LAW FOR PUBLICITY OF THE PROPERTY OF PERSONS OCCUPYING HIGH STATE POSITIONS


Subject

Art. 1. Subject of this law is the creation of a public register for declaring property, income and expenses of the persons occupying high state positions in the Republic of Bulgaria.

Scope

Art. 2. (1) (suppl., SG 38/04; amend. – SG 73/06, in force from 01.01.2007) Subject to declaration of their property, income and expenses in the country and abroad shall be:

1. the President and the Vice President;
2. the national representatives;
3. (amend. – SG 73/06, in force from 01.01.2007) the Prime Minister, the deputy prime ministers, the ministers and the deputy ministers;
4. the chairman and the judges of the Constitutional Court;
5. the chairmen and the judges of the Supreme Court of Cassation and the Supreme Administrative Court;
6. the chief prosecutor and the prosecutors of the Supreme Cassation Prosecution and the Supreme Administrative Prosecution;
7. (Amend., SG 74/02) the director of the National Investigation Office and his deputies;
8. (amend. – SG 73/06, in force from 01.01.2007) the chairmen and deputy chairmen of state agencies, chairpersons and members of state commissions;
9. the regional governors and deputy regional governors;
10. the chairman and the members of the Audit office;
11. the chairman and the members of the Commission for Protection of the Competition;
12. the governor, the under governors and the members of the managing board of the Bulgarian National Bank;
13. (new, SG 8/03) the chairman, deputy chairman and the members of the Commission for financial supervision;
14. (Amend., SG 28/02; prev. item 13 - SG 8/03) the members of the Executive Board and of the Supervisory Board of the Privatisation Agency as well as the members of the Executive Board and of the Supervisory Board of the Agency for post privatisation control;
15. (prev. item 13 - SG 8/03) the members of the Supreme Judiciary Council;
16. (prev. item 13 - SG 8/03; amend., SG 38/04) the chairman and the members of the Council for Electronic Media;

17. (prev. item 13 - SG 8/03; amend., SG 38/04; amend. – SG 73/06, in force from 01.01.2007)) The Executive Directors of Implementing Agencies and the heads of state institutions, established with a law or with a Decree of the Council of Ministers and their deputies,

18. (prev. item 13 - SG 8/03) the chief negotiator in the negotiations for membership of the Republic of Bulgaria in the European Union.

19. (new, SG 38/04) the ombudsman and the deputy ombudsman;

20. (new, SG 38/04) The chairman, the deputy chairman and the members of the Commission for regulation of the communications;

21. (new, SG 38/04; amend. – SG 73/06, in force from 01.01.2007) the governing bodies of the National Insurance Institute;

22. (new, SG 38/04; amend. – SG 73/06, in force from 01.01.2007) the director of the National Health Insurance Fund and the directors of the Regional health Insurance Funds;

23. (new, SG 38/04) the general directors of the Bulgarian National Television, of the Bulgarian National Radio and of the Bulgarian Telegraph Agency;

24. (new, SG 38/04) the directors and the deputy directors of the security services and the public order services in the meaning of the Law for protection of the classified information;

25. (new, SG 38/04) the director and the deputy directors of "Customs" Agency;

26. (new, SG 38/04; amend. - SG 105/05, in force from 01.01.2006) the Executive Director of the National Revenue Agency;

27. (new, SG 38/04; amend. – SG 73/06, in force from 01.01.2007) the directors and the deputy directors of the regional directorates of the National Police Office and the National Office of Fire Safety and Population Protection, and the heads of the regional Security Offices of the Ministry of Interior;

28. (new, SG 38/04; amend. – SG 73/06, in force from 01.01.2007) the members of the political offices;

29. (new, SG 38/04) the mayors and deputy mayors of municipalities, the mayors and deputy mayors of regions and the chairmen of municipal councils.

30. (new – SG 73/06, in force from 01.01.2007) The General Secretary of the National Assembly, of the President and of the Council of Ministers, General Secretaries in the administration of the executive department of the government;

31. (new – SG 73/06, in force from 01.01.2007) other persons, for which this is provided in a law.

(2) (new – SG 73/06, in force from 01.01.2007) Heads of administrations, which appoint and discharge persons under par. 1, shall be obliged within 14 days after issuing of the respective act to advise about this the National Audit Office.

(3) (prev. par. 2 – SG 73/06, in force from 01.01.2007) The persons under para 1 shall declare the property and the income of their spouses and underage children.
The list of names of the persons under para 1 shall be published in the Internet site of the Audit Office.

