

Postal Services Act

Promulgated, State Gazette No. 64/4.08.2000, effective 1.08.2000, amended and supplemented, SG No. 112/29.12.2001, effective 5.02.2002, amended, SG No. 45/30.04.2002, amended and supplemented, SG No. 76/6.08.2002, SG No. 26/21.03.2003, effective 1.01.2003, amended, SG No. 19/1.03.2005, amended and supplemented, SG No. 88/4.11.2005, amended, SG No. 99/9.12.2005, effective 10.06.2006, SG No. 105/29.12.2005, effective 1.01.2006, SG No. 34/25.04.2006, effective 1.01.2008 (*) (**), amended and supplemented, SG No. 37/5.05.2006, effective 5.05.2006, amended, SG No. 86/24.10.2006, effective as from the date of entry into force of the Treaty concerning the Accession of the Republic of Bulgaria to the European Union - 1.01.2007, SG No. 41/22.05.2007, supplemented, SG No. 109/20.12.2007, effective 1.01.2008, amended and supplemented, SG No. 109/23.12.2008, amended, SG No. 35/12.05.2009, effective 12.05.2009, amended and supplemented, SG No. 87/3.11.2009, effective 3.11.2009, amended, SG No. 93/24.11.2009, effective 25.12.2009, supplemented, SG No. 101/28.12.2010, effective 30.06.2011, amended and supplemented, SG No. 102/30.12.2010, effective 30.12.2010, SG No. 105/29.12.2011, effective 29.12.2011, amended, SG No. 38/18.05.2012, effective 1.07.2012, SG No. 61/25.07.2014, effective 25.07.2014

(*) effective 1.07.2007 - amended, SG No. 80/3.10.2006, effective 3.10.2006

(**) effective 1.01.2008 - amended, SG No. 53/30.06.2007, effective 30.06.2007

Text in Bulgarian: Закон за пощенските услуги

Chapter One GENERAL PROVISIONS

Article 1. This Act regulates the social relations regarding the performance of postal services in the Republic of Bulgaria.

Article 2. This Act shall provide conditions for:

1. satisfaction of the public needs of postal services;
2. (Amended, SG No. 87/2009, effective 3.11.2009) ensuring the performance of the universal postal service throughout the national territory at affordable prices and of specified quality;
3. (Supplemented, SG No. 37/2006, amended, SG No. 87/2009, effective 3.11.2009) liberalisation of the market of postal services and creation of conditions of competition;
4. protection of the interests of users;
5. (New, SG No. 37/2006) guaranteeing the security of postal items.

Article 3. Postal services shall comprehend:

1. (Amended, SG No. 26/2003) clearance, transport and distribution of postal items;
2. (Amended, SG No. 37/2006, SG No. 41/22.05.2007, SG No. 102/2010, effective 30.12.2010) reception of communications transmitted by the sender in a physical or electronic form, the processing and transmission of the said communications by electronic means, and delivery of the said communications to the addressee in the form of postal items;
3. postal money orders;
4. express mail services.

Article 4. (Supplemented, SG No. 112/2001) Postal services shall consist of the universal postal service and of non-universal postal services.

Article 5. (Amended, SG No. 87/2009, effective 3.11.2009) (1) (Amended, SG No. 102/2010, effective 30.12.2010) Postal services shall be performed by means of postal networks, which may include fixed and/or mobile post offices, sub-post offices and outreach post office service points, exchange and sorting centres and units, means of transport and technical equipment.

(2) The units and means of the postal networks shall be organisationally and technologically

connected for the purpose of clearing, transporting and distributing postal items and handling of postal money orders.

Article 6. (1) Postal items shall contain objects of physical properties and technical parameters enabling the transport thereof through a postal network.

(2) (Supplemented, SG No. 26/2003, amended, SG No. 87/2009, supplemented, SG No. 102/2010, effective 30.12.2010) The postal items referred to in Paragraph (1) shall comprehend items of correspondence, printed papers, direct mail, small packets, items for the blind (ceogrammes), as well as postal parcels containing merchandise with or without commercial value.

Article 7. (Amended, SG No. 37/2006, SG No. 87/2009, effective 3.11.2009) Postal operators shall be any persons who or which perform postal services and are registered under the legislation of:

1. the Republic of Bulgaria;

2. (effective 1.01.2007, supplemented, SG No. 102/2010, effective 30.12.2010) a Member State of the European Union or a State which is a Contracting Party to the Agreement on the European Economic Area.

Article 8. The following shall not be postal services within the meaning given by this Act:

1. (amended, SG No. 37/2006) the transport and distribution of own items performed independently by a person between the offices, subsidiaries or divisions thereof, without using a postal network;

2. (amended, SG No. 37/2006) the transport of own items from a person and the distribution of the said items to another person, such as summonses, call-up orders and other such, without using a postal network;

3. the distribution of newspapers and periodicals which do not have the final form of postal items within the meaning of Item 6 of § 1 of the Supplementary Provisions herein and/or no postal network is used for the distribution thereof.

Chapter Two

STATE POLICY AND REGULATION IN THE FIELD OF POSTAL SERVICES

**(Title amended, 109/2008, SG No. 87/2009, effective 3.11.2009,
SG No. 102/2010, effective 30.12.2010)**

Section I

State Policy in the Field of Postal Services

**(New, SG No. 37/2006, title amended, SG No. 109/2008, SG No.
87/2009, effective 3.11.2009, SG No. 102/2010, effective
30.12.2010)**

Article 9. (Amended, SG No. 112/2001, SG No. 88/2005, SG No. 37/2006, SG No. 109/2008, SG No. 87/2009, repealed, SG No. 102/2010, effective 30.12.2010) .

Article 9a. (New, SG No. 87/2009, effective 3.11.2009) (1) Acting on a motion by the Minister of Transport, Information Technology and Communications, the Council of Ministers shall adopt, by a decision, a Postal Sector Policy on the guidelines for sustainable development of postal services, of the market of postal services and of the postal infrastructure. The decision on the adoption of the Postal Sector Policy and the Postal Sector Policy shall be promulgated in the State Gazette.

(2) The Postal Sector Policy shall be updated at least once every four years.

Article 10. (Amended, SG No. 112/2001, redesignated from Article 10 and supplemented, SG No. 26/2003, amended, SG No. 88/2005, SG No. 37/2006, SG No. 109/2008, SG No. 87/2009, effective

3.11.2009) The Minister of Transport, Informational Technology and Communications shall implement the state policy in the field of postal services.

Article 11. (Amended, SG No. 45/2002, SG No. 26/2003, amended, SG No. 88/2005, supplemented, SG No. 37/2006, amended, SG No. 87/2009, SG No. 93/2009, effective 25.12.2009) (1) The clearance, transport and distribution of correspondence containing classified information shall be performed by the Ministry of Interior.

Article 12. (Amended, SG No. 26/2003, SG No. 35/2009, effective 12.05.2009) (1) (Amended, SG No. 19/2005, SG No. 88/2005, SG No. 87/2009, effective 3.11.2009) The Minister of Transport, Information Technology and Communications, in consultation with the competent authorities, shall establish the terms and procedure for use of the postal networks and performance of postal services in the event of disasters and upon declaration of a state of martial law, a state of war, or a state of emergency within the meaning given by the Defence and Armed Forces of the Republic of Bulgaria Act.

(2) (Amended, SG No. 19/2005) The postal operators shall render assistance for ensuring postal services in the event of disasters and upon declaration of a state of martial law, a state of war, or a state of emergency within the meaning given by the Defence and Armed Forces of the Republic of Bulgaria Act.

(3) (Amended, SG No. 19/2005) The obligations of the postal operators, the requirements and the restrictions related to national security and defence, as well as in the event of disasters, shall be specified in the individual licences.

Article 13. (Amended, SG No. 112/2001, SG No. 88/2005, SG No. 109/2008, SG No. 87/2009, effective 3.11.2009) The Minister of Transport, Information Technology and Communications:

1. (amended, SG No. 37/2006, SG No. 87/2009, effective 3.11.2009) shall prepare a draft of a Postal Sector Policy on the guidelines for sustainable development of postal services, on the market of postal services and of the postal infrastructure and shall lay the said draft before the Council of Ministers for adoption;

2. (new, SG No. 87/2009, effective 3.11.2009) shall draft and issue the statutory instruments of secondary legislation related to the implementation of the powers thereof provided for in this Act;

3. (amended, SG No. 109/2008, renumbered from Item 2, amended, SG No. 87/2009, effective 3.11.2009) shall represent the Republic of Bulgaria in the Universal Postal Union, as well as in the European and regional organisations and structures in the field of postal services;

4. (new, SG No. 87/2009, effective 3.11.2009) shall ensure the honouring of the obligations of the Republic of Bulgaria in the field of postal services, related to the membership thereof in the European Union and in international organisations;

5. (renumbered from Item 3, SG No. 87/2009, effective 3.11.2009) shall endorse an annual thematic plan for the issue of Bulgarian postage stamps;

6. (new, SG No. 87/2009, effective 3.11.2009) shall determine the composition of the Specialised Expert Council on Stamp Issue;

7. (new, SG No. 37/2006, amended, SG No. 109/2008, renumbered from Item 4, amended, SG No. 87/2009, effective 3.11.2009) shall implement activities related to:

(a) (amended, SG No. 87/2009, effective 3.11.2009) analysing and forecasting the development of the postal sector;

(b) (amended, SG No. 102/2010, effective 30.12.2010) issuing and releasing for use of postage stamps, of postal stationery and of special souvenir cachets, as well as demonetising of postage stamps;

(c) (amended, SG No. 87/2009, effective 3.11.2009) organising and controlling the operation of the national stamp repository and the international exchange of postage stamps.

Article 13a. (New, SG No. 26/2003, amended, SG No. 88/2005, SG No. 37/2006, SG No. 87/2009, effective 3.11.2009) (1) (Amended, SG No. 102/2010, effective 30.12.2010) Prior to issuing the instruments referred to in Article 9a (1), Article 14 (2) and Article 76 herein or prior to laying any such instruments before the Council of Ministers, the Minister of Transport, Information Technology and Communications shall cause a notice of the drafts as prepared to be inserted in one national daily, as well as a notice together with the text of the draft to be posted on the Internet site of the Ministry of

Transport, Information Technology and Communications.

(2) The notice shall specify a time limit, not shorter than thirty days, within which stakeholders may submit written opinions on the draft.

(3) The Minister of Transport, Information Technology and Communications shall peruse the opinions and shall incorporate the accepted proposals.

(4) The public consultation procedure shall be concluded by the posting on the Internet site of the Ministry of Transport, Information Technology and Communications of the proposals received, the places and texts wherein the accepted proposals have been incorporated, and the reasons for non-acceptance of the rest of the proposals.

Article 14. (Amended, SG No. 112/2001, SG No. 88/2005, SG No. 37/2006, amended, SG No. 109/2008, supplemented, SG No. 109/2008) (1) (Amended, SG No. 87/2009, effective 3.11.2009) Postal operators shall cooperate with the competent state bodies in ensuring the security of postal items. The postal operators shall build a security structure which shall be an integral part of the basic form of organisation thereof.

(2) (Amended, SG No. 109/2008, SG No. 87/2009, SG No. 93/2009, effective 25.12.2009) The requirements for postal security shall be established in an ordinance by the Minister of Transport, Information Technology and Communications, after consultation with the Minister of Interior and the Chairperson of the State Agency for National Security.

Section II

(New, SG No. 37/2006)

Postal Services Regulation

Article 15. (Amended, SG No. 112/2001, SG No. 87/2009, effective 3.11.2009) (1) The Communications Regulation Commission shall regulate the performance of postal services in accordance with this Act and, to this end:

1. shall ensure conditions for performance of the universal postal service throughout the national territory;

2. shall ensure conditions for effective competition on the market of postal services and non-discrimination of postal operators;

3. shall grant, modify, supplement, suspend, terminate and revoke individual licences for:

(a) performance of the universal postal service;

(b) performance of services within the scope of the universal postal service;

(c) handling of postal money orders;

4. (amended, SG No. 102/2010, effective 30.12.2010) shall enter the persons in a public register of operators performing non-universal postal services under Items 1 to 3 of Article 38 herein and, upon request, shall issue a certificate of entry in the said register;

5. shall protect the interests of users of postal services;

6. shall determine measures to ensure the confidentiality of correspondence and exercise control over the implementation of the said measures;

7. (amended, SG No. 102/2010, effective 30.12.2010) shall set quality standards for the universal postal service and service efficiency standards, compatible with the effective Bulgarian and European standards, and shall ensure, for its own account, that compliance with the said standards be measured annually by an independent body.

8. (amended, SG No. 102/2010, effective 30.12.2010) shall adopt a system for the formation of the postal codes of the networks of the postal operator having an obligation to perform the universal postal service;

9. may approach postal operators with reasoned written requests to provide information, including financial information, in the relevant volume, timeframe and details as shall be necessary for the performance of the regulatory functions of the Communications Regulation Commission, guaranteeing

the safeguarding of the said information if it constitutes a trade secret of the operator; the reasoning to the requests shall specify the reasons and purposes for which the information is requested;

10. shall elaborate and adopt criteria for definition of applicability of exceptional geographical conditions of the areas in Bulgaria and the nucleated settlements therein;

11. (amended, SG No. 102/2010, effective 30.12.2010) shall elaborate methods for calculating the net cost of performing the universal postal service; the said methods shall be adopted by the Council of Ministers on a motion by the Communications Regulation Commission;

12. (amended, SG No. 102/2010, effective 30.12.2010) shall elaborate standards for determination of the density of the access points to the postal network of the postal operator having an obligation to perform the universal postal service, so as the number and density of the said access points take account of the needs of users; the said standards shall be adopted by the Council of Ministers on a motion by the Communications Regulation Commission;

13. shall elaborate methods to determine the affordability of the universal postal service price; the said methods shall be adopted by the Council of Ministers on a motion by the Communications Regulation Commission;

14. shall coordinate the price of the universal postal service allocated to services by type;

15. shall coordinate the cost accounting systems by which costs can be allocated to services by type, as presented by the postal operator having an obligation to perform the universal postal service; shall establish a procedure and time limits for coordination of the said systems;

16. (amended, SG No. 102/2010, effective 30.12.2010) shall propose to the Minister of Finance to include the amount of the compensation for the unfair financial burden which the performance of the universal postal service represents in the draft of a State Budget of the Republic of Bulgaria Act for the next succeeding calendar year;

17. (amended, SG No. 102/2010, effective 30.12.2010) shall give an opinion on disputes between users and postal operators on complaints lodged in connection with the performance of postal services;

18. shall coordinate the General Conditions of the contract with users as provided by the postal operators;

19. (supplemented, SG No. 102/2010, effective 30.12.2010) shall elaborate, in consultation with the Commission on Protection of Competition, a draft of an ordinance on the rules for access to the network of the postal operator having an obligation to perform the universal postal service and on the rules for the formation of the prices for ensuring such access; the said ordinance shall be adopted by the Council of Ministers on a motion by the Communications Regulation Commission;

20. shall coordinate the prices for ensuring access to the network of the postal operator having an obligation to perform the universal postal service;

21. shall provide, upon reasoned written request by the Minister of Transport, Information Technology and Communications, information necessary for the implementation of the state policy in the field of postal services.

(2) (Amended, SG No. 102/2010, effective 30.12.2010) The decisions of the Communications Regulation Commission shall be individual, statutory or general administrative acts and shall be appealable according to the procedure established by the Administrative Procedure Code before the Supreme Administrative Court.

(3) (New, SG No. 102/2010, effective 30.12.2010) The statutory administrative acts of the Communications Regulation Commission shall be promulgated in the Official Section of the State Gazette.

Article 15a. (New, SG No. 37/2006) (1) The Communications Regulation Commission shall control the observance of:

1. the statutory instruments in the field of postal services;

2. (Amended, SG No. 87/2009, effective 3.11.2009) the requirements for the performance of the universal postal service according to this Act;

3. (Repealed, SG No. 102/2010, effective 30.12.2010) ;

4. (Amended, SG No. 87/2009, effective 3.11.2009) the conditions for exercise of the individual

licences as issued;

5. (New, SG No. 87/2009, amended, SG No. 102/2010, effective 30.12.2010) the obligations of the operators performing non-universal services under Items 1 to 3 of Article 38 herein, according to this Act;

6. (Renumbered from Item 5, SG No. 87/2009, effective 3.11.2009) the quality-of-service standards in relation to the universal postal service and service efficiency;

7. (Renumbered from Item 6, amended, SG No. 87/2009, SG No. 102/2010, effective 30.12.2010 - this amendment does not concern the English version) the standards for determination of the density of the access points to the postal network of the operator having an obligation to perform the universal postal service;

8. (Renumbered from Item 7, SG No. 87/2009, effective 3.11.2009) the requirements to ensure the confidentiality of correspondence.

(2) (Amended and supplemented, SG No. 87/2009, amended, SG No. 102/2010, effective 30.12.2010) The Communications Regulation Commission shall conduct annual reporting of the compliance with the quality-of-service standards in relation to the universal postal service and service efficiency on the basis of the results of the measurement referred to in Item 7 of Article 15 (1) herein.

Article 15b. (New, SG No. 37/2006, amended, SG No. 87/2009, effective 3.11.2009) (1) Upon preparation of drafts of instruments provided for in this Act, as well as on other matters of public relevance to the development of postal services, the Communications Regulations Commission shall conduct a public consultation procedure by causing a notice of the draft as prepared and of the reasons for the preparation thereof to be inserted in a national daily newspaper and to be posted on the Internet site of the said Commission.

