

# Act Restricting Administrative Regulation and Administrative Control over Economic Activity

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Text in Bulgarian: Закон за ограничаване на административното регулиране и административния контрол върху стопанската дейност

## Chapter One GENERAL DISPOSITIONS

### Section I

(New heading, SG No. 39/2011, effective 20.05.2011)

#### Principles and Purposes of Administrative Regulation and Administrative Control

**Article 1.** (1) This Act regulates the general rules for restriction of administrative regulation and administrative control over economic activity.

(2) The purpose of this Act is to facilitate and to encourage the pursuit of economic activity, by means of restricting to socially justified limits the administrative regulation and administrative control exercised over the said activity by the state bodies and by the bodies of local self-government.

(3) "Administrative regulation" means the establishment of regulatory requirements, compliance wherewith is ensured through exercise of administrative control.

(4) "Administrative control" within the meaning given by this Act shall be the control exercised by administrative authorities through:

1. conducting examinations of records and on site upon commencement and upon pursuit of economic activity, as well as upon the performance of specified transactions and actions by persons who or which pursue or intend to pursue economic activity;

2. issuing a licence or effecting a registration for commencement of economic activity, as well as the refusals to issue a licence or to effect a registration;

3. issuing and refusing authorizations and certificates for performance of a specified transaction or action by persons who or which pursue or intend to pursue economic activity;

4. applying coercive administrative measures and proceeding with proceedings for imposition of administrative sanctions.

(5) (New, SG No. 39/2011, effective 20.05.2011) Upon the implementation of administrative regulation and administrative control, all persons who or which pursue or intend to pursue economic activity shall enjoy non-discriminatory treatment regardless of the form of ownership, the legal form or the nationality thereof.

**Article 2.** (1) (Redesignated from Article 2, SG No. 39/2011, effective 20.05.2011) The state bodies and the bodies of local self-government shall implement administrative regulation and administrative control over economic activity for the purpose of protection of:

1. national security and public order in the Republic of Bulgaria, as well as of exclusive and sovereign rights of the State within the meaning given by Article 18 (1) to (4) of the Constitution of the Republic of Bulgaria;

2. the personal and property rights of citizens and legal persons;

3. the environment.

(2) (New, SG No. 39/2011, effective 20.05.2011) The state bodies and the bodies of local self-government shall implement administrative regulation and administrative control over economic activity in accordance with the principles and purposes of this Act.

**Article 3.** (1) Upon administrative regulation of economic activity, account shall be taken of:

1. the costs incurred by the persons pursuing economic activity as shall be necessary for compliance with the established requirements;

2. the possibilities to exercise effective administrative control and the concomitant costs.

(2) Upon administrative regulation and administrative control over economic activity, the state bodies and the bodies of local self-government may not impose requirements, limitations and encumbrances which lead to restriction of competition.

(3) Upon administrative regulation and administrative control over economic activity, the state bodies and the bodies of local self-government may not impose limitations and encumbrances which are not necessary for attainment of the purposes of the law.

(4) (Amended and supplemented, SG No. 39/2011, effective 20.05.2011) Upon planning and drafting of a bill which provides for the introduction of a scheme within the meaning given by Article 4 (1) herein, the authority who or which has proposed the inclusion of the said bill in the legislative programme of the Council of Ministers or who or which is responsible for the drafting of the said bill shall prepare a reasoned opinion regarding the need of such regulation and, respectively, regarding the possibility to attain the purposes covered under Article 2 herein without introduction of such regulation.

(5) (Amended and supplemented, SG No. 39/2011, effective 20.05.2011) Upon the laying before the National Assembly of a bill providing for the introduction of a scheme within the meaning given by Article 4 (1) herein, the sponsor shall present, together with the bill and the reasoning therewith, a reasoned opinion regarding the need of such regulation.

(6) The reasoned opinion referred to in Paragraphs (4) and (5) shall contain an economic analysis and an assessment of the impact which the regulating scheme exerts on the regulated economic activity. The said opinion shall be published via the Internet or in another appropriate manner.

**Article 4.** (1) A licence scheme and a registration scheme for pursuit of economic activity, as well as a requirement for the issuing of an authorization and certificate or for notification of the performance of a specified transaction or action, shall be established solely by a law.

(2) All requirements as shall be necessary for commencement and for implementation of a given economic activity, as well as for performance of a specified transaction or action, shall be regulated by a law.

