

## 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

(\*) 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

\*Note: An update of the English text of this Act is being prepared following the amendments in SG No. 93/24.11.2009, effective 25.12.2009  
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 at all points within 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. 41/2007) clearance of communications posted in a physical or electronic form by the sender, the conveyance of such communications by means of electronic communication devices and distribution of such 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) Postal services shall be implemented 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, effective 3.11.2009) The postal items referred to in Paragraph (1) shall comprehend items of correspondence, printed papers, 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 as from the date of accession of the Republic of Bulgaria to the European Union) a Member State of the European Union.

**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 Clause 1 of the Supplementary Provisions herein and/or no postal network is used for the distribution thereof.

## Chapter Two

### STATE MANAGEMENT AND REGULATION OF POSTAL SERVICES

(Title amended, 109/2008, SG No. 87/2009, effective 3.11.2009)

#### Section I

##### State Management of Postal Services

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

**Article 9.** (Amended, SG No. 112/2001, SG No. 88/2005, SG No. 37/2006, SG No. 109/2008, SG No. 87/2009, effective 3.11.2009) The state management of postal services shall be implemented by the Minister of Transport, Information Technology and Communications.

**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)(1) A Special Courier Service shall organise and perform the clearance, transport and distribution of correspondence containing classified information of the bodies of state power and of the local self government, as well as of natural and legal persons who and which have been issued clearances for access to classified information and security certificates in accordance with the Classified Information Protection Act and the Regulations for the Application thereof.

(2) (Amended, SG No. 88/2005, SG No. 37/2006, SG No. 87/2009, effective 3.11.2009) The special courier service shall be an administrative structure with the Minister of Interior, a second-level spending unit, with a head office in Sofia and territorial units.

(3) (Amended, SG No. 88/2005, supplemented, SG No. 37/2006, amended, SG No. 87/2009, effective 3.11.2009) The organisation, structure and functions of the special courier service shall be determined by the Council of Ministers on a motion by the Minister of Interior in consultation with the State Commission on Information Security.

(4) (New, SG No. 37/2006) The personnel of the special courier service shall consist of:

1. civil servants;
2. persons working under an employment relationship.

(5) (New, SG No. 37/2006) The provisions of Part Three of the Ministry of Interior Act shall apply to the civil servants referred to in Item 1 of Paragraph (4).

(6) (New, SG No. 37/2006) The rights and duties of the persons working under an employment relationship shall be regulated under the terms and according to the procedure established by the Labour Code.

**Article 12.** (Amended, SG No. 26/2003, SG No. 35/2009) (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 Republic of Bulgaria Defence and Armed Forces Act.

(2) (Amended, SG No. 19/2005, SG No. 35/2009, effective 12.05.2009) 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 Republic of Bulgaria Defence and Armed Forces Act.

(3) (Amended, SG No. 19/2005, SG No. 35/2009, effective 12.05.2009) 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) issuing, releasing for use and demonetising of Bulgarian postage stamps, postal stationery and special souvenir cachets;

(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) Prior to issuing the instruments referred to in Article 9a (1) 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, effective 3.11.2009) The requirements for postal security shall be established in an ordinance by the Chairperson of the State Agency for National Security after consultation with the Minister of Interior and the Minister of Transport, Information Technology and Communications.

## **Section II**

(New, SG No. 37/2006)

Postal Services Regulation

**Article 15.** (Amended - SG, No. 112/2001, amended and supplemented, SG No. 26/2003, amended, SG No. 88/2005, amended and supplemented, No. 37/2006, amended, 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 at all points within 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. shall enter the persons in a public register of operators performing non-universal postal services under Item 2 and/or 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. shall set quality-of-service standards in relation to the universal postal service and service efficiency standards, which shall be promulgated in the State Gazette;

8. 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 and of the postal operators performing services within the scope of the universal postal service; the said system shall be promulgated in the State Gazette;

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. shall elaborate, in consultation with the Commission on Protection of Competition, a draft of methods to prove the financial deficit incurred by performing the universal postal service, even under economically unprofitable conditions; the said methods shall be adopted by the Council of Ministers on a motion by the Communications Regulation Commission;

12. shall elaborate and adopt 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;

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. shall approve the proven financial deficit incurred by executing the universal postal service, even under economically unprofitable conditions, for the next succeeding calendar year conforming to the methods referred to in Item 11;

17. shall give an opinion on disputes between users and postal operators on complaints lodged in connection with the performance of the universal postal service;

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

19. 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 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) The Communications Regulation Commission shall publish the decisions thereof under Items 6, 7, 8, 10 and 12 of Paragraph (1) in the Information Newsletter thereof and on the Internet site thereof.

