

ANNEX I

In accordance with Article 117, third sentence of Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ("the EPPO"), the Republic of Bulgaria submits to the EPPO the following notifications regarding the national substantive criminal law provisions that apply to the offences defined in Directive (EU) 2017/1371 and other relevant national law:

Criminal Code of the Republic of Bulgaria:

Article 3

(1) The Criminal Code shall apply to all crimes committed on the territory of the Republic of Bulgaria.

Article 4

(1) The Criminal Code shall apply to the Bulgarian citizens also for crimes committed by them abroad.

Article 5

The Criminal Code shall also apply to foreign citizens who have committed crimes of general nature abroad, whereby the interests of the Republic of Bulgaria or of Bulgarian citizens have been affected.

Article 9

(1) Crime shall be an act dangerous to society (action or inaction), which has been culpably committed and which has been declared punishable by law.

Article 11

(1) An act dangerous to society shall be considered culpably committed where it is intentional or committed through negligence.

(4) Acts committed through negligence shall be punishable only in the cases provided by law.

Article 18

(1) An attempt shall be the commenced perpetration of intentional crime, whereas the act has not been completed or, although completed, the consequences dangerous to society provided by the law and desired by the perpetrator have not occurred.

(2) For an attempt, the perpetrator shall be punished by the punishment provided for completed crime, with due consideration taken of the degree of implementation of the intent and the reasons because of which the crime remained unaccomplished.

(3) For an attempt, the perpetrator shall not be punished where of his own accord:

- a) he has given up the completion of the crime, or
- b) he has averted the occurrence of criminal consequences.

Article 19

In the cases of Article 17, paragraph (3), and Article 18, paragraph (3), if the act of preparation or attempt contained elements of another crime, the perpetrator shall be held liable for that crime.

Article 20

- (1) Accomplices in the perpetration of intentional crime shall be: perpetrators, abettors and accessories.
- (2) A perpetrator shall be a person who took part in the perpetration itself of the crime.
- (3) An abettor shall be a person who intentionally incited another to commit a crime.
- (4) An accessory shall be a person who intentionally facilitated the perpetration of a crime through advice, explanations, promises to render assistance after the act, removal of obstacles, supply of means or in any other way.

Article 21

- (1) All accomplices shall be punished by the punishment provided for the perpetrated crime, with due consideration of the nature and degree of their participation.
- (2) Abettors and accessories shall be held responsible only for what they have intentionally abetted or by what they have assisted the perpetrator.
- (3) Where because of certain personal characteristics or attitude of the perpetrator the law treats the perpetrated act as a crime, liable for this crime shall be both the abettor and the accessory with respect of whom such circumstances do not exist.
- (4) The special circumstances, due to which the law excludes, reduces or increases the punishment for some of the accomplices, shall not be taken into account for the remaining accomplices with respect to whom such circumstances do not exist.

Article 22

- (1) The abettor and the accessory shall not be punished, if of their own accord they have given up further participation and hindered the perpetration of the act or averted the occurrence of criminal consequences.
- (2) In such cases the provisions of Article 19 shall apply, respectively.

Article 23

- (1) If by one act several crimes have been committed, or if a person has committed several separate crimes before the issue of sentence that has entered into force for any of them, the court shall, after determining punishments for each crime separately, impose the most severe thereof.

Article 24

Where the punishments imposed are of the same kind, the court may increase the determined total most severe punishment by at most one half, but the punishment thus increased may not exceed neither the sum total of the separate punishments, nor the maximum extent provided for the respective kind of punishment.

Article 53

- (1) Notwithstanding the penal responsibility, confiscated in favour of the state shall be:
 - a) (supplemented, SG No. 7/2019) objects belonging to the culprit that were intended or served for the perpetration of an intentional crime; where the objects are missing or are expropriated, their equivalent shall be awarded;

b) objects belonging to the culprit, which were subject of intentional crime - in the cases expressly provided in the Special Part of this Code.

(2) (New, SG No. 28/1982) Confiscated in favour of the state shall also be:

a) articles that have been subject or means of the crime, the possession of which is forbidden, and
b) (amended, SG No. 7/2019) direct or indirect benefits gained through the crime, if they are not subject to return or restoration; where the benefit is missing or is expropriated, its equivalent shall be awarded.

(3) (New, SG No. 7/2019) Within the meaning of Paragraph 2, letter "b":

1. a direct benefit shall be any economic gain, occurring as a direct consequence of the crime;
2. an indirect benefit shall be any economic gain, occurring as a result of disposal with the direct gain, as well as any property obtained as a result of subsequent full or partial transformation of a direct benefit, including when it was mixed with a property obtained from lawful sources; the property up to the value of the included benefit shall be subject to confiscation, including the occurring increases of the property, if they are directly linked to the disposal or transformation of the direct benefit and the inclusion of the direct benefit in the property.

Article 80

(1) Criminal prosecution shall be excluded by prescription where it has not been instigated in the course of:

2. fifteen years with respect to acts punishable by imprisonment for more than ten years;
3. ten years with respect to acts punishable by imprisonment for more than three years;

(...)

(3) Prescription of prosecution shall commence as from the completion of the crime, in the case of attempt and preparation - as from the day of completion of the last action, and for continuous crimes as well as for crimes in progress - as from the moment of their termination.

Article 81

(3) Notwithstanding the termination or interruption of prescription, penal proceedings shall be excluded provided a term has expired which exceeds by one half the term provided under the preceding Article.

Article 82

(1) The punishment imposed shall not be served where the following terms have elapsed:

2. fifteen years, if the punishment was imprisonment for more than ten years;
3. ten years, if the punishment was imprisonment from three to ten years;
4. five years, if the punishment was imprisonment for less than three years, and

(...)