(3) A statutory instrument of secondary legislation, indicated in a law, may specify the requirements referred to in Paragraph (2), ensuring compliance with Article 3 (3) herein.

## Section II

(New heading, SG No. 39/2011, effective 20.05.2011)

### Obligations of Administrative Authorities

**Article 5.** (1) (Supplemented, SG No. 39/2011, effective 20.05.2011) Upon exercise of the powers thereof in connection with the regulation and control over economic activity, the administrative authorities shall be obligated:

1. to afford in an appropriate manner constant and unconditional access to all administrative acts and blank forms, as well as to render assistance for completion of documents;
2. to provide comprehensive information regarding the time limits applicable to the relevant proceeding, regarding the fees payable and the methods for determination thereof, as well as to render assistance for completion of documents;
3. to organize the operation thereof in such a manner so as to service interested parties at one place within a single service premise;
4. to ensure business hours suitable for use of the services referred to in Items 1 and 2 by interested parties;
5. (New, SG No. 39/2011, effective 20.05.2011) to ensure a possibility for the provision of the services by electronic means according to the Electronic Governance Act.

(2) (Amended SG No. 44/2009) The administrative authority may not require the provision of information or documents which are available to the said the authority or which are available to another authority. The said administrative authority shall procure such information and documents ex officio for the needs of the relevant proceedings.

(3) (New, SG No. 39/2011, effective 20.05.2011) In the administrative proceedings referred to in Article 4 (1) herein, the existence or absence of facts and circumstances may be certified by written declarations which the administrative authority shall be obligated to accept. The declarant shall incur criminal liability under Article 313 of the Criminal Code for declaring untrue data in the declaration. An educational qualification degree, professional qualification and health status, as well as other facts and circumstances for the ascertainment of which another procedure is provided for by a law, may not be proved by a declaration.

**Article 6.** (1) The administrative authorities shall promptly announce in public the policy pursued and the practice established in connection with the application of statutory instruments associated with administrative regulation and administrative control over economic activity, as well as the reasoning for revision of the said policy and practice.

(2) The policy pursued in connection with the application of the statutory instruments referred to in Paragraph (1) shall include the modalities as the administrative authority shall select and use upon exercise of the operational autonomy thereof for attainment of the purposes of the law.

**Article 7.** (1) An administrative authority may require solely once the elimination of non-conformities and/or the provision of additional information to the application for the issuing of a licence or for effecting of registration, as well as for an authorization to perform a specified transaction or action.

(2) (Amended, SG No. 39/2011, effective 20.05.2011) The time limit for the elimination of non-conformities and/or provision of additional information shall be established by a law and may not be shorter than ten days and longer than the time limit establishment for pronouncement. In the cases where the elimination of non-conformities is related to additional presentation of documents issued by other administrative authorities, the time limit may not be shorter than the time limit established by a statutory instrument for pronouncement by the said authorities.

(3) The time limit for pronouncement shall begin to run as from the date of elimination of non-conformities and/or provision of additional information.

**Article 7a.** (New, SG No. 39/2011, effective 1.01.2012) (1) The fees collected by the administrative authorities in connection with the regulation and control over economic activity under this Act shall be determined according to methods for the determination of a cost-oriented amount of the fees and the spending thereof, adopted by the Council of Ministers.

(2) The methods referred to in Paragraph (1) shall be adopted in accordance with the following principles:

1. the amount of the fee must correspond to the costs incurred by the administrative authority for the performance of the relevant service and for exercise of the control, including the necessary logistics expenses and all administrative expenses for discharge of the duties of the officials considering the qualification thereof and working time spent;

2. the administrative expenses referred to in Item 1 may not exceed 20 per cent of the amount of the fee.

(3) No fees shall be collected for the elimination of non-conformities and/or for the provision of additional information.

(4) The fees collected may be used for an improvement of the quality of the service provided.

(5) The proceeds from the fees may not be spent on additional incentives for the employees of the administrative authorities to the accounts whereof the said proceeds have been credited.

(6) The methods referred to in Paragraph (1) shall not apply to the determination of the amount of fees for ensuring the implementation of policies in spheres relevant to the protection of particularly important state or public interests.

## **Chapter Two**

# **LICENSING AND REGISTRATION FOR PURSUIT OF ECONOMIC ACTIVITY**

### **Section I**

#### **Licensing**

**Article 8.** (1) Upon the issuing of a licence, the administrative authority shall check the legal conformity of the request and, acting within the framework established by the law, shall authorize or refuse authorization for the pursuit of a specific economic activity where appropriate.

