

ADMINISTRATIVE PROCEDURE CODE

In force from 12.07.2006

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Dial 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 by-laws through the court;
2. the consideration and the resolution of the signals and the proposals of the citizens and the organisations;
3. the proceedings on indemnity for damages from unlawful acts, actions or inactions of the administrative bodies and officials;
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.

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 by-law contradict to a normative act of higher rank, it shall be applied the act of higher rank.

(2) When a law or a by-law 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 established 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 – by the order of the Law for access to public information.

(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 law, 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.

Language

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

(2) 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.

(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) When a party or another participant in the proceedings is deaf-mute, deaf, dumb or blind, an interpreter of information 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.

Chapter three. PARTIES AND REPRESENTATION

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. undertaking actions for cancellation of unlawful administrative 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 proxy, by the order of the Civil Procedure Code.

Representation of citizens and organisations

Art. 18. (1) The citizens and the organisations shall be represented by law and by proxy, by the order of the Civil Procedure Code.

(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.

Dial 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.

Agreement

Art. 20. (1) In the proceedings before the administrative bodies the parties may conclude an agreement, if it does not contradict the law.

(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 parties, as well as name and signature of the official.

(6) 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 given.

(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) The agreement shall substitute the administrative act.

Chapter five.

ISSUE OF ADMINISTRATIVE ACTS

Section I.

Individual administrative acts

Definition of an individual administrative act

Art. 21. (1) 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, 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) The individual administrative act shall be also and the act of volition, by which are declared or asserted already arisen rights and 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) 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.

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 Law for the local government and the local administration – 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 law 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) If the address or the other possible ways for notification (telephone, fax, e-mail) of the interested citizens and organisations are unknown, the notification shall be made by the order of Art. 61, para 3.

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) 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.

(2) The written request shall contain the full name and the address of the citizen or the organisation, which it comes from, the nature of the request, date and signature. The applicant shall be obliged to give a telephone, fax or address of an e-mail, if he/she has available such ones. The request shall contain and other obligatory elements, if such have been provided for by a special law.

- (3) The official, who has accepted the request, shall approve by written mark its filing.
- (4) According to the present technical possibilities the written request and the supplements thereto may be filed by e-mail, fax or in another way, announced by the body as technically possible.
- (5) 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.
- (6) 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, fax 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.

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) 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.

(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 be 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.

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

Art. 38. The parties in the proceedings shall have the right their secrets, including these, concerning their 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. At request of a party the body, which carries out the proceedings, shall issue a certificate, owing to the force of which, the state, the municipal and the judicial bodies shall be obliged within the range of their competence to supply it with another certificate or with the necessary documents in connection with determination of its rights and obligations. The certificate from the body, which carries out the proceedings, shall be issued within three days period after the date of the request, and the certificate and the documents, issued by the other bodies – within 5 days period after the day of the request.

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.

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 conformity 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 interests.

(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) 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 on the ground of well-known facts, officially known facts or legal presumptions.

(5) When is necessary to be collected evidence for essential circumstances or to be given an opportunity to 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.

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) The non-pronouncement in term shall be considered a tacit consent in the cases and under the conditions, provided for 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) Preliminary execution may be admitted and after the pronouncement of the act.

(3) Repeated request of a party under para 1 may be done only on the ground of new circumstances.

(4) 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.

(5) 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.

(6) 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.

(7) The definition of the court shall be subject to appeal.

Announcement

Art. 61. (1) The administrative act, respectively the refusal to be issued an act, shall be announced within three days period after its issue to all the interested persons, including these ones, who have not participated in the proceedings.

(2) The announcement can be made by oral notification for the content of the act, which shall be certified by a signature of the official who has made it, or by sending a written announcement, including by e-mail or fax, if the party has given such ones.

(3) When the address of some of the interested persons is unknown or he/she has not been found to the given address, the announcement shall be put on the notice board, on the Internet site of the respective body or shall be announced in another usual way.

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. The administrative procedural actions of the administrative body on the issue of the act shall not be a subject of independent appeal, unless by this code or by a 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. 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.

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. 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 or for a management of crises, 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 subordinate administrative acts, 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 a law or a by-law from 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 applying of the Law for the normative acts

Art. 80. For the unsettled in this section matters shall be applied the provisions of the Law for the 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 an administrative act may lodge the interested persons.

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

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. the three names and the address, telephone, fax 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, fax or telex, if there is such one;
2. the three names and the personal number of a foreigner and the address, declared in the respective administration, telephone, fax and e-mail, if there is such one;
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

take into consideration by the administrative body at the issue of the act or have been 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 who 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 is due such one;
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 eliminate the admitted irregularities within 7 days period after the receiving of the message.

