

Voted by the NA on May 10, 2005

LAW ON PRIVATE ENFORCEMENT AGENTS

Chapter One GENERAL PROVISIONS

Subject Matter

Article 1 This law shall govern the organization and legal status of the private enforcement agents.

Private Enforcement Agent

Article 2 (1) The private enforcement agent is a person to whom the state has assigned the enforcement of civil claims.

(2) The state may also assign to the private enforcement agent the collection of public claims.

(3) The bodies competent in determining public claims may assign the collection of these to one or more private enforcement agents.

(4) The jurisdiction of the private enforcement agent shall be the region of the respective District Court.

Private Enforcement Agents Chamber

Article 3 (1) A Private Enforcement Agents Chamber shall be established and it shall be a legal entity with its headquarters in the City of Sofia.

(2) All private enforcement agents shall be members of the Private Enforcement Agents Chamber, hereinafter called "Chamber".

(3) Bodies of the Chamber are the General Assembly, the Council of the Chamber, the Supervisory Council and the Disciplinary Committee.

Private Enforcement Agents Registry

Article 4 (1) A Register of Private Enforcement Agents shall be established and kept within the Chamber. In the Registry are recorded the private enforcement agents, the assistant enforcement agents, as well as the circumstances provided for in the law.

(2) Any person obliged by law to declare circumstances that are subject to recording in the Registry shall do so within a 7 days term from the day the circumstance has occurred

(3) In the Private Enforcement Agents Registry are recorded:

1. the name, PIN¹ and jurisdiction of the private enforcement agent, respectively, of the assistant enforcement agent;

2. the address of the office;

3. the name and the head office of the insurer and the amount of the insurance sum in accordance with Art.25;

4. the facts under Art.31, 32, 33, 35, 36, 38, 39, 40 and 41.

(4) Any person recorded in the Private Enforcement Agents Registry shall be obliged to declare for recording any changes in the circumstances subject to recording within the term under para. 2.

(5) The Private Enforcement Agents Registry is public and anybody has the right to make inquiries and receive excerpts from it.

¹ Translator's note: National personal identification number, issued to Bulgarians by the State.

Chapter Two **PRIVATE ENFORCEMENT AGENT**

Section I **Private Enforcement Agent Qualification**

Requirements

Article 5 (1) Private enforcement agent qualification can be acquired by any legally capable physical person, who is a Bulgarian citizen and meets the following requirements:

1. is educated in law;
2. has acquired legal capacity pursuant the Law on the Judicial System;
3. has three years' juridical practice;
4. has not been convicted to imprisonment for premeditated crime of general character, regardless whether he has been rehabilitated or not;
5. has not had his private enforcement agent qualification revoked;
6. has not been deprived of the right to practice legal profession or carry out business activity;
7. is not in insolvency proceedings or an undischarged insolvent and has not been convicted of bankruptcy;
8. has passed the competition for private enforcement agent.

(2) For juridical practice under para. 1, item 3, the time during which the person has held a position or exercised a profession that requires education in law and capacity, including length of service of the persons educated in law who work as investigators in the system of the Ministry of Internal Affairs, shall be counted.

Incompatibility

Article 6 (1) The private enforcement agent may not concurrently:

1. be a Member of Parliament, minister, mayor or municipal councilor;
2. hold a position in a state or municipal body by virtue of office or employment;
3. work as an employee;
4. exercise the profession of an attorney at bar.
5. be a notary;
6. be a trustee;
7. perform commercial activity, be a manager or participate in supervisory, managerial and controlling bodies of commercial companies or cooperatives.

(2) Where activity is suspended under para. 1, items 1 and 6, the legal capacity of the private enforcement agent shall be restored pursuant to the conditions under Art.35.

Application Procedure

Article 7 (1) The candidates for private enforcement agent shall file a written application to the Minister of Justice through the Chamber Council. The application shall contain the name, unified identification number, address, practiced profession and judicial experience of the candidate, as well as the region for which he is applying.

(2) The application under par. 1 shall have appended to it a birth certificate, a law degree and a certificate for practicing law, length of service and place of work, a criminal conviction certificate, a declaration under Art.5, items 5, 6 and 7 and a health certificate.

(3) The Chamber Council renders an opinion on the public trust enjoyed by each of the candidates.

Opening Jobs for Private Enforcement Agents

Article 8 For a defined region one position of private enforcement agent shall be created for each 30,000 inhabitants.

Setting a Date for the Competition

Article 9 (1) The vacant positions for private enforcement agents shall be filled based upon a competition held by order of the Minister of Justice. The Chamber Council shall provide its opinion within a 14-day term. The Minister of Justice may also direct a competition at a proposal of the Chamber Council.

(2) The Chamber Council shall be notified in writing of the order under para. 1.

Holding a Competition for Private Enforcement Agents

Article 10 (1) The terms and procedure for the holding of the competition shall be specified in a regulation issued by the Ministry of Justice after receipt of the opinion of the Chamber.

(2) The competition shall be conducted by a committee consisting of: chairperson – representative of the Ministry of Justice, and members: a judge from the Supreme Court of Cassation appointed by the Chair of the Supreme Court of Cassation, two private enforcement agents appointed by the Chamber and a tenured professor in civil law appointed by the Minister of Justice.

(3) The committee shall classify the candidates and announce the classification.

Assigning of Enforcement Authorities

Article 11 (1) The results from the competition shall be sent to the Minister of Justice to assess who of the candidates enjoy the required public trust to be assigned enforcement powers.

(2) Within a one-month term from the receipt of the results the Minister of Justice shall issue an order granting enforcement powers. The order shall be posted at the specified place in the building of the Ministry and the classified candidates shall be notified pursuant to the procedure under the Civil Procedure Code.

Office of the Private Enforcement Agent

Article 12 (1) After the order for the assignment of enforcement powers comes into force the private enforcement agent is obliged to find an office and he may do so together with other private enforcement agents from the same region.

(2) The office should have two or more spaces functionally separated from the other part of the building to house the office of the private enforcement agent and his official archive.

(3) The office must be situated on the territory of the district court and meet the conditions guaranteeing the preservation of the archive and the precise fulfillment of the professional responsibilities of the private enforcement agent.

Assumption of Office

Article 13 (1) In order to assume office, within two months from the coming into force of the order of assignment of enforcement powers, the private enforcement agent shall present to the Minister of Justice, through the Council of the Private Enforcement Agents, an application that should have appended to it:

1. a written declaration that there are no obstacles under Art.6, para. 1;

2. the address of the office and a document for ownership of the office or a notarized contract for its use and a declaration for the origin of the funds invested in the keeping of the office, in the form approved by the Minister of Justice;

3. a document for concluding an insurance policy under Art.25;

4. a sample imprint of the seal approved by the Minister of Justice;

5. a specimen of the signature of the private enforcement agent.

