

Administrative Violations and Sanctions Act

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Chapter One

GENERAL PROVISIONS

Article 1

(Amended, SG No. 59/1992) This Act shall lay down the general rules in point of administrative violations and sanctions, the order for the establishment of administrative violations and for the imposition and application of sanctions, and shall provide the necessary limits for the protection of rights and legal interests of both citizens and organisations.

Article 2

(1) All acts that constitute administrative violations and the corresponding to them sanctions shall be laid down by an enacted law or State Council decree (ukaz).

(2) Where a violation of a law or ukaz is ruled to be generally punishable by an administrative sanction specified as to type and amount, the Council of Ministers or the Members of the Government, if empowered by such law or ukaz, shall have the right to specify the formulation of each particular violation.

(3) (Amended, SG No. 59/1992) Upon enactment of ordinances the municipal councils shall specify the formulations of administrative violations and the corresponding to them punishments as set forth in the Local Autonomy and Local Administration Act.

Article 3

(1) Applicable in point of any administrative violation shall be the normative act that was in force at the time of its commission.

(2) If by the time of entry of a penal decree into force other normative acts have ensued, applicable shall be the one that is deemed more favourable to the offender.

Article 4

(Amended, SG No. 59/1992) This Act as well as all other acts and ukazes wherein administrative sanctions are prescribed shall be applicable to all administrative violations committed upon the territory of the Republic of Bulgaria, aboard any Bulgarian ship or aircraft, and in respect to Bulgarian nationals who have committed administrative violations abroad, provided such violations are punishable under Bulgarian national law and affect the interests of this state.

Article 5

(Amended, SG No. 59/1992) The issue of liability of aliens enjoying immunity from the administrative and penal jurisdiction of the Republic of Bulgaria shall be settled in accordance with the norms of international law adopted by the country.

Chapter Two

ADMINISTRATIVE VIOLATIONS AND SANCTIONS

Section I

Administrative Violations

Article 6

(Amended, SG No. 59/1992) An administrative violation shall be such an act (action or omission) that violates the established order of state government, has been committed guiltily and has been ruled punishable by an administrative sanction to be annexed following an administrative procedure.

Article 7

(1) An act adjudged an administrative violation shall be deemed guilty when committed deliberately or negligently.

(2) Negligent violations shall not be punishable in explicitly prescribed cases.

Article 8

Acts committed in unavoidable self-defence, or in an event of an extremely indispensable emergency shall not be deemed administrative violations.

Article 9

(1) Preparation for an administrative violation shall not be punished.

(2) (Amended, SG No. 101/1983) An attempt at committing an administrative violation shall not be punishable either except in the cases of:

- a) customs and foreign currency offences, if provided for in a relevant law or ukaz;
- b) (Amended, SG No. 11/1998) Article 218b, paragraph 1 of the Penal Code;
- c) Article 41, paragraph 1 of the Protection of Farm Property Act.

Article 10

(Supplemented, SG No. 85/1998) Upon commission of administrative violations all abettors as well as allowing accessories, before the act and accessories after the act shall also be punished in such cases as prescribed by a relevant law or ukaz.

Article 11

Applicable to all issues of guilt, competence, circumstances excluding responsibility, forms of complicity, preparation and attempt shall be the provisions of the General Part of the Penal Code insofar unless otherwise provided herein.

Section II

Administrative Sanctions

Article 12

Administrative sanctions shall be administered with the purpose of admonishing and re-educating a delinquent to abide by the established legal order as well as to the end of producing a good educational and premonitory effect on other citizens.

Article 13

The following administrative sanctions may be stipulated and inflicted for the commission of administrative violations:

- a) a public censure;
- b) a fine;
- c) a temporary deprivation of the right to practice a certain profession or activity.

Article 14

Public censure for a violation committed shall constitute a public reproof to the violator before the team of employees with whom he or she works, or before the organisation (society) where he or she belongs as a member.

Article 15

(1) (Amended, SG Nos. 59/1992, SG No. 102/1995) A fine shall be a pecuniary penalty constituting the payment of a certain sum.

(2) In respect of minors the imposition of a fine as an administrative sanction shall be commuted to public censure.

Article 16

(Amended, SG No. 54/1978) Deprivation of the right to practice a certain profession or activity shall find an expression in temporarily banning the offender from practising a profession or a business activity in connection wherewith he or she has committed the violation in point. The continuance of such punishment shall not be less than one month nor shall exceed two years, and in respect of violations related to the safety of traffic and involving consumption of alcohol or another heavily intoxicating substance - up to five years. Such deprivation shall not affect any previously acquired qualifications with the exception of such cases as may be prescribed by the relevant law or ukaz.

Article 17

No one may be penalised repeatedly for an administrative violation for which they have already been penalised by a penal decree or court ruling which have entered into force.

Article 18

Where by way of a single act several administrative violations have been committed, or one and the same person has committed several separate violations, the sanctions annexed to each of them shall be suffered separately.

Article 19

No suspended sanction shall be admissible for administrative violations punishable under the provisions of this Act.