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

(3) If the sender does not eliminate 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 period after its announcement by a private complaint or by a protest before the respective court, which shall pronounce by a definition, 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) In the cases under para 2, item 2 the higher administrative body at request of the appellant may stop the preliminary execution, if it has not been imposed by the social interest or shall cause irreparable damage to the affected person.

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. The interested persons may be heard by the competent to consider the complaint or the protest body in a reasonable term. A protocol shall be compiled for the hearing.

Pronouncement of the competent body

Art. 97. (1) 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.

- (2) The competent to consider the complaint or the protest body shall decide the matter on its merits, unless the requested act falls within 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 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) Reopening of the proceedings under Art. 99, item 1 can be made within one 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) The proposals and the signals may be written or oral, may be filed in person or by an authorized representative, by the telephone, telegraph, telex, fax 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 be satisfied upon objective reasons, the grounds for that shall be shown.

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. The proceedings upon the proposals and the signals shall be finished with the execution of the decision.

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.

Dial 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. issue, amendment, cancellation or declaration of invalidity of administrative acts;
2. declaration of invalidity of agreements under this code;
3. protection against ungrounded actions and inactions of the administration;
4. protection against unlawful enforcement;
5. indemnities for damages from unlawful acts, actions and inactions of administrative bodies and officials;
6. indemnities for damages from the enforcement;
7. declaration of invalidity, invalidation or cancellation of decisions, pronounced by the administrative courts;
8. 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.

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 by-laws, except for these of the municipal councils;
2. the contestations against the acts of the Council of Ministers, the Prime Minister, the deputy prime ministers and the ministers;
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. (1) The cases shall be considered by the administrative court, in which region is the corporate seat of the body, who has issued the contested administrative act, and when it is abroad – by the Administrative court – city of Sofia.

(2) The claims on indemnities may be lodged and before the court at the address or the corporate seat of the appellant, unless they are joint with the contestation under para 1.

(3) When the competent court is not able to consider the case, the Supreme Administrative Court shall order its sending it in a neighbour 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) 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.

(4) 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.

(5) 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, respectively under para 4, to determine the jurisdiction.

(6) 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 or 4, depending on the statute of the third court.

(7) 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.

Summoning

Art. 137. (1) The party shall be summoned at the address, at which he/she has been summoned for last time in the proceedings before the administrative body, unless he/she has given another address at the case.

(2) Summons may be served on to the party and to a given by him/her e-mail. They shall be considered served on with their receipt in the given informational system and shall be verified by a copy of the electronic record for this.

- (3) When there are no addresses under para 1 and para 2 the party shall be summoned to his/her present address, and when there is no such one – to his/her permanent address.
- (4) The persons with unknown address shall be summoned by "State Gazette" and the proceedings shall continue.
- (5) When the persons who participate in the proceedings are represented by a common proxy or representative, the summoning may be done and through him/her.
- (6) If one and the same summoning is imposed for more than 10 persons, who do not have a common proxy or representative, the chairman of the chamber may order an announcement by "State Gazette" for the following procedural actions. The order shall be announced to the parties.
- (7) To the parties, duly summoned, shall not be sent following summons, unless the case has been postponed in a closed meeting or its further course has been blocked.

Notices

- Art. 138. (1) As far as otherwise has not been provided for by this code, the judicial acts shall be announced to the parties by sending copies of them by the order of Art. 137.
- (2) The other notices and papers upon the case shall be handed over by the same order.

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. Before the court may be submitted electronic documents signed with universal electronic signature, by the order of the Law for the electronic document and electronic signature.

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.

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) When the court rejects the contestation or the sender of the complaint withdraws the complaint, the party, for which the administrative act is favourable, shall be entitled to expenses.
 - (4) When the court rejects the contestation or the appellant withdraws the complaint, the sender of the complaint shall pay all the expenses made upon the case, including the minimal remuneration for one

lawyer, determined according to the ordinance under Art. 36, para 2 of the Attorney Law, if the other party has used such one.

Subsidiary application of the Civil Procedure Code

Art. 144. For the matters unsettled in this Division shall be applied the Civil 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. the act of the higher administrative body by which has been cancelled or amended the act under item 1;
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. the three names and the address, telephone, fax 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, fax or telex or an e-mail, if there is such one;
3. the three names and the address, the personal number – for a foreigner, and the address, declared in the respective administration, telephone, fax and an e-mail, if there is such one;
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.

