

State Property Act

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Text in Bulgarian: Закон за държавната собственост

Chapter One

GENERAL PROVISIONS

Article 1

(Amended, SG No. 87/2010)

This Act shall regulate the acquisition, management, and disposition of properties and movables constituting state property, as well as the deed procedure for properties constituting state property, unless otherwise provided for in a special law.

Article 2

(1) State property shall be public and private.

(2) (Amended and supplemented, SG No. 124/1998, amended, SG No. 32/2005, No. 36/2006, effective 1.07.2006) Public state ownership shall be:

1. (supplemented, SG No. 87/2010) the facilities and properties under Art. 18(1) of the Constitution of the Republic of Bulgaria designated by law as being in exclusive state ownership;
2. the facilities and properties, designated by law or by an act of the Council of Ministers as being in public state ownership;
3. the movable properties, designated by law or by an act of the Council of Ministers as being in public state ownership;
4. properties, made available to agencies for discharging their duties;
5. properties of national significance designated to serve public needs of national importance by public use, determined by the Council of Ministers;
6. (new, SG No. 52/2008) landed properties subject to a zoning plan, assigned for frontier examination posts, and the buildings erected on the said properties.

(3) (Amended, SG No. 32/2005) All other property and object that are state property, shall constitute private state property. The benefits and profits of public state property shall constitute private property of the state.

(4) (Amended, SG No. 124/1998, SG No. 17/2006) pursuant of this act, any property and real properties of commercial companies and not-for-profit legal entities shall not be state property even if the state had been the sole proprietor of the property transferred therein.

Article 3

State property shall be property, and objects:

1. (amended, SG No. 32/2005) which are acquired in accordance with an international agreement or transaction;
2. (amended, SG No. 124/1998) of legal persons for non-profit purposes, registered in the country after finalising their liquidation, except when otherwise provided in special legislation or envisioned by their statute;
3. (amended, SG No. 124/1998) which constitute the liquidation quota of the Bulgarian State in the assets of legal persons outside the Republic of Bulgaria which shall have ceased to exist, except as otherwise may be provided in special legislation;
4. (amended, SG No. 124/1998) which are comprised in a testament where there are no testamentary heirs or heirs at law, or such heirs or any legatees or devisees have renounced or forfeited the right to succeed, with the exception of those properties and real properties that shall become municipal property pursuant to the procedures of an Act of Parliament;
5. (repealed, SG No. 124/1998, new, SG No. 32/2005) which have been acquired through other means provided for by an Act of Parliament.

Article 4

The State shall be liable for the obligations, accrued by the date of acquisition without compensation, of persons whose property, whether real or personal, the State shall so acquire, such obligations being limited to the value of such property.

Article 5

(Amended, SG No. 124/1998)

- (1) (Amended, SG No. 32/2005) The State shall ascertain the occurrence, amendment, and expiry of its title to real property by state ownership title deed.
- (2) (Amended, SG No. 32/2005) A state ownership title deed shall be an official document, drawn up by a public official according to procedures and in a form provided for in the Act.
- (3) The state ownership title deed shall not engender entitlement.

Article 6

- (1) (Supplemented, SG No. 32/2005) Any real property and chattels, constituting public state property, which has ceased to qualify as such, shall be declared private state property by resolution of the Council of Ministers.
- (2) (Amended, SG No. 32/2005) Any real property and chattels, constituting private state property, shall be declared public state property by resolution of the Council of Ministers.
- (3) (New, SG No. 32/2005, amended and supplemented, SG No. 87/2010) The facilities and properties that are exclusive state property cannot be declared private state property.

Article 7

(Amended, SG No. 124/1998, SG No. 32/2005) (1) The property and objects which constitute public state property may not be subject to disposition and may not be acquired by prescription.

(2) (Repealed, SG No. 36/2006, effective 1.07.2006).

(3) Properties and object that are private state property may be subject do disposition and be acquired through prescription.

The provisions of the Ownership Act shall apply to them, unless this Act provides otherwise.

(4) (New, SG 17/2009) Title to property which constitutes public state property shall not be subject to restitution.

(5) (New, SG 87/2010, supplemented, SG No. 27/2013, amended, SG No. 40/2014) In the cases and subject to the conditions specified by law, by resolution of the Council of Ministers, limited real rights may be established on properties constituting exclusive and public state property where that is needed with a view to:

1. constructing a national project;

2. meeting public needs on a long-term basis;

3. constructing linear projects of the technical infrastructure, remaining outside the scope of items 1 and 2 - where no other technical option would exist or any other technical solution would be clearly unviable from an economic point of view.

(6) (New, SG 87/2010, amended, SG No. 27/2013) The limited real rights referred to in paragraph (5) may not be established on properties constituting public state property, which are related to national security or defence.

Article 8

(Amended, SG No. 32/2005)

(1) (Amended, SG No. 105/2006, supplemented, SG No. 87/2010) The acquisition, deed procedure, management and disposition of real property outside Bulgaria - owned by the Bulgarian State, shall be carried out in compliance with the Bulgarian legislation unless the legislation at the property's location provides otherwise.

(2) (Amended, SG No. 105/2006) The acquisition of property outside the Bulgarian state, their consignment for management and the disposition with them shall be carried out by the Council of Ministers.

(3) (New, SG No. 105/2006) The term and procedures for acquisition, management and disposition with properties outside the country - owned by the Bulgarian State, shall be prescribed by the Regulation on the implementation of this act.

Article 9

(Amended, SG No. 32/2005) The State shall exercise its title to real property and chattels under the terms and procedures laid down herein, regardless of whether title had been acquired prior to its entry into force or shall be acquired thereafter.

Article 10

(Repealed, SG No. 117/1997).

Article 11

(Repealed, SG No. 117/1997).

Article 12

(1) Built-up real properties constituting public state property shall be covered by compulsory insurance.

(2) (Amended, SG No. 32/2005) The necessary appropriations shall be made under the budgets of public authorities, which manage properties under paragraph 1 to cover the insurance premiums.

(3) (New, SG No. 99/2012, effective 1.01.2013) The risks against which the properties constituting public state property are insured shall be prescribed by the Regulation on the Implementation of this Act.

(4) (New, SG No. 99/2012, effective 1.01.2013) Self-participation shall not be allowed with regard to compulsory insurance of the properties against risks in accordance with the procedure set out in para 3.

Article 13

The Minister of Defence and the Minister of Internal Affairs shall each issue an order designating the built-up properties granted to their respective Ministry, which shall be covered by compulsory insurance.

Chapter Two

MANAGEMENT OF PROPERTY, REAL OR PERSONAL, CONSTITUTING STATE PROPERTY

Article 14

(1) (Amended, SG No. 32/2005) Ministers and heads of other institutions shall manage the properties and objects that are state property, which have been granted to them.

(2) (Amended and supplemented, SG No. 124/1998, amended, SG No. 32/2005) The properties and objects that are state property shall be managed in compliance with their purposes for the needs for which they have been granted.

(3) (New, SG No. 87/2010) The management of facilities, properties and objects constituting state property shall include the right of the state-funded institutions and legal entities to possess, use and maintain them on behalf of the state at their own expense and on their own responsibility.

Article 15

(Amended, SG No. 55/1997, amended and supplemented, SG No. 124/1998, amended, SG No. 32/2005) (1) Properties constituting state property shall be granted gratuitously for management by agencies and municipalities under terms and procedures specified in the Regulation on the implementation of this Act.

(2) The Council of Ministers may grant properties constituting public state property for management by institutions and municipalities. Properties that are private state property shall be granted for management by institutions and municipalities by the regional governor according to the property location.

(3) Ministers and heads of other institutions may grant properties that are state property for management under the procedure of paragraph 2 to their territorial and administrative units and to other legal persons under them which are supported by the state budget. A copy of the order shall be sent to the regional governor.

(4) Requests for granting property to institutions shall be addressed to a commission appointed by the Council of Ministers, which shall resolve on such requests within one month.

(5) If appropriate properties are available, the commission shall submit a proposal to the Council of Ministers.

(6) (Amended, SG No. 66/2013, effective 26.07.2013) Properties that are public state property in the meaning of article 2, paragraph 2, item 4 may be granted by the Council of Ministers for management to religious denominations registered under Chapter Three of the Religious Denominations Act on a motion by the Minister of Regional Development.

Article 15a

(New, SG No. 32/2005, repealed, SG No. 36/2006, effective 1.07.2006).

Article 16

(Amended, SG No. 124/1998)

(1) (Amended, SG No. 32/2005, SG No. 36/2006, effective 1.07.2006, supplemented, SG No. 64/2006, amended, SG No. 87/2010, SG No. 45/2012, effective 1.01.2013) Properties - in public state ownership, shall be used only according to purpose and may not be provided to third parties, except in the cases under paragraphs (2), (5) and (6) and Article 16a.

(2) (Amended, SG No. 32/2005, SG No. 36/2006, effective 1.07.2006, SG No. 33/2009) Separate properties or parts of properties - in public state ownership, may be granted on lease terms under the procedure of Article 19(1) for a term of up to 10 years, on condition they are used according to their purpose and the performance of activities, for which they have been provided for management, shall not be impeded".

(3) (Amended, SG No. 32/2005, repealed, SG No. 36/2006, effective 1.07.2006).

(4) (New, SG No. 12/2000, amended, SG No. 24/2004, amended and supplemented, SG No. 32/2005, repealed, SG No.

36/2006, effective 1.07.2006).

(5) (New, SG No. 64/2006, amended, SG No. 33/2009, SG No. 45/2012, effective 1.01.2013) State-owned single-person commercial companies and state enterprises authorized by virtue of law to use, manage or operate projects in public state ownership, as well as persons to which rights over projects in public state ownership have been granted with a concession agreement pursuant the Concessions Act or a public-private partnership contract pursuant to the Public-Private Partnership Act, shall be entitled to make available on lease terms for up to 10 years parts of the projects in public state ownership provided to them, in accordance with the granting deed and on condition that they be used in accordance with their intended purpose.

(6) (New, SG No. 87/2010) Where that is needed with a view to fulfilling obligations arising from an international treaty, separate properties or parts of properties constituting public state property may be leased out to international organisations for a period of up to 10 years without a tender by the minister, the head of another institution or the regional governor whereto the management of the property has been entrusted, subject to procedures specified in the Regulation on the Implementation of this Act. The rent shall be determined in accordance with the Regulation on the Implementation of this Act.

(7) (New, SG No. 87/2010) Properties constituting state property which have been leased out may not be used in a way different from their intended use, subleased or be used jointly under a contract with third parties.

(8) (New, SG No. 87/2010) In case the prohibitions under paragraph (7) are violated, the lease agreement shall be terminated.

Article 16a

(New, SG No. 36/2006, effective 1.07.2006, repealed, SG No. 45/2012, effective 1.01.2013).

Article 17

(Amended, SG No. 55/1997, SG No. 32/2005, SG No. 87/2010) (1) (Amended, SG No. 66/2013, effective 26.07.2013) In the event of violation of the prohibitions under article 16(1) and (7), or when the need for the property constituting public state property expires, the right of management shall be withdrawn by resolution of the Council of Ministers upon a proposal by the Minister of Regional Development after the minister or the head of the institution managing the property issues an opinion.

(2) Where the need for a property constituting private state property expires or the property is used in a way different from its intended use, the right of management shall be withdrawn by an order of the regional governor after the minister or the head of the institution managing the property issues an opinion.

(3) In the cases referred to in Article 15(3) where the prohibitions referred to in Article 16(1) and (7) are violated or where the need for a property constituting state property expires or such property is used in a way different from its intended use, the right of management shall be withdrawn by an order of the minister or the head of the institution who entrusted the management of the property. A copy of such order shall be forwarded to the regional governor.

Article 18

(1) (Previous Article 18, SG No. 124/1998, amended, SG No. 32/2005) Properties which are state property and have not been granted for management in under the established procedure shall be managed by the Regional Governor according to the properties' location.

(2) (New, SG No. 124/1998, amended, SG No. 32/2005) The Ministers shall manage immovable and movable property acquired by the State through the liquidation of commercial companies where they had exercised the ownership rights of the State.

Article 19

(Amended, SG No. 55/1997, SG No. 124/1998, SG No. 32/2005)

(1) (Supplemented, SG No. 45/2012, effective 1.01.2013) Real properties or parts thereof, constituting private state property, shall be leased by Minister, the head of another institution or the regional governor to whom the property has been granted for management through a under terms and procedures specified in the Regulation on implementing this Act except in cases provided for in the Public-Private Partnership Act. A lease agreement shall be signed on the basis of the results of such a tender.

(2) (Amended, SG No. 87/2010, SG No. 45/2012, effective 1.01.2013) The properties whose management has been entrusted to the state-owned enterprises referred to in Article 62(3) of the Commerce Act shall be leased out by their heads after a tender is held in accordance with the procedure provided for by the Regulation on the Implementation of this Act, unless otherwise provided for in a law.

(3) Properties or parts thereof that are private state property may be leased out to non-profit legal persons designated to perform a public service without a tender by the Minister, the head of another institution or the regional governor to whom the property has been granted for management under terms and procedures specified in the Regulation on the implementation of this Act.

(4) The term for leasing out properties that are private state property shall not exceed ten years.

(5) Properties or parts thereof, constituting private state property may be leased without a tender for serve health, educational and humanitarian purposes to meet the social needs of the population by the Regional Governor or the head of the agency under such procedures and at such rates as the Council of Ministers shall prescribe.

(6) (New, SG No. 105/2006) Properties or parts of the properties, constituting private state property, shall be sold or leased out without a tender for the needs of diplomatic and consular agencies of foreign countries and agencies of intergovernmental organizations in the Republic of Bulgaria by the Minister, the head of another institution or the Regional Governor to whom the property is granted for management.

(7) (New, SG No. 92/2007, repealed, SG No. 87/2010).

Article 20

(Amended, SG No. 32/2005) (1) Leasing out properties constituting private state property for the needs of political parties, which comply with the terms of the Political Parties Act shall be done under such procedures as the Council of Ministers shall prescribe.

(2) Granting properties that are private state property for the need of trade union organisations shall be done under such procedures as the Council of Ministers shall prescribe.

Article 21

(Repealed, SG No. 124/1998)

Article 22

(Amended, SG No. 32/2005, supplemented, SG No. 87/2010) The tenant occupancy of residential departmental properties, studios or garages constituting state property shall be in the discretion of the competent minister, chief officer of another department or regional governor to whom the management of the properties has been assigned under a procedure specified in the Regulation on the implementation of this act.

Article 23

(Amended, SG No. 124/1998, repealed, SG No. 32/2005).

Article 24

(Amended, SG No. 124/1998, SG No. 87/2010)

(1) Lease relations shall be terminated subject to the terms and conditions provided for in the agreement and in accordance with the procedure stipulated by the Obligations and Contracts Act.

(2) Lease agreements with political parties for properties constituting state property shall, besides under the terms and conditions and the procedure referred to in paragraph (1), also be terminated and where the party concerned ceases to meet the requirements for the granting of a state property as defined in a separate law.

