

LAW
ON THE FORFEITURE OF CRIMINAL ASSETS
TO THE EXCHEQUER

CHAPTER ONE
GENERAL PROVISIONS

S. 1. This law lays down the conditions and the procedure for ordering injunctions and forfeiting to the Exchequer any property acquired, directly or indirectly, from criminal activity.*

S. 2. The purposes of this law shall be:

1. identification of any property in respect of which sufficient data exist showing that it was acquired, directly or indirectly, from criminal activity, for purpose of its to forfeiture to the Exchequer;
2. eradication of the possibilities to derive proceeds from criminal activity;
3. prevention of the use of the proceeds of criminal activity for the commission of further criminal or other offences;
4. prevention of the disposal of criminal assets so as to ensure the efficient implementation of the measures prescribed by this law.

CHAPTER TWO
GROUND FOR FORFEITURE OF CRIMINAL ASSETS
TO THE EXCHEQUER

S. 3. (1) The procedure for ordering injunctions and forfeiture to the Exchequer of property acquired, directly or indirectly, from criminal activity shall be conducted where it is established that an individual owns assets of substantial value

* The key concept underlying the original text is *property acquired, directly or indirectly, from criminal activity*. When the original contains the shorter wording *property acquired from criminal activity*, the translation refers to *criminal assets* for purpose of brevity and clarity. All these terms should therefore be regarded as interchangeable in the English version (*note of the translator*).

and that criminal proceedings have been instituted against such an individual in respect of:

1. terrorism (ss. 108a-110 of the Criminal Code);
2. illegal trafficking in narcotic substances or their analogues, in precursors and facilities, and in materials for the production of narcotic substances (ss. 354a and 354c of the Criminal Code);
3. criminal offences against the customs regime (ss. 242-242a of the Criminal Code);
4. money laundering (s. 253 of the Criminal Code) and tax evasion involving particularly large amounts (s. 257, subs 1 of the Criminal Code);
5. crimes against the monetary and the lending system (ss. 243-246 and ss. 251-252 of the Criminal Code);
6. crimes under s. 235, subs 1 of the Criminal Code* which do not qualify as petty offences;
7. trafficking in human beings (ss. 159a-159c of the Criminal Code);
8. preparing false or forging genuine Bulgarian or foreign identity documents or distributing such identity documents with the purpose to obtain property-related benefits (s. 308 of the Criminal Code);
9. participating in an organisation or group which, through the use of force or intimidation, enters into transactions or derives benefits (ss. 321-321a of the Criminal Code);
10. blackmailing (ss. 213a-214 of the Criminal Code);
11. theft, robbery or the illegal deprivation of a third party of a motor vehicle, where a property-related benefit has been derived from the offence (ss. 194-196a, ss. 198-200, and s. 346 of the Criminal Code);
12. malfeasance in office linked to the obtaining of a benefit and bribery (ss. 282, 283, 283a, 301-306 of the Criminal Code);
13. illegal trafficking in arms or in goods and technologies of a possible dual use (ss. 233, 337-339 of the Criminal Code);
14. organising games of chance without the required permission or participating systematically in such games (ss. 327 of the Criminal Code);
15. enticement into prostitution (ss. 155 of the Criminal Code);
16. fraud involving funds belonging to the European Union or provided to the Bulgarian State by the European Union (ss. 212, subsections 3, 4, and 5 of the Criminal Code);

* Criminal production of timber (*note of the translator*).

17. property crimes committed by an organised crime group (ss. 195 and 199 of the Criminal Code);

(2) The procedure referred to in the foregoing subsection shall also take place if data exist about property of substantial value where such property can be reasonably assumed to have been acquired from criminal activity, and provided that:

1. no criminal prosecution for an offence under subs 1 can be instituted or the prosecution is discontinued as the perpetrator has deceased;

2. no criminal prosecution for an offence under subs 1 can be instituted or the prosecution is discontinued as the perpetrator cannot be held liable under criminal law on account of amnesty or insanity;

3. the perpetrator of an offence under subs 1 remains undetected but property of substantial value has been identified which can be reasonably assumed to have been acquired from criminal activity.

