



Strasbourg, 17 May 2010

**Opinion no. 563 / 2009**

**CDL(2010)042**  
Eng.Only

**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**REVISED DRAFT LAW**

**ON FORFEITURE IN FAVOUR  
OF THE STATE OF CRIMINAL ASSETS ACT**

**IN BULGARIA**

## FORFEITURE IN FAVOUR OF THE STATE OF CRIMINAL ASSETS ACT

### Chapter one

#### GENERAL PROVISIONS

**Article 1.** (1) This Act shall regulate the terms and procedure of forfeiture in favour of the State of assets acquired through criminal activity.

(2) Any assets acquired through criminal activity which are not subject to restoration or have not been forfeited in favour of the State or confiscated under other laws shall be subject to forfeiture under the procedure established by this Act.

**Article 2.** The purpose of this Act shall be to protect the interests of the society by preventing and limiting the possibilities for deriving benefits and disposing of assets acquired through criminal activity as well as limiting the economic base of the organized crime.

### Chapter two

#### IDENTIFICATION OF CRIMINAL ASSETS BODIES

**Article 3.** (1) The Commission for Establishing Property Acquired through Criminal Activity, hereinafter referred to as "the Commission" shall be a specialized State body carrying out, under the terms and procedure established by this Act, examination and identification of assets acquired through criminal activities.

(2) The Commission shall be a legal person with a head office in Sofia and a first-level spending unit.

(3) The activity of the Commission shall be assisted by administration.

**Article 4.** (1) The Commission shall be a collegial body which shall consist of five members, including a Chairperson and a Deputy Chairperson.

(2) The Chairperson of the Commission shall be a person who has graduated in law from a higher educational establishment and shall be appointed by the Prime Minister. The Deputy Chairperson and two of the members shall be elected by the National Assembly, and one of the members shall be appointed by the President of the Republic.

(3) The term of office of the Commission is 5 years. A Commission member shall be entitled to not more than two successive terms of office.

(4) The decision of the National Assembly, the order of the Prime Minister and the decree of the President shall enter into force at one time.

(5) The State authorities referred to in para 2 shall appoint, elect respectively, the new members of the Commission up to one month prior to the expiry of the terms of office of the Commission.

**Article 5.** (1) Eligibility for membership of the Commission shall be limited to a legally capable Bulgarian citizen, who:

1. has not been convicted of a deliberate publicly actionable criminal offence, regardless of whether he/she has been exonerated or not;

2. has graduated in Law or Economics from a higher educational establishment, and have at last five years' experience in the relevant field.

3. has not been released from criminal liability for deliberate publicly actionable criminal offence;

4. has not been disqualified from occupying a particular State position.

(2) The member of the Commission may not:

1. exercise commercial activity or be unlimitedly liable associate, managing directors or member of supervisory, management or control bodies of any commercial companies, cooperatives, State-owned enterprise or not-for-profit legal entity;

2. receive remunerations for pursuit of activities under contract or under a civil-service relationship with any State or public organization, commercial company, cooperative or not-for-profit legal entity, natural person or sole trader, with the exception of scientific research and teaching or exercise of copyright.

**Article 6.** A Commission member shall be dismissed ahead of term by the respective authority upon:

1. death;

2. resignation;

3. objective inability to perform the duties thereof for a period exceeding six months;

4. entry into effect of a sentence imposing a penal sanction for a deliberate publicly actionable criminal offence;

5. incompatibility under Art. 5, para (2);

6. serious breach or systematical failure to discharge his/her obligations,

7. entry into effect of a written statement, ascertaining conflict of interests under the Conflict of Interest Prevention and Disclosure Act.

(2) Where a Commission member is dismissed ahead of term of, a new member of the respective quota shall be appointed or elected, as the case may be, to serve the term of office.

**Article 7.** (1) 1) The Chairperson of the Commission shall receive a basic monthly remuneration to an amount equivalent to 90 per cent of the basic monthly remuneration of the Chairperson of the National Assembly.

(2) The basic monthly remuneration of the Deputy Chairperson shall be 90 per cent of the remuneration of the Chairperson.

(3) The rest of the Commission members shall receive the basic monthly remuneration under paras 1-3 to an amount equivalent to 85 per cent of the remuneration of the Chairperson of the Commission.

(4) The basic monthly remuneration shall be recalculated on a quarterly basis, taking into consideration the average monthly salary for the last month of the preceding quarter.

**Article 8.** (1) The Commission shall make decisions on:

1. institution of proceedings for identification of assets acquired through criminal activity and for fixing the period of examination;
2. termination of proceedings for identification of assets acquired through criminal activities;
3. extension of the term under Art. 28, para 2;
4. submission to the court of a request for imposition of injunctions and forfeiture in favour of the State of assets acquired through criminal activities;
5. conclusion of a settlement under art. 80;
6. appointment and dismissal of the directors of territorial directorates;
7. appointment and dismissal of the inspectors upon proposals of the directors of territorial directorates;
8. exercise of other powers as provided for in this Act.

(2) The decisions of the Commission shall be adopted by a majority of more than one half of the members and shall be reasoned.

**Article 9.** The Chairperson of the Commission shall:

1. represent the Commission;
2. organize and direct the operation;
3. schedule and preside over the meetings;
4. control and be responsible for implementation of the budget;
5. issue penalty decrees on violations committed under this Act.

**Article 10.** (3) The supervision on the Commission's activity shall be exercised by a standing commission of the National Assembly.

(2) The members of the Commission shall be obliged to appear, upon invitation, before the Commission under para 1 and provide the information requested;

**Article 11.** (1) The Commission shall annually submit a report on its activity to the National Assembly by 31 May.

(2) The report shall be further submitted to the President of the Republic and the Council of Ministers and shall be published on the Commission's website.

**Article 12.** (1) The Commission shall have local units enjoying the status of territorial directorates.

(2) The territorial directorates shall be guided by directors. Eligibility for the office of director shall be limited to persons who have graduated in economics or law from a higher educational establishment who meet the requirements of art. 5.

**Article 13.** (1) The directors of territorial directorates and the inspectors at the territorial directorates shall be Commission authorities in the process of identification of assets acquired through criminal activities.

(2) Eligibility for the office of inspector shall be limited to persons who have graduated in economics or law from a higher educational establishment.

**Article 14.** The Commission members, as well as the authorities referred to in art. 13, may not be members of a political party or a coalition, organization pursuing political goals as well as to perform political activity.

