

LAW ON PROTECTION OF COMPETITION

Promulgated, State Gazette, Issue 102 of 28.11.2008, amend. SG 42 of 5 June 2009, amend. SG 54 of 16 July 2010, amend. SG 97 of 10 December 2010, amend. SG 73 of 20 September 2011, amend. SG 38 of 18 May 2012, amend. SG 15 of 15 February 2013, amend. and suppl. SG 56 of 24 July 2015, amend. and suppl. SG 2 of 3 January 2018, amend. and suppl. SG 77 of 18 September 2018, amend. SG 17 of 26 February 2019, amend. SG 28 of 5 April 2019, amend. and suppl. SG 17 of 26 February 2021, coming into force as from 26 February 2021

Title One GENERAL

Chapter One GENERAL PROVISIONS

Subject Matter

Art. 1. (1) This Law aims at ensuring protection and conditions for promotion of competition and free economic initiative.

(2) (Supplemented in State Gazette, issue 56 of 2015, amended in issue 17 of 2021, coming into force as from 26 February 2021) For the purposes under paragraph 1 the law shall regulate the protection against agreements, decisions and concerted practices, abuse of monopoly or dominant position on the market and any other acts and actions that may lead to prevention, restriction or distortion of competition within the country and/or may affect trade between the European Union Member States as well as against unfair competition or unfair trading practices between economic subjects in the agricultural and food supply chain The law shall also regulate the control on the concentrations between undertakings.

(3) (amend. – SG 2 of 2018) This Law shall regulate the relations with regard to the application of Art. 81 and Art. 82 of the Treaty establishing the European Community, including co-operation with the European Commission and the national competition authorities of the Member States of the European Union in implementing Regulation (EC) No. 1/2003 of the Council of 16 December 2002 on the implementation of the rules of competition laid down in Article 101 and 102 of the Treaty on the Functioning of the European Union, hereinafter referred to as “Regulation (EC) 1/2003” and Regulation (EC) No. 139/2004 of the Council of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation), hereinafter referred to as “Regulation (EC) No. 139/2004”.

(4) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) This law shall regulate the powers of the Commission on Protection of Competition as a competent authority under Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004 (OB, L 345/1 of 27 December 2017), hereinafter referred to as “Regulation (EU) 2017/2394”, in case of misleading and unauthorized comparative advertising under Art.32 of the act.

Scope

Art. 2. (1) This Law shall apply to:

1. undertakings and associations of undertakings which carry out their activities within or outside the territory of the Republic of Bulgaria, if they explicitly or tacitly prevent, restrict, distort or may prevent, restrict or distort competition in the country;

2. state authorities, including executive branch and local authorities, if they explicitly or tacitly prevent, restrict, distort or may prevent, restrict or distort competition in the country;

3. undertakings to whom the state or the municipality have assigned services of public interest insofar as the application of the Law does not impede *de facto* or *de jure* the fulfilment of the tasks assigned to them and competition in the country is not affected to an appreciable extent;

4. natural persons who commit or contribute to committing an infringement under this Law.

5. (new item – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) natural and legal persons, groups of natural and legal persons or public authorities that in purchasing agricultural and food products engage in unfair trading practices in the relations with the supplies in the agricultural and food supply chain where the supplier and/or the buyer is/are established on the territory of the European Union.

(2) This Law shall not apply to actions, the consequences of which restrict or may restrict or distort competition in another state, unless otherwise provided in an international agreement, which has entered into force, to which the Republic of Bulgaria is a party.

Chapter Two

COMMISSION ON PROTECTION OF COMPETITION

Status

Art. 3. (1) (amend. SG 15 of 2013, in force from 01.01.2014) The Commission on Protection of Competition, hereinafter referred to as “the Commission”, shall be an independent specialised state body on budget maintenance and a first-level administrator of budget credits. The Commission shall be a legal entity seated in Sofia.

(2) (Amended in State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The Commission shall be the national authority of the Republic of Bulgaria responsible for the application of the European Union law in the field of competition.

(3) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The Commission shall exercise its powers under this law as no authority of the state, including authorities of the executive, local self-government, or private entities, shall have the right to interfere with and give instructions regarding the Commission’s work as that shall not affect the compliance with the strategies, programmes and plans for development of the respective sectors of the economy adopted by the National Assembly of the Republic of Bulgaria and by the Council of Ministers.

Members

Art. 4. (1) (Amended in State Gazette, issue 54 of 2010, issue 73 of 2011 coming

into force as from 20 September 2011, supplemented in issue 56 of 2015, amended in issue 17 of 2021, coming into force as from 26 February 2021) The Commission shall consist of seven members, including a chairperson, a deputy chairperson and five members who shall be elected and dismissed by the National Assembly for a 7-year term of office. The Members of the Commission shall be elected after a public procedure is conducted and may not be immediately re-elected for one more mandate.

(2) The Chairperson of the Commission must be a qualified lawyer having legal work experience of not less than 10 years and meeting the requirements set out in paragraph (3).

(3) (Amended in State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) Deputy Chairperson and Members of the Commission shall be Bulgarian citizens with higher legal or economic education with length of service in the speciality of at least 5 years, and who have high professional and moral qualities, who have not been sentenced for wilful indictable offences. They cannot be favoured in any form whatsoever by undertakings and may not hold another paid position unless they engage in scientific, teaching or arbitration activity.

(4) (amend. – SG 54 of 2010) The Chairperson, the Deputy Chairperson and the Members of the Commission shall swear an oath before the National Assembly in accordance with Art. 76, paragraph (2) of the Constitution of the Republic of Bulgaria.

(5) (amend. – SG 54 of 2010) The Commission's Chairperson shall receive a basic monthly remuneration in the amount of 90 percent of the basic remuneration of the Chairperson of the National Assembly. The Deputy Chairpersons shall receive a basic monthly remuneration of 95 percent, and the Members - of 90 percent of the basic monthly remuneration of the Commission's Chairperson.

Termination of Powers

Art. 5. (1) (amend. – SG 54 of 2010) The powers of the Chairperson, the Deputy Chairperson and the Members of the Commission shall be terminated by the National Assembly prior to the expiry of their term of office:

1. at their own request;
2. when it is impossible for them to perform their duties for more than six consecutive months;
3. for incompatibility with the requirements of Art. 4, paragraph (3), that has occurred after the election.
4. (new – SG 42 of 2009; amend. – SG 97 of 2010, in force from 10.12.2010) in case an act, by which conflict of interests is established under the Act on Prevention and Findings of Conflict of Interests;
5. (previous item 4 – SG 42 of 2009) in case of decease.

(2) (amend. – SG 42 of 2009) In the cases under paragraph (1), items 1, 2, 3 and 4 the powers shall be terminated with a decision of the National Assembly.

(3) If any of the circumstances under paragraph (1) occurs, the Chairperson shall notify the National Assembly. When the circumstance under paragraph (1) refers to the Chairperson, any Commission member may do the notification.

(4) Within one month as of receipt of the notification under paragraph (3), the National Assembly shall adopt a decision on the pre-term termination of the powers and shall elect a new member for the remainder of the initial term of office.

(5) (amend. – SG 54 of 2010) Up to two months before the expiry of the term of office of the Chairperson, the Deputy Chairperson and the Members of the Commission,

the National Assembly shall elect new Chairperson, Deputy Chairperson and Members.

(6) (amend. – SG 54 of 2010) In case that upon expiry of the term of office of the Chairperson, Deputy Chairperson and Members of the Commission the election under paragraph (5) is not made, they shall continue to exercise their powers until the inauguration of the new Members.

(7) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The powers of the Members of the Commission may not be terminated on grounds related to the precise performance of their duties or the exercise of their powers in applying Articles 101 and 102 of the Treaty on the Functioning of the European Union.

Organisation and Activity

Art. 6. (1) The Commission’s organization and activity shall be regulated by Rules of Organisation, which shall be promulgated in the State Gazette.

(2) The activities of the Commission shall be assisted by an administration.

Administration of the Commission

Art. 7. (1) The composition, organizational structure, rights and obligations of the administration of the Commission shall be set out in the rules adopted pursuant to Art. 6, paragraph (1).

(2) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) For the effective performance of its powers the Commission shall have the necessary qualified staff, technical and technological resources.

(3) (Formerly paragraph 2 – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The legal relationships with the employees in the administration shall arise and be regulated in accordance with the provisions of the Law on Civil Servant and the Labour Code.

Competence

Art. 8. (1) (Formerly the text of Art.8 – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The Commission on Protection of Competition shall:

1. (amend. – SG 2 of 2018) establish infringements under this Law as well as under Article 101 and 102 of the Treaty on the Functioning of the European Union;

2. impose sanctions as provided for in this Law;

3. (amend. – SG 2 of 2018) establish that no infringement under this Law has been committed or there are no grounds for taking action for committed infringement under Article 101 and 102 of the Treaty on the Functioning of the European Union;

4. (Amended in State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) cooperate with the European Commission and the other national competition authorities of the European Union Member States, subject to the procedure stipulated in Regulation (EC) No 1/2003, Regulation (EC) No 139/2004, Regulation (EU) 2017/2394 in cases of misleading and unauthorized comparative advertising and with the European Commission and the national enforcement authorities under Directive (EU) 2019/633 of the European Parliament and of the Council of 17 April 2019 on unfair trading practices in business-to-business relationships in the agricultural and food supply chain (OB, L 111/59 of 25 April 2019), hereinafter referred to as “Directive (EU) 2019/633”;

5. issue the authorisations as provided for in this Law;
 6. propose to the competent state authorities and local government bodies, to revoke or amend administrative acts, issued by them, that have or may lead to the prevention, restriction or distortion of competition;
 7. impose interim measures in the cases provided for in this Law;
 8. (amend. – SG 2 of 2018) approve the undertaking of commitments by undertakings or impose measures to restore competition in respect of undertakings, whose behaviour is subject to investigation under Art. 15 and Art. 21 of this Law and/or under Article 101 and 102 of the Treaty on the Functioning of the European Union, as well as the remedies for the preservation of competition under Art. 86 of this Law;
 9. rule on termination of the infringements, including by imposing the appropriate behavioural and/or structural remedies to restore competition;
 10. conduct sector inquiries of the competitive environment;
 11. rule on any other requests, related to this Law;
 12. interact with other state authorities, including the authorities of the executive branch, as well as with local government authorities, institutions and non-governmental organisations, by participating in drafting legislative acts, expressing opinions on draft and existing legislative and general administrative acts, exchanging information and other forms of cooperation;
 13. propose and organize initiatives related to raising awareness of the rules of competition;
 14. adopt the Rules of organization, as well as any other acts as provided for in this Law;
 15. keep an electronic register of the adopted acts.
- (2) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The Commission shall exercise its powers under this law and shall apply Articles 101 and 102 of the Treaty on the Functioning of the European Union in accordance with the European Union law and in adhering to its general principles and the ones of the Charter of Fundamental Rights of the European Union.

Chairperson of the Commission

Art. 9. (1) The Chairperson of the Commission shall:

1. represent the Commission or empower persons to represent it;
2. organise and manage the activities of the Commission;
3. schedule and preside the sittings of the Commission;
4. approve the staff table of the Commission's administration;
5. conclude, modify and terminate the employment and civil service contracts with the officials from the administration;
6. organise and enforce the decisions of the Commission which have come into force;
7. (Amended in State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) approve acts of the Commission other than the acts under Art. 8, paragraph 1, item 14;
8. execute the budget;
9. provide information to the public about the activities of the Commission through the mass media;
10. perform the international cooperation of the Republic of Bulgaria with international organisations or with the authorities of other states in the field of protection

of competition.

(2) (amend. – SG 54 of 2010) When performing his/her functions, the Chairperson shall be assisted by the Deputy Chairperson. In those cases where the Chairperson is abroad or in legal leave, he/she shall delegate his/her powers to the Deputy Chairperson by an order regarding each individual case.

Conflict of interests

Art. 10. (1) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The Members of the Commission and the employees in its administration shall exercise their powers and respectively carry out their obligations impartially and in the interest of the effective application of this law and of Articles 101 and 102 of the Treaty on the Functioning of the European Union.

(2) (Formerly paragraph 1 – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) A Member of the Commission or an employee from its administration may not participate in proceedings under this law if he/she is interested in the outcome thereof or if there are reasonable doubts about his/her impartiality.

(3) (Formerly paragraph 2 – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The Member of the Commission or the employee shall recuse himself/herself on his/her own initiative or upon the parties' request.

(4) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) For one year as from the date of termination of their powers or of their civil service relationship the Members of the Commission and the employees in its administration may not participate in pending proceedings under this law initiated during the performance of their powers or duties, in their capacity of authorized representatives of undertakings, nor may they be consultants under non-completed proceedings under the law as otherwise that shall be considered a conflict of interests with the preceding functions performed by them.

Professional secret

Art. 11. (1) The members of the Commission and the officials of the administration shall not have the right to disclose information, which constitutes professional secret.

(2) (Supplemented in State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) Disclosure of information being a professional secret may be made by the Commission only in pursuance of its obligations as a national competition authority of an European Union Member State, subject to the procedure stipulated in Regulation (EC) No 1/2003 and Regulation (EC) No 139/2004 as a enforcement authority under Directive (EU) 2019/633 and as a competent authority under Art. 3, item 6 of Regulation (EU) 2017/2394.

Pecuniary liability

Art. 12. The Members of the Commission and the officials of the administration shall not bear any pecuniary liability for damages caused in the course of performing their functions and powers under this Law, unless they have intentionally committed indictable crime.

Commission's Budget

Art. 13. (1) (amend. SG 15 of 2013, in force from 01.01.2014) The Commission's

budget shall be drawn up, executed and accounted for in compliance with the Public Finance Act.

(2) The Commission shall receive to its budget income from:

1. fees and expenses pursuant to this Law, the Public Procurement Law and the Concessions Act;

2. pecuniary sanctions and fines imposed with Commission decisions which have come into force;

3. other sources from activities allowed by a law..

(3) (revoked – SG 38 of 2012, in force from 01.07.2012)

(4) (revoked – SG 38 of 2012, in force from 01.07.2012)

(5) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) When developing the budget forecast for the respective year the Commission shall plan in its budget costs enabling it to conduct at any time an investigation of possible infringements of Articles 101 and 102 of the Treaty on the Functioning of the European Union, of infringements under Regulation (EU) 2017/2394 in cases of misleading and unauthorized comparative advertising and under Chapter Seven “b” as well as to carry out effective cooperation within the European Competition Network in view of the interaction stipulated in Chapter Eleven of the law with the European Commission and the competent national authorities under Regulation (EU) 2017/2394 in cases of misleading and unauthorized comparative advertising and with the European Commission and the national enforcement authorities under Directive (EU) 2019/633.

Annual Report

Art. 14. (1) By May 30 of the following year the Commission shall prepare and submit to the National Assembly an annual report on its activities.

(2) The Commission shall publish the annual report under the previous paragraph and make it available on its site.

(3) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The annual report of the Commission under paragraph 1 in its part containing the number of complaints received, proceedings initiated and completed under Chapter Seven “b” shall be sent in advance to the European Commission not later than 15 March of the following year. The report shall contain, for each completed proceedings, a summarized description of the case and of the decision of the Commission subject to compliance with the requirements of Art.55 and Art.49, paragraph 3.

Title Two

RESTRICTION OF COMPETITION

Chapter Three

PROHIBITED AGREEMENTS, DECISIONS AND CONCERTED PRACTICES

General Prohibition

Art. 15. (1) The following shall be prohibited: all types of agreements between undertakings, decisions by associations of undertakings as well as concerted practices

of two or more undertakings having as their object or effect the prevention, restriction or distortion of competition on the relevant market, such as those which:

1. directly or indirectly fix prices or other trading conditions;
2. share markets or sources of supply;
3. limit or control production, trade, technical development or investment;
4. apply to certain partners dissimilar conditions for equivalent transactions, thereby placing them at a competitive disadvantage;
5. make the conclusion of contracts subject to acceptance by the other party of supplementary obligations or to the conclusion of additional contracts which, by their nature or in accordance with commercial usage, have no connection with the subject of the main contract or to its performance.

(2) Any agreements and decisions referred to in paragraph (1) shall be null and void.

Agreements of Minor Importance

Art. 16. (1) The prohibition referred to in Art. 15, paragraph (1) shall not apply to agreements, decisions or concerted practices with inappreciable effect on competition.

(2) The effect shall be considered inappreciable where the aggregate share of the participating undertakings on the market of goods or services affected by the agreement, the decision or the concerted practice does not exceed:

1. ten per cent of the relevant market, where the participants are competitors;
2. fifteen percent of any of the relevant markets, where the participants are not competitors;

(3) Paragraph (1) shall not apply where the agreements, decisions or concerted practices have as their object or effect:

1. direct or indirect fixing of prices;
2. allocation of markets and/or customers;
3. limitation of production and sales.

(4) The Commission shall adopt rules, governing the application of paragraphs (2) and (3) which shall be published in the register under Art. 68, paragraph (1).

Exemption from the Prohibition

Art. 17. (1) Agreements, decisions and concerted practices within the meaning of Art. 15, paragraph (1) shall not be prohibited, if they contribute to the improvement of the production or distribution of goods or provision of services or to the promotion of technological and/or economic progress, while ensuring a fair share of the resulting benefits to the consumers and if they:

1. do not impose on the undertakings concerned restrictions that are not indispensable to the attainment of these objectives; and
2. do not afford such undertakings the possibility of eliminating competition in respect of a substantial part of the relevant market.

(2) The burden of proof in respect of the circumstances under paragraph (1) shall be upon the undertakings or the associations of undertakings that invoke them.

Block Exemption from the Prohibition

Art. 18. (1) Certain categories of agreements, decisions and concerted practices which comply to the requirements under Art. 17 may be exempted from the prohibition

under Art. 15 by a decision of the Commission, which shall not be subject to appeal. It shall be published in the register under Art. 68.

(2) Where the Commission, as a result of an investigation, establishes that an agreement, decision or concerted practice, falling within the scope of a decision under paragraph (1), does not meet the requirements specified in Art. 17, it shall rule that the block exemption decision shall not apply to that particular case, but shall not impose the sanction provided for in the Law for an infringement under Art. 15 and shall specify a period within which the parties shall bring their agreement into compliance with Art. 17 or terminate it.

(3) (amend. – SG 2 of 2018) Where the Commission, as a result of an investigation, establishes that an agreement, decision or concerted practice is incompatible with Article 101, paragraph 3 of the Treaty on the Functioning of the European Union in the territory of the country or part thereof, which has all the characteristics of a distinct geographic market, the Commission shall rule that the provisions of the relevant European Union Regulation on block exemption from the prohibition under Article 101, paragraph 1 of the Treaty on the Functioning of the European Union shall not apply in the particular case, but shall not impose the sanction provided for in the Law for an infringement under Article 101, paragraph 1 of the Treaty on the Functioning of the European Union and shall specify a period within which the parties shall bring their agreement into compliance with Article 101, paragraph 3 of the Treaty on the Functioning of the European Union or terminate it.

Chapter Four

ABUSE OF MONOPOLY OR DOMINANT POSITION

Monopoly Position

Art. 19. (1) The position of an undertaking which by law has the exclusive right to carry out a certain type of economic activity shall be monopolistic.

(2) A monopoly position may be granted only by law in the cases provided for in Art. 18, paragraph (4) of the Constitution of the Republic of Bulgaria.

(3) Any other kind of granting of monopoly position apart from the cases under paragraph (2) shall be null and void.

Dominant Position

Art. 20. Dominant shall be the position of an undertaking which, in view of its market share, financial resources, possibilities for market access, level of technology and economic relations with other undertakings may hinder competition on the relevant market, as it is independent of its competitors, suppliers or customers.

Prohibition of Abuse of Monopoly or Dominant Position

Art. 21. The conduct of undertakings enjoying monopoly or dominant position, as well as the conduct of two or more undertakings enjoying a collective dominant position that may prevent, restrict or distort competition and impair consumers' interests, shall be prohibited, such as those which:

1. impose directly or indirectly purchase or sale prices or other unfair trading conditions;
2. limit production, trade and technical development to the prejudice of consumers;
3. apply to certain partners dissimilar conditions for equivalent transactions,

thereby placing them at a competitive disadvantage;

4. make the conclusion of contracts subject to acceptance by the other party of supplementary obligations or to the conclusion of additional contracts which, by their nature or according to common commercial usage, have no connection with the object of the main contract or with its performance;

5. unjustified refusal to supply goods or to provide services to actual or potential customers in order to impede their economic activity.

Chapter Five

CONTROL ON CONCENTRATIONS BETWEEN UNDERTAKINGS

Definition

Art. 22. (1) A concentration of undertakings shall be deemed to arise where there is a change of control on a lasting basis, which results from:

1. the merger or takeover of two or more independent undertakings, or
2. the acquisition, by one or more persons already controlling at least one undertaking, whether by purchase of securities, shares or assets, by contract or by any other means, of direct or indirect control of the whole or parts of other undertakings.

