

# Electronic Document and Electronic Trust Services Act (Title amended, SG No. 85/2017)

Promulgated, State Gazette No. 34/6.04.2001, effective 7.10.2001, amended, SG No. 112/29.12.2001, effective 5.02.2002, SG No. 30/11.04.2006, effective 12.07.2006, SG No. 34/25.04.2006, effective 1.01.2008 (\*) - amended, SG No. 80/3.10.2006, effective 3.10.2006, SG No. 38/11.05.2007, amended and supplemented, SG No. 100/21.12.2010, effective 1.07.2011, supplemented, SG No. 101/20.12.2016, effective 1.01.2020 (\*\*), amended and supplemented, SG No. 85/24.10.2017, amended, SG No. 97/5.12.2017, SG No. 14/13.02.2018, (\*\*) amended, SG No. 1/3.01.2019, effective 31.12.2018, SG No. 58/23.07.2019, effective 1.10.2020

(\*) *Editor's Note.* Regarding the entry into force of the clauses amending the Electronic Document and Electronic Signature Act by SG No. 34/25.04.2006, see § 56 of the Transitional and Final Provisions of the Commercial Register Act.

(\*\*) Regarding the entry into force of the clauses amending the Electronic Document and Electronic Signature Act by SG No. 101/20.12.2016, see § 21 of the Transitional and Final Provisions of the Act to Amend and Supplement the Bulgarian Personal Documents Act (SG No. 101/2016, amended, SG No. 97/2017, SG No. 1/2019)

Text in Bulgarian: Закон за електронния документ и електронните удостоверителни услуги

## Chapter one GENERAL PROVISIONS

Scope of applicability

### Article 1

- (1) (Amended, SG No. 85/2017) This Act shall regulate the electronic document and the electronic trust services.
- (2) This Act shall not apply:
1. to transactions where the law requires a qualified form in writing;
  2. (amended, SG No. 85/2017) where keeping a document or a copy thereof is of legal consequence.

## Chapter two E-STATEMENT AND E-DOCUMENT (Title amended, SG No. 85/2017)

Electronic Statement

### Article 2

- (1) (Amended, SG No. 85/2017) The Electronic statement shall be a verbal statement, represented in digital form through a commonly accepted standard for transformation, reading and presentation of information.
- (2) The electronic statement may also contain nonverbal information.

Electronic document

### Article 3

- (1) (Amended, SG No. 85/2017) Electronic document shall be electronic document within the meaning given by Article 3, Item 35 of Regulation (EU) No. 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic

transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257/73 of 28 August 2014), hereinafter referred to as "Regulation (EU) No. 910/2014".

(2) (Supplemented, SG No. 85/2017) In all cases where a document in writing is required, such a requirement shall be considered met if an electronic document containing an electronic statement has been executed.

Signatory and principal of an electronic statement

#### **Article 4**

The signatory of an electronic statement shall be the natural person that is named in the statement as its performer. The principal of an electronic statement shall be the person on behalf of which the electronic statement has been created.

Recipient of an electronic statement

#### **Article 5**

The recipient of an electronic statement shall be a person that by virtue of law is obliged to receive electronic statements or that under unambiguous circumstances may be considered to have agreed to receive a statement in an electronic form.

Intermediary of an electronic statement

#### **Article 6**

(1) (Supplemented, SG No. 100/2010, effective 1.07.2011) The Intermediary of an electronic statement shall be a person that upon assignment by the principal, the signatory or the recipient sends, receives, records, and/or stores electronic statements or performs other services, related thereto.

(2) The intermediary of an electronic statement is obliged to:

1. have available technical and technological equipment capable of ensuring the reliability of the systems in use;
2. maintain staff possessing the required expert knowledge, experience and qualifications;
3. ensure conditions for precise determination of the time and source of the transferred electronic statements;
4. use reliable systems for storing the information under Item 3;
5. (amended, SG No. 38/2007, SG No. 100/2010, effective 1.07.2011) preserve the information under subparagraph 3 for a term of one year.

(3) The intermediary of an electronic statement shall be liable for damages resulting from failure to perform its obligations under paragraph 2.

