

# Service Activities Act

Promulgated, SG No. 15/23.02.2010, effective 23.02.2010, amended and supplemented, SG No. 83/24.09.2013

Text in Bulgarian: Закон за дейностите по предоставяне на услуги

## Chapter One GENERAL DISPOSITIONS

**Article 1.** (1) This Act regulates the general rules for the exercise of the freedom of establishment for service providers and the free movement of services, while maintaining a high quality of services.

(2) The purposes of this Act are:

1. to facilitate the exercise of service activities by providers established in a Member State;
2. to guarantee the rights of service providers and service recipients;
3. to reduce the administrative burden for service providers established in the Member States and to simplify the procedures for the competent authorities in the Republic of Bulgaria through the creation of a point of single contact and provision of services by electronic means;
4. to establish a system for the exchange of information and mutual cooperation between the competent authorities in the Republic of Bulgaria and the competent authorities in the Member States.

**Article 2.** (1) Within the meaning given by this Act, "service" shall be any economic activity provided by a service provider for remuneration or for own account.

(2) This Act shall not apply to the following services:

1. non-economic services of general interest;
2. financial services;
3. electronic communications services and networks and associated facilities and services, subject to regulation under the Electronic Communications Act - solely in respect of the provisions transposing Directive 2002/19/EC of the European Parliament and of the Council of 7 March 2002 on access to, and interconnection of, electronic communications networks and associated facilities, Directive 2002/20/EC of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services, Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common

regulatory framework for electronic communications networks and services, Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services, and Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector;

4. services in the field of transport;
5. services of hiring out of workers provided by temporary work agencies;
6. medical and healthcare services;
7. audiovisual services;
8. services connected with gambling activities under the Gambling Act;
9. services and activities which are connected with the exercise of official authority;
10. social services relating to social housing, childcare and support of families and persons permanently or temporarily in need which are provided by the State or by providers and charities mandated by the State;
11. private security services;
12. services provided by notaries and enforcement agents.

(3) The provisions of this Act shall not apply in the field of taxation, employment relationships and legal relations related thereto, employment, social security, fundamental human rights, criminal law and private international law.

(4) If the provisions of this Act conflict with any regulation of the European Union or with any special law transposing acts of the European Union which govern service activities in a specific sector or for specific professions, the provisions of the acts of the European Union shall prevail. This provision shall apply, inter alia, to:

1. Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services;

2. Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community;

3. Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities, Directive 97/36/EC of the European Parliament and of the Council of 30 June 1997 amending Council Directive 89/552/EEC and Directive 2007/65/EC of the European Parliament and of the Council of 11 December 2007 amending

Council Directive 89/552/EEC (OJ L 332/27 of 18 December 2007);

4. Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications.

## **Chapter Two**

### **POINT OF SINGLE CONTACT**

**Article 3.** (1) The integrated portal for access to electronic administrative services, established and maintained according to Article 12 of the Electronic Government Act, shall perform the functions of a Point of Single Contact (PoSC).

(2) (Amended, SG No. 83/2013) The Point of Single Contact shall provide service providers with:

1. easy access to information necessary for the commencement and exercise of the activity thereof or particular rights;

2. completion and submission of the forms and documents necessary for the exercise of the activity thereof or particular rights;

3. receipt of a response from the competent authorities on initiated procedures.

(3) (Amended, SG No. 83/2013) Acting on a joint proposal by the Minister of Economy and Energy and the Minister of Transport, Information Technology and Communications, the Council of Ministers shall adopt an ordinance on the terms and procedure for maintenance and functioning of the PoSC.

**Article 4.** (Amended, SG No. 83/2013) The Point of Single Contact shall provide service providers and service recipients with access to:

1. information on all requirements applicable to providers established within the national territory, including information on the required procedures and standard forms of documents through which rights to exercise a service activity are granted;

2. a possibility for service providers and service recipients to obtain, at their request, explanations, directions, instructions and other information on the way the requirements referred to in Item 1 are interpreted and applied, including a step-by-step guide in chronological order;

3. all standard forms of documents required for obtaining an authorisation, a licence, a registration and other such;

4. the contact details of the competent authorities enabling the latter to be contacted directly, including information on the specific powers of the authorities in respect of matters concerning the exercise of service activities;

5. the contact details of organisations, chambers and associations, other than the competent authorities, wherefrom service providers or service recipients can obtain practical assistance;

6. public registers and databases containing information on providers and services;

7. information on the means of redress in the event of dispute between the competent authorities and a service provider or a service recipient, or between a provider and a recipient, or between providers;

8. information, where available, on:

(a) the significance of certain quality labels;

(b) the criteria for applying quality labels;

(c) other quality marks relating to services;

(d) a code of conduct, set up at European Union level, intended to ease the access to the provision of services.

**Article 5.** (Amended, SG No. 83/2013) The competent authorities, which are vested with powers in connection with the exercise of service activities, shall be obligated to provide the PoSC full and up-to-date information under Article 4 herein, in a clear and unambiguous manner.

**Article 6.** (1) At the request of service providers and/or recipients, the competent authorities referred to in Article 5 herein shall ensure the information facilitating fulfilment of the regulatory and administrative requirements within the shortest period of time.

(2) Where the authority is not competent to provide the information requested or to act on the application or where the request is unfounded, the said authority shall be obligated to inform the person accordingly without delay, specifying the reasons.

**Article 7.** (Amended, SG No. 83/2013) Through the integrated portal for access to electronic administrative services, the Point of Single Contact shall ensure a possibility for exchange of communications between service providers and the competent authorities referred to in Article 5 herein.

**Article 8.** (Amended, SG No. 83/2013) The Point of Single Contact and the competent authorities referred to in Article 5 herein shall process personal data in compliance with the Personal Data Protection Act.

## **Chapter Three**

# **RIGHT OF ESTABLISHMENT**

## **Section I**

## **Access to Services and Exercise of Service Activity**

**Article 9.** (1) Access to services and the exercise of a service activity shall be free, unless an act of the European Union or a special law which transposes requirements of acts of the European Union provides otherwise.

(2) (Amended, SG No. 83/2013) Without prejudice to Paragraph (1), a special law may introduce an authorisation scheme only where the said scheme respects the following principles:

1. non-discrimination, whether direct or indirect, with regard to nationality or to location of the registered office of the provider;

2. necessity: the authorisation scheme is justified by the need to protect the public interest;

3. proportionality: protection of the public interest cannot be attained by means of less restrictive measures, including by means of a posteriori inspection.

**Article 10.** (1) The competent authority shall be obligated to authorise the exercise of a service activity upon establishment of conformity with all legal requirements regulated in the respective authorisation scheme.

(2) Authorisation schemes shall be based on the following principles:

1. sound legal basis, equal treatment and non-discrimination;

2. necessity to protect the public interest;

3. proportionality to the public interest objective;

4. objectivity and impartiality;

5. transparency, publicity, accessibility, clarity and unambiguity.