(2) The creation of a joint venture performing on a lasting basis all the functions of an autonomous economic entity shall also constitute a concentration within the meaning of paragraph (1).

(3) Control shall be constituted by rights, contracts or any other means which, either separately or in combination and having regard to the considerations of fact or law involved, confer the possibility of exercising decisive influence on an undertaking, in particular by acquiring

1. ownership or the right to use the entirety or part of the assets of the undertaking;
2. rights, including on the basis of a contract, which provide a possibility for decisive influence on the composition, voting or decisions of the organs of the undertaking.

Derogations

Art. 23. A concentration shall not be deemed to arise in cases where:

1. credit institutions and other financial institutions or insurance companies, the normal activities of which include transactions in securities for their own account or for the account of any third party, hold on a temporary basis securities which they have acquired in an undertaking with a view to reselling them, but only provided that:

a) they do not exercise the voting rights attached to those securities in order to influence the competitive behaviour of that undertaking; or

b) they exercise such voting rights only in order to prepare the disposal of those securities and that any such disposal takes place within one year of the date of acquisition;

2. control is acquired by a person, who according to the law in force performs functions related to the winding up or declaring the insolvency of the undertaking;

3. the operations referred to in Art. 22, paragraph (3) are carried out by financial holding companies, provided that the control acquired by the holding is exercised solely to maintain the full value of the investments and not to determine directly or indirectly the competitive behaviour of the undertakings in which the holding participates.

Prior Notification

Art. 24. (1) The concentrations shall be subject to mandatory prior notification to the Commission if the sum of the total turnovers of all undertakings participating in the concentration on the territory of the Republic of Bulgaria during the preceding financial year exceeds BGN 25 million, and

1. (Amended in State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) the total turnover of any one of at least two of the undertakings participating in the concentration on the territory of the Republic of Bulgaria during the preceding financial year exceeds BGN 3 million, or

2. (Amended in State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) the total turnover of the undertaking – subject to acquisition on the territory of the Republic of Bulgaria during the preceding financial year exceeds BGN 3 million.

(2) Undertakings shall be obliged to notify the Commission following the conclusion of the agreement, the public announcement of the bid or the acquisition of control, but before the undertaking of any actual actions to implement the transaction. In certain cases, upon request of the parties, the Commission may assess concentrations prior to conclusion of the agreement or the public announcement of the bid, where the parties provide sufficient evidence of their intentions to conclude an agreement or have publicly announced their intention to make a tender offer.

Calculation of Turnover

Art. 25. (1) The aggregate turnover shall include the net income from sales of an undertaking participating in the concentration during the preceding financial year, being the amounts derived from sale of products, goods and services, generated from the ordinary activities of the undertaking, reduced with commercial discounts, cutbacks, rebates and value added tax. Turnover shall not include income from sale of products, goods and services between undertakings belonging to the same economic group.

(2) Where concentration comprises acquisition of part or parts of one or more undertakings, whether or not constituted as separate legal entities, only the turnover relating to the part or parts which are the subject of the concentration shall be taken into account.

(3) For the purposes of this Art., turnover shall consist of:

1. for credit or other financial institutions – the amount of the following revenue items after deduction of VAT and when necessary – other taxes related to these items:

- a) interest income and other similar income;
- b) income from securities: income from shares and other variable yield securities; income from participating interests; income from shares in affiliated undertakings;
- c) commissions receivable;
- d) net profit on financial operations;
- e) other operating income;

the turnover of a credit or other financial institution in the Republic of Bulgaria includes the income items, as determined above received by their branches or divisions established in the Republic of Bulgaria;

2. for insurance undertakings – the value of the gross premiums written, which shall comprise all amounts received and receivable in respect of insurance contracts,

issued by or on behalf of the insurance undertakings, including outgoing re-insurance premiums after deduction of taxes and instalments or levies charged by reference to the amounts of individual premiums or the total volume of premiums.

(4) The aggregate turnover of the undertaking shall be calculated as a sum of the respective turnovers of:

1. the respective undertaking-participant;
2. the undertakings controlled directly or indirectly pursuant to Art. 22 paragraph (3) by the undertaking-participant;
3. the undertakings controlling directly or indirectly the respective undertaking-participant pursuant to Art. 22, paragraph (3);
4. other undertakings controlled directly or indirectly pursuant to Art. 22, paragraph (3) by an undertaking exercising control over the respective undertaking-participant;
5. the undertakings jointly controlled by the undertakings mentioned in items 1 – 4.

(5) When any of the undertakings under paragraph (4), items 1 - 4 exercises joint control over another undertaking, when calculating the aggregate turnover:

1. no account shall be taken of the turnover resulting from the sale of products or the provision of services between the joint undertaking and the undertakings under paragraph (4) items 1 – 4;
2. account shall be taken of the turnover resulting from the sale of products and the provision of services between joint undertakings and any third undertaking. This turnover shall be apportioned equally amongst the undertakings exercising joint control.

Assessment and Approval of a Concentration

(Title amended in State Gazette, issue 17 of 2021, coming into force as from 26 February 2021)

Art. 26. (1) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) A concentration subject to notification under Art.24, paragraph 1 shall be assessed in order to determine the effect thereof on competition on the relevant market.

(2) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) In assessing the concentration the Commission shall take into account the need of maintaining and developing competition on the relevant market as circumstances such as the following shall be considered: the structure of the relevant markets and of the actual and potential competition between the undertakings located within or outside the European Union and the Republic of Bulgaria, respectively, the position of the undertakings on the relevant markets before and after the concentration, the existence of buyer power, possible alternatives for selection of suppliers and customers, their access to supplies or markets, technical and technological progress ensuring benefits for consumers as a result of the concentration, the trends in demand and supply of the relevant goods and services, the interests of consumers, legal, administrative, economic or other barriers to entry into the relevant markets as well as other circumstances relevant to the particular case.

(3) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) Where a joint venture within the meaning of Art. 22, paragraph 2 is established it shall be assessed whether the concentration aims to or results in

coordination of competitive behaviour of undertakings that remain independent.

(4) (Formerly paragraph 1, amended – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The Commission shall authorize the concentration if it does not lead to a significant impediment to effective competition in the relevant market, especially as a result of creation or strengthening of a dominant position.

(5) (Formerly paragraph 2, amended – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The Commission may authorize a concentration that even if it leads to a significant impediment to effective competition in the relevant market, especially as a result of creation or strengthening of a dominant position, aims to modernize the respective economic activity, improve the market structures, better satisfy the interests of consumers and if, as a whole, the positive effect prevails over the negative impact on competition on the relevant market.

Chapter Six

SECTOR INQUIRIES AND COMPETITION ADVOCACY

Sector Inquiries of the Competition Environment

Art. 27. (1) The Commission shall perform a sector inquiry in cases where the competition in a certain sector, branch, sub-branch or region may be prevented, restricted or distorted.

(2) In the framework of the inquiry under paragraph (1), the Commission may define the relevant markets and investigate their characteristics and structure, barriers to entry, market participants, degree of market concentration, sector dynamics, regulatory framework, self-regulation and draw conclusions on the conditions of the competitive environment.

Competition Advocacy

Art. 28. In order to protect free economic enterprise and prevent restriction or distortion of competition, the Commission shall assess the compatibility with the provisions of this Law of:

1. draft legislative or regulatory administrative or general administrative acts;
2. effective legislative or regulatory administrative or general administrative acts;
3. draft acts of associations of undertakings, which regulate the activities of their members.

Chapter Seven

PROHIBITION OF UNFAIR COMPETITION

General Prohibition

Art. 29. Any action or omission when carrying out economic activity, which is contrary to good faith commercial practices and damages or may damage the interests of competitors shall be prohibited.

Damaging Good Name of Competitors

Art. 30. Damaging good name and trust in competitors, and in the goods or services offered by them, by way of assertion or dissemination of false information, as well as by way of misrepresenting of facts, shall be prohibited.

Misleading

Art. 31. Any misleading in respect of substantive characteristics of goods or services, or in respect of the manner of use of the goods or the provision of the services by asserting false information or misrepresenting facts shall be prohibited.

Prohibition of Misleading and Comparative Advertising

Art. 32. (1) Misleading advertising, as well as illegal comparative advertising shall be prohibited.

(2) The advertiser and the advertising agency, which produced the advertisement, shall bear responsibility for misleading and illegal comparative advertising.

Misleading Advertising

Art. 33. (1) Misleading shall be any advertising which in any way, including its presentation, deceives or is likely to deceive the persons to whom it is addressed or whom it reaches and which, by reason of this, is likely to affect their economic behaviour or, for these reasons, damages or is likely to damage a competitor.

(2) In determining an advertising as misleading, account shall be taken also of:

1. the characteristics of the goods and services, such as: their availability, appearance, execution, composition, method and date of manufacture of the goods or provision of the services, usage expiration date, ways of usage, quantity, geographical and commercial origin, the results to be expected from their use, results and substantial features of tests or checks carried out on the goods or services;

2. the price or the manner of its formation and the conditions on which the goods are supplied and the services provided;

3. data about the advertiser or the advertising agency, such as: name or trade name, address or seat; address of management; property; industrial and intellectual property rights; awards or distinctions.

Comparative Advertising

Art. 34. (1) Comparative advertising means any advertising which directly or indirectly identifies a competitor or goods or services offered by him.

(2) Comparative advertising shall be permitted when:

1. it is not misleading under the meaning of Art. 33 of this Law and is not an unfair commercial practice under the meaning of Art. 68e, 68f, 68g of the Consumer Protection Act;

2. it compares goods or services satisfying the same needs or intended for the same purpose;

3. it objectively compares one or more features of the goods and services which are substantial, comparable and representative for these goods and services, including their prices;

4. it does not lead to confusion between the advertiser and his competitors or between trademarks, trade names, other distinguishing marks, goods or services of the advertiser and those of his competitors;

5. it does not discredit or denigrate the trademarks, trade names, other distinguishing marks, goods, services, activities or situation of the competitors;

6. it compares goods with the same designation of origin;

7. it does not take unfair advantage of the reputation of the trademark, trade name or other distinguishing marks of the competitors or of the designation of origin of competing goods;

8. it does not present the goods or services as imitations or replicas of goods or services bearing a protected trademark or trade name.

(3) (Amended in State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) In assessing whether a comparative advertising is permitted the provisions of Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (OB, L 343/1 of 14 December 2012) shall also be taken into consideration in addition to the circumstances under paragraph 2.

Imitation

Art. 35. (1) The offering of goods or services whose appearance, packaging, marking, name or other features deceive or may lead to deception in respect of their origin, manufacturer, seller, method and place of manufacture, the source and manner of acquisition or purpose, the quantity, quality, nature, consumer properties and other substantial characteristics of the goods or services, shall be prohibited.

(2) The use of trading name, mark or geographical indication identical or similar to those of other persons, in a manner that may lead to injuring the interests of competitors shall be prohibited.

(3) The use of a domain name or web-site design identical or similar to those of other persons in a manner that may mislead and/or injure the interests of competitors shall be prohibited.

Unfair Solicitation of Clients

Art. 36. (1) Carrying out unfair competition, aimed at soliciting clients, as a result of which existing agreements are terminated or breached, or entry into such agreements with competitors is prevented, shall be prohibited.

(2) Offering or granting as a supplement to goods sold or services provided, either free of charge or at an ostensible price, of other goods or services except for: advertising items of minor value and bearing a clear indication of the advertising undertaking; items or services which according to commercial usage are an attribute to the goods sold or services provided; goods or services as a rebate for sales in higher quantities; shall be prohibited.

(3) (Amended in State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) It shall be prohibited to effect a sale where anything is being offered or promised together with such sale the receipt of which depends on: problem solving, puzzles, questions, riddles; collection of series of coupons and other suchlike; running games with cash prizes or merchandise prizes whose value considerably exceeds the price of the good or service being sold. The Commission shall adopt, on the grounds of Art. 8, paragraph 1, item 14, rules by which it shall determine the cases where the value of the promised reward considerably exceeds the price of the good or service being sold.

(4) (Amended in State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) It shall be prohibited to sell goods or provide services in considerable amounts on the domestic market for a continuous period of time at prices lower than the costs for production and realization of the goods or realization of the services, respectively, in order to unfairly attract customers.

Prohibition of Disclosure of Production or Trade secrets

Art. 37. (1) Discovering, using or disclosing manufacturing or trade secrets that is contrary to good faith commercial practices, shall be prohibited.

(2) Using or disclosing manufacturing or trade secrets shall be prohibited, where they have been discovered or disclosed under the condition that they shall not be further used or disclosed.

Chapter Seven “a”

(New chapter – State Gazette, issue 56 of 2015, repealed, issue 17 of 2021, coming into force as from 26 February 2021)

ABUSE OF STRONGER BARGAINING POSITION

Art. 37a. (New Art.– State Gazette, issue 56 of 2015, repealed, issue 17 of 2021, coming into force as from 26 February 2021).

Chapter Seven “b”

(New chapter – State Gazette, issue 17 of 2021, coming into force as from 1 November 2021)

UNFAIR TRADING PRACTICES ALONG THE AGRICULTURAL AND FOOD SUPPLY CHAIN

Absolute Prohibitions

Art. 37b. (New Art.– State Gazette, issue 17 of 2021, coming into force as from 1 November 2021) (1) The unfair trading practices in the relations between buyers and suppliers in the agricultural and food supply chain such as the following shall be prohibited:

1. payment from a buyer to a supplier:
 - a) later than 30 days after the expiration of the agreed delivery period in which the deliveries have been made, or not later than 30 days after the date of setting of the payable amount for that delivery period, depending on the later date – under contracts for regular delivery of perishable agricultural and food products and other agricultural and food products;
 - b) later than 30 days after the date of delivery or later than 30 days after the date of setting of the payable amount, as from the later date – under contracts that do not stipulate for conditions for regular delivery of perishable agricultural and food products and of other agricultural and food products;
2. buyer’s cancellation of orders for perishable agricultural and food products with a prior notice of less than 30 days so that the supplier cannot be reasonably expected to find another way to commercialize or use such products;
3. unilateral change on part of the buyer of conditions under the contract for supply related to the frequency, method, place, time or volume of delivery or the supply, quality standards, terms of payment or prices, deadline, as well as with respect to the provision of the services specified in Art. 37c;
4. the buyer requesting from the supplier payments not related to the sale of

agricultural and food products of the supplier;

5. the buyer requesting a payment from the supplier in case of deterioration of the quality, discarding and/or shortages of agricultural and food products which have occurred in buyer's premises or after the ownership is transferred to the buyer where this is not due to reasons for which the supplier is responsible;

6. buyer's refusal to confirm in writing the conditions under the contract for which the supplier has requested a written confirmation, except for the cases where the contract for supply relates to the delivery of products by a member of a producer organisation, including a cooperative, to the producer organisation of which the supplier is a member, if the constitutional document of that producer organization or the rules and decisions established in the constitutional document or arising out of it contain provisions whose effect is similar to the conditions under the contract for supply;

7. wrongful acquisition, use or disclosure by the buyer of supplier's trade secret within the meaning of the Law on Protection of the trade secret;

8. buyer's warning that he shall take retaliatory trade measures against the supplier or taking such action if the supplier exercises his contractual or legal rights, including by submitting a complaint or by cooperating in an investigation subject to the procedure stipulated in this chapter;

9. the buyer requesting from the supplier compensation for the costs related to examining of customers' complaints related to the sale of supplier's products although there are no grounds for invoking supplier's liability;

10. the buyer prohibiting or restricting the supplier under the contract from offering or purchasing goods or services to or from third parties;

11. the buyer prohibiting, restricting or imposing sanctions on the supplier under the contract for granting the same or better commercial conditions to third parties;

12. unilateral and unjustified termination of the contract on part of the buyer or termination without prior notice within a reasonable period that is sufficient for the supplier to cover his investment costs and in view of the previous commercial relations of the parties to the contract.

(2) In any case for the purposes of the payment periods the agreed delivery periods under paragraph 1, item 1, letter "a" shall not be longer than one month.

(3) In the cases under paragraph 1, item 1 the date of issue of the invoice or the date of the receipt thereof by the buyer shall be accepted as the date of setting of the payable amount. Where the payable amount is determined by the buyer the payment periods specified in paragraph 1, item 1, letter "a" shall commence as from the expiration of the agreed delivery period in which the supplies have been made, and the payment periods under paragraph 1, item 1, letter "b" shall commence as from the delivery date.

Conditional Prohibitions

Art. 37c. (New Art.– State Gazette, issue 17 of 2021, coming into force as from 1 November 2021) (1) The application of trading practices shall be prohibited unless they have been agreed upon in advance between the parties with clear and unambiguous conditions in the contract for supply of agricultural and food products or in a subsequent agreement between the supplier and the buyer such as:

1. buyer's return of unsold products without the buyer having paid for them and/or for the disposal thereof;

2. payment from the supplier to the buyer as a condition for stocking, displaying

or including into the range of products of his products or offering them on the market;

3. the buyer requesting from the supplier to pay for all or part of the costs for reduced prices of agricultural and food products being sold by the buyer as part of a sales promotion unless before the promotion which is being made on buyer's initiative the buyer specifies the period of the promotion and the expected quantities of agricultural and food products to be ordered at reduced prices;

4. the buyer requesting from the supplier to pay for buyer's advertising activities;

5. the buyer requesting from the supplier to pay for buyer's marketing activities;

6. payment from the supplier to the buyer for equipment and/or maintenance of premises used for the sale of the products;

7. the buyer requesting from the supplier to pay for transport and/or logistics costs;

8. the buyer requesting a retroactive reduction of the price of the products directly or by applying unjustified discounts, bonuses and fees or provided services.

(2) Where the buyer demands a payment in the cases under paragraph 1, items 2, 3, 4, 5, 6 and 7 he shall submit to the supplier, at latter's request, a written estimate of the payments for a unit of goods or the total amount of the payments as the case may be. In the cases under paragraph 1, items 2, 4, 5, 6 and 7 the buyer shall also submit a written estimate of supplier's costs as well as information about what such estimate is based upon.

Scope of prohibitions on unfair trading practices

Art. 37d. (New Art.– State Gazette, issue 17 of 2021, coming into force as from 1 November 2021) (1) The prohibitions under Articles 37b and 37c shall apply with respect to unfair trading practices related to the sale of agricultural and food products from:

1. a supplier having an annual turnover not greater than BGN 3 911 000 to a buyer having an annual turnover not greater than BGN 3 911 000;

2. a supplier having an annual turnover greater than BGN 3 911 000 and lower than BGN 19 558 000 to a buyer having an annual turnover greater than BGN 19 558 000;

3. a supplier having an annual turnover greater than BGN 19 558 000 and lower than BGN 97 791 000 to a buyer having an annual turnover greater than BGN 97 791 000;

4. a supplier having an annual turnover greater than BGN 97 791 000 and lower than BGN 293 374 000 to a buyer having an annual turnover greater than BGN 293 374 000;

5. a supplier having an annual turnover greater than BGN 293 374 000 and lower than BGN 684 540 000 to a buyer having an annual turnover greater than BGN 684 540 000;

6 a supplier whose annual turnover does not exceed BGN 684 540 000 to a buyer who is a public authority.

(2) The annual turnover under paragraph 1 shall be determined in accordance with Articles 4, 4b and 4d of the Law on small and medium enterprises, including according to the definitions for an independent undertaking, for partner undertakings and related undertakings and other applicable provisions related to the annual turnover of the same law.

(3) The annual turnover of an undertaking that is a supplier and a buyer shall include the net amount of the operating revenues of the undertaking during the preceding

financial year.

Exceptions

Art. 37e. (New Art.– State Gazette, issue 17 of 2021, coming into force as from 1 November 2021) (1)) The prohibition under Art.37b, paragraph 1, item 1 shall not affect:

1. the consequences of overdue payments and the legal remedies stipulated in Articles 303a and 309a of the Commerce Law;

2. negotiating between a buyer and a supplier of a value sharing clause within the meaning of Art. 172a of Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OB, L 347/671 of 20 December 2013), hereinafter referred to as “Regulation (EU) No 1308/2013”.

(2) The prohibition under Art. 37b, paragraph 1, item 1 shall not apply with respect to payments:

1. from a buyer to a supplier within the School Fruit and Milk Scheme under Art. 23 of Regulation (EU) No 1308/2013;

2. from the healthcare institutions under Art. 5, paragraph 1 of the Law on Healthcare Institutions and the state-owned healthcare institutions that are trade companies with respect to which the payment periods under Art. 3, paragraph 6 of the Law on Healthcare Institutions shall apply;

3. under contracts between suppliers of grapes or grape must used in wine making and their direct buyers provided that:

a) the specific conditions of payment are included in the standard contracts that are declared mandatory under Art. 164 of Regulation (EU) No 1308/2013 and that such extension of the scope of the standard contracts with respect to other operators is renewed from that date without considerable changes to the conditions of payment to the detriment of the suppliers of grapes or grape must, and

b) the contracts are multiannual or become multiannual.

