1) In an intermediate appellate review proceeding, the parties may not allege new circumstances, cite and present evidence which the said parties could have cited and presented in due time in the first-instance proceeding.

(2) Prior to the conclusion of the trial, the parties may:

1. allege any new circumstances and cite and present any new evidence solely if the parties were unable to learn of such circumstances and to cite and present such evidence prior to the lodgment of the appeal or within the time limit for an answer, as the case may be;

2. allege any circumstances which have occurred after the lodgment of the appeal or after expiry of the time limit for an answer, as the case may be, circumstances which are relevant to the case, and cite and present evidence of any such circumstances.

(3) Taking of evidence which was not admitted by the first-instance court by reason of procedural breaches may not be moved for in an intermediate appellate review proceeding.

Preparatory Hearing

Article 267. (1) The intermediate appellate review court, sitting in camera, shall verify the admissibility of the appeals applying, mutatis mutandis, Article 262 herein, shall pronounce on admission of the new evidence cited by the parties, and shall schedule an examination of the case in public session. The issues of the admissibility of the appeals and the motions for evidence may alternatively be addressed during the first hearing of the case, if the court determines that the oral explanations of the parties must be heard as well.

(3) The court may hear again witnesses and expert witnesses, if the court deems this necessary.

Public Session of Intermediate Appellate Review Court

Article 268. (1) The intermediate appellate review court shall examine the appeals, sitting in public session with the parties

being summoned, and the appeals and the answers shall be reported during the hearing.

(2) The taking of evidence shall follow the general rules and, if necessary, the hearing of the case shall be adjourned.

(3) After addressing the issues referred to in Article 267 herein and taking of the evidence, the court shall proceed with the oral arguments, whereto Article 149 (3) herein shall apply, *mutatis mutandis*.

Intermediate Appellate Review Court: Powers

Article 269. The intermediate appellate review court shall pronounce *ex officio* on the validity of the judgment and on the admissibility in the appealed part of the said judgment. On the rest of the issues, the said court shall be limited by what is stated in the appeal.

Adjudication in Case of Null and Inadmissible First-Instance Judgment

Article 270. (1) Where a first-instance judgment is null, the intermediate appellate review court shall declare the nullity and, if the case is not dismissible, shall return the said case to the first-instance court for rendition of a new judgment.

(2) The nullity of the judgment may be raised according to an action procedure *sine die* or by means of an opposition.

(3) Where the judgment is inadmissible, the intermediate appellate review court shall invalidate the said judgment and shall dismiss the case. Where the grounds for invalidation are lack of cognizance of the dispute, the case shall be transmitted to the competent court. If an unbrought action has been examined, the judgment shall be invalidated and the case shall be returned to the first-instance court for pronouncement on the action brought.

(4) The judgment of the district court may not be invalidated solely due to the fact that the action was cognizable in the regional court.

Judgment in Case of Incorrect First-Instance Judgment

Article 271. (1) Where the first instance judgment is valid and admissible, the intermediate appellate review court shall resolve the dispute on the merits, upholding or reversing the first instance judgment in whole or in part. If the judgment is not appealed by the other party, the position of the appellant may not be affected adversely by the new judgment.

(2) Upon reversal of the judgment on the principal action, the pendency of any actions which may be joined thereto and on which the first-instance court has not pronounced shall be restored.

(3) (Supplemented, SG No. 50/2008, effective 1.03.2008) The court shall reverse the judgment also in respect of the necessary co-parties of the appellant who have not appealed.

Judgment in Case of Correct First-Instance Judgment

Article 272. Where the intermediate appellate review court upholds the first-instance judgment, the said court shall reason the judgment thereof, *inter alia* by reference to the reasoning of the first-instance court.

Applicability of First-Instance Proceeding Rules

Article 273. Save insofar as there are any special rules for the proceeding before the court of intermediate appellate review instance, the rules applicable to the proceeding before the court of first instance shall apply, *mutatis mutandis*.

Chapter Twenty-One

APPELLATE REVIEW OF RULINGS

Appellate Review by Interlocutory Appeal

Article 274. (1) Interlocutory appeals may be lodged against the rulings of the court:

1. where the ruling bars the further progress of the case, and

2. in the cases expressly specified in the law.

(2) Where the rulings referred to in Paragraph (1) are rendered by a court of intermediate appellate review instance, the said rulings shall be appealable by an interlocutory appeal before the Supreme Court of Cassation. The rulings referred to in Paragraph (1), rendered by a panel of the Supreme Court of Cassation, shall be appealable before another panel of the same court.

(3) Where the prerequisites covered under Article 280 (1) herein apply, appealability by an interlocutory appeal before the Supreme Court of Cassation shall apply to:

1. the rulings of the intermediate appellate review courts whereby any interlocutory appeals against rulings barring the further progress of the case are left without consideration;

2. the rulings whereby other proceedings are resolved on the merits or the progress of any such proceedings is barred.

(4) (Amended, SG No. 100/2010, effective 21.12.2010) Appealability shall not apply to any rulings in cases wherein the judgments are not subject to cassation appellate review.

Time Limit for Appellate Review and Interlocutory Appeal Content

Article 275. (1) Interlocutory appeals shall be lodged within one week after communication of the ruling. If a ruling rendered during a court hearing is appealed, this time limit shall begin to run in respect of the party who appeared during the said hearing as from the day of the said hearing.

(2) (Amended, SG No. 50/2008) In respect of interlocutory appeals, the provisions of Article 259 (2) to (4), Articles 260, 261, 262 and 273 herein shall apply, *mutatis mutandis*.

Answer to Interlocutory Appeal

Article 276. (1) After accepting the appeal, the court shall transmit a duplicate copy to the other party, which may submit an answer within one week after receipt of the said duplicate copy.

(2) After expiry of the time limit referred to in Paragraph (1), the appeal, together with the answer and the attachments thereto, if any such have been submitted, shall be transmitted to the superior court. The court shall attach a duplicate copy of the ruling appealed.

Stay of Proceeding

Article 277. An interlocutory appeal shall not stay the proceeding in the case, nor the enforcement of the ruling appealed, unless otherwise provided for in a law. The court competent to examine the appeal may stay the proceeding or the enforcement of the ruling appealed until adjudication of the interlocutory appeal, if the said court deems this necessary.

Examination and Adjudication of Interlocutory Appeal

Article 278. (1) Interlocutory appeals shall be examined *in camera*. The court, if it deems it necessary, may examine the appeal sitting in public session.

(2) If it vacates the ruling appealed, the court itself shall address the issue under the appeal. The court may also take evidence, if the court deems this necessary.

(3) The ruling rendered on the interlocutory appeal shall be binding upon the inferior court.

(4) Save insofar as there are any special rules in this Section, the rules applicable to the appellate review of judgments shall apply, *mutatis mutandis*, to the proceeding in interlocutory appeals.

Appellate Review of Orders

Article 279. The provisions of Articles 274 to 278 herein shall furthermore apply, *mutatis mutandis*, to the interlocutory appeals against the orders of the court.

Chapter Twenty-Two

CASSATION APPELLATE REVIEW

Scope of Application

Article 280. (1) (Declared unconstitutional by the Constitutional Court of the Republic of Bulgaria in respect of the word "material" - SG No. 47/2009)

Cassation appealability before the Supreme Court of Cassation shall apply to any intermediate appellate review judgments wherein the court has pronounced on a material issue of substantive law or procedural law which:

1. is addressed in conflict with the case law of the Supreme Court of Cassation;
2. has been addressed by the courts in a conflicting manner;
3. is relevant to the accurate application of the law, as well as to the progress of law.

(2) (Amended, SG No. 100/2010, effective 21.12.2010) Cassation appealability shall not apply to the judgments in any intermediate appellate review cases with a cost of action not exceeding BGN 5,000, applicable to civil cases, and not exceeding BGN 10,000, applicable to commercial cases.

Grounds for Cassation Appellate Review

Article 281. A cassation appeal shall be lodged where:

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

Stay of Enforcement of Intermediate Appellate Review Judgment

Article 282. (1) The lodgment of a cassation appeal shall not stay the enforcement of the judgment.

(2) The appellant may move for a stay of the enforcement of the intermediate appellate review judgment. In such case, the appellant shall be obligated to furnish due security. The amount of the security shall be set at:

1. in judgments on pecuniary receivables: the amount awarded;
 2. in judgments regarding rights in rem: the appealable interest.
- (3) In all other cases, the amount of security shall be set by the court.

(4) Where security has been furnished in connection with the enforcement of a judgment regarding rights in rem to corporeal immovables or movable things, the said security shall be retained if, within two weeks after the cassation appeal has been left without consideration, the holder of the receivable brings an action for compensation for the damages resulting from the delay of enforcement.

(5) Where enforcement of the awarded receivable has been secured, the security shall be released after the action is dismissed or the proceeding is terminated.

(6) If the intermediate appellate review judgment is reversed, the enforcement of the said judgment shall be stayed. In case the new judgment is different from the previous judgment, the provision of sentence two of Article 245 (3) herein shall apply, *mutatis mutandis*.

Time Limit for Cassation Appellate Review

Article 283. The appeal shall be lodged care of the court which has rendered the intermediate appellate review judgment within one month after service of the said judgment upon the party. The time limit for cassation appellate review shall be interrupted according to Article 259 (2), (3) and (4) herein.

Cassation Appeal: Content

Article 284. (1) The appeal must contain:

1. the name and address of the lodging party;
2. an indication of the judgment appealed;
3. an accurate and reasoned narrative of the cassation grounds;
4. formulation of the prayer;
5. signature of the appellant.

(2) The cassation appeal shall be countersigned by a lawyer or a legal adviser, save as where the appellant or the representative thereof possesses a licensed competence to practise law. A power of attorney to countersign or a certificate of licensed competence to practise law shall be attached to the appeal.

(3) The following shall be attached to the appeal:

1. a narrative of the grounds for cassation appealability under Article 280 (1) herein;
2. duplicate copies of the appeal and of the attachments thereto according to the number of persons who participate in the case as an opposing party;
3. a power of attorney, where the appeal is lodged by an attorney-in-fact;
4. documentary proof of payment of stamp duty.

Verification of Conformity of Cassation Appeal

Article 285. (1) The intermediate appellate review court shall verify the conformity of the appeal, and if the said appeal does not conform to the requirements covered under Article 284 herein, the said court shall send a communication to the party, instructing the party to cure the non-conformities within one week.

(2) If the appeal is conforming, the intermediate appellate review court shall transmit the said appeal together with the papers exchanged and the case to the Supreme Court of Cassation.

Return of Cassation Appeal

Article 286. (1) The appeal shall be returned by the intermediate appellate review court where:

1. the said appeal has been lodged after expiry of the time limit for appellate review;
2. the non-conformities are not cured in due time;
3. the intermediate appellate review judgment is not subject to cassation appellate review under Article 280 (2) herein.

(2) The order of return shall be appealable by an interlocutory appeal.

Answer to Cassation Appeal and Cassation Cross-Appeal

Article 287. (1) After accepting the appeal, the intermediate appellate review court shall transmit a duplicate copy thereof

together with the attachments to the other party, which may submit an answer to the appeal within one month after receipt of the said copy and attachments. The provisions of Article 259 (2) to (4) and Article 284 herein shall apply, mutatis mutandis, to any such answer.

(2) The opposing party under the appeal may lodge a cassation cross-appeal within the time limit for an answer. The cassation cross-appeal must conform to the requirements applicable to a cassation appeal.

(3) If a cassation cross-appeal is lodged in due time, the intermediate appellate review court shall verify the conformity of the said appeal and shall transmit a duplicate copy thereof together with the attachments thereto to the other party, which may submit an answer within two weeks after receipt of the said duplicate copy and attachments.

(4) The cassation cross-appeal shall not be examined if the cassation appeal is not examined.

Admission of Cassation Appellate Review

Article 288. The Supreme Court of Cassation, sitting in camera in a three-judge panel, shall render a ruling on admission of the cassation appellate review.

Summoning of Parties in Cassation Proceeding

Article 289. Prior to the first day of each month, the Supreme Court of Cassation shall promulgate in the State Gazette the days on which the said Court is to sit during the next succeeding month, and the cases subject to examination. Where circumstances necessitate any departures from this procedure, the parties shall be notified by means of communication.

Examination of Cassation Appeal

Article 290. (1) The appeal shall be examined by a three-judge panel of the Supreme Court of Cassation sitting in public session.

(2) The Supreme Court of Cassation shall verify the correctness of the intermediate appellate review judgment solely on the grounds cited in the appeal.

Reconciliation of Case Law

Article 291. Where the intermediate appellate review judgment has been rendered with a conflicting case law, the Supreme Court of Cassation:

1. shall specify, by a reasoned judgment, the conflicting judgment wherein the case law it considers correct; in such case, the said Court shall render a judgment in the case on the basis of the said case law;
2. where it holds that the case law in the judgments is incorrect, the said Court shall specify, by a reasoned judgment, why the said case law is incorrect; in such case, the said Court shall render a judgment interpreting the law on the basis of the circumstances of the case;
3. where it holds that the case law in the conflicting judgments is inapplicable to the pending dispute, the said Court shall specify, by a reasoned judgment, why the said case law is inapplicable; in such case, the said Court shall render a judgment interpreting the law on the basis of the circumstances of the case.

Proposal for Interpretative Judgment

Article 292. Where issues have been addressed in a conflicting manner by the Supreme Court of Cassation, the panel shall propose to the general meeting to render an interpretative judgment and shall stay the proceeding in the case.

Cassation Judgment

Article 293. (1) The Supreme Court of Cassation shall leave standing or shall reverse, in part or in whole, the judgment appealed.

(2) The judgment shall be reversed as wrong where the substantive law has been violated or where material breaches of the rules of court procedure have been committed or the judgment is unjustified.

(3) The court shall return the case for a new examination by another panel of the intermediate appellate review court solely if any procedural steps at court have to be repeated or new such steps have to be performed.

(4) Where the judgment appeal is null or inadmissible, the rules of Article 270 herein shall apply.

Re-examination of Case

Article 294. (1) The court whereto the case has been transmitted shall examine the said case according to the standard procedure, with the proceeding commencing from the legally non-conforming step which has served as grounds for reversal of the judgment. The instructions of the Supreme Court of Cassation regarding the application and interpretation of the law shall be binding upon the court whereto the case has been returned.

(2) Upon re-examination of the case, the court shall furthermore pronounce on the costs of conduct of the case at the Supreme Court of Cassation.

Cassation Appellate Review of Judgment upon Re-examination of Case

Article 295. (1) Where the prerequisites covered under Article 280 (1) herein apply, the second judgment of the court of intermediate appellate review instance may be appealed over violations committed upon the re-examination of the case. Any such appeal shall be examined by a three-judge panel of the Supreme Court of Cassation which, upon reversal, shall resolve the dispute on the merits.

(2) Where the grounds for reversal necessitate the performance of any procedural steps at court, the Supreme Court of Cassation shall reverse the intermediate appellate review judgment and shall render a new judgment, whereafter the said Court shall perform the requisite steps. In such case, the rules applicable to the intermediate appellate review proceeding shall apply, *mutatis mutandis*.

Chapter Twenty-Three

EFFECT OF JUDGMENTS

Entry into Effect

Article 296. The following judgments shall enter into effect:

1. which are unappealable;
2. whereagainst no intermediate appellate review appeal or cassation appeal has been lodged within the time limit set by the law, or an appeal lodged has been withdrawn; in the latter case, the judgment shall enter into effect as from the day of entry into effect of the ruling whereby the case is dismissed;
3. in respect of which a cassation appeal has not been admitted to examination or has been denied consideration.

Respect of Judgment

Article 297. An effective judgment shall be binding upon the court which has rendered the said judgment and on all courts, institutions and municipalities in the Republic of Bulgaria.

Extent of Effect

Article 298. (1) A judgment shall enter into effect solely between the same parties, in respect of the same demand, and on the same grounds.

(2) An effective judgment shall furthermore have effect in respect of the heirs of the parties, as well as in respect of the successors thereto.

(3) A judgment rendered in actions for civil status, including in matrimonial actions, shall have effect in respect of everybody.

(4) A judgment shall furthermore enter into effect in respect of any motions and oppositions regarding a right of retention and

set-off granted by the said judgment.

Non-Re-resolvability

Article 299. (1) A dispute, which has been resolved by an effective judgment, may not be re-resolved save in the cases where the law provides otherwise.

(2) The re-instituted case shall be dismissed ex officio by the court.

(3) The effective judgment may not be contested by the party as rendered in a simulated procedure.

Binding Effect of Sentence

Article 300. An effective sentence of a criminal court shall be binding upon the civil court which examines the civil consequences of the act, regarding whether the act has been committed, the wrongfulness of the said act and the guilt of the perpetrator.

Extension of Effect on Action by Prosecutor

Article 301. Where the case has been commenced on an action brought by a prosecutor, the effective judgment shall be furthermore binding upon the party in the interest whereof the prosecutor has brought the action.

Binding Effect of Judgment on Administrative Dispute

Article 302. An effective judgment on an administrative dispute shall be binding upon the civil court regarding whether the administrative act is valid and legally conforming.

Chapter Twenty-Four

REVERSAL OF EFFECTIVE JUDGMENTS

Grounds for Reversal

Article 303. (1) The interested party may move for a reversal of an effective judgment where:

1. new circumstances or new written evidence of material relevance to the case are discovered which could not have been known upon adjudication of the said case or which the party could not procure in due time;

2. falsity of a document, of testimony of a witness, of a conclusion of an expert witness, upon which the judgment is founded, is established according to the due judicial procedure, or a criminal act by the party, by the representative thereof, by a member of the court panel or by a server in connection with the adjudication of the case, is so established;

3. the judgment is based upon a decree by a court or by another government institution which has subsequently been vacated;

4. another effective judgment, which conflicts with the judgment, has previously been rendered between the same parties, in respect of the same demand, and on the same grounds;

5. the party, consequent to a breach of the respective rules, has been deprived of an opportunity to participate in the case or has not been duly represented, or where the said party has been unable to appear in person or through counsel owing to special unforeseen circumstances which the said party was unable to overcome;

6. the party, upon a breach of the respective rules, was or, respectively, was not represented by a person referred to in Article 29 herein;

7. (new, SG No. 42/2009) the European Court of Human Rights has, by final judgment, found that there has been a violation of the Convention for the Protection of Human Rights and Fundamental Freedoms, done at Rome on 4 November 1950 (ratified by a law, State Gazette No. 66 of 1992) ([Convention promulgated in the] State Gazette No. 80 of 1992; as amended by Protocol No. 11 of 1994), or of the Protocols thereto and the new examination of the case is necessary in order to eliminate the consequences of the violation.

(2) It shall be inadmissible to reverse a judgment whereby a divorce or a marriage annulment is decreed or a marriage is declared non-existent.

(3) A reversal of a judgment by default may not be sought for a reason for which a reversal of the said judgment could have been sought or is sought under Article 240 (1) herein, or an action could have been brought or is brought under Article 240 (2) herein.

Reversal on Petition by Third Party

Article 304. The party in respect of whom the judgment has effect may also move for a reversal of the judgment, even though the said person has not been party to the case (Article 216 (2) herein).

Time Limit for Reversal

Article 305. (1) (Redesignated from Article 305, SG No. 42/2009) A petition for reversal shall be submitted within three months reckoned from the day:

1. whereon the petitioner learnt of the intervening circumstances, or from the day whereon the petitioner could procure the new written evidence: in the cases referred to in Item 1 of Article 303 (1) herein;

2. of entry into effect of the judgment or of learning of the sentence, but not later than one year after the entry into effect of the said sentence: in the cases referred to in Item 2 of Article 303 (1) herein;

3. of learning of the act of reversal, but not later than one year after the entry into effect of the said act: in the cases referred to in Item 3 of Article 303 (1) herein;

4. of entry into effect of the last judgment: in the cases referred to in Item 4 of Article 303 (1) herein;

5. (amended, SG No. 50/2008, effective 1.03.2008) of learning of the judgment: in the cases referred to in Items 5 and 6 of Article 303 (1) and Article 304 herein.

(2) (New, SG No. 42/2009) In the cases referred to in Item 7 of Article 303 (1) herein, the petition for reversal shall be submitted within six months after the day on which the judgment became final.

Petition for Reversal: Content

Article 306. (1) A petition for reversal must conform to the requirements covered under Articles 260 and 261 herein and must contain an accurate and reasoned narrative of the grounds for reversal. If the petition does not conform to these requirements, the party shall be sent a communication, instructing the party to cure the non-conformities within one week.

(2) Upon failure to cure the non-conformities of the petition for reversal in due time, the provisions of Article 286 herein shall apply.

(3) The petition shall be submitted care of the first-instance court. A duplicate copy shall be attached to the said petition, and the said duplicate copy shall be served upon the opposing party. The said party may give an answer within one week after receipt of the duplicate copy.

Petition for Reversal: Examination and Adjudication

Article 307. (1) The Supreme Court of Cassation, sitting in camera, shall pronounce on the admissibility of the petition for reversal.

(2) The petition for reversal shall be examined by the Supreme Court of Cassation sitting in public session, within which the parties shall be heard and the requisite evidence shall be taken. Where a reversal of a judgment of the Supreme Court of Cassation is sought, the petition shall be examined by another three-judge panel of the Supreme Court of Cassation.

(3) If it determines that the petition is well-founded, the Supreme Court of Cassation shall reverse the judgment in whole or in part and shall return the case for a new examination by another panel of the competent court, also specifying the point wherefrom the new examination of the case must commence.

(4) In the case referred to in Item 4 of Article 303 (1) herein, the court shall reverse the incorrect judgment.

New Examination of Case

Article 308. The general rules shall apply upon the new examination of the case in which the judgment has been reversed.

Stay of Enforcement

Article 309. (1) The submission of a petition for reversal shall not stay the enforcement of the judgment. The court, acting on a motion by the party, may stay the enforcement under the terms established by Article 282 (2) to (6) herein.

(2) If the judgment is reversed, the enforcement of the said judgment shall be stayed. In case the new judgment is different from the previous judgment, the provision of sentence two of Article 245 (3) herein shall apply, *mutatis mutandis*.

PART THREE

SPECIAL ACTION PROCEEDINGS

Chapter Twenty-Five

SUMMARY PROCEEDING

Scope of Application

Article 310. (1) (Redesignated from Article 310, SG No. 100/2010, effective 21.12.2010) The procedure established by this Chapter shall apply to examination of any actions:

1. for labour remuneration, to pronounce a dismissal wrongful and to revoke such dismissal, for compensation for the period of unemployment due to the dismissal, and for correction of the grounds for the dismissal as entered in the work book or in other documents;

2. for eviction from premises leased or loaned for use;

3. for establishment and cessation of an infringement of rights under the Copyright and Neighbouring Rights Act, the Patents and Utility Models Registration Act, the Marks and Geographical Indications Act, the Industrial Designs Act, the Topographies of Integrated Circuits Act, and the Protection of New Plant Varieties and Animal Breeds Act;

4. for ascertainment and cessation of violation of rights under the Consumer Protection Act;

5. (new, SG No. 42/2009, amended, SG No. 82/16.10.2009, repealed, SG No. 100/2010, effective 21.12.2010);

6. (Renumbered from Item 5, SG No. 42/2009) other actions whereof the examination in a summary proceeding is regulated in a law.

(2) (New, SG No. 100/2010, effective 21.12.2010) Upon objective joinder of an action provided for in Paragraph (1) with an action which is subject to examination according to the standard action procedure, a summary proceeding shall be inadmissible.

(3) (New, SG No. 100/2010, effective 21.12.2010) Upon joinder in a single statement of action of any action covered under Paragraph (1) with an action which is subject to examination according to the standard action procedure, a summary proceeding shall be inadmissible.

Verification of Statement of Action

Article 311. (1) On the day of receipt of the statement of action, the court shall verify the conformity thereof and the admissibility of the action.

(2) The court shall instruct the plaintiff to amplify, particularize the allegations thereof and to eliminate the contradictions therein, where the said allegations are obscure, deficient or imprecise.

Preparation of Case in Camera

Article 312. (1) On the day of receipt of the answer of the respondent or of the expiry of the time limit for receipt of the said answer, the court, sitting in camera, shall:

1. schedule a hearing of the case for a date within three weeks;
2. prepare a written report on the case;
3. invite the parties to reach a settlement and explain thereto the advantages of the various procedures for voluntary resolution of the dispute;
4. pronounce on the motions for evidence, admitting the evidence which is relevant, admissible and requisite;
5. determine an amount and a time limit for depositing of the costs of taking of evidence.

(2) The court shall serve upon the parties a duplicate copy of the order, and, in addition to the said duplicate copy, shall serve upon the respondent a duplicate copy of the written answer and the evidence attached thereto, and shall instruct the parties to take a stand, within one week, in connection with the instructions given and the report on the case and to undertake the relevant procedural steps, as well as advise the parties of the consequences of non-compliance with the instructions.

(3) The court shall pronounce on any motions made in due time in connection with the instructions and the report on the case on the day of receipt of the said motions. The order on the motions made shall be communicated to the parties.

Consequences of Non-compliance with Instructions

Article 313. Where the parties fail to comply with the instructions of the court within the time limit set, the said parties shall forfeit the possibility to do so later, unless the omission is due to special unforeseen circumstances.

Joinder of Actions

Article 314. (1) The plaintiff may, by the stand thereof on the report of the court, and the respondent may, by the written answer, approach the court with a motion to pronounce, by the judgment thereof, regarding the existence or non-existence of a disputed legal relation upon which the outcome of the case depends in whole or in part.

(2) Counter actions may not be brought, third parties may not be impleaded, and actions may not be brought against any such third parties according to the procedure of this proceeding.

(3) In actions for eviction from premises leased or loaned for use, oppositions as to ownership and to improvements made in the immovable shall be inadmissible.

Examination of Case

Article 315. (1) During the hearing for examination of the case, the court shall reinvite the parties to reach a settlement, and if no such settlement is reached, the court shall take the evidence presented and shall hear the oral arguments.

(2) During the same hearing, the court shall assign a day whereon the said court is to publish the judgment thereof and which shall be the day as from which the time limit for appellate review of the said judgment shall begin to run.

Time Limit for Rendition of Judgment

Article 316. The court shall publish the judgment thereof with the reasoning within two weeks after the hearing during which the examination of the case was concluded.

Applicability of Rules before Intermediate Appellate Review Court

Article 317. The rules of this Chapter shall apply, mutatis mutandis, to the proceeding before the intermediate appellate review court.

Chapter Twenty-Six

PROCEEDING IN MATRIMONIAL SUITS

Matrimonial Actions

Article 318. The actions for divorce, for marriage annulment and for establishment of the existence or non-existence of a marriage between the parties shall be examined according to the procedure established by this Chapter.

Special Capacity to Sue

Article 319. Spouses who are minors and limited interdicts may bring matrimonial actions and be sued under such actions of their accord.

Divorce When Wife Pregnant

Article 320. The proceeding in a matrimonial action shall be stayed on a motion by the wife if she is pregnant and until the child attains the age of twelve months.

Examination of Case

Article 321. (1) During the first hearing for examination of the case on an action for divorce, the parties must appear in person. In case of non-appearance of the plaintiff without reasonable excuse, the proceeding shall be dismissed.

(2) After addressing the preliminary issues and the issues pertaining to the conformity of the statement of action, the court shall be obligated to redirect the parties to mediation or another procedure for voluntary resolution of the dispute.

(3) If the parties reach agreement on commencement of mediation or another procedure for voluntary resolution of the dispute, the case shall be stayed.

(4) Each of the parties may move for a resumption of the proceeding in the case within six months. Unless such a motion is made, the case shall be dismissed.

(5) Where agreement is reached, depending on the content of the said agreement the case shall be dismissed or a proceeding for divorce by mutual consent shall be proceeded with.

(6) If the parties fail to reach agreement on a mediation procedure or another procedure for voluntary resolution of the dispute, the examination of the case shall continue.

Exhaustive Grounds

Article 322. (1) In an action for divorce, the plaintiff must raise all grounds for the deep and irrevocable break-down of the marriage. Any uncited grounds, which have occurred and have become known to the spouse prior to the conclusion of the oral arguments, may not serve as grounds for bringing a new action for divorce.

(2) All matrimonial actions may be joined therebetween. The demands for exercise of parental rights, interspousal personal relations and child maintenance, use of the matrimonial home, interspousal maintenance and the surname shall mandatorily be brought and examined by such actions.

(3) The provisions of Paragraphs (1) and (2) shall furthermore apply to the respondent regarding the actions which the said respondent could have brought.

(4) An action for marriage annulment by reason of a violation of the age qualification under Article 12 and by reason of threat under Item 2 of Article 96 (1) of the Family Code may not be brought after the action for divorce is dismissed.

Interim Measures

Article 323. (1) Acting on a petition by any of the parties, the court wherebefore the action for divorce or for marriage annulment has been brought shall rule on interim measures regarding the maintenance, the matrimonial home and the use of the property acquired during the marriage, as well as regarding the care of the children and the maintenance thereof.

(2) The court shall pronounce on any such petition during the hearing during which the said petition is submitted, unless additional evidence has to be taken. In such case, a new hearing shall be scheduled within two weeks.

(3) The ruling referred to in Paragraph (1) shall be unappealable but may be modified by the same court.

Judgment on Matrimonial Actions

Article 324. A judgment by default and a judgment upon admission of the demand shall not be rendered on matrimonial actions.

Entry into Effect of Judgment of Divorce

Article 325. A judgment on divorce shall enter into effect, even if the said judgment has been appealed solely in the part thereof concerning the fault.

Surname after Divorce

Article 326. By the judgment whereby the divorce is granted, the court shall also address the issue of the surname which the spouses will be able to use in future.

Continuing Case upon Plaintiff's Death

Article 327. (1) (Amended, SG No. 47/2009, effective 1.10.2009) When the plaintiff spouse dies and the action for divorce is based on the fault of the surviving spouse, the court shall allow the descendants or parents called to accept the succession to state whether they wish to continue the case. This rule shall furthermore apply to an action for marriage annulment, if the surviving spouse acted in bad faith.

(2) If nobody states a wish to continue the case within the time limit allowed, the said case shall be dismissed. The case shall also be dismissed if the action for divorce is not based on the fault of the surviving spouse or if, upon an action for marriage annulment, the surviving spouse acted in good faith.

(3) Where the case is continued, the court shall pronounce solely on the culpable behaviour of the survivor cited by the deceased spouse as grounds for marriage annulment.

Continuing Case upon Respondent's Death

Article 328. Upon the death of the respondent, the persons referred to in Article 327 herein may continue the case if the action brought is in reference to Article 13 of the Family Code and the plaintiff acted in bad faith when the marriage was contracted.

Costs of Case

Article 329. (1) The court costs of matrimonial suits shall be awarded against the spouse at fault or the spouse who acted in bad faith. Where there is no fault or bad faith, or where both spouses are at fault or acted in bad faith, the costs shall be left borne by each one of them as incurred.

(2) Upon dismissal of the action for divorce, the costs shall be determined according to the procedure established by Article 78 herein. The same procedure shall furthermore apply to determination of costs upon appellate review of the judgment.

Divorce by Mutual Consent

Article 330. (1) Upon a motion for divorce by mutual consent, the spouses shall appear in person during the court hearing.

(2) Where any of the spouses fails to appear without reasonable excuse, the case shall be dismissed.

(3) After satisfying itself that the consent of the spouses to divorce is serious and firm, and after determining that the agreement reached under Article 101 of the Family Code does not conflict with the law and is in the interest of the children, the court shall grant the divorce and shall endorse the agreement by a judgment.

(4) Examination of the petition shall be adjourned solely if additional evidence has to be taken.

(5) The judgment whereby divorce by mutual consent is granted shall be unappealable.

Chapter Twenty-Seven

PROCEEDING IN CIVIL STATUS CASES

Governing Provisions

Article 331. (1) Any actions to establish or disavow filiation, as well as any actions to terminate adoption, shall be examined according to the procedure established by this Chapter.

(2) Articles 319 and 327 herein shall apply, *mutatis mutandis*, to any actions covered under Paragraph (1) regarding the continuing of the case by the heirs of the adopter to establish that it is well-founded.

Joinder of Actions for Maintenance

Article 332. (1) An action for maintenance of the child may be joined to the action to establish paternity or maternity, but interim maintenance may not be awarded in such cases.

(2) An action for compensation of the adoptee who has contributed to an augmentation of the property status of the adopter may be joined to the action to terminate adoption. Any such action may be brought as a counter action as well.

Duty to Cooperate

Article 333. (1) The parties to a filiation case shall be obligated to cooperate upon the preparation of the conclusion by the expert witness, unless the research involves a substantial or sustained risk to the life or health of the said parties.

(2) The court shall pronounce on a refusal to cooperate by a ruling which shall be subject to appellate review by separate appeal. Where the refusal is rightful, the court shall determine another method of research into filiation which does not involve any such risk.