Errors in the transfer of an electronic statement

#### **Article 7**

The principal shall assume all risks of errors in transferring an electronic statement unless the recipient has applied the required diligence.

Confirmation of receipt of an electronic statement

(Title amended, SG No. 100/2010, effective 1.07.2011)

#### **Article 8**

(1) (Amended, SG No. 100/2010, effective 1.07.2011) Confirmation of receipt of an electronic statement shall not be required in order to be considered it received by the recipient unless the parties would agree otherwise. If the parties would agree that confirmation of receipt will be required and no deadline for it will be set, the confirmation shall be made within a reasonable time.

(2) (Repealed, SG No. 100/2010, effective 1.07.2011).

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

Time of sending an electronic statement

### **Article 9**

The electronic statement shall be considered sent as of the time of its receipt by an information system outside the signatory's control.

Time of receipt of an electronic statement

### **Article 10**

(Amended, SG No. 100/2010, effective 1.07.2011)

(1) The electronic statement shall be considered received at the time of its receipt in the information system specified by the recipient. If the recipient has not indicated a specific information system, the statement shall be considered received at the time of its receipt in any information system of the recipient and if the recipient is not in possession of an information system, as of the time of its retrieval by the recipient from the information system where the statement has been received.

(2) If confirmation is agreed, the electronic statement shall be considered received after the sending of confirmation of its receipt by the recipient.

Time of learning of an electronic statement

### **Article 11**

The recipient of an electronic statement shall be considered to have become aware of its content within a reasonable time from its receipt.

Place of sending and receiving an electronic statement

### **Article 12**

(1) The electronic statement shall be considered sent from the place of business of its principal.

(2) The electronic statement shall be considered received in the place of business of its recipient.

(3) If the principal or the recipient of the statement has more than one place of business, the place of business shall be considered to be the one that is most closely related to the statement and its performance, bearing in mind the circumstances, of which the principal and the recipient have been aware or which have been taken into account by them at any instance before or in the course of the creation of the statement.

(4) If either the principal or the recipient does not have a place of business, their permanent residence shall be taken into consideration.

Electronic signature

### **Article 13**

(Amended, SG No. 100/2010, effective 1.07.2011, SG No. 85/2017)

(1) Electronic signature shall be an electronic signature within the meaning of Article 3, Item 10 of Regulation (EU) No. 910/2014.

(2) Advanced electronic signature shall be an electronic signature within the meaning of Article 3, Item 11 of Regulation (EU) No. 910/2014.

(3) Qualified electronic signature shall be an electronic signature within the meaning of Article 3, Item 12 of Regulation (EU) No. 910/2014.

(4) An electronic signature and an advanced electronic signature shall have the equivalent legal effect of a handwritten signature where this has been agreed by and between the parties.

### **Article 14**

(Repealed, SG No. 85/2017).

### **Article 15**

(Repealed, SG No. 85/2017).

## **Chapter three**

# **ELECTRONIC TRUST SERVICES**

**(Title amended, SG No. 100/2010, effective 1.07.2011, SG No. 85/2017)**

**Section I  
General provisions**

Definition

**Article 16**

(Amended, SG No. 100/2010, effective 1.07.2011, SG No. 85/2017)

Electronic trust services shall be the trust services within the meaning of Article 3, Item 16 of Regulation (EU) No. 910/2014.

Qualified electronic signature creation devices and qualified electronic seal creation devices

**Article 17**

(Amended, SG No. 100/2010, effective 1.07.2011, SG No. 85/2017)

(1) Conformity of qualified electronic signature creation devices and qualified electronic seal creation devices with the requirements laid down in Annex II of Regulation (EU) No. 910/2014 shall be certified by bodies accredited by the Executive Agency Bulgarian Accreditation Service or by other bodies specified in Article 30, paragraph 1 of that Regulation.

(2) The Executive Agency Bulgarian Accreditation Service shall keep a public register of the bodies accredited thereby and shall publish on its official website a list of the qualified electronic signature creation devices and qualified electronic seal creation devices certified by such bodies.

(3) The Executive Agency Bulgarian Accreditation Service shall notify to the European Commission the circumstances specified in Article 30, paragraph 2 and Article 31, paragraph 1 of Regulation (EU) No. 910/2014.