(3) Lease agreements for residential properties- state property shall, besides under the terms and conditions and the procedure referred to in paragraph (1), also be terminated on the following grounds:

1. due to termination of the employment contract or the official relations with an employee accommodated in a departmental residential property;
2. where the tenant or a member of his/her family acquires a home or villa fit for constant occupation in the same city, town or village;
3. where the tenant ceases to satisfy the conditions for renting a residential property constituting state property, as stipulated in the Regulation on the Implementation of this Act.

Article 25

(Amended, SG No. 124/1998)

(1) (Amended, SG No. 32/2005, supplemented, SG No. 87/2010) The maintenance and repairs of properties constituting state property shall be carried out by the agencies to which their management has been entrusted and, where such properties have not been assigned according to the established procedures, by the Regional Governors.

(2) (Amended, SG No. 32/2005) The necessary appropriations for maintenance and repairs of the properties constituting state property shall be assigned every year in the budgets of the agencies concerned.

Article 26

(1) (Amended, SG No. 32/2005) The maintenance and current repairs of properties constituting state property leased out or granted for use shall be done by the lessees or users concerned.

(2) The contract under paragraph 1 arrangements may stipulate that any capital repairs shall be carried out at the expense of the lessees or users concerned.

Article 27

(Repealed, SG No. 124/1998).

Article 28

(1) (Amended, SG No. 124/1998, SG No. 32/2005) Movables constituting private state property shall be granted free of charge to legal persons funded by the State Budget on order by the respective Minister, head of another agency or the regional governor.

(2) Movables in excess of the value prescribed by the Council of Ministers shall be granted in accordance with paragraph 1, subject to the consent of the Minister of Finance.

(3) (New, SG No. 32/2005) The moveable property which is state property shall be granted free of charge without the consent of the Minister of Finance between:

1. the first level state budget spending unit and the other spending units under it;
2. state budget spending units under the same first level spending unit.

Article 29

(1) Any newly acquired items of personal state property shall be used by the agencies through which such items shall have been acquired.

(2) (Amended, SG No. 124/1998) Any items of personal state property, other than those granted to agencies shall be managed by the Regional Governor.

Article 30

(Amended, SG No. 124/1998)

Items of personal property constituting private state property granted to agencies shall be leased under such conditions and in accordance with such procedures as the chief officer of the agency shall prescribe.

Article 31

(Amended, SG No. 32/2005, SG No. 19/2009, effective 10.04.2009) The properties and objects that are state property and which are cultural values shall be managed under such conditions and in accordance with such procedures as shall be laid down in a special law.

Chapter Three

ENFORCED ALIENATION OF PRIVATE REAL PROPERTY FOR PUBLIC NEEDS

Section I

(New, SG No. 87/2010)

General Rules

Article 32

(1) (Amended, SG No. 124/1998, SG No. 63/2003, previous Article 32, SG No. 17/2006, amended, SG No. 87/2010)

Properties and parts of properties owned by natural persons or legal entities may be alienated by compulsion in order to meet public needs which cannot otherwise be met, subject to prior and fair compensation.

(2) (New, SG No.17/2006, supplemented, SG No. 87/2010) The fair cash compensation referred to in paragraph (1) shall be determined according to the intended use of the properties prior to the entry into force of the detailed land development plan, respectively prior to the approval of a detailed land development plan which provides for the construction of a national project and which is subject to an effective order permitting preliminary enforcement, based on the market prices of properties with similar characteristics located near the property alienated.

(3) (New, SG No.17/2006) In the event market prices of properties with similar characteristics can not be determined due to absence of recorded transactions in the respective registration service, the fair cash compensation shall be determined under the procedure of:

1. the Regulation to Implement the State Property Act - in regard to properties in urbanized territories and land development zones;
2. the ordinance under Article 36(2) of the Agricultural Land Ownership and Use Act - in regard to agricultural lands;
3. (amended, SG No. 19/2011, effective 9.04.2011) the ordinance under Article 86(2) of the Forestry Act - in regard to wooded areas.

(4) (New, SG No. 87/2010) The registrar judge shall have the duty to issue a certificate and provide a copy of all registered property transactions in the vicinity of the property alienated: sale and purchase, exchange, establishment of real rights or transfer of title in return for the obligation to build, mortgage, sale by auction by public or private bailiffs, government institutions and municipalities, as well as any other paid transactions wherein at least one party is a trader. The certificate of the existence or absence of transactions under the first sentence shall be issued within one month after the request therefor. A state fee shall be paid for the certificate issued.

Article 33

(1) (Supplemented, SG No. 124/1998, repealed, SG No. 63/2003).

(2) (Amended SG No. 1/2001, SG No. 63/2003, SG No. 87/2010) The existence of public need which cannot otherwise be met shall be established through an effective detailed land development plan providing for the construction of public projects to meet public needs, or through an approved detailed land development plan which provides for the construction of a national project and which is subject to an effective order permitting preliminary enforcement, or in another way provided for by a law.

(3) (New, SG No. 63/2003) Real properties owned privately may be alienated in their entirety, prior to the commencement of any construction works, or in stages, prior to the commencement of any construction works of the respective stage.

(4) (New, SG No. 83/2010) The properties alienated to meet public needs shall become public state property.

Article 34

(Amended, SG No. 55/1997, SG No. 124/1998, SG No. 26/2000, SG No. 63/2003)

(1) (Amended, SG No. 66/2013, effective 26.07.2013) The public authority concerned shall address a substantiated alienation request to the Minister of Finance and the Minister of Regional Development. Where the construction of the project is planned to be executed in stages, such request may refer to the expropriation of such real property as is necessary for that stage.

(2) The alienation request under paragraph 1 above shall comprise:

1. a copy of a detailed land development plan that has taken effect;
2. a description, type, location and size of the properties, information concerning their owners and title deeds;
3. (Amended, SG No. 17/2006) an evaluation of the properties made by a property valuer not earlier than three months following the filing date of the alienation request;
4. financial analysis supporting the alienation proposal.

(3) (Amended, SG No. 17/2006) The owners and the occupants of real properties under paragraph 1 above shall provide title documents and procure free access to such properties for surveys or any other technical measures as may be necessary for the purposes of making the expropriation request. Where such access is denied, it shall be provided through enforcement by the police authorities. Municipal and central government authorities shall provide free of charge all documents relating to the real property being the subject of the expropriation request under paragraph 1 above.

(4) (Amended, SG No. 66/2013, effective 26.07.2013) The Minister of Finance and the Minister of Regional Development and Public Works, having considered and judged the expropriation request, may approve or decline it within 14 days. The Minister of Finance shall make a pronouncement on the financial arrangements related to the alienation, and the Minister of Regional Development shall make a pronouncement on the presence of reasonable grounds to effect the alienation.

Article 34a

(New, SG No. 63/2003)

(1) (Amended, SG No. 87/2010, SG No. 66/2013, effective 26.07.2013) Alienation of real properties or parts thereof that constitute private property and are designed for the construction of national projects shall be made under a decision of the Council of Ministers upon a proposal tabled by the Minister of Regional Development and the Minister of Finance.

(2) (Amended, SG No. 66/2013, effective 26.07.2013) Outside the cases under paragraph 1, alienation shall be effected under an order issued by the regional governor upon the proposal of the Minister of Regional Development and the Minister of Finance.

(3) (Supplemented, SG No. 87/2010, amended, SG No. 109/2013) In the cases under paragraphs (1) and (2), the Minister of Regional Development or the Regional Governor, as the case may be, shall publish at the expense of the site investor, an announcement in two central and one local daily newspaper, concerning the commenced alienation procedure and shall send a copy of it to the mayors of municipalities, districts, mayoralities and deputy mayors, on the territory of which the private owned real properties or part of the private owned real properties subject to alienation are located. The mayors and deputy mayors shall place the announcement at the designated place in the building of the municipality, district, mayorality or in the urban area, on the territory of which the private owned real properties subject to alienation are located. The announcement shall be published on the website of the Ministry of Regional Development, of the respective regional administration and of the respective municipality.

(4) (New, SG No. 87/2010) The following shall be enclosed with the alienation proposal referred to in paragraph (1):

1. a copy of an effective or approved detailed land development plan which provides for the construction of a public project and which is subject to an effective order permitting preliminary enforcement;
2. a description, type, location and size of the properties, information concerning their owners, and title deeds;
3. an evaluation of the properties made by a property valuer not earlier than three months following the filing date of the alienation request;

4. financial analysis supporting the alienation proposal.

(5) (New, SG No. 87/2010) Where the alienation of properties as referred to in paragraph (1) affects properties constituting municipal property, the title thereto shall be transferred to the state without compensation in accordance with the procedure provided for by the Municipal Property Act.

(6) (New, SG No. 87/2010) The provisions of Article 34(3) shall also apply to the alienation of real properties for the purpose of construction of a national project.

Article 34b

(New, SG No. 63/2003)

(1) The Council of Ministers decision referred to in Article 34a, paragraph 1, shall indicate the public need for which the properties are being alienated, their type, location, size, price (compensation amount) and the owners of each of such properties.

(2) (Amended, SG No. 109/2013) The decision of the Council of Ministers under Article 34a (1) shall be notified to the affected persons in accordance with Article 61 (1) and (2) of the Administrative Procedures Code by the site investor, who shall provide the information concerning the announcement date to the Council of Ministers. The site investor shall send a copy of the decision also to the mayors of municipalities, districts, mayoralities and to the deputy mayors, on the territory of which the private owned real properties or part of the private owned real properties subject to alienation are located. The mayors and the deputy mayors shall place the announcement at the designated places in the building of the municipality, the district, mayorality or in the urban area, on the territory of which the private owned real properties subject to alienation are located. The decision of the Council of Ministers shall also be announced on the websites of the Council of Ministers, the respective regional administration or of the respective municipality.

(3) (New, SG No. 109/2013) Where the address of any of the affected persons is unknown or it was not found at the address specified by it, the decision of the Council of Ministers under Article 34 (1) shall also be notified by publishing an announcement in the State Gazette.

Article 34c

(New, SG No. 63/2003)

(1) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 109/2013) The decision of the Regional Governor referred to in Article 34a, paragraph 2, shall indicate the public need for which the properties are being alienated, their type, location, size, price (compensation amount) and the owners of each of such properties, the commercial bank to which the compensation will be transferred, and the date after which compensation payments to the entitled persons shall commence. The order shall be issued within 14 days following the receipt of the proposal of the Minister of Regional Development and the Minister of Finance.

(2) (Amended, SG No. 87/2010, SG No. 109/2013) The order of the Regional Governor under Article 34a (2) shall be notified to the affected persons in accordance with Article 61 (1) and (2) of the Administrative Procedures Code. The Regional Governor shall send a copy of the order also to the mayors of municipalities, districts, mayoralities and to the deputy mayors, on the territory of which the private owned real properties or part of the private owned real properties subject to alienation are located. The mayors and the deputy mayors shall place the announcement at the designated places in the building of the municipality, the district, the mayorality or in the urban area where the private owned real property subject to alienation is located. The order of the Regional Governor shall also be announced on the web-sites of the regional administration and of the respective municipality.

(3) (New, SG No. 109/2013) Where the address of any of the affected persons is unknown or it was not found at the address specified by it. The decision of the Council of Ministers under Article 34a (2) shall also be notified by publishing an announcement in the State Gazette.

Article 35

(Amended, SG No. 124/1998, SG No. 63/2003, SG No. 87/2010)

(1) Any duly authorised construction or other improvements carried out by the owner of the property after the entry into force

of the detailed land development plan subject to the terms and conditions and in accordance with the procedure provided for by Article 49 of the Spatial Development Act shall be paid for at the lower value between the amount of costs incurred and the increased value of the property.

(2) (Amended, SG No. 109/2013) Any duly authorised construction or other improvements carried out by the owner after notification of the decision referred to in Article 34a(1), where the grounds for the alienation by compulsion are an approved detailed land development plan which provides for the construction of a public project and which is subject to an effective order permitting preliminary enforcement, shall be paid for at the lower value between the amount of costs incurred and the increased value of the property.

Article 36

(Amended, SG No. 55/1997, repealed, SG No. 63/2003).

Article 37

(Amended, SG No. 55/1997, repealed, SG No. 63/2003).

Article 38

(Amended, SG No. 124/1998, SG No. 63/2003)

(1) (Declared unconstitutional by Judgment No. 6 of the Constitutional Court of the Republic of Bulgaria - SG No. 65/2013, amended, SG No. 109/2013) The decision of the Council of Ministers referred to in Article 34a, paragraph 1 shall be subject to appeal before a panel of three judges of the Supreme Administrative Court within 14 days of its notification.

(2) (Amended, SG No. 30/2006, effective 1.03.2007, SG No. 87/2010, declared unconstitutional by Judgment No. 6 of the Constitutional Court of the Republic of Bulgaria - SG No. 65/2013, amended, SG No. 109/2013) The order of the Regional Governor referred to in Article 34a, paragraph 2 shall be subject to appeal before the administrative court in the jurisdiction of which the property is located, within 14 days of its notification.

(3) (New, SG No. 87/2010, declared unconstitutional by Judgment No. 6 of the Constitutional Court of the Republic of Bulgaria - SG No. 65/2013)

Where the decision of the Council of Ministers referred to in Article 34a(1) or the order by the regional governor referred to in Article 34a(2) are appealed against only with regard to the amount of the cash compensation, the appeal shall not halt their enforcement. In such cases the enforcement of the alienation deed may not be suspended.

(4) (Renumbered from Paragraph 3, SG No. 87/2010) Within 7 days of receipt of the appeal, the Council of Ministers or the Regional Governor, as the case may be, shall send the appeal to the court together with an opinion on such appeal and all the necessary evidence.

(5) (Renumbered from Paragraph 4, SG No. 87/2010) The court must summon the investor of the project for the construction of which the real property is being expropriated.

(6) (Amended, SG No. 59/2007, effective 1.03.2008, renumbered from Paragraph 5, SG No. 87/2010, amended, SG No. 109/2013) Within three days of receipt of the appeal, the court shall make a pronouncement, sitting in camera, on the admissibility of the evidence indicated and presented by the litigants and shall schedule a hearing on the case to be held after 7 days. In summoning, the rules of Article 56, paragraph 3 and the term under Article 199 of the Code of Civil Procedure shall not apply.

(7) (Renumbered from Paragraph 6, amended, SG No. 87/2010) The periods referred to in paragraph 6 shall apply also where the case hearing has been postponed.

(8) (Renumbered from Paragraph 7, SG No. 87/2010) The court shall issue an adjudication within 7 days following the session in which the last hearing on the case has taken place. The decision of the court shall be final.

(9) (New, SG No. 87/2010) The expert witnesses to be appointed by the court shall be valuers meeting the requirements of this Act.

Article 39

(Amended and supplemented, SG No. 124/1998, amended, SG No. 63/2003)

(1) (Amended, SG No. 87/2010, declared unconstitutional by Judgment No. 6 of the Constitutional Court of the Republic of Bulgaria, in respect of sentence No. 2 - SG No. 65/2013, amended, SG No. 109/2013) The property shall be deemed alienated as of the date when the cash compensation determined in the effective decision of the Council of Ministers referred to in Article 34a (1) or in the effective order of the Regional Governor referred to in Article 34a (2) or in the court judgment, is transferred to the account of those entitled thereto.

(2) Where the alienated property is the only housing of its owner, the property shall be taken over within three months following the payment of the compensation.

