CODE OF CIVIL PROCEDURE

In force from 01.03. 2008

Part one.
GENERAL RULES

Chapter one.
BASIC PROVISIONS

Subject Matter

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

Due Diligence in providing defence and assistance

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

Good Faith

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

Language of Jurisdiction, Translators and Interpreters

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

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

(3) Where in the lawsuit a deaf or dumb person participates, an interpreter of the person shall be appointed.

Chapter two.
BASIC PRINCIPLES

Lawfulness

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

Principle of disposition

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

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

Ex-officio Principle

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

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

Principle of the contest

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

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

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

Equity of the parties

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

Finding the truth

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

Publicity and directness

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

Inner belief

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

Hearing and deciding lawsuits within a judicious term

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

Chapter three.
SCOPE OF JURISDICTION

Scope of jurisdiction over the civil cases

Art. 14. (1) Each and every civil case shall be subject to court jurisdiction.

(2)The court shall decide by itself if the initiated lawsuit is subject to court jurisdiction.

(3) No other institution shall have right to accept for hearing a lawsuit, which is already subject to hearing by the court.

Check of the belonging to the scope of jurisdiction

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

(2) The definition of the court on this matter shall be subject to appeal by a private complaint.

Dispute on the scope of jurisdiction

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

Competence on causative matters

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

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

Court Immunity

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

1. in event off waiver of court immunity;

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

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

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

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

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

Arbitration agreement

Art. 19. (1) The parties to a property dispute may consent to settle it by an arbitration court, except the subject-matter of the dispute is real-estate rights or possession of a real-estate, maintenance or labour legal relationship rights.

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

Chapter four.
COURTS

Body of the court

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

Deliberation

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

(2) No one of the judges may abstain from voting.

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

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

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

(6) The judge, who disagree the opinion of the majority, shall sign the decision reasoning in separate his dissenting opinion.

Grounds to strike off from the list

Art. 22. (1) As a judge in the lawsuit may not participate a person:

1. who is a party to the lawsuit or, together with some of the parties appears as a participant of the disputable or related to it legal relationship;

2. who is a spouse or a direct relative without limitation; collateral relative up to fourth degree or a relative-in-law up to third degree to some of the parties or to their representative;

3. who lives in cohabitation with a party to the lawsuit or with a representative of the party;

4. who has been a representative, respectively attorney of a party to the lawsuit;

5. who has taken participation in the decision of the case in another instance or has been a witness or an expert in the lawsuit;

6. another circumstances, which cast a grounded doubt in his/her impartiality, exist regarding him/her.

(2) The judge is obliged to strike off from the list by himself in the cases of Para 1, items 1-5, and if he does not accept the challenge under Para 1, item 6 – to announce the circumstances.

Procedure of striking off from the list

Art. 23. (1) Striking off may be required by each of the parties in the session, after the ground to strike off arose or become known.

(2) The court shall decide the matter to strike off at the presence of the judge, who is challenged.

(3) If, due to striking off of judges, the hearing of the lawsuit at the respective court becomes impossible, the higher court shall state to forward the lawsuit for hearing at another equal court.

Striking off from the list of another officials

Art. 24. On the grounds of Art. 22, Para 1 also the prosecutor and the clerk can be struck off.

Court requests

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

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

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

(4) The delegated court shall pronounce on all matters related to the execution of delegation by a definition.

Chapter five.
Parties. Representation

Parties

Art. 26. (1) Parties to civil lawsuits are the persons, on who’s behalf and against whom the lawsuit is being handled.

(2) Except the stated by a law cases, nobody can file on his own behalf someone`s else rights before a court.

(3) The prosecutor may participate in the proceedings with rights of a party in the stated by a law cases. He cannot perform actions, which dispose of the subject-matter of the lawsuit.

(4) In a lawsuit, where somebody else's right was submitted, the person who’s right is submitted shall be summoned as a party.

Capacity to proceed

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

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

Ability to proceed

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

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

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

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

Special procedure representation

Art. 29. (1) Non-data absent persons shall be represented by the appointed by the court their representatives, and the announced as absent persons – by the entered into possession their successors.

(2) This party, which desires to perform impossible to be delayed proceedings relating to a person, who is procedurally disabled and who has not an ex-lege representative or guardian may require from the court, before which the lawsuit is pending, to appoint a special representative. In this case the expenses initially shall be borne by the party.

(3) A person who has unknown permanent or present address shall be represented by a person, specially appointed by the court. In this case the expenses shall be initially borne by the opposite party.

(4) In event of collision of interests of the represented and representing persons, the court shall appoint a special representative. In this case the court, in accordance with the circumstances, shall determine initially if the expenses shall be borne by the represented or by the representative.

(5) The special representative may perform actions, for which an explicit authorisation is required, only with the approval of the court before which the lawsuit is processed.

Representation of legal persons

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

(2) Where a lack of rules for representatives appears, the legal person shall be represented by two members of the management.

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

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

Representation of the State

Art. 31. (1) The State shall be represented by the Minister of Finance, except in a law is stated otherwise.

(2) For lawsuits related to real estate property - State property, the State shall be represented by the Minister of Regional Development and Public Works.

Representation by power of attorney

Art. 32. Representatives by power of attorney may be:

1. the attorneys-at-law;

2. the parents, the children or the spouse;

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

4. the district governors, empowered by the Minister if Finance or by the Minister of Regional Development and Public Works, in the cases of Art. 31;

5. other persons, envisaged by a law.

Power of attorney

Art. 33. The attorneys shall legitimate themselves by a power of attorney, signed by the party or by its representative. In the power of attorney the three names, exact address and the telephone number of the attorney shall be stated. The power of attorney may also be expressed orally before the court and shall be entered into the records of court session.

Powers of the representative

Art. 34. (1) The general power of attorney shall empower to perform all proceedings, including acceptation of deposed expenses and to re-authorise.

(2) For submitting claims on civil status, including marriage claims, explicit power of attorney is needed.

(3) For concluding agreement, for decreasing, withdrawal or waiver of a claim, for recognition of the other party’s claims, for receipt of money or other valuables, as well as for actions being disposition of the subject matter of the lawsuit, explicit power of attorney is needed.

(4) The power of attorney shall be effective till the finalization of the lawsuit before all instances, if not specified otherwise.

Withdrawal of the power of attorney

Art. 35. The principal shall have the right to withdraw the power of attorney in any time by acknowledging the court, but this shall not stop hearing the

case. All actions, done legally by the attorney up to the withdrawal of the power of attorney, shall stay valid.

Delay of the lawsuit in event of termination of the representation

Art. 36. In event of death, psychological disorder or deprival from powers of the attorney, as well as of waiver of powers, of which he has notified the court, proceedings over the lawsuit shall not stop, but the hearing may be delayed for another session, if the court estimates that these circumstances could not become known to the party or the party learned of them as late as the party could not substitute the representative with another one in time.

Chapter six.
NOTIFICATIONS AND SUMMONS

Section I.
Notifications

Addressee

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

Address of serving

Art. 38. The notification shall be served at the address, which is stated for the lawsuit. If the addressee has not been found at the stated address, notification shall be served at his present address, in event of lack of such – at the permanent one.

Serving to a representative

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

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

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

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

Proceedings addressee

Art. 40. (1) This party, which lives or leaves for more than one month abroad, is obliged to state a person at the seat of the court, to whom the notifications

shall be served – a proceedings addressee, if the party has no attorney for the lawsuit in the Republic of Bulgaria. The same obligation shall have the ex-lege representative, the guardian and the attorney of the party.

(2) Where the persons of Para 1 do not state proceedings addressee, each and all notifications of the lawsuit shall be considered served. Of these consequences they shall be acknowledged when the first notification is served.

Obligation to notify

Art. 41. (1) The party who is absent for more than one month from the address, which is announced for the lawsuit or at which once a notification was served, shall notify the court about his new address. The same obligation shall also have the ex-lege representative, the guardian and the attorney of the party.

(2) In event of failure to perform the obligation under Para 1, all the notifications shall be attached to the file of the lawsuit and shall be considered served. Of these consequences the party shall be acknowledged when the first notification is served.

Serving clerk

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

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

(3) Where the notification has been served in another manner, the court may rule as an exception, serving to be executed by an employee of the court by telephone, telex, fax or telegram.

(4) To the party notifications may be also served at a stated by the party electronic address. They shall be considered served at the moment of entry into the stated information system.

Due manners to serve

Art. 43. (1) The notification shall be served in person or via another person.

(2) The court may rule serving to be done by enclosing the notification to the file or by posting a notification.

(3) The court may rule serving to be done by a public announcement.

Certification of serving

Art. 44. (1) (suppl. – SG 42/09) The serving clerk shall certify by his signature the date of serving, as well as all the actions related to the serving. He shall also note the capacity of the person, to whom the notification has been served, requiring from him to identify himself by presenting a document of identity. Where presenting the document of identity is refused, the serving clerk may request the assistance of Chief Directorate “Guard” at the Ministry of Justice. The receiver shall also certificate by his signature that he has received the notification. Refusal to accept

the notification shall be noted in the certificate and shall be certified by the signature of the serving clerk. Refusal of the receiver does not influence the validity of serving.

(2) Serving by telephone or fax shall be certified in written by the serving clerk, serving of a telegram – by a notification of delivery, and where the serving has been done by telex – with a written confirmation of sent message. Serving by post shall be certified by a certificate of delivery.

(3) Serving to an electronic address shall be certified by a copy of the electronic record of this.

(4) The certificate certifying the serving by an employee of the court or by a private bailiff, the certificate of delivery, certifying the serving by an employee of the post, the notification of delivery of a telegram, as well as the written confirmation of sent message by telex shall be returned to the court immediately after their drafting.

Personal serving

Art. 45. The notification shall be served personally to the addressee. Serving through a representative shall be considered personal serving.

Serving to another person

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

(2) This other person may be each mature from his household or who lives at the address, or is an employee, servant, or, respectively employer of the addressee. The person via who serving is done, shall sign the certificate with the obligation to transfer the summons to the addressee. Serving to the persons, who participate in the lawsuit as opposite party to the addressee is not allowed.

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

(4) By serving to the other person, notification shall be considered served to the addressee. The addressee may require recovery of the term, if he was absent at the address and it was not possible for him to learn in time about the serving. The term of Art. 64, Para 2 shall start from the moment, when the addressee could learn about the serving.

Serving by posting a notification

Art. 47. (1) If the defendant cannot be found at the stated for the lawsuit address and a person who agrees to receive the notification is not found, the serving clerk shall post a notification on the door or on the mail box, and where access to them is not provided – on the entrance door or at a visible spot around it. Where access to the mail box exists, the serving clerk shall put notification into it.

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

(3) Where the defendant does not appear to receive the papers, the court shall direct the claimant to submit a reference of the claimant's address registration, except in the cases of Art. 40, Para 2 and Art. 41, Para 1, when the notification shall be attached to the file. If the stated address does not coincide with the present address of the party, the court shall rule serving at the present address of the party under the procedure of Para 1 and 2.

(4) When the serving clerk finds that the defendant does not live at the stated address, the court shall direct the claimant to submit a reference of his address registration, independent from the posting notification under Para 1.

(5) The notification shall be considered served by the elapse of the term to receive it from the court office or from the municipality.

(6) When court finds the serving is due, the court shall rule notification shall be enclosed to the file and shall appoint a special representative on expenses of the claimant.

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

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

Serving by a public announcement

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

(2) If, although the publication, the defendant does not appear at the court for the hearing, the court shall appoint for him a special representative on expenses of the claimant.

Place of serving

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

Serving to traders and legal persons

Art. 50. (1) The place of serving to a trader or to a legal person, which is entered into the respective register, shall be the latest stated in the register address.

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

(3) Serving to traders and legal persons shall be done in their offices and can be done to every servant or employee, who agrees to accept them. When certifying the serving, the serving clerk shall note the names and position of the accepting person.

(4) In event the serving person does not find access to the office or does not find anybody, who agrees to accept the notification, he shall post the notification under Art. 47, Para 1. A second notification shall not be posted.

Serving to an attorney

Art. 51. (1) Serving to an attorney shall be done in person at the office or at any place, where he is being in such his capacity. Serving at the office may be done to every person, who works for or assists the attorney. When certifying the serving, serving clerk shall note the name and the capacity of the accepting person.

(2) If in the attorney's office cannot be found a person who shall accept the notification, the serving clerk shall post a notification of Art. 47, Para 1. A second notification shall not be posted.

(3) The attorney cannot refuse to receive the notification to his client, except after withdrawal of the power of attorney under the procedure of Art. 35, waiver of powers under Art. 36, as well as if from the power of attorney it is clearly obvious, that it does not concern the instance for which is the summoning. Refusal of the attorney to accept the notification shall not influence the validity of the serving.

Serving to State institutions and municipalities

Art. 52. The State institutions and the municipalities shall be obliged to provide an officer, who receives notifications within the working time.

Serving to staying in the country foreigners

Art. 53. Serving to staying in the country foreigners shall be executed at the address, as declared in the respective administrative services.

Correction of irregularities of servicing

Art. 54. If irregularities appear upon the servicing, the latter shall be considered done at the moment, at which the notification actually reaches the addressee.

Forms

Art. 55. The Ministers of Justice shall issue an ordinance, by which shall approve the forms of all papers, related to the serving.

Section II.
Summoning

Summons

Art. 56. (1) The court shall summon the parties to the sessions on the lawsuit.

(2) The parties who are regularly summoned, shall not be summoned for the next session in event of delay of the session, if the date is announced at the session.

(3) The summoning shall be done one week before the session at latest. This rule shall not be applied for the enforcement procedure.

Contents of the summons

Art. 57. In the summons shall be stated:

1. the issuing court;
2. the name and the address of the summoned person;
3. for which lawsuit and in what capacity he is summoned;
4. place and time of the session;
5. the legal consequences if person does not appear before the court.

Procedure for serving summons

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

Chapter seven.
TERMS AND TERM RESTORATION

Section I.
Terms

Determination of terms

Art. 59. In the procedure the terms shall be determined by the court, if not stated in the law.

Calculation of terms

Art. 60. (1) The terms shall be calculated in years, months, weeks and days.

(2) The term which is calculated in years shall elapse on the relevant day of the last year, and if the month of the last year has no relevant date – the term shall elapse on the last day of it.

(3) The term, which is calculated in months, shall elapse on the relevant date of the last month, and if the last month has no relevant date – the term shall elapse on the last day of it.

(4) The term which is calculated in weeks shall elapse on the relevant day of the last week.

(5) The term, which is calculated in days, shall be calculated starting with the day, following this one, from which the terms starts run, and elapses at the end of the last day.

(6) If the last day of the term is a non-business day, the term shall elapse on the first next coming business day.

Stopping of term

Art. 61. In event if stopping the procedure, all started to run, but still pending terms shall be stopped. In this case stopping of term shall start from that event, which gave the occasion to stop the procedure.

Elapse of the term

Art. 62. (1) The last day of the term shall continue up to the end of the twenty- fourth hour, but if a proceeding shall be performed, or something shall be submitted at the court, the term elapses at the moment in which the working time elapses.

(2) The term shall not be considered missed, if the application has been sent via postal services. It shall also not be considered missed if it has been filed at another court or prosecution office within the term, except it has been sent via electronic means.

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

Prolongation of the term

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

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

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

Section II.
Restoration of term

Conditions

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

(2) The party which has missed the stated by the law or determined by the court term, may require its restoration, if proves that the omission is a result of special unforeseeable circumstances, which could not be surmounted.

(3) The application for restoration shall be filed within one week term from the notification of its omission. Restoration shall not be allowed, if prolongation of the term for performing the omitted action was possible.

(4) The term for filing application for restoration of term cannot be prolonged.

Application for restoration

Art. 65. (1) In the application shall be stated:

1. all the circumstances which ground it;

2.all evidence proving it is grounded;

(2) Simultaneously with the application for restoration of the term, these papers, for which filing the restoration of term is required, shall be submitted if the term is for deposing of amounts for expenses

(3) Filing the application shall not stop the development of the case.

Procedure

Art. 66. (1) The application shall be filed with a copy for the opposite party, who may reply within one week term. The application shall be considered at an open session.

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

(3) Where recognition of the appeal demands an open session to be held, the court, if necessary may revoke the proceedings, performed before the restoration of the term.

Expenses

Art. 67. All the expenses, which arose for the opposite party from the omission of the term and within the procedure of restoration of the term, shall be borne by the applicant.

Chapter eight.
FEES AND EXPENSES

Section I.
Price of the claim

Price of the claim

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

Amount of the price of the claim

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

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

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

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

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

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

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

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

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

Determination of the price of the claim

Art. 70. (1) The price of the claim shall be stated by the claimant. Matter of the price of the claim may be raised by the defendant or by the court at the first session of case hearing latest.

In event of discrepancy between the stated price and the actual one, the court shall determine the price of the claim.

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

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

Section II.
State Fees and Expenses

Obligation for fees and expenses

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

(2) Where subject of the lawsuit is an ownership right or other property rights for an estate, the amount of the State fee shall be determined on one quarter of the price of the claim.

State fees for joinder of claims

Art. 72. (1) For filed by one application cumulative joinder of claims, state fee for each of the claims shall be collected.

(2) For filed by one application alternative or eventual joinder of claims against one person, State fee for one claim shall be collected.

(3) For filed by one application alternative or eventual joinder of claims against different persons, State fee on the claims against each person shall be collected.

State fees

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

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

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

Amendment of the claim

Art. 74. In case of decreasing of the claim, the overpaid fee shall be returned. In case of increasing the claim, the fee for the gap shall be paid additionally.

Determination of the expenses

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

Payment in-advance of the expenses

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

Enforcement for expenses

Art. 77. If the party stays obligated for expenses, the court shall pronounce a ruling for their enforcement.

Awarding expenses

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

(3) If the defendant did not give by his behaviour reason to file the lawsuit and if he recognizes the claim, the expenses shall be awarded to the claimant.

(3) The defendant has also right to pretend payment of the made by him expenses, proportionally by the denied part of the claim.

(4) The defendant is also entitled to expenses if the lawsuit is terminated.

(5) If the paid by the party remuneration for attorney is excessively high with respect to the actual legal and factual difficulty of the case, the court may, upon request of the opposite party to award a smaller amount of the expenses in this part thereof, but not less than the minimal amount as per Art. 36 of the Attorney Law.

(6) Where the case is decided in favour of a person, exempt from State fee or from expenses for the proceedings, the sued person shall pay all the due fees and expenses. The respective amounts shall be awarded in favour of the court.

(7) If the claim of the person, who has used legal aid, is recognized, the paid attorney remuneration shall be awarded in favour of the National Bureau of Legal Aid, proportionally to the recognized part of the claim. In the cases of suing decision, the person, who has used legal aid, shall owe expenses proportionally to the denied part of the claim.

(8) Attorney remuneration shall also be awarded in favour of legal persons and single entrepreneurs, if they have been defended by an employee –legal advisor.

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

(10) To the third assisting person expenses shall not be awarded expenses, but he owes the expenses caused by the proceedings performed by him.

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

Expenses for enforcement

Art. 79. (1) The expenses for the enforcement shall be on the account of the debtor, except the cases, where:

1. the lawsuit is terminated as per Art. 433, except for payment made after the initiation of the enforcement proceedings, or

2. the enforcement proceedings are stopped by the enforcement creditor or are cancelled by the court.

(2) If the fees for the enforcement are not deposed by the enforcement creditor, shall be collected from the debtor.

List of the expenses

Art. 80. The party who has required expenses to be awarded, shall submit to the court a list of the expenses, up to the end of the final session at the respective instance latest. Otherwise the party has no right to appeal the decision in its part regarding the expenses.

Awarding of expenses

Art. 81. In each act which ends the lawsuit at the respective instance, the court shall also pronounce on the inquiry for expenses.

Disposition regarding deposed amounts for expenses and guaranties

Art. 82. The amounts in money and in valuables deposed for expenses and guaranties shall be deposed as and income to the state budget, if they are not demanded within one year term from the date, when they became due.

Exemption from fees and expenses

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

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

2. for the claimants for claims for maintenance;

3. for claims, filed by a prosecutor;

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

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

(2) Fees and expenses for proceedings shall not be deposed by natural persons, for whom is recognized by the court that they have no enough resources to pay them. On the application for exemption, the court shall take in view:

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

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

3. the family status;

4. the health status;

5. the employment status;

6. the age;

7. other ascertained circumstances;

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

Exemption in peculiar cases

Art. 84. Exempted from payment of a State fee, but not from court expenses shall be:

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

2. the Bulgarian Red Cross;

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

Chapter nine.
FINES

Fine to a witness

Art. 85. (1) If the summoned at the court witness does not appear, without reason, the court shall impose a fine to him and shall decree his bringing under coercion for the next session.

(2) If the witness refuses to give evidence without reason, the court shall impose to him a fine.

Fine to an expert

Art. 86. If an expert does not appear, refuses conclusion, or does not submit it within the term, without reason, the court shall impose a fine to him.

Fine to a third person

Art. 87. If a third not participating in the lawsuit person refuses to submit a demanded by the court document or an item for analysis, about which is found that is at his disposition, the court shall impose a fine to him and shall invite him to submit it.

Fine for breaches in serving

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

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

Fine for breaches during hearing the case

Art. 89. The court shall impose fine for:

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

Unlawful using of legal aid

Art. 90. (1) The court shall impose a fine to the party, who stated incorrect or incomplete data in his application for legal aid and as a consequence of this the party was provided with or attempted to be provided with legal aid.

(2) Fine shall be also imposed in the cases, where the party to which legal aid was allowed does not inform in time the court about the circumstances, which are of importance for the decision under Art. 96 and 97.

Amount of the fee

Art. 91. (1) The fee for breaches under Art. 85 – 90 shall be in amount of 50 to 300 BGN.

(2) For breaches which impede the development of the proceedings or are repeatedly done, the fine shall be in amount of 100 to 1200 BGN.

Appeal

Art. 92. (1) Against the imposed fine, within one week term an application for its cancellation may be filed before the court which imposed it. The term shall start running from the day of the court session, and in the cases, where the person does not attend the session – from the day of notification.

(2) The court shall consider the application in a closed session and if recognizes the stated reasons, shall reduce or cancel the fine, as well as the bringing under coercion.

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

Fine imposed to a party

Art. 92a. (new – SG 42/09) A party causing postponement of a lawsuit without justification shall carry the expenses for the new session and shall pay a fine in amount as referred to in Art. 91. The definition of the court may be appealed under the order of Art. 92.

Fees in enforcement

Art. 93. (1) The bailiff shall impose a fine of the amounts under Art. 91 for:

1. breaches under Art. 85 – 88;

2. establishing obstacles to examination of the item announced for sale.

3. failure to fulfil other orders.

(2) The decree by which the court bailiff imposes the fine may be appealed within a one- week term from the notification, before the regional judge, who shall pronounce at a closed session a ruling, which shall be final.

Chapter ten.
LEGAL AID

Substance of the legal aid

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

Providing of legal aid.

Art. 95. (1) The application for legal aid shall be submitted in written at the court before which the lawsuit is pending.

(2) In the ruling, by which the application is recognized, the court shall state the type and the volume of the legal aid provided.

(3) The ruling for provision of legal aid shall have effect from the moment of submission of the application, except the court rules otherwise.

(4) The ruling shall be pronounced at a closed session, except the court assesses necessary to hear the party in order to clarify all the circumstances.

(5) The ruling by which legal aid is refused, shall be subject to appeal by a private complaint.

(6) The ruling of the court on the private complaint shall be final.

Termination of the legal aid

Art. 96. (1) The legal aid shall be terminated:

1. in event of change of the circumstances, due to which it has been provided;

2, by the death of the natural person, to whom it has been provided.

(2) The court, ex-officio or upon a request of a party or of the appointed ex-officio attorney, shall terminate fully or partially the provision of legal aid, considered from the moment the change in circumstances, which caused the provision, occurred.

Deprivation from legal aid

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

(2) In the case of Para 1 the party shall depose or to return all amounts of the payment which the party was without reason exempted from, as well as to pay the determined by the court remuneration to the appointed ex-officio attorney.

Consequences from termination and deprivation from legal aid

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

(2) (amend. – SG 50/08, in force from 01.03.2008) In the case of Para 1 the party shall depose or to return all amounts of the payment which the party was without reason exempted from, as well as to pay the determined remuneration to the appointed ex-officio attorney.

Instruction to the parties regarding the legal aid

Art. 99. The court shall inform the parties about their legal rights and interest in connection with the legal aid, as well as about the legal consequences in event of failure to perform their obligations.

Chapter eleven.
PROCEEDINGS PEROFORMED BY THE PARTIES

Form

Art. 100. The parties shall perform the proceedings orally at a court session. The proceedings besides court session shall be performed in written.

Irregularity of proceeding

Art. 101. (1) The court shall monitor ex-officio the due performance of the proceedings. The court shall instruct the party about the essence of the irregularity of the performed by the party proceedings and how it shall be overcame, and shall determine a term to correct it.

(2) The corrected proceeding shall be considered regular from the moment of its performance.

(3) In event the proceeding is not corrected within the determined term, it shall be considered not performed.

Written statements

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

1. indication of the court;

2. name and the address of the party, who makes the statement, respectively – the name and the address of the representative, through who the statement is performed;

3. the matter if the statement;

4. signature.

(2) Attached to the written statements shall be:

1. power of attorney, if the statement is done through representative;

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

3. number of copies and attachments in accordance with the number of the opposite parties.

Part two.
GENERAL CLAIM PROCEDURE

Division one.
PROCEDURE BEFORE THE FIRST INSTANCE

Chapter twelve.
JURISDICTION

Section I.
Jurisdiction by Kind

General jurisdiction

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

Jurisdiction of a district court

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

1. the claims for ascertaining or contesting origin, for termination of an adoption, for depriving from legal ability or for cancellation of the deprivation;

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

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

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

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

6. claims, which under other laws are subject to hearing by the district court.

Section II.
Jurisdiction by Location

General jurisdiction by location

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

Claims against minors or deprived from legal ability

Art. 106.Claims against minors or fully deprived from legal ability shall be filed at the court per the permanent address if their ex-lege representative.

Claims against persons whose address is unknown

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

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

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

Claims against State institutions and legal persons

Art. 108. (1) Claims against State institutions and legal persons shall be submitted before the court, within which region is located their headquarters or seat. On disputes arising from direct relations with their subdivisions or branches, the claims may be also submitted per their location.

(2) Claims against the State shall be submitted before the court within which region the contentious legal relationship, except for the cases under Art. 109 and 110. If it arose abroad, the claim shall be submitted before the due court in Sofia.

Jurisdiction of location of a real estate

Art. 109. The claims for property right over real estate, for partition of joint ownership over a real estate, for boundaries and for defence of a violated possession of a real estate, shall be submitted at the place where the estate is located. At the place where the estate is located also claims for concluding a final contract of establishment or transfer of property rights over a real estate, as well as for termination, cancellation or declaring null and void of property rights over real estate contracts shall be submitted.

Jurisdiction by place of opening an inheritance procedure

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

(92) If the testator is a Bulgarian citizen, but the inheritance procedure is open abroad, the claims of Para 1 may be submitted at the place per his last permanent

address in the Republic of Bulgaria or before the court, in the region of which court his estates are located.

Claim for monetary receivables on a contractual ground

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

Claims for maintenance

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

Claims of consumers

Art. 113. A claim of a consumer may also be submitted at his present or permanent address.

Claims in labour lawsuits

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

Claims from tort

Art. 115. Claim for damages from a tort may also be submitted at the place of commission of the act.

Multitude of jurisdictions

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

Contractual jurisdiction

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

(2) By a written agreement the parties to a property dispute may state another court, different from the one, under which jurisdiction the lawsuit is as per rules of the jurisdiction by location. This provision shall not be applied to the jurisdiction under Art. 109.

(3) A contract of choice of court on customers' claims or on labour disputes shall become effective only if is concluded after the dispute arose.

Section III.
Procedure over the Jurisdiction

Check of jurisdiction

Art. 118. (1) Each court shall decide by themselves if the initiated before them lawsuit is under their jurisdiction.

(2) If the court assesses that the lawsuit is not under their jurisdiction, they shall forward it to the due court. In this case, the lawsuit shall be considered pending before that court from the day on which the motion is filed before the undue court and the proceedings performed by the latter shall stay in effect.

Objection for undue jurisdiction

Art. 119. (1) Objection for undue jurisdiction by kind on the lawsuit may be done before the end of the second instance procedure and may be raised by the court ex-officio.

(2) The objection for undue jurisdiction by location of the real estate may be presented by the party and may be raised by the court ex-officio, before the end of the court investigation at the first instance.

(3) In all other cases, beyond these of Para 1 and 2, objection for undue jurisdiction may be presented only by the defendant and within the term to reply to the claim motion.

(4) Simultaneously with submission of the objection the party shall also present evidence.

Stability of the jurisdiction

Art. 120. Changes, occurred in factual circumstances determining the jurisdiction by location, shall not constitute a ground to forward the lawsuit.

Appellation of the ruling on the jurisdiction

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

Disputes on jurisdiction

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

Determination of jurisdiction by the Supreme Court of Cassation

Art. 123. If, following the rules of this Chapter, the competent court cannot be determined, upon a request of the party, the Supreme Court of Cassation, at a closed session, shall determine the court before which the claim shall be filed

Chapter thirteen.
BASIC PROCEDURE

Section I.
Filing a claim

Types of claims

Art. 124 (1) Anybody may file a claim in order to recover a right of his, if it is violated, or to ascertain the existence or non-existence of a legal relationship or of a right, if he has an interest of this.

(2) A claim to sue the defendant to perform repeated obligations, even they are due after the decision is pronounced, may be filed.

(3) A claim for forming, amendment or termination of civil legal relationships may be submitted only in the provided by law cases.

(4) A claim to ascertain the truthfulness or untruthfulness of a document may be submitted. A claim to ascertain the existence or non-existence of other facts of legal importance shall be admitted only in the cases provided by law.

(5) A claim to ascertain a criminal circumstance of importance to a civil legal relationship or for cancellation of an effective decision shall be admitted in the cases, where the criminal procedure cannot be initiated or is terminated on some of the grounds of Art. 24, Para 1, items 2-5, or is suspended on some of the grounds under Art. 25, item 2 or Art. 26 of the Penal Code, as well as in the cases where the perpetrator of the deed is undetected.

Submission of the claim

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

Termination within a pending procedure

Art. 126. (1) Where at one and the same court or before different courts two lawsuits between the same parties, on the same ground and of the same claim, the lawsuit which is initiated later shall be terminated ex-officio by the court.

(2) In case the termination is pronounced by an appellate court, the appellate court shall null the decision of the first instance.

Content of the claim motion

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

1. indication of the court;

2. name and the address of the claimant and of the defendant, of their ex-lege representatives or attorneys if they have such, as well as the unified civil number of the claimant and the fax or telex number if he has such;

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

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

5. the substance of the claim;

6. signature of the person who submits the motion.

(2) In the claim motion the claimant shall state the evidence and the concrete circumstances, which shall be proved by them, and to submit enclosed all the written evidence.

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

Attachments to the claim motion

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

1. the power of attorney if the motion is filed by an attorney;

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

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

Check of the claim motion

Art. 129. (1) The court shall check the regularity of the claim motion.

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

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

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

(5) The corrected claim motion shall be considered regular from the moment of submission.

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

Check of admissibility of the claim

Art. 130. If within the check of the claim motion, the court finds, that the submitted claim is inadmissible, the court shall return the claim motion. A private complaint may be submitted against the returning, a copy of which complaint for serving shall not be submitted.

Rejoinder to the claim motion

Art. 131. (1) After the court receipts the claim motion, the court shall send a copy of it with the attachments to the defendant, to whom an instruction to submit a written rejoinder within one-month term, about the obligatory content of the rejoinder

and about the consequences of omitting to submit rejoinder or of non-exercising rights, as well as about the possibility to use legal aid if the necessity of it exists and he has right to it shall be given.