Subject of declaring
Art. 3. (1) The persons under art. 2, para 1 shall declare in the public register the following property and income:
   1. real estate;
   2. motor road, water and air vehicles;
   3. cash, takings and liabilities over 5 thousand levs in local or foreign currency;
   4. securities, shares in limited liability companies and limited joint-stock companies, personal stock in joint-stock companies, including acquired through participation in privatisation transactions, other than the cases of bond (mass) privatisation;
   5. (amend., SG 38/04; amend. – SG 73/06, in force from 01.01.2007) income, other than those for the occupied position by the persons under art. 2, para 1 and 3, received during the preceding calendar year when they exceed 500 levs.
   (2) (amend. – SG 73/06, in force from 01.01.2007) Subject to declaring shall be provided security and expenses made by or in favour of the persons under art. 2, para 1 and 3 with their consent, when they are not paid by own resources or by resources of the institution where they occupy the position for:
   1. education;
   2. travelling outside the country;
   3. other payments of unit price over 500 levs.

Periodicity of the declaring
Art. 4. (1) (amend., SG 38/04) The persons under art. 2, para 1 shall declare:
   1. (amend. – SG 73/06, in force from 01.01.2007) property under art. 3, para 1, item 1 – 4 within one month before their assuming office and from their release from the position;
   2. (amend. – SG 73/06, in force from 01.01.2007) the acquired property, received income, given securities and incurred expenses under art. 3 during the preceding calendar year by April 30 of the current year;
   (2) (new, SG 38/04; amend. and suppl. – SG 73/06, in force from 01.01.2007) The persons under art. 2, para 1 shall file a declaration in a form, approved by the Chairperson of the National Audit Office, on a hard copy and electronically, as well as explicit written consent with providing data contained in the declaration, when such a consent is required by a force of a law. The Declaration, submitted only electronically, shall be deemed not filed, unless it is submitted in compliance with the Law of the electronic document and the electronic signature
   (3) (new, SG 38/04) On changing the occupied position by a person who remains a bound person pursuant to art. 2, para 1 declaration under para 1, item 1 shall not be filed.
(4) (new, SG 38/04) Where there is no change of the circumstances subject to declaring under art. 3 declaration under para 1, item 2 shall not be filed for which the chairman of the Audit Office shall be notified in writing.

(5) (new, SG 38/04) The persons under art. 2, para 1 shall not declare the property and the income of their spouses in actual separation, as well as in the cases when both spouses do not live together and have no common household.

(6) (new, SG 38/04; amend. - SG 38/06; amend. – SG 73/06, in force from 01.01.2007) The persons under art. 2, para 1 may introduce changes in the declarations filed by them by 31 May of the current year.

(7) (prev. para 2 – SG 38/04) When declaring the property under art. 3, para 1, item 1, 2, 3 and 4, if it has been acquired during the time of occupation of the position under art. 2, para 1 the same legal grounds and the origin of the resources shall be indicated, by which the acquisition has been accomplished.

Body in charge

Art. 5. (1) (amend., SG 38/04) The public register of the persons under art. 2, para 1 shall be established to the chairman of the Audit Office.

(2) (amend., SG 38/04) The declarations shall be kept for 10 years.

(3) (amend., SG 38/04) The declarations shall be destroyed upon expiration of the term under para 2 by a commission appointed by an order of the chairman of the Audit Office.

Public access to the declarations

Art. 6. (amend. - SG 38/06) (1) Each person shall have the right of access to the data of the public register referred to in art. 5, para 1.

(2) (amend. – SG 73/06, in force from 01.01.2007) Access shall be provided through the Internet site of the National Audit Office with observing the provisions of the Law of protection of personal data.

(3) (new – SG 73/06, in force from 01.01.2007) Within two months after expiration of the terms under Art. 4, par. 1 the Chairperson of the National Audit Office shall release on the Internet site of the Audit Office:

1. declarations of the persons under Art. 1, par. 1’
2. names of persons under Art. 2, par. 1, who have not filed declarations.

(4) (revoked, new – SG 73/06, in force from 01.01.2007) Access to data contained in the public register under Art. 5, par. 1 shall be arranged also under the procedure set in the Law of access to public information.

(5) (prev. par. 3, amend. – SG 73/06, in force from 01.01.2007) The persons referred to in art. 2, para 1 shall have the right of access to the register referred to in art. 5, para 1 regarding their personal declarations.

Examination of filed declarations (Title amend. – SG 73/06, in force from 01.01.2007)

Art. 7. (new, SG 38/04; amend. – SG 73/06, in force from 01.01.2007) (1) Within 6 months after expiration of the term for filing the declarations under Art. 4, par. 1 the Audit Office shall examine the documents for credibility of the declared
information, which is subject to entering, announcement or certification before state and municipal bodies, judicial authorities and other institutions.