Article 20

(1) Apart from imposition of such administrative sanctions as specified under Article 13 above, the penalising authority shall rule forfeiture in favour of the state of all personal effects belonging to the offender that have been put to use in the commission of a deliberate administrative violation, if the relevant law or ukaz provide so.

(2) Forfeited in favour of the state shall also be all effects constituting the object of the violation, the ownership whereof is banned, regardless of their quantity, value, or whereabouts.

(3) Apart from the effects referred to in the above paragraph, in all cases identified in the relevant law or ukaz forfeited in favour of the state shall also be any effects, belonging to the offender, constituting the object of offence.

(4) Forfeiture under paragraphs 1 and 3 above shall be inadmissible where the value of effects is evidently not correspondent to the nature or gravity of the administrative violation committed, unless otherwise stipulated by the relevant law or ukaz.

Article 21

All effects acquired by the offender in consequence of the violation committed shall be forfeited in favour of the state, their quantity and value notwithstanding.

Section III

Coercive Administrative Measures

Article 22

Coercive administrative measures may be carried out to the end of prevention and discontinuance of administrative violations, as well as for the purpose of preventing and obviating the harmful consequences thereof.

Article 23

All cases allowing of the application of coercive administrative measures, the kinds of measures and the bodies authorised to take them, and the manner of the application thereof, as well as the procedure for lodging an appeal thereagainst shall be regulated by the relevant law or ukaz.

Section IV

Persons Liable to Administrative Sanctions

Article 24

(1) Liability to administrative sanctions shall be personal.

(2) Liable for administrative violations committed in connection with or during the performance of enterprises', administrations' and organisations' business activities shall be the employees who have committed such violations as well as the managing officers who have ordered or allowed the commission thereof.

Article 25

Where an administrative violation perpetrator has acted in pursuance of an official order issued in accordance with the established procedures he or she shall not be liable to administrative sanctions, provided such order did not contain any violation that was clearly visible to him or her.

Article 26

(1) Liable to administrative sanctions shall be all majors aged 18 and older who have committed administrative violations culpably and in a state of sound mind.

(2) Liable to administrative sanctions shall also be all minors turned 16 but not 18 yet, when capable to understand the nature and meaning of a violation committed as well as to conduct their own actions.

(3) Responsible for administrative violations perpetrated by juveniles, minors aged 14 through 16 and person under total legal incapacity shall be their parents, guardians or trustees respectively who have knowingly or deliberately afforded the commission thereof.

Section V

Adjudication of Administrative Sanctions

Article 27

(1) An administrative sanction shall be meted out in accordance with the provisions of this Act within the bounds of the punishment provided for the respective violation committed.

(2) In meting out the punishment, account shall be taken of the gravity of the violation, the motives or inducements for the commission thereof and other extenuating and aggravating circumstances, as well as the property status of the offender.

(3) Extenuating circumstances shall condition the imposition of a milder sanction, while aggravating circumstances shall cause harsher sanction.

(4) Commutation of punishments provided for each respective violation to lighter ones shall not be allowed except in the events referred to in Article 15, paragraph 2.

(5) Imposition of a sanction lesser than the minimal extent prescribed for fines and temporary deprivations of the right to practice a certain profession or business activity shall not be permitted either.

Article 28

In the event of minor administrative violations the penalising authority shall have the right:

a) to commute the imposition of a sanction to an oral or written admonition to the offender, warning him or her that a repeat violation shall cause the imposition of an administrative sanction.

b) (Repealed, SG No. 105/1991)

Article 29

In respect of lesser administrative violations committed by minors, penalising authorities shall send the statements of infractions perpetrated to the relevant local committees on prevention of antisocial activities of juveniles and minors for the purpose of applying appropriate measures of educational nature.

Section VI

General Administrative-Penal Provisions

Article 30

In point of such individual administrative violations that are not identified under the order referred to in Article 2, paragraphs 1 and 2 hereinabove, applicable shall be Articles 31 and 32 hereinafter.

Article 31

(Amended, SG No. 59/1992, SG No. 102/1995, SG No. 11/1998) fails to obey or violates a lawful order, command, or order of an authority, inclusive of the ones relating to the economic activities of the country, shall be imposed a penalty of a fine in the amount from BGN 2 to 50.

Article 32

(1) (Amended, SG No. 59/1992, SG No. 102/1995, SG No. 11/1998 SG No. 25/2002) Whoever fails to fulfil or violates a decree, order or any other act enacted or adopted by the Council of Ministers shall be imposed a penalty of a fine in the amount of BGN 100 to 2,000, provided same act does not constitute a crime.

(2) (New, SG No. 24/1987, amended, SG No. 59/1992, SG No. 102/1995, SG No. 11/1998, SG No. 114/1999, SG No. 25, SG No. 61/2002) Whoever fails to fulfil or violates an act under paragraph 1 above related to the accounting, taxation, customs, currency or environmental legislation shall be imposed a penalty of a fine ranging from BGN 400 up to 3,000, provided that same act does not constitute a crime.

(3) (New, SG No. 67/1999) A state employee who in the execution of his or her duties to the state fails to fulfill or violates the obligations, resulting from the acts under paragraphs 1 and 2, shall be liable to a fine ranging from BGN 40 to 300.

