CODE OF CIVIL PROCEDURE

In force from 01.03. 2008

Prom. SG. 59/20 Jul 2007, amend. SG. 50/30 May 2008, amend. SG. 63/15 Jul 2008, amend. SG. 69/5 Aug 2008, amend. SG. 12/13 Feb 2009, amend. SG. 19/13 Mar 2009, amend. SG. 32/28 Apr 2009, amend. SG. 42/5 Jun 2009, amend. SG. 47/23 Jun 2009, amend. SG. 82/16 Oct 2009, amend. SG. 13/16 Feb 2010, amend. SG. 100/21 Dec 2010, amend. SG. 5/14 Jan 2011, amend. SG. 49/29 Jun 2012, suppl. SG. 99 /14 Dec 2012, amend. SG. 15/15 Feb 2013, amend. SG. 66/26 Jul 2013, amend. SG. 53/27 Jun 2014, amend. SG. 98/28 Nov 2014, amend. and suppl. SG. 50/3 Jul 2015, suppl. SG. 15/23 Feb 2016, amend. SG. 43/7 Jun 2016, amend. and suppl. SG. 8/24 Jan 2017, suppl. SG. 13/7 Feb 2017, amend. SG. 63/4 Aug 2017 , amend. and suppl. SG. 86/27 Oct 2017, amend. SG. 96/1 Dec 2017, amend. and suppl. SG. 102/22 Dec 2017, amend. and suppl. SG. 42/22 May 2018, amend. and suppl. SG. 65/7 Aug 2018, amend. and suppl. SG. 38/10 May 2019, amend. SG. 83/22 Oct 2019, amend. SG. 98/13 Dec 2019, amend. and suppl. SG. 100 /20 Dec 2019, suppl. SG. 68/31 Jul 2020, amend. and suppl. SG. 98/17 Nov 2020, amend. and suppl. SG. 110/29 Dec 2020, amend. SG. 9/2 Feb 2021, amend. and suppl. SG. 15/19 Feb 2021, amend. SG. 15/22 Feb 2022, suppl. SG. 62/5 Aug 2022

Part one.
GENERAL RULES

Chapter one.
BASIC PROVISIONS

Subject Matter

Art. 1. This Code regulates proceedings on civil cases.

Due Diligence in providing defence and assistance

Art. 2. The courts shall be obliged to hear and decide each submitted to them motion to defend and assist personal and property rights.

Good Faith

Art. 3. The participants in the court proceedings and their representatives, against liability for damages, shall exercise proceedings rights, granted to them, in good faith and accordingly to the good morals. They shall state before the court the truth only.

Language of Jurisdiction, Translators and Interpreters in Bulgarian sign language (Title

amend. - SG 9/21, in force from 06.02.2021)

Art. 4. (1) The language of jurisdiction shall be the Bulgarian language.

(2) Where in the lawsuit, persons, who do not speak the Bulgarian language, participate, the court shall appoint a translator, with whose help these persons shall perform the proceedings actions and the actions of the court shall be explained to them.

(3) (Amend. – SG 9/21, in force from 06.02.2021) Where in the lawsuit a deaf or dumb person participates, an interpreter in Bulgarian sign language shall be appointed for that person.

(4) (New - SG 98/20) Translation and interpretation may also be provided by video-conference, with the translator or interpreter present in the courtroom of the court, in which the hearing is held, unless the specific circumstances so require their presence with the person, whose hearing they attend.

Chapter two.
BASIC PRINCIPLES

Lawfulness

Art. 5. The court shall hear and decide the lawsuits in accordance to the exact meaning of the laws, and where they are incomplete, unclear or contradictive – as per their common sense. In event of lack of law, the decision shall be based on the common principles of the legislation, custom and morals.

Principle of disposition

Art. 6. (1) The court proceedings shall be initiated by an appeal of the interested person or by a request of the prosecutor in the provided by a law cases.

(2) The subject-matter of the lawsuit and the range of the due defence and assistance shall be determined by the parties.

Ex-officio Principle

Art. 7. (1) The court shall perform ex-officio needed proceedings for the development and finalization of the lawsuit and shall monitor if the proceedings are admissible and dully performed by the parties. The court shall assist the parties to clarify the lawsuit in factual and legislative aspect.

(2) The court shall serve a copy of the acts which are subject to independent appeal.

(3) (New – SG 100/19) The court shall ex officio monitor the existence of unfair terms in a contract concluded with a consumer. It схалл provide an opportunity for the parties to express an opinion on these issues.

Principle of the contest

Art. 8. (1) Each of the parties shall have the right to be heard by the court, before the act of importance to their rights and interests is pronounced.

(2) The parties shall state the facts, on which they ground their claims and shall present evidence of them.

(3) The court shall provide the parties with an opportunity to become acquainted with the claims and arguments of the opposing party, with the subject-matter of the lawsuit and its stage, as well as to

express opinion on them.

Equity of the parties

Art. 9. The court shall provide the parties with an equal opportunity to exercise the provided rights. The court shall apply the law equally to everybody

Finding the truth

Art. 10. The court shall provide the parties with an opportunity and shall assist them to find the facts of importance to decide the case.

Publicity and directness

Art. 11. The hearing of the lawsuits shall be done at an open session, except if in a law is provided this shall be done at a closed session.

Inner belief

Art. 12. The court shall estimate all evidence to the case as well as the arguments of the parties according to the court’s inner belief.

Hearing and deciding lawsuits within a judicious term

Art. 13. The court shall hear and decide the lawsuits within a judicious term.

Chapter three.
SCOPE OF JURISDICTION

Scope of jurisdiction over the civil cases

Art. 14. (1) Each and every civil case shall be subject to court jurisdiction.
(2)The court shall decide by itself if the initiated lawsuit is subject to court jurisdiction.
(3) No other institution shall have right to accept for hearing a lawsuit, which is already subject to hearing by the court.

Check of the belonging to the scope of jurisdiction

Art. 15. (1) The matter if an initiated lawsuit belongs to the scope of court jurisdiction may be put by each of the parties or ex-officio be the court on each stage of the lawsuit, except a term for this is stated by a law.
(2) The definition of the court on this matter shall be subject to appeal by a private complaint.

Dispute on the scope of jurisdiction

Art. 16. If the court and the other institutions have refused to hear the lawsuit as not belonging to their scope of jurisdiction, he claimant may initiate a dispute on the scope of jurisdiction before the Supreme Court of Cassation.

Competence on causative matters

Art. 17. (1) The court shall state position on all matters, which are of importance to decide the case, except for the matter if a crime is committed.

(2) The court shall pronounce ad hoc on the validity of the administrative acts, not depending on if they are subject to court control. The court cannot pronounce ad hoc on the lawfulness of the administrative acts, except for such act is being opposed to a party to the lawsuit, who has not been a participant in the administrative proceedings of its issuance and of its appellation.

Court Immunity

Art. 18. (1) The Bulgarian court is competent on claims, a party to which is a foreign State, as well as and a person who has court immunity, in the following cases:

1. in event off waiver of court immunity;

2. on claims, grounded on contractual relations, where the performance of the obligation shall be in the Republic of Bulgaria;

3. on claims for damages from tort, done in the Republic of Bulgaria;

4. on claims regarding rights on hereditament and vacant succession in the Republic of Bulgaria;

5. on lawsuits, which are under the exclusive jurisdiction of the Bulgarian courts.

(2) The provisions of Para 1, items 2, 3 and 4 shall not be applied for legal transactions and actions, performed in execution of official functions of the persons, respectively in relation with the exercising of sovereign rights of the foreign State.

Arbitration agreement

Art. 19. (1) (suppl. - SG 8/17) The parties to a property dispute may consent to settle it by an arbitration court, except the subject-matter of the dispute is real-estate rights or possession of a real-estate, maintenance or labour legal relationship rights or dispute, one of the parties in which is consumer under **§ 13, item. 1 of the Additional Provisions of the Consumer Protection Act**.

(2) The arbitration may have their seat abroad, if one of the parties has their customary place of residence, seat as per their Art.s of association or location of their actual management abroad.

Chapter four.
COURTS

Body of the court

Art. 20. The first-instance lawsuits shall be heard in a body of one judge, and the appellation and cassation lawsuits – in a body of three judges and one of them shall be a chairperson of the body.

Deliberation

Art. 21. (1) Deliberation and voting of the court body shall be conducted by the chairperson of the body and shall be secret.

(2) Noone of the judges may abstain from voting.

(3) The members of the body shall vote in a consequence following the hierarchy. First shall vote the junior member, and the chairperson shall vote last.

(4) Where, upon deciding the lawsuit on its merits, the court shall pronounce on several claims, on each of them a separate vote shall be conducted.

(5) The judgements of the court shall be adopted by a majority of the judges` votes.

(6) The judge, who disagrees with the opinion of the majority, shall sign the judgement by separately motivating his own opinion.

Grounds for recusal

Art. 22. (1) A person cannot participate in a case as a judge when:

1. they are a party in the case or, together with any of the parties to said case, they are subject to the disputed relationship or the legal relationship related thereto;

2. they are a spouse or relative in a straight line without limitation, in a collateral line up to the fourth degree, or relative-in-law up to the third degree, of one of the parties, or of its representative;

3. they live in cohabitation with a party in said case, or with a representative of that party;

4. they have been a representative, respectively proxy, of a party to the case;

5. they have taken part in the case’s judgement in another instance, or have been a witness or an expert in that case;

6. there are other circumstances regarding that person which give rise to reasonable doubt about their impartiality.

(2) The judge shall be obliged to recuse themself in the cases under par. 1, items 1 to 5, and when they do not accept the recusal under par. 1, item 6, shall be obliged to declare these circumstances.

Recusal Procedure

Art. 23. (1) Either party in the hearing may request a recusal after the reason for it has occurred or has become known.

(2) The court shall resolve the issue of the recusal in the presence of the judge, for whom the request has been made.

(3) Should the hearing of the case in the respective court proves impossible due to the recusal of judges, the higher court shall order the case be referred to another equal court and be heard before it.

Recusal of Other Officials

Art. 24. On the grounds of **Art. 22, Para 1**, the prosecutor and the court secretary may be removed.

Court requests

Art. 25. (1) Where taking of evidence must be done outside the region of the court, the court may delegate collection to the local regional court.

(2) The court shall announce before the delegated court the term within which the evidence shall be taken, and, if possible, the day of the next session on the lawsuit.

(3) The delegated court shall notify immediately the delegating court of all circumstances, which delay or establish bars for the execution of the request.

(4) The delegated court shall issue a determination on all matters relating to the implementation of the delegation.

Chapter five.
Parties. Representation

Parties

Art. 26. (1) Parties in civil cases shall be the persons on whose behalf and against whom any given case is brought.

(2) Except in the cases provided for by law, no one can claim alien rights in court.

(3) The prosecutor may participate in proceedings with rights of a party in the cases provided by law. He can not carry out actions that constitute disposition with the subject matter of the case.

(4) In a case where any alien is claimed, the person whose right is claimed shall also be summoned as a party.

Capacity to proceed

Art. 27. (1) Capable to proceed shall be the entity who is capable for the material right.

(2) (amend. – SG 43/16) Capable to proceed shall also be the State institutions, the Chairpersons of which are administrators of budget. If the Chairperson of the State institution is not an administrator of budget, the court proceedings shall be executed on the behalf of and against the higher in the hierarchy institution – the Chairperson of which is an administrator of budget.

Ability to proceed

Art. 28. (10) The able natural persons shall perform the proceedings in person.

(2) The minors and persons of limited ability shall execute proceedings in person, but with the consent of their parents or guardians.

(3) The minors may conduct their lawsuits in person for disputes on labour legal relationship or for disputes arising from transactions of **Art. 4, Para 2 of the Persons and Family Act**, as well as in other cases stated by a law.

(4) The minors and the persons under full judicial disability shall be represented by their ex- lege representatives – parents and guardians.

Special procedure representation

Art. 29. (1) The missing persons shall be represented by the representatives appointed to them by the court, and the those declared to be absent - from the heirs who have been entered into possession.

(2) Any party wishing to take procedural action against a person who is ineligible and without a legal representative or trustee may apply to the court, before which the case is pending, to appoint a special representative. In this case, the costs shall be initially borne by the party.

(3) Any person with unknown permanent and present address shall be represented by a person specifically appointed by the court. In this case, costs shall be initially borne by the opposing party.

(4) In case of contradiction between the interests of the represented and the representative, the court shall appoint a Special Representative. In this case, the court shall, depending on the circumstances, determine whether the costs shall initially be borne by the represented or the representative.

(5) The Special Representative may perform actions for which an explicit Power of Attorney is required only with the approval of the court before which the case is heard.

Representation of legal persons

Art. 30. (1) Legal persons shall be represented before the courts by the persons who represent them ex-lege or as per their rules of association.

(2) Where there are no rules for representation, the legal person shall be represented by two members of the management.

(3) The State institutions shall be represented by their heads as per their rules of association.

(4) The municipalities shall be represented by the mayors.

Representation of the State

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

(2) (amend. - SG 66/13, in force from 26.07.2013; amend. – SG 98/14) As regards to lawsuits related to real estate property - state property, the State shall be represented by the Minister of Regional Development and Public Works.

Representation by Power of Attorney

Art. 32. Representatives by Power of Attorney may be:

1. the lawyers;

2. the parents, the children or the spouse;

3. the legal-advisors or the other employees who have degree in law at the institutions, enterprises, legal persons or of the sole entrepreneur;

4. (amend. - SG 66/13, in force from 26.07.2013; amend. – SG 98/14) the district governors, empowered by the Minister if Finance or by the Minister of Regional Development and Public Works, in the cases of **Art. 31**;

5. other persons, envisaged by a law.

Power of Attorney

Art. 33. The lawyers shall identify themselves by a Power of Attorney signed by the party itself or its representative. The Power of Attorney shall state the full name, exact address and telephone number of the lawyer. Authorization may also be made verbally before the court and shall be noted in the minutes of the hearing.

Representative Powers

Art. 34. (1) The General Power of Attorney shall authorize the performance of all [rpcedural actions, including receipt of deposited expenses and re-authorizations.

(2) In order to claim civil status, including matrimonial claims, an explicit Power of Attorney shall be required.

(3) For the conclusion of a settlement, for the reduction, withdrawal or refusal of the claim, for the recognition of the other party's requests, for receipt of money or other valuables, as well as for actions representing disposal with the subject of the case, an explicit Power of Attorney shall be required.

(4) The Power of Attorney shall be valid until the conclusion of the case in all instances, unless otherwise agreed.

Withdrawal of the Power of Attorney

Art. 35. The principal shall have the right to withdraw the Power of Attorney at any time notifying the court thereof, but that does not stop the case. All actions legally performed by the lawyer until the Power of Attorney is withdrawn shall remain in effect.

Postponement of the case upon termination of representation

Art. 36. In case of death, mental disorder or deprivation of rights of the lawyer, as well as a waiver of his Power of Attorney, for which he has informed the court, the proceedings shall not be suspended, but the hearing may be postponed for another session, if the court finds that these circumstances could not have been known to the party, or that the latter had learned about them so late that it could not have replaced its lawyer with another in a timely manner.

Chapter six.
NOTIFICATIONS AND SUMMONS

Section I.
Notifications

Addressee

Art. 37. Addressee shall be the person for whom the notification is intended.

Address of serving

Art. 38. (1) (Previous text of Art. 38, amend. - SG 110/20, in force from 30.06.2021) The notification shall be served at the address, which is given for the case.

(2) (New - SG 110/20, in force from 30.06.2021) Serving may be effected at an electronic address for service chosen by the party through:

1. the single portal for e-justice;

2. a qualified service for electronic registered mail according to Art. 3, paragraph 37 of Regulation (EU) № 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market, and repealingDirective 1999/93/EC (OJ, L 257/73 of 28 August 2014), hereinafter referred to as

"Regulation (EU) № 910/2014".

(3) (New - SG 110/20, in force from 30.06.2021) When no option for service under Para. 2 has been selected, but the party has indicated an e-mail address, the service shall be performed at the indicated address.

(4) (New - SG 110/20, in force from 30.06.2021) The consent for service under Para. 2 and 3 may be withdrawn at any time, and the withdrawal shall not affect the regularity of the actions already performed.

(5) (New - SG 110/20, in force from 30.06.2021) When service under Para. 1-3 cannot be effected, the notification shall be delivered to the current address of the party, and in the absence of such - to the permanent one.

(6) (New - SG 110/20, in force from 30.06.2021) The party may indicate an electronic address for service belonging to an expert, witness and third party, obliged to present a document in its possession.

Obligation to indicate an e-mail address

Art. 38a. (New - SG 110/20, in force from 30.06.2021) (1) The person who has performed a procedural action in electronic form shall be obliged to indicate an electronic address for notification for certifying the receipt of the electronic statement and for the result of the technical inspection of the performed action.

(2) When performing a procedural action in electronic form, the person may agree to accept electronic statements and electronic documents from the court in the case in the proceedings before the respective instance or before all instances.

(3) The person, who has performed a procedural action in the unified portal for electronic justice, shall agree to accept electronic statements and electronic documents, communications, summons and papers in the proceedings before the respective court instance and before all instances.

(4) The consent under Para. 2 and 3 may be withdrawn at any time, and the withdrawal shall not affect the regularity of the actions already performed.

Serving on a representative

Art. 39. (1) Where the party has stated at the seat of the court a person, to whom the notifications may be served – proceedings addressee, or has a lawyer for the lawsuit, serving shall be executed to that person or to the lawyer.

(2) If several claimants or defendants have stated common proceedings addressee or have a lawyer at the seat of the court, for all the persons one notification shall be made, where their names shall be inserted.

(3) In the event of more than one claimants or defendants, where their interests are not in collision, the court – upon request of the opposite party or at its discretion - may oblige them to state one of them or another person as mutual proceedings addressee. In event of failure to perform this obligation, the court may appoint a representative to whom papers shall be served at their expense and risk.

(4) Where the addressee is not procedurally able, notification shall be served to his ex-lege representative.

Proceedings addressee

Art. 40. (1) The party living abroad or leaving for more than one month abroad shall be obliged to provide a person at the seat of the court, to whom the notifications shall be served – a proceedings

addressee, if the party has no lawyer for the lawsuit in the Republic of Bulgaria. The same obligation shall have the ex-lege representative, the guardian and the lawyer of the party.

(2) Where the persons of Para 1 do not state proceedings addressee, each and all notifications of the case shall be considered served. For these consequences, they must be warned by the court when the first notification is served.

Obligation to notify

Art. 41. (1) (Amend. and suppl. - SG 110/20, in force from 30.06.2021) The party who is absent for more than a month from the address it has provided for the case or to which a notification was once served shall be obliged to inform the court of its new address. Such obligation shall also befall to the party when the latter has indicated an electronic address for service. The same obligation shall lie with the legal representative, trustee and lawyer of the party.

(2) (Suppl. - SG 110/20, in force from 30.06.2021) In case of non-fulfillment of the obligation under para. 1, as well as when the party has indicated an electronic address for service, but has changed it without notifying the court, or has given an incorrect or non-existent address, all notifications shall be attached to the case and shall be deemed served. For these consequences, the party must be warned by the court when the first notification is served.

Service by e - mail

Art. 41a. (New - SG 110/20, in force from 30.06.2021) (1) When service is effected under **Art. 38, Para. 2**, the message containing information for withdrawal of the summons, the message or the papers shall be considered served on the day of its download by the addressee. In case the message has not been downloaded within 7 days of its sending, it shall be considered served on the first day after the download deadline.

(2) When the service is carried out under Art. 38, Para. 3 and 6, the message containing information for download of the summons, the message or the papers shall be considered served on the day on which the addressee has confirmed its receipt. In case the receipt has not been confirmed within 7 days from its sending, the message shall be served in the general order.

The persons serving the papers

Art. 42. (1) Serving notifications shall be executed by an employee of the court, by post or by courier services by registered parcel with certificate of delivery. Where there is no court institution at the place of serving, serving may be done through the municipality or the mayoralty.

(2) Upon request of the party, the court may rule notifications to be served by a private bailiff. The expenses for the private bailiff shall be borne by the party.

(3) (Amend. - SG 110/20, in force from 30.06.2021) Where the notification is not served by the order of Para. 1 and 2, as well as in the cases of disasters, accidents and other unforeseen circumstances, the court may exceptionally order the service to be done by an employee of the court by telephone, e-mail address, telex, fax or telegram.

(4) (Repealed - SG 110/20, in force from 30.06.2021)

Ways of serving

Art. 43. (1) The notification shall be served personally or through another person.

(2) The court may order the serving be made by enclosing the notification with the case, or by sticking a notification.

(3) The court may order the serving be made by publication.

Certification of serving

Art. 44. (1) The person serving the papers shall certify with his signature the date and the way of service, and all actions in relation to the serving. He shall also note the capacity of the person to whom the notification was served, by requesting that person provide a proof of identity and present an identity document. Upon refusal to present the identity document, the person serving the papers may request the assistance of the General Directorate of Security at the Ministry of Justice. The recipient shall also certify with their signature that they have received the notification. Refusal to accept the notification shall be indicated on the receipt and shall be certified by the signature of the person serving the papers. The refusal of the recipient shall not affect the validity of the serving.

(2) Serving by telephone or fax shall be certified in writing by the person serving the papers; serving by telegram shall be certified with a notification of delivery and, if serving is done by telex - with written confirmation for a message sent. Serving by post shall be certified by the return receipt.

(3) (Amend. - SG 110/20, in force from 30.06.2021) Serving by electronic mail shall be certified by:

1. an electronic record from the information system of the portal, stamped with a qualified electronic seal of the court with certified time or with a qualified electronic time stamp - upon service under **Art. 38, Para. 2, item 1**;

2. an electronic record of the service by the qualified provider of electronic trust services - upon service under Art. 38, Para. 2, item 2;

3. a confirmation that the notification has been received - upon service under Art. 38, Para. 3 and 6.

(4) The receipt certifying the serving by a court official or by a private enforcement agent, the return receipt certifying the serving by an employee of the post, a telegram delivery notification and the written confirmation of a telex message sent shall be returned to the court immediately after their drafting.

Personal serving

Art. 45. (Suppl. - SG 110/20, in force from 30.06.2021) The notification shall be served personally to the addressee. Serving a representative and to an email address for serving shall be considered personal serving.

Serving on another person

Art. 46. (1) Where the notification cannot be served personally to the addressee, it shall be served to another person, who agrees to accept it.

(2) This other person may be any family member of age, or whoever lives at that address, or is a worker, employee or employer of the addressee, respectively. The person through whom serving is done shall sign on the receipt undertaking the obligation to forward the summons to the addressee. Persons who are involved in the case as opposing party to the addressee must not be served.

(3) The court shall exclude from the other persons these, who are interested of the result of the lawsuit or are explicitly pointed in a written statement of the addressee.

(4) By serving the notification on another person, it shall be deemed served on the addressee. The addressee may require recovery of the term, if he was absent at the address and it was not possible for him to

learn in time about the serving. The term of **Art. 64, Para 2** shall start running from the moment when the addressee could have learned about the serving.

Serving by sticking the notification

Art. 47. (1) (suppl. – SG 86/17) If the defendant cannot be found at the address stated for the case in the period of one month, and a person to agree to receive the notification has not been found, the person serving the papers shall stick the notification on the door or on the mail box, and where access to them is not provided – on the entrance door or at a visible spot around it. Where access to the mail box exists, the person serving the papers shall put notification into it. The inability to locate the defendant at the address given for the case shall be ascertained by visiting the address at least three times, with at least one week interval between each visit, whereby at least one of the visits is in a non-working day. This rule shall not apply when the person serving the papers has gathered information that the defendant does not live at the address by consulting with the condominium manager, the mayor of the respective settlement or otherwise, and has certified this information by indicating the source thereof in the notification.

(2) In the notification shall be noted that the papers have been left at the court office, if the serving is being executed by a clerk of the court or by a private bailiff, respectively in the municipality, if the serving is being executed by its employee, as well as that they may be received there within two weeks term from sticking the notification.

(3) (Amend. and suppl. – SG 86/17) Where the defendant does not appear to receive the papers, the court shall check ex-officio his address registration, except in the cases of **Art. 40, Para 2** and **Art. 41, Para 1**, when the notification shall be attached to the file. If the stated address does not coincide with the present address of the party, the court shall rule serving at the present address of the party under the procedure of Para 1 and 2. The court shall also ex-officio check the defendant's place of work and shall order serving at the place of employment, respectively the place of service or the place of performed economic activity.

(4) (Revoked – SG 86/17)

(5) The notification shall be considered served when the term to receive it from the court office or from the municipality has expired.

(6) (Suppl. – SG 86/17) When court finds the serving is due, the court shall rule notification shall be enclosed to the file and shall appoint a special representative on expenses of the claimant. The remuneration of the special representative shall be determined by the court according to the factual and legal complexity of the case, whereby the amount of the remuneration may also be below the minimum for the respective type of work according to **Art. 36, para. 2 of the Lawyers Act**, but not less than one half of it.

(7) (suppl. – SG 42/09) Provisions of Para 1 – 5 shall be applied respectively to the serving notifications to a supporting party and to serving an order for execution.

(8) Provisions of Para 1 and 2 shall be applied for serving notifications to a witness, an expert and a person not participating in the lawsuit, and the notification shall be put into the mail box, but where access to it is not provided – by sticking a notification.

Serving by a public announcement

Art. 48. (1) (amend. - SG 100/10, in force from 21.12.2010) If at the moment of filing the lawsuit, the defendant has no registered permanent or present address, upon request of the claimant, announcement to him about filing the lawsuit, shall be executed by publication in the Private Section of the State Gazette, done at least one month before the session. The court shall allow serving to be done under this procedure, after the claimant certifies by a reference, that the defendant has no address registration and the claimant confirms by an affidavit that the address of the defendant abroad is not known to him.

(2) (amend. – SG 100/10, in force from 21.12.2010) If, although the publication, the defendant does

not appear at the court to receive copies of the claim motion and the attchments, the court shall appoint for him a special representative on expenses of the claimant.

Place of serving

Art. 49. Place of serving is the home, summer-house, place of work, place of service, place of performing business activity or another place, which is inhabited by the addressee, as well as any other place where the addressee can be found.

Serving on traders and legal entities

Art. 50. (1) The place of serving on traders or on legal entities listed in the respective register shall be the latest stated address in said register.

(2) If the person has left the address and there is no new address entered, all notifications shall be enclosed to the file and considered validly served.

(3) Serving on traders and legal entities shall be done in their offices and may be done on every employee or worker who agrees to accept it. When certifying the serving, the person serving the papers shall note the names and position of the accepting person.

(4) In event the person serving the papers does not find access to the office or does not find anybody to agree to accept the notification, he shall stick the notification under **Art. 47, Para 1**. A second notification shall not be stuck.

(5) (New - SG 110/20, in force from 30.06.2021) Serving on credit and financial institutions, including debt collectors, insurance and reinsurance companies and traders supplying energy, gas or postal, electronic, communications or water and sewage services, notaries and private bailiffs shall be carried out only by the order of **Art. 38, Para. 2** to the e-mail address indicated by them.

Serving on a lawyer

Art. 51. (Amend. - SG 110/20, in force from 30.06.2021) (1) Serving on a lawyer shall be done through the single e-Justice portal or at any location where they operate in their business capacity.

(2) The lawyer may declare in the portal under Para. 1 that he is absent and will not accept notifications for certain periods of time, which within one calendar year cannot be with a total duration of more than 60 days, except for the days of absence due to temporary inability to work, which shall also be declared. Notifications sent during the declared period of absence must be downloaded within 7 days from the day following the expiration of the declared period of absence. The notifications shall be deemed delivered on the day of their download or, in case they are not downloaded, with the expiration of the download deadline.

(3) The lawyer cannot refuse to receive the notification for his client, except after withdrawal of the Power of Attorney under the procedure of **Art. 35**, waiver of powers under **Art. 36**, as well as if from the Power of attorney it is clearly obvious that it does not concern the instance or the proceedings for which is the summoning. Refusal of the lawyer to accept the notification shall be stated electronically in the unified portal for electronic justice, respectively it shall be noted in the receipt and certified by the signature of the server. Unfounded refusal shall not influence the validity of the serving.

Serving on State institutions and municipalities

Art. 52. (1) (Previous text of Art. 52 - SG 110/20, in force from 30.06.2021) State institutions and

municipalities shall be obliged to provide an employee, who shall receive notifications during working hours.

(2) (New - SG 110/20, in force from 30.06.2021) Serving on state institutions and municipalities shall be carried out only by the order of **Art. 38, Para. 2** to the e-mail address indicated by them.

Serving on foreigners residing in the country

Art. 53. Serving on foreigners residing in the country shall be done to the address declared in the respective administrative services.

Correcting irregularities in the process of serving

Art. 54. If there are irregularities in the serving process, the latter shall be deemed done at the moment, at which the notification has actually reached the addressee.

Templates

Art. 55. The Minister of Justice shall issue an Ordinance approving the templates of all papers related to the serving.

Section II.
Summoning

Summons

Art. 56. (1) The court shall summon the parties to attend the hearing of the case.

(2) The parties who are duly summoned shall not be summoned for the next hearing in the event of adjournment of the case when its date has been announced at the session.

(3) Summoning shall be done one week before the hearing at the latest. This rule shall not apply for the enforcement procedure.

Contents of the summons

Art. 57. In the summons, stated shall be the following:

1. the issuing court;
2. the name and the address of the summoned person;
3. for which case and in what capacity the person has been summoned;
4. place and time of the session;
5. the legal consequences if the person fails to appear before the court.

Procedure for serving summons

Art. 58. Summons shall be served under the procedure of serving notifications.

Chapter seven.

TERMS AND TERM RESTORATION

Section I.
Terms

Determination of terms

Art. 59. Terms in the procedure, when not established by law, shall be determined by the court.

Calculating terms

Art. 60. (1) Terms shall be counted in years, months, weeks and days.

(2) The term counted in years shall expire on the respective day of the last year, and if the last year's month has no respective number, the term shall expire on its last day.

(3) The term counted in months shall expire on the respective day of the last month, and if the last month has no respective number, the term shall expire on its last day.

(4) The term counted in weeks shall expire on the respective day of the last week.

(5) The term counted in days shall be calculated from the day following the one, on which the term starts to run, and shall expire at the end of the last day.

(6) Where the last day of the term is a non-attendance day, the term shall expire on the first following working day.

Stopping of term

Art. 61. (1) (Previous text of Art. 61 - SG 86/17) Upon stopping the proceedings, all terms having started to run but not yet expired shall also stop running. In this case, the suspension of the time-limit shall begin from the event in respect of which the proceeding has been suspended.

(2) (New - SG 86/17, revoked – SG 65/18, in force from 01.09.2018)

Expiry of terms

Art. 62. (1) (Amend. - SG 110/20, in force from 30.06.2021) The last day of the term shall continue up to the end of the twenty-fourth hour. If a proceeding must be performed or something must be submitted at the court, the term shall elapse at the time the working hours are over.

(2) (Amend. - SG 110/20, in force from 30.06.2021) The term shall not be considered missed, if the application has been sent via postal services or electronically. It shall also not be considered missed, if the application has been filed within term in another court or at the prosecutor's office.

(3) If the court determines a longer than the stated in a law term, the proceeding performed after the established in a law, but before the determined by the court term, shall not be considered late.

(4) (New - SG 110/20, in force from 30.06.2021) The electronic statement, with which a procedural action is performed, shall be considered to have been received by the court to which it is addressed, upon its entry into the system of the single portal for e-justice.

Prolongation of the term

Art. 63. (1) The stated in a law and the determined by the court terms may be prolonged by the court upon a request of the interested party, filed before they elapsed, if a reasonable cause exist.

(2) The newly determined term cannot be shorter than the initial one. Prolongation of the term shall start from the moment the initial one elapses.

(3) Para 1 shall not be applied for terms to appeal and to file application for cancellation of an effective judgement.

Section II.
Restoration of term

Conditions

Art. 64. (1) The proceedings, done after the determined term elapsed, shall not be taken in consideration by the court.

(2) The party which has missed the statutory or court-appointed deadline may request its restoration, if it proves that the omission is due to particular unforeseen circumstances that said party could not have overcome.

(3) The restoration request shall be filed within one week of the notice of the deadline's omission. Restoration shall not be granted, if it had been possible to extend the term for the performance of the omitted action.

(4) The time limit for filing a term restoration request shall not be extended.

Request for restoration

Art. 65. (1) The request shall state:

1. all circumstances which justify it;
2. all evidence of its merits.

(2) Together with the term restoration request shall be submitted the papers for whose submission the term restoration is requested; if the said term relates to payment of expenses, the court shall set a new deadline for their submission.

(3) Submission of the request shall not stop the course of the proceedings.

Procedure

Art. 66. (1) The request shall be filed with a copy for the opposite party which may reply within one week. The request shall be examined at an open session.

(2) Against the ruling by which restoration of the term is refused, a private complaint may be filed.

(3) Where recognizing the request demands an open session to be held, the court may, if necessary, annul actions taken before term restoration.

Expenses

Art. 67. All expenses incurred by the opposite party following the exceeding of term and within term restoration proceedings shall be borne by the petitioner.

Chapter eight.

FEES AND EXPENSES

Section I.
Price of the claim

Price of the claim

Art. 68. The monetary evaluation of the subject-matter of the claim shall be the price of the claim.

Amount of the price of the claim

Art. 69. (1) The amount of the price of the claim shall be:

1.of claims for monetary receivables – the claimed sum;

2. of claims for ownership and other real rights over a property – the fiscal evaluation, and if there is no such – the market value of the respective right;

3. of claims for violated possession – one quarter of the amount of item 1;

4. of claims for existence, for nullification or termination of a contract or for concluding of a final contract – the value of the contract, and where the contract has as a subject matter real rights over property – the amounts of item 2;

5. of claims for existence or termination of rent contract – the rent for one year;

6. of claims for periodical payments for a definite period – the total of all payments;

7. of claims for periodical payments for a non-definite period or for life-time payments – the total of the payments for three years;

(2) For claims not stated in Para 1 the court shall determine an initial price of the claim.

Determination of the price of the claim

Art. 70. (1) The price of the claim shall be stated by the claimant. Matter of the price of the claim may be raised by the defendant or by the court at the first session of case hearing latest. In event of discrepancy between the stated price and the actual one, the court shall determine the price of the claim.

(2) The ruling of the court, by which the price of the claim is increased, shall be subject to appeal by a private complaint.

(3) For claims, over which the evaluation represents a complication at the moment of filing the claim, the price of the claim shall be determined approximately by the court, and subsequently an additional fee shall be demanded or reimbursed the exceeding one, as per price which court shall determine upon deciding the case.

Section II.
State Fees and Expenses

Obligation for fees and expenses

Art. 71. (1) For handling the case, State fees on the price of the claim and expenses for the proceedings shall be collected. If the claim is invaluable, the amount of the State fee shall be determined by the court.

(2) (Amend. – SG 86/17) Where the subject matter of the case is a right of ownership or other property rights for an estate, as well as on claims for the existence, destruction or termination of a contract with the subject of property rights over an estate and for the conclusion of a final contract with such subject, the amount of the State fee shall be determined over one quarter of the price of the claim.

(3) (New - SG 110/20, in force from 30.06.2021) When procedural actions are performed in electronic form, the courts shall indicate clearly, comprehensibly and unambiguously the obligation to pay fees and expenses on their websites, respectively on the single portal for e-justice, indicating the ways of their payment electronically.

State fees for joinder of claims

Art. 72. (Amend. – SG 86/17) (1) For joinder of claims in defense of one interest, one state fee shall be collected over the protected interest, regardless of the number of defendants.

(2) For joinder of claims in defense of various interests, the minimum fee shall be collected from all interests.

State fees

Art. 73. (1) State fees shall be simple and proportional.

(2) Simple fees shall be determined on the base of the needed materially-technical and administrative expenses for the proceedings. The proportional fees shall be determined on the interest.

(3) The State fee shall be collected upon submission of the claim to defend or assist and upon issuance of the document, for which the fee shall be paid, as per a tariff adopted by the Council of Ministers.

(4) (New - SG 110/20, in force from 30.06.2021) The courts shall provide the parties with the option to pay fees electronically. In case the request for protection and assistance is made in electronic form under **Art. 102f** in the single portal for e-justice, the due state fee shall be reduced by 15 percent. Upon withdrawal of the consent for serving in this way, the difference up to the full amount of the due state fee shall be replenished by the obligated person within 7 days.

(5) (New - SG 49/12, amend. – SG 86/17, amend. – SG 96/17, in force from 02.01.2018, previous Para. 4 - SG 110/20, in force from 30.06.2021) The percentage of the proportional fee for enforcement cases shall decrease as the interest increases and the fee can not exceed the maximum amount set in the tariff under Para. 3. A proportional inventory fee shall be charged on the lesser amount between the price of the item included in the inventory and the cash receivable. A proportional inventory fee shall be deducted from the charge for execution of a cash claim, which may not exceed by more than one half of its amount determined at the moment the inventory is executed. The sum of all proportional fees at the expense of the debtor or of the enforcement creditor in one enforcement proceeding may not exceed one tenth of the obligation unless their minimum amount, specified in the tariff, exceeds that amount. For an obligation in excess of forty-five minimum wages, this sum may not exceed one-fifteenth of the obligation but not less than three minimum wages.

Fees for enforcement

Art. 73a. (New – SG 86/17) (1) The sum of all the enforcement fees at the expense of the debtor in one enforcement procedure shall not exceed - for liabilities amounting:

1. up to 10 percent of the minimum wage - 30 percent of the minimum wage;
2. from 10 to 20 percent of the minimum wage - 40 percent of the minimum wage;
3. from 20 to 50 percent of the minimum wage - 50 percent of the minimum wage;

4. from 50 percent upto one minimum wage - 70 percent of the minimum wage;

5. from one to two minimum wages - 80 percent of the minimum wage;

6. from two to three minimum wages - 90 percent of the minimum wage.

(2) The total sum of the enforcement fees shall not include the fees in connection with the administration of complaints against actions of the bailiff, as well as with notification and accession of joined creditors.

(3) In cases where the total amount of the fees under para. 1 has been reached, and the creditor requests new enforcement actions, the fees therefor shall be at his expense and shall not be due by the debtor.

Amendment of the claim

Art. 74. Upon decreasing of the claim, the fee shall not be refunded. Upon increase in the claim, the fee for the extra amount shall be paid additionally.

Determination of the expenses

Art. 75. The remuneration of the witnesses shall be determined by the court taking into account the time spent and expenses made, and the remuneration of the experts shall be determined by the court taking into account the work done and the expenses made.

Payment in-advance of the expenses

Art. 76. Each of the parties shall depose in advance at the court the expenses for the proceedings, which the party has required. The sums for expenses for proceedings required by both of the parties or by initiative of the court shall be deposed by the both parties or by one of them, depending on the circumstances.

Enforced collection of expenses

Art. 77. If the party remains liable for expenses, the court shall prescribe a determination for their enforced collection.

Awarding expenses

Art. 78. (1) The fees paid by the claimant, as well as the expenses for the proceedings and the remuneration for one lawyer, if the party had such, shall be paid by the defendant proportionally to the recognized part of the claim.

(2) If the defendant, with his behaviour, has not given any cause for the case to be brought, and if he acknowledges the claim, the expenses shall be awarded to the claimant.

(3) The defendant shall also be entitled to claim payment of the costs incurred by him in proportion to the rejected part of the claim.

(4) The defendant shall also be entitled to expenses when the case is terminated.

(5) Should the lawyer's remuneration paid by the party be excessive in the light of the actual legal and factual complexity of the case, the court may, at the request of the opposite party, award a lower amount of the expenses in the part thereof, but not less than the minimum determined according to **Art. 36 of the**

Lawyers Act.

(6) Where the case is decided in favor of a person exempt from either state fees or proceedings' expenses, the sentenced person shall be obliged to pay all due fees and expenses. The respective amounts shall be awarded in favour of the court.

(7) If the claim of the person using legal aid is granted, the lawyer's remuneration already paid shall be awarded in favour of the National Legal Aid Bureau in proportion to the recognized part of the claim. In the case of a conviction, the person who has used legal aid shall owe expenses in proportion to the rejected part of the claim.

(8) (amend. - SG 8/17) Lawyer remuneration in amount determined by the court shall also be awarded in favour of legal persons or sole traders, if they have been defended by an employee – legal advisor. The amount of awarded remuneration cannot exceed maximum amount for corresponding type of lawsuit, determined in **Art. 37 of the Legal Aid Act**.

(9) If the case is finalized by an agreement, half of the deposed State fee shall be refunded to the claimant. The expenses for proceedings and for the agreement shall remain for the parties as were done, if not otherwise agreed.

(10) To the third assisting person expenses shall not be awarded, but he shall owe the expenses he has caused by his procedural actions.

(11) Where the prosecutor participates in the case as a Party, due expenses shall be awarded to the State, or shall be paid by the State.

Expenses for enforcement

Art. 79. (1) Expenses for the enforcement shall be borne by the debtor, except where:

1. the case is terminated according to **Art. 433**, except for when payment is made after the initiation of the enforcement proceedings, or

2. the enforcement actions are abandoned by the creditor, or are revoked by the court.

3. (new – SG 86/17) the expenses incurred by the creditor are for enforcement methods which have not been applied.

(2) Where the fees for the enforcement have not been deposited by the enforcement creditor, they shall be collected from the debtor.

(3) (new - SG 49/12) No fees shall be collected for taking an inventory of property within the time limit for voluntary performance.

List of the expenses

Art. 80. (amend. – SG 100/10, in force from 21.12.2010) The party which has asked for expenses to be awarded shall submit to the court a list of expenses at the latest by the end of the last hearing at the relevant instance. Otherwise, it shall not be entitled to seek amendment to the ruling in its part on expenses.

Awarding of expenses

Art. 81. In each act with which the case has ended in the respective instance, the court shall also rule on the expenses claim.

Disposition regarding deposed amounts for expenses and guaranties

Art. 82. The amounts in cash and valuables deposited for expenses and guarantees shall be deposed as income to the state budget, if they are not requested within one year from the date on which they have

become due.

Exemption from fees and expenses

Art. 83. (1) Fees and expenses for the handling of the lawsuits shall be not deposed:

1. by the claimants – workers, employees and members of cooperation for claims, arising from labour legal relationships;

2. by the claimants for claims for maintenance;

3. for claims filed by a prosecutor;

4. by the claimant – for claims for damages from tort from a crime, for which a verdict entered into force exists;

5. by court-appointed special representatives of a party, whose address is not known.

(2) Fees and expenses for proceedings shall not be deposed by natural persons, for whom it is acknowledged by the court that they have not enough money to pay them. On the application for exemption, the court shall take into account:

1. the incomes of the person and of the person's family;

2. the property status, as certified by a declaration;

3. the family status;

4. the health status;

5. the employment status;

6. the age;

7. other ascertained circumstances;

(3) In the cases under Para 1 and 2, the expenses for the proceedings shall be paid from the sums, provided thereof from the budget of the court.

Exemption in special cases

Art. 84. Exempt from payment of State fees - but not from court expenses - shall be:

1. (amend. – SG 50/08, in force from 01.03.2008; amended by decision with regards to constitutional case No 3 of 2008 – SG 63/08) the State and the State institutions, except in the cases of claims for private state receivables and rights over items - private state property;

2. the Bulgarian Red Cross;

3. the municipalities, except for claims for private municipal receivables and property rights– private municipal ownership.

Chapter nine.
FINES

Fine to a witness

Art. 85. (1) If the witness summoned to court fails to appear without providing valid reasons, the court shall impose a fine on him and shall order his escorting to court for the next hearing.

(2) If the witness refuses to give testimony without valid reasons, the court shall impose a fine on him.

Fine to an expert

Art. 86. If an expert fails to appear in court, or refuses to give his professional conclusion, or fails, with no valid reasons, to submit the latter within term, the court shall impose a fine on him.

Fine to a third person

Art. 87. If a third party, not involved in the case, refuses to submit a document or an item for investigation requested by the court, for which it has been established that is in said party's possession, the court shall impose a fine on him and urge him to submit it.

Fine for breaches in serving

Art. 88 (1) The court shall impose a fine to a person serving the papers who has not served the notification correctly, or has not done the due certification of serving, or has not returned to the court in time the certification of serving, or has not fulfilled other orders of the court in connection with the serving.

(2) The court shall impose a fine to the head of the office, if within the working hours, there has been no person found to accept the notification.

Fine for breaches during the hearing of a case

Art. 89. The court shall impose a fine for:

1. breaching the order at the court session;
2. failure to fulfill the directions of the court;
3. contempt of court, of a party, of a representative, of a witness or of an expert.

Unlawful receipt of legal aid

Art. 90. (1) The court shall impose a fine on the party which has indicated incorrect or incomplete data in the application for legal aid, and as a result thereof has received or attempted to receive legal aid.

(2) Fine shall also be imposed in cases where the party to which legal aid is granted fails to promptly notify the court of circumstances relevant to the decision under **Art. 96** and **97**.