(2) Prescription for enforcing a punishment shall start commence as from the day the sentence has entered into force, and with regard to punishment with suspended enforcement pursuant to Article 66 - as from the entry into force of the sentence or the court ruling under Article 68.

(3) Prescription shall be interrupted by any act undertaken by the respective bodies with regard to the convict for enforcement of the sentence. After the termination of the act whereby the prescription has been interrupted, a new prescription shall commence.

(4) Irrespective of the interruption and termination of prescription, the punishment shall not be enforced where a term has elapsed which exceeds the term provided in paragraph (1) by one half.

Article 93

The words and expressions indicated below shall be construed for the purpose of this Code to mean the following:

1. "Official" shall be construed as any person assigned to carry out against remuneration or without pay, temporarily or permanently:

a) the duties of an office in a state institution, with the exception of persons who carry out activities relevant solely to material production;

b) (amended, SG No. 10/1993, supplemented, SG No. 62/1997, SG No. 43/2005, amended, SG No. 26/2010) management work and work related to safeguarding or managing property belonging to others in a state enterprise, co-operative, public organisation, another legal person or sole proprietor, as well as a notary and assistant-notary, private enforcement agent and assistant private enforcement agent;

15. (New, SG No. 7/1999) "A foreign official" shall be any person performing:

a) duties in a foreign country's office or agency;

b) functions assigned by a foreign country, inclusive of a foreign state-owned enterprise or organisation;

c) (supplemented, SG No. 92/2002) duties, assignments or tasks delegated by an international organisation, as well as holding office in an international parliamentary assembly or an international court of justice;

d) (new, SG No. 74/2015) functions of an arbitrator assigned in accordance with the law of a foreign country;

Article 201

(Supplemented, SG No. 28/1982, amended, SG No. 10/1993, supplemented, SG No. 50/1995; Decision No. 19 of the Constitutional Court of the Republic of Bulgaria, SG No. 97/1995)

(1) (Previous text of Article 201, SG No. 83/2019) An official who appropriates from another sums of money, objects or other valuables, deposited with him in his capacity or entrusted to him for safekeeping and management, and disposes with them to his own interest or to the personal interest of another, shall be punished for embezzlement by official, by imprisonment for up to eight years, and the court may also rule confiscation of up to one half of the culprit's property and deprive him of rights under Article 37 (1), sub-paragraphs 6 and 7.

(2) (New, SG No. 83/2019) The punishment set out in paragraph 1 shall also be imposed where the offence has been committed by a foreign official.

Article 202

(2) For embezzlement by official the punishment shall be imprisonment from three to fifteen years:

3. (new, SG No. 92/2002) where the funds appropriated come from funds, which are the property of the European Union or which have been granted by the European Union to the Bulgarian State.

(3) (Supplemented, SG No. 28/1982, amended, SG No. 92/2002, effective 1.01.2005 - amended, SG No. 26/2004, effective 1.01.2004, SG No. 103/2004, effective 1.01.2005) In the cases of the preceding paragraphs, the court shall deprive the perpetrator of the rights under Article 37, Paragraph 1, sub-paragraphs 6 and 7. The court may also rule confiscation pursuant to paragraph (1) of up to one half, and under paragraph (2) - of the whole or part of the culprit's property.

Article 212

(Supplemented, SG No. 95/1975, amended, SG No. 28/1982)

(1) (Amended, SG No. 10/1993, amended and supplemented, SG No. 26/2010) A person who, by using a document of untrue content or an untrue or falsified document, obtains without legal grounds movable or immovable property of another person with the intention to appropriate it, shall be punished by imprisonment from two to eight years.

(2) (Amended and supplemented, SG No. 27/2009) The punishment under paragraph (1) shall also be imposed on a person who, by drawing up a document of untrue contents or an untrue or falsified document, consciously provides opportunity for another natural person or legal entity to obtain such property without legal grounds.

(3) (New, SG No. 92/2002) Where the property comes from funds, which are owned by the European Union or that has been granted to the Bulgarian State by such funds, punishment shall be imprisonment from three to ten years.

(4) (Renumbered from Paragraph 3, SG No. 92/2002) If the property under the preceding paragraphs is of large scale or the act constitutes dangerous recidivism, the punishment shall be imprisonment for three to fifteen years.

(5) (Renumbered from Paragraph 4, SG No. 92/2002) For documentary deceit of particularly large scale, constituting a particularly grave case, the punishment shall be imprisonment for ten to twenty years.

(6) (Renumbered from Paragraph 5, SG No. 92/2002) In minor cases under paragraphs (1) and (2) the punishment shall be imprisonment for up to two years or probation.

(7) (Renumbered from Paragraph 6, SG No. 92/2002, amended, SG No. 27/2009) In the cases of paragraph (1), the court may rule confiscation of up to one half of the culprit's property and may deprive him of rights under Article 37 (1), sub-paragraphs 6 and 7, and in the cases under paragraphs (3), (4) and (5), the court shall rule confiscation of part or of the whole property of the culprit and shall deprive him of rights under Article 37 (1), sub-paragraphs 6 and 7.

Article 248a

(New, SG No. 75/2006)

(1) (Amended, SG No. 26/2010) A person who, for the purpose of obtaining credit facility, submits untrue information, shall be punished by imprisonment for up to three years and a fine from BGN 1,000 to BGN 5,000.

(2) (Amended and supplemented, SG No. 101/2017) The same punishment shall be imposed on a person who submits any untrue information or who withholds any information in violation of an obligation to disclose such information in order to receive financial resources from funds belonging to the European Union or such provided by the European Union to the Bulgarian State, as well as financial resources belonging to the Bulgarian State and used for co-financing of projects funded with resources from said funds.

