ADMINISTRATIVE PROCEDURE CODE

In force from 12.07.2006

Prom. SG. 30/11 Apr 2006, amend. SG. 59/20 Jul 2007, amend. SG. 64/7 Aug 2007, amend. SG. 94/31 Oct 2008, amend. SG. 35/12 May 2009, amend. SG. 100/21 Dec 2010, amend. SG. 39/20 May 2011, amend. SG. 77/9 Oct 2012, amend. SG. 104/3 Dec 2013, amend. SG. 27/25 Mar 2014, amend. and suppl. SG. 74/20 Sep 2016, suppl. SG. 13/7 Feb 2017, amend. SG. 58/18 Jul 2017, suppl. SG. 63/4 Aug 2017, amend. SG. 85/24 Oct 2017, suppl. SG. 103/28 Dec 2017, suppl. SG. 42/22 May 2018, amend. SG. 65/7 Aug 2018, amend. and suppl. SG. 77/18 Sep 2018, amend. SG. 36/3 May 2019, amend. and suppl. SG. 94/29 Nov 2019, suppl. SG. 44/13 May 2020, amend. and suppl. SG. 98/17 Nov 2020, amend. SG. 9/2 Feb 2021, amend. and suppl. SG. 15/19 Feb 2021, suppl. SG. 102/23 Dec 2022, amend. and suppl. SG. 80/19 Sep 2023

Division one.
GENERAL PROVISIONS

Chapter one.
SUBJECT, SCOPE AND EFFECT

Subject

Art. 1. This code shall settle:

1. the issue, the contestation and the enforcement of the administrative acts, as well as the contestation of the acts of secondary legislation through the court;

2. the consideration and the resolution of the signals and the proposals of the citizens and the organisations;

3. (suppl. – SG 94/19) the proceedings on indemnity for damages from unlawful acts, actions or inactions of the administrative bodies and officials, as well as for damages from the judicial activity of the administrative courts and the Supreme Administrative Court;

4. the consideration of claims to be obliged an administrative body to undertake or to restrain him/herself from undertaking a definite action;

5. the activity on equalizing of the court practice on administrative cases;

6. the enforcement of the administrative and the court acts on administrative cases;

7. (new - SG 27/14, in force from 25.03.2014) providing complex administrative services.

8. (new - SG 74/16) the agreement and the administrative contract.

Scope and effect by location

Art. 2. (1) The code shall be applied for the administrative proceedings before all the bodies of the Republic of Bulgaria, as far as otherwise provided for by a law.

(2) The provisions of the code shall not be applied for the acts:

1. of the National Assembly and of the President of the Republic of Bulgaria;

2. by which a legislative initiative is exercised;

3. by which rights and obligations are established for bodies or organisations, subordinated to the body, who has issued the act, unless by them rights, freedoms or legitimate interests of citizens or legal entities are concerned.

Effect with regard to the persons

Art. 3. With regard to the foreigners who stay in the Republic of Bulgaria or are participants in administrative proceedings before a Bulgarian body out of the Republic of Bulgaria, the code shall be applied as far as the Constitution and the laws do not require a Bulgarian citizenship.

Chapter two.
FUNDAMENTAL PRINCIPLES

Lawfulness

Art. 4. (1) The administrative bodies shall act within the ranges of the powers, established by the law.

(2) The administrative acts shall be issued for the purposes, on the grounds and by the order, established by the law.

(3) The subjects of the administrative process shall be obliged to exercise their rights and freedoms without harming the state and the society, as well as the rights, freedoms and the legitimate interests of the other persons.

Application of the normative act of higher rank

Art. 5. (1) When a decree, regulations, an ordinance or an instruction or another act of secondary legislation contradict to a normative act of higher rank, it shall be applied the act of higher rank.

(2) Where an act or an act of secondary legislation contradicts to an international agreement, ratified by the constitutional order, promulgated and entered into force for the Republic of Bulgaria, it shall be applied the international agreement.

Commensurability

Art. 6. (1) The administrative bodies shall exercise their powers in a reasonable way, in good faith and fairly.

(2) The administrative act and its enforcement may not affect rights and legitimate interests in a bigger degree than the most necessarily for the purpose, which the act is issued.

(3) When by an administrative act rights are affected or obligations established for citizens or for organisations, it shall be applied these measures, which are more favourable for them, if and in this way shall be achieved the goal of the law too.

(4) From two or more legal opportunities the body shall be obliged, observing para 1, 2 and 3, to chose this opportunity, which is practicable the most economically and is the most favourable for the state and the society.

(5) The administrative bodies shall restrain themselves from acts and actions, which may cause damages, obviously incommensurated to the pursued aim.

Truthfulness

Art. 7. (1) The administrative acts shall be grounded to the real facts which are significant for the case.

(2) All the facts and arguments, significant for the case, shall be subject to assessment.

(3) The truth about the facts shall be estabished by the order and by the means, provided for by this code.

Equality

Art. 8. (1) All the persons, who are interested in the decision of the proceedings under this code, shall have equal procedural possibilities to participate in them for protection of their rights and legitimate interests.

(2) Within the bounds of the operative independence, under same conditions, the similar cases shall be threatened equally.

Ex officio principle

Art. 9. (1) Under the conditions, set out in the law, the administrative body shall be obliged to begin, to conduct and to finish the administrative proceedings, unless the issue of the act has been entitled to his/her free assessment.

(2) The administrative body shall collect all the necessary evidence and when there is no claim by the interested persons.

(3) The court shall point out to the parties, that for some circumstances, significant for the decision of the case, they have not given evidence.

(4) The administrative body and the court shall give procedural cooperation to the parties for the lawful and fair decision of the issue – subject to the proceedings, including by an agreement.

Independence and objectivity

Art. 10. (1) The administrative body shall carry out the proceedings independently. The higher body may not take over for decision an issue which falls with his/her competence, unless this has been provided for by a law.

(2) May not participate in the proceedings an official, who is interested in their decision or has relations with some of the interested persons, which raise grounded doubts in his/her objectivity. In these cases on his/her own initiative or at request of some of the interested persons, he/she may be challenged.

Promptness and procedural economy

Art. 11. The procedural actions shall be carried out within the terms, determined by the law, and in the shortest time, which is necessary according to the concrete circumstances and the purpose of the action or the administrative act.

Accessibility, publicity and transparency

Art. 12. (1) The bodies shall be obliged to ensure transparency, authenticity and thoroughness of the information in the administrative proceedings.

(2) The parties shall carry out their right of access to the information in the proceedings by the order of this code, and the other persons – pursuant to the Access to Public Information Act.

(3) Shall not be collected state fees and shall not be paid costs for the proceedings under this code, unless this has been provided for by it or by another Act, as well as in the cases of appeal of administrative acts by judicial order and at lodging a claim under this code.

Sequence and foreseeability

Art. 13. The administrative bodies shall timely make public the criteria, the interior rules and the established practice while exercising their operative independence at the application of the law and achieving its goal.

Complex Administrative Services

Art. 13a. (new - SG 27/14, in force from 25.03.2014, amend. - SG 77/18, in force from 01.01.2019) Administrative authorities shall apply complex administrative services.

Language

Art. 14. (1) The proceedings under this code carried out in Bulgarian language.

(2) (Suppl. - SG 98/20) The persons who do not know Bulgarian language, may use their native or another, shown by them language. In these cases a translator shall be appointed. Oral translation may be done via video-conference.

(3) Documents, presented in a foreign language, shall be accompanied with a translation in Bulgarian. If the respective body may not by him/herself check the accuracy of the translation, he/she shall appoint a translator at the expenses of the interested person, unless by a law or an international agreement has been provided otherwise.

(4) The expenses for the translation shall be to the account of the person who does not know Bulgarian language, if the administrative proceedings have been opened at his/her request, unless by a law or an international agreement has been provided otherwise.

(5) (Suppl. - SG 98/20, amend. – SG 9/21, in force from 06.02.2021) When a party or another participant in the proceedings is deaf-mute, deaf, dumb or blind, an interpreter in Bulgarian sign language shall be appointed at his/her request, or in case without appointing an interpreter of information, the procedural actions shall be hindered or may not be undertaken. The rule of Para. 2, sentence three shall apply with respect to the interpreter in Bulgarian sign language as well.

Chapter three.
PARTIES, REPRESENTATION AND NOTIFICATIONS (TITLE AMEND. - SG 77/18, IN FORCE FROM 01.01.2019)

Parties in the administrative proceedings

Art. 15. (1) Parties in the administrative proceedings may be the administrative body, the prosecutor and any citizen or organisation, which rights, freedoms or legitimate interests are or shall have been affected by the administrative act or by the court decision, or for whom they shall have raised rights or obligations.

(2) For filing a proposal or a signal, shall not be required a presence of a personal or a direct legal interest.

Participation of the prosecutor in the administrative proceedings

Art. 16. (1) The prosecutor shall see to the observation of the lawfulness in the administrative process, by:

1. (amend. - SG 74/16) undertaking actions for cancellation of unlawful administrative acts, agreements, administrative contracts and court acts;

2. participating in administrative cases in the cases, provided for by this code or by another law;

3. initiating or entering into already opened proceedings under this code and when assessing it is imposed by an important state or social interest.

(2) The prosecutor shall exercise his/her rights, provided for by the law, in accordance with the rules established for the parties of the case.

(3) In his/her participation in the administrative proceedings the prosecutor shall give a conclusion.

Representation of the administrative bodies

Art. 17. (1) The collective administrative bodies shall be represented by their chairmen or by authorized by them other members of the body.

(2) The individual administrative bodies shall act in person or shall be represented by authorized by them deputies.

(3) Before the court the administrative bodies may be represented by prosy, by the order of the Civil Procedure Code.

Representation of citizens and organisations

Art. 18. (1) (Suppl. - SG 77/18, in force from 01.01.2019) The citizens and the organisations shall be represented by law and by proxy, by the order of the Civil Procedure Code. Non-personalized organizations shall be represented by a person appointed by the members of the organization.

(2) Before the administrative bodies the citizens and the organisation may be represented by a written Power of attorney with notary certification of the signature and by other citizens or organisations.

Notifications

Art. 18a. (New – SG 77/18, in force from 10.10.2019) (1) (Amend. - SG 80/23, in force from 19.09.2023) Requests, signals and proposals, complaints, protests, applications, claims and attachments thereto may be filed with the administrative authorities, the bodies of the judiciary, the persons exercising public functions, and the organizations providing public services, by electronic means under the order of the Electronic Government Act, and under the Judiciary System Act respectively, as well as by a licensed postal operator or by other means, announced on the website by the respective authority.

(2) Administrative authorities, bodies of the judiciary, public functions' officials and public service organizations shall provide the technical possibility so that requests, signals and proposals, complaints, protests, applications, claims and attachments thereto be submitted electronically under the order of the Electronic Government Act in the proceedings before an administrative body, or by electronic means under the order of the Judiciary System Act respectively, in court proceedings.

(3) Where the complaint or protest is submitted electronically through the body which issued the contested act, they shall be filed by the order of the Electronic Government Act, whereby within three days after the expiry of the time limits for contestation by the other persons, the body

is to send to the court the complaint or the protest together with a certified copy of the entire file on the issue of the act, informing the sender thereof. If the authority does not fulfill its obligation, a copy of the complaint or protest may be filed with the court electronically by the order of the Judiciary System Act and the court shall request the file of its own motion from the body which issued the act.

(4) The applicant or the appellant, as well as any interested citizens, involved or entered as parties to be summoned and to receive documents and notifications related to proceedings already underway, may provide to the administrative body or the court, if they have such,:

1. (amend. - SG 80/23, in force from 19.09.2023) information on the existence of a personal profile registered in the information system for secure electronic serving as a module of the Website of the electronic government within the meaning of the Electronic Government Act, or

2. an e-mail address allowing the receipt of messages containing information to download the compiled document from an electronic serving system, or

3. (amend. - SG 80/23, in force from 19.09.2023) a mobile or fixed telephone number allowing the receipt of a message containing downloading information of the drawn document from an electronic serving system or, in case the downloading is not technically possible, allowing the recipient to send back a

short text message confirming the receipt of any message.

4. (repealed - SG 80/23, in force from 19.09.2023)

(5) The administrative bodies, the bodies of the judiciary, the persons performing public functions and the public service organizations, the organizations and the lawyers involved in the proceedings shall obligatorily indicate an electronic address as per the Electronic Government Act at the proceedings before an administrative body, or an electronic address as per The Judiciary System Act in proceedings before a court for summoning and receiving documents and notifications.

(6) The administrative bodies, the persons performing public functions and the organizations providing public services shall be obliged to provide internal electronic administrative services in compliance with the Electronic Government Act.

(7) The notification may be effected verbally, by order of the administrative body or the court, which is to be certified in writing by a signature of the official who has performed it. Written certification thereof shall be attached to the file or case, and the addressee shall be informed that they can receive the documents or papers within 7 days, after the expiry of which term those are to be deemed to have been served.

(8) Where the notification cannot be effected in accordance with Para. 1-6, it shall be effected by serving at the last address specified by the party or, failing that, at the address to which the party has been notified or has been summoned for the last time in the proceedings. When there is no address that the party has indicated or at which the party has received or has been summoned, the party shall be served with notifications:

1. for citizens - at the current address or, in the absence thereof, or when they cannot be found at this address - at the permanent address; if noone is there to receive it at the permanent address - at the place of work;

2. for organizations - if registered in a regulated register - at the address entered in the register.

(9) Where the party cannot be found at the address and no person is found to agree to receive the notification, notifying shall be effected by sticking a notification to the door or the mailbox and, where access is not granted thereto, to the entrance door or a prominent place around it. Where there is access to the mailbox, the notification shall also be posted in it. The notification shall state that the documents or papers have been left in the office of the authority or the court, and can be obtained within one week. Documents or papers shall be deemed to have been served on the expiry of the time limit for their receipt from the office of the authority or the court.

(10) Where notification in the proceedings before the administrative body cannot be effected in accordance with the preceding paragraphs, the notification shall be placed on the notice board or on the web-site of the relevant authority, for a period of not less than 7 days, after the expiration of which the notification shall be deemed served.

(11) (New - SG 80/23, in force from 31.03.2024) When an individual administrative act gives rise to rights or obligations for a certain period, the persons under Art. 21, Para. 1 shall send information about the expiration of the term to the persons to whom the act refers, in case they have their electronic addresses. The information shall be sent no later than one month before the expiration date.

(12) (New - SG 80/23, in force from 31.03.2024) Paragraph 11 shall not apply when the rights or obligations are created for a period shorter than three months, as well as when the individual administrative acts certifying the resulting rights and obligations are not kept in a register.

Edition to SG, 77/18 Sep 2018

> *Notifications*
> *Art. 18a. (Amend. and suppl. – SG 77/18, in force from 10.10.2019) (1) Requests, signals and proposals, complaints, protests, applications, claims and attachments thereto may be filed with the administrative*

authorities, the bodies of the judiciary, the persons exercising public functions, and the organizations providing public services, by electronic means under the order of the Electronic Government Act, and under the Judiciary System Act respectively, as well as by a licensed postal operator, and by fax or by other means, announced on the website by the respective authority.

(2) Administrative authorities, bodies of the judiciary, public functions' officials and public service organizations shall provide the technical possibility so that requests, signals and proposals, complaints, protests, applications, claims and attachments thereto be submitted electronically under the order of the Electronic Government Act in the proceedings before an administrative body, or by electronic means under the order of the Judiciary System Act respectively, in court proceedings.

(3) Where the complaint or protest is submitted electronically through the body which issued the contested act, they shall be filed by the order of the Electronic Government Act, whereby within three days after the expiry of the time limits for contestation by the other persons, the body

is to send to the court the complaint or the protest together with a certified copy of the entire file on the issue of the act, informing the sender thereof. If the authority does not fulfill its obligation, a copy of the complaint or protest may be filed with the court electronically by the order of the Judiciary System Act and the court shall request the file of its own motion from the body which issued the act.

(4) The applicant or the appellant, as well as any interested citizens, involved or entered as parties to be summoned and to receive documents and notifications related to proceedings already underway, may provide to the administrative body or the court, if they have such,:

1. information on the existence of a personal profile registered in the information system for secure electronic serving as a module of the Single Gateway to Access to Electronic Administrative Services within the meaning of the Electronic Government Act, or

2. an e-mail address allowing the receipt of messages containing information to download the compiled document from an electronic serving system, or

3. a mobile or fixed telephone number allowing the receipt of a message containing downloading information of the drawn document from an electronic serving system or, in case the downloading is not technically possible, allowing the recipient to send back a short text message confirming the receipt of any message, or

4. a fax.

(5) The administrative bodies, the bodies of the judiciary, the persons performing public functions and the public service organizations, the organizations and the lawyers involved in the proceedings shall obligatorily indicate an electronic address as per the Electronic Government Act at the proceedings before an administrative body, or an electronic address as per The Judiciary System Act in proceedings before a court for summoning and receiving documents and notifications.

(6) The administrative bodies, the persons performing public functions and the organizations providing public services shall be obliged to provide internal electronic administrative services in compliance with the Electronic Government Act.

(7) The notification may be effected verbally, by order of the administrative body or the court, which is to be certified in writing by a signature of the official who has performed it. Written certification thereof shall be attached to the file or case, and the addressee shall be informed that they can receive the documents or papers within 7 days, after the expiry of which term those are to be deemed to have been served.

(8) Where the notification cannot be effected in accordance with Para. 1-6, it shall be effected by serving at the last address specified by the party or, failing that, at the address to which the party has been notified or has been summoned for the last time in the proceedings. When there is no address that the party has indicated or at which the party has received or has been summoned, the party shall be served with notifications:

1. for citizens - at the current address or, in the absence thereof, or when they cannot be found at this address - at the permanent address; if noone is there to receive it at the permanent address - at the place of work;

2. for organizations - if registered in a regulated register - at the address entered in the register.

(9) Where the party cannot be found at the address and no person is found to agree to receive the notification, notifying shall be effected by sticking a notification to the door or the mailbox and, where access is not granted thereto, to the entrance door or a prominent place around it. Where there is access to the mailbox, the notification shall also be posted in it. The notification shall state that the documents or papers have been left in the office of the authority or the court, and can be obtained within one week. Documents or papers shall be deemed to have been served on the expiry of the time limit for their receipt

from the office of the authority or the court.
(10) Where notification in the proceedings before the administrative body cannot be effected in accordance with the preceding paragraphs, the notification shall be placed on the notice board or on the web-site of the relevant authority, for a period of not less than 7 days, after the expiration of which the notification shall be deemed served.

Division two.
PROCEEDINGS BEFORE THE ADMINISTRATIVE BODIES

Chapter four.
GENERAL PROVISIONS

Disputes on competence

Art. 19. (1) The disputes on competence between the administrative bodies shall be decided by their common higher administrative body. In case there is no such one, the dispute shall be decided with a definition by the respective administrative court, and if the bodies are from different court regions – by the Administrative court – the city of Sofia.

(2) The acts under para 1 shall not be a subject to appeal.

Definition of an administrative contract

Art. 19a. (New - SG 74/16) (1) (Amend. – SG 77/18, in force from 01.01.2019) In proceedings before the administrative bodies, the parties may enter into an administrative agreement on issues of significant public interest, only when provided by a specific law.

(2) The administrative contract shall be a written agreement between an administrative body and individuals or organizations.

(3) The administrative contract shall be concluded in writing and shall include: parties, subject and content, date of conclusion and signatures of the parties, unless otherwise provided for by a special law.

Rules for the conclusion of the administrative contract

Art. 19b. (New - SG 74/16) (1) (Revoked – SG 77/18, in force from 01.01.2019)

(2) The administrative contract shall be concluded within the time frames of Art. 57, para. 1 and para. 4-9, unless otherwise provided for by a special law.

(3) If, for the conclusion of an administrative contract, prior consent or opinion of another administrative body is required in a special law, the contract shall become effective after the appropriate administrative body has given consent or opinion in a form required by law.

(4) If the other administrative body does not deliver within the term set in the special law, Art. 53 shall apply.

(5) Should an urgent administrative contract be concluded to prevent or stop violations related to national security and public order, to ensure the life, health and property of citizens, the provisions of Chapter Five, Section I may not be complied with regarding the collection of documents from persons not participating in the proceedings, clarifications of one party to the proceedings, expenses of the party and the person not participating in the proceedings, and the date for concluding the contract under Art. 57.

Enactment of the administrative contract

Art. 19c. Administrative contract which affects the rights or legitimate interests of a third party shall become effective for said party after the latter’s written consent.

Preliminary execution of the administrative contract

Art. 19d. (New - SG 74/16) (1) For protection of the public interest, the administrative authority may make provision for a clause on admission of preliminary execution of the contract.

(2) The admitted preliminary execution may be appealed in court through the administrative authority in the terms and conditions of Art. 60 of this Code.

(3) Should there be no clause on preliminary execution in the contract, any party may apply for it before the court under the conditions, under which it may be granted by the administrative authority. The request shall be examined in closed session, the court shall rule immediately with a decision which can be appealed within 7 days of its announcement with a private complaint. In this case, the court may require an appropriate guarantee in the amount determined by it.

Amendment and termination of the administrative contract

Art. 19e. (New - SG 74/16) (1) If, after conclusion of the contract, one of the parties cannot fulfill it due to a significant change of circumstances in which the contract was concluded, the party may request a modification of the clauses of the contract according to the changed circumstances. Where this is not possible or upon refusal of the other party, the first party may terminate the contract.

(2) The administrative authority may unilaterally and with a written notice terminate the contract in order to prevent or remedy serious consequences for the public interest.

Invalidity of the administrative contract

Art. 19f. (New - SG 74/16, amend. – SG 77/18, in force from 01.01.2019) With regard to nullity of the administrative contract shall apply Art. 146 respectively and the provisions for nullity of contracts under the Obligations and Contracts Act.

Disputes regarding the administrative contract

Art. 19g. (New - SG 74/16, amend. – SG 77/18, in force from 01.01.2019) (1) Disputes concerning the validity, execution, amendment or termination of the administrative contracts shall be decided by the competent administrative court.

(2) Disputes shall be dealt with in the order of Division Three.

(3) The court shall hear the case and rule on the request within 6 months of its receipt, unless otherwise provided for in a special law.

Agreement

Art. 20. (1) (Suppl. – SG 77/18, in force from 01.01.2019) In the proceedings before the administrative bodies the parties may conclude an agreement, if it does not contradict the law. The agreement shall be a written accord which replaces the administrative act.

(2) The agreement may be concluded between the administrative body and the parties in the proceedings or only between the parties in the proceedings. In the latter case the administrative body shall approve in writing the agreement.

(3) The agreement may be concluded till the entry into force or till the challenge of the administrative act before the court.

(4) By the conclusion, respectively by the approval of the agreement under para 2 the administrative act shall be invalidated.

(5) The agreement shall be concluded in written form and shall contain: indication of the body, before whom it has been concluded, date of conclusion, parties, subject and contents of the agreement, note for the expiration and its acceptance and the signatures of the parities, as well as name and signature of the official.

(6) (Amend. – SG 77/18, in force from 01.01.2019) If the agreement concerns matters, which

decision requires the statement or the agreement of another body, it shall be concluded after this statement or agreement has been requested in compliance with Art. 53 as well.

(7) If by the agreement are concerned rights and legitimate interests of a person, who has not participated in its conclusion, the agreement shall not produce effect before it is approved by him/her in writing. The written approval shall be an integral part of the agreement.

(8) (Amend. – SG 77/18, in force from 01.01.2019) With regard to the nullity of the agreement shall respectively apply Art. 146 and the provisions for nullity of the contracts under the Obligations and Contracts Act.

Chapter five.
ISSUE OF ADMINISTRATIVE ACTS

Section I.
Individual administrative acts

Definition of an individual administrative act

Art. 21. (1) (Suppl. – SG 77/18, in force from 01.01.2019) An individual administrative act shall be the explicit act of volition or the expressed by an action or inaction act of volition of an administrative body or another authorized for that by a law body or organisation, persons performing public functions and public service organizations, by which are established rights or obligations or are concerned directly rights, freedoms or legitimate interests of private citizens or organisations, as well as the refusal to be issued such act.

(2) (Suppl. – SG 77/18, in force from 01.01.2019->) The individual administrative act shall be also and the act of volition, by which are declared or asserted already arisen rights and obligations, where the declaration of will is of significance with respect to recognizing, exercising or the extinction of rights or obligations.

(3) An individual administrative act shall be also and the act of volition for issuing of a document, significant for recognition, exercising or redemption of rights or obligations, as well as the refusal to be issued such document.

(4) An individual administrative act shall be also and the refusal of an administrative body to implement or to restrain him/herself from implementing a definite action.

(5) (Suppl. – SG 77/18, in force from 01.01.2019) Shall not be individual administrative acts the acts of volition, the actions and the inactions, when they are a part of the proceedings on issue or execution of individual or general administrative acts or are a part of the proceedings on issue of normative acts. The declarations of will, in which are announced the conditions for participation in adversarial administrative proceedings on the issuance of individual administrative acts, shall not be deemed individual administrative acts, unless a special law provides otherwise.

Inapplicability of the proceedings

Art. 22. The proceedings under this section shall not be applied for:

1. the administrative acts, which by the virtue of a special law are issued and executed immediately or are provided special proceedings with regard of their nature;

2. the individual administrative acts of the Council of Ministers.

General competence

Art. 23. (1) When a normative act does not determine the body, which shall issue an administrative act on matters which fall with the competence of bodies of the municipality, the administrative act shall be issued by the mayor of the municipality, and in the cases under Art. 46 of the Local Government and the Local Administration Act – by the mayor of the mayoralty or of the region according to their powers.

(2) In the cases under para 1 the acts, related with a management of a state property, shall be issued by the district governors.

Initiative on beginning the proceedings

Art. 24. (1) The proceedings on issue of an individual administrative act shall begin on initiative of the competent body or at request of a citizen or an organisation, and in the cases provided for by the law – by the prosecutor, the ombudsman, the higher or another state body.

(2) The proceedings on issue of an individual administrative act shall begin at request of a state body, when he/she has been approached by another request for issue of an administrative act, but this administrative act may not be issued, without issuing the requested by the body administrative act.

Date of beginning

Art. 25. (1) The date of beginning of the proceedings shall be the date of receiving the request by the competent administrative body, whom it has been filed to.

(2) When, without being necessary to be made a request, for a body arises an obligation directly by the virtue of the law to issue an individual administrative act or to make proposal for issuing such one, the date of beginning of the proceedings shall be the date of the rise of the obligation, unless by this Act has been provided otherwise.

(3) Out of the provided for in para 1 and 2 cases, the date of beginning of the proceedings on initiative of the competent to issue the act administrative body, shall be the date of making the first procedural action on them.

Obligation of notification

Art. 26. (1) For the beginning of the proceedings shall be notified the known interested citizens and organisations except for the applicant. If the term to finish the proceedings is longer than 7 days, in the notification shall be included and information about the date, till which shall be issued the act.

(2) (Amend. – SG 77/18, in force from 10.10.2019) Notification of the commencement of the proceedings shall be made in accordance with Art. 18a.

Admissibility of the request and parties in the proceedings

Art. 27. (1) With the filing of the request for beginning or for participation in the proceedings or with the receiving of the notification under Art. 26, the applicant, the drawn in and the entered into interested citizens and organisations shall become parties in the proceedings on issue of the individual administrative act.

(2) The administrative body shall check the prerequisites for the admissibility of the request and for the participation of the interested citizens or organisations in the proceedings on the issue of the individual administrative act:

1. lack of an entered into force administrative act with the same subject and parties;

2. lack of pending administrative proceedings with the same subject, before the same body and with the participation of the same party, regardless whether is in the phase of issue or appeal;

3. presence of a matter which falls with the competence of another body, when the act may not

be issued before the preliminary decision of that matter;

4. ability of the citizens and procedural legal capacity of the organisations;

5. presence of a legitimate interest of the applicant, the drawn in and the entered into citizens and organisations;

6. presence of other special requirements, established by a law.

Cooperation and information by the administrative bodies

Art. 28. (1) Exercising their powers the administrative bodies shall:

1. provide accessible to all, accurate, systematized and comprehensible information about their competence;

2. provide access to the forms and render cooperation on their filling in;

3. provide full information about the terms, applicable in the proceedings, and the due fees;

4. provide an opportunity the requests on issue of acts to be filed in the territorial divisions of the body, and when it is impossible – and/or in the municipalities, indicating in details where and how it shall be done;

5. organise their activity in a way that, if possible, to serve the interested citizens and organisations at one place in one official room, as this requirement shall refer and to their territorial units;

6. provide suitable for the citizens and the organisations work time.

(2) The administrative bodies shall announce the information under para 1, as well as information for the possibilities for filing and receiving documents in electronic way in their Internet site, on their official notice-board, in brochures which any interested person may obtain, with explanations by the officials who accept the requests, or in another suitable way.

(3) For non-fulfilment of the requirements under para 1 and 2 the respective officials shall bear administrative and penal responsibility by the order of this code without this affects the validity of the administrative act.

Form of the request for opening the proceedings

Art. 29. (1) (Suppl. - SG 27/14, in force from 25.03.2014, suppl. – SG 77/18, in force from 01.01.2019) If by a special law has not been provided for otherwise, the request for issue of an individual administrative act shall be filed in writing or orally, provided that the applicant chooses the form and manner of application. Organizations shall submit their request in writing.

(2) (Amend. and suppl. – SG 77/18, in force from 01.01.2019, amend. - SG 80/23, in force from 19.09.2023) The written request shall contain:

1. the full name and address of the citizen or the organisation from which it originates;

2. the nature of the request;

3. date;

4. signature of the applicant;

5. mobile or home telephone number, if such exists;

6. an option to deliver the result of the service applicable to the respective service:

a) to an electronic address as per the Electronic Government Act;

b) to a personal account registered in the Information system for secure electronic delivery as a module of the Website of the electronic government within the meaning of the Electronic Government Act;

c) to the address given by the applicant;

d) at the desk;

7. other mandatory elements, if such are provided for in a particular law.

(3) The official, who has accepted the request, shall approve by written mark its filing.

(4) (amend. - SG 27/14, in force from 25.03.2014, revoked – SG 77/18, in force from

01.01.2019)

(5) (Suppl. – SG 77/18, in force from 01.01.2019, amend. - SG 80/23, in force from 19.09.2023) The requests, filed orally, shall be reflected on a protocol, which shall be signed by the applicant and by the official, who has compiled it. The protocol shall state the full name and address of the citizen from whom they originate, the nature of the request, the date and the signature. The applicant may provide information on the existence of a personal profile registered in the information system for secure electronic serving as a module of the website of the electronic government within the meaning of the Electronic Government Act, an e-mail address under the Electronic Government Act, mobile or landline telephone number - if available.

(6) (Amend. - SG 80/23, in force from 19.09.2023) The administrative body shall accept oral requests within the time for work with visitors, and the written requests – within his/her work time. The requests, filed by the post, by e-mail or in another technically possible way before the expiration of a definite term, even though received out of the work time of the body, shall be considered filed in time. In the last case the terms for taking a decision by the administrative body shall be counted from the next work day.

Removing faults in the request

Art. 30. (1) When the written request has not been signed and when there is a doubt whether it comes from the indicated in it citizen or organisation, the administrative body shall require his/her confirmation by a personal or electronic signature within three days period after the announcement for that. At non-confirmation in the term the proceedings shall be terminated.

(2) If the request does not meet the rest requirements of the law, the applicant shall be notified to remove the faults within three days period after the announcement for that with a notification that if they are not removed, the proceedings shall be terminated.

(3) The term for pronouncement shall start from the date of removing the faults.

Forwarding to the competent body

Art. 31. (1) The request shall be addressed to the administrative body which is competent to decide the matter.

(2) When the body who has begun the proceedings, establishes that the individual administrative act shall be issued by another administrative body, he/she shall send him/her immediately the file, notifying the person, on whose initiative has begun the proceedings, as well as the drawn in to the moment interested citizens and organisations.

(3) The request, filed in term before an incompetent body, shall be considered filed in term.