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

1. indication of the court and number of file;

2. the name and the address of the defender, as well as his ex-lege representative or attorney if he has such;

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

4. opinion on the circumstances, on which the claim is grounded;

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

6. (amend. – SG 50/08, in force from 01.03.2008) signature of the person, who submits the rejoinder.

(3) In the rejoinder the defendant shall state the evidence and the concrete circumstances, which he will prove, and to represent all the written evidence he has available.

Attachments to the rejoinder to the claim motion

Art. 132. To the rejoinder shall be presented:

1. power of attorney, if the rejoinder is submitted by an attorney;

2. copies of the rejoinder and of the attachments to it according to the number of the claimants.

Consequences of omission to submit a rejoinder

Art. 133. (amend. and suppl. – SG 50/08, in force from 01.03.2008) If within the established term the defender does not submit a written rejoinder, does not state an opinion, does not make objections, does not dispute the truthfulness of a submitted document, does not state evidence, does not present written evidence or does not exercise his rights under Art. 211, Para 1, Arts. 212 and 219, he loses the possibility to do this later, except the omission is a result of special unforeseen circumstances.

Section II.
Court Sessions

Types of sessions

Art. 134. (1) The court shall hear the lawsuits in open and closed sessions.

(2) Closed sessions shall be held in the provided by law cases and without the participation of the parties.

Place and time

Art. 135 (1) The sessions on the lawsuits shall be held in the court premises. Holding the sessions outside the court premises shall be admissible, if by this way bigger expenses can be avoid.

(3) The sessions may not be held on non-business days.

Excluding the publicity

Art. 136. (1) The court, ex-officio or upon a request of some of the parties may rule hearing of the lawsuit or performing of some of the proceedings to be done behind closed doors, if:

1. the public interest demands this;

2. security of the private life of the parties, of the family or of the persons under guardianship demands this;

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

4. other reasonable grounds appear.

(1) In the cases of Para 1 , the parties, their attorneys and the experts as well as the persons who are allowed by the chairperson shall be admitted into the court hall.

Hearing of the request to exclude the publicity

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

Obligation to keep secret

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

Persons, who may not attend the session

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

1. persons of age under the mature, who are not parties to or witnesses for the lawsuit.

2. armed persons, except the court security officers.

Section III.
Hearing of the Lawsuit

Preparation of the lawsuit at a closed session

Art. 140. (1) After the court checks the regularity and admissibility of the submitted claims, as well as the other requests and objections of the parties, the court shall pronounce by a ruling on all preliminary matters as well as on the admission of the evidence.

(2) If in the rejoinder counter-claims are submitted, the court may pronounce on them as well as on the admission of some of the evidence for the first session on the lawsuit.

(3) The court shall appoint the hearing of the case at an open session, for which shall summon the parties, who shall be served with a copy of the ruling under

Para 1. The court shall notify the parties of the draft-report on the lawsuit, as well as to instruct them about mediation or another way of amicable settlement of the dispute.

Obligations of the Chairperson

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

(2) The Chairperson shall supervise the order in the court hall and may impose fines for violating the order.

(3) The Chairperson may remove away everybody, who does not observe the order.

(4) If, in spite of the caution of removal, the order in the hall is still being violated by a party or a representative of it, the court may remove the perpetrator for a certain time. After the removed person is back at the court hall, the Chairperson shall inform him of the proceedings, performed in his absence, by way of reading the court minutes.

Starting and cancellation of the lawsuit.

Art. 142. (1) Absence of one of the parties, who has been regularly summoned, shall not be an obstacle for hearing the lawsuit. The court shall start hearing, after hearing the lawsuits, for which the parties appeared.

(2) The court shall cancel the session on the lawsuit if the party and his attorney cannot appear due to an obstacle, which cannot be removed by the party.

(3) In event of cancellation of the session on the lawsuit, the court shall announce the date of the next session, for which the parties and appeared for the session witnesses and experts shall be considered summoned.

(4) In event another date for holding the session is needed to be appointed, the court shall determine it at a closed session and shall summon the parties, the witnesses and the experts.

Hearing the case at an open session

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

(2) The claimant may clarify and supply the claim motion, as well as to point out and present evidence related to the made objections by the defendant, and the defendant – to point out and present new evidence, which he could not state and present with the rejoinder to the claim motion.

(3) The parties shall be obliged to make and ground all their claims and objections and to state an opinion on the maintained by the opposite party circumstances.

Additional Period

Art. 144. (1) The defendant may require additional period of time to state an opinion on the required at this session evidence by the claimant and to point out additional evidence related to the made objections.

(2) Where the request under Para 1 is recognised, the court shall pronounce on the made objections and requests at a closed session by a ruling, which shall be announced to the parties.

Instructions by the court

Art. 145. (1) The court shall raise questions for the clarification of the facts to the parties and shall state their significance for the lawsuit.

(2) (amend. – SG 50/08, in force from 01.03.2008) The court shall instruct the parties specify their statements and to remove contradictions in them.

(3) After this the court shall invite the parties to conclude agreement and shall state its consequences. If agreement is not achieved, the court shall make a report, which shall be entered into the minutes.

Report on the lawsuit

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

1. the circumstances, from which pretended rights and objections arise;

2. the legal qualification of the rights, pretended by the claimant, of the counter-rights and objections of the defendant;

3. which rights and which circumstances are recognised;

4. which circumstances do not need to be proved;

5. the manner of distribution of the burden of proof and the facts subject to be proved.

(2) The court shall instruct parties of which facts, maintained by them, shall not be given evidence.

(3) The court shall provide the parties with the opportunity to state their opinion concerning the given instructions and the report on the lawsuit, as well as to undertake the respective proceedings.

(4) The court shall pronounce by a ruling on the evidentiary requests of the parties, and shall admit evidence which are relevant, admissible and necessary only.

New facts and circumstances

Art. 147. Before the finalisation of the court investigation, the parties may:

1. state new circumstances and point out and present new evidence only if they could

not learn, point out and present timely;

2. to state newly emerged circumstances, which are of importance for the lawsuit, and to point out and submit evidence of them.

Taking of evidence

Art. 148. The court shall take all admitted evidence with the parties' participation. If needed, the court shall appoint a new session to take evidence, which are not collected due to reasons not depending on the parties.

Finalisation of the court investigation

Art. 149. (1) After taking the evidence, the court shall invite again the parties to conclude agreement. If agreement is not achieved, the court shall start the verbal contest.

(2) Where the lawsuit is clarified, the court shall announce the verbal contest closed and shall state the day, when the decision shall be announced.

(3) In event of factual and legal intricacy of the lawsuit, upon a request of some of the parties, the court may determine appropriate period for submission of written pleadings. The written pleadings shall be presented in a number according to the number of the parties.

Minutes of the session

Art. 150. (1) About the hearing of the lawsuit minutes shall be made, where the place and time of the session, the body of court, the name of the clerk, the appeared parties and their representatives, the substance of the statements, requests and comments of the parties, the presented written evidence, the testimonies of the witnesses and of the other persons participating in the lawsuit, as well as the findings and rulings of the court, shall be entered.

(2) The minutes shall be done under dictation of the Chairperson. They shall be provided at disposal of the parties in three days period after the session.

(3) If technical possibility exists, a sound record of the session shall be done, on the base of which the minutes shall be drafted within three days term.

(4) The minutes shall be signed by the Chairperson and the clerk.

Correction and supplementation of the minutes

Art. 151. (1) Within one-week term from minutes are provided at disposal of the parties each participant in the procedure may require their supplementation or correction.

(2) If a sound record of the session was made, corrections and supplementation of the minutes shall be admitted only on the base of the sound record.

(3) If a sound record of the session was not made, corrections and supplementation of the minutes shall be admitted only on the base of made remarks to its content.

(4) The court shall pronounce on the request for corrections and supplementation of the minutes, after summoning the parties and the petitioner and after hearing the sound record, respectively the explanations of the clerk.

(5) The sound record shall be kept till the end of the term for requiring corrections and supplementation of the minutes, and if such request is done – till the decision on the lawsuit enters into effect.

Evidentiary value of the minutes

Art. 152. The minutes of the session shall be an evidence of the performed within the session proceedings. Proceedings not certified by the minutes shall be considered not performed.

Chapter fourteen.
EVIDENCE

Section I.
General Rules

Subject to proof

Art. 153. All disputable facts of importance to decide on the lawsuit and the relations between them shall be subject to proof.

Burden to prove

Art. 154. (1) Each party shall ascertain the facts on which the party grounds his claims or objections.

(2) Facts, for which an established by a law presumption exists, do not need to be proved. Disproving such presumptions shall be admitted in all cases, except if prohibited by a law.

Facts which shall not be subject to poof

Art. 155. Not subject to proof shall be the ostensible and the ex-officio known by the court facts, as about the latter the court shall be obliged to inform the parties.

Evidentiary request

Art. 156. (1) In the evidentiary request the party shall state the facts and evidentiary instruments by which they will be proved.

(2) In the request to admit examination of a witness the party shall state which facts the witness shall be questioned about, his three names and the address, if the party requires his summoning.

(3) In the request to admit the explanations of the other party the questions which shall be answered shall be formed.

(4) In the request to admit expertise in which field special knowledge is needed, the subject and the task of the expertise shall be stated

Admission of evidence

Art. 157. On the admission of evidence the court shall pronounce with a ruling and shall determine the period for their taking. The period shall start running from the day of the court session on which it was determined, including for the party who did not appeared.

Period to take the evidence.

Art. 158. (1) If taking of some of the evidence is doubtful or presents a special difficulty, the court may determine respective period for its taking, and after the elapse of which period the lawsuit shall be considered without this evidence.

(2) In further hearing of the lawsuit, the evidence may be taken if this shall not delay the proceedings.

Non-admission of evidence

Art. 159. (1) The requests of the parties to admit evidence of facts, which have no importance for deciding the lawsuit, as well as not timely done request for admitting evidence shall be rejected by the court by a ruling.

(2) Where, in order to ascertain one and the same fact, the party points out more witnesses, the court may admit only some of them. The other witnesses shall be admitted if the summoned ones do not ascertain the disputable fact.

Expenses for taking evidence

Art. 160. (1) Where for taking of evidence expenses are unavoidable, the court shall determine the amount and term to depose them. The term shall start running from the day of the court session at which it was determined, including for the party, who did not appeared.

(2) The evidence shall be collected after a document of deposing the determined amount for expenses is presented.

(3) The term for deposing expenses shall be interrupted by submission of a request for exemption from deposing, and shall not run, during the request is considered.

Consequences from establishing obstacles before the process of proving

Art. 161. Taking in view the circumstances of the lawsuit, court may assume as proved the facts, regarding which the party established obstacles for taking admitted evidence.

Right of assessment

Art. 162. Where the ground of the claim is recognised, but there is no sufficient data of its amount, the court shall have the right to determine it in own estimation or to take the conclusion of the expert

Section II.
Witnesses' testimony

Obligation to testify

Art. 163. (1) The witness is obliged to appear before the court, on order to give testimony.

(2) In event an important reason arises, the interrogation of the witness may also be held before the appointed for the session day, as well as outside the premises of the court. For this interrogation parties shall be summoned.

Admissibility of the witnesses' testimony

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

1. proving legal transactions, for the validity of which a law requires a written act;

2. disproval of content of an official document;

3. recognising of circumstances, for proving of which a law requires a written act, as well as for recognising of contracts for an amount bigger than 5000 BGN, except they have been concluded between spouses, relatives of direct descent, collateral relatives up to fourth degree and relatives in law up to second degree including;

4. payment of certified by a written act monetary obligations;

5. ascertaining written agreements, where the party, who requires the witnesses, participated, as well for their amendment or cancellation.

6. disproval of content of coming from the party private document.

(2) In the cases of Para1, item 3, 4, 5 and 6 witnesses' testimony may be admitted only with the explicit consent of the parties.

Exceptions from the inadmissibility

Art. 165. (1) In the cases, where the law requires a written document, witnesses' testimony may be admitted, if is proved that the document was lost or demolished without the guilt of the party.

(2) Witnesses' testimony shall be also admitted if the party attempts to prove that the expressed in the document consent is simulative and only if in the lawsuit exist a written evidence, coming from the other party, or evidence certifying statements of the party before a state authority, which make the statement that the consent is simulative possible. This limitation does not concern the third persons, as well as the heirs, if the transaction is directed against them.

Refusal to testify

Art. 166. (1) Nobody has the right to refuse to testify, except:

1. the attorneys of the parties for the same lawsuit and the persons who have been mediating on the same dispute;

2. the relatives of directs descent, brothers and sisters and the relatives in law of first degree, the husband and former husband as well as the person, who is a party to a factual spouse cohabitation.

(2) The persons, who with their answers could cause to themselves or to the persons under Para 1, item 2 a direct damage, disgrace or criminal prosecution, cannot refuse to testify, by may refuse to answer a concrete question and shall point out the reason for this.

(3) The witnesses on the case cannot be attorneys of the parties on the same lawsuit.

Failure to fulfil the obligation to testify

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

(2) A witness who did not performed his obligation under Art. 163 and slowed the proving shall:

1. reimburse the expenses to the parties, made as a result of the failure;
2. lose the right to require remuneration.

Right of witnesses to remuneration

Art. 168. The witness has the right to require remuneration and expenses for appearing before the court if they will be required by him till the end of the court session. The remuneration and the expenses shall be repaid from the deposed amount.

Summoning a witness

Art. 169. (1) If the witness cannot be summoned at the address as stated by the party, the court shall determine a period for pointing another address.

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

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

Promise to say the truth.

Art. 170. (1) Before the interrogation of the witness, the court shall certify his identity, shall clarify the data of his eventual interest and shall remind him about his liability before the law in case of perjury.

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

Conducting of interrogation

Art. 171. (1) Everyone of the witnesses shall be interrogated separately, in the presence of the parties who appeared. Witnesses, who still have not testified, are not allowed to attend the interrogation of the witness.

(2) The witness may be interrogated second time at the same or at another session upon his request, upon request of the party or by initiative of the court.

(3) Upon request of the party or by own initiative, the court may enter into the minutes concrete peculiarities of the behaviour of the witness during the interrogation.

Estimation of the witness's testimony

Art. 172. Testimony of the relatives, of the trustee or of the guardian of the pointed them party, of the adoptive parents, of the adopted children, of these persons, who are in a civil or penal dispute with the party or his relatives, of the attorneys, who are pointed by their clients, as well as of all others who are interested in favour or against one of the parties, shall be estimated by the court, taking in view all other information about the lawsuit, and in view of their possible interest.

Interrogation of the witness by imitative of the court

Art. 173. The party may abandon the interrogation of the witness to which he referred, but the same witness shall be interrogated, if the other party requires so or if the court assumes that his interrogation is necessary for the clarification of the circumstances of the lawsuit.

Cross-examination

Art. 174. In event of discrepancy between the evidence by witnesses, the court may rule to conduct a cross-examination. Such may be ruled between a witness and the parties.

Section III.
Explanation of the parties

Court recognition of a fact

Art. 175. Made by a party or by his representative confession shall be estimated in view of all the circumstances of the lawsuit.

Explanation of the party

Art. 176. (1) The court may rule that party shall appear in person to give explanation about circumstances of the lawsuit.

(2) The court shall question the party, who shall be obliged to appear in person, and shall notify him about the consequences of the failure to perform this obligation.

(3) The court may assume as proved the circumstances, for the clarification of which the party did not appeared or reused to answer without a serious reason, as well as if gave evasive or unclear answers.

(4) If the party cannot appear before the court due to insurmountable obstacles, the explanations may be given before a delegated court.

Field of application

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

1. the natural persons;

2. the ex-lege representatives of the legal persons;

3. the debtor and the trustee in bankruptcy for lawsuits relating to the bankruptcy estate;

4. partners in a general partnership;

5. personally liable partner in a limited partnership;

(2) Where the party is minor or put under full judicial disability, the court may hear his ex-lege representative. Where the party is of under the mature age or put under partial legal disability, the court may interrogate the party at the presence of one of the parents or of the guardian.

Section IV.
Written evidence

Evidentiary effect

Art. 178. The evidentiary effect of the documents shall be determined by the law, which was in effect at the time and the place where they were drafted.

(2) The court shall assess the evidentiary effect of the document, if there are crossed out wordings, additions between the rows and other external defects in the document, taking in view all the circumstances of the lawsuit. This rule shall not apply to the signed electronic document.

Official document

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

(2) Officially certified copies or extracts of official documents shall have the same evidentiary effect.

Private document

Art. 180. Private documents, signed by the persons, who issued them shall be an evidence of that the statements contained in them are made by this persons.

True date of the private document

Art. 181. (1) The private document shall have a true date for third persons, from the day on which it was certified, or from the day of the death or occurred physical disability to sign of the person, who has signed the document, or from the day, on which the content of the document was reproduced in an official document, or from the day on which another fact appeared, certifying in a unquestionable way the preceding drafting of the document.

(2) For finding the date of receipts for performed payment, the court may admit instruments of evidencing of all types, taking in view the circumstances of the lawsuit.

Entries in accounting records

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

Presenting of documents on a paper carrier

Art. 183. Where to the lawsuit a document shall be attached, it may also be presented in a certified by the party copy, but in such case, upon a request, the party shall submit the original of the document or an officially certified copy of it. If the

party does not do this, the presented copy shall be excluded from the evidence to the lawsuit.

Presenting of an electronic document

Art. 184. (1) The electronic document may be presented reproduced on a paper carrier as a copy, certified by the party. In event of request, the party shall present the document on an electronic carrier.

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

Presenting of a document in a foreign language

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

Presenting of official documents

Art. 186. The official documents and certificates shall be presented by the parties. The court

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

Presenting of printed materials

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

Conversion of an official document

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

A document issued by an illiterate or blind person

Art. 189. (1) A private document, issued by an illiterate person, shall bear a print of his right thumb instead of signature and shall be signed by two witnesses. If the print of the right thumb cannot be put, in the document shall be stated the reason for this, as well as with which other finger the print is made.

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

Obligation of the party to present a document

Art. 190. (1) Each of the parties may require from the court to oblige the other party to present a document which he possesses, and shall explain its importance to the dispute

(2) Omission to present the document shall be assessed as per Art. 161.

Grounds to refuse to present

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

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

2. this could lead to disgrace or criminal prosecution against the party, or of close persons to him in the meaning of Art. 166.

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

Obligation of a third person to present a document

Art. 192. (1) Each party may require, by a written motion, from the court to oblige a person not participating in the lawsuit, to present a document possessed by him.

(2) A copy of the motion shall be sent to the third person and a term for presenting the document shall be determined.

(3) The third person, who without a ground does not present the required document, shall bear as the liability under Art. 87 and liability before the third party for the damages caused to him.

Contestation of truthfulness of a document

Art. 193. (1) The interested party may contest the truthfulness of a document with the rejoinder to that proceeding by which it was presented at latest. If the document was presented at a court session, contestation may be done to the end of the session at latest.

(2) The court shall rule a check of the truthfulness to be done, of the opposite party declares that wishes to use it.

(3) The burden to prove the untruthfulness of the document shall be borne by the party, who contests it. If the truthfulness of a private document is contested, which document do not bear the signature of the contesting party, the burden to prove the truthfulness shall be borne by the party who has presented it.

Check of a document

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

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

(3) The court may also pronounce on the contestation of the document with the decision on the lawsuit. In this case the document, together with a copy of the decision shall be forwarded to the prosecutor.

Section V.
Experts

Appointment of an expert

Art. 195. (1) Expert shall be appointed upon a request of the party or ex-officio, where for some aroused from the lawsuit matters is needed special knowledge in the field of science, art, crafts, etc.

(2) The court may appoint more than one expert, if this is necessary in view the circumstances of the lawsuit.

Striking off an expert

Art. 196. (1) The provisions of Art. 22, Para 1 shall be applied respectively for the experts.

(2) Each of the parties may require striking off the expert, if some of the grounds of Para 1 appear.

(3) The expert shall be obliged immediately to notify the court of all circumstances, which may become a ground for striking him off. He is obliged to state opinion on the statements in the request for striking off.

(4) The court shall pronounce by a ruling on the request to strike off the expert.

Assignment of expertise

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

(2) The court shall give an appropriate period for preparing the conclusion. The expert shall notify the court, if he cannot prepare the conclusion within the determined period, and shall state what period he needs.

Discharging the expert.

Art. 198. The appointed expert shall be discharged from the assigned task, if he cannot perform it due to lack of qualification, to illness or another objective reason, under the conditions of Art. 166 or if he did not prepare the conclusion in time.

Presenting the conclusion

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

Hearing the third person

Art. 200 (1) The court shall remind the expert about his liability for giving an untruthful conclusion.

(2) The expert shall state orally his conclusion. The parties may ask questions on order to clarify the conclusion.

(3) In event of contestation of the conclusion, the court may appoint another or more than one experts. Contestation may be done during the hearing.

Additional and second conclusion

Art. 201. The additional conclusion shall be assigned, if the conclusion is not sufficient, full and clear, and a second conclusion – if it is not grounded and a doubt in its correctness arises.

Assessment of the conclusion

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

Discord between experts

Art. 203. In event of discord between experts, each group shall state their separate opinions. If the court cannot take decision on the discord, the court shall require from the same experts additional examinations or shall appoint other experts.

Section VI.
Inspection and certification

Admission of inspection and certification

Art. 204. (1) Upon a request of the parties or upon own assessment, the court may appoint inspection of movable or immovable sites or certification of persons with the participation or without the participation of witnesses and experts.

(2) The inspection and certification shall be methods for taking and check of evidence. They shall be made by the whole body of the court, by a delegated member of the court or by another delegated court.

(3) The court shall notify the parties of the place and time of the inspection. About the performed inspection a protocol shall be made up, where the findings from the inspection, the explanations of the experts and the testimony of the witnesses who has been interrogated on spot shall be entered.

Obligation to assist

Art. 205.For the obligation to present, to transfer or to provide access to the site of the inspection , the provisions regarding the documents shall be applicable.

Certification

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

(2) Certification shall be performed in a way, that cannot harm the personal dignity of the certified person. Taking in view this, the judge may assign its performance to the appropriate experts and not to present in person.

(3) The refusal of the person to be certified shall be assessed as per Art. 161.

Section VII.
Securing the evidence

Securing the evidence

Art. 207. Where there is a danger that some evidence shall be lost or its collection will be impeded, the party may demand that this evidence should be taken in advance.

Procedure of securing the evidence

Art. 208. (1) (1) The request to secure the evidence shall be filed at the court that hears the case, and if the case has not been initiated yet - at the regional court at the place of residence of the person who will be interrogated, or at the location of the estate, over which the inspection will be conducted.

(2) A copy off the request for security shall be served on the other party.

(3) The ruling of the court, by which it does not grant the application, shall be subject to appeal by a private complaint.

(4). The court may collect in the same proceedings the evidence, pointed out by the other party, if it is closely collected with that of the applicant.

(5) If the applicant is not in a position to point out the name and address of the other party, the court shall appoint representative for the other party.

(6) The general rules shall apply with regard to the procedure of taking evidence and of its effect.

Expenses

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

Chapter fifteen.
DEVIATIONS CONCERNING THE SUBJECT-MATTER OF THE LAWSUIT

Initial joinder of claims

Art. 210. (1) The claimant may submit by one claim motion against the same defendant several claims, if they are under the jurisdiction of the same court and shall be subject to consideration under one and the same procedure.

(2) If the submitted claims shall not be subject to consideration under one and the same procedure or if the court assesses that their joined hearing shall construct a significant complication, the court shall rule separation of the claims.

Counter-claim

Art. 211. (1) Within the term for rejoinder to the claim motion, the claimant may submit a counter-claim, if it, by its kind, is under the jurisdiction of the same court and has a connection with the initial claim or a compensation may be executed with it.

(2) Submission of the counter-claim shall be done following the rules of submission of a claim. If the court assesses the joined hearing of the counter-claim shall construct a significant complication, the court shall rule its separation.

Claim ad-hock

Art. 212. At the first session for hearing the lawsuit, the claimant, or the defendant - but with the rejoinder to the claim motion, may require from the court to pronounce in the court's decision on the existence or non-existence of a contested legal relationship, on which depends fully or partially the settlement of the lawsuit.

Ex-officio joinder of claims

Art. 213. If several lawsuits are pending before court, in which lawsuits participate one and the same persons from the side of the claimant and the defender, or who have connection between each other, the court may join these lawsuits into one procedure and issue a common decision for them.

Amendment of the claim

Art. 214. (1) In the first session for hearing the lawsuit, the claimant may amend the ground of his claim, if, in view the defence of the defendant, court assesses this appropriate. He may also amend, without amending the ground, his claim. Till the end of the court investigation before the first instance, he may amend only the amount of the submitted claim, as well as to pass from a declaratory claim to an indictment one and vise versa.

(2) Cummulation of due interest or of collected harvest from the site, after the claim was filed, shall not be considered as increasing the claim

Chapter sixteen.
DEVIATIONS CONCERNING THE PARTIES

Section I.
Joint claimants or defendants in the lawsuit

Admissibility

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

1. their common rights or obligations, or
2. rights or obligations, which arise from one and the same ground.

Proceedings

Art. 216. (1) Each of the joint parties acts by his own. His proceedings or omissions to proceed neither benefit, neither prejudice the other ones.

(2) Where, with regard to the nature of the disputable legal relationship, or by a ruling of the law, the court decision shall be one and the same to each of the joint parties (necessary joint partnership), the performed of some of the joint parties proceedings shall have effect for the joint parties who did not appear or omitted to perform these proceedings. Also in this case for concluding an agreement or for waiver of the claim consent of all of the joint parties shall be required.

Statements about common facts

Art. 217. If the factual statements of the joint parties regarding the common facts are contradictive, the court shall assess them in relation with all the other circumstances of the lawsuit.

Section II.
Third persons

Entering of a third person

Art. 218. Each third person may enter the lawsuit before finalisation of the court investigation at the first instance, on order to support one of the parties, if he has an interest in a decision pronounced in favour of the party.

Including of a third person

Art. 219. (1) At the first session of hearing the lawsuit, the claimant, and the defendant – with the rejoinder to the claim motion, may include a third party, where this person may enter to support.

(2) Including shall not be admitted if the third person has no permanent address in the Republic of Bulgaria.

(3) The party, who has a counter-claim against the third party, may submit it simultaneously with the request for including for joint consideration.

Admission to participation

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

Rights of a third person

Art. 221. (1) Third person shall be entitled to perform all proceedings, except the proceedings being a disposition with the subject matter of the dispute.

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

Substitution of the supported party

Art. 222. With the consent of the both parties, the entered or included into the lawsuit person may substitute or discharge the supported by him party.

Effect of the decision

Art. 223. (1) The pronounced decision shall have asserting effect within the relations of the third person and the opposite party.

(2) This, what court asserted in the motives of their decision, shall be obligatory for the third person within his relations with the party who he supports or who has included him. It cannot be contested under pretext that the party has conducted the case badly, unless the latter has intentionally or due to gross negligence omitted to submit circumstances or evidence, unknown to the third person

Including a person with independent rights

Art. 224. (1) The defendant shall be discharged of participation in the lawsuit, if he deposits the demanded amount or object in accordance with the instructions of the court and includes the person, that also claims independent rights over it. In this case the case shall continue only between both creditors

(2) If the involved person does not enter the lawsuit, the proceedings shall be terminated and the deposited sum or object shall be delivered to the claimant.

(3) If the defendant makes request for including with the rejoinder to the claim motion, he does not bear liability for the expenses.

Main entering

Art. 225. (1) The third person, who has independent rights over the subject of the dispute, may enter in the case by lodging a claim against both parties.

(2) Filing a claim by a third person shall be allowed until the closure of the court investigation at the first instance.

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

Assignment of the disputable right

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

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

(3) The pronounced decision shall in all cases constue res judicata regarding the acquirer, except for the acts for the entry, where it refers to a real estate

(Art. 114 of the Law for the Ownership) and to the acquisition of ownership through possession in good faith (Art. 78 of the Law for the Ownership) where it refers to movables.

Succession in the procedure

Art. 227. If the party dies or the legal person ends its existence, the proceedings on the lawsuit shall continue with the participation of the successor.

Replacing of a party

Art. 228. (1) Amendment of the claim by replacing some of the parties by another person shall be admissible in each stage of the lawsuit at the first instance with the consent of the both parties, and of the person who shall enter as a party the lawsuit.

(2) The consent of the defendant is not needed, if the claimant waives the claim regarding him.

(3) The claimant may direct his claim against a defendant, who does not agree to enter the lawsuit. But in this case, the claim against the new claimant shall be considered submitted from the day, on which the claim motion against him entered the court.

Chapter seventeen.
DEVIATIONS IN THE DEVELOPMENT OF THE PROCEDURE

Section I.
Suspension, renewal and termination of the procedure

Suspension of the procedure

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

1. upon the consent of the parties;

2. in event of death of some of the parties;

3. where is needed to establish a guardianship or trusteeship over some of the parties;

4. where in the same or in another court a lawsuit is being heard, the decision on which is of importance for the correct settlement of the dispute;

5. where within the hearing of a civil lawsuit criminal circumstances are detected, on ascertaining of which depends the settlement of the civil dispute;

6. where the Constitutional Court has admitted to hear a request on its merits, bi which request constitutionality of an applicable to the lawsuit law is contested;

7. in explicitly provided by law cases.

(2) In the cases of Para 1, item 1, if the prosecutor participates in the lawsuit together with one of the parties, for the suspension his consent is needed. In the cases of Para 1, items 2 and 3, if the court investigation was finalized, the procedure shall be suspended after the decision on the lawsuit is pronounced.

(3) Suspension of the lawsuit upon the consent of the parties shall be admitted only once in the proceedings before one instance.

Renewal of the procedure.

Art. 230. (1) The procedure shall be renewed ex-officio or upon request of one of the parties, after the bars for its development are removed, for which, in the cases of death of the claimant and these under Art. 229, Para 1, items 3-6 the court shall by their own take the necessary precautions.

(2) In event of death of the defendant, the claimant shall be obliged within six month period to point out his successors and their addresses or to take measures to appointing a governor of the vacant succession or for summoning them following the procedure of Art. 48. In event of failure to perform this obligation, the lawsuit shall be terminated.

(3) In case of renewal, the procedure shall start with the proceedings, at which it was suspended.

Termination of the procedure

Art. 231. (1) The suspended under common consent of the parties procedure shall be terminated, if within six months period from the suspension no one of the parties does not require its renewal. If a decision is pronounced it shall be invalidated.

(2) In case of Para 1, Art. 232, Sentence Two shall be applied.

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

Withdrawal of the claim

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

Waiver of the claim

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

Court Agreement

Art. 234. (1) For each agreement, which does not contradict the law and the good customs, a written protocol shall be drafted, which shall be approved by the court and shall be signed by the court and by the parties.

(2) Where the prosecutor participates in the lawsuit, the court shall approve the agreement after taking his opinion too.

(3) The court agreement shall have the effect of an effective decision and shall not be a subject to appeal before a higher instance.

(4) Where the agreement concerns only a part of the dispute, the court shall continue hearing the lawsuit in its disputable part.

Chapter eighteen.
DECISION ON LAWSUITS

Section I.
Decision on the lawsuit

Pronouncement of a decision

Art. 235. (1) The decision shall be pronounced by the court body, participated in the session where the hearing of the lawsuit was finalised.

(2) The court shall ground their decision on the assumed for them as ascertained circumstances of the lawsuit and on the law.

(3) The court shall also take in view the facts, appeared after the claim was filed, which are of importance for the disputable right.

(4) The decision with the reasons to it shall be made up in written form.

(5) The court shall pronounce their reasons within one month period latest after the hearing of the lawsuit was finalized. The decision shall be announced in the register of the court decisions, which is public and everybody shall have the right of a free access to it.