(3) (Amended, SG No. 26/2010, amended and supplemented, SG No. 101/2017) Where the deed act under paragraphs 1 and 2 has been committed by a manager or representative of a legal person or by a trader, the punishment shall be imprisonment from one to six years and a fine from BGN 2,000 to 10,000.

(4) The punishment under Paragraph (3) shall also be imposed on the official who has given permission for the credit facility or who released the resources referred to in Paragraph (2), provided he knew that the information submitted was untrue.

(5) (New, SG No. 27/2009, amended, SG No. 26/2010, SG No. 101/2017) If, as a result of the act under Paragraph 2, resources are received from funds belonging to the European Union or provided by the European Union to the Bulgarian State, as well as resources belonging to the

Bulgarian State used to co-finance projects financed with resources from said funds, the punishment shall be imprisonment from two to eight years.

Article 253

(Amended, SG No. 28/1982, repealed, SG No. 10/1993, new, SG No. 62/1997)

(1) (Amended, SG No. 85/1998, SG No. 26/2004, supplemented, SG No. 75/2006) The one who concludes a financial operation or property transaction or conceals the origin, location, movement or the actual rights in the property, which is known or assumed to be acquired through crime or another act that is dangerous for the public, shall be punished for money laundering by imprisonment from one to six years and a fine from BGN three thousand to five thousand.

(2) (New, SG No. 26/2004, supplemented, SG No. 75/2006) The punishment under paragraph 1 shall also be imposed on the one who acquires, receives, holds, uses, transforms or assists, in any way whatsoever, the transformation of property, which is known or assumed, as of its receipt, to have been acquired through crime or another act that is dangerous for the public.

(3) (Renumbered from Paragraph 2, supplemented, SG No. 26/2004) The punishment shall be imprisonment for one to eight years and a fine from BGN five thousand to twenty thousand, if the act under paras 1 and 2 has been committed:

1. (amended, SG No. 26/2004) by two or more individuals, who have reached preliminary agreement, or by an individual who acts on the orders of or executes a decision of an organised criminal group;
2. two or more times;
3. by an official within the sphere of his office;
4. (new, SG No. 26/2004) through opening or maintaining an account with a financial institution, under a false name or the name of an individual who has given consent to this effect;
5. (new, SG No. 103/2020) by an obligated person under Article 4 of the Measures against Money Laundering Act or by his employee or worker during or on the occasion of fulfillment of the obligations under the same Act.

(4) (New, SG No. 21/2000, renumbered from Paragraph 3, supplemented, SG No. 26/2004, amended, SG No. 75/2006) The punishment shall be deprivation of liberty from three to twelve years and a fine from BGN 20,000 to BGN 200,000 where the act under Paragraphs (1) and (2) has been committed by the use of funds or property which the perpetrator knew or supposed to have been acquired through a serious crime of intent.

(5) (New, SG No. 85/1998, renumbered from Paragraph 3, SG No. 21/2000, renumbered from Paragraph 4, amended, SG No. 26/2004, SG No. 75/2006) Where the funds or property are in extremely large amounts and the case is extremely grave, the punishment shall be imprisonment for five to fifteen years and a fine from BGN 10,000 to BGN 30,000, and the court shall suspend the rights of the guilty person under Items 6 and 7 of Article 37 (1).

(6) (New, SG No. 85/1998, renumbered from Paragraph 4, SG No. 21/2000, renumbered from Paragraph 5, amended, SG No. 26/2004) The object of crime or the property into which it has been transformed shall be forfeited to the benefit of the state, and where absent or alienated, its equivalent shall be awarded.

(7) (New, SG No. 26/2004) Provisions of paras 1 through 6 shall also apply where the crime through which property has been acquired falls outside the criminal jurisdiction of the Republic of Bulgaria.

Article 254b

(New, SG No. 24/2005)

(1) (Amended, SG No. 26/2010) A person who uses any financial resources received from funds belonging to the European Union or such provided by the European Union to the Bulgarian State for any purpose other than as intended, shall be punished by imprisonment from one to six years.

(2) (Amended, SG No. 26/2010) If an official orders commission of the act referred to in the preceding paragraph, the punishment shall be imprisonment from two to eight years, and the court may deprive the convict of rights under Items 6 and 7 of Article 37 (1).

Article 255

(Amended, SG No. 28/1982, SG No. 89/1986, repealed, SG No. 10/1993, new, SG No. 62/1997, effective 5.11.1997, amended, SG No. 75/2006)

(1) A person who avoids the assessment or payment of large-scale tax obligations by:

1. failing to file a tax return;
2. confirming a lie or withholding the truth in a statement filed by him/her;
3. failing to issue an invoice or another accounting document;
4. destroying, concealing or failing to store accounting documents or registries within the statutory timelines;
5. carrying out or allowing accounting to be carried out in violation of accounting legislation requirements;
6. compiling or making use of a document with untrue content, a false or counterfeited document in economic operations, in accounting or in providing information to revenue authorities or public enforcement agents;
7. obtaining undue input tax,

(amended, SG No. 26/2010) shall be punished by imprisonment from one to six years and a fine from up to BGN 2,000.

Article 301

(1) (Amended, SG No. 51/2000, SG No. 92/2002) An official who demands or accepts a gift or any other undue benefit, or accepts a proposal or a promise for a gift or benefit, in order to perform or to fail to perform an act connected with his service, or because he has performed or failed to perform such an act, shall be punished for bribery by imprisonment for up to six years and a fine of up to BGN 5,000.

(2) (Amended, SG No. 51/2000, SG No. 92/2002) If the official has committed any of the acts under Paragraph 1 in order to violate, or for having violated his service, where this violation does not constitute a crime, the punishment shall be imprisonment of up to 8 to eight years and a fine of up to BGN 10,000.