Amount of the fine

Art. 91. (1) The amount of the fine for breaches under **Art. 85 – 90** shall be between 50 and 300 BGN.

(2) For breaches which hamper the course of the proceedings, or have been committed for a second time, the fine shall be between 100 and 1200 BGN.

Appeal

Art. 92. (1) An application for revocation of the imposed fine may be filed to the court which has imposed it within one week. The term shall run from the day of the court hearing, and in cases where the person does not attend the session - from the day of the notification.

(2) The court shall examine the application in a closed session and, if it admits the reasons given above as valid, shall reduce or revoke the fine, as well as the escorted arrival to court.

(3) The determination shall be subject to appeal by a private complaint.

Fine imposed on a party

Art. 92a. (new – SG 42/09) A party who unreasonably causes postponement to a case shall bear, regardless of its outcome, the costs of the new hearing, and shall pay a fine in the amount as per **Art. 91**. The court's ruling may be appealed under the order of **Art. 92**.

Fees in enforcement

Art. 93. (1) The court bailiff shall impose a fine in the amounts under **Art. 91** for:
1. breaches under **Art. 85-88**;
2. creating obstacles to view the item put for sale;
3. non-performance of other orders of his.
(2) The ruling by which the bailiff imposes the fine may be appealed within one week from the notification before the district judge, who shall pronounce in closed session with a non-appealable ruling.

Chapter ten.
LEGAL AID

Substance of the legal aid

Art. 94. The legal aid shall consist of providing defence by a lawyer free of charge.

Provision of legal aid

Art. 95. (1) The application for legal aid shall be submitted in writing, at the court before which the lawsuit is pending.
(2) In the determination, by which the application is recognized, the court shall state the type and the volume of the legal aid provided.
(3) The determination for provision of legal aid shall be effective as from the filing of the application, unless the court decides otherwise.
(4) The determination shall be rendered in closed session, unless the court deems it necessary to hear the party to clarify all the circumstances.
(5) The determination for refusal of legal aid shall be subject to appeal by a private complaint.
(6) The court's determination on the private complaint shall be final.

Termination of legal aid

Art. 96. (1) The legal aid shall be terminated:
1. in the event of change of circumstances, due to which it has been provided;
2, by the death of the natural person, to whom it has been provided.
(2) The court, ex-officio or upon request of a party, or of the appointed ex-officio lawyer, shall terminate fully or partially the provision of legal aid, considered from the moment the change in circumstances, which caused the provision, occurred.

Deprivation of legal aid

Art. 97. (1) The court shall - ex-officio or upon a request of a party or of the appointed ex-officio lawyer - shall deprive the party of legal aid, fully or partially, if it is found that the conditions for its provision did not exist at all or partially.

(2) (amend. – SG 50/08, in force from 01.03.2008) In the case of Para 1, the party shall be required to pay or refund all sums it had been unduly exempt from paying, and also to pay the set remuneration of his appointed lawyer.

Consequences from termination and deprivation from legal aid

Art. 98. (1) The appointed ex-officio lawyer shall exercise his powers up to the moment the ruling for termination or deprivation of legal aid enters into effect, if this is necessary to protect the party from negative legal consequences.

(2) From the pronouncement until the enactment of the determination for termination or deprivation of legal aid, the time-limits for appeal shall be terminated and then start running again.

Instruction to the parties regarding legal aid

Art. 99. The court shall inform the parties about their legal rights and obligations in connection with the legal aid, as well as about the legal consequences should they fail to perform said obligations.

Chapter eleven.
PROCEEDINGS PEROFORMED BY THE PARTIES

Form

Art. 100. The parties shall perform the proceedings orally at a court session. Proceedings outside of the court session shall be performed in writing.

Content

Art. 100a. (New - SG 68/20) (1) Procedural actions cannot contain threats, insulting or obscene words or qualifications. In such case, the procedural actions shall be considered irregular.

(2) Paragraph 1 shall not apply when the threats, insulting or obscene words or qualifications used refer to the circumstances, on which the request is based.

Irregularity of proceedings

Art. 101. (1) The court shall monitor ex-officio the due performance of the proceedings. The court shall instruct the party about the essence of the irregularity of the proceedings it has taken, and how to remedy it, by setting a deadline for the correction.

(2) The corrected proceeding shall be considered valid from the moment of correction.

(3) If the irregularity is not remedied within the prescribed period, the procedural action shall be deemed as not performed at all.

Written statements

Art. 102. (1) The written statements addressed to the court shall contain:

1. indication of the court;

2. name and the address of the party making the statement, respectively the name and address of the representative, through whom the statement is performed;

3. the matter of the statement;

4. signature.

(2) Attached to the written statements shall be:

1. a Power of Attorney, where the statement is done through a representative;

2. a document of deposed fees and expenses, if such are due;

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

Chapter eleven "a".
PROCEDURAL ACTIONS AND ACTS IN ELECTRONIC FORM (NEW - SG 110/20, IN FORCE FROM 30.06.2021)

Procedural actions and acts of the court in electronic form

Art. 102a. (New - SG 110/20, in force from 30.06.2021) (1) The court shall issue the acts and perform all other procedural actions provided for in the law in electronic form under the conditions of the **Judiciary System Act**, unless due to their nature this is impossible or by law it is envisaged to perform them in another way.

(2) Procedural actions in electronic form shall be present when through them procedural rights are exercised, whereby devices for electronic processing are used, including storage of the information, as the exercise of the rights is fully carried out through the use of wire, radio waves, optical or other electromagnetic means.

(3) Electronic statements of the courts must meet the requirements of Regulation (EU) № 910/2014 and the **Electronic Document and Electronic Trust Services Act**.

(4) An act of the court issued in electronic form may be reproduced as a paper document, which has the meaning of an official transcript, after certification by an employee, authorized by the Head of the respective court.

Obligation to accept procedural actions in electronic form

Art. 102b. (New - SG 110/20, in force from 30.06.2021) (1) Courts shall be obliged to accept procedural actions in electronic form.

(2) Courts must not refuse the acceptance of electronic statements, with which procedural actions are performed, when:

1. the requirements of Regulation (EU) № 910/2014 and of the **Electronic Document and Electronic Trust Services Act** have been complied with;

2. the statements are signed with a qualified electronic signature, when the law requires a handwritten signature for the validity of certain statements.

Obligation to inform

Art. 102c. (New - SG 110/20, in force from 30.06.2021) (1) Courts shall provide the opportunity for the persons to perform procedural actions in electronic form in an accessible manner or in a convenient dialogue regime, including for persons with disabilities.

(2) Courts shall provide - freely and free of charge - detailed information regarding the option to carry out procedural actions in electronic form on their websites through the unified portal for electronic justice and in prominent places in the courts' buildings.

(3) When performing procedural actions in electronic form, the court shall inform the person in advance in a clear, understandable and unambiguous manner regarding:

1. the technical steps for the creation of the statement;

2. the option to access the electronic case;

3. the technical means for establishing and eliminating errors while entering information before the statement is submitted;

4. the option to receive copies and transcripts of the electronic case reproduced on paper.

(4) Courts shall ensure the provision of information electronically about the course of the case.

Technical verification of an action performed in electronic form

Art. 102d. (New - SG 110/20, in force from 30.06.2021) (1) (Amend. - SG 15/22, in force from 22.02.2022) If there is technological availability, the technical verification of a performed action in the form of an electronic statement shall be carried out automatically for compliance with the standards and requirements, established by an ordinance adopted by the plenum of the Supreme Judicial Council after coordination with the Minister of the e-government, regarding:

1. electronic format of the performed statements;

2. lack of computer viruses and programs for disruption of the activity of computer systems, for recognition, striking off, deletion or copying of computer data;

3. file size;

4. the possibility to identify the party.

(2) The person performing the action in electronic form shall be notified immediately on the email address indicated by him in case of technical irregularities.

Confirmation for electronic statements

Art. 102e. (New - SG 110/20, in force from 30.06.2021) (1) Upon registering an electronic document received in the information system, through which procedural actions are performed in electronic form or the performance of certification statements is declared, a confirmation shall be automatically generated and sent to the party intended to receive it.

(2) The confirmation shall be an electronic document containing at least the following requisites:

1. registration number;

2. name of the addressee;

3. time of receipt of the incoming electronic document;

4. information about the access to the electronic document and to all documents attached thereto.

(3) The confirmation shall be sent to the e-mail address of the party indicated for serving.

Procedural actions of the parties in electronic form

Art. 102f. (New - SG 110/20, in force from 30.06.2021) All procedural actions of the parties may

be carried out in electronic form, unless due to their nature this is impossible or by law it is envisaged to perform them in another way.

Electronic statements to the court

Art. 102g. (New - SG 110/20, in force from 30.06.2021) (1) The identification of the persons submitting electronic statements shall be carried out by the order of the **Electronic Identification Act** or by means of electronic identification issued in another Member State, who meet the conditions under Art. 6, paragraph 1 of Regulation (EU) (910/2014.

(2) The electronic statements to the court shall be signed with a qualified electronic signature, when the law provides for a written form for their execution and the presence of a signature.

Attachments

Art. 102h. (New - SG 110/20, in force from 30.06.2021) (1) When electronic statements to the court are submitted by a proxy, an electronic image of the Power of Attorney shall be attached, taken pursuant to **Art. 360g of the Judiciary System Act** in a form and manner allowing its reproduction, unless the authorization is made electronically by the party. If the authorization is made electronically, the Power of Attorney must be signed with a qualified electronic signature and in a way that allows verification of the time of signing the Power of Attorney to the nearest year, date, time, minute and second with qualified electronic time stamp.

(2) A document for paid state fees and expenses on an account of the court shall not be presented, if they have been paid electronically during the process of submitting the statement, and in the information system used by the court has been received an electronic notification for such payment.

(3) Transcripts for the parties shall not be submitted together with electronic statements. The court shall reproduce the statements and their attachments in the required number of copies on paper and after certification by a court employee shall send them to the participants in the proceedings, who have not stated that they wish to receive electronic statements from the court or are not obliged to receive such. For the reproduction, the party, which has performed the action in electronic form, shall pay in advance a fee per the number of pages, determined by the tariff under **Art. 73, Para. 3**, except in the cases under **Art. 83**.

Part two.
GENERAL CLAIM PROCEDURE

Division one.
PROCEDURE BEFORE THE FIRST INSTANCE

Chapter twelve.
JURISDICTION

Section I.
Jurisdiction by Kind

General jurisdiction

Art. 103. All civil cases, except for those within the jurisdiction of the district court as a first instance, shall be under the jurisdiction of the regional court.

Jurisdiction of a district court

Art. 104. Under the jurisdiction of the district court as a first instance shall be:

1. the claims for ascertaining or contesting of origin, for termination of adoption, for placing under judicial disability or for its revokation;

2. (revoked – SG 50/08, in force from 01.03.2008)

3. claims of ownership or other real rights over a property with a price of the claim over 50 000 BGN;

4. (suppl. – SG 50/08, in force from 01.03.2008) claims of civil and commercial lawsuits with a price of the claim over 25 000 BGN, except for the claims for maintenance, on labour disputes and for receivables from deficiency acts;

5. claims to find that an entry is inadmissible or null and void, as well as that an entered circumstance does not exist, if this provided by a law;

6. (new - SG 50/15) claims, regardless of their price, joined in one application to a claim motion under the jurisdiction of the District Court, if they are subject to review under the same proceedings;

7. (prev. text of item 6 - SG 50/15) claims, which under other laws are subject to hearing by the district court.

Section II.
Jurisdiction by Location

General jurisdiction by location

Art. 105. The claim shall be filed at the court, within which area the permanent address or the seat of the defendant is located.

Claims against minors or persons placed under judicial disability

Art. 106. Claims against minors or persons placed under judicial disability shall be filed at the court per the permanent address if their ex-lege representative.

Claims against persons whose address is unknown

Art. 107. (1) A claim against person whose address is unknown shall be submitted at the court of the permanent address of his lawyer or a representative, and if he has no such – of the permanent address of the claimant.

(2) The rules of Para 1 shall also apply to a defendant who does not live within the boundaries of the Republic of Bulgaria at his permanent address.

(3) If the claimant has no address in the Republic of Bulgaria too, the claim shall be filed at the due court in Sofia.

Claims against State institutions and legal persons

Art. 108. (1) (Amend. – SG 86/17) Claims against legal persons shall be submitted before the court, within which area their seat is located. On disputes arising from direct relations with their subdivisions or branches, the claims may be also submitted per their location.

(2) (Amend. and suppl. – SG 86/17) Claims against the State and state institutions, including subsidiaries and branches of the latter, shall be brought before the court, in whose area the legal relationship has risen, from which the dispute originated, except for the cases under **Art. 109** and **110**. Where it has arisen abroad, the claim shall be submitted before the due court in Sofia.

Jurisdiction by location of a real estate

Art. 109. Property claims on immovable property, partition of immovable property of joint ownership, on boundaries and protection of improper possession of immovable property shall be lodged at the place where the property is located. As per the location of the property shall also be lodged claims for the conclusion of final contracts for the establishment and transfer of real rights on immovable property, as well as for the dissolution, destruction and declaring nullity of contracts for real rights on immovable property.

Jurisdiction by place of opening an inheritance procedure

Art. 110. (1) The claims over inheritance, for termination or reduction of wills, for partition of inheritance, or for cancellation of voluntary partition shall be submitted at the place, where the inheritance procedure has been opened.

(2) If the legator is a Bulgarian citizen but the inheritance procedure is open abroad, the claims under para. 1 may be filed as per his last permanent address in the Republic of Bulgaria, or before the court in whose area his property is located.

Claim for monetary receivables on a contractual ground

Art. 111. A claim for monetary receivables on a contractual ground may also be submitted at the present address of the defender.

Claims for maintenance

Art. 112. A claim for maintenance may also be submitted at the permanent address of the claimant.

Claims of and against consumers

Art. 113. (Amend. – SG 65/18, in force from 07.08.2018, suppl. – SG 100/19) Claims of and against consumers shall be brought before the court, in whose area the current address of the consumer is and, in the absence of any current address – their permanent one is to be used. The cases brought shall be considered as civil following the order of the common claim process.

Claims in labour lawsuits

Art. 114. The worker may also submit a claim against his employer at the place where he usually performs his labour obligations.

Claims from tort

Art. 115. (1) (Previous Art. 115 - SG 86/17) Claims for damages in tort may also be submitted at the place where the act is committed.

(2) (New – SG 86/17, amend. – SG 65/18, in force from 07.08.2018) Injured person's compensation claims under the **Insurance Code** against an insurer, the Guarantee Fund and the National Bureau of Bulgarian Motor Insurers shall be brought before the court, in whose area the claimant's current or permanent address is located - at the time of the occurrence of the insurance event, or its registered office, or at the location of occurrence of the insurance event.

Multitude of jurisdictions

Art. 116. A claim against defendants from different court regions, or for a property located in different court regions, shall be submitted at one of these regions at the choice of the claimant.

Contractual jurisdiction

Art. 117. (1) The jurisdiction defined by law may not be changed by the consent of the parties.

(2) By a written agreement, the parties to a property dispute may designate another court different to the one, to whose jurisdiction the case belongs under the rules of local jurisdiction. This provision shall not apply to the jurisdiction under **Art. 109**.

(3) An agreement on choosing the court for consumer claims or labour disputes shall become effective only if concluded after the dispute has arisen.

Section III.
Procedure over the Jurisdiction

Verifying the jurisdiction

Art. 118. (1) Each court shall decide on its own whether the case therein initiated is under its jurisdiction.

(2) Where the court finds that the case is not under its jurisdiction, it shall forward it to the appropriate court. In this event, the case shall be considered to be pending before that court from the day of filing the application before the undue court, whereby the actions taken by the latter shall stay in effect.

Objection for undue jurisdiction

Art. 119. (1) Objection for undue jurisdiction by kind of the case may be raised until termination of proceedings in the second instance, and may be raised by the court of its own motion.

(2) (Amend. – SG 65/18, in force from 07.08.2018) Objection for undue jurisdiction of the case at the location of the immovable property may be raised by the party and raised by the court of its own motion until the end of the first hearing at first instance.

(3) (New – SG 65/18, in force from 07.08.2018) Objection for undue jurisdiction of the case under **Art. 108, Para. 2**, **Art. 113** and **Art. 115, Para. 2** may be raised by the defendant at the latest within the term to reply to the statement of claim and shall be raised by the court of its own motion until the end of the

first hearing.

(4) (Previous Para. 3, amend. – SG 65/18, in force from 07.08.2018) In all other cases other than those under Para. 1 – 3, objection for undue jurisdiction may be raised only by the defendant and at the latest within the term to reply to the claim motion.

(5) (Previous Para. 4 – SG 65/18, in force from 07.08.2018) Simultaneously with raising the objection, the party shall also be obliged to present its evidence.

Stability of the jurisdiction

Art. 120. Changes in the factual circumstances determining the local jurisdiction, which occur after the claim has been filed, shall not justify any referral of the case.

Appellation of the ruling on the jurisdiction

Art. 121. The interested party may appeal the ruling concerning the jurisdiction.

Disputes on jurisdiction

Art. 122. Disputes on jurisdiction between the courts shall be settled by their general court of higher rank. If they belong to the regions of different courts of higher rank, the dispute shall be settled by this court of higher rank, within whose region the court which last accepted or refused to hear the lawsuit. Dispute on jurisdiction, where a court of appeal participates, shall be settled by the Supreme Court of Cassation. On the dispute of jurisdiction the court shall pronounce at a closed session.

Determination of jurisdiction by the Supreme Court of Cassation

Art. 123. Where, under the rules of **this Chapter**, the competent court cannot be designated, at the request of the party, the Supreme Court of Cassation shall, in a closed session, determine the court before which the claim is to be brought.

Chapter thirteen.
BASIC PROCEDURE

Section I.
Filing a claim

Types of claims

Art. 124 (1) Anyone can file a claim to reinstate their right if it has been violated, or to establish the existence or non-existence of a legal relationship or of a right, where they stand to benefit from it.

(2) A claim may be filed to order a defendant to fulfill recurring obligations, even if they are due after the judgement has been pronounced.

(3) A claim for forming, amending or terminating civil legal relationships may be filed only in the cases provided for by law.

(4) A claim to ascertain the truthfulness or untruthfulness of a document may be filed. A claim to

ascertain the existence or non-existence of other facts of legal importance shall be admissible only in the cases provided for by law.

(5) (amend. - SG 63/17, in force from 05.11.2017) A claim to ascertain criminal circumstance of importance to a civil legal relationship, or for revoking an effective judgement shall be admissible in the cases, where criminal procedure cannot be initiated, or has already been terminated on some of the grounds under **Art. 24, Para 1, items 2-5**, or has been suspended on some of the grounds under **Art. 25, Para. 1, item 2** or **Art. 26 of the Penal Procedure Code**, as well as in the cases where the perpetrator of the act has remained undetected.

Submission of the claim

Art. 125. The claim shall be considered submitted by the filing of the motion at the court.

Termination within a pending procedure

Art. 126. (1) (Suppl. – SG 42/18) Where, in the same court or in different courts, there are two cases pending between the same parties, on the same basis and for the same claim, the case initiated later shall be terminated ex-officio by the court, with the exception of the cases for adjudging the initially unprovided part of a claim subject of a case for a pending partial claim..

(2) Where the termination is ordered by the appellate court, the latter shall invalidate the judgement of the first instance.

Content of the claim motion

Art. 127 (1) The claim motion shall be written in Bulgarian language and shall include:

1. indication of the court;

2. (amend. - SG 110/20, in force from 30.06.2021) name and address of the claimant and of the defendant, of their ex-lege representatives or lawyers, if any, email address for serving under the conditions of **Art. 38** and **38a** and an application whether he wishes to be served on on the indicated e-mail address, as well as the telephone number of the claimant and his representatives or proxies, the personal identification number of the claimant and his fax or telex number, if any;

3. the price of the claim, if it can be evaluated;

4. statement of circumstanced, on which the claim is based;

5. the substance of the claim;

6. signature of the person submitting the claim.

(2) In the claim, the claimant shall be required to state the evidence and the specific circumstances he will prove with them, and to present along with it all the written evidence.

(3) If the person submitting the claim does not know or cannot sign it, it shall be signed by the person, to whom he has assigned this, and the reason due to which he did not sign it by himself shall be stated.

(4) (New – SG 86/17) In a conviction claim for a cash receivable, the claimant shall indicate a bank account or other means of payment.

Attachments to the claim motion

Art. 128. To the claim motion shall be submitted:

1. the Power of Attorney, where the motion is filed by a lawyer;

2. document of deposed state fees and expenses, if such are owed;

3. copies of the claim motion and of the attachments thereto as per number of defendants.

Verifying the claim motion

Art. 129. (1) The court shall verify the validity of the claim.

(2) Where the claim motion does not meet the requirements of **Art. 127, Para 1** and these of **Art. 128**, the claimant shall be notified to remove within one-week term the irregularities omitted, as well as about the possibility to use legal aid, if necessity exists and he is entitled to it. If the address of the claimant is not stated and is not known to the court, notifying the claimant shall be done by placing an announcement on the place in the court intended for that purpose for one week.

(3) If the claimant does not remove the irregularities within the term, the claim motion with the attachments shall be returned, and if the address is unknown, shall be left at the office of the court at disposal of the claimant. A private complaint may be filed against the returning, a copy of which complaint for serving shall not be submitted.

(4) In the same way shall be proceeded where irregularities in the claim motion are noticed during the proceedings.

(5) The corrected claim motion shall be deemed valid from the moment of submission.

(6) An official who allows further proceedings on the motion, where the state fee is not paid fully, shall be liable under **Art. 6 of the Stamp Duty Act**.

(7) (New - SG 110/20, in force from 30.06.2021) Upon failure to deposit the fee as per Art. 73, Para. 4, sentences three, Art. 77 shall apply.

Verifying the admissibility of the claim

Art. 130. When, upon verification of the claim, the court ascertains that the motion is inadmissible, it shall return the claim. A private complaint may be submitted against the returning, a copy of which complaint for serving shall not be submitted.

Reply to the claim motion

Art. 131. (1) Once it has accepted the claim, the court shall send a copy of it together with the attachments to the defendant, instructing him to lodge a written reply within one month, what the mandatory content of the reply should include and the consequences of non-reply, or non-exercise of rights, as well as of the option to use legal aid, if need be and if entitled to do so.

(2) The written reply of the defendant shall contain:

1. indication of the court and the case number;

2. (amend. - SG 110/20, in force from 30.06.2021) the name and the address of the defendant, of his ex-lege representative or proxy, if he has such, as wel as the telephone number and e-mail address for serving on the defendant and his representative, if they have such, and a statement as to whether he wishes to be served on the said e-mail address for serving;

3. statement on the admissibility and grounds of the claim;

4. statement on the circumstances, on which the claim is based;

5. objections against the claim and the circumstances on which they are based;

6. (amend. – SG 50/08, in force from 01.03.2008) signature of the person submiting the reply.

(3) In the reply, the defendant shall be obliged to state the evidence and the concrete circumstances, which he will prove with them, and to present all the written evidence at his disposal.

Attachments to the reply of the claim motion

Art. 132. To the reply of the claim shall be attached the following:
1. a Power of Attorney, where the reply is submitted by a lawyer;
2. copies of the reply and of the attachments to it, according to the number of the claimants.

Consequences of omission to submit a reply

Art. 133. (amend. and suppl. – SG 50/08, in force from 01.03.2008; amend. – Sg 100/10, in force from 21.12. 2010) Where, within the prescribed period, the defendant does not submit a written reply, does not make a statement, does not object, does not contest the truthfulness of a submitted document, or does not exercise its rights under **Art. 211, para. 1**, **Art. 212** and **Art. 219**, he shall waive the opportunity to do so later, unless the omission is due to special unforeseen circumstances.

Section II.
Court Sessions

Types of sessions

Art. 134. (1) The court shall hear the cases in open and closed sessions.
(2) Closed sessions shall be held in the events provided for by law and without the participation of the parties.

Place and time

Art. 135. (1) The sessions on the cases shall be held in the court premises. Holding the sessions outside the court premises shall be admissible, if by doing this bigger expenses are avoided.
(2) The court shall determine the place, day and time of the open sessions.
(3) The sessions shall not be held on non-business days.

Participation of the parites via video-conference

Art. 135a. (New - SG 98/20) (1) Any party may request to participate in a court hearing by video-conference when it is unable to appear directly before the court.
(2) At the video-conference, the party shall be present in a room specially equipped for video-conferences in a district court determined by the order of **Art. 156a, Para. 2 - 4**, a place of imprisonment or a detention centre.
(3) The court shall notify the parties about the conditions for holding a video-conference.

Excluding publicity

Art. 136. (1) The court may, of its own motion or at the request of one of the parties, either order that hearing the case or only certain actions be done in closed session, where:
1. the public interest demands it;

2. the protection of the privacy of the parties, of the family or of the persons under custody requires it;

3. the case concerns trade, industrial, invention or fiscal secret, the public announcement of which would harm defendable interests;

4. other reasonable grounds appear.

(2) In the cases of Para 1, admitted into the court room shall be the parties, their lawyers, the experts and the witnesses, as well as the persons who are allowed to be present by the chairperson.

(3) (New - SG 98/20) In the cases under Para. 1, the case shall not be heard by videoconference, except with the consent of the party.

Hearing of the request to exclude publicity

Art. 137. The request shall be heard at an open session behind closed doors. The determination upon the request shall be announced publicly.

Obligation to keep secret

Art. 138. Where a session is held behind closed doors, the public announcement of its content shall be prohibited.

Persons who may not attend the session

Art. 139. Without permission of the court, the following persons may not attend the session:

1. persons below the lawful age who are not parties to the case or witnesses;

2. armed persons, except the court security officers.

Section III.
Hearing of the Lawsuit

Preparation of the lawsuit at a closed session

Art. 140. (1) After the court verifies the validity and admissibility of the submitted claims, as well as the other requests and objections of the parties, the court shall rule with a determination on all preliminary matters, as well as on the admission of the evidence.

(2) Where, in the reply, counter-claims are submitted, the court may rule on them as well as on the admission of some of the evidence at the first session of the case.

(3) The court shall appoint the hearing of the case in open session, for which the parties shall be summoned, and to whom shall be handed a copy of the determination under Para. 1. The court may notify the parties about its draft-report of the case, as well as instruct them about mediation or other means of amicable settlement of the dispute.

Obligations of the Chairperson

Art. 141. (1) The session shall be conducted by the Chairperson.

(2) The Chairperson shall supervise the order in the courtroom and may impose fines for violation of the order.

(3) The Chairperson may remove anyonw who does not observe the order.

(4) Where, despite the warning for removal from the courtroom, the order in it is being violated by a party or its representative, the court may remove the offender for a certain period of time. Once the removed person returns to the courtroom, the chairperson shall inform them of the proceedings performed in their absence by way of reading the court record.

Starting and postponing the case

Art. 142. (1) Absence of one of the parties validly summoned shall not be an obstacle to hearing the case. The court shall proceed to examine it after examining the cases, in which the parties had appeared.

(2) The court shall postpone the case, if the party and its representative can not appear due to an obstacle which the party can not remove.

(3) Upon postponement of the case, the court shall announce the date of the next hearing, to which the parties and witnesses and experts called in the case shall be deemed to be summoned.

(4) Where it is necessary to set a different date to hold the hearing, the court shall determine it in a closed session and shall summon the parties, witnesses and experts thereto.

Hearing the case at an open session

Art. 143. (1) At an open session, after the preliminary matters have been settled, the court shall start clarifying the factual aspect of the dispute.

(2) The claimant may clarify and supplement the claim motion, as well as point out and present evidence related to the objections raised by the defendant, and the defendant may point out and present new evidence, which he could not have stated and presented with the reply to the claim motion.

(3) The parties shall be obliged to make and substantiate all their requests and objections, and to state an opinion on the circumstances alleged by the opposing party.

(4) (New - SG 98/20) When holding a hearing by video-conference, the court shall monitor:

1. for the observance of the technical requirements for performance of procedural actions in electronic form and the ways of their performance provided for in **Chapter Eighteen "a" of the Judiciary System Act**;

2. the used communication connection to allow the simultaneous transmission and reception of image and sound;

3. the procedural actions to be perceived by all participants in the meeting, located at different places;

4. the making of a recording of the video-conference.

Additional Period

Art. 144. (1) The defendant may request additional time to state an opinion on the evidence requests lodged by the claimant at that session, and to provide additional evidence in relation to the contestations made.

(2) Where the request under Para. 1 is upheld, the court shall rule on the contestations and requests lodged, in a closed session with a ruling which shall be announced to the parties.

Instructions by the court

Art. 145. (1) The court shall ask questions to the parties in order to clarify the facts by indicating

their importance in the case.

(2) (Amend., SG 50/08, in force from 01.03.2008) The court shall instruct the parties to specify their allegations and to eliminate any contradictions therein.

(3) The court then shall invite the parties to reach a settlement indicating its consequences. If a settlement is not reached, the court shall compile a report, which is reflected in the court record.

Report on the case

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

1. the circumstances giving rise to the claimed rights and objections;

2. the legal characterization of the rights claimed by the claimant, of the counter-rights and objections of the defendent;

3. which rights and which circumstances are recognized;

4. which circumstances do not need proof;

5. how the burden of proof is allocated for the facts subject to proof.

(2) The court shall indicate to the parties which of the facts alleged by them do not provide evidence.

(3) (Suppl., SG 100/10, in force from 21.12.2010) The court shall give the parties the opportunity to state their opinion with regard to the instructions given and the report on the case, as well as to take the relevant procedural actions. If, while exercising their opportunity, the parties do not make any evidential requests, they shall lose the opportunity to do so later, except in the cases under **Art. 147**.

(4) The court shall rule with a determination on the parties' evidential requests, thereby allowing evidence which is relevant, admissible and necessary.

New facts and circumstances

Art. 147. Pending completion of the judicial inquiry, the parties may:

1. invoke new circumstances, and identify and present new evidence, only if they have not been able to know of it, identify and present it in due course;

2. invoke new circumstances which are relevant to the case, and point out and provide evidence thereof.

Gathering evidence

Art. 148. The court shall gather all admissible evidence with the parties’ participation. If necessary, it shall schedule a new hearing for gathering evidence which have not been collected for reasons beyond the control of the parties.

Finalisation of the judicial inquiry

Art. 149. (1) After evidence has been collected, the court shall again invite the parties to reach a settlement. If settlement is not reached, the court shall proceed to the verbal contest.

(2) When the case has been clarified, the court shall end the verbal contest, and shall set the day for announcing its judgement.

(3) In any factual or legal complexity of the case, at the request of one of the parties, the court may set a suitable time limit for the submission of written pleadings. Written pleadings shall be submitted with copies according to the number of parties.

Minutes of the session

Art. 150. (1) Minutes shall be drawn up at the hearing of the case, in which shall be recorded the time and place of the hearing, the court members, the name of the Secretary, the parties who have appeared and their representatives, the nature of the statements, requests and comments made by the parties, the written evidence presented, the testimony of the witnesses and of other persons in the case, and the findings and determinations of the court.

(2) The minutes shall be drawn up under the dictation of the Chairperson and shall be made available to the parties within three days of the session.

(3) (New - SG 98/20) When conducting a video-conference, the name and position of the judicial officer of the district court or of the head of the prison or the head of the detention centre or an employee appointed by them present at the video-conference shall be entered in the protocol.

(4) (Prev. Para. 3 - SG 98/20) If technical possibility exists, a sound recording of the session shall be made, on the basis of which minutes shall be drawn up within three days.

(5) (Prev. Para. 4 - SG 98/20) The minutes shall be signed by the Chairman and the Secretary.

(6) (New - SG 98/20) For the performed video-conference, after notifying the participants in it, a video recording shall be made on electronic media. The video shall be attached to the case.

Correcting and supplementing the minutes

Art. 151. (1) Within one week of the minutes being made available to the parties, each participant in the proceedings may request to correct or supplement them.

(2) If a sound recording has been made at the hearing, correcting and supplementing the minutes shall be admissible only on the basis of the sound recording.

(3) If a sound recording has not been made at the hearing, correcting and supplementing the minutes shall be admissible only on the basis of remarks made on its contents.

(4) (Suppl. - SG 98/20) The court shall rule on the request for correcting and supplementing the minutes after summoning the parties and the plaintiff, and hearing the sound recording, respectively the explanations of the Secretary. Where video-conferencing has also been used at the hearing, the court shall rule on the request for supplementing or correcting even after the recording of it has been made.

(5) The sound recording shall be stored until the expiry of the period for requesting corrections and supplementing the minutes, and if such request is made, until the entry into force of the judgement on the case.

(6) (New - SG 98/20) The recording of the video-conference shall be kept until the expiration of the term for keeping the case itself.

Probative force of the minutes

Art. 152. The minutes of the hearing shall be evidence of the court proceedings undertaken during the court hearing. Proceedings which have not been certified for in the minutes shall be deemed as not performed at all.

Chapter fourteen.
EVIDENCE

Section I.
General Rules

Subject to proof

Art. 153. Controversial facts relevant to the case’s resolution and relations between them shall be subject to proof.

Evidential burden

Art. 154. (1) Each Party shall be required to ascertain the facts on which it bases its claims or objections.

(2) There shall be no need to prove facts for which there is a presumption established by law. Disproving such presumptions shall be allowed in all cases, except if prohibited by a law.

Facts not subject to proof

Art. 155. Facts not subject to proof shall be those of public nature and well-known ones and those which are known to the court ex-officio. About the latter, the court shall be obliged to inform the parties.

Evidentiary request

Art. 156. (1) (Suppl. - SG 98/20) In its evidentiary request, the Party shall state the facts and the instruments through which these facts shall be proven, as well as the need of video-conferencing in order to collect them.

(2) In the request to allow examination of a witness, the to admit examination of a witness shall state which facts the witness shall be questioned about, his/her three names and address is the Party requests his/her summoning.

(3) In the request to allow explanations from the other Party, the questions to be answered by said Party shall be formulated.

(4) In the request to allow expertise, the area in which special knowledge is required, the subject and the task of the expertise shall be stated.

Collecting evidence through video-conferencing

Art. 156a. (New - SG 98/20) (1) Collecting evidence via video-conference may take place at the request of a party, and also ex officio by the court when an expert must be heard.

(2) Interrogation of a witness and explanations of a party by video-conference shall be admissible when these are not able to appear directly before the court in the case and are outside the judicial district of the district court, whose seat coincides with the seat of the court in the case.

(3) Hearing of an expert by video-conference shall be admissible when, due to official engagement or other objective circumstances, the expert cannot appear before the court in the case and is outside the judicial district of the district court, whose seat coincides with the seat of the court in the case.

(4) The court shall determine the date and time of the hearing, in which video-conference will be used, after checking the possibility of holding it with the nearest regional court at the place of residence of the party, the witness or the expert, respectively in the place of imprisonment or detention, where the person is.

(5) The witnesses, the parties and the experts, whose statements will be heard by video-conference, shall be summoned for the date and time of the court hearing, indicating to them the court in which they

should appear, respectively the place of imprisonment or detention, where video-conferencing will be used.

(6) The identity of the person, who participates through video-conference, shall be checked by the employee under **Art. 150, Para. 3** who is present at the video-conference.

(7) The translator or interpreter shall be present in the courtroom of the court, in which the hearing is held, unless the specific circumstances so require their presence with the person, whose hearing they attend.

Admission of evidence

Art. 157. (1) (Previous text of Art. 157 - SG 98/20) As to the admission of evidence, the court shall rule with determination, whereby determining the deadline for collecting them as well. The period shall start running from the day of the court hearing in which it was determined, including for the Party who failed to appear.

(2) (New - SG 98/20) As to the admission of collecting evidence by video-conferencing, the court shall rule with a motivated determination, in which the necessity of holding a video-conference shall be substantiated.

Time limit for the collection of evidence

Art. 158. (1) If the collection of any evidence is doubtful or presents a particular difficulty, the court may set an appropriate time limit for its collection, after the expiry of which the case shall be heard without it.

(2) Upon further examination of the case, the evidence may be obtained, if this does not delay the proceedings.

Non-admission of evidence

Art. 159. (1) Any requests of the Parties for admission of evidence regarding facts not relevant to the resolution of the case, as well as any non-timely requests for admission of evidence, shall be rejected by the court with a determination.

(2) Where, for the establishing of one and the same fact, the Party shows more witnesses, the court may admit only some of them. The remaining witnesses shall be admitted, if the summoned ones fail to establish the disputed fact.

Expenses for collecting evidence

Art. 160. (1) Where expenses are needed for collecting evidence, the court shall determine the amount and deadline for their submission. The period shall run from the day of the court hearing in which it was determined, including for the party who failed to appear.

(2) Evidence shall be collected upon submission of a document for payment of the specified deposit for expenses.

(3) The deadline for the submission of expenses shall cease by the filing an application for exemption from submitting expenses, and shall not run while the application is being considered.

Consequences after obstruction of proof

Art. 161. In view of the circumstances of the case, the court may assume as proven the facts, regarding which the Party has created obstacles in collecting admissible evidence.

Right of discretion

Art. 162. Where the ground of the claim is recognised but there is not sufficient data of its amount, the court shall determine the amount at its discretion, or shall take the conclusion of an expert.

Section II.
Witnesses' testimony

Obligation to testify

Art. 163. (1) The witness shall be obliged to appear before the court to give testimony.

(2) Should any important reason arise, the witness may be questioned earlier than on the day set for the hearing, and outside the premises of the court as well. The parties shall be summoned for the questioning.

Admissibility of witnesses' testimony

Art. 164. (1) Witnesses' testimony shall be admitted in all cases, except for:

1. proving legal transactions, for the validity of which a written act is required by law;
2. disproval of content of an official document;
3. recognising of circumstances, for proving of which a written act is required by law, as well as for recognising of contracts for an amount bigger than 5 000 BGN, except where they have been concluded between spouses, relatives of direct descent, collateral relatives up to fourth degree and relatives in law up to second degree including;
4. payment of monetary obligations certified by a written act;
5. ascertaining written agreements, in which the party requiring the witnesses has participated, as well for their amendment or cancellation.
6. disproval of the content of a private document coming from the party.

(2) In the cases of Para 1, item 3, 4, 5 and 6, witnesses' testimony shall be admissible only with the express consent of the parties.

Exceptions to inadmissibility

Art. 165. (1) In cases where the law requires a written document, witness testimony shall be admissible, if it is proven that the document has been lost or destroyed not by fault of the party.

(2) Witness testimony shall also be admissible if the Party attempts to prove that the consent expressed in the document is simulative, and only if there is written evidence in the case originating from the other party, or certifying statements therefrom before a public authority, which make the party's claim that the consent is simulative plausible. This limitation shall not apply to the third parties, as well as to the heirs, when the deal is directed against them.

Refusal to testify

Art. 166. (1) Noone has the right to refuse to testify, except:

1. the representative of the parties in the same case, and the persons who have been mediators in the same dispute;

2. the relatives in direct line, the brothers, sisters and relatives in law of first degree, the spouse and former spouse, and the person with whom a party is in an actual spousal cohabitation.

(2) Persons who, with their answers, would cause themselves or the persons under para. 1, item 2, direct harm, disgrace or criminal prosecution, cannot refuse to testify, but may refuse to answer a specific question stating the reason for this.

(3) Witnesses in the case may not be representatives of the parties in the same case.

Failure to fulfil the obligation to testify

Art. 167. (1) Any witness who refuses to testify or to answer concrete questions shall be obliged to either state the reasons for that in writing and certify them prior to the court session at which he will be interrogated, or state them verbally before the court.

(2) Any witness who fails to perform his obligation under **Art. 163**, thus slowing down the process of proof, shall:

1. reimburse the parties for the costs incurred as a result of its non-performance;

2. lose the right to claim remuneration.

Witness's right to remuneration

Art. 168. Witnesses shall be entitled to remuneration and expenses for appearing in court, if requested by them by the end of the court hearing. Remuneration and expenses shall be paid from the deposited sum.

Summoning a witness

Art. 169. (1) If the witness cannot be summoned at the address stated by the party, the court shall set a time limit for the provision of another address.

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

(3) Parties may bring before the court the admited witnesses without summoning them.

Promise to tell the truth.

Art. 170. (1) Before the witness is questioned, the court shall clarify his / her identity, the details of his / her possible involvement, and remind him / her of the liability before the law in case of perjury.

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

Conducting the questioning

Art. 171. (1) Each witness shall be questioned separately, in the presence of the parties who have appeared. Witnesses who have not yet given testimony shall not attend the questioning of the other witnesses.

(2) Witnesses may be questioned once more during the same or another hearing, at their own request, at the request of the party or at the court’s request.

(3) At the request of a party or on his own initiative, the court may reflect, in the minutes, any

specific features of the witness's behavior during questioning.

Evaluation of witness testimony

Art. 172. Testimony of the relatives, of the guardian or trustee of the party appointed thereof, of the adoptive parents and the adopted, of those who find themselves in civil or criminal proceedings with the counterparty or its relatives, of the proxies appointed by their trustees, and of any other party interested in the benefit of or at the expense of one of the parties, shall be evaluated by the court in the light of all other findings in the case, taking into consideration their possible interest.

Questioning the witness at the initiative of the court

Art. 173. The party may waive the questioning of the witness to which it has referred, but the same shall be questioned if the other party so requests, or if the court considers that questioning the witness is necessary as to clarifying the circumstances of the case.

Confrontation

Art. 174. In the event of differences in witness testimonies, the court may order a witness confrontation. Such may also be ordered between the witness and the parties.

Section III.
Explanation of the parties

Confession of a fact in court

Art. 175. The confession of a fact made by a party or its representative shall be assessed by the court in view of all the circumstances of the case.

Explanation of the party

Art. 176. (1) The court may order that the party appear in person to give explanation about circumstances in the case.

(2) The party required to appear in person shall be informed by the court of the questions it must answer, whereby warning it of the consequences of non-fulfillment of this obligation.

(3) The court may accept as proven the circumstances, for the clarification of which the party has not appeared in person or has refused to respond without a valid reason, as well as when it has [rovided evasive or vague answers.

(4) (Suppl. - SG 98/20) Where the party can not appear before the court due to insurmountable obstacle, its explanations may be given to a delegated court or via video-conference.

Field of application

Art. 177. (1) As parties to the lawsuit, explanations shall give:

1. the natural persons;

2. the ex-lege representatives of the legal persons;
3. the debtor and the trustee in bankruptcy for lawsuits relating to the bankruptcy estate;
4. the partners in a general partnership;
5. the personally liable partner in a limited partnership;

(2) Where the party is minor or put under full judicial disability, the court may hear the party's ex-lege representative. Where the party is underage or put under partial legal disability, the court may question it in the presence of its parent or guardian.

Section IV.
Written evidence

Probative force

Art. 178. The probative force of the documents shall be determined in accordance with the law in force at the time and the place where they were drawn up.

(2) The court shall assess the probative force of the document which contains crossed out words, deletions, additions between the lines and other external deficiencies, in view of all the circumstances of the case. This rule shall not apply to the signed electronic document.

Official document

Art. 179, (1) Any official document, issued by an official within the scope of his duties in the established form and under the established procedure, shall constitute evidence of the statements made before him, as well as of the actions performed by and before him.

(2) Officially certified transcripts or extracts of official documents shall have the same probative value as the originals.

Private document

Art. 180. Private documents signed by the persons who issued them shall constitute evidence that the statements contained therein were made by those persons.

Valid date of the private document

Art. 181. (1) The private document shall have a valid date for third parties from the day on which it was certified, or from the day of death, or from the physical inability which has occurred of the person who signed the document to certify it, or from the day on which the contents of the document was reproduced in an official document, or from the day on which another fact occurs clearly establishing the drafting of the document which preceeds its occurence.

(2) In order to establish the date of payment receipts, the court may admit any means of evidence, taking in consideration the circumstances of the case.

Entries in accounting records

Art. 182. Entries in accounting records shall be assessed by the court in accordance with their regularity and in view of the other circumstances of the case. They may serve as evidence for the person or the organisation who has kept the records.

Presenting documents on paper

Art. 183. (1) (Previous text of Art. 183 - SG 110/20, in force from 30.06.2021) Where a document is presented in a case, it may be presented in a copy certified by the party as well, but in such a case, upon request, the party shall be obliged to produce the original of the document or an officially certified copy thereof. If the party fails to do so, the copy submitted shall be excluded from the evidence in the case.

(2) (New - SG 110/20, in force from 30.06.2021) The officially certified copy as per Para. 1 may be presented also as an electronic image, certified by the party with a qualified electronic signature.

Presenting electronic documents

Art. 184. (1) The electronic document may be presented reproduced on paper as a copy certified by the party. Upon request, the party shall be obliged to present the document on electronic media.

(2) If the court does not have at its disposal technical means and experts which give opportunity to reproduce the electronic document and to conduct the due check of the electronic signature at the court hall, in the presence of the appeared parties, electronic copies of the document shall be provided to each of the parties to the case. In this case, the authenticity of the electronic document may be contested at the next court session.

