

# ADMINISTRATIVE VIOLATIONS AND PENALTIES ACT

*Prom. SG. 92/28 Nov 1969, amend. SG. 54/11 Jul 1978, amend. SG. 28/9 Apr 1982, amend. SG. 28/8 Apr 1983, amend. SG. 101/27 Dec 1983, amend. SG. 89/18 Nov 1986, amend. SG. 24/27 Mar 1987, amend. SG. 94/23 Nov 1990, amend. SG. 105/19 Dec 1991, amend. SG. 59/21 Jul 1992, amend. SG. 102/21 Nov 1995, amend. SG. 12/9 Feb 1996, amend. SG. 110/30 Dec 1996, amend. SG. 11/29 Jan 1998, suppl. SG. 15/6 Feb 1998, amend. SG. 59/26 May 1998, suppl. SG. 85/24 Jul 1998, suppl. SG. 51/4 Jun 1999, amend. SG. 67/27 Jul 1999, suppl. SG. 114/30 Dec 1999, amend. SG. 92/10 Nov 2000, amend. SG. 25/8 Mar 2002, amend. SG. 61/21 Jun 2002, amend. SG. 101/29 Oct 2002, suppl. SG. 96/29 Oct 2004, amend. SG. 39/10 May 2005, amend. SG. 79/4 Oct 2005, amend. SG. 30/11 Apr 2006, amend. SG. 33/21 Apr 2006, amend. SG. 69/25 Aug 2006, amend. SG. 108/29 Dec 2006, amend. SG. 51/26 Jun 2007, amend. SG. 59/20 Jul 2007, amend. SG. 97/23 Nov 2007, amend. SG. 12/13 Feb 2009, amend. SG. 27/10 Apr 2009, amend. SG. 32/28 Apr 2009, amend. SG. 10/1 Feb 2011, amend. SG. 33/26 Apr 2011, amend. SG. 39/20 May 2011, amend. SG. 60/5 Aug 2011, amend. SG. 77/4 Oct 2011, amend. SG. 19/6 Mar 2012, amend. SG. 54/17 Jul 2012, amend. SG. 77/9 Oct 2012, suppl. SG. 17/21 Feb 2013, amend. SG. 98/28 Nov 2014, suppl. SG. 107/24 Dec 2014, amend. and suppl. SG. 81/20 Oct 2015, amend. SG. 76/30 Sep 2016, suppl. SG. 101/20 Dec 2016, amend. and suppl. SG. 63/4 Aug 2017, suppl. SG. 101/19 Dec 2017, amend. and suppl. SG. 20/6 Mar 2018, suppl. SG. 38/8 May 2018, suppl. SG. 83/22 Oct 2019, suppl. SG. 94/29 Nov 2019, amend. and suppl. SG. 13/14 Feb 2020, amend. and suppl. SG. 109/22 Dec 2020, amend. SG. 21/12 Mar 2021, amend. SG. 25/29 Mar 2022, suppl. SG. 51/1 Jul 2022*

## Chapter one. GENERAL

Art. 1. (Amend. - SG 59/92) This Act shall lay down general rules regarding the administrative violations and penalties, the procedure for establishing the administrative violations, imposing and application of the administrative penalties and shall provide the necessary safeguards to protect the rights and legal interests of the citizens and organisations.

Art. 2. (1) The acts which constitute administrative violations and the penalties corresponding to them shall be determined by a law or decree.

(2) If the violation of a law or decree is generally declared as indictable by a punishment determined in type and size the Council of Ministers and the members of the government, if entitled by the respective law or decree, can determine the concrete corpus delicti.

(3) (Amend., SG 59/92) The municipal councils, in issuing ordinances, shall determine the administrative corpus delicti and the corresponding punishments stipulated by the **Local Government and Local Administration Act**.

Art. 3. (1) Applicable to each administrative violation shall be the statutory instrument which was in force at the time of its commitment.

(2) Where by the time of entry into force the penal provision, different normative provisions have followed, the one which is more favourable to the offender shall be applied.

Art. 4. (Amend., SG 59/92) This Act and the other laws and decrees which provide for administrative penalties shall apply for all administrative violations committed on the territory of the Republic of Bulgaria, on a Bulgarian ship or aeroplane and regarding Bulgarian citizens who have committed administrative violations abroad punishable by the Bulgarian laws, if they affect the interests of our country.

Art. 5. (Amend., SG 59/92) The issue of the responsibility of foreigners using immunity regarding the administrative penal jurisdiction of the Republic of Bulgaria shall be settled according to the norms of the international act adopted by it.

## **Chapter two. ADMINISTRATIVE VIOLATIONS AND PENALTIES**

### **Section I. Administrative violations**

Art. 6. (Amend., SG 59/92) Administrative violation is an act (action or inaction) infringing the established order of state government, which has been committed guiltily and has been ruled punishable by an administrative penalty imposed through administrative procedure.

Art. 7. (1) An act that has been stated as an administrative violation shall be deemed guilty when committed deliberately or by negligence.

(2) Negligent acts shall not be punishable only in explicitly stipulated cases.

Art. 8. Shall not be deemed as administrative violations acts committed in case of inevitable self-defense or extreme necessity.

Art. 9. (1) Preparation of an administrative violation shall not be punishable.

(2) (Amend., SG 101/83; SG 11/98) Shall not be punished attempts of administrative violation either, except in the cases of:

- a) customs and foreign currency offences if stipulated by the respective Act or decree;
- b) [art. 218b, para 1 of the Penal Code](#);
- c) [art. 41, para 1 of the Protection of Rural Economy Property Act](#).

Art. 10. (Suppl., SG 85/98) In cases of administrative violations instigators, facilitators and concealors, as well as those who have admitted them shall be punished only in the cases stipulated by the respective law or decree.

Art. 11. On the issues of the guilt, sanity, circumstances excluding the responsibility, the forms of implication, preparation and attempt shall apply the provisions of the general part of the [Penal Code](#), inasmuch as this Act stipulates otherwise.

### **Section II. Administrative penalties**

Art. 12. The administrative penalties shall be imposed for the purpose of warning and reform the offender for observing the established legal order and to have an instructive and warning effect on the other citizens.

Art. 13. (Former text of Art. 13, - SG, 109/20, in force from 23.12.2021) The following administrative penalties can be provided for and imposed for administrative violations:

- a) public reprobation;
- b) fine;
- c) temporary deprivation of right to practice a definite profession or activity.

(2) (New, SG, 109/20, in force from 23.12.2021) For an administrative violation, committed repeatedly or on a systematic basis, a penalty of unpaid labor in favor of the society may be provided, which shall be imposed independently or simultaneously with another punishment under Para. 1.

Art. 14. The public reprobation for the committed penalty shall be expressed in a public reprobation of the offender before the staff where he works or before the organisation whose member he is.

Art. 15. (1) (Amend., SG 59/92; SF 102/95) The fine shall be a sanction expressed in a payment of a definite sum of money.

(2) Regarding the underage persons the administrative penalty of fine shall be replaced by a public reprobation.

Art. 16. (Amend., SG 54/78, amend. – SG, 109/20, in force from 23.12.2021) Deprivation of the right to practice a certain profession or activity shall be expressed in a temporary prohibition for the offender to practice a profession or activity, in connection with which he has committed the violation. The duration of this penalty may not be less than one month and more than two years, and for traffic safety offenses for all types of transport, committed after use of alcohol, drugs or their analogues - up to five years. It shall not affect the acquired legal capacity, except in the cases, provided for in the respective Act or Decree.

Art. 16a. (New, SG, 109/20, effective from 23.12.2021) (1) Unpaid work shall be work, performed for the benefit of society without restriction of other rights to punishment.

(2) The duration of the penalty unpaid work for the benefit of society may not be less than 40 hours and more than 200 hours per year for not more, than two consecutive years.

Art. 17. Nobody can be punished repeatedly for an administrative violation for which he has already been punished by an enacted penal provision or a court decision.

Art. 18. When several administrative violations have been committed by one act or one and the same person has committed individual violations the imposed penalties shall be incurred individually for each of them.

Art. 19. Probationary sanction shall not be admitted for administrative violations punishable by the order of this Act.

Art. 20. (1) Along with the administrative penalties stipulated by **art. 13** the sanctioning body shall rule seizure in favour of the state of the possessions of the offender which have been used for the commitment of a deliberate administrative violation, if this is stipulated by the respective law or decree.

(2) Seized in favour of the state shall also be the objects subject to the offence, whose possession is prohibited, regardless of their quantity and value, wherever they might be.

(3) In the cases stipulated by the respective law or decree, besides the objects under the preceding para, seized in favour of the state shall also be the objects belonging to the offender, which have been subject to the offence.

(4) Seizure according to para 1 and 3 shall not be admitted when the value of the objects obviously does not correspond to the nature and the burden of the administrative violation, unless the respective law or

decree stipulate otherwise.

Art. 21. The objects acquired by the offender as a result of the violation shall be seized in favour of the state regardless of their quantity and value.

### **Section III. Coercive administrative measures**

Art. 22. Applied for prevention and stopping of the administrative violations, as well as for prevention and removal of the harmful consequences from them can be compulsory administrative measures.

Art. 23. The cases when compulsory administrative measures can apply, their kind, the bodies who apply them and the way of their application, as well as the order of their appeal shall be settled by the respective law or decree.

### **Section IV. Persons liable to administrative penalties**

Art. 24. (1) Administrative and penal liability is personal.

(2) Liable for administrative violations committed in carrying out the activity of enterprises, establishments and organisations shall be the workers and employees who have committed them, as well as the chiefs who have ordered or admitted their commitment.

Art. 25. When the author of an administrative violation has acted in fulfilment of unlawful official order given by the established order he shall not be liable to administrative penalty if the order does not contain an offence obvious to him.

Art. 26. (1) Subject to administrative penalties shall be persons of age, who have accomplished 18 years of age who have committed violations in a sane state.

(2) Liable to administrative penalties shall also be underage persons who have accomplished 16 years of age, but who have not accomplished 18 years of age, who have been in position to understand the nature and the importance of the committed violation and to manage their conduct.

(3) Responsible for administrative violations committed by minors, underage persons from 14 to 16 years of age and placed under full judicial disability shall be respectively the parents, trustees or guardians who have consciously admitted their commitment.

### **Section V. Determination of administrative penalties**

Art. 27. (1) The administrative penalty shall be determined according to the provisions of this Act within the limits of the penalty provided for the committed violation.

(2) Taken into consideration in determining the penalty shall be the burden of the offence, the motives for its commitment and other attenuating and aggravating circumstances, as well as the proprietary status of the offender.

(3) The attenuating circumstances shall substantiate the imposition of a lenient penalty and the aggravating - of a more serious sanction.

(4) The replacement of the penalties stipulated for the violations by a more lenient in kind shall not

be admitted except in the cases stipulated by **art. 15, para 2**.

(5) (Suppl. – SG, 109/20, in force from 23.12.2021) Not admitted shall also be determining of penalties under the stipulated lowest size of the sanctions of fine and temporary deprivation of right to practice a definite profession or activity, apart from the cases, provided by the law.

Art. 28. (Amend. – SG, 109/20, in force from 23.12.2021) (1) For a minor case of an administrative violation, the sanctioning body shall not impose a penalty on the offender, warning him in writing, that in case of another administrative violation of the same type, representing a minor case, within one year from the entry into force of the warning, an administrative penalty will be imposed on him for that other violation. With the warning, the sanctioning body shall apply **Art. 20, Para. 2 - 4** and **Art. 21**.

(2) The act under Para. 1 shall contain:

1. the date and place of issuing;
2. full name and position of the person, having issued it;
3. the date of the act, on the basis of which it is issued and the name, position and place of office of the document compiler;
4. the full name of the offender, his exact address, unique civil number, and in case he is a foreigner – full name, exact address, date of birth, and if there is information about this - place of birth, passport or substitute travel document, indicating the number, date of issue and issuer of the document;
5. a description of the breach and the circumstances, which indicate, that it is a minor case;
6. the legal provisions, which are violated;
7. the warning;
8. the items, which are deprived in favor of the state;
9. disposal with the physical evidence;
10. within what term and before which court it may be appealed;
11. signature of the issuing body.