(2) In the cases of not meeting the requirements of Art.12 and of para. 1, the Minister of Justice shall issue an order assigning enforcement powers to the positioned next in order candidate.

(3) In the presence of the Chamber Council the private enforcement agent takes a vow as follows: "I vow to follow faithfully the Constitution and the laws of Republic of Bulgaria, to perform honestly, conscientiously and impartially my professional duties, to be worthy of the trust and respect required for the profession, to contribute for the raising of the prestige of the profession, to keep the professional secret, and to always keep in mind I am answerable to the law for all my actions. I have so sworn!" An oath document is signed after the taking of the oath. If already taken, the oath shall not be taken again.

(4) By signing the oath document the private enforcement agent shall assume office.

Section II

Rights and Obligations of the Private Enforcement Agent

Independence

Article 14 (1) The private enforcement agent is independent shall carry out functions only in accordance with the law.

(2) The private enforcement agent may not be arrested during and in connection with performing his official duties, unless caught in the act of committing a major offence.

(3) In case a private enforcement agent is arrested or charged as defendant for crime of general character, the Minister of Justice and the Chamber Council are notified.

Cooperation

Article 15 (1) In carrying out his powers the private enforcement agent may request the cooperation from all state bodies, officials and organizations, who shall be obliged to provide it to him.

(2) The bodies of the police are obliged to immediately provide cooperation to the private enforcement agent in case of obstruction of the implementation of his functions.

Access to Data on the Debtor

Article 16 (1) The private enforcement agent has the right of access to the court offices, the administrative offices, including the taxation ones, the National Insurance Institute office, the Central Depository, the persons keeping a Registry on Government Securities, KAT² and other persons keeping registries on property and can make inquiries and receive data on the debtor, as well as request copies and excerpts from documents.

(2) The private enforcement agent has a right to access to the personal data of the debtor when this is needed for the purposes of enforcement.

Official Archive Immunity

Article 17 (1) The official archive of the private enforcement agent shall be immune from process and no one has the right of access to it without the consent of the private enforcement agent, except in the cases provisioned in the law.

² Translator's note: "KAT" is the acronym for Bulgaria's division of traffic police and vehicle registration

(2) The person who gain access to the official archive of the private enforcement agent is obliged to keep official secrets in accordance with the conditions specified for the private enforcement agent and to inform him of the activities performed in the archive.

Other Activities of the Private Enforcement Agent

Article 18 (1) Upon assignment by the claimant, the private enforcement agent may, in connection with the enforcement, investigate the property status of the debtor, make inquiries, gather documents, papers and others, specify the enforcement procedure, as well as be a keeper of tagged property.

(2) Upon assignment of the debtor and/or the creditor, the private enforcement agent may, in connection with the enforcement, act as a manager of liened property.

(3) Upon assignment of the debtor and/or the creditor, the private enforcement agent may, in connection with the enforcement, mediate to reach a settlement between them.

(4) Upon assignment of the secured creditor who has commenced a foreclosure, the private enforcement agent may transfer the pledged property pursuant to Art. 414 of the Civil Procedure Code, as well as sell the pledged property pursuant to the Law on Registered Pledges or the Civil Procedure Code. When conducting the sale pursuant to the Law on Registered Pledges, the private enforcement agent has the rights and obligations of a depository, and the distribution is claimed and is subject to appeal pursuant to Art.357 and 358 of the Civil Procedure Code.

(5) The private enforcement agent may serve subpoenas and papers in his enforcement cases.

(6) The private enforcement agent may assign to a private enforcement agent from another region the performance of actions under para. 1, 2, 4 and 5 under the same conditions.

Obligation for Enforcement

Article 19 (1) The private enforcement agent shall commence enforcement at the request of the interested party on the grounds of a writ of execution or of another act subject to execution.

(2) The private enforcement agent shall commence enforcement against the property of the pledgor pursuant the Law on Registered Pledges at the assignment of the pledgee that has commenced enforcement.

(3) The private enforcement agent may not refuse to perform enforcement actions, except in the cases under Art.12 of the Civil Procedure Code.

Professional Secret

Article 20 (1) The private enforcement agent shall be obliged to keep as professional secret circumstances that have become known to him in connection with the work, and he may not use them for his or someone else's benefit.

(2) The obligations under para. 1 shall also apply during the period when the private enforcement agent does not exercise his functions or his activity has been suspended.

Continuity of the Activity

Article 21 After receiving an opinion of the Chamber, the Minister of Justice shall specify by an order the working time of the offices of the private enforcement agents and the conditions under which they may be temporarily closed.

Official Archive

Article 22 (1) The private enforcement agent shall keep an independent official archive. The terms and procedure for the keeping of the archive shall be specified in a Regulation of the Minister of Justice, issued after receiving an opinion of the Chamber.

(2) The official archive shall contain:

1. an incoming and an outgoing register containing data on all received and sent documents and papers;
2. a registry of the filed cases;
3. enforcement cases;
4. a daily ledger containing data on all activities performed;
5. payment and other documents;
6. a seal of the private enforcement agent.

(3) Removal of cases or documents of the official archive from the office by competent bodies may be done only in the form of copies and on the grounds of a written act of a judge or prosecutor. Copies of cases and documents certified by the private enforcement agent shall be provided against signature to an official explicitly specified by name in the act.

(4) The originals of the writs of execution and securities preserved in the official archive may be removed from the office in the cases of explicit order under para. 3 only personally by the private enforcement agent, and an expert review may be conducted in his presence

Notification in Case of a Change

Article 23 (1) The private enforcement agent shall notify immediately the Minister of Justice and the Chamber of any change of the location of the office and of the official archive.

Obligations in Management and Disposition of Funds

Article 24 (1) The private enforcement agent should have at least one special account at his name in a bank, designated solely for funds he receives from the liquidation of the property of the debtors. The interest in the special account shall be accrued in a separate account. He should have separate accounts, designated for the fees and expenses received, as well as for the funds received in connection with the performed supplementary activity under Art.18. The private enforcement agent shall specify in his correspondence his account numbers.

(2) The private enforcement agent shall manage and maintain the funds of the debtors via the special account. He may sign an agreement with an empowered claimant for the periodic payment of amounts from the special account.

(3) The funds in the special account may not be seized for liabilities of the private enforcement agent.

(4) The seizure of funds intended for a specific claimant shall be imposed through a notification to the private enforcement agent.

(5) The mode of calculation and payment of the interest of the funds in the special account shall be determined by the Bulgarian National Bank and the Minister of Justice.

Insurance

Article 25 (1) The private enforcement agent shall insure himself for the period of his activity against the damages that might result from culpable non-fulfillment of his duties.