Presenting documents in a foreign language

Art. 185. Any document, presented in a foreign language, shall be accompanied by an exact translation into Bulgarian, certified by the party. If the court cannot verify the correctness of the translation itself, or the correctness of the translation is contested, the court shall appoint an expert to perform the verification.

Presenting official documents

Art. 186. The official documents and certificates shall be presented by the parties. The court may require them from the respective institution, or may provide the party with a court certificate, on the base of which to obtain them. The institution shall be obliged to issue the required documents, or to explain the reasons for not issuing them.

Presenting printed materials

Art. 187. Presenting printed materials shall be done by the parties, but where the court can obtain them without any special difficulty, it shall be enough for the party to point where they have been published.

Conversion of an official document

Art. 188. Any document, issued by an incompetent body or not in the prescribed form, shall have the value of a private document, if signed by the parties.

Document issued by an illiterate or a blind person

Art. 189. (1) Any private document, issued by an illiterate person, shall bear a print of his right thumb instead of signature, and shall be signed by two witnesses. If the print of the right thumb cannot be placed, the reason for this shall be stated in the document, as well as which other finger has been used to place the print.

(2) Any private document issued by a blind literate person shall be signed by two witnesses.

Obligation of the party to present a document

Art. 190. (1) Either party may request the court to oblige the other party to submit a document located therein, explaining its meaning to the dispute.

(2) The failure to submit the document shall be assessed in accordance with **Art. 161**.

Grounds for refusal to present

Art. 191. (1) Presenting a document may be refused, if:

1. the content of the document is related to circumstances relating to the private or family life of the party;

2. this could lead to disgrace or criminal prosecution against the party, or against its relatives within the meaning of **Art. 166**.

(2) Where the grounds of Para. 1 concern parts of the document, the party may be obliged to present a certified extract of the document.

Obligation of a third person to present a document

Art. 192. (1) Either party may request from the court, by a written motion, to oblige a person not participating in the case to present a document which is in their pssession.

(2) A copy of the motion shall be sent to the third person, and a time limit for presenting the document shall be set.

(3) The third person who, without grounds, fails to present the requested document, shall be liable not only under **Art. 87**, but also before the third party for the damages caused thereto.

Contesting the veracity of a document

Art. 193. (1) The interested party may contest the veracity of a document at the latest with the reply to the procedural motion, with which it was presented. Where the document is presented at a court hearing, the contestation may be made at the latest by the end of the hearing.

(2) The court shall rule the performance of a verification of the veracity of the document, if the other party claims to wish to use it.

(3) The burden of proving the untruth of the document shall fall on the party contesting it. Where the veracity of a private document that does not bear the signature of the party contesting it is challenged, the burden of proof of authenticity shall fall on the party who has submitted it.

Verification of a document

Art. 194. (1) The court shall perform the verification by way of comparison to other unquestionable documents, by way of questioning witnesses, or questioning experts.

(2) After the verification, the court shall, with a determination, recognise that either the contestation is not proven, or that the document is not truthful. In the latter case, the court shall exclude it from the evidence and shall forward it to the prosecutor together with the determination.

(3) The court may also rule on the contestation of the document along with its judgement on the case. In this case, the document, together with a copy of the judgement, shall be forwarded to the prosecutor.

Section V.
Experts

Appointment of an expert

Art. 195. (1) Experts shall be appointed at the request of the party or ex-officio, where special knowledge in the field of science, arts, crafts and other matters is necessary to clarify certain issues arising in the case.

(2) The court may appoint more experts where this is necessary in view of the circumstances of the case.

Removal of an expert

Art. 196. (1) The provisions of **Art. 22, Para 1** shall apply for the experts as well.

(2) Either party may request the removal of the expert, if any of the grounds under Para. 1 are present.

(3) The expert shall immediately inform the court of all circumstances that may be grounds for removal. The expert shall be obliged to address the claims in the request for its removal.

(4) The court shall pronounce with a determination on the request for removal of the expert.

Assignment of expertise

Art. 197. (1) In the determination, by which the court appoints the expert, shall be stated: the subject matter and the task of the expertese; the materials provided to the expert, the name, education and specialty of the expert.

(2) The court shall give the expert the appropriate time to draw up his conclusion. The expert shall notifiy the court when they are unable to draw up the conclusion within the prescribed time limit and shall indicate what time it will take.

Discharging the expert

Art. 198. The appointed expert shall be relieved of the task assigned to him when they can not perform it for lack of qualification, due to illness or any other objective reason, under the conditions of **Art. 166**, or when they have not drawn up the conclusion in good time.

Presenting the conclusion

Art. 199. The expert shall be obliged to present the conclusion at least one week before the session.

Hearing the expert

Art. 200. (1) The court shall remind the expert of their responsibility in giving a false conclusion.

(2) The expert shall state their conclusion verbally. The parties may ask questions aimed at clarifying the conclusion.

(3) In contesting the conclusion, the court may appoint another expert or more experts. Contestation may be made during the hearing.

Additional and second conclusion

Art. 201. Additional conclusion shall be assigned, where the conclusion has not been sufficiently complete and clear, and a second conclusion – where it has not been substantiated and doubt has arisen regarding its correctness.

Assessment of the conclusion

Art. 202. The court shall not be obliged to accept the conclusion of the expert and shall discuss it together with the other evidence to the case.

Disagreement between experts

Art. 203. In the event of disagreement between experts, each group shall set out its own views. Where the court can not take a position on the disagreement, it shall require additional investigations from the same experts, or shall appoint other experts.

Section VI.
Inspection and certification

Admission of inspection and certification

Art. 204. (1) At the request of the parties or at its own discretion, the court may appoint an inspection of movable or immovable property, or certification of persons, with or without the participation of witnesses and experts.

(2) Inspection and certification are means of collecting and verifying evidence. They shall be carried out by the whole court members, by a delegated member of the court or by another delegated court.

(3) The court shall inform the parties of the time and place of the inspection. A record shall be drawn of the inspection which shall include the findings of the inspection, the explanations of the experts and the testimony of the witnesses questioned at the inspection site.

Obligation to cooperate

Art. 205. The provisions on documents shall apply to the obligation to submit, transmit or provide access to the subject of the inspection.

Certification

Art. 206. (1) Certification of a person may only be performed with his consent.

(2) Certification shall be done in such a way that the dignity of the person being certified not be harmed. In view of this, the judge may not be present at the certification, whereby assigning it to appropriate experts.

(3) Refusal of the person to be certified shall be assessed according to **Art. 161**.

Section VII.
Securing the evidence

Securing of evidence

Art. 207. Where there is any risk that evidence may be lost or may be difficult to collect, the Party may request that it be collected in advance.

Proceedings for securing the evidence

Art. 208. (1) The request to secure the evidence shall be submitted to the court hearing the case, and, if the case has not yet been filed, to the district court at the permanent address of the person to be questioned, or at the location of the property, on which the inspection will be carried out.

(2) A copy of the request to secure the evidence shall be served on the other party.

(3) The ruling of the court with which the request is not granted shall be subject to appeal by a private complaint.

(4) The court may gather in the same proceedings the evidence provided by the other party, if they are closely related to those of the applicant.

(5) Where the applicant is unable to indicate the name and address of the other party, the court shall appoint a representative.

(6) The general rules shall apply with regard to the procedure of collecting evidence and their force.

Expenses

Art. 209. The expenses for collecting evidence shall not be awarded to the party in the security proceedings. They shall be taken into account afterwards, upon settlement of the dispute.

Chapter fifteen.
DEVIATIONS IN RELATION TO THE SUBJECT-MATTER OF THE CASE

Initial joinder of claims

Art. 210. (1) The claimant may– with one claim against the same defendant – bring several claims, if they are brought before the same court and are subject of consideration under the same procedure.

(2) (Suppl. - SG 50/15) Where the claims brought are not subject to consideration under the same procedure, or where the court finds that their joint consideration will be significantly hampered, it shall rule separation of the claims. Separation of claims which are in relation to the subject of the case shall not be addmitted, unless they are subject to consideration pursuant to different proceedings.

Counter-claim

Art. 211. (1) Within the time limit for replying to the claim, the defendant may lodge a counterclaim, if, in its essence, it is jurisdictional to the same court and is related to the initial claim, or if any compensation with the latter may be done.

(2) Bringing the counterclaim shall be subject to the rules for bringing a claim. Where the court finds that the joint consideration of the counterclaim will be significantly hampered, it shall rule its separation.

Incidental claim

Art. 212. In the first case hearing, the claimant may - and the defendant also, with the reply to the claim - request the court to rule in its judgement on, among other things, the existence or non-existence of a controversial legal relationship, on which the outcome of the case depends wholly or in part.

Ex-officio joinder of claims

Art. 213. Where there are several cases pending in the court, involving the same persons on the claimant's and the defendant's side, or having a connection with one another, the court may bring these cases together in a single procedure and issue a joint judgement on them.

Amendment of the claim

Art. 214. (1) At the first hearing for considering the case, the claimant may change the ground of his claim if, in view of the defense of the defendant, the court considers it appropriate. The claimant may also amend, without amending the ground, his claim. Until the judicial inquiry is over in the first instance, the claimant can only amend the amount of the submitted claim, as well as move from settling to conviction and vice versa.

(2) The addition of expired interest or collected proceeds of the property after its submission shall not be considered an increase of the claim.

Chapter sixteen.
DEVIATIONS IN RELATION TO THE PARTIES

Section I.
Joint claimants or defendants in the case

Admissibility

Art. 215. A claim may be submitted by several claimants or against several defendants, if subject-matter of the claim is:

1. their joint rights or obligations, or
2. rights or obligations arising from one and the same ground.

Procedural actions

Art. 216. (1) Each of the joint parties shall act independently. His procedural actions and inactions neither benefit, nor harm the others.

(2) Where, in view of the nature of the disputed relationship or by the disposition of the law, the court's judgement must be equal to all the joint parties (required joinder of parties), the actions performed by some of them shall also make sense to the joint parties who have not appeared or have not performed them. In this case also, however, the consent of all the joint parties shall be necessary for the conclusion of a settlement and for the withdrawal or non-joinder of the claim.

Statements on general facts

Art. 217. If any factual allegations of the joint parties on general facts contradict each other, the court shall assess them in relation to all the circumstances of the case.

Section II.
Third persons

Involvement of a third person

Art. 218. A third person may get involved in the case by the end of the judicial inquiry in the first instance in order to assist one of the parties, if the former is interested that the judgement be rendered in the said party’s favour.

Attracting a third person

Art. 219. (1) At the first hearing of the case, the claimant - and the defendant as well, with the reply to the claim - may attract a third person in order to assist, where that person has the right to get involved.

(2) Attracting a third person shall not be allowed, if the third person has no permanent address in the Republic of Bulgaria, or lives abroad.

(3) The party who has a counter-claim against the third person may bring it for a joint consideration simultaneously wth the request for attracting.

Admission to participation

Art. 220. Regarding the admission of the third person, the court shall rule with a determination. The determination, with which the third person is not admitted, shall be subject to appeal by a private complaint.

Rights of third persons

Art. 221. (1) The third person shall be entitled to carry out all legal proceedings, with the exception of the actions representing disposition with the subject of the dispute.

(2) In case of contradiction between the actions and the explanations of the party and the third person, the court shall assess them in relation to all the circumstances of the case.

Substitution of the assisted party

Art. 222. With the consent of both parties, the person involved or the person attracted to the case may replace and relieve the party, to which he is assisting.

Effect of the judgement

Art. 223. (1) The enacted judgement has a declaratory effect in the relations between the third person and the opposing party.

(2) What the court has established in the reasoning of its judgement shall be binding on the third person in its relations with the party, to which he is helping or who has attracted him. The third person may not contest it on the pretext that the party has misleaded the case, unless the latter deliberately or through gross negligence has failed to bring facts or evidence unknown to the third person.

Attracting a person with independent rights

Art. 224. (1) The defendant shall be released from participation in the case, if he deposits the amount or item sought in accordance with the instructions of the court, and attracts the person who also exercises independent rights thereon. In this case, the case shall continue only between the two creditors.

(2) If the attracted person does not get involved in the case, the proceedings shall be terminated, and the amount or item deposited shall be transferred to the claimant.

(3) Where the defendant makes the request for attracting in the response to the claim, he shall not be responsible for the costs.

Main involvement

Art. 225. (1) The third person, who has independent rights over the subject matter of the dispute, may get involved in the case by bringing an action against both parties.

(2) The bringing of a claim by a third person shall be allowed until the end of the judicial inquiry in the first instance.

Section III.
Assignment of the Disputable Right and Substitution of a Party

Assignment of the disputable right

Art. 226. (1) If, within the proceedings on the disputable right, it is assigned to somebody else, the lawsuit shall continue its development between the parties initially constituted.

(2) The acquirer may enter or be attracted to the case as a third person. He may substitute his assignor only under the conditions of **Art. 222**.

(3) The pronounced judgement shall, in all cases, constue res judicata regarding the acquirer, except for the acts for the entry, where it refers to a real estate (**Art. 114 of the Ownership Act**) and to the acquisition of ownership through possession in good faith (**Art. 78 of the Ownership Act**) where it refers to movables.

Succession in the procedure

Art. 227. Should the party die or the legal person cease to exist, the court proceeding shall continue with the participation of the successor.

Substituting a party

Art. 228. (1) Amending the claim by substituting one of the parties with another person shall be admissible in any stage of the case at first instance, with the consent of both parties and the person getting invovled as a party to the case.

(2) The consent of the defendant shall not be necessary, where the claimant waives his claim against him.

(3) The claimant may bring his action against a defendant who does not agree to enter the case. However, in this case, the claim against the new defendant shall be deemed to have been filed from the day that the claim against him is filed at the court.

Chapter seventeen.
DEVIATIONS IN THE DEVELOPMENT OF THE PROCEDURE

Section I.
Suspension, renewal and termination of proceedings

Suspension of proceedings

Art. 229. (1) The court shall suspend the procedure:

1. upon the consent of the parties;
2. in event of death of some of the parties;
3. where is needed to establish a guardianship or trusteeship over some of the parties;
4. where in the same or in another court a lawsuit is being heard, the judgement on which is of importance for the correct settlement of the dispute;
5. where within the hearing of a civil lawsuit criminal circumstances are detected, on ascertaining of which depends the settlement of the civil dispute;
6. where the Constitutional Court has allowed the hearing of a claim on its merits challenging the constitutionality of a law applicable to the case;
7. in cases explicitly provided by law.

(2) In the cases under Para. 1, item 1, if the prosecutor participates in the case together with one of the parties, his consent shall also be necessary for the suspension. In the cases under Para. 1, item 2 and 3, if the court case has been completed, the proceedings shall be suspended after the judgement on the case has been handed down.

(3) Suspension of the case by agreement of the parties shall be allowed only once in the proceedings in one instance.

Renewal of proceedings

Art. 230. (1) The proceedings shall be resumed ex officio or at the request of one of the parties after the removal of obstacles to its progress, for which the court, in case of death of the claimant and under **Art.**

229, para. 1, items 3 – 6, shall itself take the necessary measures.

(2) Upon death of the defendant, the claimant shall be obliged within six months from the announcement to indicate his successors and their addresses or to take measures for appointment of a manager of the vacant inheritance, or for summoning the heirs under the procedure of **Art. 48**. If the obligation is not fulfilled, the case shall be terminated.

(3) Upon renewal, proceedings shall commence from that action at which it has been suspended.

Termination of the procedure

Art. 231. (1) Proceedings suspended by common agreement between the parties shall be terminated if, within six months of the suspension, none of the parties has requested its renewal. If a judgement is made, it shall be invalidated.

(2) In the case under para. 1, **Art. 232, second sentence** shall apply.

Section II.
Withdrawal of the clam, waiver of the claim, court settlement

Withdrawal of the claim

Art. 232. The claimant may withdraw his claim without the consent of the defendant before the end of the first session on the lawsuit. If the claimant files again the same claim, he may use the collected evidence in the new lawsuit only if for their repeated collection a difficult for surmounting obstacle arises.

Waiver of the claim

Art. 233. The claimant may waive fully or partially the disputable right at any stage of the case. In this case, he may not file again the same claim. Where the waiver is made before appellate or cassation instance, the appealed judgement shall be invalidated.

Court settlement

Art. 234. (1) For any settlement that does not contravene the law and good morals shall be drafted a protocol which shall be approved by the court and signed by it and the parties.

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

(3) The court settlement shall have the force of a judgement in force, and shall not be subject to appeal before a higher court.

(4) Where the settlement relates only to a part of the dispute, the court shall continue the examination of the case for the part left outside of the settlement.

Chapter eighteen.
JUDGEMENTS ON CASES

Section I.

Case Judgement

Pronouncement of judgement

Art. 235. (1) The judgement shall be rendered by the court panel which participated in the hearing, in which the examination of the case has been completed.

(2) The court shall base its judgement on the circumstances in the case which it has accepted as established, and on the law.

(3) The Court shall also take into account the facts which have occurred after the bringing of the action and which are relevant to the disputable right.

(4) The judgement together with the motivation thereof shall be made in writing.

(5) The court shall announce its judgement with the motives thereof within one month at the latest after the session, in which the hearing of the case has been completed. The judgement shall be announced in the register of court judgements which is public and everyone has right of free access to it.

Contents of the judgement

Art. 236. (1) The judgement shall contain the following:

1. the date and place of pronunciation;

2. indication of the court, the names of the judges, of the secretary and of the prosecutor, if he has participated in the lawsuit;

3. the number of the case, on which the judgement is pronounced;

4. the names, respectively the name and the address of the parties;

5. what the court has ruled on the substance of the dispute;

6. who shall bear the costs;

7. (new – SG 86/17) a bank account to transfer the amounts awarded or any other way of payment indicated by the claimant;

8. (Previous item 7 - SG 86/17) if the judgement is subject to appeal, before which court and within what period it can be appealed;

(2) The court shall set out its reasons for the judgement, stating the parties' requests and objections, the assessment of the evidence, the factual findings and the legal conclusions of the court.

(3) The judgement shall be signed by all the judges who took part in its ruling. When one of the judges cannot sign it, the chairman or the senior judge shall note in the judgement the reasons for that.

Judgement upon recognition of the claim

Art. 237. (1) Where the defendant recognizes the claim, at the request of the claimant the court shall terminate the judicial inquiry and issue a judgement as per the recognition.

(2) It is sufficient to state in the motives for the judgement that it is based on the claim being recognized.

(3) The court cannot issue a judgement upon recognition of the claim where:

1. the recognized right is contrary to law or good morals;

2. a right is recognized which the party can not dispose of.

(4) The recognition of the claim cannot be subject to waiver.

Judgement in absentia

Art. 238. (1) If the defendant has failed to submit a reply to the claim within term, and does not appear at the first session of the case, and has not requested that the case be examined in his absence, then the claimant may request a sentence against the defendant pronounced in absentia, or may withdraw the claim.

(2) The defendant may request the termination of the case and awarding of costs, or the judgement pronounced in absentia against the claimant, if he fails to appear at the first hearing of the case, has not stated an opinion on the reply to the claim, and has not requested that the hearing of the case be held in his absence. If the claimant brings again the same claim, **Art. 232**, second sentence shall apply.

(3) If the claimant has not indicated and has not submitted any evidence in his claim, and the defendant has not submitted a reply in time, and both parties fail to appear at the first hearing of the case without having requested the case be heard in their absence, the case shall be terminated.

Pronouncement of judgement in absentia

Art. 239. (1) The court shall pronounce a judgement in absentia where:

1. the parties have been informed of the consequences of non-compliance with the terms of the exchange of papers, and of their failure to appear in court;

2. the claim is likely to be well founded in view of the circumstances set out in the motion and the evidence submitted, or is likely to be unfounded in the light of the objections raised and the supporting evidence.

(2) The judgement in absentia shall not be substantiated. It shall suffice to point out that it is based on the existence of the preconditions for ruling a judgement in absentia.

(3) Where the court finds that there are no prerequisites for making a judgement in absentia, it shall reject the request by determination and shall proceed with hearing the case.

(4) The judgement in absentia shall not be subject to appeal.

Defence against judgements in absentia

Art. 240. (1) Within one month from the serving of the judgement in absentia, the party against which it has been given may request the Appellate court to revoke it, if it has been deprived of the opportunity to participate in the case due to:

1. invalid service of the copy of the claim or the summons for the court hearing;

2. inability to know in due time of the service of the copy of the claim motion or the summons for the hearing due to special unforeseen circumstances;

3. impossibility to appear personally or through a lawyer due to special unforeseen circumstances, which could not be overcome.

(2) (Amend., SG - 50/08, in force from 01.03.2008) The party against whom a judgement in absentia has been given shall be entitled to bring a claim for the same right or to challenge it, when newly discovered circumstances or new documentary evidence essential to the case have been found which could not have been known to the party during the cases’s resolution, or which could not have been obtained by the party in a timely manner.

(3) The claim under para. 2 may be filed within three months from the day, on which the new circumstance became known to the party, or from the day on which it was able to obtain the new written evidence, but not later than one year of repayment of the claim.

Section II.
Postponed and deferred enforcement. Preliminary enforcement

Postponement and deferment of enforcement

Art. 241. (1) Upon delivery of the judgement, the court may postpone or defer its enforcement having in mind the property status of the party, or other circumstances.

(2) The court may not reschedule the enforcement of a judgement, for which a rescheduling is envisaged by law.

Allowing preliminary enforcement

Art. 242. (1) The court shall order preliminary enforcement of judgement when awarding alimony, remuneration and compensation for work.

(2) The court may, at the request of the claimant, allow preliminary enforcement of judgement in the following cases as well:

1. awarding a receivable based on an official document;
2. awarding a receivable recognized by the defendant;
3. the delay in performance may result in significant and irreparable damage to the claimant, or enforcement itself would be impossible or would be significantly impeded.

(3) In the cases under Para. 2, the court may oblige the claimant to provide in advance a due security.

Inadmissibility of preliminary enforcement

Art. 243. (1) Preliminary enforcement shall also not be allowed against collateral if, as a result of the enforcement, the defendant can be caused irreparable harm or damage, which is not subject to an accurate monetary assessment. Sentence one shall not apply to judgements granting maintenance or remuneration for work.

(2) Against the state, the state institutions and the medical establishments under **Art. 5, Para. 1 of the Medical Establishments Act** enforcement shall not be allowed of a judgement which has not entered into force.

Appeal against the determination

Art. 244. The determination which allows or waives the preliminary enforcement of a judgement may be appealed by a private complaint.

Suspension and termination of preliminary enforcement

Art. 245. (1) The debtor, against whom preliminary enforcement has been allowed, may, except in the cases of **Art. 242, para. 1**, suspend the enforcement by providing collateral for the creditor under **Art. 180** and **181 of the Obligations and Contracts Act**.

(2) Enforcement shall also be suspended when the contested judgement is revoked.

(3) (suppl. – SG 86/17) If the claim is then dismissed by a final judgement in force, enforcement shall be terminated. In this case, the court which delivered the judgement shall issue a writ of execution to

the debtor against the creditor for the return of the sums or property received on the basis of the allowed preliminary enforcement of the revoked judgement, as well as for the expenses and fees collected from the debtor in the enforcement proceedings.

Section III.
Correcting the judgement

Non-revocable judgement

Art. 246. After declaring the judgement in the case, the court itself cannot revoke or amend it.

Correction of obvious factual mistakes

Art. 247. (1) The court may, on its own initiative or at the request of the parties, correct the obvious factual errors made in the judgement.

(2) The court shall notify the parties of the requested correction with instructions to submit a reply within one week.

(3) The court shall summon the parties in open session when it deems it necessary.

(4) The decision for correction shall be served on the parties and may be appealed in the manner in which the judgement is subject to appeal.

Amending the judgement in its part on the expenses

Art. 248. (1) Within the time limit for appeal - and if the judgement is not subject to appeal, within one month of its delivery - the court may, at the request of the parties, supplement or amend the judgement rendered in the part of the expenses.

(2) The court shall inform the opposite party of the requested supplement or amendment with an instruction to submit a reply within one week.

(3) The determination about expenses shall be ordered in camera and shall be handed to the parties. It may be appealed in the manner in which the judgement is subject to appeal.

Settlement after the end of the judicial inquiry

Art. 249. The court shall nullify its judgement if, prior to its entry into force, the parties state that they have settled and are requesting that the case be terminated.

Supplementing the judgement

Art. 250. (1) The party may request that the judgement be supplemented, if the court has not ruled on the whole of its request. Such a request may be filed within one month of service of the judgement, or of its entry into force.

(2) The court shall notify the opposite party of the requested supplementation with an instruction to submit a reply within one week. The request shall be dealt with by summoning the parties in open court when the court considers it necessary to clarify the unresolved part of the dispute.

(3) The court shall make a further determination, subject to appeal under the general procedure.

Interpretation of the judgement

Art. 251. (1) Disputes concerning the interpretation of an enforced judgement shall be heard by the court which has ruled it.

(2) Interpretation can not be requested once the judgement has been enforced.

(3) The court shall communicate to the parties the requested interpretation, indicating to them that they may submit a reply within one week.

(4) The court shall summon the parties in open session when it deems it necessary.

(5) The decision on interpretation shall be subject to appeal in the order in which the judgement being interpreted is appealed.

Section IV.
Pronouncing the determinations

Field of application

Art. 252. The court shall pronounce a determination when deciding on matters that do not resolve the dispute on the merits.

Revocation of determinations

Art. 253. Determinations which do not put an end to the case may be amended or revoked by the same court as a result of a change in circumstances, error or omission.

Content of the ruling

Art. 254. (1) The court's determination on conflicting claims of the parties, as well as the determination rejecting a request shall be motivated. The requests of the parties and the circumstances of the case in relation to them shall be stated in the statement of reasons in so far as is necessary.

(2) Where the determination is pronounced in a closed session, it shall contain:

1. the date and place of pronouncement
2. indication of the court, the names of the judges of the court body and of the parties;
3. the number of the case, on which the judgement is pronounced;
4. what the court has ruled;
5. to whom the expenses are awarded;
6. if the ruling is subject to appeal, before which court and in what period;
7. signatures of the judges.

Chapter nineteen.
SETTING A DELAY DEADLINE

Motion for setting a delay deadline

Art. 255. (1) Where the court fails to perform a certain procedural action in due time, the party may, in any stage of the case, submit a motion for the determination of an appropriate deadline for its

execution.

(2) The motion shall be filed through the same court to the higher court. The court hearing the case shall immediately send the motion together with its opinion to the higher court.

Granting the motion

Art. 256. (1) When the court immediately performs all the actions specified in the request, and notifies the party thereof, the motion shall be deemed withdrawn.

(2) The motion shall be forwarded for hearing by a higher court, if within one week of receipt of the notification under Para 1, the party declares it continues to maintain it.

Considering the Motion for setting a delay deadline, and deciding on it

Art. 257. (1) The motion for setting a delay deadline shall be examined by a judge of the higher court within one week of its receipt.

(2) If the court finds an unjustified delay, it shall set a deadline for the execution of the action. Otherwise, the court shall reject the motion. The determination shall not be subject to appeal.

Division two.
APPEALING JUDGEMENTS AND DETERMINATIONS. REVOCATION OF EFFECTIVE JUDGEMENTS

Chapter twenty .
APPEALING BEFORE APPELLATE COURTS

Subject to appeal and competent court

Art. 258. (1) The judgements of the regional courts shall be subject to appeal before the district courts, and the judgements of the district courts as first instance courts - before the appellate courts.

(2) Appeals may be lodged against the entire judgement or against separate parts thereof.

Time limit for appeal

Art. 259. (1) The appeal shall be lodged through the court which delivered the judgement, within two weeks of its serving on the party.

(2) The time limit for appeal shall be interrupted by the submission of a Request for legal aid, and shall not run until the request has been considered.

(3) From the entry into force of the judgement to reject the request under para. 2, a new time limit shall begin to run and, if the request is granted, the new period shall begin to run from service of the first-instance judgement to the appointed ex-officio lawyer.

(4) Subsequent submission of requests for legal aid shall not suspend or interrupt the period of appeal.

Contents of the appellant's complaint

Art. 260. The complaint shall contain:

1. the name and the address of the party who files it;

2. indication of the appealed decision;

3. statement on the substance of the defect of the decision;

4. the substance of the appeal;

5. the newly discovered and newly occurred facts that the appellant seeks to be taken into account in the resolution of the case by the appellate instance, and a precise indication of the reasons which prevented him from declaring the newly discovered facts;

6. the new evidence that the appellant seeks to be assembled when examining the case at the appellate instance, and setting out the reasons which prevented him from indicating or presenting them;

7. signature of the appellant.

Attachments to the complaint:

Art. 261. To the complaint shall be attached:

1. copies of it and of its attachments as per the number of the persons participating in the lawsuit as opposite party;

2. a Power of Attorney, if the complaint is filed by a lawyer;

3. the new written evidence, stated in the complaint;

4. a document of paid fee.

Verification by the first-instance court

Art. 262. (1) If the complaint does not meet the requirements of **Art. 260, items 1, 2, 4 and 7** and of **Art. 261**, the party shall be notified to remove the omitted irregularities within one week term.

(2) The complaint shall be returned, if:

1. it has been submitted after the elapse of the term to appeal, and

2. the omitted irregularities have not been removed within the term.

(3) The order to return may be appealed by a private complaint.

Reply to the appeal and a counter-appeal

Art. 263. (1) Upon receipt of the appeal, the court shall send a copy thereof, together with the attachments, to the other party, which may reply to the complaint within two weeks of receipt thereof. For the reply, the provisions of **Art. 259, para. 2-4**, **Art. 260, items 1, 2, 4 and 7** and **Art. 261** shall respectiely apply.

(2) The opposing party may lodge a counter-appeal within the time limit for reply. The counter-appeal must comply with the requirements for an appeal.

(3) The court shall verify the validity of the counter-appeal under **Art. 262**. Once it has accepted it, the court shall send a copy of it together with the attachments to the other party who may submit its reply within one week of receipt.

(4) The counter -appeal shall not be considered, if the appeal has been withdrawn or returned.

(5) After the expiration of the terms under para. 1 and 3, the case together with the appeals and the replies shall be sent to the higher court.

Withdrawal and waiver of appeals

Art. 264. (1) At any stage of the case, the party may withdraw the submitted appeal in whole or in part.

(2) A preliminary waiver of the right of appeal shall be null and void.

Joining the appeal

Art. 265.(1) Any of the joint parties in the case may, not later than the first hearing at the appellate instance, join the appeal filed by his co-claimant or co-defendant. Joining shall be done by submitting a written request with copies according to the number of parties.

(2) In the cases of necessary partnership, the court shall constitute the appellant's joint parties ex-officio.

Prohibition to state new facts and evidence

Art. 266. (1) In the appellate procedure, the parties can not state new circumstances, point out and present evidence, which they were able to indicate and present in due time at first instance.

(2) Pending the outcome of the judicial inquiry, the parties may:

1. state new circumstances and to point and present new evidence only if they were not able to know, indicate and present them until the appeal was lodged within the time limit for reply;

2. state new circumstances that have arisen after the filing of the appeal, respectively, after the expiry of the time limit for reply, relevant to the case, and may indicate and present evidence thereof.

(3) In the appeal proceedings, collecting of evidence which was not admitted by the court of first instance due to procedural violations may be requested.

Preparatory session

Art. 267. (1) In a closed session, the appellate court shall examine the admissibility of the appeals whereby applying **Art. 262** respectively, shall rule on the admission of the new evidence provided by the parties, and shall schedule the hearing in open court. The issue of the admissibility of appeals and evidentiary requests may also be settled at the first case hearing, if the court finds it necessary to also hear the parties’ explanations verbally.

(2) The court may again hear witnesses and experts, if it deems it necessary.

Open session of the court of appeal

Art. 268. (1) The court of appeal shall examine appeals in open session by summoning the parties and shall report the appeals and the replies thereof.

(2) Collecting of evidence shall happen under the general rules, whereupon the hearing of the case shall be postponed, if needed.

(3) After resolving the issues under **Art. 267** and the collection of evidence, the court shall proceed to the verbal contest, to which **Art. 149, para. 3** shall respectively apply.

Powers of the court of appeal

Art. 269. The court of appeal shall rule ex-officio on the validity of the judgement, and on the admissibility of the judgement - in the part being appealed. As regards the other issues, it shall be limited to

what is stated in the appeal.

Decision in event of void or inadmissible first instance decision

Art. 270. (1) Where the first instance judgement is null and void, the court of appeal shall declare the nullity and, if the case is not subject to termination, return it to the court of first instance for a new judgement.

(2) Invalidity of the judgement may be submitted by the claim procedure with no term limitation, or by way of objection.

(3) Where the judgement is inadmissible, the court of appeal shall invalidate it and shall terminate the lawsuit. Where the ground for inadmissibility is nullity of jurisdiction over the dispute, the lawsuit shall be forwarded to the competent court. If a non-submitted claim has been considered, the judgement shall be invalidated and the case shall be returned to the first instance court to pronounce on the claim as submitted.

(4) The judgement of the district court may not be invalidated on the only ground that the claim was subject to jurisdiction of the regional court.

Decision on incorrect first instance decision

Art. 271. (1) Where the first instance judgement is valid and admissible, the court of appeal shall resolve the dispute in substance by upholding or reversing in whole or in part the first instance judgement. If the judgement is not appealed by the other party, the situation of the appellant shall not be impaired by the new judgement.

(2) If the judgement on the main claim is revoked, the Joinder thereof of Contingent Claims, on which the first instance court has not pronounced, shall also recover their pending status.

(3) (Amend. - SG 50/08, in force from 01.03.2008) The court shall also revoke the judgement with respect to the appellant's necessary partners who have not appealed.

Judgement where the first instance judgement is correct

Art. 272. Where the court of appeal confirms the first instance judgement, it shall state the reasons for the judgement and may also refer to the reasoning of the first instance court.

Applicability of the rules of first instance proceedings

Art. 273. Insofar as there are no special rules for the proceedings before the appellate instance, the rules of procedure at first instance shall apply respectively.

Chapter twenty one.
APPEALING THE DETERMINATIONS

Appealing with a private complaint

Art. 274. (1) Against determinations of the court private complaints may be filed:

1. where the determination prevents any further development of the case, and
2. in the cases explicitly specified in the law.

(2) (Amend. and suppl. - SG - 50/15) Where the determinations under Para. 1 have been issued by a

court of appeal, they shall be subject to appeal by a private complaint before the Supreme Court of Cassation, and, when pronounced by a district court as an appeal instance - before the respective court of appeal. The determinations under Para. 1, ruled by the members of the Supreme Court of Cassation, shall be subject to appeal before another chamber of the same court.

(3) (suppl. – SG 86/17) Where the prerequisites of **Art. 280, para. 1 and para. 2** are available, to an appeal with a private complaint before the Supreme Court of Cassation shall be subject the following:

1. determinations of the courts of appeal, with which private appeals against determinations preventing the further development of the case are denied as unfounded;

2. determinations giving substantive authorization to other proceedings, or preventing their development.

(4) (Amend. - SG 100/10, in force from 21.12.2010) Determinations on cases, whose judgements are not subject to cassation appeal, shall not be subject to appeal.

Term for appeal and contents of the private complaint

Art. 275. (1) Private complaints shall be filed within one week of announcing the determination. If a determination ruled in court session is appealed, for the party who was in attendance, this term shall run from the day of the hearing.

(2) (Amend. - SG 50/08, in force from 01.03.2008) Regarding private complaints, the provisions of **Art. 259, para. 2-4**, **Art. 260**, **261**, **262** and **273** shall apply respectively.

Reply to the private complaint

Art. 276. (1) Upon receipt of the complaint, the court shall send a copy to the other party who may reply within one week of receipt.

(2) After expiration of the term under para. 1, the complaint, together with the reply and its attachments, if any were submitted, shall be sent to the higher court. The court shall attach a copy of the contested determination.

Suspending the proceedings

Art. 277. The private complaint shall not suspend the proceedings on the case, neither the enforcement of the appealed determination, unless otherwise provided for by law. The court, where the complaint is being heard, may suspended the proceedings or the enforcement of the appealed determination until the private complaint has been resolved, should it deem it necessary.

Consideration and deciding on the private complaint

Art. 278. (1) Private complaints shall be considered at a closed session. The court may, if it considers it necessary, examine it in open court.

(2) If the court revokes the appealed determination, the court itself shall decide on the complaint. The court can also collect evidence, if it finds this necessary.

(3) The pronounced determination on the private complaint shall be obligatory for the lower court.

(4) Insofar as there are no special rules in this section, the rules of appeals against judgements shall apply accordingly to the proceedings in private complaint.

Appeal against the determinations

Art. 279. The provisions of **Art. 274 – 278** shall also be respectively applied to the private complaints against the determinations of the court.

Chapter twenty two.
CASSATION APPEAL

Field of application

Art. 280. (1) (declared anticonstitutional in respect of the word "substantial" in DCC No 04/09 – SG 47/09, amend. – SG 86/17) Subject to appeal before the Supreme Court of Cassation shall be the appellate decisions, where the court has pronounced on a material legal matter or procedural legal matter, which is:

1. decided contrary to the mandatory practice of the Supreme Court of Cassation and the Supreme Court in interpretative judgements and rulings, as well as in contradiction to the practice of the Supreme Court of Cassation;

2. resolved in contradiction with acts of the Constitutional Court of the Republic of Bulgaria or of the Court of Justice of the European Union;

3. of importance for the precise application of the law, as well as for the development of the law.

(2) (New – SG 86/17) Notwithstanding the prerequisites under para. 1, the appeal judgement shall be allowed to a cassation appeal in case of probable nullity or inadmissibility, as well as in case of obvious irregularity.

(3) (amend. – SG 100/10, in force from 21.12. 2010; amend. - SG 50/15, previous Para. 2 - SG 86/17) The following shall not be subject to cassation appeal:

1. judgements on appellate cases with claims of up to BGN 5000 regarding civil cases and up to BGN 20 000 regarding commercial cases, except for judgements on claims for ownership and other real rights on real estate and claims joined with them claims that have importance to justify a claim for ownership;

2. (amend. and suppl. - SG 8/17) court judgements on appellate cases with maintenance claims, matrimonial claims, claims under **Art. 322, para 2** of this Code, with exception of the matters under **Art. 59 Para. 2 of the Family Code** in cases where at the date of notification of the appellate decision from the marriage there is an underage child, proceedings under **Art. 126, para 2**, **Art. 127a** and **Art. 130 of the Family Code**, claims under **Art. 11, para 2 of the Farm Land Ownership and Use Act** and under **Art. 13 para 2 of the Restoration of Ownership of Forests and Forestry Fund Lands Act**, procedures for allocating the use of co-owned property under **Art. 32, para. 2 of the Ownership Act**, claims under **Art. 40 of the Act on Condominium Ownership Management**, requests to change a name under **Art. 19, para 1 of the Civil Registration Act** and claims under **Art. 17 para 1 of the Settlement of Collective Labour Disputes Act**;

3. judgements on appellate cases on labor disputes, other than judgements on claims under **Art. 344, para 1, p. 1, 2 and 3 of the Labour Code** and claims for remuneration and benefits in an employment relationship the cost of claim being over BGN 5 000.

Grounds for cassation appeal:

Art. 281. Cassation appeal shall be submitted if:

1. the decision is void;

2. the decision is inadmissible;

3. the decision is incorrect due to breach of the material law, due to a substantial breach of the procedure rules, or is unjustified.

Suspension of the enforcement of the appellate judgement

Art. 282. (1) The submission of the cassation appeal shall not suspend the enforcement of the judgement.

(2) The appellant may request the suspension of the enforcement of the appellate judgement. In that case, he shall be obliged to present a due security. The amount of the security shall be determined:

1. on judgement for monetary receivables – the awarded amount;

2. on judgement for estate rights – the appealed interest.

(3) In all other cases, the amount of the security shall be determined by the court.

(4) Where the security is given in connection with the enforcement of a judgement concerning real rights in immovable property or chattels, it shall be withheld, if, within two weeks after the cassation appeal has been denied as unfounded, the claimant has brought an action for damages for the delay of enforcement.

(5) Where the enforcement of the assigned receivable is secured, the security shall be released after the claim has been rejected or the proceedings terminated.

(6) If the appeal judgement is revoked, its enforcement shall be suspended. In case the new judgement is different from the previous one, the provision of **Art. 245, para. 3**, sentence two shall apply respectively.

Term for cassation appeal

Art. 283. The appeal shall be filed through the court which issued the appeal judgement, within one month of it being served on the party. The cassation appeal term shall be interrupted according to **Art. 259, Para 2, 3 and 4**.

Content of the cassation appeal

Art. 284. (1) The appeal shall contain:

1. the name and the address of the party submitting it;

2. indication of the appealed judgement;

3. exact and reasoned statement of the cassation grounds;

4. the substance of the request;

5. signature of the appellant.

(2) The cassation appeal shall be signed also by a lawyer or a legal adviser, except where the appellant or his representative has legal capacity. To the appeal shall be enclosed a Power of Attorney to sign, or a certificate of legal capacity.

(3) Enclosed to the appeal shall be:

1. statement of the grounds for admission of a cassation appeal under **Art. 280, Para 1**;

2. a number of copies of the appeal and the enclosed documents according to the number of persons participating in the case as opposite party;

3. a Power of Attorney, where the appeal is filed by a lawyer];

4. a document for paid fee.

Verification of the validity of the cassation appeal

Art. 285. (1) The appellate court shall verify the validity of the appeal and if it does not meet the requirements of **Art. 284**, shall notify the party to remove within one week term the omitted irregularities.

(2) If the appeal is valid, the court of appeal shall forward it, together with the exchanged papers and the case, to the Supreme Court of Cassation.

Return of the cassation appeal

Art. 286. (1) The appeal shall be returned by the court of appeal if:

1. it has been submitted after the expiration of the appeal period;
2. the omitted irregularities have not been removed within the term;
3. (amend. – SG 86/17) the appellate judgement is not subject to appeal under **Art. 280, Para 3**.

(2) The order to return may be appealed by a private complaint.

Reply to the cassation appeal and counter-cassation appeal

Art. 287. (1) Upon receipt of the appeal, the court of appeal shall send a copy thereof, together with the attachments, to the other party who may reply within one month of receiving the appeal. For the reply, the provisions of **Art. 259, Para 2-4** and **Art. 284** shall apply accordingly.

(2) The opposite party in the appeal may submit a counter-cassation appeal within the term for reply. The counter-cassation appeal must meet the requirements for cassation appeals.

(3) If a cassation appeal is lodged within the time limit, the court of appeal shall verify its validity and send a copy of it together with its attachments to the other party who can reply within two weeks of receipt thereof.

(4) The counter-cassation appeal shall be considered only after the cassation appeal has been considered.

Admission of cassation appeal

Art. 288. The Supreme Court of Cassation shall pronounce on admission of the cassation appeal by a ruling at a closed session, in a body of three judges.

Summoning of the parties to the cassation procedure

Art. 289. By each 1st day of the month, the Supreme Court of Cassation shall promulgate in the State Gazette the days, on which it shall sit in the next month, and the lawsuits subject to hearing. Where circumstances impose change in this order, the parties shall be notified of this by a notification.

Hearing of the cassation appeal

Art. 290. (1) The appeal shall be heard by a body of three judges of the Supreme Court of Cassation at an open session.

(2) The Supreme Court of Cassation shall verify the correctness of the appellation judgement only in relation to the grounds stated in the appeal.

(3) (New – SG 86/17) The judgement under para. 2 shall not represent a mandatory case law.

Unification of the practice

Art. 291. (Revoked – SG 86/17)

Proposal for interpretative decision

Art. 292. In cases, resolved controversially by the Supreme Court of Cassation, the body shall propose to the General Assembly to give an interpretative decision, whereby suspending the proceedings.

Cassation judgement

Art. 293. (1) The Supreme Court of Cassation shall maintain or revoke, partially or wholly, the appealed judgement.

(2) The judgement shall be annulled as incorrect when the substantive law has been breached, or when substantial breaches of the procedure rules have been made, or when the judgement is unjustified.

(3) The court shall return the case for re-examination to a new chamber of the court of appeal, only if it is necessary to repeat or to proceed with new legal proceedings.

(4) Where the appealed judgement is null and void, or inadmissible, the rules of **Art. 270** shall apply.

Second hearing of the case

Art. 294. (1) The court, to which the case has been referred, shall hear it under the general order, the proceedings being initiated from the unlawful act which served as grounds for revoking the judgement. The instructions of the Supreme Court of Cassation on application and interpretation of the law shall be binding to the court, to which the case was referred.

(2) Upon the second hearing of the case, the court shall also rule on the costs of conducting the case in the Supreme Court of Cassation.

Cassation appeal against the judgement in second hearing of the case

Art. 295. (1) Where the prerequisites under **Art. 280, para. 1** are present, the second judgement of the appellate instance may be appealed for violations during the second hearing of the case. The appeal shall be heard by another three-member panel of the Supreme Court of Cassation, which, in case of annulment, shall pass judgement on the dispute on its merits.

(2) Where the grounds for revocation require the performance of legal proceedings, the Supreme Court of Cassation shall revoke the appeal judgement and shall issue a new judgement after performing the necessary actions. In this case, the rules of the appellate procedure shall apply accordingly.