(3) The warning shall be served to the violator under Art. 58. In case the warning has been disposed of with material evidence or things have been confiscated in favor of the state, which do not belong to the infringer, a copy of the warning shall be handed over to their owner.

(4) The warning shall be subject to appeal and protest under Chapter Three, Section V.

(5) Paragraphs 1 - 4 shall also apply to a minor case of administrative offenses, committed by minors.

(6) Paragraphs 1 - 4 shall apply accordingly to a minor case of non-fulfillment of an obligation by a sole trader or a legal person to the State or Municipality.

(7) Paragraphs 1 - 6 shall not apply, when otherwise provided by the law.

Art. 29. (Amend., SG, 109/20, effective from 23.12.2021) The provision of **Art. 28** shall not apply to traffic safety violations for all types of transport, committed after use of alcohol, narcotic substances or their analogues.

Art. 29a. (New, SG, 109/20, effective from 23.12.2021) The time, during which for the same violation on the punished person has been deprived by administrative procedure, or in fact of the opportunity to exercise a certain profession, or activity shall be deducted upon execution of the punishment temporary deprivation of the right to practice a certain profession or activity.

## **Section VI.**

### **General administrative and penal provisions**

Art. 30. Applied for individual administrative violations which are not established by the order of **art. 2, para 1 and 2** shall be **art. 31** and **32** respectively.

Art. 31. (Amend., SG 59/92; SG 102/95; SG 11/98) Who does not fulfil or violates a lawful order or ordinance of a body of the authority, including in connection with the economic measures of the state shall be fined by 2 to 50 levs.

Art. 32. (1) (Amend., SG 59/92; SG 102/95; SG 11/98; SG 25/02) Who does not fulfil or violates an order, a decree or another act issued or adopted by the Council of Ministers, unless the act represents a crime, shall be fined by 100 to 2000 levs.

(2) (New, SG 24/87; Amend., SG 59/92; SG 102/95; SG 11/98; Suppl., SG 114/99, in force from January 31 2000; Amend., SG 25/02; Amend., SG 61/02) Who does not fulfil or violates an act according to para 1, related to the accountancy, taxation, customs, foreign currency or ecological legislation, unless the act represents a crime shall be fined by 400 to 3000 levs.

(3) (New, SG 67/99; in force from August 27, 1999) If a civil servant, in carrying out the public employment does not fulfil or violates obligations ensuing from the acts under para 1 and 2 shall be fined by 40 to 300 levs.

(4) (Prev. para 2 - amend., SG 24/87; prev. para 3 - SG 67/99) The provision of the proceeding paras shall apply regarding the violation of those acts, issued or approved by the Council of Ministers, which explicitly refer to this Art..

### **Chapter three.**

## **PROCEEDINGS FOR ESTABLISHING THE ADMINISTRATIVE VIOLATIONS, IMPOSING AN APPLICATION OF ADMINISTRATIVE PENALTIES**

### **Section I.**

#### **General**

Art. 33. (1) Where criminal prosecution is commenced by the bodies of the prosecution administrative penal procedures shall not be opened.

(2) (amend. - SG 63/17, in force from 05.11.2017) Upon finding the indication/indications of committed crime, the administrative penal proceedings shall be terminated and the materials shall be sent to the respective prosecutor. The material evidence and the items under Art. 41 shall be kept by the administrative penal body until the pronouncement of the prosecutor.

Art. 34. (1) (Amend., SG 89/86; Suppl., SG 102/95 and SG 12/96; Suppl., SG 61/02; suppl. SG 39/05; amend. and suppl. – SG 97/07; suppl. – SG 77/11; suppl. – SG 17/13, amend. – SG 76/16, in force from 30.09.2016, amend. - SG 20/18, in force from 06.03.2018, amend. - SG 13/20, in force from 14.02.2020, amend. - SG 21/21, amend. - SG 25/22, in force from 29.03.2022) Administrative penal proceedings shall not be opened, and the opened ones shall be terminated when:

- a) the offender has died;
- b) the offender has lapsed into a permanent mental disorder;
- c) this is provided by a law or an decree.

(suppl. - SG 51/22) Administrative penal proceedings shall not be opened if an act has not been issued for establishing the violation during a three-month period from finding the offender, or if one year has elapsed from the commitment of the offence, and regarding customs, taxation, ecological and foreign currency violations, as well as according to the [Election Code](#), the [Political Parties Act](#), the [Public Offering of Securities Act](#), [Markets in Financial Instruments Act](#), [Special Investment Companies and Securitization Companies Act](#), the [Act on Application the Measures Against Market Abuse with Financial Instruments](#), the [Act on the Operation of the Collective Investment Schemes and of Other Undertakings for Collective Investment](#), [Part Two, Part Two “A”](#) and [Part Three of the Code of Social Insurance](#), the [Insura](#)

**nce Code** and the statutory instrument for its implementation and under the Register BULSTAT Act - two years.

(2) (New, SG 12/96; Suppl., SG 51/99; Amend., SG 92/00; in force from January 1, 2001; Amend., SG 101/02, amend. SG 33/06; suppl. - SG 108/06, in force from 29.12.2006; suppl. – SG 54/12, in force from 17.07.2012; suppl. - SG 98/14, in force from 28.11.2014, suppl. - SG 38/18, in force from 08.05.2018, suppl. - SG 13/20, in force from 14.02.2020) For violation of a normative act settling the budget, financial and economic and accounting activity according to **art. 32, par. 1, item 1 of the Public Financial Inspection Act**, as well as for violation of a statutory instrument regulating the gambling activity and the measures against money laundering and financing the terrorism, as well as for a violation of the **Energy Sector Act**, the **Energy from Renewable Sources Act** and the regulations on their implementation, of the Regulation (EU) No 1227/2011 of the European Parliament and of the Council of 25 October 2011 on wholesale energy market integrity and transparency (OB, L 326/1 of 8 December 2011), as well as the ones for violation of the **Independent Financial Audit Act, Payment Services and Payment Systems Act**, administrative penal proceedings shall not be initiated if an act for establishing the violation has not been issued in a period of six months from finding the offender or if more than five years have elapsed from the commitment of the violation. In these cases the periods according to para 1 shall not apply.

(3) (Prev. para 2 - SG 12/96) The opened administrative penal proceedings shall be terminated if penal provisions have not been issued within six months from the issuance of the act.

Art. 35. The enacted decision of the court on the civil case shall be obligatory for the penal administrative body on the issues of the civil status and the right of ownership.

## **Section II.**

### **Initiation of administrative penal proceedings**

Art. 36. (1) The administrative penal proceedings shall be constituted by issuing an act for establishment of the committed administrative violation.

(2) (suppl. - SG 63/17, in force from 05.11.2017) Without an enclosed act an administrative penal file shall not be opened except in the cases when the proceedings have been terminated by the court or by the prosecutor or the prosecutor refuses to initiate criminal proceedings and it has been referred to the penal body.

Art. 37. (1) Acts can be issued by officials:

a) explicitly indicated by the respective normative acts;

b) (Amend., SG 59/92) appointed by the heads of administrative bodies, the organisations, the regional governors and the mayors of the municipalities assigned to whom is the implementation of the control over the implementation of the respective normative acts.

(2) Acts can also be issued by representatives of the public if there are duly empowered by a normative act.

(3) (New – SG, 109/20, in force from 23.12.2021) A person may not draw up an act for establishing an administrative violation, who is:

1. a victim of the violation or is a spouse or relative of the offender or the victim in direct line, without restriction and in the collateral line - up to the fourth degree;

2. interested in the outcome of the administrative proceedings or has a special relationship with the offender or the victim, which raises reasonable doubts about his impartiality.

(4) New – SG, 109/20, in force from 23.12.2021) In the presence of some of the grounds, specified in Para. 3, as an act compiler shall act:

1. another person with competence under Para. 1 or 2;

2. in case of absence of a person under item 1 - another person, authorized by the sanctioning body for the specific case.

Art. 38. (Revoked, SG 94/90)

Art. 39. (1) (Amend., SG 28/83; SG 59/92; SG 11/98; SG 25/02) For obviously minor cases of administrative violations, established at the time of their commitment, the empowered bodies shall impose on the spot, against a receipt, a fine up to the amount determined by the respective law or decree, but no more than 10 levs.

(2) (New, SG 28/83; Amend., SG 59/92; SG 110/96; SG 11/98; SG 25/02) For minor cases of administrative violations established at the time of their commitment, when stipulated by a law or an decree, the empowered control bodies can impose at the place of offence fines from 10 to 50 levs. A slip shall be issued for the imposed fine which shall contain data for the identity of the control body and of the offender, the place and the time of the violation, the violated provisions and the size of the fine. The slip shall be signed by the control body and by the offender, stating that he agrees to pay the fine, and it shall be sent to the financial body of the respective municipal administration for fulfilment. The offender shall be given a copy in order to enable him to pay the fine voluntarily.

(2a) (new - SG 101/16, in force from 21.01.2017) For administrative violations established while committed, when this is provided for by law, the authorized control authorities may impose fines at the scene of the offense in the amount provided for in the respective act. For the imposed fine shall be produced a slip containing information about the type of control authority and about the offender, the place and time of the offense, the violated provisions and amount of fine. The slip shall be signed by the control authority and by the offender that they agree to pay the fine. The offender shall be given a copy of the slip so as to be able to pay the fine voluntarily.

(3) If the offender contests the violation or refuses to pay the fine an act shall be issued for the offence according to the provisions of this section.

(4) (new – SG 10/11) In cases of administrative violations established and photographed by a technical device or a system in the absence of a control authority and the offender, where specified in a law, the authorized control authorities may impose fines exceeding the non-appealable minimum referred to in Para 2 and issue an electronic slip.

Art. 40. (1) The act for establishment of administrative violation shall be issued in the presence of the offender and the witnesses who have been present at the time of commitment or establishment of the offence.

(2) If the offender is known but he cannot be found, or upon invitation he does not appear for the issuance of the act, the act shall be issued in his absence.

(3) In the absence of witnesses who have been present at the time of commitment or establishment of the violation, or for impossibility of issuing an act in their presence, it shall be issued in the presence of two other witnesses, which shall explicitly be noted in it.

(4) If the violation is established on the grounds of official documents the act can also be issued in the absence of witnesses.

Art. 41. In establishing administrative violations the issuer of the act can seize and keep the material evidence related to the establishment of the offence, as well as the objects subject to seizure in favour of the state according to **art. 20** and **21**.

Art. 42. (1) (Former text of Art. 41 – SG, 109/20, in force from 23.12.2021) The act for establishment of the administrative violation shall contain:

1. full name of the issuer and his position;

2. date of issuance of the act;
3. date and place of commitment of the violation;
4. description of the violation and the circumstances in which it has been committed;
5. the legal provisions, which have been violated;
6. (Suppl., SG 59/92, suppl. – SG, 109/20, in force form 23.12.2021) full name and the age of the offender, his exact address and place of employment, UCN, and in case he is a foreigner - full name, the exact address, date of birth, and if there is information about it - the place of birth, passport or a substitute travel document indicating the number, date of issue and issuer of the document;
7. (Suppl., SG 59/92, amend. - SG, 109/20, in force form 23.12.2021) the full name and the exact addresses and date of birth of the witnesses;
8. the explanations or objections of the offender if any;
9. (Suppl., SG 59/92) the names and exact addresses of the persons who have suffered proprietary damages by the offence, UCC;
10. list of inventories of the written materials and of the seized objects, if any, and to whom they have been assigned for safe keeping.

(2) (New - SG, 109/20, in force form 23.12.2021) In the act for establishing an administrative violation, the infringer may indicate, that he wishes the penal decree to be served to him by sending a message to a personal profile, registered in the information system for secure electronic service as a module of the Single portal for access to electronic administrative services in the meaning of the **Electronic Government Act**.

