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European payment order

Bulgaria



Bulgaria

FINDING COMPETENT COURTS/AUTHORITIES

The search tool below will help you to identify court(s)/authority(ies) competent for a specific European legal instrument. Please note that although every effort has been made to ascertain the accuracy of the results, there may be some exceptional cases concerning the determination of competence that are not necessarily covered.

Article 29(1)(a) - Courts with jurisdiction

Applications for a European order for payment to be issued must be submitted to the provincial court with jurisdiction over the permanent address or registered address of the debtor, or over the place of enforcement. (Article 625(1) of the Code of Civil Procedure).

Where it is possible for the case to be contested, the respondent may challenge the territorial jurisdiction, but must do so no later than when the opposition to the motion is filed. (Article 625(2) of the Code of Civil Procedure).

Article 29(1)(b) - Review procedure

This procedure is governed by Article 626a of the Code of Civil Procedure:

Article 626a(1) The respondent may apply for a review of a European order for payment under the terms and procedure laid down in Article 20 of Regulation (EC) No 1896/2006 before the respective court of appeal.

(2) The application for a review must be submitted within 30 days. This period starts to run on the day the respondent is effectively acquainted with the contents of the order or after the circumstances referred to in Article 20(1)(b) of the Regulation no longer apply.

(3) The court sends a copy of the application to the other party, who may reply within one week from receipt thereof.

(4) The application is examined in camera. If the court deems it necessary, it may examine the application in open session.

(5) The court's decision cannot be appealed.

Article 29(1)(c) - Means of communication

The applicable means of service are as laid down in the current Code of Civil Procedure.

Article 38 governs the address for service:

'Article 38 (1) The communication shall be served at the address indicated in the case file.

(2) Service may be effected to an e-mail address chosen by the party for service via:

1. the single e-Justice portal;

2. qualified electronic registered delivery service, in accordance with [Article 3\(37\) of Regulation \(EU\) No 910/2014](#) of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing [Directive 1999/93/EC](#) (OJ L 257/73 of 28 August 2014);

3. the secure electronic service system referred to in [Article 26\(2\) of the Electronic Government Act \(Закон за електронното управление\)](#).

(3) Where the party has not opted for service under paragraph 2 but has indicated an e-mail address, service shall be effected at the address indicated.

(4) Consent to service under paragraphs 2 and 3 may be withdrawn at any time, without affecting the legal validity of the actions already carried out.

(5) Where service cannot be effected under paragraphs 1 to 3, the communication shall be served at the current address of the party or, failing that, at their permanent address.

(6) The party may indicate an e-mail address for service on any expert, witness or third party who is obliged to provide a document they have in their possession.

(7) Where the party is a body of the executive branch, service may not be effected through the system referred to in paragraph 2(3).'

Article 38a provides that a person who has carried out a procedural act in electronic form must provide an e-mail address for notification of receipt of the electronic statement and for the result of the technical verification of the act. A person who carries out a procedural act in electronic form may agree to accept electronic statements and electronic documents from the court hearing the case in the proceedings before the competent instance or before courts of all instances. A person who has carried out a procedural act via the single e-Justice portal agrees to accept electronic statements and electronic documents, communications, summons and papers in the proceedings before the competent instance and before courts of all instances. Consent may be withdrawn at any time, without affecting the legal validity of the actions already carried out.

Service on credit and financial institutions, including those carrying out debt recovery against consumers, on insurance and reinsurance companies, on traders supplying energy or gas or providing postal or electronic communications or water and sewerage services or on notaries and private bailiffs is effected only in accordance with the procedure laid down in Article 38(2) at an e-mail address specified by them (Article 50(5) of the Code of Civil Procedure).

Service on a lawyer is effected in person at their law firm or in any place where they have an office. Service at the law firm may be effected on any person who works or cooperates with the lawyer. Service on a lawyer can also be effected by electronic means only, at an email address provided for service (Article 51 of the Code of Civil Procedure).

Service on government institutions and municipalities is effected only in accordance with the procedure laid down in Article 38(2) at an e-mail address specified by them (Article 52(2) of the Code of Civil Procedure).

In accordance with Article 42, communications are served by an officer of the court, by post or through a courier service as registered letters with acknowledgement of receipt. Where there is no judicial instance at the place of service, service may be performed by the municipality or mayoralty.

On a motion by the party, the court may order that communications be served by a private bailiff. The costs of the private bailiff are borne by the party.

Where a communication is not served by any of the above-mentioned methods or in the case of disasters, accidents or other unforeseen circumstances, the court may exceptionally order that service be effected by an official of the court by telephone, e-mail address for service, telex, fax or telegram.

Methods of service are laid down in Article 43 of the Code of Civil Procedure:

'Article 43 (1) Communications can be served personally or by any other person.

(2) The court may order the communication to be served by adding it to the case file or by affixing it to the addressee's door or letter box.

(3) The court may order the communication to be served by public announcement.'

Article 29(1)(d) - Accepted languages

The Republic of Bulgaria accepts European orders for payment accompanied by a translation into Bulgarian.

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