**Article 15.** (1) The information of which the Commission members, the authorities referred to in art. 13, para 1 and the officers in the administration have become aware in the course of exercising or on the occasion of discharging their duties the powers granted to them under this Act constitutes an official secret.

(2) When coming into office the Commission members, the authorities referred to in art. 13, para 1 and the officers in the administration shall sign a declaration that they will not divulge the information mentioned in para 1 during tenure of office as well as after stepping out of office.

**Article 16.** The members, the authorities referred to in art. 13, para 1 and the officers in the administration shall be compulsorily insured against accident on the account of the republican budget.

**Article 17.** (1) The length of service of the persons under art. 13, para 1 as well as of the persons holding a position for which a degree in law and legal capacity is required shall be recognized as length of service in this field.

(2) The length of service of the persons under art. 13, para 1 as well as the persons holding a position for which a degree in economics is required shall be recognized as length of service in this field.

**Article 18.** (1) Bearing of a service weapon is allowed under the terms and procedure of the Control of Explosives, Firearms and Ammunitions Act.

(2) The Chairperson of the Commission shall nominate by an order amongst the officers who have access to information classified as "Top Secret" those who shall be allowed to bear service weapon.

**Article 19.** (1) The Commission shall adopt Regulations governing its organization and activities as well as the organization and activities of its administration.

(2) The Regulation shall be published in the State Gazette

### **Chapter Three**

## **PROCEEDINGS FOR IDENTIFICATION OF ASSETS ACQUIRED THROUGH CRIMINAL ACTIVITY**

### **Section I**

#### **Grounds for instituting proceedings**

Article 20. The proceedings under this Act shall be instituted for identification of the origin of assets for which it is assumed that they have been acquired as a benefit of crime since they belong to a person who has been constituted as an accused:

1. for a deliberate crime under:

- a). art. 108a and art. 109;
- b). art. 116, para 1, τ. 7 and 10;
- c). art. 142 and 142a;
- d). art. 155, 156 and 159;
- e).art. 159a – 159r;
- f). art. 195, para 2 and 3 and 196a;
- g).art. 199;
- h).art. 201 - 203;
- i). art. 209 - 211, art. 212, para 3, 4 and 5, art. 212a and 213;
- j).art. 213a - 214;
- k).art. 215, para 2, τ. 1 and art. 217;
- l).art. 220, art. 225c, art. 227c, art. 227r and art. 227e;
- m). art. 233, 234, 234a, 234b and art. 235;

- n). art. 242 - 242a;
- o).art. 243 – 246 and art. 253a, para 1 and 2 and art. 254b;
- q). art. 255 – 256, art. 259 and art. 260;
- r). art. 278, 278b and art. 280;
- s). art. 282, art. 28 and, art. 283a;
- t). art. 301 - 306;
- u). art. 308, para 2, 3 and 5 and art. 310;
- v). art. 319a, para 2 – 5, art. 319b, para 3, art. and 319e, para 2;
- w). art. 321, art. 321a and art. 327, para 1 - 3;
- x). art. 337, art. 339; art. 346, para 2, т. 4 , para 3, para 5 and para 6 and art. 349a, para 2;
- y). art. 354a, art. 354b, para 4 – 6 and art. 354c, para 1 – 3.

2. for two or more pretrial proceedings for deliberate publicly actionable criminal offences in the period of five years after he/she has been constituted as an accused for the first offence;

**Article 21.** (1) In addition to the cases under art. 20, proceedings under this Act shall be instituted also where:

1. the criminal proceeding for a crime under art. 20, para 1 was terminated on the grounds of art. 24, para 1, sub-para 2 – 5 of the Criminal Procedure Code or was suspended on the grounds of art. 25 of the Criminal Procedure Code;

2. there is an act of a foreign court concerning any of the crimes under art. 20, para 1 recognized under the procedure provided for in the Criminal Procedure Act.

(2) Proceedings under this Act shall be instituted as well in the cases where there have been established assets acquired from criminal activity carried out abroad which does not fall under the criminal jurisdiction of the Republic of Bulgaria.

**Article 22.** (1) The pre-trial proceedings authorities shall forthwith notify the Commission of each case of pretrial proceedings instituted for any crime referred to in art. 20, sub-para 1.

(2) The pre-trial proceedings authorities shall be obliged to forthwith notify the Commission also where the grounds under art. 20, sub-para 2 or art. 21, para 1, sub-para 1 are present.

**Article 23.** The respective authorities of the Ministry of Interior shall forthwith notify the Commission where there are grounds under art. 20, sub-para 2 are present.

**Article 24.** The courts shall forthwith notify the Commission where there is an act under art. 21, para 1, sub-para 2 are present.

**Article 25.** The notification shall comprise data about:

- 1. the person in respect of which the grounds under art. 20 or art. 21 are present;
- 2. the time of committing the offence;
- 3. the assets of the person, if there are data about them.

**Article 26.** (1) In addition to the cases under art. 20 and art. 21 the Commission may carry out examination of the sources of acquiring of assets upon its estimation or upon receipt of a report where there are sufficient data that the assets of a particular person do not have legitimate origin.

(2) The report under para 1 should be made in a written form and contain data of the reporting person. Anonymous reports shall not be a ground to institute proceedings under this Act.

(3) Where the Commission establishes lack of correspondence between the value of the assets acquired and the income of the examined person and of his/her family members it shall inform the respective authorities of the Ministry of Interior.

(4) The Commission shall institute proceedings provided the person is constituted as an accused party for any of the offences referred to in art. 20, sub-para 1. The evidence gathered within the examination can be used in such proceedings as well.

## **Section II**

### **Powers of the authorities**

**Article 27.** (1) The establishment of the sources of acquisition of the assets shall be carried out by the authorities referred to in art. 13, para 1.

(2) The authorities under art. 13, para 1 shall gather evidence concerning the origin and the location of the property and the amount of the income and the expenditures of the examined person and his/her family members.

(3) The period of examination covers the period after committing the crime and the period up to 10 years before that.

**Article 28.** (1) The proceedings before the Commission shall last 10 months.

(2) As an exception the Commission can extend once the term stated in para 1 up to 6 months.

**Article 29.** (1) The authorities referred to in art. 13, para 1 shall have the right to request assistance and to seek information from all State and municipal authorities, traders, banks and other credit institutions as well as from other legal entities, notaries and private enforcement agents.

(2) The authorities and persons referred to in para 1 shall be obliged to submit the information within one month after the request.