(3) The prohibition under Articles 37b and 37c shall not apply with respect to the contracts between suppliers and consumers.

Defence under another procedure

Art. 37f. (New Art.– State Gazette, issue 17 of 2021, coming into force as from 1 November 2021) The initiation of proceedings under this chapter shall not prevent each of the parties to the contract for supply from defending its rights under another established procedure.

Title Three PROCEEDINGS

Chapter Eight GENERAL PROVISIONS

Grounds for Initiating Proceedings before the Commission

Art. 38. (1) Proceedings before the Commission shall be initiated on:

1. a decision of the Commission;
2. a request from a prosecutor;
3. an application by the persons, whose interests have been affected or threatened by an infringement of this Law;
4. an application for immunity from sanctions;
5. an application by the persons whose interests have been affected by acts which have been issued contrary to this Law.
6. a notification of a concentration between undertakings;
7. a request of a national competition authority of a Member State of the European Union or of the European Commission under Art. 20, paragraph (5) and Art. 22 of Regulation (EC) No. 1/2003 as well as under Art. 12 and Art. 13, paragraph (5) of Regulation (EC) No. 139/2004;
8. a request for opinion of a state authority, including an authority of the executive branch or of local government;
9. (New item – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) a request from suppliers of agricultural and food products, from organizations of producers of agricultural products, from organizations of suppliers or associations of such organizations further to the request of one or more of their members or of one or more of the members of organizations being members thereof, including by other organizations having legal interest in representing suppliers upon supplier's request and in supplier's interest provided that such organizations are not-for-profit legal persons.

(2) Where deficiencies are established, the application or notification shall be stayed and to the applicant or to the notifying party shall send a request to remedy them within seven days. Where they are not remedied within the deadline set, the Chairperson shall issue an order refusing to initiate proceedings.

(3) (Amended in State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The request under paragraph 1, item 4 shall be submitted as per a sample form approved by the decision of the Commission under Art. 101, paragraph 6. The identity of the applicant shall be kept secret.

(4) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) Where the Commission has been approached by a request under paragraph 1, items 2, 3, 4 and 9 the Chairperson may, by way of a reasoned order, refuse to initiate proceedings if the case does not fall within the scope of Commission's priorities for application of the law as adopted by the Commission and published on its website.

(5) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The order under paragraph 4 may be appealed subject to the procedure stipulated in Art. 64, paragraph 3.

Art. 38a. (New Art.– State Gazette, issue 17 of 2021, coming into force as from 26 February 2021)

(1) The Commission may carry out a preliminary investigation under requests received under Art. 38, paragraph 1, items 2 – 4 and item 9, under reports received and under other matters within its competence.

Initiation of Proceedings

Art. 39. (1) By an order, the Chairperson of the Commission shall initiate the

proceedings and nominate a member of the Commission who shall supervise the investigation.

(2) By an order the Chairperson shall appoint a case team from the administration, which shall perform the investigation.

Suspension of Proceedings

Art. 40. (1) The Commission may suspend the proceedings with a ruling, in case its final decision is conditional on the resolution of an issue or a dispute, falling within the competence of another authority.

(2) The Commission may suspend the proceedings in the cases provided for in Art. 13 of Regulation (EC) No. 1/2003 and in Art. 22, paragraph (2) of Regulation No. 139/2004.

(3) (Amended in State Gazette, issue 77 of 2018, coming into force as from 1.01.2019 г., issue 17 of 2021, coming into force as from 26 February 2021) The rulings under paragraph 1 and paragraph 2, first hypothesis may be appealed subject to the procedure stipulated in Art. 64, paragraph 3.

(4) The proceedings shall be renewed with a ruling *ex officio* or upon the request of one of the parties, after all obstacles to the proceedings have been eliminated.

Termination of Proceedings

Art. 41. No proceedings shall be initiated and the proceedings initiated shall be terminated by a decision of the Commission where:

1. the Commission is not the competent authority to resolve on the case;
2. the limitation period as laid down in this Law has expired;
3. in the cases under Art. 11, paragraph (6) and under Art. 13 of Regulation (EC) No. 1/2003 as well as under Art. 22, paragraph (3) of Regulation (EC) No. 139/2004;
4. the notifying party or the respondent are wound up, could not be found or do not exist.
5. the notifying party withdraws its request for authorization of a concentration;
6. in the cases under Art. 75, paragraph (2).

Limitation period

Art. 42. (1) The limitation period for infringements under this Law shall be:

1. three years – for infringements of the provisions referring to requests for information or making of inspections;
2. five years – for all other infringements.

(2) The limitation period shall run from the day the infringement is committed and in case of continuous infringement - from the date it is discontinued.

(3) (Amended in State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) Upon the initiation of proceedings for establishing an infringement by the Commission the limitation period under paragraph 1 interrupts.

(4) During the proceedings and until the decision of the Commission enters into force the limitation period shall be suspended.

(5) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The limitation periods for establishment on part of the Commission of an infringement and for imposition of sanctions for an infringement under Art. 101 or Art. 102 of the Treaty on the Functioning of the European Union shall be interrupted

during the law enforcement proceedings before a national competition authority of another European Union Member State, or the European Commission, in relation to an infringement affecting the same agreement, decision of an association of undertakings or a concerted practice or other behaviour prohibited in Articles 101 and 102 of the Treaty on the Functioning of the European Union.

(6) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The interruption of the limitation period under paragraph 5 shall be carried out by notifying at least one undertaking against which the proceedings under this law is initiated of the first formal investigative measure. The interruption of the limitation period shall apply for all undertakings or associations of undertakings having participated in the infringement.

(7) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) In the cases under paragraph 5 a new limitation period shall commence as from the day when the decision of the respective national competition authority or of the European Commission establishing an infringement, imposing a sanction or approving commitments, or ordering that there is no ground for taking action, enters into force.

(8) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The notice of the first formal investigative measure received by a national competition authority under Art. 11, paragraph 3 of Regulation (EC) No 1/2003 shall be submitted to the other national competition authorities within the European Competition Network.

(9) (Formerly paragraph 5 – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The Commission shall see *ex officio* to the limitation period.

Parties to the Proceedings

Art. 43. (1) The parties to the proceedings before the Commission shall be the persons, who have submitted the application or notification, based on which proceedings have been initiated as well as the persons who have been accused of having committed an infringement under this Law.

(2) The Commission may constitute in the proceedings interested third parties upon their substantiated request:

1. at any time during the proceedings under Chapters Nine and Twelve;
2. within 30 days from the date of publication of the decision to open an in-depth investigation of a concentration under Chapter Ten.

Investigation

Art. 44. (1) The investigation shall be carried out by the case team, appointed according to Art. 39, paragraph (2), and shall be supervised by a member of Commission, who shall provide instructions where needed.

(2) The investigation shall be carried out in compliance with the general rules of this chapter and as laid down in Chapters Nine, Ten, Eleven and Twelve.

(3) The investigation and the determining of the position of the undertakings on the relevant market shall be carried out in compliance with the Methodology adopted by the Commission.

Powers to Conduct Investigation

Art. 45. During the investigation the supervising Member of the Commission and

the case team, appointed according to Art. 39, paragraph (2), shall have the right to:

1. request information, material, written, digital and electronic evidence, irrespective of the media on which they have been stored;

2. take oral or written statements;

3. conduct inspections;

4. entrust the conducting of expertise by external experts;

5. request information or assistance by other national competition authorities of Member States of the European Union and by the European Commission.

6. (New item – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) request information and assistance from the enforcement authorities of the European Union Member States, and from the European Commission when exercising the powers in cases of cross-border investigations in the field of the unfair trading practices;

7. (New item – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) request information and assistance from other competent national authorities, from the competent authorities of the European Union Member States, and from the European Commission subject to the procedure stipulated in Regulation (EU) 2017/2394.

Obligation for Cooperation

Art. 46. (Amended in State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) All natural and legal persons, including undertakings, associations of undertakings, public authorities and local self-government authorities, non-governmental organizations and the National Statistical Institute shall be obliged to assist the Commission in performing its powers under this law as well as under Regulation (EC) No 1/2003, Regulation (EC) No 139/2004 and Regulation (EU) 2017/2394.

Gathering of Information

Art. 47. (1) (Amended in State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The persons asked to provide assistance by virtue of this law as well as under Regulation (EC) No 1/2003, Regulation (EC) No 139/2004 and Regulation (EU) 2017/2394, may not invoke production, trade or other secret protected by the law.

(2) When the information contains data representing classified information, the procedure laid down in the Protection of Classified Information Act shall apply.

(3) (amend. – SG 17 of 2019) When the information contains personal data, the procedure provided for their protection shall apply.

(4) The persons requested to provide information should furnish it within a time limit determined by the Commission.

(5) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The persons asked to provide oral or written explanations must appear before the Commission within the determined period.

(6) (Formerly paragraph 5 – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The information provided by the persons in the course of the proceedings must be full, accurate, reliable and non-misleading.

(7) (Formerly paragraph 6 – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The Commission may accept that the facts with respect to which the party or the party concerned has hindered the gathering of the information requested

from them are proven.

(8) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The obligation to provide information in the proceedings under Articles 101 and 102 of the Treaty on the Functioning of the European Union shall relate to the information that is commonly accessible to the persons.

Use of Information

Art. 48. (1) (Formerly the text of Art. 48 – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) Any information collected in the course of the proceedings may be used only for the purposes of this law.

(2) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The parties may use the information contained in the materials collected in relation to granting an immunity from sanction or reduction of a sanction subject to the procedure stipulated in Art. 101, only where this is necessary for them in order to exercise their right of defence in proceedings of judicial review of a decision by which the Commission has established an infringement under Art. 15 or Art. 21 of this law and/or under Art. 101 or Art. 102 of the Treaty on the Functioning of the European Union.

(3) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The information prepared by persons who are not parties to the proceedings under Chapter Nine, and made available especially for the purposes thereof as well as the information prepared and sent by the Commission to the parties in the course of the proceedings may not be used by them in proceedings before the court before the Commission has completed the proceedings by a decision with respect to all parties.

Taking of Oral Statements

Art. 49. (1) Oral statements in the course of proceedings shall be taken and entered in a record by the case team.

(2) The record shall be signed by the person giving the statement as well as by the case team on the proceedings.

(3) When there are sufficient grounds to assume that disclosure of the identity of any person, who has given statements or has provided data for an infringement under this Law may lead to significant adverse effects on his/her activity or on him/her as a person, the Commission shall take measures not to disclose his/her identity in accordance with a procedure set out in the internal rules, adopted by the Commission.

Inspections

Art. 50. (1) (Amended and supplemented – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The Commission may carry out any unannounced inspections on spot of undertakings, associations of undertakings or buyers of agricultural and food products after obtaining an authorization under Art. 51.

(2) During the inspections under paragraph 1 the employees determined by order of the Chairperson of the Commission shall have powers to:

1. (Amended in State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) enter the premises, vehicles and other sites used by the undertakings, the associations of undertakings or the buyers of agricultural and food products;

2. (Amended in State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) inspect all documents and records related to the activity of the

undertakings, the associations of undertakings or the buyers of agricultural and food products, regardless of the medium on which they are stored;

3. seize or receive on a paper, digital or electronic medium any copies of or excerpts from documents and records, regardless of the medium they are stored on, and where this is impossible, to seize the originals as well as other material evidence;

4. seize or receive electronic, digital and forensic evidence as well as data on the traffic, from all types of media, of computer data, computer systems and other media as well as to seize means of transmission of information;

5. get access to any media of information, including servers which can be accessed via computer systems or other means located in the inspected premises;

6. (Amended in State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) seal for a certain period premises, vehicles and other sites used by the inspected undertakings, associations of undertakings or buyers of agricultural and food products, trade or accounting books or other media of information;

7. (Amended in State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) take oral explanations from any representative or member of the management bodies or from the staff of the undertakings, the associations of undertakings or the buyers of agricultural and food products regarding the circumstances related to the subject matter and purposes of the inspection.

(3) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The Commission may also carry out inspections under paragraph 1 in premises, vehicles and sites other than those specified in paragraph 2, item 1, including in the homes of any representative or member of the management bodies or the staff of the undertakings or associations of undertakings, in case of reasonable doubts that any documents or other records related to the economic activity and the subject matter of the inspection are stored there. During the inspections the employees determined by order of the Chairperson of the Commission shall have the powers under paragraph 2, items 2, 3, 4, 5 and 7.

(4) (Formerly paragraph 3 – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) When carrying out the inspections on spot the police authorities shall assist the employees of the Commission as per their powers under the Law on the Ministry of Interior. The procedure for organizing and conducting the joint actions shall be determined by an instruction issued by the Minister of Interior and the Chairperson of the Commission.

(5) (Amended in State Gazette, issue 2 of 2018, formerly paragraph 4, amended in issue 17 of 2021, coming into force as from 26 February 2021) The documents and evidence found may be seized if they contain data giving rise to reasonable doubts about other infringements under Articles 15, 21, 24, 34a, 37b and 37c of this law or under Articles 101 and 102 of the Treaty on the Functioning of the European Union. After the completion of the inspection they shall be immediately made available to the Commission for adoption of a decision under Art. 38, paragraph 1, item 1.

(6) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) Paragraph 3 shall not apply in proceedings initiated in order to establish infringements under Articles 34a, 37b and 37c.

Judicial Authorisation

Art. 51. (1) (Amended – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The inspections on spot shall be carried out with the permission of a

judge of the Administrative Court - Sofia district further to a request made by the Chairperson of the Commission.

(2) The request for judicial authorisation shall contain:

1. (Amended – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) the purpose of the inspection and the name of the undertaking, the association of undertakings or the buyer of agricultural and food products for which an authorization to be inspected is requested, and in the cases of requests for an inspection under Art. 50, paragraph 3 – the sites must be specified;

2. the nature of the alleged infringements and in case of proceedings under Chapter Ten – the nature of the concentration and the parties thereto;

3. justification of the reasons, which necessitate conducting the inspection.

(3) In the cases under Art. 93 the request for authorization shall be accompanied by the decision of the Commission related to request of assistance, as well as the request for assistance.

(4) (Amended – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The Administrative Court - Sofia district shall deliver a judgement on the request on the day when it is received by a ruling. In the ruling the court shall specify the exact name of the undertaking, the association of undertakings or the buyer of agricultural and food products which is subject to inspection. The authorization shall relate to all premises, vehicles and other sites used by the inspected undertaking, association of undertakings or the buyer of agricultural and food products. The court shall specify the specific sites in the ruling by which an inspection under Art. 50, paragraph 3 is authorized.

(5) (Amended – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) If it is necessary to simultaneously carry out inspections in several undertakings, associations of undertakings, buyers of agricultural and food products or sites under Art. 50, paragraph 3, the Chairperson of the Commission may submit a joint request and the court shall deliver its judgement by several rulings for each undertaking or association of undertakings.

(6) (Amended – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The rulings under paragraphs 4 and 5 or the refusal to issue such may be appealed before a three-member panel of judges of the Supreme Administrative Court within a period of three days. The period shall commence as from the notification of the Commission, or of the undertaking, the association of undertakings or the buyer of agricultural and food products, respectively. The appeal shall not suspend the enforcement.

Procedure for Collection of Evidence during Inspections

Art. 52. (1) (Amended – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) Evidence shall be collected during the inspections on spot by the employees of the Commission in the presence of representatives of the undertaking, association of undertakings or the buyer of agricultural and food products, their employees or other persons who are authorized and who have the right to be present in the premises or the vehicles or who happen to be there during the inspection thereof.

(2) (Amended – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The copies of the seized documents shall be certified by the employees of the Commission and by the representatives of the undertakings, the associations of undertakings or the buyers of agricultural and food products or by an authorized official.

If the representatives refuse to certify the certification shall be made only by the employees of the Commission.

(3) The electronic copies of the documents seized, the digital, electronic and forensic evidence shall be sealed in an appropriate way.

(4) (Amended – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The original documents, the material evidence and the information on electronic or digital media shall be seized as found during the inspection, and shall be returned to the undertakings, the associations of undertakings or the buyer of agricultural and food products after the Commission’s decision enters into force.

(5) (Amended – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) Upon request of the undertakings, the associations of undertakings or the buyers of agricultural and food products from which the original documents have been seized, they may also be returned before the Commission’s decision has entered into force. In any case the Commission shall return the seized original documents where the exercise of rights thereunder is related to their factual possession.

(6) (Amended – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) In the cases under paragraph 5 the Commission shall use copies of the original documents certified by the representatives of the Commission and of the undertakings, the associations of undertakings or the buyers of agricultural and food products from which the originals have been seized.

(7) A written protocol, certifying what evidence has been seized under paragraphs (2), (3) and (4), shall be drawn at the inspected premises, with full and precise list of the items seized. The written protocol shall be signed as provided for in paragraph (2) and shall be delivered to the persons from whom the evidences were seized.

External Experts

Art. 53. (1) When in order to clarify any aspects related to the proceedings the Commission needs special expertise, it may, upon request of the parties or on its own initiative, by a ruling appoint the expertise to an external expert. In the ruling the Commission shall indicate the expert, the task of the expertise and the deadline for submission of expert’s report.

(2) The expert cannot be a person interested directly or indirectly in the outcome of the proceedings.

(3) The expert shall submit his/her report to the Commission and the Commission shall approve it with a ruling. Where the report is contested, the Commission may assign the assessment to one or more other experts.

(4) Further examination shall be assigned where the expert’s report is not sufficiently complete and clear, and a new one – where it is not grounded and a doubt arises as to its correctness.

(5) The Commission shall not be bound to adopt the report of the expert, but to consider it together with the other evidence collected on file during the proceedings.

Cooperation in investigation with the national competition authorities, with the European Commission and with other authorities of the European Union (Title amended – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021)

Art. 54. (1) The Commission shall cooperate with the European Commission and the other national competition authorities of the Member States, by receiving and

rendering assistance and exchanging information under the procedure set forth in Regulation (EC) No. 1/2003 and Art. 11, paragraph (6), Art. 12 and Art. 13, paragraph (5) of Regulation (EC) No. 139/2004.

(2) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The Commission shall cooperate with the European Commission and with the national enforcement authorities under Directive (EU) 2019/633, receive and provide assistance, exchange information, participate in meetings and provide mutual aid while exercising its powers under cross-border inspections of infringements under Chapter Seven “b”.

(3) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The Commission shall cooperate by receiving and providing assistance, exchange information and provide mutual aid with the competent authorities of the European Union Member States, and with the European Commission subject to the procedure stipulated in Regulation (EU) 2017/2394.

(4) (Formerly paragraph 2, amended – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The authority and the national enforcement authority under Directive (EU) 2019/633 that use the exchanged information shall ensure the same level of protection regarding that information as the one ensured by the national competition authority of the Member State that provides it.

Assistance for notification

Art. 54a. (New article – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) (1) The Commission shall cooperate with the other national competition authorities of the European Union Member States by receiving and providing assistance in relation to sending notifications upon request and on behalf of the applicant authority for:

1. statement of objections for infringement of Articles 101 and 102 of the Treaty on the Functioning of the European Union and decisions related to the application of those articles;

2. any procedural acts subject to notification under the national law of the Member State of the applicant authority;

3. documents relating to the application of Articles 101 and 102 of the Treaty on the Functioning of the European Union, including ones relating to the enforcement of decisions imposing sanctions or periodic pecuniary sanctions.

(2) The lawfulness of the acts under paragraph 1 shall be appealed before the competent authorities of the Member State of the applicant authority according to the law of this Member State.

(3) The validity of the notifications under paragraph 1 shall be appealed before the competent authorities of the Member State of the requested authority according to the law of this Member State.

Access to File

Art. 55. (1) (Supplemented – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The parties and the interested parties constituted in the proceedings shall have the right to access all materials collected in the course of the investigation, except for the materials containing production, trade or other secret protected by the law. No access to internal documents of the Commission, including correspondence with the European Commission and other national competition

authorities of the European Union Member States, with the European Commission and with the national enforcement authorities under Directive (EU) 2019/633 and with the European Commission and the competent national authorities under Regulation (EU) 2017/2394 shall be granted, and, as regards the constituted interested parties, no access shall be granted also to the materials collected in relation to immunity from sanction and reduction of sanction subject to the procedure stipulated in Art. 101.