(3) For obtaining any samples whereupon the inviolability of the body is not impaired, the court shall command, where necessary, the application of appropriate methods of compulsion.

(4) If evidence cannot be taken according to the procedure established by Paragraphs (1) to (3), the court may decree that the requisite post-mortem samples be taken except in the cases where this is prohibited by a law.

Judgment on Civil Status Action

Article 334. A judgment by default and a judgment upon admission of the demand shall not be rendered on any action for civil status.

Termination of Proceeding upon Child's Death

Article 335. The proceeding in cases to disavow paternity shall be terminated in the event of death of the child.

Chapter Twenty-Eight

INTERDICTION

Commencement of Proceeding

Article 336. (1) The full or limited interdiction of a person may be moved for by a statement of action by the spouse, by members of the immediate family, by a prosecutor and by any person who has standing to do so.

(2) The participation of a prosecutor in the proceedings referred to in Paragraph (1) shall be mandatory.

Immediate Impressions of Person

Article 337. (1) The person sought to be interdicted must be examined in person and, if necessary, the attendance thereof shall be compelled. Where the said person is placed in a medical-treatment facility and the health condition thereof precludes that he or she be brought in person to a court hearing, the court shall be obligated to obtain an immediate impression of the condition

of the said person.

(2) If, after the examination, the court deems it necessary, the court shall appoint a provisional curator to take care of the personal and property interests of the person referred to in Paragraph (1).

Examination of Action

Article 338. (1) The court shall pronounce on the statement of action after an examination of the person sought to be interdicted and of the family members thereof. If this proves insufficient, the court shall proceed with taking of other evidence and hearing of expert witnesses.

(2) If the person is placed in a medical-treatment facility, the court shall procure information on the condition of the said person.

(3) After the entry into effect of the judgment whereby the person is interdicted, the court shall communicate this to the authority on tutorship and on curatorship in order to institute tutorship or curatorship.

(4) The plaintiff shall not be entitled to costs in the interdiction proceeding. If the action is dismissed, the plaintiff shall owe the respondent the costs incurred thereby in connection with the case.

Judgment on Action for Interdiction

Article 339. A judgment by default and a judgment upon admission of the demand shall not be rendered on any action for interdiction.

Vacation of Interdiction

Article 340. (1) The provisions of this Chapter shall furthermore apply to a vacation of interdiction.

(2) A vacation of interdiction may be requested, inter alia, by the authority on tutorship and on curatorship or by the tutor.

Chapter Twenty-Nine

JUDICIAL PARTITION

Commencement of Proceeding

Article 341. (1) Any co-heir who wishes a partition shall submit a written petition to the regional court, attaching thereto:

1. a certificate of death of the decedent and a certificate of heirship of the said decedent;
2. a certificate or other written evidence of the succession immovables;
3. duplicate copies of the petition and the attachments for the other co-heirs.

(2) During the first hearing of the case, each of the remaining co-heirs may move, by a written petition, for incorporation of other immovables into the decedent's estate.

First Hearing

Article 342. During the first hearing, each of the co-heirs may oppose the right of any of the said co-heirs to participate in the partition, to the amount of the share of each of the said co-heirs, as well as to the incorporation of certain immovables into the decedent's estate.

Pre-conditioning Questions

Article 343. Disavowals of filiation, contestations of adoptions, of testaments and of the truthfulness of written evidence, as well as motions for reduction of testamentary dispositions and of donations, shall be examined in the partition proceeding.

Judgment Granting Partition

Article 344. (1) In the judgment whereby partition is granted, the court shall pronounce on the questions as to between which persons and in respect of which immovables the said partition is to be made, as well as what share appertains to each co-heir. Where partition of movable things is granted, the court shall furthermore pronounce on the question as to which of the co-partitioners holds the said things.

(2) In the judgment referred to in Paragraph (1) or later, if all heirs do not use the succession immovables in conformity with the rights thereof, the court, acting on a motion by some of the said heirs, shall decree which of the heirs are to avail themselves of which immovables until the partition is finally made or what amounts the former must pay the latter in consideration of the use.

(3) The ruling under Paragraph (2) may be modified by the same court. Any such ruling shall furthermore be appealable by an interlocutory appeal.

Exclusion of Immovables from Partition

Article 345. Where the succession includes any immovables which the decedent owned in co-ownership with third parties, the said immovables shall be excluded from the divisible estate, if a partition is not made between the heirs, of the one part, and the third parties, of the other hand, prior to the drawing up of the memorandum of division.

Demands for Accounts

Article 346. During the first hearing after the granting of the petition, the co-heirs may raise demands for accounts therebetween, citing the evidence in their possession.

Memorandum of Division

Article 347. The court shall draft the memorandum of division on the basis of the conclusion of an expert witness in compliance with the rules of the Succession Act.

Offering for Public Sale

Article 348. Where any immovable is indivisible and cannot be allocated to any of the shares, the court shall decree that the said immovable be offered for public sale. The parties to the partition may bid in the public sale.

Award of Indivisible Dwelling Unit

Article 349. (1) If the indivisible immovable is a dwelling unit which constituted matrimonial community property terminated by the death of one spouse or by divorce, and the surviving or former spouse, who has been awarded the exercise of parental rights in respect of the children from the marriage, does not have a dwelling unit of his or her own, the court, acting on a motion by the said spouse, may allocate any such dwelling unit to a share, the shares of the rest of the co-partitioners being balanced by other immovables or by money.

(2) If the indivisible immovable is a dwelling unit, each of the co-partitioners who, upon the opening of the succession resided therein and does not own another dwelling unit, may move that the said dwelling unit be allocated to the share thereof, with the shares of the rest of the co-partitioners being equalized by another immovable or by money. Where several co-partitioners satisfying the conditions of sentence one lay claims to allocation of the immovable to the share thereof, preference shall be given to the co-partitioner who offers a higher price.

(3) The interested parties may record a legal mortgage for the claims for balancing of the shares.

(4) A motion for award may be made at the latest during the first hearing after the entry into effect of the judgment granting the partition under Article 344 (1) herein. The immovable shall be appraised at the actual value thereof.

(5) Where the balancing is by money, the said balancing must be paid together with the statutory interest within six months after the entry into effect of the judgment of award.

(6) The co-partitioner, to whose share the immovable is allocated according to the procedure established by Paragraphs (1) and (2), shall become owner of the said immovable after paying the money balancing as set together with the statutory interest within the time limit referred to in Paragraph (5). If the balancing is not paid within the said time limit, the judgment of award shall be invalidated ex lege and the property shall be offered for public sale. The immovable may not be offered for public sale and may be awarded to another co-partitioner who satisfies the conditions under Paragraph (2) and has moved for an award

within the time limit referred to in Paragraph (4) if the said partitioner forthwith pays the price whereat the immovable was appraised upon the partition, debited with the value of the share of the said partitioner in the said immovable. The resulting amount shall be apportioned among the rest of the co-partitioners according to the quotas thereof.

Final Memorandum of Division

Article 350. After drawing up the draft of the memorandum of division, the court shall summon the parties in order to present the said draft thereto and to hear the oppositions thereof to the said draft. Thereafter, the court shall draw up and publish the final memorandum of division.

Appellate Review of Judgments

Article 351. The judgments under Articles 346, 348, 349 and 350 herein shall be appealable by a general appeal within the time limit for appellate review of the latest judgment.

Drawing of Lots

Article 352. After the judgment on the memorandum of division enters into effect, the court shall summon the parties for a drawing of lots.

Apportionment of Immovables

Article 353. The court may make the partition by apportioning the succession immovables among the co-partitioners without drawing of lots, where the formation of shares and the drawing of lots proves impossible or very inconvenient.

Buy-out by Co-partitioner

Article 354. (1) Where the immovable is offered for public sale as indivisible, each of the co-partitioners in the partition may buy out the said immovable under the terms established by Article 505 (2) herein.

(2) If several co-partitioners wish to buy out the immovable under the terms established by Paragraph (1), a new sale shall be conducted solely between the said co-partitioners, with the highest price offered in the first sale as the starting bid. The said new sale shall continue for one week and shall follow the general rules.

(3) If none of the co-partitioners buys out the immovable in the sale referred to in Paragraph (2), the said immovable shall be awarded to the third-party bidder in respect of the partition who offered the highest price in the first sale.

Costs of Proceeding

Article 355. The parties shall pay the costs in proportion to the shares thereof. The costs under the joined actions in the partition proceeding shall be determined under Article 78 herein.

Chapter Thirty

REMEDY AGAINST AND RECOVERY OF DISTURBED POSSESSION

Generic Cognizance

Article 356. Any actions for remedy against disturbed possession and holding and for recovery of disturbed possession and holding (Articles 75 and 76 of the Ownership Act) shall be cognizable in the regional court acting as a court of first instance.

Establishment of Fact of Possession

Article 357. (1) Under these cases, the court shall verify solely the fact of possession or of the disturbance thereof.

(2) The documents attesting the right of ownership shall be taken into account solely insofar as the said documents establish the fact of possession.

Verification as to Legal Conformity

Article 358. Where possession has been forfeited at a command or with the cooperation of an enforcement agent or another state body, the court shall verify the legal conformity of the command or, respectively, of the acts performed, regardless of whether they are appealable or have been appealed.

Inadmissibility where Action for Ownership Brought

Article 359. The person, who has brought an action for ownership of a corporeal immovable, may not bring an action for possession against the same respondent in respect of the same immovable while the suit for the ownership is pending, unless dispossession has been effected through violent means or through concealment after the said action has been brought.

Fine for Disturber

Article 360. Where the possession or holding has been forfeited through violent means or through concealment (Article 76 of the Ownership Act), the court may, inter alia, impose on the disturber a fine not exceeding BGN 1,000.

Anticipatory Enforcement

Article 361. The judgment regarding the delivery of the immovable shall be subject to anticipatory enforcement and may not be stayed.

Chapter Thirty-One

PROCEEDING FOR CONCLUSION OF FINAL CONTRACT

Declaring Finality of Contract in Case of Cross-Obligation

Article 362. (1) In an action under Article 19 (3) of the Obligations and Contracts Act, if, according to the preliminary contract, the plaintiff must perform a cross-obligation thereof upon conclusion of the final contract, the court shall render judgment in lieu of the final contract, subject to the condition that the plaintiff is to perform the obligation thereof. In such case, the plaintiff must perform the obligation thereof within two weeks after the entry into effect of the judgment, inter alia through setting off the obligations to the State paid thereby for the account of the respondent.

(2) If the plaintiff fails to perform the obligation thereof within the time limit referred to in Paragraph (1), the first-instance court, acting on a motion by the respondent, shall invalidate the judgment.

Verification of Ownership

Article 363. Where the obligation is for transfer of a right of ownership to an immovable, the court shall verify whether the prerequisites for transfer of the ownership according to a notarial procedure apply, including whether the transferor is owner of the said immovable.

Fees and Costs

Article 364. (1) By the judgment thereof, the court shall order the plaintiff to pay the State the costs due for the transfer of the immovable and shall command the recording of a preventive attachment of the said immovable until payment of the said costs.

(2) (Supplemented, SG No. 50/2008, effective 1.03.2008) The court shall not issue a duplicate copy of the judgment until the plaintiff proves that the costs of the transfer and the taxes and fees due for the immovable have been paid.

Chapter Thirty-Two

PROCEEDINGS IN COMMERCIAL DISPUTES

Governing Provisions

Article 365. According to the procedure established by this Chapter, the district court, acting as a court of first instance, shall examine actions for a right or a legal relation arising from or appertaining to:

1. a commercial transaction, including the conclusion, interpretation, validity, performance, non-performance or termination of any such transaction, the consequences of the termination thereof, as well as for filling gaps in a commercial transaction or adjustment of any such transaction to intervening circumstances;
2. (amended, SG No. 45/2012, effective 1.01.2013) a privatization contract, a public procurement contract, or a concession agreement or public-private partnership contract;
3. participation in a commercial corporation or in another legal person which is a merchant, as well as for establishment of admissibility or nullity of a recording and for non-existence of a circumstance recorded in the commercial register;
4. replenishment of the bankruptcy estate, including the actions of creditors for a declaratory judgment;
5. cartel agreements, decisions and concerted practices, concentration of economic activities, unfair competition, and abuse of a monopoly position or of a dominant position.

Attachments to Statement of Action

Article 366. As an attachment to a statement of action for a pecuniary receivable, the party shall be obligated to present a statement containing the calculations required for determination of the amount of the said receivable.

Answer to Statement of Action

Article 367. (1) After accepting the statement of action, the court shall transmit a duplicate copy of the said statement together with the attachments to the respondent, instructing the said respondent to submit a written answer within two weeks, specifying the mandatory content of the answer and the consequences of the non-submission of an answer or of the non-exercise of rights.

(2) The written answer of the respondent must contain:

1. a reference to the court and to the case number;
2. the name and address of the respondent, as well as of the legal representative or attorney-in-fact thereof, if any;
3. a stand on the admissibility of the action and on whether the action is well-founded;
4. a stand on the circumstances upon which the action is founded;
5. the oppositions to the action and the circumstances upon which the said oppositions are founded;
6. signature of the person who submits the answer.

(3) In the answer to the statement of action, the respondent shall be obligated to cite exactly the evidence and the specific circumstances which the said respondent is to prove thereby, as well as to present all written evidence in the possession thereof.

(4) Within the time limit for an answer, the respondent may bring a counter action, may implead third parties and may bring actions thereagainst.

Attachments to Answer to Statement of Action

Article 368. Duplicate copies of the answer and of the attachments thereto according to the number of plaintiffs shall be presented attached to the answer to the statement of action.

Opposition to Examination According to Standard Procedure

Article 369. (1) An opposition alleging that the dispute is not subject to examination according to the standard procedure may be lodged solely by the respondent at the latest by the answer to the statement of action, or may be raised ex officio by the court within the same time limit.

(2) A ruling that the dispute is subject to examination according to the standard procedure shall be appealable by an interlocutory appeal.

Consequences of Non-submission of Answer

Article 370. (Supplemented, SG No. 50/2008, effective 1.03.2008) Where the respondent fails, within the established time limit, to submit a written answer, to take a stand, to lodge oppositions, to contest the truthfulness of a document presented, to cite evidence or to present written evidence, the said respondent shall forfeit the possibility to do so later, unless the omission is due to special unforeseen circumstances.

Opposition to Set-Off after Time limit for an answer

Article 371. An opposition to set-off may be raised prior to the conclusion of the trial in the court of first instance, where taking of new evidence is not required to prove the said set-off, or prior to the conclusion of the trial in the court of intermediate appellate review instance, where the existence or non-contestation of the said set-off are established by an effective judgment of court or an enforcement order.

Additional Statement of Action

Article 372. (1) After accepting the answer, the court shall transmit a duplicate copy of the said answer together with the attachments to the plaintiff, who may submit an additional statement of action within two weeks.

(2) In the additional statement of action, the plaintiff may explain and amplify the initial statement of action. Within the time limit for submission of an additional statement of action, the plaintiff may modify the demand raised, may implead third parties and bring actions thereagainst, may approach the court with a motion to pronounce by the judgment itself *inter alia* regarding the existence or non-existence of a legal relation disputed in the answer to the statement of action upon which the outcome of the case depends in whole or in part, as well as cite and present new evidence which the plaintiff was unable to cite and present by the statement of action.

Additional Answer

Article 373. (1) After accepting the additional statement of action, the court shall transmit a duplicate copy of the said statement together with the attachments to the respondent who may submit an answer within two weeks.

(2) In the additional answer, the respondent shall be obligated to respond to the additional statement of action. Within the time limit for submission of an additional statement of action, the respondent may approach the court with a motion to pronounce by the judgment itself *inter alia* regarding the existence or non-existence of a legal relation disputed in the additional statement of action upon which the outcome of the case depends in whole or in part, as well as cite and present new evidence which the respondent was unable to cite and present by the answer to the statement of action.

Preparation of Case in Camera

Article 374. (1) After verifying the conformity of the papers exchanged and the admissibility of the actions brought, including the cost of the said actions, as well as the other motions and oppositions by the parties, the court shall render a ruling on all preliminary issues and on admission of the evidence. Alternatively, the court may pronounce on the admission of certain evidence in public session solely if the court determines that the oral explanations of the parties must be heard as well.

(2) The court shall schedule a hearing of the case in public session, transmitting the additional answer to the plaintiff. The court shall communicate the ruling thereof referred to in Paragraph (1) to the parties. The court may furthermore communicate to the parties the court's draft of a report on the case, as well as direct the parties to mediation or another procedure for voluntary resolution of the dispute.

Examination of Case in Public Session

Article 375. (1) The court, sitting in public session, shall deliver an oral report, shall give instructions to the parties, and shall afford the parties an opportunity to set forth the stand thereof in connection with the report on the case and the instructions given, as well as to undertake the procedural steps they wish, whereafter the court shall take the evidence admitted and shall hear the oral arguments.

(2) If the case is of factual and legal complexity, the court may allow each of the parties time to present a written defence and a reply.

Examination of Case in Camera

Article 376. (1) Where all evidence has been presented by the exchange of papers and if the court holds that hearing of the

parties is not necessary, the court may examine the case in camera, affording the parties an opportunity to present written defences and replies.

(2) The court shall examine and adjudicate in the case in camera where the parties move for this.

(3) The court shall assign a day whereon the said court is to publish the judgment thereof and which shall be the day as from which the time limit for appellate review shall begin to run.

Applicability of General Rules

Article 377. Save insofar as there are any special rules for the proceeding in commercial cases, the general rules applicable to the proceeding before the court of first instance shall apply.

Applicability of Rules before Intermediate Appellate Review Court

Article 378. The rules of this Chapter shall apply, mutatis mutandis, to the proceeding before the intermediate appellate review court.

Chapter Thirty-Three

PROCEEDINGS IN CLASS ACTIONS

Class Actions

Article 379. (1) A class action may be brought on behalf of persons who are harmed by the same infringement where, according to the nature of the infringement, the circle of the said persons cannot be defined precisely but is identifiable.

(2) Any persons who claim that they are harmed by an infringement under Paragraph (1), or any organizations responsible for the protection of injured persons or for protection against such infringements, may bring, on behalf of all injured persons, an action against the infringer for establishment of the harmful act or omission, an action for the wrongfulness of the said act or omission, and an action for the blame.

(3) Any persons who claim that the collective interest thereof has been harmed or is likely to be harmed by an infringement referred to in Paragraph (1), or any organization responsible for the protection of injured persons, of the harmed collective interest or for protection against such infringements, may bring, on behalf of all injured persons, an action against the infringer for cessation of the infringement, for rectification of the consequences of the infringement of the harmed collective interest, or for compensation for the damages inflicted on the said interest.

Bringing Class Action

Article 380. (1) Class actions shall be examined by the district court acting as a court of first instance according to the procedure established by this Chapter.

(2) The statement of action, apart from the circumstances upon which the action is founded, shall specify the circumstances which identify the circle of injured persons and the form in which publication of the bringing of the action is proposed.

(3) Evidence of the capacity of the plaintiff to protect the harmed interest seriously and in good faith, as well as to incur the charges related to the conduct of the case, including the costs, shall be presented attached to the statement of action.

Verification of Conditions for Bringing Class Action

Article 381. (1) After verification of the admissibility of the action brought and the conformity of the statement of action, the court shall verify ex officio the capacity of the person or persons who have brought the action to protect the harmed interest seriously and in good faith and to incur the charges related to the conduct of the case, including the costs.

(2) The court may hear the person or persons who have brought the action in public session.

(3) The court shall not admit the case to examination if none of the persons who have brought the action satisfies the conditions referred to in Paragraph (1) or if all such persons together do not satisfy the said conditions.

(4) The ruling of the court whereby the case is not admitted to examination shall be appealable by an interlocutory appeal.

Preparation of Case for Examination

Article 382. (1) The court, sitting in public session with the parties being summoned, shall hear the stands of the parties regarding the circumstances which identify the circle of injured persons and the form of publication of the bringing of the action.

(2) The court shall rule on:

1. an adequate form of publication of the bringing of the action: number of announcements, through which media and for what length of time the said announcements must be made;

2. an adequate time limit after the publication within which the injured persons may declare that they will participate in the procedure or will pursue a remedy independently.

(3) The ruling shall be appealable by an interlocutory appeal.

Acceptance of New Participants and Exclusion from Participation

Article 383. (1) The court, sitting in camera, shall:

1. accept for participation in the procedure other injured persons, organizations responsible for the protection of the injured persons, of the harmed collective interest or for protection against such infringements, who or which have declared, within the time limit set, a motion for participation in the procedure;

2. exclude the injured persons who have declared, within the time limit set, that they will pursue a remedy independently in a separate procedure.

(2) The ruling whereby inclusion of new participants or exclusion from participation is refused shall be appealable by an interlocutory appeal.

(3) The court shall issue a duplicate copy of the ruling on exclusion to the persons who have declared, within the time limit set, that they will pursue a remedy independently in a separate procedure.

Accommodation on Voluntary Resolution of Dispute

Article 384. (1) The court shall direct the parties to a settlement and shall explain thereto the advantages of the various procedures for voluntary resolution of the dispute.

(2) The court shall approve the settlement, agreement, conciliation or another accommodation reached on a partial or comprehensive resolution of the dispute if the said accommodation does not conflict with the law and good morals and if the harmed interest can be protected in a sufficient degree through the measures included in the said accommodation.

(3) The accommodation on resolution of the dispute shall take effect after being approved by the court.

Measures for Protection of Harmed Interest

Article 385. (1) The court may order the respondent to perform a specific act, to refrain from performing a specific act, or to pay a specific amount.

(2) Acting on a petition by the plaintiff, the court wherebefore the action has been brought may rule on adequate interim measures for protection of the harmed interest. The ruling may be modified or vacated by the same court consequent to a change of circumstances, an error or an omission.

(3) The ruling shall be subject to intermediate appellate review and cassation appellate review regardless of the prerequisites for cassation appealability covered under Article 280 (1) herein. An appellate review of the ruling shall not stay the enforcement thereof, unless the court competent to examine the appeal decrees otherwise.

(4) Upon rendition of the judgment, the court shall not be bound by the measures for protection cited by the plaintiff. Considering the specifics of the case and after taking into account the stand of the respondent, the court may decree other measures which ensure adequate protection of the harmed interest.

Judgment on Class Action

Article 386. (1) The judgment of the court shall have effect in respect of the infringer, the person or persons who have brought the action, as well as in respect of those persons who claim that they are harmed by the established infringement and who have not declared that they wish to pursue a remedy independently in a separate procedure. The excluded persons may avail themselves of the judgment whereby the class action has been granted.

(2) A list of the excluded persons shall be attached to the judgment of the court.

(3) The judgment shall be subject to intermediate appellate review and cassation appellate review regardless of the prerequisites for cassation appealability covered under Article 280 (1) herein.

(4) A judgment on a class action may not be reversed under Article 304 herein.

Disposition of Compensation

Article 387. (1) The court may decree that the compensation be credited to an account of one of the persons who have brought the action, to a special account jointly disposable by the persons who have brought the action, or to a special account jointly disposable by the injured persons.

(2) After rendition of the judgment, the court may obligate the persons who have brought the action to transfer the compensation to a special account jointly disposable by the injured persons, taking adequate measures to secure the execution of this obligation.

Injured Persons' General Meeting and Committee

Article 388. (1) The first-instance court may convene a general meeting of the injured persons by publishing the notice in the form in which the bringing of the action has been published. The general meeting of the injured persons shall be presided over by the judge and may act if at least six injured persons present themselves.

(2) The general meeting of the injured persons shall elect a committee to dispose of the assets on the special account and may resolve on the acts which the said general meeting assigns the said committee to perform.

PART FOUR

PRECAUTIONARY PROCEEDINGS

Chapter Thirty-Four

GRANTING INJUNCTION

Injunction Securing Action Brought

Article 389. (1) During any stage of the proceeding prior to the conclusion of the trial in the intermediate appellate review proceeding, the plaintiff may approach the court wherebefore the case is pending with a motion to grant an injunction securing the action brought.

(2) An injunction may be granted to secure all types of action.

Injunction Securing Future Action

Article 390. (1) Even before the action is brought, an injunction may be sought from the generically competent court exercising jurisdiction over the permanent address of the plaintiff or over the location of the immovable which is to serve as security.

(2) (New, SG No. 42/2009) In actions in which the generic competence is determined by the amount of the tax-assessed value of a corporeal immovable, the competent court shall be the district court exercising jurisdiction over the place where the immovable is located regardless of the cost of action.

(3) (Renumbered from Paragraph (2), SG No. 42/2009) In the case referred to in Paragraph (1), the court shall set a time limit for bringing of the action which may not be longer than one month. Unless proof of bringing an action within the time limit set is presented, the court shall dissolve the injunction ex officio.

(4) (Renumbered from Paragraph (3), SG No. 42/2009, amended, SG No. 100/2010, effective 21.12.2010) The petition to grant an injunction securing a future action by means of a stay of enforcement shall be submitted to the generically competent court exercising jurisdiction over the place of the enforcement. A stay of enforcement shall be granted solely upon furnishing of a bond.

Prerequisites for Granting Injunction

Article 391. (1) An injunction securing the action shall be granted where, without such an injunction, it will be impossible or difficult for the plaintiff to realize the rights under the judgment and if

1. the action is supported by convincing written evidence, or
 2. a bond is furnished in an amount determined by the court according to Articles 180 and 181 of the Obligations and Contracts Act.
- (2) The court may obligate the plaintiff to furnish a bond of money or property in an amount determined by the court even in the case referred to in Item 1 of Paragraph (1).
- (3) The amount of the bond shall be determined on the basis of the amount of the direct and immediate damages which the respondent will incur if the injunction is unfounded.
- (4) The State, the government institutions and the medical-treatment facilities covered under Article 5 (1) of the Medical-Treatment Facilities Act shall be exempted from furnishing a bond.
- (5) An injunction securing the action shall be granted even when the case is stayed.

Injunction Securing Action for Maintenance Obligations

Article 392. An injunction securing actions for maintenance obligations shall be granted even without compliance with the requirements of Article 391 herein. In such case, the court may alternatively take measures to secure the action ex officio.

Inadmissibility of Injunction

Article 393. (1) (Supplemented, SG No. 50/2008, effective 1.03.2008) An injunction securing an action for a pecuniary receivable against the State, the government institutions, the municipalities and the medical-treatment facilities covered under Article 5 (1) of the Medical-Treatment Facilities Act shall be inadmissible.

(2) An injunction securing an action for a pecuniary receivable by means of garnishment of receivables whereagainst coercive enforcement is inadmissible shall be inadmissible.

Partial Injunction

Article 394. The court may grant an injunction securing the full amount of the action or only such portions of the action as are supported by sufficient evidence.

Petition to Grant Injunction

Article 395. (1) The petition for an injunction shall specify the precautionary measure and the cost of the action. A duplicate copy of the said petition shall not be served upon the opposing party.

(2) The petition shall be adjudicated in camera on the day on which the said petition is submitted.

(3) On the basis of the ruling whereby the petition is granted, the court shall issue an injunctive order. Where a bond has been set, the court shall issue an injunctive order after the said bond has been deposited.

Appellate Review

Article 396. (1) The ruling of the court on an injunction securing the action shall be appealable by an interlocutory appeal

within one week which shall begin to run, in respect of the petitioner, as from the service of the said ruling and, in respect of the respondent, as from the day of service thereupon of a communication of the precautionary measure imposed by the enforcement agent, by the Recording Office or by the court in the cases referred to in Item 3 of Article 397 (1) herein.

(2) (Supplemented, SG No. 100/2010, effective 21.12.2010) A duplicate copy of the interlocutory appeal shall be served upon the opposing party for an answer within one week. In an appellate review of a ruling whereby a motion to grant an injunction securing the action has been denied, a duplicate copy of the interlocutory appeal of the petitioner shall not be served upon the respondent. In case the intermediate appellate review court grants the injunction, the ruling of the said court shall be appealable by an interlocutory appeal before the Supreme Court of Cassation if the prerequisites covered under Article 280 (1) herein apply.

(3) The ruling whereby an injunction securing the action is granted may not be stayed by reason of being appealed by an interlocutory appeal.

Chapter Thirty-Five

PRECAUTIONARY MEASURES

Types of Measures

Article 397. (1) An injunction shall be effected:

1. by means of imposition of a preventive attachment of a corporeal immovable;
2. by means of garnishment of movable things and receivables of the debtor;
3. through other appropriate measures determined by the court, including through a suspension from operation of a motor vehicle and through a stay of enforcement.

(2) The court may grant several types of injunction up to the amount of the cost of action as defined in Article 69 (1) herein.

Replacement of Injunction

Article 398. (1) The court, acting on a motion by one of the parties, may, after notifying the other party and taking into account the oppositions thereof lodged within three days after the communication, grant the replacement of one type of injunction by another type.

(2) Where the injunction secures an action appraisable in money, the respondent may always replace the injunction as granted by the court by a pledge of money or of securities according to Articles 180 and 181 of the Obligations and Contracts Act without the consent of the other party. This shall not apply to any injunction securing actions for ownership.

(3) In the cases referred to in Paragraphs (1) and (2), the garnishment and preventive attachment shall be dissolved.

Consent Regarding Object of Injunction

Article 399. If the action is based on a contract which specifies the immovable which is to serve as security, the injunction shall be granted solely in respect of the said immovable, unless the said immovable is not available or has been encumbered, in the intervening time, by other charges which render the security insufficient.

Imposition of Precautionary Measure

Article 400. (1) Garnishment shall be imposed immediately by the enforcement agent on a motion by the petitioner on the basis of the injunctive order of the court according to Article 449 (1), Article 450 (1) and (2), Articles 507, 515, 516 and 517 herein, and a communication instead of a summons to voluntary compliance shall be served upon the respondent. In case of garnishment of a movable thing, the enforcement agent shall take an inventory, conduct an appraisal and deliver the thing for safekeeping according to Articles 465 to 472 herein.

(2) Preventive attachment shall be imposed by recording of the injunctive order of the court in the notarial books. The Recording Office shall notify the respondent of the recording effected.

Effect of Precautionary Measure

Article 401. A garnishment and a preventive attachment, imposed to secure an action, shall take the effect provided for in Articles 451 to 453, Article 456 (1), Articles 508, 509 and Articles 512 to 514 herein. The secured creditor may bring an action against the garnishee for the amounts or the corporeal things which the said garnishee refuses to surrender voluntarily. Articles 435 (4) and Article 440 herein shall apply to this case.

Dissolution of Injunction

Article 402. (1) Dissolution of the injunction shall be decreed on a petition by the interested party. A duplicate copy of the petition shall be served upon the person on whose motion the injunction has been imposed. The said person may lodge oppositions within three days after receipt of the duplicate copy.

(2) The court, sitting in camera, shall dissolve the injunction after satisfying itself that the reason for which the said injunction was granted no longer exists, or that the conditions referred to in Article 398 (2) herein apply. The ruling of the court shall be appealable by an interlocutory appeal.

(3) The lifting of the garnishment, the striking of the preventive attachment, as well as the dissolution of the other precautionary measures shall be effected on the basis of the effective ruling of the court.

Compensation for Damages

Article 403. (1) If the action for the securing of which the injunction has been granted is dismissed or if the said action is not brought within the time limit set to the plaintiff, or if the case is dismissed, the respondent may seek from the plaintiff recovery of the damages inflicted as a result of the injunction.

(2) In the cases referred to in Paragraph (1), for the release of the bond furnished, the interested party shall submit a petition with a duplicate copy for the opposing party. Within one week after service of the petition, the respondent may lodge an opposition to the release of the bond and, within one month, bring an action for the damages inflicted thereon. If the respondent fails to lodge an opposition and to bring such an action within the said time limits, the bond shall be released.

PART FIVE

ENFORCEMENT PROCEEDINGS

TITLE ONE

GENERAL DISPOSITIONS

Chapter Thirty-Six

ISSUING OF WRIT OF EXECUTION

Enforcement Title

Article 404. The following shall be subject to coercive enforcement:

1. the effective judgments and rulings of the court, the adverse judgments of the intermediate appellate review courts, the enforcement orders, the memoranda on court settlement, the judgments of enforcement and enforcement orders which are subject to or are admitted to anticipatory or immediate enforcement, as well as the awards of the arbitration courts and the settlements reached before such courts in arbitration cases;
2. the judgments, acts and memoranda on court settlement of the foreign courts which are enforceable within the territory of the Republic of Bulgaria without an express proceeding;
3. the judgments, acts and memoranda on court settlement of the foreign courts, as well as the awards of the foreign arbitration courts and the settlement reached before such courts in arbitration cases, which have been admitted to enforcement within the

territory of the Republic of Bulgaria.

