ADMINISTRATIVE VIOLATIONS AND SANCTIONS ACT

Promulgated, State Gazette No. 92/28.11.1969, amended, SG No. 54/11.07.1978, supplemented, SG No. 28/9.04.1982, effective 1.07.1982, amended and supplemented, SG No. 28/8.04.1983, effective 1.07.1983, amended, SG No. 101/27.12.1983, supplemented, SG No. 89/18.11.1986, amended and supplemented, SG No. 24/27.03.1987, amended, SG No. 94/23.11.1990, SG No. 105/19.12.1991, amended and supplemented, SG No. 59/21.07.1992, SG No. 102/21.11.1995, SG No. 12/9.02.1996, amended, SG No. 110/30.12.1996, amended and supplemented, SG No. 11/29.01.1998, supplemented, SG No. 15/6.02.1998, effective 1.01.1999 - amended, SG No. 89/3.08.1998, amended, SG No. 59/26.05.1998, supplemented, SG No. 85/24.07.1998, SG No. 51/4.06.1999, amended and supplemented, SG No. 67/27.07.1999, effective 28.08.1999, supplemented, SG No. 114/30.12.1999, effective 31.01.2000, amended, SG No. 92/10.11.2000, effective 1.01.2001, SG No. 25/8.03.2002, amended and supplemented, SG No. 61/21.06.2002, amended, SG No. 101/29.10.2002, effective 1.01.2003, supplemented, SG No. 96/29.10.2004, effective 30.11.2004, SG No. 39/10.05.2005, effective 11.08.2005, amended and supplemented, SG No. 79/4.10.2005, amended, SG No. 30/11.04.2006, effective 1.03.2007, amended, SG No. 33/21.04.2006, amended and supplemented, SG No. 69/25.08.2006, supplemented, SG No. 108/29.12.2006, effective 29.12.2006, SG No. 51/26.06.2007, amended, SG No. 59/20.07.2007, effective 1.03.2008, amended and supplemented, SG No. 97/23.11.2007, amended, SG No. 12/13.02.2009, effective 1.01.2010 - amended, SG No. 32/28.04.2009, SG No. 27/10.04.2009, amended and supplemented, SG No. 10/5.02.2011, amended, SG No. 33/26.04.2011, effective 27.05.2011, SG No. 39/20.05.2011, supplemented, SG No. 60/5.08.2011, SG No. 77/4.10.2011, amended, SG No. 19/6.03.2012, supplemented, SG No. 54/17.07.2012, effective 17.07.2012, amended, SG No. 77/9.10.2012, effective 9.10.2012, supplemented, SG No. 17/21.02.2013, SG No. 98/28.11.2014, effective 28.11.2014, SG No. 107/24.12.2014, effective 1.01.2015, amended and supplemented, SG No. 81/20.10.2015, effective 21.11.2015, amended, SG No. 76/30.09.2016, effective 30.09.2016, supplemented, SG No. 101/20.12.2016, effective 21.01.2017, amended and supplemented, SG No. 63/4.08.2017, effective 5.11.2017, supplemented, SG No. 101/19.12.2017, amended and supplemented, SG No. 20/6.03.2018, effective 6.03.2018, supplemented, SG No. 38/8.05.2018, effective 8.05.2018, SG No. 83/22.10.2019, SG No. 94/29.11.2019, amended and supplemented, SG No. 13/14.02.2020, effective 14.02.2020, SG No. 109/22.12.2020, effective 23.12.2021, amended, SG No. 21/12.03.2021, SG No. 25/29.03.2022, effective 29.03.2022

Text in Bulgarian: Закон за административните нарушения и наказания

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 Self-government 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 Criminal Code;

c) Article 41, paragraph 1 of the Safeguarding of Farming 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 Criminal 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

(1) (Previous text of Article 13, SG No. 109/2020, effective 23.12.2021) 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.

(2) (New, SG No. 109/2020, effective 23.12.2021) For a repeated administrative violation or in case of systematic commission, community service may be imposed as a sanction, which shall be administered separately or together with another sanction under Paragraph 1.

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 No. 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, SG No. 109/2020, effective 23.12.2021)

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 sanction shall not be less than one month nor shall exceed two years, and in respect of violations related to the safety of all types of transport, committed after consumption of alcohol, narcotic substances or their analogues - 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 16a

(New, SG No. 109/2020, effective 23.12.2021)

(1) Community service shall be service performed in favour of society without limiting other rights to sanction.

(2) The duration of the sanction community service may not be less than 40 hours and more than 200 hours per year for no more than two consecutive years.

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) (Supplemented, SG No. 109/2020, effective 23.12.2021) 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, except for the cases provided by law.

Article 28

(Amended, SG No. 105/1991, SG No. 109/2020, effective 23.12.2021)
(1) For a minor case of administrative violation, the sanctioning authority shall not impose a penalty on the offender, but shall warn them in writing that if another administrative violation of the same type, representing a minor case, is committed within one year from the entry into force of the warning, administrative sanctions shall be imposed for this other violation. With the warning, the sanctioning authority shall apply Article 20, paragraphs 2 - 4 and Article 21.
(2) The statement of violation referred to in paragraph 1 shall contain:
1. the date and location of issuance;
2. full name and position of the person who issued it;
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. name, father's name and family name of the offender, their exact address, personal number, and if an alien - names, exact address, date of birth, and if any such information is available - also place of birth, as per the passport or a substitute travel document, indicating the number, date of issue and the authority that issued the document;
5. a description of the violation and the circumstances indicating that it is a minor case;
6. legal provisions infringed upon;
7. the warning;
8. all effects to be seized in favour of the state;
9. disposal of the pieces of material evidence;
10. before which court and within what time limit it shall be appealable;
11. signature of the authority who issues the instrument.
(3) The warning shall be served to the offender pursuant to Article 58. If the warning was accompanied by disposal of material evidence or items, which do not belong to the offender, were forfeited in favour of the state, a copy of the warning shall be served to their owner.
(4) The warning shall be subject to appeal and protest as provided in Chapter Three, Section V.
(5) Paragraphs 1 - 4 shall also apply to minor cases of administrative violations committed by minors aged 16 through 18.
(6) Paragraphs 1 - 4 shall apply mutatis mutandis also to minor cases of non-performance of an obligation by a sole proprietor or a legal entity towards the state or a municipality.
(7) Paragraphs 1 - 6 shall not apply if provided otherwise by law.

Article 29

(Amended, SG No. 109/2020, effective 23.12.2021)
The provision of Article 28 shall not apply to violations related to the safety of traffic for all types of transport, committed after consumption of alcohol, narcotic substances or their analogues.

Article 29a

(New, SG No. 109/2020, effective 23.12.2021)
The time during which for the same violation the sanctioned person was deprived by administrative order or in practice of the opportunity to exercise a certain profession or activity shall be deducted upon execution of the sanction temporary deprivation of the right to practice a certain profession or activity.

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, supplemented, SG No. 114/1999, amended, SG No. 25/2002, 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 fulfil 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) (Amended, SG No. 63/2017, effective 5.11.2017) Upon establishing an indication/indications of a criminal offense, the administrative-penal proceedings shall be discontinued and all materials shall be forwarded to the relevant prosecutor. Physical evidence and exhibits and the personal effects specified in Article 41 shall be kept by the administrative body authorised to impose sanctions until the pronouncement of the prosecutor.