(3) (Amended, SG No. 95/1975, SG No. 51/2000, SG No. 92/2002) If the official has committed any of the acts under paragraph 1 in order to perform or because of having performed another crime in connection with his service, the punishment shall be imprisonment of up to ten years and a fine of up to BGN 15,000.

(4) (Amended, SG No. 89/1986) In the cases of the preceding paragraphs, the court shall rule deprivation of the rights under Article 37 (1), sub-paragraphs 6 and 7.

(5) (New, SG No. 92/2002) Punishment under Paragraph 1 shall also be imposed to a foreign official who requests or accepts bribery or accepts a proposal for or a promise of bribery.

Article 302

For bribery committed:

1. (supplemented, SG No. 92/2002, SG No. 26/2010) by a person holding a responsible official position, including that of a judge, assessor, prosecutor, or investigator or of a police body or of an investigating police officer;
2. through blackmail with abuse of one's official position;
3. (amended, SG No. 28/1982) for a second time, and
4. on a large scale, the punishment shall be:
 - a) (supplemented, SG No. 89/1986, amended, SG No. 51/2000, supplemented, SG No. 92/2002) in the cases of Article 301, paragraphs (1) and (2) - imprisonment for three to ten years, fine of up to BGN twenty thousand, and deprivation of rights under Article 37 (1), sub-paragraphs 6 and 7;
 - b) (amended, SG No. 89/1986, supplemented, SG No. 92/2002) in the cases of Article 301, paragraph (3) - imprisonment from three to fifteen years, fine of up to BGN twenty-five thousand, and confiscation of up to one half of the culprit's property, and the court shall rule deprivation of rights under Article 37 (1), sub-paragraphs 6 and 7.

Article 302a

(New, SG No. 89/1986, supplemented, SG No. 92/2002)

For bribery in particularly large amounts, representing a particularly grave case, the punishment shall be imprisonment from ten to thirty years, fine of up to BGN thirty thousand, confiscation of the whole or part of the culprit's property and deprivation of rights under Article 37 (1), sub-paragraphs 6 and 7.

Article 304

(Amended and supplemented, SG No. 7/1999, amended, SG No. 51/2000, SG No. 92/2002)

(1) A person who offers, promises, or gives a gift or any other material benefit to an official in order to perform or not to perform an act within the framework of his service, or because he has performed or has not performed such an act, shall be punished by imprisonment for a term of up to six years and a fine from up to BGN five thousand.

(2) If in connection with such bribe the official has violated his official duties, the punishment shall be imprisonment for a term of up to eight years and a fine from up to BGN seven thousand, where this violation does not constitute a graver punishable crime.

(3) The punishment as per paragraph (1) above shall be also inflicted on any person who gives a bribe to a foreign official.

Article 304a

(New, SG No. 51/2000, amended, SG No. 92/2002, supplemented, SG No. 26/2010)

A person who proposes, promises or gives a bribe to an official in a responsible position, including that of a judge, assessor, prosecutor, or investigator, or of a police body or of an investigating police officer, shall be punished by imprisonment for a term of up to ten years and a fine from up to BGN fifteen thousand.

Article 304c

(New, SG No. 74/2015)

The punishment under the previous articles shall also be imposed when the gift or benefit was proposed, promised or given to another person with the consent of the official, the foreign official, or the person who claims that he/she can exert influence.

Article 321

(1) (Amended, SG No. 92/2002) A person who forms or leads an organized criminal group, shall be punished by imprisonment for three to five years.

(2) (Amended, SG No. 92/2002) A person who takes part in such a group shall be punished by imprisonment for one to six years.

(3) (New, SG No. 62/1997, amended, SG No. 21/2000, SG No. 92/2002, supplemented, SG No. 27/2009, amended and supplemented, SG No. 26/2010) Where the group is armed, or formed with a venal goal or for the purposes of performing crimes under articles 142, 142a, 143a, 243, 244, 253, 280, 337, 339, Paragraph 1 - 4, 354a, Paragraph 1 and 2 and 354b, Paragraph 1 - 4 or an official takes part in it, the punishment shall be:

1. under paragraph (1) - imprisonment for five to fifteen years;
2. under paragraph (2) - imprisonment for three to ten years.

Administrative Violations and Sanctions Act

Article 70

(Supplemented, SG No. 28/1982, SG No. 63/2017, effective 5.11.2017, amended, SG No. 109/2020, effective 23.12.2021)

(2) Administrative penal proceedings shall be subject to resumption in the following cases:
5. the act with regard to which the administrative-penal proceedings have been finalised constitutes a crime;

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.

Labour Code

Article 186

A culpable failure to fulfil labour duties shall constitute a breach of work discipline. The offender shall be penalised by the disciplinary sanctions provided for in this Code without prejudice to the financial, administrative penalty or criminal liability, if such liability is provided for.

Civil Servants Act

Article 89.

(4) Any civil servant shall incur disciplinary liability, irrespective of whether his or her act may be ground for incurrence of another type of liability as well.

Criminal Procedure Code

Article 24

(1) Criminal proceedings shall not be instituted and, if instituted, they shall be terminated, where:
8a. (New, SG No. 63/2017, effective 5.11.2017) The act committed constitutes an administrative violation for which the administrative penal proceedings have been completed;

(4) (New, SG No. 63/2017, effective 5.11.2017) Criminal proceedings shall be terminated on the grounds of Paragraph (1), Item 8a, if in the cases specified in Article 25, Item 5 no proposal to reopen the administrative penal proceedings has been made or such proposal has not been upheld within one month of the suspension.