(2) The notice referred to in Paragraph (1) shall specify the place wherefrom stakeholders can obtain the draft and a time limit, which may not be shorter than thirty days after the publication, wherewithin stakeholders may present written opinions on the said draft.

(3) The Communications Regulation Commission shall peruse the opinions and shall incorporate the accepted proposals.

(4) The public consultation procedure shall be concluded by the posting on the Internet site of the Commission of the proposals, the places and the texts wherein the accepted proposals have been incorporated, and the reasons for non-acceptance of the rest of the proposals.

Article 15c. (New, SG No. 87/2009, effective 3.11.2009) With a view to effectively performing the functions thereof arising from this Act, the Communications Regulation Commission shall implement interaction and coordination with the Commission on Protection of Competition, with the Commission on Consumer Protection and with the regulatory authorities of the Member States of the European Union.

Article 16. (Amended, SG No. 112/2001) The Communications Regulation Commission shall represent the Republic of Bulgaria in the international organisations of postal service regulators.

Article 16a. (New, SG No. 87/2009, supplemented, SG No. 102/2010, effective 30.12.2010) The Communications Regulation Commission shall inform the European Commission and the national regulatory authorities of the rest of the Member States of the European Union of the standards referred to in Item 7 of Article 15 (1) herein and of the criteria referred to in Item 10 of Article 15 (1) herein.

Article 17. (Amended, SG No. 112/2001, SG No. 26/2003) (1) (Amended, SG No. 112/2001, SG No. 26/2003, SG No. 37/2006) (1) Annually, not later than the end of the second quarter of the next succeeding year, the Communications Regulation Commission shall prepare and present to the National Assembly, to the President of the Republic of Bulgaria and to the Council of Ministers a report which shall mandatorily contain:

1. an analysis of the state of the universal postal service in accordance with the requirements of the law;

2. (Amended, SG No. 87/2009, effective 3.11.2009) an analysis of compliance with the quality-of-service standards in relation to the universal postal service and service efficiency, including the results of the annual reporting of compliance with the standards according to Article 15a (2) herein,

the complaints disaggregated by number and the manner in which the said complaints have been addressed;

3. (Repealed, SG No. 87/2009, effective 3.11.2009);

4. an analysis of the market of postal services, prospects for development, state of competition in the field of postal services;

5. a report on execution of the control activity;

6. (New, SG No. 102/2010, effective 30.12.2010) an analysis of the measures to ensure postal security.

(3) (New, SG No. 102/2010, effective 30.12.2010) Once every five years after entrusting the obligation to perform the universal postal service, the Communications Regulation Commission shall prepare a report regarding the fulfilment of the said obligation with a view to extending, modifying or cancelling the said obligation.

(3) (Amended, SG No. 87/2009, renumbered from Paragraph (2), amended, SG No. 102/2010, effective 30.12.2010) The Communications Regulation Commission shall publish reports referred to in Paragraphs (1) and (2) on the Internet site thereof.

Chapter Three

POSTAL OPERATORS

Section I

Postal Operators' Rights and Obligations and Protection of Users' Interests

(Heading supplemented, SG No. 37/2006)

Article 18. Postal operators shall operate under conditions of non-discrimination and transparency.

Article 19. (Amended, SG No. 112/2001, SG No. 26/2003, SG No. 37/2006) Postal operators shall perform postal services on the grounds of:

1. (Amended, SG No. 87/2009, effective 3.11.2009) an individual licence granted for the performance of the universal postal service;

2. (New, SG No. 87/2009, effective 3.11.2009) an individual licence granted for performance of services within the scope of the universal postal service;

3. (New, SG No. 87/2009, effective 3.11.2009) an individual licence granted for handling of postal money orders;

4. (Renumbered from Item 2, amended, SG No. 87/2009, effective 3.11.2009) a written notification submitted for performance of non-universal postal services.

Article 20. (1) Postal operators shall be obliged:

1. (New, SG No. 102/2010, effective 30.12.2010) to ensure inviolability of the postal items;

2. (Amended, SG No. 37/2006, renumbered from Item 1, SG No. 102/2010, effective 30.12.2010) to safeguard the confidentiality of correspondence;

3. (Amended, SG No. 26/2003, renumbered from Item 2, SG No. 102/2010, effective 30.12.2010) to fulfil the requirements for postal security;

4. (Renumbered from Item 3, SG No. 102/2010, effective 30.12.2010) to cooperate in the implementation of postal services under the circumstances covered under Article 12 herein;

5. (Amended, SG No. 26/2003, renumbered from Item 4, SG No. 102/2010, effective 30.12.2010) to comply with the requirements for protection of classified information;

6. (New, SG No. 87/2009, renumbered from Item 5, SG No. 102/2010, effective 30.12.2010) to comply with the requirements for personal data protection;

7. (Amended, SG No. 76/2002, supplemented, SG No. 109/2007, effective 1.01.2008, amended, SG No. 109/2008, renumbered from Item 5, amended, SG No. 87/2009, renumbered from Item 6,

amended, SG No. 102/2010, effective 30.12.2010) to take measures for protection of the postal traffic, as well as for the prevention of the insertion in postal items of articles and substances prohibited from insertion within the meaning given by Article 90 and Article 91 herein, by procuring, installing, putting into operation and maintaining, at their own expense, the necessary technical devices and software and, where necessary, ensuring the use of such resources, for valuable consideration, by other postal operators or using, where necessary, for valuable consideration, such resources of other postal operators;

8. (New, SG No. 76/2002, renumbered from Item 6, supplemented, SG No. 87/2009, renumbered from Item 7, amended, SG No. 102/2010, effective 30.12.2010) to create conditions for monitoring and control of postal items by the competent authorities of the Ministry of Interior and of the State Agency for National Security, which may issue instructions mandatory for compliance;

9. (New, SG No. 76/2002, renumbered from Item 7, SG No. 87/2009, renumbered from Item 8, SG No. 102/2010, effective 30.12.2010) to comply with the requirements for environmental protection, for protection of human life and health;

10. (New, SG No. 37/2006, renumbered from Item 8, SG No. 87/2009, renumbered from Item 9, SG No. 102/2010, effective 30.12.2010) to elaborate procedures for acceptance and handling of complaints and for payment of indemnities, which include, inter alia, a procedure for settlement of disputes with users.

(2) (Amended, SG No. 112/2001, SG No. 87/2009, repealed, SG No. 102/2010, effective 30.12.2010).

Article 21. (Amended, SG No. 112/2001, SG No. 37/2006) (1) Postal operators shall ensure that users have non-discriminatory access to the postal networks thereof for use of postal services and shall mandatorily draw up General Conditions of the contract with users. Separate contracts need not be signed with users.

(2) (Amended, SG No. 87/2009, effective 3.11.2009) The postal operator having an obligation to perform the universal postal service and the postal operators licensed for performance of the services referred to in Item 2 and/or 3 of Article 39 herein shall include the following in the General Conditions of the contract with users:

1. scope and characteristics of the services they perform;
2. conditions of access;
3. conditions for clearance and distribution of postal items, postal parcels and postal money orders;
4. time limit for distribution of postal items, postal parcels and postal money orders;
5. (New, SG No. 102/2010, effective 30.12.2010) time limit for return of the amount paid for a cash-on-delivery item;
6. (Renumbered from Item 5, SG No. 102/2010, effective 30.12.2010) method of payment;
7. (Renumbered from Item 6, SG No. 102/2010, effective 30.12.2010) rights and obligations of the users and of the postal operators;
8. (Renumbered from Item 7, SG No. 102/2010, effective 30.12.2010) substances and articles prohibited from insertion in postal items and postal parcels;
9. (Renumbered from Item 8, SG No. 102/2010, effective 30.12.2010) procedures for complaints and indemnities with specific amounts of the indemnities for postal items and postal parcels which have been delayed, lost, wholly or partly damaged or rifled and non-return to sender of the amount paid for a cash-on-delivery item;
10. (Renumbered from Item 9, SG No. 102/2010, effective 30.12.2010) procedure for settlement of disputes;
11. (Renumbered from Item 10, SG No. 102/2010, effective 30.12.2010) other matters material to the performance and use of postal services.

(3) (New, SG No. 87/2009, amended, SG No. 102/2010, effective 30.12.2010) The postal operators performing non-universal postal services under Items 1 to 3 of Article 38 herein shall include the following in the General Conditions of the contract with users:

1. the types of services they perform;
2. conditions for clearance and distribution of postal items;

3. time limits for distribution;
4. (New, SG No. 102/2010, effective 30.12.2010) time limit for return of the amount paid for a cash-on-delivery item;
5. (Renumbered from Item 4, SG No. 102/2010, effective 30.12.2010) rights and obligations of the users and of the postal operators;
6. (Renumbered from Item 5, SG No. 102/2010, effective 30.12.2010) substances and articles prohibited from insertion in postal items;
7. (Renumbered from Item 6, SG No. 102/2010, effective 30.12.2010) procedures for complaints and indemnities with specific amounts of the indemnities for postal items and postal parcels which have been delayed, lost, wholly or partly damaged or rifled and non-return to sender of the amount paid for a cash-on-delivery item;
8. (Renumbered from Item 7, SG No. 102/2010, effective 30.12.2010) procedure for settlement of disputes;
9. (Renumbered from Item 8, SG No. 102/2010, effective 30.12.2010) other matters material to the performance and use of postal services.

(4) (Renumbered from Paragraph (3), SG No. 87/2009, amended, SG No. 102/2010, effective 30.12.2010 - this amendment does not concern the English version) A contract shall be deemed to be concluded by the act of clearance of a postal item or of a postal money order by a postal operator at an access point and payment of the price of the service.

(5) (Renumbered from Paragraph (4), amended, SG No. 87/2009, SG No. 102/2010, effective 30.12.2010, SG No. 61/2014, effective 25.07.2014) The postal operator having an obligation to perform the universal postal service, the postal operators performing services within the scope of the universal postal service and the postal operators handling postal money orders shall consult the Commission for Consumer Protection on the draft of General Conditions of the contract with users, before submitting the said draft to the Communications Regulations Commission for approval.

(6) (Renumbered from Paragraph (5), SG No. 87/2009, effective 3.11.2009, amended, SG No. 61/2014, effective 25.07.2014) Postal operators shall submit the draft of General Conditions of the contracts with users to the Communications Regulation Commission for approval.

(7) (Renumbered from Paragraph (6), amended, SG No. 87/2009, SG No. 102/2010, effective 30.12.2010, SG No. 61/2014, effective 25.07.2014) The Communications Regulation Commission shall adopt rules for the procedure and time limits for approval under Paragraph (6).

(8) (Renumbered from Paragraph (7), supplemented, SG No. 87/2009, effective 3.11.2009) Postal operators shall bring the General Conditions of the contract to the notice of users by posting the said conditions in prominent and accessible places at all post offices and by posting the said conditions on the Internet site thereof.

(9) (Renumbered from Paragraph (8), amended, SG No. 87/2009, SG No. 102/2010, effective 30.12.2010, SG No. 61/2014, effective 25.07.2014) The Communications Regulation Commission shall transmit the General Conditions of the contracts with users, as approved under Paragraph (6), to the Commission on Consumer Protection for its information.

Article 22. Any postal operator shall have the right to conclude contracts with other persons for exercise of parts of the licence thereto granted. Even in such cases, the licensee shall be held liable for substantial exercise of the licence.

Article 23. (1) (Amended and supplemented, SG No. 37/2006, amended, SG No. 87/2009, SG No. 102/2010, effective 30.12.2010) The postal operator having an obligation to perform the universal postal service shall ensure access to the postal network thereof to the postal operators performing services within the scope of the universal postal service under conditions of fair and non-discriminatory treatment and upon compliance with the technical and technological requirements. Access shall be the subject of contracts, whereby the parties shall agree on the financial, specific technical, technological and other conditions and procedure for interconnection.

(2) (Amended and supplemented, SG No. 37/2006, amended, SG No. 87/2009, SG No. 102/2010, effective 30.12.2010) The postal operator having an obligation to perform the universal postal service

may furthermore ensure and contract access to the postal network thereof to postal operators performing non-universal postal services, where practicable.

(3) (New, SG No. 87/2009, amended, SG No. 102/2010, effective 30.12.2010) The postal operators performing services within the scope of the universal postal service may ensure and contract access to the postal networks thereof between them, with the postal operator having an obligation to perform the universal postal service and with postal operators of non-universal postal services.

(4) (New, SG No. 26/2003, amended and supplemented, SG No. 37/2006, renumbered from Paragraph (3), amended, SG No. 87/2009, effective 3.11.2009) Upon clearance, transport and distribution of postal items and handling of postal money orders by postal operators who or which have concluded a contract for access to the networks thereof, each of the operators shall be liable to the other operator for the performance of the service solely in respect of the part thereof of the clearance, transport and distribution.

(5) (New, SG No. 26/2003, amended, SG No. 37/2006, renumbered from Paragraph (4), amended, SG No. 87/2009, effective 3.11.2009) The postal operators performing postal services under a contract for access to the networks thereof shall be solidarily liable to the users for any detriment or loss incurred upon the clearance, transport and distribution of the postal items and the handling of the postal money orders.

(6) (New, SG No. 26/2003, supplemented, SG No. 37/2006, renumbered from Paragraph (5), amended, SG No. 87/2009, SG No. 102/2010, effective 30.12.2010) Should the postal operators performing services within the scope of the universal postal service fail to reach agreement on conclusion of a contract for access with the postal operator having an obligation to perform the universal postal service, each one of the said operators may address a request to the Communications Regulation Commission not earlier than two months and not later than three months after the date of the offer to conclude the said contract. Within two months after receipt of any such request, the Communications Regulation Commission shall adopt a decision whereby the Commission may issue binding instructions to the postal operator having an obligation to perform the universal postal service to conclude, within a time limit set by the Commission, a contract for ensuring access to the postal network thereof.

(7) (New, SG No. 26/2003, renumbered from Paragraph (6), amended, SG No. 87/2009, repealed, SG No. 102/2010, effective 30.12.2010) .

Article 23a. (New, SG No. 26/2003, amended, SG No. 87/2009, effective 3.11.2009) (1) (Redesigned from Article 23a, SG No. 102/2010, effective 30.12.2010) In accordance with the applicable accounting standards, the postal operators performing services within the scope of the universal postal service shall organise and keep accounts for the activity thereof both on a consolidated basis for the commercial corporation and on a cost-accounting and separate-accounts basis for:

1. the services within the scope of the universal postal service;
2. the non-universal postal services, in case they perform any such services;
3. other commercial activities.

(2) (New, SG No. 102/2010, effective 30.12.2010) The postal operators performing the service of postal money orders shall maintain a separate cost accounting system for the income accruing from the operation of that postal service provision.

Section II

Postal Operator Having an Obligation to Perform the Universal Postal Service

(Heading amended, SG No. 87/2009, effective 3.11.2009)

Article 24. (Amended, SG No. 37/2006, SG No. 87/2009, SG No. 102/2010, effective 30.12.2010) The universal postal service shall be provided by a postal operator which has been entrusted by this Act with an obligation to perform the said service throughout the national territory through a postal network organised and managed thereby.

Article 25. (1) (Amended, SG No. 37/2006, SG No. 87/2009, supplemented, SG No. 102/2010, effective 30.12.2010) In addition to the universal postal service, the postal operator having an obligation to perform the universal postal service may also perform subscription, transport and distribution of newspapers and periodicals to natural and legal persons, where the said operator has concluded a contract for distribution with the relevant publishers.

(2) (Amended, SG No. 87/2009, effective 3.11.2009) The postal operator having an obligation to perform the universal postal service may implement other postal services as well, according to the procedure established by this Act, as well as any other activities incorporated into the objects thereof in its capacity as a commercial corporation.

Article 26. (1) (Amended, SG No. 87/2009, effective 3.11.2009) The postal operator having an obligation to perform the universal postal service may contribute non-cash assets forming part of the postal network thereof in consideration of participating interests allotted thereto solely in commercial corporations undertaking to exercise part of the licence of the said operator according to the procedure established by Article 22 herein.

(2) (Amended, SG No. 87/2009, effective 3.11.2009) Should the non-cash assets referred to in Paragraph (1) do not impede the exercise of the licence, the postal operator having an obligation to perform the universal postal service may furthermore contribute the said assets in consideration of participating interests allotted thereto in commercial corporations which do not assume obligations referred to in Article 22 herein.

Article 27. (Amended, SG No. 87/2009, effective 3.11.2009) The postal operator having an obligation to perform the universal postal service shall be obliged to implement the Acts of the Universal Postal Union which have been ratified by the Republic of Bulgaria, have been promulgated, and have entered into force.

Article 28. (Amended, SG No. 37/2006, supplemented, SG No. 109/2008, amended, SG No. 87/2009, effective 3.11.2009) The postal operator having an obligation to perform the universal postal service may affiliate itself to international organisations of postal operators. The said operator shall inform the Minister of Transport, Information Technology and Communications about the results of its participation and the commitments assumed.

Article 29. (Supplemented, SG No. 112/2001, amended, SG No. 26/2003, SG No. 37/2006, amended and supplemented, SG No. 87/2009, amended, SG No. 102/2010, effective 30.12.2010) (1) The postal operator having an obligation to perform the universal postal service shall receive compensation from the state budget when the obligation to perform the universal postal service entails a net cost and represents an unfair financial burden on the said operator.

(2) The amount of the unfair financial burden shall be determined on the basis of the net cost calculated in compliance with the methods referred to in Item 11 of Article 15 (1) herein.

