

Legal Aid Act

Promulgated, State Gazette No. 79/4.10.2005, effective 1.01.2006, amended, SG No. 105/29.12.2005, effective 1.01.2006, SG No. 17/24.02.2006, effective 1.05.2006, SG No. 30/11.04.2006, effective 12.07.2006, amended and supplemented, SG No 42/5.06.2009, SG No. 32/27.04.2010, effective 28.05.2010, amended, SG No. 97/10.12.2010, effective 10.12.2010, supplemented, SG No. 99/17.12.2010, effective 1.01.2011, amended, SG No. 9/28.01.2011, supplemented, SG No. 82/21.10.2011, effective 1.01.2012, amended, SG No. 99/16.12.2011, effective 1.01.2012, supplemented, SG No. 82/26.10.2012, amended, SG No. 15/15.02.2013, effective 1.01.2014, amended and supplemented, SG No. 28/19.03.2013, No. 28/19.03.2013, amended, SG. No. 53/27.06.2014, supplemented, SG. No. 97/6.12.2016, amended and supplemented **SG. No. 13/7.02.2017**

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Chapter One GENERAL DISPOSITIONS

Article 1. This Act shall regulate legal aid in criminal, civil and administrative matters before courts of all instances.

Article 2. Legal aid under this Act shall be provided by lawyers and shall be financed by the State.

Article 3. The purpose of this Act is to guarantee persons equal access to justice by means of ensuring and granting effective legal aid.

Article 4. (Amended, SG No. 15/2013, effective 1.01.2014) The resources for legal aid shall be provided by the state budget.

Article 5. Legal aid shall be granted to natural persons on the grounds specified in this Act and in other laws.

Chapter Two

LEGAL AID AUTHORITIES

Article 6. (1) The Minister of Justice shall elaborate, coordinate and conduct the state policy in the sphere of legal aid.

(2) Legal aid shall be organized by the National Legal Aid Bureau (NLAB) and the Bar Councils.

(3) (Amended, SG No. 15/2013, effective 1.01.2014) The National Legal Aid Bureau shall be an independent state body, a public-financed legal person with the Minister of Justice, with a head office in Sofia.

(4) (Repealed, SG No. 15/2013, effective 1.01.2014).

Article 7. (1) The National Legal Aid Bureau shall be assisted by an administration.

(2) The work organization of the NLAB, the structure, composition and functions of the separate units of the administration thereof, shall be determined by Rules which shall be adopted by the Council of Ministers.

Article 8. The National Legal Aid Bureau shall perform the following functions:

1. (supplemented, SG No. 28/2013) provide general and methodological guidance of the activity concerning the granting of legal aid and, to this end, issue mandatory instructions on the application of the Act and the statutory instruments of secondary legislation;

2. prepare a draft of a legal aid budget;

3. dispose of the resources on the legal aid budget;

4. organize the keeping of the National Legal Aid Register;

5. pay for the legal aid granted;

6. exercise control over the granting of legal aid;

7. prepare bills and other statutory instruments in the sphere of legal aid, which shall be laid before the Council of Ministers by the President of the NLAB;

8. analyze the information required for the proper planning and management of the legal aid system;

9. popularize the legal aid system;

10. (amended, SG No. 28/2013) adopt decisions on entry, on a refusal of entry or on striking a lawyer from the National Legal Aid Register;

11. (new, SG No. 28/2013) adopt decisions on a refusal to pay for legal aid or on recovery of a fee upon ascertainment of any legal aid provided in bad faith or incompetently in a particular case;

12. (renumbered from Item 11, SG No. 28/2013) endorse the standard forms under this Act;

13. (renumbered from Item 12, SG No. 28/2013) pursue international legal cooperation in the sphere of legal aid.

Art. 8a. (New, SG No. 13/2017) The National Legal Aid Bureau shall establish a single information system for the reporting of legal aid by electronic means by all the Bar Councils.

Article 9. (1) The National Legal Aid Bureau shall be a body which considers and decides the matters within the competence thereof at meetings.

(2) The decisions of the NLAB shall be adopted by a simple majority of the total number of members of the said Office.

Article 10. (1) The National Legal Aid Bureau shall be headed by a President.

(2) In the activity thereof, the President shall be assisted by a Vice President.

(3) (New, SG No. 13/2017) In the absence of the President, his functions shall be performed by the Vice President.

Article 11. (1) The National Legal Aid Bureau shall consist of five members: a President, a Vice President, and three members.

(2) The President and the Vice President of the NLAB shall be appointed and removed from office by an order of the Prime Minister on the basis of a Council of Ministers decision. The motion to the Council of Ministers shall be made by the Minister of Justice.

(3) The remaining three members of the NLAB shall be elected by the Supreme Bar Council.

Article 12. (Amended, SG No. 28/2013, SG, No. 13/2017) The NLAB members shall be appointed, respectively elected, for a period of 4 years. They may be reappointed or re-elected for the same term.

Article 13. Eligibility for membership of the NLAB shall be limited to Bulgarian citizens who:

1. have graduated in Law from a higher educational establishment and possess a licensed competence to practise law;

2. have practised law for at least five years;

3. have not been sentenced to deprivation of liberty for premeditated indictable offences, regardless of whether they have been rehabilitated;

4. (amended, SG No 42/2009) do not hold office or pursue activities referred to in Article 19 (6) of the Administration Act.

Article 14. (1) A member of the NLAB shall vacate office prior to the expiry of the term of office thereof:

1. upon resignation;

2. upon gross or systematic violation of this Act;

3. when sentenced by an effective sentence to deprivation of liberty for a premeditated indictable offence;

4. (new, SG No. 42/2009, amended, SG No. 97/2010, effective 10.12.2010) when an act ascertaining conflict of interest under the Conflict of Interest Prevention and Ascertainment Act becomes enforceable;

5. (renumbered from Item 4, SG No. 42/2009) when unable to discharge the duties thereof for a period longer than six months;

6. (renumbered from Item 5, SG No. 42/2009) upon interdiction;

7. (renumbered from Item 6, SG No. 42/2009) upon death.