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 deprived, the court shall remove him/her 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) In any stage of the case with the consent of the rest of the defendants, 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) The chairman of the court, his/her deputy or the chairman of the department shall institute the administrative case, which shall be given to a reporting judge. The reporting judge shall fix the date of the case in a term not longer than two months after the receipt of the complaint in the court.

(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) When the complaint or the protest do not meet the requirements of Art. 150, para 1 and Art. 151, they shall be left without movement, and to the appellant shall be sent a notice to eliminate the irregularities in 7 days period.

(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) 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 reporting judge. 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) The private complaints shall be considered in a closed meeting, and in the cases under Art. 159, items 4 and 5 – 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 misled 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) 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, if it may cause to the appellant a significant or hardly repairable damage. An execution, admitted by an order, may be stopped only on the ground of new circumstances.

(3) The request under para 2 shall be considered in an open meeting. The court shall pronounce immediately by a definition, which may be appealed by a private complaint within 7 days period after its announcement in the meeting.

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.

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

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) The parties shall be obliged to cooperate for the establishment of the truth.
- (4) 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.
- (5) 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.

Decision upon the case

Art. 172. (1) The court shall pronounce a decision 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 decision shall be indicated the names of the parties, unless when it has an effect regarding everyone.

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. When obliging the body to issue an administrative act or a document, the court shall determine a term for that.

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) The court in a closed meeting with summoning of the parties shall pronounce an additional decision, which shall be a subject to contestation by 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.

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.

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. For the unsettled by this Section matters shall be applied the provisions for contestation of individual administrative acts, except for Art. 155.

Section III. Contestation of by-laws

Subject of contestation

- Art. 185. (1) The by-laws may be contested before a court.
(2) The by-laws may be contested entirely or in their separate provisions.

Right of contestation

- Art. 186. (1) Right to contest a by-law 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 by-laws may be contested without limits in the time.
(2) Subsequent contestation of a by-law 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 by-law.
(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 by-law, unless the court orders otherwise.
(2) The definition of the court under para 1 for stop of the force of the by-law 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. (1) The by-laws shall be contested before the Supreme Administrative Court, which shall consider the case in body of three judges.
(2) The by-laws of the municipal councils shall be contested before the respective administrative court, which shall consider the case in body of three judges.

Participation of the prosecutor

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

Decision upon the case

Art. 193. (1) The court shall declare the invalidity of the contested by-law 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 is declared the invalidity or is cancelled the by-law 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 by-law

Art. 195. (1) The by-law shall be considered cancelled from the day of entry into force of the court decision.

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

Subsidiary application

Art. 196. For the unsettled in this Section matters shall be applied the provisions for contestation of the individual administrative acts, except for 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 definition on stop of the administrative proceedings

Art. 202. By the order of this Section shall be appealed also and the act on stop of the proceedings on issue of the administrative act.

Chapter eleven. PROCEEDINGS ON INDEMNITIES

Applicable law

Art. 203. (1) 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) For the unsettled matters on property responsibility shall be applied the provisions of the Law on the state liability for damages inflicted on citizens.

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.

Defendant upon the claim

Art. 205. 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.

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) The appellant shall be obliged to point out all evidence, which he/she wants to be collected, and to submit the written evidence, which he/she possess of.

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. document for paid state fee, if such is due;
4. copies of the complaint or the protest, of the written evidence and of the annexes according to the rest parties.

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

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. The complaint or the protest shall be left without movement, when it does not contain a precise and grounded indication of the concrete defects of the decision or does not meet the requirements of Art. 212 and 213, and to the appellant shall be sent a notification to eliminate the irregularities within 7 days. In these cases Art. 158 shall be applied.

Consideration of the case

Art. 217. (1) The case shall be considered by a body of three members of the Supreme Administrative Court, when the decision has been pronounced by an administrative court, and by a body of five members, when the decision has been pronounced by a body of three members of the Supreme Administrative Court.

(2) The case shall be considered in closed meeting with the participation of a prosecutor.

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) The Supreme Administrative Court shall pronounce by a decision within one month period after the meeting, in which the consideration of the court has been finished.

(2) The Supreme Administrative Court shall leave in force the decision or shall cancel it in its contested part, if it is incorrect.

(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. (1) When the decision of the first instance court has been cancelled repeatedly, the Supreme Administrative Court shall decide the case on its merits.

(2) The Supreme Administrative Court, after cancelling the decision, shall collect also and new evidence, when the ground for cancellation imposes this. In this case shall be admitted also and written evidence, which may not have been known to the party, as well as evidence for newly found or newly occurred circumstances after the repeated consideration of the case by the first instance court.