(3) The amount of the compensation may not exceed the amount of the unfair financial burden which the performance of the universal postal service represents under Paragraph (2).

(4) The amount of the compensation shall be fixed by the State Budget of the Republic of Bulgaria Act for the relevant year.

(5) The compensation referred to in Paragraph (1) shall be provided after receipt of a favourable decision from the European Commission.

Article 29a. (New, SG No. 26/2003, amended, SG No. 37/2006, SG No. 86/2006, amended and supplemented, SG No. 87/2009, amended, SG No. 102/2010, effective 30.12.2010) (1) The postal operator having an obligation to perform the universal postal service shall submit to the Communications Regulation Commission an application for compensation of the unfair financial burden which the performance of the universal postal service represents for the last preceding year together with the requisite evidence not later than the 31st day of May of the current year.

(2) The application referred to in Paragraph (1) shall state the amount of the compensation sought for the unfair financial burden, calculated according to Article 29 (2) herein.

(3) The documents related to the calculation of the net cost of performing the universal postal service shall be provided to the Communications Regulation Commission and shall be audited by an

auditor designated thereby.

(4) The results of the calculation of the net cost of performing the universal postal service and the assessment by the auditor of conformity with the methods referred to in Item 11 of Article 15 (1) herein shall be accessible to the general public.

(5) Within three months after submission of the application referred to in Paragraph (1), the Communications Regulation Commission shall render a decision regarding:

1. whether the performance of the universal postal service represents an unfair financial burden;
2. the amount of the compensation due to the postal operator having an obligation to perform the universal postal service for the last preceding year.

(6) Within the time limit referred to in Paragraph (5), the Communications Regulation Commission may request from the applicant to provide additional information and evidence within seven days.

(7) In the course of the budget procedure, the Communications Regulation Commission shall provide the decision referred to in Paragraph (5) and the materials thereto the Minister of Finance with a proposal to include the amount of the compensation in the draft of a State Budget of the Republic of Bulgaria Act for the next succeeding year.

Article 29b. (New, SG No. 102/2010, effective 30.12.2010) (1) The postal operator having an obligation to perform the universal postal service shall organise and implement financial reporting of the activity thereof in conformity with the applicable accounting standards and application of a cost allocation system both on a consolidated basis for the commercial corporation and on a cost-accounting and separate-accounts basis for:

1. the universal postal service disaggregated by types of service;
2. the postal money orders;
3. the non-universal postal services referred to in Items 1 to 3 of Article 38 herein;
4. other commercial activities.

(2) Income accruing from the universal postal service may not be used for coverage of costs of non-universal postal services or of other activities.

(3) The content, the manner of cost allocation, the procedure and time limits for coordination of the cost allocation system of the postal operator having an obligation to perform the universal postal service shall be determined by rules elaborated by the Communications Regulation Commission.

(4) The postal operator having an obligation to perform the universal postal service shall provide the Communications Regulation Commission with an annual report analysing the results of the application of the cost allocation system not later than the 31st day of May of the current year.

(5) The Communications Regulation Commission shall order annual verifications of the application of the cost allocation system by the postal operator having an obligation to perform the universal postal service, which shall be carried out by an independent auditor. The results of the said verifications shall be accessible to the general public.

Article 30. (Supplemented, SG No. 37/2006, amended, SG No. 87/2009, SG No. 102/2010, effective 30.12.2010) The State or the municipalities may sell or allocate for use without auction or competitive bidding corporeal immovables constituting private state or municipal property to the postal operator referred to in Article 24 herein for performance of the universal postal service.

Article 31. (Amended and supplemented, SG No. 37/2006, amended, SG No. 87/2009, SG No. 102/2010, effective 30.12.2010) The postal operator referred to in Article 24 herein may use gratuitously state owned and municipal-owned properties for placing of letter boxes for performance of the universal postal service in coordination with the mayors of the relevant municipalities.

Article 31a. (New, SG No. 87/2009, effective 3.11.2009) The postal operator having an obligation to perform the universal postal service shall form prices for ensuring access to the postal network thereof according to rules established by the ordinance referred to in Item 19 of Article 15 (1) herein.

Article 31b. (New, SG No. 102/2010, effective 30.12.2010) The postal operator having an obligation to perform the universal postal service shall cooperate for the normal conduct of the measurements referred to in Item 7 of Article 15 (1) herein.

Chapter Four POSTAL SERVICES

Section I Universal Postal Service

Article 32. (Amended, SG No. 112/2001, supplemented, SG No. 26/2003, amended, SG No. 37/2006, SG No. 87/2009, effective 3.11.2009) The universal postal service shall be a service which is performed permanently within specified hours of business and is of a quality conforming to the standards referred to in Item 7 of Article 15 (1) herein, at affordable prices and availability of the said service to any user within the national territory, irrespective of the geographical location thereof.

Article 33. (1) The universal postal service shall be available every working day, not less than five days a week, save:

1. (Amended, SG No. 26/2003) upon occurrence of any circumstances covered under Article 12 (2) herein;

2. (Amended and supplemented, SG No. 112/2001, amended, SG No. 26/2003, SG No. 37/2006, SG No. 87/2009, effective 3.11.2009) in nucleated settlements and dispersed settlements where exceptional geographical conditions apply; the specific nucleated settlements and dispersed settlements shall be determined by the postal operator having an obligation to perform the universal postal service in coordination with the mayors of the relevant municipalities, and the list of the said nucleated settlements and dispersed settlements shall be endorsed by the Communications Regulation Commission; the working days whereon the performance of the universal postal service will be available shall be fixed as well.

(2) (Supplemented, SG No. 37/2006, amended, SG No. 87/2009, SG No. 102/2010, effective 30.12.2010 - this amendment does not concern the English version) The performance of the universal postal service or of a part thereof shall involve, as a minimum, one collection of postal items from the access points every working day and one delivery to the location of the addressees.

(3) (Supplemented, SG No. 87/2009, amended and supplemented, SG No. 102/2010, effective 30.12.2010) The number and location (density) of access points to the postal network of the postal operator having an obligation to perform the universal postal service shall take account of the needs of users and shall conform to the standards referred to in Item 12 of Article 15 (1) herein.

(4) (New, SG No. 102/2010, effective 30.12.2010) The number and location of the access points referred to in Paragraph (3), which require the opening of post offices in conformity with the standards referred to in Item 12 of Article 15 (1) herein, may be altered after approval by the Communications Regulation Commission on the basis of a reasoned written proposal from the postal operator having an obligation to perform the universal postal service.

(5) (New, SG No. 102/2010, effective 30.12.2010) Within one month after receipt of the proposal referred to in Paragraph (4), the Communications Regulation Commission shall render a decision approving the alterations provided that the standards referred to in Item 12 of Article 15 (1) herein have been complied with.

(6) (New, SG No. 102/2010, effective 30.12.2010) The number and location of the access points, which do not require the opening of post offices in conformity with the standards referred to in Item 12 of Article 15 (1) herein, may be altered by the postal operator having an obligation to perform the universal postal service after a written notification sent to the Communications Regulation Commission not later than within one month before the date of the alteration.

(7) (New, SG No. 102/2010, effective 30.12.2010) The notification referred to in Paragraph (6) shall contain information about the manner in which the performance of the universal postal service is to be guaranteed.

(8) (New, SG No. 102/2010, effective 30.12.2010) Within the time limit referred to in Paragraph

(6), the Communications Regulation Commission may issue binding instructions to the postal operator having an obligation to perform the universal postal service with a view to guaranteeing the performance of the said service.

Article 34. (Amended, SG No. 112/2001) (1) (Amended, SG No. 26/2003, supplemented, SG No. 87/2009, SG No. 102/2010, effective 30.12.2010) The universal postal service shall involve the following types of postal services:

1. (Amended, SG No. 37/2006) clearance, transport and distribution of domestic and cross-border postal items, as follows:

(a) items of correspondence weighing up to 2 kg;

(b) small packets weighing up to 2 kg;

(c) (Repealed, SG No. 87/2009, effective 3.11.2009);

(d) printed papers weighing up to 5 kg;

(e) items for the blind (ceogrammes) weighing up to 7 kg;

2. (Amended, SG No. 37/2006, effective 1.01.2007) clearance, transport and distribution of domestic and cross-border postal parcels weighing up to 20 kg;

3. (Repealed, SG No. 87/2009, effective 3.11.2009);

4. supplementary services for "registered items" and "insured items".

(2) (New, SG No. 37/2006) The postal items covered under Item 1 of Paragraph (1) may be priority items and non-priority items.

(3) (Amended, SG No. 26/2003, renumbered from Paragraph (2), SG No. 37/2006, amended and supplemented, SG No. 87/2009, effective 3.11.2009) The weight limit as specified in Item 2 of Paragraph (1), where referring to inward cross-border postal parcels, may be even higher.

(4) (Amended, SG No. 26/2003, renumbered from Paragraph (3) and supplemented, SG No. 37/2006, supplemented, SG No. 87/2009, effective 3.11.2009) The postal items referred to in Item 1 (a), (b) (d) and (e) of Paragraph (1) and in Paragraph (2) may be registered or unregistered.

Article 35. (1) (Supplemented, SG No. 26/2003, SG No. 37/2006) The standard final form, minimum and maximum dimensions and manner of addressing of the postal items covered under Items 1 and 2 of Article 34 (1) and Article 34 (2) herein shall be prescribed in accordance with the requirements of the Acts of the Universal Postal Union.

(2) (Amended and supplemented, SG No. 37/2006, amended, SG No. 87/2009, effective 3.11.2009) The postal operator having an obligation to perform the universal postal service and the postal operators performing services within the scope of the universal postal services shall be obliged to notify all users thereof in an appropriate manner of the requirements as to the standard final form, dimensions and weight of the postal items according to Paragraph (1).

Article 36. (1) (Supplemented, SG No. 26/2003, amended, SG No. 112/2001, SG No. 37/2006, effective 1.01.2007, SG No. 87/2009, effective 3.11.2009) Postal items and postal parcels covered under Article 34 herein shall be delivered: into the letter boxes of the addressees as placed at the destination address; at the post offices; at other access points to the postal network; at places or facilities agreed between the postal operators and the users.

(2) (Amended, SG No. 37/2006, effective 1.01.2007, SG No. 87/2009, effective 3.11.2009) The conditions for distribution of postal items and of postal parcels referred to in Paragraph (1) shall be determined by common rules prepared by the Communications Regulation Commission.

(3) For the performance of delivery of unregistered postal items, the addressees shall place letter boxes at appropriate and accessible places at the destination address.

Article 36a. (New, SG No. 87/2009, repealed, SG No. 102/2010, effective 30.12.2010).

Section II

Non-universal Postal Services

Article 37. (Amended and supplemented, SG No. 37/2006, amended, SG No. 87/2009, effective 3.11.2009) Non-universal postal services shall be any services outside the scope of the universal postal

service.

Article 38. (Amended and supplemented, SG No. 37/2006, amended, SG No. 87/2009, amended, SG No. 102/2010, effective 30.12.2010) Non-universal postal services shall encompass:

1. clearance, transport and distribution of direct mail;
2. the services referred to in Item 2 of Article 3 herein;
3. the express mail services;
4. the postal money orders.

Chapter Five

INDIVIDUAL LICENCES AND NOTIFICATIONS FOR PERFORMANCE OF POSTAL SERVICES

(Heading amended, SG No. 87/2009, effective 3.11.2009)

Section I

Individual Licences

Article 39. (Amended, SG No. 87/2009, effective 3.11.2009) Within the meaning given by this Act, "individual licence" shall be an individual administrative act which is granted for:

1. (Amended, SG No. 102/2010, effective 30.12.2010) performance of the universal postal service throughout the territory of the Republic of Bulgaria by an operator which has been entrusted with an obligation to perform the said service;
2. (Amended, SG No. 102/2010, effective 30.12.2010) performance of services within the scope of the universal postal service;
3. (Amended, SG No. 102/2010, effective 30.12.2010) handling of postal money orders;

Article 40. (Amended, SG No. 26/2003, repealed, SG No. 87/2009, effective 3.11.2009) .

Article 41. (Supplemented, SG No. 87/2009, effective 3.11.2009) The requirements for the grant of individual licences for performance of the services referred to in Item 2 and/or 3 of Article 39 herein shall be identical in respect of all applicants for the same type of postal services, save as otherwise provided in this Act.

Article 42. (Supplemented, SG No. 37/2006, SG No. 87/2009, effective 3.11.2009) Individual licences for performance of the services referred to in Item 2 and/or 3 of Article 39 herein shall be granted under conditions of transparency and non-discrimination.

Article 43. (1) (Amended, SG No. 112/2001, supplemented, SG No. 26/2003, SG No. 37/2006, amended, SG No. 87/2009, effective 3.11.2009) Any person applying for the grant of an individual licence for performance of the services referred to in Item 2 and/or 3 of Article 39 herein shall submit an application completed in a standard form to the Communications Regulation Commission, stating therein:

1. the identification particulars of the applicant;
2. (Amended, SG No. 87/2009, effective 3.11.2009) the types of services and the period for performance thereof;
3. (Amended, SG No. 87/2009, effective 3.11.2009) expected commencement date of the activity.

(2) The following shall be attached to any application:

1. (Amended, SG No. 26/2003, SG No. 34/2006) certificate reflecting current status of commercial registration;

- 1a. (New, SG No. 37/2006, effective 1.01.2007, supplemented, SG No. 102/2010, effective 30.12.2010) a document certifying registration of the applicant under the law of a Member State of the European Union or a State which is a Contracting Party to the Agreement on the European Economic Area;

2. (Supplemented, SG No. 26/2003, repealed, SG No. 34/2006);

3. (Amended, SG No. 105/2005, repealed, SG No. 34/2006);

4. (Repealed, SG No. 37/2006);

5. (Amended, SG No. 87/2009, effective 3.11.2009) current certificate of entry in the commercial register;

6. (Amended, SG No. 37/2006, SG No. 87/2009, SG No. 102/2010, effective 30.12.2010 - this amendment does not concern the English version) description of the technological process and a diagrammatic layout of the location of the access points to the postal network;

7. (New, SG No. 26/2003) documents issued by the relevant competent authorities regarding the circumstances referred to in Item 4 (a), (b) and (d) of Article 47 (2) herein;

8. (New, SG No. 26/2003) a declaration on the circumstance referred to in Item 4 (c) of Article 47 (2) herein;

9. (New, SG No. 26/2003) documentary proof of payment of a fee for consideration of the application of an amount fixed in the rate schedule referred to in Article 63 herein.

(3) All documents shall be submitted written in the Bulgarian language in duplicate.

(4) (Repealed, SG No. 26/2003).

Article 44. (1) (Amended, SG No. 112/2001, SG No. 87/2009, effective 3.11.2009) For consideration of, and determination on, any applications submitted for the grant of individual licences, the Chairperson of the Communications Regulation Commission shall appoint a five-member specialised commission from amongst the staff of the administration of the Communications Regulation Commission, and shall designate three alternate members who shall serve as substitutes for the regular members where absent.

(2) For the valid transaction of business at any meeting of the commission referred to in Paragraph (1), all members thereof shall have to be present thereat.

(3) (Supplemented, SG No. 37/2006) The commission referred to in Paragraph (1) shall make decisions by a majority of more than one half of the composition thereof. Any members who disagree with a decision shall submit the dissenting opinion thereof in writing.

Article 45. (1) (Supplemented, SG No. 26/2003, amended, SG No. 37/2006, SG No. 87/2009, effective 3.11.2009) The commission referred to in Article 44 herein shall consider each application and the attachments thereto within fourteen days after submission of the said application and attachments.

(2) (Amended, SG No. 26/2003, SG No. 87/2009, effective 3.11.2009) Should the commission referred to in Article 44 herein detect any deficiencies or inadequacies in respect of the requirements referred to in Article 43 herein, the said commission shall notify the applicant by means of a letter with advice of delivery (addressee's acknowledgement of receipt) and shall give the said applicant ten days as from the date of receipt of the notification to rectify the said deficiencies or inadequacies.

(3) (Amended and supplemented, SG No. 37/2006, amended, SG No. 87/2009, effective 3.11.2009) Should the deficiencies and irregularities in respect of the requirements referred to in Article 43 herein be not rectified, the Communications Regulation Commission shall not consider the application, notifying the applicant within ten days by means of a letter with advice of delivery (addressee's acknowledgement of receipt).

(4) (Amended, SG No. 37/2006, SG No. 87/2009, effective 3.11.2009) The Communications Regulation Commission shall not consider an application, either, should the said commission find that the person has forfeited an individual licence granted according to the procedure established by this Act and the period wherewithin the said person is disqualified from applying for a new licence of the same type of activity has not expired. The applicant shall be notified by means of a letter with advice of delivery (addressee's acknowledgement of receipt).

Article 46. (Amended, SG No. 112/2001, SG No. 26/2003, amended and supplemented, SG No. 37/2006, amended, SG No. 87/2009, effective 3.11.2009) Within two months after submission of an application referred to in Article 43 herein, the commission referred to in Article 44 herein shall propose to the Communications Regulation Commission to grant or to refuse to grant an individual licence.

Article 47. (1) (Amended, SG No. 112/2001, SG No. 26/2003, supplemented, SG No. 37/2006, SG No. 87/2009, effective 3.11.2009) Within fourteen days after a proposal by the commission referred

to in Article 44 (1) herein, the commission referred to in Article 44 herein shall adopt a decision granting or refusing to grant an individual licence for performance of the services referred to in Item 2 and/or 3 of Article 44 (1) herein and shall notify the applicant by means of a letter with advice of delivery (addressee's acknowledgement of receipt) within three days after adoption of any such decision, furthermore transmitting a copy of the decision to the applicant within seven days after adoption of the decision in the event of refusal.