Article 34

(1) (Supplemented, SG No. 89/1986, SG No. 102/1995, SG No. 61/2002, SG No. 39/2005, amended and supplemented, SG No. 97/2007, supplemented, SG No. 77/2011, SG No. 17/2013, amended, SG No. 76/2016, effective 30.09.2016, amended and supplemented, SG No. 20/2018, effective 6.03.2018, amended, SG No. 13/2020, effective 14.02.2020, SG No. 21/2021, SG No. 25/2022, effective 29.03.2022) 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, environmental and currency regulations violations - following the elapse of two (2) years, as well as pursuant to the Election Code, the Political Parties Act, the Public Offering of Securities Act, the Market in Financial Instruments Act, the Special Purpose Investment and Securities Companies Act, the Implementation of the Measures against Market Abuse with Financial Instruments Act, the Collective Investment Schemes and Other Undertakings for Collective Investments Act, part two, part two "a" and part three of the Social Insurance Code, the Insurance Code and the regulatory acts for their 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, SG No. 33/2006, supplemented, SG No. 108/2006, SG No. 54/2012, effective 17.07.2012, SG No. 98/2014, effective 28.11.2014, SG No. 38/2018, effective 8.05.2018, SG No. 13/2020, effective 14.02.2020) No administrative penal proceedings shall be instituted against violations of a legislative instrument regulating the budget, the financial and economic and the accounting activities under Article 32, Paragraph (1) of the Public Financial Inspection Agency Act, against violations of a legislative instrument on gambling and the measures against money laundering and terrorism financing, or against violations of the Energy Act, the Energy from Renewable Sources Act and the secondary legislation on their application, of Regulation (EU) No. 1227/2011 of the European Parliament and of the Council of 25 October 2011 on wholesale energy market integrity and transparency (OJ L 326, 8.12.2011), or against violations of the Independent Financial Audit Act, Payment Services And Payment Systems Act if a statement of establishment of the violation has failed to be drawn up within six (6) months following the detection of the violation or if more than five (5) years have elapsed since such violation was committed. 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) (Supplemented, SG No. 63/2017, effective 5.11.2017) 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 or the prosecutor has refused to initiate penal proceedings, and the proceedings have been 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.

(3) (New, SG No. 109/2020, effective 23.12.2021) A statement of establishment of an administrative violation may not be drawn up by a person who is:

1. 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;

2. 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.

(4) (New, SG No. 109/2020, effective 23.12.2021) If any of the grounds listed in Paragraph 3 is present, statement of establishment shall be drawn up by:
1. another person who has competence under Paragraph 1 or 2;
2. in the absence of a person under item 1 - another person authorised by the sanctioning authority for the specific case.

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.
(2a) (New, SG No. 101/2016, effective 21.01.2017) For administrative violations, established at the time of their occurrence, where a law so provides, the authorized controlling authorities may impose, at the place of the violation, fines in amount provided by said law. An electronic ticket is issued for the imposed fine, 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. 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.
(4) (New, SG No. 10/2011) For cases of administrative violations established and recorded by a technical device or system in the absence of a controlling authority and offender, where a law so provides, the authorised controlling authorities may impose fines in amount over the minimum one not subject to appeal under Paragraph 2, for which an electronic ticket is issued.

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

(1) (Previous text of Article 42, SG No. 109/2020, effective 23.12.2021) 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, SG No. 109/2020, effective 23.12.2021) Name, father’s name and family name and age of the offender, their exact address and place of work, personal number, and if an alien - names, exact address, date of birth, and if any such information is available - also place of birth, as per the passport or a substitute travel document, indicating the number, date of issue and the authority that issued the document;
7. (Supplemented, SG No. 59/1992, amended, SG No. 109/2020, effective 23.12.2021) The names, exact addresses and dates of birth of the witnesses;
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.

(2) (New, SG No. 109/2020, effective 23.12.2021) In the statement of establishment of an administrative violation the offender may indicate that he/she wishes the penal decree to be served on them by sending a message to a personal profile registered in the information system for secure electronic service as a module of the Unified Portal for Access to Electronic Administrative Services within the meaning of the Electronic Government Act.

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) (Supplemented, SG No. 109/2020, effective 23.12.2021) 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. When being served with a copy of the statement of establishment, the offender shall be informed in writing of his/her right within a 14-day period to make a proposal to the sanctioning authority to enter into a settlement for closing of the administrative penal proceedings.

(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) (Amended, SG No. 109/2020, effective 23.12.2021) 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 seven 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) (Amended, SG No. 109/2020, effective 23.12.2021) Within 14 days following the serving of a statement it shall be forwarded to the sanctioning authority along with all objections lodged, exhibits collected and other attachments to the case.
(4) (New, SG No. 51/2007, amended, SG No. 109/2020, effective 23.12.2021) If the offender has no permanent residential address in the Republic of Bulgaria the statement that was drafted shall be immediately delivered to the penalizing authority. Explanations or objections on the part of the offender shall be attached in writing thereto.

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, SG No. 109/2020, effective 23.12.2021) Items subject to rapid deterioration shall be sold with the permission of the sanctioning authority through state and municipal companies, and the amount received, after deducting the costs incurred, shall be deposited in a commercial bank servicing the state budget or in the Bulgarian National 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) (amended and supplemented, SG No. 59/1992)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 47a

(New, SG No. 109/2020, effective 23.12.2021)
The administrative sanction under Article 13, Paragraph 2 shall be imposed by the regional court, in the area of which the administrative violation, for which the respective sanction is foreseen, was committed or completed, and for violations committed abroad - by Sofia Regional Court.

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) (New, SG No. 109/2020, effective 23.12.2021) Where the violation is related to electronic submission of information, the sanctioning authority, in the area of which the body, to which the information was or should have been submitted, has its seat, shall be competent to examine the case-file.

(3) (New, SG No. 109/2020, effective 23.12.2021) Where the violation is related to the processing of information in a computer network or was committed in cyberspace, except in the cases under Paragraph 2, the sanctioning authority, in whose area is the permanent address of the offender or the address of management of the sole proprietor or the legal entity, in carrying out the activity of which non-performance of an obligation towards the state or municipality took place, shall be competent to consider the file. Where the violator does not have a permanent address in the country or the sole proprietor or the legal entity does not have a business address in the country, the sanctioning authority with territorial competence - Sofia shall be competent to consider the file.
(4) (Renumbered from Paragraph 2, amended, SG No. 109/2020, effective 23.12.2021) 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 business address of the sole proprietor is located, 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

(Amended, SG No. 39/2011)
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 administrative 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) (Supplemented, SG No. 109/2020, effective 23.12.2021) Upon the presence of any aforesaid reason such official must withdraw forthwith with a reasoned written order.
(3) (Amended, SG No. 109/2020, effective 23.12.2021) A withdrawal may be requested on the same grounds also from:
1. the person against whom the statement of establishment of an administrative violation was drawn up;
2. the sole proprietor or legal entity against whom the statement of establishment of an administrative violation was drawn up;
3. the victim of the violation.
(4) (New, SG No. 109/2020, effective 23.12.2021) In case of withdrawal of the officer pursuant to Paragraph 2, the following shall pronounce on the case-file:
an authorised person under Article 47, Paragraph 2 where the sanctioning authority is listed under Article 47, Paragraph 1 (a) and in the absence of such, another person explicitly authorised by the sanctioning authority;
the higher body, where the sanctioning authority is listed under Article 47, Paragraph 1 (b) and in the absence of such - another person explicitly authorised by the sanctioning authority;
the administrative head under Article 47, Paragraph 1 (a), where the sanctioning authority is listed under Article 47, Paragraph 2.