**Article 11.** (1) Granting of authorisation for access to services or the exercise of a service activity may not be made subject to any requirements:

1. based on the nationality of the provider, of the staff thereof, of the persons holding the share capital, of the members of the provider's management or supervisory bodies or on the residence in the Republic of Bulgaria of the said persons, and in the case of legal persons, on the address of the place of management in the Republic of Bulgaria;

2. restricting the right of establishment in more than one Member State and/or of entry in identical registers and enrolment with professional bodies or associations of more than one Member State;

3. restricting the freedom of the provider to choose between a principal or a secondary

establishment, as well as to choose between establishment in the form of an agency, branch or subsidiary;

4. of reciprocity with the Member State in which the provider already has an establishment, save in the case of conditions of reciprocity provided for in European Union law concerning energy;

5. to prove the market need, an assessment of the economic effect of the activity or of the appropriateness of the activity in relation to the economic objectives set by the competent authority in the strategic documents thereof;

6. to involve, directly or indirectly, competitors, including within consultative bodies; this prohibition shall not apply to the cases where the competent authority is a professional body or association;

7. to provide a financial guarantee or to take out insurance from a provider or body established in the territory of the Republic of Bulgaria;

8. (amended, SG No. 83/2013) to have been pre-registered or to have previously exercised an activity for a given period in the territory of the Republic of Bulgaria.

(2) (New, SG No. 83/2013) Where justified by an overriding reason relating to the protection of the public interest which may not be protected by means of less restrictive measures and does not discriminate against the service provider, granting of authorisation for access to services or the exercise of a service may be made subject to:

1. quantitative or territorial restrictions, including limits fixed according to population or a minimum geographical distance between providers;

2. an obligation on the provider to take a specific legal form;

3. requirements which relate to the shareholding of a company;

4. requirements which are not provided for in European Union law, which reserve access to the service activity in question to particular providers owing to the specific nature of the activity;

5. a ban on having more than one establishment in the territory of the same State;

6. requirements fixing a minimum number of employees;

7. fixed minimum and/or maximum tariffs with which the provider must comply;

8. an obligation on the provider to supply other specific services jointly with the service thereof;

9. requirements obliging the providers to exercise only a given specific activity or restricting the exercise in partnership of different activities.

(3) (Renumbered from Paragraph (2), supplemented, SG No. 83/2013) Upon granting of authorisation for access to services or the exercise of a service activity, the competent authority may not require proof of compliance with requirements or controls which duplicate such requirements or controls required in another Member State or in the Republic of Bulgaria.

(4) (Renumbered from Paragraph (3), supplemented, SG No. 83/2013) As proof of compliance with the regulatory requirements for granting of authorisation, the competent authority may not require the documents originating from another Member State to be produced in their original form or as a certified copy or as a certified translation, save in the cases provided for in other acts of the European Union or where such a requirement is justified by a reason to protect the public interest, public order and security.

(5) (Renumbered from Paragraph (4), supplemented, SG No. 83/2013) Where any document from another Member State, which serves an equivalent purpose or from which it is clear that a requirement has been satisfied, is produced as proof of satisfaction of the same requirement, the competent authority may not require another document to be produced.

(6) (Renumbered from Paragraph (5), SG No. 83/2013) Where particular circumstances have been certified by another authority within the territory of the Republic of Bulgaria, the competent authority may not require from the provider to prove the said circumstances but shall be obligated to verify this fact ex officio.

**Article 12.** An authorisation shall grant the provider access to services or the exercise of the service activity:

1. throughout the territory of the Republic of Bulgaria, except where a restriction is justified by reasons relating to the public interest;

2. for an unlimited period, except where:

(a) the authorisation is being automatically renewed or is subject only to the continued fulfilment of the requirements;

(b) the authorisation period or the number of authorisations is limited by a statutory instrument by a reason relating to the public interest.

**Article 13.** The competent authority shall be obligated to reason each decision refusing to grant, restricting, withdrawing or terminating an authorisation for access to services or the exercise of a service activity. Any such decision shall be appealable.

**Article 14.** The service provider shall be obligated to inform the relevant competent authority of the following changes in the circumstances:

1. the creation of subsidiaries, branches and agencies whose activities fall within the scope of the authorisation scheme;

2. as a result of which the conditions for granting of authorisation can no longer be considered to be met.

## **Section II**

### **Authorisation Procedure**

**Article 15.** The authorisation procedures shall respect the principles covered under Article 10 (2) herein. For granting of authorisation, the competent authority shall inform the applicant in advance in a plain, intelligible and unambiguous language regarding:

1. the documents required for the granting of authorisation, their legal significance and the periods of the procedure;
2. the amount of the fees, which shall be proportionate to the cost of the procedure;
3. the possibilities to submit proposals and alerts and the procedure for appeal of the steps of the competent authority and the acts issued thereby;
4. other information provided for in a statutory instrument.

**Article 16.** (1) Authorisation procedures may not be dissuasive and may not complicate or delay the provision of the service.

(2) All documents submitted in connection with the granting of authorisation shall be acknowledged. The acknowledgement must specify:

1. the period for response by the competent authority, which is fixed and determined in advance in a statutory instrument or administrative act and which shall run from the time when the documents have been submitted;
2. the means of redress available to the applicant;
3. where applicable, a statement that in the absence of a response within the period specified, the authorisation shall be deemed to have been granted.

(3) The time period for response may be extended by the competent authority once in case of factual or legal complexity. The extension and the duration thereof shall be motivated and shall be notified to the applicant before the original period has expired.

(4) Where the documents submitted are incomplete, the competent authority shall inform the applicant within the shortest period of time of the need to supply additional information within a fixed period and that the time period for response begins to run as from the date of supply of the said information.

(5) Where the documents submitted are non-conforming or where additional information has not been supplied within the period referred to in Paragraph (4), the competent authority shall



inform the applicant that the request thereof is rejected.

**Article 17.** Where the competent authority has failed to respond to an application for granting of authorisation for access to services or the exercise of a service activity within the time period set for this, authorisation shall be deemed to have been granted unless a law provides for other conditions related to protection of the public interest or legitimate interest of third parties.

**Article 18.** (1) Where the number of authorisations available for a given activity is limited because of the scarcity of natural resources or of technical capacity, a selection procedure shall be applied to potential candidates, respecting the principles of legal conformity, publicity, transparency and impartiality.

(2) In determining the selection criteria in the cases referred to in Paragraph (1), account shall be taken of the issues related to: national security and defence; protection of public health and the environment; the health and safety of employees; the areas and sites, properties and cultural heritage protected by law. The selection procedure referred to in Paragraph (1) may be subject to other criteria as well relating to the protection of the public interest.

(3) In the cases referred to in Paragraph (1), the authorisation shall be granted for a limited period and shall not be open to automatic renewal but a new selection shall be carried out in which providers whose authorisation has just expired or any person having close links therewith shall not enjoy any advantages.

## **Chapter Four**

### **FREE MOVEMENT OF SERVICES**

#### **Section I**

#### **Temporary Provision of Services**

#### **(Heading amended, SG No. 83/2013)**

**Article 19.** (1) (Amended, SG No. 83/2013) Every provider, who has the right exercise a service activity under the legislation of another Member State, shall be free to exercise the said activity within the territory of the Republic of Bulgaria without being subject to an authorization scheme where the said provider is to exercise the said activity temporarily or once without establishment.

(2) (Amended, SG No. 83/2013) The temporary or one-off provision of services may be restricted only by requirements introduced by a law which respect the following principles:

1. non-discrimination: the requirements may be neither directly nor indirectly discriminatory with regard to nationality or establishment in a particular Member State in the case of legal persons;

2. necessity: the requirements must be justified by reasons relating to public order, public

security, public health, or the protection of the environment;

3. proportionality: the requirements must be suitable and must be consistent with the objectives pursued.