(4) When the competent body may not be determined on the ground of the data in the request or is obvious by them, that it shall be addressed to the court, the body, which it has been filed to, shall return it with brief written or oral explanations to the applicant.

(5) If the request concerns several matters for decision by different bodies, the administrative body, which it has been filed to, shall open the proceedings on consideration of the matters which fall with his/her competence. At the same time he/she shall notify the applicant, that on the other matters, he/she shall file separate request to the respective body. In these cases para 3 shall be applied.

(6) (new - SG 27/14, in force from 25.03.2014)Where the request refers to complex administrative services, it can be submitted to any administrative authority participating therein. The administrative body to which request has been submitted shall initiate the proceedings. Interaction with other administrative bodies shall be implemented pursuant the ordinance under Art. 5a, para 1 of the Administration Act.

Related proceedings

Art. 32. At proceedings, in which the rights and the obligations of the parties ensue from the same factual condition and to which is competent one and the same administrative body, may be begun and carried out one proceeding, concerning more than one party.

Challenge

Art. 33. (1) When there is ground for challenge under Art. 10, para 2, the official shall be dismissed from participation in the proceedings on his/her own initiative or at request of a participant in the proceedings.

(2) The request for challenge shall be made immediately after knowing the ground for this. The official, for which has arisen a ground for challenge, shall undertake only actions, which may not be delayed, to be protected important state or social interests, to be prevented a danger from foiling or seriously complicating the execution of the act, or to be protected particularly important interest of an interested citizen or organisation.

(3) Disputes under para 2 shall be decided by the immediate higher body if there is such one.

Participation of the parties in the proceedings

Art. 34. (1) (Suppl. – SG 77/18, in force from 01.01.2019) The administrative body shall provide to the parties a possibility to examine the documents of the file, as well as to make notices and excerpts or – according to the technical possibilities – copies on their account, at any time of the proceedings, including after its completion by issuing an individual administrative act under the Act on the National Archive Fund.

(2) At request by a party with harmed sight, the body shall familiarize it with the contents of the file by reading it or in another suitable way – according to the present technical possibilities.

(3) The administrative body shall provide to the parties a possibility to give an opinion on the collected evidence, as well as on lodged claims, determining a term not longer than 7 days. The parties may lodge written claims and objections.

(4) The administrative body may not apply para 1, 2 and 3 only in case that the decision of the matter may not be delayed, to be ensured the life or the health of the citizens or to by protected important state or social interests. The administrative body shall reflect in the motives of the issued act the reasons for the non-application of para 1, 2 and 3.

Clarification of the facts and the circumstances

Art. 35. The individual administrative act shall be issued, after clarifying the facts and the circumstances which are significant for the case, and after considering the explanations and the objections of the interested citizens and organisations, if such ones are given, respectively made.

Collection of evidence

Art. 36. (1) The evidence shall be collected ex officio by the administrative body, unless in the cases provided for by this code or by a special law.

(2) The parties shall render cooperation to the body in the collection of evidence. They shall be obliged to present the evidences, which are in them and are not in the administrative body. In all cases, when in a special law are determined exhaustively the evidences, which the citizens or the organisation shall present, the administrative body shall not be entitled to require from them to present other evidence.

(3) All collected evidence shall be checked and assessed by the administrative body.

(4) (new - SG 27/14, in force from 25.03.2014) Administrative authorities may not require provision of any information or documents which are available to them or to another body, put instead shall

provide them ex officio for the purposes of the relevant proceedings.

(5) (New - SG 103/17, in force from 01.01.2018) Where, in a legal act, requirements are introduces related to the natural person's criminal record, the necessary data for the Bulgarian citizens shall be established ex officio by the respective administrative authority.

(6) (New - SG 77/18, in force from 10.10.2019) The body conducting the proceedings on its own initiative, or at the request of a party, shall require the relevant administrative bodies, the bodies of the judiciary, the persons performing public functions and public service organizations within the scope of their competence, to issue and send certificates, documents, and other evidence or information relevant to the proceedings.

(7) (New - SG 77/18, in force from 10.10.2019) The persons, organizations and bodies under Para. 1 shall be obliged, within the scope of their competence, to issue and send the requested certificates, to send the requested documents, other evidence or information without delay, but not later than 7 days after the request, under the terms and procedure for exchange of electronic documents as per the order of Art. 18a.

(8) (New - SG 77/18, in force from 10.10.2019) Unless otherwise provided in a special law, in case of temporary objective impossibility or in the absence of technical possibility for exchange of electronic documents, or sending other evidence in accordance with Art. 18a, the exchange under Para. 2 shall be performed through a licensed postal operator, or by another customary or appropriate way.

Evidence

Art. 37. (1) The evidence in the proceedings on issue of an individual administrative act may be data, which are related with facts and circumstances, significant for the rights or the obligations or the legitimate interests of the interested citizens or organisations and are established by the order, provided for by this code.

(2) The well-known facts, the facts, for which the law formulates a presumption, as well as the facts, which are known to the body ex officio, shall not be subject to proof.

Respecting the secret of the parties and of the other participants in the proceedings (Title suppl. - SG 77/18, in force from 01.01.2019)

Art. 38. (Suppl. - SG 77/18, in force from 01.01.2019) The parties and the other participants in the proceedings shall have the right their secrets, including these concerning their private life, their production and professional secrets, not to be spread, unless in the cases provided for by a law.

Proofs

Art. 39. (1) The facts and the circumstance shall be established by explanations, declarations of the parties or of their representatives, pieces of information, written and material proofs, conclusions of expert witnesses and other means, which are not prohibited by a law, unless if a special law prescribes the proof of some facts and circumstances to be made by other means.

(2) Shall not be admitted proofs, which are not collected or prepared under the conditions and by the order, provided for by this code, or by the order, provided for the special laws.

Written evidence

Art. 40. (1) Written evidence shall be admitted for establishing all the facts and circumstances, significant for the proceedings.

(2) The force of the written evidence shall be determined according to the normative acts, which have been in force at the time and the place, where they have been compiled, unless that is conflicting with

the provisions of the Bulgarian law. When to the document is applicable a foreign law, it shall be proven by the party, who presents it.

(3) The administrative body shall assess the evidential force of the document, in which there are crossed out, deleted texts, additions between the lines and other external faults, with regard of all the circumstances and facts, collected in the course of the proceedings.

Collection of documents by the parties and by the non-participating in the proceedings persons

Art. 41. (1) On the occasion of pending proceedings each of the parties may request through the administrative body from the other party in the proceedings to present within three days period after the request certified by it copies of own and someone else's documents significant for the case, which are in it.

(2) On the occasion of pending proceedings each of the parties may request through the administrative body from the non-participating in the proceedings citizens and organisations to present within three days period after the request certified by them copies of own or someone else's documents significant for the case, which are in these citizens and organisations.

(3) The non-participating citizen or organisations, who unjustifiably do not present the requested document, shall be responsible before the party for the damages caused to it.

Certificate for supplying with documents from state bodies

Art. 42. (Revoked - SG 77/18, in force from 10.10.2019)

Written declarations

Art. 43. The administrative body may not refuse to accept a written declaration, by which are established facts and circumstances, for which by a special law has not been provided for proving in a definite way or by definite means. He/she may accept and a written declaration by which are established facts and circumstances, for which by a special law has been provided for proving with an official document, when such one has not been issued to the party in the term, determined for that, unless a normative act provides for otherwise for definite types of documents.

Data from the non-participating in the proceedings persons

Art. 44. (1) The administrative body may require data from the non-participating in the proceedings persons, when this is necessary for clarification of essential facts and circumstances, significant for the proceedings and they may not be established in another way.

(2) The data shall be given in writing. They shall be signed by the persons, who have given them, and shall be countersigned by the administrative body or by a servant, appointed by him/her.

(3) When the person may not give data in writing, it shall be summoned to give them orally before the administrative body or a servant, appointed by him/her. The pieces of information shall be recorded and signed by the body or the servant with indication of his/her name and position and shall be countersigned by the person.

(4) The administrative body shall explain to the persons under para 1, that when appealing the administrative act before the court they may be interrogated as witnesses.

(5) The parties in the proceedings shall be entitled to access to the given by the order of para 2 and 3 data.

Explanation of a party

Art. 45. (1) The administrative body may summon a party in the proceedings to give explanations, if that is necessary for clarifying the case or for execution of the undertaken actions, as well as when that has been provided for by a special law.

(2) In the cases under para 1 shall be fixed the date of a meeting for hearing, on which shall be invited to participate all the parties in the proceedings. The parties in the proceedings may ask questions to the person who gives the explanations, through the body who carries out the proceedings.

Special order for carrying out some procedural actions

Art. 46. (1) The administrative body may request from the respective territorial administrative body to summon a person, who has an address, respectively headquarters or a business address in another municipality, to give data, explanations or to undertake other actions, related with the current proceedings. The body, before which are carried out the proceedings, shall determine the circumstances which are subject to the data, the explanations or the actions, which shall be made, In case that in the respective municipality there is no a territorial administrative body with the same competence, the administrative body may address to the respective municipality or mayoralty.

(2) At the oral hearing under para 1 it shall be compiled a protocol, which shall contain the name of the person, who has given data or explanations, the substantial for the case information, a signature, name and position of the official who has compiled it and a date of compilation.

(3) The administrative body may receive data or explanations and on the telephone, if there are no grounds to doubt in the identity of the person, who gives them.

(4) (New - SG 98/20) The oral hearing under Para. 1 may also be performed by video-conference.

(5) (New - SG 98/20) For each procedural action performed by video-conference, the administrative body leading the proceedings shall draw up a protocol, in which the data under Para. 2 will be indicated and the data of all participants in the video-conference and of the person who has certified them will be entered as well.

(6) (New - SG 98/20) A video recording shall be made on electronic media for the video-conference held, after notifying the participants in it. The video recording shall be attached to the administrative file.

Contents of the summons and expenses for summoning

Art. 47. (1) The summons shall contain:

1. name and address of the administrative body;

2. name, address, respectively headquarters or business address, of the summoned person;

3. on which proceedings, in what capacity the person is summoned and for the undertaking of which procedural actions;

4. whether the person shall appear in person or may be represented by proxy, or shall give data or explanations in writing;

5. the term, in which the person shall appear, or day, hour and place of appearance of the person or his/her representative;

6. the legal consequences at failure to appear.

(2) To a person under Art. 44, para 3, who has an address in another municipality and has appeared in person under summons, out of the cases under Art. 46, para 1, shall be paid travel and other expenses. The same expenses shall be paid and at the personal appearance of a party, when the proceedings are opened at request of the other party or ex officio. The request for paying the expenses shall be addressed to the body, which carries out the proceedings, before the issue of the act. The expenses shall be paid at norms, determined by the Minister of Finance.

Right to refuse to give data and explanations

Art. 48. (1) Right to refuse to give data and explanations shall have only:

1. the descendents of an interested citizen which participates in the proceedings, the spouses, his/her brothers and sisters, as well as the relatives by marriage up to first degree;

2. the persons, which by their answers shall cause to themselves or to their relatives, indicated in item 1, a direct damage, disgrace or criminal prosecution.

(2) The lawyers, the clergymen and the persons, which under the law are obliged to keep professional secret for a party in the proceedings, may refuse to give data, received by them in this capacity.

(3) The protected by law information may be provided only under the conditions and by the order, provided for by the respective law.

Expert examination

Art. 49. (1) An expert examination shall be appointed, when for the clarification of some arisen matters are necessary special knowledge in the sphere of the science, the art, the crafts and other, which the body does not possess.

(2) At complexity of the subject of the examination the body may appoint and more than one experts.

(3) The administrative body, who has appointed the expert examination, shall check the identity of the expert, his/her relations with the parties, as well as the presence of a ground for challenge. The grounds for challenge shall be the same as at challenge of an administrative body.

(4) All the bodies, citizens or organisations, in which are found materials, necessary for the expert examination, shall provide access to the expert to them according to the level of access to the classified information, which he/she possess.

(5) The expert shall legitimate him/herself by a certificate, issued by the body, who has appointed the expert examination.

Discharge of the expert

Art. 50. The expert shall be discharged from the appointed to him/her task, when he/she may not implement it because of illness or a lack of qualification in the respective sphere or other grounded reasons. He/she may refuse and in all the cases, when is admissible to refuse to give data by a third person.

Conclusion of the expert

Art. 51. (1) The expert shall carry out the expert examination in the determined term.

(2) After implementing the necessary checks and examinations the expert shall compile a written conclusion.

(3) The expert may not amend, supplement or expand the appointed to him/her task without the agreement of the body who has appointed the expert examination.

(4) The expert shall present to the respective body his/her written conclusion with copies for the parties and it shall be applied to the file at the proceedings.

(5) The administrative body shall assess the conclusion of the expert together with the other evidence, collected in the course of the proceedings.

(6) When he/she is not agreeing with the conclusion of the expert, the body shall justify him/her in the act.

Inspection

Art. 52. (1) The administrative body shall implement an inspection only if the case may not be clarify by using other means for collection of evidence.

Consent or opinion of another body

Art. 53. (1) When a special law requires the consent or the opinion of another body and if has not been provided otherwise, the administrative body, who carry out the proceedings, shall immediately request the cooperation of this body.

(2) The other body shall answer the request in a term, determined by the body that carry out the proceedings, but not longer than 14 days.

(3) If the other body does not pronounce in term, this shall be considered consent by him/her.

(4) If in the determined term the opinion has not been announced, the act shall be issued without it.

Stay of the proceedings

Art. 54. (1) The administrative body shall stop the proceedings:

1. in case of death of an interested citizen – a party in the proceedings;

2. when is necessary to be established guardianship or custody to an interested citizen – a party in the proceedings;

3. when in the course of the proceedings are exposed criminal circumstances, which establishment is significant for the issue of the act;

4. when the Constitutional court has admitted the consideration in essence of a claim, by which is contested the constitutional comformity of an applicable law;

5. at the presence of another instituted administrative or court proceeding, when the act may not be issued, before its finishing; in these cases the stop shall be pronounced after presenting a certificate for the presence of instituted proceeding, issued by the body, before which it has been instituted;

6. when the parties laid a statement for conclusion of an agreement.

(2) The administrative body shall not stop the proceedings in the cases under para 1, item 1, 2 and 4, if the stop may create a danger for the life or the health of the citizens or threaten important state or social interets.

(3) At the stop of the proceedings the terms, provided for the issue of the act, shall stop.

(4) For the stop of the proceedings the administrative body shall announce to the parties in the proceedings by the order of the announcement of the act.

(5) The act on stop of the proceedings may be appealed by the order of chapter ten, section IV.

Renewal of stopped proceedings

Art. 55. (1) The proceedings shall be renewed ex officio or at request of one of the parties, after the grounds of their stop fall out.

(2) At renewal the proceedings shall begin from that action, at which they have been stopped.

Termination of the proceedings

Art. 56. (1) The administrative body shall terminate the proceedings at request of the party, on which initiative it has been opened, unless by a law has been provided otherwise.

(2) The administrative body shall terminate the proceedings in the cases under Art. 30, para 1 and 2.

(3) For the termination of the proceedings the administrative body shall announce to the parties by the order of the announcement of the act.

(4) The act on termination of the proceedings may be appealed by the order of chapter ten, section IV.

Terms for issue of the individual administrative act

Art. 57. (1) The administrative act shall be issued within 14 days period after the date of the beginning of the proceedings.

(2) The administrative act under Art. 21, para 2 and 3 shall be issued within 7 days period after the date of the beginning of the proceedings.

(3) When the issue of the act or the fulfilment of an action under para 2 includes an expert examination or for its fulfilment shall be necessary the personal participation of the interested person, the act shall be issued within 14 days.

(4) (suppl. - SG 27/14, in force from 25.03.2014)Immediately, but not later than 7 days, shall be decided the files, which may be considered on the ground of evidence, presented together with the request or the proposal for beginning the proceedings or by another administrative body to which they are available, or on the ground of well-known facts, officially known facts or legal presumptions. The information available on paper to the other authority shall be provided within three days from the request thereof, provided that the deadline for ruling commences the date of receipt of the information. Official notifications within the meaning of the Electronic Government Act shall be made without delay.

(5) (Amend. - SG 77/18, in force from 01.01.2019) Outside the cases under Para. 4, or where it is necessary to allow other citizens and organisations to protect themselves, the act shall be issued within one month period after the beginning of the proceedings.

(6) When the body is collective, the question on the issue of the act shall be decided not later than the first meeting after the expiration of the terms under para 1 – 5.

(7) When it shall be requested the consent or the opinion of another body, the term for the issue of the act shall be considered respectively prolonged, but not by more than 14 days.

(8) In the cases under para 5, 6 and 7 the administrative body shall notify immediately the applicant for the prolongation of the term.

(9) (new - SG 27/14, in force from 25.03.2014) Administrative bodies shall carry out complex administrative services within three days from obtaining access to the data of administrative authorities - primary data controllers.

Tacit refusal and tacit consent

Art. 58. (1) The non-pronouncement in term shall be considered a tacit refusal to be issued the act.

(2) When the proceedings have been instituted in one body and he/she should make a proposal to another body for the issue of the act, a tacit refusal shall arise independently whether the body issuing the act has been approached by proposal.

(3) When by an administrative or judicial order is cancelled a tacit refusal, it shall be considered cancelled and the explicit refusal, which has followed before the decision on the cancellation.

(4) (Amend. - SG 77/18, in force from 01.01.2019) In the cases provided for by law, the non-pronouncing in term shall be considered tacit consent to issue an act with the content requested by the applicant. With the individual administrative act, expressed by tacit consent, cannot be created obligations, and prejudiced rights and legitimate interests for citizens and organizations other than the applicant. In the event where the administrative body has given instructions for removal of any irregularities in the applicant's request, the term for pronouncing shall start to run from the date of removal of the irregularities. The content of tacit consent shall be found to be identical to the content of the filed request, and this content shall be stated in a declaration to the authority. The terms and procedure for certification and contestation of tacit consent shall be governed by special laws.

Form of the individual administrative act

Art. 59. (1) The administrative body shall issue or shall refuse to issued the act by a grounded decision.

(2) When the administrative act is issued in written form, it shall contain:

1. name of the body, which is issuing it;

2. name of the act;

3. addressee of the act;

4. factual and legal grounds for the issue of the act;

5. efficient part, by which shall be determined the rights or the obligations, the way and the term for the fulfilment;

6. an order on the expenses;

7. before which body and in which term the act may be appealed;

8. date of issue and signature of the person, who has issued the act, indicating his/her position; when the body is collective, the act shall be signed by the chairman or by a deputy of him/her.

(3) Oral administrative acts, as well as administrative acts, expressed by actions or inactions, shall be issued only when is provided for by a law.

Preliminary execution

Art. 60. (1) In the administrative act shall be included an order on its preliminary execution, when is imposed to be ensured the life or the health of the citizens, to be protected particularly important state or social interests, at danger that may be foiled or seriously hampered the execution of the act, or if from the delay of the execution may follow significant or hardly repairable damage, or at request of some of the parties – in protection of its particularly important interest. In the last case the administrative body shall require the respective guarantee.

(2) (New - SG 77/18, in force from 01.01.2019) The order for provisional enforcement shall be motivated.

(3) (Previous Para. 2 - SG 77/18, in force from 01.01.2019) Preliminary execution may also be admitted after the pronouncement of the act.

(4) (Previous Para. 3 - SG 77/18, in force from 01.01.2019) Repeated request of a party under Para. 1 may be done only on the grounds of new circumstances.

(5) (Previous Para. 4 - SG 77/18, in force from 01.01.2019) The order, by which is admitted or is refused the preliminary execution, may be appealed through the administrative body before the court within three days period after its announcement, regardless whether the administrative act has been appealed.

(6) (Previous Para. 5 - SG 77/18, in force from 01.01.2019) The complaint shall be considered immediately in an open meeting, and copies from it shall not be handed over to the parties. It shall not stop the admitted preliminary execution, but the court may stop it till its final decision.

(7) (Previous Para. 6 - SG 77/18, in force from 01.01.2019) When cancelling the appealed order, the court shall decide the matter on its merits. If the preliminary execution is cancelled, the administrative body shall renew the situation existing before the execution.

(8) (Previous Para. 7 - SG 77/18, in force from 01.01.2019) The definition of the court shall be subject to appeal.

Announcing the Act (Title suppl. - SG 77/18, in force from 10.10.2019)

Art. 61. (1) (Suppl. - SG 77/18, in force from 10.10.2019) The administrative act, respectively the refusal to issue an act, shall be communicated as per the order of Art. 18a, within three days of its being issued, to all interested parties, including those who have not participated in the proceedings.

(2) (Revoked - SG 77/18, in force from 10.10.2019)

(3) (Revoked - SG 77/18, in force from 10.10.2019)

(4) (New - SG 27/14, in force from 25.03.2014, revoked - SG 77/18, in force from 10.10.2019)

Correction of an obvious factual mistake, supplement and interpretation

Art. 62. (1) Before the expiration of the term for appeal, the administrative body may eliminate admitted incompleteness in the act. For the made changes shall be announced to the interested persons. The decision on the supplement shall be a subject to appeal by the order, provided for by this code.

(2) Obvious factual mistakes, admitted in the administrative act, shall be corrected by the body who has issued it and after the expiration of the term for appeal. For the correction of obvious factual mistakes shall be announced to the interested persons. The decision on the correction shall be a subject to appeal by the order, provided for by this code.

(3) The body, who has issued the decision, at request of the parties, shall clarify in writing its true contents. An interpretation may not be requested after the act has been executed. The act on the interpretation shall be a subject to appeal by the order, provided for by this code.

Orders on the course of the proceedings

Art. 63. The orders on the course of the proceedings shall be issued only in the cases, provided for by this code or by a special law. The orders shall contain name and indication of the position of the person who is issuing the act, the date of issue and a signature.

Non-appealability

Art. 64. (Suppl. - SG 77/18, in force from 01.01.2019) The administrative procedural declarations of will, actions and inactions of the administrative body on the issue of the act shall not be subject of independent appeal, unless in this code or any special law has been provided otherwise.

Section II.
General administrative acts

Definition of a general administrative act

Art. 65. General shall be the administrative acts with one-time legal action, by which shall be created rights or obligations or shall be directly affected rights, freedoms or legitimate interests to indefinite number of persons, as well as the refusals to be issued such acts.

Notification for forthcoming issue of a general administrative act

Art. 66. (1) The opening of the proceedings on issue of the general administrative act shall be announced in public by the mass media, by sending the draft to organisations of the interested persons or in another suitable way.

(2) The notification under para 1 shall include and the main reasons for the issue of the act, as well as the forms of participation of the interested persons in the proceedings.

(3) The notification under para 1 for drafts of general administrative acts, which fall with the competence of the Council of Ministers, shall be made by the respective minister – proposer of the act.

Representation of the interested persons

Art. 67. The organisations under Art. 66, para 1 may represent the interested persons in the proceedings on issue and appeal of the administrative act.

Right of access to the information on the file

Art. 68. (Suppl. - SG 77/18, in force from 01.01.2019) As far as by a special law has not been established otherwise, the interested persons and their organisations shall have the right of access to the whole information, content in the file on the issue of the general administrative act at any time of the proceedings, including after its completion with the issuance of a common administrative act under the Act on the National Archive Fund.

Forms of participation of the interested persons in the proceedings

Art. 69. (1) The administrative body shall determine and announce in public by the order, determined in Art. 66, para 1, one or more of the following forms of participation of the interested persons in the proceedings on the issue of the act:

1. written proposals and objections;

2. participation in consultative bodies, supporting the body who is issuing the act;

3. participation in meeting of the body, issuing the act, when is collective;

4. social discussion.

(2) The administrative body shall ensure to the interested persons an opportunity to implement their right of participation in a reasonable term, determined by the administrative body, which may not be shorter than one month from the day of the notification under Art. 66.

Participation in the proceedings of the interested persons from a neighbour state

Art. 70. (1) When existing a possibility the administrative act to affect rights, freedoms or legitimate interests of an indefinite number of persons of the territory of a neighbour state, the administrative procedure for participation in the proceedings on issue of the administrative act, set out in this section, shall be accessible to the interested persons in the respective state under the conditions of reciprocity.

(2) The administrative body at request by the interested persons in the neighbour state shall provide the information under Art. 68.

(3) The notification under Art. 66 shall be made at the same time, when is made and the notification to the Bulgarian citizens. It can be made directly by all suitable means, under condition that the provisions or the practice of the liaisons between both states permit it, or through the respective authorities of the neighbour state.

(4) The agreements on representation, concluded between both states, shall be applied at the representation of the interested persons – citizens of the neighbour state.

(5) The interested persons from the neighbour state can make their proposals and objections directly, by the rules of this section, or through the authorities of the neighbour state.

(6) The administrative body may provide the information under para 2 for the interested persons from the neighbour state in Bulgarian language. The proposals and the objections may be provided and in foreign language.

(7) The interested persons of the neighbour state shall be notified for the issue of the administrative act by the order of para 3.

(8) The possibilities for legal defence for the interested persons of the neighbour state and the Bulgarian citizens shall be one and the same.

Consideration of the proposals and the objections and issue of the act

Art. 71. The general administrative act shall be issued, after being clarified the facts and the circumstances significant for the case and being considered the proposals and the objections of the interested citizens and their organisations.

Announcement of the act

Art. 72. (1) The contents of the general administrative act shall be announced by the order, by which has been made the notification under Art. 66.

(2) If in the proceedings have been participated by proposals, objections or in another way separate interested persons or organisations, to them shall be sent a separate announcement for the issue of the act.

General administrative act, issued in urgent cases

Art. 73. (amend. – SG 35/09, in force from 12.05.2009) When urgently shall be issued a general administrative act on prevention or stoppage of violations, related to the national security and the public peace, for ensuring the life, the health and the property of the citizen, some of the provisions of this Section for notification and participation of the interested persons in the proceedings on the issue of the act may not be observed. In these cases in the course of the execution of the act the reasons for its issue shall be announced.

Subsidiary application

Art. 74. For the unsettled in this section matters shall be applied Section I of this Chapter.

Section III.
Normative administrative acts

Definition of a normative administrative act

Art. 75. (1) The normative administrative acts shall be administrative acts of secondary legislation which contain administrative legal norms, concern indefinite and unlimited number of addressees and have repeated legal action.

(2) The normative administrative acts shall be issued on application of an act or an act of secondary legislation of a higher rank.

(3) Every normative act shall have a name, which shall indicate the type and the author of the act, and its main subject.

(4) In each normative act, except for the normative acts, by which shall be amended, supplemented or repealed other normative acts, shall be indicated the legal ground for its issue.

Competent body

Art. 76. (1) Normative administrative acts shall be issued by bodies, explicitly authorized by the Constitution or by a law.

(2) The competence to be issued normative administrative acts may not be transferred.

(3) The municipal councils shall issue normative acts, by which shall be set out, according to the normative acts from higher rank, social relationships with local importance.

Order for issue

Art. 77. The competent body shall issue the normative administrative act, after considering the draft together with the presented opinions, proposals and objections.

Certification and promulgation of the acts

Art. 78. (1) The text of the normative administrative act, as well as its acceptance by the due order, shall be certified:

1. decrees of the Council of Ministers – by the Prime Minister;

2. the other normative administrative acts – by the body who has issued it, and when the body is collective – by its chairman.

(2) The normative administrative acts, except for these of the municipal councils, shall be promulgated in the "State Gazette".

(3) The normative administrative acts of the municipal councils shall be announced by the local organs or in another appropriate way.

Repeal, amendment and supplement

Art. 79. The normative administrative acts shall be repealed, amended and supplemented by an explicit provision of a following normative act.

Subsidiary implementation of the Statutory Instruments Act

Art. 80. For the unsettled in this section matters shall be applied the provisions of the Act on Normative Acts.

Chapter six.
Contestation OF THE ADMINISTRATIVE ACTS BY ADMINISTRATIVE ORDER

Contestation before the higher administrative body

Art. 81. (1) The individual and the general administrative acts may be contested by administrative order before the immediate higher administrative body.

(2) By administrative order may be contested and the contents of a document.

Exceptions from the scope of the contestation by administrative order

Art. 82. (1) Shall not be subject to contestation by the administrative order, provided for by this code, the acts:

1. of the President of the Republic and of the Chairman of the National Assembly;

2. of the Council of Ministers, the Prime-Minister, the deputy Prime Ministers, the Ministers and the head of other institutions and bodies, immediately subordinate to the Council of Ministers;

3. of the Manager of the Bulgarian National Bank and the Chairman of the Audit Office;

4. of the Supreme Judicial Council;

5. of the district governor;

6. for which by a special law has been provided a contestation directly before a court.

(2) Shall not be subject to contestation by administrative order the acts of the bodies, which do not have a higher administrative body.

Subjects of the contestation

Art. 83. (1) A complaint against the administrative act may be lodged by the interested persons.

(2) Both the lawfulness and the expedience of the administrative act may be contested in the complaint.

(3) The prosecutor may lodge a protest only regarding the lawfulness of the administrative act.

Form of the complaint and the protest. Term for contestation

Art. 84. (1) The complaint or the protest shall be lodged in written form through the administrative body, which act is contested, within 14 days period after its announcement to the interested persons and organisations.

(2) (Amend. and suppl. - SG 77/18, in force from 01.01.2019) The tacit refusal may be contested within one month after the expiration of the term, in which the administrative body has been obliged to pronounce. Where the parties concerned have not been informed of the initiation of the proceedings, the time limit for contestation shall be two months from the expiry of the time limit for pronouncement.

Contents of the complaint and the protest

Art. 85. (1) The complaint and the protest shall be written in Bulgarian language and shall contain:

1. (amend. - SG 80/23, in force from 19.09.2023) the three names and the address, telephone and e-mail, if there is such – for the Bulgarian citizens, respectively the name and the position of the prosecutor, the number of the telephone, if there is such;

2. (amend. - SG 80/23, in force from 19.09.2023) the three names and the personal number of a foreigner and the address, declared in the respective administration, telephone and e-mail, if there is such;

3. the firm of the merchant or the name of the legal entity, written in Bulgarian language, the corporate seat and the last indicated in the respective register address of management and his/her e-mail;

4. the act which is contested and the body, who has issued it;

5. the body to which it is filed;

6. the objections and their ground;

7. the claim;

8. signature of the sender.

(2) By the complaint or the protest may be requested the collection of evidence, on which are grounded the claims in them, or to be taken into account facts and circumstances, which have not been taken into consideration by the administrative body at the issue of the act, or have occurred after its issue.

(3) In the proceedings before the higher administrative body may be collected all the evidence, which are related to the claim and have not been presented before the body which has issued the contested administrative act.

Attachments

Art. 86. To the complaint or the protest shall be enclosed:

1. a Power of attorney, when the complaint is lodged by a proxy;

2. a certification for the registration and the good standing of the merchant or the legal entity;

3. a document for paid state fee, when such is due;

4. copies of the complaint or the protest and the written evidences for the other parties.

Irregularity of the complaint and the protest

Art. 87. (1) If the complaint or the protest does not meet the requirements under Art. 85 and 86, to the senders shall be sent a message to remove any irregularities within 7 days after receipt of the message.

(2) When the address of the sender is not indicated, the notification under para 1 shall be made by putting an announcement on the place intended for that in the building of the administrative body, for 7 days.

(3) If the sender does not remove the irregularities, the complaint or the protest together with the attachments shall be returned, and at incomplete address shall be left in the general office of the body at the service of the sender.

Leaving the complaint and the protest without consideration

Art. 88. (1) The complaint and the protest shall be left without consideration, when:

1. are not within the jurisdiction to the higher administrative body;

2. are lodged after the term under Art. 84;

3. the sender does not have an interest in the appeal;

4. the sender withdraws in writing the complaint or the protest.

(2) In the cases under para 1, item 1 the complaint or the protest shall be sent to the competent body, and in the rest cases the proceedings shall be terminated by the higher administrative body.

(3) The act on termination may be contested within 7 days after its announcement by a private complaint or by a protest before the respective court, which is to pronounce by a determination, which shall not be a subject to appeal.