**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. the state monopoly established over a reserved area of the universal postal service according to this Act;
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, effective 3.11.2009) the obligations of the operators performing non-universal services under Item 2 and/or 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, effective 3.11.2009) 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, effective 3.11.2009) 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 Article 36a (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, effective 3.11.2009) The Communications Regulation Commission shall inform the European Commission 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.

(2) (Amended, SG No. 87/2009, effective 3.11.2009) The Communications Regulation Commission shall publish the report referred to in Paragraph (1) 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. (amended, SG No. 37/2006) to safeguard the confidentiality of correspondence;

2. (amended, SG No. 26/2003) to fulfil the requirements for postal security;

3. to cooperate in the implementation of postal services under the circumstances covered under Article 12 herein;

4. (amended, SG No. 26/2003) to comply with the requirements for protection of classified information;

5. (New, SG No. 87/2009, effective 3.11.2009) to comply with the requirements for personal data protection;

6. (amended, SG No. 76/2002, supplemented, SG No. 109/2007, amended, SG No. 109/2008, renumbered from Item 5, amended, SG No. 87/2009, effective 3.11.2009) to create conditions for monitoring and control of postal services by the competent authorities of the Ministry of Interior and the State Agency for National Security and to procure, install, commission and maintain, at their own expense, the technical devices and software and, where necessary, to ensure the use of such resources, for valuable consideration, by other postal operators or to use, where necessary, for valuable consideration, such resources of other postal operators;

7. (new, SG No. 76/2002, renumbered from Item 6, supplemented, SG No. 87/2009, effective 3.11.2009) to clear with the competent authorities the requirements for the technical devices and software necessary in accordance with the ordinance referred to in Article 14 (2) herein;

8. (new, SG No. 76/2002, renumbered from Item 7, SG No. 87/2009, effective 3.11.2009) to comply with the requirements for environmental protection, for protection of human life and health;

9. (new, SG No. 37/2006, renumbered from Item 8, SG No. 87/2009, effective 3.11.2009) 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, effective 3.11.2009) The postal operator having an obligation to perform the universal postal service shall mandatorily insure against accident all factory and office workers who occupy positions designated in a list consulted with the Communications Regulation Commission.

**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. method of payment;
6. rights and obligations of the users and of the postal operators;
7. articles and substances prohibited from insertion in postal items and postal parcels;
8. 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;
9. procedure for settlement of disputes;
10. other matters material to the performance and use of postal services.

(3) (New, SG No. 87/2009, effective 3.11.2009) The postal operators performing non-universal postal services under Item 2 and/or 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. rights and obligations of the users and of the postal operators;
5. articles and substances prohibited from insertion in postal items;
6. 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;
7. procedure for settlement of disputes;
8. other matters material to the performance and use of postal services.

(4) (Renumbered from Paragraph (3), SG No. 87/2009, effective 3.11.2009) 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, effective 3.11.2009) 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 on Protection of Competition on the draft of General Conditions of the contract with users, before submitting the said draft to the Communications Regulations Commission for coordination.

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

(7) (Renumbered from Paragraph (6), amended, SG No. 87/2009, effective 3.11.2009) The Communications Regulation Commission shall elaborate a procedure and time limits for coordination 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, effective 3.11.2009) The Communications Regulation Commission shall transmit the General Conditions of the contracts with users, as coordinated under Paragraph (5), 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, effective 3.11.2009) 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 and to the postal operators handling postal money orders 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, effective 3.11.2009) 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 under Item 2 and/or 3 of Article 38 herein, where practicable.

(3) (New, SG No. 87/2009, effective 3.11.2009) The postal operators performing services within the scope of the universal postal service may ensure and contract interconnection of the postal networks thereof both between them 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, effective 3.11.2009) Should the postal operators referred to in Paragraph (1) fail to reach agreement on conclusion of a contract for access, each 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 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 oblige 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, effective 3.11.2009) Any decision referred to in Paragraph (6) shall be appealable before the Supreme Administrative Court.

**Article 23a.** (New, SG No. 26/2003, amended, SG No. 87/2009, effective 3.11.2009) In accordance with the applicable accounting standards, the postal operators performing services within the scope of the universal postal service shall organise and keep both consolidated accounts for the commercial corporation and analytical and separate accounts 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.