(3) (Amended, SG No. 83/2013) The requirements referred to in Paragraph (2) may not restrict the temporary or one-off provision of services by a provider established in another Member State through:

1. an obligation on the provider to have an establishment in the territory of the Republic of Bulgaria;

2. an obligation on the provider to obtain an authorisation from a competent authority, to be entered in a register or to be registered with a professional body or association in the Republic of Bulgaria, except where this is provided for in European Union law;

3. an obligation on the provider to possess an identity document issued by a competent authority in the Republic of Bulgaria, specific to the exercise of a certain type of service activity;

4. a ban on the provider to set up a certain form or type of infrastructure in the Republic of Bulgaria for the provision of services;

5. the application of specific contractual arrangements between the provider and the recipient which prevent or restrict service provision by the self-employed;

6. requirements, except for those necessary for health and safety at work, which affect the use of equipment and material which are an integral part of the service provided;

7. (amended, SG No. 83/2013) requirements to the service recipient restricting the use of a service supplied by a provider established in another Member State which impose:

(a) an obligation to obtain authorisation from or to make a declaration to a competent authority in the Republic of Bulgaria;

(b) discriminatory limits on the grant of financial assistance by reason of the fact that the provider is established in another Member State or by reason of the location of the place at which the service is provided;

(c) discriminatory limits based on nationality or place of residence.

(4) (Amended, SG No. 83/2013) The competent authorities shall apply the requirements upon the temporary provision of services by taking into consideration the nature of the service, the duration, regularity and frequency of provision, as well as the specific characteristics of the service, on a case by case basis.

(5) (New, SG No. 83/2013) In applying the requirements to the temporary or one-off provision of services, the competent authorities shall be obligated to accept documents issued

under the legislation of another Member State, which are equivalent or essentially comparable as regards their purpose to the requirements defined in the legislation of the Republic of Bulgaria.

(6) (Renumbered from Paragraph (5), SG No. 83/2013) The legislation of the Republic of Bulgaria shall be applicable in respect of employment conditions and the rules laid down in collective agreements.

**Article 20.** (1) Article 19 herein shall not apply in respect of the provision of the following types of services:

1. services of a general economic interest which are governed by:

(a) the provisions of the Postal Services Act transposing Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service;

(b) the provisions of the Energy Act transposing Directive 2003/54/EC of the European Parliament and of the Council of 26 June 2003 concerning common rules for the internal market in electricity and repealing Directive 96/92/EC and Directive 2003/55/EC of the European Parliament and of the Council of 26 June 2003 concerning common rules for the internal market in natural gas and repealing Directive 98/30/EC;

(c) (new, SG No. 83/2013) water distribution and supply services and waste water services;

(d) (new, SG No. 83/2013) treatment of waste;

2. services falling within the scope of Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services;

3. on the protection of individuals with regard to the processing of personal data and on the free movement of such data within the scope of Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, as amended by Regulation (EC) No 1882/2003;

4. services provided by lawyers within the scope of Council Directive 77/249/EEC of 22 March 1977 to facilitate the effective exercise by lawyers of freedom to provide services;

5. services related to judicial recovery of debts;

6. (supplemented, SG No. 83/2013) services which may be provided only by persons with a recognised professional qualification on matters covered by Part Two of the Recognition of Professional Qualifications Act;

7. (amended, SG No. 83/2013) services in the field of social security which are covered by Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on

the coordination of social security systems;

8. services related to administrative procedures under the Act on Entry into, Residence in, and Exit from the Republic of Bulgaria by Citizens of the European Union and Family Members Thereof;

9. services for granting visas or a residence permit to third country nationals;

10. (new, SG No. 83/2013) services for shipments of waste which are covered by Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste;

11. (renumbered from Item 10, SG No. 83/2013) services in the field of copyright and neighbouring rights, industrial property rights, legal protection of topographies of semiconductor products and of databases;

12. (renumbered from Item 11, SG No. 83/2013) services related to acts requiring by law the involvement of a notary;

13. (renumbered from Item 12, supplemented, SG No. 83/2013) in the field of independent financial audit and accounting on matters regulated in the provisions of the Accountancy Act and the Independent Financial Audit Act transposing the requirements of Directive 2006/43/EC of the European Parliament and of the Council of 17 May 2006 on statutory audit of annual accounts and consolidated accounts, amending Council Directives 78/660/EEC and 83/349/EEC and repealing Council Directive 84/253/EEC

14. (renumbered from Item 13, SG No. 83/2013) registration of vehicles leased on a long-term basis in another Member State;

15. (renumbered from Item 14, SG No. 83/2013) in the field of contractual and non-contractual obligations and the form of contracts, according to the Private International Law Code.

**Article 21.** (1) (Amended, SG No. 83/2013) The temporary or one-off provision of services by a provider established in another Member State may be restricted, by way of exception, through measures relating to the safety of services.

(3) The measures referred to in Paragraph (1) shall be taken without prejudice to court proceedings, including preliminary proceedings or acts carried out in the framework of a criminal procedure.

## **Section II**

### **Exercise of Multidisciplinary Service Activities**

**Article 22.** (1) Service providers may exercise more than one type of service activity, whether independently or in partnership.

(2) Restricting the rights of providers under Paragraph (1) shall be permissible where necessary to ensure their independence and impartiality in respect of the following providers:

1. the regulated professions, in order to guarantee compliance with the rules governing professional ethics and conduct;

2. providers of certification, accreditation, technical monitoring, test or trial services.

(3) Exercise of multidisciplinary service activities by the providers covered under Paragraph (2) shall be authorised only if the following conditions are fulfilled:

1. conflicts of interest and incompatibilities between the activities exercised are prevented;

2. the requirements of independence and impartiality for the exercise of certain types of activities are secured;

3. the rules governing ethics and conduct for the exercise of the different activities are compatible with one another, especially as regards matters of professional secrecy.

## **Section III**

### **Assistance for Service Recipients**

**Article 23.** (1) (Amended, SG No. 83/2013) The Point of Single Contact shall ensure that service recipients can obtain the following information:

1. general information on the requirements applicable in other Member States relating to access to services and the exercise of service activities, in particular those relating to consumer protection;

2. general information on the means of redress available in a dispute between a provider and a recipient;

3. the contact details of organisations and associations from which providers or recipients may obtain practical assistance.

(2) (Amended, SG No. 83/2013) The information referred to in Items 2 and 3 of Paragraph (1) shall be provided to the PoSC by the competent authorities in the territory of the Republic of Bulgaria which are vested with powers in connection with the exercise of service activities.

(3) (Amended, SG No. 83/2013) The Point of Single Contact shall communicate to the European Commission the names and contact details of the competent authorities in the territory of the Republic of Bulgaria which are vested with powers in connection with the exercise of control or granting of authorisations for the exercise of service activities.

(4) The competent authorities in the Republic of Bulgaria must assist service recipients and

shall be obligated to put in place all possible measures for cooperation with the respective competent authorities in the Member States and to ensure practical arrangements necessary for the implementation of Paragraph (1).

(5) In fulfilment of the requirements referred to in Paragraph (4), the competent authority approached by the service recipient shall, if necessary, contact the competent authority in the Member State concerned in order to obtain the information requested by the enquiring recipient.