Contents of the decision

Art. 236. (1) The decision shall contain:

1. date and place of pronunciation;

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

3. the number of the lawsuit, on which the decision is pronounced;

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

5. what the court decides in its merits;

6. whom the expenses are awarded;

7. if the decision is a subject to appeal, before which court and within what period it can be appealed;

(2) To the decision the court shall state reasons, where the claims and the objections of the parties, assessment of the evidence, factual findings and the legal conclusions of the court shall be stated.

(3) The decision shall be signed by all of the judges, who took part in its pronunciation. If some of the judges cannot sign it, the Chairperson or the Senior Judge shall mark in the decision the reasons for this.

Decision in event of recognition of the claim

Art. 237. (1) If the defendant recognises the claim, upon the request of the claimant, the court shall terminate the court investigation and shall pronounce a decision as per the recognition.

(2) In the reasons of the decision shall be sufficient to indicate that it is based on the recognition of the claim.

(3) The court may not pronounce a decision in event of recognition of the claim, if:

1. the recognised right is contradictory to the law and to the good customs;

2. the recognised right is one with which the party cannot dispose.

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

Decision in the absence of some of the parties

Art. 238. (1) If the defendant did not present within the term a rejoinder to the claim motion and did not appear at the first session of the lawsuit, and did not made a request to hear the lawsuit in his absence, the claimant may require decision to be pronounced in the absence of the defendant or to waive the claim.

(2)The defendant may require termination of the lawsuit and awarding the expenses or decision to be pronounced in the absence of the claimant, if he does not appear at the first session on the lawsuit, did not state opinion on the rejoinder to the claim motion and did not require hearing of the lawsuit in his absence. If the claimant presents again the same claim, Art. 232, Sentence Two shall be applied.

(3) If the claimant did not stated and did not presented evidence with his claim motion and the defendant did not submit within the term a rejoinder, and the both parties did not appear at the fist session on the lawsuit, without making request to hear the lawsuit in their absence, the lawsuit shall be terminated.

Pronouncement of a decision in the absence of some of the parties

Art. 239. (1) The court shall pronounce a decision in the absence of some of the parties, if:

1. parties are notified of the consequences from failure to fit the terms for exchange the papers and from not appearing at court session;

2. the claim probably is grounded in view the stated in the claim motion circumstances and the presented evidence or probably is not grounded in view the made objections and the supporting them evidence.

(2) The decision in the absence of some of the parties shall not be reasoned in its merits. It is sufficient to indicate in it that it is grounded on the existence of the prerequisites to pronounce a decision in the absence of some of the parties.

(3) Where the court assesses that the prerequisites to pronounce a decision in the absence do not exist, the court shall deny the request by a ruling and shall continue hearing the lawsuit.

(4) A decision pronounced in the absence of some of the parries shall not be subject to appeal.

Defence against a decision in the absence of some of the parties

Art. 240. (1) Within one-month term from the serving of the decision pronounced in the absence of some of the parties, the party, against who it is pronounced may require from the appellate court to revoke it, if the party could not participate in lawsuit due to:

1. undue serving of the copy of the claim motion or of the summons for the court session;

2. impossibility to learn in time about the serving of the copy of the claim motion or of the summons for the court session due to special unforeseen circumstances;

3. impossibility to appear in person or through attorney due to a special unforeseen circumstances, which the party could not surmount.

(2) (amend. – SG 50/08, in force from 01.03.2008) The party against who the decision is pronounced in the party's absence or presence, may submit by a claim the same right or to contest it, if newly found circumstances or new written evidence of substantial significance for the lawsuit are found, and these could not be known to the party at the deciding or the party could not obtain in time.

(3) The claim under Para 2 may be submitted within three months period, from the day when a new circumstance became known, or from the day the party could obtain the new written evidence, but not later than one year from the lapse of the receivable.

Section II.
Delay and Stretching out the Execution. Preliminary execution

Delay and stretching out the execution

Art. 241. (1) At the pronouncement of the decision, the court may delay or stretch out its execution, taking in view the property status of the party or other circumstances.

(2) The court may not stretch out execution of a decision, for which stretching out is provided by law.

Admission of preliminary execution

Art. 242. (1) The court shall pronounce preliminary execution of the decision, if an alimony, remuneration or reimbursement for work is awarded.

(2) The court may admit upon the request of the claimant a preliminary execution of its decision when:

1. it awards a receivable grounded on an official document;

2. it awards a receivable, recognised by the defendant;

3. the late execution may result in considerable and significant damages to the claimant or the execution itself may become impossible or be considerably impeded.

(3) In the cases of Para 2 the court may oblige the claimant to present a preliminary due security.

Inadmissibility of preliminary execution

Art. 243. (1) Preliminary execution shall not be admitted even against security, if it may result in considerable and irreparable damages to the defendant or a damage which cannot be subject to an exact monetary evaluation. Sentence One shall not be applied for decisions, by which alimony or remuneration for work is awarded.

(2) Against the state, the state institutions or the health entities if Art. 5, Para 1 of the Law for the Medical Establishments shall not be admitted execution of a decision which has not entered into effect.

Appellation of the ruling

Art. 244. The ruling by which preliminary execution is admitted or is denied, may be appealed by a private complaint.

Suspension and termination of the preliminary execution

Art. 245. (1) The debtor, against whom a preliminary execution is admitted, may, except for the cases of Art. 242, Para 1 , to suspend the execution by way of presenting a security for the enforcement creditor as per Art. 180 and Art. 181 of the Law of Obligations and Contracts.

(2) The execution shall also be suspended if the appealed decision is revoked.

(3) If, afterwards the claim is denied by an entered into effect decision, the execution shall be terminated. In this case, the court which pronounced the decision, shall issue a writ of enforcement for the debtor against the enforcement creditor for returning the amounts or objects, obtained on the base of the admitted preliminary execution of the revoked decision.

Section III.
Correction of the decision

Impossibility to abandon the decision

Art. 246. After the court pronounces the decision on the lawsuit, the court by their own cannot revoke or amend it.

Correction of obvious factual mistake

Art. 247. (1) The court by their initiative or upon the request of the parties may correct the admitted in the decision obvious factual mistakes.

(2) The court shall notify the parties of the required correction with an instruction to present a rejoinder within one – week term.

(3) The court shall summon the parties in an open session, if estimates it necessary.

(4) Decision on the correction shall be served on the parties and may be appealed following the procedure under which the decision may be appealed.

Amendment of the decision in its part on the expenses

Art. 248. (1) Within the term for appealing, and if the decision is not subject to appeal – within one-month term from its pronouncement, the court, upon request of the parties may supplement or amend the pronounced decision in its part concerning the expenses.

(2) The court shall notify the opposite party about the requited supplementation or amendment with an instruction to represent a rejoinder within one-week term.

(3) The ruling on the expenses shall be pronounced at a closed session and shall be served on the parties. It may be appealed following the procedure under which the decision may be appealed.

Agreement after the finalization of the court investigation

Art. 249. The court shall invalidate the pronounced by them decision, if before it enters into effect, the parties declare that they agreed on the dispute and ask to terminate the lawsuit.

Supplementation of the decision

Art. 250. (1) The party may require supplementation of the decision, if the court did not pronounced on the whole claim. The motion may be submitted within one – month term from the decision was served or from it entered into force.

(2) The court shall notify the opposite party about the made request for supplementation with an instruction to represent a rejoinder within one month term. The motion shall be heard with summoning of the parties to an open session, where the court estimates this necessary in view the clarification of the undecided part of the dispute.

(3) The court shall pronounce by an additional decision, which shall be subject to appeal under the general procedure.

Interpretation of the decision

Art. 251. (1) The disputes on the interpretation of an effective decision shall be heard by the court, which has pronounced it.

(2) Interpretation may not be required after the decision is executed.

(3) The court shall notify the parties of the required interpretation, and shall instruct them that they may present a rejoinder within one- week term

(4) The court shall summon the parties to an open session, if estimates this necessary.

(5) The decision on the interpretation shall be subject to appeal following the procedure, under which the interpreted decision shall be subject to appeal.

Section IV.
Pronouncement of rulings

Field of application

Art. 252. The court shall pronounce a ruling, if they pronounce on matters, by which the dispute is not decided on its merits.

Possibility to abandon the rulings

Art. 253. The definitions by which the lawsuit is not ended, may be amended or revoked by the same court, due to change of circumstances, mistake or omission.

Content of the ruling

Art. 254. (1) The ruling by which the court pronounces on incompatible requests of the parties, as well as the ruling by which a request is denied, shall be motivated. The requests of the parties and the circumstances of the lawsuit shall be stated as far as it is necessary.

(2) Where the ruling is pronounced at a closed session, it shall contain:

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

Chapter nineteen.
DETERMINATION OF A TERM IN EVENT OF SLOWNESS

Motion to determine a term in event of slowness

Art. 255. (1) Where the court does not perform in time a certain proceeding, the party may, in any stage of the lawsuit, to submit a motion to determine appropriate term for its performance.

(2) The motion shall be submitted through the same court to a higher court. The court which hears the lawsuit shall forward immediately the motion together with their opinion to the higher court.

Recognition of the motion.

Art. 256. (1) Where the court performs immediately all needed proceedings, stated in the motion, and notifies the party of this, the motion shall be considered waived.

(2) The motion shall be forwarded for hearing by a higher court, if within a one-week term from the notification under Para 1 was received, the party declares that he continues to maintain it.

Consideration and deciding on the motion to determine a term

Art. 257. (1) The motion to determine a term shall be considered by a judge of the higher court within one week term from its receiving.

(2) If the court finds ungrounded slowness, shall determine a term to perform the proceeding. Otherwise the court shall deny the motion. The ruling shall not be subject to appeal.

Division two.
APPEALING OF DECISIONS AND RULINGS. REVOCATION OF EFFECTIVE DECISONS

Chapter twenty .
APPEALING BEFORE A COURT OF APPEAL

Subject to appeal and competent court

Art. 258. (1) The decisions of the regional courts shall be subject to appeal before the district courts, and the decisions of the district court in capacity of a first instance– before the appellate courts.

(2) A complaint may be filed against the whole decision or against certain parts of it.

Term to appeal before a court of appeal

Art. 259. (1) The complaint shall be filed through the court which has pronounced the decision , within two weeks term after it has been served on the party.

(2) The term for appeal before a court of appeal shall be interrupted by the submission of an application for legal aid, and does not run till the application is considered.

(3) From the moment the decision to deny the application under Para 2 becomes effective, a new term starts to run, and in case the application is recognised, its new term shall start from the moment at which the first-instance decision was served on the ex-officio attorney.

(4) Submission of next application for legal aid does not suspend and does not interrupt the term to appeal before a court of appeal.

Contents of the appellation complaint

Art. 260. The complaint shall contain:

1. the name and the address of the party, who files it;
2. indication of the appealed decision;
3. statement on the substance of the defect of the decision;
4. the substance of the appeal;
5. the newly found and the newly occurred facts, which the appellant requires to be taken in view for the decision on the lawsuit by the instance of appeal, and an exact description of the reasons which established bars to state the newly found facts;

6. the new evidence, which the appellant requires to be collected at the hearing of the lawsuit by the instance of appeal, and a statement of the reasons, which established bars to point them or present them;

7. signature of the appellant.

Attachments to the complaint:

Art. 261. To the complaint shall be attached:

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

2. power of attorney , if the complaint is filed by an attorney;

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

4. document of paid fee.

Check of the first-instance court

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

(2) The complaint shall be returned, if:

1. is submitted after the elapse of the term to appeal, and

2. the omitted irregularities are not removed within the term.

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

Rejoinder to the appellate complaint and a counter-appellate complaint

Art. 263. (1) After the court accepts the complaint, it shall forward a copy of it together with the attachments to the other party, who, within two weeks term from the receipt may submit a rejoinder to the complaint. To the rejoinder provisions of Art. 259, Para 2- 4 , Art. 260, items 1, 2, 4 and 7 and of Art. 261 shall be applied.

(2) Within the term for rejoinder, the opposite party may submit a counter-appellate complaint. The counter- appellate complaint shall meet the requirements for appellate complaint.

(3) The court shall check the regularity of the counter- appellate complaint as per Art. 262. After the court accepts it, the court shall forward a copy of it together with the attachments to the other party, who, within one week term from the receipt, may submit a rejoinder.

(4) The counter complaint shall not be considered if the appellate complaint is waived or returned.

(5) After the elapse of the terms of Para 1 and 3 the lawsuit together with the complaints and rejoinders shall be sent to the higher court.

Withdrawal and waiver if appellate complaint.

Art. 264. (1) In each stage of the lawsuit the party may withdraw fully or partially the submitted complaint,

(2) Preliminary waiver of the right to appeal shall not be valid.

Joining to the appellate complaint.

Art. 265.(1) Each of the joint parties in the lawsuit may, not later than the first session at the appellate instance to join the complaint, as submitted by his joint claimant or joint defendant. Joining shall be preformed by submitting a written application with a number of copies of it according to the number of the parties.

(2) In the cases of needed joint parties, the court shall ex-officio constitute the joint parties of the appellant.

Prohibition to state new facts and evidence

Art. 266. (1) In the appellate procedure the parties cannot state new circumstances, point and present new evidence which they could state and present within the term in the first-instance procedure.

(2) Till the end of the court investigation the parties may:

1. state new circumstances and to point and present new evidence only if they could not learn, state or present before submission of the complaint, respectively before the term for rejoinder;

2. to state newly occurred after the submission of the complaint, respectively after the elapse of the term for the rejoinder, circumstance, which are of importance of the case, and to point out or present evidence of them.

(3) In the appellate procedure taking of evidence, which was not admitted by the first instance court due to proceedings breaches, may be required

Preparatory session

Art. 267. (1) At a closed session the court of appeal shall make a check of admissibility of the complaints and shall respectively apply Art. 262, shall pronounce on the admission of the pointed by the parties new evidence and shall appoint the lawsuit for hearing at an open session. Settlement of the matters of admissibility of the complaints and of the evidentiary requests may also be done at the first session on the lawsuit, if the court estimates necessary to hear the verbal explanations of the parties.

(2) The court may hear again witnesses and experts if estimated that as necessary.

Open session of the court of appeal

Art. 268. (1) The appellate court shall hear the complaints at open session with summoning the parties, where the complaints and the rejoinders shall be reported.

(2) Taking of evidence shall be done following the general rules, and in event of necessity, the hearing of the lawsuit may be postponed.

(3) After the matters under Art. 276 are decided and the evidence are collected, the court shall allow to start the verbal contest, for which Art. 149, Para 3 shall be applied respectively.

Powers of the court of appeal

Art. 269. The court of appeal shall pronounce ex-officio on the validity of the decision, and on its admissibility – on the appealed part. On the rest of the matters the court shall be limited by the stated in the appeal.

Decision in event of void or inadmissible first instance decision

Art. 270. (1) Where the first instance decision is void, the appellate court shall pronounce it null and void, and if the lawsuit is not subject to termination, shall return it to the first instance court for pronouncement of a new decision.

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

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

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

Decision on incorrect first instance decision

Art. 271. (1) Where the first instance decision is valid and admissible, the court of appeal shall decide the dispute in its merits, by way of confirmation, or revoking – fully or partially – the first instance decision. If the decision is not appealed by the other party, the situation of the appellant may not be deteriorated by the new decision.

(2) If the decision on the main claim is revoked, the eventually joined to it claims on which the first instance court did not pronounce, shall recover their pending status.

(3) (amend. – SG 50/08, in force from 01.03.2008) The court shall revoke the decision with regard to the necessary joint parties who did not appealed too.

Decision in event of correct first instance decision

Art. 272. If the court of appeal confirms the first instance decision, it shall reason its decision and may also refer to the reasons of the first instance court.

Applicability of the rules for the first instance procedure

Art. 273. As far as there are no special rules established for the procedure before the court of appeal, the rules for the first instance procedure shall be applied.

Chapter twenty one.
APPEALING OF RULINGS

Appealing by a private complaint

Art. 274. (1) Against the rulings of the court private complaints may be submitted:

1. where the ruling establishes a bar before the further development of the lawsuit, and

2. in the cases, explicitly envisaged by the law.

(2) If the rulings under Para 1 are pronounced by a court of appeal, they shall be subject to appeal by a private complaint before the Supreme Court of Cassation. The rulings pronounced by the Supreme Court of Cassation shall be subject to appeal before another body of the same court.

(3) Where the prerequisites of Art. 280, Para 1 appear, subject to appeal by a private complaint before the Supreme Court of Cassation shall be:

1. the rulings of the courts of appeal, by which private complaints against rulings establishing bars before the further development of the law lawsuit are denied;

2. rulings by which settlement in merits of other procedures is pronounced or are established bars for their development;

(4) The rulings on lawsuits with appealed interest less than 1000 BGN shall not be subject to appeal before the cassation instance.

Term to appeal and content of the private complaint

Art. 275. (1) The private complaints shall be submitted within one-week term from the notification of the ruling. If a ruling pronounced at a court session is appealed, for the party who attended it, this term shall start from the date of the session.

(2) (amend. – SG 50/08, in force from 01.03.2008) Regarding the private complaints, provisions of Art. 259, Para 2-4, Art. 260, 261, 262 and 273 shall be applied.

Rejoinder to the private complaint

Art. 276. (1) After the court accepts the complaint, it shall forward a copy to the other party, who may, within one-week term after its receipt, submit a rejoinder.

(2) After the elapse of the term under Para 1, the complaint together with the rejoinder and its attachments if such have been submitted, shall be forwarded to the higher court. The court shall enclose a copy of the appealed ruling.

Suspension of the procedure

Art. 277. The private complaint shall not suspend the proceedings on the lawsuit, neither the execution of the appealed ruling, except in a law provided otherwise. The court on the ruling may suspended the proceedings or the execution of the appealed ruling till deciding on the private complaint, if assesses this necessary.

Consideration and deciding on the private complaint

Art. 278. (1) The private complaint shall be considered at a closed session. The court, if assesses it necessary, may consider the compliant at an open session.

(2) If the court revokes the appealed ruling, they shall by their own to decide the matter on the complaint. They may take evidence, if assesses this necessary.

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

(4) As far as there are no special rules in this Section for the proceedings on the private complaints, the rules for appeal of the decisions shall be respectively applied.

Appeal of the decrees

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

Chapter twenty two.
CASSATION APPEAL

Field of application

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

1. decided in contradiction to the practice of the Supreme Court of Cassation;

2. is contradictory decided by the courts;

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

(2) Decisions on the lawsuits of appealed interest under 1000 BGN shall not be subject to cassation appeal.

Grounds for cassation appeal:

Art. 281. Cassation complaint shall be submitted if:

1. the decision is void;

2. the decision is inadmissible;

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

Suspension of the execution of the appellate decision

Art. 282. (1) The submission of a cassation complaint does not suspend the execution of the decision.

(2) The appellant may require suspension of the execution of the appellate decision. In this case he shall be obliged to present a due security. The amount of the security shall be determined:

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

2. on decisions for estate rights – the appealed interest.

(3) In all other cases the amount of the security shall be determined by the court.

(4) If the security is established in connection with execution of property rights over real estates or movables, it shall be impeded, if, within two weeks term

after the cassation complaint is denied, the bearer of the receivables submitted a claim for compensation of the damages from the delay of the execution.

(5) If the execution of the awarded receivable is secured, the security shall be discharged, after the claim is denied or the procedure is terminated.

(6) If the appellate decision is revoked, its execution shall be stopped. In event that the new decision is different than the previous, the provision of Art. 245, Para 3, Sentence Two shall be applied respectively.

Term for cassation appeal

Art. 283. The complaint shall be submitted through the court which pronounced the appellate decision, within one month period from it was served on the party. The term for cassation appeal shall be interrupted as per Art. 259, Para 2, 3 and 4.

Content of the cassation complaint

Art. 284. (1) The complaint shall contain:

1. the name and the address of the party, who submits it;
2. indication of the appealed decision;
3. exact and reasoned statement of the cassation grounds;
4. the substance of the request;
5. signature of the appellant.

(2) The cassation complaint shall be signed also by an attorney-at-law or a legal adviser, except the appellant or his representative has legal capacity. To the complaint a power of attorney to sign or certificate of legal capacity shall be enclosed.

(3) To the complaint shall be attached:

1. statement of the grounds to admit cassation appeal under Art. 280, Para 1;
2. number of copies of the complaint according to the number of the participating as an opposite party persons;
3. power of attorney, if the complaint is submitted by an attorney;
4. document of paid fee.

Check of the regularity of the cassation complaint

Art. 285. (1) The appellate court shall check the regularity of the complaint and if it does not meet the requirements of Art. 284, shall notify the party to remove within one week term the omitted irregularities.

(2) If the complaint is regular, the appellate court shall forward it with the exchanged papers and with the file of the lawsuit to the Supreme Court of Cassation.

Return of the cassation complaint

Art. 286. (1) The complaint shall be returned by the court of appeal if:

1. is submitted after the elapse of the term to appeal;
2. the omitted irregularities are not removed within the term;
3. the appellate decision shall not be subject to appeal under Art. 280, Para 2.

(2) The decree to return may be appealed by a private complaint.

Rejoinder to the cassation complaint and counter-cassation complaint

Art. 287. (1) After the appellate court accepts the complaint, it shall forward a copy of it together with the attachments to the opposite party, who within one month period from receiving them may submit a rejoinder to the compliant. For the complaint the provisions of Art. 259, Para 2-4 and Art. 284 shall be applied.

(2) The opposite party to the complaint may submit a counter- cassation complaint within the term for rejoinder. The counter-cassation complaint shall meet the requirements of cassation compliant.

(3) If a counter-cassation complaint is submitted within the term, the court of appeal shall check its regularity and shall send a copy of it, together with the attachments to the other party, who may submit a rejoinder to it within two-weeks term.

(4) The counter- cassation complaint shall not be considered, if the cassation complaint is not considered.

Admission of cassation appeal.

Art. 288. The Supreme Court of Cassation shall pronounce on admission of the cassation appeal by a ruling at a closed session in a body of three judges.

Summoning of the parties to the cassation procedure

Art. 289. Till each 1st day of the month, the Supreme Court of Cassation shall promulgate in the State Gazette the days, on which it shall sit in the next month and the lawsuits subject to hearing. Where the circumstances impose change in this order, the parties shall be notified of this by a notification.

Hearing of the cassation complaint

Art. 290. (1) The complaint shall be heard by a body of three judges of the Supreme Court of Cassation at an open session.

(2) The Supreme Court of Cassation shall check the correctness of the appellation decision only for the stated in the complaint grounds.

Unification of the practice

Art. 291. In case the appellate decision is pronounced under a contradictory practice, the Supreme Court of Cassation shall:

1. state by a reasoned decision the practice of which of the contradictory decisions assumes as correct; in this case it shall pronounce a decision on the lawsuit on the base of this practice;

2. where decides, that the practice in the decisions is not correct, shall state in a reasoned decision why it is not corrects; in this case it shall pronounce a decision by interpreting the law on the base of the circumstances of the lawsuit;

3. where assumes that the practice of the contradictory decisions is not applicable to the pending dispute, shall state by a reasoned decision why it is not

applicable; in this case it shall pronounce a decision, by construing the law on the base of the circumstances of the lawsuit.

Proposal for interpretative decision

Art. 292. In case of contradictory deciding of matters by the Supreme Court of Cassation, the body shall propose to the General Assembly to pronounce interpretative decision and shall suspend the proceedings on the lawsuit.

Cassation decision

Art. 293. (1) The Supreme Court of Cassation shall keep in force or revoke partially or fully the appealed decision.

(2) The decision shall be revoked as incorrect, if the material law is violated or substantial breaches of the procedure rules are admitted, or the decision is not grounded.

(3) The court shall return the lawsuit for new hearing by another body of the court of appeal only if repeating or performing of new proceedings is necessary.

(4) If the appealed decision is void or inadmissible, the rules of Art. 270 shall be applied.

Repeated hearing of the lawsuit

Art. 294. (1) The court, to which the lawsuit is sent, shall hear it under the general procedure as the proceedings shall start from the unlawful proceeding, which became the ground to revoke the decision. The instructions of the Supreme Court of Cassation on the application and interpretation of the law shall be obligatory for the court, where the lawsuit is returned.

(2) In case of repeated hearing of the lawsuit, the court shall pronounce also on the expenses for conducting the lawsuit at the Supreme Court of Cassation.

Cassation appeal of the decision in event of repeated hearing of the lawsuit

Art. 295. (1) In case the prerequisites under Art. 280, Para 1 arise, the second decision of the court of appeal may be appealed for breaches, omitted at the second hearing of the lawsuit. The complaint shall be heard by another body of three members of the Supreme Court of Cassation, which, if revokes the decision, shall decide on the dispute on its merits.

(2) Where the ground to revoke imposes performance of proceedings, the Supreme Court of Cassation shall revoke the appellate decision and shall pronounce a new decision, after it performs the needed proceedings. In this case the rules of the appellate procedure shall be applied respectively.

Chapter twenty three.
EFFECT OF THE COURT DECISIONS

Entry of the court decisions into force

Art. 296. The following decisions shall enter into force:

1. that are not subject to appeal;

2.against which no appellate or cassation complaint has been filed within the term, specified by the law, or the filed complaint has been withdrawn; in the latter case the decision shall be enacted on the day of enactment of the ruling by which the case is terminated;

3. on which the filed cassation complaint has not been admitted to consideration or was not recognized.

Recognition of the decision

Art. 297. The effective decision shall be obligatory for the court which pronounced it, and for all other courts of law, institutions and municipalities in the Republic of Bulgaria

Limits

Art. 298. The decision shall enter into effect only between the same parties, for the same claim and for the same ground.

(2) The effective decision shall have force also for heirs of the parties as well for the successors of them.

(3) The decision, ruled on claims for civil status, including marriage claims, shall be valid with regard to everyone.

(4) The decision shall also have effect with regard to the settled by it claims and objections for right to impede or compensate.

Impossibility to re-settle

Art. 299. (1) Any dispute, settled by an enforced decision, cannot be re-settled, except for the cases where the law provides otherwise.

(2) The lawsuit - subject to retrial shall be terminated by the court ex officio.

(3) The entered into effect decision cannot be contested by the party as if pronounced on a simulative procedure.

Obligatory effect of a sentence

Art. 300. The enforced sentence of the criminal court shall be obligatory for the civil court, that decides the civil consequences of the action, with regard to that if the action has been committed, its unlawfulness and the guilt of the perpetrator

Dispersion of the effect upon a claim by the prosecutor

Art. 301. Art. 223. When the case has been initiated by a claim of the prosecutor, the enforced decision shall be obligatory also for the party, in whose interest the prosecutor has filed the claim

Obligatory effect of a decision on administrative dispute

Art. 302. An effective decision of the administrative court shall be obligatory for the civil court regarding this if the administrative act is valid and lawful.

Chapter twenty four.
REVOCATION OF EFFECTIVE DECISIONS

Grounds for revocation

Art. 303. (1) The interested party may require revocation of an effective decision if:

1. new circumstances or new written evidence of substantial importance for the lawsuit are found, which could not be known during its hearing or which the party could not obtain in time.

2. where ascertained by the due court procedure is falsehood of a document, of the testimony of the witnesses, of the conclusion of the experts, on which the decision is grounded, or criminal action of the party, of its representative or of a member of the court jury, in connection with the settlement of the case;

3. the decision is grounded on a decree of a court or another state institution, which was afterwards revoked;

4. between the same parties, for the same claim and on the same ground was pronounced before it another effective decision which contradicts to it;

5. the party, as a result of breach of the relevant rules has been deprived of the opportunity to participate in the lawsuit or was not duly represented, or if could not attend in person or through an attorney as a result of special unforeseen circumstances, which he could not surmount;

6. the party, in event of breach of the respective rules was or respectively was not represented by a person under Art. 29.

7. (new – SG 42/09) in a final decision the European Court of Human Rights has found a violation of the Convention for the Protection of Human Rights and Fundamental Freedoms, drawn up in Rome on the 4 November 1950 (ratified in a law – SG 66/92) (SG 80/92; amend. by Protocol No. 11 from 1994) or of the protocols thereto and the new hearing of the case is necessary to remedy the consequences from the violation.

(2) Revocation of a decision which pronounces a divorce, annulment of the marriage or that the marriage is declared not existing shall not be admitted.

(3) It may not be required revocation of an effective decision pronounced in the absence of the party for a reason for which revocation could be required under Art. 240, Para 1, or a claim could be or is filed under Art. 240, Para 2.

Revocation by request of a third person

Art. 304. Revocation of the decision may be required also by the person to whom the decision has effect, not depending on the fact that he was not a party to the lawsuit (Art. 216, Para 6).

Term for revocation

Art. 305. (1) (prev. text of Art. 305 – SG 42/09) The request for revocation shall be submitted within three months, counted from the day:

1. on which the new circumstance became known to the applicant, or on which the applicant could obtain the new written evidence – in the cases of Art. 303, Para 1, item 1.

2. on which the decision became effective or sentence became known, but not later than one year from it became effective – in the cases of Art. 303, Para 1, item 2;

3. on which the act of revocation became known, but not later than one year from it became effective - in the cases of Art. 303, Para 1, item 3;

4. on which the latest decision became effective – in the cases of Art. 303, Para 1, item 4

5. (amend. – SG 50/08, in force from 01.03.2008) on which the decision became known – in the cases of Art. 303, Para 1, items 5 and 6 and of Art. 304.

(2) (new – SG 42/09) In the cases of Art. 303, Para 1, Item 7 the application for revocation shall be filed within 6 months from the day, in which the decision of the European Court of Human Rights has become final.

Content of the request for revocation

Art. 306. (1) The request for revocation shall meet the requirements of Art. 260 and 261 and to contain an exact and reasoned statement of the grounds for the revocation. If the request does not meet these requirements, the party shall be notified to remove the defects within one week term.

(2) In event that the irregularities of the request are not removed, the provisions of Art. 286 shall be applied.

(3) The request shall be submitted through the first instance court. To the request a copy shall be enclosed, which shall be served on the opposite party. The opposite party may give a rejoinder within one – week term from the receiving of the copy.

Consideration and deciding on the request for revocation

Art. 307. (1) On the admissibility of the request for revocation the Supreme Court of Cassation shall pronounce at a closed session.

(2) The request for revocation shall be considered by the Supreme Court of Cassation at an open session, where the parties shall be heard and the needed evidence shall be taken. If revocation of a decision of the Supreme Court of Cassation is required, the request shall be considered by another body of three members of the Supreme Court of Cassation.

(3) If the Supreme Court of Cassation assesses the request is grounded, it shall revoke the decision partially or fully and shall return the lawsuit for a new hearing in the due court in another body and shall state where the new hearing shall start from.

(4) In the case of Art. 303, Para 1, item 4 the court shall revoke the incorrect decision.

New hearing of the lawsuit.

Art. 308. To the new hearing of the lawsuit, the decision on which is revoked, the general rules shall be applied.

Suspension of the execution

Art. 309. (1) Submission of a complaint shall not suspend the execution of the decision. Upon request of the party, the court may suspend the execution under the terms of Art. 282, Para 2- 6.

(2) If the decision is revoked, its execution shall be suspended. In case the new decision is different than the previous one, the provision of Art. 245, Para 3, Sentence Two shall be applied.

Part three.
SPECIAL CLAIM PROCEDURES

Chapter twenty five.
SUMMARY PROCEDURE

Field of application

Art. 310. Under the procedure of this chapter shall be heard the following claims:

1. for labour remuneration, for acknowledgement of the dismissal as unlawful and its revocation; for restoration to a previous job; for reimbursement for the time, for which the worker stayed without work due to the dismissal, and for correction of the ground for dismissal, entered in the labour book or other documents;

2. for abandoning of rented or borrowed for a certain purpose premises;

3. for finding and stopping of violence of rights under the Law on the Copyright and Related Rights, the Law on the Patents and the Registration of Utility Models, Law for the Marks and the Geographic Names, Law for the Industrial Design, Law or the Topology of the Integrated Circuits and the Law for the Protection of the New Varieties of Plants and Breeds of Animals;

4. for finding and stopping violence of rights under the Law of Protection of the Consumers;

5. (new – SG 42/09; amend. – SG 82/09) for exercising parental rights in cases of disagreements between the parents as referred to in Art. 76, Item 9 of the Law on the Bulgarian Personal Documents.