(3) (Amended, SG No. 37/2006) In accordance with the applicable accounting standards and application of a cost accounting system, the postal operators referred to in Paragraph (1) shall organise and keep both consolidated accounts for the commercial corporation and analytical and separate accounts for:

1. the universal postal service;
2. the non-universal postal services, should they perform any such services;
3. other commercial activities.

## **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, effective 3.11.2009) (1) The postal operator obliged under this Act to perform the universal postal service through the postal network thereof at all points within the national territory, even under economically unprofitable conditions shall be the Bulgarian Posts EAD commercial corporation.

(2) The postal operator referred to in Paragraph (1) shall be granted an individual licence for performance of the universal postal service.

**Article 25.** (1) (Amended, SG No. 37/2006, SG No. 87/2009, effective 3.11.2009) In addition to the universal postal service, the postal operator having an obligation to perform the universal postal service shall 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.** (1) (Amended, SG No. 26/2003, SG No. 37/2006, amended and supplemented, SG No. 87/2009, effective 3.11.2009) The postal operator having an obligation to perform the universal postal service shall receive compensation from the state budget for any financial deficit which it may prove to the Communications Regulation Commission and which the said Commission approves as having been incurred by the said operator by executing the universal postal service even under economically unprofitable conditions, in compliance with the methods referred to in Item 11 of Article 15 (1) herein and analytical accounts for the universal postal service allocated to services by type.

(2) (Amended, SG No. 26/2003, SG No. 37/2006, amended and supplemented, SG No. 87/2009, effective 3.11.2009) The amount of the allocation for compensation of the financial deficit resulting from performance of the universal postal service, even under economically unprofitable conditions, and from provision of the said service at affordable prices at all points within the national territory, shall be fixed by the State Budget of the Republic of Bulgaria Act for the relevant year.

(3) (Amended, SG No. 37/2006, SG No. 87/2009, effective 3.11.2009) In accordance with the applicable accounting standards and application of a cost accounting system, the postal operator having an obligation to perform the universal postal service shall organise and keep both consolidated accounts for the commercial corporation and analytical and separate accounts for:

1. (supplemented, SG No. 87/2009, effective 3.11.2009) the universal postal service allocated to services by type;

2. the non-universal postal services;

3. other commercial activities.

(4) (Supplemented, SG No. 112/2001) The income accruing from the universal postal service may not be used to cover costs associated with the provision of non-universal postal services or other activities.

**Article 29a.** (New, SG No. 26/2003) (1) (Amended and supplemented, SG No. 87/2009, effective 3.11.2009) The postal operator having an obligation to perform the universal postal service shall submit to the Communications Regulation Commission an application for compensation of a financial deficit incurred by the performance of the universal postal service even under economically unprofitable conditions for the succeeding calendar year not later than the 30th day of June in any current year

(2) (Amended, SG No. 87/2009, effective 3.11.2009) The application referred to in Paragraph (1) shall state the amount of the expected financial deficit, which shall be calculated on the basis of the volumes, revenues and expenditures resulting from the performance of the universal postal service both in aggregate and allocated to services by type, conforming to the methods referred to in Item 11 of Article 15 (1) herein.

(3) The Communications Regulation Commission may request additional information and/or evidence from the applicant.

(4) Within seven days after a request referred to in Paragraph (3), the applicant shall provide the information and/or evidence as additionally requested.

(5) (Amended, SG No. 37/2006) Within forty-five days after submission of the application and the evidence, the Communications Regulation Commission shall render a decision, approving thereby the proven financial deficit. The applicant shall be notified of any such decision in writing.

(6) (Amended, SG No. 37/2006) The decision referred to in Paragraph (5), together with the case file therewith, shall be transmitted within seven days to the Minister of Finance, requesting inclusion of the amount of the financial deficit as approved in the draft of a State Budget of the Republic of Bulgaria Act for the next succeeding year.

(7) (Repealed, SG No. 86/2006).

(8) (Amended, SG No. 37/2006, repealed, SG No. 86/2006).

**Article 30.** (Supplemented, SG No. 37/2006, amended, SG No. 87/2009, effective 3.11.2009) 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 (1) herein for performance of the universal postal service.

**Article 31.** (Amended and supplemented, SG No. 37/2006, amended, SG No. 87/2009, effective 3.11.2009) The postal operator referred to in Article 24 (1) 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.

## 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, effective 3.11.2009) 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, effective 3.11.2009) The number and location (density) of access points to the postal network shall take account of the needs of users and shall conform to the standards referred to in Item 12 of Article 15 (1) herein.