(3) (Amended, SG No. 30/2006, effective 1.03.2007, SG No. 109/2013) If the owner concerned is not compensated within six months after the entry into force of the order under Article 34a, paragraph 2 or the decision under Article 34a, paragraph 1 above, or of the court judgement, as the case may be, the administrative court within whose jurisdiction the property concerned is located or the Supreme Administrative Court, as the case may be, shall, at the owner's request, repeal the act of alienation.

(4) The compensation determined in the decision of the Council of Ministers as referred to in Article 34, paragraph 1 or in the order of the regional governor under Article 34a, paragraph 2 above, or in the court judgement, as the case may be, shall be paid in by the project's investor at the commercial bank to an account of the entitled persons.

(5) (Supplemented, SG No. 87/2010) The compensation determined in the decision of the Council of Ministers as referred to in Article 34a, paragraph 1 or in the order of the regional governor under Article 34a, paragraph 2 above, as the case may be, shall be paid in by the project's investor at a commercial bank to an account held by the regional governor where there is a dispute among several persons as to entitlements to the amount due or as to the entitlements to the alienated real property, and in such event the bank shall pay out the amount to such person as has established his/her entitlement through a due process of law. The property shall be deemed alienated as of the date when the investor transfers the compensation determined in the decision referred to in Article 34a(1) or in the order referred to in Article 34a(2) to the regional governor's account.

(6) (Supplemented, SG No. 87/2010, amended, SG No. 109/2013) The project's investor shall publish an announcement in two national and one local daily newspapers notifying the owners of the real properties of the commercial bank with which the compensation is deposited as determined in the effective decision under Article 34a (1), in the effective order under Article 34a (2), in the order referred to in Article 34c(1) or in the court judgement, as the case may be, and of the starting date as from which paying out can commence.

(7) (New, SG No. 87/2010, repealed, SG No. 109/2013).

Article 39a

(New, SG No. 17/2006)

(1) (Supplemented, SG No. 33/2009, amended, SG No. 87/2010) If the owner of the property cannot be identified or his/her address is not known, as well as where the owner of the property has failed to claim the compensation awarded to him/her within three months after the announcement referred to in Article 39(6) is published or to present documents proving his/her title within the same period, the property shall be treated as alienated as of the date of transfer by the investor to the regional governor of the compensation determined in the decision under Article 34a(1) or in the order under Article 34a(2).

(2) (Amended, SG No. 87/2010) In the cases referred to in paragraph (1), the former owner of the property alienated or his/her successors in title shall prove their right to receive the compensation determined before the regional governor, who shall order the bank to pay the compensation due together with the relevant interest as accrued by the servicing bank on the amount deposited for the period of the deposit. In case those entitled express a desire to that effect, compensation amounts due which do not exceed BGN 1,000 may be paid in cash.

Article 40

(1) (Amended, SG No. 63/2003, supplemented, SG No. 87/2010, amended, SG No. 66/2013, effective 26.07.2013) If, within three years, or, in case of construction of a national project - five years, of the alienation of the real property, the measure under the detailed land development plan has not commenced or the property concerned is not used for the purpose for which it had been taken, at the request of the former owner of such real property, the regional governor concerned shall reverse the alienation after any compensation received has been refunded. Where the property has been alienated under a decision of the Council of Ministers under Article 34a, paragraph 1, the regional governor shall send the request to the Minister of Regional Development, who shall propose to the Council of Ministers that the decision referred to in Article 34a, paragraph 1 be repealed in full or in part.

(2) (New, SG No. 87/2010, amended, SG No. 66/2013, effective 26.07.2013) If the approved detailed land development plan providing for the construction of a public project is repealed by the court, and the new effective detailed land development plan does not affect properties which have already been alienated, the former owner of the property may request the regional governor to reverse such alienation. The regional governor shall send such request to the Minister of Regional Development, who shall propose to the Council of Ministers to fully or partially revoke the decision referred to in Article 34a(1). The Council of Ministers shall adopt the decision referred to in Article 34a(1) after the compensation received is refunded.

(3) (Renumbered from Paragraph 2, amended, SG No. 87/2010) In the case under paragraph 1 and paragraph 2 above, the State shall owe damages to the owner concerned.

(4) (Amended, SG No. 63/2003, renumbered from Paragraph 3, SG No. 87/2010) The State shall have the right of claiming the cost of any improvements to the property, which it may have made while in possession thereof, or the value added thereto by such alterations or improvements, whichever is less.

Article 41

(1) (Amended, SG No. 63/2003) Where an alienated property is encumbered with any real rights, the following rules shall apply:

1. the amount of monetary compensation due, up to the amount of the receivable secured by mortgage shall be paid to the mortgagee, insofar as such claim shall not be subordinated to another claim;
2. (amended, SG No. 63/2003) in the event of another encumbrance on the property the amount of monetary compensation due shall be deposited with a commercial bank to secure the related claim.

(2) (Amended, SG No. 104/1996, repealed, SG No. 63/2003).

(3) The State shall acquire any property alienated in pursuance of this Act clear of any burdens.

Section II

(New, SG No. 87/2010, declared unconstitutional by Judgment No. 6 of the Constitutional Court of the Republic of Bulgaria - SG No. 65/2013)

Compensation for Use of a Private Property

Article 41a

(New, SG No. 87/2010)

(1) Where the alienation decision has not taken effect but the detailed land development plan providing for the construction of a public project is effective, a building permit has been issued and the compensation determined in the alienation deed has been paid, the project investor may take possession of the property or of parts thereof located outside an urbanised territory, unless the property alienated is the owner's only dwelling, and start construction after a cash compensation is paid subject to the terms and conditions and in accordance with the procedure provided for by this Act.

(2) The project investor shall be liable to pay compensation to the owners of the properties referred to in paragraph (1) from the date of taking possession of the property until the entry into force of the alienation decision.

(3) Where the property is agricultural land, the compensation referred to in paragraph (2) shall include the income which the owner of the property would have earned from marketing the production if the property was used for cultivation, or the rent payment the owner would have received if the land was rented out.

(4) (Amended, SG No. 19/2011, effective 9.04.2011) Where the property is a wooded area, the compensation referred to in paragraph (2) shall include the income which the owner of the property would have earned from marketing the timber if a logging and transportation permit was issued by the authorities competent under the Forestry Act and from the sale of the objects from special use constituting economic activity if a written permit was issued.

(5) Where the property is a trade, production or agricultural facility, the compensation referred to in paragraph (2) shall include the profit which the owner of the property would have made, as determined based on the profit made out of the facility for the past year or for the past three months or one month, in case the facility is new.

(6) Where buildings whose intended use is different from the one specified in paragraph (5) are affected, the compensation shall include the profit which the owner of the property would have made by renting it out.

Article 41b

(New, SG No. 87/2010)

(1) The possession of the property shall be transferred to the investor by the regional governor or by an official authorised by the regional governor upon the investor's request.

(2) (Amended, SG No. 19/2011, effective 9.04.2011) Prior to such transfer, a record describing the actual condition of the property shall be drawn up by a committee comprised of one representative of the regional governor and of the investor each, and, where agricultural land or wooded area are concerned, also a representative of the Ministry of Agriculture and Food or its structures. The committee shall also include a valuer listed in the register of the Chamber of Independent Valuers in Bulgaria, depending on the intended purpose of the property.

(3) The regional governor shall issue an order whereby he/she shall determine the composition of the Committee and state the type, location and number of the property, the owner of the property and the date and time when the schedule of the property is to be made.

(4) The order shall be served to the owner of the property in accordance with the procedure provided for by the Code of Administrative Procedure at least 7 days prior to the date when the schedule is to be made.

(5) The record shall be signed by the members of the committee and by the owner of the property. In case the owner refuses to sign the record, such refusal shall be attested by the signatures of two witnesses, with their full names, exact addresses and personal identification numbers specified in the record. In the cases referred to in the second sentence, the record shall be deemed served as of the date when it is drawn up.

(6) Where the owner of the property has been duly informed of the drawing up of the schedule but fails to appear, the acts shall be performed and the record shall be drawn up in his/her absence. A copy of the record shall be served to the owner in accordance with the procedure provided for by the Code of Administrative Procedure.

(7) The factual findings recorded in the record shall be assumed to be true until the contrary is proved.

Article 41c

(New, SG No. 87/2010)

(1) The owner of the property shall, within 14 days after the record is served as referred to in Article 41b(5) and (6), present to the regional governor all written evidence available to him/her and relevant to determining the amount of compensation due as referred to in Article 41a(2).

(2) Where the owner is not in Bulgaria or it is impossible to find him/her, the evidence regarding the circumstances relevant to determining the amount of compensation due as referred to in Article 41a(2) shall be gathered in accordance with the procedure provided for by the Code of Civil Procedure, Chapter Fourteen, Section VII, Perpetuation of Evidence.

(3) The compensation due shall be determined by the valuer having been part of the committee based on the findings stated in

the record and the rest of the written evidence; in case the valuer is prevented from doing so for objective reasons, the regional governor shall replace him/her with another valuer satisfying the requirements referred to in Article 41b(2).

(4) In the cases referred to in Article 41a(3) and (4), an annual amount of compensation shall be determined, which shall be payable on an annual basis until the alienation decision takes effect.

(5) In the cases referred to in Article 41a(5) and (6), a monthly amount of compensation shall be determined, which shall be payable on a monthly basis until the alienation decision takes effect.

(6) The amount of compensation under paragraphs (4) and (5) shall be determined within one month after the expiry of the period referred to in paragraph (1).

(7) The compensation referred to in paragraph (4) shall be paid on an annual basis by the tenth of February, and the one referred to in paragraph (5) on a monthly basis, by the tenth day of each month.

Article 41d

(New, SG No. 87/2010)

(1) The regional governor shall issue an order wherein he/she shall determine the amount of compensation due under Article 41c(3) and shall specify the type, location and owner of the property.

(2) The order shall be served to the owner of the property and to the project investor in accordance with the procedure provided for by the Code of Administrative Procedure.

(3) The compensation determined in the order for the first year or the first month, as the case may be, shall be paid by the project investor within 14 days after the order is served.

(4) After the compensation is paid under paragraph (3), the possession of the property shall be transferred to the project investor by the regional governor having jurisdiction over the location of the property. The regional governor shall schedule such transfer for a specific day and time and shall inform the owner and the project investor thereof. The transfer record shall be drawn up on the spot by the regional governor. If the owner fails to vacate the property voluntarily, he/she shall be ousted by coercion.

(5) The possession of the property shall also be transferred to the investor where a third party is in possession of such property.

(6) The owner of the property may challenge the amount of compensation before the relevant administrative court within 14 days after the order is served. Such challenge shall not halt the enforcement of the order.

(7) Within 7 days after the appeal is received, the regional governor shall send it to the court together with an opinion thereon and all necessary evidence.

(8) The court shall mandatorily summon the project investor.

(9) Within 5 days after the appeal is received, the court shall, in a closed session, pass a ruling on the admissibility of the evidence given and presented by the parties, and shall schedule a hearing on the case to be held after 15 days. The rule of Article 56(3) and the time limit under Article 199 of the Code of Civil Procedure shall not apply to the summoning.

(10) The time limits under paragraph (9) shall also apply in case of adjournment of the hearing.

(11) The court shall issue an adjudication within 7 days following the session in which the last hearing on the case took place. The court's decision shall be final.

(12) The expert witnesses to be appointed by the court shall be valuers satisfying the requirements of this Act.

(13) Where the court has ruled that the compensation amount should be higher, the investor shall pay the difference to the owner together with the legal interest thereon within one month.

Article 41e

(New, SG No. 87/2010)

The costs attributable to making the schedule of the property and to the valuation shall be covered by the project investor.

Article 42

(Amended, SG No. 109/2013)

No taxes or fees shall be collected in alienation proceedings, in relation to compensations and transactions for acquisition of property rights pursuant to the provisions of this Chapter.

Section III

(New, SG No. 87/2010)

Compensation in Case of Alienation of Agricultural Land and Forests and Wooded Areas (Title amended, SG No. 19/2011, effective 9.04.2011)

Article 42a

(New, SG No. 87/2010)

(1) (Amended, SG No. 19/2011, effective 9.04.2011) Where properties constituting private property and being agricultural land or wooded areas need to be alienated by compulsion to meet public needs for the construction of a national project which cannot otherwise be met, a property constituting private state property of the state land stock or of the wooded areas in state ownership may be provided as equal compensation.

(2) Compensation by provision of a property shall not be allowed where the property being alienated is smaller than 3 decares in the case of fields, 2 decares in the case of meadows, 1 decare in the case of perennial plantations and 1 decare in the case of forests.

Article 42b

(New, SG No. 87/2010)

(1) (Amended, SG No. 82/2012, effective 25.11.2012, SG No. 66/2013, effective 26.07.2013) After the draft detailed land development plan for the construction of a national project is prepared, the project investor shall provide the Minister of Agriculture and Food with information on the surface area and characteristics of the properties affected by the plan and evidence that the competent body referred to in Article 124a (4) of the Spatial Development Act has allowed the drafting of a detailed land development plan for the construction of a national project.

(2) (Amended, SG No. 19/2011, effective 9.04.2011) Within one month after the information referred to in paragraph (1) is received, the Minister of Agriculture and Food shall inform the project investor of the surface area and characteristics of the agricultural land of the state land stock and the wooded areas in state ownership which can be provided as compensation.

(3) After the information referred to in paragraph (1) is received, no disposition transactions may be made and no rent or lease agreements for any term exceeding one year may be concluded regarding the properties which may be provided as compensation.

Article 42c

(New, SG No. 87/2010)

(1) (Amended, SG No. 19/2011, effective 9.04.2011) In case of availability of unoccupied agricultural land and wooded areas as referred to in Article 42b(2), and after the detailed land development plan is approved, the project investor shall submit to the Minister of Agriculture and Food a request for provision of agricultural land of the state land stock or wooded areas in state ownership as compensation.

(2) The following shall be enclosed with the request:

1. the approved detailed land development plan;
2. (amended, SG No. 19/2011, effective 9.04.2011) a valuation of the properties affected by the plan, which shall be calculated in accordance with the procedure provided for by the ordinance referred to in Article 36(2) of the Agricultural Land Ownership and Use Act - in the case of agricultural land, and the ordinance referred to in Article 86(2) of the Forestry Act - in the case of wooded areas;
3. details of the long-term use, the category and the surface area of the properties being alienated, the origin and functions of the forests.

(3) Within one month after the request referred to in paragraph (1) is received, the Minister of Agriculture and Food shall provide the investor with plats or a draft plat of the properties which may be provided as compensation, such plats or draft plat containing details of the long-term use, the category and the surface area of the properties.

(4) (Amended, SG No. 19/2011, effective 9.04.2011) After the information referred to in paragraph (3) is received, the investor shall prepare a compensation plan with the specific properties to be provided to the separate owners, and a valuation of the properties being provided as compensation, which shall be prepared in accordance with the procedure provided for by the ordinance referred to in Article 36(2) of the Agricultural Land Ownership and Use Act - in the case of agricultural land, or the ordinance referred to in Article 86(2) of the Forestry Act - in the case of wooded areas.