Subsidiary application

Art. 228. For the unsettled by this Chapter matters 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. which block the following running of the proceedings;
2. in the cases, explicitly provided for by the law.

(2) 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, unless if the proceeding is on cancellation of entered into force court act.

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.

Form of appeal

Art. 231. Regarding the private complaint shall be applied respectively the provision of Art. 212, 213 and 216.

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) The definition of the court shall be obligatory for the lower court.

Subsidiary application

Art. 236. 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.

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) The entered into force court acts, pronounced by a body of five member of the Supreme Administrative Court, shall be a subject to cancellation by a body of seven members of the same court, except for the decisions, pronounced upon contestation of a by-law.

(3) Shall not be a subject to appeal the court acts, pronounced by a body of seven member of the Supreme Administrative Court.

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. (1) A cancellation may be requested within one year period after the occurrence of the ground for cancellation, and when it precedes the decision, which cancellation is requested – after the entry into force of the decision.

(2) In all the cases the request may not be filed later than within three months period after the knowing of the ground for cancellation, and in the case under Art. 239, item 5 – after the knowing of the decision.

Form of the request

Art. 241. The request shall be filed in written form. It shall meet the requirements of Art. 212, para 1 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) The request for cancellation shall be filed through the first instance court. If it does not meet the requirements of Art. 241, it shall be left without movement for eliminating the irregularities within 7 days period.

(2) Within 7 days period after the receipt of copies of the request the rest parties may file objections.

Consideration of the request

Art. 243. The request for cancellation 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 the administrative court, by a body of five members of the Supreme Administrative Court, when the act has been pronounced by a body of three members of the Supreme Administrative Court, and by a body of seven members, when the act has been pronounced by a body of five members 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) The decision upon the request shall not be a subject to appeal.

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) The entered into force court acts, pronounced by a body of five members of the Supreme Administrative Court, shall be subject to cancellation by a body of seven members of the same court, except for the decisions, pronounced upon contestation of a by-law.

(3) Shall not be a subject to cancellation the entered into force decisions, pronounced by a body of seven members of the Supreme Administrative Court.

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 duly 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 fiveteen. 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) Everybody, who has a legitimate interest, may request the establishment of a conflict of interests and the undertaking of the measures provided for by the law.

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) The request for establishment of a conflict of interests of a state servant shall be made before a judge with the respective administrative court.

(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) The court shall oblige the administrative body or the official, who is undertaking the groundless actions, as well as at request for establishment of a conflict of interests, to submit immediately data for the ground of the undertaken actions.

(3) 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, respectively whether a conflict of interests is present.

(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) At establishment of a conflict of interests the court shall notify the competent body to undertake the necessary actions.

Appeal

Art. 254. (1) The order may be appealed within three days period after its issue by the body or the official, who has undertaken the actions, respectively the state servant, 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 of contestation

Art. 256. The non-fulfilment of the factual actions, which the administrative body is obliged to fulfil by the virtue of the law, shall be a subject to contestation within 14 days period after the filing of the request to the body for its fulfilment.

Order of contestation

Art. 257. (1) The inaction of the administrative body upon an obligation, provided for directly by a normative act, may be contested without limits in the time, and shall be applied respectively the provisions for contestation of the individual administrative acts.

(2) By its decision the court shall convict the administrative body to implement the action, determining a term for that or shall reject the request.

Dial 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)

Dial 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.

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, duly 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. 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 to the guilty officials a fine shall be imposed.

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 Law for the inheritance, announcing the statement of the heir to the respective regional judge, in order to be duly 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 Law for the administrative offences and sanctions 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 Law for the administrative offences and sanctions 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.

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) The filing of the complaint shall not stop the execution, but the court may stop it till its decision.

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 its 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.

Dial 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) In the cases under Art. 302, 303 and 305 the acts for establishment of the violations shall be compiled by officials appointed by the Minister of the state administration and the administrative reform, and the penal decrees shall be issued by the Minister of the state administration and the administrative reform or by officials, authorized by him/her.

- (2) The compiling of the acts, the issue, the appeal and the execution of the penal decrees shall be made by the order of the Law for the administrative offences and sanctions.
- (3) The penal decrees, by which is imposed a fine up to BGN 100, shall not be subject to appeal.

Additional provisions

§ 1. In the meaning of this Code:

1. "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 ground of a law.
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.