(3) The stay of criminal proceedings on grounds of s. 22 of the Criminal Code shall not form an obstacle to conducting and finalising the procedure under this law.

(4) The procedure referred to in subsection 1 shall also take place in the event of an existing effective verdict of guilty returned for any of the above listed criminal offences during a period of 5 years before the entry into force of this law, unless the perpetrator has been rehabilitated.

(5) The procedure referred to in subsection 1 shall also take place where property of substantial value is found that was acquired from criminal activity carried out abroad and falling without the criminal jurisdiction of the Republic of Bulgaria.

CHAPTER THREE

CRIMINAL ASSETS SUBJECT TO FORFEITURE TO THE EXCHEQUER

S. 4. Shall be subject to forfeiture to the Exchequer in accordance with this law any property acquired, directly or indirectly, from criminal activity, whether before or after the entry into force of this law, if the property acquired is not subject to restitution to the victim or to forfeiture to the Exchequer or to confiscation under any other law.

S. 5. (1) Shall be forfeited in accordance with this law the property acquired by any individual in respect of whom the grounds referred to in s. 3 are satisfied and data exist that, during the period of perpetrating the criminal activity and up to five years before the beginning of that period, he has acquired property of substantial value and incurred expenses that exceed significantly his legitimate

income, provided that in the specific case at hand it can be reasonably assumed that the property acquired is linked to the criminal activity of the individual, so long as no legitimate source has been identified.

(2) Where the property referred to in the foregoing subsection has been transferred to third parties for consideration and the actual value of the acquisition was paid, shall be subject to forfeiture only the consideration received by the individual referred to in subsection 1.

S. 6. The criminal assets shall also be forfeited by the heirs and the legatees of an individual having acquired such assets, up to the value of what they received, as well as by the persons who have acquired property with funds belonging to that individual.

S. 7. Under the conditions set out in this law, shall also be forfeited to the Exchequer any criminal assets included in the patrimonium of a legal person that is controlled by the respondent* either independently or jointly with his spouse, ascendants or descendants. The assets shall also be forfeited in the event of succession to the corresponding legal person.

S. 8. The following transactions and acts carried out or undertaken during the period under examination and involving criminal assets shall be invalid *vis-à-vis* the State, and anything given further to such transactions and acts shall be subject to forfeiture to the Exchequer:

1. gratuitous transactions to the benefit of third parties, be they individuals or legal persons;
2. transactions for consideration with third parties where the latter knew or, based on the circumstances, must have assumed that the property derived from criminal activity, or where such third parties acquired the property for purpose of concealing it, as well as for purpose of disguising the illicit origin or the actual rights in or to such property;
3. transactions for consideration where the value of what was given exceeds significantly the value of what was received;
4. entering a pledge, a mortgage or any other collateral in respect of criminal assets;
5. discharging a debt through criminal assets;

* The term *respondent* is used to denote the concept of *person/individual under examination (note of the translator)*.

S. 9. Unless the opposite is proven, shall also be deemed acquired for purpose of concealment and shall be subject to forfeiture under this law any criminal assets transferred during the period under examination to a spouse, ascendants or descendants, irrespective of the degree of lineal kinship and up to the second degree inclusive of collateral kinship or affinity.

S. 10. Unless the opposite is proven, shall be deemed acquired for the account of the respondent any property which that respondent's spouse and descendants under age have acquired in their own names from third parties, where the acquisition is of substantial value, exceeds significantly the incomes of those persons during the period under examination and no other legitimate source can be identified.

S. 11. (1) Shall also be subject to forfeiture to the Exchequer any criminal assets forming part of community property, although the other spouse did not know about the origin of the funds whereby such assets were acquired, provided that it is shown that no personal financial contribution has been made to the acquisition of such assets.

(2) The rules under sections 9, 10 and 11 concerning the spouse shall apply *mutatis mutandis* to any individual with whom the respondent cohabits *de facto*.

S. 12. Injunctions shall be ordered in accordance with this law, for purpose of forfeiture, in respect of any property in the territory of the Republic of Bulgaria for which a request is made by the competent authorities of another country, where so provided in an international treaty to which the Republic of Bulgaria is a party, or based on the principle of reciprocity.