Proceeding for Issuing of Writ of Execution

Article 405. (1) A writ of execution shall be issued on a written petition on the basis of any of the acts specified in Article 404 herein. A duplicate copy of the said petition shall not be served upon the debtor.

(2) A petition based on the acts covered under Item 1 of Article 404 herein shall be submitted to the first-instance court which has examined the case or to the court which has issued the enforcement order, and where the act is subject to immediate enforcement, any such petition shall be submitted to the court which has rendered the judgment of enforcement or has decreed the enforcement order.

(3) A petition based on the awards of the domestic arbitration courts and the settlements reached before such courts in arbitration cases shall be submitted to the Sofia City Court.

(4) The court competent to admit the enforcement shall issue a writ of execution on the basis of the acts covered under Items 2 and 3 of Article 404 herein. A writ of execution issued on the basis of the acts covered under Item 3 of Article 404 herein shall not be delivered to the creditor until the judgment admitting the enforcement enters into effect.

(5) In respect of any amounts awarded in favour of the State, the court shall issue a writ of execution *ex officio*.

(6) A petition based on the acts covered under Item 1 of Article 404 herein shall be examined *in camera* within seven days by a judge of the competent court.

Order to Issue Writ of Execution

Article 406. (1) A writ of execution shall be issued after the court verifies whether the act is *prima facie* conforming and whether the said act attests the receivable enforceable against the debtor.

(2) In the cases covered under Items 2 and 3 of Article 404 herein, the court shall furthermore verify whether the receivable is enforceable by the methods of the Bulgarian law. Where this is impossible, the court shall decree a substitute enforcement which can satisfy the creditor.

(3) The judge shall make a due note on the act regarding the issuing of the writ of execution.

(4) Articles 247, 250 and 251 herein shall apply, *mutatis mutandis*, in the proceeding for the issuing of a writ of execution.

Appellate Review of Order to Issue Writ of Execution

Article 407. (1) An order whereby a petition to issue a writ of execution is granted or refused in whole or in part shall be appealable by an interlocutory appeal within two weeks which shall begin to run, in respect of the petitioner, as from the service of the order and, in respect of the respondent, as from the service of the notice of voluntary compliance.

(2) The appellate review of the order whereby the petition is granted shall not stay the enforcement.

(3) Where the writ of execution has been issued under the terms established by Article 406 (2) herein, the order shall be appealable according to the standard procedure.

Original Writ of Execution

Article 408. (1) A writ of execution shall be issued in a single copy, signed by a judge of the competent court.

(2) Where several separate immovables have to be delivered or where the judgment has been rendered in favour of or adverse to several persons, separate writs of execution may be issued, specifying the part of the judgment which is enforceable under each writ.

Replacement Writ of Execution

Article 409. (1) If the original writ of execution is lost or destroyed, the court which has issued the said writ, acting on a written petition by the petitioner, shall issue a replacement of the said writ on the basis of the act under which the original was issued.

(2) The petition shall be examined in public session after a duplicate copy of the said petition is served upon the execution debtor.

(3) Apart from the lack of conditions under Paragraph (1), the execution debtor may furthermore raise an opposition of redemption of the debt on the basis of circumstances which have intervened after the establishment of the existence of the said debt.

(4) The judgment rendered shall be appealable according to the standard procedure. After the judgment enters into effect, the execution debtor may not contest the existence of the debt on grounds which the said debtor could have raised in the proceeding for the issuing of the replacement.

(5) If the act itself has been lost or destroyed and the content thereof cannot be restored by means of official documents, the petitioner may bring an action for performance against the execution debtor.

Chapter Thirty-Seven

ORDER FOR PAYMENT PROCEEDING

Enforcement Order: Application for Issuing

Article 410. (1) The applicant may request the issuing of an enforcement order:

1. for receivables of sums of money or of fungible things, where the action is cognizable in the regional court;
2. for the delivery of a movable thing which the execution debtor has received with an obligation to return the said thing or which is encumbered by a pledge or has been transferred to the debtor with an obligation to surrender possession, where the action is cognizable in the regional court.

(2) The application shall contain a prayer to issue a writ of execution and must comply with the requirements covered under Article 127 (1) and (3) and Items 1 and 2 of Article 128 herein.

Enforcement Order: Issuing

Article 411. (1) (Amended, SG No. 42/2009) The application shall be submitted to the regional court exercising jurisdiction over the permanent address or over the registered office of the execution debtor.

(2) The court shall examine the application in private deliberation and shall issue an enforcement order within three days, except where:

1. the prayer does not comply with the requirements covered under Article 410 herein;
2. the prayer conflicts with the law or with good morals;
3. the execution debtor does not have a permanent address or a registered office within the territory of the Republic of Bulgaria;
4. the execution debtor does not have a habitual residence or a place of business within the territory of the Republic of Bulgaria.

(3) Where the application is granted, the court shall issue an enforcement order, a duplicate copy of which shall be served upon the execution debtor.

Enforcement Order: Content

Article 412. The enforcement order shall contain:

1. the indication "Enforcement Order";
2. date and place of rendition;

3. a reference to the court and the name of the judge who rendered the order;
4. the forenames, patronymics and surnames and addresses of the parties;
5. the case in which the order is issued;
6. the obligation wherewith the execution debtor must comply, and the costs which the execution debtor must pay;
7. an invitation to the execution debtor to comply within two weeks after service of the order;
8. (amended, SG No. 42/2009) an instruction to the effect that the execution debtor may lodge an within the time limit referred to in Item 7;
9. an instruction to the effect that if the execution debtor fails to lodge oppositions to the issuer of the order or to comply, the enforcement order will enter into effect and coercive enforcement will be proceeded with;
10. the extent of appealability, before which court and within what time limit;
11. signature of the judge.

Appellate Review

Article 413. (1) The enforcement order shall be unappealable by the parties, except in the part regarding the costs.

(2) (Supplemented, SG No. 100/2010, effective 21.12.2010) The order whereby the application is rejected in whole or in part shall be appealable by the applicant by an interlocutory appeal, a duplicate copy of which shall not be presented for service.

Opposition

Article 414. (1) The execution debtor may oppose in writing the enforcement order or a part thereof. Justification of the opposition shall not be required.

(2) An opposition shall be lodged within two weeks after service of the order, and the said time limit may not be extended.

Effect of Opposition

Article 415. (1) (Amended, SG No. 42/2009) Where the opposition has been lodged in due time, the court shall instruct the applicant that the said applicant may bring an action to establish the receivable thereof within one month, depositing the balance of the stamp duty due.

(2) Where the applicant fails to present evidence that the said applicant has brought the action within the time limit set, the court shall invalidate the enforcement order in part or in whole, as well as the writ of execution issued under Article 418 herein.

Entry into Effect of Enforcement Order

Article 416. (Supplemented, SG No. 42/2009) Where an opposition has not been lodged in due time or has been withdrawn or after entry into effect of the judgment establishing the receivable, the enforcement order shall enter into effect. On the basis of the said order, the court shall issue a writ of execution and shall note this on the order.

Enforcement Order Based on Document

Article 417. Alternatively, the applicant may request the issuing of an enforcement order where the receivable, regardless of the amount thereof, is based upon:

1. an act of an administrative authority, whereunder the admission to enforcement is vested in the civil courts;
2. a document or an abstract of the books of account, whereby receivables of the government institutions, the municipalities and the banks are established;
3. a notarial act, a settlement or another contract bearing notarized signatures in respect of the obligations contained therein to pay sums of money or other fungible things, as well as obligations to deliver particular things;

4. an abstract of the registered pledges registry on a recorded security interest and on commencement of foreclosure: in respect of the delivery of pledged things;
5. an abstract of the registered pledges registry on a recording of a contract for sale with retention of title until payment of the purchase price or a lease contract: in respect of the return of corporeal things sold or leased;
6. a contract of pledge or a mortgage deed under Article 160 and Article 173 (3) of the Obligations and Contracts Act;
7. an effective act establishing a State or municipal receivable, where the enforcement of this act is effected according to the procedure established by this Code;
8. a deficit deed;
9. a promissory note, a bill or exchange or another negotiable security payable to order which is Equivalent thereto, as well as a bond or coupons attached thereto.

Immediate Enforcement

Article 418. (1) Where a document covered under Article 417 herein, whereupon the receivable is based, has been presented with the application, the creditor may approach the court with a motion to decree an immediate enforcement and to issue a writ of execution.

(2) The writ of execution shall be issued after the court verifies whether the document is *prima facie* conforming and whether the said document attests an obligation enforceable against the execution debtor. The court shall make a due note on the document presented and on the enforcement order regarding the issuing of the writ of execution.

(3) Where, according to the document presented, the exigibility of the receivable is contingent on the compliance with a cross-obligation or on the occurrence of another circumstance, the compliance with the said obligation or the occurrence of the said circumstance must be attested by an official document or by a document originating from the execution debtor.

(4) (Amended and supplemented, SG No. 100/2010, effective 21.12.2010) The order whereby the petition for the issuing of a writ of execution is refused in whole or in part shall be appealable by the petitioner within one week after communication of the said order by an interlocutory appeal, a duplicate copy of which shall not be presented for service.

(5) The enforcement order with the noting of the issuing of a writ of execution shall be served by the enforcement agent.

Immediate Enforcement Order: Appellate Review

Article 419. (1) The order whereby the petition for immediate enforcement is granted shall be appealable by an interlocutory appeal within two weeks after service of the enforcement order.

(2) The interlocutory appeal of the immediate enforcement order shall be submitted together with the opposition to the enforcement order as issued and may be founded only upon considerations derived from acts covered under Article 417 herein.

(3) The appellate review of the immediate enforcement order shall not stay the enforcement.

Stay of Enforcement

Article 420. (1) An opposition to the enforcement order shall not stay the coercive enforcement in the cases covered under Items 1 to 8 of Article 417 herein, except where the execution debtor furnishes due security to the creditor according to the procedure established by Articles 180 and 181 of the Obligations and Contracts Act.

(2) Where a motion for stay, supported by convincing written evidence, has been made within the time limit for opposition, the court which has decreed immediate enforcement may stay the said enforcement.

(3) The ruling on the motion for stay shall be appealable by an interlocutory appeal.

Partial Stay of Enforcement

Article 421. (1) Where there are multiple obligated persons, the security referred to in Article 420 (1) herein shall serve solely

in respect of the person or persons for whom the said security has been furnished.

(2) Where the opposition refers only to part of the receivable, as well as where the security furnished is partial, the court shall stay the anticipatory enforcement solely for the relevant part of the receivable.

Action for Existence of Receivable

Article 422. (1) An action for the existence of a receivable shall be considered brought as from the time of submission of the application for issuing of an enforcement order, where the time limit referred to in Article 415 (1) herein has been complied with.

(2) The bringing of an action under Paragraph (1) shall not stay the immediate enforcement as admitted, except in the cases referred to in Article 420 herein.

(3) If the action is dismissed by an effective judgment, the enforcement shall terminate and sentence two of Article 245 (3) herein shall apply.

Opposition before Intermediate Appellate Review Court

(Heading amended, SG No. 50/2008, effective 1.03.2008)

Article 423. (1) (Amended and supplemented, SG No. 50/2008, effective 1.03.2008) Within one month after learning of the enforcement order, the execution debtor, who has been deprived of an opportunity to contest the receivable, may lodge an opposition to the intermediate appellate review court, where:

1. the enforcement order has not been duly served upon the said execution debtor;
2. the enforcement order has not been served upon the said execution debtor in person and on the day of the service the said execution debtor did not have a habitual residence within the territory of the Republic of Bulgaria;
3. the execution debtor was unable to learn of the service in due time owing to special unforeseen circumstances;
4. the execution debtor was unable to lodge the opposition thereof owing to special unforeseen circumstances which the said execution debtor was unable to overcome.

Simultaneously with the opposition, the execution debtor may furthermore exercise the rights thereof under Article 413 (1) and Article 419 (1) herein.

(2) (Amended, SG No. 50/2008, effective 1.03.2008) The lodgment of an opposition to the intermediate appellate review court shall not stay the enforcement of the order. On a motion by the execution debtor, the court may stay the enforcement under the terms established by Article 282 (2) herein.

(3) (New, SG No. 50/2008, effective 1.03.2008) The court shall grant the opposition when the court establishes that the prerequisites covered under Paragraph (1) exist. If the opposition is granted, the enforcement of the order issued under Article 410 herein shall be stayed. Where the opposition is granted, the court shall furthermore examine the interlocutory appeals under Article 413 (1) and Article 419 (1) herein lodged with the opposition. Where the opposition is not granted because the prerequisites referred to in Items 3 and 4 of Article 411 (2) herein did not exist, the court, acting ex officio, shall invalidate the enforcement order and the writ of execution issued on the basis of the said order.

(4) (New, SG No. 50/2008, effective 1.03.2008) The examination of the case by the first-instance court shall proceed with instructions under Article 415 (1) herein. In this proceeding, the court shall furthermore examine the motion under Article 420 (2) herein, made with the opposition.

Action to Contest Receivable

Article 424. (1) (Amended, SG No. 50/2008, effective 1.03.2008) The execution debtor may contest the receivable according to an action procedure, where newly discovered circumstances or new written evidence of material relevance to the case are discovered, which could not have been known to the said execution debtor before expiry of the time limit for lodgment of the opposition or which the said execution debtor could not procure within the same time limit.

(2) The action may be brought within three months after the day on which the new circumstance became known to the

execution debtor or after the day on which the execution debtor could procure the new written evidence, but not later than within one year after extinguishment of the receivable.

Standard Forms

Article 425. (1) The Minister of Justice shall issue an ordinance endorsing thereby standard forms of an enforcement order, an application for issuing of an enforcement order and the other papers in connection with the order for payment proceeding.

(2) Where the applicant has not used a standard form or has used a wrong standard form, the court shall attach the relevant standard form to the written instruction thereof for curing of the non-conformity.

Chapter Thirty-Eight

COMMENCEMENT, STAY AND TERMINATION OF ENFORCEMENT

Commencement of Enforcement

Article 426. (1) The enforcement agent shall proceed with enforcement on a petition by the interested party on the basis of a presented writ of execution or another enforceable act.

(2) In the petition thereof, the execution creditor shall specify the method of enforcement. The said creditor may specify several methods simultaneously. In the course of the proceeding, the said creditor may specify other methods of enforcement as well.

(3) The conformity of the petition referred to in Paragraph (1) shall be verified under Article 129 herein.

(4) The execution creditor may request that the enforcement agent enquire into the property status of the execution debtor, search records, and require duplicate copies of documents.

Territorial Competence

Article 427. (1) The petition for enforcement shall be submitted to the enforcement agent whose area of practice covers:

1. the location of the movable or immovable things whereagainst the enforcement is levied;
2. the permanent address or the registered office of the garnishee, where the enforcement is levied against receivables of the execution debtor from the said garnishee;
3. the place of compliance with the obligations to act or not to act, where compliance with such obligations is sought;
4. the permanent or present address of the execution creditor or the execution debtor: at the choice of the execution creditor in respect of a receivable for maintenance.

(2) The execution creditor may request from the enforcement agent exercising competence over the permanent address thereof to impose a garnishment or preventive attachment on corporeal things and receivables of the execution debtor, even though the enforcement steps are subject to performance by another enforcement agent according to the rules of Paragraph (1). After imposition of the garnishment or preventive attachment, the enforcement agent shall transmit the enforcement case to the competent enforcement agent, who is to take an inventory and conduct a sale of the corporeal things.

(3) Where the enforcement is levied against pecuniary receivables of the execution debtor from a garnishee with a permanent address or registered office within another geographical jurisdiction, the enforcement case shall not be transmitted.

Notice of Voluntary Compliance

Article 428. (1) The enforcement agent shall be obligated to invite the execution debtor to comply voluntarily with the obligation thereof within two weeks. Where proceeding with enforcement on the basis of an enforcement order, the enforcement agent shall invite the execution debtor by the service of the said order, and where the order has been served upon the execution debtor, a new time limit for voluntary compliance therewith shall not be allowed.

(2) The notice shall contain the name and address of the execution creditor and a warning to the execution debtor that unless

the said execution debtor complies with the obligation thereof within the time limit allowed thereto, coercive enforcement will be proceeded with. The notice shall communicate the garnishments and preventive attachments imposed. A copy of the enforceable act shall be attached to the notice of voluntary compliance.

(3) Should the execution debtor die after receiving a notice of voluntary compliance but before other enforcement steps have been performed, the enforcement agent, prior to proceeding with the steps thereof, shall transmit a new notice of voluntary compliance to the heirs.

(4) Where the enforcement agent replaces one method of enforcement by another method, the said agent shall transmit to the execution debtor communications of the garnishment and preventive attachment imposed.

Extent of Personal Applicability of Writ of Execution

Article 429. (1) The heirs of and singular successors to the execution creditor, as well as the surety and the solidary execution co-debtor who have paid the debt, may move for enforcement on the basis of the writ of execution issued in favour of the execution creditor. The succession or the payment by the surety or execution co-debtor, as the case may be, shall be established by written evidence.

(2) The writ of execution issued against the decedent may be enforced even against the property of the heirs of the said decedent, unless the said heirs establish that they have renounced the succession or have accepted the succession under an inventory. Where the heir has not accepted the succession, the enforcement agent shall set the time limit under Article 51 of the Succession Act, communicating the declaration of will of the heir to the competent regional judge for due recording of the said declaration.

(3) The writ of execution shall furthermore have effect against any third party who has pledged or mortgaged a corporeal thing of his or her own to secure the debt, where the execution creditor commences the enforcement against the said thing.

Execution Debtor's Ad Hoc Representative

Article 430. The regional court exercising jurisdiction over the place of enforcement, acting on a motion by the execution creditor, shall appoint an ad hoc representative of the execution debtor if, upon proceeding with enforcement, the execution debtor does not have a registered permanent or present address.

Enforcement Agent's Powers

Article 431. (1) The enforcement agent, if so required for the enforcement, may order any buildings of the execution debtor to be opened and may search the personal effects, dwelling unit and other premises of the execution debtor.

(2) (Amended, SG No. 42/2009, SG No. 100/2010, effective 1.01.2011) Government institutions, municipalities, organizations and citizens shall be obligated to render assistance to the enforcement agent. When requested to do so, the police authorities shall be obligated to render assistance to the enforcement agent if the execution of the functions thereof is obstructed.

(3) (Amended, SG No. 12/2009, effective 1.01.2010 - amended, SG No. 32/2009) The enforcement agent shall have right of access to information in the court and administrative services, including the authorities of the National Revenue Agency, the local divisions of the National Social Security Institute, of the Central Depository, of the persons keeping a register of government securities, of the control authorities under the Road Traffic Act and of other persons who keep registers of property or possess data of the property thereof. The said agent may search records and obtain information on the execution debtor, as well as request copies and abstracts of documents.

(4) (New, SG No. 100/2010, effective 1.01.2011, amended, SG No. 49/2012) Excluding cases under Article 83(1) and Article 84, a state or local fee shall be due for the information referred to in Paragraph (3), necessary for the relevant enforcement proceeding, as well as for recording precautionary measures under the said proceeding. The said fee shall be paid by the execution creditor and shall be borne by the execution debtor.

(5) (Amended, SG No. 42/2009, renumbered from Paragraph (4), SG No. 100/2010, effective 1.01.2011) In the cases where the personal presence of the execution debtor is required and the execution debtor does not appear, even though the said execution debtor has received a summons to do so, the enforcement agent may order the police authorities to bring the execution debtor.

(6) (Renumbered from Paragraph (5), SG No. 100/2010, effective 1.01.2011) Where necessary, the enforcement agent may ask the authorities of the Ministry of Interior to suspend from operation a motor vehicle whereagainst enforcement is levied for a period of up to three months.

Stay of Enforcement

Article 432. The enforcement proceeding shall be stayed:

1. by the court, in the cases referred to in Article 245 (1) and (2), Article 309 (1), Item 3 of Article 397 (1), Articles 438 and 524 herein;
2. on a motion by the execution creditor;
3. in the cases referred to in Items 2 and 3 of Article 229 (1) herein, with the exception of the sale of a corporeal immovable which has already been advertised;
4. in the cases referred to in Article 282 (2) herein, as well as where the intermediate appellate review judgment appealed is reversed by the Supreme Court of Cassation;
5. (new, SG No. 42/2009, amended, SG No. 100/2010, effective 21.12.2010) in the cases referred to in Article 624 (4) herein;
6. (new, SG No. 100/2010, effective 18.06.2011) in the cases referred to in Article 627b (2) herein;
7. (renumbered from Item 5, SG No. 42/2009, renumbered from Item 6, SG No. 100/2010, effective 21.12.2010) in other cases provided for in a law.

Termination of Enforcement

Article 433. (1) The enforcement proceeding shall be terminated by decree where:

1. the execution debtor presents a receipt from the execution creditor, duly authenticated, or a receipt from the post office, or a letter from a bank showing that the amount under the writ of execution has been paid to or deposited with the execution creditor prior to the institution of the enforcement proceeding; if the execution debtor presents a receipt bearing an unauthenticated signature of the execution creditor, the said creditor, if a dispute with the debtor arises, shall be obligated to declare in writing that the receipt has not been issued thereby, or otherwise the said receipt shall be presumed genuine;
2. the execution creditor has moved for this in writing;
3. the writ of execution has been invalidated;
4. the act on the basis of which the writ of execution has been issued is vacated or the said act is pronounced forged by an effective judicial act;
5. the property cited by the execution creditor cannot be sold and other seizable property cannot be discovered;
6. (supplemented, SG No. 49/2012) the fees and costs related to the enforcement, due in advance, have not been paid, excluding cases under Article 83;
7. an effective judgment, whereby the action under Article 439 or 440 herein is granted, is presented;
8. the execution creditor fails to move for the performance of enforcement steps in the course of two years, with the exception of the suits for maintenance obligations.

(2) In all cases covered under Paragraph (1), the enforcement agent shall lift ex officio the garnishments and preventive attachments imposed after the decree on termination enters into effect.

(3) The termination of the proceeding shall not affect the rights which third parties have acquired before that on the basis of the enforcement steps, as well as the conformity of the payment effected by the garnishee to the enforcement agent.

Attestation of Enforcement Steps

Article 434. The enforcement agent shall draw up a memorandum on each step undertaken and performed thereby, stating therein the day and place of performance of the said step, the demands and statements made by the parties, the amount collected, and the costs related to the enforcement as incurred.

Chapter Thirty-Nine

REMEDIES AGAINST ENFORCEMENT

Section I

Appellate Review of Enforcement Agent's Steps

Appealable Steps

Article 435. (1) The execution creditor may appeal against the refusal of the enforcement agent to perform an enforcement step sought, as well as the stay and termination of the coercive enforcement.

(2) (Supplemented, SG No. 100/2010, effective 21.12.2010) The execution debtor may appeal against the decree on a fine and the levy of the enforcement against any property which the execution debtor considers unseizable, the seizure of a movable thing or the eviction of the execution debtor from an immovable, by reason of not being duly notified of the enforcement, as well as the decree on the costs.

(3) The decree on award shall be appealable solely by a person who deposited earnest money before the last day of the sale, and by an execution creditor who entered the sale as a bidder, as well as by the execution debtor, by reason of a failure to conduct due bidding at the public sale or of the property not being awarded to the highest bidder.

(4) A third party may appeal against the steps of the enforcement agent solely where the enforcement is levied against corporeal things which, on the day of the garnishment, preventive attachment or delivery, if a movable thing is concerned, were in the possession of the said person. Any such appeal shall not be granted if it is established that the corporeal thing was owned by the execution debtor upon imposition of the garnishment or preventive attachment.

(5) A coercive seizure of possession of a corporeal immovable shall be appealable solely by a third party who was in possession of the said immovable prior to the bringing of the action whereunder the judgment is enforced. If the said third party fails to appeal within the time limit for appellate review, the said third party may bring a possessory action.

Lodgment of Appeal

Article 436. (1) The appeal shall be lodged care of the enforcement agent with the district court exercising jurisdiction over the place of the enforcement within one week after performance of the step, if the party was present at the performance of the said step or if the party was summoned, and in the rest of the cases, within one week after the day of the communication. In respect of the third parties, the time limit shall begin to run as from learning of the step.

(2) A duplicate copy of the appeal shall be served upon the other party, and where the appeal has been lodged by a third party, duplicate copies of the said appeal shall be served upon the execution debtor and upon the execution creditor on the petition whereof the enforcement case has been instituted.

(3) The party which has received a duplicate copy of the appeal may lodge written oppositions within three days. After expiry of the said time limit, the enforcement agent shall transmit the appeal together with the oppositions, if any, and a copy of the enforcement case to the district court, setting forth reasoning on the steps appealed.

(4) The provisions of Articles 260, 261 and 262 herein shall apply, mutatis mutandis, in respect of the appeals.

Examination of Appeals

Article 437. (1) The appeals lodged by the parties shall be examined in camera, except where witnesses or expert witnesses must be heard.

(2) The appeals lodged by third parties shall be examined in public session, with the appellant, the execution debtor and the execution creditor on the petition whereof the enforcement case has been instituted being summoned.

(3) The court shall examine the appeal on the basis of the data in the enforcement case and the evidence presented by the parties.

(4) The court shall publish the judgment together with the reasoning thereof within one month after the receipt of the appeal in the court. The judgment shall be unappealable.

Stay of Enforcement upon Appellate Review

Article 438. The lodgment of the appeal shall not stay the enforcement steps, but the court may decree a stay. In such case, the court shall immediately transmit a duplicate copy of the ruling on stay to the enforcement agent.

Section II

Remedy according to Action Procedure

Contestation of Receivable

Article 439. (1) The execution debtor may contest the enforcement through an action.

(2) The action of the execution debtor may be founded solely on facts which have occurred after conclusion of the trial in the proceeding whereunder the enforcement title has been issued.

Remedy of Third Party

Article 440. (1) Any third party whereof a right has been affected by the enforcement may bring an action for declaration that the property whereagainst the enforcement for a pecuniary receivable is levied does not appertain to the execution debtor.

(2) Any such action shall be brought against the execution creditor and the execution debtor.

(3) The execution creditor shall be liable, under the terms established by Article 45 of the Obligations and Contracts Act, for any damages inflicted on third parties through levy of the enforcement against the property which appertains thereto.

Enforcement Agent's Liability for Damages

Article 441. (Amended, SG No. 50/2008, effective 1.03.2008, SG No. 100/2010, effective 21.12.2010) The private enforcement agent shall be liable, under the terms established by Article 45 of the Obligations and Contracts Act, for any damages inflicted as a result of legally non-conforming coercive enforcement. The liability for any such damages inflicted by the public enforcement agent shall be under Article 49 of the Obligations and Contracts Act.

TITLE TWO

ENFORCEMENT OF PECUNIARY RECEIVABLES

Chapter Forty

GENERAL RULES

Subject of Enforcement

Article 442. The execution creditor may levy the enforcement against any corporeal thing or receivable owned by the execution debtor.

Replacement of Subject and Method of Enforcement

Article 443. The execution debtor may propose that the enforcement be levied against another corporeal thing or receivable or be performed solely by some of the methods of enforcement demanded by the execution creditor. If the enforcement agent determines that the method of enforcement proposed by the execution debtor is in a position to satisfy the execution creditor, the enforcement agent shall levy the enforcement against the corporeal thing or receivable named by the execution debtor.

Unseizable Corporeal Things

Article 444. Enforcement may not be levied against the following corporeal things owned by any execution debtor who is a natural person:

1. corporeal things for habitual use of the execution debtor and the family thereof, specified in a list adopted by the Council of Ministers;
2. the food which the execution debtor and the family thereof need for one month and, applicable to farmers, until the next harvest, or the equivalent thereof in other agricultural produce if such food is not available;
3. the heating, cooking and lighting fuel needed for three months;
4. the machinery, tools, devices and books which the execution debtor needs in his or her personal capacity where the said debtor practises a liberal profession or which an artisan needs for the practice of the skilled craft thereof;
5. the land tracts owned by the execution debtor where the said debtor is a farmer: orchards and vineyards of an aggregate surface area not exceeding 0.5 hectares, or cropland and meadows of a surface area not exceeding 3 hectares, and the machinery and implements needed for the farming, as well as the fertilizers, the plant protection products and sowing seed: for one year;
6. the necessary two head of draught animals, one cow, five sheep or goats, ten beehives and the domestic fowl, as well as the feed needed for the sustenance thereof until the next harvest or until the animals are turned out to graze;
7. the dwelling unit owned by the execution debtor, if the said debtor and any of the family members thereof wherewith the said debtor lives together have no other dwelling unit, regardless of whether the execution debtor resides therein; if the dwelling unit exceeds the housing needs of the execution debtor and the family members thereof specified by an ordinance of the Council of Ministers, the part of the said dwelling unit in excess of the said needs shall be sold if the conditions under Article 39 (2) of the Ownership Act apply;
8. the corporeal things and receivables provided for in another law as not subject to coercive enforcement.

Non-applicability of Unseizability

Article 445. (1) Execution debtors may not avail themselves of the prohibitions covered under Article 444 herein in respect of any corporeal things which are pledged or mortgaged, where the pledgee or the mortgagee is an execution creditor.

(2) The following may not avail themselves of the prohibitions referred to in Item 5 and 7 of Article 444 herein:

1. any debtors on obligations for maintenance, for damages sustained as a result of a tort or delict, or for defalcation;
2. any debtors in respect of cases provided for by a law.

Unseizable Income

Article 446. (1) (Amended, SG No. 50/2008, effective 1.03.2008) If the enforcement is levied against a labour remuneration or against any other remuneration for work whatsoever, as well as against a pension to an amount exceeding the minimum wage, only the following shall be withheld:

1. if the person found against has a monthly income not exceeding BGN 300: one-fourth, if the person has no children, and one-fifth, if the person has any children maintained thereby;
2. if the person found against has a monthly income exceeding BGN 300 but not exceeding BGN 600: one-third, if the person has no children, and one-fourth, if the person has any children maintained thereby;
3. if the person found against has a monthly income exceeding BGN 600 but not exceeding BGN 1,200: one-half, if the person

has no children, and one-third, if the person has any children maintained thereby;

4. if the person found against has a monthly income exceeding BGN 1,200: the excess over BGN 600, if the person has no children, and the excess over BGN 800, if the person has any children maintained thereby.

(2) (New, SG No. 50/2008, effective 1.03.2008) The monthly labour remuneration referred to in Paragraph (1) shall be determined by deducting the taxes and compulsory social insurance contributions due on the said remuneration.

(3) (Renumbered from Paragraph (2), SG No. 50/2008, effective 1.03.2008) The limitations covered under Paragraph (1) shall not apply to any maintenance obligations. In such cases, the amount for maintenance as awarded shall be withheld in whole, and the deductions covered under Paragraph (1) for the other obligations of the party found against and for maintenance obligations for a past period shall be made on the balance of all income accruing to the said debtor.

(4) (Renumbered from Paragraph (3), SG No. 50/2008, effective 1.03.2008) Coercive enforcement against receivables for maintenance shall be inadmissible. Coercive enforcement against student grants shall be admitted solely in respect of maintenance obligations.

Invalidity of Waiver of Remedy

Article 447. Any waiver by the execution debtor of the remedy under Articles 444 and 446 herein shall be invalid.

Obligation to Declare Property and Income

Article 448. (1) (Amended, SG No. 50/2008, effective 1.03.2008) If any seizable property whereof the sale would cover the costs of the enforcement is not found in the possession of the execution debtor, the said debtor shall be obligated to appear before the regional judge and to declare the entire property and all income thereof. The lack of sufficient property shall be established by memorandum.

(2) The regional judge, acting on a motion by the enforcement agent, shall schedule a hearing for the appearance of the execution debtor and the execution creditor.

(3) If the execution debtor fails to appear, the court shall decree that the attendance of the said debtor be compelled.

(4) (Amended, SG No. 50/2008, effective 1.03.2008) The obligation to appear and to present a declaration and the liability for non-compliance with the said obligations shall be stated in the summons to the execution debtor.

Steps Simultaneous with Notice of Voluntary Compliance

Article 449. (1) Where the enforcement is levied against a movable or immovable thing, the notice of voluntary compliance shall furthermore specify the day whereon the inventory will be taken. The said inventory may also be taken within the time limit for voluntary compliance.

(2) Where the enforcement is levied against an immovable simultaneously with the dispatch of the notice of voluntary compliance wherein the immovable is specified, the enforcement agent shall dispatch a letter to the Recording Office for recording of a preventive attachment of the said immovable.

Garnishment of Movable Thing or Receivable

Article 450. (1) A movable thing shall be garnished by means of taking an inventory of the said thing by the enforcement agent.

(2) A movable thing or a receivable of the execution debtor may alternatively be garnished by the receipt of the communication of the inventory or the garnishment if the said communication specifies exactly the thing or the receivable whereagainst the enforcement is levied.