(4) The Executive Agency Bulgarian Accreditation Service shall accredit the bodies referred to in Paragraph (1) in accordance with the requirements of the delegated acts adopted by the European Commission under Article 30, paragraph 4 of Regulation (EU) No. 910/2014.

(5) Devices shall be certified in accordance with the conditions specified in Article 30, paragraph 3 and Article 39, paragraph 2 of Regulation (EU) No. 910/2014.

Secrecy of data in trust services

**Article 18**

(Repealed, SG No. 100/2010, effective 1.07.2011, new, SG No. 85/2017)

A person other than the signatory, respectively the creator, shall not be entitled to access to:

1. data regarding the creation of the electronic signature, the electronic seal and the electronic time stamp;
2. data regarding website authentication; and
3. data relating to electronic registered delivery.

Challenge of Rights

**Article 18a**

(New, SG No. 85/2017)

**(1) The person designated as signatory, creator of an electronic seal and a sender of data in the case of electronic registered delivery cannot challenge being the author, signatory, creator or sender against the addressee/recipient where the electronic document created by the person is:**

- 1. transferred by an information system, designed to operate in automatic mode, or**

2. created by a person, which has been granted access to the manner of identification.

(2) Paragraph (1), Item 2 shall not apply from the day on which the addressee receives notification that the electronic document does not originate from the author, respectively the signatory.

(3) Paragraph (1) shall not apply, in case the recipient of the statement has failed to apply due diligence.

## **Section II**

### **Providers of trust services**

#### **Activity of providers of trust services**

##### **Article 19**

(1) (Supplemented, SG No. 100/2010, effective 1.07.2011, amended, SG No. 85/2017) Trust service provider shall be a person within the meaning of Article 3, Item 19 of Regulation (EU) No. 910/2014.

(2) (Amended, SG No. 100/2010, effective 1.07.2011, repealed, SG No. 85/2017).

(3) (New, SG No. 100/2010, effective 1.07.2011, supplemented, SG No. 85/2017) Qualified trust service provider within the meaning of Article 3, Item 20 of Regulation (EU) No. 910/2014 shall be a person performing public functions.

##### **Article 20**

(Repealed, SG No. 100/2010, effective 1.07.2011).

#### **Requirements regarding the activities of the trust service providers**

##### **Article 21**

(Amended and supplemented, SG No. 100/2010, effective 1.07.2011, amended, SG No. 85/2017)

(1) Trust service providers shall satisfy the security requirements set out in Article 19 of Regulation (EU) No. 910/2014.

(2) Qualified trust service providers shall also satisfy the requirements set out in Article 24 of Regulation (EU) No. 910/2014.

(3) Qualified trust service providers shall keep the information specified in Article 24, paragraph 2, letter (h) of Regulation (EU) No. 910/2014 for a period of 10 years, including after the activities of the qualified trust service provider have ceased.

(4) Trust service providers shall not use the information they collect and keep for purposes, other than the ones pertaining to their operations.

(5) The amount of financial resources maintained by qualified trust service providers and/or of the insurance covering damages resulting from non-performance of their obligations in accordance with Article 24, paragraph 2, letter (c) of Regulation (EU) No. 910/2014 shall be determined by an ordinance of the Council of Ministers proposed by the Communications Regulation Commission.

##### **Article 22**

(Amended and supplemented, SG No. 100/2010, effective 1.07.2011, repealed, SG No. 85/2017).

#### **Relations with the principal**

##### **Article 23**

(Amended, SG No. 85/2017) The relations between the trust service provider and the principal shall be regulated by a contract.

#### **Discontinuance of the activity of a qualified trust service provider**

#### Article 23a

(New, SG No. 85/2017) The discontinuance of the activity of a qualified trust service provider shall be regulated by the ordinance under Article 21, Paragraph (5).

### Section III

#### Qualified certificates

(Title amended, SG No. 100/2010, effective 1.07.2011, SG No. 85/2017)

#### Article 24

(Amended, SG No. 34/2006, SG No. 100/2010, effective 1.07.2011, repealed, SG No. 85/2017).

