NEW BULGARIAN UNIVERSITY
DEPARTMENT OF LAW

ABSTRACT

of a dissertation for the award of a Doctorate Degree of Science in the scientific field 3.6 "Law", on the topic:

PREPARATION AND SUBMISSION OF DISTRIBUTION UNDER THE CODE

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I. CHARACTERISTICS OF THE DISSERTATION

1.1. Relevance of the topic and practical significance of the research

The dissertation "Preparation and submission of distribution according to the Civil Procedure Code" reveals key points that are of key importance for the correct and lawful distribution of the amount collected as a result of state coercion among the many claimants.

The study of these processes is dictated by the lack of such comprehensive studies at the present time.

With the adoption of the new Civil Procedure Code (March 1, 2008) in the part of enforcement proceedings and the application of state coercion (as a substitute for the missing voluntary enforcement), the legislator largely achieved his goal - to make the process faster, more efficient, more - economical, compliant with the requirements of the new century and "modern" European legislation. Unfortunately, however, the new moments in the legal framework did not affect the provisions related to the preparation and presentation of the distribution in the enforcement process under the Civil Procedure Code. This problem is too outdated and conservative, "scattered" in numerous applicable laws and regulations, is not precisely systematized, is subject to conflicting legal norms, and the collision between them gives rise to difficulties, diverse case law and disputes among legal circles.

In the legislation and in the legal doctrine (before and after 01.03.2008) there is a lack of specifics and clearly written rules on this significant, very important, extremely complex and increasingly topical problem, which is a manifestation of the culmination of the litigation and puts an end to the dynamically developing civil process, in particular – of enforcement, through the expected fair and lawful satisfaction of creditors. The absence of a thorough, in-depth and comprehensive research and study of the matter related to the nature and processes of preparing and presenting a distribution under the Code of Civil Procedure creates endless disputes and "stumbling blocks" among the bailiffs (public and private) and forms a divergent internal conviction among the judicial panels in the country in the interpretation and application of the legal norms governing this issue. The lacunae in the new CPC as far as the manner and method of making an apportionment have been filled with a number of important interpretative decisions which are woefully inadequate to resolve the complex and specific matter in its entirety. The outdated system needs to be urgently "renovated", updated with the modern requirements of economic relations in the country and the EU, to be in line with the latest amendments in our overall legislation and through an innovative approach to regulate all substantive and procedural norms regarding the distribution.

The new points included by the legislator after 2008 in the Civil Procedure Code and in particular - in the enforcement, led to an increasingly complicated procedure for drawing up the distribution. The introduction of writ proceedings, the competition between public bailiffs (public and private), the introduction of VAT for bailiffs, the competition in debt collection with public contractors, the collision with the universal compulsory enforcement and with the enforcement under tax law (TL) and law on registered pledges (LRP), the presence of previously registered real encumbrances - claims, contribution contributions, liens and foreclosures, etc., etc. - these are only a small part of the challenges that stand before the bailiff distributing the amount received.

Correctly prepared and submitted distribution according to the Civil Procedure Code will lead to a sense of satisfaction and justice among citizens and businesses in Bulgaria and to an increase in their respect and confidence in the judicial system. Guided by many years of practical experience and by the desire to objectively present the controversial moments, to point out comprehensively and fully the existing gaps and obstacles, which fellow lawyers face on a daily basis, I felt it necessary to express my point of view, present my arguments and express my opinion. The creative effort involved is driven by the desire to be useful and to bring clarity to the complex process of distributing an amount received between privileged and unsecured creditors. Distribution according to the Code of Civil Procedure is an important necessity to guarantee the peace and security of civil and commercial turnover, for the needs of society as a whole. Because it is precisely with the entry into force of the distribution that the real and final implementation of the judicially established right is acquired.

1.2. Volume and structure of the dissertation work

The dissertation consists of a total of 214 pages, which are structurally divided into: introduction, six chapters and a conclusion. Each chapter ends with relevant conclusions.

The main part of the study is arranged as follows:

* In chapter one - "Aim, tasks and method of research" - I outline the goals and tasks set before the present research, which methods were used in the work process and what are the expected results.

* In the second chapter, in a brief historical overview, the genesis and development of basic institutions in law - chirograph, non-sequestrability, privilege, peremptory, suretyship, fees and interest, distribution - and their modern counterpart are examined.

* The third chapter is entitled "The Current State of the Problem". In it, I dwell in detail on the currently existing controversial case law in relation to the studied problem; as well as the many interpretive decisions that have been made. I disclose the available conflict in the

prepared distributions, related to the implementation under the Health Protection Act and the universal enforcement, with the implementation under the TL (tax law). "Private usury" is briefly considered. (I introduce the term "private usury" only in order to clarify the issues of the present work).

The core of the study covers the following three chapters:

* The fourth chapter, in which I consider the specifics of the bank accounts of the state and private bailiffs, where sums are received for distribution, as a result of an implemented method of enforcement, namely – special, interest and ordinary (in the case of – private bailiff), respectively – collection and transit with the holder of the Supreme Judicial Council (at the State Security Council - SSC). Next, I dwell on the process of preparation, structure and content of the distribution. I consider the issues that are inextricably linked and that should be discussed initially (before the distribution itself is drawn up), namely - on inadmissibility of execution, non-sequestrability, peremptory and prescription, countervailability of imposed and registered liens and foreclosures, renewal of the registration of the mortgage and the bet. I dwell in detail on the place of privileges under Art. 136 of the law on obligations and contracts in the allocation. Special attention is paid to the presence of the VAT debtor's registration, as well as the registration of the private bailiff/SSC under VAT. Proposals de lege ferenda were made.

* In the fifth chapter, entitled "Joined creditors", I dwell on previously registered real encumbrances - foreclosures, mortgages, claims, decisions, etc.; previously registered liens on movable property, including receivables. I examine the status quo of the creditors included in the distribution under Art. 458 of the Civil Code in connection with Art. 191 of the Civil Procedure Code; Art. 459 of the Civil Code, as well as those added under Art. 456 of the Civil Code. I have focused on the reversibility of these entries/impositions. Conflicting case law is discussed. I pay special attention to the exact calculation of all claims and their repayment in the series of expenses, interest, principal, according to the ЗД. The place in the distribution of unsecured creditors is shown. The formula for calculating the amounts due to unsecured creditors according to proportionality is presented, as well as the formula for calculating the proportional fee under item 26 of the “Tariff for the fees and expenses of the Law on private bailiffs” and art. 53 of the tariff for the VAT, on the collected amount (with or without VAT). Attention is drawn to the complications arising in the preparation of an allocation in connection with the implementation of Regulation (EC) No. 1896/2006 and Regulation (EU) No. 655/2014.

* In the sixth chapter - "Other distributions" I present the problems with the other hypotheses of drawing up a distribution according to the Code of Civil Procedure, namely - when assigning property instead of payment; when assigning the claim for collection or in lieu

of payment (procedural substitution or forced assignment); upon sale of indivisible property subject to judicial division. I indicate the mandatory requisites of the distribution decree and what sequential actions regarding scheduling and disclosure /announcement, presentation/ of the distribution should be undertaken by the state or private bailiff. Finally, I stop at the payment of the sums according to the effective distribution of the right holders and its reflection on the relevant official certification documents contained in the covers of the executive file. The problems that would arise upon the entry into force of the amendments to the Code of Civil Procedure from 01.07.2024 by issuing an electronic execution list and noting the payments "on" it, and more precisely - in the electronic batch, are outlined.

A conclusion follows.

II.

CHAPTER ONE

OBJECTIVE, TASKS, RESEARCH METHOD. EXPECTED RESULTS

The purpose of the dissertation is to develop and present a generalized, correct and lawful model, standard, sample of compilation and presentation of distribution through the study of the constant judicial practice and the interpretative decisions issued by the Supreme Court, the specifics of the national and European legislation. according to the Code of Civil Procedure. In this model, the requisites should be specified and the structure and content should be outlined, which should objectify the distribution, as well as put an end to the controversy between magistrates and bailiffs regarding its name (bill, protocol, distribution, decree). The ambition of the study is to expand, enrich and upgrade the legal doctrine in this area, to resolve the controversial moments in the preparation of the distribution by creating transparency, precision, clarity and "predictability", to achieve procedural and financial economy in the process of preparation and presentation of the distribution, in search of a "vision" of justice, objectivity, impartiality and satisfaction, and above all - achieving the rule of law.

The object of the study is a wide range of processes, features and statutory knowledge in the drafting of a lawful and correct distribution, objectified in a decree prepared by the bailiff (public or private), and the special procedure provided for in the Civil Procedure Code for its submission to all parties and participants in the enforcement proceedings. The process involves the examination of important institutes in law such as sequestrability, privilege and chirography, opposability, peremptory and statute of limitations, in-depth knowledge in detail of the rendered interpretative decisions in connection with the costs of the forced execution, with the legally joined creditors, with the appeal of the distribution, etc. The subject of the research is the complete and comprehensive improvement of the methods, the forms, requirements and ways of preparing the distribution with a view to achieving the final result. Through the successful resolution of the set sore problems (analyzed in detail in the dissertation), the research realizes its main goal. In view of the specificity and the huge variety of hypotheses in practice, the study does not claim to be exhaustive. Emphasis is placed on the correct approach in drawing up the allocation, logical thinking and detailed knowledge of the legal matter.

For the purposes of the present work, extremely important and painful problems (tasks) have been seriously and thoroughly investigated, discussed and resolved. The correct and lawful preparation (with the necessary details), scheduling and presentation of distribution occupies a

central place in the present study. By analyzing and summarizing all provisions concerning the issue, the process of objectifying the distribution in the legal peace has been outlined step by step. The significance of these actions on the part of the relevant bailiff (or the relevant court panel) is with a view to protecting the statutory and creditors' rights guaranteed by the legislator, achieving the desired and targeted balance between claimants and debtors and third parties - participants in the process, satisfaction of all their claims and achievement of the highest principles in civil proceedings and administration of justice - justice, speed and efficiency.