(3) The garnishment of the receivable of the execution debtor shall be considered imposed in respect of the garnishee as from the day on which the garnishment communication is served upon the said garnishee according to Article 507 herein.

Electronic garnishment of bank account receivables

Article 450a. (New, SG No. 49/2012, effective 1.01.2013) (1) Garnishment of bank account receivables of the execution debtor may be imposed by an enforcement agent via an electronic garnishment communication signed by a qualified electronic

signature and sent electronically via the Single Electronic Garnishment Sharing Environment. Any other bank receivables of the execution debtor shall be garnished as per the general procedure.

(2) Enforcement agents and banks may be included in, or excluded from the Single Electronic Garnishment Sharing Environment by a unilateral statement to the Minister of Justice. Once included in the Single Electronic Garnishment Sharing Environment, enforcement agents and banks shall be obliged to receive electronic statements relating to the imposition, execution and lifting of the garnishment. Once excluded from the Single Electronic Garnishment Sharing Environment, enforcement agents and banks shall be obliged to continue to receive electronic statements relating to any electronic garnishment that has already been imposed.

(3) The garnishment communication, the bank's reply, the notice of garnishment lifting, the confirmation of received communications and any other statements relating to the imposition, execution and lifting of garnishment shall be submitted to and maintained in the system as per a single standard approved by the Governor of the Bulgarian National Bank and the Minister of Justice.

(4) The requirements concerning the Single Electronic Garnishment Sharing Environment shall be approved by the Governor of the Bulgarian National Bank and the Minister of Justice.

(5) It shall be considered that electronic communications are received by their addressee once they have been downloaded from the Single Electronic Garnishment Sharing Environment.

(6) When a statement was submitted by using a different standard or when mandatory elements thereof are missing or the author is impossible to identify, the addressee shall send a reply refusing to confirm that the statement was received and shall explain the reasons.

(7) Enforcement agents shall insert remarks, in the form of an electronic document, in the relevant case files concerning all action taken and shall specify where that electronic document is stored within the Single Electronic Garnishment Sharing Environment.

Effect of Garnishment and of Preventive Attachment in Respect of

Execution Debtor

Article 451. (1) As from the time of imposition of the garnishment, the execution debtor shall forfeit the right to dispose of the receivable or of the corporeal thing and may not, on pain of criminal liability, modify, damage or destroy the corporeal thing.

(2) The consequences under Paragraph (1) shall occur in respect of the execution debtor as from the receipt of the notice of voluntary compliance, where the enforcement is levied against a movable or immovable thing and the said thing is specified in the notice.

Effect of Garnishment and of Preventive Attachment in Respect of Execution Creditor

Article 452. (1) Any dispositions of the garnished corporeal thing or receivable performed by the execution debtor after the garnishment shall be invalid in respect of the execution creditor and the joint creditors, unless the third-party transferee can invoke Article 78 of the Ownership Act.

(2) Where the enforcement is levied against an immovable, the invalidity shall have effect solely in respect of the dispositions performed after the recording of the preventive attachment.

(3) The execution creditor and the joint creditors may demand payment from the garnishee despite the payment which the said garnishee has made to the execution debtor after the garnishment communication was served upon the said garnishee. The members of the management bodies of the garnishee shall incur solidary liability with the said garnishee.

Inopposability of Unrecorded Instruments

Article 453. The following may not be opposed to the execution creditor and to the joint creditors:

1. the transfer and creation of any rights in rem which were not recorded prior to the preventive attachment;
2. the recordable judgments on any statements of action which were not recorded prior to the preventive attachment;

3. the transfer of any receivable communicated after the garnishee received the garnishment communication;
4. the alienation of any movable things whereof the possession was not delivered to the transferee prior to the imposition of the garnishment, unless there is a document about the alienation of the said things validly pre-dating the said imposition.

Stay of Enforcement on Execution Debtor's Motion

Article 454. (1) (Amended, SG No. 50/2008, effective 1.03.2008) The enforcement agent shall stay the enforcement if, until the delivery of the movable thing to a retail establishment or a commodity exchange or, respectively, until the commencement of the open-outcry auction and, applicable to the public sale of an immovable, before the day preceding the day of the sale, the natural-person execution debtor deposits 30 per cent of the receivables under the writs of execution presented thereagainst and undertakes in writing to deposit to the enforcement agent 10 per cent of the said receivables monthly.

(2) If the execution debtor fails to pay any of the installments under Paragraph (1), the enforcement agent, acting on a motion by any of the execution creditors, shall proceed with the enforcement without the execution debtor being able to seek a new stay.

(3) Paragraph (1) shall not apply where a pledged or mortgaged corporeal thing or a corporeal thing incorporated into the commercial enterprise of the sole trader is being sold.

Proceeds of Enforcement

Article 455. (1) All amounts accruing under the enforcement case from the execution debtor, from the garnishee, from bidders and buyers in the sale, as well as from the retail establishments or commodity exchanges which have conducted the sale of movable things, shall be credited to the account of the enforcement agent.

(2) (Amended, SG No. 49/2012) The amounts due to the execution creditor and to the joint creditors shall be paid within 7 days after the entry into force of the order allocating the collected amounts or after the expiration of the time limit under Article 191(5) of the Tax and Social Insurance Procedure Code, provided that no legal obstacle precludes the payment. Payments shall be made on the basis of payment orders issued by enforcement agents, who shall note the redemption on the writ of execution.

(3) Where the execution creditor and the execution debtor have not named an account for transfer of the amounts accruing, the said amounts shall remain on the account of the enforcement agent until claimed.

Chapter Forty-One

JOINING CREDITORS AND DISTRIBUTION OF AMOUNTS COLLECTED

Joining Creditors

Article 456. (1) During any stage of the enforcement, while the distribution has not been prepared, other creditors of the same execution debtor may join the proceeding.

(2) Joining under Paragraph (1) shall be effected by a written motion where to the creditor shall attach the writ of execution held thereby or a certificate issued by the enforcement agent to the effect that the said writ is filed with another enforcement case.

(3) The certificate shall indicate the unsatisfied balance of the receivable, including principal, interest and costs, and the day at which the said balance is determined. In such case, the distributable amount shall be transferred to the account of the enforcement agent who has issued the certificate and who shall note the redemption on the writ of execution.

Consequences of Joining

Article 457. (1) The joint execution creditor shall enjoy the same rights in the enforcement proceeding as the rights enjoyed by the original execution creditor.

(2) The enforcement steps performed prior to the joining shall benefit the joint execution creditor as well.

(3) The communications and summonses shall be addressed solely to the original execution creditor.

(4) If a third party brings an action or lodges an appeal against the enforcement steps, the original execution creditor shall be summoned as a party. The joint execution creditors may intervene in the case as co-parties. The judgment issued shall have effect in respect of the joint execution creditors as well, even if the said creditors have not intervened in the case.

Joining of the State

Article 458. (Amended, SG No. 12/2009, effective 1.01.2010 - amended, SG No. 32/2009) The State shall be considered a priori a joint execution creditor in respect of the public and other receivables due thereto by the execution debtor, whereof the amount has been communicated to the enforcement agent prior to the effecting of the distribution. To this end, the enforcement agent shall dispatch a communication to the National Revenue Agency regarding each enforcement commenced by the said agent and regarding each distribution.

Joining of Secured Creditor

Article 459. (1) Any creditor in favour of whom an injunction by means of imposition of a garnishment or preventive attachment has been granted shall be considered joint execution creditor where the enforcement is levied against the subject of the injunction. The amount appertaining to the secured creditor shall be preserved on the account of the enforcement agent and shall be delivered to the said creditor after the said creditor presents a writ of execution. The said amount shall be distributed among the rest of the execution creditors or shall be restored to the execution debtor if the injunction is dissolved.

(2) Paragraph (1) shall furthermore apply to any mortgagee and pledgee, as well as to any creditor enjoying a right of retention.

Distribution

Article 460. If the amount collected under the enforcement case is insufficient to satisfy all execution creditors, the enforcement agent shall effect a distribution, allocating first amounts for payment of the receivables which enjoy a right to preferred satisfaction. The balance shall be distributed among the other receivables on a pro rata basis.

Offsetting Amounts under Distribution

Article 461. The execution creditor who has been awarded the corporeal thing may set off such portion of the receivable thereof against the amount due for the value of the said thing as appertains to the said creditor on a pro rata basis.

Presentment of Distribution

Article 462. (1) The enforcement agent shall present the distribution to the execution debtor and to all execution creditors, who shall be summoned to this end on a day assigned by the enforcement agent.

(2) Unless an appeal is lodged within three days after the presentment of the distribution, the said distribution shall be considered final and the enforcement agent shall deliver the amounts under the distribution.

Judgment on Distribution

Article 463. (1) In case the distribution is appealed, the case, together with the appeal, shall be transmitted to the district court, which shall examine the said appeal according to the procedure established by Article 278 herein.

(2) The judgment of the district court on the distribution shall be appealable before the appellate court. The examination of the appeal shall follow the procedure established by Article 274 herein. The judgment of the appellate court shall be unappealable.

Contestation of Joint Creditor's Receivable

Article 464. (1) Where one of the execution creditors contests the existence of the receivable of another creditor, the former must bring an action against the latter and the execution debtor. The bringing of the action shall stay the delivery of the amount allocated to the creditor holding the contested receivable. Unless such action is brought within one month after the distribution, the amount shall be delivered to the execution creditor.

(2) The action may alternatively be based on facts pre-dating the conclusion of the trial in the proceeding under which the enforcement title has been issued.

Chapter Forty-Two

ENFORCEMENT AGAINST CORPOREAL THINGS

Section I

Inventory, Appraisal and Delivery for Safekeeping

Inventory of Movable Thing

Article 465. The enforcement agent shall take an inventory of the corporeal thing specified by the execution creditor solely if the said thing is in the possession of the execution debtor, except where it is evident from the circumstances that the said thing appertains to another person.

Inventory of Growing Crops and Fruits

Article 466. Coercive enforcement may be levied even against growing crops and fruits, an inventory of which shall be taken not earlier than two months prior to the customary time for the harvesting thereof.

Inventory of Movable Thing: Content

Article 467. (1) The inventory must contain:

1. a reference to the writ of execution;
2. the place where the inventory is taken;
3. a detailed description of the corporeal thing;
4. the price at which the corporeal thing is to be sold at a retail establishment;
5. the oppositions by the parties, if any, and any rights to the inventoried corporeal thing declared by third parties.

(2) It must be noted in the inventory whether the corporeal things whereagainst coercive enforcement is inadmissible have been left with the execution debtor.

(3) The inventory shall furthermore specify the place and time of the sale of the corporeal thing, should the execution creditor so request. In such case, the execution debtor shall be considered notified of the sale regardless of whether the said debtor was present when the inventory was taken.

(4) The inventory shall be signed by the enforcement agent. The inventory shall not be communicated to the parties.

Fixing Price of Movable Thing

Article 468. (1) (Amended, SG No. 42/2009) The enforcement agent shall fix the price at which the movable thing is to be sold at a retail establishment. The starting bid for bidding at the open-outcry auction or for the public sale shall be 75 per cent of the value of the corporeal thing.

(2) (Amended and supplemented, SG No. 42/2009) On a motion by the party, an expert shall be appointed to determine the value of the corporeal thing. The said expert shall be appointed ex officio where determination of the value requires special knowledge in the field of science, art, crafts and other. The said expert may alternatively give the conclusion thereof orally, which shall be recorded in the memorandum.

Delivery to Execution Debtor for Safekeeping

Article 469. The inventoried movable thing may be delivered to the execution debtor for safekeeping, unless removed for sale at a retail establishment. In such case, the execution creditor may use the said thing solely if this does not diminish the value thereof.

Safekeeping of Inventoried Corporeal Thing

Article 470. (1) If the execution debtor refuses to accept the corporeal thing for safekeeping or if the enforcement agent determines that the said thing must not be left with the said debtor, the corporeal thing shall be seized by the enforcement agent and shall be given for safekeeping to the execution creditor or to a keeper appointed by the enforcement agent.

(2) The keeper shall be selected in consideration of the person thereof, as well as of the nature of the corporeal thing, and of the place where the said thing is situated or will be stored.

(3) The corporeal thing shall be delivered for safekeeping against signed acknowledgment.

Keeper's Obligations

Article 471. (1) The keeper shall be obligated to keep the corporeal thing acting as a prudent administrator and to give account for the revenue accruing from the said thing and for the expenses incurred on the safekeeping of the said thing.

(2) If the keeper fails to comply with the obligations thereof under Paragraph (1), the enforcement agent may deliver the corporeal thing for safekeeping to another person.

Remuneration of Expert and Keeper

Article 472. The enforcement agent shall fix a remuneration due to the expert and to the keeper, where a third party, which shall be deposited by the execution creditor in advance. If any costs have to be incurred as well on the removal or safekeeping of the corporeal thing, the said costs shall be deposited by the execution creditor in advance.

Section II

Sale of Movable Things

Competition upon Levy of Another Enforcement

Article 473. (1) The sale of a garnished corporeal thing shall be conducted by the enforcement agent who has taken an inventory of the said thing.

(2) If another enforcement is levied against the inventoried corporeal thing, the subsequent execution creditor may approach the regional court with a motion to authorize the conduct of a sale for enforcement of the receivable of the said creditor. An authorization shall be granted if a memorandum referred to in Article 477 (3) herein is not registered at the regional court after the lapse of one month since the levy of the enforcement.

(3) The movable thing as inventoried shall be seized for enforcement on the basis of the authorization referred to in Paragraph (2).

Sale of Movable Thing

Article 474. (1) The sale of a movable thing shall be conducted through a retail establishment or a commodity exchange, at open-outcry auction, or according to the procedure applicable to the public sale of an immovable.

(2) The execution debtor may agree that the corporeal thing be sold at the price as fixed by the enforcement agent at a retail establishment of the private enforcement agent or at a retail establishment named thereby, presenting the written consent for acceptance of the said thing for sale at the retail establishment.

(3) If the corporeal thing can be sold on a commodity exchange, the execution creditor or the execution debtor may name a commodity exchange, presenting the written consent for acceptance of the said thing for sale by the exchange.

(4) The delivery of the corporeal thing shall be attested by a memorandum signed by the enforcement agent and by the manager of the commodity exchange or retail establishment. The retail establishment or the commodity exchange, as the case may be, shall receive a commission for the sale effected to the amount of 15 per cent of the selling price, which shall be withheld upon depositing of the proceeds.

(5) Any corporeal things of a value appraised in excess of BGN 5,000, any motor vehicles, any ships and aircraft shall be sold by the enforcement agent according to the procedure applicable to the public sale of an immovable as established by this Code.

Any such sale shall be advertised according to the procedure established by Article 477 (3) herein. The enforcement agent shall deliver possession of the corporeal thing after payment of the price. The rules of Articles 482 and 521 herein shall apply in this proceeding.

Sale of Perishable Things

Article 475. Any corporeal things that are perishable and whose preservation requires substantial costs or special conditions shall be sold not later than one week after the inventory is taken.

Sale of Growing Crops and Fruits

Article 476. Any growing crops and fruits shall be sold by the enforcement agent according to the procedure applicable to the public sale of an immovable established by this Code. Any such sale must be conducted not earlier than one week prior to the customary time for the harvesting of the said crops and fruits.

Sale at Retail Establishment

Article 477. (1) The corporeal thing shall be removed to the retail establishment by the execution debtor.

(2) The execution debtor shall present to the enforcement agent a receipt attesting the delivery of the corporeal thing at the retail establishment.

(3) The enforcement agent shall advertise the sale of the corporeal thing by means of notices which shall be posted in the places designated for this purpose at the regional court, at the office of the enforcement agent, and at the local municipality or mayoralty. The memorandum on the posting of the said notices shall be registered at the regional court.

Sale on Site

Article 478. Where removal of the corporeal thing to a retail establishment is inconvenient in respect of the sale of the said thing, the enforcement agent shall post a notice in a conspicuous place at the retail establishment and shall afford an opportunity to those wishing to view the corporeal thing in the place where the said thing is situated. The sale shall be advertised according to the procedure established by Article 477 (3) herein.

Payment of Price

Article 479. The sale at a retail establishment shall be conducted at the price fixed. The corporeal thing shall be delivered to the buyer after payment of the price. If the corporeal thing sells at a price lower than the price fixed or is delivered to the seller prior to payment of the price, the enforcement agent shall collect the selling price from the seller.

New Sale

Article 480. (Supplemented, SG No. 42/2009) If the corporeal thing is not sold within three months after the delivery of the said thing to a retail establishment or after the sale is advertised according to the procedure established by Article 478 herein, the said thing shall be sold at open-outcry auction at a price equal to 50 per cent of the initial price referred to in Article 468 (1) herein.

Sale at Open-Outcry Auction

Article 481. (1) The enforcement agent shall conduct the sale at open-outcry auction at the assigned time in front of the building where the inventoried corporeal things are kept or in another place appointed by mutual consent of the parties. Should no consent be reached, the sale shall be conducted in a place assigned by the enforcement agent, and shall be scheduled to a date within one to three weeks after the inventory is taken.

(2) The sale shall not be scheduled and the corporeal things as inventoried shall be released if the enforcement creditor fails to deposit the costs of conduct of the said sale within one week after the inventory is taken.

(3) On the day of the sale, the enforcement agent shall draw up a memorandum, stating therein the day and the manner of advertisement and notification of the parties.

(4) The auction shall commence at the time assigned and shall end after the last thing inventoried is offered.

- (5) No earnest money shall be deposited for entry in the auction.
- (6) If no bidders present themselves within one hour after the assigned time, the enforcement agent shall offer the corporeal things for sale in succession in an order at his or her own discretion.
- (7) Each separate corporeal thing shall be offered orally by the enforcement agent at the starting bid as fixed for the auction. The price shall be announced thrice.
- (8) If any of the bidders signals that he or she accepts the price, the enforcement agent shall offer the corporeal thing at a higher price. If the higher price is accepted by any of the bidders, the enforcement agent shall offer an even higher price.
- (9) If the highest price offered is not accepted even after the third announcement, the enforcement agent shall declare that the corporeal thing has been purchased by the bidder who was the first to accept the lower price announced, shall record the price in the memorandum, and shall deliver the corporeal thing to the bidder against payment in cash. If the purchaser declared by the enforcement agent fails to pay the accepted price in cash immediately, the enforcement agent shall exclude the said bidder from further bidding in the auction.
- (10) If bidders do not present themselves or if the starting bid is not accepted even after the third announcement, the enforcement agent shall declare the sale unaffected, shall release the corporeal thing, and shall deliver the said thing to the execution debtor. If the execution debtor is not present, the corporeal thing shall be delivered to the keeper, and if the corporeal thing has not been delivered for safekeeping, the said thing shall be left in the place of the sale at the disposal of the execution debtor.

Stability of Sale

Article 482. (1) Once conducted, the sale may not be appealed or contested according to an action procedure.

(2) Ownership of the corporeal thing shall pass to the purchaser of the said thing regardless of whether the said thing appertained to the execution debtor.

(3) The previous owner shall be entitled to receive the price if the said price was not paid under the distribution. If the said price was paid, the said owner shall be entitled to recover from the execution creditors and from the execution debtor what they received under the distribution.

(4) If the execution creditor acts in bad faith, the said creditor shall be liable to the owner for the damages inflicted thereon. In all cases, the costs of the enforcement shall be borne by the execution creditor.

Chapter Forty-Three

ENFORCEMENT AGAINST IMMOVABLE THINGS

Inventory of Immovable

Article 483. The enforcement agent shall take an inventory of the immovable specified by the enforcement creditor after satisfying himself or herself that the said immovable was owned by the execution debtor at the day of imposition of the preventive attachment. The verification of ownership shall be performed by means of a search of the tax or notarial books or in another manner, including an examination of neighbours. Where reliable data on the ownership are not available, possession at the day of the preventive attachment shall be taken into account.

Inventory: Content

Article 484. (1) The inventory shall contain:

1. a reference to the writ of execution;
2. the place where the inventory is taken;
3. the location, the boundaries of the immovable, and any mortgages and preventive attachments imposed thereon, as well as any taxes due;

4. the starting bid for the bidding;

5. the oppositions by the parties, if any, and any rights to the corporeal thing inventories as declared by third parties.

(2) The enforcement agent shall request information on the charges from the National Revenue Agency territorial directorate and from the Recording Offices simultaneously with the motion for recording of the preventive attachment.

(3) The inventory shall furthermore specify the place and time of the sale of the corporeal thing, should the execution creditor so request. In such case, the execution debtor shall be considered notified of the sale regardless of whether the said debtor was present when the inventory was taken.

(4) The inventory shall be signed by the enforcement agent. The inventory shall not be communicated to the parties.

Fixing Starting Bid for Public Sale

Article 485. The enforcement agent shall fix the starting bid for the bidding, with Article 468 herein being applied, *mutatis mutandis*.

Keeping of Corporeal Immovable

Article 486. (1) The immovable shall be left in the possession of the execution debtor until conduct of the sale. The execution debtor must manage the immovable acting as a prudent administrator. The said debtor shall receive the immovable according to the inventory and shall be obligated to deliver the said immovable in the same condition as accepted thereby.

(2) If the execution debtor fails to manage the immovable properly or obstructs the viewing by third parties, the enforcement agent shall deliver the management to another person.

Advertisement of Sale

Article 487. (1) Upon the lapse of one week since the inventory was taken, the enforcement agent shall be obligated to draw up a notice of the sale, stating therein the owner of the immovable, a description of the immovable, whether the immovable is mortgaged and for what amount, the starting bid for the sale, and the place and the day on which the sale will commence and will end.

(2) (Amended and supplemented, SG No. 49/2012, effective 1.01.2013) The notice referred to in Paragraph (1) shall be posted in the places designated for this purpose in the office of the private enforcement agent, in the building of the regional court, in the municipality or mayoralty exercising competence over the location of the immovable, in the immovable itself, and on the website of the district court of enforcement at least one day prior to the sale commencement date stated in the notice.

(3) On the day referred to in Paragraph (2), the enforcement agent shall draw up a memorandum, stating therein the day of advertising of the notice. The said memorandum shall be registered at the regional court.

(4) The enforcement agent shall determine the period of time during which persons who wish to purchase the immovable may view the said immovable.

Place of Sale

Article 488. (1) The sale shall be conducted at the building of the regional court. The said sale shall continue for one month and shall end on the day stated in the notice.

(2) The papers on the sale shall be kept at the office of the regional court at the disposal of any person interested in the immovable.

Bids

Article 489. (1) Earnest money for entry in the bidding, amounting to 10 per cent of the starting bid, shall be deposited in an account of the enforcement agent. The execution creditor shall not deposit earnest money if the receivable thereof exceeds the amount of the said earnest money.

(2) Each bidder shall state the price offered thereby in figures and in words and shall submit the bid thereof, together with the receipt of deposit of the earnest money, in a sealed envelope. Each bidder may make multiple bids. Each bid shall be made

separately.

(3) The execution creditor shall not deposit earnest money for each bid if the receivable thereof exceeds the amount of the sum total of the requisite amounts of earnest money according to the number of the bids made.

(4) The bids shall be submitted at the office of the regional court, and any such submission shall be recorded in the incoming register.

(5) The sale shall end at the end of normal business hours on the last day.

(6) Any bids by any persons who are disqualified from entering the public sale, as well as any price offers below the starting bids, shall be invalid.

Persons Disqualified from Bidding

Article 490. (1) The execution debtor, the legal representative thereof, the officials of the office of the regional court, the employees of the enforcement agent, as well as the persons specified in Article 185 of the Obligations and Contracts Act, shall not have the right to enter the bidding.

(2) Where the immovable has been purchased by a person disqualified from bidding, the sale shall be invalid.

(3) In the case referred to in Paragraph (2), the amount deposited by the purchaser shall be retained for satisfaction of the receivables under the enforcement case, and the immovable may be offered for sale again on a motion by any of the execution creditors.

Non-conduct of Sale upon Payment of Debt

Article 491. If the execution debtor deposits everything due under the writs of execution presented thereagainst and the costs of the enforcement case before expiry of the time limit for submission of the written bids, the sale shall not be conducted.

Declaration of Purchaser

Article 492. (1) At the commencement of normal business hours on the day after expiry of the time limit for submission of written bids, in the assigned place at the building of the regional court, the enforcement agent, in the presence of the bidders who have presented themselves, shall declare the bids as submitted and shall draw up a memorandum on the said declaration. The bidders and the bids shall be entered in the said memorandum in the order of opening of the envelopes. The bidder who has offered the highest price shall be considered purchaser of the immovable. If the highest price has been offered by more than one bidder, the purchaser shall be determined by the drawing of lots in the presence of the bidders who have appeared. The declaration of the purchaser shall be effected by the enforcement agent in the memorandum which shall be signed thereby.

(2) If, upon declaration of the purchaser, any of the bidders who have appeared offers orally a price higher by one amount of earnest money, the enforcement agent shall record the bid in the memorandum and, after the bidder signs the said memorandum, the enforcement agent shall ask thrice whether anybody wishes to offer a price higher by one more amount of earnest money. If such a bid is submitted, it shall be recorded in the memorandum and the bidder shall sign the said memorandum. After the bids are exhausted, the bidder who has offered the highest price shall be declared purchaser of the immovable.

(3) The purchaser shall be obligated to deposit the price offered thereby, deducting the earnest money deposited, within one week after the end of the sale.

Next Purchaser

Article 493. If the price is not deposited within the time limit referred to in Article 492 (3) herein:

1. the earnest money deposited by the bidder shall serve for satisfaction of the execution creditors;

2. (amended, SG No. 100/2010, effective 21.12.2010) the enforcement agent shall declare the bidder who offered the next highest price purchaser of the immovable; if the said bidder fails to deposit the price offered thereby within one week after being declared purchaser, the enforcement agent shall declare the next bidder purchaser and shall do so until exhausting all bidders who have offered a price equal to the starting bid; any bidder, who has been declared purchaser but fails to deposit the price offered in due time, shall be liable under Item 1; after a bidder declared purchaser deposits the price, the earnest money

deposited shall be returned to the bidders who have not been declared purchasers;

New Sale

Article 494. (1) If bidders have not appeared or if no valid bids have been made, or if the purchaser has failed to deposit the price and the immovable has not been awarded according to the procedure established by Item 2 of Article 493 herein, the execution creditor shall have the right to move, within one week after the communication, for the conduct of a new sale.

(2) The new sale shall be conducted according to the rules applicable to the first sale. The said sale shall commence not earlier than one month after the end of the first sale at a starting bid equal to 80 per cent of the starting bid for the first sale. If the immovable is not sold even at that sale and the fixing of a new starting bid is not moved for within one week, the immovable shall be released from enforcement and the preventive detachment shall be expunged on a motion by the enforcement agent.

Payment of Price by Enforcement Creditor

Article 495. (Amended, SG No. 100/2010, effective 21.12.2010) The execution creditor, who has been declared purchaser of an immovable, shall be obligated, within one week after the distribution, to deposit the amount required for payment of the proportionate parts of the receivables of the other execution creditors, or the amount whereby the price exceeds the receivable of the said creditor where there are no other execution creditors. If the execution creditor fails to deposit the said amount, the said execution creditor shall be liable for the damages and for the costs of the sale, and Item 2 of Article 493 and Article 494 (2) herein, as the case may be, shall apply in respect of the immovable.

Award Decree

Article 496. (1) Where the person who has been declared purchaser according to the procedure established by Articles 492 to 494 herein deposits the amount due in due time, the enforcement agent shall award the immovable thereto by a decree.

(2) (Supplemented, SG No. 49/2012) As from the date of entry into force of the award decree, the purchaser shall acquire all rights to the immovable which the execution debtor enjoyed. The rights to the immovable which any third parties have acquired shall be inopposable to the purchaser if the said rights are inopposable to the execution creditors.

(3) Unless the award is appealed, the validity of the sale shall be contestable solely upon breach of Article 490 herein and upon non-payment of the price. In the latter case, the purchaser may avert the granting of the action if the said purchaser deposits the amount due with interest accruing since the day when the said purchaser was declared purchaser.

Advertisement of New Sale

Article 497. If the award decree is vacated or if the sale is declared invalid under Article 496 (3) herein, the new sale shall be conducted after new advertising.

Delivery of Possession to Purchaser

Article 498. (1) Possession of the immovable shall be delivered to the purchaser by the enforcement agent on the basis of the effective award decree. The purchaser shall present certificates of fees paid on the transfer of the immovable and on recording of the award decree.

(2) The coercive seizure of possession shall be executed against any person who is in possession of the immovable. The only remedy available to such a person shall be an action for ownership.

Recovery upon Judicial Eviction

Article 499. (1) If it is established by an effective judgment that the execution debtor did not own the immovable sold, the purchaser may seek recovery of the price deposited thereby, if the said price has not yet been paid out to the execution creditors, or if the said price has been paid out, the said purchaser may seek recovery from each one of the said creditors, as well as from the execution debtor. In both cases the purchaser shall be entitled to interest and to the costs incurred on the entry thereof in the sale. The said purchaser shall furthermore be entitled to seek a refund of the fees paid on the transfer from the municipality and the State.

(2) For recovery of the amounts referred to in Paragraph (1), the regional judge exercising jurisdiction over the location of the immovable shall issue a writ of execution on the basis of the distribution and the certificates referred to in Article 498 (1) herein,

if the persons whereagainst the writ is issued are impleaded in the case in which the judgment has been rendered. If the amount deposited by the purchaser has not been paid out, the said purchaser shall recover the said amount by payment order issued by the enforcement agent.

(3) Where the immovable has been awarded to an execution creditor, the said creditor shall retain the receivable thereof against the execution debtor and shall be entitled to seek, according to the procedure established by Paragraph (2), recovery of the amounts specified in Paragraph (1), excluding the costs incurred on the entry thereof in the sale.

Sale of Co-owned Immovable

Article 500. (1) Where the enforcement is levied against any co-owned immovable for a debt of any of the co-owners, an inventory shall be taken of the immovable in globo, but solely the undivided interest of the execution debtor shall be sold.

(2) Alternatively, the immovable may be sold in globo, if the rest of the co-owners agree to this in writing.

Sale of Mortgaged Immovable

Article 501. (1) Upon the sale of a mortgaged immovable which is conducted to enforce a receivable other than the receivable of the mortgagee, the enforcement agent shall dispatch to the said mortgagee a communication on the scheduling of the inventory and the sale.

(2) In the cases referred to in Articles 494 and 495 herein, the mortgagee may enter the sale on an equal footing with the rest of the creditors.

Chapter Forty-Four

ENFORCEMENT OF CORPOREAL THINGS IN MATRIMONIAL COMMUNITY PROPERTY

Levy of Enforcement against Common Corporeal Thing

Article 502. (1) Enforcement of a receivable against one of the spouses may be levied against a corporeal thing which constitutes matrimonial community property. The non-debtor spouse may name a property owned by the debtor spouse whereagainst the enforcement is to be levied. If the property named is available and the receivable can be satisfied therefrom, after the inventory is taken, the enforcement in respect of the corporeal thing which constitutes matrimonial community property shall be stayed and may be resumed if, after realization of the property named, the receivable or part thereof remains unsatisfied.

(2) Where the spouses agree that the enforcement be levied against a corporeal thing designated thereby, which constitutes matrimonial community property, Article 443 herein shall apply.

Non-debtor Spouse Notified

Article 503. (1) Where the enforcement agent establishes that a corporeal thing whereagainst enforcement is levied constitutes matrimonial community property, the said agent shall notify the non-debtor spouse.

(2) The non-debtor spouse may appeal against the enforcement steps citing non-compliance with Article 502 herein.

(3) The non-debtor spouse may contest the receivable on the same grounds and according to the same procedure as the debtor spouse, as well as appeal against the enforcement steps on the same grounds as the debtor spouse.

(4) The non-debtor spouse may furthermore enter the bidding upon the public sale of the corporeal immovable.

Sale of Common Corporeal Thing

Article 504. (1) Where the enforcement is levied against any corporeal thing constituting matrimonial community property, after the sale of the said thing the enforcement agent shall pay out half of the proceeds to the non-debtor spouse, and shall apply Article 455 (2) and Articles 460 to 464 herein to the balance.

(2) If the enforcement is levied against an immovable, Article 500 herein shall apply.

Frustration of Sale and Precedence upon Award

Article 505. (1) (Amended, SG No. 50/2008, effective 1.03.2008) The non-debtor spouse may frustrate the sale if the said spouse deposits the cash equivalent of the share of the debtor spouse in the common corporeal thing in an account of the enforcement agent according to the price fixed for sale at a retail establishment or of the price of the immovable, as the case may be, prior to the delivery of the corporeal thing to a retail establishment or a commodity exchange or, respectively, prior to the commencement of the open-outcry auction and, applicable to the public sale of an immovable, before the day preceding the day of the sale.

