|  |  |
| --- | --- |
| **Administrative service No.** | **CENTRAL REGISTER OF SPECIAL PLEDGES**  **AT THE MINISTRY OF JUSTICE** |
| **1621** | **Registration of circumstances regarding a special pledge contract of a commercial enterprise** |
| **It shall be provided on the basis of:** | |
| • Special Pledges Act - Art. 26, paragraph 1  • Rules for the structure and activity of the Central Register of Special Pledges at the Ministry of Justice - Art. 9, paragraph 1 | |
| **The service is also provided as an internal administrative:** | |
| No. | |
| **Authority for the provision of the administrative service:** | |
| Director of the Central Register of Special Pledges | |
| **Time limit for submission:** | |
| The request for registration shall be considered immediately. | |
| **Duration of the document/individual administrative act:** | |
| Indefinite. | |
| **Authority superseding the activities of the service provider:** | |
| Minister of Justice | |
| **Body to which an individual administrative act is appealed:** | |
| Minister of Justice | |
| **Order, including time limits for appealing against the actions of the service provider:** | |
| The registration may be refused only if the request does not have the necessary content or the specified State fee has not been paid, while the refusal shall be communicated to the applicant against signature on the application or by registered letter with receipt.  The refusal to make the registration shall be subject to administrative appeal before the Minister of Justice. The applicant may immediately appeal against the refusal and further submit its observations within the seven-day appeal period.  The refusal of the Minister of Justice shall be subject to appeal under the Administrative Procedure Code. | |
| **Limitations and conditionalities:** | |
| For the secondary entry of circumstances under a pledge agreement of a commercial enterprise on the pledger's account in the Central Register of Special Pledges the primary entry of the pledge agreement of a commercial enterprise in the Commercial Registry on the pledger's account should be made. | |
| **E-mail address, to which the service is provided:** | |
| <https://www.justice.government.bg/home/index/32797d12-56b2-4385-9b36-b0ed9e7416f0?top=1> | |
| **E-mail address for opinions and suggestions:** | |
| [croz@justice.government.bg](mailto:croz@justice.government.bg) | |
| **Administrative units in which the documents are submitted and information on the progress of the file is obtained:** | |
| General Directorate "Central Registration Service and Local Registration Offices"  Address: 5 Aksakov Str. ZIP code 1000 Sofia (capital city)  Long - distance dialing code: 02  Contacts: (02) 9237-528, (02) 9237-526, 9237-459  Fax: (02) 9872881  E-mail address: [croz@justice.government.bg](mailto:croz@justice.government.bg)  Opening hours: Standard opening hours, 09:00 to 17:30  The reception time for citizens is considered to the needs of users using the provided administrative services - every working day from 09.30 to 12.00 and from 13.30 to 16.00.  Access for people with disabilities is provided in the unit. | |
| "Financial-accounting and economic activity" department - Registry  Address: 5 Aksakov Str. ZIP code 1000 Sofia (capital city)  Long - distance dialing code: 02  Contacts: (02) 9237-528, (02) 9237-526, 9237-459  Fax: (02) 9872881  E-mail address: [croz@justice.government.bg](mailto:croz@justice.government.bg)  Opening hours: Standard opening hours, 09:00 to 17:30  Access for people with disabilities is provided in the unit. | |
| **Necessary documents and requirements** | |
| **1. A filled-in application under Sample № 1 for entry of a special pledge agreement** (Art. 9, paragraph 1 of the Rules for the structure and activity of the Central Register of Special Pledges at the Ministry of Justice).  Applications and orders for official entry - samples № 1 - 12, shall not have corrections and strikeouts and shall be signed (Article 25, paragraph 1 of the Rules for the structure and operation of the Central Register of Special Pledges to the Ministry of Justice).  The fields from the applications, which remain empty due to non-declaration of the circumstances for which they are provided, shall be filled in with the word "no" or "none" (art. 25, paragraph 2 of the Rules for the structure and activity of the Central Register of Special Pledges at the Ministry of Justice).  When some of the fields of the application are not sufficient to collect all the requested information, a part of it shall be indicated in the respective field, the text shall be added: “and according to continuation to field № ....” and on a separate page - appendix to the application the content of the field is supplemented by individualizing which group and field of the application the extension refers to (Art. 25, paragraph 3 of the Rules for the structure and activity of the Central Register of Special Pledges at the Ministry of Justice). Where it is necessary to make extensions to more than one group and the fields in the application for entry, there shall be no obstacle for them to be combined on one or more pages.  Example:  “Continuation to Group ...., field ....:  ..........text....................................... .....;  Continuation to Group ...., field ....:  ..........text....................................... .....;  Continuation to Group ...., field ....:  ..........text....................................... ....." etc.  **2. Written consent of the pledger to make the entry** **with notary certification of signatures** (Article 27, paragraph 4 of the Special Pledges Act). Consent for the entry with notary certification of the signature shall be given on the back of the application for registration or on a separate declaration with notary certification of the signature attached to the application. The declaration of consent shall contain all the circumstances stated in the application for registration to which it is attached. The consent of the pledger with notary certification of the signature shall be present also when the contract under which the rights are entered is concluded in writing with notary certification of the signatures, contains the circumstances requested for the entry and is attached to the application. In this case, the pledge agreement shall be also a consent document attached separately to the application and should be charged according to Article 1 of the Tariff for state fees collected by the Central Register of Special Pledges under the Special Pledges Act.  **3. Contract for special pledge of a commercial enterprise in original, notary certified copy or copy certified “True to the original” by the applicant** (Art. 27, paragraph 4 of the Special Pledges Act).  **4. Declaration under Art. 27, paragraph 2, item 4 of the Special Pledges Act** for the truthfulness of the circumstances announced. The declaration shall be signed personally by the applicant upon application of the entry before the employee of the register. Where the applicant does not appear in person and the file is submitted by a personother than the applicant and authorized to perform the relevant action before the Central Register of Special Pledges, the declaration should be with notary certification of the signature.  **5. Declaration under Article 264, paragraph 1 of the Tax and Social Security Procedure Code**, signed personally by the pledger or the legal representative of the legal person - pledger. When the file is submitted by a person, authorized to perform the relevant action before the Central Register of Special Pledges, the declaration should be with notary certification of the signature.  **6. Document for paid state fee** (art. 1 and art. 7, item 1 of the Tariff for the state fees, collected by the Central Register of Special Pledges under the Special Pledges Act) - BGN 40 for the first sheet of the application and 10 BGN for each following page, the declaration under art. 264, paragraph 1 of the Tax and Social Security Procedure Code and the consent document, if attached separately.  **7. Identity document of the applicant** (ora personother than the applicant and authorized to perform the relevant action before the Central Register of Special Pledges**)** - required for verification of the applicant's data (Article 29, paragraph 2 of the Rules for the structure and operation of the Central Register of Special Pledges to the Ministry of Justice). In cases where the applicant is a lawyer with an explicit power of attorney (Article 27, paragraph 7 of the Special Pledges Act), the power of attorney of the applicant in original or certified copy "True to the original" shall be submitted. In cases where the file is submitted by a person other than the applicant and authorized to perform the relevant action before the Central Register of Special Pledges, an original or certified copy "True to the original" of the person’s power of attorney shall be presented to the registrar (art. 30, paragraph 4 of the Rules for the structure and activity of the Central Register of Special Pledges at the Ministry of Justice).  **Additional requirements:**  **1. The pledger shall be a merchant or a person referred to in Article 2 of the Commerce Act** (Article 3 of the Special Pledges Act).  The restriction shall not apply to: legal entities wherein the persons under Article 2 of the Commerce Act are members; a wife of the sole proprietor or a wife of the person under Article 2 of the Commerce Act; municipalities which secure municipal debt incurred under the terms and according to the procedure of the Municipal Debt Act; the Bank Deposit Insurance Fund, when it secures the loans used by it; non-profit legal entities which carry out an economic activity - regarding the economic activity carried out by them.  This restriction shall not apply to the pledge of dematerialized securities and units of collective investment undertakings, equity shares in general and limited partnerships, limited partnerships with shares and limited liability companies, as well as of rights in patents for inventions and utility models, registered marks, industrial designs, topologies of integrated circuits and certificates for plant sorts and animal breeds.  **2. Primary entry of the changes in the pledge agreement of a commercial enterprise in the Commercial Registry on the pledger's file:** All of the facts required by the Special Pledges Act to be filed to record a pledge of a commercial enterprise, shall be recorded in the pledger's file in the Commercial Registry.  **3. A entry of a special pledge contract shall be requested by the debtor, the pledger, respectively by the pledge creditor** (Art. 27, paragraph 3 of the Special Pledges Act) or another person in the cases provided by law. The entry and deletion shall be requested personally by the legal representative or by a lawyer with an explicit power of attorney for the respective entry or deletion (Art. 27, paragraph 7 of the Special Pledges Act).  **4. The consent of the previous pledge creditors shall be necessary for the recording of each and every subsequent pledge on the same property** (Art. 14, paragraph 1 of the Special Pledges Act). This rule shall also apply to the establishment of a pledge on an asset included in a pledged commercial enterprise under the conditions of Art. 21, paragraph 3 of the Special Pledges Act.  An entry shall be effective for five years from the date of the original recording of the fact under Article 26, paragraph (1) and paragraph (3), sub-paragraph 1 of the Special Pledges Act. An entry may continue to be in effect if it is extended before it expires.  When the term expires, without a renewal being made, the pledge can be recorded anew. In such a case, its priority shall depend on the date of the new recording. (Article 30, paragraph 3 of the Special Pledges Act).  