

ELECTRONIC DOCUMENT AND ELECTRONIC TRUST SERVICES ACT

*Prom. SG. 34/6 Apr 2001, amend. SG. 112/29 Dec 2001, amend. SG. 30/11 Apr 2006, amend. SG. 34/25 Apr 2006, amend. SG. 38/11 May 2007, amend. SG. 100/21 Dec 2010, suppl. SG. 101/20 Dec 2016, amend. and suppl. SG. 85/24 Oct 2017, amend. SG. 97/5 Dec 2017, **amend. SG. 14/13 Feb 2018***

Chapter one.

GENERAL

Field of application

Art. 1. (1) (Amend. – SG, 85/17) This Act shall regulate the electronic document and the electronic trust services.

(2) This Act shall not apply:

1. to transactions for which the law requires qualified written form;
2. (amend. – SG, 85/17) where the holding of a document or a copy thereof has legal importance.

Chapter two.

ELECTRONIC STATEMENT AND ELECTRONIC DOCUMENT (TITLE, AMEND. – SG, 85/17)

Chapter two.

ELECTRONIC DOCUMENT AND ELECTRONIC SIGNATURE

Electronic statement

Art. 2. (1) (Amend. – SG, 85/17) Electronic statement is a verbal statement presented in digital form by a generally adopted transformation standard, reading and presentation of the information.

(2) The electronic statement can also contain non-verbal information.

Electronic document

Art. 3. (1) (Amend. – SG, 85/17) Electronic document is an electronic document in the meaning of Art. 3, item. 35 of Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic registration and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ, L 257/73 of 28 August 2014) called hereinafter “Regulation (EU) N 910/2014”.

(2) (Suppl. – SG, 85/17) The written form shall be considered complied with if an electronic document is compiled, containing electronic statement.

Author and signatory of the electronic statement

Art. 4. Author of the electronic statement is the individual indicated in the statement as its author. Signatory of the electronic statement is the person on whose behalf the electronic statement is made.

Addressee of the electronic statement

Art. 5. The addressee of the electronic statement can be a person who, by virtue of a law, is obliged to receive electronic statements or which, on the grounds of unambiguous circumstances, can be considered agreed to receive the statement in electronic form.

Mediator of the electronic statement

Art. 6. (1) (suppl. - SG 100/10, in force from 01.07.2011) Mediator of an electronic statement is a person who, by assignment of the signatory, author or recipient, sends, receives, records or stores an

electronic statement or performs other services related to it.

(2) The mediator of an electronic statement shall be obliged:

1. to have technical and technological equipment which provides reliability of the used systems;
2. to keep personnel possessing the necessary expert knowledge, experience and qualification;
3. to provide conditions for precise determination of the time and source of the transmitted electronic statements;
4. to use reliable systems for storing the information under item 3;
5. (amend., SG 38/07; amend. - SG 100/10, in force from 01.07.2011) to store the information under item 3 for a period of one year.

(3) The mediator of the electronic statement shall be responsible for the caused damages by non-fulfilment of his obligations under para 2.

Errors in transmitting electronic statement

Art. 7. The signatory shall bear the risk of errors in transmitting electronic statement, unless the addressee has not taken due care.

Confirmation of receipt of an electronic statement (Title amend. - SG 100/10, in force from 01.07.2011)

Art. 8. (1) Confirmation of receipt of an electronic statement shall not be required for deeming it received by the recipient, unless otherwise stipulated between the parties. Where the parties have stipulated that confirmation of the receipt is required and have not specified a time limit for that, the confirmation shall be made in a reasonable term.

(2) (revoked - SG 100/10, in force from 01.07.2011)

(3) The confirmation of receipt shall not certify the contents of the electronic statement.

Time of sending an electronic statement

Art. 9. The electronic statement shall be considered sent with its receipt in an information system which is not controlled by the author.

Time of receiving an electronic statement

Art. 10. (1) (amend. - SG 100/10, in force from 01.07.2011) The electronic statement shall be considered received with its receipt in the information system indicated by the addressee. If the addressee has not indicated an specific information system the statement shall be considered received with its receipt in any information system of the addressee, and if the addressee has no information system - with its drawing out by the addressee of the information system where the statement has been received.