(2) Where the non-debtor spouse enters the bidding, the said spouse shall be declared purchaser if, upon the drawing up of the memorandum under Article 492 (1) herein, the said spouse declares that he or she wishes to purchase the immovable at the highest price offered.

Equality of Shares

Article 506. In the cases referred to in Articles 504 and 505 herein, the non-debtor spouse may not oppose to the execution creditor the entitlement of the said spouse to a larger share than the debtor spouse owing to the contribution of the non-debtor spouse to the acquisition of the corporeal thing. The execution creditor may not claim that the share of the debtor spouse is larger on the same grounds.

Chapter Forty-Five

ENFORCEMENT AGAINST EXECUTION DEBTOR'S RECEIVABLES

Garnishment of Receivable

Article 507. (1) The garnishment communication shall be dispatched to the garnishee simultaneously with the dispatch of the notice of voluntary compliance to the execution debtor.

(2) The garnishment communication shall forbid the garnishee to deliver the amounts or corporeal things due therefrom to the execution debtor. The said corporeal things must be listed exactly.

(3) As from the day of receipt of the garnishment communication, the garnishee shall assume the obligations of a keeper in respect of the corporeal things or amounts due therefrom.

Garnishee's Duties

Article 508. (1) Within three days after service of the garnishment communication, the garnishee must inform the enforcement agent:

1. whether the said garnishee admits the receivable whereupon the garnishment is imposed, and whether the said garnishee is ready to pay the said receivable;
2. whether any other parties claim the same receivable;
3. whether a garnishment has been imposed on the same receivable under other writs of execution as well, and for what claims.

(2) The invitation to give these explanations shall be contained in the communication of imposition of the garnishment itself.

(3) If the garnishee does not contest the obligation thereof, the said garnishee shall deposit the amount due therefrom in the account of the enforcement agent or shall deliver the garnished corporeal things thereto.

Garnishment of Receivable Secured by Pledge or Mortgage

Article 509. (1) If the garnished receivable is secured by a pledge, the person who holds the pledged corporeal thing shall be commanded not to deliver the said thing to the execution debtor but to deliver the said thing to the enforcement agent if the garnishee admits the debt.

(2) If the garnished receivable is secured by a mortgage, the garnishment shall be noted in the relevant book at the Recording Office.

Award for Collection or in Lieu of Payment

Article 510. The garnished receivable shall be made available to the execution creditor for collection or, on a motion thereby, shall be given to the execution creditor in lieu of payment. Where there are several execution creditors under the enforcement case, the receivable shall be made available for collection to the execution creditor on whose motion the case has been instituted and, should the said creditor decline, to another execution creditor who makes such a motion.

Enforcement against Delivered Corporeal Things

Article 511. Enforcement against the corporeal things which the garnishee delivers or which the said garnishee has been ordered to deliver shall follow the procedure established by Articles 465 to 482 herein.

Garnishment of Labour Remuneration

Article 512. (1) The garnishment of a labour remuneration shall affect not only the remuneration specified in the garnishment communication but also any other remuneration received by the execution debtor in consideration of the same or other work with the same employer or at the same institution.

(2) If the execution debtor takes up employment with another employer or at another institution, the garnishment communication shall be forwarded there by the person who initially received the said communication and shall be considered dispatched by the enforcement agent. The garnishee shall notify the enforcement agent of the new place of work of the execution debtor and of the amount withheld until the change of employment.

(3) The person who pays a labour remuneration to the execution debtor notwithstanding the garnishment imposed, without withholding the amount under the garnishment, shall be liable in person to the execution creditor for the said amount solidarily with the garnishee.

(4) The garnishment communication under maintenance obligations shall be entered into the civil-service or employment work book of the execution debtor by the person who pays the remuneration. Where the execution debtor takes up employment with another employer or at another institution, the remuneration thereof shall continue to be withheld on the basis of this entry even if no other garnishment communication is received.

(5) The entry shall be expunged at the command of the enforcement agent who has imposed the garnishment.

(6) If the employment relationship or civil-service relationship of the execution debtor is terminated after the imposition of the garnishment on the labour remuneration and the said debtor fails to notify the enforcement agent of the new employment of the said debtor within one month, the enforcement agent shall impose a fine not exceeding BGN 200 on the said debtor.

Execution Creditor's Liability upon Collection of Receivable

Article 513. The execution creditor who delays the collection of the receivable delivered thereto shall be liable to the execution creditor under the writ of execution for all damages which constitute a direct and immediate consequence of the said delay.

Costs of Collection of Awarded Receivable

Article 514. The costs which the execution creditor incurs on collection of the receivable delivered thereto shall be left borne thereby. The said execution creditor shall be obligated to give the enforcement agent exact account of the amounts collected.

Enforcement against Physical Securities

Article 515. (1) Physical securities shall be garnished by means of taking an inventory and seizure of the said securities by the enforcement agent, who shall deposit the said securities with a bank.

(2) Upon the imposition of garnishment on physical registered shares or bonds, the enforcement agent shall notify the corporation of this. The garnishment shall have effect in respect of the corporation as from the receipt of the garnishment communication. The garnishment shall extend to all property rights conferred by the security.

(3) After imposition of the garnishment, the execution creditor may move for:

1. an award of the receivable under the security for collection in lieu of payment;

2. the conduct of a public sale.

(4) Physical securities shall be sold by the enforcement agent in accordance with the rules for public sale of an immovable under this Code, separately and in blocks. The enforcement agent shall transfer each security in the due manner applicable to the said security and shall deliver the said security to the purchaser after the entry into effect of the award decree. Where the security is transferred by endorsement, the order of endorsements shall not be interrupted.

Enforcement against Dematerialized Securities

Article 516. (1) Dematerialized securities shall be garnished by means of dispatch of a garnishment communication to the Central Depository, the corporation being notified simultaneously. The Central Depository shall notify immediately the relevant regulated market of the garnishment imposed.

(2) Government securities shall be garnished by means of dispatch of a garnishment communication to the person keeping a register of government securities.

(3) The garnishment shall have effect as from the time of service of the garnishment communication and shall extend to all property rights conferred by the security.

(4) The Central Depository and the person keeping a register of government securities shall be obligated to notify the enforcement agent, within the time limit referred to in Article 508 herein, of what securities are held by the execution debtor, whether any other garnishments have been imposed and for what claims.

(5) As from the receipt of the garnishment communication, the dematerialized securities shall pass into the disposition of the enforcement agent.

(6) After imposition of the garnishment, the execution creditor may move for:

1. an award of the receivable under the security for collection in lieu of payment;

2. the conduct of a public sale.

(7) Dematerialized securities shall be sold through a bank in the manner established for the said securities. The enforcement agent shall act on his or her behalf and for the account of the execution debtor.

Enforcement against Participating Interest in Commercial Corporation

Article 517. (1) A participating interest in a commercial corporation shall be garnished by dispatch of a garnishment communication to the Registry Agency. The garnishment shall be recorded according to the procedure applicable to recording of a pledge of a participating interest in a commercial corporation and shall have effect as from the recording of the said garnishment. The Registry Agency shall notify the corporation of the garnishment as recorded.

(2) Where the enforcement is levied against a participating interest held by a general partner, the enforcement agent, after establishing compliance with the conditions under Article 96 (1) of the Commerce Act, shall serve the declaration of will of the execution creditor on dissolution of the corporation upon the corporation and upon the rest of the general partners. After the lapse of six months, the enforcement agent shall empower the execution creditor to bring an action for dissolution of the corporation before the district court exercising jurisdiction over the registered office of the said corporation. The court shall dismiss the action if it is established that the receivable of the execution creditor has been satisfied. If it determines that the action is well-founded, the court shall dissolve the corporation. The dissolution shall be recorded ex officio in the commercial register, whereafter liquidation shall be proceeded with.

(3) Where the enforcement is levied against a participating interest held by a limited partner, the enforcement agent shall serve upon the corporation the declaration of will of the execution creditor on termination of the participating interest of the execution debtor in the corporation. After the lapse of three months, the enforcement agent shall empower the execution creditor to bring an action for dissolution of the corporation before the district court exercising jurisdiction over the registered office of the said corporation. The court shall dismiss the action if it is established that the corporation has paid the execution creditor the portion of the property, determined according to Article 125 (3) of the Commerce Act, appertaining to the execution-debtor partner, or that the receivable of the execution creditor has been satisfied. If it determines that the action is well-founded, the court shall

dissolve the corporation. The dissolution shall be recorded ex officio in the commercial register, whereafter liquidation shall be proceeded with.

(4) Where the enforcement is levied against all participating interests in a corporation, the action for dissolution of the said corporation may be brought after recording of the garnishment and without compliance with the requirements of Article 96 (1) of the Commerce Act, without service of a declaration of will for dissolution of the company or for termination of the participation of the execution debtors in the company. The court shall dismiss the action if it is established that the receivable of the execution creditor has been satisfied before the end of the first hearing of the case. If it determines that the action is well-founded, the court shall dissolve the corporation and this shall be recorded ex officio in the commercial register, whereafter liquidation shall be proceeded with.

Enforcement against Common Deposit

Article 518. Enforcement for a receivable against one of the spouses may alternatively be levied against one-half of a money deposit in matrimonial community. The other half shall remain a personal deposit of the non-debtor spouse. The provisions of Articles 503 and 506 herein shall apply, mutatis mutandis, to any such enforcement.

Chapter Forty-Six

ENFORCEMENT AGAINST GOVERNMENT INSTITUTIONS, MUNICIPALITIES AND BUDGET-SUBSIDIZED ESTABLISHMENTS

Enforcement against Government Institutions and Municipalities

(Heading supplemented, SG No. 13/2010, declared unconstitutional

by the Constitutional Court of the Republic of Bulgaria, regarding the words "and Municipalities" - SG No. 5/2011)

Article 519. (1) (Supplemented, SG No. 13/2010, declared unconstitutional by the Constitutional Court of the Republic of Bulgaria, regarding the words "and Municipalities" - SG No. 5/2011) Enforcement of pecuniary receivables against government institutions and municipalities shall be inadmissible.

(2) (Supplemented, SG No. 13/2010, declared unconstitutional by the Constitutional Court of the Republic of Bulgaria, regarding the words "and Municipalities" - SG No. 5/2011) The pecuniary receivables against government institutions and municipalities shall be paid out of the budgetary spending authority of the said institutions provided for this purpose. To this end, the writ of execution shall be presented to the financial authority of the relevant institution. If spending authority is not available, the superior institution shall undertake the measures necessary for a provision for such authority in the next succeeding budget at the latest.

Enforcement against Budget-Subsidized Establishments

(Heading amended, SG No. 13/2010, declared unconstitutional

by the Constitutional Court of the Republic of Bulgaria, regarding erasing the words "Municipalities and" - SG No. 5/2011)

Article 520. (1) (Amended, SG No. 13/2010, declared unconstitutional by the Constitutional Court of the Republic of Bulgaria, regarding erasing the words "Municipalities and others" - SG No. 5/2011, SG No. 15/2013, effective 1.01.2014) Enforcement against any resources on the bank accounts of the establishments subsidized by the budget, which have accrued as a subsidy from the state budget, shall be inadmissible.

(2) (New, SG No. 15/2013, effective 1.01.2014) No enforcement shall be allowed in respect of European Union funds or other international programmes and contracts of municipalities.

(3) (Renumbered from Paragraph (2), SG No. 15/2013, effective 1.01.2014) Enforcement of pecuniary receivables against any other property which is privately owned by the execution creditors referred to in Paragraph (1) shall follow the rules of this Title.

TITLE THREE

ENFORCEMENT OF NON-PECUNIARY RECEIVABLES

Chapter Forty-Seven COERCIVE SEIZURE OF CORPOREAL THINGS

Delivery of Movable Thing

Article 521. (1) Any movable thing awarded which, having been claimed by the enforcement agent, was not voluntarily delivered by the execution debtor, shall be seized coercively from the said debtor and shall be delivered to the execution creditor.

(2) If the corporeal thing is not in the possession of the execution debtor or has deteriorated, the cash equivalent of the said thing shall be collected from the said debtor. It shall be proceeded in a similar way where only part of the corporeal thing is found. If the cash equivalent of the corporeal thing is not specified in the writ of execution, the said equivalent shall be determined by the enforcement agent after hearing of the parties and, where necessary, after examination of witnesses and an expert witness as well.

(3) The decree determining the cash equivalent shall be appealable under Article 436 herein. The appellate review of the decree shall not stay the collection of the cash equivalent, but the court may decree the stay. The court shall examine the appeal, sitting in public session with the execution debtor and the execution creditor being summoned. The judgment shall be appealable before the appellate court, whose judgment shall be unappealable.

Delivery of Possession

Article 522. (1) Possession of an immovable which has been awarded to a person shall be delivered to the said person. The enforcement agent shall assign a day and hour for the delivery of possession and shall notify the parties. The memorandum shall be drawn up by the enforcement agent on site. If the enforcement agent does not vacate the immovable voluntarily, the said agent shall be evicted coercively.

(2) The judgments referred to in Article 349 herein shall be enforced after the appertaining portions of the value of the immovable are paid up to the other co-partitioners.

Coercive Seizure of Possession from Third Party

Article 523. (1) If the enforcement agent finds the corporeal immovable awarded in the possession of a third party and if the said agent satisfies himself or herself that the said party has acquired possession of the immovable after the institution of the case in which the judgment enforced has been issued, the said agent shall deliver possession of the immovable to the execution creditor. In the memorandum, the enforcement agent shall specify the manner in which the said agent satisfied himself or herself that the third party has acquired possession after the institution of the case.

(2) If the third party claims any rights to the awarded immovable which exclude the rights of the execution creditor, the enforcement agent shall adjourn the enforcement and shall allow the third party three days to approach the regional court with a motion for stay of the enforcement.

Stay of Delivery of Possession

Article 524. Attached to the petition for the stay, the third party must present written evidence of the right claimed thereby to the immovable. The petition shall be examined in public session with the execution creditor, the execution debtor and the third party being summoned. If the court determines that the petition is well-founded, the court shall stay the enforcement and shall allow the third party one week to bring an action before the competent court. If the third party fails to bring an action within the time limit allowed, the stay shall be vacated on a motion by the execution creditor.

Unsanctioned Recovery of Possession

Article 525. (1) Where the person evicted from possession recovers possession of the immovable in any manner whatsoever without a sanction, the enforcement agent, acting on a motion by the execution creditor, shall re-evict the said person

therefrom.

(2) The person referred to in Paragraph (1) shall furthermore incur criminal liability under Article 323 (2) of the Criminal Code.

Chapter Forty-Eight

PERFORMANCE OF SPECIFIC ACT

Enforcement of Obligation to Perform Substitutable Act

Article 526. (1) Where the execution debtor fails to perform an act which the said debtor has been ordered to perform and which may be performed by another person, the execution creditor may seek from the enforcement agent empowerment of the said creditor to perform the act for the account of the execution debtor.

(2) The execution creditor may approach the court with a motion that the execution debtor be ordered to deposit in advance the amount necessary for performance of the act.

Enforcement of Obligation to Perform Non-substitutable Act and to Refrain from Acting

Article 527. (1) Where the act cannot be performed by another person but depends exclusively on the will of the execution debtor, the enforcement agent, acting on a motion by the execution creditor, shall compel the said debtor to perform the act, imposing thereon a fine not exceeding BGN 200. If even after that the execution creditor fails to perform the act, the enforcement agent shall impose thereon successive new fines up to the same amount.

(2) The rule under Paragraph (1) shall not apply to the obligations of factory and office workers arising from an employment relationship or civil-service relationship.

(3) Where the execution debtor acts contrary to what the said debtor is obligated to do or to suffer, the enforcement agent, acting on a motion by the execution creditor, shall impose on the said debtor a fine not exceeding BGN 400 for each breach of the said obligation.

(4) The acts of the enforcement agent for the empowerment and for the imposition of the fines shall be appealable according to the procedure established by Articles 435 to 438 herein.

Enforcement of Obligation to Deliver Child

Article 528. (1) Where the enforcement agent proceeds with the enforcement of an obligation to deliver a child, as well as of an obligation to return the child thereafter, the said agent shall invite the execution debtor to comply voluntarily at the assigned place and time. The notice of voluntary compliance must be served upon the execution debtor if practicable two weeks, but in any case not later than one week, prior to the time assigned for delivery of the child.

(2) Within three days after service of the notice, the execution debtor must notify the enforcement agent:

1. whether the said debtor is ready to deliver the child at the assigned place and time;
2. what impediments exist to the timely compliance with the obligation;
3. of the place and time at which the said debtor is ready to deliver the child.

(3) The enforcement agent shall impose a fine under Article 527 (3) herein on the execution debtor for a failure to comply with the obligation under Paragraph (2) in due time and, where necessary, shall decree that the attendance of the said debtor be compelled.

(4) The enforcement agent may approach the Social Assistance Directorate with a request for assistance to eliminate the impediments to timely compliance with the obligation and for explanation to the execution debtor and, where necessary, to the child as well, of the advantages of voluntary compliance and the adverse consequences of non-compliance with the judgment of court. The enforcement agent may approach the Social Assistance Directorate with a request to undertake appropriate measures under Article 23 of the Child Protection Act and, where necessary, the said agent may approach the police authority with a request to take measures under Article 56 of the Ministry of Interior Act.

(5) If the execution debtor fails to comply voluntarily, the enforcement agent, acting with the assistance of the police authorities and the mayor of the municipality, borough or mayoralty, shall seize the child coercively and shall deliver the said child to the execution creditor.

Detention upon Obstruction of Enforcement

Article 529. If the execution debtor obstructs the enforcement, the police authorities shall detain the said debtor and shall notify the prosecuting magistracy immediately.

PART SIX

NON-CONTENTIOUS PROCEEDINGS

Chapter Forty-Nine GENERAL RULES

Governing Provisions

Article 530. The non-contentious proceedings provided for in this Code and in other laws shall be governed by the rules of this Chapter, save insofar as any special rules are established.

Cognizance of Petition for Facilitation

Article 531. (1) The non-contentious proceeding shall commence on a written petition by the interested person.

(2) The petition shall be submitted to the regional court within whose geographical jurisdiction the permanent address of the petitioner is located. If the petitioners have different permanent addresses, the said petition shall be submitted to the court exercising jurisdiction over the permanent address of one of the said petitioners.

Examination of Petition in Camera

Article 532. The petition shall be examined in camera, unless the court determines that the correct adjudication of the case requires that the said case be examined in public session.

Ex Officio Verification

Article 533. The court shall be obligated to verify ex officio whether the conditions for issuing of the act sought exist. The court, acting on its own initiative, may take evidence and take into account any facts not cited by the petitioner.

Personal Appearance and Declaration of Circumstances

Article 534. The court may decree the personal appearance of the petitioner. The court may require from the petitioner to confirm by a declaration the truthfulness of the circumstances set forth thereby.

Use of Evidence

Article 535. The court may invoke testimony given before other authorities, as well as assign another court or the police authorities, or the municipalities, to take the requisite evidence.

Stay of Proceeding

Article 536. (1) The non-contentious proceeding shall be stayed where:

1. there is a case regarding a legal relation which is a precondition for the issuing of the act sought or which is subject to establishment by the said act;
2. a dispute over a civil right arises on the petition for issuing of the act between the petitioner and another person, who opposes the petition; in such case, the court shall allow the petitioner one month to bring the action; the proceeding shall be

terminated if the said action is not brought within the said time limit.

(2) The effective judgment on the dispute shall be binding upon authorization of the non-contentious proceeding under the terms and within the limits established by Article 298 herein.

(3) (New, SG No. 99/2012) The non-contentious proceeding under paragraph 1 shall be stayed if the precondition for the issuing of the act sought, in the cases referred to in Article 19 (5) of the Commercial Register Act is in place. The ruling of the court on the stay shall be subject to appeal according to the procedure of chapter 21.

Contestation of Non-contentious Act

Article 537. (1) The judgment whereby the petition for issuing of the act sought is granted shall be unappealable.

(2) Where the act referred to in Paragraph (1) affects the rights of third parties, the dispute which has arisen therefrom, if over a civil right, shall be resolved according to an action procedure. The action shall be brought against the persons who benefit from the act. If the action is granted, the act issued shall be vacated or modified.

(3) The prosecutor may bring an action for vacation of the act issued, where the said act was rendered in violation of the law. The action shall be directed against the persons who benefit from the act.

Appellate Review of Refusal

Article 538. (1) A refusal to issue the act shall be appealable within one week after service of the judgment on the party.

(2) The appeal shall be lodged through the regional court. The said appeal may alternatively be based on new facts and evidence. The examination of the appeal shall follow the procedure established by Article 278 herein.

(3) The judgment whereby the petition is denied shall be no impediment to a re-submission of a petition to the same court for the issuing of the same act.

Termination of Proceeding

Article 539. (1) The non-contentious proceeding shall be terminated where:

1. the petition for issuing of the act is withdrawn;
2. the petitioner is not found at the address named thereby.

(2) The ruling whereby the proceeding is terminated shall be appealable by an interlocutory appeal.

Applicability of Action Proceeding Rules

Article 540. In addition to the general rules of this Code, the rules of action proceeding, with the exception of Articles 207 to 266 and Articles 303 to 388 herein, shall also apply, *mutatis mutandis*, to non-contentious proceedings.

Costs

Article 541. The costs of non-contentious proceedings shall be for the account of the petitioner.

Chapter Fifty

ESTABLISHMENT OF FACTS

Scope of Application

Article 542. (1) (Redesignated from Article 542, SG No. 19/2009) Where the law provides that a known fact of legal relevance must be certified by a duly drawn up document (such as a certificate of educational attainment, a certificate of civil status etc.), and such document has not been drawn up and cannot be drawn up or the document drawn up has been destroyed or lost beyond recovery, the person who invokes this fact as a fountain of rights may approach the regional court with a petition to establish the said fact and, where necessary, to order the execution of the relevant document.

(2) (New, SG No. 19/2009) If a civil status register has been destroyed or lost beyond recovery, the mayor of the relevant municipality may approach the regional court with a petition to establish the said fact and to order the execution of the relevant register.

Petition: Content

Article 543. The petition shall state:

1. the purpose for which the petitioner prays for the establishment of the relevant fact;
2. the reasons for which the document has not been drawn up or for which the said document cannot be drawn up, with official documents being presented for establishment of the said reasons;
3. evidence of the fact subject to establishment.

Examination of Petition

Article 544. (1) The petition shall be examined in public session, with the petitioner and the persons interested in the establishment of the fact being summoned. Apart from the said persons, the prosecutor shall be summoned as well.

(2) The following parties shall be interested:

1. the persons whereof the relations depend on the fact subject to establishment;
2. the organizations and institutions which were supposed to draw up the document or which are not in a position to recover the said document;
3. the organizations and institutions in dealing wherewith the petitioner wishes to invoke the establishment decreed by the court.

(3) If any interested person is deceased, the heirs thereof shall be summoned. The interested parties referred to in Item 3 of Paragraph (2) may alternatively be represented by the local subdivisions thereof.

(4) (New, SG No. 19/2009, amended, SG No. 66/2013, effective 26.07.2013) In the cases referred to in Article 542 (2) herein, the court shall summon the Ministry of Regional Development and the prosecutor. The Ministry of Regional Development shall submit the data applicable to the relevant register, as extracted from the Unified System for Civil Registration and Administrative Services of the Population.

Establishment of Educational Attainment

Article 545. (1) Where the petitioner wishes to establish that the said petitioner has received education at a particular educational establishment, to establish this fact the court may use, in addition to the other evidence, a conclusion of expert witnesses regarding the qualifications of the petitioner.

(2) In the case referred to in Paragraph (1), the superior institution of the educational establishment referred to in Paragraph (1) shall be summoned as an interested institution referred to in Item 2 of Article 544 (2) herein.

Judgment: Content and Effect

Article 546. (1) The judgment of the court shall specify the fact established by the court and the evidence on the basis of which the said fact was established.

(2) The judgment whereby the court pronounces on the petition shall be appealable according to the standard procedure.

(3) The judgment shall have no evidential value in respect of those interested persons, organizations or institutions covered under Article 544 herein, who or which have not been summoned to participate in the proceeding, if the said parties contest the fact.

Applicability of Proceeding for Removal of Errors

Article 547. Any errors in the documents referred to in Article 542 herein may be rectified according to the procedure established by this Chapter and with the same consequences, where a law does not provide for another procedure for rectification of the said errors.

Establishment of Facts which have Occurred Abroad

Article 548. Where any facts referred to in Article 542 herein have occurred abroad, the establishment of the said facts may be sought according to the procedure established by this Chapter solely if it is proved that the petitioner is unable to obtain the document which the said petitioner needs or an attestation in lieu of the said document from the authorities of the State within whose territory the fact has occurred. This impediment shall be proved either by means of documents issued by the competent authorities of the foreign State, or by means of a certificate issued by the Ministry of Foreign Affairs, to the effect that the authorities of the foreign State have refused to examine the petition of the interested person or that it is impossible to make such a request.

Chapter Fifty-One

DECLARATION OF ABSENCE OR DEATH

Cognizance and Content of Petition

Article 549. (1) A petition for declaration of the absence or death of a particular person shall be cognizable in the regional court exercising jurisdiction over the last permanent address of the absent person, and where there is no such address, in the regional court exercising jurisdiction over the place where the person lived immediately before absenting himself or herself.

(2) The petition shall furthermore indicate the presumable heirs of the absent person and the attorney-in-fact or legal representative thereof, if any.

Examination of Petition

Article 550. (1) (Amended, SG No. 69/2008) The court, sitting in camera, shall decree the collection of information on the absent persons from the next of kin thereof, from the municipality, borough or mayoralty, from the Ministry of Interior and from any other appropriate source.

(2) The court shall dispatch an abstract of the petition for publication to the municipality, borough or mayoralty wherein the person lived immediately before absenting himself or herself. The said abstract shall be served upon the persons referred to in Article 549 (2) herein.

(3) The court shall pronounce on the petition for declaration of the absence or death after hearing the prosecutor and the persons specified in Article 549 (2) herein, as well as the other interested parties.

Drawing up Certificate of Death

Article 551. On the basis of the judgment whereby the death of a particular person has been declared, a certificate of death shall be drawn up, citing the last permanent address of the person or the place where the said person lived immediately before absenting himself or herself.

Reversal of Judgment

Article 552. (1) On a petition by any interested party or on a motion by the prosecutor, the judgment declaring the absence or death of a particular person may be reversed or modified if it is established that the absent person is alive or that the exact date of the death thereof is other than the date declared by the court.

(2) The action under Paragraph (1) shall be brought against the party which has moved for the declaration of the absence or death, and against the persons who invoke the relevant act as a fountain of rights.

Chapter Fifty-Two

PROCEEDING IN RESPECT OF OPENED SUCCESSION

Territorial Competence

Article 553. (1) The property left after the death of a person shall be sealed in the cases established by the law by the regional court exercising jurisdiction over the place of the opening of the succession or of the location of the property.

(2) The regional court may assign the municipality or the mayoralty to perform the sealing through its own authority.

(3) On a motion by the petitioner, the sealing may alternatively be assigned to the enforcement agent.

Authorized Persons

Article 554. The following may move for sealing:

1. any person who claims a right to succession;
2. the creditor who holds a writ of execution against the deceased;
3. the prosecutor and the mayor of the municipality, borough or mayoralty, where any heirs are absent.

Sealing

Article 555. A memorandum shall be drawn up on the sealing, stating therein the date, the authority which commanded the performance of the sealing, a listing of the sealed premises, safes, trunks and other such, and a brief description of the objects which are not sealed. The said memorandum shall be signed by the official and by the parties present.

Unsealing

Article 556. (1) Any party entitled to move for sealing may move for unsealing and for taking an inventory of the property.

(2) The unsealing shall be performed and the inventory shall be taken by the regional court, which may assign this according to the procedure established by Article 553 (2) and (3) herein.

Taking of Inventory

Article 557. (1) A memorandum shall be drawn up on the inventory, describing therein separately all things in the order of unsealing. An expert may be appointed for appraisal of the things.

(2) The heirs of the deceased and the creditors may be present at the taking of the inventory.

(3) The inventory may be taken even if no sealing has been performed.

Delivery of Corporeal Things

Article 558. The corporeal things inventoried shall be delivered to the heirs or to any of the said heirs against signed acknowledgment, and where there are no heirs or where the said heirs do not wish to accept the said things, the said things shall be delivered to a third party for safekeeping.

Notification of Inventory

Article 559. Where the sealing and unsealing are performed and the inventory is taken by the municipality, borough or mayoralty, the memorandum shall be transmitted to the regional judge.

Chapter Fifty-Three

CANCELLATION OF SECURITIES

Subject Matter and Prerequisites

Article 560. Any person, who holds a right to a negotiable security payable to order: a promissory note, a bill of exchange and other such, or to a negotiable instrument payable to bearer, may move for the cancellation of the said security if the said person is dispossessed of the said security against the will thereof or if the said security has been destroyed.

Petition: Content

Article 561. In the petition thereof, the petitioner must:

1. reproduce the security or indicate everything which is necessary for the establishment of the identity of the said security;
2. set forth the circumstances whereunder the security was lost or destroyed, as well as the circumstances wherefrom the right of the petitioner to the said security arises;
3. confirm the truthfulness of the allegations thereof by an express declaration contained in the petition.

Order Barring Payment

Article 562. (1) If the petition conforms to the requirements covered under Article 561 herein, the court, sitting in camera, shall issue an order which shall contain:

1. an indication of the petitioner;
2. an invitation to the holder of the security to declare the rights thereof not later than the day specified in the order for a hearing of the court for pronouncement on the cancellation, with a warning that if the said holder fails to do so, the security will be cancelled;
3. a command to the payer not to effect any payments to the bearer of the security.

(2) The order shall be posted in the place designated for this purpose at the court and shall be promulgated in the Unofficial Section of the State Gazette.

(3) A duplicate copy of the order shall be dispatched to the payer.

Scheduling of Hearing for Cancellation

Article 563. A hearing for cancellation of a security shall be scheduled to a date not earlier than:

1. forty-five days after the promulgation of the order referred to in Article 562 (3) herein or after the maturity of the security, if the said promulgation was effected prior to the maturity: applicable to any negotiable security payable to order;
2. one year after the maturity of the first coupon after the promulgation of the order: applicable to any negotiable security payable to bearer issued with interest coupons attached thereto;
3. one year after the maturity of the security: applicable to any negotiable securities payable to bearer issued with no interest coupons attached thereto.

Contestation of Petition

Article 564. (1) The person who contests the petition for cancellation shall be obligated to state this at the latest during the court hearing and to deposit the security with the court or with a bank until resolution of the dispute.

(2) In the case referred to in Paragraph (1), the court shall stay the cancellation proceeding and shall allow the petitioner one month to present evidence that the said petitioner has brought an action for declaratory judgment on the right thereof to the security. The court shall terminate the cancellation proceeding unless evidence of the bringing of an action is presented.

Judgment on Cancellation

Article 565. (1) The judgment on cancellation shall be rendered in public session with the petitioner being summoned.

(2) The judgment whereby the petition for cancellation is denied shall be appealable according to the standard procedure.

Exercise of Rights Conferred by Security

Article 566. After the cancellation of the security, the petitioner shall exercise the rights conferred thereby on the basis of the judgment on cancellation. On the basis of the said judgment, the said petitioner may demand the issuing of a duplicate copy of the security.

Security Holder's Rights

Article 567. The person who possesses the cancelled security, regardless of the fact that the said person has not claimed the rights thereto in due time, may seek to recover the amount under the security from the person on the petition whereof the cancellation has been decreed if the said person was not entitled to move for cancellation.

Vacation of Order Barring Payment

Article 568. If the proceeding for cancellation ends without a judgment on cancellation, the order barring payment shall be vacated ex officio by the court and this shall be communicated to the payer.

Chapter Fifty-Four

NOTARIAL PROCEEDINGS

Section I

General Rules

Notarial Certifications

Article 569. Notarial proceedings shall be proceedings whereof the procedure applies to the effecting of:

1. legal transactions by notarial acts;
2. certification of a right of ownership to a corporeal immovable, certification of the date, content or signatures of private documents, as well as of the trueness of duplicate copies and abstracts of documents and papers;
3. notarial invitations, protests, certification of appearance or of non-appearance of persons before the notary for performance of steps therebefore;
4. acceptance and return of documents and papers delivered for safekeeping;
5. entries, notations and the deletion thereof in the cases provided for in a law;
6. searches of the notarial books, including searches of the books referred to in Article 577 (2) herein;
7. issuing of certificates of existence or non-existence of charges;
8. performance of other notarial steps provided for in a law.

Territorial Competence

Article 570. (1) (Supplemented, SG No. 50/2008, effective 1.03.2008) Any notarial acts on transfer of ownership or on creation of a right in rem to a corporeal immovable and on certification of a right of ownership to an immovable shall be issued by the notary within whose area of practice the immovable is located. Any entries, notations and deletions of an immovable shall be effected on an order of the recording magistrate by the Recording Office exercising competence over the location of the immovable. Any acts subject to entry, notation and deletion shall be presented in two or more identical copies.