(2) A licence shall be issued solely by a central administrative authority.

**Article 9.** (1) A licence scheme may be established solely for economic activities which:

1. are associated with any items constituting exclusive state property according to Article 18 (1) of the Constitution of the Republic of Bulgaria, as well as with any items in respect whereof the State exercises sovereign rights according to Article 18 (2) and (3) of the Constitution of the Republic of Bulgaria; or

2. entail a heightened risk to national security or public order in the Republic of Bulgaria, the personal rights or property rights of citizens or the rights of legal persons, as well as to the environment, and are listed in the Annex to this Act.

(2) Where a new licence scheme which is not listed in the Annex referred to in Item 2 of Paragraph (1) is established by a law, the said Annex shall be supplemented accordingly.

**Article 10.** (1) (Supplemented, SG No. 38/2006) A licence shall be issued for an indeterminate term of validity, save in the cases covered under Item 1 of Article 9 (1) herein or where otherwise provided for by a law.

(2) The rights under a licence shall be non-transferable and non-assignable.

(3) The existence of a licence shall be a condition precedent for commencement and legally conforming pursuit of the relevant economic activity.

**Article 11.** (1) The law that regulates a licence scheme shall establish exhaustively:

1. the requirements whereunder a licence may be issued, as well as the grounds for refusal;
2. the special rules in the proceeding for the issuing, suspension, termination and withdrawal of the licence.

(2) (Supplemented, SG No. 39/2011, effective 20.05.2011) The licensing authority shall establish and maintain a public register wherein the holders of issued, suspended, terminated and withdrawn licences shall be recorded. The persons who have submitted an application for the issuing of a licence shall be recorded, and the number and type of documents attached shall be inventoried, in a separate section of the public register. The recording shall be performed in the order of submission of the applications and the progress of the case file for the issuing of a licence shall be noted.

(3) (New, SG No. 39/2011, effective 20.05.2011) The register referred to in Paragraph (2) shall be kept in conformity with the requirements of the special law and the Personal Data Protection Act.

(4) (New, SG No. 39/2011, effective 20.05.2011) The licensing authority shall ensure access to the register referred to in Paragraph (2) at no charge by electronic means according to the Electronic Governance Act.

**Article 12.** (1) The law which establishes a licence scheme shall state the requirements which:

1. must be certified by another authority;
2. are certified by means of declaration;
3. (New, SG No. 39/2011, effective 20.05.2011) may not be certified by a declaration.

(2) Upon the conduct of examinations of records and on site, Articles 19, 20, 21 and 22 herein shall apply, *mutatis mutandis*.

**Article 13.** (1) (Redesignated from Article 13, SG No. 107/2003) Should the number of licences as may be issued for pursuit of a specific economic activity be subject to a restriction, the licensing authority shall be obligated to announce publicly a competitive bidding or auction under terms and according to a procedure established by a law.

(2) (New, SG No. 107/2003, repealed, SG No. 39/2004).

## **Section II**

### **Registration**

**Article 14.** (1) (Corrected, SG No. 59/2003) Upon registration, the administrative authority shall check the existence of the regulatory requirements as exhaustively established and, upon ascertainment of conformity, shall authorize, without discretion as to appropriateness, the pursuit of the economic activity.

(2) Registration for pursuit of economic activity shall be required solely where the implementation of the said activity is associated with a risk to national security or public order in the Republic of Bulgaria, to the personal rights or to the property rights of citizens and of legal persons, or to the environment, and solely respecting regulatory requirements the compliance wherewith can be objectively certified by means of an examination of records and/or on site.

**Article 15.** (1) (Supplemented, SG No. 39/2011, effective 20.05.2011) The registering authority shall establish and maintain a public register wherein the said authority shall record each person in respect whereof the said authority has ascertained compliance with the regulatory requirements for pursuit of the relevant economic activity, and shall issue any such person a certificate of the recording. The persons who have submitted applications for registration shall be recorded, and the number and type of documents attached shall be inventoried, in a separate section of the public register. The recording shall be performed in the order of submission of the applications and the progress of the case file for recording in the register and the issuing of a certificate shall be noted.

(2) (Amended, SG No. 39/2011, effective 20.05.2011) Recording in the register and the issuing of a certificate shall be a

condition precedent for commencement and legally conforming pursuit of the relevant economic activity with the exception of the cases where the registering authority does not pronounce by an express act within the set time limit provided for in the special law. In such cases, Articles 28 and 29 herein shall apply, mutatis mutandis.