Section IV
Administrative Sanctioning Proceedings

Article 52

(1) (Supplemented, SG No. 51/2007) A penalising authority shall be obliged to rule on the administrative-penal case within one (1) month following the receipt thereof. In the cases specified in

Article 44 (4) the penalizing authority shall rule on the same day upon receipt of the administrative penalizing file.
(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) (Amended, SG No. 109/2020, effective 23.12.2021) The sanctioning authority shall issue a penal decree, imposing a sanction on the offender, when it establishes beyond any doubt the fact that a violation was committed, the identity of the person who committed it and their fault, if there are no grounds for closing of the proceedings, for application of Article 28 or if no agreement has been made with 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

(Amended, SG No. 109/2020, effective 23.12.2021)
(1) the sanctioning authority shall close the administrative penal proceedings by a reasoned ruling if:
1. the offence described in the statement of establishment of the administrative violation was not committed or does not constitute an offence;
2. the violation has not been proven beyond any doubt;
3. the participation in the commission of the violation of the person, against whom the statement of establishment of the administrative violation was drawn up, has not been proven beyond any doubt;
4. in the cases referred to in Article 34 (1) (a) - (c):
5. the statement of establishment of the administrative violation was drawn up after expiration of the time limits under Article 34 (1) or (2);
6. within the time limit under Article 34 (3) a penal decree has not been issued, the offender has not been warned under Article 28 or a settlement for closing of the proceedings has not been executed;
7. a significant violation of the procedural rules was admitted when drawing up the statement of establishment of the administrative violation;
8. there is an effective penal decree, a warning under Article 28, a settlement or an effective court decision against the same person for the same act;
9. in the cases referred to in Article 33 (2) herein.
(2) Where a statement of establishment of an administrative violation for two or more violations has been drawn up, the sanctioning authority may terminate the proceedings on the grounds under Paragraph 1 also with respect to only of one of the violations.
(3) Where the sanctioning authority terminates the proceedings by a reasoned order, it shall order the return of the seized effects, unless their possession is prohibited or payment of their equivalent in the hypotheses under Article 46 (4). Effects the possession whereof is prohibited shall not be returned but disposed of as prescribed in the relevant normative acts.
(4) The order shall contain:
1. full name and position of the person who issued it;
2. date of issue and number of the order;
3. date of issue of the statement of violation whereupon the case-file was opened, plus the name, position and location of the service unit of the official who drew up the statement;
4. name, father’s name and family name, exact address, personal number of the person, against whom the statement of establishment was drawn up, and if an alien - names, exact address, date of birth, and if any such information is available - also place of birth, as per the passport or a substitute travel document, indicating the number, date of issue and the authority that issued the document;

5. description of the violation, with respect to which the statement was drawn up;
6. legal provisions for the violation whereof the statement was drawn up;
7. reasons that make it necessary to close the proceedings;
8. the effects, which shall be forfeited in favour of the state;
9. disposal of the pieces of material evidence;
10. before which court and within what time limit it shall be appealable.
(5) The order shall be signed by the officer who issued it.
(6) A copy of the resolution, by which the administrative penal proceedings were terminated pursuant to paragraph 1, items 1 - 8, shall be served to:
1. the person, against whom the statement of establishment of the administrative violation;
2. the victim of the violation, if they have made a request before the sanctioning authority for compensation for the inflicted damages, shall be informed of the possibility to file their claim under the general procedure;
3. the owner of the items, where under the order disposal of material evidence took place or items, which do not belong to the individual under Item 1, were forfeited in favour of the state.
(7) The order, by which the administrative penal proceedings are terminated under paragraph 1, items 1 - 8, shall be subject to appeal and protest pursuant to Chapter Three, Section V.
(8) If the court repeals the order, the sanctioning authority shall exercise its powers under Article 52 within a period of one month of being notified of the effective court decision.
(9) Paragraphs 1 - 8 shall apply mutatis mutandis also where the statement of establishment of an administrative violation was drawn up against a sole proprietor or a legal entity.

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, SG No. 109/2020, effective 23.12.2021) Name, father’s name and family name of the offender, their exact address, personal number, and if an alien - names, exact address, date of birth, and if any such information is available - also place of birth, as per the passport or a substitute travel document, indicating the number, date of issue and the authority that issued the document;
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. (New, SG No. 109/2020, effective 23.12.2021) Aggravating and mitigating circumstances and the other circumstances taken into consideration when determining the kind and degree of the sanction;
9. (New, SG No. 109/2020, effective 23.12.2021) The time during which for the same violation the sanctioned person was deprived by administrative order or in practice of the opportunity to exercise a

certain profession or activity, which shall be deducted from the period of effect of the sanction temporary deprivation of the right to practice a certain profession or activity;
10. (Renumbered from Item 8, SG No. 109/2020, effective 23.12.2021) All effects to be seized in favour of the state;
11. (New, SG No. 109/2020, effective 23.12.2021) Disposal of the pieces of material evidence;
12. (Renumbered Item 9, SG No. 109/2020, effective 23.12.2021) The amount of damages and to whom the indemnification shall be payable;
13. (Renumbered from Item 10, amended, SG No. 109/2020, effective 23.12.2021) Before which court and within what time limit it shall be appealable.
(2) A penal decree shall be signed by the same official who has issued it.
(3) (New, SG No. 109/2020, effective 23.12.2021) With the penal decree the offender shall also be informed of his/her rights under Article 79b.

Article 58

(1) (Amended, SG No. 109/2020, effective 23.12.2021) A copy of the penal decree shall be served against a signature of the offender and of the person claiming damages, unless the offender requested that the penal decree be served on them by sending a message to a personal profile registered in the information system for secure electronic service as a module of the Unified Portal for Access to Electronic Administrative Services within the meaning of the Electronic Government Act.
(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.
(3) (New, SG No. 109/2020, effective 23.12.2021) If the penal decree was accompanied by disposal of material evidence or items, which do not belong to the offender, were forfeited in favour of the state, a copy of the penal decree shall be served to their owner.

Article 58a

(New, SG No. 109/2020, effective 23.12.2021)
Where the imposition of community service is envisaged for an administrative violation, the officer under Article 37, Paragraph 1 shall send the case-file to the administrative sanctioning authority, which shall submit it for resolution by the relevant regional court within three days of receiving it.

Article 58b

(New, SG No. 109/2020, effective 23.12.2021)
(1) The case file shall be heard by a single-judge bench of the regional court in an open court hearing.
(2) The parties to such proceedings shall be the administrative sanctioning authority and the offender.
(3) The case file shall be examined in the presence of the offender.
Should the duly summonsed offender fail to appear without reasonable excuse, the case file shall be examined in the absence of the offender provided this will constitute no impediment to the establishment of the objective truth.
(4) The offender shall have the right to defence counsel.
(5) Upon examination of a case file against an offender who has attained the age of 16 years but has not attained the age of 18 years, the parents or curators of the said offender, as the case may be, shall be summonsed.
The non-appearance of the said parents or curators shall constitute no impediment to examination of the case, except where the judge finds the participation of the said parents or curators necessary.
(6) The court may question witnesses if the said judge determines that this is necessary for establishment of the objective truth.
(7) A witness who has been duly summoned and fails to appear without reasonable excuse, shall be brought forcibly by the authorities of the Ministry of Interior.
Where a witness can show some valid reasons for his/her failure to appear, forcible bringing shall be repealed.

Article 58c

(New, SG No. 109/2020, effective 23.12.2021)
(1) Based on the evidence gathered, the court shall deliver a judgment, by which:
1. it shall impose a sanction and a coercive administrative measure;

2. it shall transmit the records to the competent prosecutor for institution of criminal proceedings, should there be good reason to believe that a criminal offence at public law has been committed;
3. the judge shall acquit the offender, where imposition of a sanction is unwarranted.
(2) By the judgment referred to in Paragraph 1, the court shall also pronounce on forfeiture in favour of the state of the effects and objects referred to in Article 20 and 21.