(3) The National Revenue Agency, the Customs Agency, the Registry Agency, the National Social Security Institute, the Ministry of Regional Development and Public Works and the Central Special Pledges Registry shall provide the Commission with access to their information funds and registers under a procedure established in joint instructions.

**Article 30.** (1) The authorities referred to in art. 13, para 1, the authorities of the Ministry of Interior, the State Agency for National Security, the Prosecution Office and the Investigation authorities shall carry out joint actions to achieve the goals of this Act.

(2) The exercise of interaction mentioned in para 1 shall be defined with a joint instruction of the Commission, the Chairperson of the State Agency for National Security, the Minister of Interior, the Prosecutor General and the Director of the National Investigation Service.

**Article 31.** (1) The Commission shall exercise interaction also with the National Revenue Agency whereto a signal shall be forwarded, together with the materials gathered, in the cases where there are proceedings which have not been concluded with a decision for forfeiture of the assets.

**Article 32.** (1) The authorities referred to in art. 13, para 1 herein shall examine:

1. the assets, their value and the legal grounds for the acquisition thereof;
2. the transformation of the assets;
3. the income of the person under examination and of his/her family members;

4. the obligations at public law to the State and the municipalities, paid by the person under examination and his/her family members;
5. the customary and extraordinary expenditures for maintenance of the person under examination and his/her family members;
6. the tax declarations of the examined person and of his/her family members;
7. the transactions with assets of the person under examination and of his/her family members;
8. the travels abroad of the person under examination and of his/her family members;
9. any other circumstances relevant to clarification of the origin of the assets and of the manner of acquisition thereof by the examined person, the members of his/her family and the third parties to which they were transferred.

(2) When conducting the examination under para 1, the authorities referred to in Article 13, para 1 herein shall have the right to:

1. require explanations from the examined person, from his/her spouse as well as from third parties;
2. appoint expert witnesses;
3. collect written evidence;
4. require from natural persons information and documents in view of identification of the source and value of the assets;
5. require the statutorily established documents regarding the source of income and for the manner of acquisition and disposition of the assets of the legal person;
6. gather and examine also other evidence relevant to clarification of the origin of the assets;
7. request assistance from the bodies of the Ministry of Interior for performing search or seizure under the procedure of the Penal Procedure Code with the permission by a judge where there are sufficient grounds to assume that in certain premises or in some person there are assets, object, papers or computer information systems containing data of relevance to the proceedings under this Act.

(3) In the cases where there is a requirement that the prove should be made with a written document, the Commission may not draw conclusions in respect of the evidence to the detriment of the person under examination if the document was not preserved due to expiry of the term for storing thereof specified in a law.

**Article 33.** (1) The authorities referred to in art. 13, para 1 herein shall have the right to require from the natural person under examination to submit a declaration in writing regarding:

1. the corporeal immovable and motor vehicles, any ships and aircraft, limited real rights to corporeal immovable, cash deposits, securities, works of art, movable archaeological values, participating interests in commercial companies, receivables, patents, trademarks and industrial designs, owned by the examined person and by the members of his/her family;
2. a list of the bank accounts held by the person under examination and by the members of his/her family in Bulgaria and abroad;
3. the sources of income and the grounds for acquisition of the assets and for the maintenance of his/her family;
4. any transactions with corporeal immovable, movable things, shares and interests in commercial companies and with other property effected by the person concerned and by the members of his/her family, as well as the sources of income used to effect the said transactions;
5. any debts to third parties when they have been reflected in the annual tax declarations.

(2) Should the person referred to in para 1 be deceased, the declaration shall be required from the legal and testamentary heirs thereof.



(3) The person from which the declaration has been required is obliged to submit it within 2 months, 4 months after the receipt of the request respectively if the said person is abroad.

**Article 34.** A declaration under art. 33, para 1 may furthermore be required from:

1. a third party who has acquired assets from the examined person;
2. a person in respect of which data exist that he/she has acquired assets in his/her name with funds belonging to the examined person.

**Article 35.** (1) In respect of legal entities under examination, a declaration shall be required from the persons who represent, manage or control the said legal person, as well as from all persons who represented, managed or controlled the said legal entity during the period of examination.

(2) The declaration shall state accordingly the circumstances covered under art. 33, para. 1, regarding the legal entity.

**Article 36.** The standard form of the declaration shall be endorsed by the Commission and shall be published in the State Gazette.

**Article 37.** In the cases where the examined person fails to submit declaration, refuses to submit or submits incomplete declaration, until otherwise proved, it shall be assumed that the assets which have not been declared is acquired through criminal activity.

**Article 38.** (1) The Commission shall give possibility to the examined person to participate in the proceedings after enactment of the injunctions imposed upon the assets.

(2) The Commission shall notify the examined person and provide the materials relevant to him/her.

(3) In the proceeding before the Commission the examined person may be represented by a lawyer or another representative by proxy under the procedure established in the Civil Procedure Code possessing a written authorisation with a signature certified by a notary.

**Article 39.** For each action under this Act the authorities referred to in art. 13, para 1 shall draw up a record of proceedings except in the cases where for the action that was carried out there is another written document.

### **Section III**

#### **Subject to forfeiture**

**Article 40.** (1) Assets for which it could be reasonably assumed to have been acquired through criminal activity carried out by the examined person shall be forfeited under the procedure of this Act.

(2) A reasonable supposition is present where the assets are not corresponding to the income of the examined person and of his/her family members and no legitimate source thereof has been established.

(3) In the cases where the assets acquired through criminal activity has been partially or entirely transformed to another property subject to forfeiture are the transformed assets.

(4) Assets at a value equivalent to the lack of correspondence established between the acquired assets and the income of the examined person and of his/her family members shall be subject to forfeiture. Where it is not possible to forfeit assets equivalent in value to the

established lack of correspondence, the monetary equivalent shall be forfeited up to the full amount of the lack of correspondence.

**Article 41.** Under the procedure of this Act cannot be forfeited assets:

1. which are not subject to seizure;
2. where the lack of correspondence is not exceeding BGN 20 000.

**Article 42.** Until the reverse is established by evidence, considered to be acquired through criminal activity of the examined person shall be the assets acquired by the underage children or his/her spouse regardless of the property regime chosen by the spouses where the value of the assets exceeds the family income.

