

MEASURES AGAINST MONEY LAUNDERING ACT

*Prom. SG. 27/27 Mar 2018, amend. SG. 94/13 Nov 2018, amend. and suppl. SG. 17/26 Feb 2019, amend. SG. 34/23 Apr 2019, amend. SG. 37/7 May 2019, amend. and suppl. SG. 42/28 May 2019, amend. and suppl. SG. 94/29 Nov 2019, amend. and suppl. SG. 18/28 Feb 2020, amend. and suppl. SG. 69/4 Aug 2020, amend. SG. 7/26 Jan 2021, suppl. SG. 17/26 Feb 2021, amend. and suppl. SG. 21/12 Mar 2021, amend. and suppl. SG. 25/29 Mar 2022, amend. SG. 32/26 Apr 2022, amend. and suppl. SG. 60/14 Jul 2023, amend. SG. 82/29 Sep 2023, amend. and suppl. SG. 84/6 Oct 2023, **amend. SG. 70/20 Aug 2024***

Chapter one. GENERAL PROVISIONS

Section I. Subject, purpose and scope

Art. 1. This act shall provide for the measures for prevention of use of the financial system for the purposes of money laundering, as well as the organization and control of their implementation.

Art. 2. (1) Money laundering in the meaning of this act, where it has been committed intentionally shall be:

1. (amend. - SG 42/19, in force from 28.05.2019) reformation or transfer of property with the awareness, that this property has been acquired from crime or from an act of participation in a crime, in order to be hidden or disguised the illegal origin of the property or on order to support a person, who participates in committing such an action in view to avoid the legal consequences from the deed of this person;

2. (amend. - SG 42/19, in force from 28.05.2019) hiding and disguising the nature, source, location, movement, the rights in relation to or the ownership over the property with the awareness that this property has been acquired from crime or from an act of participation in a crime;

3. (amend. - SG 42/19, in force from 28.05.2019) acquisition, possession, holding or using of property with the awareness at the moment of receiving, that it has been acquired from crime or from an act of participation in a crime;

4. participation in some of the actions under p. 1 – 3, association in view to committing such an action, the attempt to carry out such an action, as well as support, incitement, facilitation, or giving advice while committing such an action or its hiding.

(2) (new - SG 42/19, in force from 28.05.2019) The knowledge, intent or purpose required as an element of those specified in para. 1 activities may be established on the basis of objective factual circumstances.

(3) (prev. para. 2, amend. - SG 42/19, in force from 28.05.2019) Money laundering is also present where the activity, from which the property under Para. 1 has been acquired, has been committed in another Member State, or in a third state and does not fall under the jurisdiction of the Republic of Bulgaria.

Art. 3. The measures for prevention of using the financial system for the purposes of money laundering shall be:

1. a complex check of the clients;
2. collecting and drawing up documents and other information under the conditions and procedure of this act;
3. keeping of the collected and drawn up for the purposes of this act documents, data and information;
4. (Suppl. – SG, 94/19) risk assessment from money laundering and financing terrorism;
5. disclosure of information about suspicious operations, transactions and clients;
6. disclosure of other information for the purposes of this act;
7. control over the activity of the obliged subjects under Section II of this Chapter;
8. exchange of information and cooperation at national level, as well as exchange of information and cooperation between Financial Intelligence of Directorate of the National Security State Agency, the units for financial intelligence of other state and jurisdictions as well as with the competent bodies and organizations of other states in the relevant area.

Section II.

Obliged subjects

Art. 4. The measures under Art. 3, p. 1 - 6 shall be obligatory for:

1. (suppl. - SG 21/21) the Bulgarian National Bank, when carrying out operations and transactions with an unlimited number of persons, and the credit institutions which perform activity on the territory of the Republic of Bulgaria in the meaning of the Credit Institutions Act;
2. the other providers of payment services in the meaning of the Payment Services Act and the Payment Systems and their Representatives;
3. the financial institutions in the meaning of the Credit Institutions Act;
4. the currency exchange desks;
5. (amend. - SG 21/21) insurers and insurance firms with central offices in the Republic of Bulgaria, which have received license in the conditions and procedure of the

Insurance Code, where they perform activity on or more of the insurance classes on Section I of Annex N 1 to the Insurance Code; insurers and insurance firms, which have received license in another Member State, which carry out activity on the territory of the Republic of Bulgaria, where they perform activity on one or more classes insurances on Section I of Annex N 1 to the Insurance Code; insurers with central offices in states, other than a Member State, having received license from the Financial Supervision Commission to carry out activity in the Republic of Bulgaria through a branch, where they carry out activity on one or more of the insurance classes under Section I of Annex N 1 to the Insurance Code;

6. leasing undertakings;

7. (suppl. - SG 84/23) the post operators, licensed to carry out post money transfers under the Postal Services Act and their representatives under Art. 22 of the same Act, which are entrusted with the implementation of separate activities of the postal service, related to the implementation of postal money transfers;

8. (suppl. - SG 42/19, in force from 28.05.2019) investment firms that have been licensed under the terms and procedures of the Markets in Financial Instruments Act;

9. (suppl. - SG 42/19, in force from 28.05.2019, amend. and suppl. - SG 21/21) collective investment schemes and other undertakings for collective investment that have been licensed, obtained permit or have been registered under the terms and conditions of the Act on the Operation of the Collective Investment Schemes and of Other Undertakings for Collective Investment;

10. (suppl. - SG 42/19, in force from 28.05.2019, suppl. - SG 21/21) the managing companies and persons, managing alternative investment funds that have been licensed or have been registered under the terms and conditions of the Act on the Operation of the Collective Investment Schemes and of Other Undertakings for Collective Investment;

11. (suppl. - SG 42/19, in force from 28.05.2019) pension security companies that have been licensed under the terms and conditions of the Code of Social Insurance with the exception of their activity on management of funds for additional compulsory pension security;

12. the registered auditors;

13. persons, who upon profession provide accounting services and/or consultations in the area of taxation;

13. (amend. – SG, 94/19) persons, who upon profession provide accounting services and/or consultations in the area of taxation, as well as persons, who, as a principal business or professional activity, provide, directly or indirectly, through related persons, assistance in any form or advice on tax matters;

15. persons, who upon profession carry out legal consultations, where:

a) they assist or participate in planning or fulfillment of an operation, transaction or other legal or factual action of their client about:

- aa) a purchase- sale of real estate or transfer of undertaking to a trader;
- bb) management of funds, financial instruments or other assets;
- cc) opening, managing or disposition with a bank account, with deposit account to an account for financial instruments;
- dd) procurement of funds for establishing a legal person or other legal formation, increasing the capital of a trade company, provision of loan or any other form of procurement of funds for realization of the activity of a legal person or other legal formation;
- ee) establishing, registration, organization of the activity or management of trust ownership, trader or other legal person or other legal formation;
- ff) trust management of property, including trusts, custodian funds and other similar foreign legal formations, established and existing pursuant to the law of jurisdictions, admitting such forms of trust ownership;
- b) they act at the expense of and/or on behalf of own client in any financial operation;
- c) they act at the expense of and/or on behalf of own client in any transaction with real estate;
- d) they provide management address and correspondence address, office and/or other similar services for the purposed of registration and/or functioning of a legal person or other legal formation;

16. the persons who upon profession provide:

- a) management address, correspondence address, office and/or other similar services for the purposes of registration and/or functioning of a legal person or other legal formation;
- b) services of establishment, registration, organization of the activity and/or management of a trader or other legal person or other legal formation;
- c) services of trust management of property or of a person under latter “b”. including:
 - aa) fulfillment of the position or organization of execution by another person at the position of director, secretary, partner or other similar position in a legal person or other legal formation;
 - bb) execution of the position or organization of execution by another person of the position trust owner – in the cases of trusts, custodian funds and other similar foreign legal formations, established and existing according to the law of jurisdictions, admitting such forms of trusted ownership;
 - cc) execution of the position or organization of execution by another person the position of nominal shareholder in a third foreign legal person or another legal formation, other than a company, whose assets are traded on a regulated market, to which the requirements of information in compliance with the EU law or of equivalent international standards are applied;

17. the private enforcement agents and assistant private enforcement agents;
18. (amend. – SG, 94/19) persons, who execute upon profession intermediation in transactions with real estates, including with respect to real estate leasing transactions, where the monthly rent amounts to, or exceeds EUR 10,000 or their equivalent in another currency;
19. (repealed - SG 7/21)
20. traders of weapons, petrol and petrol products;
21. (suppl. - SG 42/19, in force from 28.05.2019, amend. – SG 69/20) the organizers of gambling games, who have received a license for organizing gambling games on the territory of the Republic of Bulgaria according to the Gambling Act;
22. (repealed - SG 21/21)
23. (repealed - SG 21/21)
24. (suppl. - SG 17/21, repealed - SG 21/21)
25. (repealed - SG 21/21)
26. persons, who provide money loans against betting on items;
27. (repealed - SG 21/21)
28. (suppl. - SG 84/23) non-profit legal entities, with the exception of those that do not carry out charitable, religious, cultural, educational, social or socially beneficial activities and fall into any of the following categories regulated by a special Act:
 - a) creative unions uniting persons carrying out related creative activity in the field of culture, established under the Non-profit Legal Entities Act to protect the interests of their members and having the character of a class organization;
 - b) class and branch organizations and unions, employer and trade union organizations, chambers of commerce and other associations in individual economic branches;
29. (amend. - SG 21/21) professional soccer clubs;
30. (suppl. - SG 42/19, in force from 28.05.2019, repealed - SG 21/21)
31. (amend. - SG 42/19, in force from 28.05.2019, repealed - SG 21/21)
32. political parties;
33. (repealed - SG 21/21)
34. (repealed - SG 21/21)
35. the executive director of the Environment Executive Agency in his capacity of national administrator in the meaning of Commission Regulation (EU) No 389/2013 of 2 May 2013 establishing a Union Registry pursuant to Directive 2003/87/EC of the European Parliament and of the Council, Decisions No 280/2004/EC and No 406/2009/EC of the European Parliament and of the Council and repealing Commission Regulations (EU) No 920/2010 and No 1193/2011 (OJ, L 122/1 of 3 May 2013).
36. (new, SG, 94/19) Persons, who, by occupation, trade or act as intermediaries in the trade in works of art, including when carried out by art galleries and auction houses, when the value of the transaction or related transactions amounts to, or exceeds EUR

10,000, or their equivalent in another currency;

37. (new, SG, 94/19) Persons, who, by occupation, store, trade or act as intermediaries in the trade in works of art, when this is done in free zones and when the value of the transaction or related transactions amounts to, or exceeds EUR 10,000 or their equivalent in another currency;

38. (new – SG, 94/19, amend. - SG 84/23) the persons, who, by occupation provide services for the exchange between virtual currencies and recognized currencies, without gold coverage, services for the transfer or exchange of virtual assets, services for the storage and management of virtual assets enabling the exercise of control over the assets and services related to the public offering of virtual assets;

39. (new, SG, 94/19) Portfolio providers, offering custody services.

40. (new - SG 84/23) the persons who by occupation provide access to deposit cassettes in public vaults, with the exception of the persons under item 1.

Art. 5. Persons under Art. 4 shall execute their obligations under this act also in the cases, where they have been declared in insolvency or liquidation.

Art. 6. The measures under Art. 3 shall be compulsory also for the registered abroad branches of the persons under Art. 4, as well as for the registered in the country branches of foreign persons, falling the scope of those, indicated in Art. 4.

Art. 7. (1) (Amend. - SG 84/23) The persons under Art. 4 shall be obliged to provide application of the measures under this act and of the Rules on its implementation, including exchange of information for the purposes of Art. 57 and Art. 80, Para. 3 by their branches and majority-owned subsidiaries in other Member States and in third countries where the minimum requirements for combating money laundering and terrorist financing in the host country are not as high as the legislation of the host country allows.

(2) (Amend. - SG 84/23) Where the legislation of the host state does not allow or restricts the application of the measures of this act and of the Rules on its implementation, the persons under Art. 4 shall be obliged to notify Financial Intelligence Directorate of the National Security State Agency and the relevant supervision body, to undertake additional measures in compliance with the risk, which shall be defined by the Rules on its implementation of the act and to follow the directions of the European supervision bodies under Art. 45, Para. 6 of Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ, L 141/73 of 5 June 2015), called hereinafter “Directive (EU) 2015/849”. The director of Financial Intelligence Directorate of the National Security State Agency may issue instructions for undertaking also other additional measures in compliance with

the risk, including termination of business relations and termination of the activity of the host state.

(3) The persons under Art. 4 shall provide effective application by the registered on the territory of other Member State branches of the national provisions of these Member States, with which the requirements of Directive (EU) 2015/849 have been introduced.

Art. 8. (1) (Amend. - SG 84/23) Where the persons under Art. 4 have not undertaken additional measures under Art. 7, Para. 2, or where these measures are not effective, the director of the Financial Intelligence Directorate of the National Security State Agency shall notify the relevant supervision body in view to application of measures of his competence. The supervision body may require from the group not to establish or terminate the business inter-relations and not to carry out transactions, including in the need to undertake actions for restriction or for termination of the relevant activity in the host state. The supervision body shall notify the director of Financial Intelligence Directorate of the National Security State Agency about the undertaken actions and applied measures.

(2) Where there is no supervision body over the activity of the person under Art. 4, the actions under Para. 1 shall be undertaken by the director of the Financial Intelligence Directorate of the National Security State Agency.

(3) (Amend. - SG 21/21, amend. – SG, 60/23, in force from 14.07.2023, amend. - SG 84/23) The supervisory body under Para. 1 shall notify the European Banking Authority in the cases under Art. 7, Para. 2. In such cases, coordinated action may be taken to find a solution. In assessing which third countries or other member states do not allow or restrict the application of the measures under this Act and its implementing Rules, the supervisory bodies shall take in consideration all legal restrictions, that may impede the proper application of these measures shall be taken into account, including the requirements of secrecy and protection of personal data, as well as other regulations restricting the exchange of information that may be relevant for this purpose.

(4) In the conditions of Art. 7, Para. 2, the Financial Intelligence Directorate of the National Security State Agency and the relevant supervision body may undertake carrying out additional control actions to the person under Art. 4 in the frames of their normatively established powers and competence.

Art. 9. (suppl. - SG 42/19, in force from 28.05.2019) In relation to issuers of electronic money and providers of payment services in the meaning of the Payment Services and Payment Systems Act, which carry out activity on the territory of the Republic of Bulgaria in the conditions of the right to establishment in a form, other than a branch and whose central management is located in another Member State, the Rules on the application of the act, conditions shall be envisaged for creating central contact units with these persons, where the results from the national risk assessment shall be considered under Art. 95 and the delegated act, adopted under Art. 45, Para. 1 and 11 of Directive

(EU) 2015/849. The central contact units shall ensure on behalf of the electronic money issuers or a payment service providers that determined them the compliance with the requirements of this Act, the Measures against Financing of Terrorism Act and the acts on their implementation and to facilitate the control by the bodies under Art. 108, para. 2, respectively, by the Bulgarian National Bank including by providing them with documents and information upon request.

Art. 9a. (New, SG, 94/19, amend. - SG 84/23) (1) For carrying out by occupation activities under Art. 4, items 38 and 39, it is necessary for the person to be entered in an electronic public register at the National Revenue Agency.

(2) For entry in the register under para. 1 the persons carrying out by occupation activities under Art. 4, items 38 and 39, or persons authorized by them, submit a written application to the executive director of the National Revenue Agency according to the form specified in the ordinance under para. 8.

(3) In the register under para. 1 are entered:

1. for natural persons - names, country of permanent residence and address of performance of the activity;

2. for legal entities - uniform identification code, name, legal organizational form, headquarters and address of management, address of implementation of the activity under Art. 4, items 38 and 39, names of the legal representative;

3. the activities under Art. 4, items 38 and 39, which the person performs by occupation;

4. changes in the circumstances under items 1 - 3;

5. deletion and deregistration of the person under Art. 4, items 38 and 39.

(4) A person entered in the register under para. 1, declares in writing to the executive director of the National Revenue Agency the occurrence of changes in the circumstances under para. 3, items 1 - 3 within 14 days of their occurrence.

(5) The registration in the register under para. 1 is deleted at the request of the person upon termination of the activity that is the basis for the entry.

(6) The registration, the issuance of a registration certificate and the deletion of the registration are carried out within 14 working days from the submission of the relevant application and accompanying documents.

(7) In the event of irregularities or the need to submit additional information, the applications and requests under this article shall be returned to the applicant with specific instructions, for the implementation of which the authority under para. 2 provides a deadline of 10 working days.