Temporary and concluding provisions

§ 2. This code shall revoke:

1. (*) The Law for the Supreme Administrative Court (prom., SG 122 from 1997 ã.; amend., SG 133 from 1998, SG 95 from 1999 and SG 84 from 2003).
2. (*) The Law for the Administrative Procedures (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. Law on Proposals, Notes, Complaints and Applications (prom., SG 52 form 1980; amend., SG 68 from 1988 and SG 55 from 2000).
4. Law for the Administrative servicing of the Individuals and the Corporate bodies (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 Law for the Administrative Procedures" and the "Law for the Supreme Administrative Court" 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 Law for the Administrative Procedures" shall be replaced with the "Administrative Procedure Code".
2. In the title and in the text of Art. 304 the words "Law for the Administrative Procedures" and the "The Law for the Administrative Procedures" 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 ¹ 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 Law for the Supreme Administrative Court" shall be replaced with "the Administrative Procedure Code".
4. Everywhere in the Code the words "the Law for the Administrative Procedures" and "Art. 7, para 2 and Art. 11, para 1 of the Law for the Administrative Procedures" shall be replaced 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 ¹ 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 ¹ 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 Law for the Administrative Procedures" shall be replaced with "the Administrative Procedure Code".

§ 13. In the Code on the Trade Sailing (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 Law for the Administrative Procedures" shall be replaced with "the Administrative Procedure Code".

§ 14. In the Family Code (Prom., SG 41 from 1985 ã.; amend., SG 11 from 1992; correct., SG 15 from 1992; amend., SG 63 and 84 from 2003 ã. And SG 42 from 2005) shall be made the following amendments:

1. In Art. 57a, para 5 the words "the Law for the Administrative Procedures" shall be replaced with "the Administrative Procedure Code".
2. In Art. 136c, para 2 the words "the Law for the Supreme Administrative Court" shall be replaced with "the Administrative Procedure Code".

§ 15. (*) In the Law for the administrative offences and sanctions (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 Law for the Supreme Administrative Court" 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 Law for the Road transport (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 Law for the Administrative Procedures" shall be replaced with the "Administrative Procedure Code".

§ 17. In the Law for the Copyright and Related Rights (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 Law for the Administrative Procedures" shall be replaced with "the Administrative Procedure Code".

§ 18. In the Law of the administrative regulation of the production and trade with optic discs, matrixes and other carriers containing subjects of copyright and the related to it rights (Prom., SG 74 from 2005; amend. SG 105 from 2005) everywhere the words "the Law for the Supreme Administrative Court" shall be amended with "the Administrative Procedure Code".

§ 19. In the Law for the Administration (Prom., SG 130 from 1998; SG 8 from 1999 - Decision ¹ 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 law:

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 public 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 Law of the Accreditation provided by the Bulgarian Accreditation Service (prom. SG 100 from 2005; amend SG 105 from 2005) in Art. 24, para 4 the words "the Law for the Administrative Procedures" shall be replaced with the "Administrative Procedure Code".

§ 21. In the Law on Excises and Tax warehouses (Prom., SG 91 from 2005; amend. SG 105 from 2005) everywhere the words "the Law for the Administrative Procedures" shall be replaced with "the Administrative Procedure Code".

§ 22. In the Law for the Banks (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 Law for the Administrative Procedures" shall be replaced with "the Administrative Procedure Code".
2. In Art. 101, para 2 the words "the Law for the Administrative Procedures" shall be replaced with "the Administrative Procedure Code".

§ 23. In the Law of the Bank Bankruptcy (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 Law for the Administrative Procedures" shall be replaced with "the Administrative Procedure Code".

§ 24. In the Law for the Safe using of the Nuclear power (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 Law for the Administrative Procedures" shall be replaced with "the Administrative Procedure Code".
2. In Art. 152 the words "the Law for the Supreme Administrative Court" shall be replaced with the "Administrative Procedure Code".

§ 25. In the Law for the Biological Diversity (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 Law for the Administrative Procedures or the Law for the Supreme Administrative Court" 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 Law for the Bulgarian Identification Documents (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 Law for the Administrative Procedures" shall be replaced with "the Administrative Procedure Code".
2. In Art. 79:
 - a) in para 1 the words "the Law for the Administrative Procedures" shall be replaced with "the Administrative Procedure Code";
 - b) in para 2 the words "Art. 7, para 2 and Art. 11 of the Law for the Administrative Procedures" shall be replaced with "Art. 26 and Art. 35 of the Administrative Procedure Code";
 - c) in para 3 the words "the Law for the Administrative Procedures" shall be replaced with "the Administrative Procedure Code".
3. In Art. 84, para 3 the words "the Law for the Supreme Administrative Court" shall be replaced 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 Law for the Administrative Procedures" shall be replaced with "the Administrative Procedure Code".