S. 13. The rights of the State under this law shall extinguish upon the expiration of a fifteen-year period of prescription.

CHAPTER FOUR CRIMINAL ASSETS IDENTIFICATION BODIES

Division I Specialised Criminal Assets Identification Divisions

S. 14. (1) Specialised criminal assets identification divisions shall be set up within the Tax Administration.

(2) The structure, the organisation of proceedings and the number of staff of the divisions referred to in the foregoing subsection shall be laid down by an order issued by the Minister of Finance and published in the State Gazette.

(3) May be appointed at the specialised divisions persons holding a university degree in law or in economics and having at least five years of work experience in the relevant field.

(4) The officials at the specialised divisions who are directly involved in the procedure for identifying, tracing, ordering injunctions for and forfeiting to the Exchequer criminal assets shall be determined by an order issued by the Minister of Finance.

S. 15. (1) Shall be criminal assets identification bodies the heads of the specialised Tax Administration divisions and the inspectors in those divisions which are directly involved in the procedure for identifying, tracing, ordering injunctions for and forfeiting to the Exchequer criminal assets, hereinafter referred to as "the inspectors".

(2) The bodies referred to in the foregoing subsection shall identify and trace criminal assets for purpose of their forfeiture to the Exchequer.

S. 16. (1) The information collected by the criminal assets identification bodies shall constitute an official secret.

(2) The public officials guilty of an unlawful disclosure of the information referred to in the foregoing subsection shall be held liable under the Criminal Code.

Division II

Powers of Inspectors

S. 17. (1) Upon identifying the origin and the location of property acquired, directly or indirectly, from criminal activity, the bodies may, in implementation of their powers, conduct inspections and collect evidence. The bodies shall be entitled to request assistance and to seek information from all State and municipal authorities. The provision of the information sought cannot be declined or limited on grounds of official or commercial secrecy.

(2) An inspection under this law cannot continue for more than 10 months. By way of exception, the Minister of Finance shall be entitled to grant one extension of that period by three months.

(3) The procedure under this law shall be instituted by virtue of a warrant to open a criminal assets forfeiture procedure issued by the head of the specialised Tax Administration division which shall not be served and shall not be subject to appeal.

The criminal assets identification bodies shall draw up a protocol for any of their steps under this law.

(4) In the procedure under this law, the Tax Administration shall be represented by the relevant head of specialised division within the meaning of s. 15 of the Law and/or an official authorised by the head of specialised division and holding a law degree.

S. 18. (1) The Financial Intelligence Agency, the Public Internal Financial Control Agency, the Audit Office, the Privatisation Agency, the Customs Agency, the real estate registration services, the district courts in charge of keeping commercial registers, and the relevant services of the municipal administration shall provide the criminal assets identification bodies on a priority basis with the information necessary for the inspections under this law.

(2) The criminal assets identification bodies, the Ministry of Interior, the investigation bodies and the prosecution offices shall carry out joint steps aimed at attaining the objectives of this law.

(3) The implementation of the interaction referred to in the foregoing subsection shall be governed by an instruction issued jointly by the Minister of Finance, the Minister of Interior, and the Prosecutor General.

S. 19. (1) The criminal assets identification bodies shall have the power to require a respondent to submit within 14 days a declaration in writing, in a form approved by an order issued by the Minister of Finance and published in the State Gazette (Schedule 1), concerning:

1. the real estate and any other property, rights *in rem* attaching to real estate, cash deposits, securities, stock in commercial companies, receivables, patents, trade marks and industrial designs, promissory notes and other securities owned by that respondent and by the members of his family, as well as any property acquired by the members of his family or by other parties through funds belonging to the respondent;

2. a list of the bank accounts, in the country and abroad, held by the respondent and by the members of his family;

3. any source of income and the grounds for the acquisition of the property and for the maintenance of the family;

4. any transactions in real estate, chattels, stakes and shares in commercial companies or in any other property made during the period under examination by the relevant respondent and by the members of his family, as well as the sources of the funds used to make those transactions;

5. any debts toward third parties, where those have been reported in the annual tax returns.