#### Issuance of a certificate

#### Article 25

- (1) (Amended, SG No. 100/2010, effective 1.07.2011, SG No. 85/2017) Qualified trust service providers shall issue qualified certificates at the request of the signatory in accordance with the requirements of Article 24, paragraph 1 of Regulation (EU) No. 910/2014.
- (2) (Amended, SG No. 100/2010, effective 1.07.2011, repealed, SG No. 85/2017).
- (3) (Amended, SG No. 100/2010, effective 1.07.2011, repealed, SG No. 85/2017).
- (4) (Repealed, SG No. 100/2010, effective 1.07.2011).
- (5) (Amended, SG No. 100/2010, effective 1.07.2011) The provider of certification services shall forthwith issue the certificate by publishing it in the registry of certificates.
- (6) (New, SG No. 100/2010, effective 1.07.2011, amended, SG No. 85/2017) Within three days of the publishing of the issued certificate in the register, the holder of such certificate can object to its contents, if there are errors or omissions.
- (7) (New, SG No. 85/2017) In the event that an objection is filed in accordance with Paragraph (6), the errors or omissions shall be corrected forthwith by the provider by issuance of a new certificate at no charge, unless where such errors and omissions result from incorrect data having been made available.
- (8) (New, SG No. 85/2017) The contents of the certificate shall be deemed accepted if no objection has been made in accordance with Paragraph (6).

#### Notification of changes

#### Article 25a

- (New, SG No. 85/2017) (1) The holder of the issued certificate shall be obliged to notify forthwith the trust service provider of any changes that may have occurred in the circumstances, contained in the certificate.
- (2) The changes in the circumstances, contained in the certificate, may not be used in contradiction of third parties, acting in good faith.

#### Suspension and renewal of the effect of the certificate

#### Article 26

- (1) Unless provided for otherwise, the provider of certification services may suspend the effect of any certificate it has issued for any period of time deemed appropriate under the circumstances, but for no more than 48 hours, if there exists reasonable suspicion that the effect of the certificate should be revoked.
- (2) Unless provided for otherwise, the provider of certification services shall suspend the effect of any certificate it has issued for any period of time deemed appropriate under the circumstances, but for not more than 48 hours:

1. (amended and supplemented, SG No. 100/2010, effective 1.07.2011, amended, SG No. 85/2017) at the request of the holder, without having an obligation to convince itself in his identity or representative authority;
  2. at the request of any person, of whom it appears under the circumstances that in his capacity of agent, partner, employee, member of the family, etc., he may have become aware of infringements of the security of the private key;
  3. at the request of the Communications Regulation Commission.
- (3) In the case of present danger to the interests of third parties or if there is sufficient data to establish a violation of the law, the Chairman of the Communications Regulation Commission may oblige the respective provider of certification services to suspend the effect of the certificate for any period of time that may be required under the circumstances, but for not more than 48 hours.
- (4) (Amended, SG No. 100/2010, effective 1.07.2011, SG No. 85/2017) The trust service provider shall immediately notify the holder of the suspension of the effect of the certificate.
- (5) (Amended, SG No. 100/2010, effective 1.07.2011) The suspension of the effect of the certificate shall be made by its provisional registration in the list of certificates suspended.
- (6) The effect of the certificate shall be renewed:
1. upon expiration of the period of suspension;
  2. (supplemented, SG No. 100/2010, effective 1.07.2011, amended, SG No. 85/2017) by the trust service provider – when the grounds for the suspension are no longer in existence, or at the request of the holder, once the trust service provider or the Communications Regulation Commission, respectively, are satisfied that the holder has become aware of the reasons for the suspension and that his request for renewal has been made in consequence of becoming so aware.
- (7) (New, SG No. 100/2010, effective 1.07.2011, supplemented, SG No. 85/2017) The renewal of the effect of the certificate shall not eliminate the legal consequences of the suspension.