(2) If confirmation has been stipulated, the electronic statement shall be received with the confirmation being sent by the recipient for its receipt.

Time of learning about an electronic statement

Art. 11. It shall be considered that the addressee of the electronic statement has learned about its contents within a reasonable period after its receipt.

Place of sending and receiving an electronic statement

Art. 12. (1) An electronic statement shall be considered sent from the place of activity of its signatory.

(2) The electronic statement shall be considered received at the place of activity of its addressee.

(3) If the signatory or the addressee of the statement has more than one place of activity considered as place of activity shall be the one which is most closely related to the statement and its fulfilment, taking into account the circumstances which have been known to the signatory and to the addressee or have been taken into consideration by them at any time before or during the performance of the statement.

(4) If the signatory or the addressee has no place of activity his permanent residence shall be taken into consideration.

Electronic signature

Art. 13. (amend. - SG 100/10, in force from 01.07.2011, amend. – SG, 85/17) (1) Electronic signature shall be electronic signature in the meaning of Art. 3, p. 10 of Regulation (EU) N 910/2014.

(2) Advanced electronic signature shall be an electronic signature in the meaning of Art. 3, p. 11 of Regulation (EU) No 910/2014.

(3) Qualified electronic signature shall be an electronic signature in the meaning of Art. 3, p. 12 of Regulation (EU) No 910/2014.

(4) The legal force of the electronic signature and of the advanced electronic signature shall be equal to the handwriting signature, where this has been agreed between the parties.

Confidentiality of the data for creation of an electronic signature

Art. 14. (Repealed – SG, 85/17)

Contesting an electronic signature

Art. 15. (Repealed – SG, 85/17)

Chapter three.

ELECTRONIC TRUST SERVICES (TITLE AMEND. - SG 100/10, IN FORCE FROM 01.07.2011, AMEND. – SG, 85/17)

Chapter three.

QUALIFIED ELECTRONIC SIGNATURE (TITLE AMEND. - SG 100/10, IN FORCE FROM 01.07.2011)

Section I.

General

Definition

Art. 16. Amend. - SG 100/10, in force from 01.07.2011, amend. – SG, 85/17) Electronic trust services shall be trust services in the meaning of Art. 3, p. 16 of Regulation (EU) N 910/2014.

Device for creation of qualified electronic signature and device for creation of qualified electronic stamp (Title amend. - SG 100/10, in force from 01.07.2011, amend. – SG, 85/17)

Art. 17 (Amend. - SG 100/10, in force from 01.07.2011, amend. – SG, 85/17) (1) The compliance of the devices for creation of a qualified electronic signature and the devices for creation of a qualified electronic stamp with the requirements of Annex II of Regulation (EU) N 910/2014 shall be identified by persons, accredited by the Bulgarian Accreditation Service Executive Agency, or by other organizations under Art. 30, Para. 1 of the quoted Regulation.

(2) Bulgarian Accreditation Service Executive Agency shall keep a public register of the accredited by it persons and shall publish of its official website a list of the identified by them devices for creation of a qualified electronic signature and of devices for creation of a qualified electronic stamp.

(3) Bulgarian Accreditation Service Executive Agency shall notify the European Commission about the circumstances under Art. 30, Para. 2 and Art. 31, Para. 1 of Regulation (EU) No 910/2014.

(4) Accreditation of the persons under Para. 1 shall be made by the Bulgarian Accreditation Service Executive Agency in compliance with the requirements of the delegated acts, adopted by the European Commission under Art. 30, Para. 4 of Regulation (EU) N 910/2014.

(5) Certification of the devices shall be made under the conditions, defined by Art. 30 Para. 3 and Art. 39, Para. 2 of Regulation (EU) N 910/2014.

Confidentiality of the private key-word

Art. 18. (revoked - SG 100/10, in force from 01.07.2011, new – SG, 85/17). A person, other than the titular, or creator shall not have the right to access to:

1. the data for creation of the electronic signature, electronic stamp and electronic time stamp;
2. the data for authenticity of a website and
3. the data, related to electronic recommended mail.