(3) The registering authority shall refuse recording in the register and issuing of a certificate under Paragraph (1) in the event of non-compliance with any of the regulatory requirements as exhaustively established, without discretion as to the advisability of the said requirements.

(4) The effect of the registration and certificate shall be of an indeterminate duration. Where the effect of the registration and certificate is of a limited duration, this duration may not be shorter than three years. Upon request for extension of the duration of the registration and certificate, Articles 28 and 29 herein shall apply, mutatis mutandis.

(5) (New, SG No. 39/2011, effective 20.05.2011) The register referred to in Paragraph (1) shall be kept in conformity with the requirements of the special law and the Personal Data Protection Act.

(6) (New, SG No. 39/2011, effective 20.05.2011) The registering authority shall ensure access to the register referred to in Paragraph (1) at no charge by electronic means according to the Electronic Governance Act.

**Article 16.** (1) The law which regulates a registration scheme shall establish exhaustively:

1. the requirements whereunder a person who or which intends to pursue economic activity may be recorded in the register referred to in Article 15 (1) herein and may be issued a certificate, as well as the grounds for refusal;

2. the special rules in the proceeding for recording in the register referred to in Article 15 (1) herein and for issuing of a certificate;

3. the special rules for suspension and termination of the relevant economic activity or for expungement of the person in the register referred to in Article 15 (1) herein and invalidation of the certificate as issued, as the case may be.

(2) The law which regulates a registration scheme shall furthermore state the conditions covered under Article 12 (1) herein.

**Article 17.** (1) The registering authority may not require information regarding compliance with any requirements which are not established by a statutory instrument.

(2) Upon the conduct of examinations of records and on site, Articles 19, 20, 21 and 22 herein shall apply, mutatis mutandis.

## **Chapter Three**

### **FOLLOW-UP CONTROL OVER ECONOMIC ACTIVITY**

**Article 18.** Administrative authorities shall exercise follow-up control as to compliance with the established requirements upon pursuit of economic activity wherefor a licence or registration is required.

**Article 19.** (1) The control authority may conduct an examination of records and an examination on site under terms and according to a procedure established solely by a law.

(2) The control authority shall conduct an examination of records by requiring a single or periodic submission of written reports and other written notifications and documents.

(3) A statutory instrument of secondary legislation may establish requirements as to the period of time to be covered by, and the content of, the reports, notifications and documents submitted solely where the said requirements derive directly from the requirements referred to in Paragraph (1) and are not in conflict with Article 3 (3) and with Article 21 herein.

**Article 20.** (1) An examination on site shall be conducted at the place of pursuit of economic activity and in the presence of the person examined or of persons working therefor. In the absence of such persons, the examination shall be

conducted with the participation of at least one witness.

(2) The officials conducting an examination on site shall have the right:

1. to access to the premises where the economic activity which they are empowered to control is performed;
2. to require submission of the documents which, according to the statutory requirements, should be present at the place of the examination;
3. to demand written and oral explanations from everybody working for the person examined;
4. to recruit experts in the relevant sphere, where the examination is complicated or requires specialized knowledge.

(3) Should any documents certifying compliance with the established requirements be found missing upon an examination on site, the person examined shall be granted reasonable grace to submit the said documents.

(4) The powers of the administrative authorities under Paragraphs (1), (2) and (3) shall be regulated solely by a law.

**Article 21.** The control authority shall conduct examinations of records and on site whereof the scope, duration and frequency do not encumber unnecessarily the persons examined and are sufficient for attainment of the purposes of the law.

**Article 22.** Officials shall be under an obligation to safeguard commercial secrecy and not to disclose any data obtained in the course of examinations prior to the completion of the said examinations, as well as not to use any information obtained in the course of examinations for any purpose other than as assigned.

**Article 23.** (1) Upon ascertainment of a breach of statutory requirements, the control authority may:

1. prescribe measures for elimination of the breach within an appropriate time limit, or decree removal of what has been done in deviation from statutory requirements;
2. to restrict, suspend or withdraw the licence;
3. to prohibit performance of the activity until elimination of the breach of statutory requirements, granting reasonable grace;
4. to prohibit performance of economic activity wherefor a registration scheme has been established, recording the said prohibition in the register referred to in Article 15 (1) herein and invalidating the certificate as issued;
5. to proceed with a proceeding for imposition of an administrative sanction;
6. to decree other measures as provided for by a law.

(2) The measures covered under Paragraph (1) shall be regulated solely by a law.