Chapter twenty three.
EFFECT OF THE COURT JUDGEMENTS

Entry into force of the judgements

Art. 296. Judgements shall enter into force:

1. which are not subject to appeal;

2. against which no appeal or cassation appeal has been lodged within the time-limit prescribed by law, or the appeal lodged has been withdrawn; in the latter case, the judgement shall enter into force on the day of entry into force of the order terminating the case;

3. on which a cassation appeal has not been admitted or has not been upheld.

Recognition of the judgement

Art. 297. The effective judgement shall be binding on the court which has ruled it, and on all courts, institutions and municipalities in the Republic of Bulgaria.

Limits

Art. 298. Judgements shall enter into force only between the same parties, with regard to the same claim, and on the same grounds.

(2) Effective judgements shall have effect also on the heirs of the parties, as well as on the successors thereof.

(3) Judgements ruled on civil status claims, including marriage claims, shall have effect with regard to everyone.

(4) Judgements shall also enter into force with regard to the requests and objections with which they have been granted with respect to the right of retention and set-off.

Impossibility to re-settle

Art. 299. (1) Any dispute settled by an effective judgement shall not be re-settled, except in cases where the law provides otherwise.

(2) The retrial shall be terminated by the court ex-officio.

(3) The effective judgement cannot be disputed by the party as if pronounced in false proceedings.

Binding force of sentences

Art. 300. The effective sentence of the criminal court shall be binding on the civil court, which examines the civil consequences of the act as to whether the act has been committed, its unlawfulness and the culpability of the perpetrator.

Expanding effect upon prosecutor's claim

Art. 301. Where the case has been initiated by a prosecutor's claim, the effective judgement shall also be binding for the party, in whose interest the prosecutor has brought the claim.

Binding force of judgements in administrative disputes

Art. 302. Any effective judgement of an administrative court shall be binding on the civil court as to whether the administrative act is valid and lawful.

Chapter twenty four.
REVOCATION OF EFFECTIVE JUDGEMENTS

Grounds for revocation

Art. 303. (1) The interested party may require revocation of an effective judgement if:

1. new circumstances or new written evidence of substantial importance for the lawsuit are found which could not have been known during its hearing, or which the party could not have obtained in time.

2. where, under due court procedure, the court establishes the falseness of a document, a testimony of a witness, a conclusion of an expert, on whom the judgement is based, or a criminal act of the party, of the representative thereof, a member of the court, or a person serving the papers in relation to the resolution of the case;

3. the judgement is based on a decree of a court or other state authority which has subsequently been revoked;

4. between the same parties, for the same claim and on the same grounds, another effective decision contradicting it was pronounced before it ;

5. the party, as a result of breaching the relevant rules, has been deprived of the opportunity to participate in the case, or was not duly represented, or where it could not attend in person or through a lawyer as a result of special unforeseen circumstances, which it could not have overcome;

6. the party, whereby breaching the respective rules, was or respectively was not represented by a person under **Art. 29**.

7. (new – SG 42/09) in a final decision the European Court of Human Rights has found a violation of the **Convention for the Protection of Human Rights and Fundamental Freedoms**, drawn up in Rome on the 4 November 1950 (ratified in a law – SG 66/92) (SG 80/92; amend. by Protocol No. 11 from 1994) or of the protocols thereto and the new hearing of the case is necessary to remedy the consequences from the violation.

(2) No judgement on granting divorce, marriage annulment or marriage recognized as non-existent shall be allowed to be revoked.

(3) No effective judgement pronounced in absentia shall be requested to be revoked for a reason that could have been sought, or revokation has been sought under **Art. 240, para. 1**, or a claim could have been lodged, or has been lodged under **Art. 240, para. 2**.

Revocation at the request of a third party

Art. 304. Revocation of the judgement may also be sought by the person, against whom the judgement has effect, even though said person was not a party to the case (**Art. 216, Para.2**).

Term for revocation

Art. 305. (1) (prev. text of Art. 305 – SG 42/09) The request for revocation shall be filed within three months, counted from the day:

1. on which the new circumstance became known to the applicant, or on which the applicant could have obtained the new written evidence – in the cases of **Art. 303, Para 1, item 1**.

2. on which the judgement became effective, or the sentence became known, but not later than one year from it becoming effective – in the cases of **Art. 303, Para 1, item 2**;

3. on which the act of revocation became known, but not later than one year from it becoming effective - in the cases of **Art. 303, Para 1, item 3**;

4. on which the latest judgement became effective – in the cases of **Art. 303, Para 1, item 4**

5. (amend. – SG 50/08, in force from 01.03.2008) on which the judgement became known – in the cases of **Art. 303, Para 1, items 5 and 6** and of **Art. 304**.

(2) (new – SG 42/09) In the cases of **Art. 303, Para 1, Item 7**, the request for revocation shall be filed within 6 months from the day, in which the judgement of the European Court of Human Rights has become final.

Content of the request for revocation

Art. 306. (1) The request for revocation shall meet the requirements of **Art. 260** and **261**, and shall contain an exact and reasoned statement of the grounds for revocation. If the request does not meet these requirements, the party shall be notified to remove the defects within one week term.

(2) Where the irregularities of the request have not been removed in time, the provisions of **Art. 286** shall apply.

(3) The request shall be submitted through the first instance court. To the request a copy shall be enclosed, which shall be served on the opposite party. The opposite party may give a reply within one week from receipt of the copy.

Consideration and resolution on the request for revocation

Art. 307. (1) On the admissibility of the request for revocation the Supreme Court of Cassation shall rule at a closed session.

(2) The request for revocation shall be considered by the Supreme Court of Cassation at an open session, where the parties shall be heard and the needed evidence shall be taken. Where revocation of judgement of the Supreme Court of Cassation is sought, the request shall be examined by another three-member panel of the Supreme Court of Cassation.

(3) If the request is judged to be well founded, the Supreme Court of Cassation shall set aside, in whole or in part, the judgement and refer the case back to the appropriate court by another panel, indicating where to start the new hearing.

(4) In the case of **Art. 303, Para 1, item 4**, the court shall revoke the incorrect judgement.

New hearing of the case

Art. 308. The general rules shall apply during the re-examination of the case, whose judgement has been revoked.

Suspension of enforcement

Art. 309. (1) Filing a request for revocation shall not stop the enforcement of the judgement. At the request of the party, the court may suspend enforcement under the conditions of **Art. 282, para. 2 - 6**.

(2) Should the judgement be revoked, the enforcement thereof shall be suspended. If the new judgement is different from the previous one, the provision of **Art. 245, para. 3**, sentence two shall apply accordingly.

Part three.

SPECIAL CLAIM PROCEDURES

Chapter twenty five.
SUMMARY PROCEEDING

Field of application

Art. 310. (Previous text of Article 310 - SG 100/10, in force from 21.12.2010) Under the procedure of this chapter, the following claims shall be heard:

1. for labour remuneration, for acknowledgement of the dismissal as unlawful and its revocation; for restoration to a previous job; for reimbursement for the time, for which the worker stayed without work due to the dismissal, and for correction of the ground for dismissal, entered in the labour book or other documents;

2. to empty rented or hired premises for various purposes;

3. for establishing and preventing the violation of rights under the **Copyright and Related Rights Act**, the **Patents and Registration of Utility Models Act**, the **Trademarks and Geographical Indications Act**, the **Industrial Design Act**, the **Topology of the Integrated Circuits Act** and the **Protection of New Plant Varieties and Animal Breeds Act**;

4. for establishing and stopping the violation of rights under the **Consumer Protection Act**;

5. (new – SG 42/09; amend. – SG 82/09; revoked – SG 100/10, in force from 21. 12. 2010)

6. (prev. text of Item 05 – SG 42/09) other claims, whose hearing in a summary proceeding is stipulated by a law.

(2) (New – SG 100/10, in force from 21.12. 2010) In objective joinder of one claim provided for in paragraph 1, with another claim which is subject to hearing under the general claim procedure, summary proceedings shall not be admissible.

(3) (New - SG 100/10, in force from 21.12.2010) Upon joinder in one claim motion of a claim from the ones referred to in para. 1 with a claim subject to review under the general claim procedure, summary proceedings shall not be admissible.

Verifying the claim motion

Art. 311. (1) On the day of filing the claim motion, the court shall conduct a check of its validity and if the claim is admissible.

(2) The court shall give instructions to the claimant to supplement it, to make more concrete statements, to remove contradictions in them, if they are unclear, incomplete or inaccurate.

Preparation of the case in closed session

Art. 312. (1) On the day of receipt of the defendant's reply or at the end of the term therefor, the court, in closed session, shall:

1. schedule the case for a date not later than three weeks;

2. prepare a written report on the case;

3. invite the parties to a settlement and explain to them the advantages of the various means of voluntary settlement of the dispute;

4. pronounce on the evidence requests, thereby allowing the evidence that is relevant, permissible and necessary;

5. determine the amount and the time limit for the submission of costs for collecting evidence.

(2) The court shall serve on the parties a copy of the decree, and on the claimant – also of the written reply and the evidence thereto, whereby instructing them to state an opinion concerning the given instructions and the report on the case, and to undertake the relevant proceedings within one-week term, as well as about the consequences of the failure to perform the instructions.

(3) On the timely requests made in relation to the instructions and the report on the case, the court shall pronounce on the day of their receipt. Disposition of requests shall be communicated to the parties.

Consequences of failure to perform the instructions

Art. 313. Where in the established term the parties fail to perform the instructions of the court, they shall no longer be able to do this later, except when non-performance is a result of special unforeseen circumstances.

Joinder of claims

Art. 314. (1) The claimant may, in his opinion on the court's report – and the defendant - in his reply, ask the court to rule on the existence or non-existence of a disputed relationship on which the outcome of the case depends wholly or in part.

(2) In the course of these proceedings, no counter-claims may be brought, no third parties attracted and no claims against them brought.

(3) There shall be no objections admissible on ownership and improvements made in the property for claims for the disposal of hired and rented premises.

Hearing of the case

Art. 315. (1) At the court session for hearing the case, the court shall invite the parties again to reach a settlement, and if such is not achieved, shall collect the presented evidence and hear the verbal contest.

(2) At the same session, the court shall set the day, on which it shall announce its judgement, from which day the period to appeal it shall start.

Term for pronouncement of the court judgement

Art. 316. The court shall announce its decision and the grounds thereof within two weeks after the hearing, in which the case was closed.

Applicability of rules to the court of appeal

Art. 317. The rules of this Chapter shall apply accordingly to the proceedings before the court of appeal.

Chapter twenty six.
PROCEDURE ON MATRIMONIAL LAWSUITS

Matrimonial claims

Art. 318. Under the procedure of this Chapter, the claims for divorce, marriage annulment and establishing the existence or non-existence of matrimony between the parties shall be considered.

Special ability

Art. 319. The under-age spouses and spouses placed under limited disability may lodge matrimonial claims on their own, and defend them.

Divorce during the pregnancy of the wife

Art. 320. Proceedings on matrimonial claim shall be suspended upon the request of the wife, if she is pregnant, and until the child attains 12 moths of age.

Hearing of the case

Art. 321. (1) At the first session of the case hearing on a divorce claim, the parties shall appear in person. Should the claimant fail to appear without valid reasons, the proceedings shall be terminated.

(2) After the preliminary maters are decided and these on the validity of the claim motion, the court shall be obliged to instruct the parties again towards mediation or another way of amicable settlement of the dispute.

(3) If the parties achieve consent for starting mediation or another way of amicable settlement of the dispute, the case shall be suspended.

(4) Each party may request that the proceedings be resumed within 6 months. If such a request is not made, the case shall be terminated.

(5) Where an agreement is reached and depending on its content, the lawsuit shall be either terminated or transferred into a procedure of divorce upon mutual consent.

(6) If the parties do not achieve consent on a procedure of mediation or of another way of amicable settlement of the dispute, hearing of the case shall be continued.

Exhaustiveness of grounds

Art. 322. (1) In a divorce claim, the claimant must provide all grounds for the deep and irreparable marriage disorder. Any reasons not mentioned, which have occurred and become known to the spouse until the conclusion of verbal contest, can not serve as a basis for bringing a new claim for divorce.

(2) All matrimonial claims may be joined together. With them, it shall be mandatory to lodge and hear the claims for parental custody, personal relations and support of children, the use of the family housing, maintenance between spouses, and the family name.

(3) The provisions of Para 1 and 2 shall apply to the defendant as well, for the claims which he could have submited.

(4) No claim for marriage annulment may be lodged due to violation of the age conditions under **Art. 12** and due to threats under **Art. 96, para. 1, item 2 of the Family Code** after the divorce claim has been rejected.

Temporary measures

Art. 323. (1) At the request of either party, the court, before which the divorce claim or marriage annulment is brought, shall determine temporary measures relating to maintenance, family housing and the use of property acquired during marriage, as well as childcare and support.

(2) On this request, the court shall rule at the requesting session, unless additional evidence is required to be gathered. In this case, a new hearing shall be scheduled within two weeks.

(3) The determination under para. 1 shall not be subject to appeal, but may be amended by the same court.

Judgement on matrimonial claims

Art. 324. On matrimonial claims, judgements in absentia and in recognition of the claim shall not be pronounced.

Entry in force of the divorce judgement

Art. 325. The divorce judgement shall enter into force, even if it has been appealed only in its part concerning the blame.

Family name after the divorce

Art. 326. In the judgement where the divorce is granted, the court shall also settle the matter of the family name which the spouses will bear in the future.

Continuation of the case upon death of the claimant

Art. 327. (1) (Amend. - SG 47/09, in force from 01.10.2009) Where the spouse-claimant has died and the divorce action is based on the fault of the surviving spouse, the court shall give two weeks term to the descendants called to inheritance or to the parents to state whether they wish to continue the case. This rule shall also apply to a claim for marriage annulment, if the surviving spouse has acted dishonestly.

(2) If, within the given period, no one declares that he wishes to continue the case, it shall be terminated. The case shall also be discontinued, if the divorce action is not based on the blame of the surviving spouse, or if, in an action for marriage annulment, he was acting in good faith.

(3) Upon the continuation of the case, the court shall rule only on the guilty conduct of the surviving spouse as grounds indicated by the deceased spouse for the termination of the marriage.

Continuation of the case upon death of the defendant

Art. 328. In the event of death of the defendant, the continuation of the case by the persons under **Art. 327** shall be possible, if the submitted claim is in connection with **Art. 13 of the Family Code**, and the claimant has not been acting in good faith at the moment of concluding the matrimony.

Expenses on the case

Art. 329. (1) Costs to do with matrimonial cases shall be awarded to the guilty spouse or the spouse who has acted in good faith. Where there is no fault or bad faith, or where both spouses are guilty or acting in bad faith, the costs shall remain at the expense of each of them as they have incurred them.

(2) In case of rejection of the divorce claim, the costs shall be determined by the order of **Art. 78**. The costs shall also be determined by the same order in appeal proceedings.

Divorce by mutual consent

Art. 330. (1) Upon request for divorce by mutual consent, the spouses shall appear in person at the hearing.

(2) Where one of the spouses fails to appear without a valid reason, the case shall be terminated.

(3) After being satisfied that the consent of the spouses to divorce is serious and unwavering, and after considering that the agreement reached under **Art. 101 of the Family Code** is not contrary to the law and is in the interest of the children, the court shall grant the divorce and confirm the agreement by judgement.

(4) The examination of the claim shall be deferred only if it is necessary to collect additional evidence.

(5) The judgement granting the divorce by mutual consent shall not be subject to appeal.

Chapter twenty seven.
PROCEEDINGS IN CIVIL STATUS CASES

Applicable regulations

Art. 331. (1) Under the procedure of this Chapter shall be considered the claims for finding or contesting origin, as well as the claims for termination of adoption.

(2) To the claims under Para 1, **Art. 319** and **327** shall be applied accordingly with regard to the continuation of the case by the adoptive parent's heirs to establish its merits.

Joinder of claims for alimony

Art. 332. (1) To the claim for finding fatherhood or motherhood a claim for alimony of the child may be joined, whereas temporary alimony on these cases cannot be awarded.

(2) To the claim for termination of adoption, a claim for compensation of the adopted person who has contributed to increase the property status of the adopting parent may be joined. This claim may be lodged as a counter-claim as well.

Obligation to assist

Art. 333. (1) The parties to a case for origin shall be obliged to provide assistance at the drafting of the conclusion by the expert, except where the test is associated with a serious or prolonged danger to their life or health.

(2) The court shall rule on the refusal to assist by a determination which shall be subject to a separate appeal. Where the refusal is lawful, the court shall determine another method for analysing the origin, which method is not connected to the stated danger.

(3) In order to obtain samples through methods which do not harm the physical integrity of a

person, the court shall order, if necessary, the implementation of appropriate coercive measures.

(4) If evidence cannot be collected in accordance with para. 1-3, the court may order the taking of the necessary post-mortem samples, except in cases where this is prohibited by law.

Judgement on civil status claim

Art. 334. On civil status claims shall not be pronounced judgements in absentia and in the recognition of the claim.

Termination of proceedings upon death of the child

Art. 335. In paternity proceedings, proceedings shall be terminated upon death of the child.

Chapter twenty eight.
PLACING UNDER JUDICIAL DISABILITY

Initiation of the proceedings

Art. 336. (1) Placing a person under full or limited legal disability can be requested with a claim by the spouse, close relatives, the prosecutor, and anyone with a legitimate interest in it.

(2) In the proceedings under para. 1, the participation of the prosecutor shall be obligatory.

Personal impression of the person

Art. 337. (1) The person, whose disability is requested, shall be questioned in person and, if necessary, shall be escorted by force. Where the person is in a medical establishment and his state of health does not allow him to be brought in court in person, the court shall be obliged to acquire immediate impression of his condition.

(2) If, after the questioning, the court deems it necessary, it shall appoint the person under para. 1 a temporary guardian to take care of his personal and property interests.

Hearing the claim

Art. 338. (1) The court shall pronounce on the motion after questioning the person, whose placing under legal disability is requested, and his close relatives. If this proves insufficient, the court shall start to collect other evidence and hear experts.

(2) Where the person is in a medical establishment, the court shall require information of his status.

(3) After the decision by which the person is placed under disability enters into effect, the court shall notify of that the body of guardianship or of trusteeship, in order to establish guardianship or trusteeship.

(4) The claimant shall not be entitled to expenses in the procedure for placing under disability. If the claim is denied, the claimant shall owe the defendant the expenses made by him in connection with the case.

Judgement on a claim for placing under disability

Art. 339. On a placing under disability claim, no judgement in absentia shall be pronounced, as well as judgment in recognition of claim.

Revocation of disability

Art. 340. (1) Provisions of this Chapter shall apply also to the revocation of the disability.

(2) (suppl. – SG 86/17) Revocation of disability may also be requested by the guardianship and trusteeship body, or by the guardian, as well as independently by the person under a limited disability.

Chapter twenty nine.
COURT PARTITION

Initiation of the proceedings

Art. 341. (1) A co-heir who desires partition shall submit to the regional court a written motion to which he encloses:

1. certificate of death of the legator and his heirs;
2. a certificate or other written proof of the estate;
3. copies of the request and the attachments for the other co-heirs.

(2) Each of the other co-heirs may, at the first session of the case, ask with a written request that other properties be included in the estate.

First session

Art. 342. At the first session, each of the heirs may object against the right of some of them to participate in the partition, against the size of his share, as well as against the including of some properties into the estate.

Questions referred for a preliminary ruling

Art. 343. Disputes concerning the origin, the adoptions, the wills and the authenticity of written evidence, as well as requests for decreasing testamentary orders and donations, shall be considered in the proceedings for partition.

Decision to allow partition

Art. 344. (1) In the decision where partition is allowed, the court shall rule on the issues regarding partition between which persons, and for what property, as well as what is the part of each co-heir. Where partition of chattels is allowed, the court shall also rule on which of the co-beneficiaries holds them.

(2) In the decision under para. 1, or later, if all heirs do not use the estate in accordance with their rights, the court, at the request of one of them, shall determine which of the heirs will benefit from which property until the final partition is made, or what amounts must be paid between heirs against the use thereof.

(3) The determination under para. 2 may be modified by the same court. It may also be appealed through a private appeal.

Exclusion of properties from partition

Art. 345. Where the estate has properties owned by the legator in co-ownership with third parties, such property shall be excluded from the divisible estate, if there is no partition made between the heirs on the one side, and the third parties on the other, prior to the drafting of the partition protocol.

Requests for accounts

Art. 346.At the first session after partition has been allowed, the heirs may submit requests for accounts between themselves, whereby providing evidence thereof.

Partition protocol

Art. 347. The court shall draft the partition protocol on the basis of the conclusion of an expert, whereby observing the rules of the Inheritance Act.

Holding a public sale

Art. 348. Where partition cannot be done on an estate and the latter cannot be placed in one of the lots, the court shall order it to be put for a public auction. The parties in the partition may participate in the bidding at the public sale.

Award undividable home

Art. 349. (1) If the undividable estate is a home which has been matrimonial property, terminated by the death of one of the spouses or by a divorce, and the living spouse or the former spouse, to whom the parental rights have been awarded with regard to the children from the marriage, does not own a home of their own, the court may, upon his request, award it into his/her part, and shall adjust the parts of the co-beneficiaries by other estates, or in money.

(2) Where the undividable property is a home, each of the co-beneficiaries who was living in it at the time of opening of the inheritance and does not own a home of their own, may request that it be awarded into his part, and the parts of the other co-beneficiaries be adjusted by other estate or in money. Where several co-beneficiaries who meet the requirements of Sentence One submit requests for awarding the estate into their part, this one who offers higher price shall be preferred.

(3) For the receivables for adjustment of the parts, the interested persons may establish an ex-lege mortgage.

(4) The request for awarding may be done, at the latest, at the first session after the decision under **Art. 344, Para 1** to admit the partition becomes effective. The estate shall be evaluated at its actual price.

(5) Where the adjustment is in money, it, together with the ex-lege interest shall be paid within 6 months term from the decision for awarding becomes effective.

(6) The co-beneficiary, in whose share the real estate is allocated under the order of Para 1 and 2, shall become its owner after paying within the term under Para 5 the defined adjustment in money together with the ex-lege interest. If the adjustment is not paid within this period, the decision for assignment shall

become void ex-lege and the real estate shall be declared for public sale. The real estate may not be declared for public sale and be assigned to another co-owner who meets the requirements under Para 2, if he has made a request for assignment under Para 4, if he pays immediately the price by which the real estate has been assessed, reduced by the value of his share in it. The obtained sum shall be distributed among the remaining co-beneficiary according to their quotas.

Final partition protocol.

Art. 350. After having prepared the draft of the partition protocol, the court shall summon the parties in order to present it to them, and shall hear their objections with regard to it. After that, the court shall draw up and announce the final partition protocol.

Appeal of the decisions

Art. 351. The decisions under **Art. 346**, **348**, **349** and **350** shall be subject to appeal by a common complaint within the term for appeal of the latest decision.

Drawing lots

Art. 352. After the decision on the partition protocol enters into force, the court shall summon the parties to draw lots.

Distribution of the estate

Art. 353. The court may execute the partition by distributing the inheritance estate between the co-beneficiaries, without drawing lots, when the constitution of shares and the drawing of lots proves to be impossible or very inconvenient.

Buying out by co-beneficiaries

Art. 354. (1) Where the property is declared for public sale as undividable, each of the co-beneficiaries in the partition may buy it out under the conditions of **Art. 505, Para 2**.

(2) If some of the co-beneficiaries wish to buy the property under the conditions of Para 1, a new sale shall be held only between them at an initial price - the highest offered at the first sale. It shall continue for seven days and shall be carried out by the general rules.

(3) If, during this sale under Para. 2, none of the co-beneficiaries buys the property, it shall be awarded to the bidder - a third person to the partition, who has offered the highest price at the first sale.

Expenses for the procedure

Art. 355. The parties shall pay the expenses in accordance with their shares. On the joined claims in the partition procedure, the expenses shall be determined under **Art. 78**.

Chapter thirty.

PROTECTION AND REINSTATEMENT OF IMPAIRED OWNERSHIP

Jurisdiction by kind

Art. 356.The claims for protection and reinstatement of impaired ownership (**Art. 75** and **76 of the Ownership Act**) shall be within the jurisdiction of the regional court as a first instance.

Establishing the fact of possession

Art. 357 (1) In these cases, the court shall only verify the fact of the possession and of the violation thereof.

(2) The documents certifying the right of ownership shall be taken into account only insofar as they establish the fact of the possession.

Verification for lawfulness

Art. 358. Where possession has been taken away by order or with the assistance of a bailiff or another state body, the court shall verify the lawfulness of the order, respectively of the executed proceedings, regardless of whether they are subject to appeal or they have been appealed.

Inadmissibility in submitted claim for ownership

Art. 359. A person who has claimed ownership of an immovable property cannot bring an action for ownership against the same defendant for the same property while the property case is pending, unless possession is withdrawn after the claim has been filed, by force or in a concealed way.

Fine for the offender

Art. 360. Where possession or holding has been withdrawn by force or in a concealed way (**art. 76 of the Ownership Act**), the court may impose a fine on the offender of up to 1 000 BGN.

Preliminary enforcement

Art. 361. The decision on the transfer of the property shall be subject to prior enforcement and cannot be suspended.

Chapter thirty one.
PROCEDURE FOR THE CONCLUSION OF A FINAL CONTRACT

Declaring the contract final in the event of counter-obligation

Art. 362. (1) In a claim under **Art. 19, para. 3 of the Obligations and Contracts Act**, if, according to the preliminary contract, the claimant has to fulfill his counter-obligation upon the conclusion of the final contract, the court shall rule with a decision which replaces the final contract, provided that the

claimant fulfills its obligation. In this case, the claimant must fulfill his obligation within two weeks of the entry into force of the decision, including by offsetting the debts towards the state he has paid on behalf of the defendant.

(2) If, within the term under para. 1, the claimant has failed to fulfill his obligation, the court of first instance shall, at the request of the defendant, invalidate the decision.

Verifying ownership

Art. 363. Where the obligation is for transfer of right of ownership over a real estate, the court shall verify the prerequisites for transfer of ownership under a notary procedure appear, including whether the transferor is the owner of the estate.

Fees and expenses

Art. 364. (1) By its decision, the court shall award the claimant the obligation to pay the state the arising expenses on the transfer of the property, and shall order to impose injunction on the property until the expenses have been paid.

(2) (Suppl. – SG 50/08, in force from 01.03.2008) The court shall issue a copy of the decision only after the claimant has proved that the costs of the transfer and the taxes and fees due on the property have been paid.

Chapter thirty two.
PROCEEDINGS ON TRADE DISPUTES

Applicable provisions

Art. 365. Under the procedure of this Chapter, the district court as a court of first instance shall hear claims which have as a subject matter any right or legal relationship, arising or relating to:

1. any trade transaction, including the concluding, interpretation, the validity, performance, failure to perform or its termination, the consequences of its termination, as well as filling deficiency in a trade transaction or its adapting to newly arose circumstances;

2. (amend. – SG 45/12, in force from 01.01.2013, amend. – SG 96/17, in force from 02.01.2018) privatisation contract, public procurement contract and concession contract;

3. participation in a trade company or another legal person – trader, as well as for finding inadmissibility or voidness of the entry or for non-existence of a circumstance, entered the trade register;

4. establishing the insolvency mass, including the ascertaining claims of the creditors;

5. cartel agreements, decisions and co-ordinated practices, concentration of economic activity, unfair competition and abuse of monopoly or dominant market position.

Attachments to the claim motion

Art. 366. To the claim motion for monetary receivables, the party shall be obliged to submit a report containing the necessary calculations to determine its amount.

Reply to the claim motion

Art. 367. (1) After the court accepts the claim motion, the court shall send a copy of it together with the attachments to the defendant, whom the court instructs to submit a written reply within two weeks , points the obligatory content of the reply, and the consequences of failure to submit a reply or of non-exercising rights.

(2) The written reoly of the defendant shall contain:

1. indication of the court and the number of the case;

2. the name and the address of the defendant, as well as of his ex-lege representative or lawyer, if such exist;

3. an opinion on the admissibility and merits of the claim;

4. an opinion on the circumstances on which the claim is based;

5. the objections to the claim and the circumstances on which they are based

6. signature of the person who submits the reply.

(3) In the reply to the claim, the defendant shall be obliged to state precisely the evidence and the specific circumstances to be proved with them, as well as to submit all written evidence currently at his disposal.

(4) Within the time limit for reply, the defendant may bring a counter-claim, may attract third parties and bring claims against them.

Attachments to the reply

Art. 368. To the reply shall be presented copies of the reply and the attachments thereto according to the number of claimants.

Objection for hearing under the general procedure

Art. 369. (1) The objection that the dispute is not subject to review under this Chapter may be made only by the defendant within the reply to the claim at the latest, or be raised by the court of its own motion within the same time limit.

(2) A private complaint may be lodged against the order that the dispute is subject to review under the general order.

Consequences of non-submission of a rejoinder

Art. 370. (suppl. – SG 50/08, in force from 01.03.2008) Where, within the established time limit, the defendant fails to make a written reply, does not state an opinion, does not make objection, does not contest the veracity of a document submitted, does not provide evidence or does not present written evidence, he shall lose the opportunity to do this later, unless the omission is due to special unforeseen circumstances.

Objection to set-off after the time for reply

Art. 371. An objection to set-off may be made before the end of the court investigation at the first instance, where no new evidence is required to substantiate it, or until the end of the court investigation at the appellate instance, where its existence or non-challenge has been established by an enforceable judicial decision or enforcement order.

Additional claim motion

Art. 372. (1) After the court accepts the reply, it shall send a copy of it together with the attachments to the claimant who, within two-weeks term, may submit an additional claim motion.

(2) In the additional claim motion, the claimant may clarify and supplement the initial one. Within the term of the additional claim motion, he may amend the submitted claim to include third persons and submit claims against them, to require from the court to pronounce by the decision itself on the existence or non-existence of a legal relationship contested in the reply, on which depends - partially or fully - the settlement of the lawsuit, as well as to point and present new evidence which he could not have pointed and presented with the claim motion.

Additional rejoinder

Art. 373. (1) After the court accepts the additional claim motion, the court shall forward a copy together with the attachments to the defendant who may, within two weeks, submit a rejoinder.

(2) In the additional rejoinder, the defendant shall be obliged to give a rejoinder to the additional claim motion. Within the term for the additional rejoinder, he may require from the court to pronounce by the decision itself on the existence or non-existence of a legal relationship contested in the additional claim motion, on which depends - partially or fully - the settlement of the lawsuit, as well as to point and present new evidence which he could not have pointed and presented with the rejoinder.

Preparation of the case at a closed session

Art. 374. (1) After the court checks the validity of the exchanged papers and the admissibility of the submitted claims, including their price, as well as the other requests and objections of the parties, it shall pronounce by a ruling on all the preliminary matters and on the admission of evidence. The court may also pronounce on the admission of some of the evidence during an open session only if it considers it necessary to hear the verbal explanations of the parties.

(2) The court shall try the case at an open session and shall send to the claimant the additional rejoinder. The court shall notify the parties of its ruling under Para 1. The court may notify them of the draft of the report on the lawsuit, as well as to instruct them for a mediation procedure or of another way of amicable settlement of the dispute.

Hearing the case at an open session

Art. 375. (1) At the open session, the court shall make a verbal report, shall give instructions to the parties and shall provide the opportunity to state their opinion regarding the report on the lawsuit and the given instructions, as well as to undertake the proceedings desired by them, after which the court shall take the admitted evidence and hear the verbal contest.

(2) In case of factual and legal intricacy of the case, the court may determine a term for each of the parties to present their written defence or a replication.

Hearing the case at a closed session

Art. 376. (1) Where, by the exchange of papers, all evidence has been submitted and if the court agrees that hearing the parties is not needed, it may hear the case at a closed session, whereby giving the

parties the opportunity to present their written defence and replications.

(2) The court shall examine and adjudicate the case in a closed session when the parties so request.

(3) The court shall set the day on which it shall pronounce the decision, from which day the term to appeal shall run.

Applicability of the general rules

Art. 377. As far as there are no special rules for the procedure on trade lawsuits, the general rules of the procedure before court of first instance shall apply.

Applicability of the rules before the court of appeal

Art. 378. The rules of this Chapter shall also apply respectively to the procedure before the court of appeal.

Chapter thirty three.
PROCEDURE ON COLLECTIVE CLAIMS

Collective claims

Art. 379. (1) Collective claim may be brought on behalf of persons injured by an offence, where, according to the nature of the violation, the number of these persons cannot be precisely defined but is determinable.

(2) Persons who claim to be injured by a violation under para. 1 or an organization for the protection of injured parties or for protection against such violations, may bring on behalf of any and all injured parties a claim against the offender to establish the damaging action or inaction, its unlawfulness and the guilt.

(3) Persons claiming their collective interest is damaged or threatened by an offense under para. 1, or organizations for the protection of injured parties, of damaged collective interest, or for the protection against such violations, may bring on behalf of any injured party a claim against the offender for the cessation of the offense, for the correction of the consequences of the violation of the damaged collective interest, or for indemnification for the damage caused to that interest.

Submission of collective claims

Art. 380. (1) Collective claims shall be heard by the district court as a court of first instance, following the procedure of this Chapter.

(2) In the claim motion, together with the circumstances which the collective claim is based on, shall be stated the circumstances which determine the circle of the persons damaged and the way in which the claim shall be announced shall be stated.

(3) To the claim motion shall be presented evidence for the ability of the claimant seriously and in good faith to defend the damaged interest, as well as to bear the burdens connected with the carrying out the lawsuit, including the expenses.

Verification of the conditions for bringing a collective claim

Art. 381. (1) After the check of the admissibility of the submitted claim and the validity of the claim motion, the court ex-officio shall verify the ability of the person or of the persons who submitted the claim to defend seriously and in good faith the damaged interest, and to bear the burden of connecting the case, including costs.

(2) The court may hear the person or the persons who submitted the claim at an open session.

(3) The court shall not allow the hearing of the case if none of the claimants meet the conditions of para. 1 and if all together do not meet these conditions.

(4) The ruling of the court by which hearing of the case is not allowed shall be subject to appeal by a private complaint.

Preparation of the case to be heard

Art. 382. (1) At an open session with summoning the parties, the court shall hear the opinions of the parties on the circumstances which determine the circle of persons damaged, and the way in which the claim shall be announced.

(2) The court shall determine:

1. appropriate way to announce the submission of the claim – the number of the notifications, in which media outlets, and how long the announcement should be made for;

2. appropriate term after the announcement, in which the injured parties may declare that they will participate in the procedure or will carry out their defence on their own.

(3) The ruling shall be subject to appeal by a private complaint.

Accepting new participants and excluding from participation

Art. 383. (1) At a closed session, the court:

1. shall accept as participants in the proceedings other injured parties, organisations for the protection of injured parties, of damaged collective interest, or for protection against such violence, who, within the determined term, have declared their wish to participate in the procedure;

2. shall exclude the injured parties who, within the determined term, have declared that they will carry out the defence on their own in a separate procedure.

(2) The ruling by which acceptation of new participants or excluding from participation is refused shall be subject to appeal by a private complaint.

(3) The court shall issue a copy of the ruling on excluding the persons who, within the established term, have declared that they will carry out the defence on their own in a separate procedure.

Agreement for amicable settlement of the dispute

Art. 384. (1) The court shall instruct the parties to conclude an agreement and shall clarify to them the advantages of amicable settlement of the dispute.

(2) The court shall approve the achieved agreement, reconciliation or another type of agreement for partial or full settlement of the dispute, if it does not contradict the law and the good morals, and if the measures included in it can sufficiently protect the injured interest.

(3) The agreement on settling the dispute shall have effect only after its approval by the court.

Measures for protection of the damaged interest

Art. 385. (1) The court may sue the defendant to perform a definite action, not to perform a definite

action or to pay a definite amount.

(2) Upon request of the claimant, the court, before which the claim is filed, may determine appropriate preliminary measures to protect the damaged interest. The ruling may be amended or revoked by the same court as a result of change of the circumstances, mistake or omission.

(3) The ruling shall be subject to an appellate and cassation appeal, not depending on the prerequisites for admission of cassation appeal under **Art. 280, Para 1**. The appeal of the ruling shall not suspend its execution, unless the court on the complaint rules otherwise.

(4) When judgment is pronounced, the court shall not be bound by the protection measures put forward by the claimant. In view of the particular circumstances of the case, and taking into account the defendant's opinion, the court may pronounce other measures that provide appropriate protection for the injured party.

Judgement on the collective claim

Art. 386. (1) The judgmeent of a court shall have effect for the offender, the person or persons who have brought the claim, as well as for those persons claiming to have been injured by the established violation and have not stated that they wish to assert their defense independently in a separate proceeding. Excluded persons may benefit from the judgment by which the collective claim is respected.

(2) A list of excluded persons shall be attached to the court's judgment.

(3) The judgement shall be subject to appeal and to cassation appeal, regardless of the prerequisites for admission of the cassation appeal under **Art. 280, para. 1**.

(4) The judgement on a collective claim shall not be revoked under **Art. 304**.

Disposal with the compensation

Art. 387. (1) The court may pronounce compensation to be deposited onto the account of one of the persons who submitted the claim, onto a special account for common disposal of the persons who submitted the claim, or onto a special account for common disposal of the injured parties.

(2) After judgement is pronounced, the court may may oblige the claimants to transfer the compensation onto a special account for common disposal by the injured parties, whereby taking appropriate measures to ensure that this obligation is fulfilled.

General Assembly and Committee of the injured parties

Art. 388. (1) The court of first instance may convene a General Assembly of the injured parties by announcing the invitation in the manner in which the submission of the claim was announced. The General Assembly of the injured parties shall be conducted by the judge and may take decisions, if at least 6 injured parties appear.

(2) The General Assembly shall elect a Committee which shall dispose with the funds in the special account, and may take decisions for the activities which it assigns to the Committee to be done.

Part four.
SECURITY PROCEDUIRE

Chapter thirty four.

ADMISSION OF THE SECURITY

Security of submitted claim

Art. 389. (1) At any stage of the case, until the end of the court investigation, the claimant may require from the court before which the case is pending to admit security of the claim.

(2) Security may be admitted on all types of claims.

Security of a future claim

Art. 390. (1) Security may be required also prior to filing the claim before the competent court as per the type of the claim at place of the residence of the claimant or at the location of the estate which will serve as security.

(2) (new – SG 42/09) For claims where the jurisdiction by kind is determined according to the tax evaluation of real estate, competent court shall be the regional court at the location of the real estate, regardless of the price of the claim.

(3) (prev. text of Para 02 – SG 42/09) In the case of Para 1, the court shall determine a term for lodging the claim which cannot be longer than one month. If evidence for the submission of the claim within the determined term is not present, the court shall ex-officio cancel the security.

(4) (prev. text of Para 03 – SG 42/09; amend. – SG 100/10, in force from 21.12. 2010) The motion for security of a future claim by suspending of contract execution shall be submitted before the competent court as per the type of the claim at the place of the execution. Suspension of the execution shall be admitted only against guarantee.

Prerequisites for admission of the security

Art. 391. (1) Securing the claim shall be admissible if, without it, the claimant would find it impossible or very difficult to enforce the rights of the judgement, and if:

1. the claim is backed up by compelling written evidence, or

2. a security is provided in the amount determined by the court in accordance with **Art. 180** and **181 of the Contracts and Obligations Act**.

(2) The court may oblige the claimant to present monetary or property guarantee in the amount determined by it also in the case of Para 1, item1.

(3) The amount of the guarantee shall be determined by the size of the direct and immediate damages which the defendant shall suffer, if the security is unfounded.

(4) The State, the State institutions and the medical establishments under **Art. 5, Para 1 of the Medical Establishments Act** shall be exempted from presenting guarantee.

(5) Security of the claim shall also be allowed when the case has been suspended.

Security of a claim for alimony

Art. 392. On claims for alimony, security may be admitted without observing the requirements of **Art. 391**. In this case, the court may also take measures ex-officio for securing the claim.

Inadmissibility of the security

Art. 393. (1) (suppl. – SG 50/08, in force from 01.03.2008, suppl. – SG 86/17) Security of a claim for monetary receivable against the State, the State institutions, the municipalities and the medical establishments under **Art. 5, Para 1 of the Medical Establishments Act**, as well as on receivables of medical institutions from the National Health Insurance Fund, shall not be admitted.

(2) Security over a claim for monetary receivables on which enforcement is not admissible by way of imposing distraint shall not be admitted.

Partial security over a claim

Art. 394. The court may allow the full amount of the claim to be secured or only for those parts which are supported by sufficient evidence.

Motion for admission of the security

Art. 395. (1) In the motion for admission of security, the security measure and the price of the claim shall be stated. A copy shall not be served on the opposite party.

(2) The motion shall be decided at a closed session on the day of its submission.

(3) On the ground of the ruling by which the motion is recognised, the court shall issue distraint order. Where a guarantee is determined, the court shall issue the distraint order after it is deposed.

Appeal

Art. 396. (1) The ruling of the court on the securing the claim may be appealed by a private complaint within one week term, which starts for the applicant from its serving, and for the defendant – from the day on which the notification of the imposed security measure was served by the bailiff, by the entries service or by the court in the cases of **Art. 397, Para 1, item 3**.

(2) (suppl. – SG 100/10, in force fro 21.12.2010, suppl. – SG 86/17) Copy of the private complaint shall be served on the opposite party for a rejoinder within one week term. In event of appeal of a ruling, by which securing the claim is refused, a copy of the private complaint of the applicant, shall not be served on the defendant. In event that the appellation court admits securing the claim, its ruling shall be subject to appeal by a private complaint before the Supreme Cassation Court, if prerequisites under **Art. 280. Para 1 and Para. 2** exist.

(3) Ruling by which the security of the claim is admitted shall not be suspended, if appealed by a private complaint.

Chapter thirty five.
SECURITY MEASURES

Types of measures

Art. 397. (1) The securing shall be realised:

1. by placing interdict on a real estate;

2. by distraint on movable objects and receivables of the debtor;

3. by other appropriate measures, determined by the court, including by stopping a vehicle from traffic or by suspension of the execution.

(2) The court may admit several types of securities up to the amount of the price of the claim under

Art. 69, Para 1.

Replacement of the security

Art. 398. (1) The court may, upon a request of one of the parties, and after it notifies the other party and takes into account its objections made within three days from the notification, allow a replacement of one type of security by another.

(2) In case of securing a claim rateable in money, the defendant may at any stage replace without the consent of the other party the security allowed by the court by a monetary pledge or in securities as per **Art. 180** and **181 of the Obligations and Contracts Act**. This shall not apply to security of claims for ownership.

(3) In the cases of Para 1 and 2, the distraint and the interdict shall be cancelled.

Consent on the object-site of the security

Art. 399. If the claim is based on a contract where the property serving as security is stated, the security shall be established only for this property, except if it is not available, or has meanwhile been burdened by other encumbrances which make the security insufficient.

Imposing of the security measure

Art. 400. (1) Distraint shall be imposed immediately by the bailiff upon request of the applicant on the base of the distraint order of the court as per **Art. 449, Para 1**, **Art. 450, Para 1 and 2**, **Art. 507**, **Art. 515**, **Art. 516** and **Art. 517**, and a notification instead of summon for voluntary execution shall be served on the defendant. In case of distraint over chattels, the bailiff shall make an inventory sheet, evaluation and handing over the chattels for keeping as per **Art. 465 – 472**.

(2) Imposing of an interdict shall be done by way of entry of the security order of the court in the notary books. The entries service shall notify the defendant of the made entry.

Effect of the security measure

Art. 401. The distraint and the interdict, imposed as a security of the claim, shall have the effects as provided in **Art. 451 - 453**, **Art. 456, Para 1**, **Art. 508**, **509** and **Art. 512 - 514**. The secured creditor may submit a claim against the third obliged person for the amounts or the chattels they refuse to give voluntarily. In that case, the provisions of **Art. 435, Para 4** and **Art. 440** shall apply.

Revocation of the security

Art. 402. (1) Revocation of the security shall be pronounced upon a request of the interested party. Copy of the motion shall be served on the person, on whose request the security is imposed. The person may submit objections within three days term

(2) In a closed session, the court shall revoke the security, having convinced itself that the reason, due to which the security was allowed, does not exist any more, or that the conditions of **Art. 398, Para 2** exist. The ruling of the court shall be subject to appeal by a private complaint.

(3) The lifting of the distraint, the striking off of the interdict, as well as the cancellation of the other security measures shall be carried out on the grounds of the effective ruling of the court.

Compensation for damages

Art. 403. (1) If the claim, on which the security has been allowed, is denied or has not been filed within the term given to the claimant, or if the case is terminated, the defendant may demand from the claimant to pay him the damages caused as a result of the security.