(8) The conditions and procedure for entry and deletion in the register under para. 1 are determined by an ordinance of the Minister of Finance.

(9) For the entry in the register under para. 1 state fees are collected in the amount specified in the tariff approved by the Council of Ministers.

(10) The entry and deletion of circumstances under this article are provided as an

electronic administrative service.

Art. 9b. (New – SG, 60/23, in force from 14.07.2023, prev. text of Art. 9c - SG 84/23) (1) For carrying out activities under Art. 4, item 16, by occupation, it is necessary for the person to be entered in a public electronic register under the Minister of Justice

(2) (Amend. - SG 84/23) For entry in the register under Para. 1, the persons, carrying out activities under Art. 4, item 16 by occupation, or persons, authorized by them shall submit a written application to the Minister of Justice according to the form, specified in the Ordinance under Para. 8.

(3) (Amend. - SG 84/23) In the register under Para. 1 the following shall be entered:

1. for natural persons - names, State of permanent residence and address of performance of the activity;

2. for legal entities - single identification code, name, legal organizational form, headquarters and address of management, address of implementation of the activity under Art. 4, item 16, names of the legal representative;

3. the activities under Art. 4, item 16, which the person performs as an occupation;

4. changes in the circumstances under items 1 - 3;

5. deletion and deregistration of the person under Art. 4, item 16.

(4) (Amend. - SG 84/23) A person entered in the register under para. 1, declares in writing to the Minister of Justice the occurrence of changes in the circumstances under para. 3, items 1 - 3 within 14 days of their occurrence.

(5) The registration in the register under Para. 1 shall be deleted at the request of the person upon termination of the activity, that is the basis for the entry.

(6) (New – SG, 84/23) The registration, the issuance of a registration certificate and the deletion of the registration are carried out within 14 working days from the submission of the relevant application and accompanying documents.

(7) (New – SG, 84/23) In the event of irregularities or the need to submit additional information, the applications and requests under this article shall be returned to the applicant with specific instructions, for the implementation of which the authority under par. 2 provides a deadline of 10 working days.

(8) (Prev. para 6, amend. - SG 84/23) The conditions and procedure for entry and deletion in the register under Para. 1 shall be determined by an Ordinance of the Minister of Justice.

(9) (Prev. para 7, amend. - SG 84/23) For the entry in the register under Para. 1, state fees shall be collected in the amount, specified in the tariff, approved by the Council of Ministers.

(10) (Prev. para 8, amend. - SG 84/23) The entry and deletion of circumstances under this Article shall be provided as an electronic administrative service.

Art. 9c. (New - SG 84/23) (1) To carry out the activity under Art. 4, item 40 by occupation, it is necessary for the person to be entered in an electronic public register at the Ministry of the Interior.

(2) For entry in the register under para. 1 the persons carrying out activities under Art. 4, item 40 by occupation, or persons authorized by them, submit a written application to the Minister of the Interior according to the form specified in the regulation under para. 8.

(3) In the register under para. 1 are entered:

1. for natural persons - names, country of permanent residence and address of performance of the activity;

2. for legal entities - uniform identification code, name, legal organizational form, seat and address of management, address of implementation of the activity under Art. 4, item 40, names of the legal representative;

3. the activities under Art. 4, item 40, which the person performs as an occupation;

4. changes in the circumstances under items 1 - 3;

5. deletion and deregistration of the person under Art. 4, item 40.

(4) A person entered in the register under para. 1, declares in writing to the Minister of Internal Affairs the occurrence of changes in the circumstances under para. 3, items 1 - 3 within 14 days of their occurrence.

(5) The registration in the register under para. 1 is deleted at the request of the person upon termination of the activity that is the basis for the entry.

(6) The registration, the issuance of a registration certificate and the deletion of the registration shall be carried out within 14 working days from the submission of the relevant application and accompanying documents.

(7) In the event of irregularities or the need to submit additional information, the applications and requests under this article shall be returned to the applicant with specific instructions, for the implementation of which the authority under para. 2 provides a deadline of 10 working days.

(8) The conditions and procedure for entry and deletion in the register under para. 1 are determined by an ordinance of the Minister of the Interior.

(9) For the entry in the register under para. 1 state fees are collected in the amount specified in the tariff approved by the Council of Ministers.

(10) The entry and deletion of circumstances under this Article are provided as an electronic administrative service.

Art. 9d. (New – SG, 60/23, in force from 14.07.2023) (1) (Amend. - SG 84/23) A natural person, who carries out the activities under Art. 4, item 15, 16, 18, 38, 39 or 40, including procurator, manager, member of management or control bodies, or a limited partner in a person, which performs the activities under Art. 4, item 15, 16, 18, 38, 39 or 40, or actual owner of a person who carries out the activities under Art. 4, item 15, 16, 18,

38, 39 or 40, may be a person who:

1. has not been convicted of an intentional crime of a general nature, unless rehabilitated;

2. has not been a member of a management or control body or a general partner in a company, for which bankruptcy proceedings have been opened, or in a company, terminated due to bankruptcy during the last two years, preceding the date of the bankruptcy decision, if there are unsatisfied creditors;

3. does fall within the restrictions for holding a senior management position under Art. 124;

4. has not been deprived of the right to hold a materially responsible position;

5. based on the data collected for him, does not give reason to doubt his reliability and suitability.

(2) (New - SG 84/23) The lack of circumstances under para. 1 is a condition for entry in the registers under Art. 9a - 9c.

(2) (Prev. para 2 - SG 84/23) The circumstances under Para. 1 are established:

1. under item 1 - with presentation of a criminal record certificate or other similar document for persons, who are not Bulgarian citizens, and for Bulgarian citizens - ex officio;

2. (amend. SG 84/23) with presentation of a document from an independent official source from the relevant country according to the person's citizenship or permanent residence, or another equivalent document for absence of the circumstance under para. 1, item 3 for persons who are not Bulgarian citizens, and for Bulgarian citizens - ex officio;

3. under items 2 and 4 - with a Declaration.

(4) (Prev. para 3, amend. - SG 84/23) The restrictions under Para. 1, item 2 shall expire with the expiration of a 5-year period from the termination of the company, due to bankruptcy. The expiration of the restrictions shall be declared explicitly, indicating the specific circumstances in the Declaration under Para. 3, item 3.

(5) (Prev. para 4, amend. - SG 84/23) The persons under Art. 4, item 15, 16, 18, 38 - 40 shall provide the declarations under Para. 3, item 3, and the citizens of other member states or of third countries - also the documents under para. 3 during checks under Art. 108, Para. 3 and 8.

(6) (Prev. para 5, amend. - SG 84/23) Within 14 days from the occurrence of a change in any of the circumstances under Para. 1, items 1 - 4, the persons under para. 1 shall notify the Financial Intelligence Directorate of the State Agency for National Security.

(7) (New - SG 84/23) In the presence of circumstances under para. 1, arising or established after the entry in the registers under Art. 9a - 9c, the corresponding entry is deleted.

Art. 9e. (New - SG 84/23) The persons under Art. 4 comply with the applicable guidelines in the field of combating money laundering and the financing of terrorism,

adopted by the European Banking Authority, when they are their addressee and for which the relevant supervisory authority has decided on their implementation. When there is no authority to supervise the activities of the persons under Art. 4, the decision is taken by the chairman of the State Agency for National Security. The State Agency for National Security and the relevant supervisory authority notify each other when making a decision to implement guidelines in the field of combating money laundering and terrorist financing.

Chapter two.

COMPLEX CHECK UP

Section I.

General rules for application of the measures for complex check up

Art. 10. The complex check-up of the clients shall include

1. identification of clients and check-up of their identification on the basis of documents, data or information, received from reliable and independent sources;

2. identification of the real owner and undertaking suitable actions of the person under Art. 4 to accept as established the real owner, including application of suitable measures for clarifying the structure of ownership and control of the client;

3. collecting information and assessment of the purpose and nature of the business interrelations, which are established or are to be established with the client in the cases, provided by the law;

4. (amend. - SG 42/19, in force from 28.05.2019, suppl. – SG, 94/19, amend. - SG 84/23) clarification of the origin of the funds;

5. (amend. - SG 84/23) ongoing monitoring of established business relationships, due diligence and analysis of transactions and operations carried out throughout the life of these relationships to determine how well they match the client's risk profile and the information collected during the implementation of the measures under items 1 - 4 about the client and/or about its business activity, as well as to maintain and promptly update the relevant documents, data and information.

Art. 11. (1) The persons under Art. 4 shall apply the measures for complex checkup of the client in:

1. establishing business inter relations, including in opening an account, where with the opening of the account, business relations are established;

2. (suppl. - SG 84/23, amend. - SG 70/24 [*]) carrying out a random operation or signing a random transaction at the value, equal or exceeding EUR 15 000 or their equivalence in another currency, notwithstanding whether the transaction is carried out through a single operation or transaction or through several related operations or transactions;

3. (suppl. - SG 84/23, amend. - SG 70/24 [*]) carrying out a random operation or signing a random transaction at the value, equal or exceeding EUR 5000 or their equivalence in another currency, where the payment is made in cash, notwithstanding whether the operation or the transaction is made through one operation or through several connected operations or transactions;

4. (amend. - SG 70/24 [*]) carrying out a random operation or signing a random transaction, which is transfer of funds under Art. 3, p. 9 of Regulation (EU) 2015/847 of the European Parliament and of the Council of 20 May 2015 on information accompanying transfers of funds and repealing Regulation (EC) No 1781/2006 (OJ, L 141/1 of 5 June 2015), at the value, equal or exceeding EUR 1000 or their equivalence in another currency;

5. (new – SG, 60/23, in force from 14.07.2023, suppl. - SG 84/23, amend. - SG 70/24 [*]) carrying out a random operation or concluding a random transaction, which is an exchange between virtual currencies and recognized currencies without gold cover, exchange or transfer of virtual assets, of a value, equal to or exceeding EUR 1000, or their equivalent in another currency.

6. (new – SG 84/23) any case of suspected money laundering, suspected terrorist financing and/or the presence of funds of criminal origin, regardless of the value of the operation or transaction, the client's risk profile, the other conditions for applying the due diligence measures or other exceptions provided for in this Act or in the rules for its implementation;

7. (new – SG 84/23) any case of doubt about the truthfulness, topicality or adequacy of the presented identification data for customers and their beneficial owners, or when information is received about a change in them, regardless of the value of the operation or transaction, the client's risk profile, the other conditions for applying the due diligence measures or other exceptions provided for in this Act or in the rules for its implementation.

(2) In the cases, in which because of the nature of the random operation or transaction, its value cannot be defined at the moment of its carrying out, the measures for complex checkup of the client shall apply not later than the moment, in which the value of the operation or transaction is defined if it is equal or exceeding:

1. (suppl. - SG 84/23, amend. - SG 70/24 [*]) EUR 15 000 or their equivalence in another currency, notwithstanding of the way, in which the payment is made, and if the operation or transaction is made through one operation or transaction or several connected operations or transactions;

2. (suppl. - SG 84/23, amend. - SG 70/24 [*]) EUR 5 000 or their equivalence in another currency, where the payment is made in cash, notwithstanding whether the operation or transaction is made through one operation or transaction or several connected operations or transactions.

(3) The cases under Para. 2 do not exclude the obligation for application of the measures for complex checkup of the client under the conditions of Para. 1, p. 1.

(4) The persons under Art. 4, p. 28, who do not fall at the same time in another category persons under Art. 4, shall not apply the measures for complex checkup, but undertake according to the risk appropriate measures for monitoring of the operations and transaction in view to execution of their obligations under Art. 47, 72, 76 and 98 and the obligations under the Measures against Financing Terrorism Act.

(5) Where in the conditions of Art. 98, Para. 4 and 5 a higher risk has been found, the persons under Par. 1 in addition to the measures under Para. 4 shall apply the following measures, where they may consider the volume and level of their application with the found risk:

1. they shall apply clear internal order and procedures, including defining of the activities, internal rules for accountancy, control and distribution of the functions in the organization, checkup of key employees for finding negative public information or possible coincidence with persons under Art. 4b of the Measures against Financing terrorism Act, procedure for granting funds, complete control over the used bank account and financial instruments, monitoring of the activity of the branches or related non-profitable legal persons;

2. they shall apply procedures for control or cooperation with partners' organizations, where they document in writing the responsibilities, receive feedback about the use of the funds and resources and guaranty knowledge by the partners' organizations of beneficiaries of their activity through the measures under p. 3, 4 and 5;

3. identify the sponsors and beneficiaries by collecting possibly the most complete information, allowing single identification, including in relation to persons, exercising control without hindering substantially the organization and if needed, they may use the methods and means for complex checkup;

4. store all received means and grand funds to beneficiaries by using persons under Art. 4, p. 1 – 3 and 7 – 10, where this does not hinder substantially the activity of the organization;

5. check the sponsors and beneficiaries, the partner's non-profitable legal persons for availability of negative public information or possible coincidence with persons under Art. 4b of the Measures against Financing of Terrorism Act.

(6) In the cases under Art. 4 and 5, the persons shall document the undertaken actions, where if impossible some of the measures under Para. 5, p. 3 and 4 to be applied, they shall indicate the reasons for this and shall store the collected information for the term of 5 years.

(7) Where the measures under Para. 4 and 5 are not sufficient for achieving the purposes of this act, the director of Financial Intelligence Directorate of the National Security State Agency shall give compulsory instruction for undertaking additional actions.

Art. 12. (1) The persons under Art. 4, p. 21 shall apply the measures for a complex checkup of the client in:

1. entry in the register under Art. 74, Para. 1 of the Gambling Act;

2. (suppl. - SG 84/23, amend. - SG 70/24 [*]) payouts and / or betting at the total value, equal or exceeding EUR 2000 or their equivalence in another currency, notwithstanding whether the operation or the transaction has been carried out through one operation or transaction or through several connected operations or transactions;

3. (suppl. - SG 84/23, amend. - SG 70/24 [*]) purchase, exchange or redeeming tokens or other credentials for confirmation of the payout at a total value, equal or exceeding EUR 2000 or their equality in another currency, notwithstanding whether the operation or the transaction has been carried out through one operation or transaction or through several connected operations or transactions;

(2) (Suppl. - SG 84/23, amend. - SG 70/24 [*]) In the cases, in which because of the nature of the operation or transaction, its value cannot be defined at the moment of its performing, the measures for a complex checkup of the client shall apply at the moment, in which the value of the operation or transaction is defined, if it is equal or exceeds ERU 2000 or their equivalence in another currency, notwithstanding whether the operation or the transaction has been carried out through one operation or transaction or through several connected operations or transactions;

(3) The cases under Para. 2 shall not exclude the obligation for application of the measures for a complex checkup under the conditions of Para. 1, p. 1.

Art. 13. (1) (Amend. - SG 70/24 [*]) Persons under Art. 4, p. 17 shall apply the measures for a complex checkup in every conducting of a public purchase under the Civil Procedure Code, where the end price of the sold property is at the value, equal or exceeding EUR 15000 or their equivalence in another currency, notwithstanding whether the payment has been made though one or several connected operations.

(2) In the conditions under Para. 1, the measures for a complex checkup under Art. 10. p. 1, 2 and 4 shall apply to the buyer on the public sale before the enforcement of the decision for awarding under Art. 496 of the Civil Procedure Code.

(3) (Repealed - SG 21/21)

(4) (Repealed - SG 21/21)

Art. 14. (Repealed - SG 84/23)

Art. 15. (1) (Amend. - SG 21/21, amend. – SG, 60/23, in force from 14.07.2023) The measures for a complex checkup of the clients under Art. 10. p. 1 and 2 shall apply before establishment of business interrelations, the opening of an account under Art. 11, Para. 1. item 1, carrying out a random operation or signing a random transaction under Art. 11, Para. 1, items 2- 5, entry into the register under Art. 1, Para. 1, p. 1, carrying out operation or transaction under Art. 12, Para. 1, p. 2 and 3, enforcement of the decision for awarding a conducted public sale under Art 13, Para. 2, or signing of insurance contract under Art. 19, Para. 1, apart form he cases, provided by the Act.

(2) The measures for a complex checkup of the clients under Art. 10, p. 1 and 2

shall also apply always, where there is suspicion for the truthfulness, timeliness, adequacy, or adequacy of the produced identification data about the clients and about their real owners or where information has been received for a change in them.