§ 28. In the Law on the veterinary-medical activity (SG, 87 from 2005) everywhere the words "the Law for the Administrative Procedures" shall be replaced with "the Administrative Procedure Code".

§ 29. In the Law for the Wine and the Alcoholic Beverages (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 Law for the Administrative Procedures" and "the Law for the Supreme Administrative Court" shall be replaced with "the Administrative Procedure Code".

§ 30. In the Law for the Higher Education (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 Law for the Administrative Procedures" and "the Law for the Supreme Administrative Court" shall be replaced with "the Administrative Procedure Code".

§ 31. In the Law for the 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 Law for the Administrative Procedures" 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 ¹ 18 of the Constitutional Court from 1992, amend., SG 44 from 1996) in Art. 5, para 6 the words "the Law for the Administrative Procedures" 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 ¹ 9 of the Constitutional Court from 1995; amend., SG 87 from 1995, SG 94 from 1995 - Decision ¹ 20 of the Constitutional Court from 1995; amend., SG 51 from 1996, SG 61 from 1996 - Decision ¹ 11 of the Constitutional Court from 1996; suppl., SG 87 from 1996 - Decision ¹ 16 of the Constitutional Court from 1996; amend., SG 107 from 1997, SG 30 from 1998 - Decision ¹ 4 of the Constitutional Court from 1998; amend., SG 45 from 1998, SG 9 from 2000) in Art. 4, para 3 the words "the Law for the Administrative Procedures" 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 Law for the Administrative Procedures" 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 Law for the Supreme Administrative Court" 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 Law for the Supreme Administrative Court" 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 Law for the Administrative Procedures" 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 Law for the Administrative Procedures" 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 Law for the Administrative Procedures" 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 Law for the Administrative Procedures" shall be replaced 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 Law for the Supreme Administrative Court" 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 Law for the Administrative Procedures or the Law for the Supreme Administrative Court" shall be replaced with "the Administrative Procedure code".
2. In para 2 the words "the Law for the Administrative Procedures" 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 Law for the Administrative Procedures or the Supreme Administrative Court by the order of the Law for the Supreme Administrative Court" 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 ¹ 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 Law for the Administrative Procedures" shall be replaced 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 Law for the Administrative Procedures" 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 Law for the Administrative Procedures" 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 Law for the Administrative Procedures" shall be replaced 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 Law for the Administrative Procedures" shall be replaced 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 Law for the Administrative Procedures" shall be replaced with "provided for by the Administrative Procedure Code";
- b) in para 3 and 4 the words "the Law for the Administrative Procedures" shall be replaced with "the Administrative Procedure Code".

2. In Art. 25, para 2 the words "according to Art. 15, para 2 of the Law for the Administrative Procedures" 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 Law for the Administrative Procedures" shall be replaced with "the Administrative Procedure Code".
2. In Art. 43f the words "the Law for the Supreme Administrative Court" 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 Law for the Administrative Procedures" shall be replaced 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 Law for the Administrative Procedures, respectively the Law for the Supreme Administrative Court" 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 Law for the Administrative Procedures" 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 Law for the Administrative Procedures" 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 Law for the Administrative Procedures" 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 Law for the Supreme Administrative Court, respectively the Law for the Administrative Procedures" shall be replaced with "the Administrative Procedure Code".
2. In Art. 8, para 5 the words "the Law for the Supreme Administrative Court" shall be replaced with "the Administrative Procedure Code".
3. In Art. 19a, para 4 the words "the Law for the Supreme Administrative Court, respectively the Law for the Administrative Procedures" 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 Law for the Supreme Administrative Court, respectively the Law for the Administrative Procedures" 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 Law for the Supreme Administrative Court" shall be replaces with "the Administrative Procedure Code".
2. In Art. 70, para 1 the words "the Law for the Administrative Procedures" shall be replaced with "the Administrative Procedure Code".
3. In Art. 73 the words "the Law for the Administrative Procedures, respectively under the Law for the Supreme Administrative Court" shall be replaced with "the Administrative Procedure Code".
4. In Art. 84, para 2 the words "the Law for the Supreme Administrative Court" 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 Law for the Administrative Procedures" 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 Law for the Administrative Procedures" and "the Law for the Supreme Administrative Court" 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 Law for the Administrative Procedures" 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 ¹ 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 Law for the Supreme Administrative Court" 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 Law for the Administrative Procedures" shall be replaced with "the Administrative Procedure Code".