Article 42d

(New, SG No. 87/2010)

(1) (Amended, SG No. 19/2011, effective 9.04.2011, SG No. 66/2013, effective 26.07.2013) The Minister of Regional Development, the Minister of Finance and the Minister of Agriculture and Food shall submit to the Council of Ministers a proposal for alienation of properties constituting private property and being agricultural land or wooded areas.

(2) The following shall be enclosed with the alienation proposal referred to in paragraph (1):

1. a copy of an effective detailed land development plan which provides for the construction of a project of national importance;
2. a description, type, location and size of the properties, information concerning their owners, and title deeds of the properties being alienated;
3. a description, type, location and size of each of the properties to be provided as compensation, and the owners whereto they are to be provided;
4. (amended, SG No. 19/2011, effective 9.04.2011) valuations of the properties being alienated and those being provided as compensation, calculated in accordance with the procedure provided for by the ordinance referred to in Article 36(2) of the Agricultural Land Ownership and Use Act, and in accordance with the procedure provided for by the ordinance referred to in Article 86(2) of the Forestry Act respectively;
5. financial analysis supporting the alienation proposal.

Article 42e

(New, SG No. 87/2010, amended, SG No. 19/2011, effective 9.04.2011)

The decision of the Council of Ministers on the alienation shall state the national project for the purpose of whose construction the properties are being alienated, the type, location, size and description of the properties being alienated, the owners of each of the properties, the type, location, size and description the properties being provided as compensation, the values of the property being alienated and the one being provided as compensation, calculated in accordance with the procedure provided for by the ordinance referred to in Article 36(2) of the Agricultural Land Ownership and Use Act - in the case of agricultural land, and the ordinance referred to in Article 86(2) of the Forestry Act - in the case of wooded areas.

Article 42f

(New, SG No. 87/2010)

Where the alienation decision of the Council of Ministers is appealed against as regards the fairness of the compensation, the court shall award the difference in cash where the value of the property provided as compensation is lower than the value of the one being alienated, as calculated in accordance with the procedure provided for by the ordinances referred to in Article 42d(2), item 4.

Article 42g

(New, SG No. 87/2010)

(1) The property shall be deemed alienated after the alienation deed takes effect.

(2) (Repealed, SG No. 109/2013).

Article 42h

(New, SG No. 87/2010)

Where a property of equal value is provided as compensation, the decision of the Council of Ministers shall be subject to registration in the property register after it takes effect. Such decision, accompanied by a plat, shall certify the title and shall have the same effect as an ascertainment title deed evidencing title to the property.

Article 42i

(New, SG No. 87/2010)

The costs attributable to making the valuations under this section shall be covered by the project investor.

Chapter Four

ACQUISITION AND DISPOSITION WITH PROPERTIES AND OBJECTS THAT ARE PRIVATE STATE PROPERTY

(Title amended, SG No. 32/2005)

Article 43

(Amended and supplemented, SG No. 124/1998, amended, SG No. 32/2005) (1) The State may acquire properties through purchase, exchange, donation, partition, instituting real rights with or without compensation, testament or in any other way prescribed by law.

(2) (Supplemented, SG No. 45/2012, effective 1.01.2013) The state shall dispose with real property constituting private state property on the basis of the property evaluation carried out by an independent valuer which shall not be lower than its tax assessment through sale, exchange, partition, instituting real rights with or without compensation or through including properties and objects in the capital stock of commercial companies, where the state is the sole shareholder. Properties and chattels which are private state property shall be included in the capital of companies in which the state is not the sole shareholder only where the other partners/shareholders have been selected pursuant to Articles 33 - 39 of the Public-Private Partnership Act, unless where such partners/shareholders are a municipality or body governed by public law.

(3) No properties and objects may be included in the capital stock owned by commercial companies included in Annex No. 1 to article 3, paragraph 1 "List of commercial companies with state-owned stake in the capital stock in excess of 50% or independent parts thereof" of the Privatisation and Post-Privatisation Control Act.

(4) (Supplemented, SG No. 87/2010) Government enterprises under article 62, paragraph 3 of the Commerce Act may dispose of the properties acquired by and granted to them which constitute private state property with the permission of the minister exercising the state's ownership rights under terms and procedures specified in the Regulation on the Implementation of this Act. Where the tax valuation of the property or the right to build exceeds BGN 500,000, disposition shall be performed by the minister exercising the state's rights in the enterprise concerned, after a decision by the Council of Ministers.

Article 43a

(New, SG No. 32/2005, supplemented, SG No. 87/2010)

A Minister, a head of another institution or a regional governor shall be assigned by a decision of the Council of Ministers to conclude a contract on the purchase of a property or a part of a property in order to terminate the joint ownership by the state and natural persons and/or legal entities or on the institution of limited real rights in favour of the state.

Article 43b

(New, SG No. 32/2005)

Regional governors shall accept the donation of real property, limited real right or moveable property in favour of the State and shall conclude a contract. Where a donation is done in favour of a Ministry, another institution of a legal person funded by the state budget the contract shall be concluded by the Minister, the head of the other institution or the head of the legal person funded by the state budget.

Article 43c

(New, SG No. 32/2005)

(1) (Previous Article 43c, SG No. 87/2010) A testament or a bequest made in favour of the state shall be accepted by the regional governor. In the events where the testament or the bequest is made in favour of a Ministry, another institution, of a legal person funded by the state budget the contract shall be concluded by the Minister, the head of the other institution or the head of the legal person funded by the state budget.

(2) (New, SG No. 87/2010) Where the subject of the testament or bequest referred to in paragraph (1) are properties and/or movables located outside Bulgaria, the testament or bequest shall be accepted by a resolution of the Council of Ministers.

Article 44

(Amended, SG No. 32/2005) (1) (Amended, SG No. 18/2010, effective 5.03.2010, SG No. 87/2010) The sale of properties constituting private state property whose tax valuation exceeds BGN 10,000 shall be carried out by the Privatisation and Post-Privatisation Control Agency under terms and procedures specified in the Privatisation and Post-Privatisation Control Act.

(2) (New, SG No. 18/2010, effective 5.03.2010, supplemented, SG No. 87/2010) The sale of properties constituting private state property whose tax valuation exceeds BGN 10,000 shall be carried out by the regional governor having jurisdiction over the area wherein the property is located under the terms and procedures specified in this Act and the Regulation on the Implementation of this Act.

(3) (Renumbered from Paragraph 2, SG No. 18/2010, effective 5.03.2010, amended, SG No. 87/2010)) In cases other than those referred to in paragraphs (1) and (2) and Article 43(2) and (4), the sale of land or the relevant shares of land constituting private state property to persons owning the title to a legally constructed building erected on it shall be carried out by the regional governor having jurisdiction over the area wherein the property is located without a tender and under a procedure specified in the Regulation on the Implementation of this Act. The sale price shall be determined in accordance with the procedure provided for by the Regulation on the Implementation of this Act.

Article 44a

(New, SG No. 33/2009, repealed, SG No. 87/2010).

Article 45

(Supplemented, SG No. 55/1997, amended, SG No. 124/1998, SG No. 32/2005, SG No. 17/2006, SG No. 10/2009) (1) No property constituting private state property or leasehold on a property constituting private state property within the territory of Bulgaria may be exchanged for a property or leasehold owned by natural or legal persons, except in the cases provided for by the law.

(2) Property constituting private state property or leasehold on a property constituting private state property may be exchanged for a property or leasehold owned by natural or legal persons:

1. (amended, SG No. 41/2009) when this is the means to terminate the state's ownership or the ownership of natural or legal

persons;

2. (amended, SG No. 87/2010) when this is the way to fulfil obligations arising from an international treaty.

3. (new, SG No. 41/2009) when such exchange takes place between the state and the municipality;

4. (new, SG No. 41/2009) in other cases provided for by law.

(3) (Amended, SG No. 87/2010) In the cases referred to in paragraph (2), the exchange shall be performed by the regional governor having jurisdiction over the location of the property constituting private state property. The exchange shall be performed based on evaluations of the properties being the subject of exchange made by an independent valuer, at prices not lower than their tax value.

(4) (Amended, SG No. 87/2010, SG No. 66/2013, effective 26.07.2013) Where the tax value of the property constituting private state property or of the right to build in a property constituting private state property is in excess of BGN 500 thousand, the exchange shall be carried out following a decision of the Council of Ministers on a proposal of the Minister of Regional Development. On the basis of the decision of the Council of Ministers the Minister of Regional Development shall issue an order and shall conclude a contract on the exchange.

(5) (New, SG No. 87/2010) The exchange of a property constituting private state property the management whereof has been entrusted to the Ministry of Defence and the tax value whereof exceeds BGN 500,000 shall be performed by resolution of the Council of Ministers upon a proposal by the Minister of Defence. Based on the decision of the Council of Ministers, the Minister of Defence shall issue an order and conclude a contract on the exchange.

Article 45a

(New, SG No. 124/1998, amended, SG No. 17/2006, SG No. 87/2010) (1) Termination of joint ownership of a property by the state and natural persons or legal entities through sale of the state's share shall be performed by the regional governor having jurisdiction over the location of the property. In case the management of the state's share has been entrusted to an institution, the opinion of the institution's head shall also be required. Termination of ownership shall be performed based on the market value of the share concerned, as calculated by an independent valuer, at a price not lower than the tax value of the property.

(2) In case of termination of joint ownership by the state and the municipalities through sale of the state's share, the valuation shall be assigned by the regional governor only.

(3) Where the state is the owner of a building erected on a third party's land, the owner of the land shall be offered to buy it at a price equal to its market value, as calculated by an independent valuer, which may not be lower than the tax value of the property.

Article 46

(Amended, SG No. 124/1998, SG No. 32/2005) (1) The following shall not be entitled to acquire real property constituting private state property that have been granted for management to the respective institutions through sale/purchase or exchange:

1. the Prime Minister and the Deputy Prime Ministers;

2. the Ministers and the Deputy Ministers;

3. the Members of Parliament;

4. the Chairpersons of state institutions and their deputies;

5. the Chairpersons and members of state committees;

6. the Executive Directors of executive agencies and their deputies;

7. the Heads of state institutions established by an Act of Parliament or an ordinance of the Council of Ministers;

8. the Chief Secretaries of the National Assembly, the Council of Ministers, the administration of the President, of the ministries and of the state institutions under items 4, 5, 6 and 7;

9. the regional governors and their deputies;

10. the members of the political cabinets of the Prime Minister, the Deputy Prime Ministers and the Ministers as well as the expert and secretarial staff under them;

11. (amended, SG No. 17/2006, supplemented, SG No. 87/2010) the directors of directorates in the administration of the central and territorial bodies of state power.

(2) (Amended, SG No. 87/2010) Civil servants and employees under employment contracts with the administration, as well as members of the armed forces, may, without a tender, acquire real property - residential properties, studios and garages - constituting private state property the management whereof has been entrusted to the relevant institutions, provided that they have served the relevant administration, or respectively the Ministry of Defence, the structures directly subordinated to the Minister of Defence or the Bulgarian Army, for at least three years and satisfy the requirements provided for in the Regulation on the Implementation of this Act.

(3) In the cases under paragraph 3 the sales are done at prices which are not lower than the tax assessments of the properties.

Article 46a

(New, SG No. 93/2004, amended, SG No. 17/2006, repealed, SG No. 87/2010).

Article 46b

(New, SG No. 113/2007, effective 1.01.2008, repealed, SG No. 87/2010).

Article 47

(Amended, SG No. 55/1997)

(1) (Amended, SG No. 9/2000, SG No. 32/2005, SG No. 87/2010, supplemented, SG No. 45/2012, effective 1.01.2013, amended, SG No. 66/2013, effective 26.07.2013) The institution of limited real rights on a property constituting private state property of which the tax value is in excess of BGN 500,000 shall be subject to a decision of the Council of Ministers on the motion of the Minister of Regional Development, except in cases provided for in the Public-Private Partnership Act.

(2) (Amended, SG No. 32/2005, SG No. 87/2010, SG No. 66/2013, effective 26.07.2013) In the cases under paragraph (1) on the basis of the decision of the Council of Ministers the Minister of Regional Development shall conduct a tender subject to terms and procedures determined in the Regulation on the Implementation of this Act, following which he/she shall issue an order and conclude a contract.

(3) (New, SG No. 87/2010) The sale of a property constituting private state property the management whereof has been entrusted to the Ministry of Defence and the tax value whereof exceeds BGN 500,000 shall be performed by resolution of the Council of Ministers upon a proposal by the Minister of Defence. Based on the decision of the Council of Ministers, the Minister of Defence shall conduct a tender subject to terms and procedures determined in the Regulation on the Implementation of this Act, following which he/she shall issue an order and conclude a sale contract.

Article 48

(Amended SG 104/1996; SG No. 124/1998, SG No. 32/2005) (1) (Supplemented, SG No. 18/2010, effective 5.03.2010, amended, SG No. 87/2010, SG No. 66/2013, effective 26.07.2013) Disposition of properties constituting private state property, with the exception of sale under Article 44(1), shall be performed by an order of the regional governor, or, in the cases referred to in Article 45(4) and Article 47(2) - by the Minister of Regional Development, or, in the cases referred to in Article 45(5) and Article 47(3) - by the Minister of Defence. Based on such order, a contract shall be concluded.

(2) The contracts with which the state acquires properties and disposes with properties, constituting private state property, shall be made in writing and shall be recorded by the registrar judge local to the subject state property.

Article 49

(1) (Amended, SG No. 32/2005, supplemented, SG No. 18/2010, effective 5.03.2010, amended, SG No. 87/2010) The sale of state residential properties, studios or garages in cases other than those referred to in Article 46(2) shall be performed by the regional governor having jurisdiction over the location of the property after a tender is carried out in accordance with the

procedure provided for by Article 44(2).

(2) (Repealed, SG No. 32/2005).

(3) The provisions of paragraph 1 above shall apply also to the sale of residential properties, studios or garages, constituting state property, which have been granted to a closed public authority, unless the act of closure provides otherwise.

(4) (Amended, SG No. 55/1997, SG No. 87/2010) Any vacant residential properties, studios or garages constituting state property which have not been granted to a specific public authority shall be allotted to public authorities according to their established needs by the competent regional governor.

(5) (Repealed, SG No. 32/2005).

Article 50

(Repealed, SG No. 32/2005).

Article 51

(Repealed, SG No. 32/2005).

Article 52

(Amended, SG No. 32/2005) The exchange of state-owned residential properties, studios or garages for properties owned by workers or employees of the institution shall be carried out by the regional governor with the consent of the Minister or the head of the institution under conditions and procedures specified in the Regulation on the implementation of this Act and at prices that not lower than the tax assessment.

Article 53

(Amended, SG No. 57/2000, SG No. 87/2010)

The disposition of any residential properties, studios or garages the management whereof has been entrusted to the Ministry of Defence and the Ministry of Interior subject to the conditions of Article 46(2) shall be performed by the head of the relevant institution in accordance with such procedure as the Council of Ministers may prescribe.

Article 54

(1) (Amended and supplemented, SG No. 55/1997, amended, SG No. 32/2005, SG No. 66/2013, effective 26.07.2013) The gratuitous transfer of the title to property constituting private state property shall be carried out by resolution of the Council of Ministers on the advice of the Minister of Regional Development. The regional governor shall conclude a contract on such gratuitous transfer, which shall be recorded in the Records Office.