**Article 43.** Until the reverse is established by evidence, considered to be acquired through criminal activity shall be considered the assets transferred in the period of examination by the person under examination to the spouse, a person who is the de facto cohabitee with the examined person, to a former spouse, to lineal relatives up to any degree of consanguinity and to collateral relatives up to the fourth degree of consanguinity and affines up to the second degree inclusive.

**Article 44.** Until the reverse is established by evidence, considered to be acquired through criminal activity of the examined person shall be the assets which he/she has gratuitously transferred to third parties during the period of examination.

**Article 45.** Assets acquired through criminal activity shall be further forfeited from the legal and testamentary heirs thereof up to the amount received by the said heirs.

**Article 46.** (1) Subject to forfeiture shall also be the assets onerously transferred in the period of examination by the examined person to a third party provided he/she knew or from the circumstances could have supposed that the assets had been acquired through criminal activity.

(2) Subject to forfeiture shall also be the assets acquired through simulated transaction by a third party on the account of the examined person provided that he third party knew or from the circumstances could have supposed that the assets are transferred in order to avoid the forfeiture thereof, or to conceal the origin or the real rights on them.

**Article 47.** Any assets acquired through criminal activity, which are incorporated into the assets or acquired by a legal entity which is controlled by the person under examination, whether independently or jointly with another person, shall likewise be forfeited under the terms and under the procedure established by this Act. The assets shall be forfeited also in the cases of succession of the legal entity concerned.

(2) Any assets acquired through criminal activity which are incorporated into the assets or acquired by a legal entity which is not controlled by the examined person but the persons who manage or control the legal entity knew or could have supposed from the circumstances that the assets had been acquired through criminal activity shall be subject to forfeiture likewise under the terms and under the procedure established by this Act.

**Article 48.** Transactions with assets acquired from criminal activity, including those under which obligations were taken, or encumbrances created, or abandonment of rights was made, shall have no effect in respect of the State.

**Article 49.** The value of the property acquired or alienated by the examined person shall be defined as at the moment of acquisition or alienation for:

1. corporeal immovable and limited real rights thereon – at the purchase value;
2. foreign currency and noble metals - **according to the central exchange rate** of the Bulgarian National Bank;
3. securities – at the market price and where the market price cannot be identified they are evaluated at their face value;
4. vehicles – according to their insurance value;
5. the remaining movable things and rights – at market value.
6. enterprises or participating interests in commercial companies or cooperatives – at market prices, and where it cannot be identified - according to the accounting data.

**Article 50.** (1) The rights of the State under this Act shall be extinguished upon the lapse of a 20-year period of prescription.

(2) Prescription shall start running from the date of acquisition of the assets and shall cease with the institution of proceedings under this Act.

#### **Chapter Four**

### **TERMS AND PROCEDURE FOR IMPOSITION OF INJUNCTIONS AND FORFEITURE IN FAVOUR OF THE STATE OF CRIMINAL ASSETS**

#### **Section I Injunctions**

**Article 51.** (1) The Commission shall make decision on presenting to the court of a request for imposition of injunctions on assets for which it is assumed that they have been acquired through criminal activity on the basis of a report provided by the director of the respective territorial directorate.

(2) The Commission shall file the request referred to in para 1 before the regional court exercising jurisdiction over the permanent address of the individual or over the registered office of the legal entity respectively.

(3) In the cases where movable things and corporeal immovable are incorporated into the assets, the request shall be filed at the regional court over the location of the property and where more than one corporeal immovables are incorporated into the assets - over the location of the property with the highest assessed value.

(4) The request for imposition of injunctions shall be reasoned and evidence gathered under the procedure of this Act shall be attached thereto.

(5) The Commission may not require imposition of injunction on assets which are not subject to coercive enforcement under Article 414 of the Civil Procedure Code.

(6) The Commission shall terminate the proceedings without imposing injunctions where from the collected evidence it has been established that the income of the examined person and this/her family members have legitimate source.

**Article 52.** (1) The court shall pronounce within 48 hours of receipt of the request, rendering a ruling whereby it shall grant or refuse the imposition of the injunction.

(2) The ruling granting an injunction shall be subject to immediate enforcement.

(3) The court ruling referred to in para 1 shall be appealable with an interlocutory appeal within seven days, which period shall start running for the appellant from the date of serving of the ruling, and for the respondent – from the date where a communication for the injunction imposed was served by the enforcement agent, by the registry service or by the court.

**Article 53.** (1) Injunctions are:

1. preventive attachment of a corporeal immovable or motor vehicles, any ships and aircraft;
2. by means of a garnishment of movable things, receivables or participation of the examined person in legal entities;
3. garnishment of the bank accounts of the examined person;
4. garnishment of fixed tangible assets at book value of the legal entity;
5. other appropriate measures.

(2) The injunction comprises further the interest on and the acquisition of other civil fruits from the assets on which it has been imposed.

(3) The court may admit several kinds of injunctions up to the amount of the claim.

(4) Should there be a risk of the assets being squandered, destroyed, concealed or disposed of, upon request of the authorities referred to in art. 13, para 1, the court may order the sealing of premises, equipment, means of transport and any other where such assets are stored.

**Article 54.** (1) The imposition of preventive attachment of a corporeal immovable or motor vehicles, any ships and aircraft is made through registration of the injunction order by the court on the order of the respective recordation judge.

(2) The recordation judge shall send a notification to:

1. the owner of the property on which preventive attachment has been imposed – for the registration;
2. the Central Pledge Register – for the preventive attachment imposed;

(3) Preventive attachment shall be considered to have been imposed from the date of the registration of the injunction order.

(4) A special pledge recorded after such preventive attachment shall be inopposable to the public receivable of the State.

**Article 55.** (1) A preventive attachment imposed on a ship shall be notified to the Maritime Administration Executive Agency for recording in the relevant ship registers.

(2) The preventive attachment shall be considered to have been imposed from the date of the registration thereof in the relevant ship registers.

(3) The transfer of the right of ownership, the creation and transfer of rights in rem and the creation of encumbrances in respect of the ship, effected after receipt of the notice of the garnishment imposed, shall have no effect in respect of the State.

**Article 56.** (1) Upon garnishment of a corporeal movable, the enforcement agent shall draw up an inventory, shall value and shall deliver the movable things for safe-keeping to the examined person or to a third party, or shall seize and store the movable things, and a garnishment mark (sticker) may be placed thereon.

(2) The garnishment shall be considered to have been imposed from the date of by means of the drawing up of an inventory of the movable things by the enforcement agent.

