

Code of Civil Procedure

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Text in Bulgarian: Граждански процесуален кодекс

PART ONE

GENERAL RULES

Chapter One

BASIC PROVISIONS

Subject Matter

Article 1. This Code regulates proceedings in civil cases.

Due Protection and Facilitation

Article 2. Courts shall be obligated to examine and adjudicate in each petition submitted thereto for protection and facilitation of personal and property rights.

Good Faith

Article 3. The persons participating in court proceedings and the representatives thereof, on pain of liability for damages, shall be obligated to exercise the procedural rights conferred thereon in good faith and in compliance with good morals. The said persons shall be obligated to present to the court nothing but the truth.

Court Language, Oral Interpreters and Sign-Language Interpreters

Article 4. (1) Court proceedings shall be conducted in the Bulgarian language.

(2) Where any persons participating in the case have no command of the Bulgarian language, the court shall appoint an oral interpreter with the assistance of whom such persons shall perform the court procedural steps and shall be provided with an explanation of the steps taken by the court.

(3) Where a deaf or a mute person participates in the case, a sign-language interpreter shall be appointed thereto.

Chapter Two

FUNDAMENTAL PRINCIPLES

Legality

Article 5. The court shall examine and adjudicate in cases according to the precise meaning of the laws, and where the laws are deficient, obscure or conflicting, according to the common sense thereof. In the absence of an applicable law, the court shall found the judgment thereof on the fundamental principles of law, custom and ethics.

Dispositive Principle

Article 6. (1) Court proceedings shall commence on a petition by the interested person or on a motion by the prosecutor in the cases specified by a law.

(2) The subject matter of the case and the amount of the protection and facilitation due shall be determined by the parties.

Ex Officio Principle

Article 7. (1) The court shall perform ex officio the procedural steps necessary for the progress and close of the case and shall see to the admissibility and due performance of the procedural steps by the parties. The court shall facilitate the parties to clarify the factual and legal aspects of the case.

(2) The court shall serve on the parties a duplicate copy of the instruments which are subject to appellate review by separate appeal.

Adversarial Principle

Article 8. (1) Each party shall have the right to be heard by the court before rendition of an instrument relevant to the rights and interests of the said party.

(2) The parties shall indicate the facts underlying the demands thereof and shall present evidence supporting the said facts.

(3) The court shall afford the parties an opportunity to familiarize themselves with the demands and arguments of the opposing party, with the subject matter of the case and the progress thereof, as well as to express a stand on the said demands, arguments and subject matter.

Equality of Parties

Article 9. The court shall afford the parties an equal opportunity to exercise the rights conferred thereon. The court shall apply the law equally in respect of all.

Establishment of the Truth

Article 10. The court shall afford the parties an opportunity and shall facilitate the parties to establish the facts relevant to adjudication of the case.

Publicity and Immediacy

Article 11. Cases shall be examined orally in public session, save as where a law provided that such examination take place in camera.

Inner Conviction

Article 12. The court shall weigh all evidence in the case and the arguments of the parties, guided by its inner conviction.

Examination and Adjudication of Cases within Reasonable Time

Article 13. The court shall examine and adjudicate in the cases within a reasonable period of time.

Chapter Three