(2) Requests for gratuitous transfer under paragraph 1 above shall be made through the Regional Governor who shall give his/her reasoned opinion.

Article 55

(1) (Amended, SG No. 124/1998, amended and supplemented, SG No. 32/2005) The voluntary partition of any real property held in joint ownership by the State and any legal or natural person shall be carried out at the proposal of the cotenants concerned addressed to the regional governor or the head, of the agency to which the property has been granted. The Regional Governor or the head of the agency, grantee of the property, may initiate a proposal for voluntary partition to the other cotenants .

(2) (Supplemented, SG No. 32/2005, amended, SG No. 17/2006, SG No. 87/2010) The voluntary partition under paragraph (1) shall be performed by the regional governor subject to the prior written consent of the head of the institution whereto the property's management has been entrusted.

(3) The voluntary partition shall be effected on the basis of an order of the regional governor concerned and a partition agreement between the copartitioners.

(4) (Amended, SG No. 87/2010) The body under paragraph (2) above shall not consent to any voluntary partition which is not in the best interest of the state.

Article 56

(1) (Supplemented, SG No. 124/1998, amended, SG No. 32/2005, SG No. 87/2010, supplemented, SG No. 45/2012, effective 1.01.2013) The right to use property constituting private state property in return for payment shall be granted by an order of the regional governor for a period not exceeding ten years and on the basis of a tender conducted under such conditions and in accordance with such procedure as the Council of Ministers shall prescribe, except in cases provided for in the Public-Private Partnership Act.

(2) (Amended, SG No. 55/1997, SG No. 87/2010, SG No. 66/2013, effective 26.07.2013) Gratuitous right to use a property constituting private state property may be established for a period not exceeding 10 years through an order by the regional governor in favour of municipalities for the purpose of such municipalities performing their functions or of long-term meeting of public needs of local importance, as well as in favour of third parties, after a decision of the Council of Ministers upon a proposal by the Minister of Regional Development. The users of the property may not use it for commercial activities.

(3) (Amended, SG No. 124/1998, SG No. 32/2005, SG No. 87/2010) The order by the regional governor shall prescribe the method and terms for instituting the right to use - against payment or gratuitously. Where the right to use is granted against payment or conditionally, the said order shall set out its price, its terms respectively as determined on the basis of the tender.

(4) On the basis of the above order, the regional governor shall conclude a contract.

Article 57

(Repealed, SG No. 124/1998, new, SG No. 32/2005)

(1) The property rights of the State in commercial companies shall be exercised by the Council of Ministers or the Ministers in compliance with their competences.

(2) (Supplemented, SG No. 45/2012, effective 1.01.2013) The State may incorporate or participate in the incorporation of shareholding companies and of limited liability companies on the basis of a decision of the Council of Ministers, except in cases provided for in Article 57a, paragraph 1.

(3) (Supplemented, SG No. 45/2012, effective 1.01.2013) The State may include real and moveable properties constituting private state property in the capital stock of commercial companies on the basis of a decision of the Council of Ministers on the motion of the respective Minister, or under the terms and according to the procedure of the Public-Private Partnership Act.

Article 57a

(New, SG No. 45/2012, effective 1.01.2013)

(1) The state, state-owned companies referred to in Article 62, paragraph 3 of the Commerce Act and companies with more than 50 per cent state-owned stake may establish or hold shares in companies in which they are not the only shareholders, only where the other partners/shareholders were selected pursuant to Articles 33 - 39 of the Public-Private Partnership Act. Article 52, paragraph 2 of the Public-Private Partnership Act shall apply to the by-laws/the articles of association of such companies.

(2) State-owned companies and companies with more than 50 per cent state-owned stake may enter into contracts or participate in civil-law companies with persons which are not a municipality or a body governed by public law, only where the respective person was selected pursuant to Article 33 - 39 of the Public-Private Partnership Act.

(3) Paragraphs 1 and 2 shall not be applied:

1. where the partners/shareholders are a municipality or body governed by public law;

2. where the partners/shareholders have been selected following a privatisation procedure, a concession award procedure or any other procedure provided for by law;

3. to public companies;

4. to companies established in compliance with an international treaty or an intergovernmental treaty.

Article 58

- (1) (Amended, SG No. 124/1998) Leasehold on land constituting private state property shall be granted permanently or for a set term by an order of the regional governor.
- (2) (Supplemented, SG No. 124/1998, amended and supplemented, SG No. 32/2005, supplemented, SG No. 45/2012, effective 1.01.2013) Leasehold shall be instituted against payment by the regional governor within whose jurisdiction the property is located on the basis of a tender conducted under such conditions and in accordance with such procedure as the Council of Ministers shall prescribe or under the terms and according to the procedure of the Public-Private Partnership Act. The terms of the tender may provide that the payment for the leasehold shall be done through an equal property compensation in the newly erected building on the basis of an evaluation carried out by an independent valuer.
- (3) The regional governor shall conclude a contract on the basis of the order.
- (4) (Amended, SG No. 32/2005, SG No. 87/2010) Based on a decision by the Council of Ministers, the regional governor shall establish gratuitous right to build in favour of municipalities for the purpose of such municipalities performing their functions or of long-term meeting of public needs of local importance, as well as in favour of third parties in the cases provided for by law for the purpose of long-term meeting of public needs. Those in favour whereof a gratuitous right to build has been established may not use the constructed facilities for commercial activities.
- (5) (New, SG No. 124/1998) When the instituted leasehold is for a set term, after the expiration of the term, the built-up site shall be transferred gratuitously into the ownership of the State.

Article 59

- (1) (Amended and supplemented, SG No. 87/2010) The right to construct annexes or additional storeys to an existing buildings erected on land constituting state property shall be granted under the conditions and in accordance with the procedure laid down in Article 58(2) and (3) above.
- (2) (Repealed, SG No. 87/2010).

Article 60

(Amended, SG 104/1996, SG No. 32/2005) The deeds of conveyance of limited real rights on properties constituting private state property shall be recorded at the Records Office local to the property.

Article 61

The disposition with items of moveable property constituting private state property -: machinery, facilities and equipment, vehicles, fixtures and furniture, granted to a specific institution shall be carried out against payment by the head of the institution.

Article 62

The disposition with moveable property of closed down agencies shall be carried out by the Minister of Finance, unless the act of closure provides otherwise.

Article 63

- (1) The gratuitous transfer of moveable property to legal persons or other organisations funded from the State Budget shall be carried out by the regional governor or by the head of institution, as the case may be.
- (2) The gratuitous transfer of moveable property in excess of a certain value determined by the Council of Ministers shall be done under the procedure of paragraph 1, subject to the consent of the Minister of Finance.
- (3) (New, SG No. 17/2006) Movable objects - private state property - may be transferred on a grant basis to the Bulgarian Red Cross under the procedure of paragraphs (1) and (2).

Article 64

- (1) (Supplemented, SG No. 32/2005) The sale of any redundant or unfit moveable property or any materials cleared from construction sites, shall be carried out by auction or through the commodity exchanges.

(2) The auction conditions and procedure for the purposes of paragraph 1 shall be prescribed by the Minister of Finance.

(3) (Repealed, SG No. 32/2005).

Article 65

(Repealed, SG No. 32/2005).

Chapter Five

SUPERVISION AND DEED PROCEDURE OF PROPERTY CONSTITUTING STATE PROPERTY

Article 66

(Amended, SG No. 55/1997)

(1) (Amended and supplemented, SG No. 32/2005, amended, SG No. 87/2010, SG No. 66/2013, effective 26.07.2013) Management and disposition of properties constituting state property shall be performed under the methodological guidance of the Minister of Regional Development, and with movables constituting state property - of the Minister of Finance.

(2) (Repealed, SG No. 32/2005).

Article 67

(Amended, SG No. 55/1997, SG No. 32/2005) A "State Property" Unit and a "Property Management" Unit may be created in Ministries, other institutions and regional administrations.

Article 68

(Amended, SG No. 55/1997, amended and supplemented, SG No. 124/1998, amended, SG No. 67/1999, SG No. 32/2005) (1) State ownership title deeds shall be drawn up for the properties constituting state property.

(2) (Amended, SG No. 66/2013, effective 26.07.2013) The Minister of Regional Development shall approve individual samples of state ownership title deeds for the properties that are exclusive, public and private state property.

(3) State ownership title deeds shall be drawn up also for properties owned by the Bulgarian State outside the country.

(4) No state ownership title deeds shall be drawn up for temporary buildings, the road network, riverbeds and ravines unless a special Act of Parliament provides otherwise.

Article 69

(Amended, SG No. 55/1997, SG No. 32/2005) (1) (Supplemented, SG No. 87/2010, amended, SG No. 66/2013, effective 26.07.2013) Title deeds for projects and properties constituting exclusive state property shall be drawn up in duplicate by the State Property Department of the Ministry of Regional Development.

(2) (Amended, SG No. 66/2013, effective 26.07.2013) Such deeds shall be signed by the officer who has drawn them up and shall be approved by the Minister of Regional Development.

(3) (Amended, SG No. 87/2010) The first copy thereof shall be kept at the State Property Department and the second one shall be sent to the regional governor having jurisdiction over the location of the property. A transcript of such deed shall be sent to the Geodesy, Cartography and Cadastre Agency.

Article 70

(Amended, SG No. 55/1997, SG No. 45/2002, SG No. 32/2005) (1) (Amended, SG No. 87/2010, SG No. 66/2013, effective 26.07.2013) The state ownership title deeds for public and private property shall be drawn up in duplicate by the state property department under the regional governor. Such deeds shall be signed by the officer who has drawn them up and shall be approved by the regional governor. Both copies shall be submitted to the registry service within 14 days after such approval, and after the registration the first copy shall be kept at the State Property Department. The Ministry of Regional

Development and the persons who use the property shall be given transcripts after the registration of the respective deed.

(2) (Amended, SG No. 66/2013, effective 26.07.2013) State ownership title deeds for properties related to classified information, constituting state secrets or to national security or defence shall be drawn up in duplicate by the State Property Department of the respective Ministry or agency which manages the property. Such deeds shall be signed by the officer who has drawn them up and shall be approved by the Minister or head of the institution. The first copy thereof shall be kept at the respective Ministry or agency, and the second copy shall be delivered in accordance with the established procedure to the Ministry of Regional Development and a transcript shall be sent to the respective regional governor. Separate register shall be created for these deeds.

(3) (Amended, SG No. 17/2006, SG No. 66/2013, effective 26.07.2013) State ownership title deeds for properties owned by the Bulgarian State outside the Republic of Bulgaria shall be drawn up in the Ministry of Finance in triplicate in standard form, approved by the Minister of Regional Development. Such acts shall be signed by their authors and endorsed by the Minister of Finance. The first copy shall be kept at the Ministry of Finance, the second - at the Ministry of Regional Development, the third - in the Ministry of foreign Affairs and a transcript of the deed shall be provided to the user of the property.

(4) The documents establishing the State's title shall be attached to the state ownership title deeds.

Article 71

(Amended, SG No. 32/2005, SG No. 87/2010) (1) Upon the entry into force of a cadastral map concerning the properties constituting state property, new state ownership title deeds shall be drawn up wherein the numbers and dates of the state ownership title deeds previously drawn up and the details referred to in Article 60, items 1 - 7 of the Cadastre and Property Register Act shall be stated.

(2) Upon the entry into force of detailed land development plans for areas where no cadastral map has entered into force, and in case of amendments to the detailed land development plans, to the cadastral map (cadastral plan), to the land distribution plans, to the forest development plans and to other plans related to the restitution of title, if new landed properties are formed, a new state ownership title deed shall be drawn up for each newly formed landed property, and the number and date of the state ownership title deed previously drawn up shall be stated therein. In the case of newly formed properties covered by an approved cadastral map, the procedure referred to in paragraph (1) shall apply.

(3) The numbers and dates of the deeds newly drawn up as referred to in paragraphs (1) and (2) shall also be stated in the deeds previously drawn up and in the relevant registers.

(4) The deeds newly drawn up as referred to in paragraphs (1) and (2) shall be registered with the registry service.

(5) A copy of the deed as referred to in paragraph (4) shall be sent in the Geodesy, Cartography and Cadastre Agency.

(6) In the cases referred to in paragraphs (1) and (2), institutions shall not pay fees for the issuance of plats and the provision of information statements on the properties constituting state property by the Geodesy, Cartography and Cadastre Agency.

Article 72

(1) (Previous Article 72, SG No. 17/2006, repealed, SG No. 87/2010).

(2) (New, SG No. 17/2006, amended, SG No. 87/2010) In case an obvious factual error is found in a state ownership title deed, the deed shall be amended by a corrective deed. The corrective deed amending the state ownership title deed shall be registered with the registry service.

(3) (New, SG No. 87/2010) The number and date of the corrective deed amending the state ownership title deed shall be recorded in the deed being corrected and in the relevant registers.

Article 73

(Amended, SG No. 32/2005, SG No. 87/2010, SG No. 45/2012, effective 1.01.2013) The actions on management and disposition of the property shall be recorded in the state ownership title deed as well as their granting under concession or under a public-private partnership contract.

Article 74

(1) (Amended, SG No. 32/2005, supplemented, SG No. 87/2010) The state ownership title deeds and the corrective deeds amending them shall be recorded under serial numbers in the register and shall be bound in deeds books and shall be kept at the State Property Department concerned.

(2) (Amended, SG No. 32/2005, SG No. 87/2010) The state ownership title deeds for properties which have ceased to constitute state property or for which new title deeds have been drawn up shall be kept as provided for in paragraph (1) with the respective fact noted thereon.

(3) (New, SG No. 32/2005, supplemented, SG No. 17/2006) On the occurrence of a change in the status of a property which is state property under article 6 a new title deed shall be drawn up and recorded at the registration service.

Article 74a

(New, SG No. 87/2010)

No fees shall be charged for the registration with the registry service of state ownership title deeds and of corrective deeds amending state ownership title deeds.

Article 75

(Amended, SG No. 55/1997, SG No. 32/2005, SG No. 17/2006, SG No. 87/2010, SG No. 66/2013, effective 26.07.2013) A main register and supplementary registers in a standard form approved by the Minister of Regional Development shall be set up with the ministries, institutions and regional administrations drawing up state ownership title deeds. The main register and supplementary registers shall be kept by an officer authorised by the Minister, head of institution or a regional governor.

Article 76

(Amended, SG No. 32/2005, SG No. 17/2006) The state ownership title deeds, the main register and the supplementary registers shall be kept in perpetuity.

Article 77

(Amended, SG No. 32/2005) The deeds books for the state properties shall be open to the public and anyone shall be entitled to request information on them under terms and procedures laid down in the Regulation on the implementation of this Act.

Article 78

(1) (Amended, SG No. 32/2005) Properties which have been incorrectly qualified as constituting state property, as well as properties in relation of which the grounds for issuing a state ownership title deed have ceased to exist shall be written off from the deeds books on order of the regional governor and shall be handed over to the owner. The change of ownership shall be subject to registration

(2) (New, SG No. 18/2010, effective 5.03.2010) Writing off of any real property, which is acquired in accordance with a privatization contract for sale of an isolated part of the property of commercial companies with more than 50% state participation in the capital, as well as property belonging to companies whose stocks and shares had been a subject of privatization sale contracts, on which the Privatisation and Post-Privatisation Control Agency exercises post-privatisation control, shall be effected under an ordinance, issued by the regional governor upon presentation of a certificate, issued by the Privatisation and Post-Privatisation Control Agency for a lack of obligations ensuing from a failure to implement the privatization contract.