(2) In the cases covered under Paragraph (1), the Prime Minister or the President of the Supreme Bar Council shall make a motion for a pre-term termination of the term of office.

(3) The Council of Ministers or the Supreme Bar Council shall pronounce on the removal and, respectively, on the designation of a new member within one month.

(4) The new member of the NLAB shall serve the remainder of the term of office of the removed member.

Article 15. (1) The President and the Vice President shall perform the activity thereof under an employment relationship and may not occupy another position under an employment or civil-service relationship.

(2) The remunerations of the President and of the Vice President shall be fixed as follows:

1. of the President: three average monthly wages of the persons hired under an employment relationship and under a civil-service relationship in the public sector, conforming to data of the National Statistical Institute;

2. of the Vice President: 90 per cent of the remuneration of the President, referred to in Item 1.

Article 16. (Supplemented, SG No. 99/2010, effective 1.01.2011, amended, SG No. 99/2011, effective 1.01.2012, supplemented, SG No. 82/2012) The members of the NLAB shall receive remuneration for attendance of a meeting in the amount of BGN 120, unless otherwise provided for in a law.

Article 17. The President of the NLAB shall perform the following functions:

1. organize and direct the activity of the NLAB in accordance with this Act, the Rules referred to in Article 7 (2) herein and the decisions adopted by the NLAB;

2. be responsible for the exercise of the powers of the NLAB;

3. represent the NLAB in dealings with third parties;

4. appoint and dismiss the civil servants and conclude and terminate the contracts of employment with the employees under employment relationships of the NLAB administration;

5. lay before the Council of Ministers the instruments referred to in Item 7 of Article 8 herein;

6. submit an annual report on the activity of the NLAB to the Council of Ministers, the Supreme Bar Council and the Supreme Judicial Council;

7. conduct inspections on the implementation of this Act, whether personally or through persons authorized thereby;

8. issue orders within the powers vested therein.

9. (new, SG No. 28/2013) issue decisions fixing the amount of the lawyers' fees according to the procedure established by the ordinance referred to in Article 37 (1) herein;

10. (new, SG No. 28/2013) issue decisions on recovery of paid fees in the cases referred to in Article 378 (3) herein or upon incorrect or duplicated payment.

Article 18. The Bar Councils shall organize the granting of legal aid within the respective geographical jurisdiction and, to this end:

1. shall prepare an opinion on the applications of the lawyers of the Bar Association for entry into the National Legal Aid Register;

2. (Supplemented, SG No. 28/2013, SG, No. 13/2017) shall establish and maintain lists of the lawyers on duty, the stand-by defence counsel and the lawyers providing consultations in the regional counseling centers;

3. according to Article 25 (4) and (5) herein, shall designate a lawyer of the Bar Association, entered in the National Legal Aid Register, for implementation of the legal aid, making sure that the professional experience and qualifications of the said lawyer are suitable for the type, the factual and legal complexity of the case, other appointments according to the procedure established by this Act, and the caseload of the said lawyer;

4. (New, SG No. 28/2013, SG, No. 13/2017) shall observe the compliance of the form and content of the act under Art. 25 (3) and the report under Art. 38 (1);

5. (renumbered from Item 4, amended, SG No. 28/2013) exercise current control as to the quality of the legal aid provided by the lawyers of the Bar Association and, to this end, carry out checks and ascertainties and, where necessary, institute disciplinary proceedings and inform the NLAB of this;

6. (renumbered from Item 5, amended, SG No. 28/2013, amended, SG No. 13/2017) shall certify the reports of the lawyers who have provided legal assistance and make proposals for payment of remuneration in accordance with the ordinance under Art. 37 (1);

7. (new, SG No. 28/2013) ensure training of the assigned counsel;

8. (new, SG No. 28/2013) ensure the technical support of legal aid;

9. (new, SG No. 28/2013) assist the persons referred to in Article 22 herein to receive legal aid.

Article 19. The Bar Councils shall receive remuneration from the NLAB budget for the activity performed concerning the administration of legal aid.

Article 20. (1) (Amended, SG No, 32/2010, effective 28.05.2010, supplemented, SG No. 28/2013) The National Legal Aid Bureau shall interact with the Supreme Bar Council, with the Bar Councils, with the judicial authorities and the Ministry of the Interior and the Ministry of Defence, with the Ministry of Finance and with the Ministry of Justice in connection with the granting of legal aid.

(2) (Amended, SG No. 32/2010, effective 28.05.2010, supplemented, SG No. 28/2013) In the exercise of the powers thereof, the NLAB may require oral and written information related to the granting of legal aid from the lawyers, from the Bar

Associations, from the judicial authorities and the authorities of the Ministry of Interior and the Ministry of Defence, from the Ministry of Finance and from the social assistance authorities, which shall be obligated to provide any information required forthwith and at no charge.

(3) (Amended, SG No. 32/2010, effective 28.05.2010, supplemented, SG No. 28/2013) In the exercise of the powers thereof under this Act, the relevant authority referred to in Article 25 (1) herein may require information from the NLAB, the Bar Councils, the tax authorities, the National Social Security Institute authorities and the social assistance authorities, the Labour Office Directorates and other State and municipal bodies, which shall be obligated to provide the information requested.

Article 20a. (New, SG No. 28/2013) The National Legal Aid Bureau and the authorities referred to in Article 20 herein shall issue joint instructions on the application of the Act.

Chapter Three

TYPE AND SCOPE OF LEGAL AID Article

21. Legal aid shall be of the following types:

1. (suppl., SG No. 13/2017) consultations with a view to reaching an agreement before the commencement of the legal proceedings or the filing of a case, including consultation under Chapter Five "a";
2. preparation of documents for bringing a case before a court;
3. representation in court by legal counsel;
4. (amend., SG No. 17/2006, effective from 01.05.2006, supplemented, SG No. 82/2011, effective from 01.01.2012, amend. SG No. 53/2014) Representation upon arrest under Art. 72, (1) of the Ministry of Interior Act and under Art. 16a of the Customs Act.

