The Changes in the Bulgarian Civil Procedural Code Concerning the Electronic Serving of Documents, which entered into effect on 30.06.2021

The changes in the Bulgarian Civil Procedure Code, which entered into effect on 30.06.2021, provide an opportunity for electronic serving of documents. For this purpose, the party in the court proceedings can choose to receive court documents and subpoena via the Unified Portal for Electronic Justice or via a qualified electronic registered delivery service under the terms of Regulation (EU) No 910/2014 of the European Parliament and the Council from the 23rd of July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC, or to indicate a standard e-mail. Only when none of these options is possible, documents shall be served under the previously existing procedure on paper.

For credit institutions, financial institutions and companies, who provide gathering of receivables against consumers, for insurance and re-insurance companies, for companies, who provide energy or gas, respectively postal, electronic communication or water supply and canalization services, as well as notaries and bailiffs, electronic serving of documents shall be performed only via the Unified Portal for Electronic Justice or via a qualified electronic registered delivery service, The same rule is provided for the municipalities and government authorities. Here though arises one of the problems before the created rules for electronic serving of documents – since at this point serving is not possible via neither one of the two options, insofar the Unified Portal for Electronic Justice does not have the required functionality yet, and there is no qualified electronic registered delivery service which can be used for the serving of court documents and subpoena. At this point the use of the system for secure electronic serving of the State Agency Electronic Government is being discussed, but this system does not constitute a qualified electronic registered delivery service under the terms of Regulation (EU) No 910/2014. For lawyers there is also a limitation for the electronic serving of documents – only via the Unified Portal for Electronic Justice or on paper at every place, where the lawyer is present for the purpose of workм, whereas this provision will enter into effect on 30.06.2022.

On the other hand, the changes in the Civil Procedural Code allow procedural actions to be taken into electronic form. The court is obliged to issue all acts in electronic form as of the date of entry of effect of the changes, unless due to objective circumstances or a provision of the law this form is not applicable. Additionally, the courts are obliged to accept procedural

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actions on behalf of the parties, which are taken in electronic form. A second problem can be found here – since the identification of the parties should take place in accordance with the provisions of the Law on Electronic Identification or the means for identification, allowed by the legislation of other EU countries. In both directions exist no effective rules and mechanisms to allow the electronic identification, including via a check of means for electronic identification issued by other EU countries. It remains unclear whether this problem can be resolved with the provided rule for signing with a qualified electronic signature on electronic documents, when there is a requirement for the latter to be signed personally.

Respective rules are provided for reduction of state fees when the court is addressed in electronic form, respectively for exchange of documents in enforcement proceedings. Additionally, requirements are introduced concerning the contents of statements of claim and answers to them concerning the indication of electronic addresses for serving documents. The requirements for providing copies of the presented attachments shall not apply to documents in electronic form, though when the latter must be copied on paper, the party shall have to pay a state fee for that service.

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