(3) (Amended, SG No. 55/1997, SG No. 45/2002, SG No. 32/2005, renumbered from Paragraph 2, SG No. 18/2010, effective 5.03.2010, SG No. 66/2013, effective 26.07.2013) Writing off of any real property constituting public state property or of any real property relating to classified information, constituting state secret, or to national security and defence shall be done by order of the Minister of Regional Development after taking into consideration the opinion of the respective agency that manages the property.

(4) (Renumbered from Paragraph 3, SG No. 18/2010, effective 5.03.2010) Writing off of any real property constituting Bulgarian state property outside the country shall be done by order of the Minister of Finance on the proposal of the Minister

of Foreign Affairs.

Article 79

(1) (Amended, SG No. 32/2005, repealed, SG No 54/2008).

(2) (Repealed, SG No. 54/2008).

(3) Any substantive law disputes shall be settled in court.

Article 80

(1) (Amended and supplemented, SG No. 32/2005) Any state property held in possession or tenure without any legal grounds, or used inappropriately or such of which the purpose has ceased to exist shall be repossessed by order of the regional governor on the basis of a substantiated request by the respective Minister or head of institution.

(2) (Amended, SG No. 32/2005) The order of the regional governor to repossess such property shall be executed by administrative procedure with the assistance of the police.

(3) The order under paragraph 1 above shall be subject to appeal in accordance with the procedure laid down in the Code of Administrative Procedure. The appeal shall not stop the execution of the order, unless the court directs otherwise.

Article 80a

(New, SG No. 93/2004)

(1) (Amended, SG No. 87/2010) Any property constituting state property which has been granted for use and management to the Ministry of Defence, the Bulgarian Army and the structures subordinated to the Minister of defence which is used or kept without grounds or on the grounds that have become extinct by a different natural or legal person or which is used at variance with its purpose shall be seized on the basis of an order of the Minister of Defence.

(2) The order of the Minister of Defence on seizing the property shall be executed under an administrative procedure with the assistance of the military police authorities.

(3) The order under paragraph 1 shall be subject to appeal under the Code of Administrative Procedure. The appeal shall not stop the execution of the order unless the court rules otherwise.

Article 81

(Amended, SG No. 32/2005, SG No. 87/2010) The public authorities, the mayors of municipalities and the police shall have the duty to accord assistance to the state property departments for the protection or repossession of properties constituting state property.

Article 82

(Amended, SG No. 55/1997, SG No. 87/2010) (1) (Amended, SG No. 66/2013, effective 26.07.2013) Regional governors shall submit to the Ministry of Regional Development, by the 31st of March every year, transcripts of all newly drawn up state ownership title deeds and corrective deeds amending state ownership title deeds, as well as information on the management and disposition of the properties constituting state property within the territories of their respective regions for the previous year.

(2) (Amended, SG No. 66/2013, effective 26.07.2013) The ministers or heads of other institutions who have approved deeds under Article 70(2) shall, by the 31st of March every year, submit to the Ministry of Regional Development all newly drawn up state ownership title deeds and corrective deeds amending state ownership title deeds for the properties constituting state property the management whereof has been entrusted to them, for the previous year.

Article 82a

(New, SG No. 87/2010)

Fees the amount whereof shall be determined in a tariff approved by the Council of Ministers shall be charged for the issuance

of certificates of the presence or absence of state ownership title deeds, certificates of the presence or absence of title restitution claims, and certificates evidencing that the properties concerned have been delisted from the deeds books for properties constituting state property.

(2) In the cases referred to in paragraph (1) institutions shall pay no fees.

Article 82b

(New, SG No. 87/2010)

Institutions shall pay no fees for the issuance of tax assessment certificates for properties constituting state property.

Chapter Six

ADMINISTRATIVE PENAL PROVISIONS

Article 83

(Amended, SG No. 124/1998, SG No. 87/2010) Whosoever takes possession of a property constituting state property without any legal grounds shall pay a fine amounting to BGN 1,000 to 5,000.

Article 84

(Amended, SG No. 124/1998, SG No. 36/2006, effective 1.07.2006, supplemented, SG No. 87/2010) Anyone violating a prohibition under Art. 16(1) and (7), shall be punishable by a fine from BGN 500 to BGN 2,000.

Article 85

(Amended, SG No. 124/1998, SG No. 87/2010) Whosoever fails to comply, within one month, with the order or resolution concerning the vacation of a property constituting state property shall pay a fine amounting to BGN 5,000 to 10,000, if not liable to a more severe punishment.

Article 86

Whosoever fails to comply, with the provision of §5 of the Saving and Implementation Provisions below, within the time limit provided therein, shall pay a fine between BGN 10 to 50.

Article 87

(1) (Amended, SG No. 87/2010) The offences referred to in Articles 83, 84 and 85 above shall be established by an act issued by an official empowered by the relevant regional governor.

(2) (Repealed, SG No. 87/2010) .

(3) (Amended, SG No. 55/1997) The penal orders relating to the said offences shall be issued by the Regional Governor in whose jurisdiction the realty is located.

Article 88

The establishment of the said offences and the issuance, appeal and enforcement of the related penal orders shall be carried out in accordance with the procedure laid down in the Administrative Offences and Sanctions Act.

ADDITIONAL PROVISIONS

§ 1. (Amended, SG No. 63/2003, SG No. 41/2007, SG No. 87/2010) "A national project" shall mean a project defined as such by law, as well as infrastructure projects: construction and rehabilitation of transport and communications networks and facilities such as roads of the national road network, railway lines and railroad infrastructure projects, ports, airports and

facilities attached to them; of other networks and facilities of engineering infrastructure such as water supply, sewerage, potable and waste water treatment, waste treatment, power supply, heating supply, gas supply and electronic communications networks defined as national projects by resolution of the Council of Ministers.

§ 1a. (New, SG No. 17/2006)

1. "Fair cash compensation" shall denote the price of the properties alienated or of parts of properties, determined under procedure of this Act.

1a. (New, SG No. 87/2010, amended, SG No. 19/2011, effective 9.04.2011) "Equal property compensation" shall mean a compensation where the owner of the property being alienated is granted the title to a property constituting private state property and being agricultural land of the state land stock or wooded area where the forests are of identical origin and functions to those being expropriated, in the same or in a neighbouring land use area, and the value whereof, calculated in accordance with the procedure provided for by the ordinance referred to in Article 36(2) of the Agricultural Land Ownership and Use Act, respectively in accordance with the procedure provided for by the ordinance referred to in Article 86(2) of the Forestry Act, is equal to the value of the property being alienated or exceeds such value by up to 20 percent.

2. (Supplemented, SG No. 87/2010) "Market prices" shall denote the average prices of all transactions of sale-and-purchase of property, exchange, establishment of real rights or transfer of ownership against obligation for construction, mortgage, auction sales by public and private bailiffs, state institutions and municipalities, as well as other paid transactions, to which at least one of the parties is a trader, executed within 12 months prior to the date of assignment of the evaluation and recorded at the registration service of the location of the property. If more than 20 transactions have been registered with the registry service having jurisdiction over the location of the property for the past 12 months prior to the date of assignment of the evaluation, the latest 20 transactions shall be taken into account in determining the market price.

2a. (New, SG No. 87/2010) The market price of a property being subject to alienation which is included in an urbanised territory under an effective land development plan but was not regulated prior to the entry into force or respectively the approval of a detailed land development plan providing for the construction of a public project shall be determined as if no provision for construction thereon has been made and shall be aligned to the established long-term factual use of the property.

3. "Property valuer" shall denote a person who:

a) possesses the required education and professional qualification for evaluation of properties;

b) (amended, SG No. 87/2010) depending on the intended use of the property, is licensed to perform the relevant valuation as an independent valuer within the meaning of the Independent Valuers Act;

c) has at least three years' professional experience in the evaluation of properties;

d) is not an employee of the investor, has no interest in the alienation and has no lineal relationship without limitation and no collateral relation up to the fourth civil degree and no in-law relation up to the second civil degree, to the parties to the alienation.

4. "Properties located near the alienated one" shall denote properties, which are located:

a) in one and the same district in cities with district division;

b) in one and the same neighbourhood in other towns of settlements or townships;

c) (amended, SG No. 19/2011, effective 9.04.2011) in one and the same land-use area in agricultural territories and territories of forests and wooded areas.

5. (New, SG No. 45/2012, effective 1.01.2013) The term "body governed by public law" shall have the meaning defined in the Public-Private Partnership Act. "

§ 2. (Amended, SG No. 32/2005) For the purposes of this Act "institutions" shall be the National Assembly, the administration of the President of the Republic of Bulgaria, the Constitutional Court, the Council of Ministers, the Ministries and other government bodies and organisations funded by the state budgets to which the management of state property has been

assigned.

§ 2a. (New, SG No. 32/2005, repealed, SG No. 87/2010).

§ 2b. (New, SG No. 32/2005, repealed, SG No. 87/2010).

§ 3. Within the meaning of Article 40(1) above, the said activities shall have commenced if the related architectural designs have been approved and the building permit has been issued.

TRANSITIONAL AND CONCLUDING PROVISIONS

§ 4. (1) (Amended, SG No. 124/1998) Lease contracts signed before June 1st 1996 shall not be terminated in pursuance of grounds cited in Article 24, Paragraph 1, Item 6 above, prior to the changes, except in any of the following cases:

1. unilateral termination of the employment agreement by either the employee or the employer;
2. termination of the employment agreement by the consent of both parties or by the expiration of its agreed term of validity;
3. termination of the employment agreement by the employer without notice in pursuance of Article 330 of the Labour Code;
4. termination of the employment agreement, where by the nature of his/her work the employee has the obligation of living on official premises;
5. regular retirement, where the employee has served at the public authority concerned for less than five years prior to such retirement;
6. (supplemented, SG No. 124/1998) the purchase of a home from the same public authority by the employee concerned, whose lease contract has been terminated in pursuance of Article 24(1.6) prior to the changes, or by any member of his/her family;
7. (supplemented, SG No. 124/1998) the occurrence, after termination of the lease, of any circumstance under Article 24 (1), items 3, 4 or 8 prior to the changes, or where the person concerned refuses to pay compensation or persistently delays such payment.

(2) (Amended, SG No. 124/1998) The vacation of residential properties where the occupant had worked at the institution concerned and where the lease agreement is terminated due to the termination of such occupant's employment agreement prior to June 1st 1996, shall be carried out in accordance with the procedure effective before this date.

(3) (Amended, SG No. 124/1998) From termination of the lease agreement and until the tenant-occupier concerned vacates the property, he shall pay compensation equivalent to the market-rate rent.

§ 5. All legal or natural persons users of any state property shall within six months of the entry into force of this Act notify in writing accordingly the State Property Department under the Regional Governor having jurisdiction over the area wherein the property is located. Concerning State residential properties, such notification shall be made by the grantee public authority.

§ 6. (Declared unconstitutional by Constitutional Court of the Republic of Bulgaria - SG No. 38/2001) To any usufruct granted at will or for time exceeding beyond ten years in accordance with the procedure established before the entry into force of this Act, the time limit under Article 56(1) above shall apply from the date of conveyance. Where the said time limit shall have expired by the date of this Act's entry into force, the subject property shall be returned within six months of the same.

§ 6a. (New, SG No. 61/1997, supplemented, SG No. 93/1998) The provisions of this Act applicable to property constituting exclusive state property shall also apply to such subject property in respect whereof the State exercises sovereign rights pursuant to Article 18, paragraphs 2 and 3 of the Constitution of the Republic of Bulgaria, unless otherwise provided for in an act.

§ 6b. (New, SG No. 47/2011, effective 21.06.2011) (1) Employees of Railway Infrastructure National Company, who are renting residential properties of Bulgarian State Railways Holding - EAD in compliance with the respective procedure and who meet the requirements of the Rules of the Procedure for Exercising the Rights of the State in Commercial Companies with State

Participation in the Capital (publ. SG No. 51/2003, as amended, No. 59/2003, No. 79/2005 - Ruling No 8260/2005 of the Supreme Administrative Court, No. 54/2006, No. 15/2007, No. 103/2008, Nos 39 and 93/2009, No. 22, 29 and 72/2010) shall be entitled to purchase them under the procedure of the said Rules.

(2) Employees of Bulgarian State Railways Holding - EAD, who are renting residential properties of Railway Infrastructure National Company in compliance with the respective procedure and who meet the requirements of this Act, shall be entitled to purchase them under the procedure of this Act.

(3) Former employees, who have at least 10 years of length of service in the structures of Bulgarian State Railways Holding - EAD, who are renting residential properties of Railway Infrastructure National Company and who have changed their employer under the conditions of Article 123, paragraph 1 of the Labour Code and whose employment relationships have ended due to their becoming entitled to a pension, shall also enjoy the rights under paragraphs 1 and 2.

§ 6c. (New, SG No. 45/2012, effective 1.01.2013) Article 52, paragraph 2 of the Public-Private Partnership Act shall apply to companies with state shareholding, state-owned companies and companies with more than 50 per cent state-owned stake in the capital, established prior to 31 December 2012, except in cases provided for in Article 57a, paragraph 3.

§ 7. The Council of Ministers shall adopt Detailed Rules for the Application of this Act.

§ 8. This Act shall enter into force from the 1st June 1996.

TRANSITIONAL AND CONCLUDING PROVISIONS to the Act to Amend and Supplement the State Property Act

(Promulgated, State Gazette No. 55/1997, effective 11.07.1997)

§ 9. The Council of Ministers shall determine the procedure for concluding the started and unfinished files before this act entered into force

Act to Amend and Supplement the State Property Act

(Promulgated, State Gazette No. 124/1998, amended, SG No. 32/2005)

SUPPLEMENTARY PROVISION

§ 38. Everywhere in the Act the words "managed by" shall be substituted with "assigned to" and the words "management" and "managed and" shall be deleted save for article 29, paragraph 1 where the word "manage" shall be replaced with the word "use".

TRANSITIONAL AND CONCLUDING PROVISIONS

§ 39. (1) (Amended, SG No. 32/2005) Sites that constitute public state property shall not form part of the property of sole proprietor commercial companies with state participation.

(2) The chief officers of agencies exercising the State's ownership rights in sole proprietor commercial companies with state property, shall undertake the necessary action to reduce their capital by the amount of the incorporated sites, pursuant of para 1 of the Commercial Act.

(3) (Amended, SG No. 32/2005) Single person commercial companies with state participation pursuant of paragraph 2 shall receive concessions for the sites under paragraph 1 according to procedures stipulated in the Concessions Act.