(2) The Minister of Justice shall issue a Regulation on the general conditions, the minimal insurance amount, the terms and period to obtain the compulsory insurance under para. 1.

Social and Health Insurance

Article 26 The private enforcement agent shall be subject to obligatory social and health insurance under the terms and conditions specified for free-lance professionals.

Payments to the Chamber

Article 27 The private enforcement agent shall make the required payments to the Chamber following the terms and conditions specified in the bylaws of the Chamber and in compliance with the resolutions of the General Assembly.

Accounting

Article 28 The private enforcement agent shall keep accounting records.

Ethics and Qualification of the Profession

Article 29 (1) The private enforcement agent shall adhere to professional ethics and preserve the prestige of the profession.

(2) The private enforcement agent shall be obligated to enhance his qualification, as well as to instruct, train and advise his assistants and employees.

Partnership Between Private Enforcement Agents

Article 30 Private enforcement agents may become partners and act jointly under the condition specified for a civil company in accordance with Art. 357 – 364 of the Law on Obligations and Contracts. In such cases they shall keep both separate archives and a common archive and a joint accountancy.

Section III

Forfeiture and Restoration of Powers

Grounds for Forfeiting Legal Capacity

Article 31 (1) The private enforcement agent forfeits his legal capacity

1. via his written request to the Minister of Justice;
2. in case of death or when declared legally incompetent;
3. in case of absence of the private enforcement agent or when it is impossible to perform his functions after exhausting all possibilities for replacement;
4. in case of an obstacle under Art. 5;
5. in case of incompatibility under Art. 6;
6. in case of temporary dismissal under Art. 71, para. 3;
7. in case of imposed non-judicial punishment.

(2) The powers in the implementation under item 1, 3, 4 and 5 are terminated with an order of the Minister of Justice.

Sealing and Inventory of the Official Archive

Article 32 (1) In case of grounds under Art. 31 the private enforcement agent may not perform any enforcement or other activities provisioned for in the law activities, and the official archive shall be sealed.

(2) The official archive shall be sealed and opened at the order of the Chairman of the Regional Court, and a protocol and an inventory shall be prepared for this.

(3) The conditions and procedure of sealing, opening, moving and submitting the official archive shall be stipulated in the Regulation under Art. 22, para. 1.

(4) Enforcement or protective proceedings against the premises of the office of a private enforcement agent may be performed only after the removal or submission of the official archive of the private enforcement agent.

Transfer and Submission of an Archive

Article 33 (1) In case of termination of powers under Art. 31, para. 1, items 1, 3 and 4 the private enforcement agent may transfer his archive to another private enforcement agent in the same or neighboring region. The relations between the transferring and receiving private enforcement agent shall be settled through a contract deposited with the Minister of Justice. The powers and responsibilities of the transferring private enforcement agent in his enforcement litigations shall be transferred to the acquiring private enforcement agent with the submission of the archive.

(2) If, as of the moment of termination of the powers under Art. 31, para. 1, item 2, the archive has not been submitted to another private enforcement agent, the Minister of Justice shall transfer, for a three-month term, the archive to another private enforcement agent in the same or neighboring region, who has agreed to take it. If by the expiration of the term a contract for the transfer of the archive has not been deposited with the Minister of Justice, the same shall be transferred under the conditions of para. 3.

(3) In case of termination of the powers under Art. 31, para. 1, items 3, 5 and 6, as well as if at the moment of termination of the powers under Art. 31, para. 1, items 1 and 4, the archive has not been submitted to another private enforcement agent, the Minister of Justice shall transfer the archive to another private enforcement agent in the same or neighboring region, who has agreed to receive it.

(4) In the transfer of the archive under para. 2 and 3 the powers of the private enforcement agent in his enforcement litigations shall be transferred to the acquiring private enforcement agent with the submission of the archive.

(5) If no private enforcement agent agrees to take the archive, the Minister of Justice shall notify the Chamber Council, and it shall specify a private enforcement agent who shall be obliged to take it.

Enforcement Activity on Cases Transferred

Article 34 The recipient private enforcement agent shall perform enforcement activities in connection with the enforcement cases.

Legal Capacity Restoration

Article 35 (1) The legal capacity of a private enforcement agent is restored at his request if it has been forfeited based on any of the following grounds:

1. disqualification of legal capacity for a specified period – after the expiry of the period;
2. performing incompatible activity under Art. 6, pars. 1, items 1 and 6 – after termination of the activity.

(2) The request for the restoration of legal capacity shall be made to the Minister of Justice within a one month term after removal of grounds for its forfeiture.

(3) The person having accepted the official archive of the private enforcement agent is obliged to submit it to him by a list after the restoration of legal capacity.

Section IV Assistant Enforcement Agent

Authorization

Article 36 (1) The private enforcement agent may authorize one or more assistant enforcement agents who meet the requirements of Art. 5 and 6.

(2) The authorization shall have from the depositing of a copy of the authorization transaction with the Minister of Justice.

(3) The private enforcement agent shall notify the Chamber Council of the authorizing within a 7-day term.

Competency

Article 37 (1) The assistant enforcement agent may perform, pursuant to the instructions of the private enforcement agent, all activities in his competency. The relations between the private enforcement agent and the assistant enforcement agent shall be settled in a contract.

(2) The assistant enforcement agent shall use the official archive and seal of the private enforcement agent and shall add "assistant" to his signature.

(3) The private enforcement agent shall be jointly liable for the damages from default on obligations of the assistant enforcement agent.

(4) Where there are no particular rules, the rules for the private enforcement agent shall apply to the assistance enforcement agent.

Deprivation of powers of the Assistant Enforcement Agent

Article 38 The assistant enforcement agent shall lose his powers:

1. with the termination of the powers of the private enforcement agent;
2. at his or at the private enforcement agent's written request to the Minister of Justice;
3. in case of his or of the private enforcement agent death or placement under custody;
4. in case of an obstacle under Art. 5;
5. in case of incompatibility under Art. 6;
6. with the coming into force of the order of the Minister of Justice under Art. 11, para. 2 assigning him the authorities of a private enforcement agent.

Section V

Replacement of a Private Enforcement Agent

Replacement by an Assistant Enforcement Agent

Article 39 (1) When the private enforcement agent is absent or is not in a condition to perform his functions he can be replaced by an assistant enforcement agent. In this case, the assistant enforcement agent shall perform independently all activity within the competency of the private enforcement agent, and adds "as a replacement" to his signature.

(2) The replacement position shall not continue more than one month incessantly, and more than three months for one calendar year, except in the cases of temporary incapacity to work, pregnancy, birth and raising of a child.

(3) The private enforcement agent shall within a 7-day term notify the Chamber Council of his replacement by an assistant enforcement agent.