Contestation

Art. 18a (New – SG, 85/17) (1) The person, indicated a titular of an electronic signature, creator of an electronic stamp and sender of data in electronic recommended mail, shall not contest the authorship, the titular, creation and sending to the addressee/receiver, where the created by the person electronic document has been:

1. sent through an information system, intended to operate in automated regime, or
2. created by a person, who has been provided by access to the way of identification.

(2) Para. 1, p. 2 shall not apply from the day, on which the addressee receives a notification, that the electronic document does not come from the author or titular.

(3) Para. 1 shall not apply, where the addressee of the statement has not laid the due care.

Section II.

Trust Service Providers

Activity of the trust service providers

Art. 19. (1) (Amend. – SG, 85/17) A trust service provider is a person in the meaning of Art. 3, p. 19 of Regulation (EU) N 910/2014.

(2) (amend. - SG 100/10, in force from 01.07.2011, amend., repealed – SG, 85/17)

(3) (new - SG 100/10, in force from 01.07.2011, suppl. – SG, 85/17) A provider of qualified trust services in the meaning of Art. 3, p. 20 of Regulation (EU) N 910.2014 shall be a person carrying out public functions.

Organisations for voluntary accreditation

Art. 20. (revoked - SG 100/10, in force from 01.07.2011)

Requirements for the activity of trust service providers

Art. 21. (1) (Amend. – SG, 85/17) (1) The trust service providers shall carry out the security requirements under Art. 19 of Regulation (EU) N 910/2014.

(2) Providers of qualified trust service shall also fulfill the requirements of Art. 24 of Regulation (EU) N 910/2014.

(3) Providers of qualified trust service shall store the information under Art. 24, Para. 2, letter “h” of Regulation (EU) N 910/2014 for the term of 10 years, including after termination of the activity.

(4) Providers of trust services may not use the collected and stored information for purposes, other

than those, related to their activity.

(5) The amount of the funds supported by the providers of qualified certification services and/or the insurance cover for non-performance of their obligations in accordance with Art. Article 24 paragraph 2, letter "c" of Regulation (EU) No 910/2014 shall be determined by an ordinance of the Council of Ministers on a proposal from the Communications Regulation Commission.

Obligations of trust service providers

Art. 22. (Repealed, - SG, 85/17)

Relations with the signatory

Art. 23. (Amend. – SG, 85/17) The relations between the identity service provider and the signatory shall be settled by a contract.

Termination of the activity of a provider of qualified identity services

Art. 23a (New – SG, 85/17) Termination of the activity of a provider of qualified trust services shall be determined by the Ordinance under Art. 21, Para. 5.

Section III.

Qualified certifications (Title amend. - SG 100/10, in force from 01.07.2011, amend. – SG, 85/17)

Section III.

Certificates for qualified electronic signature (Title amend. - SG 100/10, in force from 01.07.2011)

Certificate

Art. 24. (1) (Repealed – SG, 85/17)

Issuance of certificate

Art. 25. (1) (Amend. – SG, 100/10, in force from 01.07.2011, amend. – SG, 85/17) The qualified trust service provider shall issue a qualified certificate upon request of the signatory under the requirements of Art. 24, Para. 1 of Regulation (EU) N 910/2014.

(2) (Repealed, SG, 85/17).

(3) (Amend. - SG 100/10, in force from 01.07.2011, repealed – SG, 85/17).

(4) (revoked - SG 100/10, in force from 01.07.2011)

(5) (amend. - SG 100/10, in force from 01.07.2011) The trust service provider shall issue immediately the certificate by publishing it in the register of certificates.

(6) (new - SG 100/10, in force from 01.07.2011, amend. – SG, 85/17) The titular of the issued certificate, within 3 -day term from its publication in the register may contest on its contents, if there are errors or incompleteness.

(7) (New – SG, 85/17) In case that contest has been made under Para. 6, the errors or incompleteness shall be removed immediately by the provided by issuing a new certificate, without payment of remuneration, apart from the cases, where the errors and incompleteness are due to production of untrue data.