(2) The other notarial steps, as well as the testaments, may be performed by any notary regardless of the link between the area of practice thereof and the notarial certification.

Commencement of Notarial Proceeding

Article 571. Notarial proceedings shall commence on an oral petition. The said petition shall be submitted in writing solely where an issuing of a notarial act on transfer or creation of a right in rem to an immovable, certification of a right of ownership to an immovable, and entry, notation and deletion of an entry is sought.

Parties to and Participants in Notarial Proceeding

Article 572. Parties to a notarial proceeding shall be the persons on whose behalf the performance of the notarial step is sought. Participating in a notarial proceeding shall be the persons whose personal declaration of will the notary certifies.

Place and Time of Notarial Certifications

Article 573. (1) The notary cannot perform notarial steps outside the area of practice thereof.

(2) (Amended, SG No. 50/2008, effective 1.03.2008) Any notarial act subject to entry shall be issued solely in the notary's chambers within normal business hours.

(3) Any other notarial steps may also be performed out of the notary's chambers and outside normal business hours, where valid reasons prevent the persons participating in the certification from appearing in the notary's chambers or necessitate the immediate performance of a notarial step.

Legal Conformity of Notarial Certifications

Article 574. Notarial steps may not be performed in respect of any transactions, documents or other acts which conflict with the law or with good morals.

Notary's Recusal

Article 575. (1) The notary may not perform notarial steps where the notary himself or herself, the spouse thereof or the person who is a de facto cohabitee therewith, any ascendants or descendants thereof, any collateral relatives thereof up to the fourth degree of consanguinity, any affines thereof up to the first degree of affinity, as well as any person in respect of whom the notary is a tutor, curator, adoptee or adopter or a member of a foster family, is a party to the notarial proceeding or a person participating in the said proceeding.

(2) The prohibition under Paragraph (1) shall furthermore apply in the cases where the transaction or the document contains a disposition in favour of any of the persons covered under Paragraph (1).

Null Notarial Certifications

Article 576. A notarial step shall be null where the notary did not have the right to perform the said step (Article 569, Article 570 (1), Article 573 (1), Articles 574 and 575 herein), as well as where Article 578 (4) (in respect of the personal appearance of the participating persons), Article 579, Items 1, 3, 4 and 6 of Article 580, Articles 582, 583 and Article 589 (2) herein were violated upon the performance of the said step.

Appellate Review of Refusal

Article 577. (1) Any refusal to effect a notarial certification shall be appealable by an interlocutory appeal before the district court.

(2) Separate books shall be kept of the refusals to effect an entry, notation or deletion.

(3) Where the court reverses the refusal, the entry, notation or deletion shall be considered effected as from the time of submission of the petition for the said entry, notation or deletion.

Section II

Special Rules

Notarial Act: Form

Article 578. (1) For the issuing of a notarial act, a draft of the act shall be prepared in two or more identical copies. The shape, kind and size of the paper whereon the said draft shall be handwritten or typed shall conform to a standard form endorsed by the Minister of Justice.

(2) All copies of the draft shall be prepared in a clean and legible form, handwritten in black or blue ink or typed.

(3) The figures in the draft shall be written in words, where the said figures concern the content of the transaction. The blank spaces shall be crossed out.

(4) The persons or the attorneys-in-fact thereof, whose declarations of will are contained in the draft, must appear in person before the notary who, before issuing the act, shall verify the identity, the full capacity to act and the representative authority of the persons who have appeared therebefore.

(5) The identity of the persons who are unknown to the notary shall be established by means of an identity document. In the same manner, the notary shall establish whether the persons who have appeared therebefore have attained the age of 18 years. If an identity document is not available, the person shall establish the identity thereof by means of two witnesses of established identity.

Notarial Act: Issuing

Article 579. (1) The notary shall read the content of the act to the participating persons. If the said persons approve the content of the said act, they shall write out the name thereof and shall affix the signature thereof before the notary, or if the act is already signed, they shall write out the full name thereof and shall confirm the signatures thereof.

(2) Where any of the participating persons is unable to sign by reason of illiteracy or disability, Article 189 herein shall apply, and the act shall not be countersigned by witnesses.

(3) Where any corrections, insertions or deletions in the act have to be made, an express note of this shall be made and the said note shall be signed in the same manner as the act itself.

Notarial Act: Content

Article 580. The notarial act shall contain:

1. the year, the month and the day and, where necessary, also the hour and place of issuing;
2. the name of the issuing notary;
3. (amended and supplemented, SG No. 50/2008, effective 30.05.2008) the full name, the Standard Public Registry Personal Number of the persons who participate in the proceeding, as well as the number, date and place of issue and issuing authority of the identity document of the said persons;
4. the content of the act;
5. brief reference to the documents attesting compliance with the requirements referred to in Article 586 (1) herein;
6. signature and full name of the parties or representatives thereof written out, and signature of the notary.

Notarial Act: Filing

Article 581. After the issuing of the act and the recording thereof, one copy of the said act shall be filed in a special book, and the other copies, whereon a fee shall be charged as for duplicate copies, shall be delivered to the participating persons.

Oral Interpreter

Article 582. (Amended, SG No. 50/2008, effective 1.03.2008) Where any of the participating persons has no command of the Bulgarian language and the language used thereby is unfamiliar to the notary, the notary shall appoint an oral interpreter.

Participation of Deaf, Mute or Illiterate Person

Article 583. (1) Where any participating person is literate but mute, deaf or deaf-mute, the deaf person must read the document aloud and declare whether the said person agrees with the content of the said document, whereas the mute or deaf-mute person must, after the reading of the document, write in his or her own hand therein that the said person agrees with the content of the said document.

(2) Where any of the persons referred to in Paragraph (1) are illiterate, the notary shall appoint a sign-language interpreter, with the assistance of whom the content of the document shall be communicated to the deaf or deaf-mute person and the approval

by the deaf or deaf-mute person of what is read shall be conveyed. The notary must satisfy himself or herself that the sign-language interpreter and the said persons understand each other.

(3) In the cases referred to in Paragraph (2), the notary shall make the relevant note in the act.

Incompatibility of Witnesses, Oral Interpreters and Sign-Language Interpreters

Article 584. The following may not act as witnesses, oral interpreters and sign-language interpreters:

1. any persons who lack full capacity to act;
2. any persons who cannot read and write in the Bulgarian language;
3. any persons who are related to the persons referred to in Article 572 herein or to the notary in any of the manners specified in Article 575 herein; the sign-language interpreter may be a relative to a person participating in the proceeding;
4. any person in whose favour is any disposition contained in the act;
5. any blind, deaf and mute persons;
6. any persons employed in the notary's office and the employees of the Recording Office.

Participation of Witnesses, Oral Interpreters and Sign-Language Interpreters

Article 585. (1) The witnesses, oral interpreters and sign-language interpreters shall promise that what they will affirm before the notary will be true, according to Article 170 herein.

(2) The persons referred to in Paragraph (1) shall sign the act.

Verification of Ownership

Article 586. (1) Upon the issuing of a notarial act whereby a right of ownership is transferred or another right in rem to a corporeal immovable is created, transferred, modified or terminated, the notary shall verify whether the grantor owns the said immovable and whether the special requirements for effecting of the transaction are fulfilled.

(2) The right of ownership shall be certified by the relevant document. Where such documents are not available to the grantor, the right of ownership shall be verified according to the procedure established by Article 587 (2) herein.

(3) In the act, the notary shall furthermore certify the performance of the verification referred to in Paragraph (1) and, to this end, shall specify the documents attesting the right of ownership and the other requirements.

(4) Where the document of ownership of the grantor is not recorded, the notarial act shall not be issued until the recording of the said documentary proof.

Notarial Act of Ascertainment

Article 587. (1) Where the owner of an immovable does not have a document on the right thereof, the said owner may obtain such a document after establishing the right thereof before a notary by means of due written evidence.

(2) If the owner does have such evidence at the disposal thereof or if the said evidence is insufficient, the notary shall perform a circumstantial verification as to acquisition of the ownership by acquisitive prescription by means of an examination of three witnesses, named by the mayor of the municipality, borough or mayoralty wherein the immovable is located or by an official designated thereby. The witnesses shall be named at a direction of the owner and must be, as far as practicable, neighbours to the immovable.

(3) On the basis of the evidence referred to in Paragraphs (1) and (2), the notary shall render a reasoned decree. If the right of ownership is acknowledged by the said decree, the notary shall issue the petitioner a notarial act of ownership of the corporeal immovable.

Notarial Act of Ascertainment: Content

Article 588. (1) A notarial act of ascertainment shall contain:

1. the essential elements referred to in Items 1, 2 and 5 of Article 580 herein and signature of the notary;
2. (supplemented, SG No. 50/2008, effective 30.05.2008) the full name or the designation and the Standard Public Registry Personal Number of the owner, the number, date and place of issue and issuing authority of the identity document;
3. exact description of the corporeal immovable, indicating the boundaries and the location thereof.

(2) Upon issuing of a notarial act of ascertainment, Article 578 (4) and (5), Articles 579, 581, 582 and 583 herein shall not apply.

Presentation of Private Document for Certification

Article 589. (1) Each person may present to the notary a private document for certification of the date of presentation of the said document before the notary or the content of the said document.

(2) (Amended, SG No. 50/2008, effective 1.03.2008) Upon certification of a signature affixed to a private document, the persons whereof the signatures are subject to certification must appear in person before the notary and sign the document before the said notary or confirm the previously affixed signatures. Where the document is to be used for the creation, modification or termination of rights to an immovable, the persons must write out the full name thereof and affix the signature thereof before the notary, or if the signature is already affixed, write out the full name thereof and confirm the signature. Article 578 (4) and (5), Article 579 (2) and Articles 582 to 585 herein shall apply upon certification of a signature affixed to a private document.

(3) If the private document is in any language other than Bulgarian and is non-recordable, Article 582 herein shall apply, *mutatis mutandis*.

Certification of Private Document Date, Content and Signatures

Article 590. (1) The certification of the date, content and signatures of a private document shall be effected by means of an inscription on the document. Article 580 herein shall apply in this case, save insofar as there are any special rules.

(2) In respect of the certification of the date or signatures as effected, a note shall be made in a special register of such certifications. Upon certification of the content of a document, the petitioner must present a duplicate copy of the said document. After the certification the duplicate copy, duly authenticated, shall be filed in a special book.

(3) After the certification, the private documents shall be returned to the persons who have presented the said documents.

(4) (New, SG No. 50/2008, effective 1.03.2008) Upon simultaneous certification of the signatures and the content of a document, the petitioner must present two or more identical copies of the document, which shall be signed according to the procedure established by Article 589 (2) and (3) herein. After certification of the signature and the content, one copy shall be filed in a special book, and the other copies shall be delivered to the petitioner.

Certification of Duplicate Copy of Document

Article 591. (1) Upon certification of the trueness of a duplicate copy of any documents presented to the notary, the notary shall be obligated to compare the duplicate copy with the original and to specify in the certification who presented the document, who made the duplicate copy, as well as whether the duplicate copy was made from the original document or from another duplicate copy and whether they contained any crossings, insertions, corrections and other peculiarities.

(2) In the case referred to in Paragraph (1), Article 589 (1) and Article 590 herein shall apply, *mutatis mutandis*.

Notarial Invitation

Article 592. (1) For the purpose of service of a notarial invitation, the petitioner must present the invitation in three identical copies. The notary shall note on each of the said copies that the invitation has been communicated to the person whom it concerns, whereupon one of the copies of the invitation shall be delivered to the person wherefrom the invitation originates, and the other copy shall be filed in a special book at the notary.

(2) Any other communications, warnings and answers in connection with civil-law relationships shall be effected through the notary according to the procedure established by Paragraph (1).

Memorandum of Ascertainment

Article 593. (Amended, SG No. 50/2008, effective 1.03.2008) Upon certification of the appearance or non-appearance of persons before the notary for performance of any steps thereof, a memorandum of ascertainment shall be drawn up. The consent or dissent of the appearing persons to the performance of the relevant steps shall be certified in the same manner. Article 580 herein shall apply to the drawing up of any such memorandum of ascertainment, save insofar as there are special rules. Any such memorandum of ascertainment shall be drawn up in two identical copies, which shall be signed by the petitioner and by the notary. One of the copies shall be filed in a special book, and the other copy, whereon a fee shall be charged as for a duplicate copy, shall be delivered to the petitioner.

Safekeeping of Documents and Papers

Article 594. (1) (Amended, SG No. 50/2008, effective 1.03.2008) Upon acceptance by the notary of documents and papers for safekeeping, a memorandum of acceptance shall be drawn up in two identical copies, which shall be signed by the petitioner and by the notary. One copy shall be filed in a special register, and the other copy, whereon a fee shall be charged as for a duplicate copy, shall be delivered to the petitioner.

(2) A memorandum of delivery shall be drawn up upon the return of any documents and papers delivered for safekeeping, and the said memorandum shall be signed by the petitioner or by the applicant's heirs or an ad hoc attorney-in-fact, as the case may be. The said memorandum shall be filed in the register.

Chapter Fifty-Five

RECORDING OF LEGAL PERSONS

Scope of Application

Article 595. (1) The formation, transformation, placing in liquidation and dissolution of legal persons and the other recordable circumstances shall be recorded according to the procedure established by this Chapter, where a law provides for recording in a court register.

(2) The registers shall be kept by the district courts.

Recordable Circumstances

Article 596. (1) The following shall be recorded in the registers:

1. the type, designation, registered office and address of the legal person;
2. the objects;
3. the bodies and the persons who represent the legal persons, the manner of representation, as well as the liquidators;
4. other circumstances provided for in a law.

(2) Any changes in the circumstances indicated in Paragraph (1) shall be recorded as well.

(3) The recording shall be promulgated in the State Gazette where a law so provides.

Recording

Article 597. Recording shall be effected on the basis of a judgment of the court within whose geographical jurisdiction the registered office of the legal person is located. The said judgment shall contain the recordable circumstances. The recording shall have effect solely in respect of the recordable circumstances.

Public Access to Registers

Article 598. The registers and the case records shall be accessible to the general public, and any person may request searches for a circumstance recorded in the registers or issuing of a document on any such circumstance.

Effect of Recording

Article 599. (1) Any recorded circumstance shall be presumed known to bona fide third parties as from the day of the recording, and any circumstance which is subject to promulgation shall be presumed known to bona fide third parties as from the date of promulgation.

(2) Any bona fide third party may invoke the recording, even if the recorded circumstance does not exist.

(3) Any unrecorded circumstances shall be considered non-existent in respect of bona fide third parties.

(4) In the event of a discrepancy between a recorded and a promulgated circumstance, the third parties may invoke the promulgated circumstance unless it is established that the recorded circumstance was known to the said parties.

Legitimation

Article 600. A recording proceeding shall commence on a written motion by:

1. an empowered person;
2. a body empowered to form, transform or dissolve the legal person;
3. a liquidator.

Motion: Content

Article 601. (1) The motion shall contain:

1. the name and address of the movant;
2. the type, designation and registered office of the legal person;
3. the circumstance whereof the recording is sought.

(2) The requisite documents on the recordable circumstances, as well as specimen signatures of the persons who represent the legal person, shall be attached to the motion.

(3) Where dissolution of a legal person which has no successor is recorded, the certificate on delivery of the payrolls, issued by the local division of the National Social Security Institute, shall be attached to the motion.

Recording Proceeding

Article 602. (1) The motion for recording shall be examined in camera, unless the court deems it necessary to examine the said motion in public session or this is provided for in a law.

(2) The court shall verify the existence of the recordable circumstance and the admissibility of the recording of the said circumstance and shall render a judgment, which shall be served upon the petitioner.

Immediate Enforcement

Article 603. The judgment of recording shall be subject to immediate enforcement.

Expungement of Recorded Circumstance

Article 604. Where it is established according to an action procedure that the recording is inadmissible or null, as well as that a recorded circumstance is non-existent, the court shall expunge the recording or the relevant circumstance ex officio, acting on a motion by the prosecutor or by the interested person.

Corrections in Registers

Article 605. Corrections in the registers shall be effected on a motion by the bodies and persons covered under Article 600 herein or ex officio by the court according to the procedure established by Article 602 herein.

Appellate Review of Refusal

Article 606. Any judgment whereby a recording is refused shall be appealable by an interlocutory appeal before the appellate court.

Ordinance on Keeping and Safe Custody of Registers

Article 607. The Minister of Justice shall issue an ordinance on the keeping and safe custody of the registers of recordings.

PART SEVEN

(Effective 24.07.2007, SG No. 59/2007)

SPECIAL RULES REGARDING PROCEEDINGS IN CIVIL CASES SUBJECT TO OPERATION OF EUROPEAN UNION LAW

Chapter Fifty-Six

COOPERATION WITHIN THE EUROPEAN UNION IN PROCEEDINGS IN CIVIL MATTERS

Section I

Service under Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents), and repealing Council Regulation (EC) No 1348/2000 (OJ, L 324/79 of 10 December 2007), hereinafter referred to as "Regulation (EC) No 1393/2007"
(Heading amended, SG No. 42/2009)

Service by Diplomatic or Consular Agents

Article 608. (Amended, SG No. 50/2008, effective 1.03.2008, SG No. 42/2009) Service under Article 13.1 of Regulation (EC) No 1393/2007, which must be effected in the Republic of Bulgaria, shall be admissible where the addressee is a national of the Member State in which the document has been issued.

Service by Postal Service in Another Member State

Article 609. (Amended, SG No. 42/2009) (1) Upon service under Article 14 of Regulation (EC) No 1393/2007, the service, the refusal to accept or the circumstance that the addressee was not found at the address shall be certified by an addressee's acknowledgment of receipt.

(2) The party may move for the service to be effected by means of a courier service performed by a registered person entered in the public register of operators providing non-universal postal services. In such case, the costs shall be borne by the party.

Service by Postal Service in the Republic of Bulgaria

Article 610. (Amended, SG No. 50/2008, effective 1.03.2008, SG No. 42/2009) The document subject to service in the Republic of Bulgaria must be drawn up or accompanied by a translation into the Bulgarian language or into a language which the addressee understands.

Competent Agencies under Articles 2.1 and 2.2 of Regulation (EC) No

1393/2007

(Heading amended, SG No. 42/2009)

Article 611. (1) (Amended, SG No. 50/2008, effective 1.03.2008) Upon service abroad of judicial communications and summonses, a transmitting agency shall be the court wherebefore the case is pending.

(2) (Amended, SG No. 50/2008, effective 1.03.2008) Upon service abroad of extrajudicial documents, a transmitting agency shall be the regional court exercising jurisdiction over the current or permanent address of the person who moved for the service or over the registered office of the said person, and in respect of notarized documents, a transmitting agency shall alternatively be the regional court within whose geographical jurisdiction the notary practises.

(3) (Amended, SG No. 50/2008, effective 1.03.2008) Upon service in the Republic of Bulgaria, a receiving agency shall be the regional court within whose geographical jurisdiction the service must be effected.

(4) (Amended, SG No. 50/2008, effective 1.03.2008) The receiving agency shall effect the service through a court official, by post, or by a particular form requested by the party. Where there is no court institution in the nucleated settlement where the service must be effected, service may be effected care of the municipality or mayoralty.

Refusal to Accept by Reason of Document Language

Article 612. (Amended, SG No. 50/2008, effective 1.03.2008, SG No. 42/2009) The addressee shall declare the refusal thereof under Article 8.1 of Regulation (EC) No 1393/2007 to the foreign transmitting agency, where the communication has been served by post, or to the receiving agency wherethrough the said communication has been served.

Service of Document Abroad by Another Party to Dispute

Article 613. (Amended, SG No. 42/2009) Service under Article 15 of Regulation (EC) No 1393/2007 shall be inadmissible in the Republic of Bulgaria.

Reversal of Relief

Article 613a. (New, SG No. 42/2009) The interested party may submit a petition for the reversal of the relief in pursuance of Article 19.4 of Regulation (EC) No 1393/2007 to the Supreme Court of Cassation. Any such petition may be submitted within one year after rendition of the judgement.

Section II

Taking of Evidence under Council Regulation (EC) No 1206/2001 on Cooperation between the Courts of the Member States in the Taking of Evidence in Civil or Commercial Matters

Taking of Evidence in Member States of European Union

Article 614. Where taking of evidence must be performed under Council Regulation (EC) No 1206/2001, the court may transmit a request to take evidence to the competent authority of the other Member State or, under the terms established by Article 17 of the Regulation, the court may request to take evidence directly.

Right to Participate

Article 615. Within the scope of Council Regulation (EC) No 1206/2001, the Bulgarian court or an authorized member thereof may be present and participate in the taking of evidence by the court of the other Member State.

Direct Taking of Evidence

Article 616. (1) Direct taking of evidence in another Member State shall be performed by members of the court or by a person authorized by the court.

(2) The parties, representatives thereof and expert witnesses may participate in this proceeding, insofar as this is permitted by Bulgarian legislation.

Competent Authorities under Articles 2.1 and 3.3. of Council Regulation

(EC) No 1206/2001

(Heading supplemented, SG No. 50/2008)

Article 617. (1) The requests for taking of evidence in the Republic of Bulgaria shall be submitted to the regional court within whose geographical jurisdiction the taking is to be performed.

(2) The district court within whose geographical jurisdiction the direct taking of evidence is to be performed shall be competent to authorize direct taking of evidence in the Republic of Bulgaria.

Language of Requests and Communications

Article 618. The requests from another Member State for the taking of evidence and the communications under Council Regulation (EC) No 1206/2001 must be drawn up in the Bulgarian language or must be accompanied by a translation into the Bulgarian language.

Chapter Fifty-Seven

RECOGNITION OF AND ADMISSION TO ENFORCEMENT OF JUDGMENTS AND JUDICIAL ACTS SUBJECT TO OPERATION OF EUROPEAN UNION LAW

Section I

Certificates Issued Pursuant to Bulgarian Judicial Acts

(Heading amended, SG No. 100/2010, effective 21.12.2010)

Certificate of European Enforcement Order for Uncontested Claims

Article 619. (1) (Supplemented, SG No. 50/2008, effective 1.03.2008) The certificate under Regulation (EC) No 805/2004 of the European Parliament and of the Council creating a European Enforcement Order for uncontested claims shall be issued upon a written petition by the party to the first-instance court which has examined the case or within whose geographical jurisdiction the public document has been issued.

(2) The order whereby the petition for the issuing of a certificate is granted shall be unappealable and shall not be communicated to the person against whom enforcement is sought.

(3) The order whereby the petition for the issuing of a certificate is rejected in whole or in part shall be appealable by an interlocutory appeal, a duplicate copy whereof shall not be presented for service.

(4) (Amended, SG No. 50/2008, effective 1.03.2008) The court may rectify or withdraw the certificate in pursuance of Article 10 of Regulation (EC) No 805/2004 of the European Parliament and of the Council.

Issuing of Certificate on Recognition of or Admission to Enforcement of Bulgarian Judgment

Article 620. (1) The first-instance court which has examined the case shall, upon a written petition by the party, issue a certificate of recognition of or admission to enforcement of a Bulgarian judgment of court in another Member State, where an act of the European Union so requires.

(2) A certificate referred to in Paragraph (1) shall also be issued by the first-instance court on a written petition by the party where recognition of or admission to enforcement is to be sought in a State which is not a Member State of the European Union.

Section II

Proceeding for Recognition of and Admission to Enforcement of Judgments and Acts Rendered in Other Member States of the European Union

(Heading supplemented, SG No. 100/2010, effective 21.12.2010)

Direct Recognition

Article 621. (1) (Amended, SG No. 50/2008, effective 1.03.2008) A judgment of court or another act shall be respected by the authority wherebefore the said act is presented on the basis of a duplicate copy authenticated by the rendering court, and a certificate accompanying the said act, where an act of the European Union so requires.

(2) The judgment within the scope of Article 21.2 of Council Regulation (EC) No 2201/2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000, shall be recognized by the competent registration authorities.

Recognition according to Judicial Procedure

Article 622. (1) The interested party may approach the district court exercising jurisdiction over the permanent address of the opposing party or over the registered office thereof or, where the said party does not have a permanent address or registered office within the territory of the Republic of Bulgaria, over the permanent address or registered office of the interested party, with a motion for recognition of the judgment according to the procedure established by Article 623 herein. Where the interested party, either, does not have a permanent address or registered office within the territory of the Republic of Bulgaria, the Sofia City Court shall be approached with the motion.

(2) (Supplemented, SG No. 50/2008, effective 1.03.2008) The judgment shall be respected and recognized on the basis of a duplicate copy authenticated by the rendering court, and a certificate of enforceability of the said judgment, where an act of the European Union so requires.

(3) The order of recognition shall have the relevance of a judgment rendered in an action procedure.

(4) Where the outcome of the case depends in whole or in part on the recognition of a foreign judgment rendered in a Member State of the European Union, the court wherebefore the case is pending shall be competent regarding the recognition.

Admission to Enforcement

Article 623. (1) A petition for admission to enforcement of a judgment of court or another act rendered in another Member State of the European Union shall be submitted to the district court exercising jurisdiction over the permanent address of the person against whom enforcement is sought, over the registered office thereof, or over the place of enforcement. A duplicate copy of the petition shall not be presented for service on the person against whom enforcement is sought.

(2) The court shall examine the petition in camera. The court shall verify the conditions for admission to enforcement solely on the basis of the copy of the judgment of court, the certificate and the translation thereof into the Bulgarian language.

(3) (Amended, SG No. 100/2010, effective 21.12.2010) In the order whereby the petition is granted, the court shall set the applicable time for appealing under Article 43, paragraph 5 of Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters. Anticipatory enforcement of the order whereby the petition is granted shall be inadmissible.

(4) In the order whereby the petition is granted, the court shall also pronounce on the interim and precautionary measures sought.

(5) (New, SG No. 50/2008, effective 1.03.2008) The order on the admission shall have the relevance of a judgment rendered in an action procedure.

(6) (Renumbered from Paragraph (5) and amended, SG No. 50/2008, effective 1.03.2008) The order shall be subject to intermediate appellate review before the Sofia Appellate Court. The judgment of the Sofia Appellate Court shall be subject to cassation appellate review before the Supreme Court of Cassation.

Enforcement without Express Proceeding

(Heading amended, SG No. 50/2008)

Article 624. (1) (Redesignated from Article 624 and supplemented, SG No. 50/2008, effective 1.03.2008) A petition for the issuing of a writ of execution pursuant to a European Enforcement Order for an uncontested claim or for a judgment in a European small claim proceeding shall be submitted to the district court exercising jurisdiction over the permanent address of the person against whom enforcement is sought, over the registered office thereof, or over the place of enforcement.

(2) (New, SG No. 50/2008, effective 1.03.2008, supplemented, SG No. 42/2009) The order shall be appealable according to the procedure established by Article 623 (6) herein. The time limit for the intermediate appellate review shall begin to run, in respect of the applicant, as from the service of the order, and in respect of the respondent, as from the service of the notice of voluntary compliance.

(3) (New, SG No. 42/2009) An appellate review of the order whereby the petition was granted shall not stay the enforcement.

(4) (New, SG No. 42/2009) A stay or limitation of enforcement within the meaning given by Article 23 of Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure (OJ, L 199/1 of 31 July 2007) shall be decreed by the court wherebefore the case is pending, and where an order has entered into effect, any such stay or limitation shall be decreed by the first-instance court.

Chapter Fifty-Eight

ENFORCEMENT PURSUANT TO REGULATION (EC) No 1896/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL CREATING A EUROPEAN ORDER FOR PAYMENT PROCEDURE

Authority Competent to Issue European Order

Article 625. (1) (Amended, SG No. 50/2008, effective 1.03.2008) A petition for issuing of a European Order for Payment shall be submitted to the district court exercising jurisdiction over the permanent address of the debtor, over the registered office thereof, or over the place of enforcement.

(2) Where the possibility of examination of the case according to an action procedure is not ruled out, the respondent may make a recusal for territorial cognizance at the latest by the statement of opposition lodged thereby.

Transmittal of Case

Article 626. Where the statement of opposition has been lodged in due time, the court shall instruct the applicant who has not ruled out the possibility of examination of the case according to an action procedure to deposit the remainder of the stamp duty due in an account of the generically and territorially competent court. The court shall transmit ex officio the case records to the generically and territorially competent court.

Enforcement Pursuant to European Order

Article 627. (1) (Amended, SG No. 50/2008, effective 1.03.2008) The petition for the issuing of a writ of execution pursuant to a European Order for Payment, issued by another Member State, shall be submitted to the district court exercising jurisdiction over the permanent address of the debtor, over the registered office thereof, or over the place of enforcement.

(2) (Amended, SG No. 50/2008, effective 1.03.2008, supplemented, SG No. 42/2009) The order shall be appealable according to the procedure established by Article 623 (6) herein. The time limit for intermediate appellate review shall begin to run, in respect of the applicant, as from the service of the order, and in respect of the respondent, as from the service of the notice of voluntary compliance.

Chapter Fifty-Eight A

(New, SG No. 100/2010, effective 18.06.2011)

RECOGNITION AND ENFORCEMENT OF JUDGMENTS PURSUANT TO COUNCIL REGULATION (EC) No 4/2009 OF 18 DECEMBER 2008 ON JURISDICTION, APPLICABLE LAW, RECOGNITION AND ENFORCEMENT OF DECISIONS AND COOPERATION IN MATTERS RELATING TO MAINTENANCE OBLIGATIONS, HEREINAFTER REFERRED TO AS "REGULATION (EC) No. 4/2009"

Reversal of Judgment Rendered in Member State Bound by 2007 Hague Protocol

Article 627a. (New, SG No. 100/2010, effective 18.06.2011) The interested party may submit a petition to the Supreme Court of Cassation for reversal of the judgment pursuant to Article 19, paragraph 1 of Regulation (EC) No 4/2009.

Enforcement of Judgment Rendered in Member State Bound by 2007 Hague Protocol

Article 627b. (New, SG No. 100/2010, effective 18.06.2011) (1) The petition for the issuing of a writ of execution pursuant to the documents covered under Article 20 of Regulation (EC) No 4/2009 shall be submitted to the district court exercising jurisdiction over the permanent address of the execution debtor or over the place of enforcement.

(2) Refusal or suspension of enforcement, within the meaning given by Article 21 of Regulation (EC) No 4/2009, shall be decreed by the district court.

Admission to Enforcement of Judgments Rendered in Member State Not Bound by 2007 Hague Protocol

Article 627c. (New, SG No. 100/2010, effective 18.06.2011) (1) The petition for admission to enforcement of a judgment or of another act rendered in a Member State of the European Union which is not bound by the 2007 Hague Protocol shall be submitted to the district court exercising jurisdiction over the permanent address of the execution debtor or over the place of enforcement. A duplicate copy of the petition for service upon the execution debtor shall not be presented.

(2) The court shall examine the petition referred to in Paragraph (1) in camera.

(3) In the order whereby the petition is granted the court shall set the applicable time for appealing under Article 32, paragraph 5 of Regulation (EC) No 4/2009. Anticipatory enforcement of the order whereby the petition is granted shall be inadmissible.

(4) In the order whereby the petition is granted, the court shall also pronounce on the interim and precautionary measures sought.

(5) The order on the admission shall have the relevance of a judgment rendered in an action procedure.

(6) The order shall be subject to intermediate appellate review before the Sofia Appellate Court under the terms and according to the procedure established by Article 32 of Regulation (EC) No 4/2009. The judgment of the Sofia Appellate Court shall be subject to cassation appellate review before the Supreme Court of Cassation.

Chapter Fifty-Nine

REFERRAL OF QUESTIONS FOR PRELIMINARY RULINGS

National Court Competence

Article 628. Where the interpretation of a provision of European Union law or the interpretation and validity of an act of the institutions of the European Union is relevant to the correct adjudication of the case, the Bulgarian court shall request the Court of Justice of the European Communities to give a ruling thereon.

Referral of Question

Article 629. (1) The question shall be referred by the court wherebefore the case is pending, either ex officio or on a motion by the party.

(2) The court whereof the judgment is appealable, may not grant the motion of the party for referral of a question for a preliminary ruling on interpretation of a provision or act. Any ruling denying such a motion shall be unappealable.

(3) The court whereof the judgment is unappealable shall always refer a question for a preliminary ruling, except where the answer to the question arises clearly and unambiguously from a previous judgment of the Court of Justice of the European Communities or the meaning and import of the provision are so clear that they give no rise to any doubt whatsoever.

(4) The court shall always refer a question where the validity of an act referred to in Article 628 herein is at issue.