(2) (Amended, SG No. 112/2001, SG No. 26/2003, supplemented, SG No. 37/2006, amended and supplemented, SG No. 87/2009, effective 3.11.2009) The Communications Regulation Commission shall refuse to grant an individual licence for performance of the services referred to in Item 2 and/or 3 of Article 39 herein in the instances where the commission referred to in Article 44 herein has ascertained, proceeding from the documents submitted by the applicant, that:

1. circumstances exist which endanger national security and national defence;
2. (Supplemented, SG No. 37/2006, repealed, SG No. 87/2009, effective 3.11.2009) ;
3. (Supplemented, SG No. 26/2003, amended, SG No. 37/2006, repealed, SG No. 87/2009, effective 3.11.2009) ;
4. (New, SG No. 26/2003) the applicant:
 - (a) is declared insolvent or is adjudicated bankrupt, or bankruptcy proceedings have been instituted thereagainst;
 - (b) is being wound up;
 - (c) is disqualified from carrying on commercial business: applicable to the managing directors or to the members of the management bodies of the applicant;
 - (d) has incurred public pecuniary obligations to the State ascertained by an effective act issued by a competent authority.

(3) (Amended, SG No. 112/2001, supplemented, SG No. 37/2006) Any decision, whereby the Communications Regulation Commission refuses to grant an individual licence, shall be reasoned.

(4) (Amended, SG No. 112/2001, repealed, SG No. 102/2010, effective 30.12.2010) .

Article 47a. (New, SG No. 37/2006) (1) Upon any change in the particulars referred to in Item 1 of Article 43 (1) herein, the postal operator shall notify the Communications Regulation Commission by a letter with advice of delivery (addressee's acknowledgement of receipt) within ten days.

(2) Within fourteen days after receipt of the notification referred to in Paragraph (1), the Communications Regulation Commission shall record the change, modifying the individual licence of the postal operator.

Article 48. (1) (Amended, SG No. 112/2001, SG No. 87/2009, effective 3.11.2009) Individual licences as granted shall be personal.

(2) (Repealed, SG No. 26/2003).

(3) (New, SG No. 87/2009, effective 3.11.2009) An individual licence for performance of the universal postal service as granted shall be non-transferable.

(4) (New, SG No. 87/2009, amended, SG No. 102/2010, effective 30.12.2010) The individual licences for performance of the services referred to in Item 2 and/or 3 of Article 39 herein as granted may be transferred to third parties who or which are merchants solely with the consent of the Communications Regulations Commission.

(5) (Amended, SG No. 112/2001, SG No. 26/2003, amended and supplemented, SG No. 37/2006, renumbered from Paragraph (3), SG No. 87/2009, effective 3.11.2009) Any licensed operator wishing to transfer the individual licence thereto granted to a third party shall submit an application to the Communications Regulation Commission. A declaration by the third party, whereby the said party expresses consent to the transfer of the individual licence, shall be attached to any such application. The third party concerned shall attach the documents covered under Article 43 (2) herein to the said declaration.

(6) (New, SG No. 102/2010, effective 30.12.2010) Should any documents referred to in Paragraph (5) be missing or non-conforming, the Communications Regulation Commission shall notify the applicant by means of a letter with advice of delivery to cure the deficiencies or non-conformities within

ten days after receipt of the notification. In case the deficiencies or non-conformities are not cured within the said time limit, the application shall not be considered.

(7) (New, SG No. 102/2010, effective 30.12.2010) The Communications Regulation Commission shall refuse to grant authorisation for the transfer by a reasoned decision if the circumstances covered under Article 47 (2) herein apply.

Article 48a. (New, SG No. 37/2006) (1) (Amended, SG No. 87/2009, effective 3.11.2009) Any interests or shares in the capital in any commercial corporations which are postal operators which have been granted an individual licence for performance of the services referred to in Item 2 and/or 3 of Article 39 herein may not be transferred and any additional members may not be admitted to any such corporations earlier than fourteen days after an advance written notification of the Communications Regulation Commission, where the control over the management of the corporation is not altered by means of the transfer of interests or shares or by the admission of new members.

(2) (Amended, SG No. 87/2009, effective 3.11.2009) Proceeding with transfer of any shares or interests in the capital of, or with admission of any new additional members to, any commercial corporations which are postal operators which have been granted an individual licence for performance of the services referred to in Item 2 and/or 3 of Article 39 herein shall require authorisation from the Communications Regulation Commission.

(3) (Amended, SG No. 87/2009, effective 3.11.2009) Any postal operators which have been granted an individual licence for performance of the services referred to in Item 2 and/or 3 of Article 39 herein who are sole traders may transfer the enterprises thereof to third parties after authorisation from the Communications Regulation Commission.

(4) (Repealed, SG No. 87/2009, effective 3.11.2009) .

(5) (Repealed, SG No. 87/2009, effective 3.11.2009) .

(6) (Repealed, SG No. 87/2009, effective 3.11.2009) .

(7) (New, SG No. 102/2010, effective 30.12.2010) The identification particulars and the documents covered under Article 43 (2) herein in respect of the third parties shall be attached to the request for authorisation referred to in Paragraph (3). All documents shall be submitted written in the Bulgarian language in duplicate.

(8) (New, SG No. 102/2010, effective 30.12.2010) Should any documents referred to in Paragraph (7) be missing or non-conforming, the Communications Regulation Commission shall notify the applicant by means of a letter with advice of delivery to cure the deficiencies or non-conformities within ten days after receipt of the notification. In case the deficiencies or non-conformities are not cured within the said time limit, the application shall not be considered.

(9) (New, SG No. 102/2010, effective 30.12.2010) The Communications Regulation Commission shall refuse to grant authorisation for the requests referred to in Paragraph (2) or (3) if the circumstances covered under Article 47 (2) herein apply

Article 49. (Amended, SG No. 112/2001, SG No. 26/2003, amended and supplemented, SG No. 37/2006, SG No. 87/2009, repealed, SG No. 102/2010, effective 30.12.2010) .

Article 50. (1) (Amended, SG No. 112/2001, supplemented, SG No. 37/2006) The Communications Regulation Commission shall record the individual licences as granted in a special register wherein the following particulars shall be entered:

1. registration number and date of entry;
2. name or business name of licensee, as the case may be, registration particulars and address;
3. (Amended, SG No. 87/2009, effective 3.11.2009) services to be performed;
4. period of validity of the licence.

(2) Any succeeding change in the particulars covered under Paragraph (1) shall be entered under the registration number referred to in Item 1 of Paragraph (1), as shall be the period:

1. of suspension of the licence;
2. (Amended, SG No. 37/2006) wherewithin, after revocation of the individual licence, the person may not apply for a new licence.

(3) The register referred to in Paragraph (1) shall be open to the public.

Article 51. (1) (Amended, SG No. 112/2001, supplemented, SG No. 26/2003, redesignated from Article 51 and supplemented, SG No. 37/2006, amended, SG No. 87/2009, effective 3.11.2009) The Communications Regulation Commission shall publish information on all licences as granted, transferred, terminated and revoked on the Internet site thereof.

(2) (New, SG No. 37/2006) The Communications Regulations Commission shall make public the rights and obligations of the postal operators under the individual licences as granted by posting the said rights and obligations on the Internet site thereof, with the exception of the requirements referred to in Article 12 herein and of the layout of the location of the access points to the postal network.

Article 52. (1) (Redesignated from Article 52 and amended, SG No. 26/2003, supplemented, SG No. 37/2006, amended, SG No. 87/2009, SG No. 102/2010, effective 30.12.2010) Any individual licence for performance of the services covered under Items 2 and/or 3 of Article 39 herein shall be granted for a period of twenty years.

(2) (New, SG No. 26/2003) This period may be extended at the request of the licensee by the Communications Regulation Commission where:

1. the licensee satisfies the requirements established by the effective legislation, including requirements related to national security and defence;

2. (Supplemented, SG No. 37/2006) the licensee has not been given a written warning of revocation of the individual licence during the period of validity of the licence as granted;

3. the circumstances covered under Item 4 of Article 47 (2) herein do not apply to the licensee.

(3) (New, SG No. 26/2003, amended, SG No. 37/2006, repealed, SG No. 87/2009, effective 3.11.2009) .

(4) (New, SG No. 26/2003, supplemented, SG No. 37/2006, repealed, SG No. 87/2009, effective 3.11.2009) .

Section II

Contents of an Individual Licence

Article 53. (Supplemented, SG No. 37/2006, amended, SG No. 87/2009, effective 3.11.2009) Any individual licence shall contain requirements as to:

1. performance of the services covered under Article 39 herein and guaranteeing all users non-discriminatory treatment under publicly known conditions;

2. ensuring postal security, as well as creation of conditions for monitoring and control by the competent authorities;

3. environmental protection and protection of human life and health upon execution of the activity;

4. elaboration of General Conditions of the contract with the users of postal services and coordination of the said conditions with the Communications Regulation Commission;

5. provision in an appropriate manner of information to users regarding hours of business, requirements as to the technical parameters of the postal items, articles and substances prohibited from insertion in items, the prices of postal services and the specific amounts of the indemnities;

6. amount, procedure and method of payment of the licence fees as fixed in the individual licence;

7. provision of information to the licensor in connection with the exercise of the individual licence, including the complaints lodged disaggregated by number and the manner in which the said complaints have been addressed;

8. immediate notification of the licensor should the licensee be declared insolvent or adjudicated bankrupt, or upon institution of liquidation proceedings;

9. possibility to ensure access to the postal network of the licensee;

10. (Amended, SG No. 102/2010, effective 30.12.2010) mandatory maintenance of a cost accounting system according to the procedure established by Article 23a herein;

11. fulfilment of tasks or imposition of restrictions on the performance of postal services under the circumstances covered under Article 12 (2) herein;

12. modifications, supplementations, transfers, suspension or termination of the individual licence

upon occurrence of the cases provided for in this Act;

13. revocation of the individual licence in the cases provided for in this Act;

14. granting access on the part of the licensee for control over the exercise of the individual licence;

15. penalties and a procedure for the imposition thereof;

16. (Amended, SG No. 102/2010, effective 30.12.2010 - this amendment does not concern the English version) initial commencement date of the activity and the access points to the postal network according to the diagrammatic layout as attached;

17. (Amended, SG No. 102/2010, effective 30.12.2010) use of date-stamps and impressions according to Article 77 (4) herein.

Article 54. (Amended, SG No. 37/2006, SG No. 87/2009, effective 3.11.2009) The individual licence of the postal operator having an obligation to perform the universal postal service shall contain additional and specific requirements as to:

1. (New, SG No. 87/2009, effective 3.11.2009) mandatory performance of the universal postal service throughout the national territory;

2. (New, SG No. 87/2009, amended, SG No. 102/2010, effective 30.12.2010 - this amendment does not concern the English version) ensuring a sufficient density of the access points to the postal network, taking account of the needs of users and the conditions for distribution of postal items and of postal parcels covered under Article 36 herein;

3. (New, SG No. 87/2009, effective 3.11.2009) conformity with the quality-of-service standards in relation to the universal postal service and the service efficiency standards referred to in Item 7 of Article 15 (1) herein;

4. (New, SG No. 87/2009, amended, SG No. 102/2010, effective 30.12.2010) cooperating for the normal conduct of the measurement referred to in Item 7 of Article 15 (1) herein;

5. (New, SG No. 87/2009, effective 3.11.2009) compliance with the rules for access to the network of the licensee;

6. (New, SG No. 87/2009, effective 3.11.2009) presentation of the price of the universal postal service allocated to services by type for coordination by the licensor prior to the date of application thereof;

7. (New, SG No. 87/2009, effective 3.11.2009) presentation of the prices for insuring access to the postal network for coordination by the licensor;

8. (Amended, SG No. 37/2006, renumbered from Item 1, amended and supplemented, SG No. 87/2009, amended, SG No. 102/2010, effective 30.12.2010) mandatory application of a cost allocation system and maintenance of a cost accounting system according to the procedure established by Article 29b (1) herein; procedure for proving the amount of the unfair financial burden which the performance of the universal postal service represents;

9. (Amended, SG No. 37/2006, renumbered from Item 2, SG No. 87/2009, repealed, SG No. 102/2010, effective 30.12.2010) ;

10. (Amended, SG No. 26/2003, repealed, SG No. 37/2006, renumbered from Item 3, SG No. 87/2009, effective 3.11.2009);

11. (Amended, SG No. 26/2003, renumbered from Item 4, SG No. 87/2009, effective 3.11.2009) use of postage stamps for prepayment of specified services;

12. (Supplemented, SG No. 37/2006, renumbered from Item 5, SG No. 87/2009, effective 3.11.2009) exemption from payment for postal services in the instances provided for in this Act;

13. (Renumbered from Item 6, SG No. 87/2009, effective 3.11.2009) implementation of the Acts of the Universal Postal Union;

14. (Amended and supplemented, SG No. 37/2006, renumbered from Item 7, SG No. 87/2009, effective 3.11.2009) the printing and sale of postage stamps and postal stationery;

15. (Renumbered from Item 8, amended, SG No. 87/2009, effective 3.11.2009) sale and exchange of International Reply Coupons;

16. (Renumbered from Item 9, supplemented, SG No. 87/2009, amended, SG No. 102/2010,

effective 30.12.2010) use of date-stamps and impressions according to Article 77 (1) and (3) herein;

17. (New, SG No. 102/2010, effective 30.12.2010) provision in an appropriate manner of detailed and up-to-date information to users and to postal operators regarding the particular features of the universal postal service performed, the conditions for access to the said service, as well as about the prices and the quality standard levels.

Section III

Modification, Supplementation, Suspension and Termination of Individual Licences

Article 55. (1) (Amended, SG No. 112/2001, SG No. 37/2006) Any individual licence may be modified, supplemented, suspended or terminated prior to the expiry of the period of validity thereof unilaterally by a reasoned decision of the Communications Regulation Commission after a written warning where necessitated by:

1. "force majeure";
2. (Amended, SG No. 37/2006) reasons relating to national security and national defence as a result of the activity implemented under the individual licence;
3. (Amended, SG No. 26/2003) the circumstances covered under Article 12 (2) herein;
4. changes in domestic legislation and decisions of the Universal Postal Union and of the European postal organisations, accepted by the Republic of Bulgaria.

(2) (Amended, SG No. 112/2001, SG No. 37/2006, supplemented, SG No. 87/2009, effective 3.11.2009) The Communications Regulation Commission shall adopt a decision terminating an individual licence granted for performance of services referred to in Item 2 and/or 3 of Article 39 herein prior to the expiry of the period of validity thereof in any of the following cases:

1. (Amended, SG No. 37/2006) upon the death of the licensee if a sole trader, should none of the heirs to the said licensee have declared within three months that they will continue to exercise the individual licence;
2. (Amended, SG No. 37/2006) upon dissolution of the licensed postal operator;
3. upon revocation of the licence under Article 57 herein.

Article 56. (1) (Amended, SG No. 112/2001, SG No. 37/2006, SG No. 87/2009, effective 3.11.2009) Any postal operator licensed for performance of services referred to in Item 2 and/or 3 of Article 39 herein may submit a reasoned request to the Communications Regulation Commission for modification or supplementation of the individual licence. Any such request shall be examined as to the rationale and necessity thereof and, within two months, the Communications Regulation Commission shall either grant or refuse to grant the modification or supplementation of the individual licence, citing its reasons for refusal.

(2) (Amended, SG No. 112/2001, SG No. 37/2006, SG No. 87/2009, effective 3.11.2009) Any postal operator referred to in Paragraph (1) may request termination of the individual licence prior to the expiry of the period of validity thereof, giving the Communications Regulation Commission written notice six months in advance of the date of termination. The Communications Regulation Commission shall adopt a decision terminating the individual licence after expiry of the period of the notice.

Article 57. (1) (Amended, SG No. 112/2001, SG No. 37/2006, supplemented, SG No. 87/2009, effective 3.11.2009) The Communications Regulation Commission shall adopt a reasoned decision revoking an individual licence granted for performance of services referred to in Item 2 and/or 3 of Article 39 herein and terminating the validity thereof in any of the following cases:

1. (Amended, SG No. 26/2003, SG No. 37/2006, SG No. 87/2009, effective 3.11.2009) material or systematic violation of this Act, of the instruments for the application thereof, or of the terms and conditions of the licence;

2. (Amended, SG No. 87/2009, effective 3.11.2009) upon non-fulfilment of the requirements for postal security referred to in Item 2 of Article 52 herein, as well as on recommendation by the

competent authorities which have detected any acts of the licensee endangering national security;

(2) (New, SG No. 37/2006) Revocation of the individual licence under Paragraph (1) shall be proceeded with if the postal operator fails to rectify or discontinue the violation within a period which may not be shorter than one month.

(3) (Amended, SG No. 112/2001, supplemented, SG No. 26/2003, renumbered from Paragraph (2) and amended, SG No. 37/2006, amended, SG No. 87/2009, effective 3.11.2009) Any decision on revocation shall set a period wherewithin the person may not apply for the grant of a new individual licence for performance of services referred to in Item 2 and/or 3 of Article 39 herein and/or apply for a transfer of an individual licence thereto, nor acquire any interests or shares in the capital of any commercial corporation which is a licensed postal operator for the activity for which the individual licence thereof has been revoked. The said period may not be shorter than two years.