## **Chapter Five**

# **OBLIGATIONS OF SERVICE PROVIDERS**

### **Section I**

## **Supply of Information**

**Article 24.** (1) Service providers shall be obligated to make the following information available to recipients:

1. name, legal status, legal form, registered office and address of the provider, telephone, telefax, electronic mail;

2. registration of the provider in a trade or other public register, the name of that register, the provider's registration number or equivalent means of identification of the provider in that register;

3. the authorisation scheme, where the activity is subject to such a scheme, the particulars of the relevant competent authority which grants the authorisation or the PoSC;

4. identification number for VAT purposes, where the provider exercises an activity which is subject to VAT;

5. in the case of the regulated professions: the professional body with which the provider is registered, the professional title and the Member State in which that title has been granted;

6. the general conditions for use of the service, if any;

7. the existence of contractual clauses, if any, concerning the law applicable to the contract and/or the competent courts or arbitration institutions;

8. the existence of after-sales guarantees, if any, not imposed by law;

9. the price of the service, where a price is pre-determined by the provider for a given type of service;

10. the main features of the service, if not already apparent from the context;

11. the insurance or guarantees referred to in Article 26 herein, and in particular the contact details of the insurer or guarantor and the territorial coverage;

12. other type of information provided for in European Union law.

(2) The information covered under Paragraph (1) shall be supplied by the provider:

1. on the provider's own initiative, or

2. in a manner making the information accessible to the recipient: at the place where the service is provided or the contract concluded, or

3. electronically, by means of an address supplied by the provider, or

4. in any information documents supplied to the recipient by the provider, which set out a detailed description of the service provided.

(3) At the recipient's request, the provider shall supply the following additional information on:

1. the price of the service, where the said price is not pre-determined; in case the exact price cannot be given, the provider shall supply information regarding the method for calculating the price so that it can be checked;

2. as regards the regulated professions: a reference to the professional rules applicable in the Member State of establishment and how to access them;

3. information on other services provided and partnerships, which are directly linked to the service provided, and on the measures taken to avoid conflict of interest; this information shall be included in any information document in which providers give a detailed description of their services;

4. any codes of conduct to which the provider is subject and the address at which these codes may be consulted by electronic means, specifying the language versions available;

5. the access to non-judicial means of dispute settlement regulated in a code of conduct or by a trade association or professional body of which the provider is member, as well as how to access detailed information on the characteristics of, and conditions for, the use of such means of dispute settlement.

(4) The information which the provider supplies to the service recipient must be accessible, clear and unambiguous. The information covered under Paragraph (1) and Paragraph (3) shall be supplied before signing of a contract or, where there is no written contract, before the service is provided.

(5) (New, SG No. 83/2013) Service providers may not discriminate against the service recipient in respect of nationality and place of residence.

(6) (New, SG No. 83/2013) The general conditions of access to a service, which are made available to the public at large by the provider, may not contain discriminatory provisions relating to the nationality or place of residence of the recipient, but without precluding the possibility of providing for differences in the conditions of access where those differences are directly justified by objective criteria.

**Article 25.** (1) Service providers which exercise regulated professions shall be free to use commercial communications in compliance with professional rules of the respective profession, ensuring the independence, dignity and integrity of the profession, as well as safeguarding professional secrecy.

(2) Restrictions on the content of commercial communications referred to in Paragraph (1) may be imposed only if they are non-discriminatory, proportionate and relating to protection of the public interest.

## **Section II**

### **Professional Liability Insurance and Guarantees**

**Article 26.** (1) Where so provided for in a special law or in an act of the European Union, a provider established within the territory of the Republic of Bulgaria shall be obligated to subscribe to professional liability insurance or to provide another guarantee covering the risks presented by the services provided.

(2) In the cases referred to in Paragraph (1), where the services provided present a direct and particular risk to the health or safety of the recipient or a third person, or to the financial security of the recipient, the provider shall subscribe to professional liability insurance or shall provide a guarantee or another type of security appropriate to the nature and extent of the risk.

**Article 27.** (1) The competent authority may not require professional liability insurance or a guarantee from a provider who establishes himself or herself in the territory of the Republic of Bulgaria and is already covered by an equivalent guarantee in another Member State.

(2) In the cases referred to in Paragraph (1), where equivalence is only partial, the competent authority may require a supplementary guarantee to cover those risks not already covered.

(3) Where the competent authority requires the provider to subscribe to professional liability insurance or to provide another guarantee, the said authority shall accept as sufficient evidence attestations or other documents of insurance cover issued by credit institutions and insurers established in other Member States.

## **Section III**

### **Settlement of Disputes**

**Article 28.** Service providers shall be obligated to respond to the claims or complaints lodged



by recipients in the shortest possible time in order to settle the dispute.

**Article 29.** (1) Disputes between service providers and service recipients shall be settled:

1. by mutual consent;

2. by non-judicial means, where the provider is member of a trade association or professional body which provides for recourse to such means of dispute settlement, or by conciliation proceedings according to the procedure established by the Consumer Protection Act;

3. by judicial procedure.

(2) The provisions of the Consumer Protection Act and the Obligations and Contracts Act shall apply as well upon settlement of disputes between service providers and service recipients.

## **Chapter Six**

# **EXCHANGE OF INFORMATION AND COOPERATION BETWEEN COMPETENT AUTHORITIES**

**Article 30.** (Supplemented, SG No. 83/2013) The competent authorities, which are vested with powers in connection with the exercise of service activities, shall participate in the exchange of information with the competent authorities of the other Member States through the Internal Market Information System (IMI) according to Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC ("the IMI Regulation") (OJ, L 316/1 of 14 November 2012).

**Article 31.** (1) For the purposes of the system referred to in Article 30 herein, the following shall be designated by decision of the Council of Ministers:

1. a national coordinator;

2. a delegated coordinator (delegated coordinators) in the sphere of services;

3. a list of the competent authorities subject to registration in the IMI system in the sphere of services; the list shall contain the official designation of the authority and the field of competence.

(2) The Council of Ministers shall adopt an ordinance establishing the terms and procedure for work of the authorities referred to in Items 1 and 2 of Paragraph (1) and on maintenance of the list referred to in Item 3 of Paragraph (1).

**Article 32.** (1) The competent authorities shall apply measures for cooperation with the competent authorities of the other Member States for control of providers and of the services they provide.

(2) The measures referred to in Paragraph (1) shall include information requests, requests to carry out checks or investigations, to provide assistance, to supply confirmation of declared circumstances and documents, to take measures, to submit alerts, warnings and other such. The said measures must be motivated and must specify the reason for the request.

(3) The information referred to in Paragraph (2), requested by the competent authority of another Member State or by the European Commission, shall be supplied by electronic means and within the shortest period of time.

(4) The information exchanged may be used only in respect of the matters for which it was requested.

(5) In the event of difficulty in meeting a request under Paragraph (2), the competent national authority shall rapidly inform the requesting authority with a view to finding a solution.

(6) The national IMI coordinator or the delegated IMI coordinator shall communicate to the European Commission information of cases where a competent authority of a Member State fails to fulfil its obligation of mutual assistance.

**Article 33.** The competent authorities shall ensure that the registers in which service providers have been entered may be consulted by competent authorities in the territory of the Republic of Bulgaria and by the equivalent competent authorities in the Member States, in accordance with the same conditions.

