

On 23 January 2015, a group of eight Members of Parliament from GERB, the Patriotic Front, the Reformers Bloc and the Movement for Rights and Freedoms tabled an amending bill to the Bar Act in the National Assembly. The bill is to be discussed by three parliamentary committees and then it will be voted in the plenary hall. The bill was drafted by the Supreme Bar Council on the basis of proposals submitted by the regional bar associations. The main reason for the proposed adjustment is pointed out to be lacunae in the existing legislation considered by the lawyers as obstacles in their work.

The major changes in the law can be traced out along several lines. In the first place, the bill envisages the introduction of a compulsory examination for all candidates to become lawyers, regardless of the duration of their experience in the legal profession. In future, candidates will be able to register in the bar without sitting for an examination only if they are legal research fellows with a doctoral degree in law or if they have ten years of experience as attorneys, unlike the existing law which allows candidates to register without an examination if they are doctors of law or if they have more than five years of experience in the legal profession.

Next, Article 24 of the bill contains an explicit and exhaustive list of the types of lawyer activities, which is substantially expanded in comparison to the existing law. Pursuant to the new Article 24, the exercise of the lawyer's profession is an activity assigned by a client, which includes the following: representation and defence of the rights and legitimate interests of persons before the judicial authorities, investigating authorities, administrative authorities and services, natural persons and legal entities, and others; preparation of applications, claims, complaints, petitions, replies, agreements, and others; oral and written consultations, oral and written opinions on legal matters; making enquiries to courts of law, prosecutors' offices, police authorities, arbitrators, bailiffs, notaries, and administrative authorities and receiving documents from them; preparation of draft contracts and agreements, draft notary deeds and wills, notarial invitation letters, statements on the acceptance and waiver of inheritance, powers of attorney; execution of wills; administration of property, custody of lien property or property given as collateral; drafting and signing of papers to be entered into the registers of properties, companies and others; engagement in any other action related to the legal assistance and defence of the freedoms, rights and

legitimate interests of natural persons and legal entities. Furthermore, the draft contains a new Chapter Fifteen with provisions on administrative penalties, where the new Article 150 envisages fines for persons who perform or propose to perform the lawyer activities under Article 24 without registration in the bar association. Such persons will be punished with a fine ranging from BGN 1,000 to BGN 2,000 or a sanction from BGN 2,000 to BGN 5,000, unless a more severe punishment is due. In cases of repeated violation, the draft provides for a fine ranging from BGN 2,000 to BGN 5,000 or a sanction from BGN 5,000 to BGN 10,000.

The draft includes also a new paragraph 2 of Article 31 to give lawyers and EU lawyers with permanent establishment access to the National Population Database at the Ministry of Regional Development, as well as to the National Register of Bulgarian Identity Documents under the terms and conditions laid down by the Council of Ministers.

One of the most disputable changes proposed with the amending bill to the Bar Act is the new paragraph 2 of Article 32. In accordance with the proposed text, lawyers, being duly registered, will be entitled to attest the signatures on private documents and agreements which are not subject to recordation, the signatures and content of the powers of attorney under Article 37 of the Obligations and Contracts Act, as well as the authenticity of copies and transcripts from papers and documents under the terms and conditions laid down by the Minister of Justice jointly with the Supreme Bar Council. This means that lawyers will be entitled to perform attestation which is currently a prerogative of notaries.