Article 58d

(New, SG No. 109/2020, effective 23.12.2021)
(1) The administrative penal proceedings may be closed by a settlement between the sanctioning authority and the offender, executed within the time limit under Article 52 (1), in the absence of the grounds for inadmissibility under Paragraph 2.
The sanctioning authority shall make a proposal to conclude a settlement within 14 days of receiving the case-file from the body that drew up the statement and the offender may make a proposal within 14 days of serving of the statement.
(2) A settlement shall not be admissible:
1. in case of a repeated violation;
2. for a violation committed within one year of entry into effect of a statement, imposing an administrative sanction on the offender outside of the hypotheses under Item 1 or where a warning has been issued for a violation of the same type;
3. if the act, for which a statement establishing an administrative violation has been drawn up, constitutes a crime; a settlement shall be admitted if the proceedings before the sanctioning authority were instituted pursuant to Article 36, Paragraph 2;
4. where the confession of the offender is not supported by the evidence gathered in the case-file.
(3) The settlement shall be drawn up in writing and shall contain the consent of the parties on whether an act has been committed, does the act constitute a violation and its legal qualification, was it committed by the person against whom the statement of establishment of a violation was drawn up and was it committed guiltily.
(4) The agreement shall set out:
1. the date on which the settlement was concluded;
2. name, father's name and family name and position of the sanctioning authority;
3. name, father's name and family name of the offender, their exact address and personal number, and if an alien - names, exact address, date of birth, and if any such information is available - also place of birth, as per the passport or a substitute travel document, indicating the number, date of issue and the authority that issued the document;
4. date of issue of the statement of violation whereupon the proceedings were instituted, plus the name, position and location of the service unit of the official who drew up the statement;
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 culpably;
7. type and degree of the administrative sanction;
8. the effects, which shall be forfeited in favour of the state;
9. disposal of the pieces of material evidence;
10. bank account, to which the due fine must be paid.
(5) The settlement shall be signed by the sanctioning authority and by the person against whom the statement of establishment of an administrative violation was drawn up.
(6) Where a statement of establishment of an administrative violation has been drawn up for several violations, a settlement may be concluded also only for any of the violations.
(7) In the hypotheses under Paragraph 6, the confession of the person, with whom the settlement was concluded with respect to the issues indicated in Paragraph 3, may not be used as evidence of their guilt for the other violations, for which the statement of establishment of the administrative violation was drawn up.
(8) When the settlement imposes an administrative penalty fine - alone or with another penalty, the sanctioning authority 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 law does not provide a minimum, the

sanctioning authority 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 sanctions shall be determined under rules laid down in Article 27, Paragraphs 1 - 4.
(9) Under the settlement the parties may not agree on a regime of forfeiture of effects in favour of the state, other than the one envisaged in Articles 20 and 21. Where the settlement envisages disposal of material evidence or forfeiture in favour of the state of effects, which do not belong to the offender, the written consent of the owner of the effects shall be required for its conclusion and it shall constitute an integral part of the settlement. In the event that the owner withholds his/her consent regarding the disposal of material evidence or forfeiture of effects in favour of the state or cannot be located, the sanctioning authority shall also pronounce on the matter of the material evidence and on forfeiture of the effects in favour of the state by a penal decree, which shall be subject to appeal pursuant to Article 63.
(10) Where a fine is imposed as an administrative sanction under the settlement, the offender shall accept to pay the amount of the fine within 14 days of conclusion of the settlement.
(11) The settlement shall enter into effect as of the date of its signing and if a fine is imposed under it as an administrative sanction, it shall enter into effect as of the date of payment of the fine. The shall be final and shall have the consequences of an effective penal decree.
(12) In case that until the conclusion of the settlement the victim has made a request to the sanctioning authority for compensation of the damages caused to them pursuant to Article 45, the sanctioning body shall notify them of the concluded agreement and of the possibility to file their claim under the general procedure.
(13) If the fine cannot be paid within the time limit under Paragraph 10, the sanctioning authority shall declare that a settlement cannot be achieved by a reasoned ruling, which shall not be subject to appeal and protest and shall issue a penal decree.
(14) Where it is impossible to agree on a settlement, the sanctioning authority shall issue a penal decree, whereby it may not use the confession of the person, against whom a statement of establishment of an administrative violation was drawn up, with respect to the matters indicated in Paragraph 3, as evidence of his/her guilt.
(15) The issuing of a penal decree, without making a proposal under Paragraph 1, sentence two, shall not constitute a significant breach of the procedural rules.
(16) Paragraphs 1 - 15 shall apply mutatis mutandis to sole proprietors and to legal entities.
(17) Paragraphs 1 - 16 shall not apply if it is provided otherwise by a special law.

Section V
Appeal of the penal decrees, decisions, warnings, orders and electronic tickets
(Title amended, SG No. 10/2011, SG No. 109/2020, effective 23.12.2021)

Article 58e
(New, SG No. 109/2020, effective 23.12.2021)
The following shall be subject to appeal and protest:
1. the penal decree;
2. the warning under Article 28;
3. the order on termination of the administrative penal proceedings
4. the electronic ticket.

Article 59
(Amended, SG No. 59/1992, SG No. 110/1996, amended and supplemented, SG No. 11/1998, amended, SG No. 25/2002, supplemented, SG No. 10/2011, amended, SG No. 77/2012, effective 9.10.2012, amended, SG No. 10/2011, amended, SG No. 109/2020, effective 23.12.2021)
(1) The instruments under Article 58e shall be subject to appeal or protest before the regional court, in the area of jurisdiction of which the violation was committed or completed and for violations committed abroad - before Sofia Regional Court.
(2) The offender who requested a compensation for damages and the owner of the effects, which were subject to disposal or were forfeited in favour of the state, if not an offender, may appeal the

instruments under Article 58e within 14 days of their serving, and the prosecutor may file a protest within 14 days of their issuing.

Article 60

(Amended and supplemented, SG No. 10/2011, amended, SG No. 109/2020, effective 23.12.2021)

(1) The appeal and protesting of instruments under Article 58e shall be carried out before the sanctioning authority that issued them. The notice of appeal of protest shall indicate all evidence whereon the appellant's or the prosecutor’s arguments are based.

(2) (New, SG No. 109/2020, effective 23.12.2021) In the proceedings before the regional court, the parties may be represented by:

1. an attorney;
2. spouse, ascending or descending relative of the offender, of the claimant of compensation or of the owner of the property, which has been disposed of or forfeited in favour of the state, if not an offender;
3. legal adviser or other employee with a legal background at the sanctioning authority in case of institutions, undertakings, organisations, legal entities and sole proprietors.

(3) (New, SG No. 109/2020, effective 23.12.2021) The sanctioning body or the authority or organisation, whose body issued the instrument under Article 58e, Item 4, may be summoned through the e-mail address indicated in the case-file. An electronic message shall be considered served when the addressee sends a confirmation of receipt thereof by a return electronic message, activation of an electronic forward option or retrieval of the message from the information system of the competent authority.

(4) (Renumbered from Paragraph 2, SG No. 109/2020, effective 23.12.2021) Within 7 days following the receipt of a notice of appeal or protest, a sanctioning authority shall forward them 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 appealed or protested statement, as well as an e-mail address for summoning.

Article 61

(1) (Supplemented, SG No. 10/2011, amended, SG No. 109/2020, effective 23.12.2021) When considering the case before the regional court, the offender, who has requested compensation for damages, including the one under Article 55 (2), the owner of the effects, which have been disposed of or forfeited in favour of the state, if not an offender, the sanctioning authority or the institution, or the organisation, whose body has issued the instruments under Article 58e, Item 4, as well as the witnesses admitted by the court shall be summoned.

(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

(Supplemented, SG No. 28/1982, amended, SG No. 59/1998, SG No. 30/2006, supplemented, SG No. 10/2011, SG No. 94/2019, amended, SG No. 109/2020, effective 23.12.2021)

(1) The regional court shall hear the case sitting in a one-judge bench and shall deliver a judgment.

(2) In its decision, the court may:

1. repeal the instrument under Article 58e;
2. repeal the penal decree and warn the offender that if they commit another administrative violation of the same type, representing a minor case, within a period of one year as of the entry into effect of the judicial instrument, an administrative sanction shall be imposed on them for that other violation;
3. repeal the instrument under Article 58e and terminate the administrative penal proceedings;
4. amend the instrument under Article 58e;
5. confirm the instrument under Article 58e.