Article 25

(1) (Previous text of Article 25, SG No. 63/2017, effective 5.11.2017) Criminal proceedings shall be suspended, where:

5. (New, SG No. 63/2017, effective 5.11.2017) Administrative penal proceedings for the same act, which constitutes a crime, have been completed;

Article 72

(1) Upon request of the prosecutor, the competent court of first instance, sitting in a panel of one, in camera, shall apply measures to secure the fine, confiscation, and forfeiture of objects to the benefit of the state, in pursuance of the procedure set forth in the Code of Civil Procedure.

(2) In the course of court proceedings the court shall take the measures under Paragraph 1 upon request of the prosecutor.

Article 205

(1) Where they come to know about a perpetrated publicly actionable criminal offence the citizens shall be publicly obligated to notify forthwith a pre-trial authority or another state body.

(2) Where they come to know about a perpetrated publicly actionable criminal offence the officials must notify forthwith the body of pre-trial proceedings and take the necessary measures for the preservation of the general setup and data about the crime.

(3) In cases under Paragraphs 1 and 2 pre-trial authorities shall immediately exercise their powers to institute criminal proceedings.

Article 207

(1) Pre-trial proceedings shall be instituted where there is a statutory occasion and sufficient information about the perpetration of a crime.

Article 208

The following shall be considered statutory occasions for the commencement of investigation:

1. a notice sent to the pre-trial authorities of the perpetration of a criminal offence;
2. information about a perpetrated criminal offence, distributed by the mass media;
3. appearance of the perpetrator in person before the pre-trial authorities with a confession about a perpetrated crime;
4. direct discovery by pre-trial authorities of signs of a perpetrated crime.

Article 209

(1) The notice of a perpetrated crime must contain data about the person who is the author thereof. Anonymous notices shall not be statutory occasions for the commencement of investigation.

(2) (Amended, SG No. 110/2020, effective 30.06.2021) Notices may be oral or written. Written notices may be legal occasions for the commencement of investigation only where signed. They may also be sent electronically if they are signed with a qualified electronic signature in compliance with the requirements of the law. Oral notices shall be put down in a record to be signed by the individual making the statement and the body taking it.

Article 210

Where the perpetrator appears in person pre-trial authorities shall establish the identity of the person and shall draw up a record with detailed statement of the confession. The record shall be signed by the appearing person and the body before which confession was made.

Article 211

(1) Sufficient data for institution of pre-trial proceedings shall be considered to be at hand, where a reasonable assumption can be made that a crime has been committed.

(2) No data shall be necessary, from which inferences can be made about the persons who have perpetrated a crime, or about the applicable criminal law in order to institute pre-trial proceedings.

Civil Procedure Code

Article 391

(1) An injunction securing the action shall be granted where, without such an injunction, it will be impossible or difficult for the plaintiff to realize the rights under the judgment and if:

1. the action is supported by convincing written evidence, or
2. a bond is furnished in an amount determined by the court according to Articles 180 and 181 of the Obligations and Contracts Act.

(2) The court may oblige the plaintiff to furnish a bond of money or property in an amount determined by the court even in the case referred to in Item 1 of Paragraph (1).

(3) The amount of the bond shall be determined on the basis of the amount of the direct and immediate damages which the respondent will incur if the injunction is unfounded.

(4) The State, the government institutions and the medical-treatment facilities covered under Article 5 (1) of the Medical-Treatment Facilities Act shall be exempted from furnishing a bond.

(5) An injunction securing the action shall be granted even when the case is stayed.

Article 394

The court may grant an injunction securing the full amount of the action or only such portions of the action as are supported by sufficient evidence.

Article 395

(1) The petition for an injunction shall specify the precautionary measure and the cost of the action. A duplicate copy of the said petition shall not be served on the opposing party.

(2) The petition shall be adjudicated in camera on the day on which the said petition is submitted.

(3) On the basis of the ruling whereby the petition is granted, the court shall issue an injunctive order. Where a bond has been set, the court shall issue an injunctive order after the said bond has been deposited.

Article 396

(1) The ruling of the court on an injunction securing the action shall be appealable by an interlocutory appeal within one week which shall begin to run, in respect of the petitioner, as from the service of the said ruling and, in respect of the respondent, as from the day of service thereon of a communication of the precautionary measure imposed by the enforcement agent, by the Recording Office or by the court in the cases referred to in Item 3 of Article 397 (1) herein.

(2) (Supplemented, SG No. 100/2010, effective 21.12.2010, SG No. 86/2017) A duplicate copy of the interlocutory appeal shall be served on the opposing party for an answer within one week. In an appellate review of a ruling whereby a motion to grant an injunction securing the action has been denied, a duplicate copy of the interlocutory appeal of the petitioner shall not be served on the respondent. In case the intermediate appellate review court grants the injunction, the ruling of the said court shall be appealable by an interlocutory appeal before the Supreme Court of Cassation if the prerequisites covered under Article 280 (1) and (2) herein apply.

(3) The ruling whereby an injunction securing the action is granted may not be stayed by reason of being appealed by an interlocutory appeal.

Article 397

(1) An injunction shall be effected:

1. by means of imposition of a preventive attachment of a corporeal immovable;
2. by means of garnishment of movable things and receivables of the debtor;
3. through other appropriate measures determined by the court, including through a suspension from operation of a motor vehicle and through a stay of enforcement.

(2) The court may grant several types of injunction up to the amount of the cost of action as defined in Article 69 (1) herein.

Article 398

(1) The court, acting on a motion by one of the parties, may, after notifying the other party and taking into account the oppositions thereof lodged within three days after the communication, grant the replacement of one type of injunction by another type.