(4) (Renumbered from Paragraph 2, amended. SG No. 24/1987, renumbered from Paragraph 3, SG No. 67/1999) The provisions of the above paragraphs shall apply to violations of all acts enacted or approved by the Council of Ministers which explicitly refer to this Article.

Chapter Three

**PROCEDURES OF ADMINISTRATIVE VIOLATIONS
ESTABLISHMENT. IMPOSITION
AND EXECUTION OF ADMINISTRATIVE SANCTIONS**

Section I

General Principles

Article 33

(1) No administrative-penal proceedings shall be instituted against such act of violation in respect whereof criminal prosecution proceedings have been initiated or are being conducted by prosecutory officials.

(2) Where an act of violation against which an administrative-penal proceedings have been initiated is established to constitute a crime, such proceedings shall be discontinued and all materials shall be forwarded to the relevant prosecutor.

Article 34

(1) (Supplemented, SG No. 89/1986, SG No. 102/1995, SG No. 61/2002, SG No. 39/2005) No administrative-penal proceedings shall be instituted, and an already initiated institution thereof shall be discontinued where:

- a) the offender has passed away;
- b) the offender has lapsed into a state of permanent mental derangement;
- c) a relevant laws or ukaz may so provide.

Administrative-penal proceedings shall not be instituted if a statement of establishment of the violation has failed to be drawn up within three (3) months following the detection of the offender, or if one (1) year has elapsed since the commission of such violation, and in the event of customs, taxation, banking, environmental and currency regulations violations - following the elapse of two (2) years, as well as pursuant to the Public Offering of Securities Act and the regulatory acts for its implementation and pursuant to the BULSTAT Register Act.

(2) (New, SG No. 12/1996, supplemented, SG No. 51/1999; amended, SG No. 92/2000; SG No. 101/2002) No administrative-penal proceedings shall be instituted against violations of a normative act regulating fiscal, financial and economic and accounting activities under Article 41, item 1 of the Public Internal Financial Control Act, as well as for violation of a legislative instrument on gambling, if a statement of establishment of the violation has failed to be drawn up within six (6) months following the detection of the offender or if more than five (5) years have elapsed since the commission of such violation. In such cases the timeframes referred to in paragraph 1 above shall not apply.

(3) (Renumbered from Paragraph 2, SG No. 12/1996) Administrative-penal proceedings that have already been initiated shall be discontinued if no penal decree has been issued within six (6) months following the drawing up of the statement of the violation.

Article 35

A civil court's ruling on a civil case which has entered into force shall be mandatory for the penalising administrative authority with regard to civil status and right of property.

Section II

Institution of Administrative-Penal Proceedings

Article 36

(1) Administrative-penal proceedings shall be instituted by way of drawing up a statement of establishment of the administrative violation committed.

(2) Administrative-penal proceedings shall not be initiated without a statement of establishment attached thereto unless proceedings have been discontinued by the court or the prosecutory officials and forwarded to the relevant penalising authority.

Article 37

(1) Statements of establishment of administrative violations may be drawn up by officials who are:

a) explicitly identified under relevant normative acts;

b) (Amended, SG No. 59/1992) designated by the heads of administrations, organisations, district governors and mayors of municipalities tasked with the exercise of control over the enforcement of all relevant normative acts.

(2) Statements of establishment can be drawn up by public representatives as well, if duly authorised therefore by an enacted normative act.

Article 38

(Repealed, SG No. 94/1990)

Article 39

(1) (Amended, SG No. 59/1992, SG No. 11/1998, SG No. 25/2002) For evidently lesser cases of administrative violations, established upon the commission thereof, the duly authorised authorities shall impose a fine on the spot and against a receipt in the amount up to the one prescribed by the relevant law or ukaz, but not to exceed BGN 10.

(2) (New, SG No. 28/1983, amended, SG No. 59/1992, SG No. 110/1996, SG No. 11/1998, SG No. 25/2002) For minor cases of administrative violations established upon the commission thereof and where a law or ukaz so provides, duly authorised controlling authorities may impose fines upon the spot in amounts ranging from BGN 10 up to 50 Issued in evidence of the fine imposed shall be a ticket containing data on the identity of both the controlling official and the offender; time and place of commission of the violation; legal provisions violated, and the amount of the fine imposed. Such ticket shall be signed by the controlling official and by the violator who shall thereby certify his or her consent to pay the fine. The ticket shall be then forwarded to the financial authorities of the respective municipal administration to be collected. A copy shall be handed to the violator to enable him or her to voluntarily pay the fine.

(3) (Renumbered from Paragraph 2, supplemented, SG No. 28/1983) Should an offender dispute a violation or refuse to pay the fine, a statement of the violation shall be drawn up pursuant to the provisions of this Section.

Article 40

(1) A statement of establishment of an administrative violation shall be drawn up in the presence of the offender and the witnesses who were present at either the commission or the establishment of such violation.

(2) Where the offender is known, but is nowhere to be found or does not appear for drawing up of a statement after a notice of invitation has been given to him or her, such statement shall be effected in his/her absence.