(5) Where the interpretation of Title IV "Visas, asylum, immigration and other policies related to free movement of persons" of the Treaty Establishing the European Community or the interpretation and validity of any acts adopted by virtue of the said Title of the Treaty is relevant to the correct adjudication of the case, solely the court whereof the judgment is unappealable may refer a question under Article 628 herein.

Content of Request

Article 630. (1) The request to the Court of Justice of the European Communities shall contain a description of the facts of the case, the applicable national law, an exact reference to the provision or act whereof the interpretation or validity is subject to the request, the reasons for which the court believes that the preliminary ruling requested is relevant to the correct adjudication of the case, as well a formulation of the specific question referred for a preliminary ruling.

(2) At its discretion, the court may also transmit a duplicate copy of the case.

Stay and Resumption of Proceeding before National Court

Article 631. (1) Upon referral of the question, the court shall stay the proceeding in the case. Any such ruling shall be unappealable.

(2) The proceeding in the case shall be resumed after the pronouncement by the Court of Justice of the European Communities.

Precautionary and Interim Measures

Article 632. The court, acting on a motion by the parties, may decree appropriate precautionary and interim measures while the proceeding in the case is stayed.

Effect of Judgment on Request for Preliminary Ruling

Article 633. The judgment given by the Court of Justice of the European Communities shall be binding upon all courts and institutions in the Republic of Bulgaria.

TRANSITIONAL AND FINAL PROVISIONS

§ 1. (1) Any first-instance cases, instituted on statements of action received at the regional and district court prior to the entry into force of this Code, shall be completed at the same courts, regardless of the change of cognizance.

(2) Any cases on petitions to secure a future action, instituted prior to the entry into force of this Code, shall be examined at the same courts, regardless of the change of cognizance.

§ 2. (1) (Supplemented, SG No. 50/2008, effective 1.03.2008) Any first-instance cases, instituted on statements of action received prior to the entry into force of this Code, shall be examined according to the hitherto effective procedure for examination of cases by the court of first instance and of intermediate appellate review instance.

(2) Any intermediate appellate review cases, instituted on appeals received prior to the entry into force of this Code, shall be examined according to the hitherto effective procedure for examination of cases by the court of intermediate appellate review instance.

(3) Any cassation cases, instituted on cassation appeals received prior to the entry into force of this Code, shall be examined according to the hitherto effective procedure for examination of cases by the court of cassation instance.

(4) (New, SG No. 50/2008, effective 1.03.2008) Any proceedings under petitions to secure actions, received prior to the 1st

day of March 2008, shall be examined according to the procedure established by the Code of Civil Procedure as superseded.

(5) (Effective 24.07.2007, SG No. 59/2007, renumbered from Paragraph (4), SG No. 50/2008, effective 1.03.2008) Any cassation appeals against intermediate appellate review judgments of the district courts on actions for remedy against wrongful dismissal under Items 1 to 3 of Article 344 (1) of the Labour Code and on actions for labour remuneration and compensation under an employment relationship with a cost of action above the amount referred to in Littera (a) of Article 218a (1) of the Code of Civil Procedure as superseded, lodged prior to the entry into force of this Code, shall be examined by the relevant appellate court according to the hitherto effective cassation procedure. Any cases instituted at the Supreme Court of Cassation, which have not been scheduled for examination, as well as any cases scheduled for examination after the 30th day of June 2008, shall be transmitted to the relevant appellate court, which shall examine the said cases according to the hitherto effective cassation procedure.

(6) (New, SG No. 50/2008, effective 1.03.2008) Any proceedings under petitions for recovery of possession according to an administrative procedure, submitted in pursuance of Article 126g of the Code of Civil Procedure as superseded prior to the 1st day of March 2008, shall be examined according to the procedure established by the Code of Civil Procedure as superseded.

(7) (Renumbered from Paragraph (5), SG No. 50/2008, effective 1.03.2008) Any public sales, advertised prior to the entry into force of this Code, shall be completed according to the hitherto effective procedure.

(8) (New, SG No. 50/2008, effective 1.03.2008) Any non-contentious proceedings, instituted under petitions received prior to the 1st day of March 2008, shall be examined according to the procedure established by the Code of Civil Procedure as superseded.

(9) (New, SG No. 50/2008, effective 1.03.2008) Any proceedings instituted under petitions to issue a writ of execution, received prior to the 1st day of March 2008, shall be examined according to the procedure established by the Code of Civil Procedure as superseded. This procedure shall furthermore apply to the examination of any petitions to stay the enforcement under Article 250 of the Code of Civil Procedure as superseded, where the writ of execution has been issued under a petition submitted prior to the 1st day of March 2008, as well as of any petitions to stay the enforcement of intermediate appellate review judgments according to the procedure established by Article 218b (3) to (6) of the Code of Civil Procedure as superseded.

(10) (New, SG No. 50/2008, effective 1.03.2008) Any proceedings instituted under appeals against the steps of the public or private enforcement agent and against the refusal of the state or private enforcement agent to perform an enforcement step sought, received prior to the 1st day of March 2008, shall be examined according to the procedure established by the Code of Civil Procedure as superseded.

(11) (New, SG No. 50/2008, effective 1.03.2008) Any proceedings in cassation cases, instituted under interlocutory appeals, received prior to the 1st day of March 2008, shall be examined according to the procedure established by the Code of Civil Procedure as superseded for examination of the cases by the court of cassation instance.

(12) (New, SG No. 50/2008, effective 1.03.2008) Any cases instituted under petitions for a reversal of an effective judgment, received prior to the 1st day of March 2008, shall be examined according to the procedure established by the Code of Civil Procedure as superseded.

(13) (New, SG No. 50/2008, effective 1.03.2008) Any cases instituted under appeals against the rulings or orders of the President of or a judge from the Supreme Court of Cassation on a return of cassation appeals and under petitions to reverse effective judgments or rulings by a three-judge panel of the Supreme Court of Cassation, received prior to the 1st day of March 2008, shall be examined according to the procedure established by the Code of Civil Procedure as superseded.

(14) (New, SG No. 50/2008, effective 1.03.2008) In all cases which are not expressly specified, the proceedings instituted under petitions received prior to the 1st day of March 2008 shall be examined according to the procedure established by the Code of Civil Procedure as superseded.

§ 3. (Effective 24.07.2007, in respect of the repeal of Chapter Thirty-Two A 'Special Rules for the Recognition and Admission for Enforcement of Decisions of Foreign Courts and of Other Foreign Bodies' with Articles 307a to 307e and Part Seven 'Proceedings Concerning Return of a Child or Exercise of the Right of Access' with Articles 502 to 507) The Code of Civil Procedure (promulgated in the Transactions of the Presidium of the National Assembly No. 12/1952; amended in No. 92/1952, No. 89/1953, No. 90/1955, No. 90/1956, No. 90/1958, Nos. 50 and 90/1961; corrected in No. 99/1961; amended in the State Gazette No. 1/1963, No. 23/1968, No. 27/1973, No. 89/1976, No. 36/1979, No. 28/1983, No.

41/1985, No. 27/1986, No. 55/1987, No. 60/1988, Nos. 31 and 38/1989, No. 31/1990, No. 62/1991, No. 55/1992, Nos. 61 and 93/1993, No. 87/1995, Nos. 12, 26, 37, 44 and 104/1996, Nos. 43, 55 and 124/1997, Nos. 21, 59, 70 and 73/1998, Nos. 64 and 103/1999, Nos. 36, 85 and 92/2000, No. 25/2001, Nos. 105 and 113/2002, Nos. 58 and 84/2003, Nos. 28 and 36/2004, Nos. 38, 42, 43, 79, 86, 99 and 105/2005, Nos. 17, 33, 34, 36, 37, 48, 51 and 64/2006) is hereby superseded.

§ 4. (1) The statutory instruments of secondary legislation, issued in pursuance of the Code of Civil Procedure as superseded, shall apply insofar as they do not conflict with this Code.

(2) (Effective 24.07.2007, SG No. 59/2007, amended, SG No. 50/2008, effective 1.03.2008) The Council of Ministers and the Minister of Justice shall issue the instruments referred to in Article 55, Article 73 (3), Article 425 and Item 7 of Article 444 herein within six months after the promulgation of this Code in the State Gazette.

§ 5. The Administrative Procedure Code (promulgated in the State Gazette No. 30/2006) shall be amended as follows:

1. In Article 182 (2), the words "shall incur liability according to Article 65 (1) of the Code of Civil Procedure" shall be replaced by "shall incur, regardless of the outcome of the case, the costs of the new hearing, of the taking of new evidence or of the re-taking of previously taken evidence, the costs incurred by the other party and of the attorney-in-fact 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."

2. In Article 189 (4), the words "shall incur liability under Article 65 (1) of the Code of Civil Procedure" shall be replaced by "shall incur, regardless of the outcome of the case, the costs of the new hearing, of the taking of new evidence or of the re-taking of previously taken evidence, the costs incurred by the other party and of the attorney-in-fact 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."

§ 6. The Tax and Social-Insurance Procedure Code (promulgated in the State Gazette No. 105/2005, amended in Nos. 30, 33, 34, 59, 63, 73, 82, 86, 95 and 105/2006, No. 46/2007) shall be amended as follows:

1. In Article 56 (1), the words "Article 114" shall be replaced by "Article 176".

2. In Article 181, Paragraph (2) shall be amended to read as follows:

"(2) The person who complied with the obligation may proceed with coercive enforcement according to the procedure established by the Code of Civil Procedure on the basis of the act ascertaining the public receivable and the certificate issued under Paragraph (1) in the cases referred to in Item 1 of Article 180 (1) herein, as well as where the person who complied with the obligation has acceded, as co-execution debtor, to the public obligation with a validly dated express written consent of the obligated person."

3. In Article 206 (1), the words "Articles 345, 346 and 347, Article 354 (1), Articles 391, 392, 395, 396 and 397" shall be replaced by "Articles 451, 452 and 453, Article 459 (1), Articles 508, 509, 512, 513 and 514".

§ 7. The Private International Law Code (promulgated in the State Gazette No. 42/2005) shall be amended as follows:

1. In Article 12 (1), the words "Article 83" shall be replaced by "Article 109".

2. In Article 14, the words "Article 84" shall be replaced by "Article 110".

3. In Article 19 (1), the words "Littera (d) of Article 80 (1)" shall be replaced by "Item 5 of Article 104".

4. In Article 21 (2), the words "Article 104" shall be replaced by "Article 211".

5. In sentence two of Article 23 (1), the words "not later than before the end of the first hearing of the case" shall be replaced by "within the time limit for an answer to the statement of action".

6. In Article 24, the words "before the end of the first hearing of the case" shall be replaced by "within the time limit for an answer to the statement of action".

7. In Article 30 (2), the words "Article 133" shall be replaced by "Article 164".

§ 8. The Labour Code (promulgated in the State Gazette Nos. 26 and 27/1986; amended in No. 6/1988, Nos. 21, 30 and 94/1990, Nos. 27, 32 and 104/1991, Nos. 23, 26, 88 and 100/1992; modified by Constitutional Court Judgment No. 12/1995, promulgated in No. 69/1995; amended in No. 87/1995, Nos. 2, 12 and 28/1996, No. 124/1997, No. 22/1998; modified by Constitutional Court Judgment No. 11/1998, promulgated in No. 52/1998; amended in Nos. 56, 83, 108 and 133/1998, Nos. 51, 67 and 110/1999, No. 25/2001, Nos. 1, 105 and 120/2002, Nos. 18, 86 and 95/2003, No. 52/2004, Nos. 19, 27, 46, 76, 83 and 105/2005, and Nos. 24, 30, 48, 57, 68, 75, 102 and 105/2006, Nos. 40 and 46/2007) shall be amended as follows:

1. In Article 210 (5), the words "a writ of execution shall be issued on the basis of the order of the employer or the authority under sentence two of Paragraph (1) according to the procedure established by the Code of Civil Procedure" shall be replaced by "the employer shall have the option to move for the issuance of an enforcement order under Article 410 (1) of the Code of Civil Procedure, regardless of the amount of the claim".
2. In Item 11 of Article 349 (2), the words "Article 395 (4)" shall be replaced by "Article 512 (4)".

§ 9. The Copyright and Neighbouring Rights Act (promulgated in the State Gazette No. 56/1993; amended in No. 63/1994, No. 10/1998, No. 28/2000, No. 77/2002, Nos. 28, 43, 74, 99 and 105/2005, Nos. 29, 30 and 73/2006) shall be amended as follows:

1. In Article 95a (2), the words "Article 15 (3)" shall be replaced by "Article 26 (4)".
2. In Article 96a (2), the words "Articles 308 to 322" shall be replaced by "Articles 389 to 403", and the words "Article 317" shall be replaced by "Article 398".

§ 10. The Bar Act (promulgated in the State Gazette No. 55/2004; amended in Nos. 43 and 79/2005, Nos. 10, 39 and 105/2006) shall be amended as follows:

1. Article 37 shall be amended to read as follows:

"Article 37. In respect of their claims arising from unrecovered remuneration and expenses, attorneys-at-law shall have the option to move for the issuance of an enforcement order under Article 410 (1) of the Civil Procedure Code regardless of the amount of the said claims."

2. In Article 62 (6), the words "Chapter Fifty-Two" shall be replaced by "Chapter Fifty-Five 'Recording of Natural Persons'".
3. In Article 143, Paragraph (2) shall be amended to read as follows:

"(2) In the event outstanding expenses are not paid by the attorney-at-law sanctioned within one month of entry into force of the decision, the coercive enforcement of the decision in the part regarding the expenses shall be admitted on a motion by the Bar Council or by the Disciplinary Tribunal according to the procedure established by Article 418 of the Code of Civil Procedure. The attorney-at-law being shall be inscribed in the list of attorneys-at-law at fault with the college fund."

4. Article 145 shall be amended to read as follows:

"Article 145. The coercive enforcement of the decision whereby a disciplinary sanction of fine has been imposed shall be admitted on a motion by the Bar College according to the procedure established by Article 418 of the Code of Civil Procedure."

§ 11. The Administrative Violations and Sanctions Act (promulgated in the State Gazette No. 92/1969; amended and supplemented in No. 54/1978, No. 28/1982, Nos. 28 and 101/1983, No. 89/1986, No. 24/1987, No. 94/1990, No. 105/1991, No. 59/1992, No. 102/1995, Nos. 12 and 110/1996, Nos. 11, 15, 59, 85 and 89/1998, Nos. 51, 67 and 114/1999, No. 92/2000, Nos. 25, 61 and 101/2002, No. 96/2004, Nos. 39 and 79/2005, Nos. 30, 33, 69 and 108/2006) shall be amended as follows:

1. Article 78 shall be amended to read as follows:

"Article 78. Where damages have been awarded, the coercive enforcement of the penalty decree shall be admitted on a motion by the person who is entitled to damages according to the procedure established by Article 418 of the Code of Civil Procedure."

2. In Article 83f(1), the words "Article 97 (4)" shall be replaced by "Article 124 (5)".

§ 12. The Bank Bankruptcy Act (promulgated in the State Gazette No. 92/2002; amended in No. 67/2003, No. 36/2004, Nos. 31 and 105/2005, Nos. 30, 34 and 59/2006) shall be amended as follows:

1. Article 16 shall be amended to read as follows:

"Appellate Review of Judgments

Article 16. (1) The judgments referred to in Article 13 (1) and in Article 14 herein shall be subject to intermediate appellate review and cassation appellate review according to the standard procedure. The time limit for intermediate appellate review shall be seven days. The right of appeal shall vest in the conservators of the bank and the Central Bank, and the right to protest shall vest in the prosecutor.

(2) An appellate review of a judgment under Article 13 (1) shall not stay the enforcement thereof.

(3) The intermediate appellate review court shall institute the case on the day of receipt of the appeal or on the next working day at the latest and shall examine the said appeal, rendering judgment within one month after institution of the case.

(4) Upon reversal of the judgment on the initiation of bankruptcy proceedings, all consequences arising from the effect of the said judgment shall be deleted, reckoned from the effective date of the judgment on reversal, and the powers of the bankruptcy bodies shall be terminated.

(5) The judgment whereby a judgment referred to in Article 13 (1) or in Article 14 herein is reversed shall be recorded in the Commercial Register."

2. In Article 39:

(a) in Paragraph (4), the words "Chapter Nineteen" shall be replaced by "Chapter Twenty-One `Appellate Review of Rulings'";

(b) in Paragraph (5), the words "Article 218j" shall be replaced by "Chapter Twenty-One `Appellate Review of Rulings'".

3. In Article 47 (1), the words "cassation appellate review according to the procedure established by Articles 218b to 218j of" shall be replaced by "appellate review according to the standard procedure established by".

4. In Article 57, Paragraph (5) shall be amended to read as follows:

"(5) When the credit is not repaid on maturity, the trustee in bankruptcy shall have the option to move for the issuance of an immediate enforcement order according to the procedure established by Article 418 of the Code of Civil Procedure on the basis of an abstract of the books of account."

5. In Article 76:

(a) in Paragraph (1), the words "Article 372 (3)" shall be replaced by "Article 482 (3)";

(b) in Paragraph (2), the words "Article 387" shall be replaced by "Article 499".

6. In Article 89, the words "Articles 332 to 335" shall be replaced by "Articles 435 to 438".

7. In Article 99 (4), the words "Articles 214 to 217" shall be replaced by "Chapter Twenty-One `Appellate Review of Rulings'".

§ 13. In the Bulgarian National Bank Act (promulgated in the State Gazette No. 46/1997; amended in Nos. 49 and 153/1998, Nos. 20 and 54/1999, No. 109/2001, No. 45/2002, Nos. 10 and 39/2005, Nos. 37, 59 and 108/2006), in Article 53, Paragraph (2) shall be amended to read as follows:

"(2) The Bulgarian National Bank shall have the option to move for the issuance of an immediate enforcement order according to the procedure established by Article 418 of the Civil Procedure Code on the basis of an abstract of the books of accounts of the said Bank, whereby the defaulted receivables thereof, including any interest due, are ascertained."

§ 14. In the Religious Denominations Act (promulgated in the State Gazette No. 120/2002; amended in No. 33/2006), in Article 15 (1), the words "Chapter Forty-Six" shall be replaced by "Chapter Forty-Nine `General Rules'".

§ 15. The Water Act (promulgated in the State Gazette No. 67/1999; amended in No. 81/2000, Nos. 34, 41 and 108/2001, Nos. 47, 74 and 91/2002, Nos. 42, 69, 84 and 107/2003, Nos. 6 and 70/2004, Nos. 18, 77 and 94/2005, Nos. 29, 30, 36, 65, 66, 105 and 108/2006) shall be amended as follows:

1. In Article 202 (4), the words "Article 31" shall be replaced by "Article 26 (4)".
2. In Article 203, the words "with the amounts due being collected according to the procedure established by Littera (j) of Article 237 of the Code of Civil Procedure proceeding from an abstract of the bills" shall be replaced by "with the provider of the service having the option to move for the issuance of an execution order under Article 410 (1) of the Civil Procedure Code regardless of the amount of the obligation".

§ 16. In the Act Restoring Ownership of Forests and Forest Stock Land Tracts (promulgated in the State Gazette No. 110/1997; amended in Nos. 33, 59 and 133/1998, No. 49/1999, Nos. 26 and 36/2001, Nos. 45, 63 and 99/2002, No. 16/2003, No. 30/2006, Nos. 13 and 24/2007), in Article 15 (4) and (5), the words "Article 18 (2) and Litterae (a) and (c) of Article 20 (1)" shall be replaced by "Article 30 (3) and Article 32 (1) and (3)".

§ 17. In the Civil Registration Act (promulgated in the State Gazette No. 67/1999; amended in Nos. 28 and 37/2001, No. 54/2002, No. 63/2003, Nos. 70 and 96/2004, No. 30/2006, No. 48/2007), in Article 19 (2), the words "the summary proceedings under" shall be replaced by "Chapter Fifteen 'Ascertainment of Facts' of".

§ 18. In the Value Added Tax Act (promulgated in the State Gazette No. 63/2006; amended in Nos. 86, 105 and 108/2006; modified by Constitutional Court Judgment No. 7/2007, promulgated in No. 37/2007; amended in No. 41/2007), Article 131 shall be amended as follows:

1. In Paragraph (3), the words "and by the Code of Civil Procedure" shall be deleted.
2. In Paragraph (4), the words "or, respectively, according to the procedure established by Article 382 (1) or (3) and Article 371 (1) or (4) of the Code of Civil Procedure" shall be deleted.

§ 19. In the State Property Act (promulgated in the State Gazette No. 44/1996; amended in No. 104/1996, Nos. 55, 61 and 117/1997, Nos. 93 and 124/1998, No. 67/1999, Nos. 9, 12, 26 and 57/2000, No. 1/2001, modified by Constitutional Court Judgment No. 7/2001, promulgated in No. 38/2001; amended in No. 45/2002, No. 63/2003, Nos. 24 and 93/2004, No. 32/2005, Nos. 17, 30, 36, 64 and 105/2006, No. 41/2007), in Article 38 (5), the words "Article 41 (5) and the time limit referred to in Article 157 (1)" shall be replaced by "Article 56 (3) and the time limit referred to in Article 199".

§ 20. The Public Financial Inspection Act (promulgated in the State Gazette No. 33/2006; amended in No. 59/2006) shall be amended as follows:

1. In Article 22:
 - (a) there shall be inserted a new Paragraph (5) to read as follows:

"(5) The findings of fact in the deficit deed shall be considered true until proved otherwise.";

- (b) the existing Paragraph (5) shall be renumbered to become Paragraph (6).

2. In Article 27, Paragraph (4) shall be amended to read as follows:

"(4) On the basis of the deficit deed, an immediate enforcement order shall be issued according to the procedure established by Article 418 of the Civil Procedure Code."

§ 21. In the Civil Servants Act (promulgated in the State Gazette No. 67/1999; amended in No. 1/2000, Nos. 25, 99 and 110/2001, No. 45/2002, No. 95/2003, No. 70/2004, No. 19/2005, Nos. 24, 30 and 102/2006), in Item 10 of Article 112 (1), the words "Article 395 (4)" shall be replaced by "Article 512 (4)".

§ 22. The Energy Act (promulgated in the State Gazette No. 107/2003; amended in No. 18/2004, Nos. 18 and 95/2005, Nos. 30, 65 and 74/2006, No. 49/2007) shall be amended as follows:

1. Article 107 shall be amended to read as follows:

"Article 107. The public provider, the electricity system operator, the public suppliers, the suppliers of last resort, the

transmission company and the distribution companies shall have the option to move for the issuance of an enforcement order under Article 410 (1) of the Code of Civil Procedure for the receivables thereof for electricity provided or transmitted, as well as for the services rendered thereby under this Act, regardless of the amount of the said receivables."

2. Article 154 shall be amended to read as follows:

"Article 154. In respect of the liabilities of any customers, who are defaulting payers, and of the association referred to in Article 151 (1) herein to the heat transmission company, an enforcement order may be issued under Article 410 (1) of the Code of Civil Procedure, regardless of the amount of the said liabilities. An equalizing bill for the respective year for which the liability applies must have been prepared in respect of the liabilities of any customers with application of a share distribution system, who are defaulting payers."

3. In Article 184, the words "may collect the receivables thereof for natural gas from defaulting payers according to the procedure established by Littera (j) of Article 237 the Code of Civil Procedure on the basis of abstracts of the bills" shall be replaced by "shall have the option to move for the issuance of an enforcement order under Article 410 (1) of the Code of Civil Procedure for the receivables thereof for supply of natural gas regardless of the amount of the said receivables".

§ 23. The Obligations and Contracts Act (promulgated in the State Gazette No. 275/1950; corrected in Transactions of the Presidium of the National Assembly No. 2/1951; amended in No. 69/1951, No. 92/1952; State Gazette No. 85/1963, No. 27/1973, No. 16/1977, No. 28/1982, No. 30/1990, Nos. 12 and 56/1993, Nos. 83 and 104/1996, Nos. 83 and 103/1999, No. 34/2000, No. 19/2003, Nos. 42 and 43/2005, No. 36/2006) shall be amended and supplemented as follows:

1. In Article 37, the words "with notarized signature" shall be replaced by "with notarial certification of the signature and the contents, performed simultaneously".

2. Article 160 shall be amended to read as follows:

"Article 160. Where a secured claim is monetary or liquidated damages in cash have been agreed for it, if the pledge is created by a contract in writing or is provided by operation of law for securing claims which arise from a contract in writing, the creditor shall have the option to move for the issuance of an immediate enforcement order according to the procedure established by Article 418 of the Code of Civil Procedure."

3. Article 165 shall be amended to read as follows:

"Article 165. A creditor who has a pledge on a claim shall have the option to move for the issuance of an immediate enforcement order according to the procedure established by Article 418 of the Code of Civil Procedure under the terms and according to the procedure established by Article 160 herein and shall be satisfied preferentially according to the procedure for reversal of the enforcement of a claim."

4. In Article 173, Paragraph (3) shall be amended to read as follows:

"(3) If a claim is for a specific amount of money, or if liquidated damages in cash have been agreed for it, the creditor shall have the option to move, on the basis of the act on recording of the mortgage, for the issuance of an immediate enforcement order according to the procedure established by Article 418 of the Code of Civil Procedure."

§ 24. (Effective 24.07.2007, SG No. 59/2007) The Child Protection Act (promulgated in the State Gazette No. 48/2000; amended in Nos. 75 and 120/2002, Nos. 36 and 63/2003, Nos. 70 and 115/2004, Nos. 28, 94 and 103/2005, Nos. 30, 38 and 82/2006) shall be amended as follows:

1. In Article 4 (1), there shall be added a new Item 12 to read as follows:

"12. taking of measures of a provisional character for the protection of a child in the cases and under the terms established by Article 12 of the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for Protection of Children, done at The Hague on the 19th day of October 1996 (ratified by law, promulgated in the State Gazette No. 9/2006) (Convention promulgated in the State Gazette No. 15/2007), hereinafter referred to as "the Convention of 1996".

2. In Article 21, there shall be added a new Paragraph (3) to read as follows:

"(3) In pursuance of Article 35, paragraph 2 of the Convention of 1996, the Social Assistance Directorate, exercising

competence over the permanent address of the parent who has approached the relevant competent authority with a request to obtain or to maintain access to the child who does not habitually reside in the Republic of Bulgaria, shall gather information or evidence and shall make a finding on the suitability of that parent to exercise the rights of access, as well as on the conditions under which access is to be exercised."

3. There shall be inserted a new Chapter Three A with Articles 22a to 22g and a new Chapter Three B with Articles 22h to 22m, to read as follows:

Chapter Three A

"PROCEEDINGS CONCERNING RETURN OF A CHILD OR EXERCISE OF RIGHTS OF ACCESS

Article 22a. (1) A petition for the return of a child or for the exercise of rights of access under the Hague Convention on the Civil Aspects of International Child Abduction, done at The Hague on the 25th day of October 1980 (ratified by law, promulgated in the State Gazette No. 20 of 2003) (Convention promulgated in the State Gazette No. 82/2003), hereinafter referred to as "the Hague Convention", shall be examined by the Sofia City Court in public session with the participation of:

1. the Ministry of Justice or the applicant;
2. the interested parties;
3. a prosecutor.

(2) The Social Assistance Directorate with the municipality wherein the child has its present address shall submit an opinion in the proceeding under Paragraph (1). The court shall hear the child in accordance with Article 15 herein.

(3) The Ministry of Justice shall represent the applicant, where the petition has been lodged care of the said Ministry. The said Ministry may appoint a representative to act on its behalf.

Article 22b. The court, acting on a motion as submitted or ex officio, may rule on a suitable provisional measure for the protection of the child for the purpose of avoiding any further dangers to the child or detriment to the parties.

Article 22c. (1) The court shall render judgment within one month after submission of the petition.

(2) In the proceeding under Article 22a (1), the court shall not examine the question of exercise of the rights of custody on the merits.

Article 22d. (1) The judgment of the Sofia City Court shall be appealable by the persons covered under Article 22a (1) before the Sofia Appellate Court.

(2) Within one month after lodgment of any such appeal, the court shall render judgment which shall be final.

Article 22e. In this proceeding, the court may take evidence of its own motion, as well as assist the parties in exercising their procedural rights.

Article 22f. Where a foreign court applies Article 15 of the Hague Convention, the Bulgarian authority competent to determine that the removal or retention of a child was wrongful shall be the court which has examined or is examining the questions regarding the rights of custody, or the Ministry of Justice, where the said questions have not been a subject matter of a court proceeding.

Article 22g. (1) The rules of this Chapter shall furthermore apply, mutatis mutandis, in respect of the Convention of 1996 concerning parental responsibility and measures for the protection of children.

(2) In the cases and under the terms of Articles 8, 9 and 13 of the Convention of 1996, the competent court first seised, if it considers that this is in the child's best interests, may decline jurisdiction in favour of a foreign court second seised or accept to examine the case and render judgment, where the foreign court first seised has declined jurisdiction in favour of the said competent court.

(3) In the cases referred to in Paragraph (2), the judgment rendered by the foreign court shall be recognizable and enforceable according to the procedure established by Chapter Three B.

SPECIAL RULES FOR RECOGNITION AND ADMISSION TO ENFORCEMENT OF DECISIONS OF FOREIGN COURTS AND OF OTHER FOREIGN AUTHORITIES CONCERNING CUSTODY AND MEASURES FOR THE PROTECTION OF CHILDREN

Article 22h. (1) A petition for recognition and admission to enforcement of a decision of a foreign court or another foreign authority concerning the exercise of rights of custody and restoration of the exercise of rights of custody upon improper removal of a child, based on the European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children of 1980, done at Luxembourg on the 20th day of May 1980 (ratified by law, promulgated in the State Gazette No. 21/2003) (Convention promulgated in the State Gazette No. 104/2003), hereinafter referred to as "Luxembourg Convention", shall be examined by the Sofia in public session with the participation of:

1. the Ministry of Justice;
2. the parties to the foreign decision;
3. a prosecutor.

(2) Paragraph (1) shall not apply where the applicant has seised the court directly.

(3) The Social Assistance Directorate with the municipality wherein the child has its present address shall submit an opinion in the proceeding under Paragraph (1). The court shall hear the child in accordance with Article 15 herein.

(4) The court, acting on a motion as submitted or ex officio, may rule on a suitable provisional measure for the protection of the child for the purpose of avoiding any further dangers to the child or detriment to the parties.

Article 22i. (1) The court shall suspend the proceeding under Article 22g (1) herein where:

1. the decision is subject to appeal;
2. a proceeding on the merits of the dispute, which has commenced before the proceeding in the State of origin of the decision whereof the recognition and/or admission to enforcement is applied for, is pending before a Bulgarian court;
3. another decision concerning the exercise of the rights of custody is the subject of a proceeding for recognition and/or admission to enforcement of the said decision.

(2) In the cases referred to in Item 2 of Paragraph (1), the court shall immediately notify the relevant court, which shall be obligated to pronounce within one month after notification.

Article 22j. (1) The court shall render judgment within one month after submission of the petition.

(2) The judgment of the court shall be appealable before the Sofia Appellate Court.

(3) The Sofia Appellate Court shall render judgment within the time limit referred to in Paragraph (1). The said judgment shall be final.

Article 22k. (1) Recognition and enforcement of a decision on exercise of the rights of custody, rendered after the removal of the child, may be applied for according to the procedure established by this Chapter, if the said removal has been declared improper by the said decision.

(2) A recognition and enforcement of the decision of another State party to the Luxembourg Convention shall be refused in the cases covered by Articles 8 and 9, where the grounds provided under Article 10, paragraph 1 of the Convention exist.

(3) A recognition and enforcement of the decision shall be admitted solely in so far as the said decision is enforceable in the State of origin of the said decision.

Article 22l. Save in so far there are no special rules concerning this proceeding, the standard action proceeding rules in the Code of Civil Procedure shall apply.

Article 22m. The rules of this Chapter shall furthermore apply, *mutatis mutandis*, in respect of the Convention of 1996

concerning the recognition and enforcement of decisions of foreign courts and of other foreign authorities."

4. In Article 25, there shall be added a new Item 5 to read as follows:

"5. in the cases covered under Article 11 of the Convention of 1996."

§ 25. The Consumer Protection Act (promulgated in the State Gazette No. 99/2005; amended in Nos. 30, 51, 53, 59, 105 and 108/2006, Nos. 31 and 41/2007) shall be amended and supplemented as follows:

1. In Article 186 (1), there shall be added the following sentence two: "Any such action shall be examined according to the procedure established by Chapter Thirty-Three "Proceedings in Class Actions" of the Code of Civil Procedure."

2. Article 186b shall be repealed.

3. In Article 188, Paragraphs (2) and (3) shall be repealed.

4. In Article 189:

(a) Paragraphs (2) and (3) shall be repealed;

(b) Paragraph (5) shall be repealed.