Art. 16. (1) (amend. - SG 42/19, in force from 28.05.2019) The persons under Art. 4 shall maintain updated the information collected through the application of the comprehensive verification measures about their clients and about the operations and transactions, carried out by them, as well as shall review and update periodically in case of need the maintained data bases and clients' files applying the comprehensive verification measures when the person under Art. 4 becomes aware that a change in circumstances with regard to customer has occurred.

(2) (Amend. - SG 84/23) Databases and customer files for customers and business relationships are updated periodically, with update periods determined according to identified risk and are indicated in the internal rules for the control and prevention of money laundering and the financing of terrorism, adopted pursuant to Chapter Eight, Section I. The data bases and the clients' files for the clients and business relations with potentially higher risk shall be reviewed and updated in shorter periods.

(3) If needed, the information updating shall be checked and additional actions shall be carried out on identification and checkup of the identification in compliance with the requirements of this act and the Rules on its implementation, where:

1. an operation shall be carried out or a transaction is signed at the value, other than the usual one for the client;

2. there is substantial change in the way, in which the opened account is used, or in the way, in which certain operations and transactions are carried out;

3. the person under Art. 4 becomes aware, that the information, which he has for an existing client is insufficient for the purposes of application of the measures for a complex checkup;

4. the person under Art. 4 becomes aware that a change in the circumstances has occurred, found through applying the measures under Art. 10, in relation to the client.

(4) (New - SG, 94/19) The relevance of the information shall be verified and additional actions shall be carried out for complex verification in accordance with the requirements of this Act and the Rules on its implementation, when the person under Art. 4 has a statutory obligation in the frames of the relevant calendar year, to contact the client in order to review the relevant information, related to the actual owner/s, or where the person under Art. 4 has this obligation under Division Two, Chapter Sixteen, Section III "a" of the Tax - Insurance Procedure Code.

Art. 17. (1) In the cases, in which the person under Art. 4 cannot fulfill the requirements for a complex checkup under Art. 10. p. 1 – 4, he shall be obliged to refuse the performing of the operation or transaction or establishment of business interrelations, including opening an account.

(2) In the cases of already established business interrelations, in which the person under Art. 4, cannot fulfill the requirements for a complex checkup under Art. 10, he shall be obliged to terminate these interrelations.

(3) In the cases, in which the person under Art. 4, p. 5 cannot fulfill the requirements of a complex checkup under Art. 19, he shall be obliged to refuse performing the operation or transaction or signing of the insurance contract, and in already established business interrelations, - to terminate them.

(4) Para, 1 and 2 shall not be applied by:

1. The BNB in performing transaction with foreign currencies, where their application contradicts the BNB Act;

2. the persons under Art. 4, p. 17, where their application contradicts the Civil Procedure Code and the Private Bailiffs Act.

3. (repealed - SG 21/21)

(5) (Suppl. - SG 84/23) In the cases under Para. 1 - 4 the persons under Art. 4 shall consider whether to notify Financial Intelligence Directorate of the National Security State Agency under Art. 72 of this Act or Art. 9 of the Measures against Financing of Terrorism Act.

Art. 18. (Amend., SG, 94/19) It is prohibited to open or maintain anonymous accounts or deposit certificates, or accounts or deposit certificates of an obviously fictitious name, as well as renting or maintaining anonymous safes or safes of an obviously fictitious name.

Section II.

Special rules and exceptions in application of the complex checkup measures

Art. 19. (1) In relation to the beneficiaries on insurance contracts according to Section I of Annex N 1 to the Insurance Code or other related with investments insurance activity the persons under Art. 4, item 5 shall also apply the following additional measures for complex checkup of the client, immediately after the beneficiaries of the insurance contract are found or indicated:

1. in the cases of beneficiaries, who are found as explicitly indicated persons or other legal formations, identification of beneficiaries shall be carried out with signing the insurance contract, and the checkup of the identification of the beneficiaries shall be carried out during the time or before payment of the insurance contract or during, or before the beneficiary to have exercised rights, granted under the insurance contract;

2. in the cases of beneficiaries, who have been indicated under certain characteristics or class or other way, the information shall be collected at the moment of signing of the insurance contract about these beneficiaries, which is needed in order to provide the opportunity for identification and checkup of the identification of the beneficiaries during, or before payment of the insurance contract, or during of, or before

the beneficiary to has exercised rights, granted under the insurance contract.

(2) (new - SG 42/19, in force from 28.05.2019) Credit institutions under Art. 4, item 1 and the persons under Art. 4, item 3 shall apply the measures under para. 1 at the time of payment of the insurance contract when the beneficiaries under para. 1, item 1 are explicitly mentioned persons or other legal entities taking into account only the name of the person, or the name of the entity or in the case that the beneficiaries are indicated by the order of para. 1, item 2, after obtaining the information under para. 6.

(3) (prev. para. 2 - SG 42/19, in force from 28.05.2019) Under the conditions of Para. 1, p. 1, the identification of the beneficiaries with signing the insurance contract shall be performed through collecting data for the names and an offices persons identification number or other unique element for establishing the identity. During or, or before payment of the insurance contract or during of, or before the beneficiary to have exercised rights, granted under the insurance contract, a complete identification of the beneficiary shall be made under Art. 53 and 54 and a checkup of the identification under Art. 55.

(4) (prev. para. 3 - SG 42/19, in force from 28.05.2019) In a complete or partial transfer of insurance under Para. 1 to a third person, the persons under Art. 4, p. 5 shall identify at the moment of the transfer the person, who receives in his favor the value of the transferred policy, as well as his real owner.

(5) (new - SG 42/19, in force from 28.05.2019) In the cases under para. 2 the persons under Art. 4, item 5, before ordering a payment to a beneficiary under an insurance contract shall send to the persons under Art. 4, item 3 and of the credit institutions under Art. 4, item 1, the beneficiary's identification data, expressly indicating that the payment is under insurance contracts under para. 1.

(6) (new - SG 42/19, in force from 28.05.2019) In the cases under para. 2 the persons under Art. 4, p. 5, before ordering a payment to a beneficiary under an insurance contract shall send to the persons under Art. 4, item 3 and of the credit institutions under Art. 4, item 1, the beneficiary's identification data expressly indicating that the payment is under insurance contracts under para. 1.

Art. 20. In the cases of beneficiaries of trust ownership, including trusts, trusteeship funds and other legal formations, where the beneficiaries are determined under concrete characteristics or class, the persons under Art. 4 shall be obliged to collect at the moment of stepping into business interrelations, the information about the beneficiary, which is needed in order that the possibility is provided for identification and checkup of the identification of the beneficiary during of, or before the payment of the trust ownership or during of, or before the payment of the trust ownership or during of, or before the beneficiary to have exercised the acquired rights.

Art. 21. (1) Persons under Art. 4 may finalize the checkup of the identification of the client and of the real owner during establishing the business interrelations with the

following cumulative conditions present:

1. where the finalization of the checkup before establishing business relations in view to the nature of these relations, objectively leads to termination of the normal realization of the relevant activity;

2. (amend. – SG, 94/19) when the risk of money laundering and the risk of financing terrorism in this case is low and measures have been taken for effective management thereof.

(2) In the cases under Para. 1, the checkup must finish as soon as possible after the initial contact with the client.

Art. 22. (1) (Prev. text of Art. 22, amend. - SG 84/23) A credit institution and a person under Art. 4, p. 8 – 11, which carry out an activity on the territory of the Republic of Bulgaria may use opening an account, before the checkup of the identification of the client is finished, under the following cumulative conditions:

1. the account should not be closed before finalization of the checkup of the identification;

2. no operations or deals should be carried out by the account holder, or on his behalf before finalization of the checkup of the identification, including transfers from the account on behalf of and/or at the account of its holder.

(2) (New - SG 84/23) For the purposes of para. 1 credit institutions and persons under Art. 4, items 8 - 11 adopt appropriate risk management procedures in relation to the actions that the customer may perform in the established business relationship before the completion of the verification of the identification of the customer.

Art. 22a. (New - SG 84/23) In case of suspicion of money laundering, suspicion of terrorist financing and/or the presence of funds of criminal origin, where there are reasonable grounds to believe that completion of due diligence would result in a warning or disclosure to an existing or potential customer for the doubt that has arisen and/or for an upcoming or completed notification pursuant to Art. 72 of this Act or Art. 9 of the Measures against Financing of Terrorism Act, the persons under Art. 4 may not complete the due diligence.

Art. 23. (Amend. - SG 42/19, in force from 28.05.2019) (1) Art. 17 shall not apply to the persons under Art. 4, p. 15 exercising the activity regulated by the Lawyers Act, as far as those persons establish the legal situation of a client or, in connection of a proceedings regulated by procedural law, which is pending, is to be formed or has been finished, including in providing legal consultation for formation or for avoiding such a proceeding.

(2) Art. 7 shall not apply to the persons under Art. 4, p. 15 exercising the activity regulated by the Lawyers Act as far as these persons, protect or represent a client in, or in connection with a proceedings regulated by procedural law, which is pending, is to be formed or has finished, including in providing legal consultation for formation or avoiding

such a proceeding.

Art. 24. (1) (amend. - SG 94/19) The issuers of electronic money and their representatives may not apply some of the measures for complex verification of the client under Art. 10, items 1 – 3, with respect to electronic money, when a low risk has been identified on the basis of a risk assessment and the following conditions have been fulfilled:

1. (amend. - SG 70/24 [*]) the payment instrument is not rechargeable or has a maximum monthly limit on transactions payments up to EUR 150 or their equivalent in another currency, that can only be used only in the Republic of Bulgaria

2. (amend. - SG 70/24 [*]) the maximum amount, electronically stored does not exceed EUR 150, or their equivalent in another currency;

3. the payment instrument is used solely to purchase goods or services;

4. the payment instrument may not be stored with anonymous electronic money,
or

5. the issuer of electronic money shall monitor appropriately the transactions or business relationships, allowing detection of unusual or suspicious transactions.

(2) (Amend. - SG, 94/19, amend. - SG 70/24 [*]) The exception under Para. 1 shall not apply in the case of cash redemption, or cash withdrawal of electronic money, when the amount exceeds EUR 50, or their equivalent in another currency, or in the case of remote payment-initiated transactions, within the meaning of § 1, item 4 of the Additional Provisions of the Payment Services and Payment Systems Act, when the amount of the payment transaction exceeds EUR 50, or their equivalent in another currency.

(3) (Amend., SG, 94/19, in force from 10.07.2020) The obliged persons under Art. 4, items 1 and 2, as payment service providers under Art. 4, item 5, proposal second of the Payment Services and Payment Systems Act, shall accept payments with anonymous prepaid cards, issued in third countries only when these cards meet the requirements, equivalent to those of Para. 1 and 2.

(4) (Repealed – SG, 94/19)

(5) (Suppl., SG, 94/19) Measures, regarding higher-risk situations, concerning operations and transactions in electronic money, including acceptance of payments on the territory of the Republic of Bulgaria, made with anonymous prepaid cards, issued in third countries and meeting the requirements of Para. 1 and 2, may also be determined as a result of the national risk assessment of money laundering and terrorist financing, as well as of result of guidelines, decisions or documents, adopted by institutions of the European Union in implementation of Directive (EU) 2015/849.

(6) The conditions and procedure for application of the measures under Art. 5 shall be defined by the Rules on the implementation of the Act.

Section III.

Simplified complex checkup

Art. 25. (1) Persons under Art. 4 may apply - depending on the assessment of the potential risk, under Chapter Seven – measures for simplified complex checkup of the clients under conditions and procedure, defined by the Rules on the implementation of the act.

(2) For application of measures for simplified complex checkup under this Section, approval by an official of a high management position shall be required of the person under Art. 4.

(3) The simplified complex checkup of the clients shall require application of all the measures for complex checkup in consideration of the level and volume of their application with the risk level by application of one or more of the following measures:

1. collection of the needed data for identification of the natural person under Art. 53, Para. 2, which are checked under Art. 55, Para. 1 (notwithstanding if a copy of the identity document has been downloaded, or not);

2. check of the identification during, or after establishing business interrelations – with present conditions for limiting the risk;

3. consideration of the frequency of performing identification and the checkup of the identification of the existing clients with the risk level;

4. consideration of the frequency of the current monitoring with the risk level;

5. establishing the purpose and nature of the business interrelations on the basis of available data for the operations of the client and the type of relations with him, or the limitations of the concrete product or service;

6. (amend. - SG 84/23) accepting the clarified origin of the client's funds with available sufficient indirect indications for the origin of the funds;

7. other measures, based on the risk, indicated in the directives of the European supervision bodies under Art. 17 of Directive (EU) 2015/849, under conditions and procedure, defined by the Rules on the implementation of the Act.

(4) The measures under Para. 3, p. 7 may be applied only by the persons under Art. 4, p. 1 – 6 and 8 – 11 if no other explicit instructions have been issued by the director of Financial Intelligence Directorate of National Security State Agency.

Art. 26. The persons under Art. 4 may apply the measures under this Section only if they have fulfilled the following cumulative conditions:

1. application of such measures does not fall in the conditions of middle or high risk. Indicated in the national risk assessment;

2. application of such measures is based on identified by the person under Art. 4 areas with low risk while application Art. 98 and 100;

3. the person under Art. 4 has collected sufficient information, which gives him sufficient grounds to consider, that the concrete operation or transaction or business

relations with the client are with a low risk;

4. the concrete case does not fall in the cases, in which the application of measures is obligatory for an extended complex check under Section IV of this Chapter;

5. (amend. – SG, 94/19) application of such measures does not stop performing in a sufficient level a current monitoring of the business relations or of the operations and transactions in view to establishing cases of unusual operations or transactions in compliance with Art. 47 or of cases, for which are to be notified under Art. 72;

6. in the concrete case there is no doubt for money laundering, financing terrorism or funds of criminal origin;

7. the person under Art. 4 is in condition to show, that sufficient measures have been undertaken for establishment and assessment of the risk and implementation of the conditions under p. 1 – 6;

8. the person under Art. 4 has notified in advance Financial Intelligence Directorate of National Security State Agency about identification of categories of clients, products and services with lower risk and about the intention simplified measures to be applied for a complex checkup towards them.

Art. 27. If the conditions under Art. 26 are present, the measures under Art. 25, Para. 3 may be applied also where the client is a credit institution or a person under Art. 4, p. 5, 8 – 11 from the Republic of Bulgaria, from another Member State or from a third state, whose legislation contains requirements, complying to the requirements of this act, while accounting the risk level of these states and the application of measures for counteracting money laundering and financing terrorism, according to this level, the presence of the complete volume of similar measures according to the requirements of the Group for financial actions against money laundering (FATF) and their effective application.

Art. 28. In presence of the conditions of Art. 26, the measures under Art. 25, Para. 3 may be applied also where the client is a state or local body of the Republic of Bulgaria.

Art. 29. In case of present conditions under Art. 26, the measures of Art. 25, Para. 3 may apply also where the client is an institution, fulfilling power functions in compliance with EU law under the following conditions:

1. the person under Art. 4 has collected sufficient information, which does not give suspicion for the identity of the institution;

2. the institution observes procedures for accountability and its activity is transparent;

3. the institution accounts for before an EU body, before a body of a Member State or there are procedures for checkup, which guaranty control of its activity.

Art. 30. (1) In relation to the products, services, operations or transactions, or supply mechanisms, the persons under Art. 4 may consider the potential risk for the

purposes of application of a simplified complex checkup of the client on the basis of the following additional risk factors, determining potentially a lower risk:

1. (amend. - SG 70/24 [*]) insurance contracts, in which the gross amount of the periodical benefits, or contributions on the insurance contract for one year does not exceed EUR 1000, or their equivalence in a foreign currency, or the benefit, or contribution on the insurance contract is single and does not exceed EUR 2500 or their equivalence in a foreign currency;

2. insurance contracts on pension schemes, on which there is no clause for preliminary purchasing and the contract cannot be used as a pledge;

3. financial products or services, which provide duly certain and limited services for some types consumers for improvement of the access in relation to the financial inclusion;

4. products, on which the risk of money laundering and financing terrorism is managed by other factors, like limitation over the portfolio or transparency of ownership.

(2) In the cases of Para. 1, the persons who apply measures under Art. 25, Para. 3, shall notify in advance about this Financial Intelligence Directorate of National Security State Agency in conditions and procedure, defined by the Rules for implementation of the Act.

(3) The persons under Art. 4, p. 5 may apply lower thresholds than the ones, indicated in Para. 1, p. 1, where under Chapter Seven, Section II a higher risk has been established of money laundering for the relevant client, product or service.

Art. 31. Apart from the factors, indicated in Art. 30, the persons under Art. 4, p. 1 - 6 and 8 – 11 may estimate the potential risk for the purposes of application of the simplified complex checkup on the basis of the directives under Art. 25, Para. 3, p. 7.