(3) In the absence of witnesses who have observed by personal presence either the commission or the establishment of a violation, or where the drawing up of a statement in their presence proves impossible, such statement shall be drawn up in the presence of two other witnesses, whereas this shall be explicitly mentioned therein.

(4) Where a violation has been established on the basis of official documents, the statement thereof may be drawn up in the absence of witnesses.

Article 41

Upon establishment of administrative violations an official authorised to draw up a statement thereof shall have the right to seize and withhold all physical evidence and exhibits related to the establishment of such violation, as well as all personal effects subject to forfeiture in favour of the state under Articles 20 and 21 hereinabove.

Article 42

A statement of establishment of an administrative violation needs to contain:

1. Full name of the official drawing up the statement plus his or her position;
2. Date when the statement was drawn up;
3. Date and place of the commission of the violation;
4. Description of the violation and the circumstances whereunder it was committed;
5. Legal provisions violated;
6. (Supplemented, SG No. 59/1992) The offender's full name and age, full address and place of work, civil number;
7. (Supplemented, SG No. 59/1992) Witnesses names and full addresses, civil numbers;
8. The offender's explanations or objections, if any;
9. (Supplemented, SG No. 59/1992) Names and full addresses of persons who have suffered material damages in consequence of the violation committed, civil numbers;
10. A list of written materials and effects seized, if any, and the person tasked with the safekeeping thereof.

Article 43

(1) A statement of establishment shall be signed by the official who drew it up and by at least one of the witnesses identified therein. It shall be then presented to the offender to get acquainted with the contents thereof and sign. Signed offender shall thereby assume an obligation to notify penalising authorities of any change in his or her address.

(2) Where an offender refuses to sign a statement, this shall be certified by the signature of an eyewitness, whose name and full address shall be put down in the statement.

(3) (Amended, SG No. 59/1992) Where an offender's identity is impossible to establish by an official drawing up a statement of an administrative violation, such identity shall be established by the nearest municipal administration or a Ministry of Home Affairs' unit.

(4) (Amended, SG No. 59/1992) Where a statement has been drawn up in the absence of the violator, it shall be forwarded to the relevant office, and should there be no such office - to the municipal administration of the offender's domicile to be subsequently presented to and signed by him. A statement shall be presented and signed no later than within seven days following its receipt and shall be forthwith returned.

(5) Upon signing of a statement, a copy thereof shall be handed to the offender against a receipt, and the date of signing shall be stated therein.

(6) Where following a thorough search an offender's whereabouts is unknown, this shall be noted in the statement and the proceedings shall be discontinued.

Article 44

(1) Apart from any objections made at the time of drawing up the statement of violation, an offender may additionally lodge in writing his or her objections thereto within three days following said signing.

(2) Where in his or her objections an offender has referred to written or physical evidence, these need to be gathered upon the motion of the relevant office to the maximum possible extent.

(3) Within two (2) weeks following the signing of a statement it shall be forwarded to the penalising authority along with all objections lodged, exhibits collected and other attachments to the case.

Article 45

(1) (Amended SG No. 59/1992) Prior to the enactment of a penal decree the victim may file a claim to the relevant penalising authorities for compensation of damages inflicted to him or her in the amount of up to BGN 2 unless the relevant law or ukaz has provided an option for claiming to the same penalising authority damages in a large amount.

(2) A claimant to damage compensation shall be obliged to notify the penalising authority of any changes in his or her address.

Article 46

(1) Seized effects shall be deposited for safekeeping in accordance with established rules.

(2) (Amended SG No. 59/1992) Where such rules are non-existent, seized effects shall be deposited for safekeeping in the office of the official who has drawn up the statement of violation or in the relevant municipal administration.

(3) Where this may be deemed expedient, seized effects may be left in safekeeping with the offender or with other persons.

(4) (Amended SG No. 59/1992) Perishables shall be sold via state-owned and municipal companies and proceeds therefrom, following a deduction of incurred expenses, shall be deposited in the State Savings Bank.

Section III

Administrative Sanctioning Authorities

Article 47

(1) Authorised to impose administrative sanctions shall be:

a) (Amended, SG No. 59/1992) all heads of agencies and organisations, district governors and mayors of municipalities tasked with the enforcement of the relevant normative acts or with the exercise of controls over the implementation thereof;

b) officials and bodies authorised by the relevant law or ukaz;

c) judicial and prosecutory authorities in the events provided for by a law or ukaz.

(2) (Amended, SG No. 24/1987) Administrative heads referred to under item 1 above may delegate their rights as penalising authorities to other officials designated by them, where a proviso therefore is made in the relevant law, ukaz or decree of the Council of Ministers.

Article 48

(1) An administrative penalty case shall be examined by the administrative body authorised to impose sanctions in whose territory of jurisdiction the violation has been committed.

(2) Where the scene of the commission of a violation may not be established for sure, competent to examine the case shall be either the penalising authority in whose territory of jurisdiction the violator resides, or the penalising body in whose territory of jurisdiction the administrative proceedings were first initiated.