#### **Revocation of the effect of the certificate**

##### **Article 27**

- (1) The effect of the certificate shall be revoked:
1. upon expiration of its validity;
  2. in the event of death or placement under legal incapacity of a natural person, providing trust services;
  3. upon termination of the incorporation of the trust service provider without transferring its activities to another trust service provider;
  4. (new, SG No. 85/2017) in the event of death or placement under legal incapacity of the holder;
  5. (new, SG No. 85/2017) upon termination of the incorporation of the holder;
  6. (new, SG No. 85/2017, effective 1.01.2018, amended, SG No. 14/2018, repealed, SG No. 58/2019, effective 1.10.2020).
- (2) (Amended, SG No. 100/2010, effective 1.07.2011, SG No. 85/2017) The trust service provider shall revoke the effect of the certificate at the request of the holder after ascertaining its identity.
- (3) (Amended and supplemented, SG No. 100/2010, effective 1.07.2011, supplemented, SG No. 101/2016, effective 1.01.2020 (\*\*), amended, SG No. 85/2017, (\*\*) SG No. 1/2019, effective 31.12.2018) The provider shall revoke the effect of the certificate if it established that the certificate has been issued based on false data.
- (4) (New, SG No. 100/2010, effective 1.07.2011, repealed, SG No. 85/2017).

#### **Registry of certificates**

##### **Article 28**

**(1) (Amended, SG No. 100/2010, effective 1.07.2011, amended and supplemented, SG No. 85/2017) The qualified trust service provider shall maintain a public electronic registry (database) where it shall publish the certificates it uses in its activity as provider, the certificates issued and the list of certificates revoked.**

**(2) (Amended, SG No. 100/2010, effective 1.07.2011, SG No. 85/2017) The trust service provider may not restrict the access to the registry, except upon request by the holder and only in regard to the latter's certificate.**

**(3) (Amended and supplemented, SG No. 100/2010, effective 1.07.2011, repealed, SG No. 85/2017).**

**(4) (Repealed, SG No. 85/2017).**

## **Section IV Liability**

### **Liability**

#### **Article 29**

**(Amended and supplemented, SG No. 100/2010, effective 1.07.2011, amended, SG No. 85/2017) The trust service provider shall be liable, pursuant to Article 13 of Regulation (EU) No. 910/2014, for damage caused intentionally or negligently to any natural or legal person due to a failure to comply its the obligations.**

#### **Article 30**

**(Amended, SG No. 100/2010, effective 1.07.2011, repealed, SG No. 85/2017).**

### **Liability of the holder towards a trust service provider**

#### **Article 31**

**(Amended, SG No. 100/2010, effective 1.07.2011, SG No. 85/2017)**

**The holder shall be liable towards the trust service provider if it has provided false data, respectively has been silent on data relating to the content or the issuance of the certificate.**

## **Section V Oversight (Title amended, SG No. 85/2017)**

### **Powers of the Communications Regulation Commission**

#### **Article 32**

**(1) (Amended, SG No. 100/2010, effective 1.07.2011, SG No. 85/2017) The Communications Regulation Commission is the national supervisory authority exercising the powers under Regulation (EU) No. 910/2014 and this Act.**

**(2) (New, SG No. 85/2017) The Communications Regulation Commission shall provide a qualified status to trust service providers under the conditions set out in Articles 20 and 21 of Regulation (EU) No. 910/2014.**

**(3) (Renumbered from Paragraph (2), SG No. 85/2017) In the performance of its functions the Communications Regulation Commission shall be entitled to:**

- 1. free access to all facilities subject to control;**
- 2. examine the documents proving the qualification of the employees of the providers of certification services;**
- 3. request information and documents related to the carrying out of control;**



4. (amended and supplemented, SG No. 85/2017) designate conformity assessment bodies under Article 33, to carry out audits of compliance by qualified trust service providers with the requirements under Article 21, Paragraphs (1) and (2);
5. (new, SG No. 85/2017) receive from trust service providers the information required for the execution of its powers.
- (4) (Renumbered from Paragraph (3), amended, SG No. 85/2017) The Communications Regulation Commission shall create, maintain and publish trusted lists of the persons providing trust services and qualified trust services in accordance with Article 22 of Regulation (EU) No. 910/2014.
- (5) (Renumbered from Paragraph (4), amended, SG No. 85/2017) The Communications Regulation Commission may participate in the conduct of joint investigations under Article 18, paragraph 3 of Regulation (EU) No. 910/2014.