Replacement by Another Private Enforcement Agent

Article 40 (1) The private enforcement agent may be replaced by another private enforcement agent from the same or neighboring region. The relations between them shall be settled in a contract. The replaced party shall be obligated to notify the Chamber Council of his replacement within a 7-day term.

(2) The replacing private enforcement agent shall use the official archive of the replaced one, his own signature and seal and note down the fact of the replacement.

(3) The replacement may not continue for more than three months and more than six months for one calendar year except in the cases of temporary incapacity to work, pregnancy, birth and raising of a child.

(4) Should the location of the official archive of the replaced private enforcement agent change during the time of replacement, Art. 23 shall apply.

Replacement by Appointment

Article 41 (1) When the private enforcement agent is absent or is not in a condition to perform his functions and there is no one that can replace him/her, he is obliged to notify the Chamber Council, which shall appoint a private enforcement agent to replace him during this time. The replacement may not continue more than a month, and more than three months for one calendar year.

(2) If the private enforcement agent has not provided access to the archive needed for the performance of the respective operative activity during his replacement, the Chairperson of the District Court, at request of the interested person, shall order entry into the office, opening of the archive needed and performance of the activity by the appointed private enforcement agent.

Section VI

Private Enforcement Agent Employees

Official Secret

Article 42 The employees of the private enforcement agent are obliged to keep official secrets under the conditions that apply to the private enforcement agent himself.

Assigning the Handing in of Subpoenas, Notifications and Documents

Article 43 The private enforcement agent may assign to a specific employee in his office power to serve subpoenas, notifications and documents under the conditions and procedure of Art. 41 – 52 of the Civil Procedure Code.

Chapter Three

CHAMBER OF PRIVATE ENFORCEMENT

Section I

General Provisions

Bylaw

Article 44 The Chamber shall adopt bylaws for its structure and activity.

Representation

Article 45 The Chamber shall be represented by the Chairperson of the Chamber Council, and when he is absent – by his deputies in terms of seniority of legal experience.

Property

Article 46 The property of the Chamber shall consist of:

1. the obligatory initial, annual and supplementary contributions of its members;
2. service fees;
3. donations and testaments;
4. other sources.

Section II General Assembly of the Chamber

Membership

Article 47 The General Assembly consists of all members of the Chamber.

Convening

Article 48 (1) The General Assembly may be a regular or extraordinary.

(2) The regular General Assembly shall be convened annually on the last Saturday and Sunday of the month of January.

(3) The General Assembly shall be convened by the Chamber Council by publishing the notification in the "State Gazette" at least two months prior to the date of the meeting. The agenda shall be contained in the invitation.

(4) If, within 20 days after the promulgation, at least 1/10 of the members of the Chamber request a certain issue to be included in the agenda, the Chamber Council shall be obliged to promulgate an agenda supplementation no later than 7 days prior the date of the Assembly.

Quorum and Representation

Article 49 (1) The General Assembly shall be conducted if 2/3 of the members of the Chamber are present. If a quorum is lacking, the Assembly shall be postponed by one hour and shall be conducted no matter how many of the members are present.

(2) Voting shall be in person.

Competency

Article 50 General Assembly:

1. adopts and amends the bylaws of the Chamber;
2. elects and releases the chairpersons and members of the Chamber Council, Supervisory Council and the Disciplinary Committee, specifying the number of their members and the amount of their remuneration;
3. makes a decision to sign group insurance;
4. establishes a mutual assistance fund and makes decisions on the establishment of other monetary funds;
5. specifies the amount of the obligatory initial and annual contributions;
6. makes a decision for additional monetary contributions;
7. approves the budget of the Chamber;
8. makes a decision to file claims on the part of the Chamber against members of its bodies or relieving them of responsibility;
9. makes decisions on other issues provisioned in the bylaw.

Decision Making

Article 51 (1) The General Assembly makes decisions with majority more than half of the present members. The decisions under Art.50, items 1, 2 and 6 are taken with the majority of more than 2/3 of the present members.

(2) Decisions may not be made on issues that are not recorded in the agenda.

Extraordinary General Assembly

Article 52 (1) Extraordinary General Assembly shall be convened by the Chamber Council, by the Supervisory Council or by the Minister of Justice and they shall enclose a proposed agenda.

(2) The Chamber Council shall be obliged to convene an extraordinary General Assembly in case of a written request by 1/10 of the members of the Chamber, specifying the agenda. If the Chamber Council does not do so within a 14-day term from receipt of the request, the General Assembly shall be convened by the persons who have made the request.

(3) In the convening and conducting of an extraordinary General Assembly Art.48 and 49, respectively, shall be applied.

Appeal Of Decisions

Article 53 (1) The decisions of the General Assembly may be appealed against before the Supreme Administrative Court within a 7-day term from the date of making of the decision.

(2) Any member of the Chamber may join in the complaint and support it, including when the original claimant withdraws it.

(3) The decisions of the General Assembly may also be appealed against by the Minister of Justice if they affect a state interest.

Implementation of the Decisions

Article 54 On the basis of the enforced decision of the General Assembly the District Court shall issue a writ of execution.

Section III Chamber Council

Membership

Article 55 (1) In the Chamber Council at least five primary and two reserve members shall be elected, and the Chairperson and his Deputy shall be elected from among the primary members.

(2) If the membership of the Chamber Council is larger, two deputy chairpersons shall be elected from among the primary members.

(3) As a member of the Chamber Council, a private enforcement agent can be elected, who:

1. has at least 5 years of judicial service;
2. has not been elected as a member of this body in more than two consecutive mandates.

(4) The members who are prevented from participation or retired members of the Chamber Council, shall, until the elimination of the obstacle or, respectively, until the end of their mandate, be replaced by the reserve members in order of their judicial service length seniority.

(5) The reserve members shall replace the Chairperson and his Deputies only in their capacity as members of the Chamber Council.

Mandate

Article 56 The mandate of the Chamber Council is three years.

Convening

Article 57 (1) The Chamber Council shall be convened for a regular session by the Chairperson at least once a month.

(2) The Chairperson of the Chamber Council shall convene an extraordinary session at a written request of 1/3 of its primary members, and specify the agenda. If the Chairperson does not do this within a 7-day term from the receipt of the request, the extraordinary session shall be convened by the members of the Council who have made the request.

(3) Extraordinary session of the Chamber Council may also be convened by the Minister of Justice with an agenda specified by him.

Quorum

Article 58 The session of the Chamber Council shall be considered regular if there are present as many members as are necessary to take a decision.

