

**LEGISLATION AND ADMINISTRATIVE PROCEDURES
(NATIONAL LEVEL)**

NUMBER, TITLE, DATE	TRASPOSITION OF ANY EU DIRECTIVE	AREA OF APPLICABILITY	LINK TO THE OFFICAL WEBSITE	ABSTRACT IN ENGLISH
<p><u>Constitution of the Republic of Bulgaria</u> (State Gazette No18/2005), art. 22</p>	<p>Treaty of Accession of Bulgaria and Romania to European Union dated 01.01.2007 Appendix VI – List under Art. 20 of the Protocol regarding the conditions and arrangements for accession of Bulgaria and Romania to EU</p>	<p>Title and types of property</p>	<p>www.lex.bg</p>	<p>It concerns the arrangements for acquisition of the right of ownership of land by foreign persons and entities in Bulgaria. Foreigners and foreign legal entities can acquire the right of ownership of land in three hypotheses: 1) in case they are citizens of countries which are members of the European Union – according the conditions and terms of the Treaty of Accession; 2) under an international contract which has been ratified, promulgated and come in force for Republic of Bulgaria; 3) through inheritance by law.</p>
<p><u>LAW of ownership</u> Promulgated SG. No.92 dated 16 November 1951, last amended SG. No.6 dated 23</p>		<p>Types of ownership and management</p>	<p>http://www.lex.bg/bg/la/ws/ldoc/2122102787 http://www.imotibg.com/static/index/6680</p>	<p>The law provides definitions of the types of ownership (of physical persons and legal entities as well as the floor ownership) and the rules of management. The rights of possession, of ownership and of use of tangible property as well as the order of acquisition and forfeit of the right of ownership are specified. The terms for use of state property are arranged. According to the Treaty for Accession of Republic of Bulgaria and Romania to the European Union (Treaty for Accession) dated 01.01.2007 the EU citizens as well the ones from Island, Lichtenstein and Norway (the countries under the Agreement for European Economic Area) can acquire the right of ownership of land as a dwelling or for economic activities provided that they reside legally in Bulgaria.</p>

<p>January 2009</p>				
<p><u>LAW of state property</u> (prom. SG, No 44 dated 1996; amended and added No 10, 17, 19, 33 and 41 dated 2009)</p>		<p>State Property</p>	<p>http://www.lex.bg/bg/laws/doc/2133874689</p>	<p>Management, acquisition and disposition of state property is arranged under the Law for state property. The State exercises its proprietary authority of possession, use and disposition by specific state authorities. The Council of Ministers arranges the management of state property. The state property units are specified in art.3 from Law of State Property. The regulation of law of state property is divided into basic, general and special one. The basic regulation is included in the Law of State Property and the Regulations for application of the Law of State Property. The general regulation is included in the Law of Ownership and the special regulation – in special laws..</p> <p>The state property is divided by the legislator into public and private state property.</p> <p>Public (the underground ores and minerals, the beach coastline, the republican roads as well as the waters, forests and parks with national importance, the natural and archeological reserves as well as the property determined with act issued by the Council of Ministers). The state certifies the public property with designated or explicit deeds for state property. Such deeds are being issued by the State property Departments to the Regional Governor's Offices. The deeds should obligatory be registered in the registration offices.</p> <p>Regarding the private state property the regulatory duties are granted to the Regional Governor. He concludes bargains with which the right of ownership is transferred to other persons. The essential moment in</p>

				<p>such bargains is the requirement of tender carrying out where the buyer is specified. The Regional Governor with an order determines the person who wins the tender and concludes a contract with him. In case the subject of the bargain is real estate the contract should be concluded only in written form and it is subject to registration.</p> <p>The same order is used in case of establishment of real rights over real estate. In this case also a tender should be carried out and the written form and registration is enough. Regarding the right of use it can be established over a real estate private state property for not more than 10 years.</p>
<p><u>LAW OF INVESTMENT ENCOURAGEMENT</u> <u>NT</u> (title amended - SG, No. 37 dated 2004 , in force since 06.08.2004 Last amended SG. No.18 dated 5 March 2010)</p>		Direct Foreign Investment	<p>http://lex.bg/laws/ldoc/2134164480</p>	<p>The Law provides definition of the concept of Investor and foreign investment. The forms of investing and the resulting rights and obligations of the foreign investors are specified.</p> <p>The encouragement of investment under this law is carried out mainly by the means of:</p> <ol style="list-style-type: none"> 1. administrative service in shortened terms and individual administrative service, and 2. sale or compensated establishment of limited real right over property – private state property or private municipal property without tender or competition according the market or lower prices; 3. sale or compensated establishment of limited real right over terrains without tender or competition according the market or lower prices with already constructed connecting technical infrastructure public property; 4. financial assistance for construction of units of technical

