

## **HOW TO FILE A CLAIM OF LIABILITY OF A DIRECTOR IN A LIMITED LIABILITY COMPANY IN BULGARIA**

### **(A) What is the applicable law in domestic claims?**

Code Of Civil Procedure

### **(B) What is the applicable law in international claims?**

- (a) Regulation (Ec) No. 1393/2007 Of The European Parliament And Of The Council (of 13.11.2007) on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents).
- (b) The Hague Convention (of 15.11.1965) on the service abroad of judicial and extrajudicial documents in civil or commercial matters.
- (c) Code Of Private International Law.
- (d) Code Of Civil Procedure.
- (e) Bilateral treaties.

### **(C) How can the defendant be summoned?**

1. The general method is to serve a summons on the defendant through the summons officer of the court before which the claim is pending. If he fails to serve the summon in person, a notice shall be stamped and a period shall be allowed for the defendant to receive his papers from the court. If the defendant does not come to receive them, the court is obliged to appoint a special representative for the defendant in order to protect his rights.
2. The summons can be served through defendant's employer, when the court cannot find him on his permanent and current address.
3. The court can also summon the defendant by phone, after making an official check of his phone number and only if some of the above ways of summon didn't succeed. The court employee which make the phone call to summon the defendant prepare a protocol/ record of the date and time of the summons and the name of the person with whom he spoke to prove the fact of the summons.

### **(D) Regarding individuals**

Directly to the person on his permanent/current address.

### **(E) Regarding a company**

At the registered office of the company. If not reachable there, a notice shall be put to the address and the summons shall be deemed to have been served. This is because companies in Bulgaria are required to be on their registred address, which is listed in the Commercial Register.

### **(F) What happens if the defendant is not found?**

If all known legal ways to summon the defendant are unsuccessful, then the court is obliged to appoint a special representative for the defendant in order to protect his rights on claimant expense. If the judgment is in favor of the claimant, the costs shall be borne by the defendant.

**(G) Is it possible to notify by edicts?**

If the defendant does not have a registered permanent or current address when the case is brought, at the request of the plaintiff, notice of the case brought against him shall be given by publication in the unofficial section of the Official Gazette. If, despite the publication, the defendant fails to appear in court to obtain copies of the application and annexes, the court shall appoint a special representative at the plaintiff's expense.

**(H) Is it always valid?**

Yes, if the specific procedural rules are kept.

Practical issues:

**(I) Should the claim be translated or not?**

Yes.

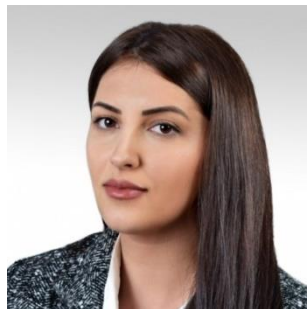
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