Competency

Article 59 (1) The Chamber Council:

1. manages the activity of the Chamber and administrates its immovable property;
2. convenes the General Assembly, carries out its decisions and convenes the General Assembly, carries out its decisions and reports to it;
3. elects Deputy Chairpersons;
4. appoints the staff and the Administrative Secretary of the Chamber;
5. manages and carries out the activity related with the strengthening of the professional qualification of the private enforcement agents and protects their professional rights;
6. monitors for the fulfillment of the responsibilities of the private enforcement agent, takes decisions for the filing of disciplinary proceedings and participates in them through its representatives;
7. resolves all issues that, under the terms of the law and the bylaws, are not of the competency of another body.

(2) The Chamber Council notifies the Minister of Justice of the results from inspections under para. 1, item 6.

Decision Making

Article 60 (1) The Chamber Council shall take a decision with a majority of more than one-half of the primary members, while the reserve members present have a deliberative vote. The reserve members have a right to vote when drawn to replace the primary members of the Council.

(2) A decision of the Chamber Council can be made by proxy if the required number of voting members agree with the decision and sign it.

Chairperson of the Chamber Council

Article 61 (1) The Chairperson of the Chamber Council organizes, manages and represents the Chamber.

(2) The Chairperson of the Chamber Council:

1. appoints the Administrative Secretary, employees and assisting personnel of the Chamber;
2. administers the property of the Chamber and disposes of its movables;
3. implements the Budget of the Chamber;
4. fulfills the decisions of the Chamber Council.

Administrative Secretary

Article 62 (1) The Administrative Secretary:

1. manages the financial and economic activity;
 2. coordinates the activities of the supplementary bodies;
 3. organizes the sessions of the Chamber Council, designs the materials for them and manages the activity in the immediate implementation of the decisions of the Council;
 4. manages and organizes the work of the employees and of the supporting personnel and provides technical and administrative support to the activity of the Chamber.
- (2) The Administrative Secretary is not required to be a member of the Chamber.

Section IV Supervisory Council

Membership

Article 63 (1) The Supervisory Council shall consist of at least three members with a mandate of 3 years.

(2) As member of the Supervisory Council may be elected a member of the Chamber who:

1. has at least 5 years of judicial service;
2. has not been elected as a member of this body for more than two consecutive mandates.

Competency

Article 64 (1) The Supervisory Council shall control the financial and economic activity of the Chamber and account for its activity before the General Assembly.

(2) When the Supervisory Council finds violations of the statute, the bylaws, the decisions of the General Assembly or of the Chamber Council, it shall prepare a report and introduce it to the Chamber Council, respectively, to the General Assembly.

(3) The members of the Supervisory Council may take part in the sessions of the Chamber Council.

Section V Disciplinary Committee

Membership

Article 65 (1) The Disciplinary Committee shall consist of at least eight members. The mandate of the Disciplinary Committee is three years.

(2) The Minister of Justice shall appoint half of the members of the Disciplinary Committee.

(3) A member of the Chamber may be elected from the membership of the Chamber to serve as a member of the Disciplinary Committee if he:

1. has at least 5 years of judicial service;
2. has not been elected as a member of this body for more than two consecutive mandates.

Competency

Article 66 The Disciplinary Committee, through its members, shall review and resolve disciplinary cases filed against private enforcement agents following the procedures prescribed by the law.

Chapter Four

DISCIPLINARY LIABILITY

Disciplinary violations

Article 67 The private enforcement agent shall bear disciplinary liability for culpable non-fulfillment of his responsibilities under the statute and the bylaws of the Chamber.

Disciplinary sanctions

Article 68 (1) The disciplinary sanctions are:

1. reprimand;
2. a fine from 100 to 10,000 BGN;
3. warning for temporary deprivation of powers;
4. deprivation of powers from 3 months to 5 years.

(2) The fine under para. 1, item 2 is collected in favor of the Chamber.

Expiry of Disciplinary Liability Period

Article 69 (1) The limitation period for disciplinary liability is 6 months as of violation discovery, but not more than two years after it has been committed.

(2) The disciplinary violation is considered discovered as of the moment the body under Art. 70, para. 1, has learned of the violation.

Filing Disciplinary Proceedings

Article 70 (1) The disciplinary proceeding shall be opened at the request of the Minister of Justice or at a decision of the Chamber Council. Simultaneously with the request for a disciplinary sanction, as well as later on, temporary removal from office of the private enforcement agent until the closing of the disciplinary proceedings can be requested.

(2) The body at the request of which the disciplinary proceeding has been opened shall notify the private enforcement agent, who may provide an answer within a 7-day period from the notification.

(3) The Chamber Council shall send the materials to the Chairperson of the Disciplinary Committee after the expiry of the term under para. 2.

(4) The Chairperson of the Disciplinary Committee shall appoint the Chairperson of the disciplinary membership from the quota of the Chamber and two members of the disciplinary membership – one from the quota of the Chamber and one from the quota of the Minister of Justice, and shall assign the hearing of the disciplinary case to them.

Hearing of a Disciplinary Case

Article 71 (1) The Chairperson of the membership shall set a date for a session and invite for participation the private enforcement agent who is a representative of the Chamber Council and the representative of the Minister of Justice. The private enforcement agent may be represented by counsel.

(2) The disciplinary panel conducts its meetings in a private session.

(3) The disciplinary membership shall first render an opinion on the request for temporary removal from office. The decision for the temporary removal from office is subject to appeal before the Supreme Court of Cassation within a 7-day term from the notification. In this case, the Supreme Court of Cassation shall render an opinion within a 14-day term.

(4) In the disciplinary proceedings all material proof related with the case shall be allowed.

(5) Proof that cannot be collected due to the non-appearance of witnesses or experts or due to non-fulfillment of their obligation to assist the investigation, as well as due to failure to produce requested documents, shall be collected at the request of the interested party pursuant to Art. 165 - 170 of the Civil Procedure Code.

(6) The disciplinary proceedings may be suspended only if the private enforcement agent is placed under guardianship or wardship.

(7) Disciplinary proceedings shall not be opened, and an opened one shall be terminated, if:

1. the disciplinary responsibility has expired by limitation;
2. the private enforcement agent is deceased;
3. against the same private enforcement agent for the same violation there is a pending proceeding, a decision under Art.72 that has entered into force, or a decision for termination of the case that has entered into force.

Rendering of the Decision

Article 72 (1) The disciplinary panel shall consider and resolve the disciplinary litigation within a one-month term from the assignment.

(2) The decision shall be rendered after a closed meeting with a majority of the members of the panel.

(3) The disciplinary panel shall render a motivated decision within the term under para. 1.

Appeal and Entering into Force of the Decision

Article 73 (1) The decision under Art. 72, para. 3 may be appealed against before the Supreme Court of Cassation for nullity or inadmissibility, violations of the law, material violations of the procedural provisions and a clear injustice of the imposed disciplinary sanction.

(2) The decision can be contested by the private enforcement agent, by the Chamber Council and by the Minister of Justice within a 14-day term from the notification.