LEV RE-DENOMINATION ACT

(Promulgated, SG No. 20/1999, supplemented, SG No. 65/1999, effective 5.07.1999)

TRANSITIONAL AND FINAL PROVISIONS

§ 4. (1) (Supplemented, SG No. 65/1999) Upon the entry of this Act into force, all figures expressed in old lev terms as indicated in the laws which will have entered into force prior to the 5th day of July 1999 shall be replaced by figures expressed

in new lev terms, reduced by a factor of 1,000. The replacement of all figures expressed in old lev terms, reduced by a factor of 1,000, shall furthermore apply to all laws passed prior to the 5th day of July 1999 which have entered or will enter into force after the 5th day of July 1999.

(2) The authorities, which have adopted or issued any acts of subordinate legislation which will have entered into force prior to the 5th day of July 1999 and which contain figures expressed in lev terms, shall amend the said acts to bring them in conformity with this Act so that the amendments apply as from the date of entry of this Act into force.

§ 7. This Act shall enter into force on the 5th day of July 1999.

Act to Amend and Supplement the State Property Act

(Promulgated, State Gazette No. 63/2003, effective 16.08.2003)

TRANSITIONAL AND FINAL PROVISIONS

§ 15.(1) Any alienation proceedings with respect to real property constituting private property that may have commenced shall be brought to completion under the procedure stipulated in this Act, save for cases of court proceedings concerning the admissibility of alienation.

(2) Any court proceedings that have been instituted in relation to admissibility of alienation shall be brought to completion in observance of the time periods referred to in Article 38.

§ 16. This Act shall come into force one month after its promulgation in the State Gazette.

TRANSITIONAL AND FINAL PROVISIONS

Act to Amend and Supplement the State Property Act

(Promulgated, State Gazette No. 32/2005, amended, SG No. 17/2006)

§ 60. (Amended, SG No. 17/2006, SG No. 87/2010) Any state ownership title deeds save for the acts under Article 69(1) and Article 70(2) and (3), drawn up under the procedure of this act, regardless of the date of their drawing up, shall be recorded on instructions of the registrar judge.

§ 62. Any requests filed before the entry into force of this Act by legal persons and other organizations funded by the state budget for obtaining free of charge a right to manage properties that are private state property under the procedure of article 17 shall be considered in compliance with the existing procedure.

§ 63. Lease contracts for properties that are state property concluded before the entry into force of this Act for a three-year term may be extended within the term provided for by this Act.

TRANSITIONAL AND FINAL PROVISIONS

Act to Amend and Supplement the State Property Act

(SG No. 17/2006)

§ 18. Fair cash compensation in procedures of alienation of properties in private ownership, which are in progress as at the date of this act, shall be determined under the hitherto existing procedure.

§ 19. Within one month of entry of this Act into force, the Ministry of Finance shall deliver to the Ministry of regional development and public works and the Ministry of foreign affairs transcripts of the state ownership title deeds for properties, owned by the Bulgarian state outside the territory of this country.

§ 20. Within one month of entry of this Act into force, the Council of Ministers, upon proposal of the Minister of regional development and public works and the Minister of agriculture and forestry, shall adopt the corresponding amendments to the ordinance under Article 36(2) of the Agricultural Land Ownership and Use Act - in regard to agricultural lands and to the ordinance under Article 19(1) of the Forestry Act.

TRANSITIONAL AND FINAL PROVISIONS

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§ 44. In the State Property Act (Promulgated State Gazette No. 44/1996, amended, SG No. 104/1996, amended and supplemented, SG No. 55/1997, supplemented, SG No. 61/1997, amended, SG No. 117/1997, supplemented, SG No. 93/1998, amended and supplemented, SG No. 124/1998, amended, SG No. 67/1999, SG No. 9/2000, supplemented, SG No. 12/2000, amended, SG No. 26/2000, SG No. 57/2000, SG No. 1/2001, Judgment No. 7/2001 of the Constitutional Court of the Republic of Bulgaria - SG No. 38/2001, amended, SG No. 45/2002, amended and supplemented, SG No. 63/2003, amended, SG No. 24/2004, supplemented, SG No. 93/2004, amended and supplemented, SG No. 32/2005, SG No. 17/2006, amended, SG No. 30/2006) shall be amended as follows:

.....

3. Everywhere in the Act the words "the Administrative Procedure Act" shall be replaced by "the Administrative Procedure Code".

Act to Amend and Supplement the Municipal Property Act

TRANSITIONAL AND FINAL PROVISIONS

(SG No. 54/2008)

- § 37. (1) Within three months as of this Act's entry into force, the Minister of Regional Development and Public Works and the Minister of Justice shall approve the sample forms of the title deeds for municipal ownership and of the registers and shall issue the Ordinances referred to in this Act.
- (2) The mayors of municipalities shall arrange for the registers referred to in this Act to be established within three months as of the entry into force of the relevant Ordinances referred to in paragraph (1).
- (3) The mayors of municipalities shall arrange for the register referred to in Article 41, paragraph (4) to be established within three months as of this Act's entry into force.
- (4) Municipal councils shall adopt the municipal property management strategies, the amendments and supplements to the ordinances on the application of the Act and shall establish the price zones in urbanized areas within three months as of this Act's entry into force.
- (5) Expropriation proceedings regarding which municipal councils have adopted decisions under the repealed Article 23 shall be finalized following the procedure in place until now.
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§ 42. In the case of unfinalized proceedings for sale of land held in municipal private domain ownership to owners of buildings constructed legally thereon initiated under the repealed § 27 of the Transitional and Final Provisions of the Act to Amend and Supplement the Ownership Act (SG No. 33/1996) regarding which applications have been submitted to the mayor of the municipality until the day of this Act's entry into force, the value of the land shall be calculated by augmenting the tax value by 20 per cent.

Act to Amend and Supplement the Spatial Development Act

(SG No. 17/2009)

TRANSITIONAL AND FINAL PROVISIONS

§ 12. Any lots or parts of lots constituting state property which, according to the effective detailed plans, are allocated or assigned for needs of education, science, health care of culture, shall be provided by the Council of Ministers for management to the competent ministry depending on the assigned use of the said lots in the detailed plan within three months after the entry into force of this Act.

§ 13. (1) Upon the entry into force of this Act, the application of the effective detailed plans shall be suspended in the parts thereof relating to any lots whereof the ownership has been restituted to any establishments of education, science, health care or culture and whose assigned use has been altered for other needs by the said plans.

(2) Should there be any state or municipal need, within one year after the entry into force of this Act the competent authorities referred to in Article 135 (1) of the Spatial Development Act shall issue an order referred to in Article 135 (5) of the Spatial Development Act modifying the detailed plans referred to in Paragraph (1). The state or municipal need shall be in place if, within the same time limit, the competent government minister or Municipal Council has approached the competent authority with a proposal for modification of the plans referred to in Paragraph (1).

(3) Within one year after the entry into effect of the detailed plans as modified under Paragraph (2), the State or the municipality shall condemn the lots or parts of lots concerned according to the procedure established by the State Property Act or, respectively, according to the procedure established by the Municipal Property Act.

(4) Paragraph (1) shall not apply if an order modifying the relevant detailed plan has not been issued within the time limit referred to in Paragraph (2).

(5) The owners of any lots or parts of lots which are subject to the plan referred to in Paragraph (2), which have not been condemned within the time limit referred to in Paragraph (3), shall enjoy the rights referred to in Article 135 (1) of the Spatial Development Act.

.....
§ 16. Any proceedings for the restitution of ownership to any lots constituting public state property and any lots constituting public municipal property, which have not been concluded until the entry into force of this Act, shall be terminated.

TRANSITIONAL AND FINAL PROVISIONS

Act to Amend and Supplement the State Property Act

(Promulgated, State Gazette No. 87/2010)

§ 62. The owners whose properties have been alienated prior to this Act's entry into force by resolution of the Council of Ministers for the purpose of construction of national infrastructure projects may request that the alienation be reversed after refunding the compensation received, in case the event under the detailed land development plan has not started for 5 years after the alienation of the property, with instituted court proceedings being suspended until the expiry of that period.

§ 63. Within 6 months of this Act's entry into force any proceedings commenced before the Minister of Regional Development and Public Works as referred to in Articles 45, 45a and 55 shall be completed in accordance with the hitherto existing procedure.

§ 64. The fair cash compensation under the alienation proceedings for properties constituting private property which have commenced prior to the date of this Act's entry into force shall be calculated in accordance with the hitherto existing procedure.

§ 65. (1) Those occupying state-owned departmental residential properties and studios who have been placed therein in accordance with the established procedure prior to 1 June 1996 as pensioners, surviving spouses or victims of occupational accidents resulting in long-term incapacity to work shall have the right to use such properties for life, provided that:

1. neither they, nor the members of their families or their lineal relatives of the first degree of kinship possess a home or villa fit for constant occupation; and
2. they have not transferred a residential property or villa fit for constant occupation after 1 June 1996; and
3. they do not hold securities, stakes in companies, properties or parts of properties used for commercial purposes, or any other property the total value whereof exceeds the tax value of the residential property; and
4. the total annual income of the tenant and the members of his/her family for the past two years does not exceed 24 times the amount of the official minimum salary for Bulgaria.

(2) Within 6 months of this Act's entry into force the persons referred to in paragraph (1) shall submit an application and a declaration of the circumstances referred to in paragraph (1) to the regional governor having jurisdiction over the location of the

property constituting state property, or to the head of the institution managing the property.

(3) The rights and obligations of the persons referred to in paragraph (1) shall be set out in a contract concluded with the regional governor or with the head of the institution whereto the management of the property has been entrusted, subject to conditions and procedures set out in the Regulation on the Implementation of this Act.

(4) Within the meaning of this provision, family shall mean the spouses and their children who have not come of age and are unmarried.

§ 66. The procedures for the sale of state-owned departmental residential properties, studios and garages to persons placed therein in accordance with the established procedure prior to 1 June 1996 which have commenced and regarding which an order has been issued and the amount determined has been paid shall be completed within one year of this Act's entry into force. This provision shall not apply to the disposition of residential properties, studios and garages of the residential property stock of the Ministry of Defence.

§ 67. Within 6 months of this Act's entry into force The Council of Ministers shall adopt the amendments and supplements to the Regulation on the Implementation of this Act.

§ 76. The provision of § 74 shall also apply to proceedings for the exclusion and change of the intended use of forests and land of the forest stock for the purpose of construction of national projects and municipal projects of primary importance which are not completed as at the date of this Act's entry into force.

§ 77. The provision of § 75 shall also apply to proceedings for change of the intended use of agricultural land for the purpose of construction of national projects and municipal projects of primary importance which are not completed as at the date of this Act's entry into force.

TRANSITIONAL AND FINAL PROVISIONS

of the Forestry Act

(Promulgated, State Gazette No. 19/2011, effective 9.04.2011)

§ 3. (1) Landed properties within wooded areas acquired from the State by natural persons, legal entities or municipalities as a result of land swaps effected prior to the date of promulgation of this Act in State Gazette shall not be subject to change of purpose in accordance with the provisions hereof, and no construction work can be carried out on them.

(2) The restriction as per (1) above shall also apply in the event of change of ownership of such landed properties, where said wooded area is acquired by the State.

(3) The restriction as per (1) above shall not apply in case where the change of purpose is made for building a site or facility of national significance or a municipal site or facility of prime significance in the sense as per the State Property Act and the Spatial Development Act, which shall be in public state or municipal ownership.

(2) Within one month from the date of promulgation of this Act, the Ministry of Agriculture and Food shall cause a list of the properties as per (1) above to be promulgated in State Gazette.

(5) Within 14 days from the promulgation of the list as per (4) above, the Geodesy, Cartography and Cadastre Agency, the municipal agriculture services and the Registration Agency shall cause the restrictions as per (1) to be reflected in the cadastral maps, resp., the restituted property map, and in the property register.

§ 4. (1) Within one month from the entry into force of this Act, the Minister of Agriculture and Food shall issue an order to appoint the regional commissions to prepare lists of landed properties within wooded areas having the characteristic features of forest, in the sense as per Article 2 (1), item 1, which towards the date of entry into force of this Act had not been entered as such in the cadastral map or the restituted property map.

(2) The commissions as per (1) above shall be comprised of a representative of the Regional Agriculture Directorate (Chair of the Commission) and the following members: a representative of the relevant municipality appointed by the mayor thereof, a representative of the relevant municipal agriculture service, a representative of the relevant geodesy, cartography and cadastre

service, and a representative of the relevant regional forestry directorate.

(3) The regional commission shall verify in situ, by way of a desk review, or on the basis of the digital ortho-photographic map, the existence of landed properties as per (1) within the territorial area of operation of the relevant state forest enterprise, and shall draw up a protocol of its findings, with a list of such properties attached therewith. Said protocol shall describe the size of the properties in question, the type and origin of the forest and shall be supported by a sketch of each property and a taxonomic description.

(4) The protocol as per (3) above shall be submitted within 6 months from the date of entry into force of this Act to be endorsed by the Minister of Agriculture and Food.

(5) Within 14 days from the date of endorsement of the protocol as per (1) above, the Minister of Agriculture and Food shall issue an order whereby said landed properties shall be designated as wooded areas. Said order shall be forwarded to the municipal agriculture service or the relevant geodesy, cartography and cadastre service.

(6) The order as per (5) above shall be handed to the owners of properties as per (1) above, and shall be subject to appeal in accordance with the Administrative Procedure Code .

(7) Following the entry into force of the order as per (5) above, a copy thereof shall be forwarded to the regional forestry directorate and the relevant geodesy, cartography and cadastre service in cases where a cadastral map has been approved for the relevant territory, or to the municipal agriculture service for entry of the landed properties concerned as wooded areas into the relevant cadastral map or restituted property map.

§ 5. (1) Applications for exclusion of territories from the forest estate, for granting user rights or right of way in respect of forests and lands within the state forest estate, as well as applications as per § 123 of the Transitional and Final Provisions of the Law on the Amendment and Supplement of the now repealed Forestry Act (promulgated in State Gazette, No. 16/2003; amended SG No.No. 29 and 34/2006), submitted prior to the entry into force of this Act, shall be considered in accordance with the currently applicable procedure, whereas the value of properties shall be determined in accordance with the ordinance as per Article 86 (2) hereof, in cases of expiry of the term of validity of a certificate of value issued in accordance with the Ordinance on Determining the Basic Prices, Prices of Excluded Lands, User Rights and Right of Way in Forests and Lands within the Forest Estate (Promulgated SG, No. 101/2003; amended, No. 39/2004 r., No. 6/2005, No. 1/2007, No. 38/2010).

(2) Procedures as per Article 15b of the now repealed Forestry Act launched prior to the entry into force of this act, shall be terminated.

(3) Procedures as per Article 14d (2) of the now repealed Forestry Act shall be completed in accordance with the current procedure in cases where the entity that requested such exclusion:

1. has submitted, or submits within three months from the entry into force of this Act, an application supported with all requisite documents, and

2. said entity has paid the amount due for such transaction within 6 months from the entry into force of the order of sale, property swap or granting a limited real right.

(4) Failure to satisfy the requirements as per (3) above shall result in the extinction of the rights of entities to whom a change of purpose was granted.

(5) In cases as per (4) above, the Minister of Agriculture and Food shall issue an order for the properties in question to be registered as wooded areas; a copy of said order shall be forwarded to the regional forestry directorate and the relevant geodesy, cartography and cadastre service, or to the municipal agriculture service, for entry of said changes into the cadastral map or restituted property map. The Minister shall also file a request in accordance with the procedure as per the Spatial Development Act , for a change to be made in the relevant zoning plan.

