

Bulgaria

The information provided below refers to legal provisions adopted or modified pursuant to the implementation of the Services Directive as well as to legal provisions which Member States have indicated as being applicable to service providers in the areas covered by the directive. The information has been provided by Bulgaria in the context of the implementation of the Services Directive and of the mutual evaluation process. It does not represent a legal analysis or a position of the European Commission in respect of compliance with EU law in general or with the Services Directive in particular. National legal provisions might have suffered amendments during the mutual evaluation process so interested parties are invited to check national legislation in force.

Main changes in Bulgarian legislation

Bulgaria implemented the Services Directive by adopting a horizontal law and by amending specific legislation. The Service Activities Act entered into force on 23 February 2010¹.

The Act includes amendments to specific legislation such as the Tourism Act², the Spatial Planning Act³, the Chamber of Builders Act⁴, the Chambers of Architects and Engineers involved in Investment Design Act⁵, the Energy Efficiency Act⁶, the Crafts Act⁷ and the Consumer Protection Act⁸.

Examples of authorisation schemes applicable to service providers established in Bulgaria

Some 126 activities and services related to crafts in Bulgaria are subject to authorisation and entry into a special Crafts register. The Law on crafts⁹ also provides for obligatory membership in the regional crafts chambers, requirements concerning the owners of crafts enterprises as well as the requirement for those who wish to carry out crafts activities to pass exams organised by the National crafts chamber. Some reforms¹⁰ are under discussion in the Bulgarian National Assembly.

¹ Service Activities Act (Закон за дейностите по предоставяне на услуги), State Journal No 15 of 23 February 2010, <http://lex.bg/bg/laws/ldoc/2135664930>

² Tourism Act (Закон за туризма), last amended in State Journal No 15 of 23 February 2010, <http://lex.bg/laws/ldoc/2135454211>

³ Spatial Planning Act (Закон за териториалното устройство), last amended in State Journal No 15 of 23 February 2010, <http://lex.bg/laws/ldoc/2135163904>

⁴ Chamber of Builders Act (Закон за камарата на строителите), last amended in State Journal No 15 of 23 February 2010, <http://lex.bg/bg/laws/ldoc/2135540681>

⁵ Law on the Chambers of the architects and the engineers in design planning (Закон за камарите на архитектите и инженерите в инвестиционното проектиране), last amended in State Journal No 15 of 23 February 2010, <http://lex.bg/laws/ldoc/2135464083>

⁶ Energy Efficiency Act (Закон за енергийната ефективност), last amended in State Journal No 15 of 23 February 2010, <http://www.mrrb.government.bg/index.php?lang=bg&do=law&type=5&id=8>

⁷ Law on Crafts (Закон за занаятите), last amended in State Journal No 15 of 23 February 2010, <http://lex.bg/bg/laws/ldoc/2135184905>

⁸ Consumer Protection Act (Закон за защита на потребителите), last amended in State Journal No 18 of 5 March 2010, <http://lex.bg/laws/ldoc/2135513678>

⁹ See footnote 7

¹⁰ Draft Law amending the Law on Crafts (Законопроект за изменение и допълнение на Закона за занаятите), <http://www.parliament.bg/?page=app&lng=bg&aid=4&action=show&lid=2680>

Other examples of authorisation schemes include:

- Service providers performing activities in the field of hotels and restaurants and the categorised touristic places as well as tour operator and travel agency activities are subject to an authorisation¹¹.
- Several authorisation schemes apply in the field of wholesale in pharmaceuticals¹², wholesale in medical products¹³ and retail in veterinary medicinal products¹⁴.
- Other authorisation schemes apply to trade in products for plant protection¹⁵, tobacco and tobacco products¹⁶, grains¹⁷, precious metals and stones¹⁸.
- Authorisation schemes exist also in the field of repair and maintenance of cash devices¹⁹, installation, activation, calibration, checks and repair of tachometers²⁰, inspection of measuring devices²¹, maintenance, repair and modification of high-risk equipment and facilities as well as technical supervision of high-risk equipment and facilities²².
- The activities of consultants in charge of the assessment of the compliance of investment projects and/or exercising construction supervision²³, selection/employment agency services²⁴ and the provision of training for obtaining a driving licence²⁵ are also subject to authorisation.

¹¹ See footnote 2

¹² Law on pharmaceutical products in human medicine (Закон за лекарствените продукти в хуманната медицина), last amended in State Journal No 102 of 22 December 2009, <http://lex.bg/laws/ldoc/2135549536>

¹³ Law on medical products (Закон за медицинските изделия), last amended in State Journal No 110 of 30 December 2008, <http://www.mh.government.bg/Articles.aspx?lang=bg-BG&pageid=380&categoryid=1050>

¹⁴ Law on veterinary activity (Закон за ветеринарномедицинската дейност), last amended in State Journal No 25 of 30 March 2010 г., <http://lex.bg/bg/laws/ldoc/2135512300>

¹⁵ Law on plant protection (Закон за защита на растенията), last amended in State Journal No 82 of 16 October 2009 г., <http://lex.bg/bg/laws/ldoc/2135512300>