Art. 43. (1) The act shall be signed by the issuer and by at least one of the witnesses pointed out by it, and it shall be presented to the offender in order to be introduced to its contents and sign it with an obligation to inform the penal body when he changes his address.

(2) If the offender refuses to sign the act this shall be certified through the signature of one witness, whose name and exact address shall be indicated in the act.

(3) (Amend., SG 59/92) When the identity of the offender cannot be established by the issuer of the act it shall be established by the closest municipal administration or division of the Ministry of Interior.

(4) (Amend., SG 59/92) If the act is issued in the absence of the offender it shall be sent to the respective office, and if there is none - to the municipal administration at the place of residence of the offender for presentation and signing. The act shall be presented and signed not later than seven days from its receipt and shall be returned immediately.

(5) (Suppl. – SG, 109/20, in force form 23.12.2021) At the time of signing the act the offender shall be given a copy of it against a receipt, indicating in the act the date of its signing. Upon service of a copy of the act, the violator shall be notified in writing of his right within 14 days to submit a proposal to the sanctioning body for concluding an agreement for completion of the administrative penal proceedings.

(6) When the offender, after a thorough inquiry, cannot be found it shall be noted in the act and the proceedings shall be terminated.

Art. 44. (1) (Amend. - SG, 109/20, in force form 23.12.2021) In addition to the objections when drawing up the act within 7 days from its signing, the violator may also make written objections to it.

(2) Where the offender cites written or physical evidence in his objections, they must be collected ex officio as far as this is possible.

(3) (Amend. - SG, 109/20, in force form 23.12.2021) Within 14 days from the service of the act, it shall be sent to the sanctioning body together with the objections, the collected evidence and the other appendices to the file.

(4) (Amend - SG, 109/20, in force form 23.12.2021) When the offender does not have a permanent address in the Republic of Bulgaria, the drawn up act shall be submitted immediately to the sanctioning body. Written explanations or objections of the infringer shall be attached to the act.

Art. 45. (1) (Amend., SG 59/92) Until the issuance of the penal provision the aggrieved can extend a request to the penal body for indemnification of the caused damages up to the amount of two levs unless the respective law or decree provide a possibility of presenting a request to the same body for damages of larger size.

(2) The person requesting indemnification shall be obliged to inform the penal body about a change of his address.

Art. 46. (1) The seized objects shall be submitted for safe keeping according to the established rules

(2) (Amend., SG 59/92) In the absence of such rules the objects shall be submitted for safe keeping at the office of the act issuer or at the respective municipal administration.

(3) When expedient, they can be submitted for safe keeping to the offender or to other persons.

(4) (Amend., SG 59/92, amend. – SG, 109/20, in force from 23.12.2021) The perishable objects shall be sold with permission of the punishing body, through the state and municipal companies, whereas the received sum, after deduction of the incurred expenses, shall be deposited at the State Savings Fund, servicing the state budget, or at the BNB.

### **Section III. Administrative and penal authority**

Art. 47. (1) Administrative penalties can be imposed by:

a) (Amend., SG 59/92) the heads of administrative bodies and organisations, the regional governors and the mayors of the municipalities to whom it is assigned to implement the respective normative acts or to control their fulfilment;

b) officials and bodies empowered by the respective law or decree;

c) (Amend., SG 59/92) the judicial and prosecution bodies in the cases stipulated by a law or decree

(2) (Amend., SG 24/87) The heads under letter "a" can delegate their rights to penal bodies to officials appointed by them when stipulated by the respective law, edict or decree of the Council of Ministers.

Art. 47a. (New – SG, 109/20, in force from 23.12.2021). The administrative penalty under **Art. 13, Para. 2** shall be imposed by the District court, in the region of which the administrative violation has been committed or completed, for which the respective punishment is provided, but for the violations, committed abroad - by the Sofia District Court.

Art. 48. (1) The administrative penal file shall be examined by the administrative penal body, in the territory of which the violation has been committed.

(2) (New, SG, 109/20, effective from 23.12.2021) When the violation is related to submission of information electronically, the sanctioning body in whose region the seat of the body is located shall be competent to examine the file, to whom the information was or should have been submitted.

(3) (New, SG, 109/20, effective from 23.12.2021) When the violation is related to information processing in a computer network or is committed in the cyberspace, except in the cases under Para. 2, the sanctioning body, in whose region is the permanent address of the infringer or the address of management of the sole trader or the legal person, in carrying out the activity, of which non-fulfillment of an obligation to the state or municipality has been committed, shall be competent to consider the file. When the violator does not have a permanent address in the country or the sole trader or the legal person does not have an address of management in the country, the sanctioning body with territorial competence - Sofia shall be competent to consider the file.

(4) Former Para. 2, amend. - SG, 109/20, effective from 23.12.2021) Where the place of the infringement cannot be precisely determined, the administrative sanctioning authority, in whose territory is the infringer

nger permanent address or the address of management of the sole trader or the legal person or the authority, in the area in which it was first formed shall be competent to examine the file production.

Art. 49. When the approached administrative penal body deems that the proceedings are of the competence of another body he shall send it immediately to this body.

Art. 50. (amend. – SG 39/11) The disputes on the competence related to administrative penal proceedings between bodies of one and the same administrative body or organisation shall be settled by the head of the respective administrative body or organisation, and those between bodies of different administrative bodies or organisations - by the administrative court in whose region is located the headquarters of the body who has issued the act.

Art. 51. (1) Participant in the consideration of an administrative penal file and in the issuance of a penal provision cannot be a person who:

- a) has been affected by the violation or who is a spouse or relative of the offender or of the aggrieved on the direct line of descend and by the collateral side - up to fourth degree;
- b) has issued the act for the violation or who is a witness to it;
- c) is interested in the outcome of the administrative proceedings or has special relations with the offender or the aggrieved which give rise to grounded doubts in his objectivity.

(2) (Suppl. – SG, 109/20, in force from 23.12.2021) In the presence of some of the stated grounds, the official must be removed immediately by a motivated written act.

(3) (Amend. - SG, 109/20, in force from 23.12.2021) Challenge on the same grounds may also be required by:

1. the person, against whom the act for establishing an administrative violation has been drawn up;
2. the sole trader or the legal person, against which the act for establishing an administrative violation has been drawn up;
3. the victim if the violation.

(4) (New - SG, 109/20, in force from 23.12.2021) In case of challenge of the official under Para. 2 on the file shall pronounce:

1. authorized person under **Art. 47, Para. 2**, when the punishing body is a person under Art. 47, Para. 1, letter "a", and if there is no such - another person, explicitly authorized by the punishing body;
2. the higher body, when the punishing body is a person under **Art. 47, Para. 1, letter "b"**, and if there is no such - another person, explicitly authorized by the punishing body;
3. the head under Art. 47, Para. 1, letter "a", when the punishing body is a person under **Art. 47, Para. 2**.

#### Section IV.

#### Proceedings for imposing administrative penalties

Art. 52. (1) (suppl. - SG 51/07) The penal body shall be obliged to take a decision on the administrative penal file within one month from its receipt. In the cases of **art. 44, para 4** the penal body shall decide on the day of receipt of the administrative penal file.

(2) If it is established that the act has not been presented to the offender the penal body shall return it immediately to the act issuer.

(3) Upon receipt of the file the penal body shall inform about the issuance of the act the aggrieved by the offence, if there are any and their addresses are known.

(4) Before announcing its decision on the file the penal body shall check up the act with regard of its lawfulness and substantiation and shall consider the objections and the gathered evidence, and where necessary, shall carry out investigation of the disputable circumstances. The investigation can also be assigned to

other officials from the same administrative body.

Art. 53. (1) (Amend. – SG, 109/20, in force from 23.12.2021) The sanctioning body shall issue a penal decree, imposing an appropriate administrative penalty on the offender when it establishes in an unequivocal manner the fact of the committed violation, the identity of the person, who committed it and his guilt, if there are no grounds for termination of the proceedings for application of **Art. 28**, or an agreement has been concluded with the infringer.

(2) Penal provisions shall also be issued when irregularity is admitted in the act when the commitment of the offence, the identity of the offender and his guilt are established in an indisputable way.

Art. 54. (Amend. – SG, 109/20, in force from 23.12.2021) (1) The sanctioning body shall terminate the administrative penal proceedings with a motivated resolution:

1. when the act, described in the act for establishing an administrative violation has not been committed or does not constitute a violation;

2. when the infringement has not been proved beyond a reasonable doubt;

3. when the participation of the person, against whom the act for establishing an administrative violation has been drawn up in the commission of the violation has not been proved beyond a reasonable doubt;

4. in the cases under **Art. 34, Para. 1, letters "a" - "c"**;

5. when the act for establishing the administrative violation has been drawn up after the expiration of the terms under **Art. 34, Para. 1 or 2**;

6. when within the term under Art. 34, Para. 3, no penal decree has been issued, the violator has not been warned under **Art. 28** or no agreement for conclusion of the proceedings has been concluded;

7. when a substantial violation of the procedural rules has been committed during the drawing up of the act for establishing an administrative violation;

8. when against the same person for the same act there is a penal decree, a warning under Art. 28, a agreement or a judicial act, entered into force;

9. in the cases under **Art. 33, Para. 2**.

(2) When an act for establishing an administrative violation for two or more violations has been drawn up, the sanctioning body may terminate the proceedings on the grounds under Para. 1 and only in respect of some of the violations.

(3) When the sanctioning body terminates the proceedings with a motivated resolution, it decides to return the seized items, unless their possession is prohibited, or to pay their equivalent in the cases under **Art. 46, Para. 4**. The items, the possession of which is prohibited, shall not be returned, but shall be handled in accordance with the procedure, established in the respective normative acts.

(4) The resolution shall contain:

1. full name and position of the person, issuing it;

2. date of issuance and N of resolution;

3. the date of the act, on the basis of which the file was formed and the name, position and place of office of the compiler of the act;

4. full name, the exact address and unique civil number of the person, against whom the act was drawn up, and in case of a foreigner - the names, the exact address, date of birth, and if there is information about it - the place of birth in the passport or a travel document, replacing it, indicating the number, date of issue and issuer of the document;

5. a description of the violation, for which the act has been drawn up;

6. the legal provisions for the violation, of which the act has been drawn up;

7. reasons for terminating the proceedings;

8. the items, that are confiscated in favor of the state;

9. the disposal of physical evidence;

10. within what period and before which court is subject to appeal.

(5) The resolution shall be signed by the official, who issued it.

(6) A copy of the resolution, terminating the administrative penal proceedings on the grounds of Para. 1, items 1 - 8, shall be handed over to:

1. the person, against whom the act for establishing an administrative violation has been drawn up;
2. the victim of the violation, if he has made a request to the sanctioning body for compensation for the damages, caused to him, being notified of the possibility to file his claim in the general order;
3. the owner of the property, when the resolution has disposed of material evidence or items have been confiscated in favor of the state, if he is not a person under item 1.

(7) The resolution, terminating the administrative penal proceedings on the grounds of Para. 1, items 1 - 8, shall be subject to appeal and protest under Chapter Three, Section V.

(8) When the court annuls the resolution, the sanctioning body shall exercise its powers under **Art. 52** within one month from the notification of the judicial act, entered into force.

(9) Para. 1 - 8 shall apply accordingly also when the act for establishing an administrative violation has been drawn up against a sole trader or a legal person.

Art. 55. (1) In issuing the penal provision the penal body shall also announce its decision on the request for indemnification of the damages caused by the violation.

(2) When the violation has caused damages to a state enterprise, establishment or organisation the penal body shall take decision on the indemnification without presentation of a request.

(3) The size of the indemnification for the damages shall be determined by the stipulated order, and if there is none it can be determined by the assistance of an expert.

Art. 56. If, in resolving the issue of the indemnification the penal body meets difficulties of factual or legal nature the proceedings on it shall be terminated and the interested person shall be directed to seek in demnification through the court on an equal footing.