Article 58. (Amended, SG No. 112/2001, supplemented, SG No. 26/2003, repealed, SG No. 102/2010, effective 30.12.2010) .

Section IV

Procedure and Requirements for Performance of Non-universal Postal Services

(Heading amended, SG No. 87/2009, effective 3.11.2009)

Article 59. (1) (Amended, SG No. 112/2001, supplemented, SG No. 26/2003, amended, SG No. 87/2009, amended and supplemented, SG No. 102/2010, effective 30.12.2010) Non-universal postal services referred to in Items 1 to 3 of Article 38 herein shall be performed after submission of a due written notification, completed in a standard form, to the Communications Regulation Commission, which shall contain:

1. (Amended, SG No. 34/2006, SG No. 87/2009, effective 3.11.2009) identification data on the person;

2. the services to be performed, and the characteristics thereof;

3. (New, SG No. 87/2009, effective 3.11.2009) contact person and details;

4. (New, SG No. 87/2009, effective 3.11.2009) commencement date of the activity.

(2) The following shall be attached to any such application:

1. (Amended, SG No. 34/2006, amended and supplemented, SG No. 87/2009, effective 3.11.2009) a certificate of commercial registration issued not later than three months prior to the submission of the notification;

1a. (New, SG No. 37/2006, effective 1.01.2007, supplemented, SG No. 102/2010, effective 30.12.2010) a document certifying registration of the applicant under the law of a Member State of the European Union or a State which is a Contracting Party to the Agreement on the European Economic Area;

2. (Repealed, SG No. 34/2006);

3. a declaration to the effect that the applicant agrees to fulfil the obligations covered under Article 60 herein;

4. (New, SG No. 26/2003, repealed, SG No. 87/2009, effective 3.11.2009);

5. (New, SG No. 26/2003, repealed, SG No. 87/2009, effective 3.11.2009).

(3) (Amended, SG No. 112/2001, SG No. 26/2003, SG No. 87/2009, effective 3.11.2009) The notification shall be submitted written in the Bulgarian language in duplicate.

(4) (Amended, SG No. 26/2003, amended, SG No. 87/2009, effective 3.11.2009) In case of any deficiency of the notification, within fourteen days after the receipt thereof the Communications Regulation Commission shall notify the person in writing to rectify the deficiencies within seven days.

(5) (New, SG No. 26/2003, amended, SG No. 87/2009, SG No. 102/2010, effective 30.12.2010) After ascertaining that the notification has been duly submitted, the Communications Regulation Commission shall enter the person in a public register of operators performing non-universal postal

services referred to in Items 1 to 3 of Article 38 herein, which shall be posted on the Internet site of the Commission.

(6) (New, SG No. 26/2003, amended, SG No. 87/2009, SG No. 102/2010, effective 30.12.2010) The operator performing non-universal postal services referred to in Items 1 to 3 of Article 38 herein may approach the Communications Regulation Commission with a written request for the issuing of a certificate of entry in the register referred to in Paragraph (5).

(7) (New, SG No. 26/2003, amended, SG No. 87/2009, effective 3.11.2009) The Communications Regulation Commission shall issue the certificate within fourteen days after receipt of the request.

(8) (New, SG No. 26/2003, amended, SG No. 87/2009, effective 3.11.2009) An administrative fee of an amount fixed according to the procedure established by Article 63 herein shall be paid for the issuing of a certificate under Paragraph (6). Documentary proof of payment of a fee shall be attached to the request.

(9) (New, SG No. 26/2003, amended, SG No. 87/2009, effective 3.11.2009) A certificate under Paragraph (6) shall not be issued unless documentary proof of payment of an administrative fee has been attached.

(10) (New, SG No. 26/2003, amended, SG No. 87/2009, SG No. 102/2010, effective 30.12.2010) The operator performing non-universal postal services referred to in Items 1 to 3 of Article 38 herein shall notify the Communications Regulation Commission of any change in the data contained in the notification covered under Paragraph (1) within fourteen days after occurrence of any such change.

(11) (New, SG No. 26/2003, repealed, SG No. 87/2009, effective 3.11.2009).

(12) (New, SG No. 26/2003, amended, SG No. 37/2006, repealed, SG No. 87/2009, effective 3.11.2009).

Article 59a. (New, SG No. 26/2003, repealed, SG No. 87/2009, effective 3.11.2009).

Article 59b. (New, SG No. 26/2003, repealed, SG No. 87/2009, effective 3.11.2009).

Article 60. (Amended, SG No. 37/2006, SG No. 109/2008, SG No. 87/2009, SG No. 102/2010, effective 30.12.2010) Postal operators, who or which have notified the Communications Regulation Commission of performance of non-universal postal services referred to in Items 1 to 3 of Article 38 herein, shall be obliged:

1. (Amended, SG No. 37/2006) to ensure inviolability of the postal items;
2. (Amended, SG No. 37/2006) to maintain the confidentiality of correspondence, including the particulars regarding the senders, addressees and postal items;
3. (Amended, SG No. 37/2006, amended, SG No. 109/2008) to fulfil the requirements for postal security and to guarantee the security of the postal network;
4. not to clear, not to transport and not to distribute any prohibited articles and substances, according to Articles 90 and 91 herein;
5. (Supplemented, SG No. 37/2006, amended, SG No. 109/2008, SG No. 87/2009, SG No. 102/2010, effective 30.12.2010) to take measures for protection of the postal traffic, as well as for the prevention of the insertion in postal items of articles and substances prohibited from insertion within the meaning given by Article 90 and Article 91 herein, by procuring, installing, putting into operation and maintaining, at their own expense, the necessary technical devices and software and, where necessary, ensuring the use of such resources, for valuable consideration, by other postal operators or using, where necessary, for valuable consideration, such resources of other postal operators;
5. (New, SG No. 102/2010, effective 30.12.2010) to create conditions for monitoring and control of postal items by the competent authorities of the Ministry of Interior and of the State Agency for National Security, which may issue instructions mandatory for compliance;
7. (Supplemented, SG No. 26/2003, renumbered from Item 6, SG No. 102/2010, effective 30.12.2010) to protect the environment, human life and health;
8. (New, SG No. 26/2003, amended, SG No. 37/2006, renumbered from Item 7, SG No. 102/2010, effective 30.12.2010) to cooperate in ensuring postal services upon occurrence of any circumstances covered under Article 12 (2) herein;
9. (New, SG No. 37/2006, amended, SG No. 87/2009, renumbered from Item 8, SG No. 102/2010,

effective 30.12.2010) not to perform the services covered under Article 39 herein;

10. (New, SG No. 102/2010, effective 30.12.2010) use impressions according to Article 77 (2) herein.

Article 61. (1) (Amended, SG No. 112/2001, SG No. 26/2003, SG No. 87/2009, SG No. 102/2010, effective 30.12.2010) A postal operator performing non-universal postal services referred to in Items 1 to 3 of Article 38 herein may discontinue the performance of such services, of which the said operator shall notify in writing the Communications Regulation Commission.

(2) (Amended, SG No. 112/2001, SG No. 87/2009, SG No. 102/2010, effective 30.12.2010) In case the Communications Regulation Commission ascertains any non-fulfilment of the obligations covered under Article 60 herein, the said Commission shall notify the postal operator performing non-universal postal services referred to in Items 1 to 3 of Article 38 herein within fourteen days after ascertainment, establishing a time limit, which may not be shorter than one month after the notification, for expression of an opinion and rectification of the non-fulfilment.

(3) (New, SG No 87/2009, effective 3.11.2009) In case the postal operator referred to in Paragraph (2) fails to discontinue the non-fulfilment within the time limit specified by the Communications Regulation Commission, the said Commission shall impose a fine or a pecuniary penalty according to this Act.

(4) (New, SG No. 87/2009, amended, SG No. 102/2010, effective 30.12.2010) The Communications Regulation Commission may adopt a decision on discontinuance of the activity of the postal operator performing non-universal postal services referred to in Items 1 to 3 of Article 38 herein in case a systematic breach of the obligations covered under Article 60 herein has been ascertained.

(5) (New, SG No. 87/2009, amended, SG No. 102/2010, effective 30.12.2010) The Communications Regulation Commission shall adopt a decision discontinuing the activity of the postal operator performing non-universal postal services referred to in Items 1 to 3 of Article 38 herein in case of ascertainment of a systematic violation of this Act or of the instruments issued on the basis thereof.

(6) (New, SG No. 87/2009, repealed, SG No. 102/2010, effective 30.12.2010) .

(7) (New, SG No. 87/2009, effective 3.11.2009) The postal operator referred to in Paragraph (1) may not submit a notification of performance of the same non-universal postal services earlier than six months after the effective date of the decision on discontinuance of the activity.

Article 61a. (New, SG No. 37/2006, repealed, SG No. 87/2009, effective 3.11.2009).

Section V

Fees

(Heading amended, SG No. 87/2009, SG No. 102/2010, effective 30.12.2010)

Article 62. (1) (Amended, SG No. 37/2006) All postal operators shall pay licence fees of an amount and in a manner as specified in the terms and conditions of the individual licences.

(2) The licence fees shall be of the following types:

1. (Supplemented, SG No. 37/2006, amended, SG No. 87/2009, effective 3.11.2009) initial fee, payable upon the grant of an individual licence for performance of services covered under Article 39 herein, inclusive of expenditure on the preparation of the said licence;

2. (Amended, SG No. 37/2006, SG No. 87/2009, SG No. 102/2010, effective 30.12.2010) annual fee for control, covering the administrative costs of the Communications Regulation Commission necessary for analysis and control of the market of postal services, drafting and application of statutory instruments of secondary legislation and issuing of administrative acts and control over compliance therewith, representing a percentage of the net annual income accruing from the provision of licensed postal services;

3. (New, SG No. 37/2006, amended, SG No. 87/2009, effective 3.11.2009) a fee for modification, supplementation or transfer of the individual licence under Article 47a (2), Article 48 (5) and Article 56

(1) herein.

(3) (Amended, SG No. 87/2009, SG No. 102/2010, effective 30.12.2010) Postal operators performing non-universal postal services referred to in Items 1 to 3 of Article 38 herein shall pay a lump-sum certificate issuing fee prior to the issuing of a certificate of entry in the register under Article 59 (5) herein.

Article 63. (Amended, SG No. 112/2001, SG No. 876/2009, SG No. 102/2010, effective 30.12.2010) The amount of fees under this Section, the time limits for and the mode of payment of the said fees shall be determined by the Council of Ministers on a motion by the Communications Regulation Commission and the Minister of Finance.

Article 64. (1) (Amended, SG No. 112/2001, amended and supplemented, SG No. 26/2003, amended, SG No. 87/2009, SG No. 102/2010, effective 30.12.2010) The fees referred to in Article 62 herein shall be collected by the Communications Regulation Commission and shall be allocated as follows:

1. the initial licence fee:

(a) (Amended, SG No. 88/2005, SG No. 87/2009, effective 3.11.2009) 45 per cent to the budget of the Ministry of Transport, Information Technology and Communications;

(b) 35 per cent to the budget of the Communications Regulation Commission;

(c) 20 per cent in state budget revenue;

2. (Amended, SG No. 88/2005, SG No. 87/2009, SG No. 102/2010, effective 30.12.2010) the annual fee for control shall be administrated under the budget of the Communications Regulation Commission;

3. (Amended, SG No. 88/2005, SG No. 87/2009, SG No. 102/2010, effective 30.12.2010) the lump-sum fee for issuing of a certificate referred to in Article 59 (6) herein shall be administrated under the budget of the Communications Regulation Commission.

(2) (Amended, SG No. 26/2003, SG No. 88/2005, SG No. 37/2006; SG No. 41/22.05.2007, SG No. 87/2009, effective 3.11.2009) The resources referred to in Paragraph (1), which are credited to the budget of the Ministry of Transport, Information Technology and Communications, shall be spent on projects referred to in Items 1, 3, 7, 9 and 11 of Article 20 of the Electronic Communications Act.

Chapter Six

PRICES OF POSTAL SERVICES

Article 65. (Amended, SG No. 112/2001, SG No. 26/2003) (1) (Amended, SG No. 37/2006, SG No. 87/2009, effective 3.11.2009) The prices of postal services shall be determined by the postal operators conforming to supply and demand, with the exception of in the price of the universal postal service.

(2) (Amended, SG No. 37/2006, SG No. 87/2009, effective 3.11.2009) The price of the universal postal service allocated to services by type shall be formed by the postal operator having an obligation to perform the universal postal service conforming to the requirements of the ordinance referred to in Article 66 (1) herein and of the methods referred to in Item 13 of Article 15 (1) herein.

(3) (Amended, SG No. 87/2009, effective 3.11.2009) The postal operator having an obligation to perform the universal postal service shall submit the price referred to in Paragraph (2) to the Communications Regulation Commission for clearance within thirty days prior to the effective date of the said price.

(4) (Amended, SG No. 37/2006, supplemented, SG No. 87/2009, effective 3.11.2009) The postal operators performing services within the scope of the universal postal service and the operators providing non-universal postal services shall submit the prices referred to in Paragraph (1) to the Communications Regulation Commission for reference purposes within ten days prior to the effective date of the said prices.

(5) (Amended, SG No. 37/2006, SG No. 87/2009) The Communications Regulation Commission shall oblige the postal operator having an obligation to perform the universal postal service to adjust the

price referred to in Paragraph (2) in case the requirements established by the ordinance referred to in Article 66 (1) herein and the methods referred to in Item 13 of Article 15 (1) herein have not been complied with upon the formation of the said price.

(6) (Repealed, SG No. 102/2010, effective 30.12.2010).

Article 66. (1) (Amended, SG No. 112/2001, SG No. 26/2003, SG No. 99/2005, SG No. 37/2006, effective 11.06.2006, SG No. 87/2009, effective 3.11.2009) The prices allocated to services by type within the universal postal service shall be formed and applied according to rules established in an ordinance adopted by the Council of Ministers. The draft of the said ordinance shall be elaborated by the Communications Regulation Commission.

(2) (Amended, SG No. 37/2006) The rules referred to in Paragraph (1) shall be bound to application of the following principles:

1. (Amended, SG No. 37/2006) identical prices of identical services throughout the national territory;

2. non-discriminatory treatment of all users;

3. affordability of prices;

4. gearing to the costs of service provision;

5. linkage to the quality of service;

6. ensuring an economically justified profit in accordance with an adopted investment policy;

7. creation of conditions to encourage consumption;

8. reckoning with the level of prices on the international market, to the extent practicable under the national conditions;

9. transparency of prices.

(3) (Amended and supplemented, SG No. 26/2003, SG No. 37/2006, SG No. 87/2009, effective 3.11.2009) The ordinance referred to in Paragraph (1) shall establish a procedure and terms whereunder the postal operator having an obligation to perform the universal postal service may contract prices allocated to services by type within the universal postal service other than the prices formed according to the rules, applying the principles of transparency and non-discriminatory treatment.

Article 67. (Amended, SG No. 112/2001, repealed, SG No. 26/2003).

Article 68. (Amended, SG No. 37/2006, supplemented, SG No. 87/2009, effective 3.11.2009) Postal operators shall announce the prices of the services performed thereby in a place accessible to users and shall post the said prices on the Internet sites thereof.

Chapter Seven

PAYMENT FOR POSTAL SERVICES

Section I

Methods of Payment

Article 69. (1) (Amended, SG No. 37/2006, amended and supplemented, SG No. 87/2009, effective 3.11.2009) The prices of postal services shall be prepaid by the users. Payment shall be effected in cash, by a cashless method, by means of postage stamps or by another method, depending on the procedure for payment for the relevant service as determined by the postal operator.

(2) (Amended, SG No. 37/2006) Postal services may furthermore be paid for within specified time limits by agreement negotiated individually with the postal operator.

Article 70. (Amended, SG No. 26/2203) (1) (Supplemented, SG No. 37/2006, amended, SG No. 87/2009, effective 3.11.2009) Postage stamps shall be used as an indication and as proof of a price paid for postal services performed by the postal operator having an obligation to perform the universal postal service.

(2) (Amended, SG No. 87/2009, effective 3.11.2009) The postal operator having an obligation to perform the universal postal service shall determine the types of services which shall be paid for by

means of postage stamps, and shall notify the Communications Regulation Commission.

Section II

Postage Stamps

Article 71. (Amended, SG No. 88/2005, SG No. 37/2006, amended and supplemented, SG No. 87/2009, amended, SG No. 102/2010, effective 30.12.2010) The Minister of Transport, Information Technology and Communications shall issue and release for use postage stamps, postal stationery (picture postcards and pictorial envelopes bearing a special printed indication of a price paid for the postal services) and special souvenir cachets on the basis of an annual thematic plan.

Article 72. (Supplemented, SG No. 37/2006, amended, SG No. 87/2009, effective 3.11.2009) (1) Current postage stamps shall be sold at the inscribed face value within the territory of the Republic of Bulgaria.

(2) (Amended, SG No. 102/2010, effective 30.12.2010) Postal stationery bearing a special printed indication of a price paid for the postal services shall be sold at the price inscribed thereon.

(3) The sale referred to in Paragraphs (1) and (2) shall be effected by the postal operator having an obligation to perform the universal postal service and by other persons under a contract therewith.

Article 73. (Amended, SG No. 26/2003, SG No. 88/2005, SG No. 37/2006, SG No. 87/2009, repealed, SG No. 102/2010, effective 30.12.2010) .

Article 74. (Amended, SG No. 88/2005, SG No. 87/2009, effective 3.11.2009) The Minister of Transport, Information Technology and Communications shall demonetise the postage stamps referred to in Article 71 herein.