**Article 34.** (1) Control over the activity of service providers established in the Republic of Bulgaria shall be implemented by the empowered authorities, according to national legislation.

(2) With respect to providers established in the territory of the Republic of Bulgaria and providing services in another Member State, the competent authorities, when requested to do so by the equivalent authorities of another Member State:

1. shall supply confirmation that the provider is established in the territory of the Republic of Bulgaria;

2. shall undertake checks and investigations and shall inform the requesting authorities of the measures taken; the most appropriate measures in each individual case shall be applied in order to meet the request by a competent authority of another Member State.

(3) With respect to providers established in the territory of the Republic of Bulgaria and providing services in another Member State that could cause serious damage to the health or safety of persons or to the environment, the competent authority shall inform the national IMI coordinator or the delegated IMI coordinator, who shall inform all Member States and the European Commission within the shortest possible period of time.

(4) Upon ascertainment of violations, the competent authorities shall impose administrative sanctions or shall apply coercive administrative measures in the territory of the Republic of

Bulgaria in the cases where the service has been provided or has caused damage in the territory of another Member State.

**Article 35.** (1) (Supplemented, SG No. 83/2013) With respect to providers established in the territory of another Member State and temporarily providing services in the territory of the Republic of Bulgaria, the competent authorities, acting to the extent permitted by the powers vested therein, shall implement control over the activities of the said providers as to conformity with the requirements applicable thereto in accordance with Articles 19 and 20 herein for access to services and exercise of the activity.

(2) In the cases referred to in Paragraph (1), the checks or investigations on the spot conducted must not be discriminatory, must not be motivated by the fact that the provider is established in another Member State, and must be proportionate.

(3) At the request of a competent authority of the Member State of establishment with respect to a provider which provides services in the territory of the Republic of Bulgaria, the competent authority, acting to the extent permitted by the powers vested therein, shall carry out checks and investigations for the purposes of the effective control by the requesting authority. The most appropriate measures in each individual case shall be applied in order to meet the request by the competent authority of another Member State.

**Article 36.** (1) In exceptional circumstances, the competent authorities may take measures relating to the safety of services in respect of a provider established in another Member State if the following conditions are fulfilled:

1. the statutory reasons for taking the measure do not arise from implementation or application of European Union law;

2. the measure provides for a higher level of protection of the service recipient than the measures taken by the Member State of establishment of the provider;

3. the Member State of establishment has not taken any measures or has taken measures which are insufficient to guarantee the safety of the service recipients;

4. the measures are proportionate.

(2) The following procedure shall be applied for undertaking of the measures referred to in Paragraph (1):

1. the competent authority shall ask the competent authority of the Member State of establishment of the provider to take measures, supplying all relevant documents on the services and on the circumstances of the case;

2. the competent authority must receive communication from the competent authority of the Member State of establishment of the provider, which shall contain:

(a) information as to whether the provider is operating lawfully, and

(b) verifying of the facts underlying the request, and

(c) information on the measures envisaged, on the measures taken, or on the reasons why no measures have been taken;

3. following receipt of the communication referred to in Item 2, the requesting competent authority shall notify the European Commission and the Member State of establishment of its intention to take measures, specifying the reasons why the said authority believes the measures taken or envisaged by the Member State of establishment are inadequate and the reasons why the said authority believes the measures it intends to take fulfil the requirements of Paragraph (1);

4. the measures shall not be applied until fifteen working days of the notification referred to in Item 3, in case the European Commission does not adopt a decision asking the competent authority to refrain from taking the proposed measures or to put an end to the said measures as a matter of urgency.

(3) In cases of urgency, the competent authority may not apply the procedure referred to in Paragraph (2), notifying the measures to the European Commission and the Member State of establishment within the shortest period of time and specifying the reasons for the urgency of the said measures.

**Article 37.** Where a competent authority becomes aware of any acts, omissions or circumstances relating to a service activity that has caused or could cause serious damage to the health or safety of persons or to the environment or in the territory of another Member State, the said competent authority shall inform the national IMI coordinator or the delegated IMI coordinator, who shall inform the equivalent competent authorities of the Member State of establishment, of the other Member States concerned and the European Commission within the shortest period of time.

**Article 38.** (1) At the request of a competent authority of another Member State, the competent authorities, in conformity with national legislation, shall supply information on disciplinary, administrative or criminal sanctions and measures concerning insolvency or bankruptcy, inter alia involving fraud, taken in respect of a provider, which are directly relevant to the provider's professional competence. The national competent authorities may request such information from competent authorities in another Member State.

(2) A request referred to in Paragraph (1) shall be substantiated, specifying also the reason for the request for information.

(3) The competent authority, which supplies the information referred to in Paragraph (1), shall mandatorily inform thereof the service provider in respect of which the request has been made. If the information is public, it shall be communicated to consumers by appropriate means.

(4) The sanctions and measures referred to in Paragraph (1) shall be communicated only if they have become enforceable. In case an appeal has been lodged, an indication shall be provided of the date when the decision on the appeal is expected. The competent authority shall

mandatorily specify the statutory reasons pursuant to which the measures were taken and/or the sanctions were imposed.

(5) Information under Paragraph (1) shall be supplied in compliance with the Personal Data Protection Act.

## **Chapter Seven**

# **CONTROL AND ADMINISTRATIVE PENALTY PROVISIONS**

**Article 39.** Control over the application of this Act shall be implemented by:

1. the competent authorities according to the procedure provided for in the special laws;
2. the Commission for Consumer Protection according to the procedure established by the Consumer Protection Act;
3. (repealed, SG No. 83/2013).

**Article 40.** (1) (Amended, SG No. 83/2013) Any official, who commits or allows the commission of a violation under Articles 8, 11, 13, 15, 16, 18, Article 22 (2), Article 23 (4) and (5) Article 27, Article 32 (3) or Article 33 herein, shall be liable to a fine of BGN 50 or exceeding this amount but not exceeding BGN 250, unless the act constitutes a criminal offence.

(2) A repeated violation under Paragraph (1) shall be punishable by a fine of BGN 150 or exceeding this amount but not exceeding BGN 750.

(3) In the cases referred to in Paragraph (1), any professional body or association, which is vested with powers in connection with service activities and regulates access to services or the exercise of service activities, shall be liable to a pecuniary penalty of BGN 300 or exceeding this amount but not exceeding BGN 3,000.

(4) A repeated violation under Paragraph (3) shall be punishable by a pecuniary penalty of BGN 2,000 or exceeding this amount but not exceeding BGN 7,000.

**Article 41.** (1) Any provider, who or which commits a violation under Articles 14, 24, Article 25 (1), Article 26 or Article 28 herein, shall be liable to a fine or a pecuniary penalty of BGN 500 or exceeding this amount but not exceeding BGN 5,000, unless the act constitutes a criminal offence.

(2) A repeated commission of the violation under Paragraph (1) shall be punishable by a fine or a pecuniary penalty in a double amount.

**Article 42.** (1) The written statements ascertaining any violations covered under Article 40 herein shall be drawn up by officials designated by the control authority, if the said authority is a

single-person authority, or by the head of the control authority, if the said authority is a collegial authority. The penalty decrees shall be issued by the single-person control authority or by the head of the collegial control authority, as the case may be.