Revival of the term

Art. 89. (1) In the cases under Art. 88. para 1, item 2 the appellant within 7 days period after the announcement of the act on termination of the proceedings may request a revival of the term, if its missing is due to specific unexpected circumstances. To the request shall be enclosed the returned complaint.

(2) The request shall be considered by the administrative body, which is competent to consider the complaint.

Prohibition for execution of the act

Art. 90. (1) The administrative acts shall not be executed, before being expired the terms for their contestation, and when there is a lodged complaint or protest – till the decision of the dispute by the respective body.

(2) This rule shall not be applied, when:

1. all the interested parties request in writing the preliminary execution of the act;

2. by a law or an order under Art. 60 a preliminary execution of the act has been admitted.

(3) (amend. – SG 39/11) In the cases under para 2, item 2 the higher administrative body can, upon request of the appellant, stop the preliminary execution admitted by an order, if it not been necessitated by public interest or shall cause irreparable damage to the person concerned.

Review of the act

Art. 91. (1) Within 7 days, and when the body is collective – within 14 days period after the receiving of the complaint or the protest the administrative body may review the matter and withdraw by him/herself the contested act, repeal or amend it, or issue the respective act, if he/she has refused its issue, notifying for this the interested parties.

(2) The new act shall be a subject to contestation by the order of this code. In these cases shall not be admitted repeated review of the act.

Sending of the file

Art. 92. (1) When the administrative body does not find a ground for reconsidering the matter, he/she shall immediately send the complaint or the protest together with the whole file to the competent higher administrative body.

(2) If within three days period after the expiration of the term under Art. 91, para 1 the whole file has not been sent to the higher administrative body, the appellant may send a copy of the complaint, and the prosecutor – a copy of the protest, directly to the higher body, who shall immediately require the file.

Competent body

Art. 93. (1) Competent to consider the complaint or the protest shall be the immediate higher administrative body, to which is subordinate the body, who has issued the contested act.

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

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

(4) The administrative acts of the mayors of municipalities shall be contested before the district governor.

(5) The refusal of an organisation to issue an administrative act may be contested before the respective administrative body according to the nature of the matters, in connection with which is the contested act.

Commission for consideration of the case

Art. 94. In complicated from factual or legal side cases, the competent to consider the complaint or the protest body may appoint a commission for investigation and consideration of the case. The commission shall consist of at least three members, one of which shall be with a degree of law and two of which - specialists from the respective spheres, and at least one of the specialists shall be a person which is not working with the respective administration.

Opinion of the commission

Art. 95. (1) In a determined by the competent body term, the commission shall consider the file with the objections on the complaint or the protest and the attached to it written evidences, shall collect new evidence, if necessary, and shall execute a grounded written opinion on the lawfulness and the expedience of the contested administrative act.

(2) The opinion shall be signed by all the members of the commission and shall be presented to the administrative body.

Hearing

Art. 96. (1) (Previous text of Art. 96 - SG 98/20) The interested parties may be heard by the body competent to consider the complaint or the protest, in a reasonable term. A protocol shall be prepared for the hearing.

(2) (New - SG 98/20) The interested parties may be heard by the order of Art. 46, Para. 4-6.

Pronouncement of the competent body

Art. 97. (1) (Suppl. - SG 77/18, in force from 01.01.2019) Within two weeks after the receiving of the file, when is individual, and within one month, when is collective, the competent to consider the complaint or the protest body, shall pronounce by a grounded decision, by which shall declare the contested act void, shall cancel it as whole or partially as unlawful or inexpedient, or shall dismiss the complaint or the

protest. Where the authority rejects the complaint or the protest, the reasons for that decision shall be considered as part of the reasoning of the administrative act. The competent authority shall immediately inform the appellant of the date of receipt of the file.

(2) The competent to consider the complaint or the protest body shall decide the matter on its merits, unless the requested act falls with the explicit competence of the lower body.

(3) When the administrative body unlawfully has refused to issue a document, the competent to consider the complaint or the protest body shall oblige him/her to do this, determining him/her a term to issue the document.

(4) When is not agree with the opinion of the commission, the competent to consider the complaint or the protest body, shall give reasons for that.

(5) When the competent to consider the complaint or the protest body does not pronounce within the term under para 1, the lawfulness of the administrative act may be contested through the administrative body, who has issued the act, before the court, if the act is not a subject to contestation by judicial order.

Announcement of the decision and appeal

Art. 98. (1) The decision of the competent to consider the complaint or the protest body shall be announced immediately to the appellant and to the other interested persons.

(2) When the matter has been decided on its merits, the decision of the competent to consider the complaint or the protest body shall be a subject to contestation for lawfulness before the court. If the complaint or the protest has been dismissed, a subject of contestation before the court shall be the initial administrative act.

Chapter seven.
REOPENING OF THE PROCEEDINGS ON ISSUE OF THE ADMINISTRATIVE ACTS

Grounds for reopening

Art. 99. An entered into force individual or general administrative act, which has not been contested before the court, may be cancelled or amended by the immediate higher administrative body, and if the act has not been a subject to contestation by administrative order – by the body who has issued it, when:

1. some of the requirements for its lawfulness has been significantly breached;

2. new circumstances or new written evidences, substantively significant for the issue of the act, are found, which at the decision of the matter by the administrative body may not have been known to the party in the administrative proceedings;

3. by the due judicial order is established a criminal act of the party, of his/her representative or of the administrative body, when is individual, or of a member of it, when is collective, which has reflected on the decision of the matter – subject of the administrative proceedings;

4. the administrative act is grounded on a document, which by the due judicial order has been recognised forged, or on an act of a court or another state institution, which has been cancelled subsequently;

5. the same administrative body on the same matter and on the same ground has issued regarding the same persons another entered into force administrative act, which contradict to it;

6. as a consequence of the breach of the administrative procedural rules, the party has been deprived from the possibility to participate in the administrative proceedings or has not been duly represented, as well as when he/she may not have participated in person or by proxy under a reason of an obstacle, which he/she may not have eliminated;

7. by a decision of the European Court for Protection of Human Rights has been established a violation of the Convention for the Protection of Human Rights and Fundamental Freedoms.

Initiative for reopening

Art. 100. In the cases under Art. 99, item 1 the reopening of the administrative proceedings shall be made on initiative of the administrative body or at proposal of the respective prosecutor or the ombudsman, and in the cases under Art. 99, items 2 – 7 – and at request by the party in the proceedings.

Request for reopening by a person who has not participated in the proceedings

Art. 101. Reopening of the administrative proceedings may be requested and by a person, to which the administrative act has a force, even though he/she has not been a party in the proceedings.

Term for instituting the proceedings on reopening

Art. 102. (1) (amend. – SG 39/11) Reopening of the proceedings under Art. 99, item 1 can be made within three- month period after the entry into force of the act.

(2) The reopening of the proceedings under Art. 99, items 2 – 7 can be made within three months period after learning the circumstance which is a ground for cancellation or amendment of the administrative act, but not later than within one year after the occurrence of the ground. When the occurrence of the ground precedes the issue of the administrative act, the initial moment of the term for reopening shall be the entry into force of the act.

Proceedings on reopening

Art. 103. (1) The administrative body shall constitute ex officio the third parties, who have acquired rights from the administrative act, as a party in the proceedings.

(2) The administrative body shall consider the request for reopening by the order of Chapter six.

(3) The refusal to be admitted reopening may be contested by the order of Chapter ten, section IV.

(4) If the request for reopening is grounded, the proceedings shall be reopened by the order of Chapter five.

(5) In the case under Art. 99, item 5 the unlawful administrative act shall be cancelled.

Contestation of the new administrative act

Art. 104. The issued at the reopening of the proceedings new administrative act, respectively the refusal to be issued the act, may be contested by the order, established by this code.

Respecting the rights of the third persons

Art. 105. The cancellation or the amendment of the administrative act by the order of this Chapter may not affect the rights, acquired by third bona fide persons.

Contested before the court administrative act

Art. 106. When the administrative act, respectively the refusal to be issued the act, has been contested before the court, for the reopening shall be applied Chapter fourteen.

Chapter eight.
PROPOSALS AND SIGNALS

Section I.
General rules

Subject and scope

Art. 107. (1) By the order of this Chapter shall be considered the proposals and the signals, filed to the administrative bodies, as well as to other bodies, which carry out public and legal functions.

(2) This Chapter shall not be applied for the proposals and the signals, for which consideration and decision another order has been provided by a law.

(3) Proposals can be made for improvement of the organisation and the activity of the bodies under para 1 or for decision of other matters which fall with the competence of these bodies.

(4) Signals may be filed for abuse of power and corruption, bad management of state or municipal property or other unlawful or inexpedient actions or inactions of administrative bodied and officials in the respective administrations, by which are affected state or public interests, rights or legitimate interests of other persons.

Principals

Art. 108. (1) The bodies under Art. 107, para 1 shall be obliged to consider and decide the proposals and the signals in the established terms objectively and lawfully.

(2) Nobody may be prosecuted only because of the filing of a proposal or a signal under the conditions and by the order of this Chapter.

Parties

Art. 109. Every citizen or organisation, as well as the ombudsman, may file a proposal or a signal.

Organisation of the work with the proposals and the signals

Art. 110. (1) The organisation of the work with the proposals and the signals shall be determined in the structural regulations of the bodies under Art. 107, para 1.

(2) For the whole work with the proposals and the signals shall be responsible the bodies under Art. 107, para 1. The organisation of the work may be assigned to officials authorized by them.

(3) The bodies under Art. 107, para 1 shall be obliged to accept citizens and representatives of organisations and to hear their proposals and signals on days and hours, determined and announced in advance.

Form of the proposals and the signals

Art. 111. (1) (Amend. - SG 80/23, in force from 19.09.2023) The proposals and the signals may be written or oral, may be filed in person or by an authorized representative, by the telephone or e-mail.

(2) The proposals and the signals, filed by the order of para 1, shall be registered.

(3) When is necessary the proposal or the signal to be filed in writing or to meet definite requirements, to the sender shall be given respective explanations.

(4) Shall not be instituted proceedings on anonymous proposals or signals, as well as on signals,

concerning violations, committed before more than two years.

Referral of jurisdiction

Art. 112. The proposals and the signals, which have been filed to an incompetent body, shall be referred not later than within 7 days period after their receiving to the competent bodies, unless there is data that the matter has been already brought to them. The person, who has made the proposal or the signal, shall be notified for the referral.

Restrictions

Art. 113. The signals may not be decided by the bodies or the officials, against which actions they have been filed, unless when they accept that they are grounded and consider them favourably.

Clarification of the case

Art. 114. (1) The decision on a proposal or a signal shall be taken, after being clarified the case and being considered the explanations and the objection of the interested persons.

(2) The bodies, to whom are filed proposals and signals, shall explain to the senders their rights and obligations.

(3) For the establishment of the facts and the circumstances may be used all the means, which are not prohibited by the law.

(4) The means for clarification of the case shall be determined by the body, competent to pronounce the decision, unless another normative act prescribes the proof to be made in a definite way or by definite means.

(5) The organisation shall be obliged to give the requested documents, data and explanations in the term, determined by the administrative body, competent to pronounce the decision.

(6) The citizens shall be obliged to submit the requested documents and to give data, unless that may harm their rights or legitimate interests or offend their dignity.

(7) When the requests are unlawful or ungrounded, or may not been satisfied upon objective reasons, the grounds for that shall be shown.

(8) (New - SG 77/18, in force from 01.01.2019) Communicating the decision of the administrative body to the submitter of the proposal or signal shall be done in accordance with Art. 61.

Execution

Art. 115. The body, who has pronounce the decision, shall undertake measures on its execution, determining the way and the term for the execution.

Finishing the proceedings

Art. 116. (Amend. - SG 77/18, in force from 01.01.2019) Proceedings on proposals and signals shall be completed with a decision to refuse them to be considered, or with the enforcement of a positive decision on them.

Section II.
Proposals

Competence

Art. 117. (1) The proposals shall be made before the bodies, competent to decide the questions put in them.

(2) Copies of the proposals may be sent and to the higher bodies.

Decision

Art. 118. (1) A decision upon the proposal shall be taken not later than two months period after its receipt and shall be announced within 7 days to the sender.

(2) When a longer investigation shall be necessary, the term for taking the decision may be prolonged by the higher body till 6 months, for which the sender shall be notified.

(3) The decision, pronounced upon made proposal, shall not be a subject to appeal.

Section III.
Signals

Competence

Art. 119. (1) The signals shall be filed to the bodies, who directly manage and control the bodies and the official, which unlawful or inexpedient actions or inactions is announced for.

(2) In sender's opinion the signal may be filed and through the body, against which action or inaction it is directed.

(3) Copies of the signals may be sent and to the higher bodies.

Stay of the execution

Art. 120. The filed signal shall not stop the execution of the contested act or the implementation of a definite activity, unless the body, competent to pronounce, orders the execution to be stopped till the pronouncement of the decision.

Term for pronouncement

Art. 121. The decision upon the signal shall be taken not later than within two months period after its receipt. When particularly important reasons impose that, the term may be prolonged by the higher body, but not by more than a month, for which the sender shall be notified.

Decision

Art. 122. (1) When considering favourably the signal, the body shall undertake immediately measures on eliminating the admitted violation or inexpedience, for which shall notify the sender and the other interested persons.

(2) When does not recognise the grounds of the signal, the body under Art. 119, para 2 within one month period after its filing shall send it together with his/her explanations to the respective higher body, for which shall notify the sender.

Announcement of the decision

Art. 123. (1) The decision upon the signal shall be in writing, shall be grounded and shall be announced to the sender within 7 days period after its pronouncement.

(2) When by the decision are affected rights or legitimate interests of other persons, it shall be announced and to them

(3) When the signal has been referred to the competent body by a Member of Parliament, a municipal councillor, a state body, a body of the local self-government or the mass media, they also shall be notified about the decision.

(4) At data for committed crime, the respective prosecutor shall be notified immediately.

Non-appealability

Art. 124. (1) Signals, filed again on a matter, on which there is a decision, shall not be considered, unless they are in connection with the execution of the decision or are grounded to new facts and circumstances.

(2) The decision, pronounced upon a filed signal, shall not be a subject to appeal.

Execution

Art. 125. (1) The decision upon the signal shall be executed within one month period after its pronouncement. By way of an exception, when it is imposed from particularly important reasons, the term may be prolonged by the body, who has pronounced it, but not by more than two months, for which the sender shall be notified.

(2) At the execution of the decision upon the signal, shall be eliminated the harmful consequences, caused by the unlawful or the inexpedient actions. When that is impossible, the affected persons shall be satisfied by another legal way or shall be explain to them the way they should act.

(3) The body to which is assigned the execution of the decision upon the signal shall notify for the execution the body who has pronounced the decision.

Division three.
PROCEEDINGS BEFORE THE COURT (In force from 01.03.2007)

Chapter nine.
GENERAL PROVISIONS

Beginning of the proceedings

Art. 126. The judicial proceedings shall be begun at request of the interested person or the prosecutor in the determined by this code or another law cases.

Prohibition for refusal from justice

Art. 127. (1) The courts shall be obliged to consider and decide according to the law in a reasonable term every filed to them claim.

(2) The court may not refuse a justice under the pretext that there is no a legal norm, on the ground of which to decide the claim.

Jurisdiction

Art. 128. (1) Within the jurisdiction of the administrative courts shall be all the cases upon claims on:

1. (suppl. - SG 74/16) issue, amendment, cancellation or declaration of invalidity of administrative acts and administrative contracts;

2. declaration of invalidity of agreements under this code;

3. (new - SG 74/16) execution of an administrative contract, unless otherwise provided for by a special law.

4. (prev. item 3 - SG 74/16) protection against ungrounded actions and inactions of the administration;

5. (prev. item 4 - SG 74/16) protection against unlawful enforcement;

6. (prev. item 5 - SG 74/16, suppl. – SG 94/19) indemnities for damages from unlawful acts, actions and inactions of administrative bodies and officials, as well as for damages from the judicial activity of the administrative courts and the Supreme Administrative Court;

7. (prev. item 6 - SG 74/16) indemnities for damages from the enforcement;

8. (prev. item 7 - SG 74/16) declaration of invalidity, invalidation or cancellation of decisions, pronounced by the administrative courts;

9. (prev. item 8 - SG 74/16) establishment of the non-authentication of administrative act under this code.

(2) Every person may lodge a claim to be established the existing or the non-existing of an administrative right or legal relation, when he/she has an interest in this and does not possess with another way for protection.

(3) Shall not be a subject to judicial appeal the administrative acts, by which directly are carried out the foreign policy, the defence and the security of the country, unless otherwise has been provided by a law.

Claims to proclaim null and void judgments and determinations given by the administrative courts and the Supreme Administrative Court

Art. 128a. (New - SG 77/18, in force from 01.01.2019) (1) Claims to proclaim null and void judgments and determinations given by the administrative courts or by the Supreme Administrative Court, which obstruct the further development of the proceedings, may be filed without time limit.

(2) Claims shall be lodged with the respective administrative court.

(3) The decision of the administrative court shall be subject to cassation appeal.

Joinder of complaints

Art. 129. (1) If the lawfulness of the administrative act or of the refusal to be issued an administrative act has been contested simultaneously before the higher administrative body and before the court, the complaints shall be joint in common proceedings within the jurisdiction of the court.

(2) The rule under para 1 shall not be applied, when with the complaint before the higher administrative body has been contested the expedience of the administrative act. In this case, if judicial proceedings have been opened, they shall be stopped till the pronouncement of the higher administrative body.

Disputes on jurisdiction

Art. 130. (1) The administrative court shall decide by itself whether the instituted case shall be subject to consideration by it or by another body out of the courts' system.

(2) Any other body shall not be entitled to accept for consideration a case, which the court is already considering.

(3) The question whether the instituted case is a subject to consideration by the administrative court or by another body out of the courts' system may be arisen at any state of the case, and by the court ex officio.

(4) If finding that the case is not within its jurisdiction, the court shall send it to the proper body.

The order or the definition may be appealed with a private complaint by the parties and by the body to whom the case has been sent.

Two-instance of the proceedings

Art. 131. The judicial proceedings under this code shall be before two instances, unless by it or by another law has been established otherwise.

Generic jurisdiction

Art. 132. (1) With the jurisdiction of the administrative courts shall be all the administrative cases, except for these, which shall be with the jurisdiction of the Supreme Administrative Court.

(2) With the jurisdiction of the Supreme Administrative Court shall be:

1. the contestations against the acts of secondary legislation, except for these of the municipal councils;

2. (suppl. - SG 77/18, in force from 01.01.2019) the contestations against the acts o the Council of Ministers, the Prime Minister, the deputy prime ministers and the ministers, issued while exercising their constitutional powers in the management and performance of government; in the cases provided for by law, as well as when those authorities have delegated their powers to the respective officials, the administrative acts issued by them shall be challenged before the relevant administrative court;

3. the contestations against decisions of the Supreme Judicial Council;

4. the contestations against the bodies of the Bulgarian National Bank;

5. cassation complaints and protests against court decisions of the first instance;

6. private complaints against definitions and orders;

7. claims on cancellation of entered into force court acts upon administrative cases;

8. the contestations against other acts, determined by a law.

Local jurisdiction

Art. 133. (Amend. – SG 104/13, in force from 01.01.2014) (1) (Amend. - SG 77/18, in force from 01.01.2019) The cases on contestation of individual administrative acts shall be considered by the administrative court at the permanent address or at the registered office of the addressee referred to in the act, respectively addressees. Where the addressee referred to in the act has a permanent address or a registered office abroad, the disputes shall be heard by the Administrative Court of Sofia.

(2) (Amend. - SG 77/18, in force from 01.01.2019) The administration of the body дминистративните съцилищаота по Препратки и Редакция.Where the addressees referred to in the Act are more than one and have a different permanent address or registered office but within a single court district, the cases under Para. 1 shall be considered by the administrative court in the area of the territorial structure of the administration of the body which issued the act. In all other cases, cases shall be dealt with by the administrative court, in the area of which the registered office of the body is located.

(3) The cases on contestation of general administrative acts shall be heard by the administrative court in the area of which is the registered address of the body that issued the contested act.

(4) The cases referred to in paras 1 through 3 shall be heard by the Sofia Administrative Court, where the registered office of the body that issued the contested act is abroad.

(5) Benefit claims shall be brought before the court at the address or the registered office of the appellant also in those cases where the said claims are joined with contestation pursuant to paras 1 through 4.

(6) (New - SG 27/14, in force from 25.03.2014, suppl. - SG 77/18, in force from 01.01.2019, amend. – SG 15/21) Where the competent court cannot hear an administrative case, it shall be sent to a

neighbouring court of equal degree, where:

1. if the district court is competent, the case shall be forwarded by the respective administrative court;

2. if the administrative court is competent, the case shall be forwarded by the Supreme Administrative Court.

Obligatory jurisdiction

Art. 134. (1) The determined by the law jurisdiction may not be amended upon agreement of the persons participating in the case.

(2) Un objection for local lack of jurisdiction of the case can be made not later than in the first meeting before the first instance and to be raised ex officio by the court. Together with entering the objection the party shall be obliged to submit and his/her evidences.

Disputes on jurisdiction

Art. 135. (1) Each court shall decide by itself whether the brought before it case is within its jurisdiction.

(2) If finding that the case is not within its jurisdiction, it shall send it to the proper court. In this situation the case shall be considered instituted from the day of its filing before the non-proper court, and the actions carried out by the last one shall keep their validity.

(3) (New – SG 15/21) Disputes over jurisdiction between district courts hearing an administrative case shall be resolved by their common administrative court of higher degree. If they belong to the districts of different higher administrative courts, the dispute shall be resolved by the higher administrative court in whose district the court which last accepted or refused to hear the case is located.

(4) (Previous Para. 3 – SG 15/21) The disputes on jurisdiction between administrative courts shall be decided by the Supreme Administrative Court, and if in the dispute participate a three-member chamber of the Supreme Administrative Court – by its five-member chamber.

(5) (Previous Para. 4 – SG 15/21) The disputes on jurisdiction between the general and the administrative courts shall be decided by a chamber, including three representatives of the Supreme Cassation Court and two representatives of the Supreme Administrative Court.

(6) (Previous Para. 5, amend. – SG 15/21) If the court, to which the case has been sent, finds that it is not within its jurisdiction, it shall send it to the court under para. 3, 4 or 5 to determine the jurisdiction.

(7) (Previous Para. 6, amend. – SG 15/21) When the court, to which the case has been sent by the order of para 2, finds that it is within the jurisdiction of a third court, it shall send it for determination of the jurisdiction to the court or the chamber under para 3, 4 or 5, depending on the statute of the third court.

(8) (Previous Para. 7 – SG 15/21) The definitions upon disputes on jurisdiction shall not be subject to appeal.

Obligatory representation

Art. 136. (1) When in the case participate more than 10 persons with same interests, which are not represented by proxy, the court may oblige them in a reasonable term to appoint a common proxy amongst them. If they do not appoint such one, the court shall appoint ex officio a common procedural representative.

(2) The procedural actions of the party shall have advantage over these of the common proxy or representative.

(3) The representative power of the officially appointed common representative shall be terminated by a statement of the represented person to him/her and to the court after dropping out the

prerequisites under para 1.

(4) The expenses for the common representative shall be on the account of the administrative body according to the considered favourably part of the contestation.

Notifications

Art. 137. (Amend. - SG 77/18, in force from 10.10.2019) (1) The notifications shall be served on a citizen at the address to which he was last summoned in the proceedings before the administrative body, unless he has specified a different address in the case. Where, in the proceedings before the administrative body, the citizen has provided the information under Art. 18a, Para. 4, the notifications shall be served on this order, unless otherwise specified by hin in the case. Where the citizen has not participated in the proceedings before the administrative body or has not indicated the information under Art. 18a, Para. 4, the notifications shall be served at his current address and, in the absence thereof, at his permanent address.

(2) Notifications to the administrative bodies, the judiciary bodies, the public officials, the public service organizations, the organizations and the lawyers shall be served on the electronic address specified in the administrative procedure before the administrative authority, unless they state another e-mail address in the case. If they have not participated in the proceedings before the administrative authority, they must indicate an electronic address under the Electronic Government Act, or an electronic address under Art. 360f, Para. 1, item 7 of the Judiciary System Act, to which electronic statements may be sent by the bodies of the judiciary.

(3) (New – SG 15/21) Where service is effected by electronic means, the notice containing information for the downloading of the summons, the notice or the papers, shall be deemed to have been served on the day of its downloading by the addressee. In case the message is not downloaded within 7 days of its sending, it shall be considered served on the first day after the download deadline.

(4) (Previous Para. 3 – SG 15/21) Where parties to the proceedings are represented by a common proxy or a representative, the communication of notifiations shall be effected through him.

(5) (Previous Para. 4 – SG 15/21) Outside of the cases under Para. 1 – 3, the notifiations shall be served by the order of Art. 18a, Para. 7 - 9.

(6) (Previous Para. 5 – SG 15/21) Where the communication cannot be effected because the party or person to be summoned has an unknown address, the notifiation shall be placed on the message board, or published on the court's web site for a period not shorter than 7 days. When the party is summoned by sticking the message in accordance with Art. 18a, Para. 9, and as per the first sentence, after establishing the regularity of the communication thus made, the court shall order the communication to be attached to the case, and shall appoint a special representative at the appellant’s expense. The remuneration of the special representative shall be determined by the court according to the factual and legal complexity of the case, and the amount of the remuneration may be below the minimum one for the respective type of work according to Art. 36, Para. 2 of the Lawyers Act, but not less than one-half of it.

Service of summonses, judicial acts and case papers

Art. 138. (Amend. - SG 77/18, in force from 10.10.2019) (1) The summonses shall be served by the order of Art. 137.

(2) Subsequent summons shall not be sent to the parties summoned in a valid way, unless the case has been adjourned in a closed session, or the further course of the proceedings has been obstructed.

(3) Unless otherwise provided in this Code, the judicial acts or the papers in the case shall be communicated to the parties by sending copies in accordance with Art. 137.

Delay of the case

Art. 139. (1) The court shall delay the case if the party and his/her proxy may not appear because of impediment, which the party may not obviate. In these cases the date of the following meeting shall be fixed not more than three months later.

(2) At repeated request by the same party the case may be delayed by way of an exception only on another ground, if with regard of all circumstances the court assesses, that an abuse exercise of right is present.

Prolongation of the terms for appeal at irregularly announcement

Art. 140. (1) When in the administrative act or in the notice for its issue has not been pointed out before which body and in what term a complaint may be filed, the respective term for appeal under this Division shall be prolonged to two months.

(2) When in the administrative act or in the notice for its issue is pointed out wrongly, that it is not a subject to appeal, the terms for filing a complaint under this Division shall be prolonged to six months.

Submission of electronic documents

Art. 141. (amend. – SG 100/10, in force from 01.07.2011, amend. - SG 85/17) Electronic documents signed with a qualified electronic signature may be submitted to the court, as required by 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 repealing Directive 1999/93/EC (OJ, L 257/73 of 28 August 2014), and of the Electronic Document and Electronic Trust Services Act.

Assessment on conformity with the material law

Art. 142. (1) The conformity of the administrative act with the material law shall be assessed to the moment of its issue.

(2) The establishment of new facts significant for the case after the issue of the act shall be assessed to the moment of finishing of the oral competitions.

Publishing the Protocol

Art. 142a. (New- SG 77/18, in force from 01.01.2019) The protocol of an open court hearing shall be published on the court's web site within 14 days of the hearing.

Performing procedural actions

Art. 142b. (New – SG 15/21) (1) The court shall monitor ex officio the proper performance of the procedural actions. It shall indicate to the party what constitutes the irregularity of the procedural action performed by it and how to remedy that by setting a time limit for the correction. The corrected procedural action shall be considered regular from the moment of its execution.

(2) In a court hearing, the parties shall perform procedural actions verbally, and in the other cases - in writing.

(3) Procedural action, made through obscene words, insults or threats, shall be considered as not performed.

Responsibility for expenses

Art. 143. (1) When the court cancels the appealed administrative act or the refusal to be issued an administrative act, the state fees, the expenses on the proceedings and the remuneration for one lawyer, if

the sender of the complaint has had such one, shall be refunded from the budget of the body, who has issued the cancelled act or refusal.

(2) The sender of the complaint shall be entitled to expenses under para 1 and at termination of the case because of withdrawal of the contested by him/her administrative act.

(3) (Amend. – SG 15/21) When the court rejects the contestation or terminates the proceedings, the defendant shall be entitled to expenses - unless his conduct has given grounds to file the case - including legal fees, determined in accordance with Art. 37 of the Legal Aid Act.

(4) (Amend. – SG 15/21) When the court rejects the contestation or terminates the proceedings, the interested parties, to whom the act is favourable, shall also be entitled to expenses.

Fine for violations during the proceedings

Art. 143a. (New – SG 15/21) The court hearing shall be chaired by the chairperson of the panel, who may impose fines for:

1. violation of the order in a court hearing;

2. non-fulfillment of the orders of the court;

3. use of obscene words, insults and threats, addressed to the court, a person from the administration and the participants in the court proceedings.

Subsidiary application of the Civil Procedure Code

Art. 144. (suppl. - SG 42/18, amend. – SG 65/18, in force from 01.09.2018) For the matters unsettled in this Division shall be applied the Civil Procedure Code.

Reference for a preliminary ruling in criminal matters

Art. 144a. (new - SG 63/17, in force from 05.11.2017) Where the validity of an act or the interpretation of European Union law in the field of police and judicial cooperation in criminal matters or the ruling on the validity and the interpretation of the measures for the application of such an act are of importance for the proper settlement of the case, the court before which the case is pending shall refer a preliminary ruling to the Court of Justice of the European Union under Chapter Thirty-seven of the Penal Procedure Code.

Chapter ten.
CONTESTATION OF ADMINISTRATIVE ACTS BEFORE THE FIRST INSTANCE

Section I.
Contestation of individual administrative acts

Subject to contestation

Art. 145. (1) The administrative act may be contested before the court regarding their lawfulness.

(2) Subject to contestation shall be:

1. the initial individual administrative act, including the refusal to be issued such act;

2. (amend. – SG 39/11) the decision of the higher administrative body by which the act under item 1 has been cancelled or amended and the matter is considered on its merits;

3. the decisions upon requests for issue of documents, significant for recognition, exercise or redemption of rights or obligations.

(3) The administrative acts may be contested entirely or in their separate parts.

Grounds for contestation

Art. 146. Grounds for contestation of the administrative acts shall be:

1. lack of competence;

2. lack of conformity with the established form;

3. essential breach of the administrative and procedural rules;

4. contradiction to the material legal provisions;

5. non-compliance with the purpose of the law.

Right of contestation

Art. 147. (1) Right to contest the administrative act shall have the citizens and the organisations, which rights, freedoms or legitimate interests have been breached or threatened by it or for which it raises obligations.

(2) The prosecutor may file a protest against the act in the cases under Art. 16.

Choice of the order of contestation

Art. 148. The administrative act may be contested before the court and without being used up the opportunity for its contestation by administrative order, unless otherwise has been provided for by this code or by a special law.

Terms for contestation

Art. 149. (1) The administrative acts may be contested within 14 days period after their announcement.

(2) The tacit refusal or the tacit consent may be contested within one month period after the expiration of the term, in which the administrative body has been obliged to pronounce.

(3) When the act, the tacit refusal or the tacit consent has been contested by administrative order, the term under para 1, respectively para 2, shall start after the announcement, that the higher administrative body has pronounced by a decision, and if the body has not pronounced – after the final date, on which he/she has have to pronounce.

(4) When the prosecutor has not participated in the administrative proceedings, he/she may contest the act within one month period after its issue.

(5) The administrative acts may be contested with a request for declaring their invalidity without limitation of the time.