Article 49

Where a seized authority finds that the proceedings referred to it lie within the competence of another body, it shall send it to such body forthwith.

Article 50

Disputes over competence in point of administrative-penal proceedings between bodies of one and the same administration or organisation shall be settled by the head of the same

administration or organisation, and between bodies of different administrations or organisations - by the district court in whose territory of jurisdiction is the seat of the body that drew up the statement of violation.

Article 51

(1) Inadmissible shall be the participation in the examination of any administrative-penalty case, or in the issuance of an administrative-penal decree of any official who:

a) is a victim of the violation in point, or is the offender's or victim's spouse, any lineal relative without condition or a collateral kinsman up to the fourth degree;

b) drew up the statement of violation, or is a witness thereto;

c) is concerned with the outcome of the administrative proceedings or maintains special relations with the offender or the victim, which raise well-founded doubts of his or her impartiality.

(2) Upon the presence of any aforesaid reason such official must withdraw.

(3) Challenges on these same grounds may be made both by the offender and by the victim from the violation.

Section IV

Administrative Sanctioning Proceedings

Article 52

(1) A penalising authority shall be obliged to rule on the administrative-penal case within one (1) month following the receipt thereof.

(2) Should it be found that a statement of violation has not been presented to the offender, the penalising authority shall forthwith send it back to the official who drew it up.

(3) Following the receipt of a case, a penalising authority shall notify of the statement drawn up the victims, if any, and provided their addresses are known.

(4) Before ruling on a case, a penalising authority shall examine the statement of violation with a view to its lawfulness and validity, and shall appraise all objections lodged and evidences gathered. Where needed, an investigation of controversial circumstances shall also be conducted. Such investigation may be assigned to other officials from the same administration as well.

Article 53

(1) Where established that an offender has committed the act guiltily, and if the application of Articles 28 and 29 is unjustified, the penalising authority shall issue a penal decree whereby the relevant administrative sanction shall be imposed on the offender.

(2) A penal decree shall be issued even where an irregularity in the statement has been admitted, provided that the commission of the violation, the identity of the offender and his or her guilt have been inarguably established.

Article 54

Where established that an act is not a violation, or that a violation was not committed by the person indicated to be the offender, or that such person may not be charged with the violation in point, a penalising authority shall discontinue the case by way of passing a reasoned resolution. Ruled also shall be the return of all seized effects unless the possession thereof is banned, or the disbursement of their pecuniary equivalence in the events referred to in Article 46, paragraph 4. Effects the possession whereof is prohibited shall not be returned but disposed of as prescribed in the relevant normative acts.

Article 55

(1) Upon issuing a penal decree a penalising authority shall also adjudicate upon claims lodged for damages suffered in result of the violation.

(2) Where the commission of a violation has inflicted damages to a state-owned company, administration or organisation, the penalising authority shall rule on damages even where damages have not been actually claimed.

(3) The amount of compensation for the damages suffered shall be assessed in accordance with the prescribed procedures, and where no such procedures are in existence, such amount may be determined with the help of an expert.

Article 56

Should the penalising authority encounter difficulties of factual or legal nature in settling the issue of damages, the proceedings in point of such issue shall be discontinued, and the concerned shall be directed to sue for damages in court.

Article 57

(1) A penal decree needs to contain or indicate:

1. Full name and position of the person who issued it;
2. Date of issuance and reference numbers of the decree;
3. Date of issue of the statement of violation whereupon the decree was issued, plus the name, position and location of the service unit of the official who drew up the statement;
4. (Supplemented, SG No. 59/1992) Offender's full name and full address, civil number;
5. Description of the violation, date and place where committed, the circumstances whereunder it was committed and the evidence;
6. Legal provisions that were violated guiltily;
7. The kind and extent of punishment;
8. All effects to be seized in favour of the state;
9. The amount of damages and to whom the indemnification shall be payable;
10. Whether or not the penal decree shall be subject to appeal, and within what term and to which court the appeal needs to be taken.

(2) A penal decree shall be signed by the same official who has issued it.

Article 58

(1) A copy of a penal decree shall be handed in exchange of a signature to the offender and to the damage claimant.

(2) Where an offender, or a damage claimant, is not to be found at the address indicated by him or her and his/her new whereabouts are not known, the penalising authority shall indicate so on the penal decree and put a date. Such decree shall be deemed delivered as of the date inscribed.

Section V

Appeals Against Administrative Sanctions

Article 59

(1) A penal decree shall be subject to appeal before the regional court in the area of which the violation was committed or completed, and with regard to violations committed abroad - to the Sofia city court.

(2) An offender and a damage claimant shall be entitled to appeal against a decree within seven days following its delivery, while a prosecutor may file an objection thereagainst within two weeks following the date of issue.

(3) (Amended, SG No. 59/1992, SG No. 110/1996, amended and supplemented, SG No. 11/1998, amended, SG No. 25/2002) Penal decrees whereby a fine has been imposed in the amount of up to BGN 10 inclusive, or a seizure in favour of the state has been ruled of effects

having a summary value of up to BGN 5 inclusive, or damages have been awarded in the same amount, shall not be subject to appeal unless otherwise provided for in a special Act.