(2) In the cases of Para 1, in order to release the presented guarantee, the interested person should file a motion with a copy for the defendant. The defendant may enter an objection against the release of the guarantee within a term of seven days from serving the motion, and within a term of one month he may file a claim for the damages caused to him. If within these terms the defendant fails to enter an objection and to file such a claim, the guarantee shall be released

Part five.
EXECUTION PROCEDURE

Division one.
GENERAL PROVISIONS

Chapter thirty six.
ISSUANCE OF A WRIT OF EXECUTION

Execution grounds

Art. 404. Subject to enforcement shall be:

1. (suppl. - SG 8/17) the effective decisions and rulings of the courts, the suing decisions of the courts of appeal; writs of enforcement which are subject to or on which a preliminary and immediate execution is admitted, as well as the decisions and rulings of the arbitrary courts and the concluded before them agreements on arbitrary cases;

2. the decisions, the acts and the court-agreement protocols of the foreign courts, which shall be subject to execution on the territory of the Republic of Bulgaria without special procedure;

3. the decisions, the acts and the court-agreement protocols of the foreign courts, as well as the decisions of the foreign arbitrary courts and the concluded before them agreements on arbitrary cases, on which execution on the territory of the Republic of Bulgaria is admitted.

Procedure on issuance of writ of execution

Art. 405. (1) Writ of execution shall be issued upon a written request on the ground of some of the acts envisaged in **Art. 404**. Copy of the request shall not be served on the debtor.

(2) The request on the ground of the acts under **Art. 404, item 1** shall be submitted before the court of first instance which heard the lawsuit, or before the court who issued writ of enforcement, and if the act is subject to immediate enforcement – before the court which has pronounced the decision or the writ of enforcement.

(3) (amend. - SG 8/17) The request on the ground of the decisions of the local arbitrary courts and the concluded before them agreements on arbitrary cases shall be submitted before the district court, within which region is the permanent address or registered office of the debtor.

(4) The court on admission of the enforcement shall issue a writ of execution on the base of the acts

envisaged in **Art. 404, items 2 and 3**. The writ of execution issued on the base of acts of **Art. 404, item 3** shall not be handed to the creditor, before the decision on admission enters into effect.

(5) (new - SG 8/17) The court shall refuse issuing a writ of execution based on void decisions within the meaning of **Art. 47, Para. 2 of the International Commercial Arbitration Act**.

(6) (prev. para. 5 - SG 8/17) For awarded amounts in favour of the State, the court shall issue ex-officio a writ of execution.

(7) (prev. para. 6 - SG 8/17) The request on the base of the acts under **Art. 404, item 1** shall be considered within 7-days term at a closed session by a judge from the respective court.

Decree for issuance of a writ of execution

Art. 406. (1) The writ of execution shall be issued after the court verifies that the act is regular from the visible side and shall certify the receivable - subject to enforcement against the debtor.

(2) In the cases of **Art. 404, items 2 and 3**, the court shall verify if the receivables may be executed by way of the Bulgarian legislation. If this is impossible, it shall rule a substitution execution, which can satisfy the creditor.

(3) For the issuance of the writ of execution the judge shall make a due note on the act.

(4) In the procedure on issuance of a writ of execution **Art. 247**, **250** and **251** shall apply.

Appeal of the decree to issue a writ of execution

Art. 407. (1) The decree by which the request to issue a writ of execution is recognised or denied, partially or fully, may be appealed by a private complaint within a two weeks term, which shall start for the applicant from the handing of the decree, and for the defendant – from the handing of invitation for voluntary execution.

(2) The appeal of the decree, by which the application is recognised, shall not suspend the execution.

(3) Where the writ of execution is issued under the conditions of **Art. 406, Para 2**, the decree shall be subject to appeal under the general procedure.

Original of the writ of execution

Art. 408. (1) The writ of execution shall be issued in one copy, signed by a judge from the respective court.

(2) Where several separate estates shall be given or if the decision is pronounced in favour of or against several persons, separate writs of execution may be issued and an indication of which part of the decision will be executed shall be done on each of the writs of execution.

Duplicate of writ of execution

Art. 409. (1) If the original of the writ of execution is lost or shredded, the court which has issued it, upon a written request of the applicant, shall issue a duplicate of it on the base of the act, on which the original was issued.

(2) The request shall be considered at an open session, after a copy of it is served on the debtor.

(3) The debtor may oppose, besides the lack of conditions of Para 1, objections for lapse of the debt on the base of circumstances occurred after its existence was ascertained.

(4) The pronounced decision shall be subject to appeal under the general procedure. After it

becomes effective, the debtor may not contest the existence of the debt on grounds, which he could submit within the procedure of issuance of the duplicate.

(5) If the act itself was lost or shredded and there is no possibility to recover its content through official documents, the applicant may submit a claim for suing the debtor.

Chapter thirty seven.
WARRANT PROCEDURE

Application for issuing of enforcement warrant

Art. 410. (1) The applicant may request the issuance of enforcement warrant:

1. for receivables of monetary amounts or of fungibles, where the claim is subject of jurisdiction of the regional court;

2. for handing of a movable site, which the debtor has received with the obligation to give it back or is encumbered by a pledge, or is transferred by the debtor with the obligation to transmit the possession, if the claim is subject to jurisdiction of the regional court.

(2) (suppl. – SG 86/17) The application shall contain request for issuance of a writ of execution and shall meet the requirements of **Art. 127, Para 1 and 3**, and **Art. 128, items 1 and 2**. The application shall also include a bank account or other payment method.

(3) (New – SG 100/19) Where the receivable arises from a contract concluded with a consumer, the contract - if in writing - shall be attached to the application, together with all its annexes and amendments, as well as the applicable general conditions, if there are any.

Issuance of enforcement warrant

Art. 411. (1) (amend. – SG 42/09; amend. - SG 50/15, suppl. – SG 86/17, amend. and suppl. – SG 100/19) The application shall be submitted at the regional court at the permanent address or the seat of the debtor. Within three days, the court shall perform ex officio check of local jurisdiction. An application against a consumer shall be filed with that court, in whose area the person’s current address is, or in the absence of current address – as per his permanent one. Where the court decides that the case is not within its jurisdiction, it shall forward it immediately to the competent court.

(2) (amend. - SG 50/15) The court shall consider the application in an administrating session and shall issue an enforcement warrant within the time limit under para 1, except when:

1. (suppl. – SG 86/17) the request does not meet the requirements of **Art. 410** and the applicant does not remove the irregularities within three days of the announcement;

2. the request is in contradiction to the law or the good morals;

3. (new – SG 100/19) the request is based on an unfair clause in a contract concluded with a consumer or there is a reasonable probability thereof;

4. (previous item 3 – SG 100/19) the debtor has no permanent address or seat on the territory of the Republic of Bulgaria;

5. (previous item 4 – SG 100/19) the debtor has no common place of stay or place of activity on the territory of the Republic of Bulgaria;

(3) In case the application is recognised, the court shall issue enforcement warrant, a copy of which shall be served on the debtor.

Content of the enforcement warrant:

Art. 412. The enforcement warrant shall contain:

1. the title "enforcement warrant"

2. date and place of pronouncement;

3. name of the court and of the judge who pronounced the warrant;

4. the three names and addresses of the parties;

5. the case, on which the warrant is issued;

6. the obligation which the debtor shall perform, and the expenses which he shall pay;

7. (new – SG 86/17) the bank account to transfer the amounts awarded or any other way of payment;

8. (prev. item 7 – SG 86/17, amend. – SG 100/19) invitation to the debtor to execute within one month from the warrant being served;

9. (amend. – SG 42/09, prev. item 8, amend. – SG 86/17, suppl. – SG 100/19) statement that the debtor may file an objection within the term under Item 8 and in the event that the objection is unfounded, he may incur costs in excess of those stated in the order;

10. (prev. item 9, amend. – SG 86/17) statement that if the debtor does not make objections before the court issuing the warrant, or does not perform, the enforcement warrant shall enter into force and the enforcement shall be initiated;

11. (prev. item 10, amend. – SG 86/17) the limitations to appeal, before which court and in what period it can be appealed;

12. (prev. item 11, amend. – SG 86/17) signature of the judge.

Appeal

Art. 413. (1) The enforcement warrant shall not be subject to appeal by the parties, except for the part concerning the expenses.

(2) (suppl. – SG 100/10, in force from 21.12. 2010) The decree by which the application, partially or fully, is denied may be appealed by the applicant by a private complaint, copy of which shall not be presented for serving.

Objection

Art. 414. (1) (suppl. – SG 86/17) The debtor may object in writing against the enforcement warrant or against a part of it. Grounding of the objection is not required, except in the cases of **Art. 414a**.

(2) (Amend. – SG 100/19) The objection shall be made within one month form serving the warrant, which term cannot be prolonged.

Objection while enforcement within voluntary enforcement period

Art. 414a. (New – SG 86/17) (1) A debtor who has fulfilled his obligation under the enforcement order within the term under **Art. 412, item 8**, may object in writing against the enforcement order, claiming to have fulfilled all or part of his obligation. The evidence of the fulfillment of the obligation with a copy for the claimant shall be attached to the objection.

(2) If the debtor has not given rise to the claim, he may object that he does not owe the costs of the proceedings.

(3) The statement of objection, together with the attachments, shall be sent to the claimant indicating that he may submit an opinion within three days, whereby indicating the consequences of the non-submission of an opinion.

(4) If the claimant fails to submit an opinion within the prescribed time limit, the court shall cancel the enforcement order, including the part to do with expenses, in whole or in part. Where the opinion is submitted in due time, the court shall rule on the objection and the opinion received.

(5) The claimant 's failure to submit an opinion and the nullification of the order shall not prevent the claimant from claiming the entire receivable under the order of **Art. 422**.

(6) If, on the basis of the enforcement order, a writ of execution has been issued pursuant to **Art. 418**, the court shall invalidate it in so far as the enforcement order is invalidated.

Effect of the objection

Art. 415. (Amend. – SG 86/17) (1) The court shall indicate to the claimant that the latter can bring an action for his claim in the following cases:

1. when the objection is filed in due time;

2. (suppl. – SG 100/19) when the enforcement order has been served on the debtor under the conditions of **Art. 47, para. 5** and the serving officer has collected information that the debtor does not live at the address, after consulting the condominium manager, the mayor of the respective residential area or in some other manner verifying this, and has certified this by indicating the source of this information in the message;

3. when the court has refused to issue an enforcement order.

(2) When giving instructions for bringing an action in the cases under para. 1, item 2, the court shall order suspension of enforcement, if a writ of execution under **Art. 418** has been issued.

(3) The claim under para. 1, items 1 and 2 shall be declaratory, and under item 3 - it shall be convictive.

(4) The claim shall be filed within one month from the announcement, whereby the claimant shall pay the due state fee.

(5) Where the claimant fails to present evidence that he has submitted the claim within the stated term, the court shall invalidate the enforcement order, in part or in whole, as well as the writ of execution issued under **Art. 418**.

Entering in force of the enforcement warrant

Art. 416. (suppl. – SG 42/09) If objection is not done within the term or is withdrawn or after entry into force of the judicial decision for establishing the receivable, the enforcement warrant shall enter into force. On the base of it the court shall issue writ of execution and shall mark this on the warrant.

Enforcement warrant based on a document

Art. 417. The applicant may also require issuance of enforcement warrant if the receivable, not depending on its price is grounded on:

1. act of an administrative body, on which the admission of execution is assigned to the civil courts;

2. (amend. – SG 100/19) document or abstracts of accountancy books, by which receivables of State institutions and and municipalities are ascertained, or an extract from the books of the bank, to which the document from which the receivable of the bank is derived, together with all its annexes, including the applicable general conditions, is presented;

3. notary deed, agreement or another contract with notary certified signatures concerning the contained in them obligations to pay monetary amounts or other replaceable sites, as well as obligations to give certain sites;

4. abstracts if the register of the special pledges for entered encumbrance and for the initiation of the execution – with regard to the handing of the pledged sites;

5. abstract of the register of the special pledges for entered contract for sale with reserving the ownership till the price is paid or lease contract – with regard to returning back of sold or leased sites;

6. pledge agreement or mortgage act under **Art. 160** and **Art. 173, Para 3 of the Obligations and Contracts Act**;

7. effective act for ascertaining of private State or municipal receivable, if its execution shall be done under the procedure of this Code.

8. (new - SG 102/17, in force from 22.12.2017) effective mandatory prescriptions of bodies of the Executive Agency “General Labour Inspectorate” to an employer for repayment of delayed cash liabilities on labor relations for more than two months;

9. (previous item 8 - SG 102/17, in force from 22.12.2017) act of deficiency;

10. (previous item 9 - SG 102/17, in force from 22.12.2017, suppl. – SG 100/19) promissory notes, bill of exchange or equated to them other promissory security as well as on bond or coupon on it. Where the security secures a claim arising from a contract concluded with a consumer, the contract - if in writing - shall be attached to the application, together with all its annexes, including the applicable general conditions.

Immediate enforcement

Art. 418. (1) If together with the application a document under **Art. 417** is presented, on which the receivable is grounded, the creditor may require from the court to pronounce immediate execution and to issue writ of execution

(2) The writ of execution shall be issued after the court checks if the document is regular in the visible aspect, and shall certify the receivable which is subject to execution against the debtor. About the issuance of the writ of execution the court shall make a due note on the presented document and on the enforcement warrant.

(3) Where according to the presented document the maturity of the receivable depends on the performance of the opposing obligation or on the occurrence of another circumstance, the performance of the obligation or the occurrence of the circumstance shall be certified by an official document or a document issued by the debtor.

(4) (amend. and suppl. – SG 100/10, in force from 21.12.2010) The decree by which the application for issuance of a writ of execution is denied partially or fully, may be appealed by the applicant within one week term from notification, by filing private complaint, a copy of which shall not be presented for serving.

(5) (amend. - SG 50/15, amend. and suppl. – SG 86/17) The enforcement order with the indication of the issued writ of execution and a copy of the document on the basis of which the enforcement order was issued, shall be served by the bailiff. The bailiff shall immediately send a copy of the notification to the court, together with the documents served, with indication of service on each of them.

Appeal of the decree for immediate execution

Art. 419. (Amend. – SG 100/19) (1) The decree by which the application for immediate execution is recognised, may be appealed by a private complaint within one month from the serving of the enforcement warrant. The private complaint shall be submitted together with the objection against the warrant.

(2) The appeal of the decree for immediate execution shall not suspend the execution.

(3) The court shall revoke the decree when present are the preconditions of Art. 418, Para. 2, sentence one and Para. 3, as well as when the claim is based on an unfair clause in a contract concluded with a consumer.

Suspension of enforcement

Art. 420. (1) (Amend. - SG 102/17, in force from 22.12.2017, suppl. – SG 100/19) The objection against the enforcement warrant shall not suspend the enforcement in the cases of **Art. 417, items 1-9**, except when the debtor presents a due security in favour of the creditor following the procedure of **Art. 180** and **181 of the Obligations and Contracts Act**. When the debtor is a consumer, the security shall be in the amount of up to one third of th receivable.

(2) (Amend. and suppl. – SG 86/17, amend. – SG 100/19) The court, having ordered immediate enforcement, may suspend it even without the need for the security under Para. 1, where a request for suspension has been made, supported by written evidence that:

1. the receivable is not due;

2. the receivable is based on an unfair clause in a contract concluded with a consumer;

3. the amount of the receivable under a contract concluded with a consumer is incorrectly calculated.

(3) The ruling on the request for suspension may be appealed by a private complaint.

(4) (New – SG 100/19) The order for suspension shall be subject to immediate enforcement, regardless of its appeal.

(5) (New – SG 100/19) Where a claim proceedings is instituted, the court, before which the claim is brought under Art. 422, Para. 1, shall have jurisdiction to rule on the request for suspension of execution.

Partial suspension of the execution

Art. 421. (1) In case there are several obliged persons, the security under **Art. 420, Para 1** shall be used only for the person or the persons for which it has been presented.

(2) (Amend. – SG 100/19) Where the objection concerns only a part of the receivable, the court shall suspend the preliminary execution only for the respective part of the receivable.

Claim for existence of the receivable

Art. 422. (1) (Amend. – SG 86/17) The claim for existence of the receivable shall be considered submitted from the moment of submission of the application for issuing of enforcement warrant, if the term under **Art. 415, Para 4** is observed.

(2) Submission of a claim under Para 1 shall not suspend the admitted immediate execution, except for the cases of **Art. 420**.

(3) If the claim is denied fully or partially by an effective decision, the execution shall be terminated and **Art. 245, Para 3, Sentence Two** shall be applied.

(4) (New – SG 86/17) A reverse writ of execution shall not be issued, if the claim is rejected due to the irrecoverability of the claim.

Objection before the court of appeal (Title amended – SG 50/08, in force from 01.03.2008)

Art. 423. (1) (amend. and suppl – SG 50/08, in force from 01.03.2008) Within one month term from learning about the enforcement warrant, the debtor, who was deprived from the opportunity to contest the receivable, may submit an objection to the court of appeal, if:

1. the enforcement warrant was not served under the due procedure;

2. the enforcement warrant was not served in person and at the day of its serving he had not

common place of stay in the territory of the Republic of Bulgaria;

3. the debtor could not learn in time about the serving due to special unforeseen circumstances;

4. the debtor could not file his objection due to special unforeseen circumstances, which he could not surmount.

Simultaneously with the objection, the debtor may exercise his rights under **Art. 413, Para 1** and **Art. 419, Para 1**.

(2) (amend. – SG 50/08, in force from 01.03.2008) Submission of the objection at the appellate court shall not suspend the execution of the enforcement warrant. Upon a request of the debtor, the court may stop the execution under the conditions of **Art. 282, Para 2**.

(3) (new – SG 50/08, in force from 01.03.2008) The court shall recognize the objection, where finds that the prerequisites under Para 1 exist. If the objection is recognized, the execution of the issued under **Art. 410** enforcement warrant shall be suspended. Where the objection is recognized, the court shall consider also the submitted private complaints of **Art. 413, Para 1** and of **Art. 419, Para 1**. If the objection has been recognized because the prerequisites of **Art. 411, Para 2, items 3 and 4** do not appear, the court shall ex-officio invalidate the enforcement warrant and the issued on its base writ of enforcement.

(4) (new – SG 50/08, in force from 01.03.2008) Hearing of the lawsuit by the first-instance court shall continue by instructions under **Art. 415, Para 1**. In this proceedings the court shall also consider the submitted with the objection request of **Art. 420, Para 2**.

Claim for contesting the receivable

Art. 424. (1) (amend. – SG 50/08, in force from 01.03.2008) The debtor may contest the receivable under a claim procedure, where newly learned circumstances or new written evidence of substantial importance for the lawsuit and which could not be known to him before the elapse of the term within which the objection should be filed or he could not obtain them in the same term are found.

(2) The claim may be submitted within three month term from the day on which the debtor learned about the new circumstance, or form the day on which the debtor could obtain the new written evidence, but not later that one year of the lapse of the receivable.

Forms

Art. 425. (1) The Minister of Justice shall issue an ordinance, by which forms of enforcement warrant, application for issuance of enforcement warrant and of the other papers connected with the warrant procedure are approved.

(2) Where the applicant has not used a form or used a wrong one, the court shall, by a written instruction for removal of the irregularity, enclose the respective form.

Chapter thirty eight.
INITIATION, SUSPENSION AND TERMINATION OF THE EXECUTION

Initiation of enforcement

Art. 426. (1) The bailiff shall start execution upon a request of the interested party on the grounds of a presented writ of execution or another act, subject to execution.

(2) (suppl. – SG 86/17) In his request the creditor shall state the way of execution. He may state at the same time several ways of execution, only if this is necessary in order to satisfy his claim. During the procedure he may also point other ways of execution.

(3) The regularity of the request shall be checked as per **Art. 129**.

(4) The creditor may require from the bailiff to examine the property status of the debtor, to require references and copies of documents.

Competence per location

Art. 427. (1) The request for enforcement shall be filed with the bailiff, in whose area are located:

1. the immovable property, on which enforcement is directed;

2. the movable property, when the delivery of the movable property is to be effected by the debtor;

3. the permanent or current address of the creditor or debtor - at the choice of the creditor, on maintenance claim, remuneration and compensation for work, or indemnification for damages from tort;

4. the place of performance of the obligations of action or inaction when the performance of such obligations is requested;

5. the permanent or current address or debtor's seat;

6. the property of the debtor, on whom enforcement is directed, when he has no permanent address or registered office in the territory of the Republic of Bulgaria.

(2) After the initiation of the enforcement proceedings under the rules of para. 1, the creditor may request from the bailiff the distraint or foreclosure of property of the debtor located in the area of another bailiff. After the distraint or foreclosure, the bailiff shall forward the enforcement action to the due bailiff to make an inventory and sell the items in his area.

(3) In the cases under para. (2), where enforcement is directed to debtor's pecuniary claims by a third party liable with a permanent address or registered office in another judicial area, the enforcement proceedings shall not be forwarded.

(4) Any changes in the circumstances under para. 1, item 5 having occurred following the submission of the claim, which determine the local jurisdiction, shall not form grounds for forwarding the case.

(5) At the request of the creditor, the enforcement proceedings may be led by another bailiff in the same area of action. In this case, the actions taken shall retain their effect. If any requested enforcement action has not been performed, the fees deposited in advance shall be paid to the bailiff, to whom the case is referred. The debtor and the third liable person shall be notified of the forwarded enforcement proceedings. The costs of forwarding the case shall remain with the creditor.

Invitation for voluntary performance

Art. 428. (1) (Suppl. – SG 86/17) The bailiff shall be obliged to invite the debtor to perform voluntary his obligation within two weeks term. Where the bailiff starts enforcement on the base of an enforcement warrant, he shall invite the debtor with its serving, and if the warrant was served on the debtor, new term for the voluntary performance shall not be given. In this case, instead of a call for a voluntary enforcement, a notice shall be sent of the enforcement proceedings initiated and a copy of the writ of execution.

(2) The invitation shall bear the name and the address of the creditor and a warning to the debtor, that if he does not perform his obligation within the given term, enforcement shall be started. In the invitation the imposed distraints and interdicts shall be stated. To the invitation for voluntary performance a copy of the act which shall be executed shall be attached.

(3) In event of death of the debtor, after the latter has received the invitation for voluntary performance, but before other enforcement proceedings are done, the bailiff, before to continue the proceedings, shall send to the heirs a new invitation for voluntary performance.

(4) Where the bailiff transfers one way of enforcement into another, he shall send a notification to

the debtor of the imposed distraint or interdict.

Personal limits of the writ of execution

Art. 429. (1) The heirs and the private successors of the creditor, as well as the guarantor or the joint debtor, who have paid the debt, may require execution on the base of the issued in favour of the creditor writ of execution. The succession, respectively the payment of the debt shall be ascertained by written evidence.

(2) The issued writ of execution against the legator may also be executed over the property of his heirs, except if they prove that they have disclaimed the inheritance or that they accepted it under inventory list. If the heir has not accepted the inheritance, the bailiff shall determine the term under **Art. 51 of the Inheritance Act**, and shall notify the respective regional judge of the statement of the heir, in order to enter it into the register.

(3) The writ of execution against the debtor shall have effect also against the third person, who has given an own site under pledge or mortgage as a security of the debt, if the creditor directs the enforcement over this site.

Special Representative of the debtor

Art. 430. (Amend. – SG 86/17) The bailiff shall appoint a special representative of the debtor in the cases under **Art. 47, para. 6**, as well as when it finds, in the process of enforcement, that the latter has no registered permanent or current address. The Special Representative shall be designated by the relevant Bar Association.

Powers of the bailiff

Art. 431. (1) The bailiff, if this is necessary for the enforcement, may order buildings of the debtor to be opened and may search his fungibles, home and other premises.

(2) (amend. – SG 42/09; amend. – SG 100/10, on force from 01.01.2011) State institutions, municipalities and citizens organisations are obliged tol assist the bailiff. Upon request, the police bodies are obliged to assist the bailiff, where the performance of his functions is hindered.

(3) (amend. – SG 12/09, in force from 01.05.2009, amend. – SG 86/17, amend. – 83/19, in force from 22.10.2019) The bailiff shall have right of access to information in the court and administrative authorities, including the bodies of the National Revenue Agency, the subdivisions of the National Insurance Institute, of the central register for securities kept by the Central Depositary, the central securities depositaries, of the persons, who keep a register of state securities, from the controlling bodies of the **Road Traffic Act** and from other persons, who keep property registers or have data about his property. He may take references and to obtain information regarding the enforcement, as well as to require copies and abstracts of documents.

(4) (new – SG 100/10, in force from 01.01.2011, amend. - SG 49/12, suppl. – SG 15/21) For the information envisaged in Para 3, needed for the relevant enforcement procedure and for the registration of the security measures on that procedure, the relevant state or local fee is due, except in cases under **Art. 83, Para 1** or **Art. 84**, as well as when the information has been received in accordance with the **Electronic Government Act**. The fee shall be paid by the creditor and shall be on the account of the debtor.

(5) (amend. – SG 42/09; previous Para 4 – SG 100/10, in force from 01.01.2011) In the case, where the presence in person of the debtor is needed and he does not appear, although he has received a summon for this, the bailiff may order the police authorities to bring him.

(6) (previous Para 5 – SG 100/10, in force from 01.01.2011) If necessary, the bailiff may request from the bodies of the Ministry of Interior to stop from traffic a vehicle, over which enforcement is directed, for a period of three months.

Suspension of enforcement

Art. 432. (1) (Previous text of Art. 432 - SG 86/17) The execution procedure shall be suspended:

1. by the court in the cases of **Art. 245, Para 1 and 2**, **Art. 309, Para 1**, **Art. 397, Para 1, item 3**, **Art. 438** and **524**;

2. upon request of the creditor;

3. in the cases of **Art. 229, Para 1, items 2 and 3**, except for the sale of a real estate, for which announcement already has been done;

4. in the cases of **Art. 282, Para 2**, as well as if the appealed appellate decision is revoked by the Supreme Court of Cassation;

5. (new – SG 42/09; amend. – SG 100/10, in force from 21.12. 2010, amend. – SG 42/18) in the cases of **Art. 624b**;

6. (new – SG 100/10, in force from 18.06.2011) in the cases of **Art. 627, Para 2**;

7. (prev. text of Item 05 – SG 42/09; previous text of item 6 – SG 100/10, in force from 21.12.2010) in other cases, stipulated by a law.

(2) (New – SG 86/17) During the suspension of the enforcement proceedings, no deductions shall be made on remuneration, other remuneration for work or indemnity, or on a pension. This rule shall not apply to maintenance claims or claims arising from tort.

Suspension and completion of enforcement (Title suppl. – SG 86/17)

Art. 433. (1) The execution procedure shall be terminated by a decree, if:

1. the debtor presents a receipt from the creditor, dully certified, or a voucher from a postal station, or a bank letter, from which is obvious that the amount of the writ of execution is paid or deposed for the creditor before the initiation of the execution procedure; if the debtor presents a receipt with a non-certified signature of the creditor, the latter in event of dispute, shall declare in written, that the receipt is not issued by him, in other case it shall be considered true;

2. the creditor has required this in written;

3. the writ of execution is invalidated;

4. by an effective court act the act on the base of which the writ of execution is issued is revoked, or this act is recognised as forged;

5. the pointed by the creditor property cannot be sold and it cannot be found any other sequester property;

6. (suppl. - SG 49/12) the due in advance fees and expenses for the execution have not been paid, except in cases under Art. 83;

7. an effective decision recognising the claim under Art. 439 or 440 is presented;

8. the creditor does not require performance of enforcement actions during two years, except for the alimony lawsuits.

(2) (New – SG 86/17) The enforcement proceedings shall be concluded with the performance of the obligation and the collection of the costs of enforcement.

(3) (Previous Para. 2, suppl. - SG 86/17) In all cases under para. 1 and para. 2, the bailiff shall immediately and ex officio lift the interdictions and distraints after the termination decree or the completion order has entered into force.

(4) (New – SG 100/19) The lifting of the distraints and the deletion of the foreclosures with respect

to the property sold in the course of the enforcement proceedings shall be effective in the future.

(5) (Previous Para. 3, suppl. - SG 86/17, prev. Para. 4 – SG 100/19) The termination and conpletion of the procedure shall not inflict the rights which third persons have obtained before this on the base of the enforcement actions, as well as the regularity of the made by the third obliged person payment to the bailiff.

Certifying the enforcement actions

Art. 434. (1) (New – SG 86/17) Regarding the initiation, progress and completion of the enforcement proceedings, the bailiff shall rule with an order, unless the law provides for a ruling by a decree.

(2) (Previous text of Art. 434 - SG 86/17) For each action taken and performed by him, the bailiff shall draw up a protocol indicating the day and place of said performed action, the requests and statements made by the parties, the amount collected and the costs incurred in enforcement.

Chapter thirty nine.
DEFENCE AGAINST EXECUTION

Section I.
Appellation on the actions of the bailiff

Actions subject to appeal

Art. 435. (1) (Amend. – SG 86/17) The claimant may appeal against:

1. (amend. - SG 110/20, in force from 30.06.2021) the refusal of the bailiff to initiate an enforcement case or to execute the requested enforcement action;

2. the refusal of the bailiff to carry out a new assessment under **Art. 468, Para. 4** and **Art. 485**;

3. the suspension, termination and completion of enforcement.

(2) (Suppl. - SG 100/10, in force from 21.12.2010, amend. – SG 86/17) The debtor may appeal against:

1. the fine order;

2. directing the enforcement on property that he considers not to be for *sequestration*;

3. the removal of movable property, or his removal from property due to the fact that he has not been duly notified of the enforcement;

4. the refusal of the bailiff to carry out a new assessment under **Art. 468, Para. 4** and **Art. 485**;

5. the appointment of a third person as guardian, if the requirements of **Art. 470** have not been met, as well as in the cases under **Art. 486, Para. 2**;

6. the refusal of the bailiff to suspend, terminate or conclude the enforcement;

7. the costs of enforcement.

(3) The decree for assignment may be appealed only by a person, who has deposed earnest money before the final day of the sale, and by a creditor who participated as a bidder, who does not owe earnest money, as well as by the debtor, due to this that the bidding in the tender was not performed dully and the property was not assigned to the highest bidder price.

(4) A third person may appeal the proceedings of the bailiff only if the execution is directed over sites, which on the day of the distraint, of interdict or of the delivery, if this concerns a movable site, are at his possession. The complaint shall be denied if it is ascertained that the site was owned by the debtor at the moment of imposing the interdict or the distraint.

(5) Entry to an estate may be appealed only by a third person who had the accession to the estate

before the claim the decision on which is enforced was submitted. If the third person misses the term to appeal, he may submit a possessory claim.

Submission of the appeal

Art. 436. (1) (Amend. – SG 100/19) The complaint may be submitted through the bailiff to the district court at the pace of execution within two weeks from performing the action, if it was performed at the party's presence or if the party was summoned, and in the rest cases – from the day of notification. For the third person the term starts from the day of learning about the proceeding.

(2) (Amend. – SG 86/17) Within three days from receipt of the appeal, the bailiff shall send for service a copy to the other party, and when the appeal is filed by a third party, copies of it shall be served on the debtor and the party, upon whose request the enforcement proceedings were instituted.

(3) (Suppl. - SG 110/20, in force from 30.06.2021) The party who has received a copy of the complaint may within three days submit written objections. After the elapse of this term, the bailiff shall transmit the complaint together with the objections, if there are such, and a copy of the execution lawsuit to the district court, and shall state reasons for the appealed proceedings. All documents may be sent to court in an electronic form.

(4) With regard to the complaints, the provisions of **Art. 260**, **261** and **262** shall apply.

Consideration of the complaints

Art. 437. (1) The complaints submitted by the parties shall be considered at a closed session, except where witnesses and experts must be heard.

(2) The complaints submitted by third persons shall be considered at an open session with summoning the petitioner, the debtor and the creditor upon whose request the execution lawsuit has been initiated.

(3) The court shall consider the complaint on the basis of the data in the enforcement case and the evidence presented by the parties.

(4) The court shall announce the judgement with the reasons within one month from the submission of the complaint to court at the latest. The judgement shall not be subject to appeal.

Suspension of the execution in event of appeal

Art. 438. The submission of the appeal shall not suspend the execution, but the court may pronounce suspension. In this case, the court shall immediately transmit a copy of the ruling for suspension to the bailiff.

Section II.
Defence under Claim Procedure

Contesting the receivable

Art. 439. (1) The debtor may contest the execution through a claim.

(2) The claim of the debtor may be founded only on facts which occurred after the end of the court investigation within the procedure, on which the execution ground was issued.

Defence of a third party

Art. 440 (1) Each third party, whose right has been affected by the execution, may submit a claim to ascertain that the property over which the execution is directed for a monetary receivable is not ownership of the debtor.

(2) The claim shall be submitted against the creditor and the debtor.

(3) The creditor shall be liable under the terms of **Art. 45 of the Obligations and Contracts Act** for the damages caused to third persons by way of directing the execution over a property which is their ownership.

Liability of the bailiff for damages

Art. 441. (1) (amend. - SG 50/2008, in force from 01.03.2008; amend. SG 100/10, in force from 21.12. 2010, previous text of Art. 441 - SG 86/17) The private bailiff shall be liable under the terms of **Art. 45 of the Obligations and Contracts Act** for the damages caused from procedurally unlawful enforcement. For the same damages caused by the State bailiff, the liability shall be under **Art. 49 of the Obligations and Contracts Act**.

(2) (New – SG 86/17) Unlawful enforcement shall be found also when the bailiff has imposed security which is obviously disproportionate to the amount of the obligation in the enforcement case.

Division two.
ENFORCEMENT OF MONETARY RECEIVABLES

Chapter fourty .
GENERAL RULES

Object of the execution

Art. 442. The creditor may direct the execution on any of the estates or of the receivables of the debtor.

Proportionality

Art. 442a. (New – SG 86/17) (1) The security measures imposed by the bailiff and the enforcement measures taken shall be proportionate to the amount of the obligation, whereby taking into account all the facts and circumstances of the case, the debtor's procedural behaviour and the possibility the claim remain unsatisfied.

(2) Upon the objection of the debtor and in case of finding a disproportion, the bailiff shall raise the appropriate security measures.

Change of the object and of the way of enforcement

Art. 443. The debtor may propose that the execution should be directed on another estate or be carried out only through some of the manners of execution, required by the creditor. If the bailiff finds that the manner of execution proposed by the debtor is in a position to satisfy the creditor, he shall direct the

execution on the estate pointed out by the debtor

Objects, which shall not be subject to sequestration

Art. 444. The execution cannot be directed on the following objects of the debtor-natural person:

1. objects for daily use of the debtor and his family specified in a list adopted by the Council of Ministers;

2. the necessary food for the debtor and his family for one month, and for the farmers - until the new crop or its equivalence in other farm products if there is none;

3. the fuel necessary for heating, cooking and lighting for three months;

4. the machines, instruments, devices and books, personal necessity of the debtor, practising free-lance profession or of a craftsman for the needs of his practice;

5. the lands of the debtor - farmer: gardens and vineyards of up to a total of 5 decares or fields of area up to 30 decares, and the machines and tools necessary for the farm work, as well as the fertilisers, the plant protection means and the sowing seeds - for one year;

6. the necessary couple of working animals, one cow, 5 small farm animals, 10 bee-hives and poultry, as well as the necessary food for them until the new crop or taking out to graze;

7. the home of the debtor, if neither he nor any of the members of his family with whom he lives together, have another home, regardless of whether the debtor lives in it. If the home exceeds the housing needs of the debtor and the members of his family, as determined by an ordinance of the Council of Ministers, the surplus shall be sold, if the conditions of **Art. 39, Para 2 of the Ownership Act** are available;

8. the objects and other real rights stipulated by other laws as being no subject to enforcement.

Cancellation of the prohibition to sequester

Art. 445. (1) The prohibitions **Art. 444** cannot be used by the debtors regarding the property on which a pledge or mortgage has been established when the claimant is the pledge or mortgage creditor.

(2) Benefits of the prohibitions of **Art. 444, items 5 and 7** cannot be used by:

1. the debtors under liabilities for support money and for damages from not allowed injury and from financial deficits;

2. the debtors in the cases, stipulated by a law.

Income, which cannot be sequestered

Art. 446. (1) (amend. – SG 50/08, in force from 01.03.2008, amend. – SG 86/17) If the execution is directed on the labour remuneration or on any other remuneration for work done, as well as on a pension, the amounts of which are above the minimum monthly remuneration, it may be taken only:

1. if the sentenced person receives a monthly remuneration in the amount between the minimum wage and the double amount of the minimum wage - one third, if he has no children, and one quarter - if he has children whom he supports;

2. if the convicted person receives a monthly remuneration in the amount of twice the amount of the minimum wage and the four-fold minimum wage - one half, if he has no children, and one third, if he has children whom he supports;

3. if the convicted person receives a monthly remuneration in excess of the quadruple amount of the minimum working wage - the excess of the double the amount of the minimum working wage, if he has no children, and the excess over two and a half times the amount of the minimum wage, if he has children whom he supports.

(2) (new – SG 50/08, in force from 01.03.2008) The monthly labour remuneration under Para 1 shall be determined, after the due on it taxes and obligatory insurance installments are discounted.

(3) (prev. Para 2 – SG 50/08, in force from 01.03.2008) The limitations pointed hereinabove shall not refer to the liabilities for alimony. In these cases the sum awarded for alimony shall be taken entirely, and the takings under Para 1 for the other liabilities of the sued person and for liabilities for alimony for a past period, shall be made on the remainder of his total income.

(4) (prev. Para 3 – SG 50/08, in force from 01.03.2008) Enforcement shall not be allowed on receivables for alimony. Enforcement on scholarships shall be allowed only for liabilities for support money.

Non-sequestration income received on a bank account

Art. 446a. (New – SG 86/17) (1) The non-sequestration of the incomes under **Art. 446**, as well as of benefits and compensations under another normative act, shall also be preserved, if they have entered into a bank account, but not earlier than one month prior to the imposition of the distraint.

(2) The notice of distraint shall not give effect in respect of the benefits and compensations under para. 1, as well as in respect of the pension up to the amount of the minimum wage, except for maintenance obligations.

(3) Where, on the grounds stated for the proceeds of the bank account, it is apparent that they represent remuneration for work, the Bank shall not enforce the distraint up to the amount of the minimum wage, except for maintenance obligations.

(4) The Bank shall transfer to the bailiff's account the sums due and shall inform the bailiff, within the term and by the order of **Art. 508, para. 1**, about the reasons for the non-enforcement, respectively that the debtor's garnisged account is being used for income from pension or remuneration for work.

(5) Within one week of receiving the notification under para. 4, respectively from the debtor's objection of the presence of non- sequestration income, the bailiff shall notify the bank of the part to be translated according to **Art. 446**.

Invalidity of the waiver of protection

Art. 447. Any waiver of the debtor of his protection under **Art. 440** and **446** shall be invalid.

Obligation to declare the property and the income

Art. 448. (1) (amend. – SG 50/08, in force from 01.03.2008) If at the debtor property which can be sequestered and which can cover the expenses for the execution is not found, he shall be obliged to appear before the regional judge and to declare the whole his property and total incomes. Lack of sufficient property shall be ascertained by a protocol.

(2) Upon the request of the bailiff, the regional judge shall appoint a session on which the debtor and the creditor shall appear.

(3) If the debtor does not appear, the court shall rule his compulsory bringing to court.

(4) (amend. – SG 50/08, in force from 01.03.2008) The obligation for appearing and for presentation of a declaration and the liability for failure to perform this liabilities shall be stated in the summon to the debtor.

Simultaneous actions with the invitation for voluntary performance

Art. 449. (1) If the enforcement is directed over a movable or immovable object, in the invitation for voluntary performance shall be also stated the day, on which the inventory list will be done. It may be done within the term for voluntary performance.

(2) If the enforcement is directed over a real estate, simultaneously with the sending of invitation for voluntary performance, where the real estate shall be stated, the bailiff shall send a letter to the register service to entry the interdict over this real estate.

Distraint over a movable object or over a receivable

Art. 450 (1) Distraint over a movable object shall be imposed by taking of inventory of the object by the bailiff.

(2) Distraint over a movable object or a receivable of the debtor may be imposed also with the receiving of the notification about the inventory or about the distraint, if in it the object or the receivable over which the enforcement is directed are pointed exactly.

(3) The distraint over the receivable of the debtor shall be considered imposed with regard to the third obliged person from the day from which the distraint notification as per **Art. 507** was served.

Electronic garnishment over bank account receivable

Art. 450a. (new - SG 49/12, in force from 01.01.2013, amend. – SG 86/17) (1) Attachment of the debtor's claim against a bank account shall be imposed by a bailiff by means of a notification in electronic form, signed with a qualified electronic signature, sent electronically through a Unified Electronic Garnishment Interchange Environment. Attachment of other claims of the debtor by a bank shall be carried out under the general order.

(2) The notification of attachment, the bank's reply, the bank’s notice on attachment release, the confirmation of the received message and the other messages in connection with the imposition, execution and release of the attachment shall be considered received by the addressee with their downloading from the environment under Para. 1.

(3) The Minister of Justice shall issue an Ordinance defining the requirements to the environment under Para. 1.

Effect of the distraint and of the interdict with regard to the debtor

Art. 451. (1) From the moment of imposing the distraint, the debtor shall be deprived from the right to dispose with the receivable or with the object and may not, under fear of criminal liability, to change, damage or destroy the object.

(2) The consequences of Art. 1 shall fall for the debtor from the moment of receiving of the invitation for voluntary performance, where the enforcement is directed over a movable or immovable property and this object is stated in the invitation.

Effect of the distraint and of the interdict with regard to the creditor

Art. 452. (1) Made by the debtor actions of disposal over the distrained object or receivable after the distraint shall be not valid with regard to the creditor and the joint creditors, except the third person who acquired the object may refer to **Art. 78 of the Ownership Act**.

(2) Where the enforcement is directed over a property, the invalidity shall have effect only for the actions of disposal made after the interdict was entered into the register.

(3) The creditor and the joint creditors may require payment from the third obliged person, not depending on the payment he had made to the debtor, after the notification of distraint was served. The persons of the management bodies of the third obliged person shall bear joint liability.

Impossibility to counterclaim on the base of acts which are not entered into the registry

Art. 453. Before the creditor and the joint creditors cannot be counterclaimed:

1. the transfer and establishment of real rights which have not been entered before the interdict;

2. the decisions on claim motions, subject to entry which have not been entered before the interdict;

3. transfer of receivable, the notification of which has been done after the third obliged person received the distraint notification;

4. transaction of movable objects, possession of which has not been transmitted to the acquirer before the distraint was imposed, except a document with true preceding date exists.

5. (new – SG 86/17) rental and lease contracts, as well as all agreements granting the use and management of movable and immovable property.

Suspension of the execution upon request of the debtor

Art. 454. (1) (amend. – SG 50/08, in force from 01.03.2008, amend. – SG 86/17) The bailiff shall suspend the execution, if before the object is given to a shop or a wholesale market, respectively before the beginning of the open tender with verbal bidding, and for the public sale of an estate – before the day, preceding the day of the sale, the debtor – natural person, deposes 20 per cent of the receivables upon the submitted against him writs of execution and obliges himself in written to depose at the bailiff each month per 10 per cent of them.

(2) If the debtor does not pay some of the instalments under Para 1, the bailiff, upon a request of each of the creditors shall continue the execution, without the possibility for the debtor to require new suspension.

(3) Para 1 shall not be applied if subject to sale is a pledged or mortgaged object or an object, included in the trade enterprise of the sole entrepreneur.

Money received from the enforcement

Art. 455. (1) All the amounts, received on the enforcement case from the debtor, from the third obliged person, from bidders and buyers in the sale, as well as from the shops or the wholesale markets, who have performed the sale of the movable object, shall be deposed into the account of the bailiff.

(2) (amend. - SG 49/12) The payment of the amount owed to the creditor and the joint creditors shall be done within 7 days from the entry into force of the distribution of the money received or from the expiration of the term under **Art. 191, para. 5 of the Tax-insurance Procedure Code** and if there is no legal obstacle to this. The payment shall be performed on the base of payment orders of the bailiff, who shall mark the payment on the writ of execution.

(3) Where the creditor and the debtor did not stated an account for transfer of the money received, the money shall stay in the account of the bailiff upon request.

Chapter fourty one.
JOINDER OF CREDITORS AND DISTRIBUTION OF AMOUNTS COLLECTED

Joinder of creditors

Art. 456. (1) At any stage of the enforcement, before the distribution is done, other creditors of the same debtor may join the procedure.

(2) Joining under Para 1 shall be done through a written motion, to which the creditor shall attach the writ of execution and a certificate from the bailiff, that the writ is attached to another enforcement case.

(3) The certificate shall contain a statement about the unsatisfied remainder of the receivable, including principal, interest and expenses, and the day to which the remainder is calculated. In this case, the amounts for distribution shall be transferred into the account of the bailiff who issued the certificate and who shall mark the payment on the writ of execution.

Consequences of the joinder

Art. 457. (1) Joint creditor shall have the same rights in the enforcement proceedings as the initial creditor.

(2) The enforcement proceedings performed before the joinder shall also be useful for the joint creditor.