Form and contents of the complaint and the protest

Art. 150. (1) The complaint or the protest shall be filed in written form and shall contain:

1. indication of the court;

2. (amend. - SG 80/23, in force from 19.09.2023) the three names and the address, telephone and e-mail, if there is such one – for the Bulgarian citizens, respectively the name and the position of the prosecutor, the number of the telephone or an e-mail address, if there is such;

3. (amend. - SG 80/23, in force from 19.09.2023) the three names and the address, the personal number – for a foreigner, and the address, declared in the respective administration, telephone and e-mail, if there is such;

4. the firm of the merchant or the name of the legal entity, written in Bulgarian language, the corporate seat, the last declared in the respective register address of management and the e-mail;

5. indication of the appealed administrative act;

6. indication of what consists of the unlawfulness of the act;

7. in what consists of the request;

8. signature of the person, who files the complaint or the protest.

(2) In the complaint or the protest the appellant shall be obliged to point the evidences, which he/she wants to be collected, and to submit the written evidences, which he/she possessed with.

(3) (New – SG 15/21) The complaint cannot contain obscene words, insults or threats.

Attachments

Art. 151. To the complaint shall be attached:

1. a certificate for the existence and the representation of the organisation – appellant;

2. a Power of attorney, when the complaint is filed by a proxy;

3. a document for paid state fee, if such one is due;

4. copies from the complaint or the protest, from the written evidence and from the annexes according to the number of the rest parties.

Filing the complaint and the protest

Art. 152. (1) The complaint or the protest shall be filed through the body, who has issued the contested act.

(2) Within three days period after the expiration of the terms for contestation by the rest persons, the body shall send the complaint or the protest together with the verified copy of the entire file upon the issue of the act to the court, notifying the sender for that.

(3) The body shall be obliged to attach to the file a list of the parties in the proceedings on issue of the administrative act, indicating the addressed, to which they have been last summoned.

(4) If the body does not fulfil his/her obligations under para 1 – 3, the court shall require the file ex officio on the ground of a copy of the complaint or the protest.

Parties

Art. 153. (1) Parties in the case shall be the appellant, the body who has issued the administrative act, as well as all interested persons.

(2) When after the issue of the administrative act, the body has been closed, without being indicated his/her legal successor, a party in the case shall be the body authorized with the competence to issue the same acts.

(3) When the competence of the administrative body on the matter has been withdrawn, the court shall strike him off and shall constitute ex officio a competent body as a party in the case.

(4) The definition under para 3 shall be a subject to appeal by a private complaint.

Constituting the parties

Art. 154. (1) The court shall constitute the parties ex officio.

(2) When the administrative body has not fulfil his/her obligation under Art. 152, para 3, the court shall fix a term for its fulfilment.

Withdrawal and refusal from the contestation

Art. 155. (1) In any stage of the case, the appellant may withdraw the contestation or to refuse from it entirely or partially.

(2) The request for declaring the invalidity may be withdrawn without the consent of the

defendants upon the complaint till the finishing of the first meeting of the case.

(3) The withdrawal and the refusal from the contestation out of the court meeting shall be made with a written application.

(4) A preliminary refusal from the right of contestation shall be invalid.

Withdrawal of the contested act

Art. 156. (1) (Suppl. - SG 77/18, in force from 01.01.2019) In any stage of the case with the consent of the rest of the defendants and interested parties, for whom the contested act is favourable, the administrative body may withdraw entirely or partially the contested act or issue the act, which issue has refused.

(2) For withdrawal of the act after the first meeting of the case shall be necessary a consent and by the appellant.

(3) The withdrawn act may be issued repeatedly only at new circumstances.

(4) When with the contestation a claim on compensation has been joined, the proceedings on it shall continue.

Instituting and fixing the date of the case

Art. 157. (1) (Suppl. - SG 77/18, in force from 01.01.2019) The chairman of the court, his/her deputy or the chairman of the division shall institute the administrative case, which shall be given to a judge-rapporteur. The judge-rapporteur, respectively the chairman of a division in the Supreme Administrative Court, shall set the case within a maximum of two months from the filing of the complaint in court. This period shall not run for the period of the judicial holiday, unless shorter deadlines are provided for in this Code or a special law.

(2) The reporting judge shall be determined according the sequence of the receipt of the contestations in the court by an electronic allocation or by another way for accidentally allocation of the cases, indicated in internal rules, accepted by the respective court and announced in public.

Check of the regularity of the complaint and the protest

Art. 158. (1) (Amend. - SG 77/18, in force from 01.01.2019, suppl. – SG 15/21) When the complaint or the protest do not meet the requirements of Art. 150, para 1 and 3 and Art. 151, the judge-rapporteur, respectively the chairperson of a division in the Supreme Administrative Court, shall leave them without any motion, sending the disputing party a notification to eliminate the irregularities within 7 days.

(2) When the addresses of the appellant and his/her representative have not been indicated, the notice under para 1 shall be made by putting an announcement on the definite for this place in the court during 7 days.

(3) (Suppl. - SG 77/18, in force from 01.01.2019) If the irregularities have not been eliminated in the term under para 1, the complaint or the protest shall be left without consideration with an order of the judge-rapporteur, respectively the chairperson of the division in the Supreme Administrative Court. When the irregularities have been found in the course of the proceedings, the court shall terminate the case.

(4) The revised contestation shall be considered regular from the day of its filing.

Check of the admissibility of the complaint and the protest

Art. 159. The complaint or the protest shall be left without consideration, and if court proceedings have been instituted, they shall be terminated, when:

1. the act is not a subject of contestation;

2. the appellant does not possess a legal capacity;

3. the contested administrative act has been withdrawn;

4. the appellant does not have a legal interest in the contestation;

5. the contestation has been overdue;

6. there is an entered into force court decision upon the contestation;

7. there is an instituted case before the same court, between the same parties, on the same ground;

8. the contestation has been withdrawn or has been made a refusal from it.

Appeal of the act on the admissibility of the complaint and the protest

Art. 160. (1) The order, by which the complaint or the protest are considered without consideration, the definition by which the case is terminated, shall be a subject to appeal by a private complaint. Copies from it shall not be submitted, if the order has been pronounced before the handing over of a copy of the contestation.

(2) (amend. – SG 39/11) The private complaints shall be considered in a closed meeting, unless the court considers it is necessary that they must be considered in an open court meeting.

Revival of the term for appeal

Art. 161. (1) Within 7 days period after the notice for leaving the complaint without consideration may be requested revival of the term, if the missing is due to particular unexpected circumstances or to a behaviour of the administration, which has mislead the appellant. The request can be made and with the complaint.

(2) In the request for the revival of the term shall be pointed out all the circumstances, establishing the grounds under para 1.

(3) The definition, by which the request under para 1 has been rejected, may be appealed by private complaint. The definition by which the request under para 1 has been considered favourably, shall be appealed together with the decision on the case.

Announcement of the act by the court

Art. 162. (1) When the administrative act has not been announced to all affected persons, the court shall send a notice and shall continue the court proceedings on the complaint, ensuring to these persons an opportunity to defend their interests.

(2) When the contested act is favourable for the persons under para 1, the court shall constitute them ex officio as parties and shall defer the case, if imposed so.

(3) When to the beginning of the oral competitions upon the initial complaint complaints are received and from persons under para 1, the complaints shall be joined in one proceeding for pronouncing a common decision.

Handing in copies of the complaint and the protest and an answer upon them

Art. 163. (1) If the complaint or the protest are admissible, the reporting judge shall order copies of them to be sent to the parties.

(2) Within 14 days period after the receipt of the copy each party may submit a written answer and to point out evidences. The written evidences, which the party disposes of, shall be attached to the answer.

(3) When for the clarification of the legal dispute is necessary to be collected and other evidences except for these, which are content in the file, the reporting judge shall give instructions to the respective party for the necessity of their collection.

Body of the administrative court

Art. 164. The administrative court shall consider the case in a body of one judge.

Body of the Supreme Administrative Court

Art. 165. The Supreme Administrative Court shall consider the case in a body of three judges.

Stay of the execution of the administrative act

Art. 166. (1) The contestation shall stop the execution of the administrative act.

(2) (amend. and suppl. – SG 39/11) In any stage of the case till the entry into force of the decision at request of the appellant the court may stop the preliminary execution, admitted by an entered into force order of the body, who has issued the act as per Art. 60, para 1, if it may cause to the appellant a significant or hardly repairable damage. The execution may be stopped only on the ground of new circumstances.

(3) (amend. – SG 39/11)The request under para 2 shall be considered in a closed meeting. The court shall pronounce immediately by a definition, which may be appealed by a private complaint within 7 days period from the announcement thereof.

(4) (new – SG 39/11) The admitted preliminary execution of an administrative act according to another Law, where there is no explicit prohibition for judicial control may be suspended upon request of the appellant under the terms of para 2.

Admission of a preliminary execution by the court

Art. 167. (1) In any stage of the case at request of a party the court may admit preliminary execution of the administrative act under the conditions, at which it may be admitted by the administrative body.

(2) When the preliminary execution may cause significant or hardly repairable damage, the court may admit it under a condition of paying of a guarantee in a determined by the court extent.

(3) The definition upon the request shall be a subject to appeal within three days period after its announcement. If the preliminary execution has been cancelled, it shall be restored the situation, existing before the execution.

(4) Repeated request before the court can be made only on the ground of new circumstances.

Subject of the court check

Art. 168. (1) The court shall not limit itself only with the consideration of the grounds, pointed out by the appellant, but shall be obliged on the ground of the submitted by the parties evidences, to check the lawfulness of the contested administrative act on all grounds under Art. 146.

(2) The court shall declare the invalidity of the act, even when there is no request for this.

(3) The invalidity may be declared and after the expiration of the term under Art. 149, para 1 – 3.

(4) (New - SG 77/18, in force from 01.01.2019, repealed – SG 15/21)

(5) (New - SG 77/18, in force from 01.01.2019, repealed – SG 15/21)

Court control and operative self-dependence

Art. 169. At contestation of an administrative act, issued in operative self-dependence, the court shall check whether the administrative body has disposed of operative self-dependence and has observed the requirement for lawfulness of the administrative acts.

Burden

Art. 170. (1) The administrative body and the persons, for which the contested administrative act is favourable, shall establish the existing of the factual grounds, pointed out in it, and the fulfilment of the legal requirements at its issue.

(2) When a refusal for issue of an administrative act is contested, the appellant shall establish that the conditions for its issue are present.

(3) (New - SG 77/18, in force from 01.01.2019) The court shall be obliged to indicate to the parties the distribution of the burden of proof.

Evidence

Art. 171. (1) The evidence, collected regularly in the proceedings before the administrative body, shall have effect and before the court. The court may interrogate as witnesses the persons, who have given information before the administrative body, and the expert witnesses only if find necessary to hear them immediately.

(2) At request by the parties the court may collect and new circumstances, admissible under the Civil Procedure Code. The court may appoint expert witnesses, an inspection or a survey also and ex officio.

(3) (New - SG 98/20) The court may hold Parties' hearings and conduct witnesses' and experts' interrogations using video-conference.

(4) (Previous Para. 3 - SG 98/20) The parties shall be obliged to cooperate for the establishment of the truth.

(5) (Previous Para. 4 - SG 98/20) The court shall be obliged to cooperate to the parties for the removal of formal mistakes and ambiguities in their statements and to instruct them, that for some circumstances significant for the case, evidence has not been pointed out.

(6) (Previous Para. 5 - SG 98/20) The court shall pronounce in a closed meeting on the requests for evidence. They may be permitted in the first meeting of the case, if the court finds, that is necessary to hear and the oral explanations of the parties upon the evidence pointed out by them.

Judgement on the case

Art. 172. (1) The court shall render a judgement within one month period after the meeting in which has finished the consideration of the case.

(2) The court may declare the invalidity of the contested administrative act, to cancel it entirely or partially, to amend it or to reject the contestation.

(3) When a tacit refusal or a tacit consent has been cancelled, shall be considered cancelled and the explicit such ones, followed before the decision for cancellation.

(4) In the judgement shall be indicated the names of the parties, unless when it has an effect regarding everyone.

Contents of the Judgement

Art. 172a. (new – SG 39/11) (1) The judgement shall include the following:

1. date and place of issue;

2. referring to the court, the names of the judge(s), the court secretary and the prosecutor, if the latter is involved in the case;

3. reference number of the case on which the judgement is passed;

4. reference number and the date of the administrative act and the name of the authority issuing it;

5. the names of the parties;

6. the contents of the court ruling;

7. the person who must pay the costs;

8. whether the judgment is subject to appeal, to which court and within what time-period.

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

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

Powers of the court at invalidity or cancellation of the administrative act

Art. 173. (1) When the matter has been left on the assessment of the administrative body, after declaring the invalidity or cancelling the administrative act, the court shall decide the case on its merits.

(2) Out of the cases under para 1, as well as when the act is invalid because of incompetence or its character does not allow the decision of the matter on its merits, the court shall send the file to the respective competent administrative body with obligatory instructions for the interpretation and the application of the law.

(3) At unlawful refusal to be issued a document, the court shall oblige the administrative body to issue it, without giving instructions on its contents.

(4) At refusal by an incompetent body to issue an administrative act, the court shall declare invalid the refusal and shall send the case as a file to the respective competent body.

Defining a term for execution of the court decision

Art. 174. (Suppl. - SG 77/18, in force from 19.11.2018) When obliging the body to issue an administrative act or document, the court shall also set a time limit for this. In case of tacit refusal of the administrative body, a copy of the court decision shall be sent to the competent bodies under Art. 307.

Correction of an obvious factual mistake

Art. 175. (1) On its own initiative or at request of a party the court may correct admitted in the decision written mistakes, mistakes in the calculation or other similar obvious inaccuracies.

(2) The decision on the correction shall be pronounced in a closed meeting and shall be a subject to appeal by the order of the decision itself. After its entry into force, it shall be indicated on the corrected decision and the copies.

Pronouncement of an additional decision

Art. 176. (1) When having not pronounced on the entire contestation, the court on its own initiative or at request by a party in the case, lodged within one month, shall pronounce an additional decision.

(2) (Amend. - SG 77/18, in force from 01.01.2019) The court shall notify the opposite party of the requested supplementation with instructions for submitting a reply within 7 days. The request shall be heard by summoning the parties in open court, if the court considers it necessary in view of the circumstances of the case. The court shall rule on a further decision which is subject to contestation under the order of the initial decision.

Effect of the court decision

Art. 177. (1) The decision shall have effect for the parties in the case. If the contested act has

been cancelled or amended, the decision shall have effect regarding everyone.

(2) The acts and the actions of the administrative body, made in contradiction with an entered into force decision of the court, shall be invalid. Every interested person may always refer to the negligibility or request from the court to declare it.

(3) The decision by which has been rejected a contestation for cancellation of an administrative act, shall be an obstacle for its contestation as invalid, as well as and for its contestation on another ground.

Agreement before the court

Art. 178. (1) An agreement may be concluded before the court in each stage of the case under the conditions, which it may be concluded in the proceedings before the administrative body, even if the latter has refused its confirmation.

(2) All the parties in the case shall obligatory participate in the agreement.

(3) The refusal of the court to confirm the agreement may be appealed by a private complaint, filed jointly by the parties upon it.

(4) With the definition, by which confirming the agreement, the court shall nullify the administrative act and shall terminate the case.

(5) The definition may be appealed only by a party, which has not participated in the agreement. If it is cancelled, the consideration of the case shall continue.

(6) The confirmed agreement shall have the effect of an entered into force court decision.

Section II.
Contestation of general administrative acts

Terms for contestation

Art. 179. The general administrative acts may be contested within one month period from the announcement for their issue or within 14 days period from the separate announcements to the persons, which have participated in the proceedings before the administrative body.

Effect of the contestation

Art. 180. (1) The contestation shall not stop the execution of the general administrative act.

(2) The court may stop the execution on the grounds and by the order of Art. 166, para 2 and para 3.

Announcement for the contestation

Art. 181. (1) If the contestation is regular, the court within one month period shall announce it with a notice in the "State Gazette", in which shall be indicated the contested administrative act or its part and the number of the instituted case.

(2) A copy of the notice shall be put on a definite for this place in the court and shall be promulgated in the Internet site of the Supreme Administrative Court.

(3) By the order of para 1 and 2 shall be announced and the definition for stop of the case.

(4) (New - SG 77/18, in force from 01.01.2019) The enacted determination for suspension of the effect, or of the execution, of the general administrative act shall be promulgated in the State Gazette.

(5) (New - SG 44/20, in force from 14.052020) The notice under para. 1 and the definition under para. 4 shall be promulgated in the next issue of the State Gazette.

Parties

Art. 182. (1) Parties in the case shall be the appellant and the body, who has issued the general administrative act.

(2) (amend. – SG 59/07, in force from 01.03.2008) The persons, for whom the contested act is favourable, may entered as parties together with the administrative body till the beginning of the oral competitions in each stage of the case. If with a procedural action a party, who has entered after the first meeting, becomes a reason for a delay of the case, shall bear, regardless the result of the case, the expenses for the new hearing, those related to collection of new evidences or repeated collection of already collected evidences, the expenses incurred by the other party and by its representative for appearing under the case, and also shall pay additional state fee amounting to one third of the initially paid one, but not less than 100 levs.

(3) Every person, who has a legitimate interest, may join to the contestation or enter as a party together with the administrative body till the beginning of the oral competitions in each stage of the case, without being entitled to request repetition of the made procedural actions. A copy of the application for joining or entering shall be submitted to the opposite parties.

(4) The definition, by which is admitted the entering, shall be a subject to appeal by a private complaint.

Composition of the court

Art. 182a. (New - SG 77/18, in force from 01.01.2019) The court shall hear the case in a composition of three judges.

Effect of the decision

Art. 183. The decision by which the contested act has been declared invalid, has been cancelled or amended, shall have an effect regarding everyone.

Subsidiary application

Art. 184. (Amend. - SG 77/18, in force from 01.01.2019) For the unsettled by this Section matters shall be applied the provisions for contestation of individual administrative acts.

Section III.
Contestation of acts of secondary legislation

Subject of contestation

Art. 185. (1) The acts of secondary legislation may be contested before a court.

(2) The acts of secondary legislation may be contested entirely or in their separate provisions.

Right of contestation

Art. 186. (1) Right to contest an act of secondary legislation shall have the citizens, the organisations and the bodies, which rights, freedoms or legitimate interests have been affected or may be affected by it or for which it raises obligations.

(2) The prosecutor may file a protest against the act.

Non-limitation of the contestation

Art. 187. (1) The acts of secondary legislation may be contested without limits in the time.

(2) Subsequent contestation of an act of secondary legislation on the same ground shall be inadmissible.

Announcement for the contestation

Art. 188. The contestation shall be announced by the order of Art. 181, para 1 and 2.

Parties

Art. 189. (1) Parties in the case shall be the appellant and the body who has issued the acts of secondary legislation.

(2) Every person, who has a legitimate interest, may join to the contestation or enter as a party together with the administrative body till the beginning of the oral competitions in each stage of the case, without being entitle to request repetition of made procedural actions. Copies of the application for joining or entering shall be handed in to the opposite parties.

(3) The definition, by which the entering is not admitted, shall be a subject to appeal by a private complaint.

(4) (amend. – SG 59/07, in force from 01.03.2008) The persons, who have joined or entered, shall bear, regardless the result of the case, the expenses for the new hearing, those related to collection of new evidences, the expenses incurred by the other party and by its representative for appearing under the case, and also shall pay additional state fee amounting to one third of the initially paid one, but not less than 100 levs.

Effect of the contestation

Art. 190. (1) The contestation shall not stop the force of the secondary legislative act, unless the court orders otherwise.

(2) The definition of the court under para 1 for stop the effect of the secondary legislative act shall be promulgated in the way, in which has been promulgated the act, and shall enter into force form the day of the promulgation.

Jurisdiction and body of the court

Art. 191. (Amend. - SG 77/18, in force from 01.01.2019) The acts of secondary legislation shall be contested before the respective court, whose panel of three judges shall consider the case.

Participation of the prosecutor

Art. 192. The case shall be considered with the participation of a prosecutor.

Conformity assessment

Art. 192a. (New - SG 77/18, in force from 01.01.2019) The competence of the body issuing the secondary legislative act shall be assessed at the time of its issuance. The compliance of the secondary legislation with the material law shall be assessed at the time of the pronouncement of the judgment.

Decision upon the case

Art. 193. (1) The court shall declare the invalidity of the contested act of secondary legislation or a part of it, shall cancel it entirely or partially or shall reject the contestation.

(2) The court decision shall have an effect regarding everybody.

Promulgation of the court decision

Art. 194. The court decision, by which nullity is declared or the act of secondary legislation is cancelled, and against which there are no cassation complaint or protest filed in term, or they are rejected by the second instance court, shall be promulgated in the way, which has been promulgated the act, and shall enter into force from the day of the promulgation.

Effect of the decision for cancellation of the act of secondary legislation

Art. 195. (1) The act of secondary legislation shall be considered cancelled from the day of entry into force of the court decision.

(2) The legal consequences arisen by an act of secondary legislation which is declared invalid or is cancelled as null, shall be settled ex officio by the competent body in term not longer than three mounts after the entry into force of the court decision.

Subsidiary application

Art. 196. (Suppl. - SG 77/18, in force from 01.01.2019) For the unsettled in this Section matters shall be applied the provisions for contestation of the individual administrative acts, except for Art. 142, Para. 1, Art. 152, para 3, Art. 173 and 178.

Section IV.
Appeal of a refusal for consideration of a request for issue of an administrative act

Right and term of appeal

Art. 197. The explicit refusal of the administrative body to consider on its merits a filed to him/her request for issue of an individual or general administrative act may be appealed through him/her before the court by the person, who has made the request, within 14 days period after its announcement.

Handing in copies and sending the complaint to the court

Art. 198. (1) After accepting the complaint, the body shall send copies and to the rest parties in the administrative proceedings, which within 7 days period after their receiving may file objections.

(2) After the expiration of the term under para 1 the complaint together with a copy of the administrative file, the opinion of the administrative body and the objections shall be sent to the court.

Consideration of the complaint

Art. 199. The complaint shall be considered in closed meeting.

Definition upon the complaint

Art. 200. (1) Within one month period after the receipt of the complaint the court shall pronounce with a definition, by which shall reject it or shall cancel the refusal, and shall send the file to the competent administrative body for decision of the request on its merits, and the term for pronouncement by the body shall start from the moment of the receipt of the file with him/her.

(2) The definition may be appealed with a private complaint by the parties, participating in the administrative proceedings.

Effect of the definition

Art. 201. The definition shall be obligatory for the administrative body and for the persons participated in the appeal regarding the matter, decided with it.

Appeal of the refusal to renew and the decision to suspend the administrative proceedings

Art. 202. By the order of this Section shall be appealed:

1. the refusal to allow renewal under Art. 103, Para. 3;
2. the act for suspension of proceedings for issuance of an administrative act;
3. the refusal to renew suspended administrative proceedings.

Chapter eleven.
PROCEEDINGS ON INDEMNITIES

Applicable law

Art. 203. (1) (Suppl. - SG 77/18, in force from 01.01.2019, amend. – SG 94/19) The claims on indemnities for damages, caused to citizens or legal entities from unlawful acts, actions or inactions of administrative bodies and officials shall be considered by the order of this Chapter.

(2) (suppl. - SG 13/17, in force from 07.02.2017, suppl. - SG 77/18, in force from 01.01.2019, amend. – SG 94/19) For the unsettled matters on property responsibility as per Para. 1 shall be applied the provisions of the Act on Liability for Damages Incurred by the State and the Municipalities and the Execution of Penalties and Detention Act.

(3) (New – SG 94/19) Pursuant to this Chapter, claims for damages caused by a sufficiently serious breach of European Union law shall be considered, whereby for property liability and admissibility of the claim shall apply the standards of non-contractual liability of the state for violation of European Union law.

Admissibility of the claim

Art. 204. (1) A claim may be lodged after the cancellation of the administrative act by the respective order.

(2) The claim may be lodged together with the contestation of the administrative act till the finishing of the first meeting of the case. All the irregularities of the claim shall be eliminated not later than in the same meeting.

(3) When the damages have been caused by an invalid or withdrawn administrative act, the unlawfulness of the act shall be established by the court, before which the claim on indemnity has been lodged.

(4) The unlawfulness of the activity or the inactivity shall be established by the court, before which the claim on the indemnity has been lodged.

(5) (New – SG 94/19) The requirements towards the content of the claim, the annexes thereto and the evidence shall be governed by the rules of the Code of Civil Procedure.

State fee

Art. 204a. (New - SG 77/18, in force from 01.01.2019) For the cases under the procedure of this Chapter shall be paid a simple state fee in the amount determined by the tariff adopted by the Council of Ministers.

Defendant upon the claim

Art. 205. (1) (Previous text of Art. 205 – SG 94/19) The claim on indemnity shall be lodged against the legal entity, represented by the body, whose unlawful act, action or inaction has been caused the damages from.

(2) (New – SG 94/19) When the defendant specified in the statement of claim does not meet the requirements of para. 1, the court shall indicate to the plaintiff against whom he should direct the claim, enabling him within 7 days from the communication to remedy the irregularity, or to state whether he supports the claim against the originally named defendant. If the claimant fails to comply with the instructions within this period, the claim together with the annexes shall be returned. A return order may be appealed by a private complaint.

Withdrawal of the claim

Art. 206. (1) At request of a party or after an assessment of the court the claim on indemnity may be withdrawn, if its consideration shall complicate the proceedings on contestation of the administrative act.

(2) The consideration of the separate claim shall continue in the same court after the entry into force of the decision on declaring the invalidity or on cancellation of the act.

Termination of the proceedings on the joined claim

Art. 207. (1) When the proceedings on the contestation of the administrative act have been terminated, shall be terminated also and the proceedings on the joined to it claim, unless it is on indemnity for damages from invalid administrative act or the proceedings on the contestation have been terminated because of the withdrawal of the administrative act.

(2) The proceedings on the claim shall be terminated and if the contestation of the administrative act has been rejected. At cancellation of the court decision the proceedings shall be reopened.

(3) At termination of the proceedings may be come to an agreement on the amount of the indemnity.

Chapter twelve.
Cassation proceedings

Subject of the cassation proceedings

Art. 208. Subject to cassation proceedings entirely or in its separate parts shall be the first instance court decision.

Cassation grounds

Art. 209. A cassation complaint or a cassation protest shall be filed, when the decision is:

1. invalid;

2. inadmissible;

3. incorrect because of a breach of the material law, substantial breach of the court procedural rules or insufficiency.

Right of cassation contestation

Art. 210. (1) Right to appeal the decision shall have the parties in the case, for which it is unfavourable.

(2) The persons, towards which the decision has an effect, shall be entitled to appeal it, when it is unfavourable for them, even if they have not participated in the case.

(3) The Chief prosecutor or his/her deputy with the Supreme Administrative Prosecutor's Office may file a cassation protest.

Term for cassation contestation

Art. 211. (1) The complaint shall be filed to the Supreme Administrative Court through the court, which has pronounced the decision, within 14 days period after the day of the announcement, that the decision has been executed.

(2) The Chief prosecutor or his/her deputy with the Supreme Administrative Prosecutor's Office may file a protest to the Supreme Administrative Court through the court, who has pronounced the decision, within one month period after the day on which it has been pronounced.

(3) The persons under Art. 210, para 2 may appeal the decision till the moment of its entry into force for the parties in the case.

Form and contents of the complaint and the protest

Art. 212. (1) The complaint or the protest shall be filed in written form and shall contain:

1. indication of the court;

2. the name and the exact address of the appellant, and if is a natural person – and his/her personal identification number, the name and the exact address of the legal representative or proxy, if there are such ones, respectively the name and the position of the prosecutor;

3. indication of the appealed decision;

4. precise and grounded indication of the concrete defects of the decision, which present cassation grounds;

5. what consist the claim of;

6. a signature of the person, which files the complaint or the protest.

(2) (Amend. - SG 77/18, in force from 01.01.2019, suppl. – SG 94/19) The cassation appeal, except for the cases under the Administrative Violations and Penalties Act and cases for pension, health and social insurance and support, and those in which the appellant is exempt from state fee or a person deprived of his liberty with enacted sentence, shall be countersigned by a lawyer or a legal counsel, unless the appellant, or his representative, has legal capacity. A Power of attorney shall be attached to the request with regard to the countersigning and where the appellant, or his representative, has legal capacity - a legal capacity certificate.

(3) (New – SG 15/21) The complaint cannot contain obscene words, insults or threats.

Annexes

Art. 213. To the complaint or the protest shall be attached:

1. a certificate for the existing and the representation of the organisation – appellant, unless it has been submitted before the first instance;

2. a Power of attorney, when the complaint is filed by proxy;

3. (suppl.- SG 77/18, in force from 01.01.2019) document for paid state fee, if such is due, or an application as per Art. 227a, Para. 2;

4. copies of the complaint or the protest, of the written evidence and of the annexes according to the rest parties.

Check for regularity and admissibility of the cassation appeal or protest

Art. 213a. (New - SG 77/18, in force from 01.01.2019, amend. – SG 15/21) (1) The judge-rapporteur in the court of first instance shall check the regularity of the cassation appeal or protest, and if they do not meet the requirements of Art. 212 and 213, by order, shall leave them without motion and shall send a message to the appellant to eliminate the irregularities within 7 days from its receipt. When irregularities have not been removed in time, the court of first instance shall return the appeal or protest.

(2) The cassation appeal or protest shall be left without consideration by the first instance court on the grounds of Art. 215.

(3) The court of first instance shall rule on the requests for restoration of the term for cassation contestation, for exemption from state fee, as well as on the requests made before sending the case for granting legal aid by the order of the Legal Aid Act, and on requests under Art. 166 and 167.

(4) If the cassation appeal or the protest are regular and the grounds under Para. 2 are not present, the court shall send a transcript together with the appendices to the other parties, who - within 14 days from their receipt - may submit a response. The response cannot contain obscene words, insults or threats.

(5) After the submission of the response or after the expiration of the term under Para. 4, the case shall be forwarded to the court of cassation.

(6) The chairman of the court of cassation or his deputies, respectively the chairman of the division, shall exercise control over the inspection of regularity and admissibility of the cassation appeal or protest, carried out by the court of first instance, and:

1. if non-fulfillment of the obligations under Para. 1 is established, shall leave without motion the cassation appeal or protest, or send the case to the court of first instance with specific instructions;

2. if instructions for elimination of irregularities have not been fulfilled in time or any of the grounds under Art. 215 is found present, the cassation appeal or the protest shall be left without consideration by an order and the proceedings in the case shall be terminated; the court shall have the same powers in initiated cassation proceedings as well.

(7) The acts under Para. 1, sentence two, Para. 2 and Para. 6, item 2, and the acts by which exemption from state fee is refused, may be appealed with a private appeal, as state fee is not due. A transcript of the private appeal shall not be submitted, if the judicial act was issued before the service of a transcript of the cassation appeal. The ruling of the court on the appeal shall be final.

(8) When with a cassation appeal or protest a decision of a three-member panel of the Supreme Administrative Court is challenged, the powers under Para. 1, 2 and 4 shall be exercised by the chairman of the respective division.

(9) In the cases under Para. 6, item 2 and Para. 7, expenses may be awarded with the order or determination, if they have been requested and proof of their payment provided.

No motion on the appeal and protest

Art. 213b. (New - SG 77/18, in force from 01.01.2019, repealed – SG 15/21)

Withdrawal and refusal from cassation contestation

Art. 214. (1) The appellant may withdraw or refuse entirely or partially from the contestation till the finishing of the cassation proceedings.

(2) (New - SG 77/18, in force from 01.01.2019) The waiver, in whole or in part, of the right to challenge cannot be withdrawn.

(3) (Previous Para. 2 - SG 77/18, in force from 01.01.2019) Preliminary waiver of the right to challenge shall be null and void.

Leaving the complaint and the protest without consideration

Art. 215. The complaint or the protest shall be left without consideration, and the instituted cassation proceedings shall be terminated, when:

1. are filed by a person or an organisation, which has not participated in the court proceedings;
2. the decision or its appealed part does not exist;
3. are filed after the term under Art. 211;
4. are filed against a decision, which is not subject to a cassation contestation;
5. have been withdrawn or a refusal from them has been made by a written statement.