(2) (amend. – SG 77 of 2018) Any person, submitting information to the Commission in the course of proceedings shall identify the materials that are claimed to contain production, trade or other secret, protected by law and which should, therefore, be treated by the Commission as confidential. In such cases the person shall substantiate its claim and shall submit the same materials in a version in which all data considered to be confidential has been erased. Whenever the Commission considers that certain information is not confidential, it shall issue a ruling in this regard and inform the person of it. The ruling shall be subject to appeal under the procedure set forth in Art. 64, paragraph (3).

(3) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The Commission shall refuse to grant the parties and the constituted interested parties access to information provided by the persons under Art. 38, paragraph 1, item 9 which they think would harm their interests if disclosed. In such cases the person shall explicitly state the information and the materials claimed to contain information that affects such person's interests by justifying the claims and submitting the same materials in a version with deleted data.

(4) (Formerly paragraph 3, supplemented – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) Materials stated as ones containing production, trade or other secret protected by the law may be disclosed and used by the Commission in case that they are of essential importance for proving the infringement or for exercising the defendant party's right of defence. The Commission may disclose information necessary for proving or discontinuing infringements under Art. 33, paragraph 3 of Regulation (EU) 2017/2394.

(5) (Formerly paragraph 4 – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The procedure regulating the access to, the use and the storage of the documents being production, trade or other secret protected by the law shall be regulated by rules adopted by the Commission.

Interim Measures

Art. 56. (1) (Amended – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) In case that during an investigation under Chapter Nine there is information about the existence of an infringement in urgent cases due to a risk of serious and irreparable damage to competition the Commission may, on its own initiative or on request of the persons whose interests are affected or threatened by the infringement, order that the immediate termination of the practice by the undertaking or the association of undertakings or impose other measures necessary in view of the purposes of this law. The Commission may not impose measures which are within the scope of competence of other authorities and which are stipulated in other laws.

(2) (Amended – State Gazette, issue 77 of 2018, coming into force as from 1 January 2019, amended and supplemented, issue 17 of 2021, coming into force as from 26 February 2021) The interim measures under paragraph 1 may be imposed at any time in the course of the proceedings. The Commission shall impose the interim measures by

a reasoned ruling specifying the purpose of the measure and justifying the type and urgency thereof. The ruling may be appealed subject to the procedure stipulated in Art. 64, paragraph 3. The appeal shall not suspend the enforcement of the interim measure as the court shall deliver a judgement as soon as possible.

(3) The period of effect of the interim measures shall be up to three months after the imposition thereof. If necessary that period may be extended subject to the procedure stipulated in paragraph 2. The interim measures may be in force until a decision on the merits is adopted by the Commission.

(4) The Commission may revoke the interim measure also before expiry of the term of its effect where the illegitimate practice is terminated and the damage to competition is prevented.

(5) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The Commission shall notify the European Commission and the national competition authorities of the European Union Member States of the interim measures imposed by it under the proceedings for infringements of Articles 101 and 102 of the Treaty on the Functioning of the European Union.

Closing the Investigation

Art. 57. (1) After closing the investigation, the case team shall present a report to the supervising Member of the Commission, which shall contain the factual and legal analysis of the case as well as a proposal concerning the manner of conclusion of the proceedings.

(2) The supervising member of Commission shall inform the Chairperson of the completion of the investigation. The Chairperson shall issue a resolution scheduling a closed sitting of the Commission, at which the further course of the proceedings shall be decided.

Commission Sitings

Art. 58. (1) The Commission sittings shall be open or closed.

(2) The parties may avail themselves of legal defence.

(3) Submission of evidence in an open sitting of the Commission shall not be allowed unless it is newly discovered or newly originated.

(4) The Commission may, at its discretion, call any external experts who have submitted expertise or other persons, state authorities or local government authorities to attend its open sitting.

(5) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) By a reasoned order of the Chairperson of the Commission the sittings may be held remotely subject to compliance with the requirements of Art. 59 regarding the quorum as the direct and virtual participation of the parties and participants in the proceedings shall be ensured. The Commission shall notify the parties if the sitting is to be held remotely.

Quorum

Art. 59. (1) (amend. – SG 54 of 2010; amend. – SG 73 of 2011, in force from 20.09.2011) The sittings shall be considered valid where at least four members of the Commission are present.

(2) (amend. – SG 54 of 2010; amend. – SG 73 of 2011, in force from 20.09.2011) The Commission shall pass decisions and rulings with an open vote and a majority of

four votes. In case that the sitting is attended by less than seven members, the decision, the ruling respectively, shall be passed only if for the same at least 4 of the members of the Commission cast their votes.

Commission Decisions

Art. 60. (1) In a closed sitting the Commission shall adopt a decision whereby it shall:

1. order the initiation of an in-depth investigation;
2. establish the infringement committed and the infringer;
3. impose pecuniary sanctions, periodic sanctions and/or fines;
4. exempt from sanction or reduce the amount of the sanction in compliance with Art. 101.

5. (amend. – SG 2 of 2018) establish that no infringement has been committed under this Law or that there is no ground for taking actions for committed infringement under Article 101 and 102 of the Treaty on the Functioning of the European Union;

6. terminate the proceedings;
7. reopen the proceedings terminated under Art. 75, paragraph (2);
8. approve commitments undertaken and define the period for their implementation;

9. exempt certain categories of agreements, decisions or concerted practices from the prohibition under Art. 15;

10. rule that the respective decision on block exemption shall not apply to the specific case and shall specify a time limit within which the parties must bring their agreement into compliance with Art. 17 or terminate it;

11. (amend. – SG 2 of 2018) withdraw the application of an EU Regulation on block exemption from the prohibition of Article 101, paragraph 1 of the Treaty on the Functioning of the European Union in case that the conditions under Art. 29 of Regulation (EC) 1/2003 are present and specify a time limit within which the parties have to bring their agreement into compliance with Article 101, paragraph 3 of the Treaty on the Functioning of the European Union or terminate it;

12. order the termination of infringements, including by imposing appropriate behavioural and/or structural measures to restore competition;

13. resolve that a transaction does not constitute concentration or does not fall within the scope of the prior notification obligation;

14. authorise a concentration;

15. authorise a concentration with commitments proposed by the parties;

16. authorize a concentration under condition;

17. prohibit a concentration;

18. revoke the decision authorizing a concentration;

19. propose to the relevant competent authorities to amend or repeal the relevant administrative act;

20. adopt opinions on draft legislative and administrative acts;

21. approve the results of a sector inquiry conducted;

22. require rendering of assistance;

23. require termination of proceedings on rendering of assistance;

24. resolve on any other matters within its competence.

(2) The Commission shall prepare and announce its decision with the reasons

thereto within 14 days after holding its closed sitting under paragraph (1). The decision shall be reasoned and signed by the members of the Commission who have voted at the closed sitting.

Dissenting Opinion

Art. 61. (1) A member of the Commission who dissents with the decision shall sign it with a dissenting opinion.

(2) The dissenting opinion and its reasons shall be attached to the decision.

Contents of the Decision

Art. 62. (1) The decision of the Commission shall be in written form and shall contain:

1. the name of the authority which has issued it;
2. the grounds of fact and law for its adoption;
3. (amend. – SG 2 of 2018) an order which shall establish the existence or lack of an infringement under this Law; the existence or lack of grounds to take actions for committed infringement under Article 101 and 102 of the Treaty on the Functioning of the European Union; determine the rights and obligations of the parties as well as the type and amount of the pecuniary sanction or fine, if such is imposed;
4. the authority before which and the time limits within which the decision may be appealed.

(2) The decision shall also specify a period for voluntary execution of the imposed pecuniary sanction or fine.

Commission's Ruling

Art. 63. The Commission shall issue a ruling when it rules on issues which are not related to the merits of the dispute, unless otherwise provided for in this Law.

Appeals of Decisions and Rulings

Art. 64. (1) (amend. and suppl. – SG 77 of 2018) The decisions of the Commission, unless otherwise provided for in the Law, may be appealed before Administrative Court – Sofia Region in respect of their conformity with the law by the parties to the proceedings or by any third person that has legal interest. Decisions shall be appealed within a term of 14 days, which shall start as of their notification in accordance with the procedure laid down in the Code of Administrative Procedure, and in respect of third parties – as of the date of their publication in the electronic register of the Commission. The decisions of the Court are subject to cassation appeal before the Supreme Administrative Court.

(2) (new – SG 77 of 2018) The state fees for cassation appeal before the Supreme Administrative Court shall be set at the amount of the fees payable to the proceedings before the Commission on Protection of Competition. The state fees for the annulment of enforceable court acts and private appeals shall be determined in accordance with the Code of Administrative Procedure.

(3) (amend. – SG 77 of 2018) The rulings of the Commission for which this is provided in the Law, may be subject to appeal in respect of their conformity with the law by the parties to the proceedings under the procedure for appealing Commission's

decisions . The rulings shall be subject to appeal within 7 days of their notification in accordance with the procedure laid down in the Code of Administrative Procedure before Administrative Court – Sofia Region.

Entry into Force of Decisions and Rulings

Art. 65. The decisions and rulings of the Commission shall enter into force when:

1. they are not subject to appeal;
2. they have not been appealed within the period provided for under Art. 64 or the appeal was withdrawn;
3. the appeal lodged has been dismissed.

Enforcement of decisions

Art. 66. (1) (Supplemented – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The decisions of the Commission prohibiting a concentration of undertakings or ordering termination of the infringement, including by imposing behavioural and/or structural measures for restoration of competition, or ordering the termination of the application of unfair trading practice under Chapter Seven “b” shall be subject to immediate enforcement.

(2) On the basis of request by the parties to the proceedings, the Commission may order immediate enforcement of the acts under Art. 82, 85 and 88.

Control on the Implementation of Decisions

Art. 67. The parties shall be obliged to duly inform the Commission of the implementation of a decision, in the event it stipulates certain conditions or obligations.

Electronic Register

Art. 68. (1) The Commission shall maintain an electronic register of the acts it has issued.

(2) (Amended – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) All decisions of the Commission shall be published in the register.

(3) (Supplemented – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) Communications of initiated proceedings for authorizing concentrations under Chapter Five and for investigations under Chapters Nine and Twelve, other communications and rulings whose publication is stipulated in the acts under Art. 8, paragraph 1, item 14 as well as communications and notices to parties to proceedings that cannot be found at the address specified by them shall also be published in the register.

(4) The decisions under paragraph (2) shall be published within 14 days as of their adoption, and the announcements under paragraph (3) – within 7 days as of the initiation of the proceedings or of the inspection under Art. 50.

Fees and Costs

Art. 69. (1) (Amended – State Gazette, issue 77 of 2018, coming into force as from 1 January 2019, issue 17 of 2021, coming into force as from 26 February 2021) State fees and costs shall be owed for the proceedings under the law. The amount of the fees shall be determined by a tariff approved by the Council of Ministers further to a proposal

of the Commission.

(2) (amend. – SG 77 of 2018) State authorities and local government institutions owe fees and litigation costs.

(3) The amounts for remuneration of external experts and specialists shall be deposited in advance by the requesting party in an amount determined by the Commission.

(4) (Amended – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) Where a decision for establishing a committed infringement under the law is delivered the Commission shall allocate the costs incurred in relation to the proceedings to the infringer if so requested by the other party.

(5) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) If the Commission delivers a decision establishing that no infringement has been committed, or if the proceedings is terminated due to withdrawal of the request the Commission shall allocate the costs incurred to the person at whose request the proceedings has been initiated if so requested by the other party. In all other cases the costs shall be allocated to the parties as incurred.

Chapter Nine

PROCEEDINGS TO ESTABLISH INFRINGEMENTS AND IMPOSE SANCTIONS UNDER CHAPTERS THREE AND FOUR OF THIS LAW AND UNDER ART. 81 AND 82 OF THE TREATY ESTABLISHING THE EUROPEAN COMMUNITY

Initiation of Proceedings

Art. 70. (1). (amend. – SG 2 of 2018) The proceedings to establish infringements and impose sanctions under Chapters Three and Four of this Law and under Article 101 and 102 of the Treaty on the Functioning of the European Union shall be initiated on the grounds of Art. 38, paragraph 1, items 1-4.

(2) (Amended – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The proceedings under paragraph 1 shall be initiated with 30 days after the receipt of the request, or after the decision of the Commission, respectively.

(3) The decision on initiation of proceedings at the own initiative of the Commission on the grounds of Art. 38, paragraph (1) item 1 shall not be subject to appeal.

Contents of the Application

Art. 71. (1) The application under Art. 38, paragraph 1, item 3 shall be submitted in Bulgarian and shall contain:

1. the name/title and particulars of the registration/personal identification number of the applicant and the person against whom the complaint has been brought;
2. the address /registered office and business address of the applicant and of the person against whom the complaint has been brought;
3. description of the circumstances upon which the complaint is based and the alleged infringement;
4. details of the form of protection sought;
5. evidence in support of the application;
6. signature of the person who files the application or of its authorised

representative;

7. receipt for the state fees paid.

(2) The application under paragraph 1 shall be submitted in a model form, adopted by the Commission.

Investigation

Art. 72. The Commission shall conduct investigation on the case, exercising the powers vested in it under Art. 45.

Report of the Case team

Art. 73. (1). After having collected sufficient evidence with regard to the further course of the proceedings, the case team, appointed according to Art. 39, paragraph (2), shall prepare a report and submit it to the supervising member of the Commission.

(2) The supervising member of the Commission shall inform the Chairperson of the submitted report. The Chairperson shall issue an order scheduling a closed sitting of the Commission within 14 days as of the completion of the investigation, at which the further course of proceedings shall be decided.

Closed sitting

Art. 74. (1) After having reviewed the report under Art. 73, at a closed sitting the Commission shall:

1. (amend. – SG 2 of 2018) adopt a decision establishing that no infringement has been committed or that there are no grounds to take actions for an infringement committed under Article 101 and 102 of the Treaty on the Functioning of the European Union;

2. adopt a ruling to referring the case back for additional investigation, giving mandatory instructions to the case team, appointed according to Art. 39, paragraph (2);

3. adopt a ruling to submit the Statement of objections for an alleged infringement of the Law to the defendant.

(2) (Supplemented – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The ruling under paragraph 1, item 3 shall specify a period not shorter than 30 days in which the applicant and the defendant party shall have the right to submit their written objections to the submitted statement of objections, and the constituted interested parties may submit their opinions. The ruling shall state that the parties and the interested parties shall have the right to access the materials under the case file subject to the procedure stipulated in Art. 55 within the period for submission of objections or opinions as well as the right to be heard by the Commission subject to the procedure stipulated in Art. 76 in an open sitting.

(3) (Amended – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) In the case under paragraph 1, item 3 each party shall be provided with a version that does not contain production, trade or other secret protected by the law of the other parties to the proceedings, and the constituted interested parties shall be notified of the ruling delivered under paragraph 1, item 3. The period for submission of objections or opinions under paragraph 2 shall commence as from the day of receipt of the ruling or the written notice thereof.

(4) The parties shall be obliged to accompany their objections with all evidence at their disposal in their support.

(5) In cases under paragraph (1), item 1, the parties shall be notified of the decision

of the Commission and of their right of access to the file as laid down in Art. 55.

Undertaking of Commitments by the Party Subject to the Proceedings

Art. 75. (1) The respondent under Art. 74, paragraph (2) may propose to undertake commitments with the aim of terminating the conduct, in respect of which the proceedings were initiated.

(2) The Commission may approve these commitments by a decision. In such cases the Commission shall terminate the proceedings without establishing an infringement, concluding that there are no longer grounds for further proceedings. In its decision the Commission may prescribe the period within which the commitments shall be effective.

(3) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) Before adopting the decision under paragraph 2 the Commission shall publish a notice in the register under Art. 68 which contains a summary of the subject matter of the proceedings and of the proposed commitments. The notice shall state a period not longer than 30 days after the publication in which each participant in the relevant market and/or their associations may submit information and an opinion in relation to the proposed commitments.

(4) (Formerly paragraph 3 – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The Commission may not adopt a decision for approving of commitments in case of a grave infringement of the law.

(5) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The Commission shall exercise control of the fulfilment of the undertaken commitments as it may exercise the powers under Art. 45.

(6) (Formerly paragraph 4 – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The Commission may, on its own initiative or further to a request, resume the proceedings terminated under paragraph 2 where:

1. a change occurs with respect to any of the circumstances on which the decision under paragraph 2 is based;
2. the undertakings do not fulfil the undertaken commitments;
3. it is established that the decision is based on incomplete, inaccurate, false, or misleading information.

Hearing of the Parties and of the Interested Third Parties in an Open Sitting of the Commission

Art. 76. (1) The parties and any interested third parties shall have the right to be heard in an open sitting of the Commission before it takes a decision on the merits.

(2) The Commission may, at its discretion, decide to hear other persons as well.

(3) (Amended – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The Chairperson shall appoint an open sitting by his/her resolution at which the Commission shall hear the parties and the interested parties that have requested so within the period under Art. 74, paragraph 2 as well as the persons under paragraph 2. The open sitting shall be appointed for a day determined not earlier than 14 days after the expiration of the period for submission of objections or opinions regarding the submitted statement of objections. The parties and the interested parties shall be notified of the appointed open sitting at which they shall be given a hearing subject to the procedure stipulated in the Administrative Procedure Code.

(4) The parties and any interested third parties, as well as the persons summoned under paragraph (2) shall be heard by the Commission *in camera*.

(5) The sitting of the Commission shall start with dealing with the preliminary issues related to the procedure.

(6) The parties and the interested third parties may be asked questions in an order, determined by the Chairperson.

(7) When the Chairperson considers that all circumstances on the case have been clarified, he/she shall give the floor to the parties to make their pleas.

(8) After any disputed matters of fact and law have been clarified, the Chairperson shall close the sitting.

Closed Sitting

Art. 77. (1) (Supplemented – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) After the hearing of the parties the Chairperson of the Commission shall appoint a closed sitting within 6 months. At that sitting the Commission shall deliver a decision by which it shall:

1. establish the committed infringement and the infringer;
2. impose pecuniary sanctions, periodic sanctions and/or fines;
3. (Amended – State Gazette, issue 2 of 2018) establish that no infringement under this law has been committed or that there is no ground for taking actions related to a committed infringement under Articles 101 and 102 of the Treaty on the Functioning of the European Union;

4. order that termination of the infringements, including by imposing appropriate behavioural and/or structural measures for restoration of competition;

5. order that the block exemption decision shall not apply in the specific case and determine a period for bringing it into compliance with Art. 17 or termination;

6. (Amended – State Gazette, issue 2 of 2018) order that the provisions of the relevant regulation of the European Union on block exemption from the prohibition under Art. 101, paragraph 1 of the Treaty on the Functioning of the European Union shall not apply in the specific case, and determine a period for bringing it into compliance with Art. 101, paragraph 3 of the Treaty on the Functioning of the European Union or termination.

(2) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) In case of factual and/or legal complexity the Chairperson may extend the period under paragraph 1 by two months.

(3) (Formerly paragraph 2 – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) By means of a ruling the Commission may:

1. adopt new statement of objections for infringement under the law subject to the procedure stipulated in Art. 74, paragraph 1, item 3;

2. return the case for additional investigation with mandatory instructions.

(4) (Formerly paragraph 3 – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) By its decision under paragraph 1, item 4 the Commission shall impose structural measures only if there is no behavioural measure which is equivalent in terms of its effect, or if such behavioural measure of equivalent effect would be a greater burden for the respective undertaking than the structural measure.

(5) (Formerly paragraph 4 – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The parties shall be notified of the delivered decision under paragraph 1 subject to the procedure stipulated in the Administrative Procedure Code.

Chapter Ten

PROCEEDINGS FOR ISSUING OF AUTHORISATIONS OF CONCENTRATIONS AMONG UNDERTAKINGS

Initiation of Proceedings

Art. 78. (1) The proceedings to assess a concentration shall be initiated on the grounds of Art. 38, paragraph (1), item 6. The notification shall be submitted jointly by the undertakings that are parties to the merger or infusion, or have created a joint venture, respectively by the party acquiring control within the meaning of Art. 22, paragraph (1), item 2.

(2) (Amended and supplemented – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The proceedings under paragraph 1 shall be initiated within 5 working days after the receipt of the notice unless the grounds under Art.38, paragraph 2 exist.

(3) The Commission may initiate *ex officio* proceedings under Art. 38, paragraph (1), item 1, where a concentration has been implemented without authorization or in a manner and under conditions, different from those under which it has been authorised, as well as where the authorisation decision has been revoked by the Commission. The decision of the Commission on initiation of proceedings shall not be subject to appeal.

(4) Notification of concentrations under this Law shall also be submitted in the cases when the competence of the Commission derives from proceedings under Art. 4 and Art. 9 of Regulation (EC) No. 139/2004.