Art. 57. (1) The penal provision must contain:

1. the full name and the position of the person who has issued it;
2. the date of issuance and the number of the provision;
3. the date of the act on whose grounds it has been issued and the name, position and place of employment of the act issuer;
4. (Amend., SG 59/92, suppl. – SG, 109/20, in force from 23.12.2021) full name of the offender and his exact address, unique civil number, and in case he is a foreigner - names, exact address, date of birth, and if there is information about this – the place of birth, passport or substitute travel document, indicating the number, date of issue and issuer of the document;
5. a description of the infringement, the date and place, where it was committed, the circumstances, in which it was committed and the evidence, supporting it;
6. the legal provisions, that have been violated culpably;
7. the type and the size of the penalty;
8. (new – SG, 109/20, in force from 23.12.2021) aggravating and mitigating circumstances and other circumstances, taken into account in determining the type and size of the penalty;
9. (new – SG, 109/20, in force from 23.12.2021) the time, during which the punished person has been deprived administratively or in fact of the opportunity to exercise a certain profession or activity, which shall be deducted from the time of serving the sentence of temporary deprivation of the right to exercise a certain profession or activity;
10. (former item 8 – SG, 109/20, in force from 23.12.2021) the items, which are confiscated in favor of the state;
11. (new – SG, 109/20, in force from 23.12.2021) the disposal of physical evidence;
12. (former item 9 - SG, 109/20, in force from 23.12.2021) the amount of compensation and to who

m it should be paid;

13. (former item 10 - SG, 109/20, in force from 23.12.202) within what period and before which court is subject to appeal.

(2) The penal decree shall be signed by the official, who issued it.

(3) (New - SG, 109/20, in force from 23.12.2021) With the penal decree the violator shall also be notified about his rights under Art. 79b.

Art. 58. (1) (Amend. - SG, 109/20, in force from 23.12.2021) Copy of the penal provision shall be presented against a signature of the infringer and of the person, requesting indemnification, unless the infringer has requested to be served by sending a message to a personal profile, registered in the information system for secure electronic service as a module of the Single Portal for access to electronic administrative services within the meaning of the **Electronic Government Act**.

(2) If the offender or the person requesting indemnification cannot be found at the address indicated by him and his new address is unknown the penal body shall note that on the penal provision and it shall be considered presented on the day of noting.

(3) (New - SG, 109/20, in force from 23.12.2021) In case the penal decree has disposed of material evidence or items have been confiscated in favor of the state, which do not belong to the offender, a copy of the penal decree shall be handed over to their owner.

Art. 58a. (New - SG, 109/20, in force from 23.12.2021) When for the administrative violation it is envisaged to impose unpaid work in favor of the society, the official under **Art. 37, Para. 1** shall send the file to the administrative sanctioning body, which shall submit it for decision in the respective regional court, within three days from its receipt.

Art. 58b. (New - SG, 109/20, in force from 23.12.2021) (1) The District court shall hear the case in a panel only by a judge and in open court meeting.

(2) The parties in this proceeding are the administrative sanctioning body and the infringer.

(3) The file shall be considered in the presence of the infringer. When the infringer, regularly summoned, does not appear without valid reasons, the file shall be considered in his absence, if this will not prevent the disclosure of the objective truth.

(4) The infringer shall have the right to legal protection.

(5) When considering a case against a juvenile infringer, aged 16 to 18, his parents or guardians shall be summoned. Failure to appear shall not be an obstacle to hearing of the case, unless the court finds their participation necessary.

(6) The court may question witnesses if it deems it necessary to reveal the objective truth.

(7) A witness, who is regularly summoned and does not appear without valid reasons shall be forcibly brought by the bodies of the Ministry of Interior. If the witness gives valid reasons for not appearing, the compulsory bringing shall be revoked.

Art. 58c. (New - SG, 109/20, in force from 23.12.2021) (1) Based on the evidence gathered, the court shall issue a judgment by which:

1. imposes a penalty and a coercive administrative measure;

2. sends the materials to the respective prosecutor for initiating criminal proceedings, when there are sufficient data for a committed crime of a general nature;

3. acquits the offender when there are no conditions for imposing a penalty.

(2) With the decision under Para. 1, the court shall also rule on the confiscation in favor of the state of the items and objects under **Art. 20** and **21**.

Art. 58d. (New - SG, 109/20, in force from 23.12.2021) (1) The administrative penal proceedings may end with an agreement between the sanctioning body and the violator, concluded within the term under **Art. 52, Para. 1**, if the grounds for inadmissibility under Para. 2 are not present. The sanctioning body shall make a proposal for concluding an agreement within 14 days from the receipt of the file by the act compiler,

and the violator may make a proposal within 14 days from the service of the act.

(2) An agreement shall not be admitted:

1. for a repeated violation;
2. for a violation, committed within one year from the entry into force of an act, by which the violator has been imposed by an administrative penalty outside the cases under item 1, or a warning for a violation of the same type has been issued;
3. in case the act, for which an act for establishing an administrative violation has been drawn up, constitutes a crime; an agreement shall be allowed in case the proceedings before the sanctioning body are instituted under **Art. 36, Para. 2**;
4. when the confession of the offender is not supported by the evidence gathered in the file.

(3) The agreement shall be prepared in writing and shall contain the consent of the parties on the issues of whether an act has been committed, whether the act constitutes a violation and its legal qualification, whether it has been committed by the person, against whom the act for establishing an administrative violation has been drawn up.

(4) The agreement shall contain:

1. the date of signing the agreement;
2. the full name and position of the sanctioning body;
3. the full name of the offender, his exact address and unique civil number, and in case he is a foreigner - the names, exact address, date of birth, and if there is information about this - place of birth, passport or substitute travel document, indicating the number, date of issue and issuer of the document;
4. the date of the act, on the basis of which the proceedings were instituted and the name, position and place of office of the compiler of the act;
5. a description of the infringement, the date and place where it was committed, the circumstances, in which it was committed and the evidence supporting it;
6. the legal provisions, that have been violated culpably;
7. the type and size of the administrative punishment;
8. the items, that are confiscated in favor of the state;
9. the disposal of the physical evidence;
10. bank account, on which the due fine is to be paid.

(5) The agreement shall be signed by the sanctioning body and by the person, against whom the act for establishing an administrative violation has been drawn up.

(6) When an act for establishing an administrative violation has been drawn up for several violations, an agreement may be concluded only for one of the violations.

(7) In the cases under Para. 6, the recognition of the person, with whom an agreement has been concluded on the issues, indicated in Para. 3, may not be used as proof of his guilt for the other violations, for which the act for establishing an administrative violation has been drawn up.

(8) When the agreement imposes an administrative penalty fine - alone or with another penalty, the sanctioning body shall determine the fine in the amount of 70 percent of the minimum or of the specified amount, provided for the violation, and when the Act does not provide a minimum, the sanctioning body shall determine the amount of the fine in the amount of not more, than 70 percent of half of the maximum. The other types of administrative penalties shall be determined by the rules of **Art. 27, Para. 1 - 4**.

(9) With the agreement, the parties may not agree on a regime of confiscation of property in favor of the state, different from that, under Art. 20 and 21. When the agreement disposes of material evidence or confiscates in favor of the state items, that do not belong to the offender, for its conclusion, the written consent of the owner of the property shall be needed, which becomes an integral part of the agreement. In case the owner does not consent to dispose of material evidence or confiscation of property in favor of the state or cannot be found, the sanctioning body shall rule on the issue of material evidence and confiscation of property in favor of the state by a penal decree, which shall be subject to appeal under **Art. 63**.

(10) When an administrative penalty is imposed by the agreement, the infringer shall agree to pay t

he amount of the fine within 14 days from conclusion of the agreement.

(11) The agreement shall enter into force on the date of its signing, and if an administrative penalty of a fine is imposed by it, it shall enter into force on the date of payment of the fine. The agreement shall be final and shall have the consequences of an effective penal decree.

(12) In case until the conclusion of the agreement the victim has made a request to the sanctioning body for compensation of the damages, caused to him under **Art. 45**, the sanctioning body shall notify him of the concluded agreement and of the possibility to file his claim in the general order.

(13) In case the fine is not paid within the term under Para. 10, the sanctioning body shall declare, that an agreement has not been reached with a motivated decree, which shall not be subject to appeal and protest, and shall issue a penal decree.

(14) When no agreement is reached, the sanctioning body shall issue a penal decree and may not use the confession of the person, against whom an act for establishing an administrative violation has been drawn up, on the issues, specified in Para. 3, as proof of his guilt.

(15) The issuance of a penal decree without a proposal under Para. 1, sentence two, shall not constitute a substantial violation of the procedural rules.

(16) Paragraphs 1 to 15 shall apply to sole traders and legal persons, respectively.

(17) Paragraphs 1 - 16 shall not apply, unless otherwise provided by a special Act.

## Section V.

### **Appealing penal provisions, decisions, warnings, resolution and e-tickets (Title amend. – SG 10/11, amend. – SG, 109/20, in force from 12.12.2021)**

Art. 58e. (New – SG, 109/20, in force from 12.12.2021) The following shall be subject to appeal and protest:

1. the penal decree;
2. the warning under **Art. 28**;
3. the resolution for termination of the administrative penal proceedings;
4. the e-ticket.

Art. 59. (Amend. – SG, 109/20, in force from 23.12.2021) (1) The acts under **Art. 58e** shall be subject to appeal or protest before the Regional court in the region where the violation has been committed or completed, but for the violations, committed abroad - before the Sofia District Court.

(2) The infringer, the one who has requested compensation and the owner of the items, with which an order has been made or taken away in favor of the state, if he is not an infringer, may appeal the acts under **Art. 58e** within 14 days from their delivery, and the prosecutor may file a protest within 14 days from their issuance.

Art. 60. (Amend. – SG, 109/20, in force from 23.12.2021) (1) The appeal and protest of the acts under **Art. 58e** shall be done through the penal body, that issued them. The complaint or protest shall state all the evidence, relied on by the complainant or the prosecutor.

(2) Within 7 days of receiving the complaint or protest, the sanctioning body shall send them together with the entire file to the relevant Regional court, and in the cover letter shall indicate the evidence in support of the appealed or protested act, as well as e-mail address, to which to be summoned.

Art. 61. (1) (Suppl. – SG, 10/11, amend. – SG, 109/20, in force from 23,12,2021) When considering the case before the Regional court, the violator, who has requested compensation, including the one under Art. 55, Para. 2, the owner of the items, with which an order has been made or taken away in favor of the state, if he is not an infringer, the punishing body or the institution, or the organization, whose body has issued the act under Art. 58e, item 4, as well as the witnesses admitted by the court shall be summoned .

(2) (New - SG, 109/20, in force from 23,12,2021) In proceedings before the Regional court, the parties may be represented by:

1. a lawyer;
2. spouse, ascending or descending relative of the infringer, of the claimant of compensation or of the owner of the property, which has been disposed of, or taken away in favour of the state, if he is not an infringer;
3. a legal adviser or other employee with legal education in the penal body at the institutions, enterprises, organizations, legal persons and sole traders.

(3) (New - SG, 109/20, in force from 23,12,2021) The punishing body or the institution or the organization, whose body has issued the act under Art. 58e, item 4, may be summoned through the e-mail addresses, indicated in the case. The electronic message shall be deemed to have been served when the addressee sends an acknowledgment of receipt by means of a return electronic message, activation of an electronic link or its download from the information system of the competent administration.

(4) (former Para. 2 - SG, 109/20, in force from 23,12,2021) The court shall also proceed with the cases in cases, where the applicant had not been found at the address indicated by him. The court shall also proceed with the case in cases, where the applicant, the infringer, who did not file a complaint or who requested compensation have not been found at the addresses, indicated by them.

Art. 62. The prosecutor can participate in the proceedings at court if he deems it necessary.

Art. 63. (1) (Amend., SG, 109/20, in force from 23.12.2021) (1) The Regional court shall hear the case in a panel of one judge and rule with a decision.