(3) The notifications and the summons shall be done only to the initial creditor.

(4) In the event of claim or compliant from a third person against the enforcement proceedings, the initial creditor shall be summoned as a party. The joint creditors may join the case as joint parties. The issued judgement shall also have effect with regard to them, though they have not entered the case.

Joinder of the State

Art. 458. (amend. – SG 12/09, in force from 01.05.2009, amend. – SG 86/17) The state shall be considered always a joint creditor for the public receivables owed by the debtor, amount of which has been announced to the bailiff before the distribution was done. For this purpose, the bailiff shall send a notification to the National Revenue Agency about each initiated by him execution and about each distribution.

Joinder of a creditor with secured claim

Art. 459. (1) The creditor in whose favour a security was admitted by way of imposing of distraint or interdict, shall be considered joint creditor, where the execution is directed over the object of the security. The due amount for the secured creditor shall be saved in the account of the bailiff and shall be transferred to him, after he presents the writ of execution. If the security is cancelled, this amount shall be distributed between the rest of the creditors or shall be returned to the debtor.

(2) Para 1 shall be applied for the mortgage and pledge creditor, as well as for the creditor who has right of detention.

Distribution

Art. 460. If the amount collected on the enforcement case is not enough to satisfy all the creditors, the bailiff shall make a distribution, as first he shall separate amounts for payment of receivables who have the right of priority satisfaction. The remainder shall be distributed for the rest receivables proportionally.

Compensation with amounts of the distribution

Art. 461. The creditor, to whom the object was assigned, may compensate from the due against its price amount such part of his receivable, as is due to him proportionally.

Presentation of the distribution

Art. 462. (1) The bailiff shall present the distribution to the debtor and to all of the creditors who shall be summoned for this on a day set by the bailiff.

(2) If, within three days term from the presenting of the distribution, a complaint is not submitted, it shall be considered final and the bailiff shall transfer the amounts on the distribution.

Decision on the distribution

Art. 463. (1) In event that the distribution is appealed, the lawsuit together with the complaint shall be transmitted to the district court, which shall consider it following the procedure of **Art. 278**.

(2) The decision of the district court on the distribution shall be subject to appeal before the court of appeal. Hearing of the complaint shall be executed under the procedure of **Art. 274**. The decision of the court of appeal shall not be subject to appeal.

Contest of the receivable of a joint creditor

Art. 464. (1) If one of the creditors contests the existence of the receivable of another creditor, he shall submit a claim against him and the debtor. Filing of the claim shall suspend the transfer of the amount determined for the creditor whose receivable is contested. If the claim is not submitted within one month from the distribution, the amount shall be transferred to the creditor.

(2) The claim may also be based on facts which precede the completion of the judicial investigation in the proceedings in which the enforceable title was granted.

Chapter fourty two.
ENFORCEMENT OVER MOVABLE PROPERTY

Section I.
Inventory, evaluation and delivery for keeping

Inventory of movable property

Art. 465. The bailiff shall take inventory of the item specified by the creditor, only if it is in possession of the debtor, unless it is obvious from the circumstances that it belongs to another person.

Inventory of fruits and plants which have not been harvested

Art. 466. Enforcement can also be directed on fruits and plants which have not been harvested, and which shall be listed in the inventory not earlier than two months before the usual time of their harvest.

Content of the inventory of movable property

Art. 467. (1) The inventory shall contain:
1. stating of the writ of execution;
2. the place where it is executed;
3. a detailed description of the item;
4. the price against which the item shall be sold in a shop;
5. the eventual objections of the parties and the rights declared by third persons over the described item.

(2) Noted in the inventory shall be whether the objects, on which no enforcement is allowed, have been left to the debtor

(3) (New – SG 86/17) The inventory shall also indicate the day of submission of the valuation of the property when it is carried out after the inventory. In this case, the parties shall be deemed to have been notified of the valuation submission, regardless of whether they were present during the inventory.

(4) (Previous Para. 3 - SG 86/17) Noted in the inventory shall also be the place and time for the sale of the object, if the creditor requests that. In this case the debtor shall be considered notified about the sale regardless of whether he has attended the taking of inventory.

(5) (Previous Para. 4 - SG 86/17) The inventory shall be signed by the bailiff. The inventory shall not be announced to the parties.

Determination of the price of a movable object

Art. 468. (1) (amend. – SG 42/09, amend – SG 86/17) The bailiff shall determine the price at which the item shall be sold in retail. The starting price from which to start the bidding at the open auction or at the public sale shall be 85% of the value of the item.

(2) (Amend. and suppl. - SG 42/09) At the request of the party, an expert shall be appointed to determine the value of the item. The expert shall be appointed ex officio where special knowledge in the field of science, art, crafts and others is required to determine the value. The expert can also give its conclusion verbally, which shall be reflected in the protocol.

(3) (New – SG 86/17) To determine the value of the items under **Art. 474, Para. 5**, the bailiff shall be obliged to appoint an expert. The sale price of the movables cannot be lower than their insurance value when they have one. This rule shall not apply to subsequent sales of the same property.

(4) (New – SG 86/17) In the first sale notice, either party may challenge the price of the property in its determination by the bailiff and request a reassessment by appointing an expert. The bailiff shall set a time limit for the payment of costs.

(5) (New – SG 86/17) The bailiff shall be obliged to reassess the property when the party, within the term under Para. 4, has paid the costs for the new expertise, whereby in the cases of Para. 2 and 3 shall appoint another or more expert witnesses.

(6) (New – SG 86/17) The valuation determined by the order of Para. 4 and 5 shall not be subject to challenge.

Delivery for keeping by the debtor

Art. 469. The movable item described may be given to the debtor for keeping in the event it is not taken to a shop to be sold. In this case, the debtor can benefit from it only if that does not reduce its value.

Keeping of the described object

Art. 470. (1) If the debtor refuses to accept the item for safekeeping, or if the bailiff thinks said item should not be left to the debtor, the item shall be seized by the bailiff and given for safekeeping to the enforcement creditor or a keeper appointed by the bailiff.

(2) The keeper shall be chosen having in mind their personality, but also considering the nature of the item and the place where it is located or shall be kept.

(3) The item shall be handed over for safekeeping against signature.

Obligations of the keeper

Art. 471. (1) The keeper shall be obliged to keep the item with due diligence and shall give report about the incomes from it and about the expenses for its keeping.

(2) If the keeper does not fulfil his obligations under Para 1, the bailiff may deliver the item for keeping to another person.

Remuneration of the expert and of the keeper

Art. 472. For the expert and the keeper, if he is a third person, the bailiff shall determine a remuneration, which shall be deposited in advance by the creditor. If expenses for the taking or keeping of the item are needed, they shall be deposited by the creditor in advance

Section II.
Sale of Movable Property

Competition of two enforcement procedures

Art. 473. (1) The sale of the distrained item shall be executed by the bailiff who took the inventory.

(2) If another enforcement is directed on the described item, the next creditor may require from the regional court to allow sale for enforcement of his receivable. The permission shall be issued if, after the expiration of one month from the referral of the enforcement to the regional court, no protocol has been registered under **Art. 477, Para 3**.

(3) The described object shall be taken for execution on the base of the permission under Para 2.

Sale of a movable property

Art. 474. (1) (suppl. – SG 86/17) The sale of movable property, sets of items or groups of items shall be carried out in a shop or commodity exchange, by way of public auction with bidding, or by public sale of estate.

(2) The claimant or the debtor may agree that the object will be sold for the determined by bailiff in a shop of the private bailiff or in a stated by him shop, by submitting a written consent for acceptance of the object for sale by the shop.

(3) If the object may be sold through commodity exchange, the creditor or the debtor may point a commodity exchange, be submitting a written consent for acceptance of the object for sale through a commodity exchange.

(4) The delivery of the object shall be certified by a protocol, signed by the bailiff and by the

manager of the commodity exchange or of the shop. For the executed sale, the shop, respectively the commodity exchange shall receive a commission amounting to 15 per cent of the sale price, which shall be taken at the deposition of the received amount.

(5) (Amend. – SG 86/17) Objects evaluated at over 5000 BGN, the motor vehicles, the ships and the aircraft, shall be sold by the bailiff according to the rules for public sale of a real estate under this Code. The sale shall be announced according to **Art. 477, Para 3**. The bailiff shall transfer the possession of the object after the price is paid. Applied in these proceedings shall be the rules of **Art. 482**, except for the appeal of the sale and **Art.** 521.

Sale of perishables

Art. 475. (1) (Previous Art. 475 - SG 86/17) Perishable items, for the keeping of which significant expenses and special conditions are needed, shall be sold not later than one week from the inventory.

(2) (New – SG 86/17) Regarding the items under Para. 1, **Art. 468, para. 4-6** shall not apply.

Sale of plants and fruits which have not been harvested

Art. 476. Plants and fruits which have not been harvested shall be sold by the bailiff according to the rules for public sale of real estate according to this Code. The sale must be done not earlier than one week before the usual harvest time

Sale in a shop

Art. 477. (1) The item shall be delivered into the shop by the debtor.

(2) Due receipt shall be presented by the debtor to the bailiff for the delivery of the item to the shop.

(3) The bailiff shall announce the sale of the item by a notification put up in the respective places in his office and in the local municipality or mayoralty. The protocol of announcement shall be registered in the regional court.

Sale without delivery of the item

Art. 478. If the delivery of the item into the shop is connected with inconvenience for its sale, the bailiff shall put in a visible place in the shop notification and shall provide opportunity to the persons who wish to see the item at the place where it is located. The sale shall be announced under the procedure of **Art. 477, Para 3**.

Payment of the price

Art. 479. The sale in a shop shall be done against the determined price. The item shall be delivered to the buyer after the price has been paid. If the item is sold against at a price lower than the determined price, or is delivered to the buyer before the payment of the price, the bailiff shall collect the sale price from the seller.

New sale

Art. 480. (suppl. – SG 42/09) If within three months from the delivery of the item to a shop or from the announcement of the sale under the procedure of **Art. 478**, the item has not been sold, it shall be sold through a public tender with verbal bidding at a price amounting to 50 percent of the initial one under **Art. 468, Para 1**.

Sale through public tender with verbal bidding

Art. 481. (1) The bailiff shall execute the sale through a tender at the appointed moment in front of the building where the described items are kept, or at another place, determined by a mutual consent of the parties. In the event of lack of consent, the sale shall be done at a place, determined by the bailiff, and it shall be appointed not earlier than one and not later than three weeks after the inventory is taken.

(2) The sale shall not be appointed and the described items shall be discharged, if the creditor does not depose the expenses for its execution within one week term from the inventory.

(3) On the day of the sale the bailiff shall draft a protocol, where he shall mark the day and the way of announcement and notification of the parties.

(4) The tender shall start at the set time and shall finish after the offer of the last described item.

(5) Earnest money shall not be deposed for participation in the tender.

(6) If within one hour after the appointed time of the sale bidders appear, the bailiff shall offer the items one after one in a chosen by him order.

(7) Each object shall be offered verbally by the bailiff at the determined initial price. The price shall be announced three times.

(8) If someone of the bidders gives sign that he accepts the price, the bailiff shall offer the object at a higher price. If the higher price is accepted by someone of the madders, the bailiff shall offer a higher price.

(9) If the offered highest price is not accepted after the third announcement, the bailiff shall announce that the price is bought by this bidder, who accepted first the lower announced price, shall state the price in the protocol and deliver the object to the bidder against cash payment. If the announced by the bailiff buyer does not pay immediately in cash the accepted price, the bailiff shall remove him from further participation in the tender.

(10) If bidders did not appear or the initial price is not accepted after the third announcement, the bailiff shall announce the sale not realized, discharges the item and delivers it to the debtor. If the debtor does not present, the item shall be delivered to the keeper, and if the item has not been delivered for keeping, it shall be left at the place of the sale at disposal of the debtor.

Stability of the sale

Art. 482. (1) The executed sale may not be appealed or contested under a claim procedure.

(2) The buyer shall become its owner, regardless of whether the item belonged to the debtor.

(3) The previous owner shall have the right to receive the price, if it is not disbursed under the distribution. If it is disbursed, he shall have the right to require from the creditors and the debtor what they received from the distribution.

(4) If the creditor is in bad faith, he shall be liable before the owner for the damages caused to him. In all cases, the creditor shall bear the expenses for the execution.

Chapter fourty three.
EXECUTION OVER IMMOVABLE PROPERTY

Taking inventory of an estate

Art. 483. The inventory shall be taken only if the state, or the private bailiff, convinces himself that the estate has been property of the debtor as of the day of levying the distraint. The examination of the ownership shall be carried out through an inquiry in the tax or notary books or otherwise, including through an interrogation of neighbours. When there is no reliable information about the ownership, the possession as of the day of distraint shall be taken into account.

Content of the inventory:

Art. 484. (1) The inventory shall contain:

1. stating the writ of execution;
2. the location where it is performed;
3. the location, the borders of the estate, the imposed on it mortgages and distraints, as well as the due taxes;
4. the initial price, from which the bidding shall start;
5. the eventual objections of the parties and the declared by third persons rights over the described object.

(2) Data about the encumbrances shall be required by the bailiff from the territorial directorate of the National Revenue Agency and from the registry service, simultaneously with the motion to register the distraint.

(3) (New – SG 86/17) The inventory shall also indicate the day of submission of the valuation of the property when it is carried out after the inventory. In this case, the parties shall be deemed to have been notified of the submission of the valuation, regardless of whether they were present at the inventory.

(4) (Previous Para. 3 - SG 86/17) In the inventory shall be also stated the place and the time of the sale of the object, if the creditor requires that. In this case the debtor shall be considered notified about the sale, not depending on this if he presented the taking of inventory.

(5) (Previous Para. 4 - SG 86/17) The inventory shall be signed by the bailiff. The inventory shall not be announced to the parties.

Determination of the initial price of the public sale

Art. 485.(Amend. – SG 86/17) (1) The bailiff shall appoint an expert for determining the value of the property. The expert must be listed in the Register of Independent Appraisers under the **Independent Valuers Act** or in the list of specialists approved as experts according to the Judicial System Act.

(2) The expert's opinion shall be communicated to the parties, who may contest it within 7 days. In the contest, the party shall designate an expert who satisfies the requirements of Para. 1 to draw a second opinion and bear the costs of doing so, otherwise no second opinion shall be drawn.

(3) In two or more estimates, the value of the property shall be determined as the arithmetic mean of all estimates.

(4) The initial price of the property from which to start the bidding shall be 80 per cent of the value of the property.

(5) The initial price at the first public sale may not be lower than the tax valuation, where such is determined.

(6) The rules of Para. 2, 3 and 5 shall apply only when carrying out the first public sale.

Keeping of a real estate

Art. 486. (1) The estate shall be left in possession of the debtor until the conduct of the sale. The debtor should manage this estate with the care of a good owner. The debtor shall receive the estate by inventory and shall be obliged to deliver it in the same condition, in which he has accepted it

(2) If the debtor fails to manage the property well or prevents any third person from examining it, the bailiff shall assign the management to another person.

Announcement of the sale

Art. 487. (1) (Amend. – SG 86/17) The bailiff shall be obliged, after the expiry of seven days from the inventory, to prepare an announcement for the sale, where he shall indicate: the owner of the estate, description of the same, it is mortgaged, if there are any limited property rights over the property at the time of injunction, written claims, foreclosures and rental contracts, the price at which the sale shall begin, and the place and the day on which the sale begins and ends.

(2) (amend. and suppl. - SG 49/12, in force from 01.01.2013) The announcement under Para 1 shall be put in the respective places in the office of the private bailiff, in the building of regional court, of the municipality, of city-council, at the location of the estate, on the estate itself, and shall be published on the website of the district court at the place of performance and at least one day before the day for starting the sale, indicated in the announcement.

(3) On the day under Para 2 the bailiff shall draw up a protocol where he should indicate the day the announcement is made public. The protocol shall be registered in the regional court.

(4) The bailiff shall determine the period in which the real estate may be examined by the persons wishing to buy it.

Place of the sale

Art. 488. (1) The sale shall be executed in the premises of the regional court. It shall continue for one month and shall finish on the day indicated in the announcement.

(2) The papers for the sale shall be kept in the office at the disposal of anyone who might be interested in the estate.

Bidding offers

Art. 489. (1) A deposit of 10% on the evaluation shall be paid into the account of the bailiff for participation in the bidding. The creditor shall not pay this deposit, if his receivable exceeds this rate.

(2) (Amend. – SG 86/17) Every bidder shall indicate the price offered by him in figures and in words and shall file his offer with the counterfoil for paid carnet in a sealed envelope. The bidder may do only one bidding offer.

(3) (Revoked – SG 86/17)

(4) The offers shall be filed in the office of the regional court ,which shall be marked in the incoming register

(5) (Suppl. – SG 86/17) The sale shall end at the end of the office hours of the last day. The bids may be withdrawn at the latest within this time limit.

(6) (Amend. – SG 86/17) Any bidding offer from persons that are not entitled to take part in the public sale, or offers below the initial price, and bids exceeding the initial price by more than 30 per cent, shall be invalid.

Persons who shall have no right to bid

Art. 490. (1) The debtor, his legal representative, the officers from the office of the regional court and of the bailiff, as well as the persons, specified in **Art. 185 of the Obligations and Contracts Act**, shall not be entitled to take part in the bidding.

(2) Where the estate was bought by a person who had no right to bid, the sale shall be invalid.

(3) In the case of Para 2, the money deposited by the purchaser shall be retained for satisfying the receivables under the enforcement case, and the estate, at the request of any of the creditors, may be put up for sale again.

Non-execution of the sale in the event of debt payment

Art. 491. If, before the elapse of the term for submission of the written bidding offers, the debtor deposits all amounts for the writs of execution submitted against him, and for the expenses for the enforcement case, the sale shall not be executed.

Announcement of a purchaser

Art. 492. (1) At the beginning of the working day after the elapse of the term for submission of bidding offers, the bailiff shall announce, at the appointed place in the premises of the regional court, the received bidding offers in the presence of the present bidders for which written records shall be worked out. Entered in the written records shall be the bidders and the bidding offers by the order of opening the envelopes. Entered in the written records shall be the bidders and the bidding offers by the order of opening the envelopes. As a purchaser of the estate shall be considered the bidder who has offered the highest price. If the highest price is offered by more than one bidder, the buyer shall be determined by the state or private bailiff by lot in the presence of the attending bidders. The announcement of the purchaser shall be made by the bailiff in the written records which shall be signed by him.

(2) If ,when the buyer is announced, someone from the present bidders verbally offers a price higher than the amount of a carnet, the bailiff shall indicate the offer in the protocol and after the bidder signs it, the bailiff shall ask three times if there are persons wishing to offer a higher price than the amount of one additional carnet. If an offer comes, it shall be indicated in the protocol and the bidder shall sign it. After the end of the offers, the bidder who offered the higher price shall be announced as a purchaser.

(3) (Amend. – SG 86/17) The perchaser shall be obliged, within two weeks of his announcement as such, to deposit the price offered by him, whereby deducting the submitted deposit.

Next purchaser

Art. 493. If the price is not deposed within the term of **Art. 492, Para 3**:

1. (suppl. – SG 86/17) the deposit made by the bidder shall serve to satisfy the creditors, and where the bidder is a creditor, his claim shall be reduced by the amount of one deposit;

2. (amend. – SG 100/10, in force from 21.12.2010) the state or private bailiff shall announce as a purchaser of the estate this bidder who has offered the following highest price, if the bidder fails to deposit the offered by him price within a term of seven days from the moment he was announced a purchaser, the bailiff shall announce as a purchaser the bidder, who has made the following price offer, and shall do so, if needed, until the exhaustion of all bidders, that have offered a price equal to the valuation; the bidder that has been announced as a purchaser but fails to deposit in time the offered price, shall be responsible under

item 1, after the price is paid by a bidder, who has been announced as a purchaser and the paid initial deposit shall be paid back to the bidders who have not been announced purchasers.

New sale

Art. 494. (1) If no bidders have appeared or no valid bidding offers have been made or if the purchaser has not deposited the price and the estate could not have been assigned by the procedure of **Art. 493, item 2**, the appellant shall be entitled, within a term of seven days from the notification, to request the conduct of a new sale.

(2) (Amend. and suppl. – SG 86/17) The new sale shall be carried out by the rules of the first sale. It shall begin not earlier than six months from the conclusion of the first sale at a price equal to 90 percent of the valuation. If the property is not sold again, and within one week from the notification a determination of a new initial price is not required, it shall be released from execution and the distraint shall be deleted at a request of the bailiff.

Payment of the price by the creditor

Art. 495. (amend. – SG 100.10, in force from 21.12. 2010, amend. – SG 86/17) The creditor announced for a purchaser of the estate, shall within two weeks from entry into force of the distribution to depose the amount needed for payment of the proportional parts of the receivables of the other creditors, or the amount by which the price exceeds his receivable, if there are no other creditors. If he does not pay this amount, he shall be liable for the damages and the expenses for the sale, and for the estate **Art. 493, item 2** and **Art. 494, Para 2** shall be applied respectively.

Decree of assignment

Art. 496. (1) Where the person announced as a purchaser under the procedure of **Art. 492 – 494** deposits the due amount within the term, the bailiff shall assign to him the estate by a decree.

(2) (suppl. - SG 49/12) From the day of the entering into force of the decree of assignment the purchaser shall obtain all rights, which the debtor had over the estate. The rights which third persons have obtained over the estate may not be counter-claimed against the purchaser, if these rights cannot be counter-claimed against the creditors.

(3) If the assignment is not appealed, the validity of the sale may be contested under a claim procedure only if **Art. 490** is violated and if the price is not paid. In the latter case, the purchaser may prevent the recognition of the claim, if he deposits the due amount with the interest, calculated from the day on which he was announced as a purchaser.

Announcement of a new sale

Art. 497. If the decree for assignment is revoked or if the sale is pronounced invalid under **Art. 496, Para 3**, the new sale shall be executed after a new announcement.

Entry into procession of the purchaser

Art. 498. (1) The purchaser shall be put in possession of the estate by the bailiff on the grounds of the enforced decree of assignment. The purchaser shall present a certificate for the charges paid for the

transfer of the estate and the entry made of the same decree.

(2) The putting in possession shall be carried out against any person that is in possession of the estate. This person may defend itself only through a claim for ownership.

(3) (New – SG 86/17) Paragraph 2 shall also apply to persons who have entered rent and lease contracts after the first mortgage, as well as all agreements granting the use and management of the property.

Return of the received in the event of court eviction

Art. 499. (1) (1) If by an effective decision it is ascertained that the debtor has not been owner of the sold estate, the purchaser may require the price he has deposited, if it is not paid off yet to the creditors, and if it has been paid off, he may require from any one of them, as well as from the debtor, what they have received. In both cases the purchaser shall be entitled to the interest and expenses for his participation in the sale. Besides, he shall be entitled to require from the municipality and the state the refund of the charges for the transfer that he has paid.

(2) The regional judge at the location of the estate shall issue a writ of execution for the refund of these amounts on the grounds of the distribution and of the certificate under **Art. 498, Para 1**, if the persons, against which the writ is issued, have been involved in the lawsuit on which the decision was ruled. If the amount deposited by the purchaser has not been paid off, it shall be refunded to him by a payment order of the state or private bailiff.

(3) When the estate has been assigned to any creditor, he shall preserve his receivable against the debtor and shall be entitled to claim, under the procedure of Para 2, the amounts indicated in Para 1, without the expenses for his participation in the sale.

Sale of joint property estate

Art. 500. (1) (1) Where enforcement is directed on an estate which is joint property, for a debt of any of the co-owners, the estate shall be inventoried entirely, but only the share of the debtor shall be sold

(2) The estate may be sold entirely as well, if the other co-owners agree to that in writing.

Sale of a mortgaged estate

Art. 501. (1) In case of sale of a mortgaged estate, which is conducted not under the receivable of the mortgage creditor, the bailiff shall send him a notification of the schedule of the inventory and of the sale

(2) In the cases of **Art. 494** and **495**, the mortgage creditor, if he wishes so, may take part on equal terms with the other creditors.

Section II.
Electronic public auctions (New - SG, 86/17)

Electronic public auction

Art. 501a. (New - SG 86/17) (1) (Amend. – SG 15/21) Movable and immovable property, available securities, a separate part of an enterprise, as well as the rights to objects of industrial property, on which enforcement is directed, can be sold under the rules of an electronic public auction.

(2) Upon written request of a party to the enforcement proceedings, the bailiff shall conduct an electronic public auction. The bailiff may ex-officio decide that the item be sold at an electronic public auction.

(3) The purchase of items in the electronic public auction may be financed by a bank or credit institution registered under the **Credit Institutions Act**.

(4) (Repealed – SG 100/19)

(5) The Ministry of Justice shall establish and maintain a Unified Online Platform For Electronic Public Auctions.

(6) The Minister of Justice shall issue an Ordinance on the organization, rules and activities of the Online Platform For Electronic Public Auctions.

Determination of starting price and announcement of the auction

Art. 501b. (New - SG 86/17) (1) The initial price of the items shall be determined by the order of **Art. 468** and **485**.

(2) The bailiff shall announce the sale under **Art. 487** and the Online Platform For Electronic Public Auctions of the Ministry of Justice.

Place of the auction

Art. 501c. (New - SG 86/17) (1) The place to hold the electronic public auction shall be the Online Platform For Electronic Public Auctions at the Ministry of Justice.

(2) The bidding at the electronic public auction shall continue for 7 days and shall end on the day specified in the announcement.

Registering bidders

Art. 501d. (New - SG 86/17) (1) Each bidder shall submit a deposit in the amount under **Art. 489, para. 1** to take part in the auction.

(2) The bidders' registration shall be done in the electronic environment with electronic signature or at a bailiff's office.

(3) The registration of the bidders for participation in the electronic auction shall last for one month and shall end at 17.00 on the day specified in the announcement.

(4) The bailiff engaged with the sale shall authorize, or refuse the authorization of, the registered bidder within 5 days of the bidder's registration. The bailiff shall refuse authorization, if no deposit has been paid, and in the cases under **Art. 490, para. 1**.

Bid step

Art. 501e. (New - SG 86/17) The step in conducting an electronic public auction shall represent a percentage of the initial price and shall be in the amount as follows:

1. at initial price of up to BGN 10 000 - 10 per cent of the initial price;
2. at initial price from BGN 10 000 to 100 000 - 5 per cent of the initial price;
3. at initial price over BGN 100 000 - 2 per cent of the initial price.

Holding an electronic public auction

Art. 501f. (New - SG 86/17) (1) Bidding at the electronic public auction shall continue for 7 days and shall end at 17.00 on the last day in the event where no new bidding offer has been submitted during the last 10 minutes of the auction.

(2) (Suppl. – SG 15/21) If a new bidding offer is submitted during the last 10 minutes of the auction, the auction shall be extended automatically for a further 10 minutes, but not more than 48 hours. The auction shall end after no bidding offer has been submitted in the last 10 minutes.

(3) Bidding proposals shall be increased by one step. The last price offered by a bidder shall be public on the online auction platform.

(4) After the end of the electronic public auction, the electronic auction platform shall automatically send a message to all authorized bidders on the obtained price of the property.

(5) (New – SG 15/21) On the first working day after the end of the bidding, the bailiff shall check all the circumstances of the auction and draw up a protocol with all the data on the requests for participation, authorized and unauthorized bidders with the reason thereof, submitted bids, the presence of any technical malfunctions during the bidding, announcing as buyer the bidder who offered the highest price. With the signing of the protocol by the bailiff, the electronic auction shall be considered completed. The protocol shall be immediately announced to the bidders in the unified online platform.

(6) (Prev. Para. 5 – SG 15/21) The full price shall be paid by the buyer announced within the term under **Art. 492, Para. 3**. In the case of an announced buyer who is a creditor, **Art. 495** shall apply.

(7) (Prev. Para. 6 – SG 15/21) In case of non-payment of the price, **Art. 493** shall apply.

(8) (New – SG 15/21) Subsequent electronic auction shall be held under the terms of **Art. 494** at the written request of a party in the enforcement proceedings.

Buying a property with a mortgage loan

Art. 501g. (New - SG 86/17) (1) Purchase of immovable property from an electronic public auction may be financed by a credit institution registered under the **Credit Institutions Act**.

(2) Payment of the amount by which the purchase is credited shall be made by the credit institution at the bailiff's bank account specified in the public sale notice.

(3) In the event that the order for award is revoked under the procedure of **Art. 435** et seq., the bailiff performing the sale shall return the amount received to the financing credit institution in accordance with the preceding paragraph.

(4) Upon application of the preceding paragraphs, at the written request of the financing credit institution, the bailiff shall enter, together with the order for assignment, a legal mortgage on the property.

Chapter fourty four.
ENFORCEMENT ON ITEMS OF MATRIMONIAL PROPERTY

Directing enforcement on a common item

Art. 502. (1) Any enforcement of receivables against one of the spouses may be directed on an item which is matrimonial property. The spouse who is not a debtor can specify a property of the spouse-debtor on which the enforcement can be directed. If the specified property is available and the receivable can be collected thereof, upon taking the inventory, the enforcement regarding the part of the matrimonial property shall be stopped and it can continue if after the sale of the said property the receivable or a part of it remains unsatisfied.

(2) When the spouses agree that the enforcement be directed on an item determined by them, which is community property, **Art. 443** shall apply.

Obligation to notify the spouse who is not indebted

Art. 503. (1) Where the bailiff finds that the item on which the enforcement is directed is matrimonial property, he shall notify the spouse who is not indebted.

(2) The spouse who is not indebted may appeal the enforcement actions due to the non-observance of **Art. 502**.

(3) The spouse who is not indebted may contest the receivable on the same grounds and by the same procedure as the spouse-debtor, as well as may appeal the enforcement actions on the same grounds as the latter.

(4) The spouse who is not indebted may take part in the bidding during the public sale of the object

Sale of a common item

Art. 504. (1) Where the enforcement is directed on item which is matrimonial property, after the sale of the itemthe bailiff shall pay off half of the received amount to the spouse who is not indebted, and shall deal with the remaining amount in accordance with **Art. 455, Para 2** and **Art. 460 - 464**.

(2) If the enforcement is directed on a real estate, **Art. 500** shall apply.

Prevention of the sale and priority in the assignment

Art. 505. (1) The spouse who is not indebted may prevent the sale of the movable item before its delivery into a shop or an exchange marker, respectively before the start of the public tender with verbal bidding, and for the public sale of a real estate – before the day, preceding the day of the sale, if, within one month from the valuation, he/she deposes into the account of the bailiff the equal value of the share of the spouse-debtor of the common item, per the determined price for sale in a shop, respectively per the price of the real estate.

(2) Where the spouse who is not indebted takes part in the bidding, he/she shall be declared purchaser if, at the time of drawing up the protocol of **Art. 492, Para 1**, he declares that he wishes to buy the estate at the highest offered price

Equity of the shares

Art. 506. In the cases of **Art. 504** and **505** the spouse who is not indebted cannot oppose to the creditor the fact that, due to his/her contribution in the acquisition of the item, he/she is entitled to a bigger share than the spouse-debtor, and also the appellant cannot claim that, on the same grounds the share of the spouse-debtor is bigger.

Chapter fourty five.
ENFORCEMENT ON RECEIVABLES OF THE DEBTOR

Distraint of a receivable

Art. 507. (1) The distraint notification to the third liable person shall be sent simultaneously with sending the invitation for voluntary performance to the debtor.

(2) It shall be forbidden to third liable person in the distraint notification to deliver the amounts or

objects it owes to the debtor. These objects should be specified precisely.

(3) From the day of receiving the distraint notification the third liable person shall have the duties of a keeper with regard to the objects or amounts he owes.

Garnishment of Account

Art. 507a. (New - SG 86/17) (1) Garnishment of a debtor's bank account shall be imposed up to the amount of the debt in the enforcement proceedings.

(2) Where the bailiff has committed an obvious disparity within the meaning of **Art. 442a**, he shall be liable under **Art. 441**.

Obligations of the third person

Art. 508. (1) (Amend. – SG 86/17) Within one week from serving the notification for distraint, the third person should notify the bailiff whether:

1. he acknowledges the receivable, on which the distraint is levied, is grounded and if he is ready to pay it off;

2. if there are any claims from other persons on the same receivable ;

3.if any distraint has been levied under other writs of execution on that receivable and on what claims.

4. (new - SG 86/17) he transfers amounts to a bank account of the debtor, the bank in which the account is opened, and the amount of the sum.

(2) The invitation for giving these explanations shall be made in the same notification for levying the distraint.

(3) If the third person does not contest his liability, he should deposit the sum he owes into the account of the bailiff or deliver to him the distrained items.

Distraint on a receivable secured by a pledge or a mortgage

Art. 509. (1) If the distrained receivable is secured by a pledge, it shall be ordered to the person that holds the pledged object not to give it to the debtor, but to give it to the bailiff, if the third liable person acknowledges the debt.

(2) If the distrained receivable is secured by a mortgage, the distraint shall be noted in the respective book at the office in charge of entries.

Assignment for collection or instead of payment

Art. 510. The distrained receivable shall be granted to the creditor for collection or, at his request, shall be given to him instead of a payment. Where the creditors to the enforcement case are several persons, the receivable shall be granted for collection to the creditor, at whose request the case was initiated, and if he does not wish so - to another creditor that makes a request to that effect.

Enforcement on the delivered items

Art. 511. The enforcement on the items which the third liable person delivers or has been sued to deliver shall be directed under the procedure of **Art. 465- 482**.

Distraint on a labour remuneration

Art. 512. (1) The distraint on a labour remuneration shall be valid not only for the remuneration, specified in the distraint notification, but for any other remuneration of the debtor, received for the same work or some other work done for the same employer or enterprise

(2) (New - SG 86/17) The third obliged person shall notify the bailiff of the circumstances under **Art. 508, Para. 1**.

(3) (Previous Para. 2 - SG 86/17) If the debtor changes his work for some other employer or enterprise, the distraint notification shall be forwarded there by the person that initially received it, and shall be considered as sent by the bailiff. The third liable person shall notify the bailiff of the new work of the debtor and of the amount of the sum, deducted until his resignation.

(4) (Previous Para. 3 - SG 86/17) Any person that pays labour remuneration to the debtor to the execution, in spite of the levied distraint, and without deducting the amount under the distraint, shall be personally liable to the creditor for that amount jointly with the third liable person.

(5) (Previous Para. 4 - SG 86/17) The distraint notification of a receivable for support money shall be entered on the record of service of the debtor by the person that pays the labour remuneration. When the debtor changes his work in some other employer or for another employer institution, the deductions from his remuneration shall continue on the grounds of this entry, even if no other distraint notification has been received.

(6) (Previous Para. 5 - SG 86/17) The entry shall be deleted by order of the bailiff that has levied the distraint

(7) (Previous Para. 6 - SG 86/17) If, after the levying of the distraint on the labour remuneration the debtor leaves his work and fails to notify the state or private bailiff within a term of one month of his new work, the bailiff shall impose a fine of up to 200 BGN on him.

Liability of the creditor for collection of the receivable

Art. 513. This creditor, who delays the collection of the receivable granted to him, shall be responsible before the debtor to the writ of execution for the damages which are direct and immediate consequence of the delay.

Expenses for collection of the assigned receivable

Art. 514. The expenses that the creditor makes for the collection of the receivable assigned to him, shall remain for his account. He shall be obliged to give the bailiff a precise account for the collected amounts.

Enforcement on registered material securities

Art. 515. (1) (Suppl. - SG 86/17) The attachment to available securities shall be done through an inventory and seizure by the bailiff who puts them in a bank. If the bailiff does not find the securities in the custody of the debtor, the bailiff shall invite the debtor to forward them within two weeks. For the securities submitted to him, the bailiff shall draw up a protocol. If the debtor fails to submit the securities within the given term, the bailiff shall authorize the creditor requesting enforcement on the securities to file a request under **Art. 560** for their invalidation. Upon a ruling to invalidate the securities, the bailiff shall carry out a sale under the procedure of para. 4 on the basis of the invalidation judgement. In the event that the debtor

under **Art. 564, para. 1** deposits the securities in court or in a bank, the court shall terminate the proceedings for invalidation, and shall order the securities to be transferred to the bailiff. In the event where the request for invalidation is challenged by a third party who declares separate rights on the securities, the procedure under **Art. 564, para. 2** shall apply.

(2) (Suppl. - SG 86/17) When garnishment is imposed on registered shares or bonds, the bailiff shall notify the company thereof. Garnishment shall enter into effect for the company from receiving the notice thereof. Garnishment shall cover all proprietary rights in the security. If the bailiff can not detect the available registered shares or bonds, and they are not transmitted voluntarily by the debtor under para. 1, the bailiff shall order the company to issue a duplicate of the same on the basis of which enforcement is performed. If the company's management body refuses or fails to issue a duplicate, the bailiff shall impose a fine under **Art. 93, para. 1, item 3** and shall authorize the creditor to file a request under **Art. 560**. The order of invalidation of securities in this case shall apply respectively to the registered securities available.

(3) After imposing the attachment, the creditor may request:

1. assignment of the security receivable for collection or for payment;

2. the holding of a public sale.

(4) (Suppl. - SG 86/17) The available securities shall be sold by the bailiff in accordance with the rules for public sale of property under this Code, separately and in packages. The bailiff shall transfer each security in the appropriate manner and shall submit it to the purchaser after the awarding decree enters into force. Where the security is transferred with endorsment, the order of endorsments shall not be interrupted. Where enforcement is done on the basis of a ruling to invalidate the securities, the purchaser shall present themselves to the company and to any third parties by providing the effective awarding decree. On the basis of the effective awarding decree, the purchaser may request the company's management bodies to issue him a duplicate of the securities.

Enforcement on dematerialized securities

Art. 516. (1) (Amend. – 83/19, in force from 22.10.2019) Distraint on dematerialized securities shall be imposed by sending a distraint notification to the Central register of securities, simultaneously informing the company. The Central register of securities shall inform immediately the respective central depositary of securities where those are registered, and the respective regulated market about the imposed distraint.

(2) Distraint on state securities shall be imposed by sending a distraint notification to the person keeping a register of state securities.

(3) The distraint shall have an effect from the moment of serving the distraint notification and shall comprise all material rights on the security.

(4) (Amend. and suppl. – 83/19, in force from 22.10.2019) The central register of securities and, where applicable, the relevant central depositary of securities where the securities are registered, and the person keeping register of state securities shall be obliged, within the term of **Art. 508**, to inform the bailiff what securities are possessed by the debtor, whether other distraints have been imposed and on what claims.

(5) From the moment of receipt of the distraint notification the dematerialized securities shall be passed on at the disposal of the bailiff.

(6) After the imposing of the distraint, the creditor may require:

1. assignment of the receivable from the security for collection or instead payment;

2. conducting of a public sale.

(7) The dematerialized securities shall be sold through a bank under the procedure established for them. The bailiff shall act on his behalf and for the account of the debtor.

Enforcement on a share of a trade company

Art. 517. (1) Distraint on a share of a trade company shall be imposed by sending a distraint notification to the Registry Agency. The distraint shall be entered under the procedure of registration of a pledge on a share of a trade company and shall have effect from the moment of its entry. The Registry Agency shall inform the company about the registered distraint.

(2) When the enforcement is directed on a share of a general partner, the bailiff, by ascertaining the fulfilment of the requirements under **Art. 96, Para 1 of the Commerce Act**, shall present to the company and to the remaining general partners the statement of the appellant for termination of the company. Upon expiration of six months the bailiff shall empower the creditor to lay a claim before the district court at the main office of the company for its termination. The court shall reject the claim if it finds that the receivable of the creditor has been remedied. If it finds that the claim is grounded, the court shall terminate the company. The termination shall be registered ex-officio into the commercial register, after which a liquidation shall be carried out.

(3) When the enforcement is directed on a share of a limited partner the bailiff shall serve to the company the statement of the creditor for termination of the participation of the debtor in the company. Upon expiration of three months the bailiff shall empower the creditor to lay a claim before the district court at the main office of the company for its termination. The court shall reject the claim if it finds that the company has paid to the creditor the share of the property belonging to the partner, determined according to **Art. 125, Para 3 of the Commerce Act**. If it finds that the claim is grounded the court shall terminate the company .The termination shall be registered ex-officio, after which liquidation shall be carried out.

(4) If the enforcement is directed on all of the shares of the company, the claim for its termination may be submitted after the distraint is registered and without observing the requirements of **Art. 96, Para 1 of the Commerce Act**, without serving of a statement for termination of the company or of the participation of the debtors in the company. The court shall deny the claim if it finds that the receivable of the creditor is satisfied before the end of the first session on the lawsuit. If it finds that the claim is grounded, the court shall terminate the company and this shall be registered ex-officio into the commercial register, after which liquidation shall be carried out.

Enforcement on a separate part of an enterprise

Art. 517a. (New - SG 86/17) At the request of the creditor, the enforcement may also be directed to a separate part of an enterprise within the meaning of **§ 1a of the Additional Provisions of the Commerce Act**. The sale of a separate part shall be carried out in the order of the public sale of a real estate.

Execution on common deposit

Art. 518. The enforcement on a receivable against one of the spouses may be directed also on the half of the money deposit belonging to matrimonial property. The other half shall become a personal deposit of the spouse who is not indebted. The provisions of **Art. 503** and **506** shall be applied respectively to this execution as well.

Chapter fourty five "a".
ENFORCEMENT OVER INDUSTRIAL PROPERTY RIGHTS OF THE DEBTOR (NEW - SG 86 OF 2017)

Enforcement over industrial property rights

Art. 518a. (New - SG 86/17) (1) Enforcement may be directed at the right of brand, patent, utility model, industrial design, integrated circuit topology and certificate of plant variety and animal breed. The sale of these rights shall be performed by the bailiff in the order of the public sale of immovable property under this Code, whereby the starting price being determined by the order of **Art. 468** and **485**.

(2) In order to secure the claim of the creditor, the bailiff may impose attachment of the debtor's right on the respective site, which shall be entered in the state register kept for the respective site.

(3) The collateral under para. 2 shall have effect vis-à-vis the owner of the site or the licensee holding exclusive licensee from the date of receipt of the notice of attachment, and in respect of third parties - from the date of entry of the attachment into the state register kept for the respective site.

(4) The sale shall be entered in the state register at the request of the purchaser or the bailiff, to which a certified copy of the enacting awarding decree shall be enclosed. A new certificate shall be issued to the new owner.

(5) The sale shall have effect in relation to third parties from the date of its entry in the state register kept for the respective site, unless the special law provides for the effect of the transfer of rights to occur from the promulgation.

(6) (Amend. - SG 98/19) In the case of enforcement on industrial property sites, the rules of Art. 23 of the Trademarks and Geographical Indications Act shall find respective application, as well as **Art. 4 of the Act on Patents and Registration of Utility Models**, **Art. 24 of the Industrial Design Act**, **Art. 19 of the Act on Topography of Integrated Circuits** and **Art. 6 of the Act on Protection of New Plant Varieties and Animal Breeds**.

Chapter fourty six.
ENFORCEMENT AGAINST STATE INSTITUTIONS, MUNICIAPLITIES AND ESTABLISHMENTS SUBSIDIZED BY THE BUDGET

Enforcement against state institutions (Title suppl. – SG 13/10; the amendment as of SG 13/10 has been declared unconstitutional by Decision No 15 of 210 of the Constitutional Court, SG 5/11)

Art. 519. (1) (suppl. – SG 13/10; the amendment as of SG 13/10 has been declared unconstitutional by Decision No 15 of 2010 of the Constitutional Court, SG 5/11) Execution of monetary receivables against state institutions and municipalities shall not be admitted.

(2) (suppl. – SG 13/10; the amendment as of SG 13/10 has been declared unconstitutional by Decision No 15 of 210 of the Constitutional Court, SG 5/11, amend. – SG 42/18) The monetary receivables against state institutions shall be paid off from the funds envisaged for that from their budget. For that purpose the writ of execution shall be submitted to the financial body of the respective institution. If such funds are not available, the first-level spending manager concerned shall take the necessary measures so as to make them available in the next budget at the latest.

Enforcement against municipalities and state-financed establishments (Title amend. – SG 13/10; the amendment as of SG 13/10 has been declared unconstitutional by Decision No 15 of 210 of the Constitutional Court, SG 5/11)

Art. 520. (1) (amend. – SG 13/10; the amendment as of SG 13/10 has been declared unconstitutional by Decision No 15 of 210 of the Constitutional Court, SG 5/11; amend. – SG 15/13, in force from 01.01.2014, amend. – SG 42/18) Enforcement on the funds in the bank accounts of

municipalities and other state-finance establishments, received as a subsidy, transfer or temporary non-interest-bearing loan from the state budget, including through municipal budgets, or through other budgets, shall not be admitted.

(2) (new – SG 15/13, in force from 01.01.2014, suppl. – SG 42/18) Enforcement on the funds from the European Union and the ones received under other international programmes and municipality agreements shall not be allowed, and on their associated national co-financing, as well as on funds from pre-financing when they are provided at the expense of the state budget, including through accounts for EU funds.