(3) The Minister of Justice may contest the decision even if the disciplinary proceedings are opened at the decision of the Chamber Council.

(4) The Supreme Court of Cassation shall consider the complaint upon its merits with a panel of three judges. The court may declare the nullity of the decision, annul and suspend the disciplinary proceedings, leave the decision in force, repeal the decision and change the imposed sanction.

(5) The proceedings in court may be suspended only on the grounds of Art. 71, para. 6.

(6) The decision of the Supreme Court of Cassation shall be final.

Chapter Five LIABILITY FOR DAMAGES

Grounds

Article 74 (1) The private enforcement agent shall be liable for the damages he has unduly caused in the implementation of his activity.

(2) The state shall not be liable for the activity of the private enforcement agent.

Chapter Six

ADMINISTRATIVE CONTROL OVER THE ACTIVITY OF THE PRIVATE ENFORCEMENT AGENT

Controlling Bodies

Article 75 The Minister of Justice exercises control over the activity of each private enforcement agent through inspectors of the Ministry of Justice.

Form of Control

Article 76 (1) Inspection of the activity of the private enforcement agent shall be assigned by an order of the Minister of Justice officially, pursuant to a signal or complaint of an interested person, as well as at a proposal of the Chamber Council. The order shall not be subject to appeal, and a copy of it shall be sent to the Chamber Council.

(2) The inspector shall have the right to free access to the office and to the official archive of the private enforcement agent. The inspector can make copies of documents when he determines violations.

(3) The inspector shall have access to the special bank accounts under Art. 24, para. 1.

(4) The Minister of Justice may make recommendations to a given private enforcement agent and to the Chamber for the elimination of established shortcomings.

Annual Report

Article 77 Within a term of three months after the end of each year the private enforcement agent shall submit to the Ministry of Justice an annual report of his activity. The requirements for the annual report shall be specified in a Regulation of the Minister of Justice.

Chapter Seven

ENFORCEMENT FEES AND EXPENSES

Grounds and Amount

Article 78 (1) Enforcement fees shall be collected for:

1. the performance of enforcement activities;
2. the performance of other activities.

(2) The amount of the enforcement fees shall be specified in a Tariff of the Council of Ministers upon proposal of the Minister of Justice after coordination with the Chamber.

(3) Private enforcement agents may negotiate additional compensation, and the higher amounts of sums paid shall not be regarded as enforcement expenses and shall not be owed by the debtor.

Collection of Enforcement Fees

Article 79 (1) For the collection of the enforcement fees an account shall be prepared in two or more copies, all of them signed by the private enforcement agent, one of which is handed to the obliged party.

(2) The account shall specify the provisions on which fees are owed, the material interest in the proportional fee, the amounts of fees and additional expenses due, the size of any advance payment received, and the consequences of default.

(3) The District Court shall issue a writ of execution for the outstanding fees and expenses.

Prepaid Fees

Article 80 For each action the private enforcement agent shall be paid an advance fee in accordance with the Tariff under Art. 78, para. 2.

Subsidized Enforcement Fees

Article 81 (1) The advance enforcement fees for collecting of support obligations, and those for employment salary, shall be paid from the budget of the respective District Court.

(2) The subsidized fee shall be restored to the court's budget, if collected from the debtor in the enforcement.

Ordinary Enforcement Charges

Article 82 The ordinary enforcement charges shall be collected only for actions that are explicitly specified in the Tariff and which do not depend on the material interest.

Proportional Enforcement Fees

Article 83 (1) The proportional fees are collected as a percentage in accordance with the material interest and shall have a set minimal and maximal amount.

(2) The percentage of the proportional fee in accordance with the material interest shall decrease with the increase of the interest.

(3) For certain actions the Tariff may provision the fee under para. 1 to be collected at a reduced or increased amount.

Supplementary Foreclosure Fees

Article 84 (1) The supplementary enforcement fee shall be owed for individual enforcement actions, in non-working hours or during off days or bank holidays.

(2) The charge under para. 1 may not exceed the amount of the basic fee.

TRANSITIONAL AND FINAL PROVISIONS

§ 1. (1) The enforcement judges who, until the entry into force of this law, have been performing the functions of individual enforcement in the Regional Courts and meet the requirements under Art. 5, para. 1, items 1, 2 and 4, shall acquire legal capacity of a private enforcement agent without a competition for the region of the respective District Court in which they had been performing the functions if within a term of one month from the coming into force of this law they file an application under Art. 7.

(2) The Minister of Justice shall issue an order to assign the authorities to the persons under para. 1 within a two months term from the expiry of the term under para. 1. The order shall be posted at a prominent place in the building of the Ministry of Justice.

(3) The persons under para. 1 shall assume office pursuant to Art. 13, and the fulfillment of the requirements under Art. 12 must be implemented within a 6-month term from the coming into force of the order under para. 2. After the person takes office the Minister of Justice shall suspend his employment under Art. 325, item 1 of the Labor Code, and the application filed under para.1 is regarded as a proposal for termination of labor contract.

§ 2. (1) The first General Assembly of the Chamber shall consist of the persons under § 1, para. 1, who meet the requirements under Art. 5, items 1, 2 and 4 and have applied for private enforcement agents within the term and procedure of § 1.

(2) The Minister of Justice shall convene the General Assembly within a 3-month term from the entry of this law into force, with the following agenda:

1. adoption of the bylaws of the Chamber;
2. election of the bodies of the Chamber;
3. specification of the amount of the compulsory initial and annual contributions;
4. approval of the budget for the current year.

(3) The General Assembly may decide to include other issues in the agenda.

§ 3. (1) Pending enforcement proceedings may be continued by a private enforcement agent at the request of the claimant. If the requested enforcement has not been performed by the enforcement judge, the enforcement fee paid in advance shall be paid to the private enforcement agent from the budget of the respective Regional Court.

(2) Pending enforcement proceedings for collection of state civil claims may be continued by a private enforcement agent at the request of the state institution – creditor.

§ 4. The Minister of Justice shall hold a competition under Art. 9 within a 9-month term from the coming into force of the law.

§ 5. Until the adoption of the Tariff under Art. 78, para. 2 the enforcement actions shall be charged as per the existing procedure.