In view of the emphasis of the topic of the dissertation, the appeal of the distribution before two instances and its entry into force, as well as the appeal of the distribution by reference to non-sequestrability at its presentation and its challenge by a creditor, are not considered. Some of these questions (regarding the scope of the judicial review when assessing the legality of the contested distribution and what are the powers of the court after the annulment of the distribution appealed before it) were answered in the issued interpretive decision No. 2 of 22.11.2022 of the General Assembly on Civil and Chambers of Commerce of VKS. Other issues related to the appeal are briefly, but inevitably, touched upon in the present study when discussing the way of drawing up the distribution decree, as well as the conflict in drawing up distribution according to the order of the LAW ON REGISTERED PLEDGES and Tax and Social-Insurance Procedure Code (TSIPC).

In the present work, a wide range of research methods are used - from analysis, synthesis and generalization of the existing theory and judicial practice and its comparison with European analogues (in the most problematic part about costs), through the study of historical knowledge and experience in this field, to the application of empirical research (the exposition formulates both theoretical and practical tasks that are mutually intertwined and complementary). By using the principles of systematicity and consistency, with the help of which it reaches its own legal conclusions and conclusions, the present work gives an answer to the problems posed. To solve some of the tasks, techniques of induction and deduction, logical thinking and judgments based on scientific knowledge are applied.

What are the results achieved? – The stages (steps) that the bailiff should go through before, during and after the preparation of the distribution are outlined. Difficulties encountered by bailiffs arising from contradictions in "inner beliefs" are indicated among magistrates and the woefully inadequate attempts to fill the gaps in the law by passing interpretive rulings. The need for adequate and timely legislative intervention and changes in this area of law (CPC, LRP, TK, TSIPC, LOC(Law for Obligations and Contracts)) was highlighted due to the rapid development of socio-economic relations in the country, in the EU and internationally. It is

emphasized that these changes should proceed from the interests and be at the service of the society - of the economic entities and citizens, that they should qui ly replace rigid and extremely "cumbersome" norms, be modern and flexible, so that they can easily adapt to the constantly and dynamically occurring changes in the market economy, finance and trade, political and business life in the country, in Europe and the world. Future legislative changes should meet the expectations and needs of Bulgarian citizens, those of the EU and the European Economic Area, with a view to increasing their confidence in the administration of justice, their faith in the sustainability, independence and impartiality of the Bulgarian judicial system.

III.

CHAPTER TWO

GENESIS AND DEVELOPMENT OF PRINCIPAL INSTITUTIONS – CHIROGRAPH, NON-SEQUESTIBILITY, PRIVILEGE, PREMPTION, WARRANTY, FEES, INTEREST, DISTRIBUTION AND THEIR MODERN ANALOGUE (BRIEF HISTORICAL OVERVIEW)

The processes of collection, distribution and payment of debts and sums of money have their genesis and date back to antiquity. From the excavations in Sumer, Akkad and Babylon we draw information about law and judicial proceedings in the old world. From the earliest times, the fragments of Sumerian laws - 20th-18th centuries BC (1792-1750), as well as other sources, such as the laws of Ur-Namu, of Lipit-Ishtar, the inscriptions from Kerkuk, etc. provide, although scarce and laconic, data related to with the collection and payment of debts and their distribution among numerous creditors. Undoubtedly, however, the most important source in this direction is Hammurabi's code of laws, from which we derive information about ancient Babylonian law, the collection and distribution of debts (stored in the Louvre Museum, France).

Hammurabi's laws required the drawing up of legal documents concerning one transaction or another and established the form of legal proceedings. It is in the old world and especially among the Phoenicians, and not in ancient Rome, that we should look for the roots of the chirograph. It is an interesting fact that it is in the collection of laws of Hammurabi that we find the first information in the history of mankind about non-sequestrable property:

I cannot say with certainty whether this "non-sequestration" applied only to the ranks and positions in the army, or whether they were also valid for other strata and strata of the population. Proceeding from the expressions "tax-bringer"[1] and "timkar"[2] it is, in my opinion, an indisputable fact that the fields, the garden, and the house in the ancient Mesopotamia could not be expropriated and sequestered nor "attributed" to relatives, even for the obligations of their owners. From ancient times to the present day they have reached the desire and aspiration of the Zoners for "the welfare of the people"[3], "that justice may shine in the land"[4], "that the

[1] Danov, Hr. Christomathy in Old World History. Fifth Revised and Augmented Edition. Sofia: "Science and Art", 1976, p. 169.

[2] There again.

[3] Ibid, pp. 169 ff.

[4] Ibid.

strong may not oppress the weak"[5], that "truth and justice may prevail"[6]. In the laws of Hammurabi we meet for the first time the expressions "judge" and "testimony", "verdict" and "judgment", as well as the notion of "claim" and "usurious debt", "pledge". The judicial functions of debt collection in ancient Egypt were entrusted to officials appointed by the pharaoh/king. These court officials, in addition to deciding on the legal dispute, executed the judgments or had them executed by special "executors" who "cashed in" or directly "seized" goods and property from the debtor's patrimony and distributed it among his creditors. Very often the pharaoh himself used the services of usurers - Phoenicians or priests. In our country - after the liberation from Ottoman rule until the adoption of the Tarnovo Constitution in April 1879, there was a Russian political and administrative presence (some authors call it an occupation) in the Principality of Bulgaria, known as the Provisional Russian Government. Its purpose was to prepare the Bulgarians for independent state rule after their liberation from Ottoman rule. In 1878, the Council of the Russian Imperial Commissar adopted "Provisional Rules for the Organization of the Judiciary in Bulgaria" (in force from 20.09.1878). Enforcement during the provisional Russian rule was subject to the provisional rules introduced by the Chancery. A judicial magistrate, of Russian or Bulgarian origin, was appointed on the model of tsarist Russia. The bailiffs (along with the district judges and the mayors of small settlements) executed the judgments and collected the money immediately, on the spot and in hand, against which they issued a document to the debtor. If the 'claimant' was not present at the collection and the sum could not be handed over to him, it was deposited at the court, where he could obtain it. If there were several creditors on the spot, a distribution was made between them, which fact was recorded in a special (dedicated) book. Since 1936 in the legal world of the kingdom of Bulgaria there is the institution of peremption in enforcement proceedings[7]. Tracing the historical experience in the development of important institutes in law allows us today to draw relevant lessons, allows us to discover proven best practices so that we can further improve the national legal framework in the dynamically developing economic and political modernity and the constantly globalizing world. While in 1892 the uneducated and inexperienced Bulgarian legislator created an extremely "cumbersome", rigid and conservative law, almost entirely borrowed from foreign experience, we cannot deny the merit of the legislator a few decades later (1930), when, on the basis of the already accumulated and rich

[5] ibid

[6] Ibid

[7] Ordinance-Law on bailiffs in Bulgaria, promulgated by the Bulgarian Parliament, art. 47 of 01.03.1935, art. 18 et seq.

own practical experience, he wrote much more modern, progressive and democratic for his time rules and norms. Developed and refined, in accordance with the specific features of social life, with the lifestyle, morals and mores of the population in the first half of the twentieth century, with the economic development of the state, the Law met the requirements of national aspirations, goals, aspirations and ideals and helped to raise the authority of the state in the Balkans and in Europe.

IV. CHAPTER THREE
CURRENT STATE OF THE PROBLEM

3.1. GAPS IN LEGISLATION. CONTRADICTORY CASE LAW. INTERPRETATIVE DECISIONS

3.2. COLLISION WITH ENFORCEMENT UNDER THE LAW ON ENFORCEMENT AND UNIVERSAL ENFORCEMENT

3.3. COLLISION WITH THE ENFORCEMENT UNDER THE SUPPLEMENT. PRIVATE USURY

Despite the legislator's diligence and desire, the new CPC adopted in 2008 suffers from certain gaps and imperfections concerning the matter governing both non-sequestration and the making of distributions of sums received as a result of lawfully applied and implemented state enforcement. This regulation seems to have been "downplayed" and even ignored. Its importance and enormous role in law enforcement and effective administration of justice in the country was not taken into account. Without effective, speedy and fair judicial enforcement being fully realised, the entire civil process is rendered meaningless and the final act itself - the final judgment and the force of adjudication - is left to exist objectified on a piece of paper. In the part referring to the statutory protection guaranteed to the debtor under Article 447 of the Civil Procedure Code (any waiver of the protection under Article 444 of the Civil Procedure Code and Article 446 of the Civil Procedure Code is null and void), we cannot help but notice that the waiver of the protection under Article 446 bis of the Civil Procedure Code by the debtor is not included in the hypothesis of this legal provision. In my opinion, this is an extremely important omission (oversight) in the regulation on the part of the legislator, infringing fundamental rights of citizens in the Republic of Bulgaria and causing contradictory case law. Violation of this norm in any situation of the enforcement proceedings renders the enforcement proceedings void. These texts of the law are guided by considerations of humanism, ensuring the non-sequestration of a certain range of property assets of the individual, the availability of which guarantees the debtor and his family the minimum for a modest, peaceful and secure existence. I therefore believe that this omission in the legislation should be quickly remedie.