(2) With its decision the court may:

1. repeal the act under **Art. 58e**;
2. annul the penal decree and warn the offender, that in case of committing another administrative violation of the same type, representing a minor case, within one year from the entry into force of the judicial act, an administrative penalty will be imposed for this other violation;
3. annul the act under Art. 58e and terminate the administrative penal proceedings;
4. amend the act under **Art. 58e**;
5. confirm the act under Art. 58e.

(3) The court shall annul the act under Art. 58e when:

1. while it was issued, an incorrect application of substantive law was made;
2. a significant violation of the procedural rules was committed in the administrative penal proceedings.

(4) The court shall annul the penal decree when it considers, that there is a minor case of administrative violation. In this case, the court shall warn the offender, that in case of committing another administrative violation of the same type, representing a minor case, within one year from the entry into force of the judicial act, for this other violation will be imposed an administrative penalty. The court shall also rule on the issue of material evidence, confiscated property in favor of the state and the costs of the case.

(5) The court may annul the penal decree only in some parts of it.

(6) The court shall annul the act under **Art. 58e** and terminate the administrative penal proceedings, when this is provided by an Act.

(7) The court shall amend the act under Art. 58e, when it is necessary to:

1. apply an Act for the same, identical or less punishable violation, without significant change of the circumstances of the violation;
2. reduce the amount of the imposed administrative penalty or replace it with a lighter type, than the ones provided for the same violation;
3. replace the imposed administrative penalty with a lighter one in the cases under **Art. 15, Para. 2**;
4. reduce the amount of the imposed property sanction;
5. cancel or amend the act under **Art. 58e** in the part, regarding the application of **Art. 20** and **21** or the disposal of the physical evidence;
6. reduce or increase the amount of compensation.

(8) The court may increase the amount of the determined compensation only if there is a corresponding appeal from the person, requesting compensation.

(9) The court shall confirm the act under **Art. 58e**, when there are no grounds for its revocation or amendment.

Art. 63a. (New – SG, 109/20, in force from 23.12.2021) (1) The decision imposing a penalty of unpaid work for the benefit of society shall be subject to cassation appeal before the Administrative court on the grounds, provided for in the **Penal Procedure Code** and under **Chapter Twelve** of the Administrative Procedure Code, unless otherwise provided by an Act.

(2) The appeal or protest shall be filed within 14 days from the issuance of the decision.

(3) The Administrative Court shall hear the case in a panel of three judges in open hearing, no later than three days from the date of receipt of the appeal or protest.

(4) The decision of the Administrative court shall be final.

Art. 63b. (New – SG, 109/20, in force from 23.12.2021) (1) The Regional court may conduct abbreviated judiciary proceedings:

1. when the penal decree is appealed only in the part for the type or amount of the administrative penalty or the amount of the property sanction, or for the items, confiscated in favor of the state or the disposal of the material evidence, or for the amount of the awarded compensation and the infringer, the sole trader or legal person confesses about the facts, set out in the circumstantial part of the penal decree and agrees no evidence to be gathered for these facts;

2. in the cases under Art. 79b, Para. 3.

(2) In the cases under Para. 1, item 1 a request for conducting abbreviated judiciary proceedings may be made:

1. with the claim, in which case the court shall summon only the parties to the case;

2. in a court hearing, at the latest until the start of the judicial investigation.

(3) In the cases under Para. 1, item 1, the court shall declare with a ruling, that in rendering the decision, it shall use the recognition without collecting evidence for the facts, set forth in the circumstantial part of the penal decree. The court in the reasons of the decision shall accept as established the facts, set forth in the circumstantial part of the penal decree, referring to the confession, made and to the evidence supporting it

(4) In the cases under Para. 1, item 2 the court with a ruling shall announce, that when issuing the decision, it will accept as established the facts, set forth in the circumstantial part of the penal decree. The court, in the reasons of the decision shall accept as established the facts, set forth in the circumstantial part of the penal decree, referring to the evidence, that supports it.

(5) In the cases under Para. 1, item 1 the Regional court may:

1. amend the penal decree by:

a) reducing the amount of the imposed administrative penalty or replace it with a lighter one, than the ones, provided for the same violation;

b) replacing the imposed administrative penalty with a lighter one in the cases under Art. 15, Para. 2;

c) reducing the amount of the imposed property sanction;

d) revoking or amending the penal decree in the part, regarding the application of Art. 20 and 21 or the disposal of the physical evidence;

e) reducing or increasing the amount of compensation;

2. confirm the penal decree;

3. annul the penal decree and terminate the administrative penal proceedings, when this is provided by an Act.

(6) In the cases under Para. 1, item 2 the Regional court may:

1. amend the penal decree by:

a) reduce the amount of the imposed administrative penalty temporary deprivation of the right to ex

ercise a certain profession or activity;

b) revoke or amend the penal decree in the part, regarding the application of Art. 20 and 21 or the disposal of the physical evidence;

c) reduce or increase the amount of compensation;

2. confirm the penal decree;

3. annul the penal decree and terminate the administrative penal proceedings when this is provided by an Act - in the part, concerning the imposed other type of administrative penalty, along with the fine, the disposition of the material evidence, the seized items in favor of the state or the ruled compensation.

(7) The court may increase the amount of the determined compensation under Para. 5, item 1, letter "e" or under Para. 6, item 1, letter "c", only if there is a respective complaint from the person, who has requested compensation.

(8) As far as in Para. 1 - 7 there are no special rules, the general rules shall apply.

Art. 63c. (New – SG, 109/20, in force from 23.12.2021) The decision of the Regional court shall be subject to cassation appeal before the Administrative court on the grounds, provided for in the **Penal Procedure Code** and under **Chapter Twelve** of the Administrative Procedure Code.

Art. 63d. (New – SG, 109/20, in force from 23.12.2021) In the cases, provided by the Act, the court may terminate the proceedings with a ruling, which is subject to appeal with a private claim before the Administrative court.

Art. 63e. (New – SG 109/20, in force from 23.12.2021) (1) In the proceedings before the Regional and the Administrative court, as well as in the cassation proceedings, the parties shall have the right to be ruled with costs, under the **Administrative Procedure Code**.

(2) If the lawyer's remuneration paid by the party is excessive according to the actual legal and factual complexity of the case, the court may, at the request of the other party, rule a lower amount of costs in this part, but not less, than the minimum amount according to **Art. 36** of the Lawyers Act.

(3) Remuneration in favor of legal persons or sole traders shall also be ruled in the amount, determined by the court, if they have been defended by a legal adviser or another official with legal education.

(4) In favor of the institution or organization, whose body has issued the act under **Art. 58e**, shall be ruled remuneration in the amount, determined by the court, if they have been defended by a legal adviser or another official with legal education.

(5) In the cases under Para. 3 and 4 the amount of the ruled remuneration may not exceed the maximum amount for the respective type of case, determined under **Art. 37** of the Legal Aid Act.

## **Section VI.**

### **Entry into force of penal decrees, decisions, warnings, resolutions and electronic tickets (Title, amend. – SG, 109/20, in force from 23.12.2021)**

Art. 64. (Suppl. – SG, 109/20, in force from 23.12.2021) Enacted shall be penal provisions, warnings, resolutions and e-tickets, which:

a) are not subject to appeal;

b) have not been appealed within the legal term;

c) (Amend., SG 59/98) have been appealed but have been confirmed or amended by the court.

## **Section VII.**

### **Review (Revoked, SG 59/98)**

Art. 65 - 69 (Revoked, SG 59/98)

## **Section VIII.**

### **Resumption of administrative penal proceedings**

Art. 70. (Amend. – SG, 109/20, in force from 23.12.2021) (1) The following shall be subject to inspection in accordance with this Chapter, entered into force:

1. penal decrees;
2. tickets and e-tickets;
3. written warnings to the offender;
4. resolutions for termination of the administrative penal proceedings, issued on the grounds of **Art. 54, Para. 1, items 1 - 8**;

5. agreements for completion of the administrative penal proceedings;
6. court rulings for termination of court proceedings;
7. decisions of the Regional and the Administrative court.

(2) Administrative criminal proceedings shall be resumed when:

1. with an effective sentence or decision it is established, that any of the evidence, on the basis of which the act under Para. 1, is false or with false content;
2. with an effective sentence or decision it is established, that a document compiler, a punitive body, a judge, a court secretary, a prosecutor, a party or a participant in the proceedings has committed a crime in connection with his participation in the administrative penal proceedings;
3. new circumstances or new evidence essential for the disclosure of the objective truth are discovered, which were not known to the offender, the sanctioning body or the court when issuing the act;
4. with an effective sentence, it has been established, that the act, for which the administrative penalty has been imposed, constitutes a crime;
5. the act, for which the administrative penal proceedings have been completed, constitutes a crime;
6. a judgment of the European Court of Human Rights has established a violation of the European Convention for the Protection of Human Rights and Fundamental Freedoms, which is essential to the file or case;
7. as a result of a substantial violation of the procedural rules, the person, in respect of whom the act under Para. 1 has been issued, the punishing body or the owner of the items, with which an order has been made or taken away in favor of the state, if he is not an infringer, he has been deprived of the opportunity to participate in the administrative penal proceedings or has not been duly represented, as well as when he has not been able to participate personally or through a proxy, due to an obstacle, which he could not remove;
8. with an effective decision of the court an administrative act is revoked, the findings in which are taken into account by the sanctioning body, when issuing the act under Para. 1, items 1 - 4.

(3) Paragraph 2 shall also apply to court decisions, that have entered into force, imposing a penalty of unpaid work for the benefit of society.

Art. 71. (Amend. - SG 109/20, in force from 23.12.2021) (1) The request for renewal may be made:

1. within 6 months from the entry into force of the sentence or decision - in the cases under **Art. 70, Para. 2, items 1, 2, 4 and 8**;
2. within one month from learning of the circumstances under **Art. 70, Para. 2, items 3 and 6**;
3. within 6 months from the entry into force of the act under Art. 70, Para. 1 - in the cases under Art. 70, Para. 2, item 7, and if it has not been served to the person in respect of whom it has been issued - within three months from the notification of the act.

(2) The request shall be submitted through the body, which has issued the act under **Art. 70, Para. 1**, who shall immediately send a copy of it to the prosecutor and the other parties, who have not submitted a request for resumption, and the case - to the Administrative court.

Art. 72. (Amend. - SG,109/20, in force from 23.12.2021) (1) A request for resumption of administrative penal proceedings may be made by:

1. prosecutor in the District prosecutor's office, and in the cases under Art. 70, Para. 2, items 4 and 5, when it comes to a crime of a general nature - the supervising prosecutor;
2. the person, in respect of whom the act has been issued under **Art. 70, Para. 1**;
3. the owner of the property, which has been disposed of or confiscated in favor of the state, when he is not an infringer;
4. the punishing body.

(2) The persons under Para. 1, items 2 and 3 may make a request for renewal when their rights and legal interests have been violated.

(3) The punishing body may make a request for resumption in the cases, when the act under **Art. 70, Para. 1** has been revoked or amended by the court.

(4) The request for renewal shall not suspend the execution of the act, entered into force, unless the court rules otherwise.

Art. 73. (Amend. - SG 109/20, in force from 23.12.2021) (1) The request for renewal shall be considered by the Administrative court, in the judicial district of which is the body, which has ruled the act under **Art. 70, Para. 1**.

(2) The Administrative Court shall hear the request in a panel of three judges. In the cases, when resumption is requested by an act of the Administrative court, the request shall be considered by another panel of the respective Administrative court.

(3) The case shall be heard in open panel with the summons of the parties and a prosecutor from the District prosecutor's office. The prosecutor may participate in the proceedings before the court if he deems it necessary.

(4) When finding the request for reopening justified, the Administrative court shall:

1. annul the act and return the case or file for a new examination, indicating the stage, from which the new examination must begin;
2. annul the act and terminate the administrative penal proceedings, when at the time of its issuance the grounds for this were present;
3. annul the act and decide the case on the merits.

(5) The decision of the Administrative court shall be final.