Contents of the Notification

Art. 79. (1) The notification of concentration under Art. 78, paragraph 1 shall contain information about:

1. the undertakings participating in the concentration;
2. the undertakings and persons, exercising direct or indirect control over the undertakings participating in the concentration;
3. the undertakings on which control is exercised by the participants in the concentration within the meaning of Art. 22, paragraph 3;
4. the nature , the legal form and the rationale of the concentration;
5. the relevant markets, in which the undertakings participating in the concentration operate;
6. the market shares and the aggregate turnovers of the undertakings participating in the concentration;
7. the barriers to entry in the relevant markets;
8. the main competitors, suppliers and customers;
9. (Amended – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) justification of the circumstances under Art. 26, paragraph 4 or 5.

(2) The notification under paragraph (1) shall also contain a request to the Commission to authorise the concentration.

(3) The notification shall be submitted in a form approved by the Commission.

(4) The form under paragraph (3) and the instructions for its completion shall be approved with a decision of the Commission and shall be published on its web site.

Preliminary Investigation

Art. 80. (1) After the Commission has initiated proceedings under Art. 78, paragraph (1), the Commission shall assess the concentration in a preliminary investigation, exercising the powers conferred to it under Art. 45, items 1, 2, 4 and 5.

(2) Within 7 days of the announcement under Art. 68, paragraph (3) each interested third party may submit information or observations on the competitive effect of the concentration on relevant market.

(3) (Repealed – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021).

(4) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) If there is information regarding a significant impediment to effective competition the Commission shall instruct the persons under Art. 78, paragraph 1 to propose changes to the conditions of the concentration in order to eliminate the anticompetitive effects in case that no such changes have been proposed by submitting the notification.

Time Limits for Assessment of the Concentration in the Preliminary Investigation

Art. 81. (1) The assessment in the preliminary investigation shall be accomplished within 25 working days within which the Commission shall pass a decision under Art. 82, paragraph (3).

(2) This period shall run from the working day following the day of initiation of proceedings.

(3) (Amended – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) If it is necessary that the notifying undertakings submit additional information the periods under paragraph 1 shall be suspended.

(4) (Amended – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) Further to a request of the notifying undertakings the Commission may extend the period under paragraph 1 by up to 10 working days for preparation of changes to the conditions of the concentration.

(5) Notwithstanding whether the time limits set out in paragraph (1) have been extended on the grounds of paragraph (4), they shall be extended by another 10 working days from the day on which the notifying party submits to the Commission complete data on the proposed changes in the terms of the concentration.

Conclusion of the Assessment in the Preliminary Investigation

Art. 82. (1) After conclusion of the preliminary investigation, the case team, appointed in application of Art. 39, paragraph 2, shall prepare a report, which shall be submitted to the supervising member of the Commission.

(2) The supervising member of the Commission shall inform the Chairperson that the preliminary investigation has been concluded. The Chairperson shall issue an order scheduling a closed sitting of the Commission, at which the further course of proceedings shall be decided.

(3) The Commission at a closed sitting shall issue a decision, whereby it shall:

1. order that the transaction is not a concentration or does not fall within the scope of Art. 24;

2. (Amended – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) authorize the concentration under Art. 26, paragraph 4;

3. authorise the concentration, taking into account the changes, proposed by the participants in the concentration.

4. launch an in-depth investigation as laid out in Art. 83.

(4) The Commission may revoke its decision under paragraph (3), items 1-3 where the decision is based on incomplete, inaccurate, untrue or misleading information.

(5) While the decision of the Commission under paragraph (3) is pending, no actions in fact and in law related to the intended concentration shall be allowed. This prohibition shall not be applied in case of a bid or series of transactions with securities, listed on regulated markets in financial instruments, by which control is acquired under the meaning of Art. 22, paragraph (3) by different sellers provided that the Commission is notified in accordance with Art. 24, paragraph (2) without delay, as well as that the person who acquired the securities does not exercise the voting rights attached thereto, except to the extent necessary to preserve the value of the investment made.

(6) The Commission shall notify the parties under Art. 78, paragraph (1) of its decision under paragraph (3), in the procedure laid down in the Code of Administrative Procedure, thereby giving them the opportunity to access and get acquainted with the materials collected on the case file.

(7) The decision under paragraph 3, item 4 shall not be subject to appeal.

In-depth Investigation

Art. 83. (1) (Amended – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) An in-depth investigation of the concentration shall be made where as a result of the assessment made during the accelerated investigation the Commission establishes that the concentration gives rise to serious doubts that as a result of its implementation the effective competition on the relevant market will be significantly impeded, especially as a result of creation or strengthening of a dominant position.

(2) Within 30 days of the publication of the decision to launch an in-depth investigation under Art. 68, paragraph (2) any interested third party may submit information or observations at to the effect of the concentration on competition in the relevant market.

(3) The Commission shall carry out in-depth investigations of concentrations exercising the powers conferred to it under Art. 45.

Time Limits for Completion of the In-depth Investigation of a Concentration

Art. 84. (1) (Amended – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The Commission shall carry out the in-depth investigation and complete the proceedings within 90 working days after the publication in the electronic register under Art. 68, paragraph 2.

(2) In case of proposed measures under Art. 86 the terms stipulated in paragraph 1 shall be extended by 15 working days. The extension of the period shall commence as from the day following the day on which the Commission receives full information in relation to the proposed measures.

(3) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) In cases of factual and legal complexity the period under paragraph 1 may be extended by no more than 25 working days.

Closed Sitting

Art. 85. (1) Having collected sufficient evidence with regard to the further course of proceedings, the case team, appointed in application of Art. 39, paragraph 2, shall prepare a report and submit it to the supervising member of the Commission.

(2) The Commission Member in charge of the investigation shall notify the Chairperson of the prepared report. The Chairperson shall appoint by his/her resolution a closed sitting of the Commission which shall deliver:

1. (Amended – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) a decision authorizing the concentration under Art. 26, paragraphs 4 or 5;

2. a ruling adopting its preliminary conclusions on the effect of the concentration on competition.

(3) (Supplemented – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The ruling under paragraph 2, item 2 shall specify a period not shorter than 14 days in which the notifying party and the interested parties may submit an opinion on the preliminary conclusions of the Commission. The ruling shall state that the parties and the interested parties shall have the right to access the materials under the case file subject to the procedure stipulated in Art. 55 within the period for submission of an opinion as well as the right to be heard by the Commission subject to the procedure stipulated in Art. 87.

(4) In the case under paragraph (2), item 2, the persons under Art. 78, paragraph (1) shall be sent the ruling of the Commission, while any interested third parties, constituted as laid down in Art. 43, paragraph (2), item 2 shall be notified of the issued ruling. The time limits for submission of observations pursuant to paragraph (3) shall run from the day of receipt of a copy of the ruling or a notification thereof.

(5) The parties concerned and the interested third parties shall be obliged to accompany their observations on the preliminary conclusions with all evidence at their disposal in their support.

(6) In the case under paragraph (2), item 1, the parties shall be notified as laid down in the Code of Administrative Procedure of the issued decision and the opportunity to access and get acquainted with the materials collected on the file.

Remedies

Art. 86. (1) (Amended – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The Commission may approve measures proposed by the persons under Art. 78, paragraph 1 directly related to the implementation of the concentration which are necessary for preserving the effective competition and restricting the concentration's negative effect on the affected market.

(2) (Amended – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The Commission may appoint a special representative.

(3) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The special representative under paragraph 2 shall be an independent controlling manager who shall see to the implementation of the measures approved by the Commission and serves as a guarantor that the concentration will be effected with the necessary degree of certainty.

(4) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The procedure of approval of measures and appointment of a special representative shall be regulated by rules adopted by the Commission.

Hearing of the Parties and of the Interested Third Parties in an Open Sitting

Art. 87. (1) The parties and any interested third parties have a right to be heard in an open sitting of the Commission before it takes a decision on the merits.

(2) After the period for submission of observations under Art. 85, paragraph (3) expires, by an order the Chairperson shall schedule an open sitting, at which the Commission shall hear the parties and the interested third parties. The open sitting shall be scheduled for a day which shall not be earlier than 14 days after the deadline for submission of observations. The parties and interested third parties shall be notified of the scheduled open sitting at which they will be heard as laid down in the Code of Administrative Procedure.

(3) The parties and the interested third parties shall be heard by the Commission *in camera*.

(4) The sitting of the Commission shall start with dealing the preliminary issues related to the procedure.

(5) The parties and the interested third parties may be asked questions in an order, determined by the Chairperson.

(6) When the Chairperson considers that all circumstances on the case have been clarified, he/she shall give the floor to the parties to make their pleas.

(7) After any disputed matters of fact and law have been clarified, the Chairperson shall close the sitting.

Conclusion of the In-depth Investigation

Art. 88. (1) After hearing the parties, the Chairperson shall schedule a closed sitting. At this sitting the Commission shall take a decision which shall:

1. authorize the concentration;
2. authorize the concentration under the condition that remedies, directly related to the concentration and necessary to maintain effective competition and mitigate any negative effects of the concentration on the relevant market, are implemented;
3. prohibit the concentration.

(2) While the decision of the Commission under paragraph (1) is pending, any actions in fact and in law related to the intended concentration shall be prohibited. This prohibition shall not be applied in case of a bid or series of transactions with securities listed on regulated markets in financial instruments by which control is acquired under the meaning of Art. 22, paragraph (3) by different sellers provided that the Commission is notified in accordance with Art. 24, paragraph (2) without delay, as well as that the person who acquired the securities does not exercise the voting rights attached thereto, except to the extent necessary to preserve the value of the investment made.

(3) The Commission may revoke its decision under paragraph (1), items 1 and 2 where the decision is based on incomplete, inaccurate, untrue or misleading information as well as when the parties fail to implement the remedies specified in the decision of the Commission under paragraph 1, item 2.

(4) The parties shall be notified of the decision taken by the Commission as laid down in the Code of Administrative Procedure.

Conclusion of Proceedings Initiated on Initiative of the Commission

Art. 89. (1) When the Commission has initiated proceeding on its own initiative,

in the cases under Art. 78, paragraph (3), it may:

1. decide that there is no infringement of the obligations under Art. 24;
2. impose pecuniary sanction for non-compliance with the obligation under Art. 24 or impose relevant remedies under Art. 90.

(2) The investigation under paragraph (1) shall be carried out as laid down in Chapter Eight and as set out in Art. 74 and Art. 76.

Measures to Restore Effective Competition

Art. 90. The Commission may, irrespective of the pecuniary sanctions under Art. 89, paragraph (1), item 2, impose to the participants in the operation other behavioural and/or structural remedies, required to restore effective competition, including by ordering the divestiture of merged capital, shares or assets and/or termination of the joint control, where it has established that:

1. an implemented concentration breaches a decision adopted pursuant to Art. 88, paragraph (1), item 3, or

2. a concentration, which should be prohibited or authorized subject to conditions, has been implemented:

a) in violation of Art. 24 or when the concentration has taken place in a manner and under conditions, which differ from the ones which were taken into consideration in issuing the decision pursuant to Art. 82, paragraph (3), item 2 and item 3, Art. 85, paragraph (2), item 1 and Art. 88, paragraph (1), item 1;

b) in violation of the decision pursuant to Art. 88, paragraph (1), item 2;

c) in case of authorization which has been revoked by a decision pursuant to Art. 82, paragraph (4) or under Art. 88, paragraph (3).

Chapter Eleven OTHER PROCEEDINGS

Proceedings on Conducting a Sector Inquiry

Art. 91. (1) The proceedings on conducting a sector inquiry of the competitive environment shall be initiated on the grounds of Art. 38, paragraph (1), item 1.

(2) The Chairperson shall issue an order assigning the supervision of proceedings to a member of the Commission. The investigation shall be carried out by the case team, appointed in application of Art. 39, paragraph (2),

(3) In performing the investigation the case team shall exercise the powers conferred by Art. 45, items 1, 2, 4 and 5.

(4) After completing the investigation the case team shall submit the report on the sector inquiry to the member of the Commission assigned to supervise the proceedings. The Chairperson shall schedule the review of the report in a closed sitting of the Commission.

(5) The Commission shall adopt the report on the sector inquiry with a decision. In its decision the Commission may:

1. (amend. – SG 2 of 2018) order the initiation of proceedings to establish an infringement under Art. 15, Art. 21 and Art. 24 of this Law and/or under Article 101 and 102 of the Treaty on the Functioning of the European Union;

2. advise the competent state authorities, including the bodies of the executive branch and local government authorities of the need to adopt measures for improving the competitive environment in the relevant sector;

3. provide the report to the National Assembly and/or to the Council of Ministers to be used in preparing strategies, programmes, development plans for the relevant sectors of economy, etc.

(6) The decision of the Commission under paragraph (1), as well as the decision under paragraph (5) shall not be subject to appeal.

Proceedings Related to Competition Advocacy

Art. 92. (1) The proceedings related to competition advocacy shall be initiated on the grounds of Art. 38, paragraph (1), item 1, item 5 and item 8.

(2) The Chairperson shall issue an order assigning the supervision of the proceedings to a member of the Commission. The investigation shall be carried out by the case team, appointed in application of Art. 39, paragraph (2).

(3) In performing the investigation the case team shall exercise the powers conferred by Art. 45, items 1, 2, 4 and 5.

(4) After completing the investigation the case team shall prepare a report, which shall be submitted to the member of the Commission assigned to supervise the proceedings. The Chairperson shall schedule the review of the report in a closed sitting of the Commission.

(5) The Commission shall adopt an opinion with a decision whereby:

1. it shall assess the compliance of drafts or existing acts within the meaning of Art. 28 with the provisions of this Law;

2. it shall propose to the competent authorities or to associations of undertakings to amend or repeal the relevant act;

(6) The decision of the Commission under Art. 38, paragraph (1) item 1, as well as the decision under paragraph (5) shall not be subject to appeal.

Proceedings Related to the Implementation of the Commission's Obligations for Assistance under Regulation (EC) No. 1/2003 and Regulation (EC) No. 139/2004

Art. 93. (1) The proceedings to complete the obligations for assistance under Regulation (EC) No. 1/2003 and Regulation (EC) No. 139/2004 shall be initiated on the grounds of Art. 38, paragraph (1), item 7, in connection with Art. 54, upon a request for assistance by a national competition authority of a Member State of the European Union or of the European Commission under Regulation (EC) No. 1/2003 as well as pursuant to Art. 12 and Art. 13, paragraph (5) of Regulation (EC) No. 139/2004.

(2) Based on the request the director of the relevant directorate shall submit to the Chairperson a report, proposing the actions that need be undertaken to comply with the assistance request.

(3) The Chairperson of the Commission, by an order, shall decide on the proposal for taking the necessary actions. In case the Chairperson orders assistance to be provided, in his/her order he/she shall determine the scope of the proceedings, in compliance with the request under paragraph (1).

(4) By virtue of an order the Chairperson shall nominate the officials, who shall exercise the powers under Art. 45 of this Law and respectively under Art. 20, paragraph 2 of Regulation (EC) No. 1/2003 and Art. 13, paragraph 2 of Regulation (EC) No. 139/2004.

(5) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The employees and other accompanying persons authorized or

appointed by the applicant national competition authority may be present and actively assist during inspections on spot and taking oral statements under the supervisions of the employees of the Commission.

(6) (Formerly paragraph 5 – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) After the order under paragraph 3 is fulfilled a report of the actions carried out shall be prepared for the Chairperson of the Commission.

(7) (Formerly paragraph 6, Amended – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The Chairperson of the Commission shall put forward the report under paragraph 6 at a closed sitting at which the Commission shall adopt a decision for completion of the proceedings related to providing assistance.

(8) (Formerly paragraph 7, Amended – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The decision under paragraph 7 may not be appealed.

Art. 93a. (New article – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) (1) The requests under Articles 54a and 103a shall be fulfilled without unjustified delay on the basis of an uniform instrument accompanied by a copy of the act that must be notified or enforced.

(2) The uniform instrument shall contain:

1. the name, the known address of the addressee of the act and any other information regarding the identification of the addressee;
2. a summary of the relevant facts and circumstances;
3. a summary of the attached copy of the act to be notified or enforced;
4. the name, the address and other contact information of the requested authority;
5. the period in which the notification or enforcement must be carried out such as statutory periods or limitation periods.

(3) For the requests under Art. 103a, in addition to the requirements under paragraph 1, the uniform instrument shall also contain:

1. information regarding the decision enabling the enforcement in the Member State of the applicant authority;
2. the date on which the decision has entered into force;
3. the amount of the sanction or the periodic pecuniary sanction;
4. information indicating the reasonable efforts made by the applicant authority for the enforcement of the decision on its territory.

(4) The uniform instrument shall be the only ground for the actions related to notification or enforcement taken by the requested authority subject to compliance with the requirements under paragraph 1. No other act shall be necessary for its acknowledgement, supplementation or substitution in the Member State of the requested authority. The requested authority shall take all necessary measures for the fulfilment of that request unless the requested authority invokes paragraph 5.

(5) The uniform instrument shall be sent from the applicant authority to the requested authority in the official language or in one of the official languages of the Member State of the requested authority unless the requested authority and the applicant authority have bilaterally agreed on a case by case basis that the uniform instrument may be sent in another language. Where required according to the national law of the Member State of the requested authority the applicant authority shall submit a translation of the act to be notified, or of the decision enabling the enforcement of the sanction or the periodic pecuniary sanction, into the official language or in one of the official languages

of the Member State of the requested authority. This shall not affect the right of the requested authority and of the applicant authority to agree upon, on a case by case basis, that such translation may be submitted in another language.

(6) The requested authority shall not be obliged to fulfil a request specified in Art. 54a or Art.103a if:

1. the request does not meet the requirements of this article, or
2. the requested authority can present reasonable grounds showing that the fulfilment of the request would be in apparent contradiction to the public order in the Member State in which the fulfilment is sought.

(7) The requested authority shall notify the applicant authority in case that it intends to reject a request for assistance under Art. 54a or Art. 103a or needs additional information.

(8) Upon request of the requested authority the applicant authority shall incur in full all reasonable additional costs, including ones for translation and labour as well as the administrative costs in relation to the actions taken under Art. 54a or Art. 103a.

(9) The requested authority may recover the full amount of the costs incurred in relation to the actions specified in Art. 103a out of the sums under the sanctions or periodic pecuniary sanctions collected on behalf of the applicant authority, including the ones for translation and labour as well as the administrative costs. If the requested authority is unable to collect the sums under the pecuniary sanctions and the periodic pecuniary sanctions it may request that the applicant authority incur the costs made.

(10) The requested authority may recover the costs incurred in relation to the enforcement of those decisions by the undertaking with respect to which the sanction or the periodic pecuniary sanction is being enforced.

(11) The requested authority shall recover the sums due in the currency of its Member State as per the laws, delegated legislation and administrative procedures in such Member State. If necessary the requested authority shall, in accordance with its national law, convert the sanctions or the periodic pecuniary sanctions into the currency of the Member State of the requested authority at the exchange rate applicable as at the date on which the sanctions or the periodic pecuniary sanctions were imposed.

(12) The pecuniary sanctions imposed by the act under paragraph 2, item 3 issued by another competition authority of a European Union Member State for which cross-border enforcement has been requested by the Commission shall be collected subject to the procedure stipulated in the Tax and Social Security Procedure Code.

(13) All sums collected subject to an enforcement procedure shall be transferred to an account of the Commission which shall deduct the costs incurred by it and then shall convert the remainder in the currency of the Member State of the requested authority at the exchange rate applicable as at the date on which the sanctions or the periodic pecuniary sanctions were imposed.

Chapter Twelve

PROCEEDINGS OF ESTABLISHING INFRINGEMENTS AND IMPOSITION OF SANCTIONS UNDER CHAPTERS SEVEN AND SEVEN “B”

**(Title amended and supplemented – State Gazette, issue 56 of 2015, amended in
issue 17 of 2021, coming into force as from 26 February 2021)**

Initiation of Proceedings, Investigation and Completion of the Proceedings

Art. 94. (1) (Supplemented – State Gazette, issue 56 of 2015, amended in issue 17 of 2021, coming into force as from 26 February 2021) The proceedings for establishing an infringement and imposing a sanction under Chapter Seven shall be initiated on the grounds of Art. 38, paragraph 1, items 1 and 3. The proceedings for establishing an infringement and imposing a sanction under Chapter Seven “b” shall be initiated on the grounds of Art. 38, paragraph 1, items 1 and 9. The decision to initiate proceedings on the initiative of the Commission on the grounds of Art. 38, paragraph 1, item 1 shall not be subject to appeal.

(2) (Amended – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The request under Art. 38, paragraph 1, items 3 and 9 shall be submitted as per a sample form approved by the Commission, and must meet the requirements of Art. 71, paragraph 1. In the cases under Art. 38, paragraph 1, item 9 the annual financial statements of the supplier for the preceding financial year must also be attached to the request.