The making of a payment as a result of the state coercion leads to the important consequence of interrupting the limitation period. Pursuant to Art. 116 para. "c" of the LPA - the limitation period is interrupted by the taking of "enforcement action" of the claims, regardless of whether the action is taken by the claimant or on the initiative of the bailiff

authorised under Article 18 of the LCA (as opposed to peremptory action). Pursuant to the SCC, General Assembly of the Civil and Commercial Chamber, Interpretation Case No. 2/2013, TR No. 2 of 26 June 2015 - "...the filing of an application for the issuance of a writ of execution on a non-judicial enforcement basis under Article 242 of the CPC (art. 242 of the CPC (am.)) does not constitute the taking of an "enforcement action" within the meaning of Article 116 b. "c" of the LPA "[8] and therefore (b.a.) - does not interrupt the limitation period. A careful reading of the aforementioned interpretative decision arguing to the contrary suggests that the act of filing an application for a writ of execution on the basis of a writ of execution - a judgment - interrupts the limitation period. I consider that such a request to the court by the claimant does not interrupt the limitation period either. Nor is the limitation period interrupted by the creditor's "taking action" to institute an enforcement action and serve an IDP if:

- there is no request by the creditor (including authorisation under Article 18 of the LPB), and/or

- "undertaken" by the bailiff actions in the PDI of enforcement, through which the debtor begins to suffer a restriction in his legal sphere (there are no requested and applied means of enforcement of the claim).

I think that if in the application for initiation of enforcement proceedings (under a writ of execution issued on the basis of a court decision) the creditor has requested taking action to enforce collection of his claim (has indicated a method of enforcement or has authorized the CSI under Art. 18 of the CSI Act), then the statute of limitations is interrupted, although the law in Art. "b" only provides for "taking" enforcement action. Such can only be "undertaken" and carried out by an enforcement authority, therefore the limitation should also be linked to the conduct of the claimant and not only to the means of enforcement applied by the bailiff. coercion that could be implemented at a later stage in the enforcement proceedings. In this sense - the question should be answered in the affirmative: is the statute of limitations interrupted if the claimant has indicated a method of enforcement in the application for the commencement of enforcement proceedings (based on a judgment of an appellate instance that has not entered into force), respectively - has authorized the CSI under Article 18 of the CSI Act, but by serving the PDI the bailiff has not "undertaken" state enforcement actions. A similar view (albeit disputed by other panels) was taken by B. Belazelkov in the decision No. 37/24.02.2021 of the SCC, 4th Civil Division in case No. 1747/2020.

[8] TR No. 2 of 26 June 2015 in Case No. 2/2013 of the SCC.

Paragraph 10 of TR No 2/2015 refers to the expression "or", i.e. - a valid enforcement action requested by the claimant or taken by the bailiff.[9]

The above-quoted interpretative decision states in the highly discussed in the legal circles problematic point 10 that: when the claimant has not requested the performance of enforcement actions for two years and the enforcement proceedings have been terminated by peremptory challenge (Article 433, paragraph 1, point 8 of the CPC), a new limitation period for the claim starts to run from the date on which the last valid enforcement action was requested or taken. On further analysis of this text of the interpretative decision, I reach the following legal conclusions:

- First, peremptoriam (presumption) occurs if the creditor has not requested a "valid" enforcement action within two years, and the start of that period runs from the date of the last enforcement action requested by the creditor. For peremption to occur, a validly performed enforcement action by the bailiff authorised under Article 18 of the CSL within those two years has no legal significance. (For peremption to occur, it is presumed that there has been an enforcement action initiated and that it is still pending, as well as the fact that it is impossible for peremption to occur before the enforcement action is initiated)

- Secondly, however, this is not the case with the text at the end of paragraph 10 of the interpretative decision, which provides that a new limitation period begins to 9 In the present case, I am referring to cases in which enforcement has been requested by the creditor but no such action has been taken by the bailiff in instituting the proceedings, for example, because the creditor has not paid the advance fee for the attachment, garnishment, etc., and that action has been postponed in time. 16 runs not only from the last action requested by the creditor, but also from the last valid enforcement action taken (probably also by the bailiff - b. a.)

- Thirdly, the interpretative judgment cited does not define what is to be understood by a valid enforcement action? Is the drawing up of the distribution of the amount received and its submission a valid enforcement action?

According to the established constant practice of the courts and in academic circles, the opinion has taken shape that the preparation and submission of the distribution does not constitute a real enforcement action and does not interrupt either the peremptory or the limitation period (since the distribution is not related to procedural compulsion). In this regard - Decision No. 100255/16.10.2020 in civil case No. 101/2020 in the inventory of the AC -

[9] In the present case, I focus on the cases of enforcement requested by the claimant, but such action is not taken by the bailiff initiating the case, for example, due to the failure of the claimant to pay the advance fee for attachment, attachment and foreclosure, etc., and this action is postponed in time.

Veliko Tarnovo, Decision No. 260495/01.09.2020 in civil appeal case No. 894/2020 in the inventory of the SCC;

In the motives of the decision No. 37 of 24.02.2021 of the SCC, IV CS, in gr. 1747/2020 in the Court's description, proceedings under Art. 290 of the Civil Procedure Code, it is stated: "The distribution is not an enforcement method, it follows the realisation of the property or the payment by the third party liable, but it may enter into force and payments may be made on the basis of it, even if the limitation period has expired from the entry into force of the attachment decree or the payment under the attachment, since the creditor can neither enforce the entry into force of the distribution nor can he force the bailiff to make the payment."

Unlike the LPB and the execution under the CPC, the territorial jurisdiction of the CJP conferred by the creditor under the LPB is not limited by his area of operation (the relevant district court). In such an assignment, the CSE is the contractual representative of the creditor (in legal doctrine, an assignment under Article 18 of the CSA is perceived as an assignment under a mandate relationship), and the CSA confers on the authorized bailiff the rights and obligations of a depositary authorized (solely and exclusively) under the LPA to make distributions of the amounts received. I am of the opinion that in this case of assignment, the distribution should not be made and filed by the CSE under the Civil Procedure Code, nor should its appeal be under the Civil Procedure Code (although it is so provided in the LPA), and therefore I do not share the opinion of Delyan Nikolov and Dr. Dimitar Ivanov[10] and the motive of the latter two: "since the depositary is the private bailiff". If we accept this argument - a depositary, according to Article 38 of the LPA, can be a lawyer or a licensed auditor, not only a private bailiff. Would the depositary - a lawyer or an auditor - choose the procedure provided for in the Civil Procedure Code or the one regulated by Article 722 of the Commercial Code, given that the pledgee itself carries out the sale, which is a type of transaction and not a public sale, and the parties to this transaction - seller-buyer in most cases are traders registered under the VAT Act. Why should an appeal against a distribution made by a solicitor or accountant be in a different order from an appeal against a distribution made by a CSE? These norms are in the public interest and should be equally and equally applicable to all legal entities in the country, without exception - individuals, corporate bodies, etc. Putting them on a different pedestal suggests infringement of civil rights, violation of the Constitution and is contrary to the foundations and principles of the rule of law. I am of the view that the HRA in this part should undergo substantial amendments which I have indicated in my submission.

[10] Nikolov, D., Ivanov, D. Enforcement Proceedings under the Civil Procedure Code and the LPL. Second revised and supplemented edition. Sofia.

A significant difference between the distribution prepared by the CSO, in his capacity as the depositary under the LPA, relates to the appeal of the distribution. The PPL (differently from the CPC) regulates that the RS has the generic jurisdiction for this procedural action, but not in the seat of the depositary (e.g. - the CSI, as regulated in the CPC and the CSI Act), but in the domicile or seat of the pledgee. Based on this difference, it is quite possible that the pledgor is domiciled, for example, in the city of Warsaw. Burgas, and the depositary making the distribution is based in Burgas. I believe that this text of the LPA (Article 41, paragraph 2) needs to be amended by supplementing it and specifying it as follows: "at the registered office and address of the depositary", for the purpose of speed and procedural economy.

Next, an essential feature of a distribution made under the HRA is its time limit for appeal. While for the distribution made under the CPC it is 3 days from the day of filing of the distribution, here the time limit is 7 days from its announcement in the relevant register (CROZ). Here again, like the CPC, the CPL refers to Article 278 of the CPC and the same rules regarding the suspensive and devolutive nature of an appeal against the distribution apply. There is no statutory procedure in the CPL as to how an appeal against a distribution should be administered. This huge lacuna (that 18 silence of the law) leads to serious problems in practice and should be filled urgently, as in practice it leads to the harmful consequence of paying the amounts to the pledgees without the depositary being notified either by the court or by the parties of the complaint filed with the court - in view of the foregoing regarding the fact that appeals are filed with the RS of the pledgee's domicile or seat.

In SG no. 98/12.11.2013 was promulgated the Law on Amendments and Supplements to the Tax Procedure Code, which amended the procedure for repayment of public debts established by the National Revenue Agency - taxes and compulsory social security contributions. According to § 10 of the Amendment of the Law, as of 01.12.2013, paragraph 6 of Article 169 of the Tax Procedure Code comes into force, in which it is established that in the application of paragraph 4, the repayment of interest shall proceed after the repayment of all the principal amounts of debts (with the clarification - until the commencement of their compulsory collection). Where a debtor has several public debts established by the NRA and is unable to repay them simultaneously until the commencement of enforcement, consisting of principal and default interest, the principal debts shall be repaid first, starting with the debt for which the repayment period expires earliest (unless otherwise provided by law). If two or more principal obligations expire on the same date, they shall be discharged pro rata. The same shall apply in respect of interest on principal amounts. The amendment provides for the possibility to repay the principal amounts of taxes and compulsory social security contributions which

have expired first, thereby stopping the accrual of the interest receivable. The purpose of the amendment was to prevent the amount of the debt from increasing. (It would also be useful to reconsider the rule of Article 72 of the LPA on repayment in the sequence costs, interest, principal.)

On 01.01.2013, one account was introduced for the payment of taxes and social security contributions for state social insurance, health insurance and contributions to the GVRS fund. This fact (the single account) and the fact that the debtor was deprived of the right to choose which of his debts to repay at his own discretion, led to extreme difficulties among the public executors, caused by the fact that the debtor, by depositing amounts in the aforementioned single account of the NRA, considers that he is repaying 19 one specific obligation, while at the same time the public enforcers are discharging other obligations with the amount paid.