Article 60

(1) A penal decree shall be appealed through the same penalising authority which has issued it. Indicated in a notice of appeal shall be all evidence whereon the appellant's arguments are based.

(2) Within seven days following the receipt of a notice of appeal a penalising authority shall forward it along with the entire file of the case to the relevant regional court. Indicated in an accompanying letter shall be all evidence in support of the decree appealed.

Article 61

(1) The offender, the damage claimants, including those specified in Article 55, paragraph 2, and the administration or organisation whose body or official has issued the penal decree, plus all witnesses admitted by the court shall be summoned before the regional court for the hearing.

(2) The court shall proceed with the case even in the event that an appellant has not been found at the address indicated by him or her. A court shall also hear a case in the event that an appellant, a violator who has not appealed, or the damage claimant have not been reached at the addresses indicated by them.

Article 62

A prosecutor shall be entitled to partake in the judicial proceedings before the court if in his or her judgement this is deemed necessary.

Article 63

(1) (Supplemented, SG No. 28/1982, amended, SG No. 59/1998, SG No. 30/2006) A regional court consisting of a judge alone shall hear the case upon its merits and pronounce a judgement which may endorse, amend or rescind a penal decree. The ruling shall be subject to cassation appeal before the respective administrative court on the grounds, provided in Criminal Procedure Code , and Chapter Twelwe of Administrative Procedure Code .

(2) (Amended, SG No. 30/2006) A court may decide to terminate proceedings in all events provided for by the law by passing a decision that shall be subject to appeal with private complaint.

Section VI

Entry of Penal Decrees into Force

Article 64

Lawful shall be deemed the entry into force of such penal decrees that:

- a) are not subject to appeal;
- b) have not been appealed by the time fixed by law;
- c) (Amended, SG No. 59/1998) have been appealed and subsequently endorsed or amended by a court;

Section VII

Supervisory Reviews

(Repealed, SG No. 59/1998)

Article 65 - 69 (Repealed, SG No. 59/1998)

Section VIII

Resumption of Administrative Penal Proceedings

Article 70

The administrative penal proceedings under which penal decrees have entered into force, as well as adjudicated and terminated cases that were instituted through appeals of penal decrees, shall be subject to resumption where:

- a) it has been established by a sentence which has entered into force, that some of the evidences whereupon a penal decree, decision or ruling of the court was passed, were untrue;
- b) it has been established by a sentence which has entered into force, that an administrative sanctioning authority, judge or juror have committed a crime in connection with the issuance of such penal decree, decision or ruling of the court;
- c) circumstances or evidence have been found that are of essential significance for revealing the objective truth and which were not known at the time of issuance of the decree, decision or ruling of the court;
- d) (New, SG No. 28/1982) if by way of a sentence which has entered into force it was established that the act whereto an administrative sanction was annexed, constitutes a crime.

Article 71

The resumption of administrative penal proceedings shall be admissible if the motion therefore under items "a" and "b" of the foregoing paragraph was made within six (6) months following the entry into force of the sentence, and in the cases under item "c" - within two (2) years following the entry into force of the penal decree, decision or ruling of the court.

Article 72

(1) A motion for resumption shall be made by a district attorney and shall be considered by the relevant district court.

(2) By way of such motion a district attorney may discontinue the execution of a penal decree or court decision.

Article 73

(1) The district court shall consider the motion in a public sitting and the parties litigant shall be summoned.

(2) Where a motion is justified, the court shall proceed pursuant to Article 68.

Section IX

Execution of Penal Decrees and Court Decisions

Article 74

Within three (3) days following the entry into force of a penal decree, the authority commissioned to impose administrative sanctions, the court respectively, shall initiate actions towards the execution thereof.

Article 75

Where the sanction inflicted is public censure, a copy of the penal decree or court decision shall be forwarded to the relevant public organisation of which the penalised person is a member, or to the chief executive officer of the company, administration or organisation wherefor such individual works, in accordance with directions given in the penal decree or court decision.

Article 76

The execution of a public censure sanction shall be effected by way of reading aloud the penal decree or court decision to a gathering of the public organisation or working team whereat the offender shall be invited to attend.

Article 77

(Amended, SG No. 59/1992, repealed, SG No. 11/1998)

Article 78

(1) Where damages have been awarded in favour of a state-owned enterprise, co-operative or another public organisation, a copy of the penal decree or of the writ of execution respectively shall be forwarded proprio motu to a bailiff, and a notice shall be given to the concerned party in favour whereof the writ of execution has been issued.

(2) Where damages have been awarded in favour of an individual, a copy of the penal decree or of the writ of execution respectively shall be issued upon his or her request and the execution thereof shall be carried out by the relevant bailiff.

Article 79

(1) Penal decrees and court rulings whereby fines have been imposed or damages in favour of the state awarded shall be executed following the procedures for state claims collection.

(2) Penal decrees and court rulings whereby damages have been awarded in favour of state-owned enterprises, co-operatives, or other public organisations or individuals, shall be executed following the procedures referred to in the Code of Civil Procedure.