(2) Where data exist that a respondent has derived proceeds from criminal activity and such respondent has deceased, the declaration referred to in subsection 1 shall be submitted by his heirs and legatees.

(3) A declaration under subs 1 may also be required from the third parties having acquired property from the respondent, where data exist that those parties knew about or, based on the circumstances, must have assumed its criminal origin, as well as from the persons in respect of whom data exist showing that they have acquired property in their own names through funds belonging to the respondent..

(4) In respect of a legal person, the declaration shall be required from the individuals who represent or control the legal person, as well as from any individual who represented or controlled the legal person during the period under examination. The declaration shall disclose accordingly the circumstances envisaged in s. 21, subsection 1, points 1 to 5 in respect of the legal person referred to in s. 7.

(5) Where the respondent fails to submit the declaration on time or submits an incomplete declaration, or refuses to submit a declaration, this action shall be presumed to aim at concealing the criminal origin of the property that was not declared.

(6) In its request for filling in and submitting a declaration addressed to the person referred to in s. 3, the body shall set the period to be covered by the inspection and its beginning shall precede by five years the period in relation to which the relevant criminal charge was brought.

S. 20. (1) The bodies shall have the power to verify:

1. the property acquired and the legal grounds for any acquisition;
2. the value of the property, where it is reasonably suspected that the value shown on the deed of acquisition was clearly lowered;
3. the income of the respondent;
4. any taxes, duties and fees, customs dues and excise duties paid by the respondent;
5. the normal and exceptional expenses of the respondent;
6. any other evidence relevant to the manner in which the property of the respondent and of the members of his family was acquired.

(2) The bodies shall:

1. take in written testimony from the respondent;
2. interview witnesses;
3. appoint expert witnesses;
4. collect documentary evidence;

5. seek from all persons, state and municipal authorities information and data relevant to the identification of the origin of the property and its value;
6. require the documents prescribed by law concerning the origin of the funds and the manner of acquiring and disposing of a legal person's assets;
7. verify any transformation of the property;
8. verify the annual tax returns of the respondent;
9. collect and inquire into any other circumstances relevant to the identification of the origin of the property.

(4) The provisions of the Code of Civil Procedure shall apply *mutatis mutandis* to the summoning of and the reimbursement of expenses incurred by witnesses and expert witnesses appearing before the inspectors who collect evidence.

(5) At the request of the criminal assets identification bodies, witnesses and expert witnesses shall be provided with the protection prescribed by law, where needed.

S. 21. The body carrying out the inspection may involve experts or individuals having special knowledge for purpose of providing a general economic expert opinion and may task those with the determination, by way of analysing the respondent's income and expenditure, of the portion of his assets in excess of his legitimate income.

S. 22. The head of the specialised criminal assets identification division may seek from the court leave to lift the bank secrecy covering the operations and the balances on the accounts held by the respondent.

S. 23. The public officials who become aware, within the remit of their official duties, of the fact that anyone has acquired property, directly or indirectly, from criminal activity must notify thereof the relevant bodies of the Tax Administration and to provide them with any data at their disposal.

CHAPTER FIVE

CONDITIONS AND PROCEDURE FOR ORDERING INJUNCTIONS AND FORFEITING CRIMINAL ASSETS TO THE EXCHEQUER

Division I

Injunctions

S. 24. (1) The pre-trial authorities shall forthwith notify the relevant specialised Tax Administration criminal assets identification bodies of any criminal

prosecution launched for a crime from among those listed in section 3. The notification shall identify the person subject to criminal prosecution, the offence, and the period of criminal activity and shall include any information concerning the property of the person available to the pre-trial authorities.

(2) The pre-trial authorities must also notify the relevant specialised Tax Administration criminal assets identification bodies whenever the prerequisites referred to in s. 3, subsections 2 and 3 exist.

S. 25. (1) After a notification under s. 24, subs 1 and 2 is received concerning a specific property acquired, directly or indirectly, from criminal activity the head of the relevant criminal assets identification division or public officials authorised thereby shall lodge, based on a report from the inspectors or of their own motion, an application with the district court in the area where the individual's permanent address or the address of the legal person is found, accordingly, or, if the property includes real estate, the district court in the area where the estate is situated, to make the relevant injunction orders to secure a future forfeiture.