Pursuant to Article 162, paragraph 2, item 1 and item 8 of the Tax Procedure Code, the obligations for taxes, compulsory social security contributions and other contributions to the budget, as well as the interest for them, are public state claims and they are extinguished in the manner specified in the provision of Article 168 of the Tax Procedure Code. Pursuant to Article 168(1) and (3) of the Administrative Procedure Code, public claims shall be extinguished when they have been paid in full or are time-barred.

Particular attention is paid in this chapter to the sequence of repayment of the claim by item. In the case of repayment by payment (made before the opening of the enforcement proceedings with the public enforcement officer), where the amount is not sufficient to repay the entire claim, the distribution of the same shall be made in accordance with Art. 1 of the CCC - in the sequence of principal, interest costs. However, the norm of Article 169, paragraph 8 of the Tax Procedure Code stipulates that after the opening of an enforcement case, public claims shall be extinguished in the following sequence: costs, principal, interest. While the public claim joined in the enforcement proceedings under the procedure of the Civil Procedure Code (Article 458 of the Civil Procedure Code, in conjunction with Article 191 of the Tax Procedure Code) will be extinguished by the DSI/CSI in another order (the order of extinguishment is established in Article 76, paragraph 2 of the Law on Obligations and Contracts) - first the costs, then the interest and finally the principal.

This difference represents an extremely important and significant problem, originating from the introduction by the legislator of the different order (regime) of extinguishment, depending on the body carrying out the enforcement. In the case of an instalment payment, which is common in practice in both proceedings, it appears that the debtor

will pay a radically different amount. In proceedings under the CCC, in which the principal is repaid first before interest, the debtor will ultimately owe less because the interest-bearing claim is repaid with preference, i.e., by repaying the principal first, the amount charged for interest remains less. Conversely, when the principal is repaid last, then the claim will be larger at the end because of the interest that has accrued over time. Add to this the different working approach and the different rates for fees and costs in the two enforcement proceedings, and the difference between what a public enforcer and a CSI-DSO would collect for the same enforced claim is significant. There will inevitably be a difference between the repayment of the distribution made and submitted under the CPC by the bailiffs and the subsequent repayment by the public executors of the liability under the CPC from the amounts received under the same distribution by the DSI/CSI. From this point of view, the legal framework in the DPA and the CPC is not fully refined, fair and social, in favour of the citizens, but is oriented primarily towards the interest of the fiscus.

A creditor who has proceeded to enforcement under the LPA and at the same time has asserted his claim in the insolvency proceedings will be able to participate in the distribution of the proceeds from the sale of the assets from the bankruptcy estate if he has not received full satisfaction in the sale under Article 32 of the LPA. However, his claim in this case will not be privileged and secured and when the distribution is made by the trustee in bankruptcy, the same will be placed in another order of Article 722 of the Commercial Code, but unlike the proceedings under the LRP, where there is no longer any property on which the creditor can direct the execution, respectively - cannot be satisfied, here, in the presence of sufficient assets, will be fully or partially extinguished the claim of the pledgee creditor. Only if a claim has been filed and accepted in the insolvency proceedings, the pledgee creditor will be able to participate in the creditors' meeting and vote in the decisions taken by that body in the insolvency proceedings, will be able to object to the trustee's accounts, challenge the claims of other creditors, etc. To the extent that the creditor under the special pledge cannot be sure how things will turn out in the two options - in the execution under the LPA and under the LC, I believe that it is normal and natural for him to assert his claim in the insolvency proceedings, thus guaranteeing his own interests to the greatest extent. I also consider that there is no obstacle to the two proceedings (under the PPL and the LC) existing and proceeding in parallel (unlike the proceedings under the CPC and the LC), as long as the pledgee is bona fide and timely notifies the trustee for its full or partial satisfaction on the basis of the final distribution made by the depositary.

Prior to the amendment of Article 638 of the Commercial Companies Code - SG 66/2023 and thereafter, the question remained unresolved: after a public sale, a valid foreclosure decree, VAT paid to the fisc, and subsequently the opening of insolvency proceedings of the mortgage debtor - which authority will make a distribution of the amount received, and if it is the receiver - should the judicial state or private 21 executor, before remitting the amount to the trustee in bankruptcy, pay VAT to the fiscus, tax on the property sold by him to the municipality and deduct the royalty under s. 26 - s. 53 with or without VAT respectively. Unfortunately, the SCC does not answer these questions.[11]

[11] See Decision No. 93 of 13.02.2024 in Case No. 4644/2022, 4th SCC.

V. CHAPTER FOUR

AMOUNT PAID INTO THE BAILIFF'S ACCOUNT. PREPARATION, STRUCTURE, CONTENT OF THE DISTRIBUTION

4.1. INADMISSIBILITY, NON-SEQUITUR, PRE-EMPTION, LIMITATION

4.2. THE PLACE OF THE PRIVILEGES REFERRED TO IN ARTICLE 136 OF THE ACT IN THE DISTRIBUTION

4.3. EXISTENCE OF DEBTOR'S REGISTRATION, DSI/XI UNDER DDS

Allocation is an act of the bailiff, contained in a decree, by which the bailiff determines which claims are to be satisfied, the order in which they are to be satisfied and the amount to be paid to those entitled, with a view to full or partial satisfaction of the claims.

Professor Stalev devotes two pages to the preparation and filing of a distribution under the CPC, stating that "A distribution is an Order of the Judge-Executor determining which claims are to be satisfied, the order in which they are to be satisfied, and the amount due for the full or partial payment of each claim."[12] The same opinion on the act of distribution is advocated in the Bulgarian Civil Procedural Law[13] where again the issues related to distribution are objectified within two pages.

Professor Kornezov succinctly states, "The distribution is a Decree of the bailiff by which he determines which claims are to be satisfied and among which claimants."[14] According to G. "The distribution is a decree of the judge-executor, which determines the order of satisfaction of the claims of the claimants and what amounts are due to the individual claimants."[15]

"Allocation is a decree of the enforcement authority, by which it determines: 1) which claims are subject to satisfaction; 2) what is the procedure for their satisfaction; 3) what amount is due for the payment of each of them. "[16]

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[12] Stalev, J. Bulgarian Civil Procedural Law. Sofia. 764-765.

[13] See Stalev, J., Mingova, A., Popova, V., Stamboliyev, O., Ivanova, R. Bulgarian Civil Procedural Law. Tenth revised edition. Sofia. 1243.

[14] Kornezov, L. Civil Litigation. Vol. II. Judicial and non-judicial proceedings. Sofia.

[15] Mutafchiev, G. Executive Production of the People's Republic of Bulgaria. Sofia. 139.

[16] Gradinarova, T. Civil Procedural Law. Course of lectures. First part. Sofia.

It is not disputed that the allocation is contained in a specific act of the enforcement authority, namely, the Decree. However, the bailiffs in the country call their distributions - minutes, accounts, distribution.

In this chapter, I focus on the steps that the bailiff must follow in order to make a proper and lawful distribution of the amount received. In my view, the first and foremost consideration of a bailiff is to ascertain whether the amount received and to be distributed constitutes sequestrable income/takings or property (and whether the same has been paid after the limitation period has expired). Whether the amount has been collected as a result of a permissible method of enforcement and a permissible enforcement process in general (e.g. - the case has not been stayed due to open insolvency proceedings). "A manifestation of the principle of objective truth is the procedural ability of the bailiff to distinguish between the debtor's property subject to enforcement and the property exempted from enforcement by the Act (non-sequestrability). Violation of this principle renders the bailiff's actions null and void."[17] The provisions of Article 444 et seq. of the CPC are a special type of protection and are of a public nature. The bailiff is obliged to ensure compliance with them ex officio.

Art. 136 of the DPA does not define privilege. There is no such wording on privilege in our current legislation (probably due to an oversight by the legislature). Article 8 of the repealed IPR Act states that the right of preference in privilege arises from the particularities of the cause of action and is related to its social and ethical aspect. In Article 11 of the same repealed law, privilege is referred to as a right of preference which the law gives to a claim by reason of its origin.

П. Venedikov considers that the privilege is a special quality of the claim, i.e. it is not an independent right existing along with the claim. He argues that the right of preferential satisfaction of the privileged claim is inseparable from the claim itself of the particular creditor/claimant. Al. Kozhuharov defines the privilege as "a benefit recognized by law to a claim, by virtue of which it is preferably satisfied upon enforcement from the entire property of the debtor or from a specific object of the same "[18]. In other words, there is no privilege without a statutory injunction. It is not possible to create a privilege by agreement between the parties. Further - privilege is a "benefit" of certain claims, not of all claims. The legislature confers this benefit on such claims of a particular entity which, for a number of reasons - social, economic, moral, etc., should be extinguished before all other claims and the other creditors should suffer

[17] Mutafchiev, G. Executive Production of the People's Republic of Bulgaria, p. 18.

[18] Kozhuharov, A. Bond Law. General doctrine of the bond relation. Book Two. New edition by Ognian Gerdzhikov. Sofia.

this protection of the State against the others. A typical example in this respect is the maintenance claim. It is privileged and should be satisfied before all other claims. It is prohibited and inadmissible to direct enforcement against a maintenance claim. However, when compared with another claim with a privilege, the mortgage on immovable property, the legal regulation is such that the mortgage claim stands ahead of the maintenance claim, i.e. The distribution will first satisfy the mortgagee's claim preferentially from the sale of the property, then satisfy the particular municipality's claim for taxes due and unpaid on the property, and only then satisfy the maintenance claim preferentially from the value of the property, if there is money left over to do so. In other words, in the present case, the maintenance claim is preferential to the other claims, but it is chirographic to the mortgage claim.

I do not share the view that the right of preferential satisfaction is directed against the other claimants/creditors joined in the enforcement proceedings. They do not have and cannot have (excluding assignments) any common law relationship with each other. Between these actively legitimated participants in the enforcement process, there is a competition of claims, since the enforcement is directed at a common object owned by the debtor.