§ 65. In the Law of Integration of the People with Handicaps (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 Law for the Administrative Procedures" 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 Law for the Administrative Procedures" shall be replaced with "the Administrative Procedure Code".
2. (*) In Art. 49, para 2 the words "the Law for the Administrative Procedures 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 Law for the administrative Procedures 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 Law for the Administrative Procedures" 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 Law for the Administrative Procedures" 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 Law for the administrative Procedures" 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 Law for the Administrative Procedures" shall be replaced 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 Law for the Supreme Administrative Court" 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 Law for the Supreme Administrative Court" 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 ¹ 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 ¹ 3 of the Constitutional Court from 2000; amend., SG 59 from 2000, SG 78 from 2000 - Decision ¹ 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 Law for the Administrative Procedures" 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 ¹ 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 Law for the Administrative Procedures" 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 Law for the Administrative Procedures" 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 Law for the Administrative Procedures" 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 Law for the Administrative Procedures" 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 ¹ 15 of the Constitutional Court from 1995; amend., SG 33 from 1996, SG 22 from 1997 - Decision ¹ 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 Law for the Supreme Administrative Court" shall be replaced with "the Administrative Procedure Code".

§ 81. In the Law of the Patronage (SG, 103 from 2005) everywhere the words "the Law for the Supreme Administrative Court" 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 ¹ 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 Law for the Administrative Procedures" 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 Law for the Administrative Procedures" and "the Law for the Administrative Procedures or the Law for the Supreme Administrative Court" 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 Law for the Administrative Procedures" 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 ¹ 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 Law for the Supreme Administrative Court" shall be replaced with "the Administrative Procedure Code".
2. In Art. 117b, para 6 the words "the Law for the Administrative Procedures" 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 Law for the Administrative Procedures" 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 Law for the Administrative Procedures" 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 Law for the Supreme Administrative Court" 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 Law for the Administrative Procedures" 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 Law for the Administrative Procedures" 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 Law for the Supreme Administrative Court" 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 Law for the Administrative Procedures" shall be replaced with "the Administrative Procedure Code".
2. In Art. 99, para 6 the words "the Law for the Administrative Procedures and the Law for the Supreme Administrative Court" shall be replaced with "the Administrative Procedure Code".
3. In Art. 113 the words "the Law for the Supreme Administrative Court" shall be replaced with "the Administrative Procedure Code".
4. In Art. 116g the words "the Law for the Supreme Administrative Court" shall be replaced with "the Administrative Procedure Code".
5. In Art. 127, para 3 the words "the Law for the Administrative Procedures and the Law for the Supreme Administrative Court" shall be replaced with "the Administrative Procedure Code".
6. In Art. 160, para 4 the words "the Law for the Administrative Procedures, respectively under the Law for the Supreme Administrative Court" 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 Law for the Administrative Procedures" 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 Law for the Administrative Procedures" 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 Law for the Supreme Administrative Court" 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 Law for the Administrative Procedures" 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 Law for the Administrative Procedures" 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 Law for the Administrative Procedures" 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 ¹ 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, para 8 the words "the Law for the Supreme Administrative Court" shall be replaced with "the Administrative Procedure Code".
2. In Art. 33b, para 4 the words "the Law for the Administrative Procedures" 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 Law for the Administrative Procedures" shall be replaced with "the Administrative Procedure Code".
2. In Art. 79, para 2 the words "the Law for the Supreme Administrative Court" 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 Law for the Administrative Procedures" 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 Law for the Administrative Procedures" 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 Law for the Administrative Procedures" 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 Law for the Administrative Procedures" 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 Law for the Supreme Administrative Court" 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 Law for the Administrative Procedures" 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 Law for the Supreme Administrative Court" shall be replaced with "the Administrative Procedure Code".

2. In Art. 68, para 2 the words "the Law for the Administrative Procedures" 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 Law for the Administrative Procedures" 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 Law for the Administrative Procedures" 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 Law for the Administrative Procedures" 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 1999; amend. SG 22 from 2003, SG 74 and 88 from 2005) everywhere the words "the Law for the Administrative Procedures" 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 Law for the Administrative Procedures" 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 Law for the Supreme Administrative Court" 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 Law for the Administrative Procedures" 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 Law for the Administrative Procedures" 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 ¹ 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 ¹ 7 and ¹ 8 of the Constitutional Court from 1995; amend., SG 79 from 1996, SG 103 from 1996 - Decision ¹ 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 Law for the Administrative Procedures" 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 Law for the Administrative Procedures" 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 Law for the Administrative Procedures" 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 ¹ 8 of the Constitutional Court from 1994, SG 87 from 1994 - Decision ¹ 9 of the Constitutional Court from 1994, SG 93 from 1995 - Decision ¹ 17 of the Constitutional Court from 1995; amend., SG 64 from 1996, SG 96 from 1996 - Decision ¹ 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 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 ¹ 11 of the Constitutional Court from 2002, SG 118 from 2002 - Decision ¹ 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 ¹ 4 of the Constitutional Court from 2004, SG 37 from 2005 - Decision ¹ 4 of the Constitutional Court from 2005; amend., SG 43 and 86 from 2005, SG 17 from 2006, SG 23 from 2006 - Decision ¹ 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 by-laws";
- 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 Law for the Administrative Procedures" shall be replaced with "the Administrative Procedure Code".