Leaving the complaint and the protest without movement

Art. 216. (Revoked - SG 77/18, in force from 01.01.2019)

Consideration of the case

Art. 217. (Amend. - SG 77/18, in force from 01.01.2019) (1) The case shall be examined by a three-member panel of the Supreme Administrative Court, where the decision has been delivered by an administrative court, and by a five-member panel when the decision has been delivered by a three-member panel of the Supreme Administrative Court.

(2) (Declared unconstitutional by Decision of the Constitutional Court № 5 of 2019 - SG 36/19) The five-member panels of the Supreme Administrative Court shall hear the case in open sessions which are to be scheduled by an order of the Chairperson of the Court, his deputies or a particular judge. Where the cassation instance is the only court, the case shall be considered in open court. The case shall be examined by a three-member panel of the Supreme Administrative Court in a closed session, unless the judge-raporteur with a n order instructs the case to be heard in open session. The order shall not be subject to appeal. Where a party has requested in a cassation appeal at the latest, or in the reply to a cassation appeal, that the case be heard in open court, it shall be heard with in this order.

(3) (Declared unconstitutional in the section "Where this Code or a special law provides for the case to be heard in open court or when the court decides to consider it in this order" with Decision of the Constitutional Court № 5 of 2019 - SG 36 of 2019) Where this Code or a special law provides for the case to be heard in open court or when the court decides to consider it in this order, the first hearing shall be scheduled within no more than 4 months from its initiation. In case of irregularities of the cassation appeal, the period shall run from their removal. In open session, the case shall be examined with the participation of a prosecutor. The Supreme Administrative Court shall give its ruling by a decision within one month of the hearing, in which the case has been closed.

(4) (Declared unconstitutional by Decision of the Constitutional Court № 5 of 2019 - SG 36/19) Where the case is heard in a closed session, the decision shall be pronounced within no longer than 6 months from its initiation. In case of irregularities of the cassation appeal, the time for pronouncement shall run from the elimination of the irregularities. Upon hearing the case in closed session, the prosecutor shall give his conclusion within two months from the case’s initiation, or within a term set by the court.

(5) Upon postponement of the case, the next hearing shall be scheduled within two months, and the validly summoned parties are to monitor themselves the date of the next open court hearing. The court shall be obliged to disclose the date of the next open court hearing within 14 days on its website.

(6) Time limits shall cease to run during the judicial holiday and the days declared as public holidays, except where this Code or a special law provides for shorter terms..

Subject of the cassation check

Art. 218. (1) The Supreme Administrative Court shall consider only the defects of the decision, pointed out in the complaint or the protest.

(2) The court shall check and ex officio for the validity, the admissibility and the correspondence of the decision with the material law.

Evidence

Art. 219. (1) For the establishment of the cassation grounds shall be admitted written evidence.

(2) Shall not be admitted evidence for the establishment of circumstances, which are not related with the cassation grounds.

Prohibition for factual establishments

Art. 220. The Supreme Administrative Court shall assess the application of the material law on the ground of the facts, established by the first instance court in the appealed decision.

Decision upon the cassation contestation

Art. 221. (1) (Revoked - SG 77/18, in force from 01.01.2019)

(2) (Suppl. - SG 77/18, in force from 01.01.2019) The Supreme Administrative Court shall leave in force the decision or shall cancel it in its contested part, if it is incorrect. When the Supreme Administrative Court leaves the decision in force, it shall state the reasons for it, and may also refer to the reasoning of the court of first instance.

(3) When the decision is inadmissible, the Supreme Administrative Court shall nullify it in the contested part terminating the case, shall return it for a new consideration, or shall refer it to the competent court or body.

(4) When the administrative body, with the consent of the rest defendants, withdraws the administrative act or issues the act, which issue has refused, the Supreme Administrative Court shall nullify the pronounced upon this act or refusal court decision as inadmissible and shall terminate the case.

(5) When the decision is invalid, the Supreme Administrative Court shall declare its invalidity entirely and if the case is not subject to termination, shall return it to the first instance court for pronouncement of a new decision.

(6) When before the Supreme Administrative Court has been concluded an agreement, the court shall confirm it with a definition, which shall nullify the court decision and shall terminate the case with.

Powers of the Supreme Administrative Court at cancellation of the decision

Art. 222. (1) When cancelling the decision, the Supreme Administrative Court shall decide the case on its merits.

(2) The Supreme Administrative Court shall return the case for a new consideration by another body of the first instance court, when:

1. establishes a substantial breach of the court procedural rules;

2. shall be established facts, for which the collection of written evidence is not sufficient.

Finality of the cassation decision

Art. 223. The cassation decision shall be final.

Obligatory instructions on application of the law

Art. 224. The instructions of the Supreme Administrative Court on the interpretation and the application of the law shall be obligatory at the following consideration of the case.

Consideration of the complaint and the protest against a repeatedly pronounced decision

Art. 225. The complaint or the protest against a repeatedly pronounced decision shall be considered by another body of the Supreme Administrative Court.

New consideration of the case by the first instance court

Art. 226. (1) The first instance court shall consider the case by the general order, and the proceedings shall begin from the first unlawful procedural action, which has been a ground for return of the case.

(2) At the new consideration of the case shall be admitted only written evidence, which may have not been known to the party, as well as evidence for newly found or newly occurred circumstances after the initial consideration of the case by the first instance court.

(3) The court shall pronounce and on the expenses for handling the case in the Supreme Administrative Court.

Powers of the Supreme Administrative Court at cancellation of the new decision

Art. 227. (amend. – SG 39/11) (1) When the decision of the first instance court has been cancelled repeatedly, the Supreme Administrative Court shall not remand the case for a new review but shall decide the case on its merits.

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

Fees in cassation proceedings

Art. 227a. (New - SG 77/18, in force from 01.01.2019) (1) The cassation applicant shall pay in advance a state fee of BGN 70 for the citizens, sole traders, state and municipal authorities and for other public functions' providers and organizations providing public service, and BGN 370 for organizations. Where there is a definable material interest in the case, these fees shall not be due, but a fee is to be due, defined as a percentage of said interest.

(2) (Amend. and suppl. – SG 94/19, amend. – SG 15/21, suppl. - SG 102/22) A state fee on the proceedings shall not be deposited by the Prosecutor's Office for lodging a protest by a party to whom legal aid has been provided in the case under the conditions of Art. 23, para. 2 of the Legal Aid Act, nor by citizens, for whom the court has acknowledged that they have not enough money to pay it. When examining the application for exemption from state fee, the court shall take into account:

1. the income of the person and his family;
2. the property status certifiable by a written declaration;
3. the family situation;
4. the state of health;
5. employment;
6. age;
7. other relevant circumstances.

(3) Where there is a definable material interest in the case, the state fee for citizens, sole traders, organizations, state and municipal authorities and other public officials and public service organizations shall be proportional and is 0,8 per cent of the material interest, but not more than BGN 1700, and in cases where the material interest exceeds BGN 10 000 000 - the fee shall be BGN 4 500.

(4) (Suppl. – SG 94/19) Regardless of whether the case has a definable material interest or not, the fees for cassation appeal in cases for pension, health and social insurance and support shall be BGN 30

for citizens and sole traders, and BGN 200 for organizations, state and municipal authorities and for others persons performing public functions and public service organizations.

(5) Paragraphs 1 to 4 shall not apply in the cassation proceedings under the procedure of the Administrative Violations and Penalties Act.

Subsidiary application

Art. 228. For the matters unsettled by this Chapter shall be applied respectively the provisions for the first instance proceedings.

Chapter thirteen.
Appeal of the definitions and the orders

Subject of appeal

Art. 229. (1) Subject to appeal by a private complaint shall be the definitions and the orders:

1. (suppl. – SG 15/21) which block the following running of the proceedings, with the exception of the definitions under Art. 213a, Para. 7;

2. in the cases, explicitly provided for by the law.

(2) (Amend. - SG 77/18, in force from 01.01.2019) Shall not be a subject to appeal the definitions and the orders, pronounced in the proceedings before a body of five members of the Supreme Administrative Court.

Term for appeal

Art. 230. The private complaint shall be filed within 7 days period after the announcement of the definition or the order, and when it is pronounced in a court meeting – after the day of the meeting for the party, which has participated.

Content of the private appeal

Art. 231. (Amend. - SG 77/18, in force from 01.01.2019, amend. – SG 15/21) As regards the private appeal, the provisions of Art. 212, 213 and 213a shall apply.

Reply upon the complaint

Art. 232. The court shall send a copy of the private complaint to the opposite party, who may file an objection with written evidence upon it within three days period after its receipt.

Effect of the complaint

Art. 233. (1) The private complaint shall not stop the execution of the appealed definition or order, unless the law provides for otherwise.

(2) When the definition or the order does not block the running of the case, its consideration shall continue, and to the higher court shall be sent only an official copy of the court act together with the private complaint, the appendixes and the objections.

(3) The higher court may stop the proceedings on the case or the execution of the appealed definition or order till the decision of the private complaint.

Consideration of the complaint

Art. 234. (1) The private complaint shall be considered in a closed meeting, unless the court orders otherwise.

(2) The court may collect ex officio all the evidence, necessary for the decision of the matter upon the private complaint.

Definition upon the complaint

Art. 235. (1) If cancelling the appealed definition or order, the court shall decide by itself the matter upon the private complaint.

(2) (Suppl. - SG 77/18, in force from 01.01.2019) The definition of the court shall be final and obligatory for the lower court.

Private appeal fee

Art. 235a. (New - SG 77/18, in force from 01.01.2019, suppl. – SG 94/19) For proceedings initiated on a private appeal, a fee of BGN 30 for citizens, state and municipal bodies, and BGN 150 for organizations shall be collected. No fee shall be charged to citizens for private appeal on cases for pension, health and social insurance and support.

Subsidiary application

Art. 236. (Suppl. - SG 77/18, in force from 01.01.2019, amend. – SG 94/19) As far as there are no specific rules in this Chapter, for the proceedings on the private complaints, shall be applied respectively the rules for the cassation proceedings, with the exception of Art. 227a, para. 1, 3, 4 and 5.

Chapter fourteen.
CANCELLATION OF ENTERED INTO FORCE COURT ACTS

Section I.
Cancellation at request of a party in the case

Subject of cancellation

Art. 237. (1) Subject to cancellation shall be the entered into force court decisions and the entered into force definitions and orders, by which the running of the case is blocked.

(2) (Amend. - SG 77/18, in force from 01.01.2019) Judicial acts already in force, rendered by a five-member panel of the Supreme Administrative Court shall be subject to repeal by another five-member panel of the same court.

(3) (Amend. and suppl. - SG 77/18, in force from 01.01.2019) There shall be no repeal of the enforced judicial acts rendered by a three-member and five-member panel of the Supreme Administrative Court in proceedings for annulment.

(4) (New - SG 77/18, in force from 01.01.2019) Any decisions already in force, rendered on the contestation of a general or secondary legislation act, shall not be subject to repeal.

Right of request for cancellation

Art. 238. (1) Right to request a cancellation shall have a party in the case, for which the court act is unfavourable.

(2) A cancellation of an entered into force court act may request the Chief prosecutor or his/her

deputy with the Supreme Administrative Prosecutor's Office on the grounds and in the term, determined for the parties.

Grounds for cancellation

Art. 239. The act shall be a subject to cancellation, when:

1. new circumstances or new written evidence are found, of a substantial significance for the case, which at its decision may not have been known to the party;

2. by the proper court order is established a non-veracity of the testimonies of the witnesses or the opinion of the expert witnesses, on which is grounded the act, or a criminal action of the party, his/her representative or a member of the body of the court in connection with the decision of the case;

3. the act is grounded on a document, which by the proper court order, has been recognised forged, or on an act of a court or another state institution, which subsequently has been cancelled;

4. between the same parties, upon the same claim and on the same ground has been pronounced another entered into force decision, which contradicts to the decision, which cancellation is requested;

5. the party as a consequence of a breach of the respective rules has been deprived from opportunity to participate in the case or has not been dully represented, or when he/she may not have appeared in person or by representative by reason of an obstacle, which he/she may not have eliminated;

6. by a decision of the European Court for protection of the human rights has been established a breach of the Convention for protection of the human rights and fundamental freedoms.

Terms for filing the request

Art. 240. (Amend. - SG 77/18, in force from 01.01.2019) (1) The application to repeal shall be filed within three months from the day:

1. on which the applicant could have become aware of the new circumstance, or from the day on which the applicant could have obtained the new written evidence - in the cases under Art. 239, item 1, but not later than one year after the entry into force of the act, whose repeal is sought;

2. of knowing about the decision or the sentence, but not later than one year after the entry into force of the decision or the sentence - in the cases under Art. 239, item 2;

3. of knowing about the decision or about the act of repeal, but not later than one year after the entry into force of the decision or the act of repeal - in the cases under Art. 239, Para. 3;

4. of the entry into force of the last decision - in the cases under Art. 239, item 4;

5. of the announcement of the decision - in the cases under Art. 239, item 6.

(2) The terms under Para. 1 shall start running from the entry into force of the act sought to be repealed, if the grounds for repeal has arisen or has been known before that moment.

(3) In the cases of Art. 239, item 5 and Art. 246, Para.1, the application for repeal shall be filed within one year of the entry into force of the act sought to be repealed.

Form of the request

Art. 241. (Amend. - SG 77/18, in force from 01.01.2019) The request shall be filed in written form. It shall meet the requirements of Art. 212 and Art. 213 and shall contain precise and motivated explanation of the grounds for cancellation, as well as the addresses for summoning of the rest parties in the case.

Filing the request

Art. 242. (1) (Amend. - SG 77/18, in force from 01.01.2019, amend. – SG 15/21) The request to repeal shall be filed through the court of first instance. If it does not meet the requirements of Art. 241, Art.

213a shall apply.

(2) (New - SG 77/18, in force from 01.01.2019) By the order of Para. 1 shall also be left without consideration any subsequent request to repeal judicial acts already in force under Art. 237, Para. 1, and the initiated proceedings shall be terminated when the court has pronounced on the same legal basis under Art. 239.

(3) (Previous Para. 2 - SG 77/18, in force from 01.01.2019) Within 7 days from the receipt of copies of the request, the other parties may submit objections.

(4) (New - SG 77/18, in force from 01.01.2019, suppl. – SG 94/19) The application to repeal shall be countersigned by a lawyer or a legal counselor, with the exception of cases for pension, health and social insurance and support, cases in which the applicant is exempt from state fee or is a person deprived of his liberty by a judgment already in force, or where the appellant or his representative has legal capacity. A Power of attorney shall be attached to the request for the countersigning and in the case where the appellant, or his representative, has legal capacity - a certificate of legal capacity shall be attached.

Fee in the repeal proceedings of judicial acts already in force

Art. 242a. (New - SG 77/18, in force from 01.01.2019, suppl. – SG 94/19) For proceedings to repeal judicial acts already in force, a fee of BGN 30 shall be collected for citizens, state and municipal bodies, and BGN 150 for organizations. No fee shall be charged to citizens on a request to repeal on cases of pension, health and social insurance and support.

Consideration of the request

Art. 243. (Amend. - SG 77/18, in force from 01.01.2019) The request to repeal, if allowed, shall be considered in a closed meeting by a body of three members of the Supreme Administrative Court, when the act has been pronounced by an administrative court, by a body of five members of the Supreme Administrative Court, when the act has been pronounced by a three-member panel of the Supreme Administrative Court, and by another five-member panel of the Supreme Administrative Court, when the act has been pronounced by a five-member panel of the Supreme Administrative Court.

Decision upon the request

Art. 244. (1) The Supreme Administrative Court shall reject the request or shall cancel the decision entirely or partially.

(2) When cancelling the decision, the Supreme Administrative Court shall return the case for new consideration in the proper court by another body, indicating also and where to begin the new consideration. In the case under Art. 239, item 4 the court shall cancel the incorrect decision.

(3) (Suppl. - SG 77/18, in force from 01.01.2019) The decision upon the request shall not be subject to appeal and repeal.

Section II.
Cancellation at request of a third person

Subject of cancellation

Art. 245. (1) Subject to cancellation at request of a third person shall be entered into force decisions and agreements before the court.

(2) (Amend. - SG 77/18, in force from 01.01.2019) The entered into force court acts, pronounced by a body of five members of the Supreme Administrative Court, shall be subject to

cancellation by another five-member panel of the same court, except for the decisions, pronounced upon contestation of an act of secondary legislation.

(3) (Amend. and suppl. - SG 77/18, in force from 01.01.2019) Shall not be a subject to cancellation the entered into force decisions, pronounced by a three-member panel or a five-member panel of the Supreme Administrative Court, rendered in repeal proceedings.

(4) (New - SG 77/18, in force from 01.01.2019) Any decisions already in force, rendered on the contestation of a general or secondary legislation act, shall not be subject to repeal.

Right of request for cancellation

Art. 246. (1) Right to request a cancellation shall have every person, to whom the decision or the agreement has force and is unfavourable, even if he/she has not been a party in the case.

(2) A third person may not request a cancellation of a decision for declaring invalidity or for cancellation of a general administrative act or an agreement upon the act, if the contestation has been dully announced by the order of Art. 181, para 1.

Proceedings upon the request

Art. 247. For the terms, the form, the filing and the consideration of the request shall be applied the provisions of Art. 240 – 243.

Decision upon the request

Art. 248. (1) When finding the request grounded, the Supreme Administrative Court shall cancel the decision entirely or partially and shall return the case to the first instance court for new consideration by another body from the beginning of the court proceedings.

(2) The decision upon the request shall not be a subject to appeal.

Subsidiary application

Art. 249. For the matters unsettled by this Chapter shall be applied respectively the provisions for the first instance proceedings.

Chapter fifteen.
PROTECTION AGAINST GROUNDLESS ACTIONS AND INACTIONS OF THE ADMINISTRATION

Section I.
Protection against groundless actions

Right of request

Art. 250. (1) Everybody, who has a legitimate interest, may request the termination of actions, carried out by an administrative body or an official, which are not grounded on an administrative act or on the law.

(2) (revoked – SG 94/08, in force from 01.01.2009)

Lodging the request

Art. 251. (1) The request shall be lodged in writing before the administrative court at the place

of commitment of the actions.

(2) (revoked – SG 94/08, in force from 01.01.2009)

(3) The request shall be entered in a special book, indicating the exact hour of the receiving and its sender.

Consideration of the request

Art. 252. (1) The request shall be considered immediately by a judge.

(2)(amend. – SG 94/08, in force from 01.01.09) The court shall oblige the administrative body or the official, who is undertaking the groundless actions, to submit immediately data for the ground of the undertaken actions.

(3) (amend. – SG 94/08, in force from 01.01.09)The court may check by the police bodies, as well as in any other ways, which are not prohibited by the law, whether the actions are undertaken, whose name from and what ground on.

(4)The checking bodies shall compile a record for the made check.

Pronouncement upon the request

Art. 253. (1) Immediately after finishing the check on the ground of the data collected from it and the evidence submitted by the parties, the court shall pronounce with an order.

(2) With the order under para 1 shall be ordered to be terminated unconditionally the actions, which are not undertaken in fulfilment of submitted at the check administrative act or of the law, or shall be rejected the request. The order shall be executed immediately by the police bodies.

(3) (revoked – SG 94/08, in force from 01.01.2009)

Appeal

Art. 254. (1) (amend. – SG 94/08, in force from 01.01.09)The order may be appealed within three days period after its issue by the body or the official, who has undertaken the actions, when the request has been considered favourably, and by everyone, who has a legitimate interest, when the request has been rejected.

(2) The complaint shall be considered by the order of Chapter thirteen and shall not stop the execution.

Declaratory claim

Art. 255. The protection under this Chapter shall not be an obstacle for lodging the claim under Art. 128, para 2 or under Art. 203.

Section II.
Protection against groundless inactions

Subject and Order of contestation

Art. 256. (Amend. - SG 77/18, in force from 01.01.2019) (1) The inaction of the administrative body with respect to obligation, arising directly from a normative act, may be disputed within an indefinite term, applying respectively the provisions for disputing individual administrative acts.

(2) The non-performance of factual acts, which the administrative body is obliged to carry out by virtue of the law, shall be subject to dispute within 14 days from the submission of a request to the body for the execution thereof.

(3) By its decision, the court shall sentence the administrative body to execute the action, setting a time limit for this, or shall reject the request.

Order of contestation
Art. 257. (Revoked - SG 77/18, in force from 01.01.2019)

Division four.
INTERPRETATIVE ACTS

Chapter sixteen.
INTERPRETATIVE DECISIONS AND INTERPRETATIVE DECREES (revoked – SG 64/07)

Interpretative decisions
Art. 258. (revoked – SG 64/07)

Interpretative decrees
Art. 259. (revoked – SG 64/07)

Joint interpretative decrees
Art. 260. (revoked – SG 64/07)

Requests on pronouncement by interpretative decisions and decrees
Art. 261. (revoked – SG 64/07)

Addressees upon the requests on interpretative decisions and decrees
Art. 262. (revoked – SG 64/07)

Form and contents of the request
Art. 263. (revoked – SG 64/07)

Institution of a case and consideration of the request
Art. 264. (revoked – SG 64/07)

Notification of the interested bodies and persons
Art. 265. (revoked – SG 64/07)

Pronouncement of an interpretative decision or decree
Art. 266. (revoked – SG 64/07)

Division five.
EXECUTION OF THE ADMINISTRATIVE ACTS AND THE COURT DECISIONS

Chapter seventeen.
EXECUTION OF THE ADMINISTRATIVE ACTS AND THE COURT DECISIONS UPON ADMINISTRATIVE CASES

Section I.
General provisions

Subject of execution

Art. 267. Subject to execution by the order of this Division shall be the due obligations, arisen by the executive grounds, provided for by this Code or by another law.

Executive grounds

Art. 268. Executive grounds under this Code shall be the entered into force or subjects of preliminary execution:

1. individual or general administrative acts;
2. decisions, definitions and orders of the administrative courts;
3. agreements before the administrative bodies or before the court.
4. (new - SG 74/16) administrative contracts.

Inapplicability

Art. 269. (1) The public takings, arisen from executive grounds under Art. 268, shall be executed by the order of the Tax-insurance Procedure Code.

(2) The private takings of the state and the municipalities, the takings on indemnities from unlawful administrative acts and from foreclosure proceedings and the other private pecuniary takings, arisen or certified by executive grounds under Art. 268, as well as the takings on expenses, related with the fulfilment, shall be executed by the order of the Civil Procedure Code.

Simultaneous handling of executive proceedings

Art. 270. The executive proceedings under this Code shall be handled regardless of the pending executive proceedings under the Civil Procedure Code and under the Tax-insurance Procedure Code against the same debtor.

Body of the execution

Art. 271. (1) Body of the execution shall be:

1. for an execution against citizens and organisations – the administrative body, who has issued or has been obliged to issue the administrative act, unless another body has been determined by the executive ground or by the law;

2. for an execution against an administrative body – the court executor, in which region is the place of execution of the obligation.

(2) When after the issue of the executive ground the body under para 1, item 1 has been closed, without being determined his/her legal successor, or his/her competence on the matter has been deprived, a

body of the execution shall be the body under Art. 153, para 2 and 3.

(3) When the character of the obligation imposes, the body under para 1 may require cooperation by the police bodies, other state bodies and by the municipalities. All state bodies shall be obliged at request to cooperate to the body of the execution and to the authorized for the execution persons.

(4) The owners or the inhabitants of non-residential real estates shall be obliged to ensure free access in them to the persons, dully burdened or authorized with the execution, when it may not be implemented in another way and when the entry in such properties is not restricted by a law, meeting the requirements under Art. 272, para 2.

(5) Upon the execution third persons may not be obliged with other actions or inactions out of the provided for by para 4.

(6) The body of the execution shall pronounce with decrees.

Proportionality upon the execution

Art. 272. (1) The body of the execution shall be obliged to implement the execution in the way, determined by the executive ground. When such a way has not been determined or the determined way is impossible, the body of the execution shall determine:

1. ways and means of execution, which with regard of the specifics of the concrete case shall ensure the most effectively the fulfilment of the obligation;

2. the ways and the means, which are most favourable for the citizens or the organisations, to which or in favour of which the execution is implemented, when is impossible the execution to be made in several equally effective ways.

(2) Entry or leaving without the consent of his/her inhabitant shall be admitted only with a permit of a judge of the administrative court, issued upon grounded request of the executive body, on the base of the executive ground, if the execution may not be implemented in another way. The permit or the refusal shall be subject to appeal by the parties in the execution with a private complaint, which shall stop the execution. A permit shall not be required for the execution of an order for devolution of a house, issued or confirmed by a court.

Responsibility of the body of the execution

Art. 273. (Suppl. - SG 77/18, in force from 01.01.2019) The body of the execution shall be obliged to implement the execution in the term, fixed in the executive ground. Upon non-fulfilment of this obligation, a fine shall be imposed to the guilty officials under Art. 305 of this Code.

Notifications

Art. 273a. (New - SG 77/18, in force from 10.10.2019) (1) Communications shall be effected in accordance with Art. 18a.

(2) Written acts of the executing body and acts which are to be communicated shall be served by the order of Art. 61, Para. 1, and shall be published on the website of the executing body.

Parties in the executive proceedings

Art. 274. (1) An enforcement creditor may be the administrative body, who has issued or should have issued the administrative act, and every citizen, organisation or body, indicated in the executive ground, or their legal successors.

(2) Debtors upon the execution may be the citizens and the organisations, as well as the bodies, indicated in the executive ground, or their legal successors.

(3) Parties in the proceedings shall be and the prosecutor, the ombudsman or another authorized

by a special law body in the cases, when the executive proceedings have begun on their initiative.

Succession in the executive proceedings

Art. 275. (1) The execution shall be implemented against the obliged by the executive ground bodies, citizens and organisations. In case of death of an obliged citizen the execution shall be undertaken against his/her heirs, if the executive action is not from personal character. The issued executive ground against the testator may be implemented and on the property of his/her heirs, unless they establish, that they have disclaim the inheritance or have accepted it by inventory. When the heir has not accepted the inheritance, the body of the execution shall determine the term under Art. 51 of the Inheritance Act, announcing the statement of the heir to the respective regional judge, in order to be dully entered.

(2) The heirs and the private legal successors of the enforcement creditor may request an execution on the ground of the issued in favour of their legal predecessor executive ground. The succession shall be established by written evidence.

(3) When after issuing the executive ground the body, obliged according to it, has been closed, without being determined a legal successor of him/her, or his/her competence on the matter has been deprived, the body under Art. 153, para 2 and 3 shall be obliged.

Section II.
Beginning, stop, termination and finishing of the execution

Beginning of the proceedings

Art. 276. (1) The execution shall begin ex officio on initiative of the body, who has issued or should have issued the administrative act.

(2) The execution may begin and on initiative of the higher body, of the prosecutor or the ombudsman, or upon written application of an interested citizen or organisation. With the application shall be submitted an official copy of the executive ground. Regarding the application the provisions of Art. 158 shall be applied.

Invitation for voluntary execution

Art. 277. (1) The body of the execution shall send to the debtor an invitation for voluntary execution within 14 days period after its receipt.

(2) The invitation shall contain:

1. name, respectively trade name, and address of the debtor;

2. data for the executive ground and the stemmed from it obligation;

3. name and address of the enforcement creditor;

4. notice for coming to actions of enforcement in case of lack of voluntary execution within 14 days period;

5. the extent of the fine or the property sanction, which may be imposed in case the obligation shall not be executed voluntarily;

6. the opportunity of sending a request to the respective body under Art. 271, para 3 for cooperation.

(3) In case of death of an obliged natural person in the term of the voluntary execution the body of the execution, before continuing his/her actions shall send a new invitation to the heirs.

Adjournment and deferring of the execution

Art. 278. (1) When the financial circumstances of the debtor or other objective circumstances hinder the immediate execution, at request of the debtor, the body of the execution may permit one-time the execution to be made entirely after fixed final date or partially according to confirmed by him/her plan. In this case the body may determine additional conditions, under the non-observance of which the adjournment or the deferring shall be cancelled.

(2) An adjournment shall be permitted for 14 days period following the date of the execution, initially fixed in the executive ground. Deferring shall be permitted at final date two months following the date of the execution, initially fixed in the executive ground. When in the executive ground the date of the execution has not been fixed explicitly, the terms under the previous sentences shall start from the date of the entry into force of the executive ground. When the Code refers to other laws, for the adjournment and the deferring shall be applied respectively the terms, provided for by these laws.

(3) The decrees on adjournment or deferring shall not be a subject to appeal.

Securing measures

Art. 279. (1) On the ground of an entered into force executive ground the body of the execution may impose securing measures, when without them shall be impossible or shall be hindered the execution of an obligation or the collection of the expenses upon it, including when it is deferred.

(2) The securing measures shall be imposed by a decree of the respective body of the execution by the order, provided for by this Section. When the Code refers to other laws, for the imposing of the securing measures shall be applied the order, provided for by these laws.

Stay of the execution

Art. 280. The execution of the proceedings shall be stopped:

1. upon order of the court in the cases provided for by the law, in which the court shall determined and the term of the stopping;

2. upon written request by the enforcement creditor, and

3. in case of death or termination of a party or when a guardianship or custody is necessary to be established.

Reopening of the proceedings

Art. 281. (1) The proceedings shall be reopened ex officio or at request of the enforcement creditor, after being eliminated the obstacles for its movement.

(2) In the cases under Art. 280, item 3 the proceedings shall be reopened, if the obligation is not for a non-substitutable action.

(3) In case of reopening the proceedings shall begin from that action, at which it has been stopped.

Termination of the proceedings

Art. 282. (1) The executive proceedings shall be terminated:

1. when it has been begun by a person against a person or a body out of the provided for by Art. 274;

2. upon a written request by the enforcement creditor;

3. when the executive ground is declared invalid or is cancelled;

4. when an entered into force decision under Art. 298 is submitted;

5. in case of redemption of the obligation because of its fulfilment, established by a document coming from the enforcement creditor, or by an official document;

6. because of death of a party, when the obligation is with regard of his/her personality;

7. because of factual or legal impossibility for its impossibility;

8. because of other unarguable circumstances, established by written evidence;

9. upon objection of the debtor, if from the day, on which the obligation has become due, till the receiving of the invitation under Art. 277 has been expired the prescription under Art. 285;

10. in the cases under Art. 280, item 2, if the enforcement creditor does not require a reopening of the proceedings in one-month period after the stopping;

11. in the cases under Art. 280, item 3 – with the expiration of three months from the decree on stopping, in case the obligation is for non-substitutable action.

(2) When for the continuation of the proceedings shall be necessary the cooperation of the enforcement creditor, the body of the execution may give him/her a term to make the necessary procedural action. If the enforcement creditor does not undertake the action in term, the proceedings shall be terminated.

(3) Within three days period after the date of entering into force of the decree on termination, the body of the execution shall cancel ex officio the imposed securing measures.

(4) The entered into force decree, by which is refused termination, shall not be an obstacle for lodging the claim under Art. 292.

Finishing the execution

Art. 283. The executive proceedings shall finish with the fulfilment of the obligation and the collection of the expenses upon the proceedings.

Records and decrees

Art. 284. (1) The body of the execution shall compile a record for each undertaken or made by him/her action, in which shall be indicated the day, the place of its making, the made requests and statements by the participants and the made expenses upon the execution. The record shall be presented against a signature to the parties who have participated and third persons, participating in the execution.

(2) To the file shall be attached all the records for undertaken by the body under para 1 actions, the issued decrees, as well as other documents, certifying the execution or the presence of conditions for stopping, reopening or termination of the proceedings.

Prescription

Art. 285. (1) If otherwise has not been provided for by a special law, the executive ground shall not be implemented, if 5 years has been expired since its entering into force.

(2) The prescription shall not be applied ex officio.