6. (prev. text of Item 05 – SG 42/09) other claims, whose hearing in a summary procedure is stipulated by a law.

Check of the claim motion

Art. 311. (1) On the day of filing the claim motion, the court shall conduct a check of its regularity and if the claim is admissible.

(2) The court shall give instructions to the claimant to supplement it, to make more concrete, to remove contradictions in them if they are unclear, insufficient or not exact.

Preparation of the lawsuit at a closed session

Art. 312. (1) On the day of filing the rejoinder of the defendant or of the elapse of the term for this, the court, at a closed session shall:

1. appoint the lawsuit for a date not three weeks later;

2. prepare a written report on the lawsuit;

3. invite the parties to an agreement and shall clarify the advantages of the different ways of amicable settlement of the dispute;

4. pronounce on the evidentiary requests, and shall admit these evidence, which are relevant, admissible and necessary

5. determine amount and term for deposing the expenses for taking evidence.

(2) The court shall serve on the parties a copy of the decree and on the claimant – also of the written rejoinder and the evidence to it, and shall instruct them to state an opinion concerning the given instructions and the report on the lawsuit and to undertake the relevant proceedings within one-week term, as well as about the consequences of the failure to perform the instructions.

(3) On the made in time requests concerning the instructions and the report on the lawsuit, the court shall pronounce on the day they are submitted. The parties shall be notified of the decree on the made requests.

Consequences of failure to perform the instructions

Art. 313. Where in the established term the parties omit perform the instructions of the court, they shall lose the opportunity to make this later, except the omission is a result of special unforeseen circumstances.

Joinder of claims

Art. 314. (1) The claimant may, together with his opinion on the report of the court, and the defendant with the written rejoinder, to require from the court to pronounce by its decision on the matter if a contested legal relationship, on which depends fully or partially the settlement of the dispute, exists or does not exist.

(2) Under the terms of this procedure counter claims mat not be submitted, as well as to include third persons and to submit claims against them.

(3) On claims for abandoning rented or borrowed for a certain purposes premises objections for ownership or made improvements of the estate shall not be admissible.

Hearing of the lawsuit

Art. 315. (1) At the session of hearing the lawsuit, the court shall invite the parties again to conclude agreement and if such is not achieved, the court shall collect the presented evidence and shall hear the verbal contest.

(2) At the same session the court shall appoint the day, on which it shall announce its decision, from which day the period to appeal it shall start.

Term for pronouncement of the court decision

Art. 316. The court shall pronounce its decision together with the reasons within two weeks term from the session at which hearing was finalised.

Applicability of the rules before the court of appeal

Art. 317. The rules of this Chapter shall be also applied respectively to the procedure before the court of appeal.

Chapter twenty six.
PROCEDURE ON MATRIMONIAL LAWSUITS

Matrimonial claims

Art. 318. Under the procedure of this Chapter the claims for divorce, for annulment and for finding the existence or non-existence of a matrimony between the parties shall be considered.

Special ability

Art. 319. The under-age persons and the persons placed under limited disability may by their own to submit matrimony claims and to defend on them.

Divorce during the pregnancy of the wife

Art. 320. The procedure on matrimony claim shall be suspended upon the request of the wife, if she is pregnant till the child attains 12 moths of age.

Hearing of the lawsuit

Art. 321. (1) At the first session of the hearing the lawsuit on a claim for divorce the parties shall appear in person. In event the claimant does not appear without recognisable reasons, the procedure shall be terminated.

(2) After the preliminary maters are decided and these on the regularity of the claim motion, the court shall be obliged to instruct the parties again to mediation or another way of amicable settlement of the dispute.

(3) If the parties achieve consent for starting mediation or another way of amicable settlement of the dispute, the lawsuit shall be suspended.

(4) Each of the parties may require renewal of the procedure on the lawsuit within 6-month term. If such requirement is not done, the lawsuit shall be terminated.

(5) Where an agreement is achieved, depending on its content, the lawsuit shall be either terminated or transferred into a procedure of divorce on a mutual consent.

(6) If the parties do not achieve consent on a procedure of mediation or of another way of amicable settlement of the dispute, hearing of the lawsuit shall be continued.

Thoroughness of the grounds

Art. 322. (1) In case of claim for divorce, the claimant shall submit all the grounds of the deep and unrecoverable disorder of the matrimony. Grounds, occurred and became known to the spouse before the end of the verbal contest, but not submitted, cannot become a ground to submit a new claim for divorce.

(2) All matrimony claims may be joined between each other. Together with them obligatory shall be submitted and heard the claims for exercising the parental rights, the personal relations and the alimony for the children, the using of the family home, the alimonies between the spouses and about the family name.

(3) The provisions of Para 1 and 2 shall be applicable also to the defendant for the claims, which he could submit.

(4) Claim for annulment of the matrimony due to breach of the age requirements of Art. 12 and due to threatening under Art. 96, Para 1, item 2 of the Family Code may not be submitted after the claim for divorce is denied.

Temporary measures

Art. 323. (1) Upon a request of each of the parties, the court, before which the claim for divorce or annulment of the matrimony is submitted, shall determine temporary measures relating the alimony, the family home and the usage of the obtained during the matrimony property, as well as regarding the care of the children and their maintenance.

(2) On this request the court shall pronounce at the session, at which the request is done, except collection of additional evidence is needed. In this case a new session shall be appointed within a two- weeks term.

(3) The ruling under Para 1 shall not be subject to appeal, but it can be amended by the same court.

Decision on matrimony claims

Art. 324. On matrimony claims shall not be pronounced decision in the absence of the party in event of recognition of the claim.

Entering into effect of the decision for divorce

Art. 325. The decision for divorce shall enter into effect, even it is appealed only in its part concerning the guilt.

Family name after a divorce

Art. 326. In the decision where the divorce is admitted, the court shall settle the matter on the family name, which the spouses will bear in the future.

Continuing the lawsuit in event of death of the claimant

Art. 327. (1) (amend. – SG 47/09, in force from 01.10.2009) If the spouse – claimant dies, and the claim for divorce shall be grounded on the guilt of the live spouse, the court shall give two- weeks term for the summoned descendants or parents heirs to declare if they desire to continue the lawsuit. This rule shall be applied also to a claim for annulment of the matrimony, if the live spouse was not acting in good faith.

(2) If within the given term nobody declares that desires to continue the lawsuit, it shall be terminated. It shall also be terminated if the claim for divorce is not grounded on the guilt of the live spouse and if he (she) in the case of claim for annulment of the matrimony has been acting in good faith.

(3) In case the lawsuit is continued, the court shall pronounce only on the stated by the death spouse guilty behaviour of the live spouse as a ground to terminate the matrimony.

Continuing the lawsuit in event of death of the defendant

Art. 328. In event of death of the defendant, the persons under Art. 327 may continue the lawsuit, if the submitted claim is in connection with Art. 13 of the Family Code and the claimant has not been acting in good faith at the moment of concluding matrimony.

Expenses on the lawsuit

Art. 329. (1) The court expenses on the matrimony lawsuits shall be awarded to the guilty or to the spouse who has not been acting in good faith. Where there is no guilt or bad faith, or where the both spouses are guilty or have been acting in bad faith, the expenses shall be borne by them as they done them.

(2) In event the claim for divorce is denied, the expenses shall be determined under the procedure of Art. 78. Under the same procedure the expenses for appeal of the decision shall be determined.

Divorce on mutual consent

Art. 330. (1) On event of claim for divorce on a mutual consent, the spouses shall appear in person at the court session.

(2) Where any of the spouses does not appear without a recognisable reason, the lawsuit shall be terminated.

(3) After the court is convinced that the consent of the spouses for divorce is serious and staunch, and assesses that the achieved agreement under Art. 101 of the Family Code does not contradict to the law and is in the interest of the children, the court shall admit the divorce and shall approve the agreement by a decision.

(4) Consideration of the motion shall be postponed only to collect additional evidence if needed.

(5) The decision by which the divorce on a mutual consent is admitted shall not be subject to appeal.

Chapter twenty seven.
PROCEDURE ON LAWSUITS ON THE CIVIL STATUS

Applicable regulations

Art. 331. (1) Under the procedure of this Chapter the claims for finding or contesting origin, as well as the claims for termination of adoption shall be considered.

(2) To the claims under Para 1 Art. 319 and 327 shall be applied with regard to the continuing of the lawsuit by the heirs of the adopting parent for finding if it is grounded.

Joinder of claims for alimony

Art. 332. (1) With the claim for finding fatherhood or motherhood a claim for alimony of the child may be joined, but a preliminary alimony on these lawsuits cannot be awarded.

(2) To the claim for termination of the adoption a claim for compensation of the adopted person who contributed to increase the property status of the adopting parent may be joined. This claim may also be submitted as a counter-claim.

Obligation to assist

Art. 333. (1) The parties to the lawsuit for origin shall be obliged to provide assistance at the drafting of the conclusion by the expert, except if the test is connected to a serious or durable danger for their life and health.

(2) The court shall pronounce on the refusal to assist by a ruling, which shall be subject to a separate appeal. Where the refusal is lawful, the court shall determine another method for analysing the origin, which method is not connected to the pointed danger.

(3) For obtaining samples through methods by which the body inviolability is kept, the court shall determine in event of necessity application of proper compulsory measures.

(4) If the evidence cannot be taken under the procedure of Para 1-3, the court may rule the taking of the needed samples after the death, except in the cases it is prohibited by a law.

Decision on a claim on civil status

Art. 334. On a claim on civil status decisions in the absence of the party and a decision for recognition of the claim shall not be pronounced.

Termination of the procedure in event of the death of the child

Art. 335. On lawsuits for contesting the fatherhood, the procedure shall be terminated in event of death of the child.

Chapter twenty eight.
PLACING UNDER LEGAL DISABILITY

Initiation of the procedure

Art. 336. (1) Placing of a person under full or limited legal disability may be required by a claim motion by the spouse, by close relatives, by the prosecutor and by everyone, who has a legal interest in this.

(2) In the procedure of Para 1, the participation of the prosecutor is obligatory.

Personal impressions of the person

Art. 337. (1) The person, whose placing under legal disability is requested, shall be questioned in person, and if is necessary he shall be brought compulsory. If the person is in a medical establishment and the health status does not allow to bring him personally into the court session, the court shall be obliged to obtain a direct impression of his status.

(2) If after the questioning the courts assesses it necessary, the court shall appoint for the person of Para 1 a temporary guardian, who shall take care of his personal and property interests.

Hearing the claim

Art. 338. (1) The court shall pronounce on the motion after questioning the person, whose placing under legal disability is required and his close relatives. If this reveals to be not sufficient, the court shall start to collect other evidence and shall hear experts.

(2) If the person is in a medical establishment, the court shall require information of his status.

(3) After the decision enters into effect, by which the person is placed under disability, the court shall notice of that the body of guardianship or of the trusteeship, in order to establish guardianship or trusteeship.

(4) The claimant shall not have the right to expenses in the procedure for placing under disability. If the claim is denied, the claimant shall owe to the defendant the made by him expenses in connection with the lawsuit.

Decision on a claim for placing under disability

Art. 339. On a claim for placing under disability decision and decision in event of recognition of the claim shall not be pronounced in the absence of the party.

Revocation of disability

Art. 340. (1) Provisions of this Chapter shall be applicable also to the revocation of the disability.

(2) Revocation of the disability may be required also by the body of guardianship or of the trusteeship, or by the guardian.

Chapter twenty nine.
COURT PARTITION

Initiation of the procedure

Art. 341. (1) A co-heir, who desires partition, shall submit before the regional court a written motion, where he shall enclose:

1. certificate of the death of the legator and a certificate of his heirs;

2. certificate or other written evidence of the inherited property;

3. copies of the motion and of the attachments to the rest co-heirs.

(2) Each of the rest co-heirs may at the first session on the lawsuit to require by a written request to include into the estate mass other estates.

First session

Art. 342. At the first session each of the heirs may object against the right of some of them to participate in the partition, against the size of his share, as well as against the including of some estates into the estate mass.

Causative legal matters

Art. 343. In the procedure of partition contestations of origin, of adoption, of will and of the truthfulness of written evidence as well as requests for decreasing of testator's will and donations shall be considered.

Decision to admit the partition

Art. 344. (1) In the decision by which the partition is admitted, the court shall pronounce on the matters between which persons, for which estate it shall be done, as well as what is the part of each of the heirs. Where a partition of movable sites is admitted, the court shall pronounce who of the participants shall hold it.

(2) In the decision under Para 1 or later, if all of the heirs do not use the inherited property accordingly to their rights, the court, upon the request of one of them shall decree who of the heirs which estate shall use till the finalization of the partition and what sums the ones shall pay to others against the using.

(3) The ruling under Para 2 may be amended by the same court. It may be appealed also by a private complaint.

Excluding of estates from the partition

Art. 345. Where in the inheritance there are estates, which the legator possessed in co-ownership with third persons, these estates shall be excluded from the mass subject to partition, if between the heirs from the one side and the third persons – from the other side, a partition is not done before the drafting of the partition protocol.

Requests for accounts

Art. 346.At the first session for the admission of the partition the heirs may submit requests for accounts between themselves, but shall state also their evidence.

Partition protocol

Art. 347. The court shall draft the partition protocol on the base of the conclusion of an expert upon observation of the rules of the Law for the Inheritance.

Bringing to a public tender

Art. 348.If some of the estates cannot be divided and cannot be put in one of the parts, the court shall rule to bring it to a public tender. The parties in the partition can participate in the bidding at the public tender.

Giving of undividable home

Art. 349. (1) If the undividable estate is a home, which has been matrimony property, terminated by the death of one of the spouses or by a divorce, and the alive or the former spouse to whom the parental rights are awarded with regard to the children from the matrimony, has no owned by him/her home, the court upon his/her request may give it into his/her part, and shall adjust the parts of the rest participants by other estates or in money.

(2) If the undividable property is a home, each of the participants, who lived in it at the moment of opening of the inheritance, may require it to be given into his part, and the parts of the other participants shall be adjusted by other estate or in money. Where several participants, who meet the requirements of Sentence One, submit request for giving the estate into their part, this one shall be preferred who offers higher price.

(3) For the receivables for adjustment of the parts, the interested persons may establish an ex-lege mortgage.

(4) The request for giving may be done at latest at the first session after the decision under Art. 344, Para 1 to admit the partition becomes effective. The estate shall be evaluated by its actual price.

(5) Where the adjustment is in money, it, together with the ex-lege interest shall be paid within 6 months term from the decision for giving becomes effective.

(6) The participant in whose share is allocated the real estate under the procedure of Para 1 and 2 shall become its owner after paying within the term under Para5 the defined cash clearing together with the ex-lege interest. If the adjustment is not paid within this period the decision for assignment shall become void ex-lege and the real estate shall be declared for public tender. The real estate may not be declared for public tender and be assigned to another co-owner who meets the requirements under Para 2, if he has made a request for assignment under Para 4, if he pays immediately the price by which the real estate has been assessed, reduced by the value of his share in it. The obtained sum shall be distributed among the remaining co-owners according to their quotas.

Final partition protocol.

Art. 350. After having prepared the draft of the partition protocol, the court shall summon the parties, in order to present it to them and hear their objections with regard to it. After that the court shall draw up and announce the final partition protocol

Appeal of the decisions

Art. 351. The decisions under Art. 346, 346, 349 and 350 shall be subject to appeal by a common complaint within the term for appeal of the latest decision.

Drawing lots

Art. 352. After the decision on the partition protocol enters into force, the court shall summon the parties to draw lots.

Distribution of the estate

Art. 353. The court may execute out the partition by distributing the inheritance estate between the co-partitioners, without drawing lots, when the constitution of shares and the drawing of lots proves to be impossible or very inconvenient.

Buying by co-owner

Art. 354. (1) When the real estate is declared for public tender as inseparable each of the co-owners in the partition can buy it under the conditions of Art. 505, Para 2.

(2) If some of the co-owners wish to buy the real estate under the conditions of Para 1, a new tender shall be held only between them at initial price - the highest offered at the first tender. It shall continue for seven days and shall be carried out by the general rules.

(3) If during this tender under Para2 none of the co-owners buys the real estate it shall be assigned to the bidder - a third person to the partition, who has offered the highest price at the first tender.

Expenses for the procedure

Art. 355. The parties shall pay the expenses in accordance with their shares. On the joined claims in the partition procedure the expenses shall be determined under Art. 78.

Chapter thirty .
PROTECTION AND REINSTATEMENT OF IMPAIRED OWNERSHIP

Jurisdiction by kind

Art. 356.The claims for protection and reinstatement of impaired ownership (art. 75 and 76 of the Property Law) shall be within the jurisdiction of the regional court as a first instance.

Finding the fact of possession

Art. 357 (1) On these lawsuits the court shall check only the fact of possession and of impaired ownership

(2) The documents, certifying the right of ownership, shall be taken in view only as far as they ascertain the fact of possession.

Check for lawfulness

Art. 356. Where the possession has been taken away by order or with the assistance of a bailiff or another state body, the court shall check the lawfulness of the order, respectively of the executed proceedings, not depending on the fact if they are subject to appeal or they are appealed.

Inadmissibility in event of submitted claim for ownership

Art. 359. The person, that has filed a claim for ownership over a real estate, cannot file a claim for possession against the same defendant for the same estate, while the case for ownership is pending, except the ownership has been taken away by force or in a concealed way.

Fine for the violator

Art. 360. Where the possession or holding has been taken away by force or in a concealed way (art. 76 of the Property Law), the court may levy on the person that has committed impair of ownership also a fine of up to 1000 BGN.

Preliminary execution

Art. 361. The decision with regard to the delivering of the estate shall be subject to preliminary execution and cannot be suspended.

Chapter thirty one.
PROCEDURE FOR THE CONCLUSION OF A FINAL CONTRACT

Announcement of the contract as final in event of counter-obligation

Art. 362. (1) (1) In the case of claim under art. 19, par. 3 of the Law of Obligations and Contracts, if under the preliminary contract the claimant should fulfil his counter-obligation upon the conclusion of the final contract, the court shall rule with a decision, which shall replace the final contract, on condition that the claimant should fulfil his obligation. In this case the claimant should fulfil his obligation within a term of two weeks from the entry of the decision into force, including by compensation of the liabilities paid by him to the state for the account of the defendant.

(2) If within the term under Para 1 the claimant fails to fulfil his obligation, at the request of the defendant the court of first instance shall invalidate the decision.

Check of the ownership

Art. 363. If the obligation is for transfer of the right of ownership over a real estate, the court shall check if the prerequisites for transfer of the ownership under a notary procedure appear, including if the transferor is owner of the estate.

Fees and expenses

Art. 364. (1) By its decision the court shall award the claimant the obligation to pay the state the arising expenses on the transfer of the estate and shall order to impose injunction on the estate till the expenses are paid.

(2) (suppl. – SG 50/08, in force from 01.03.2008) The court shall not issue a copy of the decision before the claimant proves that the expenses on the transfer, the due for the estate taxes and fees are paid.

Chapter thirty two.
PROCEDURE ON TRADE DISPUTES

Applicable provisions

Art. 365. Under the procedure of this Chapter, the district court as a court of first instance shall hear claims, which have as a subject matter a right or a legal relationship, arising or relating to:

1. trade transaction, including the concluding, interpretation, the validity, performance, failure to perform or its termination, the consequences of its termination, as well as filling deficiency in a trade transaction or its adapting to newly arose circumstances;

2. privatisation contract, contract for public procurement or concession agreement;

3. participation in a trade company or another legal person – trader, as well as for finding inadmissibility or voidness of the entry or for non-existence of a circumstance, entered the trade register;

4. establishing the insolvency mass, including the ascertaining claims of the creditors;

6. pool agreements, decisions on co-ordinated practices, concentration of business activity, unfair competition and malfeasance of monopoly or dominant market position.

Attachments to the claim motion

Art. 366. To the claim motion for monetary receivables the party shall be obliged to present a reference, which contains the needed calculations for determining their amount;

Rejoinder to the claim motion

Art. 367. (1) After the court accepts the claim motion, the court shall send a copy of it together with the attachments to the defendant, whom the court instructs to give a written rejoinder within a two-weeks term, points the obligatory content of the rejoinder and the consequences of omission to submit a rejoinder or of non-exercising rights.

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

1. indication of the court and the number of the lawsuit;

2. the name and the address of the defendant, as well as of his ex-lege representative or of attorney, if such exist;

3. opinion on the admissibility of the claim and if it is grounded;

4. opinion on the circumstances on which the claim is grounded;

6. objections on the claim and the circumstances on which it is grounded;

6. signature of the person who submits the rejoinder.

(3) In the rejoinder the defendant shall point exactly the evidence and the concrete circumstances, which he will prove by them, as well as to present all the written evidence, which are at his disposal.

(4) Within the term for rejoinder, the defendant may submit a counter-claim, to include third persons or to submit claims against them.

Attachments to the rejoinder

Art. 368. To the rejoinder shall be presented such number of copies of the rejoinder and of its attachments as the number of the claimants is.

Objection for hearing under the general procedure

Art. 369. (1) The objection that the dispute is not subject to hearing under the procedure of this Chapter, may be done only by the defendant with the rejoinder at latest, or to be done by the court ex-officio within the same term.

(2) Against the ruling that the dispute shall be subject to hearing under the general procedure a private complaint may be submitted.

Consequences of non-submission of a rejoinder

Art. 370. (suppl. – SG 50/08, in force from 01.03.2008) Where within the established term the defendant does not submit a written rejoinder, does not state an opinion, does not make objection, does not dispute the truthfulness of a submitted document, does not point evidence or does not present written evidence, he loses the opportunity to make this later, except the omission is a result of special unforeseen circumstances.

Objection for compensation after the term for rejoinder

Art. 371. The objection for compensation may be done before the end of the court investigation at the first instance, where for its evidencing taking of new evidence is needed, or to the end of the court investigation at the court of appeal, where its existence and non-objection are found by an entered into force court decision or order for execution.

Additional claim motion

Art. 372. (1) After the court accepts the rejoinder, it shall send a copy of it together with the attachments to it to the claimant, who, within two-week term, may submit an additional claim motion.

(2) In the additional claim motion, the claimant may clarify and supplement the initial one. Within the term of the additional claim motion he may amend the submitted claim, to include third persons and to submit claims against them, to require from the court to pronounce by the decision itself on the existence or non-existence of a contested in the rejoinder legal relationship, on which depends partially or fully the

settlement of the lawsuit, as well as to point and present new evidence, which he could not point and present with the claim motion.

Additional rejoinder

Art. 373. (1) After the court accepts the additional claim motion, the court shall forward a copy together with the attachments to the defendant, who may within a two-weeks term to submit rejoinder.

(2) In the additional rejoinder, the defendant shall be obliged to give a rejoinder to the additional claim motion. Within the term for the additional rejoinder, he may require from the court to pronounce by the decision itself on the existence or non-existence of a contested in the additional claim motion legal relationship, on which depends partially or fully the settlement of the lawsuit, as well as to point and present new evidence, which he could not point and present with the rejoinder.

Preparation of the lawsuit at a closed session

Art. 374. (1) After the court checks the regularity of the exchanged papers and the admissibility of the submitted claims, including their price, as well as the other requests and objections of the parties, the court shall pronounce by a ruling on all the preliminary matters and on the admission of evidence. The court may also pronounce on the admission of some of the evidence at an open session only if assesses that to hear the verbal explanations of the parties is necessary.

(2) The court shall appoint the lawsuit to an open session, and shall send to the claimant the additional rejoinder. The court shall notify the parties of its ruling under Para 1. The court may notify them of the draft of the report on the lawsuit, as well as to instruct them for a mediation procedure or of another way of amicable settlement of the dispute.

Hearing the lawsuit at an open session.

Art. 375. (1) At the open session the court shall make a verbal report, shall give instructions to the parties and shall provide the opportunity to state their opinion regarding the report on the lawsuit and the given instructions, as well as to undertake the desired by them proceedings, after which the court shall take the admitted evidence and shall hear the verbal contest.

(2) In case of factual and legal intricacy of the lawsuit, the court may determine a term for each of the parties to present a written defence or a reply.

Hearing the case at a close session

Art. 376. (1) Where by the exchange of papers all the circumstances are submitted and if the court assumes that hearing the parties is not needed, it may consider the lawsuit at a closed session, and shall provide the parties with the opportunity to present written defences and replies.

(2) The court shall consider and decide the lawsuit at a closed session, if the parties require this.

(3) The court shall appoint the day on which it shall pronounce the decision, from which day starts the term to appeal.

Applicability of the general rules

Art. 377. As far as there are no special rules for the procedure on trade lawsuits, the general rules of the procedure before court of first instance shall be applicable.

Applicability of the rules before the court of appeal

Art. 378. The rules of this Chapter shall be also applicable respectively to the procedure before the court of appeal.

Chapter thirty three.
PROCEDURE ON COLLECTIVE CLAIMS

Collective claims

Art. 379. (1) Collective claim may be submitted on behalf of persons, damaged by one violence, where according to the nature of the violence their number cannot be determined exactly, but is determinable.

(2) Persons, who pretend that are damaged by a violence under Para 1, or an organisation for protection of the damaged persons or for protection against such violence may submit on behalf of all damaged a claim against the violator for finding the damaging action or damaging omission to act, its unlawfulness and the guilt.

(3) Persons who pretend that their collective interest is damaged or endangered by a violence under Para 1, or an organisation for defence of the damaged persons, of the damaged collective interest or for protection against such violence may submit on behalf of all the damaged persons a claim against the violator to stop the violence, to correct the consequences of the violation of the damaged collective interest or for compensation of the damages caused to this interest.

Submission of a collective claim

Art. 380. (1) The collective claim shall be heard by the district court as a court of first instance, following the procedure of this Chapter.

(2) In the claim motion, separated from the circumstances on which the collective claim is grounded, the circumstances which determine the circle of the damaged persons and the way in which the claim shall be announced shall be stated.

(3) To the claim motion shall be presented evidence for the ability of the claimant seriously and in good faith to defend the damaged interest, as well as to bear the burdens connected with the carrying out the lawsuit, including the expenses.

Check of the conditions to submit a collective claim

Art. 381. (1) After the check of the admissibility of the submitted claim and the regularity of the claim motion, the court ex-officio shall check the ability of the person or of the persons, who submitted the claim, to defend the damaged interest seriously and in good faith and to bear the burdens, connected with the carrying out the lawsuit, including the expenses.

(2) The court may hear the person or the persons, who submitted the claim at an open session.

(3) The court shall not admit hearing of the lawsuit, if no one of the persons, who submitted the claim does not meet the conditions under Para 1 and if they all together do not meet these conditions.

(4) The ruling of the court by which hearing of the lawsuit is not admitted, shall be subject to appeal by a private complaint.

Preparation of the lawsuit to be heard

Art. 382. (1) At an open session with summoning the parties, the court shall hear the opinion s of the parties on the circumstances, which determine the circle of the damaged persons, and the way in which the claim shall be announced.

(2) The court shall determine:

1. appropriate way to announce the submission of the claim – the number of the notifications, which media and the duration of the announcement;

2. appropriate term after the announcement, in which the damaged persons may declare that they will participate in the procedure or will carry out their defence on their own.

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

Acceptation of new participants and excluding from participation

Art. 383. (1) At a closed session the court:

1. shall accept for participation in the procedure other damaged persons, organisations for defence of the damaged persons, of the damaged collective interest or for protection against such violence, who, within the determined term declared request to participate in the procedure;

2. shall exclude the damaged persons, who, within the determined term declare that they will carry out the defence on their own in a separate procedure.

(2) The ruling by which acceptation of new participants or excluding from participation is refused, shall be subject to appeal by a private complaint.

(3) The court shall issue a copy of the ruling for excluding the persons, who within the established term declared, that they will carry out the defence on their own in a separate procedure.

Agreement for amicable settlement of the dispute

Art. 384. (1) The court shall instruct the parties to conclude agreement and shall clarify to them the advantages of amicable settlement of the dispute.

(2) The court shall approve the achieved agreement, reconciliation or another type of agreement for partial or full settlement of the dispute, if it does not contradict to the law and the common moral and if by the included in it measures the damaged interest may be defended in a sufficient degree.

(3) The agreement on settlement of the dispute shall have effect only after its approval by the court.

Measures for protection of the damaged interest

Art. 385. (1) The court may sue the defendant to perform a definite action, not to perform a definite action or to pay a definite amount.

(2) Upon request of the claimant, the court, before which the claim is filed, may determine appropriate preliminary measures to protect the damaged interest. The ruling may be amended or revoked by the same court as a result of change of the circumstances, mistake or omission.

(3) The ruling shall be subject to an appellate and cassation appeal, not depending on the prerequisites for admission of cassation appeal under Art. 280, Para 1. The appeal of the ruling shall not suspend its execution, except the court on the complaint does not rule otherwise.

(4) When pronouncing decision, the court is not limited by the stated by the claimant measures for protection. In view the peculiarities of the case, and after takes in view the opinion of the defendant, the court may rule other measures to be imposed, which provide appropriate defence of the damaged interest.

Decision on the collective claim

Art. 386. (1) The decision of the court shall have effect for the violator or for the persons who submitted the claim, as well as for these persons, who pretend to be damaged by the found violation and did not declare that desire to carry out their defence on their own in a separate procedure. The excluded persons may use the decision by which the collective claim is recognised.

(2) To the decision of the court a list of the excluded persons shall be attached.

(3) The decision shall be subject to appellate and cassation appeal, not depending on prerequisites for admission of cassation appeal under Art. 280, Para 1.

(4) The decision on a collective claim cannot be revoked under Art. 304.

Disposal with the compensation

Art. 387. (1) The court may pronounce compensation to be deposed onto the account of one of the persons, who submitted the claim, onto a special account for common disposal of the persons, who submitted the claim, or onto a special account for common disposal of the damaged persons.

(2) After the pronunciation of the decision the court may obliged the persons, who submitted the claim to transfer the compensation onto a special account for common disposal of the damaged persons, and shall undertake appropriate measures for securing the execution of this obligation.

General Assembly and Committee of the damaged persons

Art. 388. (1) The court of first instance may convene a General Assembly of the damaged persons by announcing the invitation in the manner in which the submission of the claim was announced. The General Assembly of the damaged persons shall be conducted by the judge and may take decisions if at least 6 damaged persons appear.

(2) The General Assembly shall elect a Committee which shall dispose with the funds in the special account, and may take decisions for the activities which assigns to the Committee to be done.

Part four.
SECURITY PROCEDUIRE

Chapter thirty four.
ADMISSION OF THE SECURITY

Security of submitted claim

Art. 389. (1) At any stage of the case, until the end of the court investigation, the claimant may require from the court before which the case is pending, to admit security of the claim.

(2) Security may be admitted on all types of claims.

Security of a future claim

Art. 390. (1) Security may be required also prior to filing the claim before the competent by the type of the claim court at place of the residence of the claimant or at the location of the estate, that will serve as security.

(2) (new – SG 42/09) For claims, where the jurisdiction by kind is determined according to the tax evaluation of real estate, competent court shall be the regional court at the location of the real estate, regardless of the location of the claim.

(3) (prev. text of Para 02 – SG 42/09) In the case of Para 1 the court shall determine a term for lodging the claim, which cannot be longer than one month. If evidence for the submission of the claim within the determined term are not presents, the court shall ex-officio cancel the security.

(4) (prev. text of Para 03 – SG 42/09) The motion for security of a future claim by suspending of execution shall be submitted before the competent by kind of the claim court at the place of the execution. Suspension of the execution shall be admitted only against security.

Prerequisites for admission of the security

Art. 391. (1) Security of the claim shall be admitted, if without it for the claimant will be impossible or realisation of the rights from the decision and if:

1. the claim is supported by convincing written evidence, or

2. a guarantee in the determined by the court amount as per Art. 180 and 181 of the Law of Contracts and Obligations is presented.

