ADMINISTRATIVE PROCEDURE CODE

In force from 12.07.2006

Prom. SG. 30/11 Apr 2006, amend. SG. 59/20 Jul 2007, amend. SG. 64/7 Aug 2007,
amend. SG. 94/31 Oct 2008, amend. SG. 35/12 May 2009, amend. SG. 100/21 Dec 2010,
amend. SG. 39/20 May 2011, amend. SG. 77/9 Oct 2012, amend. SG. 104/3 Dec 2013,
amend. SG. 27/25 Mar 2014

Division one.
GENERAL PROVISIONS

Chapter one.
SUBJECT, SCOPE AND EFFECT

Subject
Art. 1. This code shall settle:

1. the issue, the contestation and the enforcement of the administrative acts, as well as
the contestation of the by-laws through the court;

2. the consideration and the resolution of the signals and the proposals of the citizens and
the organisations;

3. the proceedings on indemnity for damages from unlawful acts, actions or inactions of
the administrative bodies and officials;

4. the consideration of claims to be obliged an administrative body to undertake or to
restrain him/herself from undertaking a definite action;

5. the activity on equalizing of the court practice on administrative cases;

6. the enforcement of the administrative and the court acts on administrative cases;

7. (new - SG 27/14, in force from 25.03.2014) providing complex administrative services.

Scope and effect by location
Art. 2. (1) The code shall be applied for the administrative proceedings before all the
bodies of the Republic of Bulgaria, as far as otherwise provided for by a law.

(2) The provisions of the code shall not be applied for the acts:

1. of the National Assembly and of the President of the Republic of Bulgaria;

2. by which a legislative initiative is exercised;

3. by which rights and obligations are established for bodies or organisations,
subordinated to the body, who has issued the act, unless by them rights, freedoms or
legitimate interests of citizens or legal entities are concerned.
Effect with regard to the persons

Art. 3. With regard to the foreigners who stay in the Republic of Bulgaria or are participants in administrative proceedings before a Bulgarian body out of the Republic of Bulgaria, the code shall be applied as far as the Constitution and the laws do not require a Bulgarian citizenship.

Chapter two.

FUNDAMENTAL PRINCIPLES

Lawfulness

Art. 4. (1) The administrative bodies shall act within the ranges of the powers, established by the law.

(2) The administrative acts shall be issued for the purposes, on the grounds and by the order, established by the law.

(3) The subjects of the administrative process shall be obliged to exercise their rights and freedoms without harming the state and the society, as well as the rights, freedoms and the legitimate interests of the other persons.

Application of the normative act of higher rank

Art. 5. (1) When a decree, regulations, an ordinance or an instruction or another by-law contradict to a normative act of higher rank, it shall be applied the act of higher rank.

(2) When a law or a by-law contradicts to an international agreement, ratified by the constitutional order, promulgated and entered into force for the Republic of Bulgaria, it shall be applied the international agreement.

Commensurability

Art. 6. (1) The administrative bodies shall exercise their powers in a reasonable way, in good faith and fairly.

(2) The administrative act and its enforcement may not affect rights and legitimate interests in a bigger degree than the most necessarily for the purpose, which the act is issued.
(3) When by an administrative act rights are affected or obligations established for citizens or for organisations, it shall be applied these measures, which are more favourable for them, if and in this way shall be achieved the goal of the law too.

(4) From two or more legal opportunities the body shall be obliged, observing para 1, 2 and 3, to choose this opportunity, which is practicable the most economically and is the most favourable for the state and the society.

(5) The administrative bodies shall restrain themselves from acts and actions, which may cause damages, obviously incommensurated to the pursued aim.

Truthfulness

Art. 7. (1) The administrative acts shall be grounded to the real facts which are significant for the case.

(2) All the facts and arguments, significant for the case, shall be subject to assessment.

(3) The truth about the facts shall be established by the order and by the means, provided for by this code.

Equality

Art. 8. (1) All the persons, who are interested in the decision of the proceedings under this code, shall have equal procedural possibilities to participate in them for protection of their rights and legitimate interests.

(2) Within the bounds of the operative independence, under same conditions, the similar cases shall be threatened equally.

Ex officio principle

Art. 9. (1) Under the conditions, set out in the law, the administrative body shall be obliged to begin, to conduct and to finish the administrative proceedings, unless the issue of the act has been entitled to his/her free assessment.

(2) The administrative body shall collect all the necessary evidence and when there is no claim by the interested persons.

(3) The court shall point out to the parties, that for some circumstances, significant for the decision of the case, they have not given evidence.
The administrative body and the court shall give procedural cooperation to the parties for the lawful and fair decision of the issue – subject to the proceedings, including by an agreement.

**Independence and objectivity**

Art. 10. (1) The administrative body shall carry out the proceedings independently. The higher body may not take over for decision an issue which falls within his/her competence, unless this has been provided for by a law.

(2) May not participate in the proceedings an official, who is interested in their decision or has relations with some of the interested persons, which raise grounded doubts in his/her objectivity. In these cases on his/her own initiative or at request of some of the interested persons, he/she may be challenged.