#### **Suspension of the activity of issuance of certificates**

(Title amended, SG No. 85/2017)

#### **Article 32a**

(New, SG No. 100/2010, effective 1.07.2011)

- (1) (Amended, SG No. 85/2017) The Communications Regulation Commission shall be entitled to suspend by its decision the conduct of the activity of a trust service provider for issuance of certificates in instances of violation of the Act until such violations are remedied.
- (2) The appeal against the decision under Paragraph (1) shall not suspend its enforcement.

### **Chapter four**

## **ACCREDITATION AND CONTROL OF CONFORMITY ASSESSMENT BODIES**

(Title amended, SG No. 100/2010, effective 1.07.2011, SG No. 85/2017)

#### **Conformity assessment bodies**

#### **Article 33**

(Repealed, SG No. 100/2010, effective 1.07.2011, new, SG No. 85/2017) The conformity of the activities of qualified electronic trust service providers with the requirements of Regulation (EU) No. 910/2014 shall be assessed by accredited conformity assessment bodies.

#### **Accrediting institution**

#### **Article 34**

(Amended, SG No. 100/2010, effective 1.07.2011, SG No. 85/2017)

(1) The accreditation referred to in Article 33 shall be carried out by the Executive Agency Bulgarian Accreditation Service under the conditions and in accordance with the procedure established by the National Accreditation of Compliance Conformity Authorities Act, or by a national accreditation body which has successfully passed a peer assessment in accordance with Regulation (EC) No. 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 (OJ, L 218/30 of 13.8.2008), or by an international accreditation body on the grounds of a contractual relationship for recognition between this body and the body, recognised in accordance with Article 14 of Regulation (EC) No. 765/2008, of a European Union Member State or a state party to the Agreement on the European Economic Area.

**(2) The Bulgarian Accreditation Service Executive Agency shall issue accreditation certificates to the conformity assessment bodies certified thereby.**

**(3) The Bulgarian Accreditation Service Executive Agency shall enter the conformity assessment bodies accredited thereby in the register referred to in Article 17, Paragraph (1) of the National Accreditation of Compliance Conformity Authorities Act.**

#### **Article 35**

**(Amended, SG No. 100/2010, effective 1.07.2011, repealed, SG No. 85/2017).**

#### **Article 36**

**(Amended, SG No. 30/2006, SG No. 34/2006, SG No. 100/2010, effective 1.07.2011, repealed, SG No. 85/2017).**

#### **Article 37**

**(Repealed, SG No. 100/2010, effective 1.07.2011).**

#### **Article 37a**

**(New, SG No. 100/2010, effective 1.07.2011, repealed, SG No. 85/2017).**

#### **Article 38**

**(Amended, SG No. 100/2010, effective 1.07.2011, repealed, SG No. 85/2017).**

#### **Article 39**

**(Amended, SG No. 100/2010, effective 1.07.2011, repealed, SG No. 85/2017).**

#### **Article 40**

**(Amended, SG No. 100/2010, effective 1.07.2011, repealed, SG No. 85/2017).**

### **Chapter five**

## **APPLICATION OF THE ELECTRONIC DOCUMENT AND THE QUALIFIED ELECTRONIC SIGNATURE BY THE STATE AND MUNICIPAL ADMINISTRATIONS (Title amended, SG No. 100/2010, effective 1.07.2011)**

#### **Article 41**

**(Repealed, SG No. 100/2010, effective 1.07.2011).**

#### **Storing electronic documents**

#### **Article 42**

**The state and municipal administrations must store the electronic documents for such periods of time as are legally established for storing any documents.**

### **Chapter six**

## **PROTECTION OF PERSONAL DATA**

#### **Obligation for protecting personal data**

#### **Article 43**

**(1) The protection of the personal data, collected by the trust service providers for the purposes of their operations, and the protection of the registers kept by them shall be regulated by an Act.**

**(2) The provisions contained in Paragraph (1) shall also apply to the personal data that has become known to the Communications Regulation Commission which in the course of discharge of its powers carries out supervision of the activity of the trust service providers.**

(3) (Amended, SG No. 100/2010, effective 1.07.2011, SG No. 85/2017) The trust service providers shall collect personal data about the signatory only inasmuch as such data are necessary for issuing and maintaining certificates.

(4) (Amended, SG No. 100/2010, effective 1.07.2011) Personal data may be collected only personally from the individual to whom such data relate or with his express consent.