(2) Where the injunction secures an action appraisable in money, the respondent may always replace the injunction as granted by the court by a pledge of money or of securities according to Articles 180 and 181 of the Obligations and Contracts Act without the consent of the other party. This shall not apply to any injunction securing actions for ownership.

(3) In the cases referred to in Paragraphs (1) and (2), the garnishment and preventive attachment shall be dissolved.

Article 399

If the action is based on a contract which specifies the immovable which is to serve as security, the injunction shall be granted solely in respect of the said immovable, unless the said immovable is not available or has been encumbered, in the intervening time, by other charges which render the security insufficient.

Article 400

(1) Garnishment shall be imposed immediately by the enforcement agent on a motion by the petitioner on the basis of the injunctive order of the court according to Article 449 (1), Article 450 (1) and (2), Articles 507, 515, 516 and 517 herein, and a communication instead of a summons to voluntary compliance shall be served on the respondent. In case of garnishment of a movable thing, the enforcement agent shall take an inventory, conduct an appraisal and deliver the thing for safekeeping according to Articles 465 to 472 herein.

(2) Preventive attachment shall be imposed by recording of the injunctive order of the court in the notarial books. The Recording Office shall notify the respondent of the recording effected.

Article 401

A garnishment and a preventive attachment, imposed to secure an action, shall take the effect provided for in Articles 451 to 453, Article 456 (1), Articles 508, 509 and Articles 512 to 514 herein. The secured creditor may bring an action against the garnishee for the sums or the corporeal things which the said garnishee refuses to surrender voluntarily. Articles 435 (4) and Article 440 herein shall apply to this case.

Article 402

(1) Dissolution of the injunction shall be decreed on a petition by the interested party. A duplicate copy of the petition shall be served on the person on whose motion the injunction has been imposed. The said person may lodge oppositions within three days after receipt of the duplicate copy.

(2) The court, sitting in camera, shall dissolve the injunction after satisfying itself that the reason for which the said injunction was granted no longer exists, or that the conditions referred to in Article 398 (2) herein apply. The ruling of the court shall be appealable by an interlocutory appeal.

(3) The lifting of the garnishment, the striking of the preventive attachment, as well as the dissolution of the other precautionary measures shall be effected on the basis of the enforceable ruling of the court.

Article 403

(1) If the action for the securing of which the injunction has been granted is dismissed or if the said action is not brought within the time limit set to the plaintiff, or if the case is dismissed, the respondent may seek from the plaintiff recovery of the damages inflicted as a result of the injunction.

(2) In the cases referred to in Paragraph (1), for the release of the bond furnished, the interested party shall submit a petition with a duplicate copy for the opposing party. Within one week after service of the petition, the respondent may lodge an opposition to the release of the bond and, within one month, bring an action for the damages inflicted thereon. If the respondent fails to lodge an opposition and to bring such an action within the said time limits, the bond shall be released.

National Audit Office Act**Article 58**

(1) If available data point to crime, the National Audit Office shall forward the audit report and the materials enclosed with it to the Prosecutor's Office.

(2) The prosecution authorities shall keep the National Audit Office informed about the actions undertaken in connection with the materials referred to in paragraph 1.

(3) The National Audit Office may not disclose any data in the cases referred to in paragraph 1 until the completion of the criminal proceedings.

(4) If available data point to crime in the management of accounts for European Union funds, by a decision of the National Audit Office the audit materials or the audit report shall also be forwarded to the specialised European Union authorities for prevention and combating of fraud and corruption.

Independent Financial Audit Act

Article 77

(1) In implementation of its function, the Commission:

7. shall notify the prosecutors' authorities when establishing evidence of crimes committed;

Management of Resources from the European Structural and Investment Funds Act

Article 11

(1) The Protection of the European Union Financial Interests Directorate (AFCOS) within the structure of the Ministry of Internal Affairs shall report irregularities to the European Anti-Fraud Office and shall exercise control on the application of the procedures for the administration of irregularities affecting ESIF resources.

ORDINANCE for Administration of Irregularities under the European Structural and Investment Funds

Article 2.

Responsible for the implementation of the activities under art. 1, para. 2 are:

1. the heads of the Managing Authorities (MA) of the operational programs, the head of the MA of the Rural Development Program and of the Maritime and Fisheries Program;
2. the head of the programs for European territorial cooperation;
3. the executive director of the State Fund "Agriculture";
4. the heads of the intermediate bodies.

Article 12

(2) In cases where the signals for irregularity contain information for suspicion of fraud involving bodies under Art. 2, the signal shall be submitted to the respective law enforcement bodies with a copy to the Director of the AFCOS Directorate.

Article 28

Upon establishing an irregularity, the bodies under Art. 2, responsible for the application of Art. 3, are obliged to:

1. notify the competent authorities in cases of suspicion of a committed crime;

Article 32

(1) The results of the inspections shall be set out in a report with findings, recommendations and terms for implementation. The report shall be sent to the head of the inspected administrative structure, who may give a written opinion within 15 days.

(4) Depending on the findings in the final report, the Director of the AFCOS Directorate shall:

1. give recommendations to the head of the inspected administrative structure and respective terms for their implementation;
2. send a signal to the competent bodies for seeking administrative-penal and/or disciplinary responsibility by the respective order in the presence of data for committed administrative violation;
3. send a signal to the respective law enforcement bodies in the presence of data for committed crime;

§1. 4. "suspected fraud" means an irregularity giving rise to administrative or judicial proceedings at national level for the purpose of determining the existence of certain intentional conduct, in particular fraud, as referred to in Article 1 (1), Point (a) of the Convention of 26 July 1995, adopted on the basis of Article K.3 of the Treaty on European Union, on the protection of the European Communities' financial interests "in respect of expenditure" means any intentional act or omission relating to:

- (a) the use or submission of false, inaccurate or incomplete declarations or documents leading to misuse or misappropriation of funds from the general budget of the European Union or from budgets managed directly by or on behalf of the European Union;
- (b) concealment of information in breach of a specific obligation having the same effect;
- (c) spending such funds for purposes other than those for which they were originally granted.