Article 22. (Amended, SG No. 28/2013) (1) Legal aid under Items 1 and 2 of Article 21 herein shall be granted to:

1. persons and families who satisfy the eligibility requirements for receipt of monthly social assistance benefit according to the procedure established by Article 9 and Article 10 of the Regulations for Application of the Social Assistance Act (promulgated in the State Gazette No. 133 of 1998; amended in Nos. 38, 42 and 112 of 1999, Nos. 30, 48 and 98 of 2000' corrected in No. 100 of 2000; amended in Nos. 19 and 97 of 2001, Nos. 26, 46, 81 and 118 of 2002, No. 40 of 2003, No. 115 of 2004, Nos. 31 and 103 of 2005, Nos. 54 and 93 of 2006, No. 101 of 2007, No. 26 of 2009, Nos. 27, 41, 43, 45 and 50 of 2010, No. 63 of 2011 and No. 17 of 2013);
2. persons and families who satisfy the eligibility requirements for assistance with a targeted heating allowance for the preceding or current heating season;
3. persons placed in specialized institutions for provision of social services or using a resident-type social service or using a Mother and Baby Unit social service according to Article 36 of the Regulations for Application of the Social Assistance Act;

4. children placed with foster families or with immediate or extended family members according to the procedure established by the Child Protection Act;

5. a child at risk within the meaning given by the Child Protection Act;

6. (amend., SG No. 13/2017) persons under Art. 143 and 144 of the Family Code and persons under the age of 21 in accordance with Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of judgments and cooperation matters relating to maintenance obligations (OJ L 7/1 of 10 January 2009) and the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (OJ L 192/51 of 22 July 2011);

7. victims of domestic or sexual violence or of trafficking in human beings, who are unable to pay and wish to avail themselves of the assistance of a lawyer;

8. seekers of international protection according to the procedure established by the Asylum and Refugees Act, in respect of which the granting of legal aid is not due on another legal basis;

9. foreigners in respect of whom a coercive administrative measure has been applied and foreigners accommodated at a special facility for temporary accommodation of foreigners according to the procedure established by the Foreigners in the Republic of Bulgaria Act, who are unable to pay and wish to avail themselves of the assistance of a lawyer;

10. (New, SG No. 97/2016) persons who have been refused or revoked the status of a stateless person in the Republic of Bulgaria or the procedure for granting the status of a stateless person has been discontinued pursuant to the Foreigners in the Republic of Bulgaria Act, who do not have the means and wish to use lawyer protection.

(2) (Supplemented, SG No. 13/2017) The facts and circumstances under (1) shall be certified by court decisions or by documents issued by the respective competent authorities and by declaration of family and property status of the person in a form approved by NLAB.

(3) (New, SG No. 13/2017) Where the persons applying for legal aid do not certify a circumstance under (1), the NLAB shall form its assessment of the granting of legal aid, taking into account the circumstances under Art. 23, (3) established by documents from the relevant competent authorities and according to the poverty line set for the country.

Article 23. (1) (Supplemented, SG No. 32/2010, effective 28.05/2010) The legal aid system referred to in Item 3 of Article 21 herein shall cover the cases in which the assistance of a lawyer, a stand-by defence counsel or representation is mandatory as provided by virtue of a law.

(2) (Amended, SG No. 32/2010, effective 28.05.2010) The legal aid system shall furthermore cover the cases in which an accused, a defendant, or a party to a criminal, civil or administrative matter is unable to pay for the assistance of a lawyer, wishes to have such assistance, and the interests of justice require this.

(3) (Amended, SG No. 32/2010, effective 28.05.2010, SG No. 28/2013) In civil and administrative matters, legal aid shall be granted in the cases where, on the basis of

evidence presented by the relevant competent authorities, the court determines that the party is unable to pay a lawyer's fee. The court shall arrive at such determination taking into consideration:

1. the income accruing to the person or to the family thereof;
2. the property status, as certified by a declaration;
3. the marital status;
4. the state of health;
5. the employment;
6. the age;
7. other circumstances.

(4) (Amended, SG No. 28/2013) In criminal matters, the determination that the accused or the defendant is unable to pay a lawyer's fee shall be made by the authority who directs the procedural steps on the basis of the property status of the person ascertained ex officio in the specific matter and of the circumstances referred to in Items 1, 3, 4, 5, 6 and 7 of Paragraph (3). In respect of the private accuser, the civil plaintiff, the civil respondent and the private complainant, the determination shall be made according to the procedure established by Paragraph (3).

Article 24. Legal aid under Items 1, 2 and 3 of Article 21 herein shall not be granted:

1. where the granting of legal aid is not justified in terms of the benefit that such aid would confer on the applicant for legal aid;
2. where the claim is manifestly unfounded, unjustified, or inadmissible;
3. (amend., SG No. 105/2005, effective from 01.01.2006, supplemented, SG 13/2017) in commercial cases and tax cases under the Tax and Social-Insurance Procedure Code unless the applicant for legal aid is a natural person and is eligible for legal aid.

Chapter Four

ACCESS TO LEGAL AID SYSTEM

Article 25. (1) (Amended, SG No. 28/2013) In the cases referred to in Items 3 and 4 of Article 21 herein, the decision to grant legal aid shall be made by the authority directing the procedural steps or by the relevant police or customs authority at the request of the person concerned or by virtue of the law, and explanations in writing shall be provided to the person by a declaration in a standard form endorsed by the NLAB to the effect that in case of a judgment finding against the said person or a sentence, the person owes reimbursement of the costs of legal aid. A refusal to grant legal aid shall be reasoned and shall be appealable according to the applicable procedure.

(2) (Amended, SG No. 28/2013) In the cases referred to in Items 1 and 2 of Article 21 herein, the decision to grant legal aid shall be made by the President of the NLAB within 14 days after submission of an order, judgment of court or certificate referred to in Article 22 (2) herein, issued by the relevant competent authorities. Any refusal shall be appealable according to the procedure established by the Administrative Procedure Code.