(5) The data so collected may not be used for purposes other than those under Paragraph (3), unless expressly authorized by the person to which such data relates or unless authorized by law.

## **Chapter seven** **(Repealed, SG No. 85/2017)** **RECOGNITION OF CERTIFICATES ISSUED BY TRUST** **SERVICE PROVIDERS ESTABLISHED IN OTHER** **COUNTRIES**

### **Article 44**

(Amended, SG No. 100/2010, effective 1.07.2011, repealed, SG No. 85/2017).

## **Chapter eight** **ADMINISTRATIVE PENAL PROVISIONS**

### **Penalties**

#### **Article 45**

(1) (Amended, SG No. 100/2010, effective 1.07.2011, SG No. 85/2017) The following shall be liable to a fine ranging from BGN 1,000 to BGN 50,000, if the act does not constitute a crime:

1. any person who commits or allows others to commit an infringement under Article 21, Paragraphs (3) and (4), Article 26, Paragraphs (2), (3), (4), (5) and (6), Article 27, Paragraphs (2) and (3), Article 28, Paragraphs (1) and (2), and Article 29;

2. any person who commits or allows others to commit an infringement under Article 15, Article 19, paragraphs 1 and 2, Article 20, paragraph 1, Article 21, paragraphs 1 and 3, Article 23, paragraphs 1 and 2, Article 24, paragraphs 1 – 4, Article 33, paragraph 1, Article 34, paragraph 1, Article 40 and Article 44, paragraph 1 of Regulation (EU) No. 910/2014;

3. a trust service provider which provides a trust service not satisfying the requirements of Regulation (EU) No. 910/2014;

4. any person who commits a violation of Regulation (EU) No. 910/2014, of this Act or of the acts issued in pursuance thereof, wherefor no other sanction is provided.

(2) (Amended, SG No. 100/2010, effective 1.07.2011) In the cases under Paragraph (1), the legal person or sole proprietor shall be liable to a property sanction in the amount of BGN 5,000 to 100,000.

**Establishment of violations, drawing up of statements and issuance of penal enactments**

#### **Article 46**

(1) (Amended, SG No. 85/2017) The statements for the established violations shall be drawn up by persons authorised by the Chairperson of the Communications Regulation Commission and all penal enactments shall be issued by him or by an official duly authorised thereby.

(2) With the establishment of violations the authors of the statements may detain and retain any material evidence that is relevant to ascertaining the violations under Article 41 of the Administrative Violations and Penalties Act.

(3) The drawing up of the statements and the issuance, appeal, and execution of the penal enactments shall be carried out under the Administrative Violations and Penalties Act.

## **SUPPLEMENTARY PROVISION**

**§ 1. For the purposes of this Act:**

1. A qualified form in writing shall be a form for validity or proof of a statement, where the law envisages additional requirements regarding the written format, such as notary certification of the signature, a notarised deed, own writing of the statement, participation of witnesses or officials in the course of creation of the statement, etc.
2. (Repealed, SG No. 85/2017).
3. (Repealed, SG No. 85/2017).
4. (Amended, SG No. 100/2010, effective 1.07.2011, repealed, SG No. 85/2017).
5. (Repealed, SG No. 85/2017).
6. (Amended, SG No. 100/2010, effective 1.07.2011, repealed, SG No. 85/2017).
7. (Repealed, SG No. 85/2017).
8. (New, SG No. 100/2010, effective 1.07.2011, repealed, SG No. 85/2017).
9. (New, SG No. 100/2010, effective 1.07.2011, repealed, SG No. 85/2017).
10. (New, SG No. 100/2010, effective 1.07.2011, repealed, SG No. 85/2017).
11. (New, SG No. 100/2010, effective 1.07.2011, repealed, SG No. 85/2017).