Statistics Act

Article 7

(1) The National Statistical Institute shall:

1. coordinate the State's statistical activity of the State by means of:

(...)

9. provide statistical information to domestic and international users;

10. (new, SG No. 98/2008) provide individual data and aggregate statistical information to Eurostat for the production of European statistical information;

Article 24

(3) (Supplemented, SG No. 98/2008) Statistical information shall be provided free of charge to international statistical organisations if so stipulated in an international treaty to which the Republic of Bulgaria is a party.

Judiciary System Act

Article 377

(Amended, SG No. 33/2009)

The Supreme Judicial Council shall provide the National Institute of Statistics with statistical data for publication, in accordance with the Statistics Act.

Article 378

(Amended, SG No. 33/2009)

(1) The integrated information system for combating crime (IISCC) shall be a totality of automated information systems and shall consist of a central component (core) of the system, linked to the systems of the Judiciary and of the Executive, which shall process information about events and items and, taken as a whole, shall provide integrated information support to the activities of combating crime.

(2) The judicial authorities, the Ministry of Interior, the State Agency for National Security, the Ministry of Defence, the Ministry of Justice and the Ministry of Finance, in conformity with the requirements of Paragraph (3), shall establish, maintain, use and develop intra-agency information systems which shall be part of the IISCC or shall exchange information therewith.

ANNEX II

In compliance with Article 117, fifth sentence of Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ("the EPPO"), the Republic of Bulgaria notifies EPPO that in accordance with Article 30(3) of the Regulation, it limits the application of points (e) and (f) of Article 30(1) to the serious intentional crimes (crimes punishable with maximum sanction exceeding five years deprivation of liberty), as specified in Article 172, paragraph 2 of the Criminal Procedure Code:

Article 172

(2) (Supplemented, SG No. 60/2011, SG No. 17/2013, amended, SG No. 42/2015, amended and supplemented, SG No. 39/2016, effective 26.05.2016) Special intelligence means shall be used where this is required for the investigation of serious criminal offences of intent under Chapter one, Chapter two, Sections I, II, IV, V, VIII, and IX, Chapter three, Section III, Chapter five, Sections I – VII, Chapter six, Section II – IV, Chapter eight, Chapter eight "a", Chapter nine "a", Chapter eleven, Sections I – IV, Chapter twelve, Chapter thirteen, and Chapter fourteen, as well as with regard to criminal offences under Article 219, Paragraph 4, proposal 2, Article 220, Paragraph 2, Article 253, Article 308, Paragraphs 2, 3, and 5, sentence two, Article 321, Article 321a, Article 356k and 393 of the Special Part of the Criminal Code, where the irrelevant circumstances cannot be established in any other way or this would be accompanied by exceptional difficulties.

ANNEX

In accordance with Article 117 of Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ("the EPPO"), the Republic of Bulgaria submits to the European Chief Prosecutor, General Secretariat of the Council and the European Commission the following notifications regarding the national authorities that are competent for the purposes of implementing this Regulation:

Articles EPPO Regulation	Competent national authorities
5(6)	The national authorities notified bellow.
28(1) и (4), 31 (4)	<p>Investigators in the investigation department of the specialized prosecutor's office; investigating officers appointed by an order of the Minister of Interior and investigating customs inspectors appointed by an order of the Minister of Finance, upon the proposal of the director of the Customs Agency.</p> <p>Individual actions related to the investigation of the crime can be assigned to the relevant bodies of the Ministry of Interior, of the Counter-Corruption and Unlawfully Acquired Assets Forfeiture Commission, the State Agency for National Security, or the Customs Agency.</p> <p>If needed, cooperation can also be sought by delegation from the public prosecutors, the investigators, the investigating police officers, the police authorities at the Ministry of Interior, the Customs authorities.</p>
28 (2)	Investigators in the investigation department of the Specialized Prosecutor's Office; investigating officers appointed by an order of the Minister of Interior and investigating customs inspectors appointed by an order of the Minister of Finance, upon the proposal of the director of the Customs Agency.
91(6)	Investigators in the investigation department of the Specialized Prosecutor's Office; investigating officers appointed by an order of the Minister of Interior and investigating customs inspectors appointed by an order of the Minister of Finance, upon the proposal of the director of the Customs Agency.

<p>10(3)(d), 24(2)–(3) 25(1) to (5), 26(7), 27(2) to (8), 34(1) to (3)/(5) to (7)</p>	<p>The Supreme Prosecutor’s Office of Cassation of the Republic of Bulgaria.</p> <p>Ministry of Interior:</p> <ul style="list-style-type: none"> - National Police General Directorate; - General Directorate for Combating Organised Crime; - Border Police General Directorate; <p>National Customs Agency – Central Customs Directorate.</p>
<p>24 (1)</p>	<p>In general these can be any national authority which, in the course of their activities, has received information about any criminal conduct in respect of which EPPO could exercise its competence in accordance with Article 22, Article 25(2) and (3) of Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor’s Office (“the EPPO”), including:</p> <p>Protection of the European Union Financial Interests Directorate in the Ministry of the Interior;</p> <p>Deputy Prime-Minister under Art. 5, par.1, point 2 of the Rules of procedure of the Council of Ministers and its Administration;</p> <p>Deputy Minister of Interior, designated by the Minister of Interior;</p> <p>Minister of Economy;</p> <p>Minister of Environment and Water;</p> <p>Minister of Transport, Information Technology and Communications;</p> <p>Deputy Minister of Finance, responsible for the management of the resources from EU funds and programmes;</p> <p>Deputy Minister of Agriculture, Food and Forestry, responsible for the management of resources from EU funds and programmes;</p> <p>Deputy Minister of Labour and Social Policy, responsible for the management of resources from EU funds and programmes;</p>