(3) The instrument on granting of legal aid shall be issued in a written form and shall state:

1. title of the instrument;
2. designation of the authority who issues the instrument;
3. factual and legal basis for issuance of the instrument;
4. the person whereto legal aid is granted;
5. the type of legal aid and, in the cases referred to in Item 3 of Article 21 herein, also the matter in which the said aid is granted;
6. the means by which an appeal against the instrument can be lodged;
7. date of issuance, position and signature of the person who issued the instrument.

(4) The instrument on granting of legal aid shall be transmitted forthwith to the relevant Bar Council for designation of a lawyer entered in the National Legal Aid Register.

(5) If practicable, the Bar Council shall designate a lawyer named by the person whereto legal aid is granted.

Article 26. (1) The Bar Council shall notify the authority referred to in Article 25 (1) or (2) herein of the designated lawyer.

(2) (Supplemented, SG No. 28/2013) The authority referred to in Article 25 (1) or (2) herein shall appoint the designated lawyer as representing counsel, defence counsel or ad hoc representative for all phases and courts of all instances, unless an objection to this has been raised.

(3) The appointed lawyer may delegate the authority to another lawyer entered in the National Legal Aid Register.

(4) In exceptional cases, where qualified assistance of a lawyer in a particular matter cannot be provided, the Bar Council may designate a lawyer from another geographical jurisdiction with the consent of the said lawyer.

(5) The appointed representing counsel, defence counsel or ad hoc representative may be replaced at the request of the authority referred to in Article 25 (1) or (2) herein according to the procedure of the appointment thereof.

Article 27. (1) The person whereto legal aid has been granted shall be obligated to notify forthwith the authority referred to in Article 25 (1) or (2) herein of any intervening change in the circumstances which render the said person eligible for the granting of the aid.

(2) The authority who made the decision to grant legal aid may terminate the said aid as from the time of occurrence of the change. A duplicate copy of the instrument shall be transmitted forthwith to the NLAB.

(3) (Amended, SG No. 105/2005, SG No. 28/2013) In case the person fails to notify promptly a change in circumstances referred to in Paragraph (1), on the basis of a decision under Item 17 of Article 9 herein the said person shall reimburse the NLAB for any costs incurred as from the time of the said change.

Article 27a. (New, SG No. 28/2013) In cases specified by a law, the persons where to legal aid has been granted shall reimburse the NLAB for the costs incurred.

Article 27b. (New, SG No. 28/2013) The costs of legal aid referred to in Article 27 (3) and in Article 27a herein shall be private State receivables and shall be collected by the National Revenue Agency on the basis of a writ of execution issued by the court.

Chapter Five

LAWYERS ON DUTY. STAND-BY DEFENCE COUNSEL (Heading amended, SG No. 28/2013)

Article 28. (1) (Amended, SG No 32/2010, effective 28.05.2010, SG No. 28/2013) In urgent cases on cases of coercive procedural measures and questioning before a judge in the pre-trial proceeding, as well as in a summary and immediate proceeding under the Criminal Procedure Code and in a proceeding under the Health Act and under the Child Protection Act, the Secretary of the Bar Council shall designate a lawyer on duty, if the person has not retained a defence counsel of his or her own.

(2) (Amended, SG No. 17/2006, supplemented, SG No. 82/2011, effective 1.01.2012) A lawyer on duty shall furthermore be designated according to the procedure established by Paragraph (1) for a detainee in the cases under Article 63 (1) of the Ministry of Interior Act and under Article 16a of the Customs Act, where the said detainee is unable to retain a lawyer of his or her own.

Article 29. (Amended, SG No. 28/2013) (1) A lawyer on duty and a stand-by defence counsel shall be designated from amongst the lawyers entered in the National Legal Aid Register who have granted consent to be included in the list of lawyers on duty and, respectively, in the list of stand-by defence counsel.

(2) The consent referred to in Paragraph (1) may not be effective for a period shorter than one month and shall express the readiness of the lawyer to be designated a lawyer on duty at any time of the day or night, including on holidays and non-working days, and to be designated a stand-by defence counsel regardless of the duration of the trial.

(3) The Bar Council shall maintain a list of the lawyers on duty and shall draw up a weekly schedule, which the Council shall make available to the competent authorities.

(4) The Bar Council shall draw up and maintain a list of the stand-by defence counsel.

Article 30. (Amended, SG No. 28/2013) (1) A request to designate a lawyer on duty in the cases referred to in Article 28 (1) herein shall be made by the authority directing the procedural steps, and in the cases referred to in Article 28 (2) herein, by the competent police/customs officer, to the Bar Council in writing or by telephone not later than three hours before the time appointed for the relevant proceeding.

(2) Immediately after a person is detained or after a person is constituted as an accused party, the authority referred to in Article 25 (1) herein shall explain to the detainee the right thereof to defence, serving upon the said detainee, upon signed acknowledgement, a form stating the right thereof to assistance of a retained or assigned lawyer.

(3) The authority referred to in Article 25 (2) herein shall notify the Bar Council of the need to appoint a lawyer on duty. The lawyer selected shall immediately proceed with the discharge of the duties thereof for the provision of legal aid.

(4) The lawyer on duty shall continue to provide the legal aid in all phases of the trial.

Chapter Five "a".

PROVIDING LEGAL AID ON THE NATIONAL LEGAL ASSISTANCE TELEPHONE AND IN A REGIONAL CONSULTATION CENTER

(NEW, SG No. 13/2017)

Section I.

National Telephone for Legal Aid (New, SG No. 13/2017)

Art. 30a. (New, SG No. 13/2017) The National Telephone for Legal Aid shall be a form to provide consultation for natural persons under facilitated conditions outside the general procedure for granting legal aid under Art. 25, (2).

Art. 30b. (New, SG No. 13/2017) The activity of the National Telephone for Legal Aid shall be administered by the NLAB.

Art. 30c. (New, SG No. 13/2017) The terms and procedure for the activity of the National Telephone for Legal Aid shall be determined by internal rules, approved by decision of the NLAB.