5. Article 190a shall be repealed.

§ 26. The Protection Against Discrimination Act (promulgated in the State Gazette No. 86/2003; amended in No. 70/2004, No. 105/2005, Nos. 30 and 68/2006) shall be amended as follows:

1. In Article 61:

(a) in Paragraph (2), the words "Article 105 (3)" shall be replaced by "Article 136";

(b) in Paragraph (3), the words "Chapter Three" shall be replaced by "Articles 22 to 24".

2. In Article 71 (3), the words "Article 174" shall be replaced by "Article 218".

§ 27. In the Health Insurance Act (promulgated in the State Gazette No. 70/1998; amended in Nos. 93 and 153/1998, Nos. 62, 65, 67, 69, 110 and 113/1999, Nos. 1, 31 and 64/2000, No. 41/2001, Nos. 1, 54, 74, 107, 112, 119 and 120/2002, Nos. 8, 50, 107 and 114/2003, Nos. 28, 38, 49, 70, 85 and 111/2004, Nos. 39, 45, 76, 99, 102, 103 and 105/2005, Nos. 17, 18, 30, 33, 34, 59, 95 and 105/2006, No. 11/2007, modified by Constitutional Court Judgment No. 3/2007, promulgated in No. 26/2007; amended in Nos. 31 and 46/2007), in Article 111, Paragraph (2) shall be amended to read as follows:

"(2) In respect of the amount due under Paragraph (1), the Regional Health Insurance Fund shall have the option to move for the issuance of an immediate enforcement order according to the procedure established by Article 418 of the Code of Civil Procedure on the basis of an abstract of the books of account of the said Fund."

§ 28. In the Mortgage Bonds Act (promulgated in the State Gazette No. 83/2000; amended in No. 59/2006), in Article 22 (2), the words "Articles 375 to 389" shall be replaced by "Articles 486 to 501".

§ 29. The Cadastre and Property Register Act (promulgated in the State Gazette No. 34/2000; amended in Nos. 45 and 99/2002, No. 36/2004, Nos. 39 and 105/2005, Nos. 29 and 30/2006) shall be amended as follows:

1. In Article 87, the words "Chapter Forty-Six" shall be replaced by "Chapter Forty-Nine 'General Rules'".

2. In Article 88, the words "Article 431 (2) and (3)" shall be replaced by "Article 537 (2) and (3)".

3. In Article 89, the words "Article 192 (2)" shall be replaced by "Article 247".

§ 30. In the Chambers of Architects and Engineers in Project Development Design Act (promulgated in the State Gazette No. 20/2003; amended in No. 65/2003, No. 77/2005, Nos. 30 and 79/2006), in Article 30, the words "to obtain writs of execution under the provisions of Chapter Twenty-Three of the Code of Civil Procedure" shall be replaced by "to move for the issuance of an enforcement order under Article 410 (1) of the Code of Civil Procedure regardless of the amount of the said receivables."

§ 31. In the Concessions Act (promulgated in the State Gazette No. 36/2006; amended in Nos. 53, 65 and 105/2006, No. 41/2007), in Article 89 (2), the words "Article 41 (5)" shall be replaced by "Article 56 (3)".

§ 32. In the Credit Institutions Act (promulgated in the State Gazette No. 58/2006; amended in No. 105/2006), in Article 60 (2), the words "shall be entitled to obtain a writ of execution according to a statement of account for the whole amount due" shall be replaced by "shall have the option to move for the issuance of an immediate enforcement order according to the procedure established by Article 418 of the Code of Civil Procedure on the basis of an abstract of the books of account thereof."

§ 33. In the Marks and Geographical Indications Act (promulgated in the State Gazette No. 81/1999; corrected in No. 82/1999; amended in Nos. 28, 43, 94 and 105/2005, Nos. 30, 73 and 96/2006), Article 76g shall be amended as follows:

1. The heading shall be amended to read as follows: "Interim Measures".
2. In Paragraph (1), in the text before Item 1, the words "the person in regard of whom the injunction is requested" shall be replaced by "the respondent party".
3. In Paragraph (2), the word "injunctions" shall be replaced by "interim measures", the words "Articles 308 to 322" shall be replaced by "Articles 389 to 403", and the words "Article 317" shall be replaced by "Article 398".
4. In Paragraph (3), the word "injunction" shall be replaced by "interim measure".
5. In Paragraph (4), in sentence one, the word "injunctions" shall be replaced by "interim measures", the words "state or private law enforcement" shall be replaced by "enforcement", and the words "admission of the injunction" shall be replaced by "imposition of the measure", and in sentence two, the word "injunction" shall be replaced by "interim measure".
6. In Paragraph (5), the word "injunctions" shall be replaced by "interim measures".
7. In Paragraph (6), the word "injunction" shall be replaced by "interim measure".

§ 34. The International Commercial Arbitration Act (promulgated in the State Gazette No. 60/1988; amended in No. 93/1993, No. 59/1998, No. 38/2001, No. 46/2002; modified by Constitutional Court Judgment No. 9/2002, promulgated in No. 102/2002) shall be amended as follows:

1. In sentence one of Article 8 (1), the words "at the first court meeting" shall be replaced by "within the time limit for an answer to the statement of action".
2. In Article 16 (1), the words "Articles 126b and 126c" shall be replaced by "Article 71".
3. In Article 48 (3), the words "Articles 54 and 55" shall be replaced by "Article 71".
4. In Article 51, Paragraph (3) shall be amended to read as follows:

"(3) The actions for recognition and admission to enforcement of foreign arbitration awards and of the settlements reached before foreign arbitration courts on arbitration cases shall be brought, unless otherwise provided for in an international treaty whereto the Republic of Bulgaria is a party, before the Sofia City Court, and Articles 118 to 122 of the Private International Law Code shall apply, *mutatis mutandis*, to the consideration of any such actions, with the exception of the right of the execution debtor to raise a defence of extinguishment of the claim."

§ 35. In the Customs Act (promulgated in the State Gazette No. 15/1998; amended in Nos. 89 and 153/1998, Nos. 30 and 83/1999, No. 63/2000, No. 110/2001, No. 76/2002, Nos. 37 and 95/2003, No. 38/2004, Nos. 45, 86, 91 and 105/2005, Nos. 30 and 105/2006) shall be amended as follows:

1. In Item 9 of Article 14 (1), the words "Article 64 (5)" shall be replaced by "Article 78 (6) and (8)".
2. In Article 211j (1), the words "Article 231" shall be replaced by "Article 303".

§ 36. In the Succession Act (promulgated in the State Gazette No. 22/1949; corrected in No. 41/1949; amended in No. 275/1950, No. 41/1985, No. 60/1992, modified by Constitutional Court Judgment No. 4/1996, promulgated in No. 21/1996; amended in No. 104/1996, No. 117/1997, No. 96/1999, No. 34/2000), in Article 24 (2), the words "Article 474 (1) and (2)" shall be replaced by "Article 578 (1) and (2)".

§ 37. The Notaries and Notarial Practice Act (promulgated in the State Gazette No. 104/1996; amended in Nos. 117, 118 and 123/1997, No. 24/1998, No. 69/1999, No. 18/2003, Nos. 29 and 36/2004, Nos. 19 and 43/2005, Nos. 30, 39 and 41/2006) shall be amended as follows:

1. In Article 50, the words "Articles 41 to 52" shall be replaced by "Articles 37 to 58".

2. Article 61 shall be amended to read as follows:

"Coercive Enforcement

Article 61. In respect of the sums due, the Notary Chamber of Bulgaria shall have the option, acting on a resolution of the General Meeting, to move for the issuance of an enforcement order under Article 410 (1) of the Code of Civil Procedure regardless of the amount of the said sums."

3. In Article 89, Paragraph (3) shall be amended to read as follows:

"(3) In respect of any unpaid notarial fees, the notary shall have the option to move for the issuance of an enforcement order under Article 410 (1) of the Code of Civil Procedure regardless of the amount of the said fees."

§ 38. In the Indemnification of Nationalized Property Owners Act (promulgated in the State Gazette No. 107/1997; modified by Constitutional Court Judgment No. 4/1998, promulgated in No. 30/1998; amended in Nos. 45, 88 and 135/1998, No. 12/1999, No. 9/2000; corrected in No. 10/2000; amended in No. 99/2000, No. 25/2001, Nos. 28, 45, 47/2002, No. 112/2003, No. 101/2004, No. 24/2006), in Article 6, Paragraph (12) shall be repealed.

§ 39. In the Public Procurement Act (promulgated in the State Gazette No. 28/2004; amended in No. 53/2004, Nos. 31, 34 and 105/2005, Nos. 18, 33, 37 and 79/2006), in Article 122b (2), the words "Article 41 (5)" shall be replaced by "Article 56 (3)".

§ 40. In the Municipal Property Act (promulgated in the State Gazette No. 44/1996; amended in No. 104/1996, No. 55/1997, Nos. 22 and 93/1998, Nos. 23, 56, 64, 67, 69 and 96/1999, No. 26/2000, No. 34/2001, No. 120/2002, No. 101/2004, Nos. 29, 30 and 36/2006), in Article 27 (3), the words "Article 41 (5) and the time limit referred to in Article 157 (1)" shall be replaced by "Article 56 (3) and the time limit referred to in Article 199".

§ 41. The Registered Pledges Act (promulgated in the State Gazette No. 100/1996; amended in No. 86/1997, No. 42/1999, Nos. 19 and 58/2003, Nos. 34 and 43/2005, Nos. 30 and 34/2006) shall be amended as follows:

1. In Article 35:

(a) Paragraph (1) shall be amended to read as follows:

"(1) Where the pledgor does not duly cooperate for the foreclosure on the pledged property or for its conservation, the pledgee, proceeding from an abstract from the registry of a recorded security interest and a recording of commencement of foreclosure, shall have the option to move for the issuance of an immediate enforcement order according to the procedure established by Article 418 of the Code of Civil Procedure. The delivery of the pledged property shall follow the procedure established by Article 521 of the Civil Procedure Code.";

(b) in Paragraph (2), the words "the public or private enforcement" shall be replaced by "the enforcement".

2. Article 36 shall be amended to read as follows:

"Challenge of Rights

Article 36. In the foreclosure proceeding, the pledgor may challenge the debt or the security interest according to the procedure established by Article 439 of the Code of Civil Procedure."

3. In Article 37 (4), the words "Article 372" shall be replaced by "Article 482".

4. In Article 40 (2), the words "Article 372" shall be replaced by "Article 482".

5. In Article 41 (2), the words "Article 217" shall be replaced by "Article 278".

6. In Article 42, the words "Article 369" shall be replaced by "Article 464".

§ 42. The Republic of Bulgaria Defence and Armed Forces Act (promulgated in the State Gazette No. 112/1995; amended in No. 67/1996, No. 122/1997, Nos. 70, 93, 152 and 153/1998, Nos. 12, 67 and 69/1999, Nos. 49 and 64/2000, No. 25/2001, Nos. 1, 40, 45 and 119/2002, Nos. 50, 86, 95 and 112/2003, Nos. 93 and 111/2004, Nos. 27, 38, 76, 88, 102 and 105/2005, Nos. 30, 36, 56, 82, 91 and 102/2006, No. 11, 41 and 46/2007) shall be amended as follows:

1. In Article 300, Paragraph (3) shall be amended to read as follows:

"(3) In respect of the costs referred to in Paragraphs (1) and (2), the relevant competent authority, designated by the Minister of Defence, shall have the option to move for the issuance of an immediate enforcement order according to the procedure established by Article 418 of the Code of Civil Procedure on the basis of an abstract of the books of account of the said authority."

2. In Article 300a, Paragraph (2) shall be amended to read as follows:

"(2) In respect of the costs referred to in Paragraph (1), the relevant competent authority, designated by the Minister of Defence, shall have the option to move for the issuance of an immediate enforcement order according to the procedure established by Article 418 of the Code of Civil Procedure on the basis of an abstract of the books of account of the said authority."

§ 43. In the Criminal Assets Forfeiture Act (promulgated in the State Gazette No. 19/2005; amended in Nos. 86 and 105/2005, Nos. 33 and 75/2006), in Article 28 (5), the words "Article 87 (4)" shall be replaced by "Article 124 (5)".

§ 44. In the Patents and Utility Models Registration Act (promulgated in the State Gazette No. 27/1993; amended in No. 83/1996, No. 11/1998, No. 81/1999, Nos. 45 and 66/2002, No. 17/2003, Nos. 30 and 64/2006, No. 31/2007), in Article 67 (4), sentence two shall be amended to read as follows: "Non-payment of this fee may not serve as grounds to suspend procedures, but the receiving office shall have the option to move for the issuance of an immediate enforcement order according to the procedure established by Article 418 of the Code of Civil Procedure on the basis of an abstract of the books of account of the said office."

§ 45. In the Agricultural Producers Support Act (promulgated in the State Gazette No. 58/1998; amended in Nos. 79 and 153/1998, Nos. 12, 26, 86 and 113/1999, No. 24/2000, Nos. 34 and 41/2001, Nos. 46 and 96/2002, No. 18/2004, Nos. 14 and 105/2005, Nos. 18, 30, 34, 59, 96 and 108/2006, No. 13/2007), in Article 27, Paragraph (2) shall be amended to read as follows:

"(2) In respect of the receivables thereof from natural and legal persons, the Fund shall have the option to move for the issuance of an immediate enforcement order according to the procedure established by Article 418 of the Code of Civil Procedure on the basis of an abstract of the books of account of the said Fund. Any such receivables shall be collected by the State Receivables Collection Agency."

§ 46. The Political Parties Act (promulgated in the State Gazette No. 28/2005; amended in No. 102/2005, Nos. 17 and 73/2006) shall be amended as follows:

1. In Article 18, Paragraph (1) shall be amended to read as follows:

"(1) Any judgment on the petition for registration shall be appealable or protestable before the Supreme Court of Cassation within seven days after learning of the said judgment regardless of the prerequisites for cassation appealability covered under Article 280 (1) of the Code of Civil Procedure."

2. In Article 41:

(a) Paragraph (1) shall be amended to read as follows:

"(1) The Sofia City Court judgment referred to in Article 40 herein shall be appealable before the Supreme Court of Cassation regardless of the prerequisites for cassation appealability covered under Article 280 (1) of the Code of Civil Procedure.";

(b) in Paragraph (2), the words "Article 231" shall be replaced by "Article 303".

§ 47. In the Privatization and Post-privatization Control Act (promulgated in the State Gazette No. 28/2002; amended in No.

78/2002, Nos. 20 and 31/2003; modified by Constitutional Court Judgment No. 5/2003, promulgated in No. 39/2003; amended in Nos. 46 and 84/2003, Nos. 55 and 115/2004, Nos. 28, 39, 88, 94, 103 and 105/2005, Nos. 36, 53, 72 and 105/2006), § 11b of the Supplementary Provisions shall be amended to read as follows:

"§ 11b. In respect of the installments of the price under contracts for privatization, the Post-privatisation Control Agency and the authorities referred to in Article 4 (2) herein shall have the option to move for the issuance of an immediate enforcement order according to the procedure established by Article 418 of the Civil Procedure Code on the basis of an abstract of the books of account of the said Agency."

§ 48. The Industrial Designs Act (promulgated in the State Gazette No. 81/1999; amended in No. 17/2003, Nos. 43 and 105/2005, Nos. 30 and 73/2006) shall be amended as follows:

1. In Article 57g:

(a) the heading shall be amended to read as follows: "Interim Measures".

(b) in Paragraph (1), in the text before Item 1, the words "the person in respect to whom a security measure is requested" shall be replaced by "the respondent party".

(c) in Paragraph (2), the words "security measures" shall be replaced by "interim measures", the words "Articles 308 to 322" shall be replaced by "Articles 389 to 403", and the words "Article 317" shall be replaced by "Article 398".

(d) In Paragraph (3), the words "security measure" shall be replaced by "interim measure".

(e) in Paragraph (4), in sentence one, the word "security measures" shall be replaced by "interim measures", the words "a public or private law enforcement" shall be replaced by "an enforcement", and the words "admission of the security interest" shall be replaced by "imposition of the measure", and in sentence two, the words "security measure" shall be replaced by "interim measure".

(f) in Paragraph (5), the words "security measures" shall be replaced by "interim measures".

(g) in Paragraph (6), the words "security measure" shall be replaced by "interim measure".

2. In Article 60a:

(a) the heading shall be amended to read as follows: "Interim Measures";

(b) in Paragraph (1), in the text before Item 1, the word "injunctions" shall be replaced by "measures";

(c) Paragraph (2) shall be amended to read as follows:

"(2) The admission, imposition and lifting of interim measures shall follow the procedure established by Articles 389 to 403 of the Code of Civil Procedure, with the exception of sentence one of Article 398 (2), save insofar as this Act provides for otherwise."

(d) in Paragraph (3), the word "injunction" shall be replaced by "interim measure";

(e) in Paragraph (4), the word "injunctions" shall be replaced by "interim measures", the words "executive judge" shall be replaced by "enforcement agent", and the words "admission of the security interest" shall be replaced by "imposition of the measure";

(f) in Paragraph (5), the word "injunctions" shall be replaced by "interim measures";

(g) in Paragraph (6), in sentence one, the word "injunctions" shall be replaced by "interim measures" and the words "executive judge" shall be replaced by "enforcement agent", and in sentence two, the word "injunction" shall be replaced by "interim measure";

(h) in Paragraph (7), the word "injunction" shall be replaced by "interim measure", and the words "the said security interest" shall be replaced by "imposition of the said measure".

§ 49. In the Roads Act (promulgated in the State Gazette No. 26/2000; amended in No. 88/2000, No. 111/2001, Nos. 47

and 118/2002, Nos. 9 and 112/2003, Nos. 6 and 14/2004, Nos. 88 and 105/2005, Nos. 30, 36, 64, 102, 105 and 108/2006), in Article 57, Paragraph (2) shall be amended to read as follows:

"(2) In the event of failure to comply with the provision contained in Paragraph (1), the authority managing the road shall repair the consequences of the violation at the expense of the offender. In respect of the receivable thereof from the offender, the administration shall have the option to move for the issuance of an immediate enforcement order according to the procedure established by Article 418 of the Code of Civil Procedure on the basis of an abstract of the books of account of the said administration."

§ 50. In the Irrigation Associations Act (promulgated in the State Gazette No. 34/2001; amended in No. 108/2001, No. 30/2006), Article 54 shall be amended to read as follows:

"Article 54. In respect of the receivables thereof, the associations shall have the option to move for the issuance of an enforcement order under Article 410 (1) of the Code of Civil Procedure regardless of the amount of the said receivables."

§ 51. In the Ownership Act (promulgated in Transactions of the Presidium of the National Assembly No. 92/1951; amended in No. 12/1958, No. 90/1960, Official Gazette No. 99/1963, Nos. 26 and 27/1973, Nos. 54 and 87/1974, No. 55/1978, No. 36/1979, No. 19/1985, Nos. 14 and 91/1988, No. 38/1989, No. 31/1990, No. 77/1991, No. 33/1996, No. 100/1997, No. 90/1999, Nos. 34 and 59/2000, No. 32/2005, No. 46/2006, No. 24/2007), in Article 46, Paragraph (2) shall be amended to read as follows:

"(2) On the basis of an effective resolution of the general meeting under Article 45, the manager or the chairman of the managing council shall have the option to move for the issuance of an enforcement order according to the procedure established by Article 410 (1) of the Code of Civil Procedure."

§ 52. In the Agricultural Land Ownership and Use Act (promulgated in the State Gazette No. 17/1991; corrected in No. 20/1991; amended in No. 74/1991, Nos. 18, 28, 46 and 105/1992, No. 48/1993; modified by Constitutional Court Judgment No. 12/1993, promulgated in No. 64/1993; amended in No. 83/1993, No. 80/1994, Nos. 45 and 57/1995; modified by Constitutional Court Judgments Nos. 7 and 8/1995, promulgated in No. 59/1995; amended in No. 79/1996; modified by Constitutional Court Judgments No. 20/1996, promulgated in No. 103/1996; amended in No. 104/1996, Nos. 62, 87, 98 and 123/1997, Nos. 59, 88 and 133/1998, No. 68/1999, Nos. 34 and 106/2000, Nos. 28, 47 and 99/2002, No. 16/2003, No. 36/2004, Nos. 17 and 30/2006, Nos. 13 and 24/2007), in Item 1 of Article 19 (8), the words "Article 483" shall be replaced by "Article 587".

§ 53. In the Social Assistance Act (promulgated in the State Gazette No. 56/1998; amended in Nos. 45 and 120/2002, Nos. 18, 30 and 105/2006), in Article 14b, Paragraph (2) shall be amended to read as follows:

"(2) The coercive enforcement of the order referred to in Article 14a (3) herein shall be admitted on a motion by the Social Assistance Directorate according to the procedure established by Article 418 of the Code of Civil Procedure."

§ 54. In the State Receivables Collection Act (promulgated in the State Gazette No. 26/1996; amended in No. 104/1996, No. 51/1997, No. 59/1998, No. 103/1999; modified by Constitutional Court Judgment No. 2/2000, promulgated in No. 29/2000; amended in No. 63/2000, No. 111/2001, Nos. 28 and 46/2002, No. 105/2005, No. 105/2006), in Article 87, Paragraph (2) shall be amended to read as follows:

"(2) The receivables covered under Paragraph (1), with the exception of the receivables referred to in Item 5, shall be ascertained by an act of ascertainment of a private state receivable, which shall be issued by the Executive Director of the Agency. On the basis of the act of ascertainment of a private state receivable, the Agency shall have the option to move for the issuance of an immediate enforcement order according to the procedure established by Article 418 of the Code of Civil Procedure."

§ 55. In the Judicial System Act (promulgated in the State Gazette No. 59/1994; modified by Constitutional Court Judgment No. 8/1994, promulgated in No. 78/1994; modified by Constitutional Court Judgment No. 9/1994, promulgated in No. 87/1994; modified by Constitutional Court Judgment No. 17/1995, promulgated in No. 93/1995; amended in No. 64/1996; modified by Constitutional Court Judgment No. 19/1996, promulgated in No. 96/1996; amended in Nos. 104 and 110/1996, Nos. 58, 122 and 124/1997, Nos. 11 and 133/1998; modified by Constitutional Court Judgment No. 1/1999, promulgated in No. 6/1999; amended in Nos. 34, 38 and 84/2000, No. 25/2001, No. 74/2002; modified by Constitutional Court Judgment No. 11/2002, promulgated in No. 110/2002; modified by Constitutional Court Judgment No. 13/2002, promulgated in No. 118/2002; amended in Nos. 61 and 112/2003, Nos. 29, 36 and 70/2004; modified by Constitutional Court Judgment No.

4/2004, promulgated in No. 93/2004; modified by Constitutional Court Judgment No. 4/2005, promulgated in No. 37/2005; amended in Nos. 43 and 86/2005, No. 17/2006; modified by Constitutional Court Judgment No. 1/2006, promulgated in No. 23/2006; amended in Nos. 30 and 39/2006), in Article 175 (2), Article 176 (3), Article 181 (4) and Article 182, the words "Articles 41 to 52" shall be replaced by "Articles 37 to 58".

§ 56. In the Commercial Register Act (promulgated in the State Gazette No. 34/2006; amended in Nos. 80 and 105/2006), in sentence one of Article 25 (4), the words "Chapter Twenty A" shall be replaced by "Chapter Twenty One `Appellate Review of Rulings'".

§ 57. The Private Enforcement Agents Act (promulgated in the State Gazette No. 43/2005; amended in No. 39/2006, No. 31/2007) shall be amended as follows:

1. Article 15 shall be repealed.

2. In Article 16:

(a) Paragraph (1) shall be repealed;

(b) the existing Paragraph (2) shall be renumbered to become Paragraph (1);

(c) the existing Paragraph (3) shall be renumbered to become Paragraph (2), and the figure "2" therein shall be replaced by "under Article 431 (3) of the Code of Civil Procedure".

3. In Article 18:

(a) in Paragraph (4), in sentence one the words "Article 414" shall be replaced by "Article 521", and in sentence two, the words "Articles 357 and 358" shall be replaced by "Articles 462 and 463";

(b) Paragraph (5) shall be amended to read as follows:

"(5) Acting on a court order, a private enforcement agent may serve notices and summonses in civil cases."

4. In Article 19 (3), the words "Article 12" shall be replaced by "Article 22".

5. In Article 43, the words "Articles 41 to 52" shall be replaced by "Articles 37 to 58".

6. Article 54 shall be amended to read as follows:

"Coercive Enforcement

Article 54. In respect of the sums due under an effective decision of the General Meeting, the Chamber shall have the option to move for the issuance of an enforcement order under Article 410 (1) of the Code of Civil Procedure regardless of the amount of the said sums."

7. In Article 71 (5), the words "Articles 165 to 170" shall be replaced by "Articles 207 to 209".

8. In Article 79, Paragraph (3) shall be amended to read as follows:

"(3) In respect of any fees and costs outstanding and not paid, the private enforcement agent shall have the option to move for the issuance of an enforcement order under Article 410 (1) of the Code of Civil Procedure regardless of the amount of the said fees and costs."

§ 58. The Commerce Act (promulgated in the State Gazette No. 48/1991; amended in No. 25/1992, Nos. 61 and No. 103/1993, No. 63/1994, No. 63/1995, Nos. 42, No. 59, 83, 86 and 104/1996, Nos. 58, 100 and 124/1997, Nos. 52 and No. 70/1998, Nos. 33, 42, 64, 81, 90, 103 and 114/1999, No. 84/2000, Nos. 28, 61 and 96/2002, Nos. 19, 31 and 58/2003, Nos. 31, 39, 42, 43, 66, 103 and 105/2005, Nos. 38, 59 and 105/2006) shall be amended and supplemented as follows:

1. (Amended, SG No. 50/2008) In Article 70 (6), the words "Article 498" shall be replaced by "Article 604".

2. In Article 74, there shall be added a new Paragraph (4) to read as follows:

"(4) The action shall be examined according to the procedure established by Chapter Thirty-Three 'Proceedings in Class Actions' of the Code of Civil Procedure, where the contested resolution has been passed by the general meeting of a joint-stock company with issued bearer shares or by an investment company of the open-end type. Exclusion from participation shall not be granted in this case."

3. In Article 232 (4), the words "Article 488a" shall be replaced by "Article 583".

4. In Article 263n (5), the words "Twelve A 'Summary Proceedings' of the Code of Civil Procedure, and Article 126e shall not apply" shall be replaced by "Thirty-Two 'Proceedings in Commercial Disputes' of the Code of Civil Procedure".

5. In Article 264k (5), the words "Twelve A 'Summary Proceedings' of the Code of Civil Procedure, and Article 126e shall not apply" shall be replaced by "Thirty-Two 'Proceedings in Commercial Disputes' of the Code of Civil Procedure".

6. In Article 581 (1), the words "Article 456" shall be replaced by "Article 560".

7. In Article 613a:

(a) in Paragraph (1), the words "before the Supreme Court of Cassation following the rules set out in Chapter Nineteen A of" shall be replaced by "according to the standard procedure established by";

(b) in Paragraph (3), the words "Chapters Eighteen and Nineteen" shall be replaced by "Chapter Twenty 'Intermediate Appellate Review'".

8. Article 708 shall be amended to read as follows:

"Collection of Transformed Claim

Article 708. On the basis of the plan as endorsed by the court, the creditor shall have the option to move for the issuance of an order under Article 410 (1) of the Code of Civil Procedure for enforcement of the transformed claim regardless of the amount of the said claim."

§ 59. In the Family Code (promulgated in the State Gazette No. 41/1985; amended in No. 11/1992; corrected in No. 15/1992; amended in Nos. 63 and 84/2003, No. 42/2005, No. 30/2006), Article 79 shall be amended and supplemented as follows:

1. The existing text shall be redesignated to become Paragraph (1).

2. There shall be added a new Paragraph (2) to read as follows:

"(2) The actions for support and for an increase of support shall be examined according to the procedure established by Chapter Twenty-Five 'Summary Proceedings' of the Code of Civil Procedure."

§ 60. (Effective 24.07.2007, SG No. 59/2007) Within three months after the promulgation of this Code in the State Gazette, the Council of Ministers shall lay before the National Assembly drafts of acts to amend and supplement the law whose provisions must be brought into conformity with this Code.

§ 61. This Code shall enter into force on the 1st day of March 2008, with the exception of:

1. Part Seven 'Special Rules Regarding Proceedings in Civil Cases Subject to Operation of European Union Law';

2. § 2 (4);

3. § 3 in respect of the repeal of Chapter Thirty-Two A 'Special Rules for the Recognition and Admission for Enforcement of Decisions of Foreign Courts and of Other Foreign Bodies' with Articles 307a to 307e and Part Seven 'Proceedings Concerning Return of a Child or Exercise of the Right of Access' with Articles 502 to 507;

4. § 4 (2);

5. § 24;

6. § 60,

which shall enter into force three days after the promulgation of this Code in the State Gazette.

Act to Amend and Supplement the Code of Civil Procedure

(SG No. 50/2008, effective 1.03.2008)

TRANSITIONAL AND FINAL PROVISIONS

§ 43. The rules of procedure referred to in Article 342 (1) of the Judicial System Act shall regulate, inter alia, the registers referred to in sentence two of Article 235 (5) and Article 489 (4) of the Code of Civil Procedure.

.....

§ 47. (Effective 30.05.2008) The proceedings terminated under § 2 of the Transitional and Final Provisions herein shall be resumed ex officio by the court.

§ 48. This Act shall enter into force as from the 1st day of March 2008, with the exception of § 23, 25, 45, 46 and 47, which shall enter into force as from the date of promulgation of this Act in the State Gazette.

Act to Amend and Supplement the Code of Civil Procedure

(SG No. 42/2009)

TRANSITIONAL AND FINAL PROVISIONS

§ 26. Any cases under Article 390 (1) and under Article 411 (1) of the Code of Civil Procedure, instituted prior to the entry into force of this Act, shall be completed by the same court, regardless of the change of cognizance.

§ 27. Any cases in respect of actions for exercise of parental rights where the parents have differences in the cases referred to in Item 9 of Article 76 of the Bulgarian Identity Documents Act, instituted prior to the entry into force of this Act, shall be completed according to the hitherto effective procedure.

.....

Act to Amend and Supplement the Code of Civil Procedure

(SG No. 100/2010, effective 21.12.2010)

TRANSITIONAL AND FINAL PROVISIONS

.....

§ 25. The pending proceedings shall be examined according to the hitherto effective procedure.

§ 26. This Act shall enter into force as from the day of promulgation thereof in the State Gazette with the exception of § 12 herein, which shall enter into force as from the 1st day of January 2011, and Item 2 of § 13 and

§ 21 herein, which shall enter into force as from the 18th day of June 2011.

TRANSITIONAL AND FINAL PROVISIONS to the Act on Public-Private

Partnership

(SG No. 45/2012, effective 1.01.2013)

.....

§ 16. This Act shall enter into force on January 1, 2013, with the exception of § 4, § 5, § 7, § 8, § 9, § 10 and § 13 which come into force on September 1, 2012.

Act to Amend and Supplement the Code of Civil Procedure

(SG No. 49/2012)

TRANSITIONAL AND FINAL PROVISIONS

§ 9. Within one month after the entry into force of this Act, the Council of Ministers shall adopt the amendments and modifications arising from this Act to the Rate Schedule of Stamp Duty Collected by Courts under the Code of Civil Procedure and the Rate Schedule of Fees and Costs to the Private Enforcement Agents Act.

§ 10. No fee recalculation shall be made in enforcement cases in which proportionate state duty was paid in advance prior to the entry into force of this Act, but no action was undertaken accordingly.

§ 11. Fees shall be charged as per the procedures laid down in this Act for any action which was completed prior to the entry into force of this Act, but no fee was collected under Article 83 of the Private Enforcement Agents Act .

.....

§ 13. Paragraphs 5 and 7 shall enter into force on 1 January 2013.

TRANSITIONAL AND FINAL PROVISIONS to the Act on Amendment and Supplement of Spatial Development Act
(SG No. 66/2013, effective 26.07.2013)

.....

§ 97. In the Civil Procedure Code (promulgated, SG No. 59/2007, amended, SG No. 50/2008, Judgment No. 3 of the Constitutional Court of the Republic of Bulgaria of 8.07.2008 - SG No. 63/2008, amended, SG No. 69/2008, SG No. 12, 19, 32 and 42/2009, Judgment No. 4 of the Constitutional Court of 2009 - SG No. 47/2009, amended, SG No. 82/2009, SG No. 13 and 100/2010; Judgment No. 15 of the Constitutional Court of 2010 - SG No. 5/2011, amended, SG No. 45, 49 and 99/2012, SG No. 15/2013) everywhere the words "the Minister of Regional Development and Public Works" and "The Ministry of Regional development and Public Works" is replaced by "the Minister of Regional Development" and "The Ministry of Regional Development."

.....