(3) Should the control authority be not notified in writing within the established time limit of the implementation of the measures as prescribed or of the removal as decreed under Item 1 of Paragraph (1), the said authority may decree measures under Items 2, 3 and 4 without conducting a new examination.

(4) Upon application of coercive administrative measures under Paragraph (1), the control authority shall conform the severity of the said measures to the extent of the breach of statutory requirements as committed, as well as with the purposes of the law.

(5) The requirements upon non-compliance wherewith the measures under Paragraph (1) may be decreed, as well as the grounds for the application thereof, shall be stated exhaustively in the law regulating the relevant economic activity.

## Chapter Four

# ISSUING OF AUTHORIZATIONS AND CERTIFICATES AND RECEIPT OF NOTIFICATIONS UPON PERFORMANCE OF SPECIFIED TRANSACTIONS OR ACTIONS

**Article 24.** (1) An authorization for performance of a specified transaction or action by a person who or which pursues or intends to pursue economic activity shall be required solely where the performance of the said transaction or action entails a heightened risk to national security or public order in the Republic of Bulgaria, to the personal rights or property rights of citizens or of legal persons, or to the environment.

(2) Upon the issuing of an authorization, the administrative authority shall exercise discretion and decide where appropriate within the framework established by the law as to whether the relevant transaction or action can be performed, as well as the scope thereof in terms of content, of time and of place.

(3) Upon the issuing of an authorization for a specified transaction or action, Article 10 (2), Article 11 (1), Article 12, 13, 19, 20, 21 and 22 herein shall apply, *mutatis mutandis*.

**Article 25.** (1) A certificate for a specified transaction or action performed by a person who or which pursues or intends to pursue economic activity shall be required solely where the performance of the said transaction or action entails a risk to national security or public order in the Republic of Bulgaria, to the personal rights or to the property rights of citizens or of legal persons, or to the environment.

(2) Upon the issuing of a certificate, the administrative authority shall check, prior to the performance of the relevant transaction or action, whether the statutory requirements are complied with, and, upon ascertainment of compliance with the said requirements, shall authorize, without discretion, the performance of the transaction or action where appropriate.

(3) Upon the issuing of a certificate for performance of a specified transaction or action, the provisions of Article 14, Article 16 (2) and Article 17 herein shall apply, *mutatis mutandis*.

**Article 26.** The authority issuing an authorization or certificate for performance of a specified transaction or action shall exercise follow-up control as to compliance with the statutory requirements, as well as with the requirements established by the permit. In such cases, Articles 19, 20, 21 and 22 herein shall apply, *mutatis mutandis*.

**Article 27.** (1) Should a law provide for an obligation to give an administrative authority notice in advance or *ex post facto*, the person performing the relevant transaction or action shall present written information regarding the content, as well as regarding the place, time and manner of performance of the said transaction or action.

(2) The authority empowered to receive the notice may conduct an examination on site as to the accuracy of the data submitted. In such cases, Articles 20, 21 and 22 herein shall apply, *mutatis mutandis*.

**Article 28.** (1) Tacit consent shall apply upon the issuing of an authorization and of a certificate for performance of single transactions or action, unless otherwise provided for by a law.

(2) Tacit consent shall be in operation, where the administrative authority has failed to transmit a notification of refusal to the applicant until the expiration of the time limit for pronouncement.

(3) Tacit consent shall be proven to the administrative authority referred to in Paragraph (2) by means of a copy of the application bearing an incoming reference number, certifying receipt of the said application at the records office of the said administrative authority. Tacit consent may furthermore be proven by all other manners and means admissible under the law.

(4) Where it shall be necessary to prove tacit consent before another administrative authority, the interested party shall present, in addition to the document referred to in sentence one of Paragraph (3), a written declaration to the effect that the said party has not received express refusal within three days after the expiration of the time limit referred to in Article 29 (1) herein.

**Article 29.** (1) Where tacit consent is in operation, the applicant for the authorization or certificate may proceed with

performance of the transaction or action, subject to the condition that the said applicant has given written notification of this to the competent administrative authority and the said authority has failed to deliver a decision under Article 24 or 25 herein, as the case may be, within fourteen days after receipt of the said notification.

(2) Under the terms of tacit consent, the administrative authority may suspend, by a reasoned order, the performance or completion of the relevant transaction or action solely where the said performance or completion lead to a material breach of statutory requirements. Suspension shall apply until elimination of the breaches as committed.