**Article 57.** (1) In the cases where a motor vehicle is garnished, a notice of the garnishment imposed shall be forwarded to the authorities of the Ministry of Interior. The prohibition under para 3 shall be mentioned in the notice.

(2) Garnishment shall be considered to have been imposed from the date of the receipt of the notice of garnishment by the Ministry of Interior authorities.

(3) A change of registration shall not be admitted before the lifting of the garnishment.

**Article 58.** (1) In the cases where a civil aircraft is garnished, a notice of the garnishment imposed shall be transmitted to the Directorate General of Civil Aviation Administration for entry into the civil aircraft register.

(2) Garnishment shall be considered to have been imposed from the date of the receipt of the notice of garnishment in the Directorate General of Civil Aviation Administration.

(3) The transfer of the right of ownership, the creation and transfer of rights in rem and the creation of encumbrances in respect of the aircraft, effected after receipt of the notice of the garnishment imposed, shall have no effect in respect of the State.

**Article 59.** (1) In the cases where the garnishment is imposed on agricultural or forestry machinery subject to registration according to the procedure established by Article 11 of the Agricultural and Forestry Machinery Registration and Control Act, a notice of the garnishment imposed shall be sent to the municipality in whose register the garnished agricultural or forestry machinery is subject to registration.

(2) Garnishment shall be considered to have been imposed from the date of the receipt of the notice of garnishment by the municipality.

(3) The transfer of the right of ownership, the creation and transfer of rights in rem and the creation of encumbrances of agricultural or forestry machinery, effected after receipt of the notice for a garnishment imposed, shall have no effect in respect of the State.

**Article 60.** (1) Garnishment of liquid or exigible receivables which the person under examination has in respect of natural persons or legal entities shall be imposed by means of despatch of a garnishment notice to the examined person, the garnishee and the bank wherewith the garnishee holds account.

(2) Garnishment shall be considered to have been imposed as from the date of receipt of the garnishment notice.

(3) Where the garnished receivable is secured by a pledge, the pledgee shall be ordered not to deliver the movable thing pledged to the debtor and to surrender the said movable thing to the enforcement agent.

(4) Where the garnished receivable is secured by a mortgage, the garnishment shall be noted in the relevant book at the Registry Service.

**Article 61.** (1) Receivables under writs of execution shall be garnished by means of drawing up an inventory and seizure of the writs by the enforcement agent.

(2) Garnishment shall be considered to have been imposed as from the date of receipt of the garnishment notice by the debtor against whom the writ of execution has been issued.

(3) The enforcement agent shall deliver the said writs for safe-keeping at a bank.

(4) A record of proceedings shall be drawn up on the seizure and delivery of the writs of execution to a bank.

**Article 62.** (1) Cash in national or foreign currency shall be garnished by means of drawing up an inventory, seizing and depositing the cash on the account of the enforcement agent. Where translating the exchange rate of the foreign currency the exchange rate of the Bulgarian National for the day for the respective currency shall be applied.

(2) Garnishment shall be considered to have been imposed as from the date of receipt of the garnishment notice by the bank.

**Article 63.** Until the reverse is established by evidence, for movable things and cash belonging to the person under examination are considered also those found with him, in his/her home or in other owned or rented by him/her premises, motor vehicles, offices, cases or safes.

**Article 64.** (1) Available securities shall be garnished in their nominal value by means of drawing up an inventory and seizure of the securities by the enforcement agent.

(2) Garnishment shall be considered to have been imposed as from the date of receipt of the garnishment notice by the company and shall cover all property rights attaching to the securities.

(3) The enforcement agent shall deliver the physical securities for safe-keeping at a bank.

(4) A record of proceedings shall be drawn up on the seizure and delivery of the physical securities at a bank.

(5) Upon garnishment of physical registered shares or bonds, the enforcement agent shall notify the company of this. The garnishment shall have effect in respect of the company as from the moment of receipt of the garnishment notice.

**Article 65.** (1) Garnishment of dematerialized securities shall be imposed by means of dispatch of a garnishment notice to the Central Depository, simultaneously notifying the company.

(2) Garnishment shall have effect as from the moment of service of the garnishment notice to the Central Depository and shall cover all property rights attaching to the securities.

(3) The Central Depository shall forthwith notify the relevant regulated market of the garnishment imposed.

(4) Within three days after receipt of the garnishment notice, the Central Depository shall be obliged to inform the enforcement agent as to the securities owned by the examined person, whether other garnishments have been imposed, and on what receivables.

(5) As from the moment of service of the garnishment notice to the Central depository, the dematerialized securities shall pass to the disposition of the enforcement agent.

**Article 66.** (1) Garnishment of government securities shall be imposed by means of dispatch of a garnishment notice to the person keeping a register of government securities.

(2) Garnishment shall be considered to have been imposed as from the date of receipt of the garnishment notice by the person keeping a register of government securities.

(3) The person keeping a register of government securities is obliged within 3 days of the receipt of the garnishment notice to inform the enforcement agent as to the securities owned by the examined person, whether other garnishments have been imposed, and on what receivables.

**Article 67.** (1) Garnishment of securities shall cover all property rights attaching to the securities.

(2) Any transfer of shares, including registered shares, occurring after the garnishment notice shall have no effect in respect of the State.

(3) The management bodies of joint-stock companies shall refuse to record transfers of registered shares by the examined person after garnishment.

**Article 68.** (1) All types of bank accounts, deposit accounts, as well as movable things deposited in safe-deposit vaults, including the content of safe-deposit boxes and amounts delivered for trust management by the examined person, shall be subject to garnishment.

(2) Garnishment shall be considered to have been imposed from the date of the service of the notice of garnishment to the examined person.

**Article 69.** (1) Garnishment of an equity interest of a commercial company shall be imposed by means of dispatch of a garnishment notice to the company.

(2) Garnishment shall be considered to have been imposed from the date of receipt of the notice of garnishment by the company.

(3) At the request of an enforcement agent, the garnishment shall be recorded according to the procedure applicable to the recording of a registered pledge of interests in commercial companies in the Commercial Register.

(4) The Registry Agency shall refuse to enter any changes of circumstances resulting from the transfer of participating interests after garnishment.

(5) Any transfer of participating interests occurring after the garnishment notice shall have no effect in respect of the State.

**Article 70.** Assets in respect of which injunctions have been imposed according to the procedure established by this Act shall be excluded from the insolvency estate, from the property subject to liquidation respectively, in the cases where insolvency proceedings or proceedings for dissolution with liquidation of the legal entity or of the sole trader, have commenced after the imposition of injunctions.