(2) The court may oblige the claimant to present monetary or property guarantee in the determined by it amount also in the case of Para 1, item1.

(3) The amount of the guarantee shall be determined by the size of the direct and immediate damages which the defendant shall suffer, if the security is not grounded.

(4) The State, the State institutions and the medical establishments under Art. 5, Para 1 of the Law for the Medical Establishments shall be exempted from presenting guarantee.

(5) Security of the claim shall be admitted also when the lawsuit is suspended.

Security of a claim for alimony

Art. 329. On claims for alimony security may be admitted without observing the requirements of Art. 391. In this case the court may also ex-officio take measures for securing the claim.

Inadmissibility of the security

Art. 393. (1) (suppl. – SG 50/08, in force from 01.03.2008) Security of a claim for monetary receivable against the State, the State institutions, the municipalities and the medical establishments under Art. 5, Para 1 of the Law for the Medical Establishments shall not be admitted.

(2) Security over a claim for monetary receivables on which enforcement is not admissible, by way of imposing distraint shall not be admitted.

Partial security over the claim

Art. 394. The court may admit security over the claim for its full amount or for only of these parts, which are supported by sufficient evidence.

Motion for admission of the security

Art. 395. (1) In the motion for admission of security the security measure and the price of the claim shall be stated. A copy shall not be served on the opposite party.

(2) The motion shall be decided at a closed session on the day of its submission.

(3) On the ground of the ruling by which the motion is recognised, the court shall issue distraint order. Where a guarantee is determined, the court shall issue the distraint order after it is deposed.

Appeal

Art. 396. (1) The ruling of the court on the securing the claim may be appealed by a private complaint within one week term, which starts for the applicant from its serving, and for the defendant – from the day on which the notification of the imposed security measure was served by the bailiff, by the entries service or by the court in the cases of Art. 397, Para 1, item 3.

(2) Copy of the private complaint shall be served on the opposite party for a rejoinder within one week term.

(3) Ruling by which the security of the claim is admitted, may not be suspended if appealed by a private complaint.

Chapter thirty five.
SECURITY MEASURES

Types of measures

Art. 397. (1) The securing shall be realised:

1. by placing interdict on a real estate;

2. by distraint on movable objects and receivables of the debtor;

3. by other appropriate measures, determined by the court, including by stopping a vehicle from traffic or by suspension of the execution.

(2) The court may admit several types of securities up to the amount of the price of the claim under Art. 69, Para 1.

Replacement of the security

Art. 398. (1) The court may, upon a request of one of the parties, and after notifies the other and takes in vie its objections, made within three days term from the notification, to admit a replacement of one type of security by another.

(2) In case of securing a rateable in money claim, the defendant may at any stage replace without the consent of the other party the admitted by the court security by a monetary pledge or in securities as per Art. 180 and 181 of the Law of Obligations and Contracts. This shall not apply to security of claims for ownership.

(3) In the cases of Para 1 and 2 the distraint and the interdict shall be cancelled.

Consent on the object-site of the security

Art. 399. If the claim is grounded on a contract, where the property, which shall serve as a security is stated, the security shall be established only for this property, except it is not available or meanwhile has been burdened by other encumbrances which make the security insufficient.

Imposing of the security measure

Art. 400. (1) Distraint shall be imposed immediately by the bailiff upon request of the applicant on the base of the distraint order of the court as per Art. 449, Para1, Art. 450, Para 1 and 2, Art. 507, Art. 515, Art. 516 and Art, 517, and a notification instead of summon for voluntary execution shall be served on the defendant. In case of distraint over a movable site, the bailiff shall make an inventory sheet, evaluation and handing the site for keeping as per Art. 465 – 472.

(2) Imposing of an interdict shall be done by way of entry of the security order of the court in the notary books. The entries service shall notify the defendant of the made entry.

Effect of the security measure

Art. 401. The distraint and the interdict, imposed as a security of the claim shall have the effects as provided in Art. 451 - 453, Art. 456, Para 1, Art. 508, 509 and Art. 512 - 514. The secured creditor may submit against the third obliged person a

claim for the amounts or the sites, who refuses to give them voluntary. For the case provisions of Art. 435, Para 4 and Art. 440 shall be applied.

Revocation of the security

Art. 402. (1) Revocation of the security shall be pronounced upon a request of the interested party. Copy of the motion shall be served on the person, on whose request the security is imposed, The person may submit objections within three days term

(2) The court in a closed session shall revoke the security, after is convinced that the reason due to which the security was admitted does not exist any more, or that the conditions of Art. 398, Para 2 exist. The ruling of the court shall be subject to appeal by a private complaint.

(3) The lifting of the distraint, the striking off of the interdict, as well as the cancellation of the other security measures shall be carried out on the grounds of the effective ruling of the court

Compensation for damages

Art. 403. (1) If the claim, on which the security has been admitted, is denied or if it is not filed within the term, given to the claimant, or if the lawsuit is terminated, the defendant may demand from the claimant to pay him the damages, caused as a result of the security.

(2) In the cases of Para 1, in order to release the presented guarantee, the interested person should file a motion with a copy for the defendant. The defendant may enter an objection against the release of the guarantee within a term of seven days from serving the motion, and within a term of one month he may file a claim for the damages caused to him. If within these terms the defendant fails to enter an objection and to file such a claim, the guarantee shall be released

Part five.
EXECUTION PROCEDURE

Division one.
GENERAL PROVISIONS

Chapter thirty six.
ISSUANCE OF A WRIT OF EXECUTION

Execution grounds

Art. 404. Subject to enforcement shall be:

1. the effective decisions and rulings of the courts, the suing decisions of the courts of appeal; writs of enforcement which are subject to or on which a preliminary and immediate execution is admitted, as well as the decisions of the arbitrary courts and the concluded before them agreements on arbitrary cases;

2. the decisions, the acts and the court-agreement protocols of the foreign courts, which shall be subject to execution on the territory of the Republic of Bulgaria without special procedure;

3. the decisions, the acts and the court-agreement protocols of the foreign courts, as well as the decisions of the foreign arbitrary courts and the concluded before them agreements on arbitrary cases, on which execution on the territory of the Republic of Bulgaria is admitted.

Procedure on issuance of writ of execution

Art. 405. (1) Writ of execution shall be issued upon a written request on the ground of some of the envisaged in Art. 404 acts. Copy of the request shall not be served on the debtor.

(2) The request on the ground of the acts under Art. 404, item 1 shall be submitted before the court of first instance which heard the lawsuit, or before the court who issued writ of enforcement, and if the act is subject to immediate enforcement – before the court which has pronounced the decision or the writ of enforcement.

(3) The request on the ground of the decisions of the local arbitrary courts and the concluded before them agreements on arbitrary cases shall be submitted before the Sofia- city Court.

(4) The court on admission of the enforcement shall issue writ of execution on the base of the acts envisaged in Art. 404, items 2 and 3. The writ of execution issued on the base of acts of Art. 404, item 3 shall not be handed to the creditor, before the decision on admission enters into effect.

(5) For awarded amounts in favour of the State, the court shall issue ex-officio a writ of execution.

(6) The request on the base of the acts under Art. 404, item 1 shall be considered within 7-days term at a closed session by a judge from the respective court.

Decree for issuance of a writ of execution

Art. 406. (1) The writ of execution shall be issued after the court checks if the act is regular from the visible side and shall certify the receivable - subject to enforcement against the debtor.

(2) In the cases of Art. 404, items 2 and 3 the court shall check if the receivables may be executed by the way of the Bulgarian legislation. If this is impossible, it shall rule a substitution execution, which can satisfy the creditor.

(3) For the issuance of the writ of execution the judge shall make a due note on the act.

(4) In the procedure on issuance of a writ of execution Art. 247, 250 and 251 shall be applied.

Appeal of the decree to issue a writ of execution

Art. 407. (1) The decree by which partially or fully is recognised or denied the request to issue a writ of execution, may be appealed by a private complaint within a two weeks term, which shall start for the applicant from the handing of the decree, and for the defendant – from the handing of invitation for voluntary execution.

(2) The appeal of the decree by which the application is recognised, shall not suspend the execution.

(3) Where the writ of execution is issued under the conditions of Art. 406, Para 2, the decree shall be subject to appeal under the general procedure.

Original of the writ of execution

Art. 408. (1) The writ of execution shall be issued in one copy, signed by a judge from the respective court.

(2) Where several separate estates shall be given or if the decision is pronounced in favour of or against several persons, separate writs of execution may be issued and an indication of which part of the decision shall be executed shall be done on each of the writs of execution.

Duplicate of writ of execution

Art. 409. (1) If the original of the writ of execution is lost or shredded, the court which has issued it, upon a written request of the applicant shall issue a duplicate of it on the base of the act, on which the original was issued.

(2) The request shall be considered at an open session, after a copy of it is served on the debtor.

(3) The debtor may oppose, besides the lack of conditions of Para 1, objections for lapse of the debt on the base of circumstances occurred after its existence was ascertained.

(4) The pronounced decision shall be subject to appeal under the general procedure. After it becomes effective, the debtor may not contest the existence of the debt on grounds, which he could submit within the procedure of issuance of the duplicate.

(5) If the act itself was lost or shredded and there is no possibility to recover its content through official documents, the applicant may submit a claim for suing the debtor.

Chapter thirty seven.
WARRANT PROCEDURE

Application for issuing of enforcement warrant

Art. 410. (1) The applicant may require issuance of enforcement warrant:

1. for receivables of monetary amounts or of replaceable sites, where the claim is subject of jurisdiction of the regional court;

2. for handing of a movable site, which the debtor has received with the obligation to give it back or is encumbered by a pledge or is transferred by the debtor with the obligation to transmit the possession, if the claim is subject to jurisdiction of the regional court.

(2) The application shall contain request for issuance of a writ of execution and shall meet the requirements of Art. 127, Para 1 and 3, and Art. 128, items 1 and 2.

Issuance of enforcement warrant

Art. 411. (1) (amend. – SG 42/09) The application shall be submitted at the regional court at the permanent address or the seat of the debtor.

(2) The court shall consider the application in an administrating session and shall issue enforcement warrant within three days term, except for:

1. the request does not meet the requirements of Art. 410
2. the request is in contradiction to the law or the good morals;
3. the debtor has no permanent address or seat on the territory of the Republic of Bulgaria;
4. the debtor has no common place of stay or place of activity on the territory of the Republic of Bulgaria;

(3) In case the application is recognised, the court shall issue enforcement warrant, a copy of which shall be served on the debtor.

Content of the enforcement warrant:

Art. 412. The enforcement warrant shall contain:

1. the title "enforcement warrant"
2. date and place of pronouncement;
3. name of the court and of the judge, who pronounced the warrant;
4. the three names and addresses of the parties;
5. the lawsuit on which the warrant is issued;
6. the obligation which the debtor shall perform, and the expenses which he shall pay;
7. invitation to the debtor to execute within two weeks term from warrant was served;
8. (amend. – SG 42/09) statement that the debtor may file an objection within the term under Item 7;
9. statement that if the debtor does not make objections before the issued the warrant court or does not perform, the enforcement warrant shall enter into force and the enforcement shall be initiated;
10. the limitations to appeal, before which court and in what period it can be appealed;
11. signature of the judge.

Appeal

Art. 413. (1) The enforcement warrant shall not be subject to appeal by the parties, except for the part concerning the expenses.

(2) The decree by which the application, partially or fully is denied, may be appealed by the applicant by a private complaint.

Objection

Art. 414. (1) The debtor may object in written against the enforcement warrant or against a part of it. Grounding of the objection is not required.

(2) The objection shall be made within two weeks term form the warrant is served, which term cannot be prolonged.

Effect of the objection

Art. 415. (1) (amend. – SG 42/09) When the objection is submitted within the term, the court shall instruct the applicant that he may submit a claim for establishing his receivable within one month term and shall pay the due State fee.

(2) Where the applicant does not present evidence that has submitted the claim within the stated term, the court shall invalidate the enforcement warrant partially or fully, as well as the writ of execution under Art. 418.

Entering in force of the enforcement warrant

Art. 416. (suppl. – SG 42/09) If objection is not done within the term or is withdrawn or after entry into force of the judicial decision for establishing the receivable, the enforcement warrant shall enter into force. On the base of it the court shall issue writ of execution and shall mark this on the warrant.

Enforcement warrant on the base of a document

Art. 417. The applicant may also require issuance of enforcement warrant if the receivable, not depending on its price is grounded on:

1. act of an administrative body, on which the admission of execution is assigned to the civil courts;

2. document or abstracts of accountancy books, by which receivables of State institutions, the municipalities and banks are ascertained.

3. notary deed, agreement or another contract with notary certified signatures concerning the contained in them obligations to pay monetary amounts or other replaceable sites, as well as obligations to give certain sites;

4. abstracts if the register of the special pledges for entered encumbrance and for the initiation of the execution – with regard to the handing of the pledged sites;

5. abstract of the register of the special pledges for entered contract for sale with reserving the ownership till the price is paid or lease contract – with regard to returning back of sold or leased sites;

6. pledge agreement or mortgage act under Art. 160 and Art. 173, Para 3 of the Law of Obligations and Contracts;

7. effective act for ascertaining of private State or municipal receivable, if its execution shall be done under the procedure of this Code.

8. act of deficiency;

9. promissory notes, bill of exchange or equated to them other promissory security as well as on bond or coupon on it.

Immediate execution

Art. 418. (1) If together with the application a document under Art. 417 is presented, on which the receivable is grounded, the creditor may require from the court to pronounce immediate execution and to issue writ of execution

(2) The writ of execution shall be issued after the court checks if the document is regular in the visible aspect, and shall certify the receivable which is subject to execution against the debtor. About the issuance of the writ of execution the

court shall make a due note on the presented document and on the enforcement warrant.

(3) Where according to the presented document the maturity of the receivable depends on the performance of the opposing obligation or on the occurrence of another circumstance, the performance of the obligation or the occurrence of the circumstance shall be certified by an official or issued by the debtor document.

(4) The decree by which the application for issuance of a writ of execution is denied partially or fully, may be appealed by a private complaint within one week term from notification.

(5) The enforcement warrant, with the mark of issued writ of execution, shall be handed by the bailiff.

Appeal of the decree for immediate execution

Art. 419. (1) The decree by which the application for immediate execution is recognised, may be appealed by a private complaint within two weeks term from the serving of the enforcement warrant.

(2) The private complaint against the decree for immediate execution shall be submitted in written together with the objection against the issued enforcement warrant and may be grounded only on grounds extracted from acts under Art. 417.

(3) The appeal of the decree for immediate execution shall not suspend the execution.

Suspension of execution

Art. 420. (1) The objection against the enforcement warrant shall not suspend the enforcement in the cases of Art. 417, items 1-8, except the debtor presents a due security in favour of the creditor, following the procedure of Art. 180 and 181 of the Law of Obligations and Contracts.

(2) If within the term for objection a request for suspension, supported by convincing written evidence, is made, the court which pronounced the immediate execution may suspend it.

(3) The ruling on the request for suspension may be appealed by a private complaint.

Partial suspension of the execution

Art. 421. (1) In case there are several obliged persons, the security under Art. 420, Para 1 shall be used only for the person or the persons for which it has been presented.

(2) Where the objection concerns only a part of the receivable, as well as if the presented security is partial, the court shall suspend the preliminary execution only for the respective part of the receivable.

Claim for existence of the receivable

Art. 422. (1) The claim for existence of the receivable shall be considered submitted from the moment of submission of the application for issuing of enforcement warrant, if the term under Art. 415, Para 1 is observed.

(2) Submission of a claim under Para 1 shall not suspend the admitted immediate execution, except for the cases of Art. 420.

(3) If the claim is denied fully or partially by an effective decision, the execution shall be terminated and Art. 245, Para 3, Sentence Two shall be applied.

Objection before the court of appeal (Title amended – SG 50/08, in force from 01.03.2008)

Art. 423. (1) (amend. and suppl – SG 50/08, in force from 01.03.2008) Within one month term from learning about the enforcement warrant, the debtor, who was deprived from the opportunity to contest the receivable, may submit an objection to the court of appeal, if:

1. the enforcement warrant was not served under the due procedure;

2. the enforcement warrant was not served in person and at the day of its serving he had not common place of stay in the territory of the Republic of Bulgaria;

3. the debtor could not learn in time about the serving due to special unforeseen circumstances;

4. the debtor could not file his objection due to special unforeseen circumstances, which he could not surmount.

Simultaneously with the objection, the debtor may exercise his rights under Art. 413, Para 1 and Art. 419, Para 1.

(2) (amend. – SG 50/08, in force from 01.03.2008) Submission of the objection at the appellate court shall not suspend the execution of the enforcement warrant. Upon a request of the debtor, the court may stop the execution under the conditions of Art. 282, Para 2.

(3) (new – SG 50/08, in force from 01.03.2008) The court shall recognize the objection, where finds that the prerequisites under Para 1 exist. If the objection is recognized, the execution of the issued under Art. 410 enforcement warrant shall be suspended. Where the objection is recognized, the court shall consider also the submitted private complaints of Art. 413, Para 1 and of Art. 419, Para 1. If the objection has been recognized because the prerequisites of Art. 411, Para 2, items 3 and 4 do not appear, the court shall ex-officio invalidate the enforcement warrant and the issued on its base writ of enforcement.

(4) (new – SG 50/08, in force from 01.03.2008) Hearing of the lawsuit by the first-instance court shall continue by instructions under Art. 415, Para 1. In this proceedings the court shall also consider the submitted with the objection request of Art. 420, Para 2.

Claim for contesting the receivable

Art. 424. (1) (amend. – SG 50/08, in force from 01.03.2008) The debtor may contest the receivable under a claim procedure, where newly learned circumstances or new written evidence of substantial importance for the lawsuit and which could not be known to him before the elapse of the term within which the objection should be filed or he could not obtain them in the same term are found.

(2) The claim may be submitted within three month term from the day on which the debtor learned about the new circumstance, or form the day on which the

debtor could obtain the new written evidence, but not later that one year of the lapse of the receivable.

Forms

Art. 425. (1) The Minister of Justice shall issue an ordinance, by which forms of enforcement warrant, application for issuance of enforcement warrant and of the other papers connected with the warrant procedure are approved.

(2) If the applicant did not use a form or used a wrong form, the court shall, by a written instruction for removal of the irregularity, apply the respective form.

Chapter thirty eight.
INITIATION, SUSPENSION AND TERMINATION OF THE EXECUTION

Initiation of the execution

Art. 426. (1) The bailiff shall start execution upon a request of the interested party on the grounds of a presented writ of execution or another act, subject to execution.

(2) In his request the creditor shall state the way of execution. He may state at the same time several ways of execution. During the procedure he may also point other ways of execution.

(3) The regularity of the request shall be checked as per Art. 129.

(4) The creditor may require from the bailiff to examine the property status of the debtor, to require references and copies of documents.

Competence per location

Art. 427. (1) The request for execution shall be submitted by the bailiff in which region are located:

1. the movable or immovable sites, over which the enforcement is directed;

2. the permanent address or the seat of the third obliged person, where the enforcement is directed over receivables of the debtor to him.

3. the place of performance of the obligations to act or to omit action, where performance of such obligations is demanded;

4. the permanent or the present address of the creditor or of the debtor – by choice of the creditor for alimony receivables.

(2) The creditor may require from the bailiff at his own permanent address to impose distraint or interdict over sites or receivables of the debtor, not depending on the fact that under the rules of Para 1 the enforcement actions shall be done by another bailiff. After the distraint or interdict is imposed, the bailiff shall transmit the enforcement lawsuit to the due bailiff, who shall make the inventory and sale of the sites.

(3) If the enforcement is directed over monetary receivables of the debtor from a third person who has permanent address or a sear in another court region, the enforcement lawsuit shall not be transmitted.

Invitation for voluntary performance

Art. 428. (1) The bailiff shall be obliged to invite the debtor to perform voluntary his obligation within two weeks term. Where the bailiff starts enforcement on the base of an enforcement warrant, he shall invite the debtor with its serving, and if the warrant was served on the debtor, new term for the voluntary performance shall not be given.

(2) The invitation shall bear the name and the address of the creditor and a warning to the debtor, that if he does not perform his obligation within the given term, enforcement shall be started. In the invitation the imposed distraints and interdicts shall be stated. To the invitation for voluntary performance a copy of the act which shall be executed shall be attached.

(3) In event of death of the debtor, after the latter has received the invitation for voluntary performance, but before other enforcement proceedings are done, the bailiff, before to continue the proceedings, shall send to the heirs a new invitation for voluntary performance.

(4) Where the bailiff transfers one way of enforcement into another, he shall send a notification to the debtor of the imposed distraint or interdict.

Personal limits of the writ of execution

Art. 429. (1) The heirs and the private successors of the creditor, as well as the guarantor or the joint debtor, who have paid the debt, may require execution on the base of the issued in favour of the creditor writ of execution. The succession, respectively the payment of the debt shall be ascertained by written evidence.

(2) The issued writ of execution against the legator may be also executed over the property of his heirs, except if they prove that they have disclaimed the inheritance or that they accepted it under inventory list. If the heir has not accepted the inheritance, the bailiff shall determine the term under Art. 51 of the Law for the Inheritance, and shall notify the respective regional judge of the statement of the heir, in order to enter it into the register.

(3) The writ of execution against the debtor shall have effect also against the third person, who has given an own site under pledge or mortgage as a security of the debt, if the creditor directs the enforcement over this site.

Special representative of the debtor

Art. 430. The regional court at the place of performance shall appoint a special representative of the debtor upon request of the creditor, if at the moment of starting the enforcement the debtor has not registered permanent or current address.

Powers of the bailiff

Art. 431. (1) The bailiff, if this is necessary for the enforcement, may order premises of the debtor to be opened and may search his sites, home and other rooms.

(2) (amend. – SG 42/09) The police authorities, the mayors of municipalities, of regions or of mayoralties, shall assist the bailiff upon reasoned request, where the performance of his official duties is illegally hindered.

(3) (amend. – SG 12/09, in force from 01.05.2009) The bailiff shall have right of access to information in the court and administrative authorities, including the bodies of the National Revenue Agency, the subdivisions of the National Insurance Institute, the Central Depositary, from the persons, who keep a register of state securities, from the controlling bodies of the Road Traffic Law and from other persons, who keep property registers or have data about his property. He may take references and to obtain information about the debtor, as well as to require copies and abstracts of documents.

(4) (amend. – SG 42/09) In the case, where the presence in person of the debtor is needed and he does not appear, although he has received a summon for this, the bailiff may order the police authorities to bring him.

(5) In case of necessity, the bailiff may require from the bodies of the Ministry of Interior to stop from traffic a vehicle, over which enforcement is directed, for a period of three months.

Suspension of the execution

Art. 432. The execution procedure shall be suspended:

1. by the court in the cases of Art. 245, Para 1 and 2, Art. 309, Para 1, Art. 397, Para 1, item 3, Art. 438 and 524;

2. upon request of the creditor;

3. in the cases of Art. 229, Para 1, items 2 and 3, except for the sale of a real estate, for which announcement already has been done;

4. in the cases of Art. 282, Para 2, as well as if the appealed appellate decision is revoked by the Supreme Court of Cassation;

5. (new – SG 42/09) in the cases of Art. 624, Para 3;

6. (prev. text of Item 05 – SG 42/09) in other cases, stipulated by a law.

Termination of the execution

Art. 433. (1) The execution procedure shall be terminated by a decree, if:

1. the debtor presents a receipt from the creditor, dully certified, or a voucher from a postal station, or a bank letter, from which is obvious that the amount of the writ of execution is paid or deposed for the creditor before the initiation of the execution procedure; if the debtor presents a receipt with a non-certified signature of the creditor, the latter in event of dispute, shall declare in written, that the receipt is not issued by him, in other case it shall be considered true;

2. the creditor has required this in written;

3. the writ of execution is invalidated;

4. by an effective court act the act on the base of which the writ of execution is issued is revoked, or this act is recognised as forged;

5. the pointed by the creditor property cannot be sold and it cannot be found any other sequester property;

6. the due in advance fees and expenses for the execution have not been paid;

7. an effective decision recognising the claim under Art. 439 or 440 is presented;

8. the creditor does not require performance of enforcement actions during two years, except for the alimony lawsuits.

(2) In the all cases under Para 1 the bailiff shall lift ex-officio the imposed distraints and interdicts, after the decree for termination enters into force.

(3) The termination of the procedure shall not inflict the rights which third persons have obtained before this on the base of the enforcement actions, as well as the regularity of the made by the third obliged person payment to the bailiff.

Certification of the execution actions

Art. 434. For each started and performed by him action, the bailiff shall make out a protocol, where he shall point the day and place of performance, the made by the parties requests and statements, the collected amount and the made expenses for the execution.

Chapter thirty nine.
DEFENCE AGAINST EXECUTION

Section I.
Appellation on the actions of the bailiff

Actions subject to appeal

Art. 435. (1) The creditor may appeal the refusal of the bailiff to perform the required execution proceeding, as well as the suspension and termination of the enforcement.

(2) The debtor may appeal the decree for fine and directing the enforcement over a property, assumed as non-subject to sequestration, taking of a movable site or his removal from an estate, due to this that he has not been dully notified of the execution.

(3) The decree for assignment may be appealed only by a person, who has deposed earnest money before the final day of the sale, and by a creditor who participated as a bidder, who does not owe earnest money, as well as by the debtor, due to this that the bidding in the tender was not performed dully and the property was not assigned to the highest bidder price.

(4) A third person may appeal the proceedings of the bailiff only if the execution is directed over sites, which on the day of the distraint, of interdict or of the delivery, if this concerns a movable site, are at his possession. The complaint shall be denied if it is ascertained that the site was owned by the debtor at the moment of imposing the interdict or the distraint.

(5) Entry to an estate may be appealed only by a third person, who had the accession to the estate before the claim, the decision on which is enforced, was submitted. If the third person misses the term to appeal, he may submit a possessory claim.

Submission of the complaint

Art. 436. (1) The complaint may be submitted through the bailiff to the district court at the pace of execution within one week term from the proceeding was performed, if it was performed at the party's presence or if the party was summoned, and in the rest cases – from the day of notification. For the third person the term starts from the day of learning about the proceeding.

(2) A copy of the complaint shall be served on the other party, and if the complaint was submitted by a third person, copies of it shall be served on the debtor and on the creditor, upon whose request the execution lawsuit has been initiated.

(3) The party who has received a copy of the complaint may within three days submit written objections. After the elapse of this term, the bailiff shall transmit the complaint together with the objections, if there are such, and a copy of the execution lawsuit to the district court, and shall state reasons for the appealed proceedings.

(4) With regard to the complaints the provisions of Art. 260, 261 and 262 shall be applied.

Consideration of the complaints

Art. 437. (1) The complaints, submitted by the parties shall be considered at a closed session, except if witnesses and experts shall be heard.

(2) The submitted by third persons complaints shall be considered at an open session with summoning the petitioner, the debtor and the creditor upon whose request the execution lawsuit has been initiated.

(3) The court shall consider the complaint on the base of the data in the execution lawsuit and the presented by the parties evidence.

(4) The court shall announce the decision with the reasons within one month term from the entry of the complaint to the court latest. The decision shall not be subject to appeal.

Suspension of the execution in event of appeal

Art. 438. The submission of the appeal shall not suspend the execution, but the court may pronounce suspension. In this case the court shall immediately transmit a copy of the ruling for suspension to the bailiff.

Section II.
Defence under a Claim Procedure

Contesting the receivable

Art. 439. (1) The debtor may contest through a claim the execution.

(2) The claim of the debtor may be grounded only on facts, which occurred after the end of the court investigation within the procedure, on which the execution ground was issued.

Defence of a third person

Art. 440 (1) Each third person whose right is affected by the execution, may submit a claim, to ascertain that the property over which the execution is directed for a monetary receivable is not ownership of the debtor.

(2) The claim shall be submitted against the creditor and the debtor.

(3) The creditor shall be liable under the terms of Art. 45 of the Law of Obligations and Contracts for the damages, caused to third persons by way of directing the execution over a property which is their ownership.

Liability of the bailiff for damages

Art. 441. The private bailiff shall be liable under the terms of Art. 45 of the Law of Obligations and Contracts for the damages, caused to the debtor from procedurally unlawful enforcement. For the same damages, caused by the State bailiff, the liability shall be under Art. 49 of the Law of Obligations and Contracts.

Division two.
EXECUTION OF MONETARY RECEIVABLES

Chapter fourty .
GENERAL RULES

Object of the execution

Art. 442. The creditor may direct the execution on any of the estates or of the receivables of the debtor.

Change of the object and of the way of execution

Art. 443. The debtor may propose that the execution should be directed on another estate or be carried out only through some of the manners of execution, required by the creditor. If the bailiff finds that the manner of execution proposed by the debtor is in a position to satisfy the creditor, he shall direct the execution on the estate pointed out by the debtor

Objects, which shall not be subject to sequestration

Art. 444. The execution cannot be directed on the following objects of the debtor-natural person:

1. objects for daily use of the debtor and his family specified in a list adopted by the Council of Ministers;

2. the necessary food for the debtor and his family for one month, and for the farmers - until the new crop or its equivalence in other farm products if there is none;

3. the fuel necessary for heating, cooking and lighting for three months;

4. the machines, instruments, devices and books, personal necessity of the debtor, practising free-lance profession or of a craftsman for the needs of his practice;

5. the lands of the debtor - farmer: gardens and vineyards of up to a total of 5 decares or fields of area up to 30 decares, and the machines and tools necessary for

the farm work, as well as the fertilisers, the plant protection means and the sowing seeds - for one year;

6. the necessary couple of working animals, one cow, 5 small farm animals, 10 bee-hives and poultry, as well as the necessary food for them until the new crop or taking out to graze;

7. the home of the debtor, if neither he nor any of the members of his family with whom he lives together, have another home, regardless of whether the debtor lives in it. If the home exceeds the housing needs of the debtor and the members of his family, as determined by an ordinance of the Council of Ministers, the surplus shall be sold, if the conditions of Art. 39, Para 2 of the Law for the Ownership are available;

8. the objects and other real rights stipulated by other laws as being no subject to enforcement.

Cancellation of the prohibition to sequester

Art. 445. (1) The prohibitions Art. 444 cannot be used by the debtors regarding the property on which a pledge or mortgage has been established when the claimant is the pledge or mortgage creditor.

(2) Benefits of the prohibitions of Art. 444, items 5 and 7 cannot be used by:

1. the debtors under liabilities for support money and for damages from not allowed injury and from financial deficits;

2. the debtors in the cases, stipulated by a law.

Income, which cannot be sequestered

Art. 446. (1) (amend. – SG 50/08, in force from 01.03.2008) If the execution is directed on the labour remuneration or on any other remuneration for work done, as well as on a pension amount of which is above the minimum monthly remuneration, it may be taken only:

1. if the sued person receives up to 300 BGN per month – a share of one quarter if he/she has no children, and a share of one fifth, if he/she has children who he/she maintains;

2. if the sued person receives from 300 to 600 BGN per month – a share of one third if he/she has no children, and a share of one quarter if he/she has children who he/she maintains;

3.if the sued person receives from 600 to 600 BGN per month – a share of one third if he/she has no children, and a share of one quarter if he/she has children who he/she maintains;

4. if the sued person receives more than 1200 BGN per month – a share of the surplus above 600 BGN if he/she has no children, and a share of the surplus above 800 BGN if he/she has children who he/she maintains;

(2) (new – SG 50/08, in force from 01.03.2008) The monthly labour remuneration under Para 1 shall be determined, after the due on it taxes and obligatory insurance installments are discounted.

(3) (prev. Para 2 – SG 50/08, in force from 01.03.2008) The limitations pointed hereinabove shall not refer to the liabilities for alimony. In these cases the sum

awarded for alimony shall be taken entirely, and the takings under Para 1 for the other liabilities of the sued person and for liabilities for alimony for a past period, shall be made on the remainder of his total income.