(3) The court shall repeal the instrument under Article 58e in the event that:

1. the material law was applied incorrectly when it was issued;
2. a substantial breach of procedural rules occurred during the administrative penal proceedings.
(4) The court shall repeal the penal decree if it finds that it is a minor administrative violation. In such cases, in the judgment, the court shall warn the offender that if they commit another administrative violation of the same type, representing a minor case, within a period of one year as of the entry into effect of the judicial instrument, an administrative sanction shall be imposed on them for that other violation. The court shall also rule on the issue of the material evidence forfeited in favour of the state and the court costs.
(5) The court may also repeal only some sections of the penal decree.
(6) The court shall repeal the instrument under Article 58e and shall terminate the administrative penal proceedings if this is provided by law.
(7) The court shall amend the instrument under Article 58e if this is necessary in order to:
1. apply a law for the same, identical or more lightly punishable violation, in the absence of a significant change in the circumstances of the violation;
2. reduce the degree of the imposed administrative sanction or replace it with a lower degree in type than the sanction provided for the same violation;
3. substitute the imposed administrative sanction with a lighter one in the hypotheses under Article 15 (2);
4. reduce the amount of the financial penalty imposed;
5. repeal or amend the instrument under Article 58e in the section on application of Articles 20 and 21 or the disposal of material evidence;
6. reduce or increase the amount of the compensation.
(8) The court may increase the amount of compensation that has been meted out only in case of a respective appeal of the person who claimed compensation.
(9) The court shall confirm the instrument under Article 58e if there are no grounds for its repeal or amendment.

Article 63a

(New, SG No. 109/2020, effective 23.12.2021)
(1) The judgment imposing community service shall be subject to cassation appeal before the administrative court on the grounds listed in the Criminal Procedures Code and pursuant to Chapter Twelve of the Administrative Procedures Code, unless provided otherwise by law.
(2) The notice of appeal or protest shall be filed within 14 days of delivery of the judgment.
(3) The administrative court shall hear the case sitting in a three-judge bench in an open hearing no later than three days as of the date of receipt of the notice of appeal or protest.
(4) The judgment of the administrative court shall be final.

Article 63b

(New, SG No. 109/2020, effective 23.12.2021)
(1) The regional court may conduct reduced court proceedings:
1. when the penal decree is appealed only in the part for the type or degree of the administrative sanction or the amount of the property sanction, or for the effects forfeited in favour of the state or the disposal of the material evidence, or for the amount of the awarded compensation and the offender, the sole proprietor or legal entity admits the facts set out in the circumstantial part of the penal decree and agrees not to gather evidence of these facts;
2. in the cases referred to in Article 79b (3) herein.
(2) In the hypotheses under Paragraph 1, Item 1, a motion for conducting reduced court proceedings may be made:
1. with the notice of appeal, whereas in this case the court shall summon only the parties to the case;
2. in a court hearing, latest until the court investigation is opened.
(3) In the hypotheses under Paragraph 1, Item 1, by a ruling the court shall announce that when delivering the judgment, it shall rely on the admission, without gathering evidence of the facts contained in the circumstantial part of the penal decree. In the reasoning of the judgment, the court shall accept that the facts set out in the substantive part of the penal decree, relying on the admission and on the evidence supporting it.

(4) In the hypotheses under Paragraph 1, Item 2, by a ruling the court shall announce that when delivering the judgment, it shall accept that the facts contained in the circumstantial part of the penal decree have been established. In the reasoning of the judgment, the court shall accept that the facts set out in the substantive part of the penal decree, relying on the evidence supporting it.
(5) In the hypotheses under Paragraph 1, Item 1, the regional court may:
1. amend the penal decree, by:
a) reducing the degree of the imposed administrative sanction or replacing it with a lower degree in type than the sanction provided for the same violation;
b) substituting the imposed administrative sanction with a lighter one in the hypotheses under Article 15 (2);
c) reducing the amount of the financial penalty imposed;
d) repealing or amending the penal decree in the section on application of Articles 20 and 21 or the disposal of material evidence;
e) reducing or increasing the amount of the compensation;
2. confirming the penal decree;
3. repealing the penal decree under Article 58e and closing the administrative penal proceedings if this is provided by law.
(6) In the hypotheses under Paragraph 1, Item 2, the regional court may:
1. amend the penal decree, by:
a) reducing the amount of the imposed administrative sanction temporary deprivation of the right to exercise a certain profession or activity;
b) repealing or amending the penal decree in the section on application of Articles 20 and 21 or the disposal of material evidence;
c) reducing or increasing the amount of the compensation;
2. confirming the penal decree;
3. repealing the penal decree and closing the administrative penal proceedings when this is provided by law - in the section on the imposed other type of administrative sanction, together with the fine, the disposal of the material evidence, the effects forfeited in favour of the state or the awarded compensation.
(7) The court may increase the amount of compensation under Paragraph 5, Item 1 (d) or under Paragraph 6, Item 1 (b) that has been meted out only in case of a respective appeal of the person who claimed compensation.
(8) The general rules shall apply, insofar as Paragraphs 1 - 7 do not contain any special rules.

Article 63c

(New, SG No. 109/2020, effective 23.12.2021)
The ruling of the regional court shall be subject to cassation appeal before the respective administrative court on the grounds, provided in Criminal Procedure Code, and Chapter Twelve of Administrative Procedure Code.

Article 63d

(New, SG No. 109/2020, effective 23.12.2021)
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 before the administrative court.

Article 63e

(New, SG No. 109/2020, effective 23.12.2021)
(1) In proceedings before the regional and the administrative court, and in cassation proceedings, the parties may be awarded costs pursuant to the Administrative Procedures Code.
(2) If the fees for a lawyer paid by the party are excessive considering the actual legal and factual complexity of the case, the court, acting on a motion by the opposing party, may award a lower amount of the costs in this part, but not less than the minimum amount set according to Article 36 of the Bar Act.
(3) A fee in an amount determined by the court shall be awarded, inter alia, in favour of legal entities or sole traders, if the said persons and traders have been defended by an in-house legal adviser or another employee with a legal background.

(4) A fee in an amount determined by the court shall be awarded, inter alia, in favour of the institution or organisation whose body issued the statement under Article 58e, if the said persons and traders have been defended by an in-house legal adviser or another employee with a legal background.
(5) In the hypotheses under Paragraphs 3 and 4, the amount of the awarded fee may not exceed the maximum amount for the relevant type of case, determined in accordance with the procedure established by Article 37 of the Legal Aid Act.

Section VI
Entry into effect of penal decrees, decisions, warnings, orders and electronic tickets
(Title amended, SG No. 109/2020, effective 23.12.2021)

Article 64
(Supplemented, SG No. 109/2020, effective 23.12.2021)
The following penal decrees, decisions, warnings, orders and electronic tickets shall come into effect:
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
(Repealed, SG No. 59/1998)
Supervisory Reviews

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

Article 66
(Repealed, SG No. 59/1998).

Article 67
(Repealed, SG No. 59/1998).

Article 68
(Repealed, SG No. 59/1998).

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

Section VIII
Resumption of Administrative Penal Proceedings

Article 70
(Supplemented, SG No. 28/1982, SG No. 63/2017, effective 5.11.2017, amended, SG No. 109/2020, effective 23.12.2021)
(1) The following effective instruments shall be subject to review pursuant to this chapter:
1. penal decrees;
2. tickets and electronic tickets;
3. warnings in writing addressed to the offender;
4. orders on termination of the administrative penal proceedings issued pursuant to Article 54 (1) Items 1 - 8;
5. settlements on termination of the administrative penal proceedings:
6. court rulings on termination of court proceedings;
7. decisions of the regional and of the administrative court.
(2) Administrative penal proceedings shall be subject to appeal in the following cases:
1. it is established by an effective judgement or decision that some of the evidence based whereon the decision under Paragraph 1 has been issued is not genuine or has false contents;
2. it is established by an effective judgement or decision that a person drawing up a statement, a sanctioning authority, a judge, a court secretary, prosecutor, party or participant in the proceedings has committed a crime related to the participation thereof in the administrative penal proceedings;

3. new circumstances or new evidence have been found that are of essential significance for revealing the objective truth and which were not known to the offender, the sanctioning authority or the court at the time of issuance of the instrument;
4. 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;
5. the act with regard to which the administrative-penal proceedings have been finalised constitutes a crime;
6. a decision 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 material to the case-file or the case;
7. due to a significant violation of the procedural rules, the person with respect to whom the instrument under Paragraph 1 was issued, the sanctioning authority or the owner of the effects that were disposed of or forfeited in favour of the state, if not an offender, was deprived of the opportunity to participate in the administrative penal proceedings or was not duly represented, nor had the possibility to participate personally or through an agent due to an obstacle they could not remove;
8. an administrative act, the findings of which were taken into consideration by the sanctioning authority when issuing the instrument under Paragraph 1, Item 1 - 4, is repealed by an effective court judgment.
(3) Paragraph 2 shall also apply to effective court judgments imposing community service as a sanction.