Art. 30d. (New, SG No. 13/2017) The consultations provided on the National Telephone for Legal Aid shall be certified by a written report of the lawyer in a form approved by the NLAB.

Art. 30e. (New, SG No. 13/2017) The payment of the consultations provided on the National Telephone for Legal Aid shall be made under the terms and procedure of the ordinance under Art. 37 (1).

Section II

Regional Counseling Center (New - SG, No. 13/2017)

Art. 30g. (New, SG No.13/2017) The Regional Counseling Center shall be a form for provision of consultation to natural persons under facilitated conditions outside the general procedure for granting legal aid under Art. 25 (2).

Art. 30h. (New, SG No.13/2017) A Regional Counseling Center may be opened by a decision of the relevant Bar Council.

Art. 30i. (New, SG No.13/2017) The activity of the regional counseling center shall be administered by the NLAB and by the relevant Bar Council.

Art. 30k. (New, SG No.13/2017) The activities of the regional counseling center, the terms and procedure for the provision of consultations shall be determined by internal rules approved by decision of the NLAB.

Art. 30l. (New, SG No.13/2017) The right to consult at the regional counseling center shall have natural persons whose income, certified by a document from the relevant competent authority, does not exceed the amount of the poverty line set for the country. Upon refusal of consultation the interested person may apply to the NLAB under the procedure of Art. 25 (2).

Art. 30m. (New, SG No.13/2017) Consultations at the Regional Counseling Center shall be provided by lawyers registered with the NLAB and determined by a decision of the Bar Council.

Art. 30n. (New, SG No.13/2017) The consultations provided at the regional counseling center shall be certified by a written report of the lawyer in a form approved by the NLAB and endorsed by the Bar Council.

Art. 30o. (New, SG No.13/2017) The payment for the consultations provided at the regional counseling center shall be made under the conditions and by the order of the ordinance under Art. 37 (1)

Chapter Six

NATIONAL LEGAL AID REGISTER

Article 31. The National Legal Aid Bureau shall keep a National Legal Aid Register for the lawyers designated to provide legal aid by geographical jurisdiction of the relevant district courts.

Article 32. (1) The Register shall be open to public inspection. The Register shall be compiled on a paper-based and on an electronic data medium and shall be posted on the Internet.

(2) The National Legal Aid Bureau shall provide the Bar Councils with information on the lawyers entered in the Register referred to in Article 31 herein.

Article 33. (1) Any lawyer wishing to be entered into the National Legal Aid Register shall submit an application in the NLAB care of the relevant Bar Council.

(2) The application referred to in Paragraph (1) shall be completed in a standard form endorsed by the NLAB.

(3) The Bar Council shall prepare an opinion on the application received and shall transmit the said application to the NLAB.

(4) The lawyer shall be entered in the National Legal Aid Register by decision of the NLAB.

(5) (Amended, SG No. 28/2013) The National Legal Aid Bureau shall issue a reasoned refusal to enter a lawyer into the Register or shall strike a lawyer entered therein if:

1. a disciplinary sanction has been imposed;

2. (repealed, SG No. 13/2017)

3. a violation under this Act or providing legal aid in bad faith or incompetently has been ascertained by the Bar Council or by the NLAB;

4. the said lawyer has refused to accept assigned defence or representation in the course of six months without reasonable excuse.

(6) (Amended, SG No. 28/2013) The National Legal Aid Bureau shall strike a lawyer entered from the Register:

1. in the cases referred to in Item 1 of Paragraph (5): for the period of disqualification from the exercise of the legal profession, and if a less severe sanction has been imposed, for a period of three months;

2. (repealed, SG No. 13/2017)

3. in the cases referred to in Items 3 and 4 of Paragraph (5): for a period of one year or, when repeated, for a period of three years.

(7) (Amended, SG No. 28/2013) Any refusal of entry and any striking of a lawyer from the National Legal Aid Register shall be communicated to the party concerned and shall be contestable according to the procedure established by the Administrative Procedure Code and shall be published on the Internet site of the NLAB.

(8) (Repealed, SG No. 28/2013).

Article 34. (Amended, SG No. 28/2013) (1) Entries into the National Legal Aid Register shall be made twice within a calendar year: until the end of March and until the end of September.

(2) In exceptional cases, changes in the National Legal Aid Register may also be made during the year according to the procedure established for entry.

(3) Outside the cases covered under Article 33 (5) herein, striking from the National Legal Aid Register shall be effected:

1. at the request of the lawyer;

2. upon withdrawal from the Bar Association;

3. upon death.

Article 35. (1) The National Legal Aid Bureau may conduct inspections as to the legal aid provided under Article 21 herein. The said Office may require information from the competent authority directing the proceeding to certify the scope and type of the legal aid provided.

(2) (Amended and supplemented, SG No. 13/2017) For the examination of violations committed by lawyers providing legal aid, the persons to whom legal aid has been granted or the bodies under Art. 25, (1) may appeal to NLAB.

(3) The findings of the inspections may be grounds for striking of the lawyer from the National Legal Aid Register.

Article 36. (Amended, SG No. 28/2013) (1) The Bar Councils shall compile and shall keep, on a paper-based and on an electronic data medium, a list of the lawyers who provide legal aid. The Bar Councils shall notify the NLAB of any change in the said list.

(2) The list shall be prepared in a standard form endorsed by the NLAB and shall be posted in a conspicuous place in the building of the relevant Bar Council and on the Internet site of the NLAB.

Chapter Seven

PAYMENT FOR LEGAL AID

Article 37. (1) Payment for legal aid shall depend on the type and amount of work performed and shall be determined by an ordinance of the Council of Ministers on a motion by the NLAB.

(2) (Amended, SG No. 28/2013) Without prejudice to other sanctions, the lawyer shall not be paid a fee for any legal aid provided in bad faith or incompetently in a particular case and upon failure to submit a timesheet within the time limit referred to in Article 38 (4) herein.