## **Section IX.**

### **Enforcement of penal provisions and court decisions**

Art. 74. Within three days from the enactment of the penal provisions the administrative penal body, respectively the court, shall undertake action for its enforcement.

Art. 75. For imposed punishment of public reprobation a copy of the penal provisions or court decision shall be sent to the respective public organisation whose member the punished is, or to the management of the enterprise, establishment or organisation where he works, according to the instructions of the penal provisions or court decision.

Art. 76. The fulfilment of the punishment public reprobation shall be carried out by reading the penal provisions or court decision at a meeting of the public organisation or personnel which the offender shall be invited to attend.

Art. 77. (Revoked, SG 11/98)

Art. 78. (amend. – SG 59/07, in force from 01.03.2008) When indemnification is adjudged the compulsory execution of the writ of execution shall be allowed upon request of the person, entitled to indemnify

ation pursuant to the provisions of **Art. 418 of the Civil Procedure Code**.

Art. 79. (1) The penal provisions and court decisions by which fines have been imposed or monetary indemnification have been adjudicated in favour of the state shall be fulfilled by the order of collecting the state takings.

(2) The penal provisions and court decision which adjudicate monetary indemnification in favour of state enterprises, co-operations or other public organisations or of citizens shall be fulfilled by the order stipulated by the **Civil Procedure Code**.

Art. 79a. (new – SG 51/07) When with the penal decree a fine was imposed to an offender without permanent address in the Republic of Bulgaria, the offender shall transfer the sum to an account noted in the penal decree.

Art. 79b. (New – SG, 109/20, in force from 23.12.2021) (1) If the offender does not wish to appeal the penal decree in the part, concerning the imposed fine, he may pay within 14 days from the service of the penal decree 80 per cent of its amount, unless a special Act provides for a reduced amount of the fine.

(2) In the cases under Para. 1, the penal decree shall enter into force in the part, regarding the imposed fine from the date of payment. In case the violator has appealed the penal decree and within the term under Para. 1 has paid the fine, the proceedings for consideration of the appeal in this part shall be terminated on the grounds of **Art. 63d**.

(3) When the penal decree imposes another type of administrative penalty, along with the fine, or items are confiscated in favor of the state, it is subject to appeal only in the part, regarding the amount of the cumulative penalty, disposal of material evidence, confiscation of items in favor of the state and the rules of compensation under **Art. 63b**.

(4) Paragraphs 1 - 3 shall apply accordingly in case of an imposed property sanction.

Art. 80. (Amend., SG 59/92; SG 25/02; amend. - SG 12/09, in force from 01.05.2009) If the penal provisions or court decision rules seizure of objects in favour of the state, a copy of them shall be sent to the National Revenue Agency for execution.

Art. 81. (1) The penal provisions or court decision which rules temporary deprivation of right to practice a definite profession or activity shall be fulfilled by the bodies who acknowledge this right and control its exercising and by the head of the enterprise, establishment or organisation where the punished person works.

(2) If the punished person occupies a position by profession or activity, the right of whose practicing he is deprived of, the head of the enterprise, establishment or organisation shall release him immediately from this position.

Art. 81a (New – SG, 109/20, in force from 23.12.2021) (1) The penalty of unpaid work for the benefit of society shall be executed by the probation service at the current address of punishment.

(2) The decision of the court, imposing the sentence shall be sent to the relevant probation service and shall be organized by a probation officer.

(3) Unpaid work may not be performed for the benefit of natural persons, sole traders or commercial companies, in which there is no state or municipal participation.

Art. 81b. (New – SG, 109/20, in force from 23.12.2021) (1) The gratuitous work shall be performed on sites of the State Enterprise "Prison Case Fund" and sites, approved by the respective probation council.

(2) When determining the sites, where unpaid work is performed for the benefit of society, the work skills, qualification and working capacity of penalties shall be taken into account. When the convicted person is a minor, the regime and working conditions, established for minors shall also be taken into account.

(3) Penalties shall be assigned to work up to three hours a day during non-working hours or for a fu

ll working day on one of the holidays or weekends, when the convicted person works under an employment or official legal relationship.

(4) During paid annual leave or if the convicted person is unemployed, he may be assigned a job for no more than 56 hours per month in compliance with the provisions of the **Labor Code**.

(5) Supervision of those punished during work shall be carried out by the probation officer or an official, appointed by him.

Art. 81c. (New - SG, 109/20, in force from 23.12.2021) If after the expiration of the calendar term for performing unpaid work for the benefit of society, a certain number of hours have not been worked, the obligation of punished person for their working off shall be paid off.

Art. 81d. (New – SG, 109/20, in force from 23.12.2021) (1) In the execution of the punishment unpaid work for the benefit of the society, Art. 207 - 208, Art. 225, 227 and 231 of the Execution of Punishments and Detention Act and Art. 254 - 257 of the Rules on application of the Execution of the Punishments and Detention Act (promulgated, SG, issue 9/10; Decision № 7268 of 2012 of the Supreme Administrative Court - issue 43/12); amended, issue 20/14 and issue 14/17).

(2) After the completion of the execution of the punishment gratuitous work for the benefit of the society, the probation officer shall prepare a report, in which he shall reflect the results of the execution.

Art. 82. (1) The administrative penalty shall not be incurred if elapsed have been:

a) two years when the penalty is a fine;

b) (suppl. – SG, 109/20, in force from 23.12.2021) six months when the penalty is temporary deprivation of right to practice a definite profession or activity, or unpaid work in favor of society;

c) three months when the penalty is public reprobation.

(2) The legal prescription shall begin from the enforcement of the act by which the sanction has been imposed and shall be stopped by any act of the respective bodies, undertaken regarding the punished person for incurring the penalty.

Upon conclusion of the act which stops the legal prescription a new legal prescription shall begin.

(3) Regardless of the suspension or stopping of the legal prescription the administrative penalty shall not be incurred if a term has expired which exceeds by one second the term under para 1.

(4) (New, SG 28/82) The provision of the preceding para shall not apply regarding the fine when executive proceedings have been constituted for its collection by the deadline under para 1. This also regards the pending cases whose legal prescription has not expired until the enactment of this para.

#### **Chapter four.**

##### **Administrative punitive sanctions to legal persons and sole entrepreneurs (title amended SG 790/05)**

Art. 83. (1) (Suppl., SG 15/98; amend. – SG 69/06) In cases regarding corporate bodies and sole entrepreneurs stipulated by the respective law, edict, decree of the Council of Ministers or ordinance of the municipal council the imposed can be proprietary sanction for non-fulfilment of obligations to the state or the municipality in carrying out their activity.

(2) The penalty under the preceding para shall be imposed by the order of this Act inasmuch as the respective statutory instrument does not stipulate otherwise.

(3) (New – SG, 109/20, in force from 23.12.2021) In case of legal succession of the legal person, after drawing up the act for establishing an administrative violation, the administrative penal proceedings shall continue in respect of the legal successor. The drawn-up act for establishing an administrative violation shall be presented and handed over to the legal successor. The terms under this Act for the successor shall run from the date of service of the act.

(4) (New – SG, 109/20, in force from 23.12.2021) In case of legal succession of the legal person after the issuance of the penal decree, warning or resolution of the sanctioning body, the administrative penal proceedings shall continue in respect of the successor. The issued penal decree, warning or resolution shall be

served to the successor. The terms under this Act for the successor shall run from the date of service of the act.

Art. 83a. (new – SG 79/05) (1) (amend. – SG 27/09; amend. – SG 33/11, in force from 27.05.2011; suppl. – SG 60/11; amend. – SG 19/12; suppl. - SG 107/14, in force from 01.01.2015; amend. and suppl. – SG 81/15, in force from 21.11.2015, suppl. - SG 101/17, suppl. - SG 83/19) To a person who has enriched themselves or would enrich from a crime under **Art. 108a, 109, 110** (preparation to terrorism), **142 – 143a, Art. 152**, para 3, item 4, **Art. 153, 154a, 155, 155a, 156, 158a, 159-159d, Art. 162, par. 1 and 2, Art. 164**, para. 1, **Art. 171**, para. 3, **Art. 172a – 174, 201-203, 209 – 212a, 213a, 214, 215, Art. 216**, para. 3, **225c, 227**, Para 1 – 5, **242, 243, 244, 244a, 246**, par. 3, **248a, 250, 252, 253, 254b, 255, 255a, 255b, 256, 260a - 260c, 278c – 278e, 280, 281, 282, 283, 301 – 307, Art. 307b, 307c, 307d, Art. 308**, Para 3, **Art. 319a-319f, 320 – 321a, 352, 352a, 353b – 353f, 354a-354c, 356j** and **419a of the Penal Code**, as well as from crimes committed under assignment or in execution of a decision of an organized criminal group, whereas they have been committed by:

1. a person empowered to form the will of the legal person;
2. a person, who represents the legal person;
3. a person elected as a controlling or a supervising body of the legal person, or
4. (amend. - SG 81/15, in force from 21.11.2015) a worker or employee to whom the legal person has assigned certain work, whereas the crime is committed at or in connection with this work, a property sanction in amount to 1 000 000, but not less than of the value of the benefit, when it is of property nature; a sanction of 1.000.000 BGN shall be imposed also where the benefit is not of property nature or its amount cannot be evaluated.

(2) (new - SG 81/15, in force from 21.11.2015) The proprietary sanction shall be imposed also to a legal entity, which does not have a main office in Republic of Bulgaria, provided that the violation under paragraph 1 has been committed in Republic of Bulgaria,

(3) (prev. par. 2 - SG 81/15, in force from 21.11.2015) The property sanction shall be imposed to the legal person also whereas the persons under Para 1, item 1, 2 and 3 have abetted or assisted the commitment of the envisaged acts, as well as if the acts had stopped on the phase of attempt.

(4) (prev. par. 3, amend. - SG 81/15, in force from 21.11.2015) The property sanction shall be imposed not depending on the realization of the criminal liability of the accomplices in the criminal act under Para 1.

(5) (New – SG, 109/20, in force form 23.12.2021) In determining the amount of the pecuniary sanction, the gravity of the committed crime, the financial condition of the legal person, the assistance for detection of the crime and for compensation of the damages from the crime, the amount of the benefit and other circumstances shall be taken into account.

(6) (prev. par. 4, amend. - SG 81/15, in force from 21.11.2015, Former Para. 5, - SG, 109/20, in force form 23.12.2021) The direct or indirect benefit from the criminal act under paragraph 1 shall be expropriated in favour of the state, if it is not a subject to retrieval or recovery, or to deprivation under the order of the **Penal Code**. Where the thing or the property – subject to the criminal act is missing or has been alienated, its equivalent value in Bulgarian levs shall be adjudicated.

(7) (prev. par. 5 - SG 81/15, in force from 21.11.2015, Former Para. 6, - SG, 109/20, in force form 23.12.2021) To the state, state bodies and the bodies of local administration as well as to the international organizations the property sanction under Para 1 shall not be imposed.

(8) (New - SG, 109/20, in force form 23.12.2021) The liability of the legal person shall be repaid upon expiration of a term, equal in duration to that under **Art. 81, Para. 3** of the Penal Code, as of the date of commission of the crime, from which the legal person has been enriched or would be enriched.