(8) (New – SG, 85/17) The contents of the certificate shall be considered accepted, if no contest has been made under Para. 6.

Notification about changes

Art. 25a (New – SG, 85/17) (1) The titular of the issued certificate shall be obliged to notify immediately the provider of trust services about occurred changed in the circumstances, indicated in the

certificate.

(2) The changes in the circumstances, indicated in the certificate shall not be counterparts to third conscientious persons.

Suspension and renewal of the validity of the certificate

Art. 26. (1) Unless it is agreed otherwise the trust service provider shall have the right to suspend the validity of the certificate issued by him for a period required by the circumstances, but for no longer than 48 hours, if a grounded doubt exists that the validity of the certificate must be terminated.

(2) Unless it is agreed otherwise the trust service provider shall be obliged to suspend the validity of a certificate issued by him for a period required by the circumstances but for no longer than 48 hours:

1. (amend. and suppl. – SG 100/10, in force from 01.07.2011, amend. – SG, 85/17) upon request of the signatory, without being obliged to establish the identity or the power of representation;

2. upon request of a person for whom, according to the circumstances, it is obvious that he might be aware about the security of the private key-word as a representative, partner, employee, member of the family, etc.;

3. (Amend. SG 112/01) upon request of the Communications Regulation Commission.

(3) (Amend. SG 112/01) In the presence of an immediate danger for the interests of third persons or in the presence of enough information for violation of the law the Chairman of the Commission for regulation of the communications can oblige the respective trust service provider to suspend the validity of the certificate for a period required by the circumstances, but for no longer than 48 hours.

(4) (amend. – SG 100/10, in force from 01.07.2011, amend. – SG, 85/17) The trust service provider shall immediately inform the signatory about the suspension of the validity of the certificate.

(5) (amend. – SG 100/10, in force from 01.07.2011) The suspension of the validity of the certificate shall be carried out by its temporary entry into the list of the terminated certificates.

(6) The validity of the certificate shall be renewed by:

1. the expiration of the term of suspension;

2. (Amend. SG 112/01; suppl. – SG 100/10, in force from 01.07.2011, amend. – SG, 85/17) by the trust service provider - upon dropping the grounds for suspension or upon request of the signatory, after the trust service provider, respectively the Communications Regulation Commission, assure themselves that he has learned about the reason of the suspension, as well as that the request for renewal has been made as a result of the learning.

(7) (new – SG 100/10, in force from 01.07.2011, suppl. – SG, 85/17) The renewal of the certificate's validity shall not annul the legal consequences of the suspension.

Termination of the validity of the certificate

Art. 27. (1) The validity of the certificate shall be terminated:

1. upon expiration of the term;

2. upon death or placing under judicial disability of the individual - trust service provider;

3. upon termination of the corporate body of the trust service provider without transferring the activity to another trust service provider.

4. (new – SG, 85/17) death or placement under prohibition of the titular;

5. (new – SG, 85/17) in case of termination of the legal person of the titular;

6. (new – SG, 85/17, in force from 01.01.2018, amend. – SG 14/18) with received notification under Art. 32, Para. 4, Art. 49, Para. 5 and Art. 59, Para. 10 of the Bulgarian Identity Documents Act.

(2) (Amend. – SG, 100/10, in force from 01.07.2011, amend. – SG, 85/17) The provider of trust services shall be obliged to terminate the force of the certificate upon request of the titular after he is convinced about his identity.

(3) (Amend. – SG, 85/17) The provider shall terminate the force of the certificate, where he finds

that it has been issued on the basis of untrue data.

(4) (New – SG, 100/10, in force from 01.07.2011, repealed – SG, 85/17)

Register of the certificates

Art. 28. (1) (amend. – SG 100/10, in force from 01.07.2011, amend. and suppl. – SG, 85/17) The provider of trust services shall keep an electronic register (data base) where he shall publish the electronic certificates used by him as a provider, the issued certificates and the list of the terminated certificates.

(2) (amend. – SG 100/10, in force from 01.07.2011, amend. – SG, 85/17) The provider of trust services cannot restrict the access to the register except upon request by the titular and only in respect to his certificate.

