

# **TARIFF of fees and costs to the Private Enforcement Agents Act**

Adopted via Decree of the Council of Ministers № 92 of 19.04.2006, promulgated in State Gazette, issue 35 of 28 April 2006, as amended and supplemented, issue 24 of 12 March 2013

## **Section I Standard fees**

1. To initiate enforcement proceedings, the fee shall be BGN 20.

2. For the purpose of thorough study of a debtor's property standing, obtaining of data, documents and other papers, and to determine the manner of performance by the private enforcement agent (PEA), the fee shall be BGN 50.

3. To make a reference check of the debtor and its property, the fee shall be BGN 5.

4. To serve by mail a summons, a copy of complaint, a notification and any other papers, the fee shall be 10 BGN

5. (Amended - State Gazette, issue 24 of 2013) For the preparation and service by the enforcement agent or his/her employee of a call, a summons, a copy of complaint, a notification or any other papers, including the service of a statement by the claimant pursuant to Article 517, paragraph 2 and paragraph 3 of the Civil Procedure Code (CPC), the fee shall be BGN 20.

6. To issue a certificate, the fee shall be BGN 5.

7. To issue a copy of a document drawn up by an enforcement agent, the fee shall be BGN 2, and if the copy consists of more than one page - BGN 1 shall be charged for every next page.

8. To make a copy of an enforcement case, the fee shall be BGN 10.

Remark. To prepare a copy of an enforcement case and submit it to the competent court, the fee shall be BGN 20.

9. (Amended - State Gazette, issue 24 of 2013) For imposing a distraint without making an inventory, including on the part of the company pursuant to Article 517, paragraph 1 of the Civil Procedure Code (CPC), the fee shall be BGN 15.

Remark. (New - State Gazette, issue 24 of 2013)

To impose an electronic distraint on account receivables (including bank accounts) the fee shall be BGN 15 regardless of the number of distraints.

10. Regarding a request by the enforcement judge to enter or release a distraint the fee shall

be BGN 15.

**11.** Regarding accession of a creditor, the fee shall be BGN 50.

**12.** Regarding the billing of debt by a private enforcement agent, the fee shall be BGN 30.

**13.** Regarding the preparation and presentation of debt breakdown, the fee shall be BGN 30.

**14.** (Amended - State Gazette, issue 24 of 2013) To authorize the creditor pursuant to Article 517, paragraph 2 and paragraph 3 of the Civil Procedure Code to bring an action for dissolution of a company, the fee shall be BGN 20.

**15.** Regarding sales of book-entry securities, the fee shall be BGN 100.

**16.** (Amended - State Gazette, issue 24 of 2013) to perform a certain action as set forth in Chapter 48 (forty-eight) of the Civil Procedure Code (CPC), the fee shall be BGN 50.

Remark. The same fee shall apply in cases of enforcing access and handover of a child.

**17.** To grant and assign a claim for collection or instead of payment, the fee shall be BGN 20.

**18.** To implement security measures, the fees specified for the relevant actions in this section shall apply.

**19.** To produce documents and information regarding a public sale or a sale under the Special Pledges Act (SPA), the fee shall be BGN 20.

## **Section II**

### **Pro-rata fees**

**20.** (Amended - State Gazette, issue 24 of 2013)

To perform an inventory of movable and immovable property, including of securities available, the fee shall amount to 1.5 percent of the smaller amount of the cost of inventory property / securities and the cash receivable, but not less than BGN 50.

Remarks:

**1.** In the event of transfer of enforcement proceedings from one set of assets onto another set of assets, regardless of whether movable or immovable, a new fee shall not be charged if no inventory was made.

**2.** The fee shall be collected in the event of an inventory of assets pursuant to Article 557 of the Civil Procedure Code (CPC).

**3.** Regarding an inventory of assets within the period for voluntary payment, no fee shall be collected.

**21.** Regarding foreclosure and transfer of movable property, including pledged property under the Special Pledges Act, a fee of 2 percent shall be charged on the value of assets, but not less than BGN 50.

Remark. After completed public sale or sale, the fee shall be paid by the buyer.

**22.** To enter into possession of a property the fee shall be 1 percent of the purchase cost, but not less than BGN 200.

Remarks:

**1.** Wherever the cost of an asset is not mentioned in the writ of execution, the fee shall be collected on the basis of its tax value under the Local Taxes and Fees Act.

**2.** The fee for taking possession of an asset after public sale shall be paid by the buyer.

**3.** To enter into possession of a family home, the fee shall be BGN 50.

**23.** To prepare a decree on assignment of immovable property, the fee shall amount to 1.5 percent of the purchase cost, but not less than BGN 50 and not more than BGN 3000.

Remark. The fee shall be paid by the buyer.

**24.** To perform a public sale of partitionable property or pledged property under the Special Pledges Act (SPA) or the Civil Procedure Code (CPC), the fee shall amount to 2 percent of the sale cost, but not less than BGN 50.

Remark. In the event of property partition, the fee shall be paid by the co-partitioners according to their shares.