(2) When a risk exists for the criminal assets to be squandered, destroyed, concealed or disposed of, the court may order, on application from the bodies referred to in s. 15, the sealing off of premises, equipment, means of transportation and any other items or facilities where such assets are stored.

S. 26. (1) The court shall pronounce on the same day by making an order whereby it grants or refuses the injunction sought. An order granting an injunction shall be subject to immediate enforcement.

(2) The injunction order referred to in subs 1 shall not stay the accrual of interest or the acquisition of other civil fruits from any property covered by injunctions this law, and the injunctions shall also extend to any new acquisition.

(3) The court may grant leave for payments or other acts of disposal to be effected with a property covered by injunctions under this law where these are necessary for purpose of:

1. medical treatment or to satisfy other urgent humanitarian needs of the individual whose property is covered by injunctions or of a member of his family;
2. discharging debts to the State;
3. paying emoluments for work done;
4. paying compulsory social security contributions;
5. covering expenses needed to preserve and maintain the property covered by injunctions;
6. covering expenses in relation to the procedure under this law;
7. paying fees to a trustee in insolvency proceedings.

(4) The leave referred to in subs 3 shall be granted on a case-by-case basis, further to a reasoned application from the party concerned or, where the discharge of debts to the State is at stake, also on the initiative of the head of the relevant specialised criminal assets identification division. The court shall pronounce within 48 hours as from the receipt of the application.

(5) No injunctions shall be ordered in respect of property that cannot become the subject of enforcement.*

(6) Perishable assets or assets the preservation of which entails large expenses shall be sold by the bodies of the Public Receivables Agency under the procedure set out in the Tax Procedure Code, and the proceeds shall be credited to the Government Revenue.

S. 27. (1) If, in a procedure under this law, it is established by an act issued by the criminal assets identification body that a property covered by an injunction has legitimate origin, the court shall reverse the injunctions on application from the party concerned or on the initiative of the body.

(2) Any third party claiming independent rights in or to a property covered by injunctions may seek the lifting of those injunctions.

(3) Any application under the foregoing subsection shall be accompanied by a declaration identifying the sources of the funds and the grounds for the acquisition of the property, including any lease or security entered in respect of, or genuine transfer of, a property right. Any receivables, penalties and interest claimed shall only be recognised if they appeared on the third party's annual tax return.

(4) The declaration referred to in subs 3 must also include a statement that the documentary evidence tendered to support the rights claimed is genuine and the transaction is not a sham, as well as an express consent for the third party's property to become the object of inspection in accordance with this law.

(5) The third party shall be held liable under s. 313 of the Criminal Code for any false data included in the declaration.

S. 28. In the event of insolvency proceedings or proceedings for the dissolution of a legal person or for the termination of a sole trader which started after the date of the injunction order, the property covered by an injunction under this law

* An implicit reference to *e.g.* s. 339 Code of Civil Procedure which excludes certain items from the realm of enforcement proceedings, *viz.* belongings intended for day-to-day use, food and fuel needed by the debtor's family, the home of a debtor where the latter or his family have no other estate, etc. (*note of the translator*).

shall be accordingly excluded from the pool of insolvency or from the assets subject to realisation.

Division II

Proceedings for Criminal Assets Forfeiture to the Exchequer

S. 29. On the basis of the evidence collected, the relevant head of a specialised criminal assets identification division shall draft a reasoned opinion describing the type and the value of the property which is reasonably assumed to have been acquired from criminal activity and which is subject to forfeiture to the Exchequer, as well as the evidence establishing the circumstances thus described.

S. 30. (1) The Minister of Finance or a person authorised by the Minister shall file the reasoned opinion, together with a criminal assets forfeiture application, with the respective district court. Where the property includes chattels and real estate, the application shall be filed with the district court in the area where the real estate is located and where the property includes more than one real estate, the application shall be filed with the district court in the area where the estate with the highest taxable value is located. The reasoned opinion and the written application shall have the effect of an action brought.

(2) The district court shall institute proceedings and shall publish in the State Gazette a notice containing: the case number, data about the application received, an inventory of the assets, an indication of the time period for the parties concerned to lodge their claims in respect of the assets, and the date scheduled for the first hearing which cannot precede the expiration of the time limit referred to in s. 31.