			<p>infrastructure;</p> <p>5. financial assistance for training for obtaining professional qualification;</p> <p>6. tax concessions under the Law of corporative income taxation;</p> <p>7. opportunities for other types of state assistance, institutional support, public-private partnership or creation of mixed associations – for priority investment projects.</p> <p>8. different types of bargains, concluded between the investor and the trade company registered with the purpose of construction and development of industrial areas.</p> <p>The status of the trade representation of foreign legal entity by its registration in the Bulgarian Commercial-Industrial Chamber is also regularized.</p>
<p><u>LAW of Municipal Property</u> (prom, SG, No. 44 dated 1996, last amended No. 10, 17, 19 and 41 dated 2009)</p>	<p>Municipal Property</p>	<p>http://www.mrrb.gov.ernment.bg/index.php?lang=bg&do=law&type=5&id=13</p>	<p>This law arranges the legal status of the municipal property, the the condition and the order of law application regarding the accommodation with rent and selling of municipal dwellings, providing of concession over property – public municipal as well as the supervision, certificates compiling and crossing out from the certificates books of property – municipal property.</p> <p>Objects of Law of public municipal property are:</p> <ul style="list-style-type: none"> - the property intended for implementation of the functions of the authorities of the local self-government and the local administration offices; - the property intended for permanent satisfaction of public needs with municipal significance (for example water sources, local roads, streets, healthy, educational, cultural and other services of the population of the

				<p>relevant municipality);</p> <ul style="list-style-type: none"> - real assets and chattels which have been declared for monuments of culture with local significance. <p>The use of things – public municipal property can be carried out by the following manners:</p> <ul style="list-style-type: none"> - by managing of the property intended for implementation of the functions the authorities of the local self-government and the local administration offices by the mayors of municipalities, regions and mayority ; - by gratuitous provision of things – public municipal property for managing the relevant organisations or legal entities which are use municipal budget support. <p>The objects of the Law of private municipal property are determined by the method of excluding – these are all municipal things which are not public municipal property. The use of things – private municipal property should be regularized in an Ordinance issued by the Municipal council. The real assets – private municipal property intended for economic activities should be rented by the mayor of the Municipality using the Trade Law, on the ground of the tender a rental contract is concluded between the mayor of the municipality and the tenant for a period not longer than 3 years.</p>
<p>Law of ownership and use of agricultural land prom, SG, No. 17 dated 1991; last amended No. 36</p>		<p>Ownership of agricultural land, restoration and renting</p>	<p>http://lex.bg/laws/ldoc/2132550145 http://www.imotibg.com/static/index/58190</p>	<p>Agricultural lands as a meaning in this law are these intended for agricultural production and: are not located within the limits of the urbanized territories (built-up areas and settlement places), specified with detailed spatial plan or with ring road range. Since 1.01.2007 according to the amendment of the Law only those EU citizens who are self-employed grower with intention to reside permanently in Republic of Bulgaria have the right to acquire ownership over this type of land.</p>

<p>and 43 dated 2008 and No. 6, 10, 19, 44, 94 and 99 dated 2009)</p> <p>Правилник за прилагане на Закона за собствеността и ползването на земеделските земи (обн., ДВ, бр. 34 от 1991 г.</p>			<p>The state retains its ownership over the agricultural land status quo under this law excluding the land which ownership is subject to reinstatement. The Minister of agriculture and food exercises the rights of the owner for the land of the state land fund and he can rent or lease them, establishes limited real rights over them, carries out selling and exchange with agricultural land of physical persons or legal entities according to the cash equivalence specified in Ordinance under art. 36, paragraph 2.</p> <p>The renting and leasing of lands from the State land fund is carried out by the means of tender or competition under the conditions, order and prices specified in the regulation for law application.</p>
<p><u>LAW for Spatial Planning</u></p> <p>(prom., SG, No. 1 dated 2001; amended No. 15 dated 2010)</p>		<p>Territorial Settlement and Spatial Planning</p>	<p>This law regularizes the system of authorities related with territorial settlement; spatial planning; types of territorial and land properties; rights of state authorities; relationships between the investor and the other participants in the construction process.</p> <p>In Art.7 from the Law the types of the territories are specified according to their use which is determined in the spatial plans and sketches: urbanized territories, land territories, forest territories, protected territories and broken ones. Specific spatial and building regime is established for each type of territory. It is consistent with the demographic, social-economic, technical, esthetic and other conditions and requirements. The specific use within the territory limits is specified with the detailed spatial plans.</p>