§ 122. In the Law of the Professional Organization of the Nurses, the Midwives and the Associated Medical Specialists (Prom., SG 46 from 2005; amend., SG 85 from 2005) in Art. 36, para 6 the words "the Law for the Supreme Administrative Court" 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 Law for the Administrative Procedures" 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 Law for the Supreme Administrative Court or under the Law for the Administrative Procedures" shall be amended with "the Administrative Procedure Code".

2. In Art. 34a, para 8 the words "the Law for the Supreme Administrative Court" 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 Law for the Administrative Procedures" 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 Law for the Administrative Procedures 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 Law for the Supreme Administrative Court" shall be replaced with "the Administrative Procedure Code".
2. In Art. 20, para 3 the words "the Law for the Supreme Administrative Court" shall be replaced with "the Administrative Procedure Code".
3. In Art. 54, para 3 the words "the Law for the Administrative Procedures, respectively by the order of the Law for the Supreme Administrative Court" shall be replaced with "the Administrative Procedure Code".
4. In Art. 66 the words "the Law for the Administrative Procedures" 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 Law for the Administrative Procedures" and "the Law for the Supreme Administrative Court" 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 Law for the Administrative Procedures" shall be replaced with "the Administrative Procedure Code".
4. In Art. 91 the words "the Law for the Administrative Procedures. The Law for the Supreme Administrative Court" 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 Law for the Administrative Procedures" shall be replaced with "the Administrative Procedure Code";
 - b) in item 2 the words "the Law for the Supreme Administrative Court" shall be replaced with "the Administrative Procedure Code".
2. In Art. 52, para 3 the words "the Law for the Administrative Procedures" shall be replaced with "the Administrative Procedure Code".
3. In Art. 55, para 4 the words "the Law for the Administrative Procedures" shall be replaced with "the Administrative Procedure Code".
4. In Art. 59, para 2 the words "the Law for the Supreme Administrative Court, respectively under the Law for the Administrative Procedures" shall be replaced with "the Administrative Procedure Code".
5. In Art. 70 the words "the Law for the Supreme Administrative Court" shall be replaced with "the Administrative Procedure Code".

6. In Art. 77, para 3 the words "the Law for the Supreme Administrative Court" shall be replaced with "the Administrative Procedure Code".
7. In Art. 78, para 4 the words "the Law for the Supreme Administrative Court" shall be replaced with "the Administrative Procedure Code".
8. In Art. 102, para 4 the words "the Law for the Supreme Administrative Court, respectively under the Law for the Administrative Procedures" 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 Law for the Administrative Procedures or of the Law for the Supreme Administrative Court" 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 Law for the Administrative Procedures" 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 Law for the Administrative Procedures and under the Law for the Supreme Administrative Court" 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 Law for the Administrative Procedures" shall be replaced with "the Administrative Procedure Code".
4. In Art. 219, para 3 the words "the Law for the Administrative Procedures, respectively the Law for the Supreme Administrative Court" shall be replaced with "the Administrative Procedure Code".
5. In Art. 222, para 1, item 11 the words "the Law for the Administrative Procedures" shall be replaced with "the Administrative Procedure Code".
6. In Art. 228 the words "the Law for the Administrative Procedures and the Law for the Supreme Administrative Court" 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 ¹ 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 ¹ 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 Law for the Administrative Procedures" 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 Law for the Administrative Procedures" 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 Law for the Administrative Procedures" 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 Law for the Administrative Procedures" 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 Law for the Administrative Procedures" and "the Law for the Supreme Administrative Court" 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 Law for the Administrative Procedures" 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 Law for the Administrative Procedures" 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 Law for the Supreme Administrative Court" shall be replaced with "the Administrative Procedure Code".

§ 141. The implementation of the Code shall be assigned to the Council of Ministers, the Supreme Court Council, the Chairman of the Supreme Administrative Court, the Minister of the State Administration and the Administrative Reform 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 from 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.

Temporary 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.