(3) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) If any irregularities are found in the request under Art. 38, paragraph 1, item 9 within 30 days after the receipt thereof the Commission shall send to the sender of the request a notice to have such irregularities eliminated within 7 days. In case that the irregularities are not eliminated within the granted period the Chairperson of the Commission shall refuse to initiate the proceedings by his/her order.

(4) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The sender of the request under Art. 38, paragraph 1, item 9 shall be notified within 7 days after the issuance of the order by which the chairperson of the Commission refuses to initiate proceedings subject to the procedure stipulated in paragraph 3 and in Art. 38, paragraph 4. The reasons for the refusal shall be specified in the notice.

(5) (Formerly paragraph 3, supplemented – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The Chairperson of the Commission shall initiate, by his/her order, the proceedings of which (s)he shall notify the applicant, and shall determine a Member of the Commission to supervise the investigation. It shall be carried out by the working team determined subject to the procedure stipulated in Art. 39, paragraph 2.

(6) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The Commission may constitute interested parties further to their reasoned request or on its own initiative.

(7) (Formerly paragraph 4, amended – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) In case of investigations under Chapter Seven the Commission shall exercise the powers under Art. 45, items 1, 2 and 4, and in the cases under Art. 34a – also the powers under Art. 45, items 3 and 7.

(8) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) In case of investigations under Chapter Seven “b” the Commission shall exercise the powers under Art. 45, items 1, 2, 3, 4 and 6.

(9) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) During an investigation in cases of misleading and unauthorized comparative advertising under Art. 34a the Commission, as a competent authority, shall directly exercise the powers stipulated in Art. 9, paragraph 3 of Regulation (EU) 2017/2394.

(10) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from

26 February 2021) Where the persons under Art. 38, paragraph 1, item 9 who have submitted the request point out that the disclosure of the identity of the applicant or of members of producer organizations, of suppliers or their associations or of members of organizations being members thereof or of suppliers on whose behalf a request has been submitted by other organizations having legal interest as well as of any other information they think would harm their interests if disclosed, the Commission shall take measures for appropriate protection.

(11) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The persons who have submitted a request under Art. 38, paragraph 1, item 9 shall specify any information for which they demand protection as the conditions and the procedure for protection of such information shall be regulated by rules subject to the procedure stipulated in Art. 55, paragraph 5 adopted by the Commission.

(12) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The conditions and the procedure for protection of the identity of the persons under Art. 38, paragraph 1, item 9 shall be regulated subject to the procedure stipulated in internal rules under Art. 49, paragraph 3 adopted by the Commission.

(13) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) Before the completion of the investigation the Commission shall notify, subject to the procedure stipulated in the Administrative Procedure Code, the parties and the constituted interested parties of the opportunity to get familiar with the materials under the case file subject to the conditions of Art. 55 within 14 days after the communication thereof. The parties and the interested parties may submit an opinion within 7 days.

(14) (Formerly paragraph 5, amended – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) After the completion of the investigation the working team shall prepare a report to be submitted to the Member of the Commission in charge of the proceedings.

(15) (Formerly paragraph 6, amended – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The Chairperson of the Commission shall fix a date for examination of the report at an open sitting of the Commission. The parties shall be notified subject to the procedure stipulated in the Administrative Procedure Code of the opportunity to get familiar with the materials under the case file subject to the conditions of Art. 55 within 7 days as well as of the date of the sitting. The parties to the proceedings and the interested parties shall be heard at the sitting. The Commission may also hear other persons in its own opinion.

Alternative Dispute Settlement

Art. 94a. (New Art.– State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) In view of settlement of the dispute under the proceedings initiated under Chapter Seven “b” and before the final adoption of the decision the Commission may propose to the parties to employ mediation or an alternative method for voluntary settlement of the dispute.

Burden of Proof

Art. 95. In the cases under Art. 32 it shall be upon the advertiser to prove that the advertisement does not contain any features which make it prohibited.

Terms

Art. 96. (1) (Amended – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The investigation under Chapter Seven shall be completed within two months after the initiation of the proceedings.

(2) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The investigation under proceedings initiated under Chapter Seven “b” shall be completed within 6 months after the initiation of the proceedings.

(3) (Formerly paragraph 2, supplemented – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) In cases of factual and legal complexity the period under paragraphs 1 and 2 may be extended by 30 days.

Interim Measures

Art. 97. (1) (Amended and supplemented – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) On request of the parties or of the constituted interested parties or on its own initiative, when there is a risk of serious damage of the interests of consumers, competitors or suppliers of agricultural and food products, the Commission may, at any time in the course of the proceedings, impose an interim measure:

1. prohibition on the distribution of the advertising before it becomes available to the general public where the advertisement is yet to be distributed but its distribution is forthcoming and inevitable;

2. termination of the distribution of the advertising;

3. (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) termination of the application of unfair trading practice under Chapter Seven “b”.

(2) (Amended – State Gazette, issue 77 of 2018, coming into force as from 1 January 2019) The interim measure under paragraph 1 shall be applied by a ruling that is subject to immediate enforcement. The interim measure shall apply until the Commission’s decision on the merits is adopted. The ruling may be appealed subject to the procedure stipulated in Art. 64, paragraph 3. The appeal shall not suspend the enforcement of the ruling unless otherwise ordered by the court.

Decision of the Commission

Art. 98. (1) (Supplemented – State Gazette, issue 56 of 2015, amended in issue 17 of 2021, coming into force as from 26 February 2021) In relation to the proceedings under Chapter Seven or Seven “b” the Commission shall adopt a decision by which it shall:

1. establish the committed infringement and the infringer and impose a pecuniary sanction or a fine;

2. order termination of the infringement;

3. establish that no infringement of the law has been committed;

4. (Amended – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) terminate the proceedings.

(2) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The proceedings shall be terminated:

1. under the conditions of Art. 41, items 1, 2 and 4;

2. where the request is withdrawn in case of proceedings under Chapter Seven and under Chapter Seven “b”;

3. where the realized turnover of the supplier and the buyer does not meet the criteria under Art. 37d, paragraph 1 in case of proceedings under Chapter Seven “b”;

4. in the opinion of the Commission in the cases where there is a risk of disclosure of the identity of the persons who have submitted a request under Art. 38, paragraph 1, item 9, or of other information whose disclosure would harm the applicant’s interests in the opinion of the applicant and provided that the applicant has explicitly specified such information in accordance with Art. 94, paragraphs 10, 11 and 12;

5. if there is no legal interest.

(3) (Formerly paragraph 2 – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) Irrespective of the pecuniary sanctions for an infringement under Art. 32 the Commission may order that the advertiser and/or the advertising agency announce, at its own expense and in an appropriate manner, the decision under paragraph 1, item 1 or part thereof as well as the respective corrected advertising.

(4) (Formerly paragraph 3 – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) Where the proceedings has been initiated further to a report the person who has submitted the report shall be notified of the decision adopted by the Commission.

(5) (Amended – State Gazette, issue 28 of 2019, formerly paragraph 4, issue 17 of 2021, coming into force as from 26 February 2021) The decision under paragraph 1 by which a committed infringement of Art. 37 is established shall not be an obstacle to lodging claim before the court subject to the procedure stipulated in the Law on Protection of the trade secret.

Title Four LIABILITY AND SANCTIONS

Chapter Thirteen LIABILITY

Administrative Penal Liability

Art. 99. (1) In case of infringement of the provisions of this Law, where the act does not constitute a crime, administrative penal liability shall be borne.

(2) (amend. – SG 77 of 2018) The pecuniary sanctions and fines under this Law shall be imposed by a decision of the Commission which shall be subject to appeal in accordance with art.64, para.1..

Chapter Fourteen SANCTIONS

Pecuniary Sanctions

Art. 100. (1) The Commission shall impose a pecuniary sanction in an amount not exceeding 10% of the total turnover in the preceding financial year on an undertaking or an association of undertakings for:

1. (amend. – SG 2 of 2018) infringement under Art. 15 or 21 of this Law or of Article 101 and 102 of the Treaty on the Functioning of the European Union;

2. a concentration, implemented following failure of the parties to comply with the obligation under Art. 24;

3. a concentration, implemented under conditions and in a manner, which differ from the ones which were taken into consideration in issuing the decision, pursuant to Art. 82, paragraph (3), items 2 and 3; Art. 85, paragraph (2), item 1 and Art. 88, paragraph (1), item 1 and item 2;

4. a concentration implemented, despite its prohibition by the Commission under Art. 88, paragraph (1), item 3.

5. a concentration, which being subject to mandatory prior notification under Art. 24, was implemented prior to the decision of the Commission under Art. 82, paragraph (3), Art. 85, paragraph (2) item 1 and Art. 88, paragraph (1), unless the hypotheses under Art. 82, paragraph (5), second sentence and Art. 88, paragraph (2), second sentence were present;

6. infringement under Chapter Seven of this Law;

7. failure to comply with decisions or rulings of the Commission.

(2) (New paragraph – State Gazette, issue 56 of 2015, amended in issue 17 of 2021, coming into force as from 26 February 2021) For an infringement of the prohibitions under Articles 37b and 37c the Commission shall impose a pecuniary sanction to the amount of BGN 5 000 to BGN 300 000 to a buyer of agricultural and food products.

(3) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) For an infringement under Art. 15 of this law and/or Art. 101 of the Treaty on the Functioning of the European Union on part of an association of undertakings related to the activities of its members the Commission shall impose a pecuniary sanction on the association to the amount of up to 10 percent of the sum of the total turnover of each member of the association that operates on the market affected by the infringement for the preceding financial year.

(4) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) Where a sanction under paragraph 3 is imposed not only on an association but also on its members the turnover of its members on which the sanction is imposed shall not be taken into consideration when calculating the sanction for the association.

(5) (Formerly paragraph 2 – State Gazette, issue 56 of 2015, formerly paragraph 3, issue 17 of 2021, coming into force as from 26 February 2021) The Commission shall impose a pecuniary sanction to the amount of one percent of the total turnover for the preceding financial year of an undertaking or an association of undertakings for:

1. failure to fulfil the obligation to cooperate under Art. 46;

2. (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) opposition to an inspection subject to the procedure stipulated in Art. 50;

3. (Formerly item 2 – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) damaging the integrity or destroying of the seals placed when carrying out an inspection on spot under Art. 50;

4. (Formerly item 3, amended – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) untimely provision or provision of incomplete, inaccurate, untrue or misleading information in infringement of the obligations under Art. 47, paragraphs 4 and 6;

5. (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) failure to fulfil the obligation under Art. 47, paragraph 5;

6. (Formerly item 4 – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) failure to fulfil the obligations under Art. 67.

(6) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) For infringements under paragraph 5 in the proceedings under Chapter Seven “b” the Commission shall impose a pecuniary sanction to the amount from BGN 1 000 to BGN 10 000.

(7) (Formerly paragraph 3, amended – State Gazette, issue 56 of 2015, formerly paragraph 4, amended and supplemented, issue 17 of 2021, coming into force as from 26 February 2021) The decision imposing a pecuniary sanction under paragraph 5, items 1, 4 and 5 shall specify a period in which the party must fulfil its obligation to cooperate or to provide complete, accurate, true and non-misleading information or to appear to provide explanations.

(8) (Formerly paragraph 4 – State Gazette, issue 56 of 2015, formerly paragraph 5, amended in issue 17 of 2021, coming into force as from 26 February 2021) When determining the amount of the pecuniary sanction the infringement’s gravity and duration as well as the circumstances mitigating and aggravating the liability shall be taken into consideration. The specific amount of the sanction shall be determined by the Commission in accordance with a methodology adopted by it and published on its website.

(9) (Formerly paragraph 5 – State Gazette, issue 56 of 2015, formerly paragraph 6, issue 17 of 2021, coming into force as from 26 February 2021) The Commission shall impose periodic pecuniary sanctions on an undertaking or an association of undertakings to the amount of 5 percent of the average daily total turnover for the preceding financial year for each day of its failure to fulfil:

1. a decision of the Commission ordering the termination of an infringement, including by imposing the appropriate behavioural or structural remedies as laid down in Art. 77, paragraph (1), item 4 or Art. 90;

2. (Supplemented – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) a ruling of the Commission on imposing interim measures under Articles 56 and 97;

3. a decision of the Commission to approve commitments undertaken pursuant to Art. 75, paragraph (2) or under Art. 88, paragraph (1), item 2.

(10) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) For a default under paragraph 9, items 1 and 2 in the proceedings under Chapter Seven “b” the Commission shall impose a pecuniary sanction to the amount of BGN 5 000 to BGN 50 000.

(11) (Formerly paragraph 6 – State Gazette, issue 56 of 2015, formerly paragraph 7, issue 17 of 2021, coming into force as from 26 February 2021) The Commission shall impose periodic pecuniary sanctions on an undertaking or an association of undertakings to the amount of one percent of the average daily total turnover for the preceding financial year for each day of:

1. (amended – State Gazette, issue 56 of 2015, issue 17 of 2021, coming into force as from 26 February 2021) its failure to fulfil the obligation to cooperate under Art. 46 after the expiration of the period specified in the decision under paragraph 7;

2. (amended – State Gazette, issue 56 of 2015, issue 17 of 2021, coming into force as from 26 February 2021) failure to provide complete, accurate, true or non-misleading

information under Art. 47, paragraph 6 after the expiration of the period specified in the decision under paragraph 7;

3. opposition to an inspection subject to the procedure stipulated in Art. 50.

(12) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) For infringements under paragraph 11 in the proceedings under Chapter Seven “b” the Commission shall impose a pecuniary sanction to the amount of BGN 5 000 to BGN 50 000.

(13) (Formerly paragraph 7, amended – State Gazette, issue 56 of 2015, formerly paragraph 8, amended – issue 17 of 2021, coming into force as from 26 February 2021) The periodic sanctions under paragraphs 9 and 11 shall be imposed for each day until the unlawful action or omission is terminated.

(14) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The pecuniary sanctions for an infringement under paragraph 1, item 1 may also be imposed on a person who:

1. exercises control of the infringing undertaking, or
2. has acquired its assets as a result of transformation whereupon the infringing undertaking has ceased to exist as a legal person, or
3. is an economic successor of the activity via which the infringement has been committed.

Immunity from Sanction and Reduction of Sanctions

Art. 101. (1) (amended – State Gazette, issue 2 of 2018, amended and supplemented in issue 17 of 2021, coming into force as from 26 February 2021) The Commission may, further to an application of an undertaking under Art. 38, paragraph 1, item 4, grant it immunity from a pecuniary sanction for a committed infringement under Art. 15 of this law and/or under Art. 101 of the Treaty on the Functioning of the European Union, manifested in participation in a secret cartel provided that such undertaking discloses its participation in the cartel and submits before the remaining participants therein evidence on the basis of which the Commission may:

1. (amended and supplemented – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) carry out an inspection on spot as at that moment the Commission must not have had sufficient data and evidence to make a request to be granted a court authorization subject to the procedure stipulated in Art. 51, or;

2. (amended and supplemented – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) prove the claimed infringement as it must not have granted to another undertaking conditional immunity from sanctions and must not have had sufficient evidence to deliver a decision for establishment of an infringement.

(2) (amended – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) Any undertaking may be granted immunity from pecuniary sanction if it meets the conditions under paragraph 1, has fulfilled the requirements stipulated in the programme under paragraph 6, and has not taken actions to force the remaining undertakings to participate in the cartel.

(3) (amended – State Gazette, issue 2 of 2018, issue 17 of 2021, coming into force as from 26 February 2021) The Commission may reduce the pecuniary sanction of an undertaking for a committed infringement under Art. 15 of this law and/or under Art. 101 of the Treaty on the Functioning of the European Union manifested in participation in a secret cartel provided that such undertaking voluntarily discloses its participation in the secret cartel, submits evidence that has intrinsic significance for proving the

infringement, and complies with all conditions determined in the programme under paragraph 6.

(4) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) If the undertaking under paragraph 3 submits sufficient evidence which is used by the Commission to prove additional facts related to the infringement, which results in an increase in the pecuniary sanctions for the undertakings participating in the secret cartel compared to the sanctions that would be imposed without the existence of such evidence the Commission shall not take into consideration such additional facts in determining the amount of the sanction for the undertaking under paragraph 3.

(5) (amended – State Gazette, issue 2 of 2018, formerly paragraph 4, amended – issue 17 of 2021, coming into force as from 26 February 2021) Immunity from sanction or reduction of the sanction for an infringement under Art. 15 of this law and/or under Art. 101 of the Treaty on the Functioning of the European Union shall be allowed provided that the following conditions exist:

1. the undertaking has discontinued its participation in the secret cartel immediately after it has submitted an application to be granted immunity from sanction or reduction of the amount thereof at the latest unless the Commission has decided that the continuation of such participation is necessary for the investigation;

2. the undertaking cooperates voluntarily, without interruption, and meaningfully with the Commission from the time of submission of the request until the completion of the proceedings;

3. the undertaking has not destroyed, counterfeited or concealed any evidence related to the claimed secret cartel and has not disclosed its intention to submit a request for granting immunity from sanction or reduction of the sanction.

(6) (Formerly paragraph 5 – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The conditions and the procedure for granting immunity from sanction or reduction of the sanction shall be determined in the Programme for immunity from sanction or reduction of the sanctions and the rules on its implementation, adopted by a decision of the Commission.

Fines

Art. 102. (1) Natural persons who have assisted in the commitment of infringements of the provisions of this Law, where the act does not constitute a crime, shall be liable to a fine of BGN 500 to BGN 50 000.

(2) (amended – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) A fine in the amount from BGN 500 to BGN 25 000 shall be imposed on the persons who fail to provide in time the requested evidence or complete, accurate, true and non-misleading information under Art. 47, paragraph 6.

(3) The decision, whereby the fine referred to in paragraph (2) is imposed, shall state the time limits, within which the requested evidence and information should be presented. In case of failure to comply with the time limits to the person may be imposed a periodic fine to the amount of BGN 500 per day but not exceeding BGN 20 000.

(4) (amended – State Gazette, issue 56 of 2015, issue 17 of 2021, coming into force as from 26 February 2021) When determining the amount of the fine the infringement's gravity and duration, the capacity in which the person has acted as well as the circumstances mitigating and aggravating the liability shall be taken into consideration. The specific amount of the fine shall be determined by the Commission in accordance

with the methodology under Art. 100, paragraph 8.

(5) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) No fine shall be imposed on the members of the management and controlling bodies and on other employees of the undertaking having submitted a request under Art. 101, paragraph 1 as well as on persons who had such capacity at the time of commitment of the infringement provided that:

1. the application of the undertaking meets the conditions under Art. 101, paragraph 1;
2. the persons actively cooperate with the Commission in the proceedings, and
3. the application under Art. 101, paragraph 1 has been submitted before the persons are notified of the initiated proceedings.

Enforcement

Art. 103. (Formerly the text of Art. 103 – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The pecuniary sanctions and fines imposed on the basis of Commission’s decisions that have enter into force shall be collected subject to the procedure stipulated in the Tax and Social Security Procedure Code.

(2) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) In case that a sanction is imposed on an association of undertakings on the basis of the total turnover of its members and it is unable to make the payment the association shall demand from its members to make contributions in order to cover the amount of the sanction within the period determined by the Commission.

(3) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) Where the contributions under paragraph 2 are not made in full within the determined period the Commission may demand payment from any of the undertakings whose representatives have been members of the management or controlling bodies of the association.

(4) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) In case that the option under paragraph 3 is exhausted but there is an unpaid amount of the sanction the Commission may demand payment from any of the members of the association that has operated on the market on which the infringement was committed.

(5) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) The pecuniary liability of each member of the association may not exceed 10 percent of its total turnover for the preceding financial year.

(6) (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) No payment under paragraph 4 shall be demanded from undertakings that prove that they have not implemented the decision of the association and have actively set themselves apart from it before the commencement of the proceedings before the Commission.

Assistance in the implementation of decisions imposing sanctions or periodic pecuniary sanctions

Art. 103a. (New Art.– State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) (1) The Commission shall cooperate with the other national competition authorities in relation to the collection of the pecuniary sanctions or periodic pecuniary sanctions under decisions having enter into force as it shall, upon request:

1. receive and provide assistance where the applicant authority has established that

the undertaking or the association of undertakings on which the sanction has been imposed does not have sufficient assets in the Member State of the applicant authority;

2. may receive and provide assistance in the cases which do not fall within the scope of item 1, including where the undertaking or the association of undertakings on which the sanction has been imposed is not established in the Member State of the applicant authority; in such cases the applicant authority does not have to submit information showing its efforts to ensure the enforcement of the decision on its territory.

(2) The lawfulness of a decision to be enforced and of the uniform instrument enabling the enforcement in the Member State of the requested authority shall be appealed before the competent authorities of the Member State of the applicant authority as per the law of such Member State.

(3) The enforcement measures taken in the Member State of the requested authority shall be appealed before the competent authorities of the Member State of the requested authority as per the law of such Member State.