(4) (prev. Para 3 – SG 50/08, in force from 01.03.2008) Enforcement shall not be allowed on receivables for alimony. Enforcement on scholarships shall be allowed only for liabilities for support money.

Invalidity of the waiver of protection

Art. 447. Any waiver of the debtor of his protection under Art. 440 and 446 shall be invalid.

Obligation to declare the property and the income

Art. 448. (1) (amend. – SG 50/08, in force from 01.03.2008) If at the debtor property which can be sequestered and which can cover the expenses for the execution is not found, he shall be obliged to appear before the regional judge and to declare the whole his property and total incomes. Lack of sufficient property shall be ascertained by a protocol.

(2) Upon the request of the bailiff, the regional judge shall appoint a session on which the debtor and the creditor shall appear.

(3) If the court does not appear, the court shall rule his compulsory bringing.

(4) (amend. – SG 50/08, in force from 01.03.2008) The obligation for appearing and for presentation of a declaration and the liability for failure to perform this liabilities shall be stated in the summon to the debtor.

Simultaneous actions with the invitation for voluntary performance

Art. 449. (1) If the execution is directed over a movable or immovable object, in the invitation for voluntary performance shall be also stated the day, on which the inventory list will be done. It may be done within the term for voluntary performance.

(2) If the execution is directed over a real estate, simultaneously with the sending of invitation for voluntary performance, where the real estate shall be stated, the bailiff shall send a letter to the register service to entry the interdict over this real estate.

Distraint over a movable object or over a receivable

Art. 450 (1) Distraint over a movable object shall be imposed by taking of inventory of the object by the bailiff.

(2) Distraint over a movable object or a receivable of the debtor may be imposed also with the receiving of the notification about the inventory or about the distraint, if in it the object or the receivable over which the execution is directed are pointed exactly.

(3) The distraint over the receivable of the debtor shall be considered imposed with regard to the third obliged person from the day from which the distraint notification as per Art. 507 was served.

Effect of the distraint and of the interdict with regard to the debtor.

Art. 451. (1) From the moment of imposing the distraint, the debtor shall be deprived from the right to dispose with the receivable or with the object and may not, under fear of criminal liability, to change, damage or destroy the object.

(2) The consequences of Art. 1 shall fall for the debtor from the moment of receiving of the invitation for voluntary performance, where the execution is directed over a movable or immovable object and this object is stated in the invitation.

Effect of the distraint and of the interdict with regard to the creditor

Art. 452. (1) Made by the debtor actions of disposal over the distrained object or receivable after the distraint shall be not valid with regard to the creditor and the joint creditors, except the third person who acquired the object may refer to Art. 78 of the Law for the Ownership.

(2) Where the execution is directed over a property, the invalidity shall have effect only for the actions of disposal made after the interdict was entered into the register.

(3) The creditor and the joint creditors may require payment from the third obliged person, not depending on the payment he had made to the debtor, after the notification of distraint was served. The persons of the management bodies of the third obliged person shall bear joint liability.

Impossibility to counterclaim on the base of acts, which are not entered into the registry

Art. 453. Before the creditor and the joint creditors cannot be counterclaimed:

1. the transfer and establishment of real rights, which have not been entered before the interdict;

2. the decisions on claim motions, subject to entry, which have not been entered before the interdict;

3. transfer of receivable. Notification of which has been done after the third obliged person received the distraint notification;

4. transaction of movable objects, possession of which has not been transmitted to the acquirer before the distraint was imposed, except a document with true preceding date exists.

Suspension of the execution upon request of the debtor

Art. 454. (1) (amend. – SG 50/08, in force from 01.03.2008) The bailiff shall suspend the execution, if before the object is given to a shop or a wholesale market, respectively before the beginning of the open tender with verbal bidding, and for the public sale of an estate – before the day, preceding the day of the sale, the debtor – natural person, deposes 30 per cent of the receivables upon the submitted against him writs of execution and obliges himself in written to depose at the bailiff each month per 10 per cent of them.

(2) If the debtor does not pay some of the instalments under Para 1, the bailiff, upon a request of each of the creditors shall continue the execution, without the possibility for the debtor to require new suspension.

(3) Para 1 shall not be applied if subject to sale is a pledged or mortgaged object or an object, included in the trade enterprise of the sole entrepreneur.

Money received from the execution

Art. 455. (1) All the amounts, received on the execution lawsuit from the debtor, from the third obliged person, from bidders and buyers in the sale, as well as from the shops or the wholesale markets, who have performed the sale of the movable object, shall be deposed into the account of the bailiff.

(2) The payment of the amount owed to the creditor and the joint creditors shall be performed on the base of payment orders of the bailiff, who shall mark the payment on the writ of execution.

(3) Where the creditor and the debtor did not stated an account for transfer of the money received, the money shall stay in the account of the bailiff upon request.

Chapter fourty one.
JOINDER OF CREDITORS AND DISTRIBUTION OF THE MONEY RECEIVED

Joinder of creditors

Art. 456. (1) At any stage of the execution, before the distribution is done, other creditors of the same debtor may join the procedure.

(2) Joining under Para 1 shall be done through a written motion, to which the creditor shall attach the writ of execution and a certificate from the bailiff, that the writ is attached to another execution lawsuit.

(3) The certificate shall contain a statement about the unsatisfied remainder of the receivable, including principal, interest and expenses, and the day to which the remainder is calculated. In this case the amounts for distribution shall be transferred into the account of the bailiff, who issued the certificate and who shall mark the payment on the writ of execution.

Consequences of the joinder

Art. 457. (1) The joint creditor shall have the same rights in the execution procedure as the initial creditor.

(2) The performed before the joinder execution proceedings shall be useful for the joint creditor.

(3) The notifications and the summons shall be done only to the initial creditor.

(4) In event of claim or compliant from a third person against the execution proceedings, as a party shall be summoned the initial creditor. The joint creditors may join the lawsuit as joint parties. The issued decision shall also have effect with regard to them, though they did not enter the lawsuit.

Joinder of the State

Art. 458. (amend. – SG 12/09, in force from 01.05.2009) The state shall be considered always a joint creditor for the owed by the debtor public and other receivables, amount of which has been announced to the bailiff before the distribution was done. For this purpose the bailiff shall send a notification to the National Revenue Agency about each initiated by him execution and about each distribution.

Joinder of a creditor with secured claim

Art. 459. (1) The creditor in whose favour a security was admitted by way of imposing of distraint or interdict, shall be considered joint creditor, where the execution is directed over the object of the security. The due amount for the secured creditor shall be saved in the account of the bailiff and shall be transferred to him, after he presents the writ of execution. If the security is cancelled, this amount shall be distributed between the rest of the creditors or shall be returned to the debtor.

(2) Para 1 shall be applied for the mortgage and pledge creditor, as well as for the creditor who has right of detention.

Distribution

Art. 460. If the collected on the execution lawsuit amount is not enough to satisfy all the creditors, the bailiff shall make a distribution, as first he shall separate amounts for payment of receivables who have the right of priority satisfaction. The remainder shall be distributed for the rest receivables proportionally.

Compensation with amounts of the distribution

Art. 461. The creditor, to whom the object was assigned, may compensate from the due against its price amount such part of his receivable, as is due to him proportionally.

Presentation of the distribution

Art. 462. (1) The bailiff shall present the distribution to the debtor and to all of the creditors, who shall be summoned for this on appointed by the bailiff day.

(2) If within three days term from the presenting of the distribution a complaint is not submitted, it shall be considered final and the bailiff shall transfer the amounts on the distribution.

Decision on the distribution

Art. 463. (1) In event that the distribution is appealed, the lawsuit together with the complaint shall be transmitted to the district court, which shall consider it following the procedure of Art. 278.

(2) The decision of the district court on the distribution shall be subject to appeal before the court of appeal. Hearing of the complaint shall be executed under the procedure of Art. 274. The decision of the court of appeal shall not be subject to appeal.

Contest of the receivable of a joint creditor

Art. 464. (1) If one of the creditors contests the existence of the receivable of another creditor, he shall submit a claim against him and the debtor. Filing of the claim shall suspend the transfer of the amount determined for the creditor whose receivable is contested. If the claim is not submitted within one month from the distribution, the amount shall be transferred to the creditor.

(2) The claim may also be grounded on facts, which precede the finalization of the court investigation within the procedure, in which the execution ground has been issued.

Chapter fourty two.
EXECUTION OVER MOVABLE OBJECTS

Section I.
Inventory, evaluation and delivery for keeping

Inventory of a movable object

Art. 465. The bailiff shall take inventory of the object specified by the creditor, only if it is in possession of the debtor, unless it is obvious from the circumstances that it belongs to another person.

Inventory of fruits and plants which have not been harvested

Art. 466. Enforcement can also be directed on fruits and plants which have not been harvested, and which shall be listed in the inventory not earlier than two months before the usual time of their harvest.

Content of the inventory of a movable object

Art. 467. (1) The inventory shall contain:

1. stating of the writ of execution;
2. the place where it is executed;
3. a detailed description of the object;
4. the price against which the object shall be sold in a shop;
5. the eventual objections of the parties and the declared by third persons rights over the described object.

(2) Noted in the inventory shall be whether the objects, on which no enforcement is allowed, have been left to the debtor

(3) Noted in the inventory shall also be the place and time for the sale of the object, if the creditor requests that. In this case the debtor shall be considered notified about the sale regardless of whether he has attended the taking of inventory.

(4) The inventory shall be signed by the bailiff. The inventory shall not be announced to the parties.

Determination of the price of a movable object

Art. 468. (1) (amend. – SG 42/09) The bailiff shall determine the price against which the object shall be sold in a shop. The initial price, from which the bidding shall start at the public tender by a verbal bidding or at the public sale, shall be 75 per cent of the value of the object.

(2) (amend. and suppl. – SG 42/09) An expert for determining the value of the object shall be appointed at the request of a party. The expert shall be appointed ex officio, where special knowledge in the field of science, art, crafts, etc. is required. He may also give his conclusion verbally, which shall be stated in the protocol.

Delivery for keeping to the debtor

Art. 469. The described object may be delivered for keeping to the debtor if it is not taken for sale in a shop. In this case the debtor may use it only if he does not reduce the price.

Keeping of the described object

Art. 470. (1) If the debtor refuses to accept for keeping the object or if the bailiff assesses that it shall not be left to him, the object shall be taken by the bailiff and shall be given for keeping to the creditor or to a keeper, appointed by the bailiff.

(2) The keeper shall be selected taking in view his personality, as well as the nature of the object and the place where it is located or shall be kept.

(3) The object shall be delivered for keeping against signature.

Obligations of the keeper

Art. 471. (1) The keeper shall be obliged to keep the object with the due diligence and shall give report about the incomes from it and about the expenses for its keeping.

(2) If the keeper does not fulfil his obligations under Para 1, the bailiff may deliver the object for keeping to another person.

Remuneration of the expert and of the keeper

Art. 472. For the expert and the keeper, if he is a third person, the bailiff shall determine a remuneration, which shall be deposed in advance by the creditor. If expenses for the taking or keeping of the object are needed, they shall be deposed by the creditor in advance

Section II.
Sale of Movable Objects

Competition of two procedures of execution

Art. 473. (1) The sale of the distrained object shall be executed by the bailiff, who took the inventory.

(2) If another enforcement is directed on the described object, the next creditor may require from the regional court to allow sale for execution of his receivable. The permission shall be issued, if after the elapse of one month from the

execution is directed, there is no protocol under Art. 477, Para 3 registered in the regional court.

(3) The described object shall be taken for execution on the base of the permission under Para 2.

Sale of a movable object

Art. 474. (1) The sale of the distrained object shall be carried out in a shop or commodity exchange, by way of public tender with verbal bidding or of public sale of estate..

(2) The claimant or the debtor may agree that the object will be sold for the determined by bailiff in a shop of the private bailiff or in a stated by him shop, by submitting a written consent for acceptance of the object for sale by the shop.

(3) If the object may be sold through commodity exchange, the creditor or the debtor may point a commodity exchange, be submitting a written consent for acceptance of the object for sale through a commodity exchange.

(4) The delivery of the object shall be certified by a protocol, signed by the bailiff and by the manager of the commodity exchange or of the shop. For the executed sale, the shop, respectively the commodity exchange shall receive a commission amounting to 15 per cent of the sale price, which shall be taken at the deposition of the received amount.

(5) Objects evaluated at over 5000 BGN, the motor vehicles, the ships and the aircraft, shall be sold by the bailiff according to the rules for public sale of a real estate under this Code. The sale shall be announced according to Art. 477, Para 3. The bailiff shall transfer the possession of the object after the price is paid. Applied in these proceedings shall be the rules of Art. 482 and 521.

Sale of perishables

Art. 475. Perishable objects and for the keeping of which significant expenses and special conditions are needed, shall be sold not later than one week from the inventory.

Sale of plants and fruits which have not been harvested

Art. 476. Plants and fruits which have not been harvested shall be sold by the bailiff according to the rules for public sale of real estate according to this Code. The sale must be done not earlier than one week before the usual harvest time

Sale in a shop

Art. 477. (1) The object shall be delivered into the shop by the debtor.

(2) Due receipt shall be presented by the debtor to the bailiff for the delivery of the object to the shop.

(3) The bailiff shall announce the sale of the object by a notification put up in the respective places in his office and in the local municipality or mayoralty. The protocol of announcement shall be registered in the regional court.

Sale without delivery of the object

Art. 478. If the delivery of the object into the shop is connected with inconvenience for its sale, the bailiff shall put in a visible place in the shop notification and shall provide opportunity to the persons who desire to see the object at the place, where it is located. The sale shall be announced under the procedure of Art. 477, Para 3.

Payment of the price

Art. 479. The sale in a shop shall be done against the determined price. The object shall be delivered to the buyer after the price is paid. If the object is sold against a lower than the determined price, or is delivered to the buyer before the payment of the price, the bailiff shall collect the sale price from the seller.

New sale

Art. 480. (suppl. – SG 42/09) If within three months from the delivery of the object into a shop or from the announcement of the sale under the procedure of Art. 478, the object is not sold, it shall be sold through a public tender with verbal bidding at a price amounting to 50 percent of the initial one under Art. 468, Para 1.

Sale through public tender with verbal bidding

Art. 481. (1) The bailiff shall execute the sale through a tender at the appointed moment in front of the building where the described objects are kept, or at another place, determined by a mutual consent of the parties. In event of lack of consent the sale shall be done at a place, determined by the bailiff, and it shall be appointed not earlier than one and not later than three weeks after the inventory is taken.

(2) The sale shall not be appointed and the described objects shall be discharged, if the creditor does not depose the expenses for its execution within one week term from the inventory.

(3) On the day of the sale the bailiff shall draft a protocol, where he shall mark the day and the way of announcement and notification of the parties.

(4) The tender shall start at the appointed time and shall finish after the offer of the last described object.

(5) Earnest money shall not be deposed for participation in the tender.

(6) If within one hour after the appointed time of the sale bidders appear, the bailiff shall offer the objects one after one in a chosen by him order.

(7) Each object shall be offered verbally by the bailiff at the determined initial price. The price shall be announced three times.

(8) If someone of the bidders gives sign that he accepts the price, the bailiff shall offer the object at a higher price. If the higher price is accepted by someone of the madders, the bailiff shall offer a higher price.

(9) If the offered highest price is not accepted after the third announcement, the bailiff shall announce that the price is bought by this bidder, who accepted first the lower announced price, shall state the price in the protocol and deliver the object to the bidder against cash payment. If the announced by the bailiff buyer does not pay

immediately in cash the accepted price, the bailiff shall remove him from further participation in the tender.

(10) If bidders did not appear or the initial price is not accepted after the third announcement, the bailiff shall announce the sale not realized, discharges the object and delivers it to the debtor. If the debtor does not present, the object shall be delivered to the keeper, and if the object has not been delivered for keeping, it shall be left at the place of the sale at disposal of the debtor.

Stability of the sale

Art. 482. (1) The executed sale may not be appealed or contested under a claim procedure.

(2) The buyer shall become its owner, not depending if the object belonged to the debtor.

(3) The previous owner shall have the right to receive the price, if it is not disbursed under the distribution. If it is disbursed, he shall have the right to require from the creditors and the debtor what they received from the distribution.

(4) If the creditor is unfair, he shall be liable before the owner for the caused to him damages. In all cases the creditor shall bear the expenses for the execution.

Chapter fourty three.
EXECUTION OVER IMMOVABLE OBJECTS

Taking inventory of an estate

Art. 483. The inventory shall be taken only if the state or private bailiff convinces himself, that the estate has been property of the debtor as of the day of levying the distraint. The examination of the ownership shall be carried out through an inquiry in the tax or notary books or otherwise, including through an interrogation of neighbours. When there is no reliable information about the ownership, the possession as of the day of distraint shall be taken into account.

Content of the inventory:

Art. 484. (1) The inventory shall contain:

1. marking of the writ of execution;

2. the pace where it is performed;

3. the location, the borders of the estate, the imposed on it mortgages and distraints, as well as the due taxes;

4. the initial price, from which the bidding shall start;

5. the eventual objections of the parties and the declared by third persons rights over the described object.

(2) Data about the encumbrances shall be required by the bailiff from the territorial directorate of the National Revenue Agency and from the registry service, simultaneously with the motion to register the distraint.

(3) In the inventory shall be also stated the place and the time of the sale of the object, if the creditor requires that. In this case the debtor shall be considered notified about the sale, not depending on this if he presented the taking of inventory.

(4) The inventory shall be signed by the bailiff. The inventory shall not be announced to the parties.

Determination of the initial price of the public sale

Art. 485. The bailiff shall determine the initial price, from which the bidding shall start, and shall apply respectively Art. 468.

Keeping of a real estate

Art. 486. (1) The estate shall be left in possession of the debtor until the conduct of the sale. The debtor should manage this estate with the care of a good proprietor. The debtor shall receive the estate by inventory and shall be obliged to deliver it in the same condition, in which he accepted it

(2) If the debtor fails to manage the property well or prevents any third person from examining it, the bailiff shall assign the management to another person.

Announcement of the sale

Art. 487. (1) The bailiff shall be obliged, after the expiry of seven days from the inventory, to prepare an announcement for the sale, where he shall indicate: the owner of the estate, description of the same, if it is mortgaged and for what amount, the price, from which the sale will start and the place and date, on which the sale will start and end.

(2) The announcement under Para 1 shall be put in the respective places in the office of the private bailiff, in the building of regional court, of the municipality, of city-council, at the location of the estate, as well as on the estate itself, and at least one day before the day for starting the sale, indicated in the announcement.

(3) On the day under Para 2 the bailiff shall draw up a protocol where he should indicate the day the announcement is made public. The protocol shall be registered in the regional court.

(4) The bailiff shall determine the period in which the real estate may be examined by the persons wishing to buy it.

Place of the sale

Art. 488. (1) The sale shall be executed in the premises of the regional court. It shall continue one month and shall finish on the indicated in the announcement day.

(2) The papers for the sale shall be kept in the office at the disposal of anyone, who might be interested in the estate.

Bidding offers

Art. 489. (1) A deposit of 10% on the evaluation shall be paid into the account of the bailiff for participation in the bidding. The creditor shall not pay this deposit, if his receivable exceeds this rate.

(2) Every bidder shall indicate the price offered by him in figures and in words and shall file his offer with the counterfoil for paid carnet in a sealed envelope. The bidder may do more than one bidding offers. Each bidding offers shall be done separately.

(3) The creditor shall not depose earnest money for each offer, if his receivable exceeds the amount of the needed earnest money according to the number of the submitted bidding offers.

(4) The offers shall be filed in the office of the regional court ,which shall be marked in the incoming register

(5) The sale shall end at the end of the office hours of the last day.

(6) Any bidding offer from persons that are not entitled to take part in the public sale, as well as offers for a price under the valuation, shall be invalid.

Persons who shall have no right to bid

Art. 490. (1) The debtor, his legal representative, the officers from the office of the regional court and of the bailiff, as well as the persons, specified in Art. 185 of the Law of Obligations and Contracts, shall not be entitled to take part in the bidding.

(2) Where the estate has been bought by a person, who had not been entitled to bid, the sale shall be invalid.

(3) In the case of Para 2 the money deposited by the purchaser shall be retained for satisfying the receivables under the execution case, and the estate, at the request of any of the creditors, may be put up for sale again.

Non-execution of the sale in event of payment of the debt

Art. 491. If before the elapse of the term for submission of the written bidding offers the debtor deposes all amounts for the submitted against him writs of execution and for the expenses for the execution lawsuit, the sale shall not be executed.

Announcement of a purchaser

Art. 492. (1) At the beginning of the working day after the elapse of the term for submission of bidding offers, the bailiff shall announce, at the appointed place in the premises of the regional court, the received bidding offers in the presence of the present bidders for which written records shall be worked out. Entered in the written records shall be the bidders and the bidding offers by the order of opening the envelopes. Entered in the written records shall be the bidders and the bidding offers by the order of opening the envelopes. As a purchaser of the estate shall be considered the bidder who has offered the highest price. If the highest price is offered by more than one bidder the buyer shall be determined by the state or private bailiff by lot in the presence of the attending bidders. The announcement of the purchaser shall be made by the bailiff in the written records which shall be signed by him.

(2) If when the buyer is announced, somebody of the present bidders verbally offers a price higher than the amount of a carnet, the bailiff shall indicate the offer in the protocol and after the bidder signs it, the bailiff shall ask three times if there are persons wishing to offer a higher price than the amount of one additional carnet. If an offer comes, it shall be indicated in the protocol and the bidder shall sign it. After the end of the offers, the bidder who offered the higher price shall be announced as a purchaser.

(3) The purchaser should, within a term of one week from closing the sale, deposit the price offered by him, by deducting the paid deposit.

Next purchaser

Art. 493. If the price is not deposed within the term of Art. 492, Para 3:

1. the deposit paid by the bidder shall serve for satisfying the creditors ;

2. the state or private bailiff shall invite the bidder that has offered the following highest price and has not withdrawn his earnest money, to buy the estate. If that bidder agrees, he shall be declared purchaser of the estate. If he does not agree or if he fails to deposit the price within a term of five days from his declaring purchaser, the bailiff shall offer the estate to the bidder, following by the order of offered prices, and shall do so, if needed, until the exhaustion of all bidders, that have offered a price equal to the valuation; the bidder that has agreed to buy the estate and fails to deposit in time the offered price, shall be responsible under item 1.

New sale

Art. 494. (1) If no bidders have appeared or no valid bidding offers have been made or if the purchaser has not deposited the price and the estate could not have been assigned by the procedure of Art. 493, item 2, the appellant shall be entitled, within a term of seven days from the notification, to request the conduct of a new sale.

(2) The new sale shall be carried out by the rules of the first sale. It shall begin not earlier than six months from the conclusion of the first sale at a price equal to 80 percent of the valuation. If the property is not sold again, and within one week term a determination of a new initial price is not required, it shall be released from execution and the distraint shall be deleted at a request of the bailiff.

Payment of the price by the creditor

Art. 495. The creditor announced for a purchaser of the estate, shall within one week term from the distribution to depose the amount needed for payment of the proportional parts of the receivables of the other creditors, or the amount by which the price exceeds his receivable, if there are no other creditors. If he does not pay this amount, he shall be liable for the damages and the expenses for the sale, and for the estate Art. 494, Para 2 shall be applied.

Decree of assignment

Art. 496. (1) Where the person announced as a purchaser under the procedure of Art. 492 – 494, deposes within the term the due amount, the bailiff shall assign to him the estate by a decree.

(2) From the day of the decree of assignment the purchaser shall obtain all rights, which the debtor had over the estate. The rights which third persons have obtained over the estate may not be counter-claimed against the purchaser, if these rights cannot be counter-claimed against the creditors.

(3) If the assignment is not appealed, the validity of the sale may be contested under a claim procedure only if Art. 490 is offended and if the price is not paid. In the latter case the purchaser may prevent the recognition of the claim, if he deposes the due amount with the interest, calculated from the day on which he was announced as a purchaser.

Announcement of a new sale

Art. 497. If the decree for assignment is revoked or if the sale is pronounced invalid under Art. 496, Para 3, the new sale shall be executed after a new announcement.

Entry into procession of the purchaser

Art. 498. (1) The purchaser shall be put in possession of the estate by the bailiff on the grounds of the enforced decree of assignment. The purchaser shall present a certificate for the charges paid for the transfer of the estate and the entry made of the same decree.

(2) The putting in possession shall be carried out against any person that is in possession of the estate. This person may defend itself only through a claim for ownership.

Return of the received in event of court eviction

Art. 499. (1) (1) If by an effective decision it is ascertained that the debtor has not been owner of the sold estate, the purchaser may require the price he has deposited, if it is not paid off yet to the creditors, and if it has been paid off, he may require from any one of them, as well as from the debtor, what they have received. In both cases the purchaser shall be entitled to the interest and expenses for his participation in the sale. Besides, he shall be entitled to require from the municipality and the state the refund of the charges for the transfer that he has paid.

(2) The regional judge at the location of the estate shall issue a writ of execution for the refund of these amounts on the grounds of the distribution and of the certificate under Art. 498, Para 1, if the persons, against which the writ is issued, have been involved in the lawsuit on which the decision was ruled. If the amount deposited by the purchaser has not been paid off, it shall be refunded to him by a payment order of the state or private bailiff.

(3) When the estate has been assigned to any creditor, he shall preserve his receivable against the debtor and shall be entitled to claim, under the procedure of Para 2, the amounts indicated in Para 1, without the expenses for his participation in the sale.

Sale of joint property estate

Art. 500. (1) (1) Where the execution is directed on an estate, which is joint property, for a debt of any of the co-owners, the estate shall be inventoried entirely, but only the share of the debtor shall be sold

(2) The estate may be sold entirely as well, if the other co-owners agree to that in writing.

Sale of a mortgaged estate

Art. 501. (1) In case of sale of a mortgaged estate, which is conducted not under the receivable of the mortgage creditor, the bailiff shall send him a notification of the schedule of the inventory and of the sale

(2) In the cases of Art. 494 and 495 the mortgage creditor, if he wishes so, may take part on equal terms with the other creditors.

Chapter fourty four.
EXECUTION ON OBJECTS WHICH ARE MATRIMONIAL PROPERTY

Directing the execution on a common object

Art. 502. (1) Any execution of a receivable against one of the spouses may be directed on an object, which is matrimonial property. The spouse who is not a debtor can specify a property of the spouse - debtor on which the execution can be directed. If the specified property is available and the receivable can be collected thereof, upon taking the inventory, the execution regarding the part of the matrimonial property shall be stopped and it can continue if after the sale of the said property the receivable or a part of it remains uncovered.

(2) When the spouses agree that the execution be directed on an object determined by them, which is community property, Art. 443 shall be applied.

Obligation to notify the spouse who is not indebted

Art. 503. (1) Where the bailiff finds that the object on which the execution is directed is matrimonial property, he shall notify the spouse who is not indebted.

(2) The spouse who is not indebted may appeal the execution actions due to the non-observance of Art. 502.

(3) The spouse who is not indebted may contest the receivable on the same grounds and by the same procedure as the spouse-debtor, as well as may appeal the execution actions on the same grounds as the latter.

(4) The spouse who is not indebted may take part in the bidding during the public sale of the object

Sale of a common object

Art. 504. (1) Where the execution is directed on object which is a matrimonial property, after the sale of the object the bailiff shall pay off half of the received amount to the spouse who is not indebted, and shall deal with the remaining amount in accordance with Art. 455, Para 2 and Art. 460 - 464.

(2) If the execution is directed on a real estate, Art. 500 shall be applied.

Prevention of the sale and priority in event of assignment

Prevention of the sale and priority in the assignment

Art. 505. (1) The spouse who is not indebted may prevent the sale of the movable object before its delivery into a shop or an exchange marker, respectively before the start of the public tender with verbal bidding, and for the public sale of a real estate – before the day, preceding the day of the sale, if, within one month from the valuation, he/she deposes into the account of the bailiff the equal value of the share of the spouse-debtor of the common object, per the determined price for sale in a shop, respectively per the price of the real estate.

(2) Where the spouse who is not indebted takes part in the bidding, he/she shall be declared purchaser if at the time of drawing up the protocol of Art. 492, Para 1, he declares that he wishes to buy the estate at the highest offered price

Equity of the shares

Art. 506. In the cases of Art. 504 and 505 the spouse who is not indebted cannot oppose to the creditor the fact that, due to his/her contribution in the acquisition of the object, he/she is entitled to a bigger share than the spouse-debtor, and also the appellant cannot claim that, on the same grounds the share of the spouse-debtor is bigger.

Chapter fourty five.
EXECUTION ON RECEIVABLES OF THE DEBTOR

Distraint of a receivable

Art. 507. (1) The distraint notification to the third liable person shall be sent simultaneously with sending the invitation for voluntary performance to the debtor.

(2) It shall be forbidden to third liable person in the distraint notification to deliver the amounts or objects it owes to the debtor. These objects should be specified precisely.

(3) From the day of receiving the distraint notification the third liable person shall have the duties of a keeper with regard to the objects or amounts he owes.

Obligations of the third person

Art. 508. (1) Within a term of three days, counted from the serving of the distraint notification , the third person should notify the bailiff whether:

1. he acknowledges the receivable, on which the distraint is levied, is grounded and if he is ready to pay it off;

2. if there are any claims from other persons on the same receivable ;

3.if any distraint has been levied under other writs of execution on that receivable and on what claims.

(2) The invitation for giving these explanations shall be made in the same notification for levying the distraint.

(3) If the third person does not contest his liability, he should deposit the sum he owes into the account of the bailiff or deliver to him the distrained objects.

Distraint on a receivable secured by a pledge or a mortgage

Art. 509. (1) If the distrained receivable is secured by a pledge, it shall be ordered to the person that holds the pledged object not to give it to the debtor, but to give it to the bailiff, if the third liable person acknowledges the debt.

(2) If the distrained receivable is secured by a mortgage, the distraint shall be noted in the respective book at the office in charge of entries.

Assignment for collection or instead of payment

Art. 510. The distrained receivable shall be granted to the creditor for collection or, at his request, shall be given to him instead of a payment. Where the creditors to the execution case are several persons, the receivable shall be granted for collection to the creditor, at whose request the case was initiated, and if he does not wish so - to another creditor that makes a request to that effect.

Execution on the delivered objects

Art. 511. The execution on the objects which the third liable person delivers or has been sued to deliver shall be directed under the procedure of Art. 465- 482.

Distraint on a labour remuneration

Art. 512. (1) The distraint on a labour remuneration shall be valid not only for the remuneration, specified in the distraint notification, but for any other remuneration of the debtor, received for the same work or some other work done for the same employer or enterprise

(2) If the debtor changes his work for some other employer or enterprise, the distraint notification shall be forwarded there by the person that initially received it, and shall be considered as sent by the bailiff. The third liable person shall notify the bailiff of the new work of the debtor and of the amount of the sum, deducted until his resignation.

(3) Any person that pays labour remuneration to the debtor to the execution, in spite of the levied distraint, and without deducting the amount under the distraint, shall be personally liable to the creditor for that amount jointly with the third liable person.

(4) The distraint notification of a receivable for support money shall be entered on the record of service of the debtor by the person that pays the labour remuneration. When the debtor changes his work in some other employer or for another employer institution, the deductions from his remuneration shall continue on the grounds of this entry, even if no other distraint notification has been received.

(5) The entry shall be deleted by order of the bailiff that has levied the distraint

(6) If, after the levying of the distraint on the labour remuneration the debtor leaves his work and fails to notify the state or private bailiff within a term of one month of his new work, the bailiff shall impose a fine of up to 200 BGN on him.

Liability of the creditor for collection of the receivable

Art. 513. This creditor, who delays the collection of the receivable granted to him, shall be responsible before the debtor to the writ of execution for the damages which are direct and immediate consequence of the delay.