Article 80

(Amended, SG No. 59/1992, SG No. 25/2002) Where by way of a penal decree or a court ruling a seizure of effects in favour of the state has been decreed, a copy thereof shall be sent to the Government Collections Agency to initiate execution.

Article 81

(1) A penal decree or court ruling whereby temporary deprivation of the right to practice a certain profession or business activity has been imposed shall be executed by the authorities tasked to certify such right and to control the exercise thereof, and by the head of the company, administration or organisation wherefore the penalised person works.

(2) Where a penalised individual occupies a job immediately related to the profession or activity wherefrom he or she has been temporarily banned to exercise, the head of the company, administration or organisation shall dismiss such individual forthwith.

Article 82

(1) An administrative sanction shall not be executed following the elapse of:

- a) two (2) years, where the sanction annexed is a fine;
- b) six (6) months where the sanction annexed is temporary deprivation of the right to exercise a certain profession or activity;
- c) three (3) months where the sanction annexed is public censure.

(2) The statute of limitation shall be considered running as of the date of entry into force of the act whereby a penalty was imposed and shall be interrupted by each act of duly authorised authorities taken against a penalised individual in respect of the execution of his or her penalty. Following the closure of each act whereby the statute of limitations was interrupted, a new prescription term shall commence.

(3) Regardless of suspension or interruption of the statute of limitations, an administrative sanction shall not be executed if the term expired exceeds by a half the term referred to in paragraph 1 above.

(4) (New, SG No. 28/1982) The provisions of the antecedent paragraph shall not apply to a fine, for the collection whereof within the time limit set forth in paragraph 1, executive proceedings have been initiated. This shall also be true in respect of pending cases, the statute of limitation in respect of which has not expired by the entry of this paragraph into force.

Chapter Four

ADMINISTRATIVE PENAL SANCTIONS IN REGARD TO LEGAL

PERSONS AND SOLE PROPRIETORS

(Title amended, SG, No. 79 of 2005)

Article 83

(1) (Supplemented, SG No. 15/1998) A property sanction may be imposed on legal persons and soleproprietors for any failure to discharge their obligations to the state stemming from and in connection with the performance of their activities in such cases as are provided for in a relevant law, ukaz or decree of the Council of Ministers.

(2) The sanction under the previous paragraph shall be imposed in accordance with the procedures of this Act insofar as the relevant normative act does not otherwise provide.

Article 83a

(New, SG, No. 79/2005)

(1) A legal person, which has enriched itself or would enrich itself from a crime under Articles 108a, 109, 110 (preparations for terrorism), Articles 142-143a , 159-159c, 209-212a, 213a, 214 , 215, 225c, 242, 250, 252, 253, 254, 254b, 256, 257, 280, 283, 301-307 , 319a-319f, 320-321a and 354a-354c of the Criminal Code , as well as from all crimes, committed under orders of or for implementation of a decision of an organized criminal group, when they have been committed by:

1. an individual, authorized to formulate the will of the legal person;
2. an individual, representing the legal person;
3. an individual, elected to a control or supervisory body of the legal person, or

4. an employee, to whom the legal person has assigned a certain task, when the crime was committed during or in connection with the performance of this task, shall be punishable by a property sanction of up to BGN 1,000,000, but not less than the equivalent of the benefit, where the same is of a property nature; where the benefit is no of a property nature or its amount can not be established, the sanction shall be from BGN 5,000 to 100,000.

(2) The property sanction shall also be imposed on the legal person in the cases, when the persons under paragraph 1, items 1, 2 and 3 have abetted or assisted the commission of the above acts, as well as when the said acts were stopped at the stage of attempt.

(3) The property sanction shall be imposed regardless of the materialization of the criminal responsibility of the perpetrator of the criminal act under paragraph 1.

(4) The benefit or its equivalent shall be confiscated in favour of the state, if not subject to return or restitution, or forfeiture under the procedure of the Criminal Code .

(5) Property sanctions under paragraph 1 shall not be imposed on states, state bodies and local self-government bodies, as well as on international organizations.

Article 83b

(New, SG, No. 79/2005)

(1) Proceedings under Article 83a shall be initiated upon motivated proposal of the respective prosecutor to the district court:

1. following the entry of the indictment; or
2. when the criminal proceedings may not be initiated or the proceedings initiated were abandoned on the legal grounds that:
 - a) the perpetrator shall not bear criminal responsibility because of amnesty;
 - b) criminal responsibility has expired due to legal prescription, provided for by law;
 - c) the perpetrator has passed away;

d) upon commission of the crime, the perpetrator has suffered a permanent mental disorder, which rendered him unanswerable.

(2) The proposal must include:

1. description of the crime, the circumstances, in which it was committed and the presence of a causal link between it and the benefit for the legal person;
2. type and amount of the benefit;
3. name, purposes of activity, corporate seat and management address of the legal person;
4. personal details of the individuals, representing the legal person;
5. personal details of the individuals, accused or convicted for the crimes;
6. description of the written materials or of certified copies thereof, which establish the circumstances under items 1 and 2;
7. list of the individuals to be subpoenaed;
8. date and location of its drawing up, the name, position and the signature of the prosecutor.