Art. 32. In case of information, defining higher risk level, the director of the Financial Intelligence Directorate of National Security State Agency may give obligatory instructions to the persons under Art. 4, in order to:

1. apply immediately some of the measures under Art. 10;

2. terminate the application of measures for a simplified complex checkup in relation to a certain category of clients, products or services.

Art. 33. Notwithstanding of present conditions for application of measures for a simplified complex checkup under this Section, the persons under Art. 4 shall be obliged to apply the measures under Art. 10. p. 3 and 5 for the purposes of Chapter Four.

Art. 34. Persons under Art. 4 shall not apply the measures for a simplified complex checkup under this Section to persons of high risk third states under Art. 46, Para. 3.

Section IV.

Extended complex checkup

Art. 35. In addition to the measures under Section I of this Chapter, the persons under Art. 4 shall apply measures for an extended complex checkup under this Section and the Rules on the implementation of the act in the following cases:

1. with stepping in business relations with persons under Art. 36 and in the run of such relations, as well as in performing a casual operation or transactions under Art. 11 – 13 with persons under Art. 36;

2. with stepping in business relations and in the run of such relations, as well as in performing a casual operation or transaction with natural persons, legal persons and other legal formations, established in high risk third states under Art. 46;

3. with products, operations and transactions, which would lead to anonymity and in relation to which no additional measures have been provided under this act;

4. with new products, business practices and mechanisms for supply, where these have been assessed as high-risk ones under Chapter Seven;

5. in relation to new technologies in new or already existing products, business practices and mechanisms for supply, where these have been assessed as high-risk ones under Chapter Seven;

6. (amend. – SG, 94/19) in complex or unusually large transactions or operations, in transactions or operations, performed under unusual schemes, as well as in operations and transactions, without explicit economic or legal purpose;

7. with correspondence relations with a credit institution or financial institution from a third state;

8. (suppl. - SG 42/19, in force from 28.05.2019) in all other cases, in which under Chapter Seven higher risk of money laundering or financing of terrorism has been established.

Art. 36. (1) Persons under Art. 4 shall apply measures for an extended complex checkup in relation to potential clients existing clients and real owners of a client – legal person or other legal formation, who are important political personalities in the Republic of Bulgaria, in another Member State or in a third state, or in international organizations, as well as in relation to potential clients, existing clients and real owners of a client – legal person or another legal formation, which are related to such important political personalities.

(2) Important political personalities in the meaning of Para. 1 are natural persons, who fulfill or who have been assigned by the following important public functions:

1. Heads of State, heads of governments, ministers and deputy ministers or assistant ministers;

2. Members of Parliament or other legislative bodies;

3. members of Constitutional court, of Supreme courts or other high bodies of the

judiciary, whose decisions are not subject to a follow up appeal, apart from exceptional circumstances;

4. members of the National Audit Office;
5. members of governing bodies of central banks;
6. Ambassadors and governing diplomatic missions;
7. high officers of the armed forces;
8. members of administrative, governing or supervision bodies of state undertakings and trade companies with sole owner – the state;
9. Mayors and deputy mayors of municipalities and deputy mayors of regions and chairpersons of municipal councils;
10. members of governing bodies of political parties;
11. heads and deputies of international organizations, members of governing or supervision bodies in international organizations or persons, fulfilling equivalent functions in such organizations.

(3) The categories, defined in Para. 2, p. 1, shall include respectively and as far as it is applicable, positions in the EU institutions and bodies and in international organizations.

(4) Categories, defined in Para. 2, p. 1 – 8 shall not include positions of persons at middle or lower level.

(5) For the purposed of Para. 1 as "related persons" shall be considered as follows:

1. spouses or persons, who live in factual cohabitation on marital status;
2. descending of first grade and their spouses or persons, with whom descanting of first grade live in factual cohabitation on marital status;
3. ascending of first grade and their spouses or persons, with whom the ascending of first grade live in factual cohabitation on marital status;
4. relatives on collateral line of second degree and their spouses or persons, with whom the relatives on collateral line of second degree live in factual cohabitation on marital status;
5. any natural person, about whom it is known, that is real owner together with a person under Para. 2 of a legal person or another legal formation or is in other close trade, professional or other business relations with a person under Para. 2;
6. any natural person, who is sole owner or real owner of a legal person or other legal formation, about which it is known, that has been established in favor of a person under Para. 2.

Art. 36a. (New, SG, 94/19) (1) The Financial Intelligence Directorate of the National Security State Agency shall provide to the European Commission a list of the positions, related to the performance of important public functions under Art. 36, Para. 2. The list may be made public.

(2) At the request of the Financial Intelligence Directorate of the National

Security State Agency, the state and local authorities and institutions, agencies and political parties, holding the positions under Para. 1, shall provide the necessary information for its inclusion in the list under Para. 1.

(3) At the request of the Financial Intelligence Directorate of the National Security State Agency, the international organizations based in the Republic of Bulgaria, occupying positions within the scope of Art. 36, Para. 2, shall provide the necessary information for its inclusion in the list under Para. 1.

(4) The bodies, institutions, departments and political parties under Para. 2 and the organizations under Para. 3 shall notify in due time the Financial Intelligence Directorate of the National Security State Agency about any changes in the data and information in the list under Para. 1. In such cases, the Directorate shall inform the European Commission in due time of any changes, that have occurred, providing an updated list.

Art. 37. (1) (Amend. – SG, 94/19) In cases, where a person has ceased to hold a position under Art. 36, Para. 2, the persons under Art. 4 shall, for a period not less than one year, take into account the risk, associated with that person and apply the measures under Art. 36, Para. 1 and Art. 38 - 41. The risk shall be taken into account and the measures shall be applied also after one year has elapsed, until it can reasonably be assumed, that this person no longer poses a risk, specific to prominent political figures.

(2) (Repealed, - SG, 94/19).

Art. 38. (1) For stepping of a person under Art. 4 into business relations with persons, about whom it has been established, that are persons under Art. 36, an approval by an official at high governing position of the person under Art. 4 shall be required.

(2) In the cases, in which after establishing business relations it is found, that a client or a real owner of a client – legal person or another legal formation is a person under Art. 36, the continuation of the business relations may be only after approval by an official at a high governing position of the person under Art. 4.

Art. 39. (1) (Repealed - SG 84/23)

(2) Persons under Art. 4 shall undertake appropriate actions for clarifying the source of a property status of a client or real owner of a client, about whom it is found, that is a person under Art. 36.

Art. 40. Persons under Art. 4 shall carry out current and extended monitoring over their business relations with persons under Art. 36.

Art. 41. (1) In relation to a potential client, existing client or a real owner of a client – legal person or other legal formation, who is a person under Art. 36, measures shall be applied for extended complex checkup under conditions and procedure, defined by the Rules for implementation of the act.

(2) The concrete measures for extended complex checkup, which are applied in

each case, shall be considered by the person under Art. 4 while observing the type of the client under Art. 36 and the nature of the business relations with him.

Art. 42. (1) On the basis of the risk assessment under Chapter Seven, the persons under Art. 4 shall develop effective internal systems, which should allow them to find if a potential client, existing client or a real owner of a client – legal person or other legal formation, is a person under Art. 36.

(2) The internal systems under Para. 1 may be based on one or more of the following sources of information:

1. information, received through application of the measures for extended complex checkup;

2. a written declaration, required from the client in view to establishment if the person falls in some of the categories of Art. 36;

3. information, received through using internal, or external data bases.

(3) (New - SG 84/23) Establishing whether a potential client, an existing client or the actual owner of a client - a legal entity or other legal entity, is a person under Art. 36 cannot be based solely on information obtained under para. 2, item 2.

Art. 43. (1) The persons under Art. 4, p. 5 shall use internal systems of Art. 42, in order to determine if the holders and/or beneficiaries on life insurance or other insurance contracts with an investment element and/or real owners of holders and/or beneficiaries on such contract are persons under Art. 36.

(2) In the cases, in which it is found that the beneficiaries on insurance contracts under Section I of Annex N 1 to the Insurance Code and/or real owner of beneficiaries on such contracts are persons under Art. 36, Art. 38 and 40 shall apply.

(3) (New - SG 42/19, in force from 28.05.2019, suppl. - SG 84/23) In the cases under para. 2 before proceeding to payment of the policy sums a senior executive of the person under Art. 4, item 5 shall be notified. In these cases, the person under Art. 4, item 5 shall decide whether to notify the Financial Intelligence Directorate of the State Agency for National Security pursuant to Art. 72, as well as carries out a thorough inspection and analysis of the business relationship before proceeding with the payment of amounts under the policy.

(4) (new - SG 42/19, in force from 28.05.2019) Para. 1 to 3 shall apply respectively by the credit institutions under Art. 4, item 1 and the persons under Art. 4, item 3 upon receipt of information under Art. 19, para. 6.

Art. 44. (1) (Amend. - SG 84/23) Before establishment of correspondence relations by the persons under Art. 4 with a respondent institution from another country shall:

1. apply the measures under Art. 10, items 1 - 3 and 5, taking into account the risk associated with the relationship and keeping the information collected through these measures up to date;

2. require approval from an employee in a senior management position to establish the correspondence relationship;

3. collect sufficient information about the respondent institution, allowing a full understanding of the nature of its activity.

(2) When establishing correspondence relations, including payments with respondent institutions from a third country, in addition to the measures under para. 1 the persons under Art. 4: shall:

1. collect sufficient information about the institution respondent, allowing them to understand completely the nature of the activity, as well as to define the reputation of the institution and the quality of the performed in relation to it, supervisor, including if it has been subject to investigation for money laundering and financing terrorism or supervisor measures on the basis of a publicly accessible information;

2. assess the internal control mechanisms against money laundering and financing terrorism, applied by the institution respondent;

3. create an organization, according to which finding new correspondence relation to be performed only after preliminary approval by an official at a high governing position of the person under Art. 4;

4. define and document the responsibilities of each of the two corresponding institutions on the application of the measures against money laundering and financing terrorism.

(3) In the cases under Para. 1, where access to the correspondence account of the person under Art. 4 and third persons – clients of the institution – respondent, the person under Art. 4 shall be obliged to make sure, that the institution respondent has checked the identification and shall carry out permanent complex checkup of the clients, who has direct access to the accounts of the person under Art. 4 and that upon request, the institution – respondent may immediately provide to the person under Art. 4 the relevant data from the complex checkup of the client.

(4) If a higher risk is established in correspondence relations with respondent institutions from member states, in addition to the measures under para. 1 the persons under Art. 4 apply the measures under para. 2, adjusting the extent of these measures based on risk consideration.

Art. 45. (1) The persons under Art. 4 shall be prohibited to establish correspondence relations with banks – phantoms. In the cases of already established correspondence relations with banks - phantoms, the persons under Art. 4 shall be obliged to terminate these relations immediately.

(2) (New - SG 84/23) When establishing correspondence relations with institutions outside the country, the persons under Art. 4 collect sufficient information about the respondent institution to ensure that the respondent institution does not allow its accounts to be used by phantom banks.

(3) (Prev. para 2 - SG 84/23) The persons under Art. 4 shall be prohibited to

establish correspondence relations with institutions abroad, which allow their accounts to be used by banks - phantoms. In the cases of already established correspondence relations with such institutions, the persons under Art. 4 shall be obliged to terminate these relations immediately.

Art. 46. (1) (Suppl. - SG 42/19, in force from 28.05.2019, amend. – SG, 94/19, suppl. - SG 84/23) The persons under Art. 4 shall apply according to the established risk the following measures for extended complex checkup in relation to their business relations, operations and transactions with person from state, which do not apply or do not apply completely the international standards in the counteracting money laundering and financing of terrorism:

1. collect additional information about customers and their actual owners;
2. collect additional information about the planned nature of the business relationship;
3. (amend. - SG 84/23) collect information about the source of the assets of clients and their real owners;
4. collect information on the reasons for the operations or transactions planned or performed;
5. require approval from an official of a senior management position of the person under Art. 4 for establishing or continuing business relations with persons from the states under Para. 3 and 5;
6. place their business relationships, operations and transactions with persons from those countries under current and expanded surveillance, by increasing the number and frequency of checks, performed and identifying transactions and operations patterns, that warrant further investigation;
7. other measures at the discretion of the person under Art. 4, according to the identified risk.

(2) Where the operation or transactions under Para. 1 has not evident economic or legal purpose, the persons under Art. 4 shall collect – as possible – additional information about the circumstances, related to the operation or transaction, as well as its purpose.

(3) (Suppl. - SG 42/19, in force from 28.05.2019, amend. and suppl. - SG 84/23) The states, which do not apply or do not apply completely the international standards in counteracting money laundering and financing of terrorism, are the states, determined by the European Commission as high risk third states. Information about these countries shall be published on the websites of the State Agency for National Security, the BNB, the Financial Supervision Commission, the Communications Regulation Commission, the National Revenue Agency and the Ministry of Finance. The conditions and procedure for application of measures, coordinated with the directives under Art. 18, Para. 4 of Directive (EU) 2015/849, to persons of these states shall be defined by the Rules on the implementation of the Act.

(4) On the basis of the risk assessment under Chapter Seven, the persons under Art. 4 shall estimate the need of application of the measures for extended complex checkup by their branches or subsidiary undertakings, which are in states of the list under Para. 3, where these branches or subsidiary undertakings observe thoroughly the policies and procedures in the frames of the group in compliance with this act.

(5) (New - SG 84/23) The persons under Art. 4 apply para. 1 and 2 and with respect to its business relationships, operations and transactions with persons from countries designated by the Financial Action Task Force against Money Laundering (FATF) as high risk. In these cases, the persons under Art. 4 apply para. 1 and 2 according to the established risk. Information about these countries is published on the websites of the National Security State Agency, the Bulgarian National Bank, the Financial Supervision Commission, the Communications Regulation Commission, the National Revenue Agency and the Ministry of Finance.

(6) (Prev. para 5 - SG 84/23) The director of Financial Intelligence Directorate of National Security State Agency may issue instructions to the persons under Art. 4 about the application of measures for extended complex checkup and to the persons from states outside the list under Para. 3.

Art. 46a. (New - SG, 94/19) (1) In the case of business relationships, operations and transactions with persons from countries under Art. 46, at the established higher risk of money laundering or terrorist financing, established under Chapter Seven, and where applicable, the persons under Art. 4 shall require the first payment to be made on behalf of a customer in a credit institution, in respect of which, requirements for complex verification of the client, which meet at least the requirements of this Act and the Rules on its implementation or covering these requirements by other means, shall be applied.

(2) In the cases of an established higher risk of money laundering or terrorist financing under Chapter Seven and, where applicable, in addition to the measures under Para. 1 and the measures under Art. 46, persons under Art. 4 shall apply one or more of the following measures with respect to business relationships, operations and transactions with persons from countries under Art. 46:

1. implementation of additional elements of the extended comprehensive verification measures;

2. introduction of advanced and appropriate reporting mechanisms or systematic reporting of transactions or operations;

3. limitation of business relations or transactions and operations with persons from the respective countries under Art. 46.

(3) In case of necessity to apply measures under Para. 2, persons under Art. 4 shall notify the respective supervisory body and the Financial Intelligence Directorate of the National Security State Agency. In such cases, the supervisory body concerned shall immediately inform the European Commission. When there is no body for supervision of the activity of the person under Art. 4, the European Commission shall be notified by the

Financial Intelligence Directorate of the National Security State Agency. The persons under Art. 4 shall apply the measures under Para. 2, upon being informed by the appropriate supervisory body or the Financial Intelligence Directorate of the National Security State Agency, that the European Commission has been notified.

(4) (Amend. – SG, 60/23, in force from 14.07.2023) In the cases of an established under Chapter Seven higher risk of money laundering or terrorist financing, where applicable, Financial Intelligence Directorate of National Security State Agency or the relevant supervisory body shall apply one or more of the following measures, according to their competence:

1. (amend. – SG, 60/23, in force from 14.07.2023) refuse to establish subsidiaries, branches or representations of persons from the respective State under Art. 46, who would fall in the scope of the persons under Art. 4, or undertake other appropriate measures to take into account the fact, that the person concerned is from a State under Art. 46;

2. (amend. – SG, 60/23, in force from 14.07.2023) prohibit, or refuse the persons under Art. 4 to establish branches or representative offices in the respective State under Art. 46 or undertake other appropriate measures to take into account otherwise the fact, that the respective branch or representation will be in a State under Art. 46;

3. (amend. – SG, 60/23, in force from 14.07.2023) apply increased requirements when supervising the activities of branches and subsidiaries of a person from the relevant State under Art. 46, which fall within the scope of the persons under Art. 4;

4. (amend. – SG, 60/23, in force from 14.07.2023) give compulsory instructions for increased requirements, regarding the external audit of financial conglomerates, with respect to all their branches and subsidiaries, established in the respective State under Art. 46;

5. (amend. – SG, 60/23, in force from 14.07.2023) give binding instructions to the persons under Art. 4 to review and change or, if necessary, terminate correspondence relations with respondent institutions in the respective State under Art. 46.