Art. 83b. (new – SG 79/05) (1) (amend. – SG 39/11; amend. - SG 81/15, in force from 21.11.2015, amend. – SG, 109/20, in force form 23.12.2021) The proceedings under **Art. 83a** shall be initiated by a just

fied proposal of the prosecutor competent to consider the case or the file of the respective criminal act to the Regional court at the place of commission of the crime and in cases of **Art. 83a, Para. 2** – to Sofia City Court:

1. (suppl. - SG 81/15, in force from 21.11.2015) after the deposition of the accusation act, of a decree containing a proposal for releasing of the doer from penal responsibility and imposition of administrative penalty or of an agreement for out-of-court settlement, or

2. whereas the penal procedure cannot be initiated or the initiated one has been terminated on the ground that:

a) the perpetrator shall not bear penal liability due to amnesty;

b) the penal liability has been lapsed due to elapse of the limitation period fixed in the Act.

c) the perpetrator has died;

d) after the commitment of the crime the perpetrator has fallen into a durable mental disorder which excludes the soundness of mind;

e) (new - SG 81/15, in force from 21.11.2015) in cases provided in the special section of the **Penal Code** for cases of general nature there is no complaint filed by the victim to the prosecutor;

f) (new - SG 81/15, in force from 21.11.2015) the doer is released from penal responsibility with application of statutory aftercare measures;

g) (new - SG 81/15, in force from 21.11.2015) transfer of penal proceeding to another state have been admitted;

3. (new - SG 81/15, in force from 21.11.2015) where penal proceedings has been suspended on the grounds that:

a) after committing the crime the accused person has fallen into a temporary conscious disorder, which excludes mental capacity, or has got another severe disease preventing the proceedings to be carried out;

b) consideration of the case in absentia of the accused person would prevent the revelation of the objective truth;

c) the doer is a person with immunity;

4. (new - SG 81/15, in force from 21.11.2015) after the enforcement of a decision under **Art. 124, paragraph 5 of the Code of Civil Procedure**.

(2) The proposal shall contain:

1. description of the crime, the circumstances at which it was committed and the presence of a causal relation between it and the benefit of the legal person;

2. type and size of the benefit;

3. name, scope of activity, seat and address of management of the legal person;

4. personal data of the persons, who represent the legal person;

5. personal data of the accused or the sentenced for the crime persons;

6. description of the written materials or certified copies of them, which evidence the circumstances under items 1 and 2;

7. list of the persons for summoning;

8. the date and place of its drawing up; the name, position and the signature of the prosecutor.

(3) To the proposal shall be attached a copy for the legal person.

Art. 83c. (new – SG 79/05) The prosecutor may require from the court to undertake measures to secure the property sanction of the legal person under the order of the **Civil Procedure Code**.

Art. 83d. (new – SG 79/05; amend. – SG 81/15, in force from 21.11.2015) (1) The court in an open session shall pronounce a determination, by which they shall:

1. send back the proposal to the prosecutor, where it is not justified or does not meet regulatory requirements;

2. close the case where the legal entity is deleted from the trade register because of winding up or in

solvency.

3. (new - SG 109/20, in force from 23.12.2021) schedule the case for consideration in an open court session with summoning of the parties.

(2) (New - SG 109/20, in force from 23.12.2021) The ruling of the court under Para. 1, items 1 and 2 shall be subject to appeal and protest under **Chapter Twenty-two** of the Penal Procedure Code.

(3) (Former Para. 2 - SG 109/20, in force from 23.12.2021) The court shall consider the proposal by a panel of one judge in an open session with the participation of a prosecutor and upon summoning of the legal entity.

(4) (Former Para. 3 - SG 109/20, in force from 23.12.2021) Failing of legal entity's representative to appear upon being duly summoned shall not prevent hearing of the case.

(5) (Former Para. 4 - SG 109/20, in force from 23.12.2021) The court shall collect evidence ex-officio or upon parties' request.

(6) (Former Para. 5 - SG 109/20, in force from 23.12.2021) The court shall hear the case and based on the collected evidence shall assess:

1. if the legal person has obtained unlawful benefit;
2. if connection between the perpetrator of the criminal act and the legal person exists;
3. if the connection between the criminal act and the benefit of the legal person exist;
4. what is the type of the benefit and its amount if it is of property nature.

(7) (Former Para. 6 - SG 109/20, in force from 23.12.2021) The court shall pronounce a decision by which they shall:

1. impose a proprietary sanction;
2. refuse to impose a proprietary sanction.

(8) (Former Para. 7 - SG 109/20, in force from 23.12.2021) The decision of par. 6, item 1 shall contain:

1. information about the legal entity;
2. information about the origin, type and amount of the benefit;
3. the amount of the imposed proprietary sanction;
4. description of property, seized in favor of the state, if relevant;
5. determination of expenses.

(9) (Former Para. 8 - SG 109/20, in force from 23.12.2021) The decision, together with the reasons shall be announced in a court hearing with summoning of the parties or they shall be informed in writing, that it has been prepared. In cases, which constitute factual or judicial intricacy, the reasons may be drawn up after the decision is pronounced but not later than 30 days.

Art. 83e. (new – SG 79/05; amend. – SG 81/15, in force from 21.11.2015) (1) (Amend. – SG, 109/20, in force from 23.12.2021) The decision of the regional court under **Art. 83d, Para. 7** shall be subject to appeal or protesting before the court of appeal within 14 days after its communication to the parties.

(2) The case shall be heard in an open session with the participation of a prosecutor. Legal entity shall also be summoned to the court hearing.

(3) Only written evidence shall be admitted in the proceedings before the court of appeal.

(4) The court of appeal shall pronounce a decision, by which they can:

1. revoke the decision of the regional court and send the case back for re-consideration, where in the course of court proceedings before the court of first instance significant violations of procedural rules have been made;

2. revoke the decision of the regional court and impose a proprietary sanction;
3. revoke the decision of the regional court and refuse to impose a proprietary sanction;
4. amend the decision of the regional court;
5. confirm the decision of the regional court.

(5) The decision of the court of appeal shall be final and binding.

Art. 83f. (new – SG 79/05; amend. – SG 59/07, in force from 01.03.2008; amend. – SG 81/15, in force from 21.11.2015) (1) Proceedings under which an enforced decision of the regional court or the court of appeal has been adjudicated, shall be subject to resumption, where:

1. by an enforced sentence or decision it is found out that some of the written evidence based on which the act has been issued, are unauthentic or contain incorrect information;

2. by an enforced sentence or decision it is found out that a judge, prosecutor, a party or a participant in the proceedings have committed a crime in connection with their involvement in the proceedings;

3. upon entering into force of the decision for imposition of a proprietary sanction to a legal entity, the person under **Art. 83a, par. 1, items 1 – 4** is acquitted by an enforced court act or the suspended pre-court proceedings is terminated by a prosecutor in cases referred to in **Art. 24, par. 1, item 1** of the Code of Penal Procedure;

4. upon entering of the decision into force particulars or evidence get disclosed which have not been known to the party and the court and they are of essential importance for the proceedings;

5. by a decision of the European Court of Human Rights violation of the European Convention for the Protection of Human Rights and Fundamental Freedoms is found out which are of essential importance for the proceedings;

6. in the course of proceedings major violation of procedural rules has been done.

(2) The request for resumption can be done within 6 months after becoming aware of the occurrence of the grounds, and in cases of par. 1, item 6 – after entering of the decision of the regional court or the court of appeal into force.

(3) The request for resumption shall not stop the implementation of an enforced decision, unless otherwise decreed by the court.

(4) A request for resumption of proceedings can be done by:

1. the regional prosecutor;

2. the legal entity having been imposed a proprietary sanction.

(5) The request for resumption shall be considered by the court of appeal, in the court region where the authority has adjudicated the enforced decision is located.

(6) The court of appeal shall consider the request through a three-member jury. In cases where resumption of proceedings is requested upon a decision of the court of appeal, the request shall be considered by another jury of the respective court of appeal.

(7) The case shall be considered in an open session with the participation of a prosecutor. Legal entity shall also be summoned for the hearing.

(8) Where the request for resumption is found justified by the court of appeal, the latter shall revoke the act and shall send the case back for re-consideration, with indicating the procedural act as from which the new consideration shall start over.

Art. 83g. (new – SG 81/15, in force from 21.11.2015) To all matters not covered in **Art. 83b, 83d – 83f**, the provisions of the **Penal Procedure Code** shall apply.

## **Chapter five.**

### **Special Provisions (new title SG 790/05)**

Art. 84. (Amend., SG 59/98; amend. – SG 39/11) Inasmuch as this Act contains no special rules for subpoena and presentation of subpoena and announcements, making inventory lists and seizing objects, determining expenses of witnesses and remuneration of experts, calculation of periods, as well as for the proceedings in court for consideration of complaints against penal prescriptions, of cassation claims at the administrative court and proposals for resumption shall apply the provisions of the **Penal Procedure Code**.

Art. 85. As regards the expressions "official", "body of the authority" and "official document" used in this Act shall apply the provisions of the **Penal Code**.

Art. 85a. (new – SG 10/11) Where there are no special rules in this Act regarding the administrative -penal proceedings established with a technical device or a system as set out in **Art. 39, Para 4**, the provisions of the **Road Traffic Act**.

Art. 86. The administrative violations committed before the enactment of this Act, for which acts have not been issued, shall be established and the offenders shall be punished by the procedural order established by this Act.

Art. 87. The pending administrative penal proceedings shall be concluded by the procedural order established by this Act.

### **Additional provisions**

§ 1. (new – SG 10/11; amend. – SG 81/15, in force from 21.11.2015, former text of § 1 – SG, 109/20, in force from 23.12.2021) Within the meaning of this Act:

1. (prev. § 1 – SG 81/15, in force from 21.11.2015) “electronic slip” means the electronic statement on a paper, magnet or other carrier, created by an administrative-information system based on submitted and processed data about violations from automated technical devices or systems.

2. (new - SG 81/15, in force from 21.11.2015) “Direct benefit” is every favorable modification in the legal entity legal context, having occurred as direct consequence of the offense.

3. (new - SG 81/15, in force from 21.11.2015) “Indirect benefit” is:

a) the acquisitions as a result of disposing of the subject of crime;

b) the thing of the property acquired through an operation or a transaction with the direct benefit from the offence;

c) the thing into which the direct benefit from the offense has been transformed.

4. (new – SG, 109/20, in force from 23.12.2021) "Minor case" is one, in which the violation, committed by a natural person or non-fulfillment of an obligation by a sole trader or legal person to the state or municipality, in view of the absence or insignificance of the harmful effects or in view of other mitigating circumstances, constitutes a lower degree of public danger, than ordinary cases of breach or non-performance of an obligation of the kind concerned.

5. (new – SG, 109/20, in force from 23.12.2021) A "manifestly insignificant case" of a violation occurs when the act reveals a clearly insignificant degree of public danger.

6. (new – SG, 109/20, in force from 23.12.2021) "Violation of the same type by a natural person or non-fulfillment of an obligation by a sole trader or legal person to the state or municipality of the same type" is this violation by a natural person or non-fulfillment of an obligation by a sole trader or a legal person to the state or a municipality, which carries out the signs of the same basic composition of the administrative violation, regardless of whether it carries out the signs of a qualified or privileged composition.

(2) (New – SG, 109/20, in force from 23.12.2021) The envisaged penalty for repeated violation by a natural person or non-fulfillment of an obligation by a sole trader or legal person to the state or municipality shall be imposed, when the violation by the natural person or the non-fulfillment of an obligation by a sole trader or a legal person to the state or municipality has been committed within one year from the entry into force of an act, imposing an administrative penalty for a violation of the same type or a pecuniary sanction for non-fulfillment of an obligation of the same type, unless a special Act provides otherwise.

### **AMENDMENT OF OTHER ACTS**

§ 1a. (prev. text of § 01 – SG 10/11) This Act revokes Chapter Twenty eight of the Penal Procedure Code.

The reference in all normative documents to Chapter Twenty Eight of the Civil Procedure Code shall be replaced by references to this Act.

§ 2. The reference in all normative acts to art. 207, para 1 and art. 207, para 3 of the revoked Penal Code, respectively to art. 271, para 1 and art. 271, para 3 of the acting Penal Code shall be replaced by reference to art. 31, respectively art. 32 of this Act.

§ 3. Art. 271 of the Penal Code is amended as follows:

"271. Who does not fulfil or violates a decree, order or other act issued or adopted by the Council of Ministers, if the act explicitly refers to this Art., shall be punished by corrective labour for a period up to six months or a fine of up to 0.40 levs."

In art. 424, para 1 the words "and 271, para 1 and 3" are deleted. Deleted is also letter "b" of para 2.

§ 4. Revoked is letter "b" of art. 5, para 1 of the Law for Inspection of supervision of the safety of labour at the Council of Ministers.