(3) (repealed – SG, 85/17)

(4) (repealed – SG, 85/17)

Section IV.

Liability

Liability of trust service providers

Art. 29. (1) (amend. and suppl. – SG 100/10, in force from 01.07.2011, amend. – SG, 85/17) The trust service provider shall bear responsibility under Art. 13, of Regulation (EU) N 910/14 for damages, made predominantly or because of carelessness of a natural, or legal person because of failure to fulfill his liabilities.

Liability of the author and of the holder to third persons (Title amend. – SG 100/10, in force from 01.07.2011)

Art. 30. (1) (amend. – SG 100/10, in force from 01.07.2011, repealed – SG, 85/17)

Liability of the signatory and of the author to the trust service provider

Art. 31. (amend. – SG 100/10, in force from 01.07.2011, amend. – SG, 85/17) The signatory, shall be liable to the trust service provider if the author has provided false data or has failed to reveal data related to the contents or to the issuance of the certificate.

Section V.

Supervision (Title, amend. – SG, 85/17)

Section V.

Regulation and control

Powers of the Communications Regulation Commission (Title amend. SG 112/01)

Art. 32. (1) (Amend. SG 112/01, amend. – SG, 85/17) The Communications Regulation Commission shall be national supervision body, implementing the provisions of Regulation (EU) N 910/2014 and this act.

(2) (New – SG, 85/17) The Communication Regulation Commission shall provide qualified status of the trust service providers under the conditions of Art. 20 and Regulation (EU) N 910/2014.

(3) (Amend. SG 112/01, former Para. 2 – SG, 85/17) In fulfillment of its functions the Communications Regulation Commission shall be entitled to:

1. free access to the sites subject to control;
2. inspect the documents for qualification of the employees of the trust service providers;
3. require references and documents related to the exercising of the control;
4. (amend. and suppl. – SG, 85/17) appoint persons – bodies on assessment of compliance under

Art. 33, who shall carry out inspection of the observance by the trust service providers of qualified trust services and of the requirements under art. 21, para 1 and 2;

5. (new – SG. 85/17) receive from the trust service providers information, needed for fulfillment of its powers.

(4) (Amend. SG 112/01, former Para. 3, amend. – SG, 85/17) The Communications Regulation Commission shall create, maintain and publish trust lists of the persons qualified trust services under Art. 22 of Regulation (EU) N 910/2014.

(5) (Former Para. 4, amend. – SG, 85/17) The Communications Regulation Commission may participate in conducting joint investigations under Art. 18, Para. 3 of Regulation (EU) N 9102014.

Suspension of the activity of issuance of certificates (Title, amend. – SG, 85/17)

Art. 32a. (new – SG 100/10, in force from 01.07.2011) (1) (Amend. – SG, 85/17) The Communications Regulation Commission may suspend in a decision the activity of any trust service provider related to the issuance of certificates in breach of the law until discontinuance of the breach.

(2) The appeal of the decision referred to in Para 1 shall not suspend its execution.

Chapter four.

ACCREDITATION AND CONTROL OF BODIES FOR COMPLIANCE ASSESSMENT (TITLE AMEND. – SG 100/10, IN FORCE FROM 01.07.2011, AMEND. – SG, 85/17)

Chapter four.

ACCREDITATION AND CONTROL (TITLE AMEND. – SG 100/10, IN FORCE FROM 01.07.2011)

Bodies for Conformity Assessment

Art. 33. (revoked – SG 100/10, in force from 01.07.2011, new – SG, 85/17). Conformity assessment of the activity of the providers of qualifies electronic trust service with the requirements of Regulation (EU) N 910/2014 shall be made by accredited bodies on conformity assessment.

Accredited institution (Title amend. – SG 100/10, in force from 01.07.2011)

Art. 34. (Amend. SG 112/01; amend. – SG 100/10, in force from 01.07.2011, amend. – SG, 85/17)
(1) The accreditation shall be performed by Executive Agency "Bulgarian Accreditation Service" under conditions and procedure of the Act on National Accreditation of Bodies for Conformity assessment – or by a national accreditation body, who has passed successfully partnership assessment under Regulation (EC) N 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93, or by international accreditation organization under agreed obligations for recognition between this organization and the body, recognized under Art. 14 of Regulation (EC) N 765/2008 of an EU Member State, or of a state – party of the EEAA.