(2) (Amended, SG No. 83/2013) Where the violations covered under Article 40 herein are committed by municipality mayors, the written statements ascertaining the administrative violations shall be drawn up and the penalty decrees shall be issued by the competent regional governor or by officials empowered thereby.

(3) The written statements ascertaining violations referred to in Article 41 herein shall be drawn up by officials designated by the Chairperson of the Commission for Consumer Protection, and the penalty decrees shall be issued by the Chairperson of the Commission for Consumer Protection or by officials empowered thereby.

(4) The ascertainment of violations, the issuing, appeal and execution of penalty decrees shall follow the procedure established by the Administrative Violations and Sanctions Act.

## **SUPPLEMENTARY PROVISIONS**

### **§ 1. Within the meaning given by this Act:**

1. "Competent authority" shall be any authority which is part of the system of the executive branch of government and/or is empowered by virtue of a statutory instrument to regulate or to supervise access to services or the exercise of service activities;

2. "Provider" shall be any natural person who is a national of a Member State or any legal person as referred to in Article 54 of the Treaty on the Functioning of the European Union and established in a Member State, who provides a service.

3. "Recipient" shall be any natural person who is a national of a Member State or any legal person as referred to in Article 54 of the Treaty on the Functioning of the European Union and established in a Member State, who or which uses, or wishes to use, a service for professional or non-professional purposes.

4. "Authorisation scheme" shall be any procedure under which a provider or recipient is required to obtain from a competent authority a formal permission concerning access to or the exercise of a service activity, including a certificate, an authorisation, a licence or the effecting of a registration.

5. "Establishment" shall be the pursuit of an economic activity, according to Article 49 of the Treaty on the Functioning of the European Union, by the provider for an indefinite period and through a stable infrastructure from where the service is actually provided.

6. "Member State" shall be a Member State of the European Union, or another State which is a Contracting Party to the Agreement on the European Economic Area.

7. "Member State of establishment" shall be the Member State in whose territory the provider of the service is lawfully established.

8. "Member State where a service is provided" shall be the Member State in whose territory a service is supplied by a provider established in another Member State.

9. "Non-economic service of general interest" shall be a service which is not performed for an economic consideration and, accordingly, does not constitute a service within the meaning of Article 57 of the Treaty on the Functioning of the European Union.

10. "Financial service" shall be any banking service, including acceptance of deposits and other repayable funds; lending; insurance and reinsurance; investment funds; financial leasing; money transfer services; issuing and administering means of payment; guarantees; trading in money market instruments, foreign exchange, financial futures and options, exchange and interest-rate instruments, securities; participation in securities issues and the provision of services related to such issues; safekeeping and administration of securities; money broking; portfolio management and advice; payments and investment advice; safe custody services; pension services.

11. "Electronic communications service" shall be a service normally provided for remuneration which consists wholly or mainly in the conveyance of signals on electronic communications networks, including conveyance services, provided through broadcasting networks, excluding services providing and/or exercising control over content. The scope of electronic communications services does not include Information Society services which do not consist wholly or mainly in the conveyance of signals on electronic communications networks.

12. "Electronic communications network" shall be a totality of conveyance facilities and, where applicable, switching or routing equipment and other resources, which serve the conveyance of signals by wire, by radio, by optical or by other electromagnetic means, including satellite networks, fixed (circuit- and packet-switched, including Internet) and mobile terrestrial networks, electricity distribution networks, to the extent that they are used for the purpose of transmitting signals, networks used for radio and television broadcasting and cable electronic communications networks used for distribution of radio and television programme services, irrespective of the type of information conveyed.

13. "Service in the field of transport" shall be a service in the field of road, rail, air, maritime and inland waterways transport, including port and airport services, urban transport and taxis and ambulances, with the exception of: driving school services, removal services, car rental services and funeral services.

14. "Medical and healthcare services" shall be services provided by persons possessing a specific professional qualification in the sphere of healthcare to patients to assess, maintain or restore their state of health, regardless of whether these services are public or private or whether or not they are provided via medical-treatment or healthcare facilities.

15. "Audiovisual service" shall be a service the principal purpose of which is the provision of moving images with or without sound, including television and showing of films in cinemas,

irrespective of the way they are produced, distributed or transmitted, and radio broadcasting.

16. "Gambling activity" shall be any service which involves wagering a stake with pecuniary value in games of chance, including lotteries, scratch cards, betting services, bingo services, gambling services offered in casinos or licensed premises and gambling services operated by and for the benefit of charities or non-profit-making organisations.

17. "Social service" shall be an activity which assists and expands the opportunities of persons to lead an independent way of life and which is carried out at specialised institutions and in the community.

18. "Private security services" shall cover services such as surveillance of property and premises, protection of persons (bodyguards), security patrols or supervision of buildings as well as the depositing, safekeeping, transport and distribution of cash and valuables, with the exception of services such as the sale, delivery, installation and maintenance of technical security devices.

19. "Regulated profession" shall be an activity or a group of activities, included in the List of Regulated Professions in the Republic of Bulgaria, which is of public significance and/or has material implications for human life and health and the right of exercise whereof is determined by means of legislative, regulatory or administrative provisions regarding the possession of specific professional qualifications, licensed capacity or membership of a professional body working towards the maintenance of high standards in the respective professional field, for the implementation of which the said organisation has been specifically recognised by the State.

20. "Requirement" shall mean any obligation, prohibition, condition or limit provided for in a statutory instrument or an administrative act, as well as in rules of professional organisations and associations. Rules laid down in collective agreements negotiated by the social partners shall not as such be seen as requirements.

21. "Internal Market Information System" shall be an electronic multilingual information system for mutual assistance and the exchange of information between the competent authorities of Member States.

22. "Public interest" shall be reasons recognised as such in the case law of the Court of Justice of the European Union, including public order, public security, public safety, public health, preserving the financial equilibrium of the social security system, the protection of consumers, recipients of services and workers, fairness of trade transactions, combating fraud, the protection of the environment, the health of animals, intellectual property, the conservation of the national historic and cultural heritage, social policy objectives and cultural policy objectives.

23. "Commercial communication" shall be any form of communication designed to promote, directly or indirectly, the goods, services or reputation of an undertaking, organisation or person engaged in commercial, industrial or craft activity or practicing a regulated profession. Information enabling direct access to the activity of an undertaking, organisation or person, such as a domain name or an electronic-mailing address, as well as information compiled in an independent manner, shall not be considered to be commercial communication.



24. "Direct and particular risk" shall be a risk arising directly from the provision of the service.

25. "Health and safety" shall be a risk to the health and safety of the recipient or a third party, including death or serious traumatic or non-traumatic injury.

26. "Financial security" shall be the prevention of substantial losses of money or of value of property in relation to a recipient.

27. "Professional liability insurance" shall be the conclusion of a contract of insurance for the account of the provider in respect of the potential liability thereof to recipients and, where applicable, third parties, arising out of the provision of the service.

28. "Notification" shall be the supply of information regarding the adoption of acts whereby measures are introduced at national level necessary for implementation and application of the directives of the European Union.

29. "Repeated" violation shall be any violation committed within one year after the entry into effect of the penalty decree whereby a sanction for a violation of the same kind was imposed.

30. (New, SG No. 83/2013) "Temporary or one-off provision of services" shall be any provision of services according to Article 56 of the Treaty on the Functioning of the European Union by a provider who is lawfully established in another Member State and who is to exercise the activity thereof in the Republic of Bulgaria once or for a certain period of time without establishing himself or herself.