According to prof. Ж. Stalev - privileges have a procedural-legal nature. "They consist in the obligation of the executive body to satisfy, when distributing the amount received from the execution, first of all, the beneficiaries of the privilege"[19]. According to Stalev, privilege is defended by an appeal against the bailiff's distribution precisely because it is a procedural power to which only the corresponding procedural duty of the bailiff responds.

On the opposite opinion is prof. Al. Kozhuharov, who believes that privilege is a substantive right. "The creditor has the substantive right to be paid by preference, for this he can demand to be satisfied in this way...The procedural power and the procedural obligation of the bailiff to satisfy the privileged creditor by preference is neither decisive nor does it change the legal nature of the privilege in any way."[20] According to Al. Kozhuharov, the above-mentioned power and duty of the enforcement authority depend and follow from the existence of the creditor's substantive right, from the fact that the creditor has a privilege. "If the creditor would not have such a right, it is obvious that the bailiff would be empowered neither with a procedural power nor burdened with a procedural duty" - Kozhuharov further points out and considers that to determine the nature of a right according to whether it is defended by a claim or by a complaint is "quite inadmissible"[21].

[19] Kozhuharov, Al. Bond Law. General doctrine of the bond relation, pp. 161.

[20]

[21]

I cannot but agree and support the opinion of Prof. Kozhuharov, on the controversy: procedural or substantive is the nature of the right of preference. Preference is a substantive right precisely because the law gives special protection and preference to the claim from the very moment of its creation.

The VAT debtor's registration must be available on the date of the taxable event, which is the date of the decree of assignment (in the case of property or movable assets above BGN 5 000.00), Article 25, paragraph 2 of the VAT Act, in conjunction with Article 496, paragraph 2 of the CPC, respectively - the date of delivery of the movables to the buyer, Art. 1 of the VAT Act, in conjunction with Article 482, paragraph 2 of the CPC, i.e. the date of transfer of ownership (and not the date of entry into force of the award decree). The enforcement authority (DSI or CSE) may verify this circumstance by requesting a written statement from the relevant territorial directorate of the National Revenue Agency or by making such a statement electronically in the public register of legal entities registered for VAT. I consider that, as soon as an inventory date is scheduled, an electronic reference should be drawn up or information should be requested from the tax department of the National Revenue Agency where the debtor is registered, as to whether he is registered under the VAT Act, from what date, what his VAT identification number is, as well as the bank account number of the tax department of the National Revenue Agency to which the value added tax due on the sale should be transferred. There are not a few cases when from the day of the inventory of the property until the day of the sale the debtor is deregistered under the VAT Act and vice versa - at the time of the inventory the debtor was not registered for VAT but at a later stage it was registered and this should be reflected in the notice of the public sale prepared by the bailiff in order to inform potential bidders and future buyers. In the course of the enforcement proceedings, the DSE and the CSE should be guided by the Guideline No. 91-00-261 of 04.09.2007 on the tax treatment of supplies related to land and buildings and property rights thereto under the Value Added Tax Act, effective from 01.01.2007, of the Ministry of Finance, NRA. The bailiff is obliged to transfer to the specified account of the NRA "the tax due on the sale"[22] - para. 1, art. 131 of the VAT Act.

In interpreting this provision, two views emerge as to the actual intent of the legislature. Firstly, when the public sale is an exempt supply within the meaning of Chapter Four of the VAT Act (Art. 38-50 of the VAT Act), no tax is charged - in this sense is also the letter of the Ministry of Finance, Directorate of Tax Policy dated 29.03.2007. However, the

[22] State Gazette, no. 94/30.11.2010, in force from 01.01.2011.

above interpretation imposes an obligation on the DSI, CSE to assess whether the property, from the public sale conducted by him is an exempt supply or is subject to VAT. While in the cases of public sale of immovable property the problem is quickly and easily solved, this assessment is practically impossible in the hypothesis of Article 50, item 2 of the VAT Act, when the supply is exempt, because for the acquisition of the property, which is the subject of a public sale, the debtor has not used tax credit.

Some courts have held that Article 131 of the VAT Act does not require the bailiff's discretion as to whether or not the public sale is a VATable supply. The only condition for the implementation of the hypothesis of the norm is that the debtor is a person registered under the VAT Act. They consider that there is no obligation imposed by law on the bailiff to examine whether the sale is or is not a taxable supply. After a certain period of time, in the event of a possible audit of the debtor, if it is established that the tax collected by the bailiff was not due, the debtor will have the procedural possibility guaranteed by law to set it against his debts to the tax authorities or, if there are none, to claim its refund.

For the sake of clarity and precision, as well as to avoid the creation of contradictory case law, I consider it appropriate that Art. 7 of the same law. Article 83(5) of the VAT Act (in force since 01.02.2011) explicitly states. 7 of the Law in cases of public sale under the procedure of Article 131 of the Law shall be exercised by the owner of the property (debtor, pledgee, respectively the owner of the mortgaged property) after invitation by the public or bailiff. Where no written notification is received from the owner of the thing (debtor, pledgee or owner of the mortgaged thing, as the case may be) before the announcement of the sale, the delivery shall be exempt." In my opinion, this text should be corrected or added as follows: 'the debtor must exercise his right of choice at the latest in the inventory report, since it sets the starting price from which the bidding is to begin, respectively - the expert is tasked with determining the market value of the property with or without VAT.'

I consider that the setting aside and payment within the statutory time limit of the VAT from the public sale does not constitute an act of making a distribution and that is why it is not claimed by the parties to the proceedings. I am further of the opinion that the claim of the Treasury for VAT 28 should not be privileged in absolutely all situations and de lege ferenda this problem should find its solution and place in Article 136 of the LPA.

VI. CHAPTER FIVE
AFFILIATED CREDITORS. ACCURATE CALCULATION OF CLAIMS

5.1. BY RIGHT - ARTICLE 458 OF THE CIVIL CODE, ART. ARTICLE 191 OF THE ADDITIONAL COMMERCIAL CODE, ARTICLE 459 OF THE CIVIL CODE

5.2. AFFILIATED CREDITORS UNDER ART. 456 OF THE RPC

5.3. ACCURATE CALCULATION OF ALL CLAIMS. CHIROGRAPHIC CREDITORS. CALCULATION OF S. 26 AND S. 53 ON THE AMOUNT COLLECTED.

5.4. COMPLICATIONS IN THE COMPILATION OF THE DISTRIBUTION ARISING FROM THE EUROPEAN ORDER FOR PAYMENT AND THE EUROPEAN BANK ACCOUNT PRESERVATION ORDER

According to G. Mutafchiev - "Joinder is a companionship in the enforcement proceedings. It is used to achieve the intervention of another claimant in the pending (pending - b.a.) enforcement proceedings for the realization of a monetary claim. The purpose of the joinder is to satisfy the intervening claimant from the same property which is the subject of the enforcement proceedings"[23] and on which the state enforcement is directed. Joinder in the enforcement process does not require the consent of the original creditor or debtor(s). However, they should be notified by the bailiff of the joinder in view of their rights to challenge the intervening creditor's claim. If the enforcement proceedings have not been terminated by a decree or, as the case may be, concluded by an order of the bailiff, other claimants may join the proceedings and request that the enforcement be continued by applying the enforcement methods proposed by them. "The original claimant also has the right to join. He may join his other claim and satisfy it out of the amount received on which the attachment has been imposed"[24] or the bailiff has conducted a public sale of property. Where the debtor is the same, the bailiff should open one enforcement action even if several writs of execution are presented against him for different claims.

Enforcement lists that are submitted after the opening of the enforcement case against the same debtor are joined to the already opened case (after payment of the prescribed fee for joining in the amount of BGN 50.00 without VAT - BGN 60.00 with VAT). Only in this way could the creditor joined in the case be able to use the attachments and restraints entered before him and all enforcement actions carried out so far. I consider that the bailiff should monitor this

[23] Mutafchiev, G. Executive Production of the People's Republic of Bulgaria, pp. 133.

[24]

accession (with attachment or restraint on the object against which enforcement is directed) ex officio, although the law does not impose such an obligation on him.

Professor Silyanowski disagrees that there is comity where different creditors, acting under their own writs of execution, direct ("reverse") execution on the same property of the same debtor. He considers that in those cases the preconditions for comity are not present, and that what unites the different claimants to the execution is only the object from which they seek to obtain satisfaction. 'In these cases', Siljanovski continues, 'it is better to speak of the joinder of enforcement proceedings'[25]. Professor Silyanovsky considers that those who were active or passive comrades, ordinary or necessary comrades in civil litigation, can also be comrades in the enforcement process. If the action was brought by companions, for example, after a judgment granting the claim, the companions may, by a joint application, direct enforcement against the debtor, and vice versa - where the companionship was on the defendant's side, enforcement may be directed jointly against them (for example, against the two spouses who acquired property in a cohabitation regime).