(5) In determining the level of risk under Para. 2 and 4, the relevant information shall be taken in consideration from mutual evaluation mechanisms, detailed assessment reports or published follow-up measure reports by relevant international organizations with competence in the prevention of money laundering and terrorist financing. In such cases, Art. 51, Para. 2 shall apply.

(6) The Financial Intelligence Directorate of the National Security State Agency and the supervisory authorities shall inform each other of the cases of identified need to apply measures under Para. 4 and notify the European Commission before such measures are implemented.

Art. 47. (1) (Amend. – SG, 94/19) The persons under Art. 4 shall set under current and extended monitoring all complex or unusually large transactions or operations, all the transactions or operations, carried out in unusual schemes, as well as all transactions

and operations, which have not clear economic or legal purpose, which may be established in view to the information at disposal of the person under Art. 4, or do not comply with the available information about the client. In these cases, the persons under Art. 4 shall conduct more intensive monitoring of the business relationship with a view to assess, whether the transactions or operation are doubtful. This monitoring may include more frequent and in-depth monitoring of the business relationships in respect of the risk.

(2) For the purposes of Para. 1, the persons under Art. 4 shall carry out estimation of the transactions and operations on the basis of the collected information about their nature, their compliance with the usual activity of the client and his subject of activity, the value of the operations and transactions, their frequency, financial situation of the client, the used payment means, as well as on the basis of other indicators, typical for the relevant type of activity.

(3) (Amend. – SG, 94/19) In case of establishing transactions or operations under Para. 1, the persons under Art. 4 shall collect information about the substantial elements and the value of the operation or transaction, the relevant documents and other identification data. The persons under Art. 4 shall document their estimation about the available conditions for notification under Art. 72, as a result of the collected information.

Art. 48. (1) The persons under Art. 4 shall apply measures for extended complex checkup in the cases under Art. 35, p. 3 – 5 and 8 under the conditions and procedure, defined by the Rules on the implementation of the act.

(2) (Suppl. - SG 21/21, repealed - SG 84/23)

(3) (Repealed - SG 84/23)

Art. 48a. (New - SG 84/23) (1) The persons under Art. 4 shall undertake appropriate actions, in order to identify and assess the potential risks of money laundering or funding terrorism, comprising form introduction of new products, business practices and mechanisms for supply, as well as from using new technologies in new or already existing products, business practices and supply mechanisms.

(2) The persons under Art. 4 shall undertake the actions under Para. 2 before the introduction of new products, business practices and supply mechanisms, as well as before using new technologies in new or already existing products, business practices and supply mechanisms.

Art. 49. Apart from the cases under Art. 35, the persons under Art. 4 shall determine additional cases, in which measures are to be applied, for an extended complex checkup of the clients. The risk factors, on which additional cases are based shall be determined by the Rules on the implementation of the act in compliance with Annex III to Art. 18, Para. 3 of Directive (EU) 2015/849.

Art. 49a. (New - SG 84/23) (1) The persons under Art. 4, item 5, when identifying and assessing risks in relation to their clients, take into account the categories of risk factors related to the beneficiaries of insurance contracts under Section I of Annex No.

1 to the Insurance Code and/or the actual owners of the beneficiaries under such contracts, immediately after they are established or specified.

(2) When in the cases under para. 1, a higher risk of money laundering or financing of terrorism has been established, the persons under Art. 4, item 5 apply measures for extended due diligence.

Art. 50. The persons under Art. 4, p. 1 - 6 and 8 - 11 shall define the risk and apply the measures for an extended complex checkup of the clients pursuant to the directives of the European Supervision bodies under Art. 18 of Directive (EU) 2015/849.

Art. 51. (1) In view to limitation of the risks, identified in the national risk assessment, the supranational risk assessment and the risk assessment, performed by the persons under Art. 4, additional measures may be applied for an extended complex checkup of the clients under conditions and procedure, provided by the Rules on the implementation of the act.

(2) The additional measures under Para. 1 shall be obligatorily coordinated with:

1. directives, decisions or documents, adopted by EU institutions pursuant to the requirements of Directive (EU) 2015/849;

2. measures, assessed as appropriate by the Group for financial actions against money laundering (FATF), or international organizations with competence for prevention of money laundering and financing terrorism;

3. the amount and nature of the activity in view to guaranteeing proportionality during their application.

Section V.

Identification of clients and checkup of the identification

Art. 52. Identification of clients and checkup of the identification shall be performed through using documents, data, or information from reliable and independent source.

Art. 53. (1) Identification of the natural persons shall be performed through production of an official identity document and making a copy of it.

(2) With identifying natural persons, data shall be collected about:

1. the names;

2. date and place of birth;

3. official personal identification number or other unique element for establishing the personality, contained in an official identity documents, whose validity term has not expired and on which there is a photo of the client;

4. every citizenship, which the person holds;

5. the state of permanent residence and address (number of post box shall not be sufficient).

(3) With stepping in business relations, data shall be collected about the person's professional activity and the purpose and nature of the participation of the persons in the business relations by using documents data or information from a reliable independent source, filling a questionnaire, or other appropriate way.

(4) On the basis of the risk assessment under Chapter Seven, the persons under Art. 4 may collect additional data under the conditions and procedure of the Rules on the implementation of the Act.

(5) Where the official identity document does not contain all data under Para. 2, collection of the missing data shall be performed by production of other official identity documents or other official personal documents, whose validity term has not expired and which contain the client's photo and a copy of them.

(6) In case of lack of other possibility, collection of data under Para. 2, p. 3 and 5 may also be performed through production of other official documents or documents from a reliable and independent source.

(7) Where identification is performed without the presence of the natural person, subject to identification, the identification may also be performed by production of a copy of an official identity document. In these cases, the checkup of the collected identification data shall be made under Art. 55, Para. 2.

(8) (New, SG, 94/19) In the cases of Para. 7, the identification of the customer and the verification of the identification data may also be carried out by means of electronic identification, the relevant certification services, provided for in Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014, on electronic identification and certification services in electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257/73 of 28 August 2014), hereinafter referred to as "Regulation (EU) No 910/2014", or by any other means of electronic identification or qualified certification service, recognized by a normative act, within the meaning of that Regulation, provided that the requirements of this Act and its implementing Rules, with regard to customer identification and identification verification have been fulfilled.

(9) (New – SG, 60/23, in force from 14.07.2023) Regarding the legal representatives and proxies of a client - a natural person, the persons under Art. 4 shall require evidence of representative authority and shall apply Para. 1 - 8 respectively.

Art. 54. (1) Identification of legal persons and other legal formations shall be performed by production of an original, or a notary certified copy of an official excerpt from the relevant register of their updated state and certified copy of the establishment contract, the establishment act or other document, needed for establishment of the data under Para. 4.

(2) (Amend. and suppl. – SG, 60/23, in force from 14.07.2023, amend. - SG 84/23) The identification of legal persons and other legal entities that are registered in an official public commercial or company register in a member state or in a third country under Art. 27, is carried out by making an inquiry in the relevant register on the account of

the legal person and the other legal entity, requesting and storing a copy of the founding agreement certified by a legal representative or proxy of the identified entity, act or other documents necessary to verify the data under para. 4, as well as documenting the identification actions taken. The documents under the first sentence can be provided electronically, as in the internal rules under Art. 101 the person under Art. 4 defines the rules for their acceptance in compliance with the requirements of the Electronic Document and Electronic Trust Services Act.

(3) With identification of legal persons and other legal formations, the persons under Art. 4 shall be obliged to establish the structure of ownership, management and control of the client – legal person or other legal formation.

(4) With identification of legal persons and other legal formations, data shall be collected about:

1. the name;
2. the legal-organizational form;
3. the central office;
4. the management address;
5. correspondence address;

6. (suppl. - SG 42/19, in force from 28.05.2019, suppl. - SG 84/23) the updated subject of activity and the purpose or nature of the business relations or the random operation or transaction allowing the understanding of the nature of their activity;

7. the term of existence;

8. (suppl. - SG 84/23) the control bodies, the management and representation bodies, including the names of their members, and when some of the latter are legal persons or other legal entities - the names of the natural persons exercising control, management or representation;

9. (suppl. - SG 84/23) type and composition of the collective management body, including the names of its members, and in case the latter are legal persons or other legal entities - and the names of the natural persons participating in the control body;

10. the major place of trade activity.

(5) Where the documents under Para. 1 and 2 do not contain the data under Para. 4, their collection shall be performed by production of other official documents.

(6) (Amend. - SG 84/23) When entering into business relationships or carrying out transactions or operations with persons whose activities are subject to licensing, authorization or registration, the person under Art. 4 performs a check for the availability of a license, permit or certificate of registration in the relevant public register and documents these actions. If the presence of the relevant license, permit or certificate of registration cannot be established during the check in the relevant public register free of charge, or if such is not available, the customer presents a certified copy of the relevant license, permit or certificate of registration.

(7) (New - SG 84/23) When from the documents under para. 1 and 2, the

representative power of the person who acts on behalf and/or on behalf of a client - a legal person or other legal entity cannot be determined beyond doubt, the persons under Art. 4 require evidence of representative authority.

(8) (suppl. - SG 42/19, in force from 28.05.2019, prev. para 7 - SG 84/23) In relation to the legal representatives of a client, - a legal person, or another legal formation, the proxies or other natural persons, who are subject to identification I relation to identification of a client – a legal person or another legal formation, Art. 53 shall apply. Where undertaking of measures is needed, comprising from the national risk assessment, supranational risk assessment and directions, decisions or documents, adopted by EU institutions in implementation of provision of Directive (EU) 2015/849, requirements and exceptions from this rule may be applied under conditions and procedure, defined by the Rules on the implementation of the act.

(9) (New, SG, 94/19, prev. para 8 - SG 84/23) Where applicable, customer identification and verification of identification data may also be carried out by means of electronic identification, relevant certification services, provided for in Regulation (EU) No 910/2014, or by any other means of electronic identification, or qualified certification service, recognized by a normative act, within the meaning of that Regulation, provided that the requirements of this Act and its implementing Rules with regard to customer identification and identification verification, have been fulfilled.

(10) (New - SG 84/23) The conditions and procedure for documenting the actions taken under para. 1 - 8 are determined by the rules on implementation of the Act. When the data necessary for the identification of a legal entity do not fall within the scope of the circumstances subject to entry in the commercial register or in the corresponding public register, are not publicly available or the actions taken are not documented, their collection is carried out in accordance with the order of this section and the rules on implementation of the Act.

(11) (New - SG 84/23) The obligation to request documents under para. 2 does not apply when identifying legal persons entered in the commercial register and register of non-profit legal entities for verification of the circumstances under para. 4, items 1 - 4 and items 7 - 9.

Art. 55. (1) The check of the collected identification data under Art. 52-54 shall be performed through using one or more of the following ways:

1. requirement of additional documents;
2. confirmation of the identification by another person of Art. 4 or by a person, obliged to apply measures against money laundering in another Member State or in a third state under Art. 27;
3. carrying out references in electronic pages and data base of local and foreign competent state and other bodies, provided for public use for the purposes of the checkup and validity of identity documents and of other personal documents or of the checkup of other data, collected in the identification;

4. carrying out referenced in publicly accessible local and foreign official trade, firm, company and other registers;

5. using technical means for checkup of the validity of the produced documents;

6. establishment of requirement of the first payment on the operation or transaction to be made through an account, opened in the client's name, in a credit institution from the Republic of Bulgaria, from another Member State or from a bank in a third state under Art. 27;

7. a repeated requirement of the produced in performing the identification documents and checkup of available change in the identification data – in a checkup of the identification in the run of already established business relations, where the identification has been performed with the stepping in such relations;

8. other way, which give grounds to the person under Art. 4 to accept the identification of the client as reliably performed.

(2) With establishment of business relations or carrying out a random operation or transaction through electronic statement, electronic document or electronic signature, or through other form without the presence of the client, the persons under Art. 4 shall performed checkup of the collected identification data by using 2 or more of the ways under Para. 1. The conditions and procedure for applying the measures for establishment the validity of the client's identification data shall be determined by the Rules on the Implementation of the act.

(3) The undertaken actions under Para. 1 and 2 shall be documented, where the documents for the performed checkup of the identification, shall also obligatorily contain information about the date and time of the undertaken actions under Para. 1, as well as the names and position of the person, who has performed them.

Art. 56. (1) The persons under Art. 4, p. 1 - 3, 5 and 8 - 11 may refer to a previous identification of the client, made by a credit institution for the purposes of Art. 10, p. 1 ad 2 in presence of the following cumulative conditions:

1. (amend. - SG 42/19, in force from 28.05.2019) the central office of the credit institution, performed the identification, is in the Republic of Bulgaria, in another Member State or in a third state which legislation contains requirements that meet the requirements of this Act taking into account the level of risk of these countries and the implementation of measures to counter money laundering and terrorist financing, consistent with this level, the availability of the full range of such measures in line with the requirements of the Financial Action Task Force against Money Laundering (FATF) and their effective implementation;

2. (suppl. – SG, 94/19, amend. - SG 84/23) the required information under Art. 53 – 55 is at disposal of the person, who refers to a previous identification, made by the credit institution and they may be received immediately upon request of copies of the documents under Art. 53, Para. 1 and 4 - 7, Art. 54, Para. 1, 2 and 5 - 8, Art. 55, Para. 1 and 2, and Art. 59, Para. 1 and the collected data and information under Art. 53, Para. 8 and

Art. 54, Para. 9;

3. upon request the credit institution, which has made a previous identification, should be able to produce within 3-day term to the person, who is referred in this identification, certified copies of the documents under p. 2.

(2) The persons under Art. 4, p. 1 - 3, 5 and 8 - 11 shall not refer to previous identification of the client, made by a credit institution by a highly risky third state under Art. 46, Para. 3.

(3) Referring to a previous identification under Para. 1 shall not liberate the referred person from responsibility for non-fulfillment of the requirements for application of the measures for a complex checkup of the client under Art. 10, p. 1 and 2.

Art. 57. (1) (prev. tent of Art. 57, suppl. - SG 42/19, in force from 28.05.2019) For the purposes of Art. 10, p. 1 and 2, the persons under Art. 4 may refer to a previous identification of the client while applying policies and procedures under Art. 104, para. 1 in the frames of a group with the following cumulative conditions present:

1. the person under Art. 4 relies on information, provided by a third person, who is a part of the same group;

2. the group applies measures for a complex checkup of the client, rules for storage of documentation and programmed against money laundering and financing terrorism in compliance with this act;

3. (suppl. - SG 42/19, in force from 28.05.2019) supervision is performed at the group level by a competent authority of the Member State of origin or of the third country over the effective application of the requirements under p. 2.

(2) (new - SG 42/19, in force from 28.05.2019) The bodies under Art. 108 exercising its control powers at group level with regard to the policies and procedures under Art. 104, para. 1 as well as exercising its controlling powers with respect to established in the Republic of Bulgaria branches and subsidiaries of companies of other Member States established in the Republic of Bulgaria assess whether, when referring to a prior identification of the client when implementing the policies and procedures under Art. 104, para. 1 at a group level, the requirements of para. 1 are met.

Art. 57a. (new - SG 42/19, in force from 28.05.2019) The cases in which the identification or verification of the identification is carried out by outsourcing activities or representation where, on the basis of a contractual clause, the contractor of the outsourcing activities or the representative is considered part of the person under Art. 4 shall not be considered as cases of reference to prior identification under Art. 56 and 57.

Art. 58. Where the national risk assessment, the supranational risk assessment and the directive of the European supervision bodies under Art 17 and 18, Para. 4 of Directive (EU) 2015/849 shall define requirements and exceptions from the rules for reference of previous identification of the client, they shall apply under conditions and

procedure, defined by the Rules on the Implementation of the act.

Section VI.