**Article 71.** (1) After coming into force of the ruling for imposing injunction the court may permit the effecting of a payment or other acts of disposition of the assets, where this is required for the purpose of:

1. medical treatment or other urgent humanitarian needs of the person on the assets whereof injunctions are imposed, or of a member of the family of the said person;
2. payment of support;
3. payment of obligations at public law to the State;
4. payment of remunerations for work performed;
5. compulsory social and health insurance;
6. payment of expenses needed to preserve and maintain the assets whereon injunctions are imposed;
7. payment of expenses in connection with the proceedings under this Act;

(2) In the cases under para 1, sub-paras 1, 2 and 4 a permission shall be granted for each particular case, acting on a reasoned application by the interested person.

(3) In the cases under para 1, sub-paras 3, 5, 6 and 7 a permission shall be granted for each particular case on request by the Commission on the basis of a proposal made by the director of the respective territorial directorate.

(4) The court shall pronounce within 48 hours after filing of any such application or request.

**Article 72.** (1) Safe insofar as otherwise provided for in this Act, a garnishment and preventive attachment shall have the effect, envisaged in articles 451, 452 and 453, article 459, para. 1, articles 508, 509, 512, 513 and 514 of the Civil Procedure Code.

(2) As from the date of receipt of the garnishment notice, the person who keeps the subject of the garnishment shall be under an obligation of a safe-keeper in respect of the subject of the garnishment and may not deliver the amounts or immovable things due thereby to the examined person.

(3) The Commission may bring an action against the third garnishee the amounts or movable things which he/she refuses to surrender voluntarily.

(4) Execution of payment after receipt of the garnishment notice shall be void in respect of the State. The person who keeps the subject of the garnishment shall incur solidary liability with the examined person for the receivable up to the extent of his/her obligation.

**Article 73.** Injunctions may be imposed according to the procedure established by this Act also on assets acquired through criminal activity on the territory of the Republic of Bulgaria if the competent authorities of another State have so requested and where so provided for in an international treaty whereto the Republic of Bulgaria is a party.

## Section II

### **Procedure before the court for forfeiture in favour of the State of assets acquired through criminal activity**

**Article 74.** (1) Following the imposition of injunctions on the property of the person under examination and on the basis of a reasoned conclusion made by the director of the territorial directorate the Commission shall take decision to claim forfeiture in favour of the State of the assets acquired through criminal activity or the monetary value to the extent of lack of correspondence.

(2) The conclusion shall contain statement of the factual circumstances, description of the kind and amount of the assets acquired through criminal activity, the evidence on the basis of which the lack of correspondence between the assets and the income of the person have been established as well as other evidence whereon the request is based.

(3) The Commission shall terminate the proceedings where from the collected evidence it has been established that the income of the examined person and this/her family members have legitimate source.

**Article 75.** (1) The action shall be brought before the regional court at the domicile of the person within three months from the imposition of the injunctions.

(3) In the event that the Commission has not brought an action within the term specified in para 1 the injunctions imposed shall be revoked on request of the examined person.

**Article 76.** Where the property includes immovable property as well, the application shall be brought before the regional court at the location of the corporeal immovable, but where the property includes more than one immovable property – at the location of the property with the highest assessed value.

**Article 77.** (1) The regional court shall institute proceedings and shall publish in the State Gazette a notice containing: the number of the case, data for the received request, an inventory of the property and the date for which the first hearing is scheduled.



(2) The person under examination and the persons referred to in articles 42-47 shall be constituted as respondent in the proceedings.

(3) Respondents are obliged to exhaust all their objections within these proceedings.

**Article 78.** Within three months from the publication of the notice third parties claiming individual rights to separate objects of the property concerned, may bring claims within the framework of the initiated proceedings.

**Article 79.** (1) The Court shall sit in an open session.

(2) The Commission shall be represented by the Chairperson or legally capable officer authorized by him/her.

(3) Any evidence admissible under the Civil Procedure Code shall be submitted in the proceedings.

(4) The Commission shall provide any evidence for:

1. the grounds of art. 20 or art. 21;
2. the property acquired by the examined person and his/her family members for the period of examination and the value of such property;
3. the income and the expenditures of the person and his/her family during the period of examination;
4. that the third persons under art. 46 and 47, para 2 knew or from the circumstances could have supposed that the assets had been acquired through criminal activity.

(5) In the judicial proceedings the burden of proving that the property has a legitimate origin falls on the person under examination.

(6) The Court shall deliver its decision which is subject to appeal by the general procedure.

(7) When rejecting the request for forfeiture of assets in favour of the State, the court shall overrule the injunctions imposed thereon.

**Article 80.** (1) Until conclusion of the oral arguments in first instance the parties to the proceedings may sign an agreement whereby it is provided for forfeiture of 80% of the amount referred to in art. 40, para 4.

(2) Agreement may be concluded if the value of the lack of correspondence between the property and the income established by the Commission for the relevant period does not exceeds BGN 300 000 and provided the examined person deposits the amount specified in para 1 to the special account of the Commission within the term fixed by the Commission.

(3) The agreement shall be approved by the court if not contradictory to the law and good morals.

(4) The agreement shall have the effects of an enforced judgement from the day of the approval thereof.

(5) The costs for the proceedings shall be borne by the parties as they have been incurred.

## Chapter Five

### MANAGEMENT OF PROPERTY WHEREUPON INJUNCTIONS HAVE BEEN IMPOSED AND OF FORFEITED PROPERTY

#### Section I

##### Management of the property under injunction

**Article 81.** The property whereupon injunction has been imposed shall be left for management and use by the examined person or the person holding the property as at the moment of imposing injunction, except in the cases where otherwise provided in this Act.

**Article 82.** (1) The person referred to in art. 81 shall be obliged to take care for the preservation of the property as a prudent administrator and to:

1. inform the Commission about any damages and encroachments on the property;
2. inform the Commission about any proceedings affecting the property;
3. inform the Commission in writing about any steps relating to the transfer or rise of third persons' rights to the property or to a change in the identity of the property and shall provide copies of the documents establishing the transfer or creation of the rights;
4. inform the Commission in the event of a risk of destroying or damaging of the property;

(2) The person referred to in art. 81 is obliged to secure to the authorities referred to in art. 13, para 1 access in order to check the state of the property.