**Article 34.** (Amended, SG No. 112/2001) (1) (Amended, SG No. 26/2003, supplemented, SG No. 87/2009, effective 3.11.2009) The universal postal service shall involve the following 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, effective 3.11.2009) (1) The postal operators performing a universal postal service shall ensure, for their own account, the annual performance of a measurement of the compliance with the standards referred to in Item 7 of Article 15 (1) herein by an independent organization under conditions which conform to the effective quality-of-service standards in relation to postal services. The specific technical conditions for the measurement shall be coordinated with the Communications Regulation Commission.

(2) The postal operators performing a universal postal service shall provide the results of the measurement referred to in Paragraph (1) to the Communications Regulation Commission not later than the 30th day of April of the next succeeding year together with the annual report in connection with the exercise of the individual licences granted thereto.

## 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.** Non-universal postal services shall encompass:

1. (repealed, SG No. 37/2006);
2. the express mail services;
3. the services referred to in Item 2 of Article 3 herein;
4. (New, SG No. 87/2009, effective 3.11.2009) 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. performance of the universal postal service within the territory of the Republic of Bulgaria by an operator having an obligation to perform such service;
2. performance of services within the scope of the universal postal service within the territory of the Republic of Bulgaria or within part of the said territory;
3. handling of postal money orders within the territory of the Republic of Bulgaria or within part of the said territory.

**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 as from the date of accession of the Republic of Bulgaria to the European Union) a document certifying registration of the applicant under the law of a Member State of the European Union;

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, effective 3.11.2009) 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) Any decision referred to in Paragraph (3) shall be appealable before the Supreme Administrative Court.

**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, effective 3.11.2009) 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 under the conditions of the initial licensing.

(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.

**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).

**Article 49.** (1) (Amended, SG No. 112/2001, amended and supplemented, SG No. 37/2006, SG No. 87/2009, effective 3.11.2009) Provided that the requirements of the law are complied with, within thirty days after receipt of an application, the Communications Regulation Commission shall give consent to a transfer of the individual licence and shall notify the parties concerned by means of a letter with advice of delivery (addressee's acknowledgement of receipt).

(2) (Amended, SG No. 112/2001, SG No. 26/2003, SG No. 37/2006) The Communications Regulation Commission shall refuse, by a reasoned decision, to transfer the individual licence to a third party in the cases referred to in Article 47 (2) herein. Copies of any such decision shall be transmitted by means of a letter with advice of delivery (addressee's acknowledgement of receipt) to the licensee and to the third party within three days after adoption of the said decision.

(3) (Amended, SG No. 112/2001) Any refusal referred to in Paragraph (2) shall be appealable before the Supreme Administrative Court.

**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, effective 3.11.2009) Any individual licence for performance of the services covered under 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 of information to users in an appropriate manner 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. mandatory keeping of analytical accounts allocated to postal services by type and other commercial activities;

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. initial commencement date of the activity and the access points to the postal network according to the diagrammatic layout as attached;

17. use of date-stamps and impressions according to Article 77 (3) 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 at all points within the national territory;

2. (New, SG No. 87/2009, effective 3.11.2009) 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, effective 3.11.2009) ensuring an annual performance of a measurement of the compliance with the standards referred to in Item 7 of Article 15 (1) herein by an independent organization according to Article 36a (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, effective 3.11.2009) mandatory keeping of analytical accounts and application of a cost accounting system for the universal postal service allocated to services by type, for the non-universal postal services and for the other commercial activities, procedure for proving a financial deficit incurred by performance of the universal postal service, even under economically unprofitable conditions;

9. (amended, SG No. 37/2006, renumbered from Item 2, SG No. 87/2009, effective 3.11.2009) the scope and period of the reserved area of the universal postal service according to § 6 of the Transitional and Final Provisions herein, as well as the obligations arising therefrom;

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, effective 3.11.2009) use of date-stamps and impressions according to Article 77 (2) herein.

### **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) Any decisions of the Communications Regulation Commission referred to in Article 55 (1), Article 56 and under Article 57

herein, and any refusal referred to in Article 47 herein, shall be appealable before the Supreme Administrative Court.