(2) For carrying out of the examination the Chairperson of the Audit Office shall request information from the state and municipal bodies, from judicial authorities and other institutions, before which the declared information is subject to entering, announcement or certification.

(3) The bodies and institutions under par. 2 shall be obliged within two months after the acceptance of the request to submit to the Audit Office the required information.

(4) Officials, carrying out the examination, shall have the right to a direct access to the electronic data bases of the bodies and institutions of par. 2. Providing access shall not release the bodies and the institutions of par. 2 from their obligation to send in a written form the requested by the Audit Office information.

(5) The examination shall be carried out by matching the declared information with the received information. The examination shall end up with an assessment of conformity, when no difference between them has been found out, including in cases of inconformity between the declared information and the received information under Art. 3, par. 1, item 3 in an amount of up to 10,000 levs. In the remaining cases the examination shall end up with an assessment of inconformity.

(6) Within one month after expiration of the term under Art. 1 the Chairperson of the Audit Office shall release on the Internet site of the Audit Office the assessment of par. 5 and a list of bodies and institutions, failing to fulfill their obligation under par. 3.

(7) In cases of non-filing of declarations by the persons under Art. 2, par. 1, and also when an assessment of inconformity has been issues, the Chairperson of the Audit Office shall notify the Executive Director of the National Revenues Office about undertaking of actions pursuant to the procedure of Chapter Fourteen or Fifteen of the Tax insurance procedure code. Within 14 days after accomplishment of the examination or the inspection the Executive Director of the National Revenues Office shall send the results to the Chairperson of the Audit Office.

(8) Within 7 days from acceptance of the results from the National Revenues Agency the Chairperson of the Audit Office shall release them on the Internet site of the Audit Office.

Administrative penal provisions (new, SG 38/04)

Art. 8. (new, SG 38/04) (1) (amend. - SG 38/06) A person under art. 2, para 1 who does not file a declaration within the legally set term shall be punished by a fine of 1000 to 1500 levs.

(2) (amend. - SG 38/06) For repeated violation under para 1 the fine shall be from 2500 to 5000 levs.

(3) The fines under para 1 and 2 shall be paid to the revenue of the republican budget.

Art. 9. (new, SG 38/04) (1) The acts for establishing the offences shall be drawn up by officials authorized by the chairman of the Audit Office.
(2) The penal provisions shall be issued by the chairman of the Audit Office.

(3) A penal provision on a drawn up act for established offence committed by the chairman of the Audit Office shall be issued by an authorized member of the Audit Office.

(4) The establishing of offences, the issuance, the appeal and the execution of the penal provisions shall be carried out by the order of the Law for the administrative offences and sanctions.

Additional provisions
(new, SG 38/04)

§ 1. (new, SG 38/04) "Repeatedly" in the meaning of this law is the offence committed within one year from enactment of the penal provision which imposes punishment on the offender for the same offence.

Concluding provisions

§ 1. and § 2. (revoked, SG 38/04)

§ 3. The fulfilment of this law is assigned to the chairman of the Audit Office. The law was adopted by the 38th National Assembly on April 26, 2000 and was affixed with the official seal of the National Assembly.

Transitional and concluding provisions
(SG 38/04)

§ 11. The term under art. 4, para 1, item 2 for 2003 shall by June 30, 2004.

Transitional and concluding provisions
TO THE LAW FOR AMENDMENT OF THE LAW FOR PUBLICITY OF THE PROPERTY OF PERSONS OCCUPYING HIGH STATE POSITIONS

(PROM. – SG 38/06)

§ 4. (1) Access to the data of the public register referred to in art. 5, para 1, included in the declarations submitted before 31 December 2004, shall have the bodies authorized according to other laws to receive information, the heads of institutions which staff consists of the persons referred to in art. 2, para 1, and mass media through their governing bodies, by granting the access according to the current order.
(2) Shall not be published by the mass media or in any other way without the written consent of the persons referred to in art. 2, para 1 and 2 their personal data or other data which specify their property and incomes included in the declarations referred to in para 1.

Transitional and concluding provisions

TO THE LAW FOR AMENDMENT OF THE LAW FOR PUBLICITY OF THE PROPERTY OF PERSONS OCCUPYING HIGH STATE POSITIONS

(PROM. – SG 73/06, IN FORCE FROM 01.01.2007)

§ 7. The procedure of Art. 7 shall be applied for declarations, filed after entering into force of this law.

§ 9. Not later than 1 January 2007 the Chairperson of the Audit Office shall approve directions for carrying out the examination of Art. 7 and forms of declarations and written consents under Art. 4, par. 2, which shall be promulgated in the State Gazette.

§ 10. The law shall enter into force from 1 January 2007.