(3) A transcript for the legal person shall be attached to the proposal.

Article 83c

(New, SG, No. 79/2005)

The prosecutor shall be entitled to request the court to take measures for securing the property sanctions against the legal person under the procedure of the Code of Civil Procedure .

Article 83d

(New, SG, No. 79/2005)

The court shall review the proposal in an open meeting with the participation of the prosecutor.

Article 83e

(New, SG, No. 79/2005)

The court shall review the case within the set of circumstances, described in the proposal and based on the evidence collected shall judge on:

1. whether the legal person has derived an illegal benefit;
2. does a connection exist between the perpetrator of the criminal act and the legal person;
3. does a connection exist between the criminal act and the benefit for the legal person;
4. what is the amount of the benefit, if of a property nature;

Article 83f

(New, SG, No. 79/2005)

(1) The court shall deliver a judgment for imposing the property sanction after the entry into force of the conviction or of a decision under Article 97(4) of the Criminal Procedure Code (repealed) and after proving the circumstances under Article 83e.

(2) The decision must contain data regarding the legal person, the origin, type and amount of the benefit, the amount of the property sanction imposed.

(3) As regards cases, posing factual or legal complexities, the motives may be drafted even after delivery of the decision, but not later than 15 days.

(4) An appeal on the merits may be lodged against the decision before the respective appellate court within 14 days of communication of the decision.

(5) The respective appellate court shall review the appeal under the procedure of the Code of Civil Procedure . Its ruling shall be final.

Chapter Five

(New, SG, No. 79 of 2005)

Article 84

(Amended, SG No. 59/1998) The provisions of the Code of Penal Procedure shall apply to summoning and serving subpoenas and giving notices; taking of distrains and seizure of effects; estimation of witnesses' expenditures and experts' recompense; calculation of terms and timeframes; as well as in respect of court proceedings on hearing appeals against penal decrees, cassation appeals before the respective district court and motions and resumption, insofar as no special rules are laid down herein.

Article 85

The provisions of the Penal Code shall apply to the terms "an official", "authority" and "an official document" used in this Act.

Article 86

Administrative violations committed prior to the enactment of this Act in respect of which no statements of violation have been drawn up, shall be established and offenders shall be penalised under the procedure hereby established.

Article 87

Suspended administrative-penal proceedings shall be completed following the procedures hereby established.

AMENDMENT OF OTHER ACTS OF PARLIAMENT

§ 1. This act shall repeal Chapter XXVIII of the Criminal Procedure Code.

The reference to Chapter XXVIII of the Criminal Procedure Code in all normative acts shall be replaced by reference to this act.

§ 2. The reference in all normative acts to article 207, paragraph 1 and article 207, paragraph 3 of the repealed Criminal Code, to article 271, paragraph 1 and article 271, paragraph 3 of the operative Criminal Code respectively shall be replaced by reference to article 31, article 32 herein respectively.

§ 3. Article 271 of the Criminal Code shall be amended as follows:

"271. A person who fails to implement or violates a decree, directive or another act issued or adopted by the Council of Ministers, if the act refers expressly to this article, shall be sanctioned by corrective labour for up to six months or by a fine of up to BGN 400."

In article 424, paragraph 1 the words "and 271, paragraphs 1 and 3" shall be deleted. Item "b" of paragraph 2 shall also be deleted.

§ 4. Item "b" of article 5, paragraph 1 of the Inspectorate for Monitoring Labour Safety at the Council of Ministers Act

§ 5. (Repealed, SG No. 11/1998)

§ 6. (Repealed, SG No. 11/1998)

§ 7. (Amended, SG No. 102/1995, supplemented, SG No. 96/2004) The provisions of article 13 herein shall not apply to the sanctions provided for in the Decree on Combating Hooliganism and in Chapter Four of the Act on Preserving Public Order when Holding Sports Events.

§ 8. In all normative acts which envisage administrative sanctions the word "confiscation" shall be replaced by "divestment in fav our of the state".

The implementation of this act shall be assigned to the Ministry of Justice.

Lev re-denomination act

Promulgated, SG No. 20/5.05.1999, amended, SG No. 65/20.07.1999

(effective 5.07.1999)

TRANSITIONAL AND FINAL PROVISIONS

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§ 4. (1) (Amended, SG No. 65/1999) Upon the entry of this Act into force, all figures expressed in old lev terms as indicated in the laws which will have entered into force prior to the 5th day of July 1999 shall be replaced by figures expressed in new lev terms, reduced by a factor of 1,000. The replacement of all figures expressed in old lev terms, reduced by a factor of 1,000, shall furthermore apply to all laws passed prior to the 5th day of July 1999 which have entered or will enter into force after the 5th day of July 1999.

(2) The authorities, which have adopted or issued any acts of subordinate legislation which will have entered into force prior to the 5th day of July 1999 and which contain figures expressed in lev terms, shall amend the said acts to bring them in conformity with this Act so that the amendments apply as from the date of entry of this Act into force.

.....
§ 5. This Act shall enter into force on the 5th day of July 1999.