I support the opinion of prof. Siljanovski, with an addition on my part, that a companionship in the enforcement proceedings may occur in the event of an accession (Art. 101 of the LPA) or substitution in debt (Art. 102 of the LPA) of one of the convicted jointly and severally liable debtors, as well as in the event of legal succession (hypotheses where there is no accession). My reasoning that the joined creditors acting under their own lists of execution are not companions in the enforcement proceedings (even those joined by operation of law - Article 458 and Article 459 of the CPC) is as follows: each joined A creditor has the right to request the termination of the proceedings in respect of his/her writ of execution, to enter into an out-of-court settlement with the debtor(s), different time limits apply to each attached claimant regarding the claim (procedural and substantive), regarding the appeal of the bailiff's actions, etc. So far, they resemble ordinary comity. What happens when one of the joined claimants or a debtor and an original claimant files an appeal against the bailiff's action or against a claimed distribution. The bailiff is obliged, when administering the complaint, to send it to all parties to the enforcement proceedings, including the joined claimants, who are entitled to a statement under the CPC. If we are in the hypothesis of Article 437, paragraph 1 or 437, paragraph 2 of the CPC - the appeal will be considered by the appellate instance in an open hearing and the General Court is obliged to summon ex officio not only the appellant, the original claimant and the debtor, but also the other joined creditors, witnesses, experts. The

[25] Silyanowski, D. Civil Litigation. Enforcement proceedings. First edition. Sofia. O. 20.

judgment of the court will be general and equally binding on all the attached creditors. If there are several appeals, filed by some of the affiliated creditors and by the debtor, the court will join them for a common hearing to avoid conflicting decisions. We are therefore faced with a form of necessary comity. In my view, it is unacceptable and incompatible to have such a merger of the types and quality of 'comity' in the enforcement process - from ordinary to necessary and vice versa. On the other hand, one can speak of companionship in the case of active or passive joinder of claims for a common and uncontroversial consideration and resolution of the subject matter of the dispute by the court, and enforcement proceedings are not claim proceedings (not contentious proceedings). The subject matter in dispute has already been resolved by the court with the SPN against each of the creditors and debtors. In the enforcement proceedings, it already has the quality of being undisputed and determinable under each and every enforcement order. The dispute arises again in the event of a complaint being lodged against the bailiff's enforcement action, but that dispute is not of a substantive nature. In this regard, I find that the opinion of Prof. Г. Mutafchiev's opinion on the comity in the enforcement proceedings as regards the creditors joined under Article 456, Article 458 and Article 459 of the CPC is incorrect. The common thing that unites these claimants in the enforcement proceedings is the direction of the enforcement and the bailiff's actions on the same subject, object, property good - in the case of those joined by right, and in the remaining cases - the use of the enforcement actions already carried out so far for the purpose of - inclusion in the future distribution of the foreclosed property. For this, quite rightly, prof. Siljanovski states that there is no companionship in these cases, but a joining/unification of separate enforcement processes (proceedings - b.a.), with a view to the ultimate goal - the execution of the judgment and the general interest of creditors - achieving full satisfaction of the debtor's property and repayment of the debt.

The sums received in the execution proceedings shall be distributed among the beneficiaries in accordance with the privileges provided for in Article 136 et seq. of the LPA, with the portion attributable to the secured creditor under par. 1 and to the unsecured but privileged creditors referred to in paragraph 2 of Article 459 of the CPC, shall be set aside and retained in the bailiff's account and shall be delivered to the creditor upon presentation of the writ of execution. It should be noted that even if he submits a writ of execution (or a certificate under Art. 456 of the CPC), the secured party under para. 1 or unsecured under paragraph 2 of Article 459 of the CPC, the creditor should wait for the expiry of the 14-day period for voluntary performance given to the debtor by law by the summons for voluntary performance served by the bailiff and only then the amount set aside under the distribution should be "eventually" paid

to him. I cannot help emphasising one problem, namely: the amount set aside by the bailiff under Article 459 of the Civil Procedure Code was calculated by him on the date on which the distribution was made and submitted. Often, pre-secured actions last for years and when at some point the process creditors obtain a writ of execution for their claim, the amount set aside under the distribution is already woefully insufficient to satisfy them in full, i.e. While the debtor is under the impression that his debt to the creditors has been set aside and has long since been discharged, he subsequently discovers to his surprise that this is not the case, either because of the interest which has expired since that time, or because of the additional costs incurred by the creditors, etc.

Moreover, an additional difficulty arises in the case of the SJA from the provisions of the SJA rules on SJA collection accounts referred to and quoted by me. According to these rules - the sums not claimed within one year by the litigants are to be transferred to the transit account of the District Court and thence to the budget of the Judiciary.

As is well known, foreclosure secures the realization of the claim. It is intended to "prohibit" the debtor from disposing of the foreclosed property, but it does not grant a privilege to the one in whose favour it is imposed over other claimants, as is the case with a mortgage. A foreclosure does not create a right of preferential satisfaction of the creditor in the foreclosed property. Therefore, the joined non-privileged claimants, while benefiting from the foreclosure, cannot benefit from the privilege of the claimant to whom they have joined. In this sense, I hold that if the debtor disposes of his second home after foreclosure of the first, he cannot rely on the non-seizability of the first. The foreclosure recorded by the judicial/public executor creates an adverse possession.

The third party liable shall also be jointly and severally liable to the joining creditor if he fails to comply with the attachment imposed on the debtor's claim. Joined non-privileged creditors shall not benefit from the privilege of the original creditor to which they have joined. When the distribution is claimed, it shall also be claimed by the joined claimants. The judgment given by the court on an appeal or claim shall also have effect in relation to the joined claimants, whether or not they have intervened in the civil proceedings.

The provision of Art. 435, para. 1 of the CPC does not recognize the right of the claimant (whether privileged or chirographic) to attack actions of the bailiff related to the costs of the case /outside the distribution/, but only the explicitly listed ones - refusal of the bailiff to perform the requested enforcement action, refusal of the bailiff to reassess under Art. 468, para. 4 and Art. 485 of the CPC and actions of the bailiff related to the suspension, termination or

completion of the enforcement. I consider that this legal provision, which is unfair to the debtor, should be filled in as a matter of urgency.

TR No. 2 of 22.11.2022 in case No. 2/2021 of the OSGTC of the SCC answered and resolved the dispute between the tribunals on the place of the pro rata s. 26 of the TDRC and the corresponding s. 53 of the Tariff of the DSI on the claim, among the privileges under Article 136 of the DPA. I am of the view that this pro rata fee should also be payable on the claim of the fiscus for VAT - similar to the claim of municipalities for property tax. The pro rata fee under s. 26 of the TIRFA and s. 53 of the TIR Tariff is calculated in the same manner except for s. 2 of the Note to s. 26, 34 where it shall be calculated and collected once every six months, i.e. twice a year. I expressly emphasise that bailiffs should strictly observe paragraph 3 of the Note to s. 26 so as to avoid double recovery of proportionate fee and burdening the debtor with costs and charges which he should not have to pay. In my view, the fee should be calculated on each claim individually and not on all the claims in the case together, as follows:

Amount paid (e.g. 2000 BGN)

---------- x the entire fee s.26/article 53

The entire liability/balance, e.g. BGN 5000.

The bailiff's percentage of the sum of BGN 2,000 paid shall be deducted from the sum of BGN 2,000 received. The balance (after deduction of the bailiff's sum) shall be distributed and paid to the claimant.

The claims of any claimant joined by right or by certificate shall be dealt with in this way, taking into account his privileged costs and his privileged claim/chirographic ones, as the case may be.

Calculating the fee under Section 26 and Section 53 on all the amounts in total of the claimants as done in the judgment referred to in the survey with the distribution made by the Court of Appeal, City of Jaipur. Sophia and also as per the scheme indicated by the learned Trial Judge, results in levy of a higher percentage of proportionate fee under Section 26/Article 53 on the CIT/DR which is burdensome and prejudicial to the judgment-debtor. I am of the view that the debtor should not be financially disadvantaged at the cost of enriching the bailiffs.

VII. CHAPTER SIX
OTHER ALLOCATIONS

6.1. DISTRIBUTION IN LIEU OF PAYMENT

6.2. ASSIGNMENT FOR COLLECTION OR IN LIEU OF PAYMENT

6.3. SALE OF UNDIVIDED PROPERTY SUBJECT TO JUDICIAL PARTITION

6.4. PARTICULARS OF THE DISTRIBUTION. ACTIONS FOR SCHEDULING, CLAIMING AND PAYMENT

Where the property put up for public sale is purchased at public sale by one of the chirographic claimants and there are no other attached privileged claimants to be awarded the property, that claimant shall set off against the value of the property such part of his claim as is proportionately due to him (in proportion to the other chirographic claimants). In that case, the claimant to whom the property is to be assigned shall pay the deductible portions (pro rata) of the claims of the other attached claimants. The remainder of the claim of the creditor to whom the property has been assigned, as well as the claims of the other creditors, shall continue to be owed by the debtor. What should be the distribution made by the bailiff in this particular and specific case of an award? Again, the public or private bailiff should verify the eligibility of the enforcement and the sequestrability of the amount received. It is of the utmost importance whether the property/assets subject to public sale are listed and sold with or without VAT. It is well known that the preparation of the distribution in this case precedes the payment of the sums by the claimant and the issue of the order of attachment itself in favour of the claimant. If the property is sold subject to VAT and is to be awarded subject to VAT to the claimant, the bailiff must first indicate in the distribution the amount of VAT which the claimant must pay within the statutory period from the date on which the distribution takes effect, and not from the date on which the distribution is made or the award order takes effect, into the special/collection account of the court Contractor. According to the provision of Article 131 of the VAT Act and Article 83 of the VAT Act - the tax event at the public sale occurs on the day of payment of the full price at the sale. The bailiff should therefore reflect that fact when making the distribution, and the creditor who is to pay that amount in the form of VAT is obliged to pay the tax, whether or not he himself is registered for VAT. An exception to this rule is where the debtor has in the meantime been deregistered for VAT or the supply (the property subject to the sale) has in the meantime become non-taxable.