Identification of the real owners and checkup of their identification

Art. 59. (1) (suppl. - SG 42/19, in force from 28.05.2019) Identification of every natural person, who is a real owner of a client – legal person or another legal formation, shall be carried out by collecting the following references and documents:

1. reference from the relevant register under Art. 63 and the documents of Art. 64;

2. the documents and references under Art. 54, Para. 1 and 2, as well as other documents from which the real owner is evident, the nature and type of ownership or the control under § 2 of the Additional Provisions, as well as that there should be no doubt, that the person, about whom information under p. 1 is received, is the current real owner;

3. (suppl. – SG, 94/19) a declaration by the legal representative or by the proxy of the legal person - when the information, collected through the methods under items 1 and 2 is insufficient to identify the natural person, who is the actual owner of a client - legal person, or other legal formation, and when the application of the methods under items 1 and 2 has led to contradictory information .

(2) (Suppl. - SG 84/23) For every natural person, who is the real owner of a client – legal person or another legal formation, the data under Art. 53, Para. 2 shall be collected and documented.

(3) The form and procedure for submission of the declaration under Para. 1, p.3 shall be determined by the Rules on the implementation of the act.

(4) (Amend. – SG, 60/23, in force from 14.07.2023) For customers - legal entities and/or the legal entities, that own or control them, whose equity securities are admitted to trading on a regulated market or a third country market, that is subject to disclosure requirements in accordance with European Union law or equivalent international standards, ensuring an adequate degree of ownership transparency, shareholders data and information about their shareholdings shall be collected, subject to disclosure under Chapter Eleven, Section I of the Public Offering of Securities Act, or analogical information about companies on a regulated market outside the Republic of Bulgaria.

Art. 60. (1) (Former text of Art. 60 – SG, 94/19) Depending on the type of the client and the risk level, which comprises from establishment of the clients' relations and/or performing transactions or operations with such type of a client, the persons under Art. 4 shall undertake actions under Art. 55 for a checkup of the identification of the natural persons, who are real owners of a client – legal person or another legal formation.

(2) (New, SG, 94/19) Where the identified actual owner is the senior manager in accordance with § 2, Para. 5 of the Additional Provisions, in addition to the measures for verification of identification under Art. 55, the persons under Art. 4 shall keep records of

the actions, taken to verify the identification, as well as any difficulties, encountered during the verification.

Art. 61. (1) The legal persons and other legal formations and natural persons for contacts under Art. 63, Para. 4, p. 3, established on the Republic of Bulgaria, shall be obliged to receive, dispose of and provide in the cases, provided by the law, appropriate, exact and updated information about the natural persons, who are their real owners, including with detailed data about the rights, held by them.

(2) Where the persons under Art. 4 undertake measures for a complex checkup of the client in compliance with the requirements of this act and the Rules on its implementation, the established on the Republic of Bulgaria legal persons and other legal formations, which step in business relations or performed random operation or transaction with, or through them and the contact natural persons under Art. 63, Para. 4, p. 3 shall be obliged to produce to the persons under Art. 4 information about their real owners, required under this act.

(3) (Suppl. - SG 84/23) The established legal persons and other legal formations and the contact natural persons under Art. 63, Para. 4, p. 3, established on the territory of the Republic of Bulgaria, shall provide upon request information under Par.1 to Financial Intelligence Directorate of the National Security State Agency and to the competent bodies under this act with the term, defined by them and provide additional assistance as needed.

Art. 62. (1) (Amend. – SG, 60/23, in force from 14.07.2023) The natural and legal persons and other legal formation, who are established and are on the territory of the Republic of Bulgaria in their capacity of trust owners or persons, occupying similar positions in trusts, custodian funds and other similar foreign legal formations, established and existing pursuant to the law of jurisdictions, admitting such forms of custodian ownership and the contact natural persons under Art. 63, Para. 4, p. 3 shall be obliged to receive and dispose of appropriate, exact and updated information about the natural persons, who are real owners of the custodian ownership.

(2) (Suppl. – SG, 60/23, in force from 14.07.2023) Where the persons under Art. 4 undertake measures for a complex checkup of the client in compliance with the requirements of this act and the Rules on its implementation, the persons under Para. 1, who in their capacity of custodian owners, or persons, occupying similar positions in trusts, trust funds and other similar foreign legal entities, incorporated and existing under the law of jurisdictions, permitting such forms of trust ownership, shall step in business relations or perform a random operation or transaction with, or through them, and the contact natural persons under Art. 63, Para. 4, item 3 shall be obliged to disclose the nature of their interrelations and to timely provide to the persons under Art. 4 information about the real owners of the custodian ownership, require under this Act.

(3) (Amend. – SG, 60/23, in force from 14.07.2023) The natural and legal persons and other legal formations, who are established or are on the territory of the

Republic of Bulgaria in their capacity of trust owners, or persons, occupying similar positions in trusts, custodian funds and other similar foreign legal formations, established in existing according to the law of justification, admitting such formations, established and existing under the law of jurisdiction, admitting such form of trust ownership and the contact natural persons under Art. 63, Para. 4, p. 3 shall provide upon request the information under Para. 1 to the Financial Intelligence Directorate of the National Security State Agency and to the competent bodies under this act within the term, defined by them.

Art. 63. (1) The information and the data under Art. 61, Para. 1 shall be entered in the files of the established on the territory of the Republic of Bulgaria legal persons and other legal formations in the trade register, in the register of non-profitable legal persons and in the BULSTAT register.

(2) (Amend. – SG, 60/23, in force from 14.07.2023) The information and data under Art. 62, Para. 1 about the actual owners of trusts, trust funds and other similar foreign legal entities shall be entered in the BULSTAT register under the accounts of the natural persons and legal entities, and other legal formations, that act in the capacity of trust owners or persons, occupying a similar position in trusts, trust funds and other similar foreign legal entities, established and existing in accordance with the law of the jurisdictions, that allow such forms of trust ownership and which are subject to registration pursuant to Art. 3, Para. 3 and Art. 3a of the BULSTAT Registry Act.

(3) For the production, procedure and terms for entry of the circumstances about the real owners, the Act on the Commercial Register and the Non-Profit Legal Entities Register and the BULSTAT Register Act shall apply correspondingly.

(4) In the relevant register the following data shall be entered according to a declaration, whose form and contents shall be determined by the Rules on the implementation of the act:

1. the identification data about the real owners – natural persons, including:
 - a) the names;
 - b) citizenship;
 - c) The UCN for the persons under Art. 3, Para. 2 of the Civil Registration Act;
 - d) date of birth for the persons, other than those under letter “c”;
 - e) the state of stay, if different from the Republic of Bulgaria or from the state under letter “b”;

2. the data about the legal persons or other legal formations, through which directly or indirectly control is exercised over the persons under Art. 61, Para. 1 and Art 62, Para. 1, including a company, number in a national register, legal form according to the national legislation, central office and management address and the identification data under p. 1 about the representing persons;

3. (suppl. - SG 84/23) the data under p. 1 letters “a” – “d” and address for correspondence on the territory of the Republic of Bulgaria of a contact natural person, permanently residing on the territory of the Republic of Bulgaria, where in the file of the

persons under Art. 61, Para. 1, or Art. 62, Para. 1 no data have been entered for a permanently residing on the territory of the Republic of Bulgaria legal representative – natural person, who provides his notary certified consent about this;

4. (new – SG, 60/23, in force from 14.07.2023) the type and volume of the possessed rights;

5. (former item 4, amend. - SG, 60/23, in force from 14.07.2023) every change in the circumstances under item 1 - 4.

(5) (New – SG, 60/23, in force from 14.07.2023) To the declaration under Para. 4, documents are to be attached, from which may be established, that the natural persons, specified as actual owners fall within the scope of the relevant definitions under § 2 of the Additional Provisions.

(6) (new - SG 37/19, former Para. 5 - SG, 60/23, in force from 14.07.2023) Legal persons and other legal entities established on the territory of the Republic of Bulgaria, except for sole-traders under § 2 of the Additional Provisions shall be obliged to file for registration pursuant to Para. 1 their actual owners, if they are not registered as partners or sole proprietors of the capital in their files. Where, as partners or sole proprietors of the capital, legal persons or other legal entities are entered, the obligation under the preceding sentence arises:

1. if the actual owners under § 2 of the Additional Provisions are not entered in the registers under para. 1 as partners and / or sole proprietors of the capital in the files of legal persons or other legal entities involved in the chain of ownership, incorporated on the territory of the Republic of Bulgaria, or

2. if these legal persons or other legal entities are not established on the territory of the Republic of Bulgaria.

(7) (New - SG 42/19, in force from 28.05.2019, former Para. 6 - SG, 60/23, in force from 14.07.2023) Data on the actual owners of foundations and associations registered under the Non-Profit Legal Entities Act are filed for registration if they are not entered on any other grounds in the cases or the accounts of the non-profit legal entities in the relevant register as natural persons.

(8) (Nova – SG, 94/19, former Para. 7 - SG, 60/23, in force from 14.07.2023) The actual owners of the legal persons and other legal formations, established in the territory of the Republic of Bulgaria shall be obliged to provide these persons and other legal formations or to the natural persons for contact under Para. 4, item 3, all the information, necessary for the fulfillment of the obligations under Para. 1 - 6 and under Art. 61 and 62 of the legal persons and other legal formations, established on the territory of the Republic of Bulgaria and of the natural persons for contact under Para. 4, item 3.

(9) (Former Para. 6, suppl. - SG 42/19, in force from 28.05.2019, former Para 7 – SG, 94/19, former Para. 8 - SG, 60/23, in force from 14.07.2023) Direct access to the information and to the data under Para. 1, 2 and 4, without informing the person to whom the data relate, shall have:

1. to the Financial Intelligence Directorate of the National Security State Agency, the BNB, the Financial Supervision Commission and the competent state bodies under this act;

2. the persons under Art. 4 – in the frames of the complex checkup of the clients in compliance with the requirements of this act and of the Rules on its implementation.

(10) (Prev. Para. 7 - SG 42/19, in force from 28.05.2019, former Para. 8 – SG, 94/19, former Para. 9 - SG, 60/23, in force from 14.07.2023) The conditions and procedure for access to information and the data under Para, 1, 2 and 4 shall be provided in the relevant special acts.

(11) (Prev. Para. 8 - SG 42/19, in force from 28.05.2019, former Para. 9 – SG, 94/19, repealed, former Para. 10 - SG, 60/23, in force from 14.07.2023) Financial Intelligence Directorate of the National Security State Agency, the supervision bodies, the Ministry of Interior, the National Revenue Agency, the Registry Agency and the administrations, competent to realize a general control over the persons, about whom obligations occurs for entry under this Article, shall exchange information about the purposes of Art. 123.

Art. 63a. (New – SG, 60/23, in force from 16.07.2024) (1) The persons under Art. 4, as well as the bodies and administrations under Art. 63, Para. 11 shall notify the Registry Agency when, in the performance of their duties, they establish a discrepancy between the data, collected by them on the actual owners of a person, who is a person under Art. 61, Para. 1 or under Art. 62, Para. 1, and the data, entered in the relevant register about the actual owners of the same. The original or a certified by the persons under Art. 4 or the bodies and administrations under Art. 63, Para. 11 copy shall be attached to the notification under sentence one, or a notarized copy of all available documents, related to the established discrepancy. The notification shall be made within 14 days from discovery of the discrepancy.

(2) The Registry Agency shall make an entry regarding the presence of a notification of non-compliance on the account of the legal entity or another legal formation. No entry shall be made on the basis of a notification, to which documents, relating to the established non-conformity have not been attached.

(3) The Registry Agency shall send a written notification to the management address of the legal entity or legal formation, entered in the Commercial register and the Register of non-profit legal entities or in the BULSTAT register, to the relevant legal entity or other legal formation about the obligation to apply for registration a change in the registered circumstances, regarding its actual owner or to present documents, establishing the existence of the registered circumstances on the lot of the legal entity or other legal formation. In the event, that the written notification has not been received by the legal representative of the legal entity or legal formation or by its proxy, the notification shall be deemed delivered upon the expiration of a one-month period from the entry of the notification of non-compliance under Para. 2 on the lot of the legal entity or legal

formation.

(4) (*) Within 7 days of receipt or delivery of the notification under Para. 3, the relevant legal entity or other legal formation shall submit to the Commercial register and the Register of non-profit legal entities or in the BULSTAT register an application to change the entered circumstances, regarding its actual owner or an application to delete the entered notice of non-compliance. The documents under Art. 63, Para. 4 and 5 are to be attached to the application.

(5) The Registry Agency and the officials of the Registry Agency shall not be responsible for damages in connection with the entries, made in the Registers, based on received notifications of non-compliance.

(6) Submission of a notification under Para. 1 shall not give rise to liability for the persons under Art. 4 and their employees for violating the restrictions on disclosure of information, provided for by contract, legal or by-law act, or an administrative Act.

Art. 64. The clients – legal persons or other legal formations with nominal directors, nominal secretaries or nominal owners of the capital, shall produce a certificate, contract or other valid documents according to the legislation of the jurisdiction in which they are registered, coming out of a central register or of a registering agent, from which is evident who are the real owners of the client – legal person or other legal formation.

Art. 65. (1) (Suppl. - SG, 60/23, in force from 16.07.2024) The persons under Art. 4 shall be obliged to establish if the client, or the person, performed the operation or transaction acts on his behalf and at his expense, or on behalf of the name or at the expense of a third person. Where the operation or transaction is made through a representative, the persons under Art. 4 shall require evidences for the representative power and shall identify the representative and the represented one.

(2) (Amend. - SG 84/23) Where the operation or transaction is performed on behalf and/or at the expense of a third person the persons under Art. 4 shall identify perform checkup of the identification of the third person on behalf and/or at the expense of whom the operation or transaction is performed and the person, having performed the operation or transaction.

(3) In case of doubt, that the person, who performs operation or transaction, does not act on his behalf and at his expense, the persons under Art. 4 shall be obliged to carry out the notification under Art. 72 and undertake suitable measures for collecting information for identification and checkup of the identification of the person, in whose favor really is performed the operation or transaction. The conditions and procedure for application of the measures shall be determined by the Rules on the implementation of the act.

Section VII.

Clarification of the source of funds

Art. 66. (1) The origin of the funds shall be clarified by applying at least 2 of the following ways:

1. collecting information from the client about his major activity, including about the real and expected volume of the business relations and operations or transaction, which are expected to be performed in the frames of these relations, through filling in a Questar or another appropriate way;

2. collecting other information from official independent sources – data from publicly accessible registers and data bases, etc.;

3. using information, collected in relation to the implementation of the requirements of this, or other acts and legislative normative acts, including the Currency Act, which should clear origin of funds;

4. using information, exchanged in the frames of the group, which should show clear origin of the funds, where applicable;

5. tracing money flows in the frames of the established business relations with the client, in which a clear origin of funds is evident, where applicable.

(2) (Suppl. – SG, 94/19) In case of impossibility for clarification of the funds origin after exhausting the ways under Para. 1, as well as in the cases, in which the application of at least 2 of the ways under Para. 1 has led to controversial information, the clarification of the funds origin is made through a written declaration by the client or his legal representative or proxy. The clarification of the origin of the funds may be made by a written declaration by the client or by his legal representative or proxy and in the case of a random transaction or operation, when the application of two of the methods of Para. 1 is impossible. The form and procedure for submission of the declaration shall be determined by the Rules on the implementation of the Act.

(3) The information under Para. 1 and 2 shall be documented and stored under the conditions of Art. 68.

Chapter three.

STORING INFORMATION AND STATISTICAL DATA

Section I.

Storing information

Art. 67. (1) (Suppl. – SG, 94/19, amend. - SG 84/23) The persons under Art. 4 shall store for the term of 5 years all collected and prepared under this act and the Rules on its implementation documents, data and information, including data and information, received pursuant to Art. 53, Para. 8 and Art. 54, Para. 9.

(2) (Amend. – SG, 94/19) In the cases of establishment of business relations with clients, as well as in the cases of stepping in correspondence relations, the term under Para.

1 shall start to run from the date of termination of the relations.

(3) (Amend. – SG, 94/19, amend. – SG, 60/23, in force from 14.07.2023) In the cases of performing random operations or transactions under Art. 11, Para. 1, p. 2 - 5 and Para. 2, Art. 12, Para. 1, p. 2 and 3 and Para. 2, the term shall start to run from the date of their performance.

(4) In the cases of disclosure of information under Chapter Four, the term under Para. 1 shall start to run from the beginning of the calendar year, following the year of disclosure of the information.

(5) For the documents, prepared in implementation of the requirements of Chapter Seven, the term under Para. 1 shall start to run from the beginning of the calendar year, following the year of their preparation.