Article 75. (1) (Redesignated from Article 75, SG No. 26/2003, amended, SG No. 88/2005, SG No. 37/2006, SG No. 87/2009, SG No. 102/2010, effective 30.12.2010) The release for use of postage stamps, of postal stationery and of special souvenir cachets, as well as the demonetisation of postage stamps, shall be performed by an order of the Minister of Transport, Information Technology and Communications, information whereon shall be posted on the Internet site of the Ministry of Transport, Information Technology and Communications and at the post offices of the postal operator having an obligation to perform the universal postal service.

(2) (New, SG No. 26/2003, amended, SG No. 88/2005, SG No. 87/2009, repealed, SG No. 102/2010, effective 30.12.2010).

Article 76. (Amended, SG No. 88/2005, SG No. 37/2006, SG No. 87/2009, SG No. 102/2010, effective 30.12.2010) The terms and procedure for the issue and release for use of postage stamps, postal stationery and special souvenir cachets, as well as for the demonetisation of postage stamps, shall be established by an ordinance of the Minister of Transport, Information Technology and Communications.

Section III

Postal Impressions

Article 77. (1) (New, SG No. 102/2010, effective 30.12.2010) In addition to postage stamps, impressions dispensed by automatic vending machines, impressions of franking machines, and impressions made by a printing press or other printing or stamping process, which mandatorily contain information identifying the postal operator, may also be used by the postal operator having an obligation to perform the universal postal service as an indication and as proof of payment of the price of postal services.

(2) (Amended, SG No. 37/2006, renumbered from Paragraph (1), amended, SG No. 102/2010, effective 30.12.2010) Impressions dispensed by automatic vending machines, impressions of franking machines, and impressions made by a printing press or other printing or stamping process, which mandatorily contain information identifying the relevant postal operator, shall be used by postal operators performing services within the scope of the universal postal service and/or non-universal

postal services as an indication and as proof of payment of the price of postal services.

(3) (Supplemented, SG No. 37/2006, amended, SG No. 87/2009, renumbered from Paragraph (2), SG No. 102/2010, effective 30.12.2010) The postal operator having an obligation to perform the universal postal service shall use date-stamps for cancellation of postage stamps, of postal stationery bearing a special printed indication of a price paid for the postal services, for stamping postal items and documents proving clearance and delivery of postal items, as well as documents proving clearance and payment of postal money orders.

(4) (New, SG No. 87/2009, renumbered from Paragraph (3), SG No. 102/2010, effective 30.12.2010) Postal operators licensed for performance of services referred to in Item 2 and/or 3 of Article 39 herein shall use date-stamps for stamping postal items, documents proving clearance and distribution of postal items, as well as documents proving clearance and payment of postal money orders.

(5) (Amended, SG No. 112/2001, supplemented, SG No. 26/2003, amended, SG No. 37/2006, renumbered from Paragraph (3), amended, SG No. 87/2009, renumbered from Paragraph (4), amended, SG No. 102/2010, effective 30.12.2010) All types of impressions of the postal operators shall be provided to the Communications Regulation Commission for its information. Upon withdrawal of any type of impression, the postal operators shall notify the Communications Regulation Commission within twenty days prior to the withdrawal of the said type.

(6) (Amended, SG No. 26/2003, renumbered from Paragraph (4), amended, SG No. 87/2009, renumbered from Paragraph (5), amended, SG No. 102/2010, effective 30.12.2010) It shall be prohibited to apply and use for any purposes whatsoever any impressions appertaining to postal operators which have not been provided according to the procedure established by Paragraph (5) or which have been withdrawn.

Article 78. (Amended, SG No. 88/2005, SG No. 87/2009, repealed, SG No. 102/2010, effective 30.12.2010).

Section IV

International Reply Coupons

Article 79. (1) (Amended, SG No. 87/2009, effective 3.11.2009) International Reply Coupons may likewise be used in payment for cross-border postal services performed by the postal operator having an obligation to perform the universal postal service.

(2) The International Reply Coupon shall be a special form approved by the Universal Postal Union, of a specified selling and exchange value.

(3) By means of an International Reply Coupon, the sender shall prepay to the addressee the price of a specified reply item of correspondence.

(4) (Amended, SG No. 87/2009, effective 3.11.2009) International Reply Coupons may be sold in the Republic of Bulgaria solely by the postal operator having an obligation to perform the universal postal service.

Section V

Exemption from Payment for Postal Services

Article 80. (1) (Supplemented, SG No. 26/2003, SG No. 37/2006, amended, SG No. 87/2009, effective 3.11.2009) The following postal services within the universal postal service, which are provided by the postal operator having an obligation to perform the universal postal service, shall be exempt from payment:

1. (Amended, SG No. 87/2009, supplemented, SG No. 102/2010, effective 30.12.2010) domestic and cross-border service postal items of the Minister of Transport, Information Technology and Communications, the Communications Regulation Commission and the postal operator having an obligation to perform the universal postal service, related to the postal operation and to the

correspondence with the Universal Postal Union and the international bodies and organizations, and regulatory authorities, regulation and coordination of postal services;

2. (Amended, SG No. 87/2009, effective 3.11.2009) ceogrammes up to a maximum weight of 7 kg: embossed letters and embossing plates, voice recordings and special paper (with the exception of the airmail surcharge), sent by and/or to blind and visually impaired persons or officially recognised institutions for blind and visually impaired persons and bearing the required distinguishing marks;

3. (Supplemented, SG No. 37/2006, SG No. 87/2009, amended and supplemented, SG No. 102/2010, effective 30.12.2010) postal items addressed to prisoners of war and civilian internees as defined by the Geneva Convention of 12 August 1949 Relative to the Protection of Civilian Persons in Time of War.

(2) (Amended, SG No. 112/2001, SG No. 88/2005, repealed, SG No. 87/2009, effective 3.11.2009).

(3) (New, SG No. 102/2010, effective 30.12.2010) The service of postal money orders addressed to prisoners of war and civilian internees as defined by the Geneva Convention of 12 August 1949 Relative to the Protection of Civilian Persons in Time of War, performed by the postal operator having an obligation to perform the universal postal service, shall be exempt from payment.

Chapter Eight

CONFIDENTIALITY OF CORRESPONDENCE

Article 81. Any postal operator and any person covered under Article 22 herein, who or which participates in the execution of postal services, shall be obliged to maintain the confidentiality of correspondence, both during the performance of the service and thereafter.

Article 82. (1) Postal operators shall have no right:

1. to misappropriate any postal items;
2. (Supplemented, SG No. 37/2006) to open any postal items, except in the cases under Article 93 herein;
3. (Supplemented, SG No. 37/2006) to retrieve the contents of any opened postal items;
4. (Supplemented, SG No. 37/2006) to pass any items to third parties for the purpose of learning the contents thereof, except in the cases under Article 93 herein;
5. to answer any enquiries and to provide any information regarding postal items, except to the sender and addressee or to persons authorised thereby;
6. (Amended, SG No. 37/2006) to provide information about the postal traffic between individual persons.

(2) (Repealed, SG No. 37/2006).

Article 83. (1) Any cross-border postal items shall be subject to customs control, according to the Customs Act and the Regulations for the Application thereof.

(2) Any postal items shall take precedence when passing through customs control.

Article 84. (Amended, SG No. 37/2006) Any sum of money transferred by means of a postal money order, including such in a cash-on-delivery item, may be garnished according to the procedure established by the Code of Civil Procedure for debts incurred by the remitter or payee of the money order until payment of the said sum to the payee. The remitter and payee shall be notified of the garnishment so imposed in writing.

Chapter Nine

LIABILITY AND COMPENSATION

Article 85. (1) (Amended, SG No. 26/2003, SG No. 37/2006, SG No. 87/2009, effective 3.11.2009) Any postal operator shall owe an indemnity to users in the event of:

1. (Amended, SG No. 102/2010, effective 30.12.2010) wholly or partly lost, rifled or damaged domestic and cross-border postal parcels, registered postal items, insured postal items and

cash-on-delivery items, as well as postal items of a value added by comparison with the universal postal service within the meaning given by Item 18 of § 1 of the Supplementary Provision herein;

2. postal parcels returned to sender, when the non-delivery thereof is not motivated;

3. (Amended, SG No. 87/2009, effective 3.11.2009) non-conformity with the time limits for distribution of postal items and of postal money orders, as indicated in the General Conditions of the contract with users;

4. unpaid or mispaid sums of money on domestic and cross-border postal money orders.

(2) (Amended, SG No. 26/2003, repealed, SG No. 37/2006).

(3) (Amended, SG No. 87/2009, effective 3.11.2009) The indemnities owed by the postal operator having an obligation to perform the universal postal service in respect of cross-border postal items shall be specified in accordance with the Acts of the Universal Postal Union.

(4) (New, SG No. 37/2006) The specific amounts of the indemnities covered under Paragraph (1) shall be included in the General Conditions of the contracts with users.

(5) (New, SG No. 26/2003, renumbered from Paragraph (4), SG No. 37/2006) The specific amounts of the indemnities under Paragraph (1) shall be announced by the postal operators at public and accessible places in the post offices thereof.

Article 86. (1) (Amended and supplemented, SG No. 37/2006, supplemented, SG No. 102/2010, effective 30.12.2010) The right to written complaint in the cases covered under Article 85 (1) herein shall attach to the sender or addressee of the postal item or of the postal money order.

(2) (Amended, SG No. 37/2006) The time limit for lodgement of a complaint shall be six months, reckoned from the date of posting or the postal item or of the postal money order.

(3) (Amended, SG No. 37/2006, SG No. 87/2009, supplemented, SG No. 102/2010, effective 30.12.2010) Postal operators shall examine the complaint and, within one month, applicable to domestic postal items and to postal money orders, and three months, applicable to cross-border postal items, shall notify the complainant of the result in writing. Should the complaint be granted, the indemnity shall be paid within one month after the date of notification.

(4) (New, SG No. 37/2006) Should a complaint be rejected in whole or in part or be left without response within the time limit set by Paragraph (3), the complainant may approach the Communications Regulation Commission with a written request to give an opinion on the dispute. The Communications Regulation Commission shall pronounce on the request made within thirty days after receipt of the said request and shall notify the parties to the dispute in writing of the opinion adopted within three days after the date of the decision.

(5) (Supplemented, SG No. 26/2003, renumbered from Paragraph (4) and amended, SG No. 37/2006) Should a complaint be rejected in whole or in part or be left without response within the time limit set by Paragraph (3), the complainant may bring an action before a court of law without a need of complying with the provision of Paragraph (4) before that. Alternatively, an action for settlement of the dispute may be brought before the court after application of the provision of Paragraph (4).

Article 87. (Supplemented, SG No. 37/2006, amended, SG No. 87/2009, effective 3.11.2009) Postal operators shall not be liable:

1. for any unregistered postal items;

2. (Supplemented, SG No. 37/2006) for damage to or destruction of registered or insured postal items resulting from the operation of "force majeure";

3. (Supplemented, SG No. 37/2006) when they cannot account for the registered postal items owing to the destruction of the official records thereon by "force majeure";

4. (Amended, SG No. 37/2006) where the damage or destruction of the postal items has been caused by the fault of the sender or arises from the nature of the contents of the postal items;

5. (Supplemented, SG No. 37/2006) in respect of any postal items containing prohibited articles or substances which, for this reason, have been confiscated or destroyed by the competent authorities according to the established procedure;

6. (Amended, SG No. 37/2006, supplemented, SG No. 102/2010, effective 30.12.2010) where, by reason of misaddressing, the postal item has been delivered to another person or the postal money order

has not been delivered to the payee;

7. (New, SG No. 37/2006, amended, SG No. 102/2010, effective 30.12.2010) where the senders or addressees of domestic and cross-border postal parcels, registered postal items, insured postal items and cash-on-delivery items and postal items of a value added by comparison with the universal postal service within the meaning given by Item 18 of § 1 of the Supplementary Provision herein, as well as of postal money orders, have not lodged a written complaint within the time limit referred to in Article 86 (2) herein.

Article 88. (Repealed, SG No. 87/2009, effective 3.11.2009).

Article 89. (1) (Amended, SG No. 37/2006) Senders of postal items shall incur liability to the postal operators for any damage caused by the contents of the items of the said senders to other postal items. Any such liability shall be limited to that incurred by the postal operators to the persons whereof the items were damaged.

(2) (Supplemented, SG No. 37/2006) The senders of any postal items referred to in Paragraph (1) shall furthermore incur liability for any damage caused to the postal operators themselves.

Chapter Ten

PROHIBITION AGAINST INSERTION OF CERTAIN ARTICLES AND SUBSTANCES IN POSTAL ITEMS

Article 90. (1) It shall be prohibited to insert the following substances and articles in any domestic and cross-border postal items:

1. (Amended, SG No. 37/2006) narcotic, anaesthetic, psychotropic and toxic substances;
2. (Supplemented, SG No. 102/2010, effective 30.12.2010) weapons, ammunition, pyrotechnic articles, explosives, flammable or other dangerous substances and articles;
3. (Amended, SG No. 102/2010, effective 30.12.2010) immoral articles;
4. articles which, by the nature or packing thereof, may expose the life or health of postal officers or other persons to danger, or may soil or damage other items or postal equipment;
5. religious materials of cults and organisations banned or unregistered in Bulgaria;
6. (New, SG No. 37/2006) movable cultural property unaccompanied by an issued authorisation or certificate.

(2) (Amended, SG No. 112/2001) It shall be inadmissible to insert any coins, banknotes, currency notes, traveller's cheques, articles of value to the sender, platinum, gold or silver, whether manufactured or not, precious stones and any other valuables in any postal items with the exception of insured items.

Article 91. (1) (Supplemented, SG No. 112/2001, SG No. 37/2006) Apart from the substances and articles covered under Article 90 (1) herein, it shall be inadmissible to insert in any cross-border postal items, including insured postal items, any other substances and articles specified (as prohibited) in international treaties, as well as any articles whereof the importation or uttering is prohibited in the country of destination.

(2) (Amended, SG No. 37/2006) Postal operators shall be obliged to provide senders of cross-border postal items with information regarding the prohibited substances and articles covered under Paragraph (1).

Article 92. (Amended, SG No. 37/2006) Should there be reason to suspect that prohibited articles or substances have been inserted in any postal item, the postal operator, upon clearance of any such item, shall request the sender's consent to the conduct of an inspection. Should the sender refuse such consent, the item shall not be cleared.

Article 93. (Amended, SG No. 37/2006) (1) (Amended and supplemented, SG No. 87/2009, effective 3.11.2009) Where there are reasonable grounds to believe that any postal item cleared contains any prohibited articles or substances, the postal operator shall retain the item and, after coordination with the entity performing the inspection, shall request the sender's or addressee's written consent to the opening of the item.

(2) (Amended, SG No. 87/2009, effective 3.11.2009) Should such consent be denied or should no response be given to such a request, the entity performing the inspection shall notify the operator responsible for the transport and distribution of the item, and the said operator shall notify the relevant competent authorities to order subsequent action.

Chapter Eleven

CONTROL

Article 94. (Amended, SG No. 112/2001, SG No. 37/2006) (1) (Supplemented, SG No. 87/2009, effective 3.11.2009) Control over compliance with this Act and of the statutory instruments of secondary legislation issued in pursuance thereof shall be exercised by the Communications Regulation Commission in accordance with the powers vested therein.

(2) (Supplemented, SG No. 109/2007, effective 1.01.2008, amended and supplemented, SG No. 87/2009, effective 3.11.2009) Upon exercise of the control referred to in Paragraph (1), the Communications Regulation Commission, where necessary, shall interact with the Ministry of Transport, Information Technology and Communications, the Ministry of Interior, the State Agency for National Security and other competent authorities.

Article 95. (Amended, SG No. 112/2001, SG No. 37/2006) The Chairperson of the Communications Regulation Commission shall issue an order empowering employees of the administration of the said Commission to exercise control.

Article 95a. (New, SG No. 37/2006) The employees empowered under Article 95 herein shall have the right:

1. to gain unimpeded access to the facilities subject to control;
2. to seize and impound physical evidence related to an ascertainment of the violation;
3. to require information and documents related to the exercise of control;
4. to draw up written statements on violations according to the procedure established by the Administrative Violations and Sanctions Act.

Article 95b. (New, SG No. 37/2006) The employees empowered under Article 95 herein shall be obliged:

1. to identify themselves at the facility inspected by producing an official identity card;
2. to establish the facts accurately and to record objectively the results of the inspections upon the control exercised thereby;
3. to give mandatory prescriptions for rectification of non-conformities with the law;
4. to safeguard official and trade secrets and not to disclose data on the inspections prior to the completion thereof, as well as not to use the information on an inspection beyond the intended use of the said information.

Article 95c. (New, SG No. 37/2006) Postal operators shall be obliged:

1. to afford unimpeded access and conditions for work at the facilities subject to control;
2. to provide information and documents related to the exercise of control.

Article 96. (1) (Amended, SG No. 112/2001, SG No. 37/2006) Acting on a written statement referred to in Item 4 of Article 95a herein, the Chairperson of the Communications Regulation Commission or an official authorised thereby shall issue penalty decrees.

(2) (Amended, SG No. 37/2006) The ascertainment of violations, the issuing, appeal against and execution of penalty decrees shall follow the procedure established by the Administrative Violations and Sanctions Act.

Article 96a. (New, SG No. 87/2009, effective 3.11.2009) (1) The Chairperson of the Communications Regulation Commission, after a decision of the said Commission, shall issue orders suspending the performance of postal services in violation of this Act and of the instruments issued in pursuance thereof, until rectification of the violations.