(3) (prev. text of para 2 – SG 15/13, in force from 01.01.2014) The enforcement of monetary receivables on other property – private ownership of the debtors of Para 1 shall be executed under the rules of this Division.

Division three.
ENFORCEMENT ON NON-MONETARY RECEIVABLES

Chapter fourty seven.
COMPULSORY SEIZURE OF OBJECTS

Delivery of a movable object

Art. 521. (1) The awarded movable object, which after a demand by the bailiff is not delivered voluntarily by the debtor, shall be taken away from him by force and shall be delivered to the creditor.

(2) If the object is not with the debtor or if it is damaged, its equivalent shall be collected from him. It shall be proceeded in the same way when only a part of the object is found. If the equivalent of the object is not indicated in the writ of execution, it shall be determined by the court that has issued the writ, after hearing the parties and in case of need after interrogation of witnesses and experts as well.

(3) The decree for determination of the equivalent shall be subject to appeal under **Art. 436**. The appeal of the decree shall not suspend the collection of the equivalent, but the court mat rule the suspension. The court shall hear the complaint at an open session, where the debtor and the creditor are summoned. The decision shall be subject to appeal before the court of appeal, whose decision shall not be subject to appeal.

Entry into possession

Art. 522. (1) The person to which a real estate has been awarded shall be put in possession. The bailiff shall appoint day and time of entry and shall notify of this the parties. The protocol for putting in possession shall be written by the bailiff at the place itself. If the debtor does not leave the estate voluntarily, he shall be removed from it by force.

(2) The decisions under **Art. 349** shall be executed after the payment to the other co-partitioners of the respective shares of the value of the estate is made.

Entry against third persons

Art. 523.(1)) If the bailiff finds that the awarded real estate is in possession of a third person and if he convinces himself that this person has acquired the possession of the estate after the initiation of the case, under which the executed decision has been issued, he shall put the creditor in possession of the estate, by indicating in the pronouncement the manner, in which he has convinced himself of when the third person

has acquired the possession.

(2) If this third person claims over the awarded estate any rights, that exclude the rights of the creditor, the bailiff shall postpone the execution and shall grant the third person a term of three days to request from the regional court suspension of the execution.

Suspension of the entry

Art. 524. Along with the application for suspension, the third person shall present written evidence for the right he claims over the estate. The application shall be considered at an open session by summoning the creditor, the debtor and the third person. If the court finds it well-grounded it shall stop the execution and shall grant the third person a term of one week to lodge a claim at the due court. If within the term granted the third person fails to lodge a claim, the suspension shall be cancelled upon the request of the creditor.

Wilfully regaining of the possession

Art. 525. (1) When the person who has been put out of possession regains its possession over the estate wilfully, no matter how, the bailiff shall again, upon the request of the creditor, put him out of possession over it.

(2)) The same person shall also bear penal responsibility under **Art. 323, Para 2 of the Penal Code**.

Chapter fourty eight.
ENFORCEMENT OF A DEFINITE ACTION

Enforcement of an obligation for action which can be substituted

Art. 526. (1) Where the debtor fails to perform an action which he has been sued to perform and which action may be performed by another person, the creditor may demand from the bailiff to authorise him to perform the action for the account of the debtor.

(2) The creditor may demand from the court that the debtor be sentenced to deposit in advance the amount, which is necessary for performing the action.

Enforcement of obligation for action which cannot be substituted and for inaction

Art. 527. (1) If the action cannot be performed by another person, but it depends exclusively on the will of the debtor, the bailiff, at the request of the creditor, shall compel the debtor to perform the action, by imposing on him a fine of up to 200 BGN. If even after that the debtor fails to perform the action, the bailiff shall impose on him consecutively new fines up to the same amount.

(2) The rule of Para 1 shall not be applied for the obligations of workers, resulting from a labour contract.

(3) Where the debtor does the contrary to what he is obliged by the decision to do or endure, the bailiff, at the request of the creditor, shall impose on him for every breach of that obligation a fine of up to 400 BGN.

(4) The actions of the bailiff for the authorisation and the imposing of fines shall be subject to appeal under the procedure of **Art. 435 – 438**.

Enforcement of obligation to transfer a child

Art. 528. (1) Where the bailiff initiates the enforcement of transfer of a child, as well as of the following return of the child, he shall invite the debtor to perform voluntarily at the appointed place and time. The invitation for voluntarily execution shall be served on the debtor, if possible, two weeks, but not later than one week before the determined time for the transfer of the child.

(2) Within three days from serving of the invitation, the debtor shall notify the bailiff about:

1. if he/she is ready to transfer the child at the appointed time and place;
2. what obstacles for the timely performance of the obligation exist;
3. where and when he/she is ready to transfer the child.

(3) For failure to perform the obligation under Para 2, the bailiff shall impose a fine to the debtor as per **Art. 527, Para 3**, and if needed shall pronounce the compulsory bringing.

(4) (amend. – SG 53/14) The bailiff mat require from the Social Support Directorate assistance in order to remove the obstacles for the timely execution of the obligation, and to clarify to the debtor, and if needed to the child the advantages of the voluntary performance and the negative consequences of the failure to fulfil the court decision. The bailiff may require from the Social Support Directorate to undertake appropriate measures under **Art. 23 of the Child Protection Act**. And if necessary – from the police authorities- for undertaking measures under **Art. 65 of the Ministry of Interior Act**.

(5) (Amend. - SG 86/17) If the debtor fails to oblige voluntarily, the bailiff may impose a fine under **Art. 527, para. 3** for each failure, as well as with the assistance of the police authorities and the mayor of the municipality, district or city hall to take the child away forcibly and hand it over to the creditor.

(6) (New - SG 86/17) Upon entry into force of the decree imposing a fine, the same shall be sent to the National Revenue Agency, which shall assign to the bailiff its collection under the provisions of this Code.

Arrest in event of himdering the enforcement

Art. 529. If the debtor places obstacles to the enforcement, the police authorities shall arrest him and shall immediately notify the prosecution.

Part six.
PROTECTIVE PROCEDURES

Chapter fourty nine.
GENERAL RULES

Applicable provisions

Art. 530. The envisaged in this Act and in other laws protective procedures shall be settled under the rules of this Chapter, as far as peculiar rules have not been established for them.

Jurisdiction for the application for assistance

Art. 531. (1) The protective procedure shall be initiated by an application in writing from the interested person.

(2) The application shall be filed at the regional court in whose region is the place of residence of

the applicant. If there are several applicants and they have different place of residence, it shall be filed at the court at the place of residence of one of them.

Consideration of the application at a closed session

Art. 532. The application shall be considered at a closed session, unless the court assesses that for the regular settlement of the case it is necessary that it be considered at an open session.

Ex-officio verification

Art. 533. The court shall be obliged to varify ex-officio if the conditions for the issue of the requested act exist. It may, on its initiative, collect evidence and take into consideration any facts which were not pointed out by the applicant.

Appearing in person and declaring circumstances

Art. 534. The court may rule that the applicant appear in person. It may require the applicant to confirm by form of a declaration the veracity of the circumstances he has set forth.

Use of evidence

Art. 535. The court may also base its arguments on witness testimony given to other authorities, as well as to assign to another court or police authorities, or municipalities, the gathering of the necessary evidence.

Suspension of proceedings

Art. 536. (1) The protective procedure shall be suspended, if:

1. there is a lawsuit with regard to a legal relation, which is a condition for the issuance of the requested act, or which is subject to ascertainment with this act;

2. under the application for the issue of the act a civil law dispute arises between the applicant and another person, that opposes the application. In this case the court shall grant to the applicant a month's term for lodging the claim. The procedure shall be terminated, if the claim fails to be lodged.

(2) The effective judgement on the dispute shall be obligatory for the settlement of the protective procedure under the conditions and within the limits of **Art. 298**

(3) (new – SG 99/2012, amend. and suppl. – SG 38/19, in force from 10.05.2019) The protective procedure as per Para 1 shall be suspended, if conditions for the issuance of the required act, in the cases of **Art.19. Para 6 of the Commercial Register and the register of non-profit legal entities Act**, are present. The court's resolution for suspension shall be subject to appeal under **Chapter Twenty One**.

Contest of the protective act

Art. 537. (1) The judgement by which the application for the issue of the requested act is granted, shall not be subject to appeal.

(2) Where the act under Para 1 affects the rights of third persons, the arising from this dispute, if it is for a civil right, shall be settled under the claim procedure. The claim shall be lodged against the persons

who benefit the act. In case that the claim is recognised, the issued act shall be revoked or amended.

(3) The prosecutor may submit a claim for revocation of the issued act, where it is issued offending the law. The claim shall be directed against the persons, who benefit the act.

Appellation of a refusal

Art. 538. (1) The refusal to issue the act shall be subject to appeal within one week term from the decision was served on the party.

(2) The complaint shall be submitted through the regional court. It may be grounded on new facts and evidence. The consideration of the complaint shall be carried out under the procedure of **Art. 278**.

(3) The decision by which the application is rejected shall not prevent from filing a second application before the same court for the issue of the same act.

Termination of the procedure

Art. 539. (1) The protective procedure shall be terminated if:

1. the application to issue the act is withdrawn;

2. the applicant is not found at the address he/she stated.

(2) The ruling by which the procedure is terminated shall be subject to appeal by a private complaint.

Application of the rules of claim procedure

Art. 540. Applied to the protective procedure, in addition to the general rules of this Code, shall be respectively the rules of the claim procedure, except for **Art. 207- 266** and **Art. 303 – 388**.

Expenses

Art. 541. The expenses for the protective procedure shall be on the account of the applicant.

Chapter fifty.
ASCERTAINMENT OF FACTS

Scope of application

Art. 542. (1) (prev. text of Art. 542 – SG 19/09) Where the law provides that a certain fact of legal significance should be certified by a document executed by a due procedure (such as certificate of graduated education, certificate of civil status, etc.) and such a document has not been executed and cannot be executed, or the one that was executed has been destroyed or lost, without the possibility of being restored, the person that benefits from this fact, may request that the regional court ascertains the fact, and where this is necessary, orders that the respective document is executed.

(2) (new – SG 19/09) In case of destroyed or lost civil status register, without the possibility of being restored, the mayor of municipality may request that the regional court ascertains the fact and orders the respective register is drawn up.

Contents of the application

Art. 543. Indicated in the application should be the following:

1. with what purpose the applicant demands the ascertainment of the respective fact;

2. the reasons for which the document has not been executed or for which its restoration is impossible. These reasons should be proved by official documents and

3. evidence for the fact which is subject to ascertainment.

Consideration of the application

Art. 544. (1) The application shall be considered at an open session by summoning the applicant and the persons, organisations and institutions that are interested in ascertaining the fact. Besides, the prosecutor shall be summoned as well.

(2) The following persons shall be considered as interested:

1. the persons whose relations with the applicant depend on the fact, which is subject to ascertainment;

2. the organisations and institutions, that should have executed the document or that are not in a position to restore it and

2. the organisations and institutions, before which the applicant wants to use the ascertainment, ruled by the court.

(3) If the interested person is not alive, summoned shall be his heirs. The interested organisations or institutions under Para 2 may be represented also by their local units.

(4) (new – SG 19/09; amend. - SG 66/13, in force from 26.07.2013; amend. – SG 98/14) In the cases under **Art. 542, Para 2** the court shall summon the Ministry of Regional Development and Public Works. The Ministry of Regional Development and Public Works shall provide the information from the Unified System for Civil Registration and Administrative Services for the Population, which is relevant for the respective register.

Ascertainment of graduated education

Art. 545. (1) When the applicant wishes to ascertain that he has graduated education at any educational institution, the court may use for ascertaining this fact, besides the other evidence, also the conclusion of experts with regard to the training of the applicant.

(2) In the case of Para 1, as an interested institution under **Art. 544, Para 2, item 2** shall be summoned this institution under whose supreme administration is the educational institution under Para 1.

Content and effect of the judgement

Art. 546. (1) Pointed out in the judgement of the court should be the fact ascertained by the court and the evidence, on which ground this fact has been ascertained.

(2) The judgement by which the court passes judgement on the application may be appealed under the general procedure.

(3) The judgement shall not have force of proof for those interested persons, organisations or institutions under **Art. 544**, which have not been summoned to take part in the proceedings, if they contest the fact.

Application of the procedure for removing mistakes

Art. 547. Any mistakes made in the documents under **Art. 542** may be rectified by the same procedure and with the same consequences, when the laws make no provisions for another procedure for rectifying these mistakes

Ascertaining of facts occurred abroad

Art. 548. Where the facts under **Art. 542** have occurred abroad, their ascertaining may be requested under the procedure of this Chapter, only if it is proved, that the applicant cannot obtain the necessary document or its substituting certification from the bodies of the foreign country, in whose territory the fact has occurred. The proving of this obstacle shall be made with documents issued by the due bodies of the foreign country, or with a certificate from the Ministry of Foreign Affairs, that the bodies of the foreign country have refused to consider the application of the interested person or that it is not possible to make such a demand.

Chapter fifty one.
ANNOUNCING OF ABSENCE OR DEATH

Jurisdiction and content of the application

Art. 549. (1) The application for announcing the absence or the death of a person shall be within the jurisdiction of the regional court at the last residence of the person who has disappeared and in the absence of such - at the place where the person has lived immediately before disappearing.

(2) Pointed out in the application should be the presumable heirs of the absent person and his lawyer or legal representative, if any.

Consideration of the application

Art. 550. (1) (amend. – SG 69/08) The court shall, at a closed session, rule on the collection of information about the absent person from his relatives, from the municipality, region or city-council, from the Ministry of Interior and from any other relevant source.

(2) The court shall send an abstract of the application to the municipality, region, or to the city-council at the last home of the absent person where he lived before he disappeared. This abstract shall be served to the persons under **Art. 549, Para 2**.

(3) The court shall pass judgement on the application for announcing the absence or death, after hearing the prosecutor and the persons pointed out in **art. 549, par. 2**, as well as the other interested persons.

Execution of a certificate of death

Art. 551. On the grounds of the decision, by which the death of a person has been announced, a death certificate shall be executed at the last place of residence of the person, or at the place where he lived immediately before he disappeared.

Revocation of the decision

Art. 552. (1) The decision for announcing the absence or death of a person may be revoked or amended at the request of any interested person or at the request of the prosecutor, if it has been ascertained that the absent person is alive or that the exact date of his death is different from the one announced by the court.

(2) The claim under Para 1 shall be submitted against the party who required the announcement of the absence or of the death, and against the persons who benefit from the respective act.

Chapter fifty two.
PROCEEDINGS UNDER AN OPENED INHERITANCE

Competence per place

Art. 553. The property that has remained after the death of a person shall be sealed by the regional judge in the cases provided for by the law at the place where the inheritance was opened or where the property is located.

(2) The regional judge may assign to the municipality or to the city-council through their authorities to carry out the sealing.

(3) Upon a request of the applicant, the sealing may be also assigned to the bailiff.

Entitled persons

Art. 554. The sealing may be requested by:

1. anyone who claims to be entitled to inheritance;
2. any creditor that has a writ of execution against the dead person;
3. the prosecutor and the mayor of the municipality, region or city-council, when there are absent heirs.

Sealing

Art. 555. A protocol shall be drawn up for the sealing, pointed out in which shall be the date, by whose order the sealing has been carried out, noting of the sealed premises, safes, boxes etc. and a short description of the unsealed objects. This protocol shall be signed by the officer and the attending parties.

Unsealing

Art. 556. (1) Anyone who is entitled to request sealing, may request unsealing and taking of inventory of the property.

(2) The unsealing and the taking of the inventory shall be carried out by the regional court, and it may assign this following the procedure of **Art. 553, Para 2 and 3**.

Taking inventory

Art. 557. (1) A protocol of inventory shall be executed, where described shall be all objects in the

order of unsealing. An expert may be appointed for valuation of the objects.

(2) The taking of the inventory may be attended by the heirs of the dead person and the creditors.

(3) Inventory may be taken without any sealing being carried out.

Delivery of the items

Art. 558. The described items shall be delivered against a signature to the heirs or to someone of them, and if there are not any or if they do not wish to accept them, the items shall be delivered for keeping to a third person.

Notification about the inventory

Art. 559. When the sealing, unsealing and taking of inventory are carried out by the municipality, region or city-council, the protocol shall be sent to the regional judge.

Chapter fifty three.
INVALIDATION OF SECURITIES

Subject-matter and prerequisites

Art. 560. Any person that has a right over a security to order -promissory note, bill of exchange and others, or over a security of a bearer, may request its invalidation, if it has been deprived of the possession of it in spite of its will or if the security has been destroyed

Content of the application

Art. 561. In his application the applicant should:

1. reproduce the security or point out everything that is necessary for determining its identity;

2. set forth the circumstances under which the security has been lost or destroyed, as well as the circumstances from which ensues his right over it, as well as

3. confirm the veracity of his assertions by an explicit declaration in the application.

Order to make no payments

Art. 562. (1) If the application meets the requirements of **Art. 561**, the court at a closed session shall issue an order, which shall contain:

1. noting of the applicant;

2. invitation to the holder of the security to claim his rights until the day of the court session for the ruling on the invalidation pointed in the order, at the latest, with a warning that if he fails to do so, the security shall be invalidated;

3. an order to the payer to make no payments to the bearer of the security.

(2) The order shall be stuck in the place designated for that purpose in the court and shall be promulgated in the unofficial section of the State Gazette.

(3) A transcript of the order shall be sent to the payer.

Appointment of a session for invalidation

Art. 563. The session for invalidation of a security shall be appointed not earlier than:

1. forty five days from the promulgation of the order of **Art. 562, Para** 2 or from the maturity date of the security, if the promulgation is made before the maturity date – for a security to order;

2. one year of the maturity of the first interest coupon after the promulgation of the order – for a security of a bearer, on which interest coupons have been issued;

3. one year from the maturity of the security – for security of a bearer, on which interest coupons have not been issued.

Contest of the appeal

Art. 564. (1) The person that contests the application for invalidation shall be obliged to declare that before the court at the session at the latest and to deposit the security at the court or with a bank until the settlement of the dispute.

(2) In the case of Para 1 the court shall suspend the proceedings for invalidation and shall grant a month's term to the applicant to present evidence, that he has lodged a claim for ascertaining his right over the security. If that evidence for submission of a claim are not presented, the court shall terminate the invalidation proceedings.

Decision on invalidation

Art. 565 (1) The decision on invalidation shall be ruled at an open session with summoning the applicant.

(2) The decision, by which the application for invalidation is rejected, may be appealed under the general procedure.

Realisation of the rights incorporated in the security

Art. 566. After the invalidation of the security the applicant shall realise his rights incorporated in the security t on the grounds of the decision for invalidation. He may demand the issue of a duplicate on the grounds of that decision.

Rights of the owner of the security

Art. 567. The person who owns the invalidated security, even if he has not claimed his rights over it in due time, may request the amount under the security from the person, upon whose request the invalidation has been ruled, if this person has not been entitled to request invalidation.

Revocation of the order to make no payments

Art. 568. If the invalidation proceedings come to an end without the issue of a decision for invalidation, the order for non-payment shall be revoked ex officio by the court and the payer shall be notifies of it.

Chapter fifty four.
NOTARY PROCEDURES

Section I.
GENERAL RULES

Notary certificates

Art. 569. Notary procedures shall be procedures under which order the following are carried out:

1. legal transactions with notary acts;

2. certification of a title to real estates, certification of the date, contents and signatures of private documents, as well as of the veracity of transcripts and excerpts of documents and papers;

3. notary invitations, protests, certificates, for appearance or non-appearance of persons before the notary for the performance of actions before him;

4. acceptance and return of documents and papers delivered for keeping;

5. the entries, notes and their striking off in the cases provided for by the law;

6. giving references under the notary books, including under **Art. 577, Para 2;**

7. issuance of certificate of encumbrances;

8. execution of other notary actions envisaged in a law

Competence per place

Art. 570. (1) (suppl. – SG 50/08, in force from 01.03.2008) The notary acts for transfer of ownership or for the establishment of real rights over real estates and certification of ownership over such estates shall be executed by the notary public in whose region the estate is located. The entries, notes and erasures with regard to real estates shall be made under an order of the judge for the entries by the entries office, in whose region the estate is located.

(2) The other notary actions, as well as the wills, may be executed by any notary public irrespective of the relation between the region of his action and the notary certification.

Initiation of the notary procedure

Art. 571. The notary procedure shall be initiated by a verbal application. The application should be in writing only in case where requested is the execution of a notary act for the transfer or establishment of a real right over a real estate, the certification of ownership over such an estate and entry, noting and erasure of an entry.

Parties to and participants in the notary procedure

Art. 572. Parties to the notary procedure shall be the persons, on whose behalf the execution of the notary action is requested. Participants in the notary proceedings shall be the persons, whose personal statement is certified by the notary public.

Place and time of the notary certifications

Art. 573. (1) The notary public may not execute notary actions outside his region.

(2) (amend. – SG 50/08, in force from 01.03.2008) The issuance of notary acts which are subject to entry, shall be carried out only in the office of the notary public and during the working hours.

(3) The other notary proceedings may be executed also out of the office and during the non-working hours, when valid reasons prevent from the appearance of the persons participating in the certification in the notary's office or necessitate the prompt execution of the notary action.

Lawfulness of the notary certifications

Art. 574. Notary proceedings regarding transactions, documents or other actions contradicting the law, may not be executed.

Challenge of the notary public

Art. 575. (1) The notary public may not execute notary actions where a party to the notary proceedings or a participant in them are the following: the notary public himself, his/her spouse or the person with whom he/she lives in a factual matrimonial cohabitation, his/her relatives by a direct ascending and descending line, those by lateral branch up to the forth degree, by marriage up to the first degree, as well as the persons, to which the notary public is a trustee, guardian, adopted or adopter or a person from accepting family.

(2) The prohibition of Para 1 shall be applied also in the cases, where the transaction or the document contains a provision to the benefit of any of the persons envisaged in Para 1.

Void notary certifications

Art. 576. The notary action shall be null and void, if the notary public ahs not been entitled to execute it (**Art. 569**, **Art. 570, Para 1**, **Art. 573, Para 1**, **Art. 574** and **Art. 575**), as well as when upon its execution **Art. 578 Para 4** (regarding the appearance of the participating persons), **Art. 579**, **Art. 580, items 1, 3, 4 and 6**, **Art. 582**, **Art. 583** and **Art. 589, Para 2** have been violated.

Appeal of a refusal

Art. 577. (1) The refusal to execute a notary certification shall be subject to appeal by a private complaint before the district court.

(2) For the refusals to execute an entry, noting or deletion separate registers shall be kept.

(3) Where the court revokes the refusal, the entry, noting and deletion shall be considered done at the moment of submission of the application for it.

Section II.
Special Rules

Form of the notary act

Art. 578. (1) A draft of the act in two or more uniform copies shall be drawn up for the execution of a notary act. The form, appearance and size of the paper, on which the draft shall be written or typed, shall be determined by a pattern approved by the Minister of Justice.

(2) All copies of the draft should be executed clearly and legibly, be written by hand with black or blue ink or be typed.

(3) The figures, contained in the draft, should be written in words as well, when they refer to the contents of the transaction. The empty spaces should be crossed out.

(4) The persons or their lawyers, whose statements are contained in the draft, shall appear in person before the notary public who, before executing the act, shall check the identity, capacity and representative powers of the persons that have appeared before him.

(5) The identity of the persons who are not known to the notary public, shall be ascertained by identification documents. In the same manner the notary public shall certify whether the persons that have appeared before him have attained their majority age. In the case of absence of identification documents the person shall ascertain his/her identity by two witnesses with ascertained identity.

Issuance of a notary act

Art. 579. (1) The notary public shall read to the participating persons the contents of the act. If they approve it, the act shall be signed by them before the notary public, and if it has already been signed, they shall write their full name and confirm their signatures.

(2) In case any of the participating persons cannot sign because of illiteracy or infirmity, **Art. 189** shall be applied, and the act shall not be countersigned by witnesses.

(3) When it is necessary to make any amendments, supplements or abbreviations in the act, an explicit note to that effect shall be made, that shall be signed as the act itself.

Content of the notary act

Art. 580. The notary act shall contain:

1. the year, month, day and where it is necessary - also the hour and the place of its execution;

2. the name of the notary public, executing it;

3. (amend. and suppl. – SG 50/08, in force from 01.03.2008) the full name and the unified civil number of the persons who participate in the procedure, as well as the number, the date, the place and the body issued their identity document;

4. the substance of the act

5. short denotation of the documents, certifying the presence of the requirements under **Art. 586, Para 1**;

6. signature and written in full the name of the parties or their lawyers and a signature of the notary public.

Placing of the notary act

Art. 581. After the execution of the act one of the copies thereof shall be placed in a special book for that purpose, and the other copies shall be given to the participating persons, charged as transcripts.

Translator

Art. 582. (amend. – SG 50/08, in force from 01.03.2008) When some of the participating persons do not know Bulgarian, and the language which he/she uses is unknown to the notary public, he/she shall appoint a translator.

Participation of a deaf, dumb or illiterate person

Art. 583. (1) When the participating person is literate, but dumb, deaf or deaf-and-dumb, the deaf person should alone read the document aloud and declare whether it agrees with its contents, and the dumb or deaf-and-dumb person should, after reading the document, write by its own hand in it, that he/she has read it and that he/she agrees with its content.

(2) (Amend. – SG 9/21, in force from 06.02.2021) Where the persons envisaged in Para 1 are illiterate, the notary public shall appoint an interpreter in Bulgarian sign language, through which the contents of the document shall be communicated to the deaf or deaf-and-dumb person and the approval of what is read by the dumb or deaf-and-dumb person shall be communicated as well. The notary public must convince himself in some way that the interpreter in Bulgarian sign language and those persons understand each other

(3) In the cases of Para 2, the notary public shall make a respective note in the act.

Incompatibility regarding witnesses, interpreters in Bulgarian sign language and translators (Title amend. - SG 9/21, in force from 06.02.2021)

Art. 584. (Amend. – SG 9/21, in force from 06.02.2021) The following persons may not be witnesses, interpreters in Bulgarian sign language and translators:

1. the incapable persons;

2. those illiterate in Bulgarian language;

3. (amend. – SG 9/21, in force from 06.02.2021) those, who are in any of the relations specified in **Art. 575** with the persons under **Art. 572** or with the notary public; the interpreter in Bulgarian sign language may be a relative of the person participating in the proceedings;

4. the persons, to whose benefit there is a provision in the act;

5. the visually impaired, those unable to speak and hear;

6. the persons working in the notary's office and the employees in the office in charge of entries.

Participation of witnesses, interpreters in Bulgarian sign language and translators (Title amend. - SG 9/21, in force from 06.02.2021)

Art. 585. (1) (Amend. – SG 9/21, in force from 06.02.2021) The witnesses, interpreters in Bulgarian sign language and translators shall give a promise that what they confirm before the notary public is true, in accordance with **Art. 170**.

(2) The persons of Para 1 shall sign the act.

Check of the ownership

Art. 586. (1) Upon the execution of a notary act, by which ownership is being transferred or another real right over a real estate is being established, transferred, altered or terminated, the notary public shall check if the assignor is owner of the estate and whether the special requirements which the laws envisage for the conclusion of such transactions are present.

(2) The ownership shall be certified by the relevant documents. Where the assignor does not have such documents at his disposal, the ownership shall be checked following the procedure of **Art. 587, Para 2**.

(3) The notary public shall certify in the act also the execution of the check under Para 1 by indicating the documents certifying the ownership and the other requirements.

(4) When the document for ownership of the assignor has not been entered, the notary act shall not

be executed, until that document is being entered.

Notary act of findings

Art. 587. (1) When the owner of a real estate has no document for his right, he may obtain such, after having ascertained his right before the notary public with relevant written evidence.

(2) If the owner does not have such evidence at his disposal or if it is insufficient, the notary public shall make a circumstantial check up on the acquisition of the ownership by prescription through interrogation of three witnesses, determined by the mayor of the municipality, region or city-council or an official determined by him, in whose region the real estate is located. The witnesses shall be determined on instruction of the owner and should, if possible, be neighbours of the estate.

(3) On the base of the evidence under Para 1 and 2, the notary public shall pass a motivated decree. If by it the right of ownership is recognised, the notary public shall execute a notary act of ownership over the estate in favour of the applicant.

Content of the notary act of findings

Art. 588. (1) The notary act of findings shall contain:

1. the requisites under **Art. 580, item 1, 2 and 5** and a signature of the notary;

2. (suppl. – SG 50/08, in force from 01.03.2008) the full name and the unified civil number of the owner, the number, the date and the place and the body of issuance of his/her identity document;

3. a precise description of the real estate, including specification of the borders and its location.

(2) Upon issuance of a notary act of findings, provisions of **Art. 578, Para 4 and 5**, **Art. 579**, **581**, **582** and **583** shall not be applied.

Submission of a private document for verification

Art. 589. (1) Any person may present to the notary public a private document for verification of the date of its presentation before the notary public or of its contents.

(2) (amend. – SG 50/08, in force from 01.03.2008) Upon verification of the signature in a private document the persons, whose signatures are subject to verification should appear in person before the notary public and sign the document or confirm the already affixed signatures before him. If the document should be used to establish, amend or terminate rights over real estate, the persons shall write before the notary public their full name and put their signature, and if the signature has been already affixed, to write their full name and to confirm the signature. In this case **Art. 578, Para 4 and 5**, **Art. 579, Para 2** and **Art. 582-585** shall be applied.

(3) If the private document is in a foreign language and is not subject to entry, **Art. 582** shall apply respectively.

Verification of the date, content and signatures of a private document

Art. 590. (1) The verification of the date, contents and signatures of private documents shall be carried out with an inscription on the document. In this case, insofar as there are no special rules, **Art. 580** shall be applied.

(2) A note in a special register for such verifications shall be made for the verification of the date or signatures of private documents. Upon verification of the content of a document the applicant should present a transcript of the document. After the verification the transcript, duly certified, shall be placed in a special

book.

(3) After the verification the private documents shall be returned to the persons that have presented them.

(4) (new – SG 50/08, in force from 01.03.2008) In case of simultaneous certification of the signature and of the content of a document, the applicant shall submit two or more identical copies of the documents, which shall be signed following the procedure of **Art. 589, Para 2 and 3**. After the certification of the signature and content, one of the copies shall be placed in a special book, and the other copies shall be handed to the applicant.

Verification of a transcript of a document

Art. 591. (1) Upon verification of the veracity of transcripts of documents presented to the notary public, he shall be obliged to compare the transcript with the original and mention in the verification by whom the document, of which the transcript was made, has been presented, and also if the transcript was made of the original document or of another transcript and whether there have been any crossings, additions, corrections and other peculiarities in them.

(2) In the case of Para 1, **Art. 589, Para 1** and **Art. 590** shall be applied respectively.

Notary invitation

Art. 592. (1) For serving a notary invitation the applicant shall present the invitation in three uniform copies. The notary public shall note in each of them, that the invitation has been communicated to the person it refers to, and after that one copy of the invitation shall be given to the person, from which the invitation originates and the other copy shall be placed in a special book with the notary public.

(2) Under the procedure of Para 1, any other notifications, warnings and answers concerning civil law relations shall be executed through the notary public.

Protocol of findings

Art. 593. (amend. – SG 50/08, in force from 01.03.2008) Protocol of findings shall be drawn up upon verification of the appearance or non-appearance of persons before the notary public for performance of actions before him. Certified in the same manner shall be the consent or dissent of the persons that have appeared for the performance of the respective actions. **Art. 580**

for drawing up the protocol of findings shall be applied, insofar as there are no peculiar rules. The protocol of findings shall be drawn up in two uniform copies that shall be signed by the applicant and the notary public. After that one of them shall be arranged in a special book and the other one shall be given to the applicant, charged as a transcript.

Keeping of documents and papers

Art. 594. (1) (amend. – SG 50/08, in force from 01.03.2008) Upon acceptance of documents and papers for keeping, a protocol of acceptance shall be drawn up in two uniform copies, which shall be signed by the applicant and the notary public. One of them shall be entered on a special register and the other one shall be given to the applicant, charged as a transcript.

(2) A protocol of handing shall be drawn up for the return of the documents and papers delivered for keeping, which shall be signed by the applicant, by his heirs or by a special lawyer respectively. The protocol shall be entered in the register.

Chapter fifty five.
ENTRY OF LEGAL PERSONS

Field of application

Art. 595. (1) Entered by the procedure of this Chapter shall be the formation, transformation, declaring of liquidation and termination of legal persons and the other circumstances, which shall be entered, where a law provides for the entry in a court register.

(2) The registers shall be kept by the district courts.

Circumstances, which shall be entered

Art. 596. (1) Into the registers shall be entered:

1. the type, the name, the seat and the address of the legal person;

2. the scope of activity;

3. the bodies and the persons, who represent the legal person, the manner of representation, as well as the liquidators;

4. other circumstances, envisaged by a law.

(2) Changes in the circumstances, envisaged in Para 1 shall be subject to entry too.

(3) The entry shall be promulgated in the State Gazette, if a law provides so.

Entry

Art. 597. The entry shall be executed on the base of a decision of the court, in which region the seat of the legal person is located. The decision shall contain the circumstances which shall be entered. The entry shall have effect only for the circumstances which are subject to entry.

Publicity of the registers

Art. 598. The registers and the files shall be generally available and everybody may require references or issuance of a document of an entered circumstance in the register.

Effect of the entry

Art. 599. (1) The entered circumstances shall be considered known to the third persons, who act in good faith, from the day of entry, and this what is subject to promulgation - from the date of promulgation.

(2) Each acting in good faith person may refer to the entry, even if the entered circumstance does not exist.

(3) The circumstances which are not entered, shall be considered non-existing for the third persons who act in good faith.

(4) In case a difference between the entered and the promulgated circumstance appear, the third persons may refer to the promulgated circumstance, except is ascertained that the entered circumstance was known to them.

Capacity

Art. 600. The procedure of entry shall start upon a written request of:
1. empowered person;
2. a body, empowered to establish, transform or terminate the legal person;
3. a liquidator

Content of the request

Art. 601. (1) The request shall contain:
1. the name and the address of the person, who made the request;
2. the type, the name and the seat of the legal person;
3. the circumstance that an entry is required.

(2) The needed documents of the circumstances, which shall be entered, shall be enclosed to the request, as well as the samples of signatures of the persons, who represent the legal person.

(3) Where a termination of a legal person, which has no successor, to the request certificate of handed payment rolls, issued by the territorial subdivision of the National Insurance Institute.

Procedure of entry

Art. 602. (1) The request for entry shall be considered at a closed session, except the court assesses that is needed to consider it at an open session or this is provided by a law.

(2) The court shall check the existence of the circumstance, which is subject to entry, if it is admissible to be entered, and shall pronounce a decision, which shall be handed to the applicant.

Immediate execution

Art. 603. The decision to enter shall be subject to immediate execution.

Deletion of an entered circumstance

Art. 604. Where within a claim procedure is found that the entry is inadmissible or void, as well as non-existence of an entered circumstance, the court shall delete the entry or the relevant circumstance ex-officio, upon the request of the prosecutor or of the interested person.

Correction of the registers

Art. 605. Corrections of the registers shall be made upon the request of the bodies and the persons of **Art. 600** or ex-officio by the court following the procedure of **Art. 602**.

Appeal of refusal

Art. 606. The decision by which an entry is denied shall be appealed by a private complaint before the court of appeal.

Ordinance on maintenance and keeping the registers

Art. 607. The Minister of Justice shall issue and ordinance on the maintaining and keeping the registers of entries.

Part seven.
SPECIAL RULES REGARDING THE PROCEDURE ON CIVIL LAWSUITS UNDER THE EFFECT OF THE EUROPEAN UNION LAW

Chapter fifty six.
COOPERATION IN THE EUROPEAN UNION IN THE PROCEDURE ON CIVIL LAWSUITS (IN FORCE FROM 24.07.2007)

Section I.
Serving as per Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents), and repealing Council Regulation (EC) No 1348/2000 (OJ L 324, 10.12.2007), further referred to as "Regulation (EC) No 1393/2007" (In force from 24.07.2007; title amend. – SG 42/09)

Service by officials of diplomatic or consular representations (Title amend. – SG 42/09)

Art. 608. (in force from 24.07.2007; amend. – SG 50/08, in force from 01.03.2008; amend. – SG 42/09) Serving under Art. 13.1. of Regulation (EC) No 1393/2007, which shall be done in the Republic of Bulgaria, is admissible, if the addressee is a citizen of a Member State, which issued the document.

Service by post in another Member State

Art. 609. (in force from 24.07.2007; amend. – SG 42/09) (1) Serving as per Art. 14 of Regulation (EC) No 1393/2007. Serving, the refusal to accept, or the circumstance that the addressee was not found at the address shall be certified by a return receipt.

(2) The party may require the serving to be executed by a courier service, provided by a registered person, entered in the public register of the operators of non-universal postal services. In this case the expenses shall be on the party’s account.

Serving by post in the Republic of Bulgaria

Art. 610. (in force from 24.07.2007; amend. – SG 50/08, in force from 01.03.2008; amend. – SG 42/09) The document which shall be served in the Republic of Bulgaria shall be drafted or accompanied by a translation in Bulgarian or in a language understood by the addressee.

Competent authorities under Art. 2.1 and 2.2 of Regulation (EC) No 1393/2007 (Title amend. – SG 42/09)

Art. 611. (in force from 24.07.2007) (1) (amend. – SG 50/08, in force from 01.03.2008)

Transmitting agency in case of serving abroad of judicial notifications and summons shall be the court, before which the lawsuit is pending.

(2) (amend. – SG 50/08, in force from 01.03.2008) Transmitting agency in case of serving abroad of extrajudicial documents shall be the regional court per the present or the permanent address of the person, who required the serving, or per the person's seat, and for notary certified documents – also the regional court, in which region the notary acts.

(3) (amend. – SG 50/08, in force from 01.03.2008) Receiving agency in case of serving in the Republic of Bulgaria shall be the regional court, in which region serving shall be done.

(4) (amend. – SG 50/08, in force from 01.03.2008) The receiving agency shall execute the serving by a clerk of the court, by post or in a manner as appointed by the State. If the inhabited place where the serving shall be executed has no court institution, serving may be executed by the municipality or the mayoralty.

Refusal to accept on the ground of the language of the document

Art. 612. (in force from 24.07.2007; amend. – SG 50/08, in force from 01.03.2008; amend. – SG 42/09) The addressee shall announce his refusal under Art. 8.1. of Regulation (EC) No 1393/2007 before the transmitting foreign agency, where the notification ahs been served by post, or before the receiving agency by which it has been served.

Serving of a document from abroad by another party to the dispute

Art. 613. (in force from 24.07.2007; amend. – SG 42/09) In the Republic of Bulgaria serving under Art. 15 of Regulation (EC) No 1393/2007 shall not be admitted.

Revocation of the decision

Art. 613a. (new – SG 42/09) The interested party may file with the Supreme Court of Cassation an application for revocation of the decision on the grounds of Art. 19.4 of Regulation (EC) No 1393/2007. The application may be filed within one year from delivery of the decision.

Section II.
Taking of evidence as per Council Regulation (EC) No. 1206/2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (in force from 24.07.2007)

Taking of evidence in the Member States

Art. 614. (in force from 24.07.2007) Where the taking of evidence shall be done under the Council Regulation (EC) No. 1206/2001, the court may make a request for their taking by the competent body in the other Member State or under the conditions of Art. 17 of the Regulation to require direct taking of evidence.

Right of participation

Art. 615. (in force from 24.07.2007) Within the frames of the field of application of Council Regulation (EC) No. 1206/2001, the Bulgarian court or an authorised its member may attend and participate

in taking evidence by the court of the other Member State.

Direct taking of evidence

Art. 616. (in force from 24.07.2007) (1) The direct taking of evidence in another Member State shall be done by members of the court or by an authorised by the court person.

(2) The parties, their representatives or experts may participate in this procedure, as far as this is allowed by the Bulgarian legislation.

Competent authorities under Art. 2.1 and 3.3. of Council Regulation (EC) No. 1206/2001 (Title suppl. – SG 50/08)

Art. 617. (in force from 24.07.2007) The requests for taking of evidence in the Republic of Bulgaria shall be made to the regional court, in the region of which court the taking shall be executed.

(2) Competent to allow direct taking of evidence in the Republic of Bulgaria shall be the district court, in the region of which district court direct taking shall be executed.

Language of the requests and notifications

Art. 618. (in force from 24.07.2007) The requests of another Member State for taking of evidence and the notifications under Council Regulation (EC) No. 1206/2001 shall be drafted in Bulgarian language or be accompanied by a translation in Bulgarian language.

Chapter fifty six "a".
CREATING A PROCEDURE FOR A EUROPEAN ACCOUNT PRESERVATION ORDER TO FACILITATE CROSS-BORDER DEBT RECOVERY IN CIVIL AND COMMERCIAL MATTERS BASED ON REGULATION (EU) № 655/2014 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 15 MAY 2014 ON ESTABLISHING A EUROPEAN ACCOUNT PRESERVATION ORDER PROCEDURE TO FACILITATE CROSS-BORDER DEBT RECOVERY IN CIVIL AND COMMERCIAL MATTERS (OJ, L 189/59 OF 27 JUNE 2014), HEREINAFTER REFERED TO AS "REGULATION (EU) № 655/2014" (NEW - SG 13/17)

Competent authority to issue a European Account Preservation Order

Art. 618a. (new – SG 13/17) (1) The issuance of a European Account Preservation Order of bank accounts may be requested prior to lodging a claim from the first instance court competent to examine the merits of the case.

(2) The issuance of a European Account Preservation Order of bank accounts may be requested after compiling the authentic instrument within the meaning of Art. 4, Para. 10 of Regulation (EU) № 655/2014 from the competent court of first instance.

(3) At any stage of the case until completion of proceedings, the claimant may request from the court, before which the case is pending, to issue a European Account Preservation Order. Where the request to issue a European Account Preservation Order is filed within the cassation proceedings, the order shall be issued by the Appellate court.

(4) The issuance of a European Account Preservation Order of bank accounts may be requested after enactment of the court ruling by the court of first instance which has examined the merits of the case,

or after approval of the court settlement.

Appealing a refusal to issue a European Account Preservation Order under Art. 21 of Regulation (EU) № 655/2014

Art. 618b. (new – SG 13/17) The ruling of the court with which it rejects, wholly or in part, the issuance of a European Account Preservation Order shall be subject to appeal with a private claim. Where the ruling is given by an appellate court, it shall be subject to appeal before the Supreme Court.

Competent authority under Art. 4, item 14, and information authority under Art. 14 of Regulation (EU) (EU) № 655/2014

Art. 618c. (new – SG 13/17) (1) Competent authority to receive, transmit and serve the Preservation Order and other documents under Regulation (EU) № 655/2014 shall be the bailiff.

(2) Information authority under Art. 14 of Regulation (EU) № 655/2014 shall be the Ministry of Justice.

Direct recognition and enforcement of a European Account Preservation Order

Art. 618d. (new – SG 13/17) (1) Competent authority to execute the Preservation Order in accordance with Chapter 3 of the Regulation (EU) № 655/2014 shall be the bailiff.

(2) The declaration concerning the preservation of funds in the account of the debtor shall be issued by the bank, to which the preservation order is addressed, in the terms and deadlines of Art. 25 of Regulation (EU) № 655/2014.

(3) The applicant shall take the necessary measures to secure the release of the funds which, upon implementation of the European Account Preservation Order exceed the amount specified therein, in cases and under the conditions of Art. 27, paragraphs 1 and 2 of Regulation (EU) № 655/2014.

(4) If the applicant does not fulfill its obligation under Para. 3, the bailiff shall take the necessary official measures to release those funds.

Revoking and modifying the European Account Preservation Order and its enforcement

Art. 618e. (new – SG 13/17) (1) The defendant and the applicant may request revocation or modification of a European Account Preservation Order from the competent court of first instance, if any of the grounds provided for in Art. 33, paragraph 1 or Art. 35, paragraph 1 of Regulation (EU) № 655/2014 is present. The ruling enacted on the claim shall be appealed pursuant to **Art. 618b**.

(2) The defendant may request from the court which has issued the Preservation order to limit or terminate the enforcement of the Preservation Order, if any of the grounds under Art. 34, paragraph 1 of Regulation (EU) № 655/2014 is present.

(3) The defendant and the applicant may request from the bailiff limitation or termination of the enforcement of the European Account Preservation Order, if the grounds of Art. 35, paragraph 3 of Regulation (EU) № 655/2014 is present. The bailiff shall inform the court which has issued the order about the actions taken.

(4) The applicant may request modification of the enforcement of the European Account Preservation Order pursuant to Art. 35, paragraph 4 of Regulation (EU) № 655/2014 from the bailiff.