				<p>Issue of Construction permit in the urbanized territories of the Municipality by the Chief Architect of the Municipality. On the ground of the approved investment designs, the issued construction permit and the compiled protocol for opening the construction site and determination of the construction line and level, the Employer of the project can start the execution of the construction-assembly works.</p>
<p><u>LAW of concessions</u> (prom., SG, No. 36 dated 2006)</p>		<p>Concessions</p>	<p>http://lex.bg/laws/ldoc/2135523562</p>	<p>The Law regularizes the procedures for rendering of concessions, the procedures for and the types of contracts for concession rendering.</p> <p>Three types of concessions according to their subject are specified in this law: for construction, for services and for extraction of natural resources. According the type of the concession provider they are divided into: state, municipal and public concessions.</p> <p>The concession for construction has the purpose to execute the construction and to manage and maintain it after commissioning and as a reward for construction execution is the right of the concessionaire to operate the subject of concession (to carry out and to obtain the income of the economic activity of the concession subject) or this right and a compensation (payment) given by the concession provider.</p>
<p><u>LAW of Public Orders</u> (prom. SG. No.28 dated 6 April 2004, last amended No.54 dated 16 July</p>	<p><i>Directive 2004/17/EO of the European Parliament and the Council, Regulation No 1564/2005, Directive 92/13/EIO, Directive 2004/18/EO of the European Parliament and the Council, Directive</i></p>	<p>Public Orders</p>	<p>http://www.aop.bg/fcke/dit2/user/File/bg/Normativna%20bazazop_16072010.pdf</p>	<p>The regulations of the law specify the subjects of public orders and types of Employers.</p> <p>Subject of public orders is also the implementation of construction in case budget, extra budget or funds related with implementation of activities with public significance specified in the law are spent.</p> <p>The Law of Public Orders has the quality of common law regarding the Ordinance for award of small public orders. The application of</p>

2010)	2007/66/EO EO of the European Parliament and the Council, Directive 89/665/EIO of the Council dated 21 December 1989, Directive 2009/81/EO of the European Parliament and the Council dated 13 July 2009, Directive 92/13/EIO of the Council dated 25 February 1992, Regulation (EO) № 1177/2009 of the Commission dated 30 November 2009			procedures, regularized in LPO or those ones under OASPO is determined according the value of the public order. The types of public orders specified in LPO are: open procedure, where all concerned persons can submit offers; limited procedure where offers can be submitted only by candidates invited by the Employer; competitive dialogue; contracting procedure; competition for design. The law gives right to persons who declare intention to participate in the procedures for award of public orders to use their own experts as well as to use the assistance of sub-contractor.
LAW for Regional Development (prom., SG, No. 50 dated 2008; amended and added No. 47, 82 and 93 dated 2009)	Regulation 1260/1999 of EU, Regulation (EO) № 1059/2003 of the European Parliament and the Council dated 26 May 2003		http://www.odit.info/?s=2&i=1880	The basic concepts, purposes, measures, activities and the main institutions participating in the process of regional development are regularized in the Law of Regional Development. This law arranges the formation of administrative-territorial and territorial units in the Republic of Bulgaria as well as the implementation of administrative-territorial changes. The main administrative-territorial units in the country – the regions and municipalities as well as their arrangement and operation are specified. The order of formation of new towns and villages and settlements are determined in details. The rights and obligations of the authorities of local self-government are listed.

<p><u>LAW of administrative-territorial settlement of Republic of Bulgaria</u> (prom. SG. No.63 dated 14 July 1995)</p>		<p>http://www.mrrb.government.bg/index.php?lang=bg&do=law&type=5&id=293</p>	<p>This law regularizes the planning, programming, management, resource provision, monitoring, control and estimation of the implementation of the strategies, plans and programmes for pursuing of state policy for regional development. The law specifies the order for formation of regions, municipalities, districts and mayor villages as well as the order for formation of settlements.</p>
<p><u>LAW of Cadastre and Property Register</u> (prom. SG. No.34 dated 25 April 2000, amended SG. No. 30 dated 11 April 2006)</p>		<p>http://www.cadastrе.bg/zakoni/ZKIR_1704.htm http://www.cadastrе.bg/zakoni/ZKIR_1704.htm</p>	<p>The National cadastre is the combination of basic data for location, borders and dimensions of the real properties on the territory of Republic of Bulgaria – collected, submitted, maintained in up-dated status and kept in an order specified in this law. The cadastre includes:</p> <ol style="list-style-type: none"> 1. data for right of ownership over the real properties; 2. data for the other real rights over the real properties; 3. data for the state boundaries, the boundaries of the administrative-territorial units, land borders and the borders of territories with equal permanent use. <p>The authorities related to Cadastre are the Council of Ministers, the Cadastre Agency, the cadastre offices in the regional centers and the cadastre employees. The status of the Cadastre Agency is regularized by this law.</p> <p>For the cadastre and the property register computerized informative administrative-territorial and territorial units (EKATTE), united systems connected with each other are created.</p>

				<p>The information systems under art.1 are connected also to the United classifier of state register of economic entities in Republic of Bulgaria (BULSTAT), the United system for citizen registration and administrative service of the population (ESGRAON), the registers of the state and municipal property.</p>