(6) (suppl. - SG 42/19, in force from 28.05.2019) Upon a written instruction of the director of Financial Intelligence Directorate of the National Security State Agency, the term under Para. 1 may be extended by not more than 2 years, where this is proportionate and justified by the need to take appropriate action to prevent or counteract money laundering or terrorist financing.

(7) The documents, prepared and received under Chapter Eight, Section I shall be stored during the whole time of exercising the relevant activity under Art. 4 and for the term of 1 year from its termination.

(8) (New – SG, 60/23, in force from 14.07.2023) Legal entities and other legal formations, established on the territory of the Republic of Bulgaria, their managers and representatives, their liquidators, as well as the natural persons for contact under Art. 63, Para. 4, item 3 shall be obliged to store the data and information under Art. 61, Para. 1 for a period of 5 years after the termination of the legal entity or other legal formation. This obligation shall also arise for all persons, other than those, mentioned above, performing activities in connection with the termination of the legal entity or another legal formation.

(9) (New – SG, 60/23, in force from 14.07.2023) The natural and legal persons and other legal entities, that are established or act in the territory of the Republic of Bulgaria in their capacity as trust owners or persons, occupying similar positions in trusts, trust funds and other similar foreign legal formation, established and existing in accordance with the law of the jurisdictions, allowing such forms of trust ownership, and the natural persons for contact under Art. 63, Para. 4, item 3 shall be obliged to store the data and information under Art. 62, Para. 1 for a period of 5 years after the termination of the trust, trust fund or other similar foreign legal formation. This obligation shall also arise for all persons, carrying out activities in connection with the termination of the trust, trust fund or other similar foreign legal formation.

Art. 68. (1) All the collected and prepared documents, data and information under this act and under the Rules on its implementation, including related with establishment or maintaining of business relations shall be stored so that to be at disposal of Financial Intelligence Directorate of the National Security State Agency, of the relevant

supervision bodies and of auditors. They shall be produced to Financial Intelligence Directorate of the National Security State Agency, upon request in original, officially certified copy, excerpt or reference in the term and format, determined by the director of the Directorate. While determining the term, the director of the directorate shall take in consideration the volume and contents of the required information.

(2) All the collected and prepared documents, data and information under this act and the Rules on its implementation shall be stored by the person under Art. 4 so, that he should perform his activity and his obligations without hindrance under this act and the Rules on its implementation.

(3) (new - SG 42/19, in force from 28.05.2019, amend. and suppl. – SG, 94/19) In order to meet the requirements of para. 1 and 2 and of Art. 67, in the cases referred to in Art. 101, para. 2, item 10, terms and procedure for collecting, storing and disclosing information clear rules shall be included which allow for the timely and complete provision of the information, requested under the conditions and by the order of this Act and the Measures against Financing of Terrorism Act, including about maintained for the time being, or prior to the inquiry 5-year period of business relationships with certain persons, and on the nature of those relationships through secure channels, rules to protect this information when submitted as well as for observing the limitations of Art. 80 of this Act and of Art. 9, para. 13 of the Measures against Financing of Terrorism Act.

Art. 69. The information, documents and data for the relevant transactions and operation, and clients must be stored in a way, which should allow their timely recovery in case that they are to be produced for use as and evidence in trial and pretrial proceedings.

Art. 70. (1) The documents, received, drawn up and processed by Financial Intelligence Directorate of the National Security State Agency under the procedure and the purposes of this act and the Rules on its implementation, shall be stored by the Directorate for the term of 10 years, unless an act provides a longer term for storing.

(2) The term under Para. 1 shall start to run from the beginning of the calendar year, the following year of receiving or preparing of the relevant document.

(3) After expiry of the storing term under Para. 1, the documents shall be destroyed under conditions and procedure, defined by an order of the chairperson of the National Security State Agency.

Section II.

Statistical data

Art. 71. (1) (Amend. - SG 84/23, in force from 06.10.2023) For the purposes of performing national risk assessment of money laundering and financing terrorism, the Ministry of Finance, the Ministry of Interior, Ministry of Justice, Customs Agency, Prosecution of the Republic of Bulgaria, the Commission for counteracting corruption,

Financial Intelligence Directorate of the National Security State Agency, the competent specialized directorates of National Security State Agency, the supervision bodies and other state bodies and institutions with separate powers in the area of prevention and counteracting money laundering and financing terrorism shall maintain statistical data on issues, related to effectiveness of the systems for prevention or money laundering and/or financing terrorism.

(2) The statistical data under Para. 1 shall include the following indicators, which are in the frames of competence of the relevant institution, body or service:

1. data, which measure the size and significance of the sectors, to which the persons under Art. 4 belong, including the number of legal and natural persons, who carry out economic activity and the economic significance of every sector;

2. (amend. - SG 70/24 [*]) data, which assess the stages of a checkup, investigation and judicial proceeding on cases of money laundering and financing terrorism, including the number of performed checks by the law enforcement bodies on annual base, the number of investigated cases on annual base, the number of persons, against whom penal proceedings have been formed, the number of the persons, convicted for money laundering or financing terrorism, the types of predicate crimes – if such information is available – and the value of the property, which has been seized or foreclosed, or confiscated, calculated in EUR equivalence;

3. data, which assess the stages of reporting cases of money laundering and financing terrorism, including the number of notification about suspicious transactions and operations, sent to Financial Intelligence Directorate of the National Security State Agency, the follow-up actions on these reports, and well as the number of cases, on which information of the prosecution office has been disclosed or the security services and public order, in which data or part of data are included, contained in the notifications of suspicious transactional and operations, sent to Financial Intelligence Directorate of the National Security State Agency;

4. data, which establish the number and percentage of notification under p. 3, leading to follow up investigation, if available;

5. (suppl. – SG, 94/19) data about the number of transborder requests for information, which are sent, received, rejected by Financial Intelligence Directorate of the National Security State Agency, and which the Directorate has answered partially or completely, grouped in states;

6. data about the number of transborder requests for information, which are sent, received, rejected by the bodies, institutions and services under Para. 1 and which have been answered partially or completely;

7. (new – SG, 94/19, amend. – SG, 60/23, in force from 14.07.2023) data, which establish the human resources, assigned for the fulfillment of statutory powers of the bodies, institutions and services under Para. 1, in the field of prevention and counteraction to laundering money and terrorist financing;

8. (new, SG, 94/19, repealed - SG, 60/23, in force from 14.07.2023);

9. (new – SG, 94/19) data about the number of performed on-the-spot inspections by the control bodies under Art. 108, Para. 2, data about the number of performed checks on documents under Art. 108, Para. 8 and data about the number of violations, found during the inspections and on the imposed sanctions or coercive administrative measures;

10. (new, SG, 94/19) data about the number of on-the-spot inspections, carried out by the supervisory authorities under Art. 108, Para. 6 and 7, data about the number of remote-control actions taken and data about the number of violations, found therein and the sanctions or coercive administrative measures, imposed.

(3) (Amend. – SG, 94/19, amend. - SG, 60/23, in force from 14.07.2023) The data under Para. 2, items 1, 2, 4, 6, 7 and 10 shall be produced to Financial Intelligence Directorate of the National Security State Agency, on annual base by the end of February of the year, following the year to which they refer, as well as upon request with performing monitoring by an international body or institution, which are competent in the area of prevention of money laundering and financing terrorism.

(4) Amend. and suppl. – SG, 94/19, amend. - SG, 60/23, in force from 14.07.2023) The data under Para. 2 shall be made public annually. The conditions, procedure and format for provision of the data under Para. 2, items 1, 2, 4, 6, 7 and 10 and for publication of the data under Para. 2 shall be provided by the Rules on the Implementation of the Act.

(5) (Suppl. – SG, 94/19) The data under Para. 2 shall be provided annually to the European Commission under conditions and procedure, provided by the Rules on the implementation of the Act.

(6) (New - SG 84/23) The data under para. 2 are also maintained and used to assess the effectiveness and efficiency of the systems for the prevention and prevention of money laundering and/or terrorist financing.

Chapter four.

DISCLOSURE OF INFORMATION

Section I.

Disclosure of information in cases of suspicion for money laundering

Art. 72. (1) In case of suspicion and/or learning about money laundering and/or about available funds with criminal origin, the persons under Art. 4 shall be obliged to notify immediately Financial Intelligence Directorate of the National Security State Agency, before performing the operation or transaction, by delaying its realization in the frames of the admissible term under the normative acts, providing the relevant type of

activity. In the notification, the persons under Art. 4 shall indicate the maximum term, in which the operation or transaction may be suspended. In case of learning about money laundering, or about available funds with criminal origin, the persons under Art 4 shall notify the competent bodies pursuant to the Penal Procedure Code, the Ministry of Interior Act and the State Agency for National Security Act.

(2) Where the delay of the operation or transaction under Para. 1 is objectively impossible or there is possibility this to hinder the prosecution actions of the beneficiaries of the suspicious transaction or operation, the person under Art. 4 shall notify the Financial Intelligence Directorate of the National Security State Agency immediately after its realization, by indicating the reasons because of which the delay has been impossible.

(3) Notification of Financial Intelligence Directorate of the National Security State Agency may be made also by employees of the persons under Art. 4, who are not responsible for the application of the measures against money laundering. The Directorate shall keep the anonymity of these employees.

(4) The Financial Intelligence Directorate of the National Security State Agency shall produce to the person under Art. 4 information, related to the notification, made by him. The decision about the volume of information, which is to be produced in return for every concrete case of notification, shall be taken by the Director of the Directorate.

(5) The obligation under Para. 1 shall also occur in the cases, where the operation or transaction have not been finalized.

(6) (Amend. – SG, 94/19) Information about notification about suspicion under Para. 1 shall be exchanged in the frames of the group, unless the director of Financial Intelligence Directorate of the National Security State Agency gives other instructions under Para. 1.

(7) (Amend. – SG, 94/19) Information about notification about suspicion under Para. 2 shall be exchanged in the frames of the group, unless the director of Financial Intelligence Directorate of the National Security State Agency gives other instructions.

(8) The form and procedure for submission of the notification under Para. 1 and 2 shall be provided by the Rules on the implementation of the act.

(9) (Amend. - SG 42/19, in force from 28.05.2019) Para. 1 – 8 shall not apply by the persons under Art. 4, item 15 exercising the activity regulated by the Lawyers Act only in relation to the information which these persons receive from or about some of their clients in the process of establishment of his legal situation or protection or representation of this client in or in relation to a proceeding, regulated by procedural law, which is pending, is to be formed or has finished, including in provision of legal consultation about formation or avoidance of such proceeding, notwithstanding whether this information has been received before, during or after finalization of the proceeding. This exception shall not apply, where the person under Art. 4, p. 15 exercising the activity regulated by the Lawyers Act:

1. takes part in the activities on money laundering or financing terrorism;

2. provides legal advice on a request that aims to a money laundering or terrorist financing, or

3. does know, that the client seeks legal advice for the purposes of money laundering or financing terrorism.

Art. 73. (1) In the cases of Art. 72, 88 and 89, where the notification is about suspicion for money laundering and/or suspicion for funds of criminal nature, the director of Financial Intelligence Directorate of the National Security State Agency may stop with a written order a certain operation or transaction for the term of 5 working days, starting from the day, following the day of issuance of the order, in view to making an analysis, confirmation of the suspicion and disclosure of the results from the analysis of the competent bodies. Where by the expire of this term no attachment or foreclosure has been imposed, the person under Art. 4 may perform the operation or transaction.

(2) After the analysis under Para. 1, within the term of 3 working days, starting from the day, following the day of issuance of the order, the Financial Intelligence Directorate of the National Security State Agency shall notify the prosecution office about the termination of the operation or the transaction under Para. 1, by providing the needed information in observing the anonymity of the person, who has made the notification under Art. 72, 88 and 89.

(3) (Amend. and suppl. - SG 18/19, in force from 28.02.2020, amend. - SG 32/22, in force from 28.07.2022) The prosecutor may make a request before the relevant court for imposing attachment or foreclosure. The court shall pronounce on the request not later than 24 hours from its receiving.

Art. 74. (1) With receiving a notification under Art. 72, 88 and 89 and an inquiry under Art. 90, the Financial Intelligence Directorate of the National Security State Agency may request from the persons under Art. 4 – with the exception of BNB and the credit institutions, which carry out activity on the territory of the Republic of Bulgaria – information about suspicious operations, transactions, or clients.

(2) With a written notification under Art. 72, 88 and 89 and with an inquiry under Art. 90, the Financial Intelligence Directorate of the National Security State Agency may request from BNB and the credit institutions, which carry out activity on the territory of the Republic of Bulgaria, information about suspicious operations, transactions and clients.

(3) Where in the analysis of a received information under Art. 76, 77 and 78, suspicious occurs for money laundering, the Financial Intelligence Directorate of the National Security State Agency may require from the persons under Art. 4 information about suspicious operations, transactions, or clients. The analysis of this information shall be carried out under conditions and procedure, defined by the Rules on the implementation of the Act.

(4) In the cases under Para. 1 – 3, the Financial Intelligence Directorate of the National Security State Agency may require information from the state and municipal bodies, which shall not be refused.

(5) The information under Para. 1 – 4 shall be provided in the term of 3 working days from receiving the request. The director of Financial Intelligence Directorate of the National Security State Agency may define another term for provision of the information, by taking in consideration also the volume of the contents of the requested information.

(6) The persons under Art. 4, p. 1 - 3 and 7 - 10 shall provide the required information under Para. 1 – 3 on electronic media or through protected channel for electronic exchange. The Financial Intelligence Directorate of the National Security State Agency shall define the format, in which the information is to be provided.

(7) In the cases under Para. 1 and 2, the Financial Intelligence Directorate of the National Security State Agency may give instructions to the persons under Art. 4 about realization of observation of performed in the frames of the business relation transactions or operations for a certain period and about provision of information about those to the Directorate. The decision about the term, in which the observation is realized and about the type of the transactions and operation, for which information is provided, for every concrete case shall be taken by the director of the Directorate.

(8) For the needs of the analysis, the Financial Intelligence Directorate of the National Security State Agency may receive from BNB information, collected under the Currency Act.

(9) For the needs of the analysis, Financial Intelligence Directorate of the National Security State Agency shall receive access to the maintained by BNB electronic information system under Art. 56a of the Credit Institutions Act.

(10) For the needs of the analysis, Financial Intelligence Directorate of the National Security State Agency shall receive free access to information data bases, built and maintained by state and municipal bodies.

(11) Provision of information under Para. 1 – 10 shall not be refused or restricted because considerations for official, bank, trade or professional secret or that it is tax and security information or protected personal information.

(12) (Amend. - SG 42/19, in force from 28.05.2019) Para. 1 and 3 shall not apply by the persons under Art. 4, item 15 exercising the activity regulated by the Lawyers Act only in relation to the information, which these persons receive from, or about some of their clients in the process of establishment of his legal situation or in protection or representation of this client in, or in connection to a proceeding regulated by procedural law, which is pending, is to be formed or has been finalized, including in provision of legal consultation for formation or for avoiding such proceeding, notwithstanding whether this information has been received before, during or after finalization of the proceeding. This exception shall not apply, where the person under Art. 4, p. 15 exercising the activity regulated by the Lawyers Act:

1. takes part in the activities on money laundering or financing terrorism;
2. provides legal advice on a request that aims to a money laundering or terrorist financing, or;
3. does know, that the client seeks legal advice for the purposes of money laundering or financing terrorism.

Art. 75. (1) (Amend. and suppl. - SG 42/19, in force from 28.05.2019, amend. - SG 84/23, in force from 06.10.2023) Where in receiving and analysis of the information, received under the conditions and procedure of this act, the suspicion about money laundering and/or related to predicate crimes does not fall, Financial Intelligence Directorate of the National Security State Agency shall disclose this information to the prosecution office, to the relevant security service or public order or to the competent specialized Directorate of the National Security State Agency according to their competence, as well as to the Commission for Counteracting Corruption. In these cases, the Financial Intelligence Directorate of the State Agency for National Security preserves the anonymity of the person under Art. 4 or the body under Art. 88 and their employees carried out the notification under Art. 72 or 88 and when the information is received under Art. 89 the Directorate maintains the anonymity of the person notified the relevant foreign financial intelligence unit and its employees.

(2) (Amend. - SG 84/23, in force from 06.10.2023) The Financial Intelligence Directorate of the National Security State Agency shall answer to grounded requests for provision of information of the relevant security service or public order of the competent specialized Directorate of the National Security State Agency, or of the Commission for Counteracting Corruption where these requests are based on suspicions for money laundering or related to predicate crimes.