(3) If the person referred to in art. 81 fails to fulfil his/her obligations, the Commission shall terminate the management of the property by him/her.

(4) Where the property has been left for management to the person under art. 81 the expenses related to the use and maintenance of the property shall be covered by him/her.

**Article 83.** The Commission may decide to manage by itself the property upon which injunction has been imposed.

**Article 84.** (1) The Commission may decide on the sale of movable things upon which injunction has been imposed and which are perishable or can be subject to substantial devaluation during the period of safe-keeping or the preservation thereof is related to great expenses.

(2) Authorization for sale of the movable things shall be given by the court under the procedure for admission of injunctions in open session after hearing the parties.

(3) Movable things shall be sold by the authorities of the National Revenue Agency under the procedure established by the Tax and Social Insurance Procedure Code at a price which is equal or higher than the initial sale price.

(4) If the movable things are not sold after two public auctions the sales can be made through direct negotiations.

**Article 85.** (1) Perishable goods shall be sold by the authorities of the National Revenue Agency with the authorization of the respective local authorities of the State Sanitary Control and the State Veterinary and Sanitary Control.

(2) Any such goods shall be sold through the commodity exchange, the wholesale commodity markets or the specialized shops.

(3) Animals belonging to the national genetic pool, plant-variety seeds and planting stock of a guaranteed origin shall be sold with the authorization of the Minister of Agriculture and Food or a person empowered thereby only to other agricultural producers.

**Article 86.** (1) In the cases referred to in art. 84 and art. 85 the Commission shall open in the name of the examined person a bank account and shall deposit therein all proceeds from the sale of the movable things as well as Bulgarian levs and foreign currency in cash of the examined person that have been established.

(2) The special account shall be garnished under the procedure provided for in this Act.

**Article 87.** (1) Movable things of historical value shall be given for safe-keeping to the National Historic Museum or another museum.

(2) Movable things of scientific value shall be given for safe-keeping to the National Library, the relevant institute of the Bulgarian Academy of Sciences or to a university.

(3) Movable things of noble metals, precious stones or artifacts made thereof shall be given for safe-keeping to the Bulgarian National Bank.

(4) Movable things of artistic, antiquarian or numismatic value shall be given for safe-keeping to the Ministry of Culture.

(5) In such cases the expenses for safe-keeping and maintenance of the property under injunction shall be covered by the Commission.

**Article 88.** (1) Territorial directorates shall keep a register where the following shall be entered:

1. full description of the property whereupon injunction has been imposed;
2. data for the owner and the person holding the property as at the moment of imposing injunction;
3. other data required for identification of the property whereupon injunction has been imposed;

(2) The standard form of the register shall be endorsed by the Chairperson of the Commission.

## **Section II**

### **Management of the forfeited assets**

**Article 89.** (1) Interdepartmental Board for management of the forfeited assets, hereinafter referred as "the Board" shall be set up.

(2) Members of the Board shall be deputy ministers from the Ministry of Finance, the Ministry of Foreign Affairs, the Ministry of Regional Development and Public Works, the Ministry of Labour and Social Policy, the Ministry of Defence, the Ministry of Justice, the Ministry of Health, the Ministry of Education, Youth and Science, the Ministry of Culture, the Ministry of Environment and Waters, the Ministry of Agriculture and Food, the Ministry of Transport, Information Technology and Communication, the Ministry of Economy, Energy and Tourism, the Ministry of Physical Education and Sport appointed by the respective Ministers.

(3) A Deputy Minister of Finance shall act as Chairperson.

(4) The administration of the Ministry of Finance shall ensure the technical support of the activity of the Fund.

**Article 90.** (1) The Commission shall inform monthly the Board about the enforced judicial acts concerning forfeiture of assets acquired through criminal activity.

(2) The court decisions for forfeiture entered into force, the writs of execution issued on the basis thereof as well as any other documents required for the enforcement of the decision for forfeiture shall be forwarded by the Commission to the Minister of Finance within 3 days from the completion of the file.

(3) For the meetings of the Board the Commission shall prepare a separate report on each particular case.

**Article 91.** (1) The Board shall take decisions by simple majority and shall propose to the Council of Minister to leave for management the assets forfeited under the procedure established by this Act, to grant them for humanitarian purposes or to entrust the sale thereof.

(2) The Board shall sit at least once in two months.

(3) The Board shall endorse rules for the organization of its work.

(4) Representatives of the National Association of Municipalities *in the Republic of Bulgaria, of NGOs*, branch and professional organizations may be invited at the Board meeting.

**Article 92.** (1) The property for which authorization for sale has been obtained shall be turned into cash by a public enforcement agent appointed by the Minister of Finance.

(2) The public enforcement agent shall be obliged to immediately proceed with the turning into cash under the procedure of Section IV of the Tax and Social Insurance Procedure Code.

(3) Immovable property and movable things cannot be sold at a price lower than the initial sale price. If the sale is not made in the course of two proceedings, the sale may be made through direct negotiations or the assets could be granted for humanitarian purposes.

**Article 93.** (1) Management of the proceeds from forfeited criminal assets fund, hereinafter referred to as "the Fund" shall be set up.

(2) The Fund is a legal entity with head office in Sofia, a second-level spending unit with the Minister of Finance.

(3) The organization of the activity of the Fund shall be regulated with rules adopted by the Managing Board.

(4) The administration of the Ministry of Finance shall ensure the technical support of the activity of the Fund.

**Article 94.** The resources of the Fund shall be raised from:

1. revenues obtained from sale of corporeal immovable forfeited;
2. revenues obtained from sale of movable things forfeited;
3. resources raised to the special accounts under art. 86;
4. income from the sale of the forfeited noble metals – raw or processed ingots and precious stones or the artcrafts thereof;
5. receivables from third persons including under lease or other contracts of the persons;
6. resources from bank accounts and money deposited and the revenues from the sold movable things from safe-deposit vaults;
7. money and securities (shares, bonds, coupons thereof, etc.)
8. revenues from cheques, bills of exchange, promissory notes, credit letters and others
9. revenues from the sale of shares in commercial companies, cooperatives and others;
10. fines and property sanctions collected under this Act;
11. revenues from interests;
12. other.