Chapter fifty seven.
RECOGNITION AND ADMISSION OF COURT DECISIONS AND ACTS UNDER THE FORCE

OF THE EUROPEAN UNION LAW (IN FORCE FROM 24.07.2004)

Section I.
Certificates (in force from 24.07.2007)

Certificates, issued on the base of Bulgarian court acts (in force from 24.07.2007; title amended – SG 100/10, in force from 21.12.2010)

Art. 619. (in force from 24.07.2007) (1) (suppl. – SG 50/08, in force from 01.03.2008) The certificate under Regulation (EC) No 805/2004 of the European Parliament and of the Council creating a European Enforcement Order for uncontested claims shall be issued upon a written application from the party by the first-instance court, which has heard the lawsuit or in whose region the public document has been issued.

(2) The disposition by which the application for issuance of a certificate is recognised shall not be subject to appeal and shall not be announced to the debtor.

(3) The disposition by which the application for issuance of a certificate is denied in full or partially shall be subject to appeal by a private complaint, a copy for serving of which shall not be submitted.

(4) (amend. – SG 50/08, in force from 01.03.2008) The court may correct or invalidate the certificate on the grounds of Art. 10 of Regulation (EC) No 805/2004 of the European Parliament and of the Council.

Issuance of certificate for recognition and admission of enforcement of a Bulgarian court decision

Art. 620. (in force from 24.07.2007) (1) The first-instance court, which has heard the lawsuit shall issue upon a written request of the party a certificate for recognition or admission of the enforcement of a Bulgarian court decision in another Member State, where an act of the European Union requires this.

(2) A certificate under Para 1 shall be issued by the first-instance court upon a written application of the party also in the case where recognition or admission of the enforcement will be required in a country which is not a Member State.

Section II.
Procedure of recognition and enforcement of decisions and acts, ruled in other Member-States of the European Union (in force from 24.07.2007; title supplemented – SG 100/10, in force from 21.12. 010; amend. - SG 50/15)

Direct recognition

Art. 621. (in force from 24.07.2007) (1) (amend. SG 50/08, in force from 01.03.2008) The court decision or another act shall be recognised by the authority to which it is submitted, on the base of a copy, certified by the court which pronounced it, and the accompanying certificate, if an act of the European Union requires this.

(2) The court decisions within the scope of Art. 21.2 of Council Regulation (EC) No 2201/2003 concerning jurisdiction and the recognition and enforcement of judgements in matrimonial matters and in matters of parental responsibility, repealing Regulation (EC) No 1347/2000 shall be recognized by the competent for the registration authorities.

Recognition in a court procedure

Art. 622. (in force from 24.07.2007) (1) The interested party may request recognition of the decision under the procedure of Art. 623 by the district court at the permanent address of the opposing party or at the party's seat, and if the party has no permanent address or a seat in the territory of the Republic of Bulgaria – at the party's permanent address or seat. If the interested party also has no permanent address or a seat in the territory of the Republic of Bulgaria, the request shall be submitted to the Sofia City Court.

(2) (new - SG 50/15) The interested party may ask the court to refuse recognition of the judgement or to establish that there are no grounds for refusal of recognition, based on Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgements in civil and commercial matters (OJ, L 351/1 of 20 December 2012), hereinafter referred to as "Regulation (EC) No 1215/2012" pursuant to para 1.

(3) (amend. – SG 50/08, in force from 01.03.2008; prev. text of para 2, amend. - SG 50/15) The court shall rule based on a copy of the judgement given in another Member - State of the European Union, certified by the court issuing it, where an act of the European Union requires this. The documents shall be accompanied by a translation into Bulgarian language.

(4) (prev. text of para 3, amend. - SG 50/15) The court shall render an injunction which has the effect of a judgement given in a claim procedure.

(5) (prev. text of para 4 - SG 50/15) If the settlement of the lawsuit depends completely or partially on the recognition of the foreign court decision, pronounced in a Member State, the court before which the lawsuit is pending shall be the competent one for the recognition.

Direct Enforcement pursuant to Regulation (EU) No 1215/2012

Art. 622a. (new - SG 50/15) (1) A judgement ruled in another Member State of the European Union shall be subject to enforcement without any writ of execution being required.

(2) The bailiff shall proceed to enforcement at the request of an interested party on the basis of a copy of the judgement given in another Member State of the European Union, certified by the court that issued it, as well as a certificate issued pursuant to Article 53 of Regulation (EU) No 1215/2012.

(3) Where the bailiff finds that the measure or injunction cannot be enforced under the terms and provisions of this Code, it shall rule substitute enforcement.

(4) A judgement given in another Member State of the European Union, ordering provisional (including protective) measure shall be enforceable under para 1 and 2. In cases where the measure was ordered without the defendant having been summoned to appear proof of service of the judgement shall also be submitted.

(5) When proceeding to enforcement, the bailiff shall serve on the debtor a copy of the certificate under para 2, thereby inviting the latter to voluntary execution. A copy of the judgement given in another Member - State of the European Union shall be attached to the certificate, if it has not been served on the debtor.

(6) Within one month of service the debtor may lodge an application for refusal of enforcement. Where translation of the judgement is required, the time limit shall be suspended until the debtor provides such translation.

(7) Each of the parties may appeal the adaptation of the measure or the injunction pursuant to Art. 436.

Refusal of Enforcement pursuant to Regulation (EU) No 1215/2012

Art. 622b. (new - SG 50/15) The application for refusal of enforcement shall be submitted and considered pursuant to **Art. 623**.

Admission of the enforcement

Art. 623. (in force from 24.07.2007) (1) The application for admission of enforcement of a court decision or of another act, pronounced in another Member State shall be submitted at the district court at the permanent address of the debtor, at his seat or at the place of performance. Copy of the application for serving shall not be presented.

(2) (amend. - SG 50/15) The court shall consider the application at a closed session and shall rule on the grounds of a copy of the foreign judgement authenticated by the court that delivered it and a certificate, where a regulation of the European Union requires so. The documents shall have translations in Bulgarian language.

(3) (amend. – SG 100/10, in force from 21.12.2010; amend. - SG 50/15)

(4) In the judgement by which the application is recognised, the court shall also pronounce on the required temporary and security measures.

(5) (new – SG 50/08, in force from 01.03.2008) The judgement on admission shall have the effect of a decision, pronounced within a claim procedure.

(6) (previous Para 5, amend. – SG 50/08, in force from 01.03.2008) The judgement shall be subject to appeal before the Sofia Court of Appeal. The decision of the Sofia Court of Appeal shall be subject of cassation appeal before the Supreme Court of Cassation.

Chapter fifty seven "a".
PROCEDURE AND ENFORCEMENT ON THE BASIS OF REGULATION (EC) № 861/2007 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 11 JULY 2007 ESTABLISHING A EUROPEAN SMALL CLAIMS PROCEDURE (OJ, L 199/1 OF 31.07.2007). ENFORCEMENT ON THE BASIS OF REGULATION (EC) № 805/2004 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 21 APRIL 2004 CREATING A EUROPEAN ENFORCEMENT ORDER FOR UNCONTESTED CLAIMS (NEW - SG 42/18)

Procedure based on Regulation (EC) № 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure

Art. 624. (In force from 24.07.2007, amend. – SG 42/18) (1) The application for initiating proceedings for the European Small Claims Procedure shall be filed before the District Court at the defendant's permanent address or at its seat.

(2) The appeal against a decision on European Small Claims Procedure shall be filed with the relevant District Court.

(3) The decision of the District Court under Para. 2 shall be subject to cassation appeal before the Supreme Court of Cassation under the conditions of **Art. 280**.

(4) The defendant may file before the respective court of appeal an application for review of the judgment rendered in the European Small Claims Procedure under the terms and procedure of Art. 18 of Regulation (EC) № 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure, as amended by Regulation (EC) 2015/2421 of the European Parliament and of the Council of 16 December 2015 amending Regulation (EC) № 861/2007 establishing a European Small Claims Procedure and Regulation (EC) № 1896/2006 creating a European order for payment procedure (OJ, L 341/1 of December 24, 2015).

(5) The court shall send a copy of the application for review to the other party who, within one week of receipt, may file a reply.

(6) The application for review shall be considered in camera. The court may, if it deems it necessary, examine the request in open court.

(7) The decision on the application for review shall not be subject to appeal.

Exequatur (enforcement of foreign acts) based on Regulation (EC) № 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure, and based on Regulation (EC) № 805/2004 of the European Parliament and of the Council of 21 April 2004 creating a European Enforcement Order for uncontested claims

Art. 624a. (New - SG 42/18) (1) The application for issuance of a writ of execution on the basis of a European Enforcement Order for an indisputable claim or on the basis of a decision on a European Small Claims Procedure shall be filed before the District Court at the permanent address of the debtor, at his seat or place of enforcement.

(2) The order shall be appealed in accordance with **Art. 623, Para. 6**. The time limit for appeals shall run for the petitioner from service of the order, and for the defendant - from the service of the call for voluntary enforcement.

(3) The appeal of the order granting the application shall not stop the enforcement.

Stay or limitation of enforcement within the meaning of Art. 23 of Regulation (EC) № 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure, and based on Regulation (EC) № 805/2004 of the European Parliament and of the Council of 21 April 2004 creating a European Enforcement Order for uncontested claims

Art. 624b. (New - SG 42/18) (1) Stay or limitation of the enforcement of judgments of a Bulgarian court, determined in accordance with Regulation (EC) № 861/2007, shall be ordered by the court before which the case is pending, and in the case of a decision already in force - by the court of first instance.

(2) An application for stay of enforcement of a foreign decision shall be submitted to the District Court, which has issued the order for admission of the enforcement and the writ of execution.

Chapter fifty eight.
ENFORCEMENT ON THE BASE OF THE REGULATION (EC) No. 1896/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL CREATING EUROPEAN ORDER FOR PAYMENT PROCEDURE (IN FORCE FROM 24.07.2007)

Competent body to issue European order

Art. 625. (in force from 24.07.2007) (1) (amend. – SG 50/08, in force from 01.03.2008) The application to issue European order for payment shall be submitted to the district court at the permanent address of the debtor, at his seat or at the place of performance.

(2) If possibility to consider the lawsuit under a claim procedure is not excluded, the defendant may with the objection to make a challenge for local jurisdiction at latest.

Forwarding of the lawsuit

Art. 626. (in force from 24.07.2007) Where the objection is submitted within the due time, the court shall instruct the applicant, who did not exclude the possibility to consider the lawsuit under a claim procedure, to depose the rest part of the due state fee into the account of the competent per kind and per place court. The court shall forward ex-officio the papers of the lawsuit to the competent per kind and per place court.

Review in exceptional cases

Art. 626a. (New - SG 42/18) (1) The defendant may file a request for review of a European order for payment under the conditions and by the order of Art. 20 of Regulation (EC) № 1896/2006 to the relevant Court of Appeal.

(2) The request for review shall be submitted within 30 days. The time limit shall begin to run from the day, on which the defendant has actually become aware of the content of the order, or after those circumstances specified in Art. 20, paragraph 1, letter “b” of the Regulation cease to exist.

(3) The court shall send a copy of the request to the other party who may reply within one week of receipt.

(4) The request shall be considered in camera. The court may, if it deems it necessary, examine the application in open court.

(5) The court's ruling shall not be subject to appeal.

Enforcement on the base of European order

Art. 627. (in force from 24.07.2007) (1) (amend. – SG 50/08, in force from 01.03.2008) The application to issue a writ of execution on the base of an European order for payment, issued by another Member State, shall be submitted to the district court at the permanent address of the debtor, at his seat or at the place of performance.

(2) (amend. – SG 50/08, in force from 01.03.2008; suppl. – SG 42/09) The judgement shall be appealed under the procedure of **Art. 623, Para 6**. The time limit for appellate appeal shall commence for the applicant from the delivery of the disposition, and for the respondent – from the delivery of the invitation for voluntary performance.

(3) (new - SG 50/15) The debtor may file an application for refusal of enforcement under Art. 22 of Regulation № 1896/2006 or application for suspension or limitation of enforcement within the meaning of Art. 23 of Regulation № 1896/2006 before the district court in his/her permanent address, registered office or place of performance. The order shall be subject to appeal by the order of **Art.** 623, para. 6. The time limit for appellate appeal shall start from for serving the disposition for the applicant and from service of the notice of voluntary enforcement for the defendant.

Chapter fifty eight.
"A" RECOGNITION AND ENFORCEMENT OF COURT DECISIONS ON THE BASE OF REGULATION (EC) No 4/2009 OF THE COUNCIL OF 18 DECEMBER 2008 ON JURISDICTION, APPLICABLE LAW, RECOGNITION AND ENFORCEMENT OF DECISIONS AND COOPERATION IN MATTERS REALTING TO MAINTENANCE OBLIGATIONS (OJ, L 7 OF 10 JANUARY 2009), REFERRED HEREINAFTER "REGULATION (EC) No 4/2009" (NEW – SG

100/10, IN FORCE FROM 18.06.2011)

Cancellation of a decision, pronounced in a Member-State, which is bound by the Hague Protocol of 2007

Art. 627a. (new – SG 100/10, in force from 18.06.2011) The interested State may submit to the Supreme Cassation Court request to cancel the decision on the base of Article 19, Paragraph 1 of Regulation (EC) No 4/2009.

Enforcement of a decision, pronounced in a Member-State, which is bound by the Hague Protocol of 2007

Art. 627b. (new – SG 100/10, in force from 18.06.2011) (1) Application to issue a writ of execution on the base of the documents envisaged in Article 20 of Regulation (EC) No 4/2009 shall be submitted to the district court of the permanent address of the debtor or of the place of enforcement.

(2) Refusal or suspension of enforcement as per Article 21 of Regulation (EC) No 4/2009 shall be pronounced by the district court.

Admission of enforcement of a decision, pronounced in a Member-State, which is not bound by the Hague Protocol of 2007

Art. 627c. (new – SG 100/10, in force from 18.06.2011) (1) (suppl. – SG 86/17) Application to admit enforcement of court decision or of another act pronounced in a Member-State which is not bound by the Hague Protocol of 2007, shall be submitted to the district court of the permanent address of the debtor, at his habitual place of residence, or of the place of enforcement. Copy of the application for serving on the debtor shall not be presented.

(2) Court shall consider the application at a closed session.

(3) In the judgement where the application is considered favourably, court shall determine the applicable term for appeal as per Article 32, Paragraph 5 of Regulation (EC) No 4/2009. Preliminary enforcement of the ruling by which the application is considered favourably, shall not be admitted.

(4) In the judgement where the application is considered favourably, the court also shall pronounce on the requested temporary security measures.

(5) Judgement on admission shall have the status of a decision pronounced on a claim procedure.

(6) Judgement shall be subject to appeal before the Sofia Appellate Court under the conditions and following the procedure of Article 32 of Regulation (EC) No 4/2009. Decision of the Sofia Appellation Court shall be subject to cassation appeal before the Supreme Cassation Court.

Chapter fifty eight "b".

RECOGNITION AND ENFORCEMENT OF COURT DECISIONS AND ISSUING OF EUROPEAN CERTIFICATE OF SUCCESSION, BASED ON REGULATION (EU) № 650/2012 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL FROM 4 JULY 2012 ON COMPETENCE, APPLICABLE LAW, RECOGNITION AND ENFORCEMENT OF DECISIONS AND ACCEPTANCE AND ENFORCEMENT OF AUTHENTIC INSTRUMENTS IN MATTERS OF SUCCESSION AND CREATING A EUROPEAN CERTIFICATE OF SUCCESSION (OJ, L 201/107 OF 27 JULY 2012), HEREINAFTER REFERRED TO AS "REGULATION (EU) № 650/2012" (NEW

- SG 15/16)

Recognition in a court procedure

Art. 627d. (New - SG 15/16) (1) In the case of Art. 39, par. 2 of Regulation (EU) № 650/2012, the party concerned may request recognition of a foreign court decision pursuant to **Art. 627d** of the district court in the home address of the opposing party, in its registered seat or in its place of performance.

(2) The court under par. 1 shall rule on the requested temporary and protective measures under Art. 54, paragraph 1 of Regulation (EU) № 650/2012.

Admissibility of enforcement

Art. 627e. (New - SG. 15/16) (1) The application for admissibility of enforcement of court decision or of another act, pronounced in another Member - State of the European Union, shall be submitted to the district court at the permanent address of the debtor, at its registered office or at its place of execution. A copy of the application shall not be submitted to be served to the debtor.

(2) The court shall consider the application in closed session.

(3) In the order whereby the application is granted, the court shall determine the applicable deadline for appeal under Art. 50, paragraph 5 of Regulation (EU) № 650/2012. Preliminary execution of the order which grants the application shall not be allowed.

(4) The court shall pass a ruling on the requested temporary and securing measures.

(5) The order on admissibility shall be considered as decision, pronounced in a claim process.

(6) The order shall be subject to appeal before the Sofia Appellate Court. The decision of the Sofia Court of Appeal shall be subject to cassation appeal before the Supreme Court of Cassation.

Issuance of a European Certificate of Succession

Art. 627f. (New - SG 15/16) (1) When the Bulgarian court is internationally competent under Art. 4, 7, 10 and 11 of Regulation (EU) № 650/2012, the application for issuance of a European Certificate of Succession shall be submitted to the district court at the last domicile of the deceased, if none - at his last address in the country, and if none either – at the Sofia District Court.

(2) In case the application under par. 1 is upheld, the court shall issue a European Certificate of Succession, using the form provided in the Regulation for implementation (EU) № 1329/2014 of the Commission of 9 December, 2014 for the preparation of the forms, quoted in Regulation (EU) № 650/2012 of the European Parliament and of the Council on competence, applicable law, recognition and enforcement of decisions, and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European certificate of succession (OJ, L 359/30 of 16 December 2014).

(3) The European Certificate of Succession, as well as the refusal to issue one, shall be subject to appeal before the corresponding regional court within one month, which shall run from the time of service.

(4) Where the issued European Certificate of Succession is inaccurate or the refusal to issue one is unfounded, the court shall repeal the pronounced act in full or in part, and shall return the case to the first-instance court with obligatory directions.

Appeal of acts of correction, amendment or withdrawal of a European Certificate of Succession

Art. 627g. (New - SG 15/16) (1) The acts pronounced in request for correction, amendment or withdrawal of a European Certificate of Succession shall be subject to appeal before the corresponding regional court within two weeks, which shall run from the time of service.

(2) Where the issued European Certificate of Succession is inaccurate or the refusal to correct, amend or withdraw is unfounded, the court shall repeal the pronounced in full or in part, and shall return the case to the first-instance court with obligatory directions.

Appeal of suspension of a European Certificate of Succession

Art. 627h. (New - SG 15/16) The suspension of a European Certificate of Succession, issued by the district court, may be appealed within one week before the regional court.

Applicability of the general rules of non-contentious proceedings

Art. 627i. (New – SG 15/16) For the questions, unsettled by Regulation (EU) № 650/2012, relating to the procedure for issuing of a European Certificate of Succession, shall apply the general rules of **Chapter forty-nine**.

Chapter fifty nine.
QUESTIONS REFERRED FOR A PRELIMINARY RULING (IN FORCE FROM 24.07.2007)

Jurisdiction of the national court

Art. 628. (in force from 24.07.2007) When the interpretation of a provision of the European Union legislation or the interpretation and validity of an act of the bodies of the European Union is of importance for the proper resolution of the case, the Bulgarian court shall refer the question to the Court of Justice of the European Union.

Referring a question

Art. 629. (in force from 24.07.2007) (1) The question shall be asked by the court before which the case is pending, ex-officio, or at the request of the party.

(2) The court, whose decision is subject to appeal, may not grant the party's request for a preliminary ruling on the interpretation of a provision or an act. The ruling shall not be subject to appeal.

(3) The court whose decision is not subject to appeal shall always ask for interpretation, unless the answer to the question is clear and unambiguous from a previous judgment of the Court of Justice, or the content and the meaning of the provision or act are so clear that they do not evoke any doubt.

(4) The court shall always ask when the validity of an act under **Art. 628** is questioned.

(5) Where interpretation of provisions of **Section IV "Visas, asylum, immigration and other politics, relating to the free movement of persons" of the Treaty establishing the European Community** and the interpretation and the validity of acts, adopted under this Section of the Treaty, shall be of importance for the correct settlement of the lawsuit, only the court, whose decision shall not be subject to

appeal, may make a request under **Art. 628**.

Content of the question

Art. 630. (in force from 24.07.2007) (1) The question to the Court of Justice shall contain a description of the facts of the case, the applicable national law, a precise reference to the provision or act whose interpretation or validity is the subject of the question, the reasons for which the court thinks that the requested preliminary ruling is of importance to the proper outcome of the case, and the wording of the specific reference for a preliminary ruling.

(2) If considered important, the court may also send a copy of the case.

Suspension and resumption of proceedings before the national court

Art. 631. (in force from 24.07.2007) (1) By asking the question, the court shall stop the proceedings in the case. The ruling shall not be subject to appeal.

(2) Proceedings in the case shall be resumed following the ruling of the Court of Justice of the European Union.

Security and temporary measures

Art. 632. (in force from 24.07.2007) The Court may order appropriate security and interim measures at the request of the parties, while proceedings are being suspended.

Effect of the decision on the question for a preliminary ruling

Art. 633. (in force from 24. 07. 2007) The ruling of the Court of Justice shall be obligatory for all the courts and institutions in the Republic of Bulgaria.

Part eight.
SPECIAL RULES CONCERNING PROCEEDINGS IN CIVIL CASES WITH EFFECTIVE INTERNATIONAL CONTRACTS (NEW - SG 42 OF 2018)

Chapter sixty.
RECOGNITION AND ADMISSION TO ENFORCEMENT OF JUDGMENTS WITH EFFECTIVE CONVENTION ON THE INTERNATIONAL RECOVERY OF CHILD SUPPORT AND OTHER FORMS OF FAMILY MAINTENANCE, HEREINAFTER REFERRED TO AS THE “2007 HAGUE CONVENTION” (NEW - SG 42 OF 2018)

Section I.
Certificates issued on the basis of Bulgarian judgements (New - SG 42 of 2018)

Issuance of documents for recognition or admission of enforcement of a Bulgarian judgement

Art. 634. (New - SG 42/18) The Court of First Instance, having heard the case, shall, at the written request of the party, issue the documents accompanying the request for recognition and enforcement of a

judgement in another State party to the 2007 Hague Convention.

Section II.
Procedure for recognition and admission to enforcement of judgements given in States parties to the 2007 Hague Convention (New - SG 42 of 2018)

Direct recognition

Art. 635. (New - SG 42/18) A judgement given in a State party to the 2007 Hague Convention shall be recognized by the body before which it is being brought, based on a copy of the judgement, a certificate for its entry into force and, if necessary, the documents referred to in Art. 25, paragraph 1, letters “c” – “f” of the 2007 Hague Convention.

Recognition through court action

Art. 636. (New - SG 42/18) (1) The interested party may request the recognition of a judgement given in a State party to the 2007 Hague Convention by the order of **Art. 637**, from the District Court at the debtor's permanent address, at his habitual residence or at place of enforcement.

(2) The judgment given in a State party to the 2007 Hague Convention shall be recognized following court action on the basis of a copy of the judgement, a certificate of its entry into force and, if necessary, the documents referred to in Art. 25, paragraph 1, letters “c” – “f” of the 2007 Hague Convention.

(3) The recognition order shall have the meaning of a judgement given in a claim.

(4) Where the outcome of the case depends entirely or in part on the recognition of a judgement given in a State party to the 2007 Hague Convention, the court, before which the case is pending, shall be the one competent for recognition.

Admission of enforcement

Art. 637. (New - SG 42/18) (1) The application for admission to enforcement of a judgment given in a State party to the 2007 Hague Convention shall be filed with the District Court at the debtor's permanent address, at his habitual residence or at the place of enforcement.

(2) The application for admission to enforcement shall be accompanied by a copy of the judgement, a document certifying that the judgement is enforceable in the country of origin and, if necessary, the documents referred to in Art. 25 paragraph 1, letters “c” – “f” of the 2007 Hague Convention.

(3) A copy of the application for service to the debtor shall not be filed.

(4) The court shall examine the application under Para. 1 in a closed session. Admission to enforcement may be refused only on the grounds set forth in Art. 22, letter “a” of the 2007 Hague Convention.

(5) In the order granting the application, the court shall determine the applicable time for appeal under Art. 23, paragraph 6 of the 2007 Hague Convention. In case the application is granted, it shall not be permissible enforcement of the order in advance.

(6) In the order granting the application, the court shall also rule on the requested interim and protective measures.

(7) The ruling on admission has the meaning of a judgement given in a claim process.

(8) The order shall be subject to appeal before the Sofia Court of Appeal on the grounds referred to in Art. 23, Para. 7 and 8 of the 2007 Hague Convention. The Sofia Appellate Court's decision shall be subject to appeal before the Supreme Court of Cassation.

Recognition and enforcement of a maintenance agreement

Art. 638. (New - SG 42/18) (1) The recognition and enforcement of a maintenance agreement shall be carried out in accordance with **Art. 637**, with the application for recognition and admission to enforcement is to be accompanied by a copy of the maintenance agreement and a document certifying that the agreement is enforceable as a judgement in the State of origin.

(2) Admission to enforcement may be refused only on the grounds referred to in Art. 30, paragraph 4, letter “a” of the 2007 Hague Convention.

(3) The order may only be appealed against the grounds for refusal of recognition and enforcement referred to in Art. 30, paragraph 4 of the 2007 Hague Convention, and the authenticity or integrity of the document submitted in accordance with Para. 1.

Section III.
Enforcement of a judgement given in a State party to the 2007 Hague Convention (New - SG 42 of 2018)

Competent court in the procedure for issuing a writ of execution

Art. 639. (New - SG 42/18) The writ of execution shall be issued by the court which admits the enforcement of the judgement given in a State party to the 2007 Hague Convention, in case its act is enforceable.

Additional provisions

§ 1. (New - SG 98/20, amend. - SG 110/20, in force from 30.06.2021) Within the meaning of this Code:

1. "Video-conference" shall be a communication link through a technical means for a simultaneous transmission and reception of image and sound between participants in the process, located in different places, thus allowing the recording and storage of information on electronic media.

2. "E-mail address for serving" shall mean a personalized space in the single e-Justice portal, through which individuals receive electronic applications, notifications, summons and papers from the courts, a qualified e-mail registered service, and an e-mail address.

3. "Electronic document" shall be the document in the sense of Art. 3, paragraph 35 of Regulation (EU) 910/2014.

4. "Qualified electronic seal of the court" and "qualified electronic time stamp of the court" shall be seals that meet the requirements of Chapter III, Sections 5 and 6 of Regulation (EU) № 910/2014.

Transitional and concluding provisions

§ 1a. (Previous § 1 – SG 98/20) (1) The first-instance lawsuit, established upon claim motions, which were received in the regional and the district courts before this Code enters into effect, shall be finalised by the same courts, not depending on the change of jurisdiction.

(2) The lawsuits on request to establish a security of future claim, started before this Code enters into effect, shall be heard by the same courts, not depending on the change of the jurisdiction.

§ 2. (1) (suppl. – SG 50/08, in force from 01.03.2008) The first-instance lawsuits, established upon claim motions, received before this Code enters into effect, shall be heard following the present procedure for hearing the first-instance and appellate lawsuits.

(2) The lawsuits before the court of appeal, received before this Code enters into effect, shall be heard under the present procedure for hearing the lawsuits by the court of appeal.

(3) The cassation lawsuits, established upon cassation complaints received before this Code enters in force, shall be heard under the present procedure of hearing of the lawsuits by the cassation instance.

(4) (new – SG 50/08, in force from 01.03.2008) Procedures on applications for securing claims, submitted before 1st of March 2008, shall be considered following the procedure of the revoked Code of Civil Procedure.

(5) (in force from 24. 07. 2007, previous Para 4 – SG 50/08, in force from 01.03.2008)) The cassation complaint against the appellate decision of the district courts on claims for defence against unlawful dismissal under **Art. 344, Para 1 items 1-3 of the Labour Code** and on claims for labour remuneration and compensation on a labour legal relationship with a price of the claim above the amount under Art. 218a, Para 1, letter "a", submitted before this Code enters into effect, shall be heard by the respective court of appeal under the present cassation procedure. The initiated before the Supreme Court of Cassation lawsuits, which are not scheduled, as well as which are scheduled after 30 June 2008, shall be forwarded to the respective court of appeal, which shall hear them under the present cassation procedure.

(6)(new – SG 50/08, in force from 01.03. 2008) The procedures over applications for restoration of possession under an administrative procedure, submitted on the grounds of Art. 126g of the revoked Code of Civil Procedure before 1st of March 2008, shall be proceeded under the procedure of the revoked Code of Civil Procedure.

(7) (prev. Para 5 – SG 50/08, in force from 01.03.2008) The public sales, announced before this court enters into effect, shall be finalized under the present procedure.

(8) (new – SG 50/08, in force from 01.03. 2008) The protective procedures, constituted upon request to issue a writ of execution, received before 1st of March 2008, shall be considered following the procedure of the revoked Code of Civil Procedure. Under the same procedure shall also be considered the application to suspend the execution under Art. 250 of the revoked Code of Civil Procedure, if the writ of execution is issued upon a request, submitted before 1st of March 2008, as well as to suspend the execution of the appellation decisions under the procedure of Art. 218b, Para 3- 6 of the revoked Code of Civil Procedure.

(10) (new – SG 50/08, in force from 01.03. 2008) Procedures, initiated upon complaints against the actions of the State or of the private bailiff and against the refusal of the latter to execute a required enforcement action, submitted before 1st of March 2008, shall be considered under the procedure of the revoked Code of Civil Procedure.

(11) (new – SG 50/08, in force from 01.03. 2008) Procedures on cassation lawsuits, initiated upon private complaints, submitted before 1st of March 2008, shall be proceeded following the procedure of the revoked Code of Civil Procedure for proceeding the lawsuits by the cassation instance.

(12) (new – SG 50/08, in force from 01.03. 2008) The lawsuits, initiated by requests to cancel effective court decisions, submitted before 1st of March 2008, shall be proceeded under the procedure of the revoked Code of Civil Procedure.

(13) (new – SG 50/08, in force from 01.03. 2008) The lawsuits initiated upon requests for cancellation of definitions and judgements of the chairperson or by a judge of the Supreme Court of Cassation to return cassation complaints and upon requests to cancel effective decisions and definitions of the three-members body of the Supreme Court of Cassation, submitted before 1st of March 2008, shall be proceeded following the procedure of the revoked Code of Civil Procedure.

(14) (new – SG 50/08, in force from 01.03. 2008) In every, non explicitly enlisted procedure, initiated upon requests, submitted before 1st of March 2008, shall be proceeded under the procedure of the

revoked Code of Civil Procedure.

§ 3. (*) The Civil Procedure Code (Prom. SG. 12/8 Feb 1952, amend. SG. 92/7 Nov 1952, amend. SG. 89/6 Nov 1953, amend. SG. 90/8 Nov 1955, amend. SG. 90/9 Nov 1956, amend. SG. 90/11 Nov 1958, amend. SG. 50/23 Jun 1961, amend. SG. 90/10 Nov 1961, corr. SG. 99/12 Dec 1961, amend. SG. 1/4 Jan 1963, amend. SG. 23/22 Mar 1968, amend. SG. 27/3 Apr 1973, amend. SG. 89/9 Nov 1976, amend. SG. 36/8 May 1979, amend. SG. 28/8 Apr 1983, amend. SG. 41/28 May 1985, amend. SG. 27/4 Apr 1986, amend. SG. 55/17 Jul 1987, amend. SG. 60/5 Aug 1988, amend. SG. 31/21 Apr 1989, amend. SG. 38/19 May 1989, amend. SG. 31/17 Apr 1990, amend. SG. 62/2 Aug 1991, amend. SG. 55/7 Jul 1992, amend. SG. 61/16 Jul 1993, amend. SG. 93/2 Nov 1993, suppl. SG. 87/29 Sep 1995, amend. SG. 12/9 Feb 1996, amend. SG. 26/26 Mar 1996, amend. SG. 37/30 Apr 1996, amend. SG. 44/21 May 1996, amend. SG. 104/6 Dec 1996, amend. SG. 43/30 May 1997, suppl. SG. 55/11 Jul 1997, amend. SG. 124/23 Dec 1997, amend. SG. 21/20 Feb 1998, amend. SG. 59/26 May 1998, suppl. SG. 70/19 Jun 1998, suppl. SG. 73/26 Jun 1998, amend. SG. 64/16 Jul 1999, suppl. SG. 103/30 Nov 1999, amend. SG. 36/2 May 2000, suppl. SG. 85/17 Oct 2000, amend. SG. 92/10 Nov 2000, amend. SG. 25/16 Mar 2001, amend. SG. 105/8 Nov 2002, amend. SG. 113/3 Dec 2002, suppl. SG. 58/27 Jun 2003, amend. SG. 84/23 Sep 2003, suppl. SG. 28/6 Apr 2004, amend. SG. 36/30 Apr 2004, amend. SG. 38/3 May 2005, amend. SG. 42/17 May 2005, amend. SG. 43/20 May 2005, amend. SG. 79/4 Oct 2005, amend. SG. 86/28 Oct 2005, amend. SG. 99/9 Dec 2005, amend. SG. 105/29 Dec 2005, amend. SG. 17/24 Feb 2006, amend. SG. 33/21 Apr 2006, amend. SG. 34/25 Apr 2006, amend. SG. 36/2 May 2006, amend. SG. 37/5 May 2006, amend. SG. 48/13 Jun 2006, amend. SG. 51/23 Jun 2006, amend. SG. 64/8 Aug 2006) shall be revoked.

§ 4. (1) The secondary legislation issued on the base of the revoked Civil Procedure Code, shall be applied insofar as it does not contradict this Code.

(2) (in force from 24. 07. 2007, amend. – SG 50/08, in force from 01.03. 2008) The Council of Ministers and the Minister of Justice shall issue the acts under **Art. 55**, **Art. 73, Para 3**, **Art. 425** and **Art. 444, item 7** within 6-months term after the promulgation of this Code in the State Gazette.

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§ 61. This Code shall enter into force from 1st of March 2008, except for:

1. **Part Seven**, "Special rules regarding the procedure on civil lawsuits under the effect of the European Union Law";

2. **§ 2, Para 4**;

3. **§ 3** with regard to the revocation of Chapter Thirty Two "A":Special rules for recognition and admission of execution of decisions of the foreign courts and other foreign authorities" with Art. 307a-307e and Part Seven "Procedure on return of a child and exercising of the right of private relations" with Art. 502 – 507;

4. **§ 4, Para 2**;

5. § 24;

6. § 60,

which shall enter in force three days after the promulgation of the Code in the State Gazette.

This Code was adopted by the 40th National Assembly on 6th of July 2007 and was affixed with the official seal of the National Assembly.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE CODE OF CIVIL PROCEDURE

(PROM. – SG 50/08, IN FORCE FROM 01.03.2008)

§ 43. Regulations under Art. 342, Para 1 of the Judiciary Act shall also settle the registers **of Art. 235, Para 5, Sentence Two** and these of **Art. 489, Para 4**.

§ 47. (in force from 30.05.2008) The terminated procedures under **§ 2** of the Transitional and Concluding Provisions shall be renewed ex-officio by the court.

§ 48. This Act shall enter into force from 1st of March 2008, except for the § 23, 25, 45, 46 and 47 which shall enter into force from the day of promulgation of the act in the State Gazette.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE TAX-INSURANCE PROCEDURE CODE

(PROM. – SG 12/09, IN FORCE FROM 01.05.2009; SUPPL. - SG 32/09)

§ 68. (suppl. - SG 32/09) This Act shall enter into force from 1 May 2009 except § 65, 66 and 67 which shall enter into force from the date of promulgation of the act in the State Gazette and § 2 - 10, § 12, items 1 and 2 - regarding para 3, § 13 - 22, § 24 - 35, § 36, paras 1 - 4, § 37 - 51, § 52, items 1 - 3, item 4, letter "a", item 7, letter "f" - regarding para. 10 and para 11, item 8, letter "a", items 9 and 12 and § 53 - 64, which shall enter into force from the 1st of January 2010.

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This Code was adopted by the 40th National Assembly on 6 July 2007 and was affixed with the official seal of the National Assembly.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE CODE OF CIVIL PROCEDURE

(PROM. – SG 42/09)

§ 26. The lawsuits under **Art. 390, Para 1** and **Art. 411, Para 1**, initiated before entry into force of this Law, shall be finilised by the same courts, regardless from the changes to the jurisidction.

§ 27. The lawsuits on claims for exercising parental rights in cases of disagreement between parents as referred to in Art. 76, Item 9 of the Bulgarian Identity Documents Act, initiated before entry into force of this Law, shall be finalised under the hitherto effective order.

Transitional and concluding provisions
TO THE FAMILY CODE

(PROM. – SG 47/09, IN FORCE FROM 01.10.2009)

§ 18. This Code shall enter into force from 1 October 2009.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE CODE OF CIVIL PROCEDURE

(PROM. – SG 100/2010, IN FORCE FROM 21.12.2010)

§ 25. Pending procedures shall be dealt with in accordance with the existing procedure rules.

§ 26. This Act shall enter into force form the date of its promulgation in the State Gazette, except for § 12, which shall enter into force from 1st of January 2011, and § 13, item 2 and § 21, which shall enter into force from 18th of June 2011.

Transitional and concluding provisions
TO THE ACT ON PUBLIC – PRIVATE PARTNERSHIP

(AMEND. – SG 45/12, IN FORCE FROM 01.01.2013)

§ 16. The Act shall enter into force as of January 1, 2013 except for § 4, § 5, § 7, § 8, § 9, § 10 and § 13, which shall enter into force from September 1q 2012.

Transitional and concluding provisions
TO THE ACT ON THE PUBLIC FINANCES

(PROM. - SG 15/13, IN FORCE FROM 01.01.2014)

§ 123. The Act shall enter into force from January 1, 2014 except for § 115, which shall enter into force from January 1, 2013 and § 18, § 114, § 120, § 121 and § 122, which shall enter into force from February 1, 2013.

Transitional and concluding provisions
TO THE SPATIAL DEVELOPMENT ACT

(PROM. – SG 66/13, IN FORCE FROM 26.07.2013)

§ 97. In the Code of Civil Procedure the words “the Minister of Regional Development and Public Works” and “the Ministry of Regional Development and Public Works” shall be replaced respectively by “the Minister of Regional Development” and “the Ministry of Regional Development” everywhere in the text.

§ 117. The Act shall enter into force from the date of its promulgation in the State Gazette.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE CODE OF CIVIL PROCEDURE

§ 14.Cassation appeals, private appeals under **art. 274, para 2** of the Code of Civil Procedure and appeals against decisions the Supreme Cassation Court under **Art. 80, para 3 of the Notaries and Notary Practice Act**, which have been submitted before the entry into force of this Act, shall be reviewed under the hitherto effective procedure.

§ 15.Within one month from the entry into force of this Act Governor of the Bulgarian National Bank and the Minister of Justice shall approve the requirements to the integrated environment for exchange of electronic liens.

§ 16.Judgements delivered in proceedings instituted before January 10, 2015, and other acts formally drawn up or registered, approved or concluded before January 10, 2015, included in the scope of Regulation (EC) № 1215/2012, shall be recognized and enforced by under the hitherto effective procedure.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE CODE OF CIVIL PROCEDURE

(PROM. - SG 8/17)

§ 6. (1) Pending procedures under the **Chapter XXII** shall be dealt with in accordance with this Act.

(2) The arbitration lawsuits, initiated before entry into force of this Act, shall be finalised under the order prevailing hitherto, with exception of proceedings on disputes, which shall not be subject of arbitration, shall be terminated.

Transitional and concluding provisions
TO THE ACT SUPPLEMENTING THE CIVIL PROCEDURE CODE

(PROM. - SG 13/17)

§ 2. By 28 February 2017, the Council of Ministers shall adopt the amendments and supplements to the Tariff № 1 of the Act on State Fees, fees collected by the courts, prosecution, investigation services and the Ministry of Justice (prom. SG 71 of 1992; amend., SG 71 and 92, 1992, SG 32 and 64, 1993, SG 45 and 61, 1994, SG 15 of 1996, SG 2, 28 and 36 of 1997, SG 20 1998; corr. SG 24 of 1998; amend., SG 95 of 1998, SG 14 of 2000; Decision № 798 of the Supreme Administrative Court - SG 19 of 2001; amend., SG 89 of 2001, SG 83 of 2002, SG 66 of 2003; Decision № 295 of 2004 of the Supreme Administrative Court - SG 6 of 2004; amend. and suppl., SG 69 of 2004; amend., SG 94 of 2005, SG 35, 75 and 105 of 2006, SG 75 of 2007, SG 22 of 2008, SG 39 and 77 of 2009, SG 30 of 2011, SG 98 of 2012 and SG 88 of 2013) and the Tariff for State fees collected by the courts under the Civil Procedure Code (prom. SG 22 of 2008; amend., SG 50 of 2008 and SG 24 of 2013) arising from this Act.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE PENAL PROCEDURE CODE

(PROM. - SG 63/17, IN FORCE FROM 05.11.2017)

§ 116. The Act shall enter into force three months after its promulgation in State Gazette.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE CODE OF CIVIL PROCEDURE

(PROM. - SG 86 OF 2017)

§ 71. Within 6 months from the entry into force of this Act, the Minister of Justice shall issue the ordinance under **Art. 450a, para. 3**.

§ 72. (1) Within 18 months of the entry into force of this Act, the Ministry of Justice shall create the Online Platform For Electronic Public Auctions.

(2) Within 12 months of the entry into force of this Act, the Minister of Justice shall issue the ordinance under **Art. 501a, para. 6**.

§ 73. Public sales declared prior to the entry into force of this Act shall be completed according to the current order. In the cases where public sales have been declared as unsuccessful, the new starting price shall be determined by the order of this act.

§ 74. Pending proceedings for cassation appeals submitted before the entry into force of this act shall be considered under the present order.

Transitional and concluding provisions TO THE CONCESSIONS ACT

(PROM. – SG 96 OF 2017, IN FORCE FROM 02.01.2018)

§ 41. The act shall enter into force within one month from its promulgation in the State Gazette, with the exception of:

1. Article 45, Para. 5, which shall enter into force within 12 months of the promulgation of the act in the State Gazette;

2. Article 191, Para. 2-5, Art. 192 and 193, which shall enter into force on January 31, 2019.

Concluding provisions TO THE ACT AMENDING AND SUPPLEMENTING THE LABOUR CODE

(PROM. - SG 102/17, IN FORCE FROM 22.12.2017)

§ 9. This Act shall enter into force on the day of its promulgation in the State Gazette, with the exception of § 2, item 2 and § 6, items 3, 4 and 5, which shall enter into force on 31 March 2018.

Transitional and concluding provisions TO THE ACT AMENDING AND SUPPLEMENTING THE CODE OF CIVIL PROCEDURE

(PROM. – SG 65/18, IN FORCE FROM 07.08.2018)

§ 5. Judicial proceedings pending at the entry into force of this Act shall be completed under the present procedure, regardless of the change of jurisdiction.

. . . . . .

§ 8. The Act shall enter into force on the day of its promulgation in the State Gazette, with the exception of § 1 and 6, which are to enter into force on 1 September 2018.

Concluding provisions TO THE ACT AMENDING AND SUPPLEMENTING THE ACT ON THE COMMERCIAL REGISTER AND THE NON-PROFIT LEGAL ENTITIES REGISTER

(PROM. – SG 38/19, IN FORCE FROM 10.05.2019)

§ 3. This Act shall enter into force on the day of its promulgation in the State Gazette.

Transitional and concluding provisions TO THE ACT AMENDING AND SUPPLEMENTING THE MARKETS IN FINANCIAL INSTRUMENTS ACT

(PROM. – 83/19, IN FORCE FROM 22.10.2019)

§ 82. This Act shall enter into force on the day of its promulgation in the State Gazette, except for:

1. paragraph 60 which enters into force 6 months after the promulgation of the Act in the State Gazette;

2. paragraph 67, items 6 and 7, which enter into force on the day on which starts to apply the decision of the European Central Bank for close cooperation pursuant to Art. 7 of Council Regulation (EU) № 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions;

3. paragraph 77 which enters into force on 1 November 2019.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE CODE OF CIVIL PROCEDURE

(PROM. - SG 110/20, IN FORCE FROM 30.06.2021)

§ 22. At the request of a lawyer, registered by June 30, 2022, in the unified portal for electronic justice, the serving may be carried out according to an order chosen by him.

. . . . . .

§ 28. This Act shall enter into force on June 30, 2021, with the exception of:

1. paragraphs 9 and 25, which shall enter into force on June 30, 2022;

2. paragraphs 26 and 27, which shall enter into force on December 31, 2020.

Transitional and concluding provisions
TO THE BULGARIAN SIGN LANGUAGE ACT

(PROM. – SG 9/21, IN FORCE FROM 06.02.2021)

§ 9. The act shall enter into force three days from its promulgation in the State Gazette, with the exception of Art. 10, Para. 2-5, which shall enter into force on September 15th, 2026.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE ELECTRONIC GOVERNMENT ACT

(PROM. - SG 15/22, IN FORCE FROM 22.02.2022)

§ 29. This Act shall enter into force on the day of its promulgation in the State Gazette.