Article 71

(Amended, SG No. 109/2020, effective 23.12.2021)
(1) The motion for resumption may be filed:
1. within 6 months of the entry into force of the sentence or judgment - in the hypotheses of Article 70, Paragraph 2, Item 1, 2, 4 and 8;
2. within a period of one-month of becoming aware of the circumstances under Article 70, Paragraph 2, Items 3 and 6.
3. within 6 months of the entry into force of the instrument under Article 70, Paragraph 1 - in the hypotheses under Article 70, Paragraph 2, Item 7 and if it was not served to the person, with respect to which it was issued - within a period of three months as of its notification of the instrument.
(2) The motion shall be filed through the body that issued the instrument under Article 70 (1), which shall immediately send a copy of it to the prosecutor and to the other parties who have not filed a motion for resumption and the case-file - to the administrative court.

Article 72

(Amended, SG No. 39/2011, supplemented, SG No. 63/2017, effective 5.11.2017, amended, SG No. 109/2020, effective 23.12.2021)
(1) A motion for resumption of the administrative penal proceedings may be filed by:
1. a prosecutor at the district prosecutor’s office, and in the hypotheses under Article 70, (2), Items 4 and 5, where it is a case of general nature - the supervising prosecutor;
2. the person, with respect to whom the instrument under Article 70 (1) was issued;
3. the owner of the effects, which were disposed of or forfeited in favour of the state, if not an offender;
4. the sanctioning authority.
(2) The persons under Paragraph 1, Items 2 and 3 may file motions for resumption if their rights and lawful interests were violated.
(3) The sanctioning authority may file a motion for resumption where the instrument under Article 70 (1) was repealed or amended by the court.
(4) The motion for resumption shall not suspend enforcement of the effective instrument, unless otherwise ruled by the court.

Article 73

(Amended, SG No. 39/2011, SG No. 109/2020, effective 23.12.2021)

(1) The motion for resumption shall be heard by the administrative court, in the area of jurisdiction of which the body that delivered the instrument under Article 70 (1) is located.
(2) The administrative court shall consider the request within a panel of three judges.
Where resumption of proceedings on an instrument of the administrative is motioned for, the motion shall be considered by a different panel of the relevant administrative court.
(3) The case shall be heard in an open hearing, to which the parties and a prosecutor from the district prosecutor's office shall be summoned. A prosecutor shall be entitled to partake in the judicial proceedings before the court if in his or her judgement this is deemed necessary.
(4) Where it finds the motion for resumption well-founded, the administrative court may:
1. repeal the instrument and send back the case or the case-file for rehearing, specifying the stage at which the new hearing should start;
2. repeal the instrument and terminate the administrative penal proceedings, where such grounds were present at the time of its delivery;
3. repeal the instrument and adjudicate in the case on the merits.
(5) The judgment of the administrative court shall be final.

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
(Amended, SG No. 59/2007)
Where damages have been awarded, the coercive enforcement of the penalty decree shall be admitted on a motion by the person who is entitled to damages according to the procedure established by Article 418 of the Code of Civil Procedure.

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 79a
(New, SG No. 51/2007)
If an offender with no permanent residential address in the Republic of Bulgaria is fined pursuant to a penalty enactment, he/she shall transfer the respective amount to a bank account specified therein.

Article 79b
(New, SG No. 109/2020, effective 23.12.2021)
(1) If the offender does not wish to appeal against the penal decree with respect to the imposed fine, it may pay 80 percent of it within 14 days of being served the penal decree, unless a reduced fine amount is provided for by a special law.

(2) In the hypotheses under Paragraph 1, the penal decree shall enter into effect with respect to the imposed fine as of the date of payment. If the offender appealed the penal decree and paid the fine within the time limit under Paragraph 1, the proceedings on this section of the appeal shall be terminated on the grounds of Article 63d.
(3) Where the penal decree imposes another type of administrative sanction, alongside the fine, or effects have been forfeited in favour of the state, it shall be subject to appeal only in the section on the degree of the cumulative sanction, the disposal of material effects, the forfeiture of items in favour of the state and the awarded compensation under Article 63b.
(4) Paragraphs 1 - 3 shall apply mutatis mutandis also when a financial penalty has been imposed.

Article 80

(Amended, SG No. 59/1992, SG No. 25/2002, SG No. 12/2009, effective 1.01.2010 - amended, SG No. 32/2009) 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 National Revenue 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 81a

(New, SG No. 109/2020, effective 23.12.2021)
(1) The sanction of community service shall be implemented by the probation service at the current address of the sanctioned person.
(2) The court judgment containing the sanction shall be sent to the relevant probation service and shall be organised by a probation officer.
(3) Community service may not be performed to the benefit of any natural persons, sole traders or commercial corporations wherein the State or a municipality does not hold an interest.

Article 81b

(New, SG No. 109/2020, effective 23.12.2021)
(1) Community service shall be performed at facilities of the Prison Service State-Owned Enterprise and facilities, endorsed by the competent probation board.
(2) Upon designation of the facilities where community service is performed, account shall be taken of the work skills, qualifications and working capacity of the sanctioned person.
If the sanctioned person is a minor aged 16 to 18, the regime and working conditions established for minors aged 16 through 18 shall be taken into consideration.
(3) The sanctioned person shall be assigned work of up to three hours daily beyond the normal hours of work or for a full working day on one of the holidays or non-working days where the sanctioned person works under a labour or official employment relationship.
(4) During an annual paid leave or if the sanctioned person is unemployed, he or she may be assigned work for not more than 56 hours monthly, in compliance with the provisions of the Labour Code.
(5) While working, the sentenced persons shall be supervised by the probation officer or by an officer designated by probation officer.

Article 81c

(New, SG No. 109/2020, effective 23.12.2021)
If after the expiry of the calendar period for performance of community service a definite number of hours have not been worked, the obligation of the sanctioned person to work the said hours shall be extinguished.

Article 81d

(New, SG No. 109/2020, effective 23.12.2021)

(1) In carrying out the sanction of community service, Articles 207 - 208, Articles 225, 227 and 231 of the Implementation of Penal Sanctions and Detention in Custody Act and Articles 254 - 257 of the Rules on the Implementation of Penal Sanctions and Detention in Custody Act shall apply (SG No. 9/2010; Decision No. 7268/2012 of the Supreme Administrative Court - SG No. 43/2012; amended No. 20/2014 and No. 14/2017).
(2) Upon completion of the community service sanction, the probation officer shall draw up a report outlining the results of the implementation.

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) (supplemented, SG No. 109/2020, effective 23.12.2021) six months, where the imposed sanction annexed is temporary deprivation of the right to exercise a certain profession or activity or community service;
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 PRORPRIETORS
(Title amended, SG No. 79 of 2005)

Article 83

(1) (Supplemented, SG No. 15/1998, amended and supplemented, SG No. 69/2006) A property sanction may be imposed on legal persons and sole proprietors for any failure to discharge their obligations to the state or the municipality stemming from and in connection with the performance of their activities in such cases as are provided for in a relevant law, ukaz, decree of the Council of Ministers or ordinance of the municipal council.
(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.
(3) (New, SG No. 109/2020, effective 23.12.2021) In case of legal succession of a legal entity after drawing up of the statement of establishment of an administrative violation, the administrative penal proceedings shall continue with respect to the legal successor. The statement of establishment of an administrative violation that has been drawn up shall be presented and served to the legal successor. With respect to the legal successor, the time limits hereunder shall start running as of the date, on which the statement is served.
(4) (New, SG No. 109/2020, effective 23.12.2021) In case of legal succession of the legal entity after the penal decree, warning or order of the sanctioning authority have been issued, the administrative penal proceedings shall continue with respect to the legal successor. The issued penal decree, warning of resolution shall be served to the legal successor. With respect to the legal successor, the time limits hereunder shall start running as of the date, on which the statement is served.