#### **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, effective 3.11.2009) Non-universal postal services referred to in Item 2 and/or 3 of Article 38 herein shall be performed within the territory of the Republic of Bulgaria or within part of the said territory after submission of a 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 as from the date of accession of the Republic of Bulgaria to the European Union) a document certifying registration of the applicant under the law of a Member State of the European Union;

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, effective 3.11.2009) 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 Item 2 and/or 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, effective 3.11.2009) The operator performing non-universal postal services referred to in Item 2 and/or 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, effective 3.11.2009) The operator performing non-universal postal services referred to in Item 2 and/or 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, effective 3.11.2009) Postal operators, who or which have notified the Communications Regulation Commission of performance of non-universal postal services referred to in Item 2 and/or 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, effective 3.11.2009) to create conditions for monitoring and control of postal services by the competent authorities of the Ministry of Interior and the State Agency for National Security and to procure, install, commission and maintain, at their own expense, the technical devices and software and, where necessary, to ensure the use of such resources, for valuable consideration, by other postal

operators or to use, where necessary, for valuable consideration, such resources of other postal operators;

6. (supplemented, SG No. 26/2003) to protect the environment, human life and health;

7. (new, SG No. 26/2003, amended, SG No. 37/2006) to cooperate in ensuring postal services upon occurrence of any circumstances covered under Article 12 (2) herein;

8. (new, SG No. 37/2006, amended, SG No. 87/2009, effective 3.11.2009) not to perform the services covered under Article 39 herein.

**Article 61.** (1) (Amended, SG No. 112/2001, SG No. 26/2003, SG No. 87/2009, effective 3.11.2009) A postal operator performing non-universal postal services referred to in Item 2 and/or 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, effective 3.11.2009) 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 Item 2 and/or 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, effective 3.11.2009) 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 Item 2 and/or 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, effective 3.11.2009) The Communications Regulation Commission shall adopt a decision discontinuing the activity of the postal operator performing non-universal postal services referred to in Item 2 and/or 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, effective 3.11.2009) The decisions referred to in Paragraphs (4) and (5) shall be appealable before the Supreme Administrative Court.

(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**

### Licence Fees and Certificate Issuing Fees

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

**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, effective 3.11.2009) annual fee for verification of compliance with individual licences, representing a percentage of the net annual income accruing from the licensed postal service;

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, effective 3.11.2009) Postal operators performing non-universal postal services referred to in Item 2 and/or 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) The amount of licence fees and of the fee for issuing a certificate of entry in the register under Article 59 (5) herein 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, effective 3.11.2009) The licence fees and the fees for issuing a certificate of entry in the register under Article 59 (5) 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. the annual licence fee:

(a) (amended, SG No. 88/2005, SG No. 87/2009, effective 3.11.2009) 45 per cent to the budget of the State Agency for Information Technology and Communications;

(b) 5 per cent to the budget of the Communications Regulation Commission;

(c) 50 per cent in state budget revenue;

3. the lump-sum registration 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. 26/2003, SG No. 88/2005, SG No. 37/2006; SG No. 41/2007, 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) Any decision referred to in Paragraph (5) shall be appealable before the Supreme Administrative Court.

**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 at all points within 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 a 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, effective 3.11.2009) The Minister of Transport, Information Technology and Communications shall issue and release for use postage stamps and postal stationery bearing a special printed indication of a price paid for the postal services in pursuance of an annual thematic plan for the issue of postage stamps, postal stationery and special souvenir cachets.

**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) Current 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, effective 3.11.2009) The Minister of Transport, Information Technology and Communications shall issue and release for use postal stationery (picture postcards and pictorial envelopes) bearing a special printed indication of a price paid for the postal services performed by the postal operator having an obligation to perform the universal postal service. The said special indication shall be proof of payment for the service.

**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, effective 3.11.2009) The release for use and 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 Communication and at the post offices of the postal operator having an obligation to perform the universal postal service. The release for use and demonetisation of postal stationery shall likewise be performed by an order of the Minister of Transport, Information Technology and Communications.

(2) (New, SG No. 26/2003, amended, SG No. 88/2005, SG No. 87/2009, effective 3.11.2009) Within seven days after the issuing of an order referred to in Paragraph (1), the Minister of Transport, Information Technology and Communications or an official empowered thereby shall notify the Communications Regulation Commission of the release for use and the demonetisation of postage stamps.

**Article 76.** (Amended, SG No. 88/2005, SG No. 37/2006, SG No. 87/2009, effective 3.11.2009) The procedure and terms for the issue, release for use and demonetisation of postage stamps and special souvenir cachets, as well as for the sale thereof for use, shall be established by an ordinance of the Minister of Transport, Information Technology and Communication in coordination with the Minister of Finance. The terms for the issue and release for use of postal stationery, as well as for the sale thereof, shall be established by the same ordinance.