¹⁶ Law on tobacco and tobacco products (Закон за тютюна и тютюневите изделия) last amended in State Journal No ⁹⁵ of 1 December 2009, <http://lex.bg/laws/ldoc/2133117441>

¹⁷ Law on storage and trade in grains (Закон за съхранение и търговия със зърно) last amended in State Journal No ¹⁰⁰ of 21 November 2008, <http://lex.bg/bg/laws/ldoc/2134424582>

¹⁸ Currency Law (Валутен закон) last amended in State Journal No 24 of 31 March 2009, <http://lex.bg/bg/laws/ldoc/-12802047> and Ordinance on the conditions and order for entry into the register and on the requirements related to the activities of persons dealing with extraction, treatment and trade in precious metals and stones and products including and consisting of them (Наредба за условията и реда за вписване в регистъра и за изискванията към дейността на лицата, които осъществяват дейност по добиване, преработване и сделки с благородни метали и скъпоценни камъни и изделия със и от тях по занятие) last amended in State Journal No ⁷⁶ of ²¹ September 2007, <http://lex.bg/bg/laws/ldoc/2135489068>

¹⁹ Law on VAT (Закон за данък върху добавената стойност) last amended in State Journal No ⁹⁵ of 1 December 2009, <http://lex.bg/laws/ldoc/2135533201> and Ordinance No 18 of 13 December 2006 on registration and reporting of sales in commercial outlets with the means of fiscal devices (Наредба № Н-18 от 13 декември 2006 г. за регистриране и отчитане на продажби в търговските обекти чрез фискални устройства) last amended in State Journal No ⁷⁷ of ²⁹ September 2009, <http://lex.bg/bg/laws/ldoc/2135540645>

²⁰ Law on automobile transport (Закон за автомобилните превози) last amended in State Journal No ⁹³ of 24 November 2009, <http://lex.bg/bg/laws/ldoc/2134681088>

²¹ Law on measurements (Закон за измерванията) last amended in State Journal No ⁸² of 16 October 2009, <http://lex.bg/laws/ldoc/2135449088>

²² Law on technical requirements to products (Закон за техническите изисквания към продуктите), last amended in State Journal No ⁷⁴ of 15 September 2009 г., <http://lex.bg/bg/laws/ldoc/2134683136>

²³ Ordinance concerning the conditions and procedure for issuing of licences for consultants in charge of the assessment of the compliance of investment projects and/or exercising construction supervision of 11 November 2003, last amended in State Journal on 16 June 2009, <http://www.dnsk.mrrb.government.bg/UI/Home.aspx?0ZKDwUgLUJrLGxa%2BzjOLidxWhY9%2FSOK2SfR2G8hRUXg%3D>

²⁴ Law on encouragement of the employment (Закон за насърчване на заетостта) of 29 December 2001, last amended in State Journal No 74 of 15 September 2009, <http://www.lex.bg/bg/laws/ldoc/-12262909> and

Examples of other types of requirements imposed on service providers established in Bulgaria:

The Bulgarian authorities have reported only one requirement of the kind mentioned in Article 15 of the Services Directive. It is related to a reserve of activity and concerns the services of architects and engineers in investment design²⁶.

Examples of requirements on multidisciplinary activities of the regulated professions or in the area of certification, accreditation, technical monitoring and testing services

The Bulgarian authorities have reported two requirements regarding the exercise of multidisciplinary activities by the regulated professions – for independent appraisers who cannot be linked to the assigner of the assessment²⁷ and for architects and engineers in investment design whose employees cannot exercise any business activities in the construction sector and related to construction entrepreneurship²⁸.

No restrictions have been reported for providers of certification, accreditation, technical monitoring and testing services.

Examples of requirements which apply to service providers established in other Member States and providing services in Bulgaria

The Bulgarian authorities have reported only two requirements which apply to service providers established in another Member State and providing cross-border services in Bulgaria. They include a requirement to have a professional ID for providers of crafts services²⁹ and for architects and engineers in investment design³⁰.

Ordinance on the conditions and rules governing employment agencies (Наредба за условията и реда за извършване на посредническа дейност по наемане на работа) of 27.5.2003, last amended in State Journal No 22 of 19 March 2010,

http://www.az.government.bg/internal.asp?CatId=23/01&WA=exchanges/Naredba_Posr.htm

²⁵ Law on road traffic (Закон за движението по пътищата), last amended in State Journal No 93 of 24 November 2009, <http://www.lex.bg/bg/laws/ldoc/2134649345> and Ordinance No 37 of 2 August 2002 on the conditions and the procedure for providing training to candidates to acquire a driving licence and the procedure for the issue of a permit for their training (Наредба № 37 от 2 август 2002 г. за условията и реда за обучение на кандидатите за придобиване на правоспособност за управление на МПС и условията и реда за издаване на разрешение за тяхното обучение), last amended in State Journal No 18 of 5 March 2010, <http://lex.bg/bg/laws/ldoc/2135457094>

²⁶ See footnote 5

²⁷ Law on independent appraisers (Закон за независимите оценители), last amended in State Journal No 98 of 14 November 2008, <http://lex.bg/bg/laws/ldoc/2135605218>

²⁸ See footnote 5

²⁹ See footnote 7

³⁰ See footnote 5