§6. Throughout the Law on the Judicial System (Promulgated in the SG, issue 59 of 1994, issue 78 of 1994 - Decision № 8 of the Constitutional Court of 1994; issue 87 of 1994 - Decision № 9 of the Constitutional Court of 1994; issue 93 of 1995 - Decision № 17 of The Constitutional Court of 1995, amended, issue 64, 96 - Decision № 19 of The Constitutional court of 1996, amended, issue 104 and 110 of 1996, issue 58 122 and 124 of 1997, issue 11 and 133 of 1998, issue 6 of 1999 - Decision № 1 of The Constitutional Court of 1999, amended, issue 34, 38 and 84 of 2000, issue 25 of 2001, issue 74 of 2002, issue 110 of 2002 - Decision № 11 of The Constitutional Court of 2002, issue 118 of 2002 - Decision № 13 of The Constitutional Court of 2002, amended, issue 61 and 112 of 2003, issue 29, 36, 70 and 93 of 2004 - Decision № 4 of The Constitutional Court of 2004) the words “enforcement judge”, “the enforcement judge” “enforcement judges” and “the enforcement judges” are replaced, respectively, by “state enforcement agent”, “the state enforcement agent”, “state enforcement agents” and “the state enforcement agents”.

§ 7. In the **Law on Registered Pledges** (Promulgated in SG, issue 100 of 1996, amended and supplemented, issue 86 of 1997, issue 42 of 1999, issue 19 and 58 of 2003) are made the following amendments:

1. In Art. 35:

a) in para. 1 the words "enforcement judge" are replaced with "state or private enforcement agent";

b) in para. 2 the words “the enforcement judge” are replaced with "the state or private enforcement agent";

2. In Art.36, para. 2:

a) in the first sentence the words “enforcement judge” are replaced with "state or private enforcement agent";

b) in sentences two and three the words “the enforcement judge” are replaced with "the state or private enforcement agent";

3. In Art.41, para. 5 the words “enforcement judge” are replaced with "state or private enforcement agent";

§ 8. In the **Law on State Charges** (Promulgated, issue 104 of 28.12.1951, supplemented issue 89 of 6.11.1959, amended, issue 21 of 11.03.1960, supplemented, SG, issue 53 of 6.07.1973, issue 87 of 13.12.1974, amended, issue 21 of 14.03.1975, issue 21 of 13.03.1990, amended and supplemented, issue 55 of 12.07.1991, supplemented, issue 100 of 10.12.1992, issue 69 of 4.08.1995, issue 87 of 29.09.1995, issue 37 of 30.04.1996, amended and supplemented, issue 100 of 22.11.1996, amended, issue 104 of 6.12.1996, issue 82 of 19.09.1997, supplemented, issue 86 of 30.09.1997, issue 133 of 11.11.1998, amended, issue 81 of 14.09.1999, supplemented, issue 97 of 28.11.2000, amended and supplemented, issue 62 of 25.06.2002, amended, issue 63 of 28.06.2002, supplemented, issue 90 of 24.09.2002, issue 84 of 23.09.2003, amended, issue 86 of 30.09.2003, supplemented, issue 24 of 23.03.2004, amended, issue 36 of 30.04.2004, issue 37 of 4.05.2004) in Art. 4, b. "c" the words "enforcement judges" are replaced with "state enforcement agents".

§ 9. In the **Law on Value Added Tax** (promulgated, SG, issue 153 of 1998, amended, issue 1 of 1999, amended, issue 44, 62, 64, 103 and 111 of 1999, issue 63, 78 and 102 of 2000, issue 109 of 2001, issue 28, 45 and 117 of 2002, issue 37, 42, 86 and 109 of 2003, issue 53, 70 and 108 of 2004 and issue 28 of 2005) Art. 43 is changed as follows:

"Art. 43. Legal services within the meaning of this Law shall be the services performed by an attorney, notary or a private enforcement agent pursuant the Law on Attorneys, the Law on Notaries and Notarial Activity, and the Law on Private Enforcement Agents.

“§ 10. In the **Law on Taxation of the Income of Natural Persons** (Promulgated, SG, issue 118 of 1997, Decision № 6 of the Constitutional Court of the PB of 19.03.1998 - issue 35 of 1998; amended and supplemented, issue 71 and 153 of 1998, supplemented, issue 50 of 1999, amended, issue 103 of 1999, amended and supplemented, issue 111 of 1999, issue 105 of 2000, issue 110 of 2001, supplemented, issue 40 of 2002, amended, issue 45 of 2002, supplemented, issue 61 of 2002, amended and supplemented, issue 118 of 2002, amended, issue 42, 67 and 95 of 2003, amended and supplemented, issue 112 of 2003, amended, issue 36 and 37 of 2004) are made the following amendments and supplements:

1. In Art. 58, para.2 the words "enforcement judges" are replaced with "the state and the private enforcement agents".

2. In § 1 of the supplementary provision, in item 6 after the words "notaries" is inserted a comma and is added "private enforcement agents".

§ 11. In the **Law on Obligations and Contracts** (Promulgated, SG, issue 275 of 1950, amended, extr., issue 2 of 1950, amended, issue 69 of 1951, issue 92 of 1952, SG, issue 85 of 1963, issue 27 of 1973, issue 16 of 1977, issue 28 of 1982, issue 30 of 1990, issue 12 of 1993, issue 56 of 1993, issue 83 and 104 of 1996, issue 83 and 103 of 1999, issue 34 of 2000 and issue 19 of 2003) are made the following amendments:

1. In Art.175, para. 2 the words "enforcement judge" are replaced with "the state or the private enforcement agent".

2. In Art.185, letter "b" the words "enforcement judges" are replaced with "the state or the private enforcement agents".

§ 12. In the **Law on Commerce** (promulgated, SG, issue 48 of 1991, amended, issue 25 of 1992, amended and supplemented, issue 61 and 103 of 1993, issue 63 of 1994, amended, issue 63 of 1995, amended and supplemented, issue 42 of 1996, amended, issue 59 of 1996, amended and supplemented, issue 83 of 1996, amended, issue 86 and 104 of 1996,

issue 58 of 1997, amended and supplemented, issue 100 and 124 of 1997, issue 21 of 1998, supplemented, issue 39 and 52 of 1998, amended and supplemented, issue 70 of 1998, amended, issue 33 of 1999, supplemented, issue 42 of 1999, amended, issue 64 of 1999, amended and supplemented, issue 81 of 1999, amended, issue 90 of 1999, supplemented, issue 103 of 1999, amended and supplemented, issue 114 of 1999, issue 84 of 2000, amended, issue 28 of 2002, amended and supplemented, issue 61 of 2002, supplemented, issue 96 of 2002, amended, issue 19 of 2003, amended and supplemented, issue 31 and 58 of 2003) are made the following amendments:

1. Art.651 is amended as follows:

"Sealing

Art. 651. The sealing shall be performed by a private enforcement agent. The protocol of the performed actions is sent to the court."

