



DISCLAIMER: The contents of this text do not constitute legal advice and are not meant to be complete or exhaustive. Although Warwick Legal Network tries to ensure the information is accurate and up-to-date, all users should seek legal advice before taking or refraining from taking any action. Neither Warwick Legal Network nor its members are liable or accept liability for any loss which may arise from possible errors in the text or from the reliance on information contained in this text.

Anti-Bribery Regulations – Bulgaria (2013, September)

1. What types of bribery & corruption offences exist under domestic law?	Bulgarian Penal code provides two main types of bribery: active (giving, offering or making a proposal for giving bribe) and passive (receiving the bribe). The creation of a favourable environment for bribery is also punishable.
2. Do such offences concern only payments or gifts to officials or also to other persons (please describe)?	<p>According to the constant practice of the Bulgarian Supreme Court and the well established theory, the gift or profit may be in the form of cash payment, or material gift, or anything that has value and is given with the purpose of making somebody do or restrain from doing something.</p> <p>The passive bribery criminal act (regarding receiving the bribe) concerns officials in the broadest sense. The different categories of officials are: judges, police officers, public prosecutors, investigation magistrates, jurymen, foreign officials, members of national and foreign official structures. They all bear criminal liability even in case that they do not receive personally the bribe but the subject of the crime is given/ offered or promised with their consent to any third party.</p> <p>The active bribery criminal act (regarding the offer, the promise and the act of giving the bribe) concerns all physical persons that can bear criminal liability according to the Penal code. This means that all physical persons above the age of 18, who are mentally sane and understand the meaning of their acts are liable.</p>
3. Who (including what entities) can be held liable for such offences?	<p>All natural persons above the age of 18, who are mentally sane and understand the meaning of their acts are liable for active bribery.</p> <p>All kind of officials (as described above in p.2) as individuals and as members of national and foreign official structures can be held liable for passive bribery.</p>
4. Is prosecution possible for any offences committed outside the jurisdiction?	Yes, it is possible, in case that Bulgarian citizens are involved or the crime has started in Bulgaria or the interests of the Bulgarian state are concerned.
5. Are there any special rules concerning gifts and corporate hospitality?	No
6. What procedures or policies should be implemented by individuals	Individuals should be more conscientious when fulfilling their professional assignments. When willing to achieve certain results they should follow the established procedures and



and/or corporations? How can such persons mitigate their potential exposure?	rules, not pass round them. Corporations, meaning official structures, should offer higher salaries to their employees/ members, should reduce bureaucracy and simplify the procedures. They should also implement better inner control measures.
6. What kind of penalties are provided for bribery and/or similar offences?	The penalties provided are: cumulatively imprisonment and fine in different rates according to the value of the bribe.
7. Are there any other relevant requirements/ provisions?	The subject of the bribery (money, gifts or any object with value) is confiscated in favour of the state or if it is missing the liable person shall pay its financial equivalent.

Contact:

Iliana Ilieva, Law office Ivan Bojov; phone: +359 2 866 93; Cell: +359 885 074 270

iliana@bojovlaw.com www.bojovlaw.bg