(3) A breach of statutory requirements shall be "material" within the meaning given by Paragraph (2) if the said breach may lead to impairment of national security or public order in the Republic of Bulgaria, personal rights or property interests of citizens or legal persons, or the environment.

## **Chapter Five**

### **ADMINISTRATIVE PENALTY PROVISIONS**

**Article 30.** (1) Any person, who breaches the official duties thereof or who fails to perform the official duties thereof within the established time limit, where the said official duties are associated with preparation for the issuing of an authorization or certificate, as a result of which the time limit for pronouncement on the application submitted for the issuing of a permit or certificate has expired, shall be liable to a fine of BGN 1,000 or exceeding this amount but not exceeding BGN 5,000.

(2) (Amended, SG No. 39/2011, effective 20.05.2011) Any official, who fails to fulfil the obligations thereof to keep, on a regular basis, the registers referred to in Article 11 (2) and in Article 15 (1) herein, shall be liable to a fine of BGN 1,000 or exceeding this amount but not exceeding BGN 5,000.

(3) (Amended, SG No. 44/2009) Any official, who breaches the requirements of Articles 5, 6, Article 7 (1), Article 17 (1), Articles 21, 22 and Article 29 (2) herein, shall be liable to a fine of BGN 1,000 or exceeding this amount but not exceeding BGN 5,000, unless the act constitutes a criminal offence.

(4) (Amended, SG No. 44/2009, SG No. 39/2011, effective 20.05.2011) A repeated commission of the breach referred to in Paragraphs (1), (2) or (3) shall be punishable by a fine of BGN 5,000 or exceeding this amount but not exceeding BGN 10,000.

**Article 31.** (1) Any person, who performs or completes a transaction or action in violation of a reasoned suspension order under Article 29 (2) herein or in violation of a notification requirement under Article 29 (1) herein, shall be liable to a fine of BGN 1,000 or exceeding this amount but not exceeding BGN 5,000, unless the act constitutes a criminal offence.

(2) A repeated commission of the breach referred to in Paragraph (1) shall be punishable by a fine of BGN 3,000 or exceeding this amount but not exceeding BGN 10,000.

**Article 32.** (1) The written statements on any breaches ascertained under Articles 30 and 31 herein shall be drawn up by an official designated by the control authority, should the said authority be single-person, or by the head of the said authority, should the said authority be collegial. The penalty decrees shall be issued by the single-person control authority or by the head of the collegial control authority, as the case may be.

(2) (Supplemented, SG No. 24/2006, amended, SG No. 77/2010) Where the breaches under Article 30 herein have been committed by municipality mayors, the written statements ascertaining the administrative violations shall be drawn up by officials authorized by the respective regional governor issuing the penalty decrees.

(3) The drawing up of written statements, the issuing and appeal against penalty decrees shall follow the procedure established by the Administrative Violations and Sanctions Act.

**Article 33.** The provisions of Article 30 herein shall not apply to the members of the Council of Ministers, to single-person control authorities and to members of collegial control authorities elected or designated by the National Assembly or by the President of the Republic of Bulgaria.

# SUPPLEMENTARY PROVISION

§ 1. Within the meaning given by this Act:

1. "Administrative authority" shall be an authority appertaining to the system of the executive branch of government, as well as any other authority vested with administrative powers in pursuance of a special law.
2. "Central administrative authority" shall be any authority referred to in Item 1 exercising the powers thereof within the national territory.
3. "Economic activity" shall be the activity pursued in a merchant's capacity, the activity of the persons covered under Article 2 of the Commerce Act, as well as any other activity implemented for the purpose of deriving a profit.
4. "Repeated breach" shall be any breach which is committed within one year after the entry into force of a penalty decree whereby the offender was penalized for a violation of the same kind.

## TRANSITIONAL AND FINAL PROVISIONS

§ 2. In the Statutory Instruments Act (promulgated in the State Gazette No. 27 of 1973; amended in No. 65 of 1995), there shall be inserted the following new article:

"Article 2a. Any persons in respect whereof duties or restrictions arise by virtue of a new statutory instrument shall be notified prior to the adoption of the said instrument. Notification shall be effected by means of transmittal of the draft to representative organizations of such persons, by publication of the said draft through insertion in the mass communication media, via the Internet, or through public announcement of the said draft in another appropriate manner, and those affected may present proposals and objections to the relevant competent authority within a time limit which may not be shorter than one month."