§ 5 - § 6 (Revoked, SG 11/98)

§ 7. (Amend., SG 102/95, suppl. SG 96/04) The provisions of art. 13 of this Act do not regard the punishments stipulated by the Edict for fighting minor hooliganism and in chapter four of the Public Order Protection during Sports Events Act.

§ 8. In all normative acts stipulating administrative penalties the word "confiscation" is replaced by "seizure in favour of the state".

The implementation of the present Act is assigned to the Minister of Justice.

### **Transitional and concluding provisions TO THE ADMINISTRATIVE PROCEDURE CODE**

(PROM. – SG 30/06, IN FORCE FROM 12.07.2006)

§ 142. The code shall enter into force three months after its promulgation in State Gazette, with the exception of:

1. division three, § 2, item 1 and § 2, item 2 – with regards to the repeal of chapter third, section II "Appeal by court order", § 9, item 1 and 2, § 15 and § 44, item 1 and 2, § 51, item 1, § 53, item 1, § 61, item 1, § 66, item 3, § 76, items 1 – 3, § 78, § 79, § 83, item 1, § 84, item 1 and 2, § 89, items 1 - 4 § 101, item 1, § 102, item 1, § 107, § 117, items 1 and 2, § 125, § 128, items 1 and 2, § 132, item 2 and § 136, item 1, as well as § 34, § 35, item 2, § 43, item 2, § 62, item 1, § 66, items 2 and 4, § 97, item 2 and § 125, item 1 – with regard to the replacement of the word "the regional" with the "administrative" and the replacement of the word "the Sofia City Court" with "the Administrative court - Sofia", which shall enter into force from the 1st of May 2007;

2. paragraph 120, which shall enter into force from the 1st of January 2007;

3. paragraph 3, which shall enter into force from the day of the promulgation of the code in State Gazette.

**Transitional and concluding provisions  
TO THE ACT ON THE STATE BUDGET OF THE REPUBLIC OF BULGARIA FOR 2007**

(PROM. – SG 108/06, IN FORCE FROM 29.12.2006)

§ 106. This Act shall enter into force from 1 January 2007 except § 103 and 104, which shall enter into force from the day of its promulgation in the State Gazette.

**Transitional and concluding provisions  
TO THE CIVIL PROCEDURE CODE**

(PROM. – SG 59/07, IN FORCE FROM 01.03.2008)

§ 61. This code shall enter into force from 1 March 2008, except for:

1. Part Seven “Special rules related to proceedings on civil cases subject to application of Community legislation”

2. paragraph 2, par. 4;

3. paragraph 3 related to revoking of Chapter Thirty Two “a” “Special rules for recognition and admission of fulfillment of decisions of foreign courts and of other foreign bodies” with Art. 307a – 307e and Part Seven “Proceedings for returning a child or exercising the right of personal relations” with Art. 502 – 507;

4. paragraph 4, par. 2;

5. paragraph 24;

6. paragraph 60,

which shall enter into force three days after the promulgation of the Code in the State Gazette.

**Transitional and concluding provisions  
TO THE ACT AMENDING AND SUPPLEMENTING THE TAX-INSURANCE PROCEDURE CODE**

(PROM. – SG 12/09, IN FORCE FROM 01.05.2009; SUPPL. – SG 32/09)

§ 68. This Act shall enter into force from May 1, 2009 except for § 65, 66 and 67, which shall enter into force from the date of its promulgation 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, т. 4, letter "a", item 7, letter "f" - regarding para 10 and 11, т. 8, letter "a", items. 9 and 12 and § 53 - 64, which shall enter into force from January 1, 2010.

**Transitional and concluding provisions  
TO THE ACT AMENDING AND SUPPLEMENTING THE ROAD TRAFFIC ACT**

(PROM. – SG 10/11)

§ 11. To violations established before entry into force of this Act shall apply the previous order.

**Transitional and concluding provisions  
TO THE ACT AMENDING AND SUPPLEMENTING THE PENAL CODE**

(PROM. – SG 33/11, IN FORCE FROM 27.05.2011)

§ 46. This Act shall enter into force one month after its promulgation in the State Gazette, except for § 21 and § 22, which shall enter into force three months after its promulgation in the State Gazette.

**Additional provisions  
TO THE ACT SUPPLEMENTING THE PENAL CODE**

(PROM. – SG 19/12)

§ 2. This Act shall implement the requirements of Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals (OJ, L 168/24 of 30 June 2009).

**Transitional and concluding provisions  
TO THE ACT AMENDING AND SUPPLEMENTING THE ENERGY SECTOR ACT**

(prom. – SG 54/12, IN FORCE FROM 17.07.2012)

§ 204. This Act shall enter into force from the date of its promulgation in the State Gazette, except for:

1. paragraph 23, § 121, § 189, item 2, § 198 and § 199, para 3, which shall enter into force from January 1, 2012;
2. Art. 81b, which shall enter into force from March 3, 2013;
3. Art.120, para 6, which shall enter into force from January 1, 2014.

**Concluding provisions  
TO THE ACT AMENDING AND SUPPLEMENTING THE ADMINISTRATIVE VIOLATIONS AND PENALTIES ACT**

(PROM. - SG 77/12, IN FORCE FROM 09.10.2012)

§ 19. The Act shall enter into force from its promulgation date in the State Gazette.

**Transitional and concluding provisions  
TO THE ACT ON THE STATE BUDGET OF THE REPUBLIC OF BULGARIA FOR THE YEAR 2014**

(PROM. – SG 98/14, IN FORCE FROM 28.11.2014)

§ 12. This Act shall enter into force from the date of its promulgation in the State Gazette.

Decision of the Executive Committee of 28 April 1999 on the Agreement on Cooperation in Proceeding

dings for Road Traffic Offences (SCH/Com-ex (99) 11, rev. 2)

**Transitional and concluding provisions**  
**TO THE ACT ON THE STATE BUDGET OF THE REPUBLIC OF BULGARIA IN 2015**

(PROM. – SG 107/14, IN FORCE FROM 01.01.2015)

§ 21. The Act shall enter into force on 1 January 2015, except for § 19 which shall enter into force on 1 December 2014.

**Transitional and concluding provisions**  
**TO THE ACT AMENDING AND SUPPLEMENTING THE ADMINISTRATIVE VIOLATIONS AND PENALTIES ACT**

(PROM. – SG 81/15, IN FORCE FROM 21.11.2015)

§ 8. Outstanding court proceedings in administrative courts under Art. 83a – 83f shall be suspended and shall be forwarded by competence to the respective regional court.

§ 9. This act shall become effective one month after its promulgation in State Gazette.

**Transitional and concluding provisions**  
**TO THE ACT ON ENFORCING THE MEASURES AGAINST MARKET ABUSE WITH FINANCIAL INSTRUMENTS**

(PROM. - SG 76/16, IN FORCE FROM 30.09.2016)

§ 15. This Act shall enter into force on the day of its promulgation in the State Gazette, with the exception of § 11, which shall enter into force on August 9<sup>th</sup>, 2016.

**Transitional and concluding provisions**  
**TO THE ACT AMENDING AND SUPPLEMENTING THE ROAD TRAFFIC ACT**

(PROM. - SG 101/16, IN FORCE FROM 21.01.2017)

§ 41. This Act shall enter into force on the day of its promulgation in the State Gazette, with the exception of § 20, which shall enter into force on 1 of July 2017.

**Transitional and concluding provisions**  
**TO THE ACT AMENDING AND SUPPLEMENTING THE PENAL PROCEDURE CODE**

(PROM. - SG 63/17, IN FORCE FROM 05.11.2017)

§ 116. The Act shall enter into force three months after its promulgation in State Gazette.

**Transitional and concluding provisions**  
**TO THE ACT AMENDING AND SUPPLEMENTING THE PAYMENT SERVICES AND PAYMENT SYSTEMS ACT**

(PROM. - SG 20/18, in force from 06.03.2018)

§ 28. The Act shall enter into force on the day of its promulgation in the State Gazette with the exception of:

1. Article 47, which comes into force once the European Commission has published the electronic brochure on consumer rights under Art. 106 (2) of Directive (EU) 2015/2366 and Art. 71, para. 2, item 3, Art. 72, para. 3, item 4, para. 4, Item 1, Art. 73, para. 2, item 3, para. 3, item 1 and Art. 100, which shall enter into force 18 months after the entry into force of the regulatory technical standards, which the European Commission accepts under Art. 98 (4) of Directive (EU) 2015/2366; until the entry into force of Art. 100, para. 1 - 6 payment service providers comply with the requirements of Final Guidelines on the Security of Internet Payments of 19 December 2014 of the European Banking Authority;

2. Article 102, which shall enter into force on 30 April 2018, and Art. 103 to 109, which shall enter into force on 31 October 2018;

3. paragraph 16, point 2, letter "c" of the Transitional and Concluding Provisions concerning para. 8, which shall enter into force on 1 January 2019;

4. Paragraphs 25 and 26, paragraphs 1 to 5 of the Transitional and Concluding Provisions, which shall enter into force on 1 July 2018.

### **Transitional and concluding provisions**

#### **TO THE ACT AMENDING AND SUPPLEMENTING THE ENERGY SECTOR ACT**

(PROM. - SG 38/18, IN FORCE FROM 08.05.2018)

§ 74. The Act shall enter into force on the day of its promulgation in the State Gazette, except for:

1. Paragraphs 11, 14, 15, 16, 19, 22, 23, 24, 25, 32, 33, 35, 36, 39, 40, 41, 42 and § 64 relating to items 1 to 4, which shall enter into force from 1 July 2018;

2. paragraphs 63 and 66, which shall enter into force from 30 April 2018;

3. paragraphs 5, 6, 9, 10 and 73, which shall enter into force from 1 January 2019.

### **Additional provisions**

#### **TO THE ACT SUPPLEMENTING THE PENAL PROCEDURE CODE**

(PROM. - SG 83/19)

§ 3. Article 201, para. 2 of the Penal Code and Art. 83a, para. 1 of the Administrative Offenses and Sanctions Act introduces the requirements of Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law (OB, L 198/29 of 28 July 2017).

### **Concluding provisions**

#### **TO THE ACT AMENDING AND SUPPLEMENTING THE PAYMENT SERVICES AND PAYMENT SYSTEMS ACT**

(PROM. – SG 13/20, IN FORCE FROM 14.02.2020)

§ 44. This Act shall enter into force on the day of its promulgation in the State Gazette, with the exception of § 31 which shall enter into force within 6 months after its promulgation.

### **Transitional and concluding provisions**

#### **TO THE ACT, AMENDING AND SUPPLEMENTING THE ADMINISTRATIVE VIOLATIONS AND PENALTIES ACT**

(PUBL. – SG, 109/20, IN FORCE FROM 23.12.2021)

§ 44. The proceedings before the penal bodies, whose competence is changing, which have not been completed before the entry into force of this Act, shall be considered by the penal bodies, before which the

y have been instituted.

§ 45. The proceedings before a court, whose jurisdiction is changing, which have not been completed before the entry into force of this Act, shall be completed by the court, before which they have been instituted.

§ 46. The proceedings, which have not been completed by the entry into force of this Act, instituted on the basis of a motivated decree under Art. 83b, whose jurisdiction changes, shall be considered by the courts, before which they are formed.

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§ 51. The Act shall enter into force one year after its promulgation in the State Gazette.

#### **Transitional and concluding provisions**

### **TO THE ACT AMENDING AND SUPPLEMENTING THE MARKETS IN FINANCIAL INSTRUMENTS ACT**

(PROM. - SG 25/22, IN FORCE FROM 29.03.2022)

§ 94. The Act shall enter into force on the day of its promulgation in the State Gazette, with the exception of § 79, items 1, 4 and item 9, letter "a", which shall enter into force on 19 October 2022.

#### **Relevant Acts of the European Legislation**

Decision of the Executive Committee of 28 April 1999 on the Agreement on Cooperation in Proceedings for Road Traffic Offences (SCH/Com-ex (99) 11, rev. 2)