(3) The persons referred to in sections 6, 7 and 11 shall also step in as parties to the proceedings where the forfeiture application affects their rights.

(4) The defendants must exhaust all their objections in those proceedings.

(5) In the cases referred to in s. 3, subs 2, the criminal origin of the assets shall be established in accordance with s. 97, subs 4 of the Code of Civil Procedure in the course of the proceedings referred to in subs 1 above.

S. 31. (1) Within three months as from the publication of the notice in the State Gazette, any third party claiming independent rights in or to the assets may step in the proceedings by bringing the relevant action. Any claim not lodged within that time limit shall be precluded *vis-à-vis* the State.

(2) The court shall assess the evidence collected, collect new evidence and seek expert opinions at its own discretion. The court shall be composed of a sole judge and shall sit in an open hearing.

S. 32. (1) The court shall pronounce by delivering a judgement to forfeit to the Exchequer the criminal assets or a part of the property matching the portion of assets acquired from criminal activity, and shall award the costs for the proceedings to the respondent.

(2) When the court delivers a judgement to forfeit criminal assets to the Exchequer and it is found that the third party has challenged the ordering of injunctions or the forfeiture of the assets at hand without good reason or in bad faith, the court may impose on that party a fine equal to 10 per cent of the assets forfeited but no less than 3000 Levs and no more than 30 000 Levs.

(3) In cases other than those referred to in s. 3, subsections 2 and 3, the court shall pronounce by delivering a judgement after the verdict of guilty returned in the criminal proceedings has come into effect.

(4) The court may refuse the asset forfeiture application if the party concerned shows that those assets were acquired legitimately or through legitimate funds, in which case the court shall also lift the injunctions.

(5) The judgement of the court referred to in the foregoing subsections shall be subject to appeal in accordance with the Code of Civil Procedure.

(6) Section 231 of the Code of Civil Procedure shall apply *mutatis mutandis* to the review and reversal of judgements which have come into effect.

Division III

Proposal to Institute Tax Proceedings

S. 33. (1) Where no sufficient data exist that form a ground to seek criminal assets forfeiture or where the proceedings under this Chapter are discontinued by the court, the head of the specialised criminal assets identification division or the court, accordingly, shall forward the file, within 14 days, to the General Tax Director or to a person authorised thereby.

(2) The evidence on the file collected by the criminal assets identification bodies shall constitute good evidence in any proceedings under the Tax Procedure Code.

S. 34. The court shall forward a copy of the judgement and the file to the General Tax Director, within 14 days, also in the cases where it has refused to grant the forfeiture application or has ordered the partial forfeiture of criminal assets. In such case s. 37, subsections 2 and 3 shall apply.

Division IV

Liability

S. 35. Any damage caused by actions or omissions having occurred in relation to this law shall entail the liability of the guilty public officials in accordance with the Law on the Liability of the State for Damage Caused to Citizens.

CHAPTER SIX INTERNATIONAL CO-OPERATION

S. 36. The criminal assets identification bodies shall exchange information for the purposes of this law with the competent authorities of other countries and with international organisations on the basis of international instruments and international treaties which are in force for the Republic of Bulgaria, as well as on the basis of reciprocity.

CHAPTER SEVEN ADMINISTRATIVE LIABILITY PROVISIONS

S. 37. (1) A public official guilty of offending the provisions of s. 23 shall be liable to a fine from 1000 to 2000 Levs, provided that the offence does not constitute a crime.

(2) A person guilty of other offences under this law shall be liable to a fine from 500 to 1000 Levs, provided that the offence does not constitute a crime.

S. 38. (1) The statements whereby the offences are established shall be drawn up by the criminal assets identification bodies, and the penalty warrants shall be issued by the head of the specialised division or by public officials authorised by the Director.

(2) The statements shall be drawn up, and the penalty warrants shall be issued, appealed against and enforced in accordance with the Law on Administrative Offences and Penalties.

