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## Small claims

Bulgaria

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### 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 25 1 (a) Competent courts

The court competent to deal with proceedings under this category is the district court (*rayonen sad*) with jurisdiction at the place of the respondent's permanent address or registered office.

#### Article 25 1 (b) Means of communication

Standard claim Form A must be filed directly with the competent district court or sent by post.

#### Article 25 1 (c) Authorities or organisations providing practical assistance

Practical assistance and information in accordance with Article 11 of the Regulation is provided by the European Consumer Centre in Bulgaria, which is part of the European Consumer Centres Network (ECC-Net). Information on the application of the Regulation is provided by the Ministry of Justice upon request.

#### Article 25 1 (d) Means of electronic service and communication and methods for expressing consent for thereof

The applicable means of service are as laid down in the current Code of Civil Procedure (*Граждански процесуален кодекс*).

Article 38 governs the address for service:

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

(2) Service may be effected at an email 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) ('Regulation (EU) No 910/2014').

3. the secure electronic service system referred to in Article 26(2) of the Electronic Government Act

(3) Where the party has not opted for service under paragraph 2 but has indicated an email address, service is

effected at the address indicated.

(4) Consent to service under paragraphs 2 and 3 may be withdrawn at any time, without prejudice to the regularity of the actions already carried out.

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

(6) The party may indicate an email address for service on an expert, witness or third party, who is obliged to produce a document in their possession.

(7) Where the party is an executive authority, service cannot be effected using 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 email 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 proceedings before the relevant level of jurisdiction or before all levels. A person who carries out a procedural act via the single e-Justice portal agrees to accept electronic statements and electronic documents, communications, summons and papers in proceedings before the relevant level of jurisdiction and before all levels. Consent may be withdrawn at any time, without prejudice to the regularity of the actions already carried out.

#### Article 25 1(e) Persons or professions, obliged to accept service of documents or other written communications by electronic means

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 email address specified by them. (Article 50(5) of the Code of Civil Procedure)

Service on a lawyer can also be effected by electronic means only, at an email address provided for service as laid down in Article 38(2). (Article 51(3) 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 email address specified by them. (Article 52(2) of the Code of Civil Procedure)

#### Article 25 1 (f) Court fees and the methods of payment

In accordance with the *Schedule of state fees charged by courts under the Civil Procedure Code*, court fees in Bulgaria are 4% of the value of the claim, with a minimum of BGN 50.

Court fees are paid by bank transfer.

The courts allow the parties to pay the fees electronically. Where the application for protection and assistance has been performed electronically under Article 102(f) via the single e-Justice portal, there is a 15% reduction in the State fee due. If consent to service in this way is withdrawn, the person liable for payment pays the difference within seven days to cover the full amount of the State fee due (Article 73(4) of the Code of Civil Procedure).

The fee for an application for the recognition and enforcement of a judgment issued by a foreign court is BGN 50 (Article 15 of the Schedule).

#### Article 25 1 (g) Appeal procedure and courts competent for an appeal

Appeals against a European small claims decision must be lodged with the relevant provincial court (*окръжен съд*). (Article 624(2) of the Code of Civil Procedure).

The appeal must be submitted within two weeks of the decision of the district court being served on the party in

question. The appeal procedure is laid down in Chapter 20 of the Code of Civil Procedure.

The judgment of the provincial court is subject to appeal in cassation before the Supreme Court of Cassation (*Върховен касационен съд*) under the conditions laid down in Article 280 (Article 624(3) of the Code of Civil Procedure).

The grounds and conditions for the enforcement of a decision on an appeal in cassation are explicitly laid down in Chapter 22 of the Code of Civil Procedure.

#### Article 25 1 (h) Review of the judgment procedure and courts competent to conduct such a review

The respondent may submit an application for review of the judgment delivered in the European small claims procedure to the relevant court of appeal under the conditions laid down in Article 18. The court sends a copy of the application for review to the other party, who has the opportunity to reply within one week of receiving it. The application for review is examined in closed session. If the court deems it necessary, it may examine the application in open session. The decision on the application for review cannot be appealed.

#### Article 25 1 (i) Accepted languages

For the purposes of Article 21(a)(1), the accepted language is Bulgarian.

#### Article 25 1 (j) Authorities competent for enforcement

The authorities competent for enforcement are court bailiffs (public and private).

An application for a writ of execution on the basis of a European small claims procedure must be lodged with the provincial court with jurisdiction at the place of the permanent address or registered office of the debtor, or at the place of enforcement.

■ Last update: 28/08/2024

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