Next, in the allocation, the bailiff should decide on the privileged costs of the other claimants (non-privileged costs are extinguished proportionally, on a pro rata basis). Next comes the municipality's claim under Article 136(2) of the Taxes Act, followed by the claim of the relevant NRA Tax Department and finally the attributable portions of the claims and costs of the other chiropractic creditors on a pro rata basis. On all these claims - of the VAT, the municipality, the NRA TA and of the chirographic creditors (but not on the costs), the proportional charge under Article 26 and Article 53, respectively, should be levied, which the creditor declared as purchaser should also pay. It is important to reflect in the apportionment the deduction of the s 20 and s 47 fee (with or without VAT) from the s 26 and s 53 fee which (if any) the adjudicated creditor has paid in advance. If that fee has been paid in the proceedings by another claimant, the named chirographic claimant shall, in accordance with the distribution made, pay that fee as a preference cost to the claimant who paid the fee. The bailiff is obliged to serve the distribution so made on all creditors and debtors and only after it has become effective will the creditor pay the amount of the distribution. In this case, the debtor may also challenge the distribution on the ground of non-sequitur. Once the amount of the final distribution has been paid, the bailiff is obliged to issue a decree of attachment in favour of the claimant and to pay the amounts paid under the claimed distribution to the beneficiaries.

In the cases where the third party liable refuses to provide the bailiff with the attached claim (for example - there are claims of other persons on the same claim; is unwilling to voluntarily provide it because the third party has a pending litigation with the debtor for set-off; disputes the claim of the creditor, etc.), it is known that the creditor has two options of defence:

A - By order of the bailiff granting him the claim for collection (procedural substitution), and

B - By order of the bailiff, give him the claim in lieu of payment (compulsory assignment).

In both cases, several prerequisites must cumulatively exist: first of all, the claim must be attached (the attachment notice has reached the addressee - the third party liable) and the claim must not have been delivered to the bailiff. Another important prerequisite, in my opinion, is that the enforcement proceedings are pending, i.e. have not been concluded or suspended/terminated (e.g. in the hypotheses of Article 638 et seq. of the Commercial Code). I do not consider it necessary in these writ proceedings (Art. 417 and Art. 418 of the CPC) for the issuance of a writ of execution for the court to ex officio and obligatorily constitute the debtor itself as a creditor (necessary comradeship, in the form of procedural advocacy),

although the creditor will request the court to award the amount due from the TPL in favour of the debtor (as opposed to the claim under Art. 134 of the LPA, Art. 510 of the CPC). This is because the TPL has already obtained the CA attaching the debtor's claim and does not contest it because the enforceable cause of action exists in the legal world. I therefore consider that the claimant should have active standing in the form of procedural subrogation.

Necessary companionship (procedural advocacy) will, in my opinion, be present in the hypotheses in which there is no enforcement ground and the debtor claims that he has a claim from the TPL, which in turn the TPL denies. In this case, on the basis of the bailiff's decree awarding the claim for recovery, the claimant may apply to the court under Article 410 of the CPC and in this proceeding, as well as in the hypothesis of an objection filed by the TPL under Art. 414 of the Civil Procedure Code by the TPL, respectively - initiated by the bailiff's decree the claimant within the time limit under Article 415, in conjunction with Article 422, in conjunction with Article 510 of the Civil Procedure Code is obligatory for the court to constitute the debtor as a necessary party. An interesting hypothesis would be that of the procedural substitute of the third party liable under 38 in respect of which the TPL is the debtor, lodges an objection under Article 414 of the CPC. In such proceedings, two procedural substitutes would be involved - that of the original debtor and that of the third party liable. If the debtor lacks such a cause of action, the third party liable (except in the aforementioned cases under Article 410 of the Civil Procedure Code) must be ordered in a separate action (and for reasons of procedural economy, I consider it possible and appropriate, but not mandatory) to go through the order proceedings under Article 410 of the Civil Procedure Code. The claimant would be constituted before the court as a claimant on the basis of the bailiff's decree granting the attachment for collection or giving it in lieu of payment. In this situation, the claimant will exercise the rights of his debtor in default and, as a result of a successful action, will obtain a writ of execution against the third party liable.

By the decree (letter A), the claimant, a procedural substitute, acquires the right to collect the claim on its own behalf at the expense of the debtor. He may carry out all necessary acts in the enforcement proceedings against the third party liable, without being able to dispose of the right (for example, to transfer it). The bailiff's order has no transferable effect on the claim, but only legitimises the claimant to enforce his claim. The bailiff's orders do not create a privilege for the claimant over the claim of the third party. In this sense - if the litigant (if he is not a mortgagee/pledgee) has not registered a foreclosure and does not benefit from one, he will be excluded from the distribution if another claimant has, for example, conducted a

successful action under Article 135 of the LPA. (The same applies to the assignee in the case of forced assignment).

Of the amount received (which in my view should be distributed by the bailiff, as the claimant has no special knowledge of this), the claimant (according to his claim) will be satisfied - either hierographically (in proportion) or preferentially. The TPL can oppose the claimant with all the objections that it would have made to the debtor before the attachment (waiver, prescription, peremption, etc.), but cannot oppose the claimant's claim with the objection that the enforceable right does not exist. In making the distribution, the bailiff will again be guided by 39 the steps for verifying eligibility and unseizability; peremptoriness or prescription, countervailability, VAT due, privileged costs, including charges under s. 26 and s. 53 with or without VAT - including on the value added tax claim and the municipality's property tax claim; deduction or refund to the relevant creditor of the inventory fee collected, limit on charges, privileged claims, chirographic claims.

By the Decree (point B) the bailiff transfers the debtor's claim to the creditor. Giving the claim to the creditor in lieu of payment, as opposed to presenting it for collection, has a transferable effect ("Forcible Assignment") and the creditor becomes the holder of it (the claim) (instead of the debtor). He can and is entitled to dispose of it. The claim becomes exclusively his and the debtor is deemed to be discharged and released to the extent of the claim given. The debtor's obligation shall be deemed discharged to the extent of the claim given and this fact shall be immediately noted on the back of the writ of execution. The bailiff shall discontinue the proceedings against the debtor, and in his place the proceedings shall continue against the third party liable, who shall, however, pay the creditor directly.

When a distribution is made in the hypothesis of point B, the claimant to whom the claim is delivered in lieu of payment shall pay the amount necessary to satisfy the attached claimants. Pursuant to Article 514 of the Code of Civil Procedure, the costs incurred by the claimant for the recovery shall remain for his own account. He is obliged to give an accurate account (report - b.a.) to the bailiff for the sums collected. The wording of the law is clear - when there are no creditors joined in the case, the creditor to whom the claim has been handed over in lieu of payment is only obliged to give an "account" to the bailiff of the amount collected, for the purpose of - noting it on the execution certificate and reducing the debt, and after payment the bailiff will terminate the case. However, the bailiff is not in a position to monitor whether this amount does not extinguish the costs incurred by the claimant in contravention of Article 514 of the CPC, i.e. the claimant wrongfully shifts the burden of costs to the TPL. The situation is more complicated when there are preferential or hirographic

creditors joined in the enforcement proceedings. Then the claimant to whom the claim has been handed over must, out of the amount he has collected from the third party liable, 'deposit' it into an account of the bailiff (a special account in the case of a CSI - the 40 collection account at the DSI) necessary to satisfy the attached claimants. In this case, again, I am of the view that the claimant to whom the claim has been delivered in lieu of payment does not have special knowledge to determine or distribute the amount. Again, it is the bailiff who is competent to make an allocation (similar to the allocation in the case of an award of property in lieu of payment to a claimant who has participated in the public sale of immovable property). Therefore, the claimant to whom the claim has been delivered in lieu of payment must notify the bailiff of the amount he has collected, by what means it has been collected from him, what the amount of his claim is, etc. The bailiff - after making the necessary checks (mentioned above) and enquiries on the case in the public registers, will draw up the distribution. I find that here, in the alternative (auxiliary, supplementary), the provision of Article 495 should be applied and the claimant-assignee should pay the amount attributable to the attached creditors within two weeks from the date of entry into force of the distribution applied for by way of set-off. The problem that would arise in the preparation of the distribution by the bailiff would be one of costs. The attached claimants will receive their privileged or unprivileged costs, whereas the costs of the claimant who has collected the amount, pursuant to Article 514 of the CPC, should remain at his expense. I consider this provision to be highly discriminatory and unfair and it should be discussed, reviewed and amended.

In case of a public sale of an indivisible partitioned property, two hypotheses are possible: a partitioner may be "forced" to buy the immovable property in question above its market price, or the property may be assigned to a third party for the co-ownership. Once the award decree has entered into force and been registered as a title deed in the property register, the bailiff proceeds to distribute the sale price received from the sale in accordance with Article 460 of the Civil Procedure Code and respecting the privileges under Article 136 of the LPA. He thus executes the judgment and discharges the claims by observing the shares of the co-partitioners determined in the partition proceedings. The distribution will be more specific when a claimant - co-partitioner has acquired the property by public sale. In that case, the CJ should first draw up an allocation of the sale price for which the claimant-partitioner was declared the purchaser. In this way, the latter shall be told what he has to pay. This is because, in respect of his claim, he makes a set-off but 41 in respect of the other claims in the case he makes effective payment, including to the preferential or hirographic creditors joined by right or by certificate.

It is only after such distribution has taken effect and the amounts thereunder have been paid to the entitled persons that the bailiff will also draw up the title deed, the decree of attachment.

The distribution - as an act drawn up by the bailiff - public or private, is objectified in a decree, which has its mandatory requisites. It must identify the authority which issues it, the number of the enforcement proceedings, the grounds for issuing the distribution, the active and passive legitimation of the case - respectively the pirivilegability and the hirography of the claims. It is necessary to identify the immovable property or movable property subject to public sale, or to identify the receivable obtained by seizure which is being distributed. The total amount to be distributed and the part of the VAT to be distributed to the creditors, after the VAT has been paid to the tax authorities, must be indicated. The substance of the distribution is important because it must disclose to all parties in a comprehensible and transparent manner what part of the claim is being repaid. Unclear and incomprehensible allocations cannot have the desired legal consequences, namely the fair satisfaction of creditors. The order for distribution should also contain an operative provision as to the day and time of the announcement of the same and before whom, within what period, it is subject to judicial review.