(2) (Repealed, SG No. 102/2010, effective 30.12.2010).

Article 97. (Repealed, SG No. 26/2003).

Article 98. (Amended, SG No. 26/2003, repealed, SG No. 37/2006).

Chapter Twelve

ADMINISTRATIVE PENALTY PROVISIONS

Article 99. (1) (Amended and supplemented, SG No. 37/2006, amended, SG No. 87/2009, effective 3.11.2009) Any person, who performs any services covered under Article 39 herein or who continues to perform any such services after suspension or revocation of the individual licence held, shall be liable to a fine of BGN 10,000 or exceeding this amount but not exceeding BGN 20,000.

(2) (Amended, SG No. 37/2006, SG No. 87/2009, effective 3.11.2009) Any person, who performs non-universal postal services referred to in Items 1 to 3 of Article 38 herein without having submitted a notification according to the procedure established by Article 59 herein, shall be liable to a fine of BGN 1,000 or exceeding this amount but not exceeding BGN 10,000.

Article 100. (1) (Amended, SG No. 37/2006) Any person, who breaches the terms and conditions of an individual licence thereto granted, shall be liable to a fine of BGN 1,000 or exceeding this amount but not exceeding BGN 10,000.

(2) (Amended and supplemented, SG No. 37/2006, amended, SG No. 87/2009, effective 3.11.2009) Any person, who performs non-universal postal services referred to in Items 1 to 3 of Article 38 herein and breaches the requirements covered under Article 60 herein, shall be liable to a fine of BGN 1,000 or exceeding this amount but not exceeding BGN 5,000.

Article 100a. (New, SG No. 37/2006, amended, SG No. 87/2009, repealed, SG No. 102/2010, effective 30.12.2010).

Article 100b. (New, SG No. 102/2010, effective 30.12.2010) (1) Any postal operator, who performs postal services without the General Conditions of the contract with users being coordinated with the Communications Coordination Commission, shall be liable to a fine of BGN 200 or exceeding this amount but not exceeding BGN 2,000.

(2) Any postal operator, who fails to fulfil the requirements of Article 14 (1), Item 2, Items 7 and 8 of Article 20 (1) and Items 5 and 6 of Article 50 herein, shall be liable to a fine of BGN 1,000 or exceeding this amount but not exceeding BGN 5,000.

(3) A repeated violation under Paragraph (2) shall be punishable by a fine of BGN 5,000 or exceeding this amount but not exceeding BGN 10,000.

Article 101. Any person, who violates the confidentiality of correspondence and opens another's postal item or misappropriates any such item, or who commits any act referred to in Article 82 herein, shall be liable to a fine of BGN 500 or exceeding this amount but not exceeding BGN 5,000, unless the act constitutes a criminal offence.

Article 102. Any person, who inserts in a postal item any articles and substances prohibited under Articles 90 and 91 herein, shall be liable to a fine of BGN 500 or exceeding this amount but not exceeding BGN 5,000, unless the act constitutes a criminal offence, and any such item shall be confiscated.

Article 103. (1) (Redesignated from Article 103 and amended, SG No. 26/2003, amended, SG No. 37/2006) Any person, who imports into the country letter post items for international reforwarding or for distribution inside the country (repostage) with the purpose of benefiting from more favourable tariff conditions in the Republic of Bulgaria, shall be liable to a fine of BGN 500 or exceeding this amount but not exceeding BGN 5,000.

(2) (New, SG No. 26/2003, effective 25.03.2003, amended and supplemented, SG No. 37/2006, amended, SG No. 87/2009, effective 3.11.2009) Any postal operator, who uses without a contract under Article 23 herein the postal network of the postal operator with an obligation to perform the universal postal service or the postal networks of the postal operators licensed for performance of services referred to in Item 2 and/or 3 of Article 39 herein for the purpose of reforwarding postal items cleared thereby, shall be liable to a fine of BGN 1,000 or exceeding this amount but not exceeding BGN 5,000.

Article 104. (Amended, SG No. 26/2003, effective 25.03.2003, SG No. 37/2006, SG No. 87/2009,

effective 3.11.2009) Any person, who utters or who uses counterfeit, used or demonetised postage stamps, counterfeit or withdrawn impressions of obliterations, postmarks or franking machines appertaining to postal operators, as well as counterfeit postal advices of delivery and International Reply Coupons, shall be liable to a fine of BGN 500 or exceeding this amount but not exceeding BGN 5,000 unless the act constitutes a criminal offence.

Article 105. (1) (Amended, SG No. 112/2001, amended and supplemented, SG No. 37/2006, SG No. 87/2009, effective 3.11.2009) Any person who, when requested to do so by the Communications Regulation Commission, fails to provide information relating to the observance of this Act and to the application of the statutory instruments of secondary legislation issued in pursuance thereof, or who provides false or inaccurate information or fails to provide information within the time limit as may be established in the request, shall be liable to a fine of BGN 500 or exceeding this amount but not exceeding BGN 2,500.

(2) (Amended and supplemented, SG No. 37/2006, amended, SG No. 87/2009, effective 3.11.2009) Any person, who obstructs control over the observance of this Act and over the application of the statutory instruments of secondary legislation issued in pursuance thereof, shall be liable to a fine of BGN 100 or exceeding this amount but not exceeding BGN 1,000.

Article 105a. (New, SG No. 26/2003, effective 25.03.2003, supplemented, SG No. 37/2006, amended, SG No. 87/2009, SG No. 102/2010, effective 30.12.2010) Any postal operator, who fails to act on an effective decision of the Communications Regulation Commission, shall be liable to a fine of BGN 200 or exceeding this amount but not exceeding BGN 2,000.

(2) The postal operator having an obligation to perform the universal postal service, in case the said operator fails to act on an effective decision of the Communications Regulation Commission referred to in Article 33 (5) and (8) herein, shall be liable to a fine of BGN 200 or exceeding this amount but not exceeding BGN 5,000.

Article 105b. (New, SG No. 87/2009, effective 3.11.2009) The postal operator with an obligation for performance of the universal postal service, in case the said operator fails to conform to the standards referred to in Item 7 of Article 15 (1) herein, shall be liable to a fine of BGN 10,000 or exceeding this amount but not exceeding BGN 50,000.

Article 105c. (New, SG No. 26/2003, effective 25. 03. 2003, amended, SG No. 37/2006, renumbered from Article 105b, supplemented, SG No. 87/2009, amended, SG No. 102/2010, effective 30.12.2010) Any violation of this Act or of the instruments issued in pursuance thereof, for which no other penalty has been provided for, shall be punishable by a fine of BGN 500 or exceeding this amount but not exceeding BGN 5,000.

Article 106. (Amended, SG No. 26/2003, SG No. 87/2009, effective 3.11.2009) Any violations covered under Articles 99 to 105c herein, where committed by legal persons or sole traders, shall be punishable by pecuniary penalties to the amount of the fines as provided.

Article 106a. (New, SG No. 26/2003) (1) Any fines and pecuniary penalties under effective penalty decrees shall be credited to the bank account of the Communications Regulation Commission.

(2) (Repealed, SG No. 38/2012, effective 1.07.2012) .

(3) (Amended, SG No. 37/2006, repealed, SG No. 38/2012, effective 1.07.2012).

(4) The Chairperson of the Communications Regulation Commission or an official authorised thereby shall set a time limit for voluntary compliance in the penalty decree.

(5) (Amended, SG No. 105/2005) Any fines and pecuniary penalties, which are not collected according to the procedure established by Paragraph (4), shall be subject to collection according to the procedure established by the Tax and Social-Insurance Procedure Code.

Article 107. (1) Upon repeated commission of any violations covered under the foregoing articles, the fine or pecuniary penalty shall be imposed in a double amount of the one originally imposed.

(2) "Repeated violation" shall be any violation which shall be committed within one year after the entry into force of a penalty decree whereby the offender was penalised for a violation of the same kind.

SUPPLEMENTARY PROVISION

§ 1. Within the meaning given by this Act:

1. (Amended, SG No. 37/2006, SG No. 102/2010, effective 30.12.2010 - this amendment does not concern the English version) "Clearance of postal items" shall be an activity of postal operators involving the collection of postal items deposited by senders at access points.

2. (Amended, SG No. 37/2006) "Transport of postal items" shall be an activity of postal operators involving the process from clearance to distribution of postal items.

3. (Amended, SG No. 37/2006) "Distribution of postal items" shall be an activity commencing from sorting at the distribution centre and ending with handing of postal items to the addressees thereof.

4. (Amended and supplemented, SG No. 37/2006, amended, SG No. 87/2009, SG No. 102/2010, effective 30.12.2010) "Access point" shall be a fixed or a mobile post office, a sub-post office or an outreach post office service point, where senders hand in, and the operator accepts, postal items and postal money orders, as well as letter boxes and other facilities provided for the public, placed on the public highway.

5. (Supplemented, SG No. 26/2003, amended and supplemented, SG No. 37/2006, amended, SG No. 87/2009, SG No. 102/2010, effective 30.12.2010) "Item of correspondence (letter and/or postal card)" shall be a postal item which contains a communication in written form on any kind of physical medium to be transported and distributed at the address indicated by the sender on the item itself. Printed papers shall not be treated as items of correspondence.

6. "Printed papers" shall be a postal item containing newspapers, periodicals, books, catalogues, reproductions on paper used in printing, with the address of the sender and addressee indicated on the item itself.

7. "Small packet" shall be a postal item containing articles with or without commercial value and of a maximum weight of 2 kg.

8. "Postal parcel" shall be a postal item of standard dimensions and weight, usually containing merchandise with or without commercial value.

9. (Supplemented, SG No. 26/2003, SG No. 37/2006, amended, SG No. 87/2009, supplemented, SG 101/2010, effective 30.06.2011, amended, SG No. 102/2010, effective 30.12.2010, amended and supplemented, SG No. 105/2011, effective 29.12.2011) "Postal money orders" shall be postal services for dispatch of paper-based orders through the post offices of a postal operator licensed for performance of services referred to in Item 3 of Article 39 herein, of sums of money from the remitter to the payee.

10. (Amended and supplemented, SG No. 37/2006) "Registered item" shall be a postal service providing an agreed guarantee against risk of loss, theft or damage and supplying the sender with documentary proof of the clearance of the postal item and, upon request, of an advice of distribution of the item to the addressee.

11. (Amended and supplemented, SG No. 37/2006, amended, SG No. 87/2009, effective 3.11.2009) "Insured item (valeur declare)" shall be a postal service whereby the postal operator assumes liability up to the amount of the value of the contents of the postal item as declared by the sender in the event of loss, theft or damage.

12. (Supplemented, SG No. 37/2006) "Cash-on-delivery item" shall be a postal service whereby a postal item is delivered to the addressee against payment of a sum of money fixed by the sender.

13. "User" shall be any natural or legal person benefiting from postal services, such as a sender or an addressee.

14. (Supplemented, SG No. 37/2006) "Sender" shall be a natural or legal person who or which is the originator of a postal item and/or a postal money order.

15. (Amended and supplemented, SG No. 37/2006) "Addressee" shall be a natural or legal person indicated in the address of a postal item and/or a postal money order as the one wherefor the said item and/or order is destined.

16. (Amended and supplemented, SG No. 37/2006, repealed, SG No. 87/2009, effective 3.11.2009) .

17. "Cross-border postal items" shall be items originating from, or destined for, another country.

18. (Amended, SG No. 26/2003, SG No. 37/2006) "Express mail service" shall be a postal service of a value added by comparison with the universal postal service. Express mail service guarantees faster

and more reliable clearance, transport and distribution of items and is furthermore characterised by the provision of some or all of the following supplementary services:

(a) collection from the sender's address;

(b) (Amended, SG No. 37/2006) guarantee of distribution by a given date;

(c) possibility of a change of destination and addressee in transit;

(d) confirmation to the sender of delivery;

(e) tracking and tracing of items;

(f) personalised treatment for users and offer of an "a la carte" service, according to requirements as to manner and time ("on call" and "by contract").

19. (Repealed, SG No. 37/2006).

20. (Amended, SG No. 112/2001, supplemented, SG No. 37/2006) "Standard item of domestic correspondence" shall be a postal item of maximum dimensions of 120 by 235 mm, minimum dimensions of 90 by 140 mm, and maximum thickness of 5 mm.

21. "Force majeure" shall be an unforeseen or unavoidable event of an extraordinary nature, which has occurred after the conclusion of a contract.

22. (New, SG No. 26/2003, repealed, SG No. 87/2009, effective 3.11.2009) .

23. (New, SG No. 26/2003, amended and supplemented, SG No. 87/2009. SG No. 102/2010, effective 30.12.2010) "Postal security" shall be a totality of measures and actions for physical security and safekeeping of postal items, cash resources, the property of operators, the life and health of officers and users, for ensuring the confidentiality of correspondence and the inviolability of the postal items, personal data protection and for cooperation in the detection of violations and criminal offences committed against or through the postal network. These measures shall be implemented by the relevant structures, qualified personnel and technical means.

24. (New, SG No. 26/2003, repealed, SG No. 19/2005, new, SG No. 37/2006, amended, SG No. 87/2009. SG No. 102/2010, effective 30.12.2010) "Net cost" shall be any cost of the postal operator having an obligation to perform the universal postal service which is related to and necessary for the operation of the universal service performance, calculated according to the methods referred to in Item 11 of Article 15 herein.

25. (New, SG No. 37/2006) "Priority items" shall be postal items which are transported and distributed by the quickest possible route.

26. (New, SG No. 37/2006) "Non-priority items" shall be postal items for which the sender has chosen a lower rate, implying a longer time for transport and distribution.

27. (New, SG No. 37/2006) "Systematic violation" shall be in evidence where two or more administrative violations of this Act or of the instruments on the application thereof committed within two years.

28. (New, SG No. 87/2009, effective 3.11.2009) "Fixed post office" shall be a basic element of the postal networks, organised on separate premises where all services included in the universal postal service, the non-universal postal services and other commercial activities are performed by officials of the postal operator through technologically interconnected work stations.

29. (New, SG No. 87/2009, effective 3.11.2009) "Mobile post office" shall be an element of the postal networks organised on premises on board special-purpose means of transport, where officials perform all postal services included in the universal postal service in several nucleated settlements according to a specified route and timetable.

30. (New, SG No. 87/2009, effective 3.11.2009) "Sub-post office" shall be a workplace organised on a separate premise in a nucleated settlement without a fixed post office, where an official of a particular postal operator performs particular postal services.

31. (New, SG No. 87/2009, effective 3.11.2009) "Outreach post office service point" shall be an organised workplace for performance of postal services on a premise on which public services of other type are offered as well. The right to perform postal services shall be granted on the basis of a contract with a particular postal operator.

32. (New, SG No. 1027/2010, effective 30.12.2010) "Post office" shall be a fixed or a mobile post

office.

33. (New, SG No. 1027/2010, effective 30.12.2010) "Direct mail" shall be a postal item consisting solely of advertising, marketing or publicity material and comprising an identical message, except for the addressee's name, address and identifying number.

TRANSITIONAL AND FINAL PROVISIONS

§ 2. The Communications Act (promulgated in the State Gazette No. 27 of 1975; amended in No. 63 of 1976, No. 36 of 1979, No. 36 of 1986, No. 12 of 1988 and No. 77 of 1996) is hereby superseded.

§ 3. The Concessions Act (promulgated in the State Gazette No. 92 of 1995; (modified by) Constitutional Court Judgment No. 2 of 1996, [promulgated in] No. 16 of 1996; amended in No. 44 of 1996; Nos. 61 and 123 of 1997, No. 93 of 1998, Nos. 23, 56, 64 and 67 of 1999, No. 12 of 2000) shall be amended as follows:

1. Item 5 of Article 4 (1) shall be repealed.

2. Item 2 of Article 5 shall be repealed.

§ 4. (Effective 1.01.2001) In the Defence and Armed Forces of the Republic of Bulgaria Act (promulgated in the State Gazette No. 112 of 1995; amended and supplemented in No. 67 of 1996 and No. 122 of 1997, Nos. 70, 93, 152 and 153 of 1998, Nos. 12, 67 and 69 of 1999, No. 49 of 2000), there shall be added the following new Paragraph in Article 113:

"(6) The services referred to in Paragraphs (1) to (5) shall be paid for by the Ministry of Defence to the postal operators who or which have performed the said services."

§ 5. The Telecommunications Act (promulgated in the State Gazette No. 93 of 1998; amended in No. 26 of 1999, No. 10 of 2000) shall be amended and supplemented as follows:

1. in Article 15, Item 5 shall be deleted;

2. Paragraph (1) of Article 19 shall be amended and supplemented as follows:

(a) there shall be inserted the following new Item:

"2. proceeds from licence fees and registration fees for performance of non-universal postal services";

(b) Items 2, 3, 4 and 5 of Article 19 shall be renumbered to become respectively Items 3, 4, 5 and 6;

3. In Paragraph (1) of Article 20, there shall be added the following new Item:

"7. financial assistance of the principal postal operator for execution of the universal postal service under economically unprofitable conditions".

4. in Paragraph (3) of Article 22, the words "as well as the postal communications" shall be deleted.

§ 6. (1) (Amended, SG No. 26/2003, SG No. 37/2006, effective 1.01.2006, amended, SG No. 109/2008) In pursuance of Article 18 (4) of the Constitution of the Republic of Bulgaria, a state monopoly is hereby established, valid until the 31st day of December 2010, over a reserved area of the universal postal service provided through a postal network. The services in the reserved area shall include clearance, transport and distribution of items of domestic correspondence and items of inward and outward cross-border correspondence.