	<p>Deputy Minister of Regional Development and Public Works, responsible for the management of resources from EU funds and programmes;;</p> <p>Executive Director of Executive Agency “Science and Education for Smart Growth Operational Programme”;</p> <p>Vice-President of the State Agency for National Security, designated by the President of the State Agency for National Security;</p> <p>Executive Director of State Fund "Agriculture";</p> <p>Executive Director of Executive Agency “Audit of European Union Funds”</p> <p>Director of the Public Financial Inspection Agency;</p> <p>Executive Director of the Public Procurement Agency;</p> <p>Executive Director of the National Revenue Agency;</p> <p>Director of the Customs Agency;</p> <p>Executive Director of Executive Agency “Certification audit of European agriculture funds”;</p> <p>Secretary General of the Ministry of Interior;</p>
24(8)	The Supreme Prosecutor’s Office of Cassation of the Republic of Bulgaria
25(6)	The Supreme Prosecutor’s Office of Cassation of the Republic of Bulgaria
33(2)	<p>The European Delegated Prosecutor shall be competent to issue an European Arrest Warrant during the investigation phase;</p> <p>The Specialised Criminal Court shall be competent to issue an European Arrest Warrant during the trial phase.</p>

36(6)	<p>Depending on the specifics of the case, competent national authorities can be any national authority, including:</p> <p>Protection of the European Union Financial Interests Directorate in the Ministry of the Interior;</p> <p>Deputy Prime-Minister under Art. 5, par.1, point 2 of the Rules of procedure of the Council of Ministers and its Administration;</p> <p>Deputy Minister of Interior, designated by the Minister of Interior;</p> <p>Minister of Economy;</p> <p>Minister of Environment and Water;</p> <p>Minister of Transport, Information Technology and Communications;</p> <p>Deputy Minister of Finance, responsible for the management of the resources from EU funds and programmes;</p> <p>Deputy Minister of Agriculture, Food and Forestry, responsible for the management of resources from EU funds and programmes;</p> <p>Deputy Minister of Labour and Social Policy, responsible for the management of resources from EU funds and programmes;</p> <p>Deputy Minister of Regional Development and Public Works, responsible for the management of resources from EU funds and programmes;;</p> <p>Executive Director of Executive Agency “Science and Education for Smart Growth Operational Programme”;</p> <p>Vice-President of the State Agency for National Security, designated by the President of the State Agency for National Security;</p> <p>Executive Director of State Fund "Agriculture";</p> <p>Executive Director of Executive Agency “Audit of European Union Funds”</p> <p>Director of the Public Financial Inspection Agency;</p> <p>Executive Director of the Public Procurement Agency;</p>
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	<p>Executive Director of the National Revenue Agency;</p> <p>Director of the Customs Agency;</p> <p>Executive Director of Executive Agency “Certification audit of European agriculture funds”;</p> <p>Secretary General of the Ministry of Interior;</p>
<p>39(4), first sentence</p>	<p>The Supreme Prosecutor’s Office of Cassation of the Republic of Bulgaria;</p> <p>Ministry of Interior:</p> <ul style="list-style-type: none"> - National Police General Directorate; - General Directorate for Combating Organised Crime; - Border Police General Directorate; <p>National Customs Agency – Central Customs Directorate.</p>
<p>39(4), second sentence</p>	<p>Depending on the specifics of the case, competent national authorities can be any national authority, including:</p> <p>Protection of the European Union Financial Interests Directorate in the Ministry of the Interior;</p> <p>Deputy Prime-Minister under Art. 5, par.1, point 2 of the Rules of procedure of the Council of Ministers and its Administration;</p> <p>Deputy Minister of Interior, designated by the Minister of Interior;</p> <p>Minister of Economy;</p> <p>Minister of Environment and Water;</p> <p>Minister of Transport, Information Technology and Communications;</p> <p>Deputy Minister of Finance, responsible for the management of the resources from EU funds and programmes;</p> <p>Deputy Minister of Agriculture, Food and Forestry, responsible for the management of resources from EU funds and programmes;</p>

	<p>Deputy Minister of Labour and Social Policy, responsible for the management of resources from EU funds and programmes;</p> <p>Deputy Minister of Regional Development and Public Works, responsible for the management of resources from EU funds and programmes;;</p> <p>Executive Director of Executive Agency “Science and Education for Smart Growth Operational Programme”;</p> <p>Vice-President of the State Agency for National Security, designated by the President of the State Agency for National Security;</p> <p>Executive Director of State Fund "Agriculture";</p> <p>Executive Director of Executive Agency “Audit of European Union Funds”</p> <p>Director of the Public Financial Inspection Agency;</p> <p>Executive Director of the Public Procurement Agency;</p> <p>Executive Director of the National Revenue Agency;</p> <p>Director of the Customs Agency;</p> <p>Executive Director of Executive Agency “Certification audit of European agriculture funds”;</p> <p>Secretary General of the Ministry of Interior;</p>
<p>96(6)</p>	<p>The Supreme Judicial Council of the Republic of Bulgaria;</p> <p>The Prosecutor General of the Republic of Bulgaria;</p> <p>The Minister of Finance;</p>
<p>104(7)</p>	<p>The Prosecutor General - in respect of an accused party or a convict whose sentence has entered into force;</p> <p>The Minister of Justice - in respect of trial defendants, at the proposal of the Specialised Criminal Court.</p>