The procedure for recording anew of the circumstances under a special pledge agreement, recorded in the register with the original entry, which has not been renewed or deleted by the pledgee before the expiration of the 5-year legal period of validity of the entry, can be found here:  **Recording anew of the circumstances under a special pledge, when the 5-year term of validity of the original entry has expired without renewal (Art. 30, paragraph 3 of the Special Pledges Act)**  **1. A filled-in application under Sample № 1 for entry of a special pledge agreement** (Art. 9, paragraph 1 of the Rules for the structure and activity of the Central Register of Special Pledges at the Ministry of Justice) as follows:  1.1 In the group " Applicant data" with the fields: "Name", "Identification code" and "Address" the data for the applicant shall be indicated;  1.2 In group №2 " Pledgоr", fields №2: "Name", №3: "Identification code" and №4: "Address" shall indicate the current data about the pledger recorded in the register.  1.3. In group №3 “Debtor on the secured receivable”, fields №5: “Name”, №6: “Identification code” and №7: “Address” shall indicate the current data on the debtor on the secured receivable, recorded in the register;  1.4 In group №4 “Pledged creditor“, fields №8: “Name“, №9: “Identification code“ and №10: “Address“, the current details of the pledgee recorded in the register shall be indicated;  1.5 In group №5 “Secured claim“, fields №11: “Grounds (document, date)“, (unchanged) №12: “Subject“, №13: “Amount (with numbers and words)“, №14: “Interest“ and №15: “Interest for delay“ shall indicate the current data on the secured claim recorded in the register;  1.6 In group №6: “Amount for which the pledge is established“, field №16: “Amount (with numbers and words) “ shall indicate the current data on the amount for which the pledge has been established, recorded in the register;  1.7 In group №7 “Pledged property“, fields №17: “Description“, №18: “Price“ and №19: “Person receiving foreclosure of the pledged claim“ shall indicate the current data on the pledged property recorded in the register;  In order to implement the reference to the initial entry for which re-entry is requested, the following text should be added in field №17: "Description":  " Recording anew of the circumstances under a contract for special pledge of ............., № ..... of ........ (date), entered with initial entry with reg. № .............................. from ........... (date) on the recording of Art. 30, paragraph 3 of the Special Pledges Act. "  1.8 In group №8: 'Modalities', fields №20: 'Term (day / month / year)' and №21: 'Conditions' shall indicate the current information on the term and conditions of the lien entered in the register;  Applications and orders for official entry - samples № 1 - 12, shall not have corrections and strikeouts and shall be signed (Article 25, paragraph 1 of the Rules for the structure and activity of the Central Register of Special Pledges at the Ministry of Justice).  The fields from the applications, which remain empty due to non-declaration of the circumstances for which they are provided, shall be filled in with the word "no" or "none" (art. 25, paragraph 2 of the Rules for the structure and activity of the Central Register of Special Pledges at the Ministry of Justice).  When some of the fields of the application are not sufficient to collect all the requested information, a part of it shall be indicated in the respective field, the text shall be added: “and according to continuation to field № ....” and on a separate page - appendix to the application the content of the field is supplemented by individualizing which group and field of the application the extension refers to (Art. 25, paragraph 3 of the Rules for the structure and activity of the Central Register of Special Pledges at the Ministry of Justice). Where it is necessary to make extensions to more than one group and the fields in the application for entry, there shall be no obstacle for them to be combined on one or more pages.  Example:  “Continuation to Group ...., field ....:  ..........text....................................... .....;  Continuation to Group ...., field ....:  ..........text....................................... .....;  Continuation to Group ...., field ....:  ..........text....................................... ....." etc.  **2. Written consent from the pledge creditor for making the entry with notary certification of the signature (art. 2, paragraph 3 of the Special Pledges Act).** Consent for the entry with notary certification of the signature shall be given on the back of the application for registration or on a separate declaration with notary certification of the signature attached to the application. The declaration of consent shall contain all the circumstances stated in the application for registration to which it is attached. The consent of the pledger with notary certification of the signature shall be present also when the contract under which the rights are entered is concluded in writing with notary certification of the signatures, contains the circumstances requested for the entry and is attached to the application. In this case, the pledge agreement shall be also a consent document attached separately to the application and should be charged according to Article 1 of the Tariff for state fees collected by the Central Register of Special Pledges under the Special Pledges Act.  **3. Contract for special pledge of a commercial enterprise in original, notary certified copy or copy certified “True to the original” by the applicant** (Art. 27, paragraph 4 of the Special Pledges Act).  **4. Declaration under Art. 27, paragraph 2, item 4 of the Special Pledges Act** for the truthfulness of the circumstances announced. The declaration shall be signed personally by the applicant upon application of the entry before the employee of the register. Where the applicant does not appear in person and the file is submitted by a personother than the applicant and authorized to perform the relevant action before the Central Register of Special Pledges, the declaration should be with notary certification of the signature.  **5. Document for paid state fee** (art. 1 and art. 7, item 1 of the Tariff for the state fees, collected by the Central Register of Special Pledges under the Special Pledges Act) - BGN 40 for the first sheet of the application and 10 BGN for each following page, the declaration under art. 264, para. 1 of the Tax and Social Security Procedure Code and the consent document, if attached separately.  **6. Identity document of the applicant** (ora personother than the applicant and authorized to perform the relevant action before the Central Register of Special Pledges**)** - required for verification of the applicant's data (Article 29, paragraph 2 of the Rules for the structure and operation of the Central Register of Special Pledges to the Ministry of Justice). In cases where the applicant is a lawyer with an explicit power of attorney (Article 27, paragraph 7 of the Special Pledges Act), the power of attorney of the applicant in original or certified copy "True to the original" shall be submitted. In cases where the file is submitted by a person other than the applicant and authorized to perform the relevant action before the Central Register of Special Pledges, an original or certified copy "True to the original" of the person’s power of attorney shall be presented to the registrar (art. 30, paragraph 4 of the Rules for the structure and activity of the Central Register of Special Pledges at the Ministry of Justice).  A condition for making a recording anewof a registered pledge of a commercial enterprise is that the pledge shall be active on the pledger's account in the Commercial Register.  **Procedure for acceptance and consideration of applications for registration**  The applications for registration shall be submitted personally by the applicants in the Central Registration Service or in any of the local registration offices of the Central Register of the Special Pledges in the country. In cases where the applicant's signature is notary certified, the application may be submitted by a person authorized to perform the relevant action before the Central Register of the Special Pledges. In these cases, an original or a copy certified “True to the original” of the person's power of attorney shall be submitted to the registrar.  The applications for registration with notarized signatures on the documents may also be requested through a licensed postal operator in the Central Registration Service in Sofia.  The applications for registration shall be considered immediately by the officials, who shall check the compliance with the requirements, regulated in the Special Pledges Act and the Rules for the structure and activity of the Central Register of Special Pledges at the Ministry of Justice. The Registry Officers shall assist the applicants in completing the application forms.  Upon finding incompleteness in the circumstances applied for registration and/or submitted documents, the official shall return the application to the applicant with instructions for their elimination or provision of the necessary information. The registry officer shall indicate to the applicant any deficiencies. The applicant can remove the defects and submit a new request. The new request shall be registered in the order in which it was received in the register.  The requests for registration received in the local registration offices are considered and sent immediately in the order of their receipt in the Central Registration Service in Sofia.  Each entry in the Central Register of the Special Pledges receives a serial number generated automatically by the information system.  **Certification of the performed entry**  After the entry has been made, the applicant shall be issued a confirmation of the entry together with certified copies of the electronic images of the documents on the basis of which the entry has been effected. | |
| **Applications** | |
| Sample №1 Application for entry of a special pledge agreement (.xlsx)  Sample №1 Application for entry of a special pledge agreement (.pdf)  Declaration under Art. 264, paragraph 1 of the Tax and Social Security Procedure Code  Declaration of authenticity under Article 27, paragraph 2, item 4 of the Special Pledges Act | |
| **Legal framework** | |
| Special Pledges Act  Rules for the structure and activity of the Central Register of Special Pledges under the Ministry of Justice  TARIFF for the state fees collected by the Central Register of Special Pledges under the Special Pledges Act  Country codes  Disctrict court codes  Customs codes | |
| **Payment for the service** | |
| **For the service is charged State fee**  The registration in the Central Register of Special Pledges shall be subject to a state fee determined under the Tariff for the state fees collected by the Central Register of Special Pledges under the Special Pledges Act.  A state fee of BGN 40 shall be collected for the first sheet of the application and BGN 10 for each subsequent page of the application (the appendices to the respective groups and fields in the application), the declaration under Art. 264, paragraph 1 of the Tax and Social Insurance Procedure Code and the consent document, if attached separately (Art. 1 and Art. 7, item 1 of the Tariff for state fees collected by the Central Register of Special Pledges under the Special Pledges Act).  The fees shall be paid to the account of the Central Register of Special Pledges as follows:  UNICREDIT BULBANK AD 1 IVAN VAZOV Str. IBAN: BG02UNCR76303100111765 BIC: UNCRBGSF  The payment order shall indicate the reason for payment of the fee (for registration regarding a special pledge contract of a commercial enterprise) and the name of the person on whose account the entry is requested.  A document certifying the state fee paid shall be attached to each application form.  **The service can be paid for in one of the following ways:**  Bank transfer | |