§ 3. In Article 14 of the Administrative Procedure Act (promulgated in the State Gazette No. 90 of 1979; amended in No. 9 of 1983, No. 26 of 1988, No. 94 of 1990, Nos. 25 and 61 of 1991, No. 19 of 1992, Nos. 65 and 70 of 1995, No. 122 of 1997, Nos. 15 and 89 of 1998, Nos. 83 and 95 of 1999 and No. 45 of 2002), there shall be added the following new paragraph:

"(3) Non-pronouncement within the established time limit shall be presumed as tacit consent in the cases and under the terms provided for in the Act Restricting Administrative Regulation and Administrative Control over Economic Activity."

§ 4. (1) (Effective 17.06.2003) Within six months after promulgation of this Act in the State Gazette, the Council of Ministers, the other administrative authorities, as well as the bodies of local self-government, shall undertake actions within the competence thereof for introduction of revisions in all pre-existing statutory instruments of secondary legislation whereof the provisions are in conflict with this Act and which are not issued in implementation of another law.

(2) (Supplemented, SG No. 39/2004) Upon expiration of the time limit established under Paragraph (1), any statutory instruments of secondary legislation, which conflict with the requirements of this Act and which are not issued in implementation of another law which provides for a scheme or a requirement within the meaning given by Article 4 (1) herein, may be contested before the Supreme Administrative Court and before the competent district court by any interested party.

§ 5. This Act shall enter into force six months after the promulgation thereof in the State Gazette, with the exception of the provision of § 4 (1), which shall enter into force on the day of promulgation of the said Act in the State Gazette.

§ 6. (New, SG No. 39/2004) Any provisions of this Act, with the exception of the Annex to Item 2 of Article 9 (1) herein, shall be amended, supplemented and repealed solely by a special act to amend and supplement this Act.

§ 7. (New, SG No. 39/2011, effective 20.05.2011) The implementation of the Act is entrusted to all authorities empowered to administrate schemes within the meaning given by Article 4 (1) herein.

This Act was passed by the 39th National Assembly on the 4th day of June 2003, and the Official Seal of the National

Assembly has been affixed thereto.

Act to Amend the Act Restricting Administrative Regulation and Administrative Control over Economic Activity

(SG No. 44/2009, amended, SG No. 25/2011, SG No. 39/2011, effective 20 May 2011)

#### FINAL PROVISION

§ 3. (Amended, SG No. 25/2011, repealed, SG No. 39/2011, effective 20.05.2011).

Act to Amend and Supplement the Act Restricting Administrative Regulation and Administrative Control over Economic Activity

(SG No. 39/2011, effective 20.05.2011)

#### FINAL PROVISIONS

§ 16. Within six months after the entry into force of this Act, the Council of Ministers shall adopt the methods referred to in Article 7a [of the Act Restricting Administrative Regulation and Administrative Control over Economic Activity] on a joint motion by the Minister of Finance and the Minister of Economy, Energy and Tourism.

§ 17. Within twelve months after the entry force of this Act, the authorities which are empowered to administrate schemes within the meaning given by Article 4 (1) [of the Act Restricting Administrative Regulation and Administrative Control over Economic Activity] shall bring the information systems thereof and the relevant structural units into conformity with the requirements of the Act.

§ 18. Within three months after the entry into force of this Act, each authority which administrates registration schemes shall lay before the Council of Ministers a draft of a law to amend and supplement the law regulating the respective system for introduction of tacit consent upon registration.

§ 19. This Act shall enter into force as from the day of promulgation thereof in the State Gazette with the exception of § 8 herein, which shall enter into force as from the 1st day of January 2012.

## **Annex to Item 2 of Article 9 (1)**

(Amended, SG No. 107/2003,  
SG No. 39/2004, effective 12.05.2004,  
SG No. 52/2004, supplemented, SG No. 31/2005,  
effective 9.10.2005, amended and supplemented,  
SG No. 87/2005, supplemented, SG No. 38/2006,  
amended, SG No. 59/2006, effective as from  
the day of entry into force of the Treaty  
concerning the Accession of the Republic of  
Bulgaria to the European Union, SG No. 11/2007,  
SG No. 41/2007, supplemented, SG No.16/2008,  
amended, SG No. 23/2009, effective 1.11.2009,  
SG No. 39/2011, effective 20.05.2011, SG No. 92/2011,  
supplemented, SG No. 26/2012, effective 1.07.2012)

List of Economic Activities in Respect of which a Licence Scheme Can Be Established

1. (Supplemented, SG No. 31/2005, amended, SG No. 59/2006, supplemented, SG No. 16/2008, amended, SG No. 23/2009, effective 1.11.2009) Banking activity, activity as an electronic money institution, activity as a payment institution, as well as activity as a system operator of payment systems.