(2) The Bulgarian Accreditation Service Executive Agency shall issue a certificate fir accreditation of the accredited by it bodies for conformity assessment.

(3) The Bulgarian Accreditation Service Executive Agency shall enter the accredited by it bodies for conformity assessment in the register under Art. 17, Para. 1 of the Act on National Accreditation of Bodies for Conformity assessment.

Powers of the Executive Agency "Bulgarian Accreditation Service" in Respect of the Providers (Title amend. SG 112/01; amend. – SG 100/10, in force from 01.07.2011)

Art. 35. (Amend. SG 112/01; amend. – SG 100/10, in force from 01.07.2011, repealed – SG, 85/17)

Accreditation of the trust service providers (Title amend. – SG 100/10, in force from 01.07.2011)

Art. 36. (amend. – SG 100/10, in force from 01.07.2011, repealed – SG, 85/17)

Deletion of the registration

Art. 37. (revoked – SG 100/10, in force from 01.07.2011)

Termination of the activity of a trust service provider

Art. 37a. (new – SG 100/10, in force from 01.07.2011, repealed – SG, 85/17)

Registry of trust service providers

Art. 38. (amend. - SG 100/10, in force from 01.07.2011, repealed – SG, 85/17)

State fees

Art. 39. (Repealed – SG, 85/17)

Time certificates (Title amend. - SG 100/10, in force from 01.07.2011)

Art. 40. (amend. - SG 100/10, in force from 01.07.2011, repealed – SG, 85/17)

Chapter five.

APPLICATION OF THE ELECTRONIC DOCUMENT AND OF THE QUALIFIED ELECTRONIC SIGNATURE BY THE STATE AND THE MUNICIPALITIES (TITLE AMEND. - SG 100/10, IN FORCE FROM 01.07.2011)

Obligation for acceptance and issuance of electronic documents

Art. 41. (revoked - SG 100/10, in force from 01.07.2011)

Storing electronic documents

Art. 42. The state bodies and the bodies of the local independent government shall be obliged to store the electronic documents within the normative terms for storing documents.

Chapter six.

PROTECTION OF PERSONAL DATA

Obligations for protection of personal data

Art. 43. (1) The protection of personal data gathered by the trust service providers for the needs of the activity carried out by them, and the protection of the kept registers shall be settled by a law.

(2) (Amend. SG 112/01) The regime under para 1 shall also apply regarding the personal data announced to the Communications Regulation Commission which, in fulfillment of its obligations shall monitor the activity of the trust service providers.

(3) (amend. - SG 100/10, in force from 01.07.2011, amend. – SG, 85/17) The trust service providers shall gather personal data for the signatory only inasmuch as they are necessary for the maintenance of the certificates.

(4) (amend. - SG 100/10, in force from 01.07.2011) Personal data may be gathered only personally from the person they concern or by his explicit consent.

(5) The gathered data cannot be used for purposes other than those under para 3, except by the explicit consent of the person whom they regard, or if it is allowed by a law.

Chapter seven.

RECOGNITION OF CERTIFICATES ISSUED BY TRUST SERVICE PROVIDERS ESTABLISHED IN OTHER COUNTRIES

Grounds and procedure

Art. 44. (amend. - SG 100/10, in force from 01.07.2011, repealed – SG, 85/17)

Chapter eight.