The decree with the prepared distribution shall be announced (submitted, disclosed) to the parties to the case, for which purpose the enforcement authority shall draw up an official certifying document within the meaning of the Civil Procedure Code - a protocol. After the official disclosure, the allocation order is stabilised and may not be amended by the bailiff.

VIII. SCIENTIFIC CONTRIBUTION

The scientific contribution resulting from the research is expressed in:

1. Discovering the roots and proving the origin of important institutes in law;
2. Clarifying the main issues and making reasoned statements on important problems of the subject;
3. Drafting and proposing amendments to existing legislation

Contributions to science include:

- Proving the origin of the chirograph, non sequitur, suretyship, interest;
- for the first time the term "non-sequestration" is used in our country in the third Bulgarian kingdom - in the Law on Court Proceedings of 1892;
- the term "allotment" is first used in our country in the Law on the Judicial Officers of 1902;
- the term 'privilege' is used for the first time in this country, not in the 1893 Law on Privileges and Mortgages, but in the 1908 Law on Privileges and Mortgages; - the term 'peremption' was first introduced in this country in 1936.

De lege ferenda proposals made:

- Proposal to amend de lege ferenda and remove the omission related to Article 446a of the CPC.
- Proposal de lege ferenda in the text of Article 464 of the CPC: "The challenge to the existence of the claim of another claimant, including in the case of simulative transactions and limitation periods, shall be within three days of the day on which the distribution is submitted".
- Proposal de lege ferenda for amendment of Article 427 of the CPC - to add paragraph 6 "In cases where different judgments have been rendered and there is a possibility of set-off under the same judgments, the two enforcement proceedings must be instituted with the same bailiff in order to ensure the correct preparation of the distribution. If the parties do not do so, the bailiff who first collected the sum is he is obliged to demand the case and to unite the two cases for common consideration.“

• Proposal for amendment in art. 432 of the CPC-to add p. 8 with the following text: "in the cases of an objection made by the debtor in the enforcement proceedings for set-off or repayment, which is disputed by the creditor. In this case, the bailiff is obliged to indicate to the parties an appropriate period within which the claim for set-off/repayment is to be brought

before the court. In case of non-compliance with the specified time limit for submitting the claim to the court, enforcement shall be resumed ex.“

• Proposal for amendment of art. 435 of the CPC, with the possibility for the creditor to appeal the costs act.

• Proposal for amendment to the CPC-the act appealing against the ordered costs by the DUI or the PSI shall be subject to the same as the allocation of 2-instance judicial review. Unification of the procedure for appeal of the act on costs under Art. 435 and P. 462 of the CPC.

• Proposal for amendment of the LPO-concerning the appeal of the distribution under the LPO and the administration of the complaint; it must be expressly provided that the complaint is filed through the depositary, before the District Court at the place of residence/seat of the depositary. The complaint shall be administered without delay and copies thereof shall be sent to the parties and persons on the final list who have been notified of the distribution and will be bound by it.

• Proposal. 41, Al. 2 of the law of law shall be supplemented and specified in the following way: "by Registered office and address of the depositary", for the purpose of speed and procedural economy.

• Proposal. 41, Al. 2 of the law of law shall be supplemented and specified in the following way: "by Registered office and address of the depositary", for the purpose of speed and procedural economy.

• Proposal to provide for the possibility in the law for publication (announcement) in the special bulletin of the Ministry of economy and in the law for the distribution prepared by the Depositary.

• Proposal for amendment of the pppdd and art. 131 of the VAT Act, in VR. with art. 45, Al. 7 of the same act: "the debtor must exercise his right of choice at the latest with the preparation of the record for inventory of the property (immovable or movable)", as it determines the starting price from which to start the bidding, respectively-the task of the licensed expert possessing special knowledge is set to determine the market value of the property with VAT or without VAT.

• Proposal for amendment in art. 136 of the CPA, as among the privileges found place and the taking of a VAT claim, similar to the taking of the municipality for immovable property tax, from the value of the property.

• Proposal in art. 136 of the CPA to define the term "privilege".

• Proposal to amend the legislation by allowing DUIs and PSI to have a collection/special account in foreign currency.

• Proposal for amendment of the law on the interest account of the PSI/collection accounts of the courts – and explicitly establishing to whom the accumulated unsolicited and prescription interest funds belong.

• Opinion on the name of the act in which the allocation is objectified – namely, a decree (not a protocol, an account, a sample of the programme product of the bailiff concerned).

Views expressed:

- Opinion on the application in practice of Art. Article 116 "c" of the DPA.

- Opinion on voluntary payments received after the initiation of enforcement proceedings.

- Opinion on the calculation of s. 26 and - respectively - s. 53 on each claim separately.

- Opinion - that the distribution to be made by the CSO under the LPA should be made under Article 722 of the LPA and not under the CPC, in conjunction with Article 136 of the LPA.

- Opinion - Depositary, including the CSO, to monitor the renewal of the mortgage/pledge registration ex officio.

- Opinion - State and bailiff to monitor ex officio in public interest eligibility for foreclosure, sequestrability, peremptory or statute of limitations, adverseness, privilege and hirography. - In bankruptcy proceedings - awaiting decision of SCC, sitting 11.12.2023. Declared for decision.

- Opinion - to reconsider Art. 72 of the LPA and the repayment in the sequence of costs, interest, principal - by changing the way and first collecting the principal, then the interest and finally the costs, in order to - firstly - avoid the collision between the extinguishment of the debt to the fiscus under the distribution of the CSI / SDI and the repayment applied in practice by the NRA and secondly - to avoid the incredible increase in the debt, given the interest that continues to run until the final repayment of the principal.

- Opinion on the requisite elements, structure and content of the distribution order.

- Opinion on the express prohibition of 'private usury' or the adoption of a special law on private usury. - A formula provided for the manner of calculation of s. 26, Art. 53 of the respective tariffs of public and private execution.

- Opinion on the time of revaluation of the debt and the time of calculation of the interest awarded.

- Opinion on the costs payable to a claimant-co-divider who initiated the enforcement proceedings for the public sale of an undivided property.

- Opinion on the competent authority which should make an allocation in the event of an award for recovery or in lieu of payment (procedural substitution and compulsory assignment).

- Opinion on costs under Article 514 of the Code of Civil Procedure.

The results of this research work have served for the preparation of the following two publications:

- On some challenges in drafting the distribution under the CPC, the LPA, the CPC and the LC. NBU Yearbook, 2022 - electronic edition, vol. 1.

- Complication in the execution of European order for payment and European order for attachment of bank accounts. Law Journal, NBU, no. 2/ 2023. Some of the problems addressed in this work and the results achieved were discussed with the audience at the 2 public lectures organized by me at the NBU (in which I also participated, together with the lecturers invited by me - judges) - on 14.12.2023 and 11.01.2024. The first one - in connection with the amendments to the Civil Procedure Code, which come into force on 01.07.2024 in the writ and execution proceedings (in particular in the execution proceedings) and

their impact on the preparation of the distributions by the bailiffs (respectively - the judicial panels of the district and appellate courts) and the second, in relation to the conflicting nature of the deeds entered in the register of deeds and the creditors joined by right in the distribution.

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Rules of the Supreme Judicial Council, approved by a decision of the Supreme Judicial Council under Protocol No 43 of 07.11.2013, amended and supplemented by a decision of the Plenum of the Supreme Judicial Council under Protocol No 21 of 19.07.2018.

List of property on which, in accordance with Article 339(a) of the Civil Procedure Code (1952), enforcement may not be directed for the obligations of citizens, published in Izvestiya No. 21 of 11.3.1952.

Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure, in force since 24.07.2007.

Regulation /EU/ No 655/2014 of the European Parliament and of the Council of 15 May 2014 creating a European Account Preservation Order procedure, in force since 17.07.2014.

Regulation (EC) No 1348/2000 of 29 May 2000 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters, dec.

LIST OF ABBREVIATIONS

ГПК – Граждански процесуален кодекс CPC - Civil Procedure Code

ЗЧСИ – Закон за частните съдебни изпълнители LPB – Law on Private Bailiffs

TFEPBA - Tariff of Fees and Expenses to the Private Bailiffs Act

TSFCCUCPC - Tariff of State Fees Collected by the Courts under the Civil Procedure Code

SC – Supreme Court

FL – Family Law

PC – Penal Code

SSC – Social Security Code

ODOPSMA - Order Determining the Order of Payment by the State of Maintenance Awarded

ESCA – Enforcement of Sentences and Custody Act

RILEPDC – Regulations for the implementation of the law on execution of punishments and detention in custody

VATL - Value Added Tax Law 53

IVE – Invitation to voluntary execution

LOC – Law on Obligations and Contracts

RIVAT – Regulations for the implementation of the Value Added Tax

SCC – Supreme Court of Cassation

IC – Interpretative decision

SB – state bailiff

PB – private bailiff

NRA – National Revenue Agency

DC – District Court

RB – Republic of Bulgaria

SCC – Supreme Court Council

AA – Accountancy Act

TFEU – Treaty on the Functioning of the European Union

GACCS – General Assembly of Civil and Commercial Staff

JA – Judiciary Act

EAGF – European Agricultural Guarantee Fund

SPS – Single Payment Scheme

EU – European Union

EP – European Parliament

MW – Minimal Wage

SF – State Fund

VTDC – Veliko Tarnovo District Court

SCC – Sofia City Court

TD – Territorial Directorate

TSSPC – Tax and Social Security Procedure Code

EOP – European order for payment

EAPO – European Account Preservation Order

CAC – Civil Appeal Case

CD – civil division

NSSI – National Social Security Institute

AC – Appellate Court 54

IL – Inheritance Law

SAC – Supreme Administrative Court

LDC – Lovech District Court

CANRA – central administration of a national revenue agency

LREACCDIFFS – Law on the recognition, execution and sending of acts of confiscation or confiscation and decisions on the imposition of financial sanctions

PGT – power of a given thing.