2. Insurance business and activities of an insurance broker.

3. Operation of a regulated securities market, investment intermediary, investment company or management company, as well as of a special purpose investment joint-stock company.

4. Provision of supplementary voluntary and compulsory retirement insurance and actuarial services to retirement insurance companies.

5. Pursuit of activity comprehended in voluntary insurance against unemployment and/or for occupational training.
6. Pursuit of activity comprehended in health insurance.
7. Operation of a commodity exchange.
8. Operation of customs agency.
9. Conduct of duty-free trade.
10. (Supplemented, SG No. 26/2012, effective 1.07.2012) Pursuit of gambling business, activities pertaining to the manufacture, distribution, and servicing of gambling equipment and activities pertaining to the import, distribution, and servicing of gambling equipment.
11. (Repealed, SG No. 39/2004).
12. (Amended, SG No. 11/2007, amended and supplemented, SG No. 73/2010, effective 17.09.2010) Manufacture and transport of, and trade and foreign trade in, weapons, explosives, ammunition and pyrotechnic articles, as well as in particular dual-use items and technologies.
13. Pursuit of private security business.
14. Activities comprehending design, manufacture, import, trade, repair, installation and maintenance of fire protection equipment, pursuit of activity comprehended in fire and emergency safety, performance of fire-hazardous and explosion-hazardous work.
15. Manufacture of compact discs (optical discs) and/or master discs therefor.
16. (Amended, SG No. 59/2010, effective 31.07.2010) Operation of medical-treatment facilities providing hospital care, mental health centres, skin and venereal disease centres, comprehensive cancer centres and medical and social care homes.
17. Conduct of clinical trials, manufacture, trade in, or import of, medicinal drugs and medicinal products.
18. Production, manufacture, transport and carriage, trade, import, export, transit and storage of narcotic substances for medical and veterinary uses and precursors.
19. Industrial handling of tobacco and manufacture of tobacco products.
20. Exercise of technical surveillance of high-risk facilities, verification of measuring instruments.
21. Production of alcohol, distillates, and spirit drinks.
22. Production and preparation of seed stock and planting stock of agricultural plants, performance of activity comprehended in variety testing of agricultural plants intended for use as seed stock and planting stock, distribution and trade in seeds and planting stock deviating from minimum quality requirements.
23. (Amended, SG No. 39/2011, effective 20.05.2011) Operation of public grain warehouses.
24. Recovery, treatment and storage of sperm and ova, embryo transfer at artificial insemination centres and embryo transfer centres, and pursuit of activities of breeders' associations for artificial selection of production in the system of veterinary medicine.
25. (Amended and supplemented SG 87/2005, effective 1.05.2006) Production and usage of veterinary medical products and wholesale and retail trade in veterinary medical products and transportation of animals.
26. Commercial fishing.
27. Pursuit of trade in non-ferrous and ferrous metal waste.
28. (Amended, SG No. 107/2003 and SG No. 39/2004) Activities in the energy sector.
29. Pursuit of activities related to use of nuclear facilities and nuclear material and other sources of ionizing radiation.
30. Exercise of construction supervision upon the building of construction works.
31. Carriage of passengers and/or goods by rail and inspection of the railworthiness of the rolling stock and of the licensed competence and qualifications of train and locomotive crews.
32. Public transport of passengers and goods by road motor vehicles, including international road transport.
33. Conduct of technical inspections of the roadworthiness of road motor vehicles, repair and maintenance of such vehicles.
34. (Amended, SG No. 87/2009) Performance of the universal postal service or of services within the scope of the universal postal service.
- 34a. (New, SG No. 87/2009) Handling of postal money transfers.

35. (Amended, SG No. 52/2004) Pursuit of business as an airport operator, a ground service operator, or an air carrier.
36. Maintenance and repair of aircraft.
37. Manufacture, import and/or distribution of radio transmission equipment for civilian use.
38. Radio and television broadcasting activities.
39. (Repealed, SG No. 41/2007).
40. (New SG No. 87/2005, repealed, SG No. 92/2011)
41. (New SG No. 38/2006) Provision of social services to children.
42. (New, SG No. 36/2009) Provision of vocational training and vocational training certification.
43. (New, SG No. 36/2009) Provision of vocational information and guidance.