Article 83a

(New, SG No. 79/2005)
(1) (Amended, SG No. 27/2009, SG No. 33/2011, effective 27.05.2011, supplemented, SG No. 60/2011, amended, SG No. 19/2012, supplemented, SG No. 107/2014, effective 1.01.2015, amended

and supplemented, SG No. 81/2015, effective 21.11.2015, supplemented, SG No. 101/2017, SG No. 83/2019) 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, 152(3) item 4, Articles 153, 154a, 155, 155a, 156, 158a, 159 - 159d, 162 (1) and (2), 164 (1), 171 (3), 172a - 174, 201 - 203, 209 - 212a, 213a, 214, 215, 216 (3), 225c, 227 (1) - (5), 242, 243, 244, 244a, 246 (3), 248a, 250, 252, 253, 254b, 255, 255a, 255b, 256, 260a - 260c, 278c - 278e, 280, 281, 282 283, 301 - 307, 307b, 307c, 307d, 308 (3), 319a - 319f, 320 - 321a, 327, 352, 352a, 353b - 353f, 354a - 354c, 356j and 419a 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. (amended, SG No. 81/20.10.2015, effective 21.11.2015) 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 such task, shall be punishable by a financial penalty of up to BGN 1,000,000, but not less than the equivalent of the benefit, where the latter is of a financial nature; a penalty of up to BGN 1,000,000 shall also be imposed where the benefit is not of a financial nature or its amount cannot be established.
(2) (New, SG No. 81/2015, effective 21.11.2015) Such financial penalty shall also be imposed to legal persons not established in the territory of the Republic of Bulgaria where the crime referred to in paragraph 1 has been committed in the territory of the Republic of Bulgaria.
(3) (Renumbered from Paragraph 2, SG No. 81/2015, effective 21.11.2015) The financial penalty 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.
(4) (Renumbered from Paragraph 3, amended, SG No. 81/2015, effective 21.11.2015) The financial penalty shall be imposed regardless of the materialization of the criminal responsibility of the accessories to the criminal act under paragraph 1.
(5) (New, SG No. 109/2020, effective 23.12.2021) When determining the amount of the financial penalty, the gravity of the crime, the financial state of the legal entity, the assistance rendered for disclosing the crime and for compensation of the damages of the crime, the amount of the benefit and other circumstances shall be taken into consideration.
(6) (Renumbered from Paragraph 4, amended, SG No. 81/2015, effective 21.11.2015, renumbered from Paragraph 5, SG No. 109/2020, effective 23.12.2021) The direct or indirect benefit derived by the legal person from the crime under paragraph 1 shall be confiscated in favour of the state, if not subject to return or restitution, or forfeiture under the procedure of the Criminal Code. Where the effects or property that were the object of the crime are missing or have been expropriated, their BGN equivalent shall be adjudged.
(7) (Renumbered from Paragraph 5, SG No. 81/2015, effective 21.11.2015, renumbered from Paragraph 6, SG No. 109/2020, effective 23.12.2021) Financial penalties under paragraph 1 shall not be imposed on states, state bodies and local self-government bodies, as well as on international organizations.
(8) (New, SG No. 109/2020, effective 23.12.2021) The liability of a legal entity shall be extinguished upon the expiration of a time limit equal to the time limit under Article 81 (3) of the Penal Code, considered as of the date of commission of the crime, from which the legal entity benefited or would have benefited.

Article 83b

(New, SG No. 79/2005)
(1) (Amended, SG No. 39/2011, SG No. 81/2015, effective 21.11.2015, SG No. 109/2020, effective 23.12.2021) Proceedings under Article 83a shall be initiated upon a substantiated proposal submitted by the prosecutor competent to consider the case or case-file to the district court having jurisdiction over the territory where the crime was committed, or, in the cases referred to in Article 83a, Paragraph 2, to the Sofia City Court:

1. (supplemented, SG No. 81/2015, effective 21.11.2015) following submission of the indictment, of a decree proposing to release the perpetrator of criminal liability and impose an administrative penalty instead, or of a settlement agreement to the court; 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;
e) (new, SG No. 81/2015, effective 21.11.2015) in the cases provided for in the Special Part of the Criminal Code on criminal proceedings there is no complaint by the victim to the prosecutor;
f) (new, SG No. 81/2015, effective 21.11.2015) the perpetrator is released of criminal liability, with reformative measures being applied instead;
g) (new, SG No. 81/2015, effective 21.11.2015) authorisation has been granted for the criminal proceedings to be transferred to another state;
3. (new, SG No. 81/2015, effective 21.11.2015) when the criminal proceedings have been suspended on the grounds that
a) after committing the crime, the defendant has lapsed into a brief mental derangement which rules out imputability, or has another serious disease impeding the proceedings;
b) hearing the case in the defendant's absence would prevent the objective truth from being discovered;
c) the perpetrator is immune;
4. (new, SG No. 81/2015, effective 21.11.2015) following the entry into force of a decision under Article 124, Paragraph 5 of the Code of Civil Procedure.
(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, amended, SG No. 81/2015, effective 21.11.2015)
The court shall, in a closed hearing, issue a ruling:
1. remitting the proposal back to the prosecutor, where such proposal is not substantiated or does not satisfy legal requirements;
2. terminating the proceedings, where the legal person has been deregistered from the Commercial Register due to liquidation or insolvency;
3. (new, SG No. 109/2020, effective 23.12.2021) scheduling the case for an open court hearing and summoning the parties.
(2) (New, SG No. 109/2020, effective 23.12.2021) The order under Paragraph 1, Items 1 and 2 shall be subject to appeal and protest pursuant to Chapter Twenty-Two of the Criminal Procedure Code.

(3) (Renumbered from Paragraph 2, SG No. 109/2020, effective 23.12.2021) The court shall hear the proposal within a panel of one judge, in a public hearing attended by a prosecutor, whereto the legal person concerned shall be summonsed.
(4) (Renumbered from Paragraph 3, SG No. 109/2020, effective 23.12.2021) Where the legal person has been duly summonsed, the failure of a representative thereof to appear shall not prevent the hearing of the case.
(5) (Renumbered from Paragraph 4, SG No. 109/2020, effective 23.12.2021) The court shall collect evidence ex officio or upon request by the parties.
(6) (Renumbered from Paragraph 5, SG No. 109/2020, effective 23.12.2021) The court shall hear the case and, based on the evidence collected, assess:
1. whether the legal person has derived an illegal benefit;
2. whether a connection exists between the perpetrator of the criminal act and the legal person;
3. whether a connection exists between the criminal act and the benefit for the legal person;
4. the type of the benefit and the amount thereof, if such benefit is of a financial nature;
(7) (Renumbered from Paragraph 6, SG No. 109/2020, effective 23.12.2021) The court shall issue a decision:
1. imposing a financial penalty;
2. refusing to impose a financial penalty.
(8) (Renumbered from Paragraph 7, amended, SG No. 109/2020, effective 23.12.2021) The decision under Item 1 of Paragraph 7 shall contain:
1. the legal person's details;
2. the details about the origin, type and amount of the benefit concerned;
3. the amount of the financial penalty imposed;
4. a description of the property to be confiscated in favour of the state, if any;
5. an award of costs.
(9) (Renumbered from Paragraph 8, supplemented, SG No. 109/2020, effective 23.12.2021) The judgement together with the reasons thereof shall be announced at a court hearing to which the parties shall be summonsed or the parties shall be notified in writing that it has been drawn up. As regards factually or legally complicated cases, the grounds may be drafted after issuance of the decision, but in any case within 30 days.