Expenses for collection of the assigned receivable

Art. 514. The expenses that the creditor makes for the collection of the receivable assigned to him, shall remain for his account. He shall be obliged to give the bailiff a precise account for the collected amounts.

Execution on registered material securities

Art. 515. (1) The levying of distraint on registered material securities shall be carried out by way of taking inventory or by seizure by the bailiff who shall deposit them in a bank.

(2) On imposing distraint on registered material stocks or bonds the bailiff shall inform the company about that. The distraint shall have effect for the company from the moment of receipt of the distraint notification. The distraint shall include all property rights arising from the security.

(3) After the imposing of the distraint the creditor may require:

1. assigning of the receivable under the security for collection or instead of payment;

2. conducting of public sale.

(4) The registered material securities shall be sold by the bailiff according to the rules for public sale of a real estate under this Code, individually and/or in packages. The bailiff shall transfer every security by the due order and shall submit it to the buyer after the enactment of the decree of assignment. When the security is transferred by endorsement the order of the endorsements shall not be disrupted.

Distraint on dematerialized securities

Art. 516. Distraint on dematerialized securities shall be imposed by sending a distraint notification to the Central Depository, simultaneously informing the company. The Central Depository shall inform immediately the respective regulated market about the imposed distraint.

(2) Distraint on state securities shall be imposed by sending a distraint notification to the person keeping a register of state securities.

(3) The distraint shall have an effect from the moment of serving the distraint notification and shall comprise all material rights on the security.

(4) The Central Depository and the person keeping register of state securities shall be obliged, within the term of Art. 508, to inform the bailiff what securities are possessed by the debtor, whether other distraints have been imposed and on what claims.

(5) From the moment of receipt of the distraint notification the dematerialized securities shall be passed on at the disposal of the bailiff.

(6) After the imposing of the distraint, the creditor may require:

1. assignment of the receivable from the security for collection or instead payment;

2. conducting of a public sale.

(7) The dematerialized securities shall be sold through a bank under the procedure established for them. The bailiff shall act on his behalf and for the account of the debtor.

Execution on a share of a trade company

Art. 517. (1) Distraint on a share of a trade company shall be imposed by sending a distraint notification to the Registry Agency. The distraint shall be entered under the procedure of registration of a pledge on a share of a trade company and shall have effect from the moment of its entry. The Registry Agency shall inform the company about the registered distraint.

(2) When the execution is directed on a share of a general partner, the bailiff, by ascertaining the fulfilment of the requirements under Art. 96, Para 1 of the Commercial Law, shall present to the company and to the remaining general partners the statement of the appellant for termination of the company. Upon expiration of six months the bailiff shall empower the creditor to lay a claim before the district court at the main office of the company for its termination. The court shall reject the claim if it finds that the receivable of the creditor has been remedied. If it finds that the claim is grounded, the court shall terminate the company. The termination shall be registered ex-officio into the commercial register, after which a liquidation shall be carried out.

(3) When the execution is directed on a share of a limited partner the bailiff shall serve to the company the statement of the creditor for termination of the participation of the debtor in the company. Upon expiration of three months the bailiff shall empower the creditor to lay a claim before the district court at the main office of the company for its termination. The court shall reject the claim if it finds that the company has paid to the creditor the share of the property belonging to the partner, determined according to Art. 125, Para 3 of the Commercial Law. If it finds that the claim is grounded the court shall terminate the company .The termination shall be registered ex-officio, after which liquidation shall be carried out.

(4) If the execution is directed on all of the shares of the company, the claim for its termination may be submitted after the distraint is registered and without observing the requirements of Art. 96, Para 1 of the Commercial Law, without serving of a statement for termination of the company or of the participation of the debtors in the company. The court shall deny the claim if it finds that the receivable of the creditor is satisfied before the end of the first session on the lawsuit. If it finds that the claim is grounded, the court shall terminate the company and this shall be registered ex-officio into the commercial register, after which liquidation shall be carried out.

Execution on common deposit

Art. 518. The execution on a receivable against one of the spouses may be directed also on the half of the money deposit belonging to matrimonial property. The other half shall become a personal deposit of the spouse who is not indebted. The provisions of Art. 503 and 506 shall be applied respectively to this execution as well.

Chapter fourty six.
EXECUTION AGAINST STATE INSTITUTIONS, MUNICIAPLITIES AND ESTABLISHMENTS SUBSIDIZED BY THE BUDGET

Execution against state institutions

Art. 519. (1) Execution of monetary receivables against state institutions shall not be admitted.

(2) The monetary receivables against state institutions shall be paid off from the credit of their budget, envisaged for that. For that purpose the writ of execution shall be submitted to the financial body of the respective institution. If there is no credit, the superior institution should do what is necessary in order to provide such in the next budget at the latest.

Execution against municipalities and establishments subsidized by the budget

Art. 520. (1) execution on the funds in the bank accounts of the municipalities and the other establishments subsidized by the budget, received as a subsidy from the republic budget shall not be admitted.

(2) The execution of monetary receivables on other property – private ownership of the debtors of Para 1 shall be executed under the rules of this Division.

Division three.
EXECUTION ON NON-MONETARY RECEIVABLES

Chapter fourty seven.
COMPULSORY SEIZURE OF OBJECTS

Delivery of a movable object

Art. 521. (1) The awarded movable object, which after a demand by the bailiff is not delivered voluntarily by the debtor, shall be taken away from him by force and shall be delivered to the creditor.

(2) If the object is not with the debtor or if it is damaged, its equivalent shall be collected from him. It shall be proceeded in the same way when only a part of the object is found. If the equivalent of the object is not indicated in the writ of execution, it shall be determined by the court that has issued the writ, after hearing the parties and in case of need after interrogation of witnesses and experts as well.

(3) The decree for determination of the equivalent shall be subject to appeal under Art. 436. The appeal of the decree shall not suspend the collection of the equivalent, but the court mat rule the suspension. The court shall hear the complaint at an open session, where the debtor and the creditor are summoned. The decision shall be subject to appeal before the court of appeal, whose decision shall not be subject to appeal.

Entry into possession

Art. 522. (1) The person to which a real estate has been awarded shall be put in possession. The bailiff shall appoint day and time of entry and shall notify of this the parties. The protocol for putting in possession shall be written by the bailiff at the place itself. If the debtor does not leave the estate voluntarily, he shall be removed from it by force.

(2) The decisions under Art. 349 shall be executed after the payment to the other co-partitioners of the respective shares of the value of the estate is made.

Entry against third persons

Art. 523.(1)) If the bailiff finds that the awarded real estate is in possession of a third person and if he convinces himself that this person has acquired the possession of the estate after the initiation of the case, under which the executed decision has been issued, he shall put the creditor in possession of the estate, by indicating in the pronouncement the manner, in which he has convinced himself of when the third person has acquired the possession.

(2) If this third person claims over the awarded estate any rights, that exclude the rights of the creditor, the bailiff shall postpone the execution and shall grant the third person a term of three days to request from the regional court suspension of the execution.

Suspension of the entry

Art. 524. Along with the application for suspension, the third person shall present written evidence for the right he claims over the estate. The application shall be considered at an open session by summoning the creditor, the debtor and the third person. If the court finds it well-grounded it shall stop the execution and shall grant the third person a term of one week to lodge a claim at the due court. If within the term granted the third person fails to lodge a claim, the suspension shall be cancelled upon the request of the creditor.

Wilfully regaining of the possession

Art. 525. (1) When the person who has been put out of possession regains its possession over the estate wilfully, no matter how, the bailiff shall again, upon the request of the creditor, put him out of possession over it.

(2)) The same person shall also bear penal responsibility under Art. 323, Para 2 of the Penal Code.

Chapter fourty eight.
EXECUTION OF A DEFINITE ACTION

Execution of an obligation for action which can be substituted

Art. 526. (1) Where the debtor fails to perform an action which he has been sued to perform and which action may be performed by another person, the creditor may demand from the bailiff to authorise him to perform the action for the account of the debtor.

(2) The creditor may demand from the court that the debtor be sentenced to deposit in advance the amount, which is necessary for performing the action.

Execution of obligation for action which cannot be substituted and for inaction

Art. 527. (1) If the action cannot be performed by another person, but it depends exclusively on the will of the debtor, the bailiff, at the request of the creditor, shall compel the debtor to perform the action, by imposing on him a fine of up to 200 BGN. If even after that the debtor fails to perform the action, the bailiff shall impose on him consecutively new fines up to the same amount.

(2) The rule of Para 1 shall not be applied for the obligations of workers, resulting from a labour contract.

(3) Where the debtor does the contrary to what he is obliged by the decision to do or endure, the bailiff, at the request of the creditor, shall impose on him for every breach of that obligation a fine of up to 400 BGN.

(4) The actions of the bailiff for the authorisation and the imposing of fines shall be subject to appeal under the procedure of Art. 435 – 438.

Execution of obligation to transfer a child

Art. 528. (1) Where the bailiff initiates the execution of transfer of a child, as well as of the following return of the child, he shall invite the debtor to perform voluntarily at the appointed place and time. The invitation for voluntarily performance shall be served to the debtor if possible two weeks, but not later than one week before the determined time for the transfer of the child.

(2) Within three days from serving of the invitation the debtor shall notify the bailiff about:

1. if he/she is ready to transfer the child at the appointed time and place;
2. what obstacles for the timely performance of the obligation exist;
3. where and when he/she is ready to transfer the child.

(3) For failure to perform the obligation under Para 2, the bailiff shall impose a fine to the debtor as per Art. 527, Para 3, and if needed shall pronounce the compulsory bringing.

(4) The bailiff mat require from the Social Support Directorate assistance in order to remove the obstacles for the timely performance of the obligation, and to clarify to the debtor, and if needed to the child the advantages of the voluntary performance and the negative consequences of the failure to fulfil the court decision. The bailiff may require from the Social Support Directorate to undertake appropriate measures under Art. 23 of the Law for Protection of the Child. And if necessary – from the police authorities- for undertaking measures under Art. 56 of the Law on the Ministry of Interior.

(5) If the debtor does not perform voluntary, the bailiff with the assistance of the police authorities and of the mayor of the municipality, of the region or of the mayoralty shall compulsory take away the child and transfer him/her to the creditor.

Arrest in event of establishing obstacles to the execution

Art. 529. If the debtor establishes obstacles to the execution, the police authorities shall arrest him and shall immediately notify the prosecution.

Part six.
PROTECTIVE PROCEDURES

Chapter fourty nine.
GENERAL RULES

Applicable provisions

Art. 530. The envisaged in this Law and in other laws protective procedures shall be settled under the rules of this Chapter, as far as peculiar rules have not been established for them.

Jurisdiction for the application for assistance

Art. 531. (1) The protective procedure shall be initiated by an application in writing from the interested person.

(2) The application shall be filed at the regional court in whose region is the place of residence of the applicant. If there are several applicants and they have different place of residence, it shall be filed at the court at the place of residence of one of them.

Consideration of the application at a closed session

Art. 532. The application shall be considered at a closed session, unless the court assesses that for the regular settlement of the case it is necessary that it be considered at an open session.

Ex-officio check

Art. 533. The court shall be obliged to check ex officio if the conditions for the issue of the requested act exist. It may, on its initiative, collect evidence and take into consideration any facts which were not pointed out by the applicant.

Appearing in person and declaring circumstances

Art. 534. The court may rule that the applicant shall appear in person. It may require that the applicant confirms by a declaration the veracity of the circumstances he has set forth.

Usage of evidence

Art. 535. The court may base its arguments also on witness testimony, given before other bodies, as well as assign to another court or to the bodies of the national police or to the municipal councils the collection of the necessary evidence.

Suspension of the procedure

Art. 536. (1) The protective procedure shall be suspended, if:

1. there is a lawsuit with regard to a legal relation, which is a condition for the issue of the requested act or which is subject to ascertainment with this act.;

2. under the application for the issue of the act a civil law dispute arises between the applicant and another person, that opposes the application. In this case the court shall grant to the applicant a month's term for lodging the claim. The procedure shall be terminated, if the claim fails to be lodged.

(2) The effective decision on the dispute shall be obligatory for the settlement of the protective procedure under the conditions and within the limits of Art. 298

Contest of the protective act

Art. 537. (1) The decision by which the application for the issue of the requested act is granted, shall not be subject to appeal.

(2) Where the act under Para 1 affects the rights of third persons, the arising from this dispute, if it is for a civil right, shall be settled under the claim procedure. The claim shall be lodged against the persons who benefit the act. In case that the claim is recognised, the issued act shall be revoked or amended.

(3) The prosecutor may submit a claim for revocation of the issued act, where it is issued offending the law. The claim shall be directed against the persons, who benefit the act.

Appellation of a refusal

Art. 538. (1) The refusal to issue the act shall be subject to appeal within one week term from the decision was served on the party.

(2) The complaint shall be submitted through the regional court. It may be grounded on new facts and evidence. The consideration of the complaint shall be carried out under the procedure of Art. 278.

(3) The decision by which the application is rejected shall not prevent from filing a second application before the same court for the issue of the same act.

Termination of the procedure

Art. 539. (1) The protective procedure shall be terminated if:

1. the application to issue the act is withdrawn;

2. the applicant is not found at the address he/she stated.

(2) The ruling by which the procedure is terminated shall be subject to appeal by a private complaint.

Application of the rules of claim procedure

Art. 540. Applied to the protective procedure, in addition to the general rules of this Code, shall be respectively the rules of the claim procedure, except for Art. 207- 266 and Art. 303 – 388.

Expenses

Art. 541. The expenses for the protective procedure shall be on the account of the applicant.

Chapter fifty .
ASCERTAINMENT OF FACTS

Scope of application

Art. 542. (1) (prev. text of Art. 542 – SG 19/09) Where the law provides that a certain fact of legal significance should be certified by a document executed by a due procedure (such as certificate of graduated education, certificate of civil status, etc.) and such a document has not been executed and cannot be executed, or the one that was executed has been destroyed or lost, without the possibility of being restored, the person that benefits from this fact, may request that the regional court ascertains the fact, and where this is necessary, orders that the respective document is executed.

(2) (new – SG 19/09) In case of destroyed or lost civil status register, without the possibility of being restored, the mayor of municipality may request that the regional court ascertains the fact and orders the respective register is drawn up.

Contents of the application

Art. 543. Indicated in the application should be the following:

1. with what purpose the applicant demands the ascertainment of the respective fact;

2. the reasons for which the document has not been executed or for which its restoration is impossible. These reasons should be proved by official documents and

3. evidence for the fact which is subject to ascertainment.

Consideration of the application

Art. 544. (1) The application shall be considered at an open session by summoning the applicant and the persons, organisations and institutions that are interested in ascertaining the fact. Besides, the prosecutor shall be summoned as well.

(2) The following persons shall be considered as interested:

1. the persons whose relations with the applicant depend on the fact, which is subject to ascertainment;

2. the organisations and institutions, that should have executed the document or that are not in a position to restore it and

2. the organisations and institutions, before which the applicant wants to use the ascertainment, ruled by the court.

(3) If the interested person is not alive, summoned shall be his heirs. The interested organisations or institutions under Para 2 may be represented also by their local units.

(4) (new – SG 19/09) In the cases under Art. 542, Para 2 the court shall summon the Ministry of Regional Development and Public Works. The Ministry of Regional Development and Public Works shall provide the information from the

Unified System for Civil Registration and Administrative Services for the Population, which is relevant for the respective register.

Ascertainment of graduated education

Art. 545. (1) When the applicant wishes to ascertain that he has graduated education at any educational institution, the court may use for ascertaining this fact, besides the other evidence, also the conclusion of experts with regard to the training of the applicant.

(2) In the case of Para 1, as an interested institution under Art. 544, Para 2, item 2 shall be summoned this institution under whose supreme administration is the educational institution under Para 1.

Content and effect of the decision

Art. 546. (1) Pointed out in the decision of the court should be the fact ascertained by the court and the evidence, on which ground this fact has been ascertained.

(2) The decision by which the court passes judgement on the application may be appealed under the general procedure.

(3) The decision shall not have force of proof for those interested persons, organisations or institutions under Art. 544, which have not been summoned to take part in the proceedings, if they contest the fact.

Application of the procedure for removing mistakes

Art. 547. Any mistakes made in the documents under Art. 542 may be rectified by the same procedure and with the same consequences, when the laws make no provisions for another procedure for rectifying these mistakes

Ascertaining of facts occurred abroad

Art. 548. Where the facts under Art. 542 have occurred abroad, their ascertaining may be requested under the procedure of this Chapter, only if it is proved, that the applicant cannot obtain the necessary document or its substituting certification from the bodies of the foreign country, in whose territory the fact has occurred. The proving of this obstacle shall be made with documents issued by the due bodies of the foreign country, or with a certificate from the Ministry of Foreign Affairs, that the bodies of the foreign country have refused to consider the application of the interested person or that it is not possible to make such a demand.

Chapter fifty one.
ANNOUNCING OF ABSENCE OR DEATH

Jurisdiction and content of the application

Art. 549. (1) The application for announcing the absence or the death of a person shall be within the jurisdiction of the regional court at the last residence of the

person who has disappeared and in the absence of such - at the place where the person has lived immediately before disappearing.

(2) Pointed out in the application should be the presumable heirs of the absent person and his attorney or legal representative, if any.

Consideration of the application

Art. 550. (1) (amend. – SG 69/08) The court shall, at a closed session, rule on the collection of information about the absent person from his relatives, from the municipality, region or city-council, from the Ministry of Interior and from any other relevant source.

(2) The court shall send an abstract of the application to the municipality, region, or to the city-council at the last home of the absent person where he lived before he disappeared. This abstract shall be served to the persons under Art. 549, Para 2.

(3) The court shall pass judgement on the application for announcing the absence or death, after hearing the prosecutor and the persons pointed out in art. 443, par. 2, as well as the other interested persons.

Execution of a certificate of death

Art. 551. On the grounds of the decision, by which the death of a person has been announced, a death certificate shall be executed at the last place of residence of the person, or at the place where he lived immediately before he disappeared.

Revocation of the decision

Art. 552. (1) The decision for announcing the absence or death of a person may be revoked or amended at the request of any interested person or at the request of the prosecutor, if it has been ascertained that the absent person is alive or that the exact date of his death is different from the one announced by the court.

(2) The claim under Para 1 shall be submitted against the party who required the announcement of the absence or of the death, and against the persons who benefit from the respective act.

Chapter fifty two.
PROCEEDINGS UNDER AN OPENED INHERITANCE

Competence per place

Art. 553. The property that has remained after the death of a person shall be sealed by the regional judge in the cases provided for by the law at the place where the inheritance was opened or where the property is located.

(2) The regional judge may assign to the municipality or to the city-council through their authorities to carry out the sealing.

(3) Upon a request of the applicant, the sealing may be also assigned to the bailiff.

Entitled persons

Art. 554. The sealing may be requested by:

1. anyone who claims to be entitled to inheritance;

2. any creditor that has a writ of execution against the dead person;

3. the prosecutor and the mayor of the municipality, region or city-council, when there are absent heirs.

Sealing

Art. 555. A protocol shall be drawn up for the sealing, pointed out in which shall be the date, by whose order the sealing has been carried out, noting of the sealed premises, safes, boxes etc. and a short description of the unsealed objects. This protocol shall be signed by the officer and the attending parties.

Unsealing

Art. 556. (1) Anyone who is entitled to request sealing, may request unsealing and taking of inventory of the property.

(2) The unsealing and the taking of the inventory shall be carried out by the regional court, and it may assign this following the procedure of Art. 553, Para 2 and 3.

Taking inventory

Art. 557. (1) A protocol of inventory shall be executed, where described shall be all objects in the order of unsealing. An expert may be appointed for valuation of the objects.

(2) The taking of the inventory may be attended by the heirs of the dead person and the creditors.

(3) Inventory may be taken without any sealing being carried out.

Delivery of the objects

Art. 558. The described objects shall be delivered against a signature to the heirs or to someone of them, and if there are not any or if they do not wish to accept them, the objects shall be delivered for keeping to a third person.

Notification about the inventory

Art. 559. When the sealing, unsealing and taking of inventory are carried out by the municipality, region or city-council, the protocol shall be sent to the regional judge.

Chapter fifty three.
INVALIDATION OF SECURITIES

Subject-matter and prerequisites

Art. 560. Any person that has a right over a security to order -promissory note, bill of exchange and others, or over a security of a bearer, may request its invalidation, if it has been deprived of the possession of it in spite of its will or if the security has been destroyed

Content of the application

Art. 561. In his application the applicant should:

1. reproduce the security or point out everything that is necessary for determining its identity;

2. set forth the circumstances under which the security has been lost or destroyed, as well as the circumstances from which ensues his right over it, as well as

3. confirm the veracity of his assertions by an explicit declaration in the application.

Order to make no payments

Art. 562. (1) If the application meets the requirements of Art. 561, the court at a closed session shall issue an order, which shall contain:

1. noting of the applicant;

2. invitation to the holder of the security to claim his rights until the day of the court session for the ruling on the invalidation pointed in the order, at the latest, with a warning that if he fails to do so, the security shall be invalidated;

3. an order to the payer to make no payments to the bearer of the security.

(2) The order shall be stuck in the place designated for that purpose in the court and shall be promulgated in the unofficial section of the State Gazette.

(3) A transcript of the order shall be sent to the payer.

Appointment of a session for invalidation

Art. 563. The session for invalidation of a security shall be appointed not earlier than:

1. forty five days from the promulgation of the order of Art. 562, Para 2 or from the maturity date of the security, if the promulgation is made before the maturity date – for a security to order;

2. one year of the maturity of the first interest coupon after the promulgation of the order – for a security of a bearer, on which interest coupons have been issued;

3. one year from the maturity of the security – for security of a bearer, on which interest coupons have not been issued.

Contest of the appeal

Art. 564. (1) The person that contests the application for invalidation shall be obliged to declare that before the court at the session at the latest and to deposit the security at the court or with a bank until the settlement of the dispute.

(2) In the case of Para 1 the court shall suspend the proceedings for invalidation and shall grant a month's term to the applicant to present evidence, that he has lodged a claim for ascertaining his right over the security. If that evidence for

submission of a claim are not presented, the court shall terminate the invalidation proceedings.

Decision on invalidation

Art. 565 (1) The decision on invalidation shall be ruled at an open session with summoning the applicant.

(2) The decision, by which the application for invalidation is rejected, may be appealed under the general procedure.

Realisation of the rights incorporated in the security

Art. 566. After the invalidation of the security the applicant shall realise his rights incorporated in the security t on the grounds of the decision for invalidation. He may demand the issue of a duplicate on the grounds of that decision.

Rights of the owner of the security

Art. 567. The person who owns the invalidated security, even if he has not claimed his rights over it in due time, may request the amount under the security from the person, upon whose request the invalidation has been ruled, if this person has not been entitled to request invalidation.

Revocation of the order to make no payments

Art. 568. If the invalidation proceedings come to an end without the issue of a decision for invalidation, the order for non-payment shall be revoked ex officio by the court and the payer shall be notifies of it.

Chapter fifty four.
NOTARY PROCEDURES

Section I.
GENERAL RULES

Notary certificates

Art. 569. Notary procedures shall be procedures under which order the following are carried out:

1. legal transactions with notary acts;

2. certification of a title to real estates, certification of the date, contents and signatures of private documents, as well as of the veracity of transcripts and excerpts of documents and papers;

3. notary invitations, protests, certificates, for appearance or non-appearance of persons before the notary for the performance of actions before him;

4. acceptance and return of documents and papers delivered for keeping;

5. the entries, notes and their striking off in the cases provided for by the law;

6. giving references under the notary books, including under Art. 577, Para 2

7. issuance of certificate of encumbrances;

8. execution of other notary actions envisaged in a law

Competence per place

Art. 570. (1) (suppl. – SG 50/08, in force from 01.03.2008) The notary acts for transfer of ownership or for the establishment of real rights over real estates and certification of ownership over such estates shall be executed by the notary public in whose region the estate is located. The entries, notes and erasures with regard to real estates shall be made under an order of the judge for the entries by the entries office, in whose region the estate is located.

(2) The other notary actions, as well as the wills, may be executed by any notary public irrespective of the relation between the region of his action and the notary certification.

Initiation of the notary procedure

Art. 571. The notary procedure shall be initiated by a verbal application. The application should be in writing only in case where requested is the execution of a notary act for the transfer or establishment of a real right over a real estate, the certification of ownership over such an estate and entry, noting and erasure of an entry.

Parties to and participants in the notary procedure

Art. 572. Parties to the notary procedure shall be the persons, on whose behalf the execution of the notary action is requested. Participants in the notary proceedings shall be the persons, whose personal statement is certified by the notary public.

Place and time of the notary certifications

Art. 573. (1) The notary public may not execute notary actions outside his region.

(2) (amend. – SG 50/08, in force from 01.03.2008) The issuance of notary acts which are subject to entry, shall be carried out only in the office of the notary public and during the working hours.

(3) The other notary proceedings may be executed also out of the office and during the non-working hours, when valid reasons prevent from the appearance of the persons participating in the certification in the notary's office or necessitate the prompt execution of the notary action.

Lawfulness of the notary certifications

Art. 574. Notary proceedings regarding transactions, documents or other actions contradicting the law, may not be executed.

Challenge of the notary public

Art. 575. (1) The notary public may not execute notary actions where a party to the notary proceedings or a participant in them are the following: the notary public himself, his/her spouse or the person with whom he/she lives in a factual matrimonial cohabitation, his/her relatives by a direct ascending and descending line, those by lateral branch up to the forth degree, by marriage up to the first degree, as well as the persons, to which the notary public is a trustee, guardian, adopted or adopter or a person from accepting family.

(2) The prohibition of Para 1 shall be applied also in the cases, where the transaction or the document contains a provision to the benefit of any of the persons envisaged in Para 1.

Void notary certifications

Art. 576. The notary action shall be null and void, if the notary public ahs not been entitled to execute it (Art. 569, Art. 570, Para 1, Art. 573, Para 1, Art. 574 and Art. 575), as well as when upon its execution Art. 578 Para 4 (regarding the appearance of the participating persons), Art. 579, Art. 580, items 1, 3, 4 and 6, Art. 582, Art. 583 and Art. 589, Para 2 have been violated.

Appeal of a refusal

Art. 577. (1) The refusal to execute a notary certification shall be subject to appeal by a private complaint before the district court.

(2) For the refusals to execute an entry, noting or deletion separate registers shall be kept.

(3) Where the court revokes the refusal, the entry, noting and deletion shall be considered done at the moment of submission of the application for it.

Section II.
Special Rules

Form of the notary act

Art. 578. (1) A draft of the act in two or more uniform copies shall be drawn up for the execution of a notary act. The form, appearance and size of the paper, on which the draft shall be written or typed, shall be determined by a pattern approved by the Minister of Justice.

(2) All copies of the draft should be executed clearly and legibly, be written by hand with black or blue ink or be typed.

(3) The figures, contained in the draft, should be written in words as well, when they refer to the contents of the transaction. The empty spaces should be crossed out.

(4) The persons or their attorneys, whose statements are contained in the draft, shall appear in person before the notary public who, before executing the act, shall check the identity, capacity and representative powers of the persons that have appeared before him.

(5) The identity of the persons who are not known to the notary public, shall be ascertained by identification documents. In the same manner the notary public

shall certify whether the persons that have appeared before him have attained their majority age. In the case of absence of identification documents the person shall ascertain his/her identity by two witnesses with ascertained identity.

Issuance of a notary act

Art. 579. (1) The notary public shall read to the participating persons the contents of the act. If they approve it, the act shall be signed by them before the notary public, and if it has already been signed, they shall write their full name and confirm their signatures.

(2) In case any of the participating persons cannot sign because of illiteracy or infirmity, Art. 189 shall be applied, and the act shall not be countersigned by witnesses.

(3) When it is necessary to make any amendments, supplements or abbreviations in the act, an explicit note to that effect shall be made, that shall be signed as the act itself.

Content of the notary act

Art. 580. The notary act shall contain:

1. the year, month, day and where it is necessary - also the hour and the place of its execution;

2. the name of the notary public, executing it;

3. (amend. and suppl. – SG 50/08, in force from 01.03.2008) the full name and the unified civil number of the persons who participate in the procedure, as well as the number, the date, the place and the body issued their identity document;

4. the substance of the act

5. short denotation of the documents, certifying the presence of the requirements under Art. 586, Para 1;

6. signature and written in full the name of the parties or their attorneys and a signature of the notary public.

Placing of the notary act

Art. 581. After the execution of the act one of the copies thereof shall be placed in a special book for that purpose, and the other copies shall be given to the participating persons, charged as transcripts.

Translator

Art. 582. (amend. – SG 50/08, in force from 01.03.2008) When some of the participating persons do not know Bulgarian language, and the language which he/she uses is unknown to the notary public, he/she shall appoint a translator.

Participation of a deaf, dumb or illiterate person

Art. 583. (1) When the participating person is literate, but dumb, deaf or deaf-and-dumb, the deaf person should alone read the document aloud and declare whether it agrees with its contents, and the dumb or deaf-and-dumb person should,

after reading the document, write by its own hand in it, that he/she has read it and that he/she agrees with its content.

(2) Where the persons envisaged in Para 1 are illiterate, the notary public shall appoint an interpreter, through which the contents of the document shall be communicated to the deaf or deaf-and-dumb person and the approval of what is read by the dumb or deaf-and-dumb person shall be communicated as well. The notary public should convince himself in some way whether the interpreter and those persons understand each other

(3) In the cases of Para 2 the notary public shall make a respective note in the act.

Incompatibility regarding witnesses, interpreters and translators

Art. 584. The following persons may not be witnesses, interpreters and translators:

1. the incapable persons;

2. those illiterate in Bulgarian language;

3. those, who are in any of the relations specified in Art. 575 with the persons under Art. 572 or with the notary public; the interpreter may be a relative of the person participating in the proceedings;

4. the persons, to whose benefit there is a provision in the act;

5. the blind, deaf and dumb;

6. the persons working in the notary's office and the employees in the office in charge of entries.

Participation of witnesses, interpreters and translators

Art. 585. (1) The witnesses, interpreters and translators shall give a promise that what they confirm before the notary public is true, in accordance with Art. 170.

(2) The persons of Para 1 shall sign the act.

Check of the ownership

Art. 586. (1) Upon the execution of a notary act, by which ownership is being transferred or another real right over a real estate is being established, transferred, altered or terminated, the notary public shall check if the assignor is owner of the estate and whether the special requirements which the laws envisage for the conclusion of such transactions are present.

(2) The ownership shall be certified by the relevant documents. Where the assignor does not have such documents at his disposal, the ownership shall be checked following the procedure of Art. 587, Para 2.

(3) The notary public shall certify in the act also the execution of the check under Para 1 by indicating the documents certifying the ownership and the other requirements.

(4)When the document for ownership of the assignor has not been entered, the notary act shall not be executed, until that document is being entered.

Notary act of findings

Art. 587. (1) When the owner of a real estate has no document for his right, he may obtain such, after having ascertained his right before the notary public with relevant written evidence.

(2) If the owner does not have such evidence at his disposal or if it is insufficient, the notary public shall make a circumstantial check up on the acquisition of the ownership by prescription through interrogation of three witnesses, determined by the mayor of the municipality, region or city-council or an official determined by him, in whose region the real estate is located. The witnesses shall be determined on instruction of the owner and should, if possible, be neighbours of the estate.

(3) On the base of the evidence under Para 1 and 2, the notary public shall pass a motivated decree. If by it the right of ownership is recognised, the notary public shall execute a notary act of ownership over the estate in favour of the applicant.

Content of the notary act of findings:

Art. 588. (1) The notary act of findings shall contain:

1. the requisites under Art. 580, item 1, 2 and 5 and a signature of the notary;

2. (suppl. – SG 50/08, in force from 01.03.2008) the full name and the unified civil number of the owner, the number, the date and the place and the body of issuance of his/her identity document;

3. a precise description of the real estate, including specification of the borders and its location.