ADMINISTRATIVE PENAL PROVISIONS

Penalties

Art. 45. (1) (amend. - SG 100/10, in force from 01.07.2011, amend. – SG, 85/17) Anyone shall be punished by a fine of BGN 1000 to 50 000, if the deed is not a crime:

1. who violates, or admits violation under Art. 21, Para. 3 and 4, Art. 26, Para. 2, 3, 4, 5 and 6, Art. 27, Para. 2 and 3, Art. 28, Para. 1 and 2 and Art. 29;

2. who violates, or admits violation of Art. 15, Art. 19, Para. 1 and 2, Art. 20, Para. 1, Art. 21, Para. 1 and 3, Art. 23, Para. 1 and 2, Art. 24, Para. 1 – 4, Art. 33, Para. 1, Art. 34, Para. 1, Art. 40 and 44, Para. 1 of regulation (EU) N 910/2014;

3. a trust service provider, who provides a trust service, which fails to meet the requirements of Regulation (EU) N 910/2014;

4. who perpetrates a violation under Regulation (EU) N 910/2014, of this act or issued on the bases of them acts, for which no other punishment has been provided.

(2) (amend. - SG 100/10, in force from 01.07.2011) In the cases under para 1 proprietary sanctions of 5000 to 100 000 levs shall be imposed on the corporate body or sole entrepreneur.

Establishment of offences, issuance of acts and issuance of penalty decrees

Art. 46. (1) (Amend. SG 112/01, amend. – SG, 85/17) The acts for established offences shall be issued by persons authorized by the Chairman of the Communications Regulation Commission and the penalty decrees shall be issued by him or by an official authorized by him.

(2) For established offences the issuers of acts can seize and hold the material evidence related to the establishment of the offences by the order of art. 41 of the Administrative Violations and Penalties Act.

(3) The issuance of the acts, the issuance, appeal and fulfilment of the penalty decrees shall be carried out by the order of the Administrative Violations and Penalties Act.

Additional provisions

§ 1. In the context of this law:

1. "Qualified written form" is a form of facts or proof of the statement whereas the law stipulates additional requirements for the written form, such as notary certification of the signature, a public notary act, manual writing of the statement, participation of witnesses or officials during the performance of the statement, etc.

2. (repealed – SG, 85/17)

3. (repealed – SG, 85/17)

4. (amend. - SG 100/10, in force from 01.07.2011, repealed – SG, 85/17)
5. (repealed – SG, 85/17)
6. (amend. - SG 100/10, in force from 01.07.2011, repealed – SG, 85/17)
7. (repealed – SG, 85/17)
8. (new - SG 100/10, in force from 01.07.2011, repealed – SG, 85/17).
9. (new - SG 100/10, in force from 01.07.2011, repealed – SG, 85/17)
10. (new - SG 100/10, in force from 01.07.2011, repealed – SG, 85/17)
11. (new - SG 100/10, in force from 01.07.2011, repealed – SG, 85/17)

Concluding provisions

§ 2. Para 4 is created in art. 22 of the Telecommunications Act (prom., SG 93/1998; amend. No 26/1999, No 10 and 64/2000):

"(4) (Amend. SG 112/01) The Communications Regulation Commission shall register and control the activity regarding the provision of trust services by an order determined by a law."

§ 3. This Act shall enter into force 6 months after its promulgation in the State Gazette.

§ 4. The Council of Ministers shall work out ordinances stipulated by this Act within 5 months from its promulgation and shall adopt them within one month from the enactment of the law.

§ 5. (Amend. SG 112/01) The implementation of the Act is assigned to the Council of Ministers and to the Communications Regulation Commission.

The Act was adopted by the 38th National Assembly on March 22, 2001 and was affixed with the official seal of the National Assembly.

Transitional and concluding provisions TO THE ADMINISTRATIVE PROCEDURE CODE

(PROM. – SG 30/06, IN FORCE FROM 12.07.2006)

§ 142. The code shall enter into force three months after its promulgation in State Gazette, with the exception of:

1. division three, § 2, item 1 and § 2, item 2 – with regards to the repeal of chapter third, section II "Appeal by court order", § 9, item 1 and 2, § 15 and § 44, item 1 and 2, § 51, item 1, § 53, item 1, § 61, item 1, § 66, item 3, § 76, items 1 – 3, § 78, § 79, § 83, item 1, § 84, item 1 and 2, § 89, items 1 - 4 § 101, item 1, § 102, item 1, § 107, § 117, items 1 and 2, § 125, § 128, items 1 and 2, § 132, item 2 and § 136, item 1, as well as § 34, § 35, item 2, § 43, item 2, § 62, item 1, § 66, items 2 and 4, § 97, item 2 and § 125, item 1 – with regard to the replacement of the word "the regional" with the "administrative" and the replacement of the word "the Sofia City Court" with "the Administrative court - Sofia", which shall enter into force from the 1st of May 2007;

2. paragraph 120, which shall enter into force from the 1st of January 2007;

3. paragraph 3, which shall enter into force from the day of the promulgation of the code in State Gazette.