## Section III

### Postal Impressions

**Article 77.** (1) (Amended, SG No. 37/2006) 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, may be used by postal operators as indications and as proof of payment of the price of postal services.

(2) (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 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.

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

(4) (Amended, SG No. 112/2001, supplemented, SG No. 26/2003, amended, SG No. 37/2006, renumbered from Paragraph (3), amended, SG No. 87/2009, effective 3.11.2009) All types of impressions of the postal operator having an obligation to perform the universal postal service and of the postal operators licensed for performance of the services referred to in Item 2 and/or 3 of Article 39 herein shall be provided to the Communications Regulation Commission within twenty days before commencement of the use of the said impressions. 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.

(5) (Amended, SG No. 26/2003, renumbered from Paragraph (4), amended, SG No. 87/2009, effective 3.11.2009) 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 (4) or which have been withdrawn.

**Article 78.** (Amended, SG No. 88/2005, SG No. 87/2009, effective 3.11.2009) The Minister of Transport, Information Technology and Communications may introduce and withdraw special souvenir cachets on the occasion of celebration of historic events, anniversaries and other such. The said special souvenir cachets shall be used by the postal operator having an obligation to perform the universal postal service according to a procedure and in a manner established in the Ordinance referred to in Article 76 herein.

## 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, effective 3.11.2009) domestic 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 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) cecogrammes 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, effective 3.11.2009) postal items and postal money orders for prisoners of war and civilian internees as specified in the Geneva Convention of 12 August 1949.

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

## **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. wholly or partly lost, rifled or damaged domestic and cross-border postal parcels, registered postal items, as well as insured postal items and cash-on-delivery items;

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) 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.

(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, effective 3.11.2009) Postal operators shall examine the complaint and, within one month, applicable to domestic postal items, 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) where, by reason of misaddressing, the postal item has been delivered to another person;
7. (new, SG No. 37/2006) where the sender of a registered postal item or postal money order has not lodged a written complaint within six months reckoned from the day next succeeding the day of posting.

**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. weapons, explosives, flammable or other dangerous substances and articles;
3. obscene or 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, 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) The orders referred to in Paragraph (1) shall be appealable before the Supreme Administrative Court.

**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 Item 2 and/or 3 of Article 38 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 Item 2 and/or 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, effective 3.11.2009) Any postal operator, who breaches the state monopoly over a reserved area of the universal postal service under § 6 (1) and (3) of the Transitional and Final Provisions herein, shall be liable to a fine of BGN 10,000 or exceeding this amount but not exceeding BGN 50,000.

**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, effective 3.11.2009) The postal operator with an obligation for performance of the universal postal service, in case the said operator fails to act on an effective decision of the Communications Regulation Commission under Article 23 (6) herein, shall be liable to a fine of BGN 500 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, effective 3.11.2009) 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 100 or exceeding this amount but not exceeding BGN 1,000.

**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) Twenty per cent of the fines and pecuniary penalties as imposed, provided for in this Chapter, shall be retained in the budget of the Communications Regulation Commission.

(3) (Amended, SG No. 37/2006) Eighty per cent of the fines and pecuniary penalties as imposed shall be remitted in state budget revenue.

(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) "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, effective 3.11.2009) "Access point" shall be a post office of the operator 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 either on the public highway or at the premises of the postal operators.

5. (Supplemented, SG No. 26/2003, amended and supplemented, SG No. 37/2006, amended, SG No. 87/2009, effective 3.11.2009) "Item of correspondence (direct mail, 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, effective 3.11.2009) "Postal money orders (money orders and cheques)" shall be postal services for dispatch,

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, effective 3.11.2009) "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, 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, effective 3.11.2009) "Economically unprofitable conditions" shall be the conditions whereunder the performance of the universal postal service at all points within the national territory, including where exceptional geographical conditions apply, leads to financial losses for the postal operator having an obligation to perform the universal postal service.

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.

## 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 involving 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, amended, SG No. 109/2008, SG No. 87/2009, effective 1.01.2011) Bulgarian Posts EAD shall pay licence fees of an amount fixed according to the procedure established by Article 63 herein.

**§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.

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### **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:

**§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".

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(\*) 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".

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### **Act to Amend and Supplement the Postal Services Act**

(Promulgated, SG No. 109/2008)

#### **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, 27.2.2008) 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.

### **Act to Amend and Supplement the Postal Services Act**

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

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#### **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, 27.2.2008).

### **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.

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**§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.