(2) Upon issuance of a notary act of findings, provisions of Art. 578, Para 4 and 5, Art. 579, 581, 582 and 583 shall not be applied.

Submission of a private document for verification

Art. 589. (1) Any person may present to the notary public a private document for verification of the date of its presentation before the notary public or of its contents.

(2) (amend. – SG 50/08, in force from 01.03.2008) Upon verification of the signature in a private document the persons, whose signatures are subject to verification should appear in person before the notary public and sign the document or confirm the already affixed signatures before him. If the document should be used to establish, amend or terminate rights over real estate, the persons shall write before the notary public their full name and put their signature, and if the signature has been already affixed, to write their full name and to confirm the signature. In this case Art. 578, Para 4 and 5, Art. 579, Para 2 and Art. 582-585 shall be applied.

(3) If the private document is in a foreign language and is not subject to entry, Art. 582 shall apply respectively.

Verification of the date, content and signatures of a private document

Art. 590. (1) The verification of the date, contents and signatures of private documents shall be carried out with an inscription on the document. In this case, insofar as there are no special rules, Art. 580 shall be applied.

(2) A note in a special register for such verifications shall be made for the verification of the date or signatures of private documents. Upon verification of the content of a document the applicant should present a transcript of the document. After the verification the transcript, duly certified, shall be placed in a special book.

(3) After the verification the private documents shall be returned to the persons that have presented them.

(4) (new – SG 50/08, in force from 01.03.2008) In case of simultaneous certification of the signature and of the content of a document, the applicant shall submit two or more identical copies of the documents, which shall be signed following the procedure of Art. 589, Para 2 and 3. After the certification of the signature and content, one of the copies shall be placed in a special book, and the other copies shall be handed to the applicant.

Verification of a transcript of a document

Art. 591. (1) Upon verification of the veracity of transcripts of documents presented to the notary public, he shall be obliged to compare the transcript with the original and mention in the verification by whom the document, of which the transcript was made, has been presented, and also if the transcript was made of the original document or of another transcript and whether there have been any crossings, additions, corrections and other peculiarities in them.

(2) In the case of Para 1, Art. 589, Para 1 and Art. 590 shall be applied respectively.

Notary invitation

Art. 592. (1) For serving a notary invitation the applicant shall present the invitation in three uniform copies. The notary public shall note in each of them, that the invitation has been communicated to the person it refers to, and after that one copy of the invitation shall be given to the person, from which the invitation originates and the other copy shall be placed in a special book with the notary public.

(2) Under the procedure of Para 1, any other notifications, warnings and answers concerning civil law relations shall be executed through the notary public.

Protocol of findings

Art. 593. (amend. – SG 50/08, in force from 01.03.2008) Protocol of findings shall be drawn up upon verification of the appearance or non-appearance of persons before the notary public for performance of actions before him. Certified in the same manner shall be the consent or dissent of the persons that have appeared for the performance of the respective actions. Art. 580 for drawing up the protocol of findings shall be applied, insofar as there are no peculiar rules. The protocol of findings shall be drawn up in two uniform copies that shall be signed by the applicant and the notary public. After that one of them shall be arranged in a special book and the other one shall be given to the applicant, charged as a transcript.

Keeping of documents and papers

Art. 594. (1) (amend. – SG 50/08, in force from 01.03.2008) Upon acceptance of documents and papers for keeping, a protocol of acceptance shall be drawn up in two uniform copies, which shall be signed by the applicant and the notary public. One of them shall be entered on a special register and the other one shall be given to the applicant, charged as a transcript.

(2) A protocol of handing shall be drawn up for the return of the documents and papers delivered for keeping, which shall be signed by the applicant, by his heirs or by a special attorney respectively. The protocol shall be entered in the register.

Chapter fifty five.
ENTRY OF LEGAL PERSONS

Field of application

Art. 595. (1) Entered by the procedure of this Chapter shall be the formation, transformation, declaring of liquidation and termination of legal persons and the other circumstances, which shall be entered, where a law provides for the entry in a court register.

(2) The registers shall be kept by the district courts.

Circumstances, which shall be entered

Art. 596. (1) Into the registers shall be entered:

1. the type, the name, the seat and the address of the legal person;
2. the scope of activity;
3. the bodies and the persons, who represent the legal person, the manner of representation, as well as the liquidators;
4. other circumstances, envisaged by a law.

(2) Changes in the circumstances, envisaged in Para 1 shall be subject to entry too.

(3) The entry shall be promulgated in the State Gazette, if a law provides so.

Entry

Art. 597. The entry shall be executed on the base of a decision of the court, in which region the seat of the legal person is located. The decision shall contain the circumstances which shall be entered. The entry shall have effect only for the circumstances which are subject to entry.

Publicity of the registers

Art. 598. The registers and the files shall be generally available and everybody may require references or issuance of a document of an entered circumstance in the register.

Effect of the entry

Art. 599. (1) The entered circumstances shall be considered known to the third persons, who act in good faith, from the day of entry, and this what is subject to promulgation - from the date of promulgation.

(2) Each acting in good faith person may refer to the entry, even if the entered circumstance does not exist.

(3) The circumstances which are not entered, shall be considered non-existing for the third persons who act in good faith.

(4) In case a difference between the entered and the promulgated circumstance appear, the third persons may refer to the promulgated circumstance, except is ascertained that the entered circumstance was known to them.

Capacity

Art. 600. The procedure of entry shall start upon a written request of:

1. empowered person;
2. a body, empowered to establish, transform or terminate the legal person;
3. a liquidator

Content of the request

Art. 601. (1) The request shall contain:

1. the name and the address of the person, who made the request;
2. the type, the name and the seat of the legal person;
3. the circumstance that an entry is required.

(2) The needed documents of the circumstances, which shall be entered, shall be enclosed to the request, as well as the samples of signatures of the persons, who represent the legal person.

(3) Where a termination of a legal person, which has no successor, to the request certificate of handed payment rolls, issued by the territorial subdivision of the National Insurance Institute.

Procedure of entry

Art. 602. (1) The request for entry shall be considered at a closed session, except the court assesses that is needed to consider it at an open session or this is provided by a law.

(2) The court shall check the existence of the circumstance, which is subject to entry, if it is admissible to be entered, and shall pronounce a decision, which shall be handed to the applicant.

Immediate execution

Art. 603. The decision to enter shall be subject to immediate execution.

Deletion of an entered circumstance

Art. 604. Where within a claim procedure is found that the entry is inadmissible or void, as well as non-existence of an entered circumstance, the court

shall delete the entry or the relevant circumstance ex-officio, upon the request of the prosecutor or of the interested person.

Correction of the registers

Art. 605. Corrections of the registers shall be made upon the request of the bodies and the persons of Art. 600 or ex-officio by the court following the procedure of Art. 602.

Appeal of refusal

Art. 606. The decision by which an entry is denied shall be appealed by a private complaint before the court of appeal.

Ordinance on maintenance and keeping the registers

Art. 607. The Minister of Justice shall issue and ordinance on the maintaining and keeping the registers of entries.

Part seven.
SPECIAL RULES REGARDING THE PROCEDURE ON CIVIL LAWSUITS UNDER THE EFFECT OF THE EUROPEAN UNION LAW

Chapter fifty six.
COOPERATION IN THE EUROPEAN UNION IN THE PROCEDURE ON CIVIL LAWSUITS (IN FORCE FROM 24.07.2007)

Section I.
Serving as per Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents), and repealing Council Regulation (EC) No 1348/2000 (OJ L 324, 10.12.2007), further referred to as "Regulation (EC) No 1393/2007" (In force from 24.07.2007; title amend. – SG 42/09)

Service by officials of diplomatic or consular representations (Title amend. – SG 42/09)

Art. 608. (in force from 24.07.2007; amend. – SG 50/08, in force from 01.03.2008; amend. – SG 42/09) Serving under Art. 13.1. of Regulation (EC) No 1393/2007, which shall be done in the Republic of Bulgaria, is admissible, if the addressee is a citizen of a Member State, which issued the document.

Service by post in another Member State

Art. 609. (in force from 24.07.2007; amend. – SG 42/09) (1) Serving as per Art. 14 of Regulation (EC) No 1393/2007. Serving, the refusal to accept, or the

circumstance that the addressee was not found at the address shall be certified by a return receipt.

(2) The party may require the serving to be executed by a courier service, provided by a registered person, entered in the public register of the operators of non-universal postal services. In this case the expenses shall be on the party's account.

Serving by post in the Republic of Bulgaria

Art. 610. (in force from 24.07.2007; amend. – SG 50/08, in force from 01.03.2008; amend. – SG 42/09) The document which shall be served in the Republic of Bulgaria shall be drafted or accompanied by a translation in Bulgarian or in a language understood by the addressee.

Competent authorities under Art. 2.1 and 2.2 of Regulation (EC) No 1393/2007 (Title amend. – SG 42/09)

Art. 611. (in force from 24.07.2007) (1) (amend. – SG 50/08, in force from 01.03.2008) Transmitting agency in case of serving abroad of judicial notifications and summons shall be the court, before which the lawsuit is pending.

(2) (amend. – SG 50/08, in force from 01.03.2008) Transmitting agency in case of serving abroad of extrajudicial documents shall be the regional court per the present or the permanent address of the person, who required the serving, or per the person's seat, and for notary certified documents – also the regional court, in which region the notary acts.

(3) (amend. – SG 50/08, in force from 01.03.2008) Receiving agency in case of serving in the Republic of Bulgaria shall be the regional court, in which region serving shall be done.

(4) (amend. – SG 50/08, in force from 01.03.2008) The receiving agency shall execute the serving by a clerk of the court, by post or in a manner as appointed by the State. If the inhabited place where the serving shall be executed has no court institution, serving mat be executed by the municipality or the mayoralty.

Refusal to accept on the ground of the language of the document

Art. 612. (in force from 24.07.2007; amend. – SG 50/08, in force from 01.03.2008; amend. – SG 42/09) The addressee shall announce his refusal under Art. 8.1. of Regulation (EC) No 1393/2007 before the transmitting foreign agency, where the notification ahs been served by post, or before the receiving agency by which it has been served.

Section II.
Taking of evidence as per Council Regulation (EC) No. 1206/2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (in force from 24.07.2007)

Serving of a document from abroad by another party to the dispute

Art. 613. (in force from 24.07.2007; amend. – SG 42/09) In the Republic of Bulgaria serving under Art. 15 of Regulation (EC) No 1393/2007 shall not be admitted.

Revocation of the decision

Art. 613a. (new – SG 42/09) The interested party may file with the Supreme Court of Cassation an application for revocation of the decision on the grounds of Art. 19.4 of Regulation (EC) No 1393/2007. The application may be filed within one year from delivery of the decision.

Taking of evidence in the Member States

Art. 614. (in force from 24.07.2007) Where the taking of evidence shall be done under the Council Regulation (EC) No. 1206/2001, the court may make a request for their taking by the competent body in the other Member State or under the conditions of Art. 17 of the Regulation to require direct taking of evidence.

Right of participation

Art. 615. (in force from 24.07.2007) Within the frames of the field of application of Council Regulation (EC) No. 1206/2001, the Bulgarian court or an authorised its member may attend and participate in taking evidence by the court of the other Member State.

Direct taking of evidence

Art. 616. (in force from 24.07.2007) (1) The direct taking of evidence in another Member State shall be done by members of the court or by an authorised by the court person.

(2) The parties, their representatives or experts may participate in this procedure, as far as this is allowed by the Bulgarian legislation.

Competent authorities under Art. 2.1 and 3.3. of Council Regulation (EC) No. 1206/2001 (Title suppl. – SG 50/08)

Art. 617. (in force from 24.07.2007) The requests for taking of evidence in the Republic of Bulgaria shall be made to the regional court, in the region of which court the taking shall be executed.

(2) Competent to allow direct taking of evidence in the Republic of Bulgaria shall be the district court, in the region of which district court direct taking shall be executed.

Language of the requests and notifications

Art. 618. (in force from 24.07.2007) The requests of another Member State for taking of evidence and the notifications under Council Regulation (EC) No. 1206/2001 shall be drafted in Bulgarian language or be accompanied by a translation in Bulgarian language.

Chapter fifty seven.
RECOGNITION AND ADMISSION OF COURT DECISIONS AND ACTS UNDER THE FORCE OF THE EUROPEAN UNION LAW (IN FORCE FROM 24.07.2004)

Section I.
Certificates (in force from 24.07.2007)

Certificates of European enforcement order for uncontested claims

Art. 619. (in force from 24.07.2007) (1) (suppl. – SG 50/08, in force from 01.03.2008) The certificate under Regulation (EC) No 805/2004 of the European Parliament and of the Council creating a European Enforcement Order for uncontested claims shall be issued upon a written application from the party by the first-instance court, which has heard the lawsuit or in whose region the public document has been issued.

(2) The disposition by which the application for issuance of a certificate is recognised shall not be subject to appeal and shall not be announced to the debtor.

(3) The disposition by which the application for issuance of a certificate is denied in full or partially shall be subject to appeal by a private complaint, a copy for serving of which shall not be submitted.

(4) (amend. – SG 50/08, in force from 01.03.2008) The court may correct or invalidate the certificate on the grounds of Art. 10 of Regulation (EC) No 805/2004 of the European Parliament and of the Council.

Issuance of certificate for recognition and admission of enforcement of a Bulgarian court decision

Art. 620. (in force from 24.07.2007) (1) The first-instance court, which has heard the lawsuit shall issue upon a written request of the party a certificate for recognition or admission of the enforcement of a Bulgarian court decision in another Member State, where an act of the European Union requires this.

(2) A certificate under Para 1 shall be issued by the first-instance court upon a written application of the party also in the case where recognition or admission of the enforcement will be required in a country which is not a Member State.

Section II.
Procedure of recognition and admission of enforcement of decisions and acts (in force from 24.07.2007)

Direct recognition

Art. 621. (in force from 24.07.2007) (1) (amend. SG 50/08, in force from 01.03.2008) The court decision or another act shall be recognised by the authority to which it is submitted, on the base of a copy, certified by the court which pronounced it, and the accompanying certificate, if an act of the European Union requires this.

(2) The court decisions within the scope of Art. 21.2 of Council Regulation (EC) No 2201/2003 concerning jurisdiction and the recognition and enforcement of

judgments in matrimonial matters and in matters of parental responsibility, repealing Regulation (EC) No 1347/2000 shall be recognized by the competent for the registration authorities.

Recognition in a court procedure

Art. 622. (in force from 24.07.2007) (1) The interested party may request recognition of the decision under the procedure of Art. 623 by the district court at the permanent address of the opposing party or at the party's seat, and if the party has no permanent address or a seat in the territory of the Republic of Bulgaria – at the party's permanent address or seat. If the interested party also has no permanent address or a seat in the territory of the Republic of Bulgaria, the request shall be submitted to the Sofia City Court.

(2) (amend. – SG 50/08, in force from 01.03.2008) The decision shall be recognised on the base of a copy, certified by the pronounced it court, and of a certificate of its entry into effect, if an act of the European Union requires this.

(3) The judgement on recognition shall have the effect of a decision, pronounced in a claim procedure.

(4) If the settlement of the lawsuit depends completely or partially on the recognition of the foreign court decision, pronounced in a Member State, the court before which the lawsuit is pending shall be the competent one for the recognition.

Admission of the enforcement

Art. 623. (in force from 24.07.2007) (1) The application for admission of enforcement of a court decision or of another act, pronounced in another Member State shall be submitted at the district court at the permanent address of the debtor, at his seat or at the place of performance. Copy of the application for serving shall not be presented.

(2) The court shall consider the application at a closed session. The court shall check the conditions for admission only on the base of the copy of the court decision, the certificate and their translation in Bulgarian language.

(3) In the judgement by which the application is recognised, the court shall determine the term for its appeal by the debtor. Preliminary enforcement of the judgement by which the application is recognised shall not be admitted.

(4) In the judgement by which the application is recognised, the court shall also pronounce on the required temporary and security measures.

(5) (new – SG 50/08, in force from 01.03.2008) The judgment on admission shall have the effect of a decision, pronounced within a claim procedure.

(6) (previous Para 5, amend. – SG 50/08, in force from 01.03.2008) The judgment shall be subject to appeal before the Sofia Court of Appeal. The decision of the Sofia Court of Appeal shall be subject of cassation appeal before the Supreme Court of Cassation.

Enforcement without on-purpose procedure (Title amend. SG 50/08, in force from 01.03.2008)

Art. 624. (in force from 24.07.2007) (previous text of Art. 624, suppl. – SG 50/08, in force from 01.03.2008) The request for issuance of a writ of execution on the base of a European Enforcement Order for uncontested claim or of a decision on an European procedure for claims of a small material interest shall be submitted to the district court at the permanent address of the debtor, at his seat or at the place of performance.

(2) (new – SG 50/08, in force from 01.03.2008; suppl. – SG 42/09) The judgment shall be appealed under the procedure of Art. 623, Para 6. The time limit for appellate appeal shall commence for the applicant from the delivery of the disposition, and for the respondent – from the delivery of the invitation for voluntary performance.

(3) (new – SG 42/09) The appeal of the disposition granting the application shall not stay the enforcement.

(4) (new – SG 42/09) The stay or limitation of the enforcement in the sense of Art. 23 of Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure (OJ L 199, 31.7.2007) shall be ruled by the court of the pending procedure, and where the disposition has enetered into force – by the court of first instance.

Chapter fifty eight.
ENFORCEMENT ON THE BASE OF THE REGULATION (EC) No. 1896/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL CREATING EUROPEAN ORDER FOR PAYMENT PROCEDURE (IN FORCE FROM 24.07.2007)

Competent body to issue European order

Art. 625. (in force from 24.07.2007) (1) (amend. – SG 50/08, in force from 01.03.2008) The application to issue European order for payment shall be submitted to the district court at the permanent address of the debtor, at his seat or at the place of performance.

(2) If possibility to consider the lawsuit under a claim procedure is not excluded, the defendant may with the objection to make a challenge for local jurisdiction at latest.

Forwarding of the lawsuit

Art. 626. (in force from 24.07.2007) Where the objection is submitted within the due time, the court shall instruct the applicant, who did not exclude the possibility to consider the lawsuit under a claim procedure, to depose the rest part of the due state fee into the account of the competent per kind and per place court. The court shall forward ex-officio the papers of the lawsuit to the competent per kind and per place court.

Enforcement on the base of European order

Art. 627. (in force from 24.07.2007) (1) (amend. – SG 50/08, in force from 01.03.2008) The application to issue a writ of execution on the base of an European

order for payment, issued by another Member State, shall be submitted to the district court at the permanent address of the debtor, at his seat or at the place of performance.

(2) (amend. – SG 50/08, in force from 01.03.2008; suppl. – SG 42/09) The judgment shall be appealed under the procedure of Art. 623, Para 6. The time limit for appellate appeal shall commence for the applicant from the delivery of the disposition, and for the respondent – from the delivery of the invitation for voluntary performance.

Chapter fifty nine.
REQUEST ON CAUSATIVE MATTERS (IN FORCE FROM 24.07.2007)

Competence of the national court

Art. 628. (in force from 24.07.2007) If the interpretation of a provision of the legislation of the European Union or interpretation and the validity of an act of the bodies of the European Union is of importance for the correct settlement of the lawsuit, the Bulgarian court shall make a request to the Court of the European Communities.

Forwarding of a request

Art. 629. (in force from 24.07.2007) (1) The request shall be made to the court, before which the lawsuit is pending, ex-officio or upon a request of the party.

(2) The court, whose decision is subject to appeal, may deny the request of the party to forward a request on causative matters for interpretation of a provision or of an act. The ruling shall not be subject to appeal.

(3) The court whose decision is not a subject to appeal, shall always forward a request for interpretation, except where the answer to the question arises clearly and undoubtedly from a previous decision of the Court of the European Communities or the meaning and the sense of the provision or of the act are so clear, that no doubt arises.

(4) The court shall always forward a request, if a question on the validity of an act under Art. 628 is placed.

(5) Where interpretation of provisions of Section IV "Visas, asylum, immigration and other politics, relating to the free movement of persons" of the Treaty establishing the European Community and the interpretation and the validity of acts, adopted under this Section of the Treaty, shall be of importance for the correct settlement of the lawsuit, only the court, whose decision shall not be subject to appeal, may make a request under Art. 628.

Content of the request

Art. 630. (in force from 24.07.2007) (1) The request to the Court of the European Communities shall contain description of the lawsuit, the applicable national legislation, a precise reference to the provision or to the act which interpretation or validity is subject to the request, the reasons by which the court considers that the required causative conclusion is of importance for the correct settlement of the lawsuit, as well as a wording of a concrete causative request.

(2) If court is assesses so, may forward a copy of the lawsuit.

Suspension and renewal of the procedure before the national court

Art. 631. (in force from 24.07.2007) (1) Simultaneously with the making of the request, the court shall suspend the procedure on the case. The ruling shall not be subject to appeal.

(2) The procedure on the lawsuit shall be renewed after the pronunciation of the Court of the European Communities.

Security and temporary measures

Art. 632. (in force from 24.07.2007) The court may pronounce appropriate security and temporary measures upon a request of the parties, while the procedure is suspended.

Effect of the decision on the causative request

Art. 633. (in force from 24. 07. 2007) The decision of the Court of the European Communities shall be obligatory for all the courts and institutions in the Republic of Bulgaria.

Transitional and concluding provisions

§ 1. (1) The first-instance lawsuit, established upon claim motions, which were received in the regional and the district courts before this Code enters into effect, shall be finalised by the same courts, not depending on the change of jurisdiction.

(2) The lawsuits on request to establish a security of future claim, started before this Code enters into effect, shall be heard by the same courts, not depending on the change of the jurisdiction.

§ 2. (1) (suppl. – SG 50/08, in force from 01.03.2008) The first-instance lawsuits, established upon claim motions, received before this Code enters into effect, shall be heard following the present procedure for hearing the first-instance and appellate lawsuits.

(2) The lawsuits before the court of appeal, received before this Code enters into effect, shall be heard under the present procedure for hearing the lawsuits by the court of appeal.

(3) The cassation lawsuits, established upon cassation complaints received before this Code enters in force, shall be heard under the present procedure of hearing of the lawsuits by the cassation instance.

(4) (new – SG 50/08, in force from 01.03.2008) Procedures on applications for securing claims, submitted before 1st of March 2008, shall be considered following the procedure of the revoked Code of Civil Procedure.

(5) (in force from 24. 07. 2007, previous Para 4 – SG 50/08, in force from 01.03.2008)) The cassation complaint against the appellate decision of the district courts on claims for defence against unlawful dismissal under Art. 344, Para 1 items 1-3 of the Labour Code and on claims for labour remuneration and compensation on a

labour legal relationship with a price of the claim above the amount under Art. 218a, Para 1, letter "a", submitted before this Code enters into effect, shall be heard by the respective court of appeal under the present cassation procedure. The initiated before the Supreme Court of Cassation lawsuits, which are not scheduled, as well as which are scheduled after 30 June 2008, shall be forwarded to the respective court of appeal, which shall hear them under the present cassation procedure.

(6)(new – SG 50/08, in force from 01.03. 2008) The procedures over applications for restoration of possession under an administrative procedure, submitted on the grounds of Art. 126g of the revoked Code of Civil Procedure before 1st of March 2008, shall be proceeded under the procedure of the revoked Code of Civil Procedure.

(7) (prev. Para 5 – SG 50/08, in force from 01.03.2008) The public sales, announced before this court enters into effect, shall be finalized under the present procedure.

(8) (new – SG 50/08, in force from 01.03. 2008) The protective procedures, constituted upon request to issue a writ of execution, received before 1st of March 2008, shall be considered following the procedure of the revoked Code of Civil Procedure. Under the same procedure shall also be considered the application to suspend the execution under Art. 250 of the revoked Code of Civil Procedure, if the writ of execution is issued upon a request, submitted before 1st of March 2008, as well as to suspend the execution of the appellation decisions under the procedure of Art. 218b, Para 3- 6 of the revoked Code of Civil Procedure.

(10) (new – SG 50/08, in force from 01.03. 2008) Procedures, initiated upon complaints against the actions of the State or of the private bailiff and against the refusal of the latter to execute a required enforcement action, submitted before 1st of March 2008, shall be considered under the procedure of the revoked Code of Civil Procedure.

(11) (new – SG 50/08, in force from 01.03. 2008) Procedures on cassation lawsuits, initiated upon private complaints, submitted before 1st of March 2008, shall be proceeded following the procedure of the revoked Code of Civil Procedure for proceeding the lawsuits by the cassation instance.

(12) (new – SG 50/08, in force from 01.03. 2008) The lawsuits, initiated by requests to cancel effective court decisions, submitted before 1st of March 2008, shall be proceeded under the procedure of the revoked Code of Civil Procedure.

(13) (new – SG 50/08, in force from 01.03. 2008) The lawsuits initiated upon requests for cancellation of definitions and judgments of the chairperson or by a judge of the Supreme Court of Cassation to return cassation complaints and upon requests to cancel effective decisions and definitions of the three-members body of the Supreme Court of Cassation, submitted before 1st of March 2008, shall be proceeded following the procedure of the revoked Code of Civil Procedure.

(14) (new – SG 50/08, in force from 01.03. 2008) In every, non explicitly enlisted procedure, initiated upon requests, submitted before 1st of March 2008, shall be proceeded under the procedure of the revoked Code of Civil Procedure.

§ 3. (*) The Civil Procedure Code (Prom. SG. 12/8 Feb 1952, amend. SG. 92/7 Nov 1952, amend. SG. 89/6 Nov 1953, amend. SG. 90/8 Nov 1955, amend. SG.

90/9 Nov 1956, amend. SG. 90/11 Nov 1958, amend. SG. 50/23 Jun 1961, amend. SG. 90/10 Nov 1961, corr. SG. 99/12 Dec 1961, amend. SG. 1/4 Jan 1963, amend. SG. 23/22 Mar 1968, amend. SG. 27/3 Apr 1973, amend. SG. 89/9 Nov 1976, amend. SG. 36/8 May 1979, amend. SG. 28/8 Apr 1983, amend. SG. 41/28 May 1985, amend. SG. 27/4 Apr 1986, amend. SG. 55/17 Jul 1987, amend. SG. 60/5 Aug 1988, amend. SG. 31/21 Apr 1989, amend. SG. 38/19 May 1989, amend. SG. 31/17 Apr 1990, amend. SG. 62/2 Aug 1991, amend. SG. 55/7 Jul 1992, amend. SG. 61/16 Jul 1993, amend. SG. 93/2 Nov 1993, suppl. SG. 87/29 Sep 1995, amend. SG. 12/9 Feb 1996, amend. SG. 26/26 Mar 1996, amend. SG. 37/30 Apr 1996, amend. SG. 44/21 May 1996, amend. SG. 104/6 Dec 1996, amend. SG. 43/30 May 1997, suppl. SG. 55/11 Jul 1997, amend. SG. 124/23 Dec 1997, amend. SG. 21/20 Feb 1998, amend. SG. 59/26 May 1998, suppl. SG. 70/19 Jun 1998, suppl. SG. 73/26 Jun 1998, amend. SG. 64/16 Jul 1999, suppl. SG. 103/30 Nov 1999, amend. SG. 36/2 May 2000, suppl. SG. 85/17 Oct 2000, amend. SG. 92/10 Nov 2000, amend. SG. 25/16 Mar 2001, amend. SG. 105/8 Nov 2002, amend. SG. 113/3 Dec 2002, suppl. SG. 58/27 Jun 2003, amend. SG. 84/23 Sep 2003, suppl. SG. 28/6 Apr 2004, amend. SG. 36/30 Apr 2004, amend. SG. 38/3 May 2005, amend. SG. 42/17 May 2005, amend. SG. 43/20 May 2005, amend. SG. 79/4 Oct 2005, amend. SG. 86/28 Oct 2005, amend. SG. 99/9 Dec 2005, amend. SG. 105/29 Dec 2005, amend. SG. 17/24 Feb 2006, amend. SG. 33/21 Apr 2006, amend. SG. 34/25 Apr 2006, amend. SG. 36/2 May 2006, amend. SG. 37/5 May 2006, amend. SG. 48/13 Jun 2006, amend. SG. 51/23 Jun 2006, amend. SG. 64/8 Aug 2006) shall be revoked.

§ 4. (1) The secondary legislation issued on the base of the revoked Civil Procedure Code, shall be applied insofar as it does not contradict this Code.

(2) (in force from 24. 07. 2007, amend. – SG 50/08, in force from 01.03. 2008) The Council of Ministers and the Minister of Justice shall issue the acts under Art. 55, Art. 73, Para 3, Art. 425 and Art. 444, item 7 within 6-months term after the promulgation of this Code in the State Gazette.

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§ 61. This Code shall enter into force from 1st of March 2008, except for:

1. Part Seven, "Special rules regarding the procedure on civil lawsuits under the effect of the European Union Law";

2. § 2, Para 4;

3. § 3 with regard to the revocation of Chapter Thirty Two "A" :Special rules for recognition and admission of execution of decisions of the foreign courts and other foreign authorities" with Art. 307a-307e and Part Seven "Procedure on return of a child and exercising of the right of private relations" with Art. 502 – 507;

4. § 4, Para 2;

5. § 24;

6. § 60,

which shall enter in force three days after the promulgation of the Code in the State Gazette.

This Code was adopted by the 40th National Assembly on 6th of July 2007 and was affixed with the official seal of the National Assembly.

Transitional and concluding provisions TO THE LAW OF AMENDMENT AND SUPPLEMENTATION OF THE CODE OF CIVIL PROCEDURE

(PROM. – SG 50/08, IN FORCE FROM 01.03.2008)

§ 43. Regulations under Art. 342, Para 1 of the Law on Judiciary shall also settle the registers of Art. 235, Para 5, Sentence Two and these of Art. 489, Para 4.

§ 47. (in force from 30.05.2008) The terminated procedures under § 2 of the Transitional and Concluding Provisions shall be renewed ex-officio by the court.

§ 48. This Law shall enter into force from 1st of March 2008, except for the § 23, 25, 45, 46 and 47 which shall enter into force from the day of promulgation of the Law in the State Gazette.

Transitional and concluding provisions TO THE LAW OF AMENDMENT AND SUPPLEMENTATION OF THE TAX-INSURANCE PROCEDURE CODE

(PROM. – SG 12/09, IN FORCE FROM 01.05.2009; SUPPL. - SG 32/09)

§ 68. (suppl. - SG 32/09) This Law shall enter into force from 1 May 2009 except § 65, 66 and 67 which shall enter into force from the date of promulgation of the Law in the State Gazette and § 2 - 10, § 12, items 1 and 2 - regarding para 3, § 13 - 22, § 24 - 35, § 36, paras 1 - 4, § 37 - 51, § 52, items 1 - 3, item 4, letter "a", item 7, letter "f" - regarding para. 10 and para 11, item 8, letter "a", items 9 and 12 and § 53 - 64, which shall enter into force from the 1st of January 2010.

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This Code was adopted by the 40th National Assembly on 6 July 2007 and was affixed with the official seal of the National Assembly.

Transitional and concluding provisions TO THE LAW OF AMENDMENT AND SUPPLEMENTATION OF THE CODE OF CIVIL PROCEDURE

(PROM. – SG 42/09)

§ 26. The lawsuits under Art. 390, Para 1 and Art. 411, Para 1, initiated before entry into force of this Law, shall be finilised by the same courts, regardless from the changes to the jurisidction.

§ 27. The lawsuits on claims for exercising parental rights in cases of disagreement between parents as referred to in Art. 76, Item 9 of the Law on the Bulgarian Identity Documents, initiated before entry into force of this Law, shall be finalised under the hitherto effective order.

Transitional and concluding provisions TO THE FAMILY CODE

(PROM. – SG 47/09, IN FORCE FROM 01.10.2009)

§ 18. This Code shall enter into force from 1 October 2009.