ADDITIONAL PROVISION

§ 1. For the purpose of this law:

1. "Substantial value" means any value in excess of 60 000 Levs.
2. "Control of a legal person" means the right to appoint or remove the majority of the members of a legal person's governing or supervisory body; holding the majority of voting shares or stakes, and managing the business of a legal person on a contractual basis.

TRANSITIONAL AND FINAL PROVISIONS

§ 2. The issues not covered by this law shall be governed *mutatis mutandis* by the provisions of the Code of Civil Procedure.

§ 3. The Law on Measures against the Financing of Terrorism (published, State Gazette, issue 16 of 18 February 2003, amended, SG, issue 31 of 4 April 2003) is amended and supplemented as follows:

1. A subsection 3 is inserted in section 7, as follows:

"(3) The natural and legal persons having implemented measures relating to the freezing of cash, financial assets or other property under this law must forthwith notify thereof the relevant criminal assets identification bodies".

2. Section 12 is amended as follows:

"S. 12. The measures under s. 3, subs 1 shall be lifted within seven days as from the promulgation in the State Gazette of the decision of the Council of Ministers whereby the natural or legal persons, groups or organisations are removed from the list, provided that within that time limit the relevant criminal assets identification body has not submitted a court order extending any such measure."

§ 4. In section 25 of the Law on Notaries and Notarial Operations (published, SG, issue 104 of 6 December 1996, in force as from 6 January 1997, amended, SG, issue 117 of 10 December 1997, in force as from 1 January 1998; SG, issue 118 of 10 December 1997, in force as from 1 January 1998; amended and supplemented, SG, issue 123 of 22 December 1997, in force as from 22 December 1997, issue 24 of 27 February 1998, in force as from 27 February 1998; am., SG, issue 69 of 3 August 1999, in force as from 3 August 1999; am. and suppl., issue 18 of 25 February 2003), a new subsection 2 is inserted as follows:

"(2) Before drawing up the relevant deed, the notary shall verify whether or not an injunction has been granted under the Law on Criminal Assets Forfeiture to the Exchequer."

The now existing subsection 2 becomes subsection 3 and the remaining subsections are renumbered accordingly.

§ 5. In the Law on the Judiciary (Published, SG, issue 59 of 22 July 1994; Judgement No. 8 of the Constitutional Court of 15 September 1994 - issue 78/27.10.1994; Judgement No. 9 of the Constitutional Court of 30 September 1994 - issue 87/25.10.1994; Judgement No. 17 of the Constitutional Court of 3 October 1995 - issue 93/20.10.1995; suppl., issue 64 of 30 July 1996, in force as from 30 July 1996; Judgement No. 19 of the Constitutional Court of 29 October 1996 – issue 96/8.11.1996; am. and suppl., SG, issue 104 of 6 December 1996, in force as from 7 January 1997; am., SG, issue 110 of 30 December 1996, issue 58 of 22 July 1997; issue 122 of 19 December 1997; issue 124 of 23 December 1997, in force as from 1 March 1998; am., SG, issue 11 of 29 January 1998; am. and suppl., SG, issue 133 of 11 November 1998; Judgement No. 1 of the Constitutional Court of 14 January 1999 - SG, issue 6/22.01.1999; am., SG, issue 34 of 25 April 2000, in force as from 1 January 2001; issue 38 of 9 May 2000; suppl., SG, issue 84 of 13 October 2000; am., SG, issue 25 of 16 March 2001, in force as from 31 March 2001; am. and suppl., SG, issue 74 of 30 July 2002; Judgement No. 11 of the Constitutional Court of 14 November 2002 - issue 110/22.11.2002; Judgement No. 13 of the Constitutional Court of 16 December 2002 - issue 118/20.12.2002; am. and suppl., SG, issue 61 of 8 July 2003, in force as from 8 July 2003; am., SG, issue 112 of 23 December 2003, in force as from 1 January 2004), a new section 158a is inserted as follows:

"S. 158a. The judge in charge of real estate registration shall provide the criminal assets identification bodies on a priority basis with any information from the registration books that is connected with inspections under the Law on Criminal Assets Forfeiture to the Exchequer."