**Concluding provisions
TO THE COMMERCIAL REGISTER ACT**

(PROM. – SG 34/06, IN FORCE FROM 01.10.2006)

§ 56. This Act shall enter into force from the 1st of October, with the exception of § 2 and § 3, which shall enter into force from the day of the promulgation of the Act in State Gazette.

**Additional provisions
S TO THE ACT AMENDING AND SUPPLEMENTING THE ELECTRONIC DOCUMENT AND
ELECTRONIC SIGNATURE ACT**

(PROM. - SG 100/10, IN FORCE FROM 21.12.2010)

§ 40. This Act shall implement the requirements of Directive 1999/93/EC of the European Parliament and of the Council of 13 December 1999 on a Community framework for electronic signatures, amended by Regulation (EC) 1137/2008.

**Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE ELECTRONIC DOCUMENT AND
ELECTRONIC SIGNATURE ACT**

(PROM. - SG 100/10, IN FORCE FROM 21.12.2010)

§ 41. (1) The trust service providers registered by the Communications Regulation Commission shall be deemed accredited in the sense of this Law.

(2) The Communications Regulation Commission shall enter ex officio into the register under Art. 38, Para 1 the circumstances related to the accreditation of the trust service providers registered before entry into force of this Law.

§ 42. All certificates for enhanced and universal electronic signature issued before entry into force of this Act shall be deemed equal to qualified electronic signature certificates.

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§ 52. The Communications Regulation Commission shall adopt the ordinance under Art. 38, Para 4 by 1 March 2011.

§ 53. The acts of secondary legislation on the implementation of this Act shall be made compliant with the requirements of this Act by 1 July 2011.

§ 54. This Act shall enter into force from 1 July 2011 except for the provision of § 31 regarding Art. 38, Para 4, which shall enter into force from the day of its promulgation in the State Gazette.

**Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE BULGARIAN PERSONAL**

DOCUMENTS ACT

(PROM. - SG 101/16, IN FORCE FROM 01.01.2019, AMEND. – SG 97/17)

§ 21. (Amend. – SG 97/17) The Act shall enter into force on January 1st, 2019., except for § 12, 13, 16, 19 and 20, which shall enter into force from the day of the promulgation of this Act in the State Gazette.

Additional provisions

TO THE ACT, AMENDING AND SUPPLEMENTING THE ACT ELECTRONIC DOCUMENT AND ELECTRONIC SIGNATURE ACT

(PROM. – SG 85/17)

§ 39. This act shall provide measures on the implementation of Regulation (EU) N 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic trust and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC.

Concluding provisions

TO THE ACT, AMENDING AND SUPPLEMENTING THE ACT ELECTRONIC DOCUMENT AND ELECTRONIC SIGNATURE ACT

(PROM. – SG 85/17)

§ 40. The Council of Ministers, within 6-month term from the enforcement of this act shall adopt the Ordinance under Art. 21, Para. 5.

§ 41. The executive bodies and the local self-government bodies, within 9-month term from the enforcement this act shall comply the issued by them legislative normative acts with it.

§ 80. Para. 22, p. 1 on Art. 27, Para. 1, p. 6 shall come into force from 1 January 2018.

Relevant acts of the European Legislation

Relevant acts of the European Legislation

Directive 2003/58/EC of the European Parliament and of the Council of 15 July 2003 amending Council Directive 68/151/EEC, as regards disclosure requirements in respect of certain types of companies

Directive 1999/93/EC of the European Parliament and of the Council of 13 December 1999 on a Community framework for electronic signatures

Regulation (EEC) No 2380/74 of the Council of 17 September 1974 adopting provisions for the dissemination of information relating to research programmes for the European Economic Community