Section III.
Execution against citizens and organisations

Execution of substitutable obligations

Art. 286. When the debtor must implement one action, which may be implemented by another person, the action shall be implemented at his/her expenses by the body of the execution. Upon request by the enforcement creditor the body of the execution may authorize him/her to carry out the execution, and the made for that reason expenses shall be paid by the body on the account of the debtor.

Execution of non-substitutable obligations

Art. 287. (1) When the action may not be implemented by another persons, and depends only on the will of the debtor, the body of the execution shall impose in case of guilty non-fulfilment a fine to the obliged citizen from BGN 50 to 1000 per week, and to the obliged organisation – a property sanction from BGN 500 to 10 000 per week, together with a fine from BGN 50 to 1000 per week to the persons who represent the organisation, except for the authorized by it persons. The fines and the property sanction shall be imposed till the fulfilment of the obligation for a definite action.

(2) The fines or the property sanctions under para 1 shall be imposed in case of any non-fulfilment of the obligation for restrain from action.

(3) The fines or the property sanctions under para 1 shall be imposed by the body of the execution, without to be kept the order for establishment of the administrative offences and imposing the administrative sanctions, provided for by the Administrative Violations and Penalties Act and by this Code.

(4) The imposed fines and property sanctions shall be subject to appeal by the order of Section VI.

Execution of an obligation for submission of a property

Art. 288. (1) The obligation for submission of a property shall be executed by the respective body of the execution by the order of the Civil Procedure Code.

(2) The equivalence of the due movable property, which has not been found in the debtor or has been demolished, shall be determined by the administrative body of the execution.

(3) A real estate shall be submitted and if it has been found in a third person, who has acquired factual possession after the issue of the executive ground. If the third person declares rights, which have existed upon the issue of the executive ground and are concerned by it, the body of the execution shall defer the execution and shall determine to the persons a 7 day term to contest the ground. The contestation shall stop the execution to its decision.

Section IV.
Execution against the administrative body

Execution of substitutable obligations

Art. 289. Substitutable obligations of administrative bodies shall be executed at their expenses by the enforcement creditor on the ground of a decree of the court executor.

Execution of non-substitutable obligations

Art. 290. (1) In case of guilty non-fulfilment the body of the execution shall impose to the officials, who carry out the functions of a state body, a fine from BGN 50 to 1200 per week till the fulfilment of the obligation for a definite action. If the obliged body is collective, to its members, who have voted for the fulfilment of the obligation, fines shall not be imposed.

(2) The fines under para 1 shall be imposed and in case of any non-fulfilment of the obligation for restrain from action.

(3) The fines under para 1 shall be imposed by the body of the execution, without to be kept the order for establishment of the administrative offences and imposing the administrative sanctions, provided for by the Administrative Violations and Penalties Act and by this Code.

(4) The imposed fines shall be subject to appeal by the order of Section VI.

Execution of an obligation for submission of a property

Art. 291. (1) When the obliged body owes submission of a property, Art. 288 shall be applied.

(2) For the submission of a document, issued by the obliged body, the provisions of Art. 290 shall be applied.

Section V.
Defence by a claim

Negative declaratory claim

Art. 292. The obligation – subject of execution, may be contested through a claim only on the ground of facts, occurred after the issue of the executive ground.

Parties and jurisdiction

Art. 293. (1) The claim shall be lodged by the debtor against the enforcement creditor.

(2) When the obliged person is a citizen or an organisation, as a defendant shall be constituted and the administrative body, who has issued or should have issued the administrative act.

(3) The claim shall be lodged before the administrative court at the residence or the corporate seat of the enforcement creditor, and in the cases under para 2 – at the corporate seat of the administrative body.

(4) (New - SG 77/18, in force from 01.01.2019) The filing of the claim shall not stop the enforcement, but the court may suspend it until the dispute has been resolved, if it could cause the plaintiff considerable and hard-to-repair damages. The determination of suspension shall be subject to appeal under the order of Chapter Thirteenth.

Section VI.
Appeal of the actions of the body of the execution

Subject of appeal

Art. 294. Subject to appeal shall be the decrees, the actions and the inactions of the bodies of the execution.

Right of complaint

Art. 295. Right of complaint shall have the parties in the proceedings on the execution, as well as the third parties, whose rights, freedoms or legitimate interests are concerned by it.

Jurisdiction and term of appeal

Art. 296. (1) The complaint shall be filed through the body of the execution to the administrative court at the location of the execution within 7 days period after the implementation of the action, if the party has participated at its implementation or has been summoned, and in the rest cases – after the day of the announcement. For third persons the term shall start after learning for the action.

(2) The inaction of the body of the execution may be appealed without limits in the time after the expiration of 7 days from the filing of the request for implementation of the executive action.

Proceedings upon the complaint

Art. 297. (1) The complaint shall be considered by the order of Chapter thirteen, and the copies of it shall be handed in by the body of the execution.

(2) A complaint, filed by a third person, shall be considered in an open court meeting.

(3) Together with a copy of the file the body of the execution shall send to the court and grounds for the appealed action.

(4) (Amend. and suppl. - SG 77/18, in force from 01.01.2019) The filing of the complaint shall not stop the execution, but the court may stop it until the dispute has been resolved, if it could have caused the disputing significant and difficult to repair damage. The determination of suspension shall not be subject to appeal.

Decision upon the complaint

Art. 298. (1) When cancelling the appealed decree, the court shall decide by itself the matter upon the complaint, and when cancelling another action, it shall oblige the body of the execution to repeat it validly or not to undertake it. When the appealed inaction is unlawful, the court shall oblige the body of the execution to implement the due one, determining a term for that.

(2) The cancellation of the appealed action shall restore the situation, existing before it implementation.

(3) When the unlawful inactivity is to an administrative body of the execution, the court upon request of the enforcement creditor shall impose the fines under Art. 290, para 1 and shall appoint the rest executive actions till the finishing of the execution to the court executor, in which court region is the location of fulfilment of the obligation. The court executor, to who is appointed to finish the executive actions, shall require the file or shall acquire the necessary documents in connection with the proceedings.

(4) The decision shall not be a subject to appeal.

Section VII.
Restoration and indemnification

Obligation of indemnification

Art. 299. (1) For the damages, caused to citizens and organisations from unlawful forcible execution, shall be responsible the state if the administrative body of the execution is state, and the municipality if the body is municipal, regardless whether the damages are caused guilty.

(2) For the damages of the execution, caused to third persons, an indemnity shall be due by the state if the administrative body that has issued or should have issued the administrative act is state and by the municipality if the body is municipal.

Proceedings upon the claims

Art. 300. The claims shall be considered by the order of this Code.

Restoration measures in case of cancellation of the act

Art. 301. When the administrative act is cancelled after being started its execution, the administrative body within one month period shall restore the breached right, and if this is impossible – shall satisfy the affected person by another legal way. If this is not happen, the affected person shall have the right of indemnity.

Division six.
ADMINISTRATIVE AND PENAL PROVISIONS

Chapter eighteen.
ADMINISTRATIVE VIOLATIONS AND PENALTIES

Penalty for non-issue of an administrative act or document

Art. 302. (1) An official, who breaches and does not fulfil in term his/her official obligations, related with the issue of an administrative act or document, as result of which the term for pronouncement upon made request has been missed, shall be punished with a fine from BGN 50 to 1000.

(2) An official, who does not implement an order of a higher administrative body to issue the respective administrative act or document, shall be punished with a fine from BGN 100 to 1000, if is not a subject to heavier penalty.

Penalty for non-pronouncement in term and non-referring the complaint or the protest

Art. 303. Shall be punished with a fine from BGN 150 to 1500, if is not a subject to heavier penalty, an official, which without good reasons:

1. does not pronounce in term upon a complaint or a protest against an administrative act;

2. does not refer timely a complaint or a protest against an administrative act to the higher administrative body or the court;

3. does not pronounce in time upon a proposal or a signal.

Penalty for non-fulfilment of acts of the court

Art. 304. (1) An official, who has not fulfil an obligation, which comes from an entered into force court act, out of the cases under Division five, shall be punished with a fine from BGN 200 to 2000.

(2) At repeated violation under para 1 shall be imposed a fine at BGN 500 for each week of the non-fulfilment, unless that is due to an objective impossibility.

Penalties for other violations under this Code

Art. 305. Who does not fulfil another administrative procedural obligation, provided for by this Code, shall be punished with a fine from BGN 150 to 1500, if is not a subject to a heavier penalty.

Order for imposing a penalty in case of non-fulfilment of court acts

Art. 306. (1) In the cases of breaches under Art. 304 acts for their establishment shall not be compiled.

(2) The penalties shall be imposed by an order of the chairman of the respective court or an official authorized by him/her.

(3) Before imposing the penalty, to the violator shall be given the possibility to give written explanations within 14 days period after the announcement and to point out evidence. The punitive body may collect and other evidence.

(4) A copy of the order shall be handed in to the violator.

(5) The order shall be a subject to appeal before a body of three members of the same court within 7 days period after its handing in.

(6) The court shall decide the case on it merits. Its decision shall not be a subject to appeal.

Order of imposing penalties in the rest cases

Art. 307. (1) (Amend. – SG 39/11, amend. - SG 77/18, in force from 19.11.2018) In the cases under Art. 302, 303 and 305, the acts on establishing violations shall be drawn up by inspectors from the respective inspectorate under the Administration Act. Where there is no inspectorate established with a body of executive power, the acts on establishing violations shall be issued by officials empowered by that body. Penal decrees shall be issued by the body of executive power or by officials authorized by it.

(2) (New - SG 77/18, in force from 19.11.2018) In case where the violations have been committed by executive directors of executive agencies, or by heads of state institutions under Art. 19, Para. 4, item 4 of the Administration Act and established with a Minister, or by officials in the administration of these structures, the acts on establishing violations shall be drawn up by the inspectorate under the Administration Act with the respective Minister, whereas the penal decrees shall be issued by the Minister or by officials authorized by him.

(3) (Revoked - SG 77/12, in force from 09.10.2012, new - SG 77/18, in force from 19.11.2018) Where the violations under Art. 302, 303 and 305 have been committed by Ministers, District Governors, Chairpersons of state agencies, Chairpersons of state commissions to the Council of Ministers, Heads of administrative structures under Art. 19, Para. 4, item 4 of the Administration Act and established at the Council of Ministers, the acts on establishing violations shall be drawn up by inspectors from the General Inspectorate, whereas the penal decrees shall be issued by the Prime Minister, or an official authorized by him. The acts on establishing administrative violations shall be issued again by inspectors from the General Inspectorate in cases also where the authorities under this paragraph have delegated their powers to their deputies or to other officials from the administration.

(4) (Previous Para. 2 - SG No. 77/18, in force from 19.11.2018) The drawing up of the acts, the issuance, the appeal and the enforcement of the penal decrees shall be carried out by the order of the Administrative Violations and Penalties Act.

Additional provisions

§ 1. In the meaning of this Code:

1. (suppl. - SG 77/18, in force from 01.01.2019) "An administrative body" shall be the body, who belongs to the system of the executive power, as well as every body who has administrative powers, authorized on the grounds of a law, including persons carrying out public functions, and public services organizations.

1a. (new – SG 104/13, in force from 04.01.2014) "Territorial structure of the administration" shall mean a territorial organizational unit of administration established by a statutory instrument, regardless whether a legal entity or not, which supports the administrative authority in the exercise of its powers.

2. "An organization" shall be a legal entity or an association of legal entities or natural persons, which is organizationally identified on the ground of a law.

3. "Inexpedient" shall be the administrative act, issued at incorrect exercising of the operative self-dependence.

4. "Repeated" shall be the violation, carried out within one-year period after the entry into force of the act, by which to the violator has been imposed a penalty for the same type of violation.

5. (new - SG 27/14, in force from 25.03.2014) "Complex administrative services" means servicing in which administrative services are carried out by administrative authorities, by persons performing public functions or organizations providing public services without requiring the applicant to

provide information or evidence that there are data collected or maintained by the primary data controller providing administrative services regardless whether the data are maintained in electronic form or on paper.

6. (new - SG 77/18, in force from 01.01.2019) "Bearing the expenses by an administrative body" shall be the bearing of the expenses by the legal person, in the structure of which is located the administrative body.

7. (new – SG 94/19) "Cases for pension, health and social insurance and support" shall also be the proceedings, which are considered under the Family Aid for Children Act, the Disabled Persons Act, the Child Protection, the Health Act and the implementing regulations thereto.

8. (new - SG 98/20) "Video-conference" shall be a communication link through a technical means for 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.

9. (new – SG 15/21) "Obscene words" shall be indecent and vulgar words used in court proceedings by a party or its representative.

10. (new – SG 15/21) "Insults" shall be words or conduct that offend or affect the dignity and reputation of judges or participants in court proceedings.

11. (new – SG 15/21) "Threats" shall be menacing words and behaviour which cause fear in judges, the administration and the participants in the court proceedings, in order to hinder their work.

Transitional and concluding provisions

§ 2. This code shall revoke:

1. (*) The Supreme Administrative Court Act (prom., SG 122 from 1997 г.; amend., SG 133 from 1998, SG 95 from 1999 and SG 84 from 2003).

2. (*) The Administrative Proceedings Act (prom., SG 90 from 1979; amend., SG 9 from 1983, SG 26 from 1988, SG 94 from 1990, SG 25 and 61 from 1991, SG 19 from 1992, SG 65 and 70 from 1995, SG 122 from 1997, SG 15 and 89 from 1998, SG 83 and 95 from 1999, SG 45 from 2002 and SG 55 from 2003).

3. Act on Proposals, Notes, Complaints and Applications (prom., SG 52 form 1980;amend., SG 68 from 1988 and SG 55 from 2000).

4. Act on Administrative servicing of Individuals and Legal Entities (prom., SG 95 from 1999; amend. SG 24 from 2006).

§ 3. (In force from 11.04.2006) (1) Administrative courts shall be created with corporate seats and court regions which shall be identical with the corporate seats and the court regions of each of the district courts.

(2) Till December 31, 2006 the Supreme Court Council shall appoint the judges in the administrative courts.

(3) The chairmen of the administrative courts shall be appointed by the Supreme Court Council upon proposal of the Chairman of the Supreme Administrative Court in the term under para 1.

(4) If the Supreme Court Council rejects the proposal under para 3, the Chairman of the Supreme Administrative Court shall send to a business trip a judge with the Supreme Administrative Court, who shall implement the functions of chairman of the respective administrative court till the appointment of a holder of the position by the Supreme Court Council. In this case the Chairman of the Supreme Administrative Court shall enter a new proposal within one-month period after the decision of the Supreme Court Council.

(5) The Council of Ministers and the district governors shall ensure premises for the activity of the administrative courts.

§ 4. (1) The instituted before the entry into force of the Code administrative cases in the regional and district courts and in the Supreme Administrative Court shall be finished in the same courts by the previous order.

(2) The instituted after the entry into force of the Code till March 1, 2007 administrative cases in the regional and district courts shall be finished by the same courts by the previous order.

(3) The administrative courts shall begin to institute cases from March 1, 2007.

§ 5. The received requests and the unfinished proceedings on issue of interpretative decisions and decrees shall be considered by the Supreme Administrative Court, and in the cases under Art. 260, para 1 – jointly with the Supreme Cassation Court, by the order, provided for by the Code.

§ 6. The rules regarding the evidence and the conditions for their admission, provided for by the Code, shall be applied and regarding facts, occurred before its entry into force.

§ 7. For the terms, which have started before the entry into force of the Code, shall be applied the former provisions.

§ 8. The proceedings, settled by this Code, on issue of individual administrative acts and their appeal by administrative and court order shall be applied and at the implementation of administrative services, as well as and at the appeal of the refusals on their implementation, unless otherwise has been provided for by a special law.

§ 9. In the Tax-Insurance Procedure Code (SG, 105 from 2005) shall be made the following amendments and supplements:

1. (*) In Art. 41, para 3, Art. 75, para 2, Art. 95, para 1, Art. 97, Art. 134, para 5, Art. 147, para 3, Art. 153, para 7, Art. 156, para 1, Art. 157, para 2, Art. 160, para 6, Art. 187, para 1, items 1 and 3, Art. 197, para 2 and 4 and Art. 268, para 1 and 2 the word "the district" shall be replaced with "the administrative".

2. (*) In Art. 121, para 4 the words "the district court, competent to consider the complaint against the audit act" shall be replaced with "the administrative court at the location of the body, who has imposed the security measure".

3. Everywhere the words "The Administrative Proceedings Act" and the "Supreme Administrative Court Act" shall be replaced with "The Administrative Procedure Code".

§ 10. In the Insurance Code (prom., SG, 103 from 2005; amend., SG 105 from 2005) shall be made the following amendments:

1. In Art. 302, para 6 the words "Art. 7, para 2 and Art. 11, para 1 of the “Administrative Proceedings Act" shall be replaced with the "Administrative Procedure Code".

2. In the title and in the text of Art. 304 the words "Administrative Proceedings Act" and the "The Administrative Proceedings Act" shall be replaced respectively with "Administrative Procedure Code" and "The Administrative Procedure Code".

§ 11. In the Code of Social Insurance (Prom., SG, 110 from 1999, SG 55 from 2000 - Decision № 5 of the Constitutional Court from 2000;amend., SG 64 from 2000, SG 1, 35 and 41 from 2001, SG 1, 10, 45, 74, 112, 119 and 120 from 2002, SG 8, 42, 67, 95, 112 and 114 from 2003, SG 12, 38, 52, 53, 69, 70, 112 and 115 from 2004, SG 38, 39, 76, 102, 103, 104 and 105 from 2005 and SG 17 from 2006) shall be made the following amendments:

1. (*) In Art. 118, para 1 the word "district" shall be replaced with "administrative".

2. (*) In Art. 118a, para 2 the word "district" shall be replaced with "administrative".

3. In Art. 119 the words "the Supreme Administrative Court Act" shall be replaced with "the Administrative Procedure Code".

4. Everywhere in the Code the words "the Administrative Proceedings Act" and "Art. 7, para 2 and Art. 11, para 1 of the Administrative Proceedings Act" shall be replaces with "the Administrative Procedure Code".

§ 12. In the Labour Code (prom., SG 26 and 27 from 1986; amend., SG 6 from 1988, SG 21, 30 and 94 from 1990, SG 27, 32 and 104 from 1991, SG 23, 26, 88 and 100 from 1992, SG 69 from 1995 - Decision № 12 of the Constitutional Court from 1995; amend., SG 87 from 1995, SG 2, 12 and 28 from 1996, SG 124 from 1997, SG 22 from 1998, SG 52 from 1998 - Decision № 11 of the Constitutional Court from 1998; amend., SG 56, 83, 108 and 133 from 1998, SG 51, 67 and 110 from 1999, SG 25 from 2001, SG 1, 105 and 120 from 2002, SG 18, 86 and 95 from 2003, SG 52 from 2004, SG 19, 27, 46, 76, 83 and 105 from 2005 and SG 24 from 2006) in Art. 405 the words "the Administrative Proceedings Act" shall be replaces with "the Administrative Procedure Code".

§ 13. In the Merchant Shipping Code (prom., SG, 55 and 56 from 1970;correct., SG 58 from 1970;amend., SG 55 from 1975, SG 10 from 1987, SG 30 from 1990, SG 85 from 1998, SG 12 from 2000, SG 41 from 2001, SG 113 from 2002, SG 55 from 2004, SG 42, 77, 87, 94 and 104 from 2005) everywhere the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 14. In the Family Code (Prom., SG 41 from 1985 г.; amend., SG 11 from 1992; correct., SG 15 from 1992; amend., SG 63 and 84 from 2003 г. And SG 42 from 2005) shall be made the following amendments:

1. In Art. 57a, para 5 the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

2. In Art. 136c, para 2 the words "the Supreme Administrative Court Act" shall be replaced with "the Administrative Procedure Code".

§ 15. (*) In the Administrative Violations and Penalties Act (Prom., SG 92 from 1969; amend., SG 54 from 1978, SG 28 from 1982, SG 28 and 101 from 1983, SG 89 from 1986, SG 24 from 1987, SG 94 from 1990, SG 105 from 1991, SG 59 from 1992, SG 102 from 1995, SG 12 and 110 from 1996, SG 11, 15, 59, 85 and 89 from 1998, SG 51, 67 and 114 from 1999, SG 92 from 2000, SG 25, 61 and 101 from 2002, SG 96 from 2004, SG 39 and 79 from 2005) in Art. 63 shall be made the following amendments:

1. In para 1, sentence two the words "the district court by the order of the Supreme Administrative Court Act" shall be replaced with "the administrative court on the grounds, provided for by the Penal Procedure Code, and by the order of Chapter twelve of the Administrative Procedure Code".

2. In para 2 the words "shall not be a subject to appeal" shall be replaced with "shall be a subject to appeal by a private complaint".

§ 16. In the Automobile Transport Act (Prom., SG 82 from 1999; amend., SG 11 and 45 from 2002, SG 99 from 2003, SG 70 from 2004, SG 88, 92, 95, 102, 103 and 105 from 2005) everywhere the words "the Administrative Proceedings Act" shall be replaced with the "Administrative Procedure Code".

§ 17. In the Copyright and Related Rights Act (Prom., SG, 56 from 1993; amend., SG 63 from 1994, SG 10 from 1998, SG 28 from 2000, SG 77 from 2002, SG 28, 43, 74, 99 and 105 from 2005) in Art. 96c, para 6 and Art. 96d, para 3 the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 18. In the Act on the administrative regulation of the production and trade with optic discs, matrixes and other carriers containing subjects of copyright and related rights (Prom, SG 74 from 2005; amend. SG 105 from 2005) everywhere the words "the Supreme Administrative Court Act" shall be amended with "the Administrative Procedure Code".

§ 19. In the Administration Act (Prom., SG 130 from 1998; SG 8 from 1999 - Decision № 2 of the Constitutional Court from 1999; amend., SG 67 from 1999, SG 64 and 81 from 2000, SG 99 from 2001; correct, SG 101 from 2001; amend., SG 95 from 2003, SG 19 from 2005 and SG 24 from 2006) the following amendments and supplements shall be made:

1. In Art. 32, para 2 the words "the Supreme Administrative Court" shall be replaced with "the respective administrative court".

2. After Art. 63 an additional provision shall be created with a new § 1:

"ADDITIONAL PROVISION

§ 1. In the meaning of this Acc:

1. "Administrative servicing" shall be every activity at carrying out administrative services by the structures of the administration and by organisations providing public services.

2. "An administrative service" shall be:

a) the issue of individual administrative acts, by which are certified facts with a legal meaning;

b) the issue of individual administrative acts, by which the existing of rights or obligation is recognized or refused;

c) carrying our of other administrative actions, which represent a legitimate interest for a natural person or a legal entity;

d) the consultations, which represent a legitimate interest for a natural person or a legal entity regarding an administrative legal regime, which are given by the virtue of a normative act or which are related with the issue of an administrative act or with the implementation of another administrative service;

e) the expert examinations, which represent a legitimate interest for a natural person or a legal entity, when a normative act provides for their implementation as obligations of the administration of a state body or of an authorized organisation.

3. "Public services" shall be educational, health, water supplying, sewage, heat supplying, electro-supplying, gas-supplying, telecommunication, postal or other similar services, provided for satisfying pubic necessities, including as trade activity, on the occasion of which providing may be carried our administrative services.

4. "Organisation providing public services" shall be every organisation, regardless of its legal form of establishment, which provides one or more of the services under item 3."

§ 20. In the National Accreditation Of Conformity Assessment Authorities Act (prom. SG 100 from 2005; amend SG 105 from 2005) in Art. 24, para 4 the words "the Administrative Proceedings Act" shall be replaced with the "Administrative Procedure Code".

§ 21. In the Excises and Tax warehouses Act (Prom., SG 91 from 2005; amend. SG 105 from 2005) everywhere the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 22. In the Banks Act (Prom., SG 52 from 1997; suppl., SG 15 from 1998; amend., 21, 52, 70 and 98 from 1998, SG 54, 103 and 114 from 1999, SG 24, 63, 84 and 92 from 2000, SG 1 from 2001, SG 45, 91 and 92 from 2002, SG 31 from 2003, SG 19, 31, SG 39 and 105 from 2005) the following amendments shall be made:

1. In Art. 21, para 5 and in Art. 65, para 3 the words "Art. 7, para 2 and Art. 11, para 1 of the Administrative Proceedings Act" shall be replaces with "the Administrative Procedure Code".

2. In Art. 101, para 2 the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 23. In the Bank Bankruptcy Act (Prom., SG 92 from 2002; amend., SG 67 from 2003, SG 36 from 2004, SG 31 and 105 from 2005) in Art. 41, para 4 the words "Art. 7, para 2 and Art. 11, para 1 of the Administrative Proceedings Act" shall be replaces with "the Administrative Procedure Code".

§ 24. In the Safe Use of the Nuclear Power Act (Prom., SG 63 from 2002; amend., SG 120 from 2002, SG 70 from 2004, SG 76, 88 and 105 from 2005) the following amendments shall be made:

1. In Art. 70, para 4 the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

2. In Art. 152 the words "the Supreme Administrative Court Act" shall be replaced with the "Administrative Procedure Code".

§ 25. In the Biological Diversity Act (Prom. SG 77 from 2002; amend., SG 88 and 105 from 2005) the following amendments shall be made:

1. In Art. 31, para 12, the words "the Administrative Proceedings Act or the Supreme Administrative Court Act" shall be replaced with "the Administrative Procedure Code".

2. In Art. 123, para 2 shall be amended as follows:

"(2) The orders under para 1 and under Art. 122, para 1 may be appealed by the order of the Administrative Procedure Code."

§ 26. In the Bulgarian Personal Documents Act (Prom., SG 93 from 1998; amend. 53, 67, 70 and 113 from 1999, SG 108 from 2000, SG 42 from 2001, SG 45 and 54 from 2002, SG 29 and 63 from 2003, SG 96, 103 and 111 from 2004, SG 43, 71, 86, 88 and 105 from 2005) the following amendments shall be made:

1. In Art. 71 the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

2. In Art. 79:

a) in para 1 the words "the Administrative Proceedings Act" shall be replaces with "the Administrative Procedure Code";

b) in para 2 the words "Art. 7, para 2 and Art. 11 of the Administrative Proceedings Act" shall be replaces with "Art. 26 and Art. 35 of the Administrative Procedure Code";

c) in para 3 the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

3. In Art. 84, para 3 the words "the Supreme Administrative Court Act" shall be replaces with "the Administrative Procedure Code".

§ 27. In the Law on the veterinary-medical activity (Prom., SG 42 from 1999; amend., SG 83 from 2003) everywhere the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 28. In the veterinary Practices Act (SG, 87 from 2005) everywhere the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 29. In the Wine and the Alcoholic Beverages Act (Prom, SG 86 from 1999; amend., SG 56 from 2002, SG 16, 108 and 113 from 2004, SG 99 and 105 from 2005, SG 18 from 2006) everywhere the words "the Administrative Proceedings Act" and "the Supreme Administrative Court Act" shall be replaced with "the Administrative Procedure Code".

§ 30. In the Higher Education Act (Prom., SG, 112 from 1995; amend., SG 28 from 1996, SG 56 from 1997; correct., SG 57 from 1997; amend., SG 58 from 1997, SG 60 and 113 from 1999, SG 54 from 2000, SG 22 from 2001, SG 40 and 53 from 2002, SG 48 and 70 from 2004, SG 77, 83 and 103 from 2005) everywhere the words "the Administrative Proceedings Act" and "the Supreme Administrative Court Act" shall be replaced with "the Administrative Procedure Code".

§ 31. In the Act on Waters (Prom., SG, 67 from 1999; amend., SG 81 from 2000, SG 34, 41 and 108 from 2001, SG 47, 74 and 91 from 2002, SG 42, 69, 84 and 107 from 2003, SG 6 and 70 from 2004, SG 18, 77 and 94 from 2005) everywhere the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 32. In the Law of the restoration of the ownership of real estate of Bulgarian citizens of Turkish origin who have taken steps to leave for the Republic of Turkey and other countries in the period between May and September 1989 (Prom. SG 66 from 1992, SG 102 from 1992 – Decision № 18 of the Constitutional Court from 1992, amend., SG 44 from 1996) in Art. 5, para 6 the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 33. In the Law for Reinstatement of the Ownership of Nationalised real estates (Prom., SG, 15 from 1992 ; suppl., SG 28 from 1992; amend., SG 20 and 40 from 1995, SG 66 from 1995 - Decision № 9 of the Constitutional Court from 1995; amend., SG 87 from 1995, SG 94 from 1995 - Decision № 20 of the Constitutional Court from 1995; amend., SG 51 from 1996, SG 61 from 1996 - Decision № 11 of the Constitutional Court from 1996; suppl., SG 87 from 1996 - Decision № 16 of the Constitutional Court from 1996; amend., SG 107 from 1997, SG 30 from 1998 - Decision № 4 of the Constitutional Court from 1998;

amend., SG 45 from 1998, SG 9 from 2000) in Art. 4, para 3 the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 34. (*)In the Law for Restoration of Ownership of Forests and Forest Land Entirety (Prom., SG, 110 from 1997; amend., SG 33, 59 and 133 from 1998, SG 49 from 1999, SG 26 and 36 from 2001, SG 45, 63 and 99 from 2002, SG 16 from 2003) in Art. 13, para 6, the final sentence shall be amended as follows: "Against the decision of the regional court may be filed a cassation complaint before the respective administrative court by the order of the Administrative Procedure Code, which shall be considered by a court in a body of three judges."

§ 35. In the Law for Guaranteeing Receivables of Employees on Bankruptcy of the Employer (Prom., SG 37 from 2004; amend., SG 104 and 105 from 2005) in Art. 26 the following amendments shall be made:

1. In para 4 the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Code", and the words "the district court" shall be replaced with the "administrative court".

2. (*) In para 5 the words "the district court" shall be replaced with "the administrative court", and the words "the Supreme Administrative Court Act" shall be replaced with the "the Administrative Procedure Code".

3. In para 4 the words "the district" shall be replaced with "the administrative".

§ 36. In the Law on the Genetically Modified Organisms (Prom., SG 27 from 2005; amend. SG 88 and 89 from 2005) everywhere the words "the Supreme Administrative Court Act" shall be replaced with "the Administrative Procedure Code".

§ 37. In the Law of the Forests (Prom., SG 125 from 1997; amend., SG 79 and 133 from 1998, SG 26 from 1999, SG 29 and 78 from 2000, SG 77, 79 and 99 from 2002 and SG 16 and 107 from 2003, SG 72 and 105 from 2005) everywhere the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 38. In the Law for the Civil Registration (Prom., SG, 67 from 1999; amend., SG 28 and 37 from 2001, SG 54 from 2002, SG 63 from 2003, SG 70 and 96 from 2004) everywhere the words "the Administrative Proceedings Act" shall be replaced with the "Administrative Procedure Code".

§ 39. In the Law for the Civil Aviation (Prom., SG 94 from 1972; amend., SG 30 from 1990, SG 16 from 1997, SG 85 from 1998, SG 12 from 2000, SG 34 and 111 from 2001, SG 52 and 70 from 2004, SG 88 and 102 from 2005) everywhere the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 40. In the Traffic Law (Prom., SG 20 from 1999; amend., SG 1 from 2000, SG 43, 45 and 76 from 2002, SG 16 and 22 from 2003 and SG 6, 70, 85 and 115 from 2004., SG 79, 92, 99, 102, 103 and 105 from 2005) everywhere the words "the Administrative Proceedings Act" shall be replaces with "the Administrative Procedure Code".

§ 41. In the Law for Value Added Tax (Prom, SG 153 from 1998; suppl., SG 1 from 1999 ;

amend, SG 44, 62, 64, 103 and 111 from 1999, SG 63, 78 and 102 from 2000, SG 109 from 2001, SG 28, 45 and 117 from 2002, SG 37, 42, 86 and 109 from 2003, SG 53, 70 and 108 from 2004, SG 28, 43, 76, 94, 95, 100, 103 and 105 from 2005) in Art. 58b, para 7 and Art. 58c, para 3 the words "the Supreme Administrative Court Act" shall be replaced with "the Administrative Procedure Code".