31. (New, SG No. 83/2013) "Objective criteria" shall be: additional costs incurred because of the distance involved or the technical characteristics of the provisions of the service, different market conditions, such as higher or lower demand influenced by seasonality, the different vacation periods in the Member States, the pricing by different competitors, or extra risks linked to rules differing from those of the Member State of establishment.

**§ 2.** (1) (Amended, SG No. 83/2013) Upon the planning and drafting of a statutory instrument which provides for the setting of requirements to service providers related to access to services or to the exercise of a service activity, the authority which has proposed the inclusion of the said instrument in the legislative programme of the Council of Ministers or the authority responsible for the drafting of the said act shall notify the Minister of Economy and Energy.

(2) (Amended, SG No. 83/2013) For the purposes of the notification under Paragraph (1), the competent authority shall prepare a report containing information on:

1. authorisation schemes which do not implement European Union law
2. the reasons for the requirements to service providers;
3. the conformity with the principles specified in Article 9 (2) herein.

(3) (Repealed, SG No. 83/2013).

(4) (Amended, SG No. 83/2013) The Minister of Economy and Energy shall notify the European Commission of the instrument referred to in Paragraph (1).

(5) The notification of a draft national law in accordance with Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998, as amended by Directive 98/48/EC, laying down a procedure for the provision of information in the field of technical standards and regulations shall fulfil the obligation of notification provided for in this Clause.

§ 3. This Act transposes the provisions of Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market

## **TRANSITIONAL AND FINAL PROVISIONS**

§ 4. The competent authorities in the Republic of Bulgaria, which are vested with powers in connection with the exercise of service activities, shall be obligated to take all necessary actions for registration in the IMI within one month after the entry into force of this Act.

§ 5. The Tourism Act (promulgated in the State Gazette No. 56 of 2002; amended in Nos. 119 and 120 of 2002, No. 39 of 2004, Nos. 28, 39, 94, 99 and 105 of 2005, Nos. 30, 34, 80, 82 and 105 of 2006, Nos. 42, 53 and 80 of 2007, Nos. 31, 36 and 66 of 2008 and Nos. 19 and 82 of 2009) shall be amended and supplemented as follows:

1. In Article 17, there shall be added a new Paragraph (5) to read as follows:

"(5) Tour operation or travel agency may furthermore be practised by a person established in a Member State of the European Union or in another State which is a Contracting Party to the Agreement on the European Economic Area if, upon establishment in the territory of the Republic of Bulgaria, the said person presents a copy of a document certifying the right thereof to practise such activity and a certificate or another document issued by a credit institution or an insurer containing data of the existence of insurance covering the liability of the said person for damage which may ensue as a result of a culpable non-fulfilment of professional duties."

2. In Article 18:

(a) in Paragraph (2), the words "shall be submitted" shall be replaced by "and the documents referred to in Article 17 (5) herein shall be submitted";

(b) in Paragraph (6), the words "Any express or tacit refusal" shall be replaced by "Any refusal";

(c) there shall be added a new Paragraph (11) to read as follows:

"(11) The persons referred to in Article 17 (5) herein shall be entered into the Register of

Tour Operators and Travel Agents proprio motu, and the term of validity of the registration thereof shall conform to the term of validity of the documents presented thereby."

3. Article 20 (1) shall be amended and supplemented as follows:

(a) there shall be inserted a new Item 3 to read as follows:

"3. upon expiry of the term of validity of the registration, applicable to the cases referred to in Article 17 (5) herein;";

(b) the existing Item 3 shall be renumbered to become Item 4, and in Littera (d) therein, after the words "a contract of insurance concluded under", there shall be inserted "Article 17 (5) herein and".

4. Article 21 (1) shall be amended and supplemented as follows:

(a) in Item 5 at the end, there shall be placed a comma and there shall be added "tax or registration code or another identification used in the Member State concerned";

(b) Item 6 shall be amended to read as follows:

"6. names of the persons entitled to represent and manage the registered person;";

(c) in Item 8, after the words "contract of insurance concluded under", there shall be inserted "Article 17 (5) and".

5. In Article 45 (1), at the end of Item 1, there shall be placed a comma and there shall be added "including under the legislation of a Member State of the European Union or of another State which is a Contracting Party to the Agreement on the European Economic Area".

6. In Article 50 (3), Item 1 shall be amended to read as follows:

"1. copies of documents certifying that the person is entitled to carry out economic activity by virtue of another law, including under the legislation of a Member State of the European Union or of another State which is a Contracting Party to the Agreement on the European Economic Area;".

7. In Article 50a, at the end of Item 1, there shall be placed a comma and there shall be added "including under the legislation of a Member State of the European Union or another State which is a Contracting Party to the Agreement on the European Economic Area".

8. In Article 50b (1), Item 1 shall be amended to read as follows:

"1. copies of documents certifying that the person is entitled to carry out economic activity by virtue of another law, including under the legislation of a Member State of the European Union or of another State which is a Contracting Party to the Agreement on the European Economic Area;".

9. In Article 50c (1), Item 1 shall be amended to read as follows:

"1. copies of documents certifying that the person is entitled to carry out economic activity by virtue of another law, including under the legislation of a Member State of the European Union or of another State which is a Contracting Party to the Agreement on the European Economic Area;"

10. In Article 50d (1), Item 1 shall be amended to read as follows:

"1. copies of documents certifying that the person is entitled to carry out economic activity by virtue of another law, including under the legislation of a Member State of the European Union or of another State which is a Contracting Party to the Agreement on the European Economic Area;"

11. In Article 53 (1), Item 6 shall be deleted.

12. In Article 61 (1):

(a) in Item 1:

(aa) in Littera (e) at the end, there shall be placed a comma and there shall be added "tax or registration code or another identification used in the Member State concerned";

(bb) Littera (f) shall be amended to read as follows:

"(f) names of the persons entitled to represent and manage the registered person;"

(cc) In Littera (i), after the words "a contract of insurance concluded under", there shall be inserted "Article 17 (5) and";

(b) in Item 2:

(aa) Littera (h) shall be amended to read as follows:

"(h) unified identification code, tax or registration code or another identification used in the Member State concerned of the owner of the establishment;"

(bb) In Littera (i), after the words "unified identification code", there shall be placed a comma and there shall be inserted "tax or registration code or another identification used in the Member State concerned".

13. In Article 64c (1), the words "Items 3 to 6 of Article 53 (1) herein" shall be replaced by "Items 3 to 5 of Article 53 (1) herein".

**§ 6.** The Spatial Development Act (promulgated in the State Gazette No. 1 of 2001; amended in Nos. 41 and 111 of 2001, No. 43 of 2002, Nos. 20, 65 and 107 of 2003, Nos. 36 and 65 of

2004, Nos. 28, 76, 77, 88, 94, 95, 103 and 105 of 2005, Nos. 29, 30, 34, 37, 65, 76, 79, 82, 106 and 108 of 2006, Nos. 41 and 61 of 2007, Nos. 33, 43, 54, 69, 98 and 102 of 2008, Nos. 6, 17, 19, 80, 92 and 93 of 2009) shall be amendeded and supplemented as follows:

1. In Article 142 (8) at the end, there shall be placed a comma and there shall be added "or in an equivalent list or register maintained by a competent authority in a Member State of the European Union or in another State which is a Contracting Party to the Agreement on the European Economic Area".