2. In Art. 653, para. 1 the words "and enforcement judge" are deleted."

§ 13. In the **Tax Procedure Code** (Promulgated, SG, issue 103 of 1999, issue 29 of 2000 - Decision № 2 of the Constitutional court of 2000, amended, issue 63 of 2000, issue 109 of 2001, issue 45 and 112 of 2002, issue 42, 112 and 114 of 2003, issue 36, 38, 53 and 89 of 2004 and issue 19 of March 1, 2005 are made the following amendments:

In Art. 157:

a) in para. 2:

aa) in sentence one the words "enforcement judge" are replaced with "state or the private enforcement agent";

bb) in sentence two the words "the enforcement judge" are replaced with " the state or the private enforcement agent";

b) in para. 4 the words "enforcement judge" are replaced with "the state or the private enforcement agent".

2. In Art. 158 the words "enforcement judges" are replaced with "the state or the private enforcement agents".

§ 14. In the **Law on Attorneys** (Promulgated, SG, issue 55 of 2004) in Art.5, para. 2 are made the following amendments and supplements:

1. In item 4 the words "enforcement judge" are replaced with "state enforcement agent".

2. In item 5 after the word "notary" is added "or private enforcement agent".

§ 15. In the **Law on Notaries and Notarial Activity** (Promulgated, SG, issue 104 of 1996, amended, issue 117, 118 and 123 of 1997, issue 24 of 1998, issue 69 of 1999, issue 18 of 2003, issue 29 and 36 of 2004 and issue 19 of 2005) in Art.8, para. 2 after the words "enforcement judge" are added "state enforcement agent, assistant private enforcement agent".

§ 16. In Art.96a of the **Law on Copyright and Similar Rights** (Promulgated, SG, issue 56 of 1993, amended, issue 63 of 1994, amended and supplemented, issue 10 of 1998, issue 28 of 2000, supplemented, issue 107 of 2000, amended and supplemented, issue 77 of 2002), are made the following amendments:

1. In para .4 the words "enforcement judge" are replaced with "state or private enforcement agent".

2. Paragraph 6 is repealed.

§ 17. In the **Law on Personal Data Protection** (Promulgated, SG, issue 1 of 2002, amended, issue 70 of 2004, issue 93 of 2004) in Art. 35, para. 1, item 4 after the words “the executive power” is inserted a comma and is added “of the private enforcement agent”.

§ 18. In the **Law on Bulgarian Identification Documents** (Promulgated, SG, issue 93 of 1998, amended, issue 53, 67, 70 and 113 of 1999, issue 108 of 2000, issue 42 of 2001, issue 45 and 54 of 2002, issue 29 and 63 of 2003, issue 96 103 and 111 of 2004) in Art. 76, item 3 after the words “Bulgarian natural and legal persons” is added “and foreign such”.

§ 19. In the **Civil Procedure Code** (Promulgated, extraordinary issue 12 of 1952, amended and supplemented, issue 92 of 1952, issue 89 of 1953, issue 90 of 1955, issue 90 of 1956, issue 90 of 1958 r., issue 50 and 90 of 1961, amended, issue 99 of 1961 r., amended and supplemented, SG, issue 1 of 1963, issue 23 of 1968, issue 27 of 1973, issue 89 of 1976, issue 36 of 1979, issue 28 of 1983, issue 41 of 1985, issue 27 of 1986, issue 55 of 1987, issue 60 of 1988, issue 31 and 38 of 1989, issue 31 of 1990, issue 62 of 1991, issue 55 of 1992, issue 61 and 93 of 1993, issue 87 of 1995, issue 12, 26, 37, 44 and 104 of 1996, issue 43, 55 and 124 of 1997, issue 21, 59, 70 and 73 of 1998, issue 64 and 103 of 1999, issue 36, 85 and 92 of 2000, issue 25 of 2001, issue 105 and 113 of 2002, issue 58 and 84 of 2003, issue 28 and 36 of April 30, 2004) everywhere the words “enforcement judge”, “the enforcement judge” and “the enforcement judges” are replaced respectively with “state or private enforcement agent”, “the state or the private enforcement agent” and “the state or the private enforcement agents”.

§ 20. In the **Penal Code** (promulgated, SG issue 26 of 1968, amended, issue 29 of 1968, amended and supplemented, issue 92 of 1969, issue 26 and 27 of 1973, issue 89 of 1974, issue 95 of 1975, issue 3 of 1977, issue 54 of 1978, issue 89 of 1979, issue 28 of 1982, amended, issue 31 of 1982, amended and supplemented, issue 44 of 1984, issue 41 of 1985, issue 79 of 1985, amended, issue 80 of 1985, amended and supplemented, issue 89 of 1986, amended, issue 90 of 1986, amended, issue 37, 91 and 99 of 1989, issue 10, 31 and 81 of 1990, issue 1 and 86 of 1991, amended, issue 90 of 1991, amended, issue 105 of 1991, issue 54 of 1992, issue 10 of 1993, issue 50 of 1995, issue 97 of 1995 - Decision № 19 of the Constitutional Court of 1995, amended, issue 102 of 1995, issue 107 of 1996, issue 62, 85 and 120 of 1997 - Decision № 19 of the Constitutional Court of 1997, amended, issue 83, 85 132, 133 and 153 of 1998, issue 7, 51 and 81 of 1999, issue 21 and 51 - Decision № 14 of the Constitutional Court of 2000, amended, issue 41 and 101 of 2001, issue 45 and 92 of 2002, issue 26 and 103 of 2004, issue 24 of 2005) are made the following amendments and supplements:

1. In Art. 93, item 1, letter “b” at the end is added “private enforcement agent and assistant enforcement agent”.

2. In Art. 116, para. 2 after the words “official from the Ministry of Internal Affairs” is added “state enforcement agent, private enforcement agent and assistant enforcement agent”.

3. In Art. 131, para. 2 after the words “official from the Ministry of Internal Affairs” is added “state enforcement agent, private enforcement agent and assistant enforcement agent”.

4. In Art. 143, para. 3 after the words “official from the Ministry of Internal Affairs” is added “state enforcement agent, private enforcement agent and assistant enforcement agent”.

5. The title of Chapter Eight of the Special Part is amended as follows: “OFFENSES AGAINST THE ACTIVITY OF STATE BODIES, PUBLIC ORGANIZATIONS AND PERSONS PERFORMING PUBLIC FUNCTIONS”.

6. In Art. 269, para. 2 at the end is added “private enforcement agent or assistant enforcement agent”.

7. B Art. 270, para. 1 after the word “authority” is added “private enforcement agent or assistant enforcement agent”.

8. B Art. 275, para. 1 after the word “authority” is added “private enforcement agent or assistant enforcement agent”.

9. B Art. 277, para. 1 after the word “authority” is added “private enforcement agent or assistant enforcement agent”.

§ 21. The sublegislation normative acts on the application of this law shall be approved by the corresponding bodies with a 6-month term from the coming into force of the Law.

§ 22. The implementation of the law is assigned to the Minister of Justice.

§ 23. This law shall come into force as of September 1, 2005