§ 6. In s. 52, subs 5, point 2 of the Law on Banks (published, SG, issue No. 52 of 1 July 1997, in force as from 1 July 1997; suppl., SG, issue 15 of 6 February 1998, in force as from 1 January 1999; am., SG, issue 89 of 3 August 1998; am., SG, issue 21 of 20 February 1998, in force as from 1 January 1998; suppl., SG, issue 52 of 8 May 1998; am., SG, issue 70 of 19 June 1998; am. and suppl., SG, issue 54 of 15 June 1999; am., SG, issue 103 of 30 November 1999, in force as from 30 November 1999; am. and suppl., SG, issue 114 of 30 December 1999, in force as from 31 January 2000; issue 1 of 4 January 2000; suppl., SG, issue 24 of 24 March 2003; am., SG, issue 63 of 1 August 2000; am. and suppl., SG, issue 84 of 13 October 2000; am., SG, issue 92 of 10 November 2000, in force as from 1 January 2001; issue 1 of 2 January 2001; suppl., SG, issue 45 of 30 April 2002; am. and suppl., SG, issue 91 of

25 September 2002; am., SG, issue 92 of 27 September 2002, in force as from 28 December 2002; issue 31 of 4 April 2003) a new item "c" is inserted as follows:

"c) when conducting an inspection under the Law on Criminal Assets Forfeiture to the Exchequer."

§ 7. The Tax Procedure Code (published, SG, issue 103 of 30 November 1999, in force as from 1 January 2000; Judgement No. 2 of the Constitutional Court of 30 March 2000 - issue 29/7.04.2000; am. and suppl., SG, issue 63 of 1 August 2000, issue 109 of 18 December 2000, in force as from 1 January 2002, issue 45 of 30 April 2002, in force as from 30 April 2002, issue 112 of 29 November 2002, issue 42 of 9 May 2003; am., SG, issue 112 of 23 December 2003, in force as from 1 January 2004, issue 114 of 30 December 2003) is amended and supplemented as follows:

1. In s. 12, subs 2, point 4, the conjunction "and" is replaced with a comma, and the following text is added at the end of the sentence: "and the head of the specialised criminal assets identification division with the General Tax Directorate".

2. In s. 234, subs 3, *in fine*, the full stop is replaced with a comma and the following words are added: "as well as for criminal assets identification.";

3. A new point 9 is added to s, 235, subs 1:

"9. the inspectors in charge of criminal assets identification".

4. In s. 236, subs 3, the figure "8" is replaced with the figure "9".

§ 8. Chapter Three of the Law on the Property of Citizens (published, SG, issue 26 of 30 March 1973, corr., issue 32 of 20 April 1973; am., SG, issue 43 of 1 June 1976, issue 78 of 2 October 1973; am. and suppl., SG, issue 21 of 14 March 1975; am., SG, issue 102 of 30 December 1977, in force as from 1 January 1978; am. and suppl., SG, issue 3 of 11 January 1980, issue 52 of 4 July 1980; am., SG, issue 45 of 8 June 1984; am. and suppl., SG, issue 88 of 14 November 1986, issue 26 of 5 April 1988, issue 31 of 21 April 1989, issue 21 of 13 March 1990; am. and suppl., SG, issue 44 of 21 May 1996, in force as from 1 June 1996) is repealed.

§ 9. (1) Within three months as from the entry into force of this law, the bodies of the Ministry of Interior and the public prosecution shall notify the relevant criminal assets identification bodies of the individuals against whom criminal prosecution has started for any crime from among those referred to in s. 3, subs 1 above or in respect of whom the prerequisites referred to in s. 3, subs 2, points 1 and 2 exist. In the cases referred to in s. 3, subs 2, point 3, the relevant bodies shall only be notified where data exist about assets of substantial value which can be reasonably assumed to have been acquired from criminal activity.

(2) Within the same time limit, the courts shall notify the relevant criminal assets identification bodies of the verdicts of guilty for crimes from those referred to in s. 3, subs 1 that came into effect during a period of 5 years prior to the entry into force of this law, unless rehabilitation has taken place.

§ 10. The instruments of secondary legislation for the implementation of this law shall be issued within one month as from its entry into force.

§ 11. The implementation of this law shall be entrusted to the Council of Ministers.