§ 42. In the Law for Access to Public Information (Prom., SG 55 from 2000 ; amend., SG 1 and 45 from 2002, SG 103 from 2005, SG 24 from 2006) shall be made the following amendments in Art. 40:

1. In para 1 the words "the Administrative Proceedings Act or the Supreme Administrative Court Act" shall be replaces with "the Administrative Procedure code".

2. In para 2 the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 43. In the Law for the Civil Servant (Prom., SG 67 from 1999; amend., SG 1 from 2000, SG 25, 99 and 110 from 2001, SG 45 from 2002, SG 95 from 2003, SG 70 from 2004, SG 19 from 2005, SG 24 from 2006) the following amendments and supplements shall be made:

1. In Art. 29a shall be created para 4:

"(4) A conflict of interests shall be present, when a state servant or a related to him/her persons have not terminated or have acquired after his/her appointment the capacity of sole entrepreneur, partner, authorized representative, member of a managing or supervising council of a trade company, which carries out transactions or lodges a candidature, respectively is determined as executor upon a public procurement, with the legal entity, with whose head the state servant is in official legal relationship. This refers and for the conclusion of transactions, the candidacy and the execution of a public procurement with a trade company with prevailing participation of the legal entity under the previous sentence. When the declared conflict of interests is not eliminated within two-month period, it shall be considered hidden."

2. (*) In Art. 124, para 1 the words "the districts courts by the order of the Administrative Proceedings Act or the Supreme Administrative Court by the order of the Supreme Administrative Court Act" shall be replaced with "the administrative courts or the Supreme Administrative Court by the order of the Administrative Procedure Code".

3. In item 1 of the additional provision after the word "the spouses" shall be added "or the persons, who are in factual living together".

§ 44. In the Law for the State Property (Prom., SG 44 from 1996; amend., SG 104 from 1996, SG 55, 61 and 117 from 1997, SG 93 and 124 from 1998, SG 67 from 1999, SG 9, 12, 26 and 57 from 2000, SG 1 from 2001, SG 38 from 2001 - Decision № 7 of the Constitutional Court from 2001; amend., SG 45 from 2002, SG 63 from 2003, SG 24 and 93 from 2004, SG 32 from 2005, SG 17 from 2006) the following amendments shall be made:

1. (*) In Art. 38, para 2 the word "the district" shall be replaced with "the administrative".

2. (*) In Art. 39, para 3 the word "the district" shall be replaced with "the administrative".

3. Everywhere the words "the Administrative Proceedings Act" shall be replaces with "the Administrative Procedure Code".

§ 45. In the Law of the State Reserves and the War Time Reserves (Prom., SG, 9 from 2003; correct., SG 37 from 2003 ; amend., SG 19, 69 and 105 from 2005) in Art. 7, para 2, item 7 the words "under Art. 15, para 2 of the Administrative Proceedings Act" shall be replaced with "provided for by the Administrative Procedure Code".

§ 46. In the Law for the Electronic Document and Electronic Signature (Prom. SG 34 from 2001; amend. 112 from 2001) in Art. 36, para 4 the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 47. In the Law of the Energy Sector (Prom., SG 107 from 2003; amend. SG 18 from 2004; SG 18 and 95 from 2005) everywhere the words "the Administrative Proceedings Act" shall be replaces with "the Administrative Procedure Code".

§ 48. In the Law for the Animal Breeding (Prom., SG 65 from 2000;amend., SG 18 from 2004, SG 87 and 105 from 2005) everywhere the words "the Administrative Proceedings Act" shall be replaces with "the Administrative Procedure Code".

§ 49. In the Law of the Obligatory Reserves of Oil and Oil Products (Prom., SG,. 9 from 2003; amend., SG 107 from 2003, SG 95 and 105 from 2005) the following amendments shall be made:

1. In Art. 7:

a) in para 1 the words "under Art. 15, para 2 of the Administrative Proceedings Act" shall be replaced with "provided for by the Administrative Procedure Code";

b) in para 3 and 4 the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

2. In Art. 25, para 2 the words "according to Art. 15, para 2 of the Administrative Proceedings Act" shall be replaced with "provided for by the Administrative Procedure Code".

§ 50. In the Law for protection of the Child (Prom., SG 48 from 2000;amend., SG 75 and 120 from 2002, SG 36 and 63 from 2003, SG 70 and 115 from 2004, SG 28, 94 and 103 from 2005) the following amendments shall be made:

1. In Art. 27, para 4 the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

2. In Art. 43f the words "the Supreme Administrative Court Act" shall be replaced with "the Administrative Procedure Code".

§ 51. In the Law for Protection of the New Varieties of Plants and Breeds of Animals (Prom., SG 84 from 1996; amend., SG 27 from 1998, SG 81 from 1999, SG 86 from 2000, SG 18 from 2004) the following amendments shall be made:

1. (*) In Art. 50 and in Art. 51, para 1 the words "Sofia City Court" shall be replaced with "the Administrative court – Sofia city".

2. Everywhere the words "the Administrative Proceedings Act" shall be replaces with "the Administrative Procedure Code".

§ 52. In the Law for the Crafts (Prom., SG 42 from 2001; amend., SG 112 from 2001, SG 56 from 2002, SG 99 and 105 from 2005, SG 10 from 2006) in Art. 64, para 2 the words "the Law for the Administrative Procedure" shall be replaced with "the Administrative Procedure Code".

§ 53. In the Law for Protection of the Personal Data (Prom., SG 1 from 2002; amend., SG 70 and 93 from 2004, SG 43 and 103 from 2005) in Art. 39 the following amendments shall be made:

1. (*) In para 1 the word "district" shall be replaced with "administrative".

2. In para 5 the words "the Administrative Proceedings Act, respectively the Supreme Administrative Court Act" shall be replaced with "the Administrative Procedure Code".

§ 54. In the Law for protection of the consumers and for the trade rules (Prom., SG, 30 from 1999 ; amend, SG 17 and 19 from 2003, SG 42 from 2005) in Art. 13, para 8 the words "the Administrative Proceedings Act" shall be replaces with "the Administrative Procedure Code".

§ 55. In the Law for protection of the consumers (SG 99 from 2005) everywhere the words "the Administrative Proceedings Act" shall be replaces with "the Administrative Procedure Code".

§ 56. In the Law for Plants Protection (prom., SG 91 from 1997; amend., SG 90 from 1999, SG 96 from 2001, SG 18 from 2004) in Art. 24 the words "the Administrative Proceedings Act" shall be replaces with "the Administrative Procedure Code".

§ 57. In the Law of Protection from the Harmful impact of the Chemical substances and preparations (Prom., SG, 10 from 2000;amend., SG 91 from 2002, SG 86 and 114 from 2003, SG 100 and 101 from 2005) the following amendments shall be made:

1. In Art. 7d, para 4 the words "the Supreme Administrative Court Act, respectively the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

2. In Art. 8, para 5 the words "the Supreme Administrative Court Act" shall be replaced with "the Administrative Procedure Code".

3. In Art. 19a, para 4 the words "the Supreme Administrative Court Act, respectively the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

4. In Art. 34 the words "the Law for the Administrative Procedure" shall be replaced with "the Administrative Procedure Code".

§ 58. In the Law of Protection from Noise in Environment (SG, 74 from 2005) in Art. 32 the words "the Supreme Administrative Court Act, respectively the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 59. In the Law for protection from discrimination (Prom., SG, 86 from 2003; amend., SG 70 from 2004, SG 105 from 2005) the following amendments shall be made:

1. In Art. 68, para 1 the words "the Supreme Administrative Court Act" shall be replaces with "the Administrative Procedure Code".

2. In Art. 70, para 1 the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

3. In Art. 73 the words "the Administrative Proceedings Act, respectively under the Supreme Administrative Court Act" shall be replaced with "the Administrative Procedure Code".

4. In Art. 84, para 2 the words "the Supreme Administrative Court Act" shall be replaced with "the Administrative Procedure Code".

§ 60. In the Law for the Protected Territories (Prom., SG, 133 from 1998; amend., SG 98 from 1999, SG 28, 48 and 78 from 2000, SG 23, 77 and 91 from 2002, SG 28 and 94 from 2005) in Art. 80 the

words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 61. In the Law of Health (Prom., SG, 70 from 2004; amend., SG 46 from 2005, SG 76, 85, 88, 94 and 103 from 2005, SG 18 from 2006) the following amendments shall be made:

1. (*) In Art. 112, para 1, item 4 the words "Sofia City Court" shall be replaced with "the Administrative Court – Sofia city".

2. Everywhere the words "the Administrative Proceedings Act" and "the Supreme Administrative Court Act" shall be replaced with "the Administrative Procedure Code".

§ 62. In the Law for the Health Insurance (Prom. SG, 70 from 1998; amend., SG 93 and 153 from 1998, SG 62, 65, 67, 69, 110 and 113 from 1999, SG 1, 31 and 64 from 2000, SG 41 from 2001, SG 1, 54, 74, 107, 112, 119 and 120 from 2002, SG 8, 50, 107 and 114 from 2003, SG 28, 38, 49, 70, 85 and 111 from 2004, SG 39, 45, 76, 99, 102, 103 and 105 from 2005, SG 17 and 18 from 2006) the following amendments shall be made:

1. (*) In Art. 59, para 7 the words "the Law for the Administrative Procedure before the respective district court" shall be replaced with "the Administrative Procedure Code before the respective administrative court".

2. In Art. 76, para 2 the words "the Administrative Proceedings Act' shall be replaced with "the Administrative Procedure Code".

§ 63. In the Law for Election of National Representatives (Prom., SG 37 from 2001, SG 44 from 2001 - Decision № 8 of the Constitutional Court from 2001; amend., SG 45 from 2002, SG 28, 32 and 38 from 2005, SG 24 from 2006) in Art. 119 the words "the Supreme Administrative Court Act" shall be replaced with "the Administrative Procedure Code".

§ 64. In the Law on the property of the Bulgarian communist party, the Bulgarian national agriculture union, the Fatherland front, the Dimitrov youth communist union, the Union of active fighters against fascism and capitalism, and the Bulgarian professional unions (SG, 105 from 1991) in Art. 6 the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 65. In the Law of Integration of the People with Disabilities (Prom., SG 81 from 2004; amend., SG 28, 88, 94, 103 and 105 from 2005, SG 18 from 2006) in Art. 42, para 9 the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 66. In the Law on Cadastre and Property Register (Prom., SG 34 from 2000;amend., SG 45 and 99 from 2002, SG 36 from 2004, SG 39 and 105 from 2005) the following amendments shall be made:

1. In Art. 18, para 4 the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

2. (*) In Art. 49, para 2 the words "the Administrative Proceedings Act before the district court" shall be replaced with "the Administrative Procedure Code before the administrative court".

3. (*) In Art. 49a, para 4 the word "the district" shall be replaced with "the administrative".

4. (*) In Art. 54, para 2 the words "the Administrative Proceedings Act before the district court" shall be replaced with "the Administrative Procedure Code before the administrative court".

§ 67. In the Law for the Chambers of the Architects and the Engineers in Investment Designing (Prom., SG, 20 from 2003; amend., SG 65 from 2003, SG 77 from 2005) everywhere the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 68. In the Law of the Commission of Financial Supervision (Prom., SG, 8 from 2003; amend., SG 31, 67 and 112 from 2003, SG 85 from 2004, SG 39, 103 and 105 from 2005) in Art. 15, para 3, Art. 16, para 3 and Art. 17, para 3 the words "Chapter three, Section I of the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 69. In the Law for Control over the Narcotic Substances and Precursors (Prom., SG 30 from 1999; amend., SG 63 from 2000, SG 74, 75 and 120 from 2002, SG 56 from 2003, SG 76, 79 and 103 from 2005) everywhere the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 70. In the Law for Control over the Explosives, Firearms and Munitions (Prom., SG, 133 from 1998; amend., SG 85 from 2000, SG 99 from 2002, SG 71 from 2003, SG 102 and 105 from 2005, SG 17 from 2006) everywhere the words "the Administrative Proceedings Act" shall be replaces with "the Administrative Procedure Code".

§ 71. In the Law for the Corporate Income Tax Levying (Prom., SG, 115 from 1997; correct., SG 19 from 1998; amend., SG 21 and 153 from 1998, SG 12, 50, 51, 64, 81, 103, 110 and 111 from 1999, SG 105 and 108 from 2000, SG 34 and 110 from 2001, SG 45, 61, 62 and 119 from 2002, SG 42 and 109 from 2003, SG 18, 53 and 107 from 2004, SG 39, 88, 91, 102, 103 and 105 from 2005) in Art. 36a, para 5 the words "the Supreme Administrative Court Act" shall be replaced with "the Administrative Procedure Code".

§ 72. In the Law for Blood, Blood donation and Blood transfusion (Prom., SG, 102 from 2003; amend., SG 70 from 2004) in Art. 44, para 3 the words "the Supreme Administrative Court Act" shall be replaced with "the Administrative Procedure Code".

§ 73. In the Law for the Medicines and Pharmacies for the Human medicine (Prom., SG, 36 from 1995, SG 61 from 1996 - Decision № 10 of the Constitutional Court from 1996; amend., SG 38 from 1998, SG 30 from 1999, SG 10 from 2000, SG 37 from 2000 - Decision № 3 of the Constitutional Court from 2000;amend., SG 59 from 2000, SG 78 from 2000 - Decision № 7 of the Constitutional Court from 2000;amend., SG 41 from 2001, SG 107 and 120 from 2002; correct., SG 2 from 2003; amend., SG 56, 71 and 112 from 2003; amend., SG 70 and 111 from 2004, SG 37, 76, 85, 87, 99 and 105 from 2005) everywhere the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 74. In the Law for the Medical Establishments (Prom., SG 62 from 1999; amend., SG 88 and 113 from 1999, correct., SG 114 from 1999; amend., SG 36, 65 and 108 from 2000, SG 51 from 2001 - Decision № 11 of the Constitutional Court from 2001; amend., SG 28 and 62 from 2002, SG 83, 102 and 114 from 2003, SG 70 from 2004, SG 46, 76, 85, 88 and 105 from 2005) everywhere the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 75. In the Law for the Medical Plants (Prom., SG 29 from 2000;amend. SG 23 and 91 from 2002) everywhere the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 76. In the Law for the Marks and the Geographic Names (Prom., SG, 81 from 1999; correct., SG 82 from 1999; amend., SG 28, 43, 94 and 105 from 2005) the following amendments shall be made:

1. (*) In Art. 50, para 1 the words "the Sofia City Court" shall be replaced with "the Administrative Court – Sofia city".

2. (*) In Art. 68 the words "the Sofia City Court" shall be replaced with "the Administrative court – Sofia city".

3. (*) In Art. 77 the words "the Sofia City Court" shall be replaced with "the Administrative court – Sofia City".

4. Everywhere the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 77. In the Law for Local Taxes and Fees (Prom., SG, 117 from 1997; amend., SG 71, 83, 105 and 153 from 1998, SG 103 from 1999, SG 34 and 102 from 2000, SG 109 from 2001, SG 28, 45, 56 and 119 from 2002, SG 84 and 112 from 2003, SG 6, 18, 36, 70 and 106 from 2004, SG 87, 94, 100, 103 and 105 from 2005) everywhere the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 78. (*) In the Law for the Local Elections (Prom., SG, 66 from 1995; correct., SG 68 from 1995, SG 85 from 1995 - Decision № 15 of the Constitutional Court from 1995; amend., SG 33 from 1996, SG 22 from 1997 - Decision № 4 of the Constitutional Court from 1997; amend., SG 11 and 59 from 1998, SG 69 and 85 from 1999, SG 29 from 2000, SG 24 from 2001, SG 45 from 2002, SG 69 and 93 from 2003, SG 28 from 2005, SG 17 and 24 from 2006) in Art. 104, para 1 the word "the district" shall be replaced with "the administrative", and the words "the Sofia City Court" shall be replaced with "the Administrative Court – Sofia city".

§ 79. (*) In the Law for the Local Government and the Local Administration (Prom., SG, 77 from 1991; amend., SG 24, 49 and 65 from 1995, SG 90 from 1996, SG 122 from 1997, SG 33, 130 and 154 from 1998, SG 67 and 69 from 1999, SG 26 and 85 from 2000, SG 1 from 2001, SG 28, 45 and 119 from 2002, SG 69 from 2003, SG 19 and 34 from 2005) the following amendments shall be made"

1. In Art. 30, para 3 and 5 the word "the district" shall be replaced with "the administrative".

2. In Art. 32, para 3 the word "the district" shall be replaced with "the administrative", and the words "the Sofia City Court" shall be replaced with "the Administrative Court – Sofia city".

§ 80. In the Law for the Measures against Money Laundering (Prom., SG, 85 from 1998; amend., SG 1 from 2001, SG 31 from 2003, SG 103 and 105 from 2005) in Art. 20 "the Supreme Administrative Court Act" shall be replaced with "the Administrative Procedure Code".

§ 81. In the Law of the Patronage (SG, 103 from 2005) everywhere the words "the Supreme Administrative Court Act" shall be replaced with "the Administrative Procedure Code".

§ 82. In the Law for the Ministry of the Interior (Prom., SG 122 from 1997; SG 29 from 1998 - Decision № 3 of the Constitutional Court from 1998; amend., SG 70, 73 and 153 from 1998, SG 30 and 110 from 1999, SG 1 and 29 from 2000, SG 28 from 2001, SG 45 and 119 from 2002, SG 17, 26, 95, 103, 112 and 114 from 2003, SG 15, 70 and 89 from 2004, SG 11, 19, 27, 86, 103 and 105 from 2005, SG 24 from 2006) everywhere the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 83. In the Law on the Ministry of Interior (Prom., SG 17 from 2006) the following amendments shall be made:

1. (*) In Art. 245, para 2 the words "the Sofia City Court" shall be replaced with "the Administrative court – Sofia city".

2. Everywhere the words "the Administrative Proceedings Act" and "the Administrative Proceedings Act or the Supreme Administrative Court Act" shall be replaced with "the Administrative Procedure Code".

§ 84. In the Law for the Customs (Prom., SG, 15 from 1998; amend., SG 89 and 153 from 1998, SG 30 and 83 from 1999, SG 63 from 2000, SG 110 from 2001, SG 76 from 2002, SG 37 and 95 from 2003, SG 38 from 2004, SG 45, 86, 91 and 105 from 2005) the following amendments shall be made:

1. (*) In Art. 84f, para 7 the word "the district" shall be replaced with "the administrative".

2. (*) In Art. 211i, para 5 the word "the district" shall be replaced with "the administrative".

3. Everywhere the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 85. In the Law for the sea waters, the internal water ways and the ports of the Republic of Bulgaria (Prom., SG, 12 from 2000;amend., SG 111 from 2001, SG 24 and 70 from 2004, SG 11 from 2005, SG 45 from 2005 - Decision № 5 of the Constitutional Court from 2005; amend., SG 87, 88, 94, 102 and 104 from 2005) the following amendments shall be made:

1. In Art. 96, para 3 the words "the Supreme Administrative Court Act" shall be replaced with "the Administrative Procedure Code".

2. In Art. 117b, para 6 the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 86. In the Law of Encouragement of the Employment (Prom., SG 112 from 2001; amend., SG 54 and 120 from 2002, SG 26, 86 and 114 from 2003, SG 52 and 81 from 2004, SG 27 and 38 from 2005, SG 18 from 2006) everywhere the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 87. In the Law for the Independent Financial Audit (Prom., SG 101 from 2001; amend., SG 91 from 2002, SG 96 from 2004, SG 77 and 105 from 2005) in Art. 24, para 5 the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 88. In the Law for the Notaries and the Notarial activity (Prom., SG 104 from 1996; amend., SG 117, 118 and 123 from 1997, SG 24 from 1998, SG 69 from 1999, SG 18 from 2003, SG 29 and 36 from

2004, SG 19 and 43 from 2005) everywhere the words "the Supreme Administrative Court Act" shall be replaced with "the Administrative Procedure Code".

§ 89. In the Law for the Municipal Property (Prom., SG 44 from 1996; amend., SG 104 from 1996, SG 55 from 1997, SG 22 and 93 from 1998, SG 23, 56, 64, 67, 69 and 96 from 1999, SG 26 from 2000, SG 34 from 2001, SG 120 from 2002, SG 101 from 2004) the following amendment shall be made:

1. (*) In Art. 15, para 5 the word "the district" shall be replaced with "the administrative".

2. (*) In Art. 18, para 3 the word "the district" shall be replaced with "the administrative".

3. (*) In Art. 27, para 1 the word "the district" shall be replaced with "the administrative".

4. (*) In Art. 46, para 5 the word "the district" shall be replaced with "the administrative".

5. Everywhere the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 90. In the Law on the Municipal Debt (Prom., SG 34 from 2005; amend. SG 105 from 2005) everywhere the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 91. In the Law of the Ombudsman (SG, 48 from 2003) in Art. 35, para 2 the words "the Supreme Administrative Court Act" shall be replaced with "the Administrative Procedure Code".

§ 92. In the Law of Preservation of Environment (Prom., SG 91 from 2002; correct., SG 98 from 2002; amend., SG 86 from 2003, SG 70 from 2004, SG 74, 77, 88, 95 and 105 from 2005) the following amendments shall be made:

1. In Art. 27 the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

2. In Art. 99, para 6 the words "the Administrative Proceedings Act and the Supreme Administrative Court Act" shall be replaced with "the Administrative Procedure Code".

3. In Art. 113 the words "the Supreme Administrative Court Act" shall be replaced with "the Administrative Procedure Code".

4. In Art. 116g the words "the Supreme Administrative Court Act" shall be replaced with "the Administrative Procedure Code".

5. In Art. 127, para 3 the words "the Administrative Proceedings Act and the Supreme Administrative Court Act" shall be replaced with "the Administrative Procedure Code".

6. In Art. 160, para 4 the words "the Administrative Proceedings Act, respectively under the Supreme Administrative Court Act" shall be replaced with the "Administrative Procedure Code".

§ 93. In the Law for Preservation of the Agricultural Lands (Prom., SG 35 from 1996; amend., SG 14 and 26 from 2000, SG 28 from 2001, SG 112 from 2003, SG 18 from 2006) everywhere the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 94. In the Law on Protection of Rural Economy Property (Prom., SG 54 from 1974; amend., SG 22 from 1976, SG 36 from 1979, SG 28 from 1982, SG 45 from 1984, SG 65 from 1995, SG 44 and 86 from 1996, SG 11 from 1998) in Art. 32, para 4 the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 95. In the Social Order Protection at Conduction of Sport Events Law (Prom., SG 96 from 2004; amend., SG 103 and 105 from 2005) in Art. 44, para 1 the words "the Supreme Administrative Court Act" shall be replaced with "the Administrative Procedure Code".

§ 96. In the Law for the Registered Pledges (Prom., SG 100 from 1996; amend., SG 86 from 1997, SG 42 from 1999, SG 19 and 58 from 2003, SG 34 and 43 from 2005) in Art. 29, para 1 the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 97. In the Law of Defence and Armed Forces of the Republic of Bulgaria (Prom., SG 112 from 1995; amend., SG 67 from 1996, SG 122 from 1997, SG 70, 93, 152 and 153 from 1998, SG 12, 67 and 69 from 1999, SG 49 and 64 from 2000, SG 25 from 2001, SG 1, 40, 45 and 119 from 2002, SG 50, 86, 95 and 112 from 2003, SG 93 and 111 from 2004, SG 27, 38, 76, 88, 102 and 105 from 2005) the following amendments shall be made:

1. In Art. 131 the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

2. (*) In Art. 132 para 1 shall be amended as follows:

"(1) The order on depriving exemption from regular military service may be appealed by a court order through the body, who has issued it. The disputes shall be under the jurisdiction of the administrative courts or the Supreme Administrative Court by the order of the Administrative Procedure Code."

3. In Art. 314 the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 98. In the Law on the State Liability for Damages Inflicted on Citizens (Prom., SG 60 from 1988; amend., SG 59 from 1993, SG 12 from 1996, SG 67 from 1999, SG 92 from 2000 and SG 105 from 2005) the following amendments and supplements shall be made:

1. The title of the Law shall be amended as follows: "Law on the Liability of the State and the Municipalities for Damages".

2. Article 1 shall be amended as follows:

"Liability for an activity of the administration

Art. 1. (1) The State and the municipalities shall be responsible for the damages, caused to citizens and legal entities from unlawful acts, actions or inactions of their bodies and officials on occasion of an implementation of an administrative activity.

(2) The claims under para 1 shall be considered by the order, provided for by the Administrative Procedure code."

3. Article 3 shall be amended as follows:

"Obligation for explanation

Art. 3. The body, who has cancelled the unlawful act under Art. 2 shall be obliged to explain to the citizen or to a representative of the legal entity the order, by which they may protect their rights."

4. In Art. 9, para 2 after the word "citizen" shall be added "and legal entities".

§ 99. In the Law on Cultural Monuments and Museums (Prom., SG, 29 from 1969; amend., SG 29 from 1973, SG 36 from 1979, SG 87 from 1980, SG 102 from 1981, SG 45 from 1984, SG 45 from 1989, SG 10 and 14 from 1990, SG 112 from 1995, SG 31 from 1996 - Decision № 5 of the Constitutional Court from 1996; amend., SG 44 from 1996, SG 117 from 1997, SG 153 from 1998, SG 50 from 1999, SG 55 from 2004, SG 28 and 94 from 2005, SG 21 from 2006) the following amendments shall be made:

1. In Art. 7, para8 the words "the Supreme Administrative Court Act" shall be replaced with "the

Administrative Procedure Code".

2. In Art. 33b, para 4 the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 100. In the Law of the Money transfers, the Electronic payment instruments and the Payment systems (Prom., SG 31 from 2005; amend SG 99 from 2005) the following amendments shall be made:

1. In Art. 66, para 2 the words "Art. 7, para 2 and Art. 11, para 1 from the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

2. In Art. 79, para 2 the words "the Supreme Administrative Court Act" shall be replaced with "the Administrative Procedure Code".

§ 101. In the Law for the Patents (Prom., SG 27 from 1993; amend., SG 83 from 1996, SG 11 from 1998, SG 81 from 1999, SG 45 and 66 from 2002, SG 17 from 2003) the following amendments shall be made:

1. (*) In Art. 59 the words "the Sofia City Court" shall be replaced with "the Administrative Court – Sofia city".

2. Everywhere the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 102. In the Law for the Underground Natural Resources (Prom., SG 23 from 1999; amend., SG 28 from 2000, SG 108 from 2001, SG 47 from 2002, SG 86 from 2003, SG 28 and 94 from 2005) the following amendments shall be made:

1. (*) In Art. 75, para 7 the word "the district" shall be replaced with "the administrative".

2. Everywhere the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 103. In the Law for Supporting the Agricultural Producers (Prom., SG 58 from 1998; amend., SG 79 and 153 from 1998, SG 12, 26, 86 and 113 from 1999, SG 24 from 2000, SG 34 and 41 from 2001, SG 46 and 96 from 2002, SG 18 from 2004, SG 14 and 105 from 2005, SG 18 from 2006) everywhere the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 104. In the Law of the Sowing and Planting Material (Prom., SG 20 from 2003; amend., SG 27 from 2005) everywhere the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 105. In the Law for Political and Civil vindication for individuals who have undergone repressive actions (Prom., SG 50 from 1991; amend., SG 52 from 1994, SG 12 from 2004, SG 29 from 2005) in Art. 5, para 4 the words "the Supreme Administrative Court Act" shall be replaced with "the Administrative Procedure Code".

§ 106. In the Law of the Legal Support (Prom. SG 79 from 2005; amend. SG 105 from 2005, SG 17 from 2006) everywhere the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 107. (*) In the Law for the Industrial Design (Prom., SG 81 from 1999; amend., SG 17 from 2003, SG 43 and 105 from 2005) the following amendments shall be made"

1. In Art. 49 the words "the Sofia City Court" shall be replaced with "the Administrative Court – Sofia city".

2. In Art. 61. the words "the Sofia City Court" shall be replaced with "the Administrative Court – Sofia City".

§ 108. In the Law for the Vocational education and Training (prom., SG 68 from 1999; amend., SG 1 and 108 from 2000, SG 111 from 2001, SG 103 and 120 from 2002, SG 29 from 2003, SG 28, 77 and 94 from 2005) the following amendments shall be made"

1. In Art. 49a, para 11 the words "the Supreme Administrative Court Act" shall be replaced with "the Administrative Procedure Code".

2. In Art. 68, para 2 the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 109. In the Law for Public Offering of Securities (Prom., SG 114 from 1999; amend., SG 63 and 92 from 2000, SG 28, 61, 93 and 101 from 2002, SG 8, 31, 67 and 71 from 2003, SG 37 from 2004, SG 19, 31, 39, 103 and 105 from 2005) in Art. 215 the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 110. In the Law of the Apiculture (Prom., SG 57 from 2003; amend. SG 87 from 2005) everywhere the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 111. In the Law for the Roads (Prom., SG 26 from 2000;amend., SG 88 from 2000, SG 111 from 2001, SG 47 and 118 from 2002, SG 9 and 112 from 2003, SG 6 and 14 from 2004, SG 88 and 105 from 2005) in Art. 26, para 10 the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 112. In the Law of Registration and Control of the Agricultural and Forestry Machinery (Prom., SG 79 from 19998; amend. SG 22 from 2003, SG 74 and 88 from 2005) everywhere the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 113. In the Law of the Fishery and Aquacultures (Prom., SG 41 from 2001; amend., SG 88, 94 and 105 from 2005) everywhere the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 114. In the Law of Regulation of the Water Supply and Sewerage Services (SG, 18 from 2005) everywhere the words "the Supreme Administrative Court Act" shall be replaced with "the Administrative Procedure Code".

§ 115. In the Law for the Water Users Associations (Prom., SG 34 from 2001; amend., SG 108 from 2001) in Art. 9, para 5 the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 116. In the Law for the Family Support for Children (Prom., SG 32 from 2002; amend., SG 120 from 2002, SG 112 from 2003, SG 69 from 2004, SG 105 from 2005, SG 21 from 2006) in Art. 10, para 7 the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 117. In the Law of the Ownership and the Use of the Farm Land (Prom., SG 17 from 1991; correct., SG 20 from 1991; amend., SG 74 from 1991, SG 18, 28, 46 and 105 from 1992, SG 48 from 1993, SG 64 from 1993 - Decision № 12 of the Constitutional Court from 1993; amend., SG 83 from 1993, SG 80 from 1994, SG 45 and 57 from 1995, SG 59 from 1995 - Decision № 7 and № 8 of the Constitutional Court from 1995; amend., SG 79 from 1996, SG 103 from 1996 - Decision № 20 of the Constitutional Court from 1996; amend., SG 104 from 1996, SG 62, 87, 98 and 123 from 1997, SG 59, 88 and 133 from 1998, SG 68 from 1999, SG 34 and 106 from 2000, SG 28, 47 and 99 from 2002, SG 16 from 2003, SG 36 from 2004, SG 17 from 2006) the following amendments shall be made:

1. (*) In Art. 14, para 3 the sentence five shall be amended as follows "Against the decision of the regional court may be filed a cassation complaint before the administrative court by the order of the Administrative Procedure Code, which shall be considered by the court in a body of three judges".

2. (*) In § 4k, para 6 the word "the district" shall be replaced with "the administrative".