## **CONCLUDING PROVISIONS**

**§ 2. Article 22 of the Telecommunications Act (promulgated, SG No. 93/1998, amended, SG No. 26/1999, SG No. 10 and 64/2000) shall be supplemented by new paragraph 4 as follows:**

**"The Communications Regulation Commission shall register and control all activities pertaining to the provision of certification services related to electronic signature in a manner established by law."**

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

**§ 4. The Council of Ministers shall draft the regulations envisaged in this Act within 5 months after its promulgation and shall adopt them within one month after its entry into force.**

**§ 5. The implementation of this Act shall be assigned to the Council of Ministers and the Communications Regulation Commission.**

**This Act was adopted by the 38th National Assembly on 22 March 2001 and the official seal of the National Assembly was affixed thereto.**



### **TRANSITIONAL AND CONCLUDING PROVISIONS**

**to the ACT to Amend and Supplement the Telecommunications Act  
(SG No. 112/2001, effective 5.02.2002)**

.....

**§ 78. (1) Everywhere in the Electronic Document and Electronic Signature Act (SG No. 34/2001), the text "the State Committee on Telecommunications" is replaced by "the Communications Regulation Commission".**

.....

**(\*)ACT to Amend the Commercial Register Act**  
(SG No. 80/2006, effective 3.10.2006)

**§ 1. In § 56 of the Transitional and Final Provisions [of the Commercial Register Act], the words "the 1st day of October 2006" shall be replaced by "the 1st day of July 2007".**

**(\*)ACT to Amend the Commercial Register Act**  
(SG No. 53/2007, effective 30.06.2007)

**§ 1. In § 56 of the Transitional and Final Provisions [of the Commercial Register Act], the words "the 1st day of July 2007" shall be replaced by "the 1st day of January 2008".**

**ACT to Amend and Supplement the Electronic Document and Electronic Signature Act**  
(SG No. 100/2010, effective 1.07.2010)

**Supplementary provision**

**§ 40. This Act shall introduce 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, as amended by Regulation (EC) No. 1137/2008.**

**Transitional and concluding provisions**

**§ 41. (1) The trust service providers registered by the Communications Regulation Commission shall be deemed accredited within the meaning of this Act.  
(2) The Communications Regulation Commission, shall record ex officio in the registry under Article 38, Paragraph (1) the respective circumstances, related to the accreditation of the trust service providers, registered prior to the entry into force of this Act.**

**§ 42. All advanced and universal electronic signature certificates, issued prior to the entry into force of this Act, shall be treated as equivalent to qualified electronic signature certificates.**

**§ 52. The Communications Regulation Commission, shall adopt the ordinance under Article 38, paragraph 4 by 1 March 2011.**

**§ 53. Any lower-level normative acts for implementation of this Act shall be brought into conformity with it by 1 July 2011.**

**§ 54. This Act shall enter into effect as of 1 July 2011 except for the provision of § 31 concerning Article 38, Paragraph (4), which shall enter into effect as of the date of its publication in the State Gazette.**

**TRANSITIONAL AND FINAL PROVISIONS**  
**to the Act to Amend and Supplement the Bulgarian Personal Documents Act**  
(SG No. 101/2016, effective 1.01.2020 - amended, SG No. 97/2017,  
SG No. 1/2019, effective 31.12.2018)

**§ 17. In the Electronic Document and Electronic Signature Act (promulgated, SG No. 34/2001, amended, SG No. 112/2001, SG No. 30, 34 and 80/2006, SG No. 38 and 53/2007 and SG No. 100/2010) a new item 5 shall be added to Article 27 (3):**

**(\*\*) § 21. (Amended, SG No. 97/2017, SG No. 1/2019, effective 31.12.2018) This Act shall enter into force on 1 January 2020, with the exception of § 12, 13, 16, 19 and 20, which shall enter into force on the day this Act is promulgated in the State Gazette.**

**ACT to Amend and Supplement  
the Electronic Document and Electronic Signature Act  
(SG No. 85/2017)**

.....  
**Supplementary provision**

**§ 39. This Act introduces the measures implementing Regulation (EU) No. 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC.**

**Concluding provisions**

**§ 40. The Council of Ministers shall approve the rate referred to in Article 21, Paragraph (5), within a six-month period after this Act becomes effective.**

**§ 41. The bodies of the Executive power and bodies of local self-government in the 9-month period from the entry into force of this Act shall bring their regulations into conformity with it.**

.....  
**§ 80. Paragraph 22, Item 1, regarding Article 27, Paragraph (1), Item 6, which shall enter into force from 1 January 2018.**