

Case Details

Case Details

National ID	528/2002
Member State	Bulgaria
Common Name	S-1 Valentin Vasilev v. Commission on Consumer Protection
Decision type	Other
Decision date	17/05/2002
Court	Софийски градски съд (Appellate court, Sofia)
Subject	
Plaintiff	
Defendant	
Keywords	

Directive Articles

Package Travel Directive, [Article 4](#), [5](#).

Headnote

An authorization of the Head of the Commission on Trade and Consumer Protection (now Commission on Consumer Protection) by the then competent Ministry for Trade and Tourism to issue penalty orders on behalf of the Ministry retains its validity until it is explicitly withdrawn.

Following a structural reform the Ministry of the Economy is the successor of the Ministry of Trade and Tourism and is accordingly bound by all the acts issued by and on behalf of the latter Ministry. Penalty orders issued by the Commission on Consumer Protection upon authorization by the Ministry of Trade and Tourism are consequently valid and binding upon the Ministry of the Economy.

Facts

The case is an appeal of a decision of the first instance court (Sofia Regional Court). In its decision the first instance court upheld a challenged penalty order issued by the Commission on Trade and Consumer Protection (now Commission on Consumer Protection) for violation of Art. 35 Law on Tourism.

The Appellate Court (Sofia City Court) found no violation of the procedural rules for issuing the penalty order and rejected the appeal.

Legal issue

The appeal concerned mainly the competence of the authority that had issued the penalty order. According to the Law on Consumer Protection and the Rules of Trade of 1999 (replaced by the Law on Consumer Protection) the Commission on Consumer Protection was to issue penalty orders after authorization by the Ministry of Trade and Tourism. The appellant argued that after a structural reform transforming this Ministry into Ministry of the Economy, the penalty order issued by the Ministry of Trade and Tourism was to be considered invalid since it was not issued by a competent authority.

The Appellate Court found that the Commission on Consumer Protection and Trade was duly authorized by the Ministry of Trade and Tourism to issue penalty orders for violations of the Law on Tourism. The Court held that such

authorization retains its validity until it is explicitly withdrawn. The Court further pointed out that according to Government Regulation Nr. 9 of 2000 the Ministry of the Economy is the successor of the Ministry of Trade and Tourism and is consequently fully bound by all the acts issued by and on behalf of the latter Ministry.

On these grounds the Court dismissed the appeal.

Decision

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