(3) (New, SG No. 28/2013) Where the lawyer has received a fee, upon ascertainment that legal aid has been provided in bad faith or incompetently, the said lawyer shall return the amount paid on the basis of a decision of the President of the NLAB.

Article 38. (1) The type and amount of the work performed shall be certified by a timesheet of the lawyer, completed in a standard form endorsed by the NLAB.

(2) (Amended, SG No. 28/2013) The Bar Council shall verify and authenticate the timesheet of the lawyer who has provided legal aid and shall propose an amount of the fee depending on the type, amount and quality of the legal aid provided within the limits established by the ordinance referred to in Article 37 (1) herein.

(3) (New, SG No. 28/2013) The timesheet shall be submitted:

1. in respect of a pre-trial proceeding in criminal matters: after completion of the pre-trial proceeding by a prosecutorial act;

2. in respect of trial proceedings: upon completion of the proceeding before the court of the respective instance.

(4) (New, SG No. 28/2013) The lawyer shall be obligated to submit a timesheet on the legal aid provided thereby within one year after the cessation of the participation thereof in the proceeding.

(5) (Renumbered from Paragraph (3), amended, SG No. 28/2013) The appointed lawyer shall furthermore be reimbursed for the necessary expenses on the defence, incurred for visit to the places of deprivation of liberty or to detention facilities and on defence in another nucleated settlement according to the procedure established by the Ordinance on Domestic Business Trips (promulgated in the State Gazette No. 11 of 1987; amended in No. 21 of 1991, No. 2 of 1994, No. 62 of 1995, No. 34 of 1997, No. 40 of 1999, No. 2 of 2008 and No. 2 of 2011).

Article 39. (Supplemented, SG No. 28/2013) Payment for the legal aid provided shall be effected by the NLAB by means of bank transfer on the basis of the timesheet referred to in Article 38 herein and a decision of the President of the NLAB.

Art. 40. (Amended, SG No. 13/2017) A lawyer who provides legal aid shall not be entitled to receive remuneration and funds to cover costs from the person to whom legal aid has been granted.

Chapter Eight

SPECIFICITIES OF GRANTING LEGAL AID IN CROSS-BORDER DISPUTES

(Effective 1.07.2007)

Article 41. (1) The provisions of this Chapter shall apply to the granting of legal aid in cross-border disputes in civil and commercial matters before courts of all instances. The said provisions shall not apply to criminal and administrative matters.

(2) "Cross-border dispute", within the meaning given by Paragraph (1), shall be a dispute where the party applying for legal aid is a citizen of a Member State of the European Union or a person residing lawfully in a Member State of the European Union, and where the dispute is settled by a competent authority in another Member State of the European Union.

(3) The provisions of this Act shall apply to the granting of legal aid in cross-border disputes, save insofar as otherwise specifically provided for in this Chapter.

Article 42. (1) The citizens of the European Union or the persons residing lawfully in a Member State of the European Union shall be granted legal aid if the property status of the said persons does not exceed the social threshold established in Article 22 (1) herein.

(2) (Amended, SG No. 28/2013) Where the property status of the persons referred to in Paragraph (1) exceeds the social threshold established in Article 22 (1) herein but the said persons are unable to pay for the costs of the case, the NLAB shall determine whether the applicant can pay the said costs. The said determination shall take into account the circumstances covered under Article 23 (3) herein, as well as the differential between the minimum cost of living required in the Member State and in Bulgaria.

Article 43. (Amended, SG No. 28/2013) The Ministry of Justice shall be the authority of the Republic of Bulgaria which shall be competent to receive and transmit applications for legal aid in cross-border disputes from and to the competent authorities of Member States of the European Union.

Article 44. (1) The applicant shall have the right to submit an application for legal aid either to the competent authority of the Member State of the European Union in which the said applicant is domiciled or habitually resident, or directly to the Ministry of Justice of the Republic of Bulgaria, should the case is to be tried by a court in the Republic of Bulgaria or should the judgment of court is to be enforced in the Republic of Bulgaria.

(2) The application for legal aid and the documents proving that the person is responsive to the eligibility requirements for the granting of legal aid, as submitted to the Ministry of Justice, shall be translated into the Bulgarian language or into another official language of the institutions of the European Community, which the Republic of Bulgaria has specified as acceptable to the European Commission. Legalization of the said documents shall not be required.

(3) Upon receipt of an application for legal aid from a competent authority of another Member State of the European Union, the Ministry of Justice of the Republic of Bulgaria shall verify whether the application is accompanied by all the supporting documents required and whether a translation of the documents has been provided. If the documents are responsive to these requirements, the application shall be forthwith transmitted to the NLAB for adoption of a decision.

(4) In case the application is not responsive to the requirements of this Article, the said application shall be returned to the competent transmitting authority of the foreign Member State of the European Union for curing of the non-conformities as detected.

(5) The National Legal Aid Bureau shall transmit the decision thereof on the application for legal aid to the Ministry of Justice, which shall forward the said decision to the competent authority of the other Member State of the European Union for service up on the applicant.

(6) Any refusal by the NLAB to grant legal aid shall be reasoned and shall be appealable according to the procedure established by the Administrative Procedure Code.

Article 45. (1) (Amended, SG No. 9/2011) Should the case be tried by the court of another Member State of the European Union, or should the judgment of court is to be enforced in another Member State of the European Union, any applicant who is a Bulgarian citizen residing within the territory of the Republic of Bulgaria, a foreign citizen or a stateless person who has been permitted continuous, long-term or permanent residence in the Republic of Bulgaria, or a person who has been recognized a refugee status or who has been afforded a right of asylum within the territory of the Republic of Bulgaria, may submit the application thereof together with the documents proving that the said applicant is responsive to the eligibility requirements for the granting of legal aid, directly to the competent authority of the respective Member State of the European Union, or care of the Ministry of Justice of the Republic of Bulgaria.

(2) The documents referred to in Paragraph (1) shall be translated into the official language or into one of the official languages of the other Member State of the European Union, or into another official language of the institutions of the European Community, which the said Member State has specified as acceptable to the European Commission.