(4) For the limitation periods regarding the enforcement of the decisions imposing sanctions or periodic pecuniary sanctions the national law of the applicant authority's Member State shall apply.

Claims for Damages

Art. 104. (repealed – SG 2 of 2018).

Chapter Fifteen (new – SG 2 of 2018) LIABILITY FOR TORT

Section I General Provisions

Actions for damages

Article 105. (1) For any harm caused as a result of infringements of this Law, the responsible person shall be liable for the payment of compensation.

(2) Any natural and legal entities having suffered any harm shall be entitled to full compensation even if the infringement has not been directly targeted against them.

(3) Actions for damages shall be brought pursuant to the Civil Procedure Code.

(4) An enforced decision of the Supreme Administrative Court acknowledging a decision of the Commission for an established infringement of the law shall have a binding effect for the civil court with regard to the fact of the infringement and the infringer. As far as the fact of the infringement and the infringer are concerned, the civil court shall be also bound by a decision of the commission which has not been appealed or the appeal against it has been withdrawn.

Full compensation

Article 106. (1) Full compensation shall place the injured party in the position it would be if there was no infringement of competition law.

(2) Full compensation shall extend to the right to damages for the suffered loss and lost profits together with the due statutory interest.

(3) Full compensation shall not lead to overcompensation vis-à-vis the suffered harm.

Section II

Liability for tort resulting of a breach under Chapters Three and Four and under Article 101 and 102 of Treaty on the Functioning of the European Union

Passing-on of overcharges

Article 107. (1) Compensation of harm may be claimed by anyone who suffered it, irrespective of whether they are direct or indirect purchasers.

(2) Compensation may be also claimed if the infringement of competition law is related to a delivery for the undertaking that has committed the infringement.

(3) The compensation for incurred losses on every level of the supply chain may not exceed the overcharge at that level.

(4) The injured party shall have right to compensation for loss of profits, including in the case of full or partial passing-on the overcharge across the supply chain.

(5) The court shall estimate the amount of the overcharge which has been passed on to another level of the supply chain.

Objection for passed-on overcharge

Article 108. A defendant under an action for damages may object that the claimant has passed on fully or partially the overcharge across the supply chain. The burden of proving the facts on which such objection is based shall rest with the defendant.

Indirect purchasers

Article 109. (1) To assess the plausibility of the action for damages and estimate the amount of the compensation, the court shall also take into account whether and to what extent an overcharge has been passed on to the claimant. The existence and amount of such passing-on shall be proved by the claimant.

(2) Subject to proof of the contrary, it shall be assumed that a passing-on of overcharge exists where the indirect purchaser has proved that:

1. the defendant has made an infringement of competition law;
2. the infringement of competition law has resulted in an overcharge for the direct purchaser and
3. the indirect purchaser has purchased the goods or services object of the infringement or has purchased goods or services derived from or containing them.

Actions for damages by claimants from different levels in the supply chain

Article 110. (1) When assessing the liability of the infringer in actions for

damages brought by claimants from different levels in the supply chain the following circumstances shall be of relevance:

1. the existence of actions for damages which are related to the same infringement but are brought by claimants from different levels in the supply chain;
2. the judgments on the actions for damages referred to in paragraph 1;
3. publicly available information regarding the applicability of competition law on behalf of the competent authorities.

(2) Paragraph 1 shall be without prejudice to the powers of the national courts pursuant to Article 30 of Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ, L 351/1 of 20 December 2012).

Limitation period

Article 111. (1) The limitation period shall start to run as of the time when the infringement ceases, provided that the claimant knows or could be reasonably expected to know about:

1. the behaviour constituting an infringement of competition law;
2. the harm it has suffered; and
3. the infringer.

(2) Limitation shall be interrupted by initiation of proceedings for establishing an act of infringement by a competition authority. For the duration of the proceedings before the commission the limitation period shall be suspended, and a new limitation period shall commence after the expiry of one year of the effective date of the decision establishing the act of infringement or of the closing of the proceedings before the authority.

(3) In the case of an action for damages against an immunity recipient the limitation period shall commence as of the time of establishing that full compensation may not be received by the remaining infringers who are jointly liable for causing the harm.

(4) In the case of an out-of-court settlement of a dispute concerning a claim for damages no limitation period shall run until resolution of the dispute and only with respect to the parties involved in it.

Out- of-court resolution of a dispute concerning a claim for damages

Article 112. (1) The court approached with an action for damages may suspend for a period of up to two years the proceedings brought up before it should the parties participate in an out-of-court settlement of the dispute which is object of the case.

(2) In the event that an out-of-court settlement of the dispute is reached, the claim of the respective injured party concerning the harm suffered as a result of the infringement shall be reduced by the share of the settling the co-infringer. The remaining part of the claim of the injured party may be brought up only against non-settling co-infringers.

(3) Where non-settling co-infringers are unable to pay a compensation for the damages corresponding to the remaining part of the claim of the settling injured party, the latter may bring the remaining part of its claim against the settling co-infringer. The application of this provision may be expressly excluded by the parties in the settlement of the dispute.

Estimating the amount of harm

Article 113. (1) On demand by the court the commission within the limits of its competence may provide assistance with respect to estimating the amount of harm, where necessary for the defence of the interests of the injured party.

(2) Subject to proof of the contrary, it is presumed that cartels cause harm.

(3) If established that the claimant suffered harm, the court shall award damages according to the provision of Article 162 of the Civil Procedure Code, even where based on available evidence it is impossible to accurately estimate the amount of caused harm.

Effect of the decisions of the competition authorities or the courts of the Member States of the European Union

Article 114. (1) An enforced decision of a competition authority or a court of another EU Member State establishing an infringement of competition law may be presented as evidence in proceedings for compensation of damages. Subject to proof of the contrary the court shall have to accept as established the fact of the infringement and the infringer.

(2) With respect to the effect of the decisions of the European Commission Article 16 of Regulation (EC) No 1/2003 shall apply.

Joint and several liability

Article 115. (1) Where the infringement of competition law has been made by two or more undertakings or associations of undertakings, they shall bear joint and several liability for any damages caused by the infringement.

(2) Without prejudice to the right to full compensation, where the co-infringer is a small or medium-sized enterprise in the meaning of the Small and Medium-Sized Enterprises Act it shall be liable only to its direct and indirect purchasers or providers where:

1. (a) its market share in the relevant market was below 5% at any time during the infringement of competition law; and

2. the application of the normal rules of joint and several liability would irretrievably jeopardise its economic viability and cause its assets to lose all their value.

(3) The derogation laid down in paragraph 2 shall not apply where:

1. the SME has led the infringement of competition law or has coerced other undertakings to participate therein; or

2. the SME has previously been found to have infringed competition law.

- (4) An immunity recipient shall bear joint and several liability, as follows:
1. to its direct and indirect purchasers or providers; and
 2. to other injured parties only where a full compensation cannot be received from the other undertakings involved in the same infringement.

Recourse action

Article 116. (1) A co-infringer who has contributed in excess to its share shall have the right to recourse action against each of the other co-infringers for the difference proportionately to their relevant liability for the harm caused by the infringement of competition law. The amount due by a co-infringer who/which is an immunity recipient may not exceed the amount of damages it caused to its direct or indirect purchasers or providers.

(2) In the cases of harm caused to persons other than the direct or indirect purchasers or providers of the infringers, the amount of any contribution from an immunity recipient to other infringers shall be determined in the light of its relative responsibility for that harm.

(3) A co-infringer in an infringement of competition law not participating in an out-of-court settlement of a dispute for harm caused by the infringement shall not be entitled to recourse action against a settling co-infringer.

(4) In the estimation of the amount to be awarded to a settling co-infringer under its recourse action against any other co-infringer the court shall consider both the relative liability of the infringers for the harm caused by the infringement and the amount of all compensations paid in the out-of-court resolution of the dispute.

Disclosure of evidence

Article 117. (1) Upon on a reasoned request of the claimant based on reasonably available facts and evidence the court shall be able to order the defendant or a third party to disclose relevant evidence which lies in their control. The right to demand disclosure of case-relevant evidence may also be exercised by the defendant. This paragraph shall be without prejudice to the powers of the court pursuant to Regulation (EC) No 1206/2001 of the Council of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (OJ, L 174/1 of 27 June 2001).

(2) The court shall order the disclosure of evidence circumscribed as precisely and as narrowly as possible in the request for evidence.

(3) The court shall assess the proportionality of the request for evidence, accounting for the legal interests of all affected parties and third parties taking into consideration:

1. the extent to which the claim of the claimant or the defence of the defendant are supported by the facts and evidence justifying the request for disclosure of evidence;
2. the scope and cost of disclosure, especially for any third parties concerned, including preventing non-specific searches for information which is unlikely to be of

relevance for the parties in the procedure;

3. whether the evidence the disclosure of which is sought contains confidential information, especially concerning any third parties, and what arrangements are in place for protecting such confidential information.

(4) The court shall have the power to order the disclosure of evidence containing confidential information where they consider it relevant to the action for damages. The court shall take effective measures for protection of the evidence containing production, business or other secret protected by the law.

(5) The court shall apply the governing law of the European Union and the national legislation of the Republic of Bulgaria for protection of the professional secret.

(6) Prior to ordering the disclosure of evidence, the court may allow for hearing of the persons required to make such disclosure.

(7) A refusal to comply with the disclosure of evidence because of the possibility that they are used against the person from whom they are requested in actions for damages for infringement of the competition law shall be inadmissible.

Disclosure of evidence included in the file of a competition authority

Article 118. (1) When ordering the disclosure of evidence collected on a file of a competition authority, the court shall assess the proportionality of the request for disclosure in compliance with Article 117, paragraph 3, also taking into consideration the following circumstances:

1. whether the request has been formulated specifically with regard to the nature, subject matter or contents of documents submitted to a competition authority or held in the file thereof, rather than by a non-specific application concerning documents submitted to a competition authority;

2. whether the party requesting disclosure is doing so in relation to an action for damages before a national court; and

3. the need to safeguard the effectiveness of the public enforcement of competition law pursuant to paragraph 2 and 4 or upon request of a competition authority pursuant to paragraph 9.

(2) The court shall order the authority for protection of competition to disclose evidence included in its file where a given party or a third party is unable to provide such evidence.

(3) Collection of evidence comprising of internal documents of the authority for protection of competition, including its correspondence with other competition protection bodies shall not be allowed.

(4) The court may order the disclosure of the following evidence only after competition authority has closed the proceedings brought before it by awarding a judgment or on other grounds:

1. National courts may order the disclosure of the following categories of evidence only after a competition authority, by adopting a decision or otherwise, has closed its proceedings;

2. information that the competition authority has drawn up and sent to the parties in the course of its proceedings; and;

3. settlement submissions that have been withdrawn.

(5) The collection of the following evidence may not at any time be allowed:

1. leniency statements; and

2. settlement submissions..

(6) On request of the claimant the court may verify whether the content of the evidence referred to in paragraph 5 complies with the definitions under § 1, p. 34 and 36 of the additional provisions. In no case shall other parties or third parties be granted access to such evidence. In that assessment, national courts may request assistance only from the competent competition authority. The authors of the evidence referred to in paragraph 5 may also have the possibility to be heard in court.

(7) If paragraph 5 applies only to a part of the requested evidence, the court shall assess them as to their remaining part pursuant to paragraphs 1-6.

(8) A competition authority may, at its own discretion, file written objections regarding the proportionality of the request for disclosure of evidence before the court.

Limits on the use of evidence obtained solely through access to the file of a competition authority

Article 119. (1) The evidence listed in Article 118, paragraph 5 which is obtained by a natural or legal person solely through access to the file of a competition authority shall be deemed to be inadmissible in actions for damages.

(2) The evidence listed in Article 118, paragraph 4 which is obtained by a natural or legal person solely through access to the file of a competition authority shall be deemed to be inadmissible in actions for damages until the competition authority closes the proceedings conducted thereby by rendering a judgment or on another grounds.

(3) Any evidence obtained by a natural or legal entity only through access to the file of a competition authority and which fall outside the scope of paragraph 1 or 2 may be used only with an action for damages brought by that entity or by a natural or legal entity subrogated to its right to a claim.

Penalties and fines

Article 120. (1) Natural persons which are parties, third parties or their legal representatives shall be sanctioned by the court with a fine to the amount of BGN 500 to BGN 50 000 in the event of any of the following:

1. failure or refusal to comply with a disclosure order of any court;

2. destruction of case-relevant evidence;

3. failure or refusal to comply with the obligations imposed by the court for protection of confidential information;

4. breach of the limits on the use of evidence provided for in Article 118 and 119.

(2) Legal persons which are parties, third parties or their legal representatives shall be sanctioned by the court with a fine to the amount of BGN 500 to BGN 50 000

in the event of any of the following:

1. failure or refusal to comply with a disclosure order of any court;
2. destruction of case-relevant evidence;
3. failure or refusal to comply with the obligations imposed by the court for protection of confidential information;
4. breach of the limits on the use of evidence provided for in Article 118 and 119.

(3) The court may accept as proven the facts with respect to which the party has obstructed the collection of evidence, as well as encumber the defaulting party with the payment of the legal costs.

Supplementary provisions

§ 1. For the purposes of this Law:

1. (Supplemented – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) “**Internal documents**” means: the documents created by the Commission and/or the administration in the course of the proceedings under this law (drafts, opinions, working teams’ reports, memoranda, and others); the documents being correspondence of the Commission with the European Commission, with the competition authorities of the European Union Member States, with the national enforcement authorities under Directive (EU) 2019/633, with the competent national authorities under Regulation (EU) 2017/2394; other documents of the Commission and/or the administration related to its operating activity.

2. “**Good faith commercial practice**” shall mean the rules determining the market behaviour resulting from the laws and the ordinary commercial relations and not infringing the good morals.

3. “**Electronic evidence**” shall mean evidence collected from an undertaking or an association of undertakings in performing an inspection in electronic form through copying electronic documents and electronic statements.

4. “**Interested party**” shall mean any person, undertaking or association whose interests may be affected by an infringement of this Law.

5. (amend. – SG 2 of 2018) “**Cartel**” means an agreement or concerted practice between two or more undertakings aimed at coordinating their competitive behaviour on the relevant market or influencing the relevant parameters of competition through practices such as, but not limited to, the fixing or coordination of purchase or selling prices or other trading conditions, including in relation to intellectual property rights, the allocation of production or sales quotas, the sharing of markets and customers, including bid-rigging, restrictions of imports or exports or anti-competitive actions against other competitors.

6. “**Periodic pecuniary sanction**” shall be a pecuniary sanction determined as a particular amount imposed for each day to an undertaking in order to be forced to suspend an infringement of the law or to perform a particular action, imposed by the Commission on grounds of its competence under this Law.

7. “**Undertaking**” shall mean any natural person, legal entity, or unincorporated entity which carries out economic activities, regardless of its legal and organisational form.

8. “**Continuous infringement**” shall be any infringement where two or more acts (actions or omissions) are realized during short periods of time in the same factual

situation in which the subsequent ones appear a continuation of the preceding ones.

9. “**Production or trade secret**” shall mean facts, information, decisions and data related to the economic activities, the preservation of confidentiality of which is in the interest of the rightful holders thereof, and for which the latter have undertaken appropriate measures.

10. “**Professional secret**” means:

a) any information which is created or acquired by the Commission for the purposes of the investigation under this law or in relation hereto and whose disclosure may threaten the economic interest or the prestige of the parties to the case file or of a third party; the professional secret is not official secret within the meaning of the Law on Protection of the Classified Information ;

b) (Supplemented – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) the information exchanged between the Commission, the national competition authorities of the European Union Member States, and the European Commission, as well and the information exchanged between the Commission and the national enforcement authorities under Directive (EU) 2019/633 and the European Commission and between the Commission and the competent national authorities under Regulation (EU) 2017/2394 and the European Commission in relation to the exercise of their powers and cooperation between them.

The information that is publicly available or is subject to public disclosure under this law or under another law is not a “professional secret”.

11. “**Advertising**” shall mean any notice in connection with trade, art or profession aiming to promote the sale of goods or services, including real estates, rights and obligations.

12. “**Association of undertakings**” shall mean professional associations and other forms of associations of independent undertakings, which do not carry out autonomous economic activities separately and hence do not distribute profits.

13. “**Economic activities**” shall mean the activities of undertakings the results of which are designed for exchange on the market.

14. “**Concerted practice**” shall mean the coordinated action or inaction of two or more undertakings.

15. “**Relevant market**” shall consist of:

(a) “**Product market**” including all goods or services which could be accepted by consumers as interchangeable in respect of their characteristics, intended use and price;

(b) “**Geographic market**” including a specific territory on which the corresponding interchangeable goods or services are offered and on which the conditions of competition are the same, while differing from those in neighbouring areas.

16. (Amended – State Gazette, issue 2 of 2018, supplemented, issue 17 of 2021, coming into force as from 26 February 2021) “**Grave infringement**” means an infringement under Articles 15 and 21 of this law and/or under Articles 101 and 102 of the Treaty on the Functioning of the European Union that affects or might considerably and lastingly in time affect the competitive environment of a substantial part of the national market as well as any cases of cartel.

17. “**Forensic evidence**” shall mean evidence, collected in performing an inspection through the usage of special equipment (forensic laboratory) for recovery, certifying the authenticity and analysis of digital information, being an authentic image (forensic image) of the specific medium of this information.

18. **“Digital evidence”** shall mean information which can be used as proof and which is stored or transferred in digital form.

19. (new – SG 2 of 2018) **„Infringement of competition law“** means an infringement of Article 101 or 102 TFEU or of Article 15 or 21 of this Law.

20. (new – SG 2 of 2018) **„Infringer“** means an undertaking or association of undertakings which has committed an infringement of competition law.

21. (new – SG 2 of 2018) **„National competition law“** means provisions of national law that predominantly pursue the same objective as Articles 101 and 102 TFEU and that are applied to the same case and in parallel to Union competition law pursuant to Article 3(1) of Regulation (EC) No 1/2003, excluding provisions of national law which impose criminal penalties on natural persons, except to the extent that such criminal penalties are the means whereby competition rules applying to undertakings are enforced.

22. (new – SG 2 of 2018) **„Co-infringer“** means a participant in an infringement of competition law committed by more than one infringer.

23. (new – SG 2 of 2018) **„Action for damages“** means an action by which a claim for damages is brought before a court by an alleged injured party, or by someone acting on behalf of one or more alleged injured parties or by a natural or legal person that succeeded in the right of the alleged injured party, including the person that acquired the claim.

24. (new – SG 2 of 2018) **„Claim for damages“** means a claim for compensation for harm caused by an infringement of competition law;

25. (new – SG 2 of 2018) **„Injured party“** means a person that has suffered harm caused by an infringement of competition law.

26. (new – SG 2 of 2018) **„National competition authority“** means an authority designated by a Member State pursuant to Article 35 of Regulation (EC) No 1/2003, as being responsible for the application of Articles 101 and 102 TFEU.

27. (new – SG 2 of 2018) **„Competition authority“** means the European Commission or an authority designated by a Member State pursuant to Article 35 of Regulation (EC) No. 1/2003 as responsible for the implementation of Article 101 and 102 TFEU in the territory of that state, or both depending on context.

28. (new – SG 2 of 2018) **„National court“** means a court or tribunal of a Member State within the meaning of Article 267 TFEU;

29. (new – SG 2 of 2018) **„Review court“** means a national court that is empowered by ordinary means of appeal to review decisions of a national competition authority or to review judgments pronouncing on those decisions, irrespective of whether that court itself has the power to find an infringement of competition law;

30. (new – SG 2 of 2018) **„Infringement decision“** means a decision of a competition authority or review court that finds an infringement of competition law;

31. (new – SG 2 of 2018) **„Final infringement decision“** means an infringement decision that cannot be, or that can no longer be, appealed by ordinary means;

32. (new – SG 2 of 2018) **“Evidence”** means all types of means of proof admissible before the national court seized, in particular documents and all other objects containing information, irrespective of the medium on which the information is store.

33. (new – SG 2 of 2018) **„Leniency programme“** means a programme concerning the application of Article 101 TFEU or Article 15 on the basis of which a participant in a secret cartel, independently of the other undertakings involved in the cartel, cooperates with an investigation of the competition authority, by voluntarily

providing presentations regarding that participant's knowledge of, and role in, the cartel in return for which that participant receives, by decision or by a discontinuation of proceedings, immunity from, or a reduction in, fines for its involvement in the cartel;

34. (new – SG 2 of 2018) „**Leniency statement**“ means an oral or written presentation voluntarily provided by, or on behalf of, an undertaking or a natural person to a competition authority, describing the knowledge of that undertaking or natural person of a cartel and describing its role therein, which presentation was drawn up specifically for submission to the competition authority with a view to obtaining immunity or a reduction of fines under a leniency programme, not including pre-existing information.