(2) (New, SG No. 37/2006, effective 1.01.2006) As from the 1st day of January 2006, the weight and price limits applicable to the services in the reserved area shall be:

1. in respect of items of domestic correspondence: a weight of up to 150 g and a price not exceeding three times (but not equal to three times) the price for a standard item of domestic correspondence weighing up to 20 g or the price for a standard priority item of domestic correspondence weighing up to 20 g, as applied by the principal postal operator;

2. in respect of items of inward and outward cross-border correspondence: a weight of up to 150 g and a price not exceeding three times (but not equal to three times) the price for a priority item of airmail cross-border correspondence weighing up to 20 g, as applied by the principal postal operator.

(3) (New, SG No. 37/2006, effective 1.01.2006) As from the 1st day of January 2006, the weight

and price limits applicable to the services in the reserved area shall be:

1. (Amended and supplemented, SG No. 87/2009, effective 3.11.2009) in respect of items of domestic correspondence: a weight of up to 50 g and a price not exceeding two and a half times (but not equal to two and a half times) the price for a standard item of domestic correspondence weighing up to 20 g and/or the price for a standard priority item of domestic correspondence weighing up to 20 g, as applied by the postal operator having an obligation to provide the universal postal service;

2. (Amended, SG No. 87/2009, effective 3.11.2009) in respect of items of inward and outward cross-border correspondence: a weight of up to 50 g and a price not exceeding two and a half times (but not equal to two and a half times) the price for a priority item of cross-border correspondence weighing up to 20 g, as applied by the postal operator having an obligation to perform the universal postal service.

(2) (New, SG No. 26/2003, renumbered from Paragraph (2) and amended, SG No. 37/2006, effective 1.01.2006) The State shall award the execution of the services covered under Paragraphs (1), (2) and (3) by an individual licence granted to Bulgarian Posts EAD.

(5) (Renumbered from Paragraph (2), SG No. 26/2003, renumbered from Paragraph (3), SG No. 37/2006, effective 1.01.2006) The following shall be excluded from the services covered under Paragraph (1):

1. printed papers, unless containing or enclosing communications destined for the addressee;
2. documents accompanying goods in transit;
3. document exchange between institutions and companies, where effected through the agency of employees thereof.

(6) (Renumbered from Paragraph (3), SG No. 26/2003, renumbered from Paragraph (4) and amended, SG No. 37/2006, effective 1.01.2006) The prices of the services covered under Paragraphs (2) and (3) shall be formed according to Article 66 of this Act.

(7) (Renumbered from Paragraph (4), SG No. 26/2003, renumbered from Paragraph (5), SG No. 37/2006, effective 1.01.2006, supplemented, SG No. 87/2009, effective 3.11.2009) Until the final date referred to in Paragraph (1), Bulgarian Posts EAD shall keep, in addition to accounts, separate analytical accounts for the reserved area and for the non-reserved area of the universal postal service allocated to services by type, according to Article 29 (3) of this Act.

(8) (Renumbered from Paragraph (5), SG No. 26/2003, renumbered from Paragraph (6), SG No. 37/2006, effective 1.01.2006) Where the income accruing from the reserved area exceeds the expenses, the difference shall cover the proven financial deficit incurred by executing the services involved in the universal postal service outside the reserved area.

(9) (Renumbered from Paragraph (6), SG No. 26/2003, renumbered from Paragraph (7) and amended, SG No. 37/2006, effective 1.01.2006, amended, SG No. 87/2009, effective 3.11.2009) Where the excess of income referred to in Paragraph (5) is insufficient to cover the proven financial deficit incurred by performance of the universal postal service allocated to services by type outside the reserved area, as well as where the expenses associated with the reserved area exceed the income accruing from the said sector, the overall financial deficit shall be made up by the state budget, according to Article 29 of this Act.

§ 7. (Amended, SG No. 88/2005) The Special Courier Service with the Ministry of State Administration and Administrative Reform shall continue to perform the operation thereof of clearance, transport and distribution, according to Article 11 (1) of the Postal Services Act, until transformation of the said Service by the Council of Ministers according to Paragraph (2) of Article 11 of the Postal Services Act.

§ 8. Within five months after the entry of this Act into force, the Minister of Transport and Communications shall issue the statutory instruments of secondary legislation provided for thereby.

§ 9. Within six months after the entry of this Act into force, the Minister of Transport and Communications shall grant Bulgarian Posts EAD an individual licence for implementation of the universal postal service.

§ 10. (Amended, SG No. 26/2003, SG No. 37/2006, effective 1.01.2006, SG No. 109/2008, SG No. 87/2009, effective 1.01.2011, repealed, SG No. 102/2010, effective 30.12.2010).

§ 11. (1) The persons who or which perform postal services upon the effective date of this Act shall be obliged, within six months thereafter, to take the necessary action to obtain a licence or a registration according to the procedure established by this Act. Should the said persons fail to submit applications to the Minister of Transport and Communications within the said time limit, the said persons shall discontinue the activities thereof.

(2) Within three months after submission of any application under Paragraph (1), the Minister of Transport and Communications shall grant or shall refuse to grant a licence or shall effect registrations for non-universal postal services.

§ 12. This Act shall enter into force on the 1st day of August 2000, with the exception of § 4 herein, which shall enter into force on the 1st day of January 2001.

TRANSITIONAL PROVISION

(New, SG No. 88/2005)

Sole Paragraph. (1) The statutory instruments of secondary legislation issued by the Minister of Transport and Communications shall retain the effect thereof.

(2) The statutory instruments of secondary legislation referred to in Paragraph (1) shall be brought into conformity with this Act within six months after the entry thereof into force.

Act to Amend and Supplement the Postal Services Act

Promulgated, SG No. 112/2001 (effective 5.02.2002)

TRANSITIONAL AND FINAL PROVISIONS

§ 46. (1) Any individual licences for provision of a universal postal service and any certificates for performance of non-universal postal services, as granted and as issued by the Minister of Transport and Communications before the entry of this Act into force, shall retain the effect thereof.

(2) Any applications, submitted before the entry of this Act into force by any persons who or which have not been granted individual licences for provision of a universal postal service and certificates for performance of non-universal postal services, shall be considered by the Communications Regulation Commission under the terms and according to the procedure established by the Postal Services Act.

§ 47. Within three months after the entry of this Act into force, the Minister of Transport and Communications shall lay an updated Sector Postal Policy of the Republic of Bulgaria before the Council of Ministers for consideration in accordance with the Postal Services Act.

§ 48. The civil-service relationships and the employment relationships of the employees of the administration of the Ministry of Transport and Communications, who have assisted the Minister of Transport and Communication in exercise of the powers thereof in connection with the regulation and control of postal services, shall be transferred to the Communications Regulation Commission.

.....
Act to Amend and Supplement the Postal Services Act

Promulgated, SG No. 26/2003 (effective 1.03.2003)

TRANSITIONAL AND FINAL PROVISIONS

§ 60. The instruments provided for in Article 11 (3) and in Items 11, 12, 13 and 14 of Article 15 (1) (of the Postal Services Act) shall be adopted within six months after the entry of this Act into force.

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§ 62. This Act shall enter into force on the 1st day of January 2003, with the exception of Item 2 of § 52, § 53, 54 and 55.

Act to Amend and Supplement the Postal Services Act

Promulgated, SG No. 37/2006 (effective 5.05.2006)

TRANSITIONAL AND FINAL PROVISIONS

§ 99. The statutory instruments of secondary legislation issued until the entry of this Act into force, which do not conflict with this Act, shall retain the effect thereof.

§ 100. Within six months after the entry of this Act into force, the Communications Regulation Commission shall bring into conformity therewith the individual licences for performance of the universal postal service or of a part thereof as granted.

§ 101. This Act shall enter into force on the day of promulgation thereof in the State Gazette with the exception of:

1. § 98, which shall enter into force on the 1st day of January 2006, and Item 1 of § 62, which shall enter into force on the 11th day of June 2006;

2. Item 1 (g) of § 13 (in respect of Item 21 of Article 15 (1) [of the Postal Services Act], Item 1 (b) of § 32 (in respect of Item 2 of Article 34 (1) [of the Postal Services Act], and § 34 (in respect of Article 36 (1) and (2) [of the Postal Services Act], which shall enter into force on the 1st day of January 2007;

3. § 3 (in respect of Item 2 of Article 7 [of the Postal Services Act]), Item 2 (a) of § 38 (in respect of Item 1a of Article 43 (2) [of the Postal Services Act]), and Item 1 of § 55 (in respect of Item 1a of Article 59 (2) [of the Postal Services Act]), which shall enter into force as from the date of accession of the Republic of Bulgaria to the European Union.

(* Act to Amend the Commercial Register Act

Promulgated, SG No. 80/2006 (effective 3.10.2006)

§ 1. In § 56 of the Transitional and Final Provisions the words "1 October 2006" shall be replaced by "1 July 2007".

.....
(* Act to Amend the Commercial Register Act

Promulgated, SG No. 53/2007 (effective 30.06.2007)

§ 1. In § 56 of the Transitional and Final Provisions the words "1 July 2007" shall be replaced by "1 January 2008".

.....
SUPPLEMENTARY PROVISION

§ 12. This Act transposes the provision of Directive 2008/6/EC of the European Parliament and of the Council of 20 February 2008 amending Directive 97/67/EC with regard to the full accomplishment of the internal market of Community postal services (OJ L 52/3 of 27 February 2008) with regard to extending the period for which the reserved area is granted to the universal postal service provider until the 31st day of December 2010.

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Act to Amend and Supplement the Postal Services Act

Promulgated, SG No. 87/3.11.2009 (effective 3.11.2009)

.....
SUPPLEMENTARY PROVISION

§ 110. This Act transposes provisions of Directive 2008/6/EC of the European Parliament and of the Council of 20 February 2008 amending Directive 97/67/EC with regard to the full accomplishment of the internal market of Community postal services (OJ L 52/3 of 27 February 2008).

TRANSITIONAL AND FINAL PROVISIONS

§ 111. The statutory instruments of secondary legislation issued until the entry of this Act into force shall retain the effect thereof inasmuch as they do not conflict with the said Act.

§ 112. Within six months after the entry of this Act into force, the Communications Regulation Commission shall bring the individual licences as granted into conformity with the said Act.

.....
§ 115. This Act shall enter into force on the day of promulgation thereof in the State Gazette, with the exception of the provision of Item 2 of § 109 herein, which shall enter into force on the 1st day of January 2011.

Act to Amend and Supplement

The Ministry of Interior Act

(State Gazette No. 93/2009, effective 24.12.2009)

.....
Supplementary Provision

§ 59. (Effective 24.11.2009, SG No. 93/2009) This Act introduces:

1. The Convention on the establishment of a European Police Office (Europol) adopted on 26 July

1995 (ratified by law, SG No. 105/2006, non-promulgated) and Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime.

2. Council Framework Decision 2006/960/JHA of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union.

Transitional and Final Provisions

§ 60. Upon entry into force of this Act, existing civil service relations of civil servants employed in the Ministry of Interior shall be retained as per Article 87a of the Civil Servants Act.

§ 61. Upon entry into force of this Act, existing employment relations of persons working in the Ministry of Interior under employment contracts shall not be terminated, in accordance with Article 123 of the Labour Code.

§ 62. (Effective 24.11.2009, SG No. 93/2009) Incumbent investigating police officers who do not comply with the requirements set out in Article 217(1) shall perform the investigation functions assigned to them in the course of two years from the date of entry into force of this Act.

§ 63. (Effective 24.11.2009, SG No. 93/2009) The Ministry of Interior shall be the legal successor of assets, liabilities, rights and obligations of the Ministry of Emergency Situations rendered defunct by the National Assembly's Decision adopting the structure of the Council of Ministers of the Republic of Bulgaria (SG No. 60/2009), as well as of any documents which are not subject to archiving under the procedure of the National Archives Stock Act.

§ 64. (Effective 24.11.2009, SG No. 93/2009) The following persons shall be appointed to the Ministry of Interior without a competition held to this effect and without the special requirements of Article 179, Paragraphs 1(4) and 3 being met: civil servants employed under civil service relations and officials employed under employment relations with the Minister of Emergency Situations who perform functions relating to protection in cases of disasters and enabling citizens' access to the emergency services via the National Emergency Call System Employing the Single European Number 112 prior to the date of entry into force of the National Assembly's Decision adopting the structure of the Council of Ministers of the Republic of Bulgaria (SG No. 60/2009), which rendered the Ministry of Emergency Situations defunct.

§ 65. (Effective 24.11.2009, SG No. 93/2009) Prior to 31 December 2009, employees under § 64 shall be paid their relevant remunerations, benefits and clothing allowances, as set according to the existing statutory procedure.

§ 66. (Effective 24.11.2009, SG No. 93/2009) Upon entry into force of this Act, existing civil service relations of civil servants, as well as employment relations of persons working in the Special Courier Service under employment contracts shall not be terminated. The aforementioned relations shall be transformed, accordingly, into civil service or employment relations as employees of the Ministry of Interior, whereby the persons concerned shall be appointed to the same positions which they held prior to the employment relation transformation.

.....
Act to Amend and Supplement the Postal Services Act
(SG No. 102/2010, effective 30.12.2010)

§ 66. In the remaining texts of the Act, the words "Item 2 and/or 3 of Article 38" shall be replaced by "Items 1 to 3 of Article 38".

§ 67. In the remaining texts of the Act, the words "местата за достъп" shall be replaced by "точките за достъп". [this amendment does not concern the English version - Translator's Note]

SUPPLEMENTARY PROVISION

§ 69. This Act transports requirements of Directive 2008/6/EC of the European Parliament and of the Council of 20 February 2008 amending Directive 97/67/EC with regard to the full accomplishment of the internal market of Community postal services (OJ L 52/3 of 27 February 2008) regarding the financing of the universal postal service after the abolition of the reserved area as from the 1st day of January 2011.

TRANSITIONAL AND FINAL PROVISIONS

§ 70. The postal operator which, according to Article 24 [of the Postal Services Act], is entrusted with an obligation to perform the universal postal service shall be the Bulgarian Posts EAD commercial corporation for a period of fifteen years, reckoned from the day of promulgation of this Act in the State Gazette.

§ 71. Within six months after the entry of this Act into force, the Communications Regulation Commission shall bring into conformity therewith the individual licence issued to the postal operator having an obligation to perform the universal postal service.

§ 72. The statutory instruments of secondary legislation issued until the entry of this Act into force shall retain the effect thereof inasmuch as they do not conflict with the said Act.

§ 73. Within six months after the entry of this Act into force, the Minister of Transport, Information Technology and Communications shall issue the ordinance referred to in Article 14 (2) [of the Postal Services Act].

.....
Act to Amend and Supplement the Civil Servants Act
(Promulgated, SG No. 38/2012, effective 1.07.2012)
TRANSITIONAL AND FINAL PROVISIONS
.....

§ 84. (Effective 18.05.2012 - SG No. 38/2012) Within one month after the promulgation of this Act in the State Gazette:

1. the Council of Ministers shall bring the Classifier of Positions in the Administration into conformity with this Act;

2. the competent authorities shall bring the organic acts of the respective administration into conformity with this Act.

§ 85. (1) The legal relationships with the persons of the administrations under the Radio and Television Act , the Independent Financial Audit Act , the Electronic Communications Act , the Financial Supervision Commission Act , the Access to and Disclosure of the Documents and Announcing the Affiliation of Bulgarian Citizens with the State Security Service and the Intelligence Services of the Bulgarian Popular Army Act , the Criminal Assets Forfeiture Act , the Conflict of Interest Prevention and Ascertainment Act , the Social Insurance Code , the Health Insurance Act , the Agricultural Producers Support Act and the Roads Act shall be settled under the terms established by § 36 of the Transitional and Final Provisions of the Act to Amend and Supplement the Civil Servants Act (State Gazette No. 24 of 2006).

(2) The act on appointment of the civil servant shall:

1. award the lowest rank designated in the Classifier of Positions in the Administration for occupation of the position, unless the servant holds a higher rank;

2. fix an individual monthly basic salary.

(3) The additional resources required for social and health insurance contributions of the persons referred to in Paragraph (2) shall be provided within the limits of the expenditures on salaries, remunerations and compulsory social and health insurance contributions under the budgets of the spending units concerned.

(4) The Council of Ministers shall effect the requisite modifications under the off-budget account of State Fund Agriculture arising from this Act.

(5) The governing bodies of the National Social Security Institute and of the National Health Insurance Fund shall effect the requisite modifications under the respective budgets arising from this Act.

(6) Any unused leaves under the employment relationships shall be retained and shall not be compensated by cash compensations.

§ 86. (1) Within one month after the entry into force of this Act, the individual monthly basic salary of the servant shall be fixed in such a way that the said salary, net of the tax due and the compulsory social and health insurance contributions for the account of the insured person, if they were due, would not be lower than the gross monthly salary received theretofore, net of the compulsory social

and health insurance contributions for the account of the insured person, if they were due, and the tax due.

(2) The gross salary referred to in Paragraph (1) shall include:

1. the monthly basic salary or the monthly basic remuneration;
2. supplementary remunerations which are paid constantly together with the monthly basic salary or monthly basic remuneration due and which are contingent solely on the time worked.

§ 87. This Act shall enter into force as from the 1st day of July 2012 with the exception of § 84 herein, which shall enter into force as from the day of promulgation of the Act in the State Gazette.