(3) The Ministry of Justice of the Republic of Bulgaria shall have the right to refuse to transmit the application in case the said application is not responsive to the requirements of this Chapter. In such

case, the Ministry of Justice of the Republic of Bulgaria shall notify the applicant of the reasons for the refusal.

(4) The Ministry of Justice of the Republic of Bulgaria shall be obligated to inform the applicant of the documents required for acceptance of the application for legal aid in the other Member State of the European Union and shall arrange a translation of the application and of the documents proving that the person is responsive to the eligibility requirements for the granting of legal aid.

(5) The Ministry of Justice of the Republic of Bulgaria shall be obligated to transmit the application together with the documents accompanying the said application to the competent authority of the other Member State of the European Union within 15 days after the day of translation of the application and of the documents.

(6) Should the competent authority of the other Member State of the European Union reject the application for legal aid, the applicant shall repay the costs of translation of the application and of the documents borne by the Ministry of Justice of the Republic of Bulgaria.

Article 46. The applications referred to in Articles 44 and 45 herein shall be submitted in standard forms established by the European Commission.

Article 47. The Ministry of Justice of the Republic of Bulgaria shall provide the European Commission with the following information:

1. the names and addresses of the competent receiving and transmitting authority;
2. the means by which applications are received;
3. the languages that may be used for the completion of the applications.

Article 48. The applicant who has received legal aid in another Member State of the European Union, where the case was tried, shall have the right to legal aid under this Act in case the Republic of Bulgaria is asked to recognize or admit enforcement of a judgment of court rendered in the matter of the relevant case.

Article 49. (1) The legal aid granted to the persons referred to in Article 42 herein shall furthermore cover the following costs related to the cross-border nature of the dispute:

1. relating to interpretation;
2. relating to translation of documents required by the court or by another competent authority;
3. travel costs, where the physical presence of witnesses in the court hearing is mandatorily required.

(2) The legal aid granted to the persons referred to in Article 45 (1) herein shall cover the following costs:

1. relating to legal aid under Item 1 of Article 21 herein, which has been granted in the Republic of Bulgaria until the time when the application for legal aid was received in another Member State of the European Union where the case is tried or where the judgment of court must be enforced;

2. relating to the translation of the application for legal aid and of the documents proving that the person is responsive to the eligibility requirements for the granting of legal aid. SUPPLEMENTARY PROVISIONS § 1. "Systematic violation", within the meaning given by this Act, shall be the commission of three or more violations.

§ 2. Legal aid in civil matters shall furthermore include legal aid in a subsequent enforcement proceeding, which has commenced within one year after the entry into effect of the judgment of court, unless there is a change in the circumstances that existed during the consideration of the application for legal aid. TRANSITIONAL AND FINAL PROVISIONS § 3. Any pending cases, in which an assigned defence counsel or an ad hoc representative has been appointed, shall be tried under the hitherto effective terms and procedure.

§ 4. The Council of Ministers shall provide the property and the financial resources necessary for commencement of the work of the NLAB.

§ 5. In the Code of Civil Procedure (promulgated in the State Gazette No. 12/1952; amended in No. 92/1952, No. 89/1953, No. 90/1955, No. 90/1956, No. 90/1958, Nos. 50 and 90/1961, corrected in No. 99/1961; amended in the State Gazette No. 1/1963, No. 23/1968, No. 27/1973, No. 89/1976, No. 36/1979, No. 28/1983, No. 41/1985, No. 27/1986, No. 55/1987, No. 60/1988, Nos. 31 and 38/1989, No. 31/1990, No. 62/1991, No. 55/1992, Nos. 61 and 93/1993, No. 87/1995, Nos. 12, 26, 37, 44 and 104/1996, Nos. 43, 55 and 124/1997, Nos. 59, 70 and 73/1998, Nos. 64 and 103/1999, Nos. 36, 85 and 92/2000, No. 25/2001, Nos. 105 and 113/2002, Nos. 58 and 84/2003 and Nos. 28 and 36/2004; supplemented, No. 38/2005; amended, Nos. 42 and 43/2005), in Article 64 there

shall be added the following new Paragraph (6):

"(6) If the claim of a recipient of legal aid is granted, the due fees and applicable costs shall be awarded in favour of the National Legal Aid Bureau commensurate to the portion of the action granted. In the cases of a judgment adverse to the recipient of legal aid, the said recipient shall owe costs commensurate to the portion of the action rejected."

§ 6. The Bar Act (promulgated in the State Gazette No. 55 of 2004; amended in No. 43 of 2005) shall be amended as follows:

1. Article 44 shall be amended to read as follows:

"Article 44. (1) A lawyer, who has been entered in the National Legal Aid Register, shall be obligated to provide legal aid according to the procedure established by the Legal Aid Act, where the said lawyer has been designated for this.

(2) The lawyer shall be obligated to conduct the case assigned thereto, in the matter of which he or she provides legal aid according to the procedure established by the Legal Aid Act, exercising the same care as if he were retained by the client."

2. In Article 89, Item 15 shall be amended to read as follows:

"15. participate in the arrangement of legal aid according to the procedure established by the Legal Aid Act;".

3. In Item 6 of Article 132, the words "assigned defence or ad hoc representation" shall be replaced by "legal aid".

§ 7. In the Tax Procedure Code (promulgated in the State Gazette No. 103/1999; modified by Constitutional Court Judgment No. 2/2000, promulgated in No. 29/2000; amended in No. 63/2000, No. 109/2001, Nos. 45 and 112/2002, Nos. 42, 112 and 114/2003, Nos. 36, 38, 53 and 89/2004, Nos. 19, 39 and 43/2005), in Article 13 (2) there shall be added the following new Item 5:

"5. for the costs of legal aid under the Legal Aid Act, incurred after the lapse of the grounds for the granting of such aid."

§ 8. This Act shall enter into force on the 1st day of January 2006, with the exception of Chapter Eight, which shall enter into force as from the date of entry into force of the Treaty concerning the Accession of the Republic of Bulgaria to the European Union.