**Article 95.** (1) The financial resources of the Fund shall be spent to:

1. cover the expenses for management of the secured property and other expenses related to the application of this Act.
2. pay compensations awarded under the terms and the procedure established by the Liability of the State and the Municipalities for Damages Act.
3. pay compensation awarded by judgements of the European Court of Human Rights on claims against illegal acts when applying the law.;

(2) The financial resources referred to in para 1 shall be spent according to the revenue and expenditure account approved by the Managing Board and endorsed by the Council of Ministers upon proposal of the Minister of Finance.

(3) Where at the end of the year the revenue from fees exceeds the costs the amount shall be paid into the Pension Fund, the Common Disease and Motherhood Fund and the Unemployment Fund in proportion that shall be specified annually by the Council of Ministers.

**Article 96. (1)** The Managing Board of the Fund shall:

1. adopt rules for the organization of the activity of the Fund;
2. propose for endorsement by the Minister of Finance the budget of the Fund;
3. prepare the annual financial report;

(2) The Managing Board of the Fund shall prepare by 1 March of the following year annual report on the activity of the Fund which shall be submitted for consideration to the Council of Ministers.

**Article 97. (1)** The control over the fund raising and spending of funds of the Fund shall be exercised by the Public Financial Inspection Agency and the Audit Office.

(2) The Public Financial Inspection Agency and the Audit Office shall annually submit by 31 March of the following year reports on the activity under para 1 to the Council of Ministers and the National Assembly.

## **Chapter six**

### **OTHER PROVISIONS**

#### **Section I**

##### **Liability for damages**

**Article 98.** Each person who has sustained damages from illegal acts or omissions of the authorities and officials referred to in this Act committed in the course of or on occasion of exercising the powers or their duty may bring an action under the terms and according to the procedure established by the Liability of the State and the Municipalities for Damages Act.

#### **Section II**

##### **International Cooperation**

**Article 99.** The Commission for Establishing Property Acquired through Criminal Activity shall exchange, for the purposes of this Act, information with the competent authorities of other States and international organizations based on international instruments and international treaties in force for the Republic of Bulgaria.

## Chapter Seven

### ADMINISTRATIVE PENAL PROVISIONS

**Article 100.** (1) For the violation of the obligation under Article 29, para 2 the officials found guilty shall be fined with BGN 1000 up to BGN 5000, if the act does not constitute a criminal offence.

(2) Where a breach of Article 29, para 2 was committed by a company, bank or other credit institution, the property sanction amounting from BGN 2000 to BGN 20000 shall be imposed.

**Article 101.** (1) Acts establishing violation shall be drawn up by officials appointed by the Chairperson of the Commission, and the penal decrees shall be issued by the Chairperson of the Commission.

(2) The drawing up of the acts, the issuance, appeal and enforcement of the penal decreed shall be made under the procedure established by the Administrative Violations and Sanctions Act.

### SUPPLEMENTARY PROVISIONS

§ 1. Under this law:

1. "Assets" shall mean money, assets of any kind, tangible or intangible, movable or immovable, documents or instruments evidencing title to such assets or other rights associated with them.

2. "Criminal activity" shall be any activity perpetrating the constituent elements of the criminal offences listed in Article 20 of this Act.

3. "Controlling of a legal person" shall be present where:

a) a natural person possesses, directly or indirectly, more than 25 percent of the shares or of the capital of the legal entity and controls it, directly or indirectly;

b) a natural person exercises controlling functions in terms of § 1c of the Additional provisions of the Commercial Act;

c) 25 percent or more of the assets of a not-for-profit organization are managed and allocated in favour of a natural person;

d) a not-for-profit organization has been set up and is functioning in favour of a group of natural persons.

4. "Family members" shall mean a spouse and the children under age.

5. "Market value" shall be the value of the property or the corporeal thing without any taxes and fees calculated which would be paid on the same conditions for a similar immovable property or corporeal thing between persons which are not interrelated.

6. "Income" shall be remuneration obtained: by a person under employment, income from services performed in person, income from practising of liberal professions, the net income from entrepreneurial activity, dividends and other income from movable and immovable property, income from agricultural activity and retail sale, other income from lottery and sport bettings, interests, licence and commission remunerations and any other income obtained from economic activity.

7. "Customary expenditure" shall be the expenses for maintenance of the person and his/her family members according to data provided by the National Statistical Institute.

§ 2. For the cases not regulated under this law the provisions of the Code of Civil Procedure shall apply.

### **TRANSITIONAL AND FINAL PROVISIONS**

§ 3. Proceedings before the Commission for Establishing Property Acquired through Criminal Activity instituted up to the coming into force of this Act for which no claim for forfeiture has been submitted to the court shall be completed under the procedure of this Act.

§ 4. The Commission shall continue its activity until expiry of the term of office.

§ 5. Within three months from the coming into force of this Act, the Chairperson of the Commission shall ensure the implementation of Article 14.

§ 6. The Commission shall adopt the Regulation under Article 19 within two months from the enactment of this Act.

§ 7. Instructions under Article 29, para 3 and art. 30, para 2 shall be issued within six months from the enactment of this Act.

§ 8. The Forfeiture in Favour of the State of Assets Acquired through Criminal Activity Act (published, SG No 19 of 2005, amend., No. 86 and 105 of 2005, SG 33 and 75 in 2006 , No. 52, 59 and 109 of 20.12.2007, SG No 16 of 2008, SG No. 12, 32 and 42 of 5.06.2009) shall be repealed.

§ 9. In the Public Disclosure of Senior Public Official's Financial Interests Act (published SG No. 38 of 2000 r., amended, No. 28 of 19.03.2002 r., No. 74 of 30.07.2002 r., amended and complemented, No. 8 of 28.01.2003 r., in force from 1.03.2003 r., No. 38 of 11.05.2004 r., amended, No. 105 of 29.12.2005 r., in force from 1.01.2006 r., No. 38 of 9.05.2006 r., amended and complemented, No. 73 of 5.09.2006 r., in force from 1.01.2007 r., complemented, No. 109 of 20.12.2007 r., in force from 1.01.2008 r., amended, No. 33 of 28.03.2008 r., No. 69 of 5.08.2008 r., amended and complemented, No. 94 of 31.10.2008 r., in force from 1.01.2009 r., amended, No. 93 of 24.11.2009 r., in force from 25.12.2009 r.) para 9 shall be added to art. 7:

„(9) In the cases of failure to submit declaration by the persons under art. 2, para 1, as well as where there has been drawn a conclusion for lack of correspondence, the Chairperson of the Audit Office shall notify the Commission for Establishing Property Acquired through Criminal Activity to carry out examination of the assets of the persons concerned.”