(1) Where a detailed zoning plan is developed in respect of landed properties within wooded areas that are subject to sale in accordance with § 123 of the Transitional and Final Provisions of the Law on the Amendment and Supplement of the now repealed Forestry Act (promulgated in State Gazette, No. 16/2003; amended SG No.No. 29 and 34/2006), the statutory adjacent area subject to such sale shall be determined on the basis of the maximum allowed statutory rates of development density and intensity for individual types of territory and zone.

(7) The provisions of Article 73 (5) and Article 78 (4), item 2, and (7) shall also apply to proceedings conducted in accordance with the now repealed Forestry Act, seeking exclusion or change of purpose in respect of lands and forests within the forest estate, for purposes of construction of sites and facilities of national significance or municipal sites and facilities of prime significance, which have not been completed by the date of entry into force of this Act.

(8) The provision of Article 78 (3), item 2, shall not apply to completed procedures as per the now repealed Forestry Act.

(9) In cases where, towards the date of entry into force of this Act, an application for advance clearance has been granted, or is submitted and pending, for exclusion of areas from the forest estate, the procedure of changing the purpose of such properties shall be completed in accordance with the currently applicable procedure.

§ 6. (1) Wooded areas subsumed within the boundaries of urban areas, whether nuclear or dispersed, defined by both a development and a zoning plan, or by an outlying land strip, approved prior to June 1st, 1973, shall be considered to be of changed purpose, and shall not be subject to purpose changing procedures as per this Act. Any change of the functional purpose or the zoning provisions regarding such lands shall be effected in accordance with the Spatial Development Act.

(2) In respect of wooded areas subsumed within the boundaries of urban areas, whether nuclear or dispersed, whether defined by a detailed zoning plan, a development and a zoning plan, or by an outlying land strip, approved after June 1st, 1973, in respect of which no procedures have been initiated to change their purpose in accordance with the now repealed Forestry Act, a procedure for change of their purpose in accordance with this Act shall be instituted, at the initiative of their owners.

(3) In cases as per (2) above, where such territories are developed, the price of changing their purpose shall be determined on the basis of data from the latest forest design plan preceding their development.

§ 7. (1) From the date of entry into force of this Act, state forest nurseries created within agricultural lands or urban areas shall become wooded areas.

(2) Within one year from the entry into force of this Act, the director of the regional forestry directorate shall file a request with the relevant municipal agriculture service, as well as with the geodesy, cartography and cadastre service, to have the properties as per (1) above entered as wooded areas into the restituted property map, resp. the cadastral map.

§ 8. Schools of higher learning, research institutes and research stations primarily engaged in forest research and training of forestry personnel shall retain the rights vested in them by law or by an administrative act of the Council of Ministers in respect of wooded areas designated for research or experimental and educational purposes.

§ 9. (1) Within 7 days from the entry into force of this Act, the Minister of Agriculture and Food shall issue orders determining the area of operation of the state enterprises as per Appendix 1 as well as the seats and registered addresses of those.

(2) From the date of entry into the commercial register of the state enterprises as per Appendix 1, they shall be the legal successor to the state game reserves as per Annex 2, items 1 through 25, of the Hunting and Game Protection Act, with all their assets and liabilities and with their archive, as well as to the state forest enterprises in existence towards the date of entry into force of this Act.

(2) From the date of entry into the commercial register of the state enterprises as per Appendix 1, the state forest enterprises and the state game reserves in existence towards the date of entry into force of this Act shall become territorial affiliates of the relevant state enterprise within whose area of operation they are located.

(4) Where, towards the date of entry into the commercial register as per (3) above, the area of operation of a state forest enterprise or a state game reserve falls within the areas of operation of two or more state enterprises as per Appendix 1, the relevant enterprise or reserve shall become a territorial affiliate of the state enterprise within whose area of operation its seat and registered address is located.

(5) The areas of operation of the territorial affiliates as per (3) and (4) above shall encompass the areas of operation, resp. the territorial scope of operation, of the state forest enterprises and the state game reserves in existence towards the date of entry into force of this Act.

(6) From the date of entry into the commercial register of the state enterprises as per appendix 1, the registration of the relevant state forest enterprises or state game reserves shall be deleted.

(7) The boundaries of areas of operation of game reserves, where approved by an order of the Minister of Agriculture and

Food prior to the entry into force of this Act, shall be preserved.

(8) Contracts as per Article 9 (12) and Article 36m of the Hunting and Game Protection Act, as well as contracts whereby the stewardship of game is delegated to state game reserves, concluded by the state forest enterprises and state game reserves as per (2) and (3) above prior to the entry into force of this Act, shall remain in full force and validity.

(9) (effective 08.03.2011 - SG, No. 19/2011) The state game reserves Beglika, Midjour, Seslav, Razlog, Tervel, Rhodopi, Preslav, Toundja, Kotel, Bolyarka and Alabak, in existence towards the date of promulgation of this Act, shall become state forest enterprises.

(10) (effective 08.03.2011 - SG, No. 19/2011) Management contracts concluded with the directors of state game reserves as per (9) above shall remain in full force and validity, whereas the employment arrangements with their workers and employees shall be determined as per Article 123 of the Labor Code.

(11) (effective 08.03.2011 - SG, No. 19/2011) Contracts as per Article 9 (12) of the Hunting and Game Protection Act concluded by the state game reserves as per (9) above, as well as contracts whereby the stewardship of game is delegated to state game reserves, shall remain in full force and validity.

§ 10. Until the state enterprises as per Appendix 1 are entered into the commercial register, the current bank accounts of state forest enterprises and state game reserves shall be used for remittance of proceeds and the making of payments.

§ 11. During the year 2011, the State Enterprises as per Appendix 1 shall remit to the budget of the Ministry of Agriculture and Food 50 percent, and during 2012, 25 percent of proceeds as per Article 179 (1) above.

§ 12. The directors of state forest enterprises and state game reserves in existence towards the date of entry into force of this Act shall be reappointed as directors of the relevant territorial affiliates of the state enterprises as per Appendix 1, and shall conclude a management contract with the director of the relevant enterprise.

§ 13. Employment relations with the workers and employees of state forest enterprises and state game reserves in existence towards the date of entry into force of this Act shall be regulated in accordance with Article 123 of the Labor Code; these shall be reappointed with the relevant territorial affiliates of the state enterprises as per Appendix 1.

§ 14. In their designated area of operation, experimental/educational forest farms shall operate and shall perform the functions of state forest enterprises and state game reserves assigned to them by force of this Act, the Hunting and Game Protection Act and the relevant secondary legislation governing the implementation of those, unless otherwise provided by another law.

§ 15. Within 6 months from the adoption of the ordinance as per Article 175, the directors of state enterprises and the directors of territorial affiliates shall approve the lists of positions for the central offices, resp. the territorial affiliates of these enterprises, and shall bring the payrolls of their workers and employees in line with the new remuneration system.

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§ 33. (1) Within one year from the entry into force of this Act, persons possessing a certificate of a completed training course in appraisal of forests and lands within the forest estate issued by the University of Forest Engineering, the Forestry Institute of the Bulgarian Academy of Sciences, the National Forestry Board, the State Forestry Agency or the Executive Forestry Agency shall be entered by right into the register as per Article 15 of the Independent Valuers Act.

(2) Registration as per (1) above shall be made on the basis of an application supported by a copy of the certificate of a completed training course in appraisal of forests and lands within the forest estate.

(3) Following expiry of the time period as per (1) above, wooded areas shall only be appraised by valuers entered into the register as per (1) above.

§ 34. Any and all industry guilds and associations registered prior to the date of entry into force of this Act shall be re-registered within one year in accordance with the requirements herein.

§ 35. (1) Within one year from the entry into force of this Act, the Executive Forestry Agency shall re-register any and all persons entered into the public registers as per Article 39 (2) and Article 57a (1) of the now repealed Forestry Act.

(2) Persons entered into the public registers as per Article 39 (2) of the now repealed Forestry Act shall be entered into the

register as per Article 235 herein, and shall be issued a certificate of registration, as follows:

1. a certificate for 'planning and implementation of afforestation activities' shall be issued to persons possessing a certificate for 'collection and harvesting of seeds, production of saplings and other reproductive materials for forest tree and bush species, establishment of forest cultures and drawing up of reporting documents, accompanying the activity' as per the now repealed Forestry Act;
 2. a certificate for 'marking of trees scheduled to be felled' shall be issued to persons possessing a certificate for 'marking of trees, subject to felling, raising young plantations without production of material, trimming of trees and drawing up of reporting documents, accompanying the activity' as per the now repealed Forestry Act;
 3. a certificate for 'development of terms of reference and forestry plans and programs' shall be issued to persons possessing a certificate for 'development of terms of reference and organizational forest products, plans and programs for forests and lands of the forest estate' as per the now repealed Forestry Act;
 4. a certificate for 'development of forestry plans and programs and inventories of wooded areas' shall be issued to persons possessing a certificate for 'development of terms of reference and organizational forest projects, plans and programs for forests and lands of the forest estate' as per the now repealed Forestry Act;
 5. a certificate for 'development of terms of reference and projects, plans and programs for erosion control and biological re-cultivation of damaged terrains' shall be issued to persons possessing a certificate for 'development of terms of reference and projects, plans and programs for erosion control and biological re-cultivation of damaged terrains' as per the now repealed Forestry Act;
 6. a certificate for 'planning and implementation of timber harvesting' shall be issued to persons possessing a certificate for 'organization of lumbering and development of transportation and technological projects, plans and schemes for usage of forests and lands of the forest stock and drawing up of documents accompanying this activity' as per the now repealed Forestry Act;
 7. a certificate for 'planning and implementation of the harvesting of non-timber forest products' shall be issued to persons possessing a certificate for 'organization of lumbering and development of transportation and technological projects, plans and schemes for usage of forests and lands of the forest stock and drawing up of documents accompanying this activity' as per the now repealed Forestry Act;
 8. a certificate for 'designing forest tracks navigable by motor vehicle and the relevant infrastructural facilities' shall be issued to persons possessing a certificate for 'drawing of plans for forest roads and installations' as per the now repealed Forestry Act.
- (3) The entries of persons into the public register as per Article 39 (2) of the now repealed forestry Act for the activities 'evaluation of forests and lands of the forest estate', 'management of forests and lands of the forest stock, owned by natural and legal persons and municipalities' and 'expert appraisals and consultations on forestry activities' shall be deleted.
- (4) Persons who have been entered into the register as per (3) above for the activity 'evaluation of forests and lands of the forest estate' may seek entry into the public register as per the Independent Valuers Act within one year from the entry into force of this Act. Until they are entered into said register, such persons shall have the right to appraise wooded areas on the basis of their certificate of a completed course in appraisal of forests and lands of the forest estate.
- (5) Merchants entered into the public register as per Article 57a (1) of the now repealed Forestry Act shall be entered into the register as per Article 241 herein and shall be issued a certificate of registration as follows:
1. a certificate for 'management of wooded areas' shall be issued to merchants possessing a certificate for 'forest reproduction' as per the now repealed Forestry Act;
 2. a certificate for 'timber harvesting' shall be issued to merchants possessing a certificate for 'use of timber from the forest estate' as per the now repealed Forestry Act;
 3. a certificate for 'development of plans and programs for management and development of wooded areas' shall be issued to merchants possessing a certificate for 'zoning of lands and forests of the forest estate and of game stewardship areas' as per the now repealed Forestry Act.
- (6) The re-registration as per paras (1) - (5) above shall be done ex officio and free of charge.

(7) Para (6) shall not apply in cases where in parallel with the re-registration the entitled person has also applied for entry into the register of changed circumstances.

(8) Until they are re-registered, the persons as per paras (1) - (7) above shall use the certificates of registration issued in accordance with the now repealed Forestry Act to prove their right to perform activities in wooded areas.

(9) Holders of a certificate of completed course in appraisal of forests and lands in the forest estate issued prior to the date of entry into force of this Act shall have the right to perform appraisals of wooded areas until they are entered into the register as per the Independent Valuers Act.

§ 36. (1) Within one year from the entry into force of this Act, employees of state forest enterprises, state game reserves and educational and experimental forest farms who occupy positions for which a degree in forest engineering is required shall be allowed to perform activities in wooded areas without being entered into the public register as per Article 235.

(2) Within the time period as per (1) above, those employees shall cause themselves to be entered into the public register as per Article 235.

(3) State forest enterprises, state game reserves and educational and experimental forest farms may use the forest control markings in their possession for a period of two years following the entry into force of this Act, and shall make these available to:

1. their employees with a degree in forest engineering, irrespective of whether they are entered into the register as per Article 235, until the expiry of the time period as per (1) above;

2. their employees with a degree in forest engineering entered into the public register as per Article 235, following expiry of the time period as per (1) above.

§ 37. (1) The Executive Director of the Executive Forestry Agency shall issue an order endorsing the specimens of the requisite standard documents as per this Act, unless otherwise provided by another statutory act. Such specimens shall be posted on the website of the Executive Forestry Agency.

(2) The order as per (1) above shall also define the terms, conditions and procedure of issuance and accountability of such documents, as well as those documents that can be submitted in electronic format.

§ 38. (1) Any pieces of secondary legislation issued on the strength of the now repealed Forestry Act shall remain in force and validity as long as they do not come in conflict with this Act.

(2) Until the adoption of regional plans for the development of wooded areas, the categorization and re-categorization of wooded areas shall take place in accordance with the ordinance as per Article 18 (1).

(3) Any pieces of secondary legislation issued by the Executive Director of the Executive Forestry Agency in compliance with the provisions of this act shall be promulgated in State Gazette.

§ 39. Within one month from the entry into force of this Act, the Council of Ministers shall bring the Rules of Organization of the Executive Forestry Agency in compliance herewith.

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TRANSITIONAL AND FINAL PROVISIONS to the Public-Private Partnership Act

(SG No. 45/2012, effective 1.01.2013)

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§ 16. This Act shall enter into force on 1 January 2013, with the exception of § 4, § 5, § 7, § 8, § 9, § 10 and § 13, which enter into force on 1 September 2012.

TRANSITIONAL AND FINAL PROVISIONS to the Act on Amendment and Supplement of Spatial Development Act

(SG No. 66/2013, effective 26.07.2013)

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§ 57. In the State Property Act (promulgated, SG No. 44/1996, amended, SG No. 104/1996, SG No. 55, 61 and 117/1997, SG No. 93 and 124/1998, SG No. 67/1999, SG No. 9, 12, 26 and 57/2000, SG No. 1 and 38/2001, SG No. 45/2002, SG No. 63/2003, SG No. 24 and 93/2004, SG No. 32/2005, SG No. 17, 30, 36, 64 and 105/2006, SG No. 41, 59, 92 and 113/2007, SG No. 52 and 54/2008, SG No. 10, 17, 19, 33 and 41/2009, SG No. 18 and 87/2010, SG No. 19 and 47/2011, SG No. 45, 82 and 99/2012, SG No. 27/2013) is amended as follows:

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2. In other texts of the Act, the words "the Minister of Regional Development and Public Works," "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", "the Minister of Regional Development" "The Ministry of Regional Development."

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