**25.** To take care of a property after inventory or which is pledged as security, the fee shall be as follows:

a) wherever the property does not generate any income - from BGN 50 to BGN 100 per calendar month;

b) wherever in addition to taking care of the property it is also subject to management - 20 percent of the gross monthly income from the property for the duration of taking care, but not less than BGN 50.

**26.** (Amended - State Gazette, issue 24 of 2013) To enforce a monetary claim, the following fee shall be charged on the amount recovered:

- a) 100 BGN – BGN 10;
- b) BGN 100 to BGN 1000 - BGN 10 + 10 percent on the excess amount over BGN 100;
- c) BGN 1,000 to BGN 10,000 - BGN 100 + 8 percent on the excess amount over BGN 1000;
- d) BGN 10,000 to BGN 50,000- BGN 820 + 6 percent on the excess amount over BGN 10,000;
- e) BGN 50,000 to BGN 100,000 – BGN 3220 + 4 percent on the excess amount over BGN 50,000;
- e) over BGN 100,000 – BGN 5220 + 2 percent on the excess amount over BGN 100,000.

Remarks:

1. In the event of partial debt recovery, the fee shall be chargeable on the entire debt, but only the part corresponding to the amount recovered shall be collected. The tax collected in partial payments must be equal to the fee calculated on the total amount recovered.

2. In executing receivables for periodic payments, including support allowance, the fee shall be collected as one-off payment chargeable on the sum of the amounts paid every 6 (six) months, except in the case of repayment of past dues.

3. The fee on amounts received in the event of accession of creditors shall be collected only by the enforcement agent who has collected the amount from the acceded creditors.

4. The amount of monetary claim shall not include upfront fees.

5. All pro-rata fees charged to the debtor or the creditor in excess of one-tenth of the claim shall be deductible from the fee for enforcement of a monetary claim.

27. To enforce security measures other than in the cases under Section I, the fees specified for the relevant actions in this section shall apply.

27a. (New - State Gazette, issue 24 2013) The maximum amount of pro-rata fees shall not exceed:

- 1. one-tenth of the claim - in the cases under paragraph 20 and paragraph 26;
- 2. one-tenth of the cost of property / possessions - in the cases under paragraphs 21 to 24 inclusive.

### **Section III**

### **Surcharge**

**28.** To perform an action of individual enforcement by the private enforcement agent beyond the regular working hours, on weekends or holidays, a surcharge of 50 percent of the fee for the relevant action shall apply.

Remark. A surcharge shall be chargeable for carrying out actions under paragraphs 20 to 24.

## **Section IV**

### **Upfront fees**

**29.** The claimant shall pay in advance the fees specified in the Tariff for the relevant action, namely:

- a) standard fees;
- b) pro-rata fees, except the fee under paragraph 26;
- c) surcharge;
- d) additional expenses.

Remarks:

**1.** Wherever the private enforcement agent has arrived at the place of enforcement and it was postponed at the request of the creditor, the paid fee shall remain at the latter's expense, and a new fee shall be paid to proceed with the enforcement.

**2.** Upfront subsidized fees under Section V shall not be due.

## **Section V**

### **Subsidized fees**

**30.** Subsidized are upfront fees for making a claim of support allowance, for handover of a child and for a claim under employment relationship.

Remarks:

**1.** Fees under this section shall be brought by the private enforcement agent (PEA) for payment from the budget of the relevant District Court by filing a written application stating the full name and registration number of the private enforcement agent (PEA), the address of his/her law office, the enforcement proceedings identifier code, the reason and amount of subsidized fee payable and bank accounts to perform the bank transfer, the number and identification details of litigants and the matter of the case subject to writ of execution and the court of issue.

2. The private enforcement agent shall reimburse the subsidized fee to the court budget after the same is collected from the debtor.

## **Section VI**

### **Additional expenses**

31. Additional expenses are expenses regarding the following:

a) (Amended - State Gazette, issue 24 of 2013) to obtain information and documents related to the debtor and/or the debtor's property standing;

b) bank fees and commissions;

c) to ensure access by opening and closing of premises;

d) transport, handling and security of seized property;

e) experts;

f) guards;

g) translators and interpreters;

h) removal, destruction and sealing of property and possessions;

i) transport of the private enforcement agent (PEA) outside the whereabouts of his/her law office - BGN 0.50 per kilometer but no more than BGN 30 per action, whether it consists of one or more visits;

k) (New - State Gazette, issue 24 of 2013) costs of postage and/or courier services.

Remark. (Amended - State Gazette, issue 24 of 2013) Additional expenses shall be borne by the debtor wherever there is a document issued pursuant to the Accounting Act.

## **Section VII**

### **Payment of fees**

32. Upon assignment to an enforcement agent in another area of action to perform an action under Article 18, paragraph 6 of the Private Enforcement Agents Act, the fee specified for this action under the Tariff shall be payable to the latter.

33. Fees as set forth for in the Tariff shall be payable by the debtor at the time of initiating the enforcement case and before the execution of corresponding enforcement action.

34. Fees and expenses related to the enforcement proceedings shall be payable by the

creditor and shall be chargeable on the debtor.

## **FINAL PROVISION**

**Sole paragraph.** This Tariff is adopted pursuant to Article 78, paragraph 2 of the Private Enforcement Agents Act.