35. (new – SG 2 of 2018) „**Pre-existing information**“ means evidence that exists irrespective of the proceedings of a competition authority, whether or not such information is in the file of a competition authority;

36. (new – SG 2 of 2018) „**Settlement submission**“ means a voluntary presentation by, or on behalf of, an undertaking to a competition authority describing the undertaking's acknowledgement of, or its renunciation to dispute, its participation in an infringement of competition law and its responsibility for that infringement of competition law, which was drawn up specifically to enable the competition authority to apply a simplified or expedited procedure.

37. (new – SG 2 of 2018) „**Immunity recipient**“ means an undertaking which, or a natural person who, has been granted immunity from fines by a competition authority under a leniency programme.

38. (new – SG 2 of 2018) „**Overcharge**“ means the difference between the price actually paid and the price that would otherwise have prevailed in the absence of an infringement of competition law.

39. (new – SG 2 of 2018) „**Consensual dispute resolution**“ means any mechanism enabling parties to reach the out-of-court resolution of a dispute concerning a claim for damages.

40. (new – SG 2 of 2018) „**Consensual settlement**“ means an agreement reached through consensual dispute resolution.

41. (new – SG 2 of 2018) „**Direct purchaser**“ means a natural or legal person who acquired, directly from an infringer, products or services that were the object of an infringement of competition law.

42. (new – SG 2 of 2018) „**Indirect purchaser**“ means a natural or legal person who acquired, not directly from an infringer, but from a direct purchaser or a subsequent purchaser, products or services that were the object of an infringement of competition law, or products or services containing them or derived therefrom.

43. (new – SG 2 of 2018) „**Supply chain**“ exists in the event of subsequently transferring goods or services on different levels of trade, in their original or processed form, until placement of the end product on the market.

44. (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) „**Law Enforcement Proceedings**“ means proceedings before a competition authority for the application of Articles 101 or 102 of the Treaty on the Functioning of the European Union until such proceedings is completed by the said competition authority by a decision establishing infringements under this law as well as under Articles 101 and 102 of the Treaty on the Functioning of the European Union; imposing the sanctions stipulated by the law; ordering termination of the infringements, including by imposing appropriate behavioural and/or structural measures for

restoration of competition; establishing that there is no ground for taking actions for an infringement committed under Articles 101 and 102 of the Treaty on the Functioning of the European Union; imposing interim measures in the cases stipulated by the law; approving the undertaking of commitments by undertakings in case that the decision is adopted by a national competition authority, or by a decision under Articles 7, 9 or 10 of Regulation (EC) No 1/2003 in the event that the decision was adopted by the European Commission, or until the competition authority concludes that there are no grounds for further actions on its part.

45. (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) “**Secret cartel**” means a cartel whose existence is partially or fully concealed.

46. (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) “**Immunity from sanctions**” means granting an immunity from sanctions that would otherwise be imposed on an undertaking because of its participation in a secret cartel in order to reward its cooperation with a competition authority within a programme for immunity from sanctions or reduction of its amount.

47. (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) “**Reduction of sanctions**” means a reduction of the amount of the sanction that would otherwise be imposed on an undertaking because of its participation in a secret cartel in order to reward its cooperation with a competition authority within a programme for immunity from sanctions or reduction of its amount.

48. (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) “**Immunity from sanctions or reduction of the amount thereof**” means both immunity from sanctions and reduction of their amount.

49. (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) “**Applicant**” means an undertaking that submits an application for granting immunity from sanctions or reduction of their amount within a programme for immunity from sanctions or reduction of their amount.

50. (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) “**Applicant authority**” means a national competition authority that submits a request for provision of mutual cooperation under Articles 54, 54a, 93, 93a and 103a.

51. (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) “**Requested authority**” means a national competition authority that receives a request for provision of mutual cooperation, and in the cases under Articles 54, 54a, 93, 93a and 103a is the competent public authority that bears the principal responsibility for the application of such decisions under national statutory or delegated provisions and administrative practices.

52. (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) “**Economic succession**” exists where – irrespective of whether the infringing undertaking exists, or its name has been struck out before the final decision imposing pecuniary sanctions is delivered – the activity via which the infringement has been committed has been transferred to, or is being carried out by another operator under circumstances that fall beyond the ordinary market conditions and which can be explained as an attempt to evade responsibility for the committed infringements. In any case economic succession exists where an undertaking under common control with the perpetrator of the infringement assumes the activity via which the infringement has been committed.

53. (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) “**Agricultural and food products**” means the products listed in annex I to the Treaty on the Functioning of the European Union, and products that are not listed in that annex but that have been obtained via processing of the products listed in the annex in order to be used as food.

54. (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) “**Perishable agricultural and food products**” means agricultural and food products that by their nature or at their stage of processing are liable to become unfit for sale within 30 days after harvest, production or processing.

55. (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) “**Buyer of agricultural and food products**” means any natural or legal person, irrespective of that person’s place of establishment, or any public authority, who buys agricultural and food products, including a group of such natural and legal persons.

56. (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) “**Supplier of agricultural and food products**” means any agricultural producer or any natural or legal person, irrespective of their place of establishment, who sells agricultural and food products. The term “supplier” may include a group of such agricultural producers or a group of such natural and legal persons, such as producer organisations, organisations of suppliers and associations of such organisations.

57. (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) “**Public authority**” means national, regional or local authorities, bodies governed by public law or associations formed by one or more such authorities or one or more such bodies governed by public law.

58. (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) “**Infringements falling within the scope of Regulation (EU) 2017/2394**” means:

a) an infringement within the European Union means any act or omission constituting misleading advertising or prohibited comparative advertising that has harmed, harms or is likely to harm the collective interests of consumers residing in a Member State other than the Member State in which:

aa) the act or omission has commenced or has been committed;

bb) the trader responsible for the act or omission is established, or in which

cc) there are pieces of evidence or assets of the trader which are related to the act or omission;

b) a wide-spread infringement means any act or omission constituting misleading advertising or prohibited comparative advertising that has harmed, harms or is likely to harm the collective interests of consumers residing in at least two Member States other than the Member State in which:

aa) the act or omission has commenced or has been committed;

bb) the trader responsible for the act or omission is established, or in which

cc) there are pieces of evidence or assets of the trader which are related to the act or omission constituting misleading advertising or prohibited comparative advertising, or each act or omission constituting misleading advertising or prohibited comparative advertising that has harmed, harms or is likely to harm the collective interests of consumers and has common characteristics, including the same unlawful practices, infringement of the same interests, and has been simultaneously committed by the same

trader in at least three Member States;

c) a wide-spread infringement of Community dimension means a wide-spread infringement that has harmed, harms or is likely to harm the collective interests of consumers in at least two-thirds of the Member States who represent together at least two-thirds of the population of the European Union.

59. (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) “**European Competition Network**” means a network of public authorities made up of the national competition authorities and the European Commission in order to provide for a forum for discussion and cooperation with respect to the application and enforcement of Articles 101 and 102 of the Treaty on the Functioning of the European Union.

§ 2. (Supplemented – State Gazette, issue 2 of 2018, amended in issue 17 of 2021, coming into force as from 26 February 2021) This law shall implement:

1. Directive 2006/114/EC of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising.

2. Directive 2014/104/EU of the European Parliament and of the Council of 26 November 2014 on certain rules governing actions for damages under national law for infringements of the competition law provisions of the Member States and of the European Union (OB, L 349/1 of 5 December 2014).

3. Directive (EU) 2019/1 of the European Parliament and of the Council of 11 December 2018 to empower the competition authorities of the Member States to be more effective enforcers and to ensure the proper functioning of the internal market (OB, L 11/3 of 14 January 2019).

4. Directive (EU) 2019/633 of the European Parliament and of the Council of 17 April 2019 on unfair trading practices in business-to-business relationships in the agricultural and food supply chain (OB, L 111/59 of 25 April 2019).

§ 3. In case an administrative position at the Commission is occupied by a civil servant holding a law degree, his/her professional experience shall be recognised as professional legal experience within the meaning of the Judicial System Act and the Attorneys Act.

Transitional and Concluding provisions

§ 4. (New paragraph – State Gazette, issue 17 of 2021, coming into force as from 26 February 2021) This law stipulates measures regarding the implementation of Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004 (OB, L 345/1 of 27 December 2017).

§5. (1) In order the principle of succession in the work of the Commission to be preserved when conducting the first election of members of the Commission on Protection of Competition under Art. 4, paragraph (1), three of the four members of the Commission shall be elected for a term of office of 3 years.

(2) The Members of the Commission on Protection of Competition, including the Chairperson and the Deputy Chairpersons shall, as of the date of coming into force of

this Law, continue to perform their duties until inauguration of their successors.

§ 6. (1) The proceedings before the Commission on Protection of Competition pending at the time of entry into force of this Law shall be completed in accordance with the existing procedure.

(2) Applications which have been submitted under the repealed Law on Protection of Competition and on which no proceedings have been initiated by the Commission shall be examined under the procedure set forth in this Law.

§ 7. (1) The proceedings before the Consumers Protection Commission pending at the time of entry into force of this Law shall be completed in accordance with the procedure set forth in the Consumer Protection Act.

(2) Submissions of information, claims and requests filed with the Consumer Protection Commission in connection with infringements under Chapter Three “Misleading and Comparative Advertising” of the Consumer Protection Act, on which no proceedings have been initiated, shall be examined under the procedure set forth in this Law.

§ 8. Any pending proceedings on cases shall be concluded in compliance with the procedure which was in force at the time of their initiation.

§ 9. In the Public Procurement Law (promulgated, SG, issue 28 of 2004, amended and supplemented, issue 53 of 2004, issues 31, 34 and 105 of 2005, issues 18, 33, 37 and 79 of 2006 and issue 59 of 2007), in Art. 122c the following amendments shall be made:

1.: in paragraph 1 the word “five” shall be replaced by the word “four”

2. Paragraphs 2 and 3 shall be amended as follows:

“(2) The Commission for Protection of Competition shall take decisions and pass rulings with an open vote and a majority of 4 votes. In case that the sitting is attended by less than 7 members, the decision shall be taken only if for the same have voted at least 4 members of the Commission.

(3) A member of Commission may not take part in the investigation proceedings under this Law when she/he is interested in their outcome or there are reasonable doubts about his/her impartiality. The member of Commission shall be removed on his/her initiative or upon request of the parties.”.

3. paragraph 5 is repealed.

§ 10. In the Concessions Act (promulgated, SG, issue 36 of 2006, amended and supplemented, issues 53, 65 and 105 of 2006, issues 41 and 59 of 2007, and issues 50 and 67 of 2008), the following amendments and supplements shall be made in Art. 90:

1. in paragraph 1 the word “five” shall be replaced by the word “four”.

b) Paragraphs 2 and 3 shall be amended as follows:

“(2) The Commission for Protection of Competition shall take decisions and pass rulings with an open vote and a majority of 4 votes. In case that the sitting is attended by less than 7 members, the decision shall be taken only if for the same have voted at least 4 members of the Commission.

(3) A member of Commission may not take part in the investigation proceedings under this Law when she/he is interested in their outcome or there are reasonable doubts

about his/her impartiality. The member of Commission shall be removed on his/her initiative or upon request of the parties”.

3. paragraph 5 is repealed.

§ 11. In the Consumer Protection Act (promulgated, SG, issue 99 of 2005; amended and supplemented issues 30, 51, 53, 59, 105 and 108 of 2006, issues 31, 41, 59 and 64 of 2007 and issue 36 of 2008 r.) the following amendments and supplements shall be made:

1. In Art. 1, paragraph 2, item 3 the words “misleading and illegal comparative advertising” shall be deleted.

2. Chapter Three “Misleading and Comparative Advertising” is repealed.

3. In Art. 68d, paragraph 4 the words “Art. 68f” shall be replaced by “Art. 68e”:

4. In Art. 68e, paragraph 2, item 6 the words “unified civic number” shall be replaced by “the number of the identity document”.

5. In Art. 68f, paragraph 4, item 2 the words “unified civic number” shall be replaced by “the number of the identity document”.

6. In Section IV “Unfair Commercial Practices” a new Art. 68l is inserted:

“Art. 68l (1) When the Consumers Protection Commission ascertains that the commercial practice is unfair, the chairman of the commission shall issue an order prohibiting the application of the commercial practice.

(2) The Chairman of the Consumers Protection Commission may oblige the merchant to prove within a short period of time determined by him/her that the applied commercial practice is not unfair.

(3) In the cases under Art. 68d, paragraph 4 and where the unfair practice relates to activities, relating to advertising, irrespective of the pecuniary sanction, the Chairman of the Consumers Protection Commission may order the advertiser or the advertising agency to announce at their expense and in a suitable manner the act with which the infringement is established, as well as the respective corrected advertisement.

(4) The Chairman of the Consumers Protection Commission may take the actions under paragraphs 1-3 *ex officio* or on occasion of a request made on part of a consumer.”

7. In Art. 152, paragraph 2, item 2 the words “unified civic number” shall be replaced by “the number of the identity document”.

8. In Art. 165, paragraph 3, item 2 the words „misleading and illegal comparative advertising, as well as on” shall be deleted.

6. In Art. 186:

a) in paragraph 2,

aa) in item 1 the words “Chapter Three, Section II “Misleading Advertising” shall be deleted;

bb) in item 9 letters „a” to „e” shall be repealed

b) in paragraph 3 the words “with the exceptions of the actions under chapter three, section II “Misleading Advertising” shall be delted

10. Art. 202 and 203 are hereby repealed.

11. In Art. 210a:

a) after the words “infringement of” “Art. 68c” shall be added”, and the words “paragraphs 1 and 2” shall be replaced.

12 A new Art. 210c is created:

“Art. 210c. Whoever fails to fulfil an order under Art. 68l, paragraph 1 or an order

under Art. 681, paragraph 3 shall be punished by a fine, and to sole proprietors and legal entities shall be imposed pecuniary sanction to the amount of BGN 1000 to BGN 10,000”.

13. In §13a of the supplementary provisions item 2 is hereby repealed.

§ 12. Within three months as of coming into force of this Law, the Commission shall adopt the Rules for its organization under Art. 6, paragraph (1), and within a six-month term – the acts provided in the Law.

§13. The implementation of this Law shall be assigned to the Commission for Protection of Competition.

This Law has been adopted by the National Assembly on 14 November 2008 and has been sealed with the Official Seal of the National Assembly.

**Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE LAW ON
PROTECTION OF COMPETITION
(PROM. - SG 54 OF 2010)**

§ 5. (1) Within a month from the entry into force of this Act the National Assembly shall elect the members of the Commission on Protection of Competition.

(2) Till inauguration of new members of the Commission on Protection of Competition the previous members shall continue to perform their functions.

§ 6. Within two months from the entry into force of this Act the Commission on Protection of Competition shall adopt amendments and supplementations of the Structural Regulations of the Commission on Protection of Competition.

**Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE LAW ON
PROTECTION OF COMPETITION
(PROM. - SG 73 OF 2011, IN FORCE FROM 20.09.2011)**

§ 3. (1) Within one month from the entry into force of the present Act the National Assembly shall elect the two new members of the Commission on Protection of Competition.

(2) The new members of the Commission on Protection of Competition under paragraph 1 shall be elected by the National Assembly for the time remaining until the term of office of incumbent members expires.

§ 4. Within two months from the entry into force of the present Act the Commission on Protection of Competition shall adopt amendments and supplements to the Rules of Organisation of the Commission on Protection of Competition.

.....

§ 7. The Act shall enter into force from the date of its promulgation in the State Gazette except for § 2, 5 and 6, which shall enter into force within one month as of the

date on which the Act is promulgated in the State Gazette.

Transitional and concluding provisions
TO THE LAW ON AMENDMENT AND SUPPLEMENTATION OF THE LAW
ON THE CIVIL SERVANT
(PROM. - SG 38 OF 2012, IN FORCE FROM 01.07.2012)

§ 84. (In force from 18.05.2012) Within one month from the promulgation of this Law in the State Gazette:

1. the Council of Ministers shall make the Classification of Offices in the Administration compliant with this Law;
2. the competent authorities shall make the structural acts of the respective administration compliant with this Law.

§ 85. (1) The legal relationships with the persons of the administrations under the Law on the Radio and Television, the Law on the Independent Financial Audit, the Law on the Electronic Communications, the Law on the Financial Supervision Commission, the Law on the Access and Disclosure of Documents and Announcing Affiliation of Bulgarian Nationals to the State Security and Intelligence Services of the Bulgarian People's Army, the Law for Forfeiture of Property Acquired through Criminal Activity, the Law on Prevention and Discontinuance of Conflict of Interests, the Code of Social Insurance, the Law on the Health Insurance, the Law on the Support of Farmers and the Law on the Roads shall be settled under terms and conditions of § 36 of the Transitional and Concluding Provisions of the Law on the Amendment and Supplementation of the Law on the Civil Servants (SG 24/06).

(2) The act of appointment of the civil servant shall:

1. determine the lowest rank for the position specified in the Classification of Offices in the Administration, unless the officer holds a higher rank;
2. determine an individual basic monthly salary.

(3) The additional funds for insurance installments for the persons referred to in paragraph 2 shall be made available within the limits for expenses for salaries, remunerations and insurance installments in the budgets of the budget credit administrators.

(4) The Council of Ministers shall amend as required by this Law the non-budget account of State Fund "Agriculture".

(5) The governing bodies of the National Insurance Institute and the National Health Insurance Fund shall amend as required by this Law the respective budget credits.

(6) Any non-used days of leave under employment relations shall be preserved and shall not be subject to pecuniary compensation.

§ 86. (1) Within one month from entry into force of this Law the individual basic monthly salary of the officer shall be so calculated that the said salary, reduced by the due taxes and the mandatory insurance installments due by the insured person, if available, shall not be lower than gross monthly salary received before, reduced by the mandatory insurance installments due by the insured person, if available, and the due taxes.

(2) The gross salary referred to in paragraph 1 shall include:

1. the basic monthly salary or the basic monthly remuneration;
2. the additional remunerations paid on permanent basis together with the due basic monthly salary or the basic monthly remuneration and dependent only on the working time.

§ 87. This Law shall enter into force from 1 July 2012 except for § 84, which shall enter into force from the day of the promulgation of the Law in the State Gazette.

**Transitional and concluding provisions
TO THE PUBLIC FINANCE ACT
(PROM. SG 15 OF 2013, IN FORCE FROM 01.01.2014)**

§ 123. This Act shall enter into force on 1 January 2014 with the exception of § 115, which enters into force on January 1, 2013, and § 18, § 114, § 120, § 121 and § 122, which came into force on 1 February in 2013.

**Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE LAW ON
PROTECTION OF COMPETITION
(PROM. SG 56 OF 2015)**

§ 9. Within three months after entering of this act into force the Commission for protection of competition shall bring the Structural Regulations for Commission for Protection of Competition into compliance therewith and with the other acts provided therein.

**TRANSITIONAL AND FINAL PROVISIONS
of the Law on amendment and supplementation of the Law on Protection on
Competition
(State Gazette, issue 17 of 2021, coming into force as from 26 February
2021)**

§ 67. After this law enters into force the acting Chairperson, Deputy Chairperson and Members of the Commission on Protection of Competition shall complete their period of office within the period under Art. 4, paragraph 1.

§ 68. The contracts for supply concluded before 1 November 2021 shall be brought into compliance with Chapter Seven “b” within a period of 12 months as from the time when the law enters into force.

§ 69. (1) The proceedings under chapter seven “a” having been commenced and not having been completed until the time when this law enters into force shall be completed as per the procedure hitherto in force.

(2) Any applications and requests having been received under the repealed Art.37a under which no proceedings has been initiated before the Commission on Protection of Competition shall be considered as per the procedure hitherto in force.

§ 70. Within a period of three months after this law enters into force the Commission shall adopt amendments and supplementations to the acts stipulated in it.

§ 71. (1) Within a period of three months after this law enters into force the Council of Ministers shall approve, further to a proposal of the Commission on Protection of Competition, a tariff on the fees collected for proceedings before the Commission under Art. 69 of the law. Until the tariff under the first sentence is approved the Tariff on the fees collected by the Commission on Protection of Competition under the Law on Protection of Competition approved by Decree No. 180 of the Council of Ministers of 1998 (promulgated in State Gazette, issue 95 of 1998; amended in issue 93 of 2004, issue 54 of 2006, issue 58 of 2014; Judgement No 7842 of the Supreme Administrative Court of 2015 – issue 21 of 2016; amended in issue 70 of 2018) shall apply.

(2) Until the tariff under paragraph 1 is approved fees to the amount stipulated for proceedings under Chapter Seven shall be collected for the proceedings under Chapter Seven “b” before the Commission on Protection of Competition.

§ 72. The law shall enter into force as from the day of its promulgation in State Gazette except for § 19, which shall enter into force on 1 November 2021.