Article 83e

(New, SG No. 79/2005, amended, SG No. 81/2015, effective 21.11.2015)
(1) (Amended, SG No. 109/2020, effective 23.12.2021) The district court's decision under Article 83d, Paragraph 7 shall be subject to appeal or challenge before the appellate court within 14 days of communication thereof to the parties.
(2) The case shall be heard in a public hearing attended by a prosecutor. The legal person concerned shall also be summonsed to the court hearing.
(3) Only written evidence shall be allowed in the proceedings before the appellate court.
(4) The appellate court shall issue a decision whereby it may:
1. cancel the district court's decision and remit the case for rehearing, where substantial breaches of procedural rules have occurred during the first-instance proceedings;
2. cancel the district court's decision and impose a financial penalty;
3. cancel the district court's decision and refuse to impose a financial penalty;
4. amend the district court's decision;
5. uphold the district court's decision.
(5) The appellate court's decision shall be final.

Article 83f

(New, SG No. 79/2005, amended, SG No. 81/2015, effective 21.11.2015)
(1) Any proceedings in respect whereof a decision issued by the district or appellate court has already become effective shall be subject to resumption where:
1. it is established by an effective judgement or decision that some of the written evidence based whereon the decision has been issued is not genuine or has false contents;

2. it is established by an effective judgement or decision that a judge, prosecutor, party or participant in the proceedings has committed a crime related to the participation thereof in the proceedings;
3. after the entry into force of the decision imposing a financial penalty on the legal person, the person referred to in Items 1 to 4 of Article 83a, Paragraph 1 is acquitted by an effective court decision or the suspended pre-trial proceedings are terminated by the prosecutor in the cases under Item 1 of Article 24, Paragraph 1 of the Criminal Procedure Code;
4. after the decision's entry into force, facts or evidence are found out whereof the party concerned and the court had not been aware and which are material to the proceedings;
5. a decision 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 material to the case;
6. a substantial breach of procedural rules has occurred during the proceedings.
(2) The resumption request may be submitted within 6 months of the grounds therefor becoming known, and in the cases under Item 6 of Paragraph 1, of the entry into force of the district or appellate court's decision.
(3) The resumption request shall not suspend enforcement of the effective decision, unless otherwise ruled by the court.
(4) A request to resume proceedings may be submitted by:
1. the district prosecutor;
2. the legal person whereon a financial penalty has been imposed.
(5) The resumption request shall be considered by the appellate court in whose circuit the authority which issued the effective decision is located.
(6) The appellate court shall consider the request within a panel of three judges. Where resumption of proceedings on a decision by the appellate court is requested, the request shall be considered by a different panel of the relevant appellate court.
(7) The case shall be heard in a public hearing attended by a prosecutor. The legal person concerned shall also be summonsed to the court hearing.
(8) Where the appellate court finds the resumption request reasonable, it shall cancel the decision and remit the case for rehearing, specifying the procedural action wherefrom the rehearing is to commence.

Article 83g

(New, SG No. 81/2015, effective 21.11.2015)
Any issues not provided for by Articles 83b and 83d to 83f shall be treated in accordance with the provisions of the Criminal Procedure Code.

Chapter Five
(New, SG No. 79/2005)
SPECIAL PROVISIONS

Article 84

(Amended, SG No. 59/1998, SG No. 39/2011) The provisions of the Code of Penal Procedure shall apply to summoning and serving subpoenas and giving notices; taking of distraints 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 administrative court and motions and resumption, insofar as no special rules are laid down herein.

Article 85

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

Article 85a. (New, SG No. 10/2011) Insofar as there are no set rules for the administrative penal procedure in case of violations, established by a technical device or system according to Article 39, Paragraph 4, the provisions of the Road Traffic Act shall apply.

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.

ADDITIONAL PROVISION
(New, SG No. 10/2011)

§ 1. (New, SG No. 10/2011, amended, SG No. 81/2015, effective 21.11.2015) (1) (Previous text of § 1, SG No. 109/2020, effective 23.12.2021) Within the meaning of this Act:

1. (Previous text of § 1, SG No. 81/2015, effective 21.11.2015) "Electronic ticket" shall mean an electronic statement on paper, magnetic or other media, created via administrative and information system, based on received and processed information by automated technical devices or systems on committed violations.
2. (New, SG No. 81/2015, effective 21.11.2015) "Direct benefit" shall mean any favourable change in the legal person’s legal situation directly resulting from the crime.
3. (New, SG No. 81/2015, effective 21.11.2015) "Indirect benefit" shall mean:

a) anything acquired as a result of disposal of the object of the crime

b) the effects or property acquired through a transaction or deal involving the direct benefit from the crime;

c) the effects into which the direct benefit from the crime has been transformed.

4. (New, SG No. 109/2020, effective 23.12.2021) A "minor case" shall be a case where the violation committed by a natural person or the non-performance of an obligation of a sole proprietor or legal entity towards the state or municipality, in view of the absence or insignificance of the damages and in view of other mitigating circumstances poses a lower degree of public threat compared to the regular cases of a violation or of non-performance of an obligation of the relevant type.
5. (New, SG No. 109/2020, effective 23.12.2021) A "clearly minor case" shall be a violation, where the act discloses a clearly insignificant degree of public threat.
6. (New, SG No. 109/2020, effective 23.12.2021) A "violation of the same type by a natural person or non-performance of an obligation of a sole proprietor or legal entity towards the state or municipality of the same type" shall be a violation of a natural person or non-performance of an obligation of a sole proprietor or legal entity to the state or municipality, which has the elements of an administrative violation, irrespective of whether it has the elements of an aggravated or lighter violation.

(2) (New, SG No. 109/2020, effective 23.12.2021) The sanction foreseen for a repeated violation by a natural person or non-performance of an obligation by a sole proprietor towards the state or municipality shall be imposed where the violation by the natural person or non-performance of an obligation of a sole proprietor or legal entity towards the state or municipality was carried out within one year as of the entry into force of an instrument imposing an administrative sanction for a violation of the same type or a financial penalty for non-performance of an obligation of the same type, unless provided otherwise in a special law.

AMENDMENT OF OTHER ACTS OF PARLIAMENT

§ 1a. (Previous § 1, SG No. 10/2011) 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 Protection of Public Order upon Conduct of 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.

TRANSITIONAL AND FINAL PROVISIONS to the Lev Re-denomination Act
(SG No. 20/1999, supplemented, SG No. 65/1999, effective 5.07.1999)

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§ 4. (1) 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.

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

TRANSITIONAL AND FINAL PROVISIONS to the Act to Amend and Supplement the Road Traffic Act
(SG No. 10/2011)

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§ 11. For offenses established before the entry into force of this Act shall apply to the present order.

TRANSITIONAL AND FINAL PROVISIONS to the Act to Amend and Supplement the Criminal Code
(SG No. 33/2011, effective 27.05.2011)

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§ 45. The Council of Ministers within one month of the entry into force of this Act to the National Assembly draft laws amending the law, the provisions should be brought into line with it.

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TRANSITIONAL AND FINAL PROVISIONS to the Act to Amend and Supplement the Administrative Violations and Sanctions Act
(SG No. 81/2015, effective 21.11.2015)

§ 8. Any court proceedings in administrative courts under Articles 83a to 83f which have not yet been finalised shall be terminated and forwarded to the competent district court.

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ADDITIONAL PROVISION to the Act Supplementing the Criminal Procedure Code
(SG No. 83/2019)

§ 3. Article 201(2) of the Criminal Code and Article 83a(1) of the Administrative Violations and Sanctions Act transpose 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 (OJ L 198/29 of 28.7.2017).

TRANSITIONAL AND FINAL PROVISIONS to the Act to Amend and Supplement the Administrative Violations and Sanctions Act
(SG No. 109/2020, effective 23.12.2021)

§ 44. Pending proceedings at the time of entry into force of this law, which are heard by the sanctioning bodies whose competences shall change, shall be heard by the sanctioning authorities before which they were opened.

§ 45. Proceedings before courts that are pending at the time of entry into force of this law, the jurisdiction of which shall change, shall be completed by the court, before which they were opened.

§ 46. Pending proceedings at the time of entry into force of this law, initiated based on a reasoned decree under Article 83b, which shall be subject to a different jurisdiction, shall be heard by the courts, before which they were opened.

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