§ 9. The implementation of this Act shall be entrusted to the National Legal Aid Bureau.

The Act was passed by the 40th National Assembly on the 21st day of September

2005 and the Official Seal of the National Assembly has been affixed thereto.

Administrative Procedure Code

Transitional and Concluding Provisions TO THE TAX AND SOCIAL-INSURANCE PROCEDURE CODE

(Promulgated - SG, No. 105/2005, EFFECTIVE FROM 01.01.2006)

§ 88. The Code shall enter effective from 1 January 2006, with the exception of Art. 179 (3), Art. 183 (9), § 10 (1) (d) and (4) (c), § 11 (1) (b) and § 14 (12) of the Transitional and Concluding Provisions effective from the day of promulgation of the code in the State Gazette.

Transitional and Concluding Provisions TO MINISTRY OF INTERIOR ACT

(Promulgated - SG, No. 17/2006, EFFECTIVE FROM 01.05.2006)

§ 24. The law shall enter into force on 1 May 2006.

Transitional and Concluding Provisions TO ADMINISTRATIVE PROCEDURE CODE

(Promulgated - SG, No. 30/2006, EFFECTIVE FROM 12.07.2006)

§ 106. In the Legal Aid Act (promulgated in the State Gazette No. 79 of 2005; amended in No. 105 of 2005, No. 17 of 2006), the words "the Administrative Procedure Act" shall be replaced passim by "the Administrative Procedure Code".

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

1. the third part, § 2 (1) and § 2 (2) - regarding the repeal of Chapter III, Section II " Judicial Appeal ", § 9 (1) and (2), § 11 (1) and (2), § 15, § 44 (1) and (2), § 51 (1), § 53, § 61 (1), § 66 (3), § 76 (1 – 3), § 78, § 79, § 83 (1), § 84 (1) and (2), § 89 (1 - 4), § 101 (1), § 102 (1), § 107, § 117 (1 and 2), § 125, § 128 (1) and (2), § 132 (2), § 136 (1), as well as § 34, § 35 (2), § 43 (2), § 62 (1), § 66 (2) and (4), § 97 (2) and § 125 (1) - on the replacement of the word "district" with "administrative" and the replacement of the words "Sofia City Court" with "The Administration Court - Sofia city", which come into force on March 1, 2007 .;

2. § 120, which shall enter into force on 1 January 2007;

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

Transitional and Concluding Provisions TO AMENDMENT AND SUPPLEMENTATION ACT OF THE CRIMINAL PROCEDURE CODE

(Promulgated - SG, No. 32/2010, EFFECTIVE FROM 28.05.2010)

§ 72. This Act shall enter into force one month after its promulgation in the State Gazette with the exception of the provision of § 5, which shall enter into force one year after the promulgation of the law in the State Gazette.

Transitional and Concluding Provisions TO AMENDMENT AND SUPPLEMENTATION ACT OF THE CONFLICT OF INTEREST PREVENTION AND ASCERTAINMENT ACT

(Promulgated - SG, No. 97/2010, EFFECTIVE FROM 10.12.2010)

§ 61. The law shall enter into force on the day of its promulgation in the State Gazette with the exception of:

1. § 11 concerning Art. 22a – 22e, effective from 1 January 2011;
2. § 7, 8, 9, § 11 concerning Art. 22f – 22j and § 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23, which shall enter into force on 1 April 2011.

Transitional and Concluding Provisions TO STATE BUDGET OF THE REPUBLIC OF BULGARIA ACT FOR 2011

(Promulgated - SG, No. 99/2010, EFFECTIVE FROM 01.01.2011)

§ 86. The law shall enter into force on 1 January 2011, with the exception of § 27 (1-3), which will enter into force on 20 December 2010.

Concluding Provisions TO AMENDMENT AND SUPPLEMENTATION ACT OF THE CUSTOMS ACT

(Promulgated - SG, No. 82/2011, EFFECTIVE FROM 01.01.2012)

§ 16. The law shall enter into force on 1 January 2012 with the exception of § 10 (1), which shall enter into force on the day of the promulgation of the law in the State Gazette.

Transitional and Concluding Provisions TO STATE BUDGET OF THE REPUBLIC OF BULGARIA ACT FOR 2012

(Promulgated - SG, No. 99/2011, EFFECTIVE FROM 01.01.2012)

§ 100. The law shall enter into force on 1 January 2012, with the exception of § 76, which shall enter into force on 15 December 2011.

Act to Amend the Administration Act

(SG No. 82/2012)

FINAL PROVISIONS

§ 16. The Council of Ministers and the government ministers shall bring the statutory instruments of secondary legislation adopted or issued thereby, as the case may be, into conformity with this Act within one month after the entry thereof into force.

Transitional and Concluding Provisions TO PUBLIC FINANCE ACT

(Promulgated - SG, No. 15/2013, EFFECTIVE FROM 01.01.2014)

§ 123. The law shall enter into force on 1 January 2014 with the exception of § 115 which shall enter into force on 1 January 2013 and § 18, § 114, § 120, § 121 and § 122 which shall enter into force from 1 February 2013.

Transitional and Concluding Provisions TO AMENDMENT AND SUPPLEMENTATION ACT OF THE LEGAL AID ACT

Promulgated - SG, No. 13/2017)

§ 13. The implementation of the unified information system under Art. 8a shall be carried out within two years from the entry into force of this Act. Upon expiry of this period, Bar Councils are required to use this system for the electronic exchange of information and electronic reporting of the legal aid. Paragraph 3 on Art. 12 of the Law shall also apply to the existing and unfinished mandates from the moment when the law enters into force.

Relevant acts of the European legislation

COUNCIL DIRECTIVE 2002/8 / EC of 27 January 2003 on improving access to justice in cross-border disputes by establishing minimum common rules for legal assistance in such disputes

COUNCIL REGULATION (EC) No 4/2009 of 18 December 2008 concerning jurisdiction, applicable law, recognition and enforcement of judgments and cooperation in matters relating to maintenance obligations

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