3. Everywhere the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 118. In the Law for Social Support (Prom., SG 56 from 1998; amend., SG 45 and 120 from 2002, SG 18 from 2006) everywhere the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 119. In the Law for the Commodity Exchanges and Market-places (Prom., SG, 93 from 1996; amend., SG 41 and 153 from 1998, SG 18 from 1999, SG 20 from 2000, SG 41 from 2001) in Art. 12, para 3 the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 120. (In force from 01.03.2007) In the Law for the Judicial System (Prom., SG 59 from 1994, SG 78 from 1994 - Decision № 8 of the Constitutional Court from 1994, SG 87 from 1994 - Decision № 9 of the Constitutional Court from 1994, SG 93 from 1995 - Decision № 17 of the Constitutional Court from 1995; amend., SG 64 from 1996, SG 96 from 1996 - Decision № 19 of the Constitutional Court from 1996; amend., SG 104 and 110 from 1996, SG 58, 122 and 124 from 1997, SG 11 and 133 from 1998, SG 6 from 1999 - Decision № 1 of the Constitutional Court from 1999; amend., SG 34, 38 and 84 from 2000, SG 25 from 2001, SG 74 from 2002, SG 110 from 2002 - Decision № 11 of the Constitutional Court from 2002, SG 118 from 2002 - Decision № 13 of the Constitutional Court from 2002; amend., SG 61 and 112 from 2003, SG 29, 36 and 70 from 2004, SG 93 from 2004 - Decision № 4 of the Constitutional Court from 2004, SG 37 from 2005 - Decision № 4 of the Constitutional Court from 2005; amend., SG 43 and 86 from 2005, SG 17 from 2006, SG 23 from 2006 - Decision № 1 of the Constitutional Court from 2006) the following amendments and supplements shall be made:

1. In Art. 3, para 1 after the word "district" shall be put a comma and shall be added "administrative".

2. In Art. 30, para 1:

a) in item 2 at the end shall be put a comma and shall be added "as well as for the chairmen of the administrative courts";

b) a new item 9 shall be created:

"9. the chairmen of the administrative courts – for their deputies and for the judges of these courts;"

c) the former items 9 – 13 shall be respectively items 10 – 14.

3. In Art. 35c, para 5 the words "para 1 – 5" shall be replaced with "para 1 – 6".

4. In Art. 35f, para 5 the words "para 1 – 5" shall be replaced with "para 1 – 6".

5. In Art. 38 after the word "the district" shall be put a comma and shall be added "the administrative".

6. In Art. 39:

a) in para 1 after the word "the districts" the conjunction "and" shall be replaced with a comma and shall be added "the administrative and";

b) a new para 3 shall be created:

"(3) The Administrative courts shall consider the determined by a law administrative cases as first or cassation instance.";

c) the former para 3, 4 and 5 shall be respectively para 4, 5 and 6.

7. In Art. 41 the words "at joint sittings of their plenums" shall be replaced with "by the general meetings of the judges with the respective colleges".

8. In Art. 58, para 1 after the word "trade" the common shall be replaced with the conjunction "and", and the words "and administrative" shall be erased.

9. In Art. 59, para 3, item 4 the words "and the Supreme Administrative Court" shall be erased.

10. In Chapter four Section IVa shall be created:

"Section IVa

Administrative court

Art. 64a. Under the jurisdiction of the administrative court shall be all administrative cases, except for these, which has been provided for by a law as ones under the jurisdiction of the Supreme Administrative Court.

Art. 64b. The administrative court shall consider the administrative case in a body of one judge.

Art. 64c. When the position of a judge from an administrative court has not been occupied or a judge is hindered to carry out his/her position and may not be replaced by another judge from the same court, the Chairman of the Supreme Administrative Court may appoint temporary on his/her place a judge from another administrative court or a junior judge with practice not less than two years.

Art. 64d. (1) Upon decision of the General meeting of the judges with the administrative court may be created specialised departments, which shall be headed by the Chairman and his/her deputies.

(2) The administrative court shall consist of judges and junior judges.

Art. 64e. (1) The Chairman of the administrative court"

1. shall carry out general organisational and administrative management of the administrative court and shall represent it;

2. shall execute:

a) an annual report on the activity of the administrative court, which shall send to the Chairman of the Supreme Administrative Court for information and entry in the annual report before the Supreme Court Council;

b) references and statistic data in electronic type upon a sample, confirmed by the Supreme Court Council, and shall send them for consideration by the Supreme Court Council, and to the Minister of Justice – for information;

3. at the end of each six months' period shall prepare and submit to the inspectorate at the

Ministry of Justice information on the institution and the movement of the cases;

4. shall represent court bodies from all departments, in case such are identified;

5. shall convene the judges of the administrative court for consideration of the report under item 2, letter "a", the reports from the audits and the checks, the proposals on interpretative decisions and decrees, as well as other matters;

6. shall convene and head up the general meeting of the judges of the court.

Art. 64f. (1) The administrative court shall have a General meeting, which shall consist of all the judges.

(2) The General meeting:

1. shall distribute at the end of each 3 years the judges at departments, in case such are identified;

2. shall give opinions before the Supreme Administrative Court upon drafts of interpretative decisions and decrees;

3. shall adopt decisions in other, provided for by a law, cases.

(3) The sessions of the General meeting shall be regular, if at least two-thirds of the entire number of the judges is present.

(4) The decisions shall be taken with simple majority from the number of the presents."

11. In Art. 72, para 2 shall be revoked.

12. In Art. 83 the words "para 4" shall be replaced with "para 5".

13. In Art. 84, para 1, item 2 the words "as well as" shall be erased, and at the end shall be added "as well as in case of pronouncement of joint interpretative decrees with the general meeting of a college of the Supreme Administrative Court".

14. In Art. 93:

a) in para 1 the word "two" shall be erased;

b) paragraph 2 shall be amended as follows:

"(2) The Chairman and his/her deputies shall head up the colleges."

15. In Art. 94 the words "a court of appeal or a district court meeting the requirements" shall be replaced with "an administrative court, which meet the requirements", and the words "para 4" shall be replaced with "para 5".

16. In Art. 95:

a) in item 1:

aa) in letter "b" the word "the district" shall be replaced with "the administrative";

bb) letter "c" shall be created:

"c) disputes on lawfulness of acts of secondary legislation";

b) in item 2 letter "a" shall be revoked;

c) new items 3 and 4 shall be created:

"3. seven judges – when considering requests on cancellation of entered into force court acts;

4. a general meeting of all the judges – when pronouncing interpretative decisions on resolving disputable issues on the interpretation and the application of the law."

17. In Art. 96:

a) paragraph 1 shall be amended as follows:

"(1) In the sessions of the general meeting shall participate, giving statements:

1. the deputy of the Chief Prosecutor with the Supreme Administrative Prosecutor’s Office;

2. prosecutors of the prosecutor’s office with the Supreme Administrative Court – if they would like to;

3. the chairmen of the administrative courts;

4. the Chairman or a member of the Supreme Bar Council;

5. eminent specialist of the legal theory and practice.";

b) paragraph 2 shall be revoked;

c) the former para 3 shall be para 2;

d) a new para 3 shall be created:

"(3) the Chairman of the Supreme Administrative Court shall notify the persons under para 1 for the date and the hour, which shall be conducted the meeting.";

e) paragraph 4 shall be revoked.

18. Article 97 shall be amended as follows:

"Art. 97. (1) The requests on pronouncement with interpretative decisions can make the Chairman of the Supreme Cassation Court, the Chairman of the Supreme Administrative Court, the Chief Prosecutor and his/her deputy with the Supreme Administrative Prosecutor's Office, the ombudsman, the Minister of Justice, the chairmen of the administrative courts, the Chairman of the Supreme Bar Council and the court bodies of the Supreme Administrative Court upon concrete cases.

(2) Requests on pronouncement with interpretative decrees can make the bodies under para 1 and the parties in cases, upon which there are entered into force contradictory court decisions and definitions.

(3) The interpretative decrees shall be obligatory for the bodies of the court and executive power, for the bodies of the self government, as well as for all the bodies, who issue administrative acts.

(4) The interpretative decisions shall serve as guidance for the courts and the administrative bodies."

19. In Art. 99, para 3, item 1 after the words "the number of" shall be added "the colleges and".

20. In Art. 123, para 4, item 5 the words "item 13" shall be changed with "item 14".

21. In Art. 125:

a) a new item 4 shall be created:

"4. a judge in an administrative court;"

b) the former items 4, 5 and 6 shall be respectively items 5, 6 and 7.

22. In Art. 125a:

a) in para 1 a new item 3 shall be created:

"3. the Chairman of the administrative court;"

b) the former items 3 and 4 shall be respectively items 4 and 5.

23. In Art. 125c, para 1 in the text before item 1 the words "items 2 – 4" shall be replaced with "items 2 – 5".

24. In Art. 127:

a) a new para 3 shall be created:

"(3) For a judge in an administrative court shall be appointed a person, who has at least 5 years practice or at least 3 years as a junior judge in an administrative court.";

b) the former para 3 and 4 shall be respectively para 4 and 5;

c) the former para 5 shall be para 6 and in it the words "para 1 – 4" shall be replaced with "para 1 – 5";

d) the former para 6 shall be para 7 and in it the words "para 3" shall be replaced with "para 4", and the words "para 4" shall be replaced with "para 5".

25. In Art. 132, para 2 the words "para 1 – 5" shall be replaced with "para 1- 6".

26. In Art. 143:

a) the former text shall be para 1;

b) para 2 shall be created:

"(2) The persons on position judge in an administrative court shall acquire ranks "judge in a court of appeal", "judge in the Supreme Administrative Court" and "chairman of a department in the

Supreme Administrative Court" under the conditions of Art. 142, para 1."

27. In Art. 146, item 2 the words "para 5" shall be replaced with "para 6".

28, In Art. 147:

a) a new para 4 shall be created:

"(4) The Junior judges at the administrative courts shall be appointed by the Supreme Court Council for a period of 3 years, which may be prolonged with one more year.";

b) the former para 4 shall be para 5.

29. In Art. 167a, para 3 after the words "by the chairmen of the appellate" shall be put a comma and shall be added "the administrative".

30. In Art. 190, para 2:

a) a new item 5 shall be created:

"5. by the Chairman of the respective administrative court – for the judges of the same court, and by the Chairman of the Supreme Administrative Court – for the chairmen of the administrative courts;"

b) the former items 5 – 8 shall be respectively items 6 – 9.

31. In Art. 200b, para 1 after the words "court region of" shall be added "administrative court and".

32. In Art. 200g:

a) paragraph 1 shall be amended as follows:

"(1) The lists under Art. 200b, para 1 shall be confirmed by commissions in a body of:

1. Chairman – a judge of the Supreme Administrative Court, determined by the Chairman of the same court, and members – judges of the respective administrative court, determined by the Chairman of this court – for the lists of the administrative courts;

2. Chairman of the court of appeal or a determined by him/her person, the appellate prosecutor or a determined by him/her person, the Chairman of the district court, the district prosecutor and the head of the district investigation service – for the lists of the districts courts.";

b) paragraph 3 shall be amended as follows:

"(3) The Chairmen of the appellate and the administrative courts shall send the lists for the respective court regions to the Minister of Justice for promulgation in the "State Gazette" and announcement by internet."

§ 121. In the Law for the Professional Organisations of the Physicians and the Dentists (prom., SG 83 from 1998; amend., SG 70 from 2004, SG 76 and 85 from 2005) in Art. 33, para 6 the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 122. In the Law of the Professional Organization of the Nurses, the Midwifes and the Associated Medical Specialists (Prom., SG 46 from 2005; amend., SG 85 from 2005) in Art. 36, para 6 the words "the Supreme Administrative Court Act" shall be replaced with "the Administrative Procedure Code".

§ 123. In the Law for Storing and Trading Grain (Prom., SG 93 from 1998; amend., SG 101 from 2000, SG 9 and 58 from 2003, SG 69 and 105 from 2005) everywhere the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 124. In the Law for the Technical Requirements for the Products (prom., SG 86 from 1999; amend., SG 63 and 93 from 2002, SG 18 and 107 from 2003, SG 45, 77, 88, 95 and 105 from 2005) the following amendments shall be made"

1. In Art. 30c, para 2 the words "the Supreme Administrative Court Act or under the

Administrative Proceedings Act" shall be amended with "the Administrative Procedure Code".

2. In Art. 34a, para 8 the words "the Supreme Administrative Court Act" shall be amended with "the Administrative Procedure Code".

3. In Art. 36, para 7 shall be amended as follows:

"(7) The refusals of the Chairman of the State Agency of metrological and technical supervision to register the persons and the refusals of the authorized officials of Chief directorate "Inspection for state technical supervision" shall be subject to appeal within 14 days period after their receiving by the order of the Administrative Procedure Code."

4. In Art. 36a, para 5 shall be amended as follows:

"(5) The orders under para 4 of the Chairman of the State Agency of metrological and technical supervision and the orders under para 4 of the authorized official of Chief directorate "Inspection for state technical supervision" shall be subject to appeal within 14 days period after their receiving by the order of the Administrative Procedure Code."

5. In Art. 49, para 3 the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 125. (*) In the Law for the Topology of the Integrated Circuits (SG, 81 from 1999) the following amendments shall be made:

1. (*) In Art. 28, para 2 the words "by the order of the Administrative Proceedings Act before the Sofia City Court" shall be replaced with "by the order of the Administrative Procedure Code before the Administrative Court – Sofia city".

2. In Art. 38 the words "the Sofia City Court" shall be replaced with "the Administrative Court – Sofia city".

§ 126. In the Law for Tourism (Prom., SG 56 from 2002; amend., SG 119 and 120 from 2002, SG 39 from 2004, SG 28, 39, 94, 99 and 105 from 2005) the following amendments shall be made:

1. In Art. 18, para 6 the words "the Supreme Administrative Court Act" shall be replaced with "the Administrative Procedure Code".

2. In Art. 20, para 3 the words "the Supreme Administrative Court Act" shall be replaced with "the Administrative Procedure Code".

3. In Art. 54, para 3 the words "the Administrative Proceedings Act, respectively by the order of the Supreme Administrative Court Act" shall be replaced with "the Administrative Procedure Code".

4. In Art. 66 the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 127. In the Law for the Tobacco and Tobacco Products (Prom., SG 101 from 1993; amend., SG 19 from 1994, SG 110 from 1996, SG 153 from 1998, SG 113 from 1999, SG 33 and 102 from 2000, SG 110 from 2001, SG 20 from 2003, SG 57 and 70 from 2004, SG 91, 95, 99 and 105 from 2005, SG 18 from 2006) in Art. 40 the words "the Administrative Proceedings Act" and "the Supreme Administrative Court Act" shall be replaced with "the Administrative Procedure Code".

§ 128. In the Law for the Asylum and the Refugees (prom., SG 54 from 2002; amend., SG 31 from 2005) the following amendments shall be made:

1. (*) In Art. 84, para 1 the word "district" shall be replaced with "administrative".

2. (*) In Art. 85, para 1 and 4 the words "the district" and "district" shall be replaced respectively the "the administrative" and "administrative".

3. In Art. 86 the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

4. In Art. 91 the words "the Administrative Proceedings Act. The Supreme Administrative Court Act" shall be replaced with "the Administrative Procedure Code".

§ 129. In the Law for Waste Management (Prom., SG 86 from 2003; amend., SG 70 from 2004, SG 77, 87, 88, 95 and 105 from 2005) the following amendments shall be made:

1. In Art. 49:

a) in item 1 the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code";

b) in item 2 the words "the Supreme Administrative Court Act" shall be replaced with "the Administrative Procedure Code".

2. In Art. 52, para 3 the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

3. In Art. 55, para 4 the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

4. In Art. 59, para 2 the words "the Supreme Administrative Court Act, respectively under the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

5. In Art. 70 the words "the Supreme Administrative Court Act" shall be replaced with "the Administrative Procedure Code".

6. In Art. 77, para 3 the words "the Supreme Administrative Court Act" shall be replaced with "the Administrative Procedure Code".

7. In Art. 78, para 4 the words "the Supreme Administrative Court Act" shall be replaced with "the Administrative Procedure Code".

8. In Art. 102, para 4 the words "the Supreme Administrative Court Act, respectively under the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 130. In the Law on the Management of Crises (Prom., SG 19 from 2005; amend., SG 17 from 2006) in Art. 72, para 1 the words "the Administrative Proceedings Act or of the Supreme Administrative Court Act" shall be replaced with "the Administrative Procedure Code".

§ 131. In the Law of arranging the residential issues of citizens with long term housing saving deposits (Prom., SG 82 from 1991; amend., SG 62 and 94 from 1992; correct., SG 9 from 1993; amend., SG 90 from 1993, SG 16 from 1996, SG 123 from 1997, SG 33 from 1998, SG 9 and 34 from 2000) in Art. 4, para 2 the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 132. In the Law of the Spatial Planning (Prom., SG 1 from 2001; amend., SG 41 and 111 from 2001, SG 43 from 2002, SG 20, 65 and 107 from 2003, SG 36 and 65 from 2004, SG 28, 76, 77, 88, 94, 95, 103 and 105 from 2005) the following amendments shall be made:

1. In Art. 213 the words "under the Administrative Proceedings Act and under the Supreme Administrative Court Act" shall be replaced with "under the Administrative Procedure Code".

2. (*) In Art. 215, para 1 the word "the district" shall be replaced with "the administrative", and the words "the Sofia City Court" shall be replaced with "the Administrative Court – Sofia city".

3. In Art. 216, para 3 the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

4. In Art. 219, para 3 the words "the Administrative Proceedings Act, respectively the Supreme Administrative Court Act" shall be replaced with "the Administrative Procedure Code".

5. In Art. 222, para 1, item 11 the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

6. In Art. 228 the words "the Administrative Proceedings Act and the Supreme Administrative Court Act" shall be replaced with "the Administrative Procedure Code".

§ 133. In the Law for the Physical Education and Sport (Prom., SG 58 from 1996, SG 53 from 1997 - Decision № 8 of the Constitutional Court from 1997; amend., SG 124 from 1998, SG 51 and 81 from 1999, SG 53 from 2000;correct., SG 55 from 2000;amend., SG 64 from 2000, SG 75 from 2002, SG 95 from 2002 - Decision № 6 of the Constitutional Court from 2002; amend., SG 120 from 2002, SG 96 from 2004, SG 88 and 103 from 2005) in Art. 17, para 9 the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 134. In the Law of Film Industry (prom., SG, 105 from 2003; amend., SG 28, 94 and 105 from 2005) everywhere the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 135. In the Law for the Fodder (Prom., SG 82 from 1999; amend., SG 101 from 2000, SG 58 from 2003, SG 69 and 87 from 2005) in Art. 16, para 3 the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 136. In the Law for the Gambling (Prom., SG 51 from 1999; amend., SG 103 from 1999, SG 53 from 2000, SG 1, 102 and 110 from 2001, SG 75 from 2002, SG 31 from 2003, SG 70 from 2004, SG 79, 94, 95, 103 and 105 from 2005) the following amendments shall be made:

1. (*) In Art. 25, para 1 the words "the Sofia City Court" shall be replaced with "the Administrative Court – Sofia City".

2. Everywhere the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 137. In the Law for the Foodstuffs (Prom., SG 90 from 1999; amend., SG 102 from 2003, SG 70 from 2004, SG 87, 99 and 105 from 2005) everywhere the words "the Administrative Proceedings Act" and "the Supreme Administrative Court Act" shall be replaced with "the Administrative Procedure Code".

§ 138. In the Law for the Private Guarding Activity (prom., SG 15 from 2004; amend., SG 105 from 2005) in Art. 22 the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 139. In the Law for the Foreigners in the Republic of Bulgaria (Prom., SG 153 from 1998; amend, SG 70 from 1999, SG 42 and 112 from 2001, SG 45 and 54 from 2002, SG 37 and 103 from 2003, SG 37 and 70 from 2004, SG 11, 63 and 88 from 2005) everywhere the words "the Administrative Proceedings Act" shall be replaced with "the Administrative Procedure Code".

§ 140. In the Law for the Non-profit Corporate bodies (Prom., SG 81 from 2000;amend., SG 41

and 98 from 2001, SG 25 and 120 from 2002, SG 42, 102 and 105 from 2005) in Art. 45, para 5 the words "the Supreme Administrative Court Act" shall be replaced with "the Administrative Procedure Code".

§ 141. (amend. – SG 39/11) The implementation of the Code shall be assigned to the Council of Ministers, the Supreme Court Council, the Chairman of the Supreme Administrative Court and the Minister of Justice.

§ 142. The Code shall enter into force three months after its promulgation in the "State Gazette", except for:

1. Division three, § 2, item 1 and § 2, item 2 – regarding the cancellation of Chapter three, Section II "Appeal by court order", § 9, items 1 and 2, § 11, items 1 and 2, § 15, § 44, items 1 and 2, § 51, item 1, § 53, item 1, § 61, item 1, § 66, item 3, § 76, items 1 - 3, § 78, § 79, § 83, item 1, § 84, items 1 and 2, § 89, items 1 - 4, § 101, item 1, § 102, item 1, § 107, § 117, items 1 and 2, § 125, § 128,items 1 and 2, § 132, item 2 and § 136, item 1, as well as § 34, § 35, item 2, § 43, item 2, § 62, item 1, § 66, items 2 and 4, § 97, item 2 and § 125, item 1 – regarding the replacement of the word "the district" with "the administrative" and the replacement of the words "the Sofia City Court" with "the Administrative Court – Sofia city", which shall enter into force from March 1, 2007;

2. paragraph 120, which shall enter into force from January 1, 2007;

3. paragraph 3, which shall enter into force form the day of the promulgation of the Code in the "State Gazette".

The code was passed by the 40th National Assembly on March 29, 2006 and is affixed with the official seal of the National Assembly.

Transitional and concluding provisions TO THE CIVIL PROCEDURE CODE

(PROM. – SG 59/07, IN FORCE FROM 01.03.2008)

§ 61. This code shall enter into force from 1 March 2008, except for:

1. Part Seven "Special rules related to proceedings on civil cases subject to application of Community legislation"

2. paragraph 2, par. 4;

3. paragraph 3 related to revoking of Chapter Thirty Two "a" "Special rules for recognition and admission of fulfillment of decisions of foreign courts and of other foreign bodies" with Art. 307a – 307e and Part Seven "Proceedings for returning a child or exercising the right of personal relations" with Art. 502 – 507;

4. paragraph 4, par. 2;

5. paragraph 24;

6. paragraph 60,

which shall enter into force three days after the promulgation of the Code in the State Gazette.

This Code was adopted by the 40th National Assembly on 29 March 2006 and was affixed with the official seal of the National Assembly.

Transitional and concluding provisions
TO THE LAW ON PREVENTION AND DISCLOSURE OF CONFLICT OF INTERESTS

(PROM. – SG 95/08, IN FORCE FROM 01.01.2009)

§ 14. The Law shall enter into force from 1 January 2009, except for § 3 and 4, which shall enter into force from the date of promulgation of the Law in the State Gazette.

Transitional and concluding provisions
TO THE LAW OF DEFENCE AND ARMED FORCES OF THE REPUBLIC OF BULGARIA

(PROM. - SG 35/09, IN FORCE FROM 12.05.2009)

§ 46. The Act shall enter into force from the date of its promulgation in the State Gazette.

Transitional and concluding provisions
TO THE LAW ON AMENDMENT AND SUPPLEMENTATION OF THE ADMINISTRATIVE PRCEDURE CODE

(PROM. - SG 39/11, AMEND. – SG 58/17, IN FORCE FROM 18.07.2017, AMEND. – SG 102/22, IN FORCE FROM 01.01.2023)

§ 19. (1) (amend. – SG 58/17, in force from 18.07.2017, amend. – SG 102/22, in force from 01.01.2023) Any individual administrative instruments issued under the Law of the Ownership And the Use of the Farm Land and the Regulations for its implementation, as well as any refusals to issue such instruments, except for those issued by the Minister of Agriculture, may be subject to appeal before the regional court having jurisdiction over the location of the land plot as per the procedure of the Administrative Procedure Code. Any acts issued by the regional court pursuant to the said procedure shall be subject to cassation appeal to the administrative court, as per the Administrative Procedure Code, which shall review the appeal sitting in a chamber comprising three judges.

(2) Any proceedings instituted prior to the entry into force of this Code before administrative courts and the Supreme Administrative Court shall be completed as per the previous procedure.

.....

§ 23. Any proceedings which were pending prior to the entry into force of this Code shall be completed as per the previous procedure.

Concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE ADMINISTRATIVE VIOLATIONS AND PENALTIES ACT

(PROM. - SG 77/12, IN FORCE FROM 09.10.2012)

§ 19. The Act shall enter into force from its promulgation date in the State Gazette.

Concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE ADMINISTRATIVE PROCEDURE CODE

(prom. – SG 104/13, in force from 04.01.2014)

§ 3. Any pending cases, the jurisdiction of which is being amended by this Act, shall be heard by the courts where they have been initiated.

§ 5. The Act shall enter into force from the date of its promulgation in the State Gazette.

Concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE ADMINISTRATIVE PROCEDURE CODE

(PROM. - SG 27/14, IN FORCE FROM 25.03.2014)

§ 12. (1) Administrative authorities shall introduce complex administrative services not later than a year from the entry into force of this Act.

(2) Observing the deadline under para 1 shall be assigned to Chief Secretary, or to the Standing secretary of defense while, as regards to the Ministry of Interior, it shall be assigned to the Minister of Interior or to an official authorized by the latter.

§ 13. The Act shall enter into force from its promulgation date in the State Gazette.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE EXECUTION OF PENALTIES AND DETENTION ACT

(PROM. - SG 13/17, IN FORCE FROM 07.02.2017)

§ 53. The Act shall enter into force from the day of its promulgation in the State Gazette, except for:

1. paragraphs 3, 4, 5 and § 6 relating to Art. 35a and Art. 36, para. 1 which shall enter into force on July 1, 2017;

2. paragraph 45 relating to Part Six, which shall enter into force on May 1, 2017.

Concluding provisions
TO THE ACT AMENDING THE ACT ON BULGARIAN FOOD SAFETY AGENCY

§ 34. Everywhere in the text of the Act amending and supplementing the Administrative Procedure Code words "Minister of Agriculture and Food" and "Ministry of Agriculture and Food" shall be replaced with words "Minister of Agriculture, Food and Forestry" and "Ministry of Agriculture, Food and Forestry".

§ 76. 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 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 SUPPLEMENTING THE ACT ON LIMITATION OF ADMINISTRATIVE REGULATION AND ADMINISTRATIVE CONTROL OVER BUSINESS ACTIVITIES

(PROM. - SG 103/17, IN FORCE FROM 01.01.2018)

§ 68. This Act shall enter into force on January 1st, 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)

§ 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.

Transitional and concluding provisions TO THE ACT AMENDING AND SUPPLEMENTING THE ADMINISTRATIVE-PROCEDURE CODE

(PROM. - SG 77 OF 2018, IN FORCE FROM 01.01.2019, AMEND. - SG 36/19)

§ 149. (1) The administrative cases instituted before the enactment of this act in the administrative courts and in the Supreme Administrative Court shall be completed in the same courts under the order prevailing hitherto.

(2) (Declared unconstitutional in the section "a closed session" by Decision of the Constitutional Court № 5 of 2019 - SG 36/19) Within 4 years from the entry into force of this act, when the Supreme Administrative Court examines a case in a closed session initiated on a cassation appeal filed after the entry into force of this act, the Court shall pronounce with a determination or decision under Art. 221, Para. 1 within one year from initiation of the case, except where this Code, or a special law, provides for shorter deadlines for certain types of proceedings. In case of irregularities of the cassation appeal, the time for pronouncement shall run from their removal. The period shall cease to run during the judicial vacation and public holidays, except where this Code, or a special law, provides for shorter deadlines for certain types of proceedings.

(3) Within 4 years from the entry into force of this act, when at a public hearing the Supreme Administrative Court considers a case initiated on a cassation appeal filed after the entry into force of this act, the Court shall schedule the hearing under the order of Art. 217, Para. 3 within no more than 6 months from the receipt of the appeal in court. In case of irregularities of the cassation appeal, the scheduling period shall run from their removal. Upon postponement of the case, the next hearing shall be scheduled within no more than 4 months from the date of the first hearing. Deadlines shall cease to run during the judicial vacation and public holidays, except where this Code, or a special law, provides for shorter deadlines for certain types of proceedings.

(4) Judicial proceedings on disputes concerning invalidity, enforcement, amendment or termination of administrative contracts concluded before the entry into force of this act, with the exception of those under the Act On Management Of Funding From The European Structural And Investment Funds, shall be carried out in the order of the Civil Procedure Code before the civil courts.

§ 151. By October 10th, 2019, administrative authorities, judicial authorities, public officials and public services organizations shall provide the technical opportunity for the requests, signals and proposals, complaints, protests, applications, requests and attachments to be submitted to them electronically according to Art. 18a.

§ 152. (1) By October 10th, 2019, the Supreme Judicial Council shall create the technical opportunity for lawyers to fulfill their obligation for notification under Art. 137, Para. 2 on their e-mail addresses electronically via electronic messages signed with an electronic signature.

(2) Lawyers shall declare befpre the Supreme Judicial Council the circumstances subject to registration, according to Art. 137, Para. 2 within 6 months from the day of promulgation of this act in the State Gazette.

§ 153. (In force from 18.09.2018) Within two months from the promulgation of this act in the State Gazette, the authorities under Art. 307 shall designate the officials to issue acts and penal decrees.

§ 154. (1) By July 1st, 2019, the Supreme Judicial Council shall secure the necessary number of administrative judges.

(2) By January 1st, 2021, the Supreme Judicial Council, the Supreme Administrative Court, the Sofia Administrative Court and the Administrative Court of Sofia Region shall receive the necessary buildings allocated to secure the carrying out of their activities in accordance with the workload and the distribution of the cases.

§ 155. By October 10th, 2019, notifications and summonning shall be done under the order prevailing hitherto.

§ 156. The Act shall enter into force on 1 January 2019, with the exception of:

1. paragraphs 4, 11, 14, 16, 20, 30, 31, 74 and § 105, item 1 relating to sentences 1 and item 2, which shall enter into force on October 10, 2019;

2. paragraphs 38 and 77, which shall enter into force two months after the promulgation of this act in the State Gazette;

3. paragraph 79, items 1, 2, 3, 5, 6 and 7, § 150 and 153, which shall enter into force on the day of promulgation of this act in the State Gazette.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE ACT ON LIABILITY FOR DAMAGES INCURRED BY THE STATE AND THE MUNICIPALITIES

(PROM. – SG 94/19)

§ 6. (1) This Act shall apply to claims filed after its entry into force.

(2) The proceedings pending before the entry into force of this Act shall be completed by the courts before which they are pending, including in the case of subsequent appeals and cassation.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE HEALTH ACT

(PROM. - SG 44/20, in force from 14.05.2020)

§ 44. The Act shall enter into force on 14 May 2020, with the exception of § 33, 34 and 35, which shall enter into force on the day of promulgation of the Act in the State Gazette.

Transitional and concluding provisions
TO THE BULGARIAN SIGN LANGUAGE ACT

(PROM. – SG 9/21, IN FORCE FROM 06.02.2021)

§ 9. This Act shall enter into force three days after 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 AMENDIG AND SUPPLEMENTING THE ADMINISTRATIVE PROCEDURE CODE

(PROM. – SG 15/21)

§ 18. The appeals received by the Supreme Administrative Court until the entry into force of this Act shall be considered in the current order.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE AGRICULTURAL PRODUCERS SUPPORT ACT

(PROM. – SG 102/22, IN FORCE FROM 01.01.2023)

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§ 106. The Act enters into force on January 1, 2023, with the exception of Art. 33a, para. 2, which enters into force on March 1, 2023.

Concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE ELECTRONIC GOVERNMENT ACT

(PROM. - SG 80/23, IN FORCE FROM 19.09.2023)

. . . . . .

§ 39. Within a 6-month period from the entry into force of this act, the administrative bodies shall bring the application forms for administrative services into compliance with Art. 29, Para. 2 of the Administrative-Procedure Code.

§ 40. Administrative bodies shall bring the registers they keep into compliance with this Act no later than March 31, 2025, according to a schedule adopted by a decree of the Council of Ministers, by October 31, 2023.

. . . . . .

§ 42. The Act shall enter into force from the day of its promulgation in the "State Gazette", with the exception of § 4, § 5 regarding Art. 4a, Para. 2, § 17 regarding Art. 26a, Para. 5 and 6, § 21, 27, 29 and § 34, item 1, letter "c", which enter into force on March 31, 2024.