2. In Article 157 (2), sentence two, the words "in the Central Register of Professional Developers" shall be replaced by "according to the procedure established by Article 3 (2) of the Chamber of Builders Act".

3. In Article 166, there shall be added a new Paragraph (7) to read as follows:

"(7) The consultant activities covered under Paragraph (1) may furthermore be practised by persons who have presented a copy of a document certifying the right to practice such activity, issued by a competent authority of a Member State of the European Union, or of another State which is a Contracting Party to the Agreement on the European Economic Area."

4. Article 230 (5) shall be amended to read as follows:

"(5) Aliens and nationals of Member States of the European Union or of the other States which are Contracting Parties to the Agreement on the European Economic Area, whose professional qualification has been recognised according to the procedure established by the Recognition of Professional Qualifications Act, may perform the activities referred to in Article 229 (1) herein within the scope of the qualification thereof under the terms established by the Chambers of Architects and Engineers in Project Development Design Act."

§ 7. The Chamber of Builders Act (promulgated in the State Gazette No. 108 of 2006; amended in Nos. 19, 35 and 92 of 2009) shall be supplemented as follows:

1. In Article 3 (2), there shall be added a sentence two: "Entry in a respective register of a Member State of the European Union or of another State which is a Contracting Party to the Agreement on the European Economic Area shall have the effect of entry in the Central Register of Professional Builders for the scope of activities for which the said entry has been issued."

2. In Item 11 of Article 16 (3) at the end, there shall be added "or under the respective legislation of a Member State of the European Union or of another State which is a Contracting Party to the Agreement on the European Economic Area".

3. Article 17 shall be supplemented as follows:

(a) in Item 8 of Paragraph (2) at the end, there shall be added "or an equivalent statement issued by the relevant competent authorities of a Member State of the European Union or of another State which is a Contracting Party to the Agreement on the European Economic Area";

(b) there shall be added a new Paragraph (3) to read as follows:

"(3) In the cases where the builder is registered in a Member State of the European Union or in another State which is a Contracting Party to the Agreement on the European Economic Area, the document referred to in Item 1 of Paragraph (2) need not be legalised."

**§ 8.** In the Chambers of Architects and Engineers in Project Development Design Act (promulgated in the State Gazette No. 20 of 2003; amended in No. 65 of 2003, No. 77 of 2005, No. 30 of 2006, Nos. 30 and 79 of 2006, No. 59 of 2007, No. 13 of 2008 and No. 28 of 2009), Article 13 shall be amended as follows:

1. In Paragraph (1), sentence two shall be amended to read as follows: "In case of refusal, reasons for the decision shall be specified."

2. In Paragraph (3), the words "or the tacit refusal" shall be deleted.

**§ 9.** The Energy Efficiency Act (promulgated in the State Gazette No. 98 of 2008; amended and supplemented in Nos. 6, 19, 42 and 82 of 2009) shall be supplemented as follows:

1. In Item 3 (b) of Article 23 (1), after the words "according to the procedure established by the Higher Education Act", there shall be added "or according to the procedure established by the respective legislation of a Member State of the European Union or of another State which is a Contracting Party to the Agreement on the European Economic Area".

2. In Item 3 (b) of Article 34 (1), after the words "according to the procedure established by the Higher Education Act", there shall be added "or according to the procedure established by the respective legislation of a Member State of the European Union or of another State which is a Contracting Party to the Agreement on the European Economic Area".

**§ 10.** The Skilled Crafts Act (promulgated in the State Gazette No. 42 of 2001; amended and supplemented in No. 112 of 2001, No. 56 of 2002, Nos. 99 and 105 of 2005, Nos. 10, 30, 34, 80 and 81 of 2006, No. 53 of 2007 and Nos. 19 and 82 of 2009) shall be amended and supplemented as follows:

1. In Article 23 (1):

(a) Item 1 shall be amended to read as follows:

"1. the name, Standard Public Registry Personal Number/Alien Personal Number, the residence and the mailing address of the craftsman if a natural person or, respectively, the business name, the registered office, the address of the place of management, the particulars of the commercial registration and the unified identification code of the owner of the skilled-crafts enterprise if a legal person;"

(b) Item 3 shall be amended to read as follows:

"3. the address at which the skilled crafts are to be practised;"

(c) in Item 4, there shall be added a sentence two: "Where the master certificate has been issued by a Member State of the European Union or by a State which is a Contracting Party to the Agreement on the European Economic Area, the State and the organisation which has issued the document shall be entered as well."

2. In Article 24:

(a) in Item 2 of Paragraph (2) at the end, there shall be added: "under Article 23 (1)";

(b) in Paragraph (3), Item 2 shall be repealed;

(c) there shall be added new Paragraphs (4) and (5) to read as follows:

"(4) Where the application has been submitted by a person who is a national of a Member State of the European Union or of a State which is a Contracting Party to the Agreement on the European Economic Area, who wishes to establish himself or herself in the territory of the Republic of Bulgaria and to exercise in person a skilled-craft activity, the said person shall furthermore present a copy of a document proving possession of a qualification meeting the requirements for a master or another document proving the right of the said person to exercise a skilled-craft activity.

(5) Where a person referred to in Paragraph (4) wishes to exercise a skilled-craft activity temporarily in the territory of the Republic of Bulgaria without establishing himself or herself, the said person shall notify the relevant Regional Chamber of Skilled Crafts within whose territory the activity is to be exercised prior to commencement of the said activity. The notification shall state:

1. the State in which the person is established and an address therein;
2. address in the territory of the Republic of Bulgaria related to the exercise of the skilled-craft activity;
3. copy of a document proving possession of a qualification meeting the requirements for a master or another document proving the right of the person to exercise a skilled-craft activity."

3. In Article 25 (1), sentence two shall be deleted.

4. Article 55 shall be amended to read as follows:

"Article 55. (1) A master in a particular skilled craft shall be a person who has successfully passed a master examination and has obtained a master certificate issued by the National Chamber of Skilled Crafts.

(2) A master shall furthermore be a person recognised as such in a Member State of the European Union or a State which is a Contracting Party to the Agreement on the European Economic Area and holding a document proving the required qualification.

(3) The persons referred to in Paragraphs (1) and (2) may hold an unlimited number of master certificates."

5. In Article 64 (2), sentence two shall be deleted.

**§ 11.** In the Consumer Protection Act (promulgated in the State Gazette No. 99 of 2005; amended and supplemented in Nos. 30, 51, 53, 59, 105 and 108 of 2006, Nos. 31, 41, 59 and 64 of 2007, Nos. 36 and 102 of 2008 and Nos. 23, 42 and 82 of 2009), in Item 9 of Article 186 (2), there shall be added a new Littera (n) to read as follows:

"(n) Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market."

**§ 12.** Within two months after the entry into force of this Act:

1. the competent authorities, acting within the competence thereof, shall take immediate steps and shall bring all authorisation schemes and requirements related to service activities into conformity with this Act;

2. the Council of Ministers shall adopt the instruments referred to in Article 3 (3) and Article 31 herein.

**§ 13.** This Act shall enter into force as from the day of promulgation thereof in the State Gazette.

This Act was passed by the 41st National Assembly on the 11th day of 2010 and the Official Seal of the National Assembly has been affixed thereto.