(3) (Amend. – SG, 94/19) Where this is needed for the purposes of prevention of money laundering, the Financial Intelligence Directorate of the National Security State Agency shall provide to the competent specialized Directorates of the National Security State Agency and to Fight with Organized Crime Chief Directorate to the Ministry of Interior possibility for performing seeking in a register the persons, about whom notification has been received for performing suspicious available money transfers and post money transfers, contained data about names and – if available – birth date of the person. Upon request, where these requests are based on suspicions for money laundering or related to predicate crimes, the Directorate shall provide the complete available information while observing the conditions under Par. 1. The competent structures, having received access to this information, shall maintain detailed reference for the checkups made and shall provide this information for drawing up the annual report under Art. 132, Par. 3 of the State Agency for National Security Act.

(4) (Amend. - SG 84/23, in force from 06.10.2023) The prosecution office, the relevant service for security and public order, the competent specialized Directorate to the National Security State Agency, or the Commission for Counteracting Corruption, having

received information from the Financial Intelligence Directorate of the National Security State Agency under Para. 1 – 3, shall provide to the Directorate back information about the fact, how the provided information has been used, about its direction to another competent body or institution, as well as about the results for the performed on the basis of this information investigations or checkups, including about formed pretrial proceedings.

(5) (amend. - SG 42/19, in force from 28.05.2019, repealed, - SG, 94/19)

Section II.

Disclosure of other information

Art. 76. (1) (Amend. - SG 70/24 [*]) The persons under Art. 4 shall notify the Financial Intelligence Directorate of the National Security State Agency about every payment in cash in the value of EUR 15 000 or their equivalence in a foreign currency, made by, or to their client in the frames of the established relations or in random transactions or operations.

(2) The Financial Intelligence Directorate of the National Security State Agency shall keep a register of the payments under Para. 1. The register may be used only for the purposes of counteracting money laundering and financing terrorism.

(3) The terms and procedure for provision, using, storing and destroying the information under Para. 1, as well as its deletion from the register under Para.2 shall be determined by the Rules on the implementation of the Act.

Art. 77. (1) (Amend. - SG 82/23) The Customs Agency shall provide to the Financial Intelligence Directorate of the National Security State Agency the information about carrying through the country border money funds, collected under the conditions and procedure of the Currency Act.

(2) The conditions and procedure for provision of the information under Para. 1 shall be determined by the Rules on the implementation of the act.

Art. 78. (1) (Amend. - SG 21/21) Central securities depositories, licensed by the Financial Supervision Commission under the terms and conditions of Regulation (EU) № 909/2014 of the European Parliament and of the Council of 23 July 2014 on improving securities settlement in the European Union and on central securities depositories, and amending Directives 98/26/EC and 2014/65/EU and Regulation (EU) № 236/2012 (OJ L 257/1 of 28 August 2014), shall provide information to the Financial Intelligence Directorate of the State Agency “National Security” on the issuance and disposal of dematerialized financial instruments according to certain criteria.

(2) The terms and conditions for providing the information under Para. 1 shall be defined by the Rules on the implementation of the act.

(3) (Amend. - SG 21/21, amend. - SG 84/23) The criteria for provision of

information under Para. 1 shall be determined by an order of the Chairman of the State Agency for National Security in agreement with the Financial Supervision Commission.

Art. 79. (1) (amend. - SG 42/19, in force from 28.05.2019, amend. - SG 84/23) Provision of the information in the cases under Art. 72, 74, 76 - 78, Art. 104, Para. 2, Art. 106, Para. 5, Art. 107, Para. 4 and Art. 110, Para. 4 and 5 may be performed electronically with a qualified electronic signature or an issued by the National Security State Agency access certificate. With receiving the information, automatic issuance of an entry N and date is performed, which are sent to the sender with an electronic communication.

(2) The conditions and procedure for issuance and using the access certificate under Para. 1, the types of documents and data, which may be submitted by using a qualified electronic signature or access certificate, and the procedure for their submission electronically shall be defined by written instructions of the director of Financial Intelligence Directorate of National Security State Agency. The instructions shall be published on the website of the National Security State Agency.

(3) The exchange of information under Art. 73, 75, 87 and 88 may be made by protected channels for electronic communication while observing the requirements of the Protection of Classified Information Act.

Chapter five.

PROTECTION OF INFORMATION AND PERSONS

Art. 80. (1) The persons under Art. 4, the bodies under Art. 74, Para. 4 and under Art. 88, the persons who manage and represent them, as well as their employees shall not notify their client or third persons about the disclosure of information under Art. 68, 72, 74, 76 - 78 and 88.

(2) The prohibition for disclosure of information under Para. 1 shall not refer to the relevant supervision body.

(3) (Amend. – SG, 94/19, suppl. - SG 84/23) The prohibition under Para. 1 shall not be an obstacle for disclosure of information between persons under Art. 4, p. 1 - 3, 5 and 8 – 11 and credit and financial institutions in the sense of Art. 3, item 2 of Directive (EU) 2015/849 from Member States, under the conditions that they belong to one and the same group, or between persons under Art. 4, p. 1 – 3, 5 and 8 – 11 and their branches and subsidiary undertakings, located in third states, under the condition, that these branches and subsidiary undertakings observe completely the policies and procedures in the frames of the group, including the procedures for exchange of information in the frames of the group, in compliance with Art. 104 and that the policies and procedures in the frames of the group meet the requirements of this act.

(4) (Amend. - SG 84/23) The prohibition under Para. 1 shall not be an obstacle for disclosure of information between persons under Art. 4, p. 12 - 16 of Member States or

of third states under Art. 27, which fulfill their professional activities notwithstanding if they are employees or not, in the frames of one and the same legal person or a larger structure, to which the person belongs and which has common ownership, management, or control on the implementation of the prevention measures of using the financial system for the purposes of money laundering.

(5) (Amend. and suppl. - SG 84/23) The prohibition under Para. 1 shall not be an obstacle for disclosure of information between the persons under Art. 4, p. 1 - 5, 8 - 10, 12 - 16 in the cases, referring to one and the same client or one and the same transaction in which 2 or more persons participate under the following conditions:

1. the persons are in a Member State or in a third state under Art. 27;
2. the persons are from one and the same professional category;
3. the persons have obligations for keeping an official, bank or trade secret and for protection of personal data, corresponding to the Bulgarian legislation;
4. the information may be used only for prevention money laundering and financing terrorism.

(6) Where the persons under Art. 4, p. 12, 14 and 15 try to dissuade a client not to engage in illegal activity, this is not disclosure of information in the meaning of Para. 1.

(7) (amend. - SG 17/19) The exceptions under Para. 3 – 5 shall not apply and disclosure of information shall not be admitted between the persons under Art. 4 and persons of high-risk third states under Art. 46, Para. 3, as well as if the persons under Art. 4 have not fulfilled their obligations on the protection of personal data, or instructions have been issued about this fact by the director of Financial Intelligence Directorate of National Security State Agency.

(8) (New, SG, 94/19) The access of the subjects of personal data to processed for the purposes of prevention of money laundering and terrorist financing their personal data by the persons and bodies under Para. 1, shall be limited to the extent, necessary for the effective enforcement of the prohibition under Para. 1, and to the extent, necessary and in proportion to the legitimate interests of such persons.

Art. 81. (1) The Financial Intelligence Directorate of National Security State Agency may use the information, containing official, bank, trade or professional secret, as well as the protected personal information and tax and security information, received under the conditions and procedure of Art. 68, 72, 74 - 78, 88, 89, 90 and Chapter Nine, only for the purposes of this act.

(2) (Suppl. – SG, 94/19) The Financial Intelligence Directorate of National Security State Agency may refuse provision of information under this act, where this would harm current investigations or analyses or in exceptional circumstances, where the disclosure of the information would lead to consequences, which are manifestly disproportionate to the legitimate interests of a natural or legal person, or where disclosure has no relation to the purposes, for which the information has been requested. The refusal for provision of information shall be grounded.

(3) Para. 2 shall not apply in relation to the international exchange of information under Chapter Six, Section II.

(4) (New, SG, 94/19) The competent authorities, who have received information from the Financial Intelligence Directorate of the National Security State Agency under the procedure of this Act, may not use the information, received for purposes other than those, for which it was provided.

Art. 82. (1) The employees of Financial Intelligence Directorate of National Security State Agency shall not disclose, us for personal or related to them person benefit information and facts, representing official, bank, trade or professional secret, as well as other information and facts, which have become known to them while fulfilling their official duties.

(2) The employees of the Directorate shall sign a declaration for observing the secret under Para. 1.

(3) The provision of Para. 1 shall also refer to cases, where the indicated persons are not at service.

Art. 83. (Amend. - SG 17/19) (1) (Suppl. – SG 94/19, suppl. - SG 21/21) As regards the processing of personal data for the purpose of preventing money laundering and terrorist financing by the persons under Art. 4, Financial Intelligence Directorate of the National Security State Agency, the supervisory authorities and other competent bodies under this Act shall apply the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119/1 of 4 May 2016), hereinafter referred to as "Regulation (EC) 2016/679", Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) № 45/2001 and Decision № 1247/2002/EC (OJ L 295/39 of 21 November 2018) shall apply, as well as the Personal Data Protection Act, insofar as this Act and the Measures against Financing of Terrorism Act provide otherwise. The personal data, collected under the terms and procedure of this Act and the Act on Measures against Financing of Terrorism, cannot be processed by the persons under Art. 4, the Financial Intelligence Directorate of the National Security Agency, the supervisory authorities and other competent authorities under this Act for purposes, other than the prevention of money laundering and terrorist financing.

(2) The processing of personal data for the purpose of preventing money laundering and terrorist financing is considered as a matter of public interest under Regulation (EC) 2016/679 and cannot be limited by the requirements of Art. 12 - 22 and Art. 34 of that Regulation.

(3) (New, SG, 94/19) Prior to establishing a business relationship or performing a random transaction or operation, the persons under Art. 4 shall provide customers with information about the purposes, for which their personal data will be processed.

(4) (New, SG, 94/19) The persons under Art. 4 shall delete or destroy the personal data, processed by them after the expiration of the storage period under Art. 67, Para. 1, 6 and 7, unless otherwise provided by a special Act.

(5) (Former Para. 3, suppl. – SG, 94/19) After the expiry of the storage period under Art. 70, processed by the Financial Intelligence Directorate of the National Security State Agency, the supervisory bodies and other competent bodies under this Act personal data, pursuant to this Act and by the order of the Measures against Financing of Terrorism Act shall be deleted or destroyed, unless a special Act provides otherwise.

(6) (Former Para. 4 – SG, 94/19) The Personal Data Administrator with regard to the personal data processed by the Financial Intelligence Directorate of the National Security State Agency shall be the Director of the Directorate.

Art. 84. The Financial Intelligence Directorate of National Security State Agency shall use the received information under the conditions and under this act and for performing statistical analyses, directed to the tendencies and schemes for money laundering and financing terrorism.

Art. 85. (1) The strategic analyses under Art. 84 shall be based on available and additionally collected information and on the basis of them threats and vulnerabilities from money laundering and financing terrorism.

(2) The results from the analyses under Para. 1 shall be used only for the purposes of this act.

(3) Upon estimation of the director of Financial Intelligence Directorate of National Security State Agency, the Directorate shall notify the persons under Art. 4 about the results from the analyses under Para. 1. The decision about the information volume, which is to be produced shall be taken by the director of the Directorate.

Art. 86. (1) Disclosure of information in the cases of Art. 68, 72, 74, 76, 78, 87 - 89 and Chapter Nine shall not cause responsibility for violation of the restrictions for disclosure of information, provided by a contract, law, or legislative normative act or administrative act.

(2) In the cases under Para. 1 no responsibility is caused also where it is found, that no crime has been perpetrated and the operations and transactions have been legal.

(3) (New - SG 42/19, in force from 28.05.2019, amend. – SG, 94/19) Notification under Art. 72, or an internal signal of an existing suspicion of money laundering shall not be grounds for termination of the employment or civil relationship of the person, having submitted the notification or signal or for application of other disciplinary measures or sanctions against him/her.

(4) (New, SG, 94/19) A person, who has been dismissed or has been subject to

other disciplinary measures, or in respect of whom threats or other actions, leading to mental or physical harassment have been brought, that he/she has notified under Art. 72 or an internal alert for an existing suspicion of money laundering, he/she shall be entitled to compensation under judicial procedure for the pecuniary and non-pecuniary damage suffered by him, in addition to the rights of protection against unlawful dismissal and other rights of protection, against inequitable or discriminatory treatment.

(5) (New, SG, 94/19) The persons under Art. 4 shall provide appropriate measures for the protection of their employees and persons in a similar position, engaged in their activity on other grounds, who submit internal signals for potential or actual violations of this Act, the Act on Measures against Financing of Terrorism and their implementing acts, in a specific, independent and anonymous manner, proportionate to the size and nature of the debtor's business activity.

Chapter six. COOPERATION

Section I. National cooperation

Art. 87. (1) (Suppl. - SG 21/21) The supervision bodies shall be obliged to provide information to Financial Intelligence Directorate of National Security State Agency immediately, of doing their supervision activity they find facts and circumstances which may be related to money laundering.

(2) (Amend. – SG, 94/19) Financial Intelligence Directorate of National Security State Agency and the supervision bodies under Para. 1 may exchange information about the purposes of the lawful functions, carried out by them.

(3) (amend. - SG 42/19, in force from 28.05.2019, repealed – SG, 94/19).

(4) (Amend., SG, 94/19) Granted by the Financial Intelligence Directorate of the National Security State Agency under the procedure of Para. 2 information and its source cannot be disclosed to the persons, to whom the information relates, or to a third party.

(5) (new - SG 42/19, in force from 28.05.2019) The terms and procedure for exchange of information between the Bulgarian National Bank and the Financial Intelligence Directorate of the State Agency for National Security for the purpose of establishing and verifying the existence of the circumstances justifying the emergence of the obligation to create a central contact units by issuers of electronic money and payment service providers under Art. 9 shall be settled in a joint instruction of the Governor of the Bulgarian National Bank and the Chairman of the State Agency for National Security.

(6) (new - SG 42/19, in force from 28.05.2019) With the instructions under para. 5 shall be approved and a template for the provision of the information under Art. 76 of the

Financial Intelligence Directorate of the State Agency for National Security by the persons under Art. 4, item 1.

Art. 88. (1) (Suppl. - SG 21/21) Financial Intelligence Directorate of National Security State Agency may receive information about money laundering apart from the persons under Art. 4, also from a state body. The bodies of the National Revenue Agency and the customs authorities shall be obliged to provide information to the Financial Intelligence Directorate of the State Agency "National Security" immediately if, in carrying out their statutory functions, they establish facts and circumstances that may be related to money laundering.

(2) (Amend. - SG 21/21) Financial Intelligence Directorate of National Security State Agency shall provide to the bodies under Para. 1 information, related to the notification, performed by them. The decision about the volume of information, which is to be provided back for every concrete case of notification, shall be taken from the director of the directorate.

Section II.

International cooperation

Art. 89. Financial Intelligence Directorate of National Security State Agency may receive information about suspicion for money laundering apart under Art. 72 and 88, also, through international exchange.

Art. 90. (1) Financial Intelligence Directorate of National Security State Agency upon own initiative and upon request shall exchange information about suspicion for money laundering also for related predicate crimes with the relevant international bodies, EU bodies and bodies of other states on the basis of international agreements and/or under mutual conditions.

(2) Financial Intelligence Directorate of National Security State Agency shall carry out exchange of information also in view to achieving the objectives of Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC.

(3) The terms for realization of the exchange of information shall be coordinated with explicitly indicated by the bodies under Para. 1, as well as with the technical possibilities for collection and provision of information, including – in case of need – performing translation to a foreign language.

(4) In relation to the membership of Financial Intelligence Directorate of National Security State Agency in Egmony group, the director of the Directorate may sign,

amend and terminate non-binding agreements with the units for financial intelligence of other states, members in Egmont group, which refer only the exchange of information between them and shall completely follow the confirmed requirements, by the organization. The agreements shall provide for:

1. the conditions and procedure for exchange, which follow the requirements of Egmont group and this act;

2. the conditions for use and protection of the information, under this act and the requirements of Egmont group;

3. the types of information, which Financial Intelligence Directorate of National Security State Agency exchanges with the units for financial intelligence of these states.

(5) (revoked - SG 42/19, in force from 28.05.2019)

(6) (new - SG 42/19, in force from 28.05.2019) The requests for information submitted by the Financial Intelligence Directorate of the State Agency for National Security to other financial intelligence units shall contain at least a description of the relevant facts, context, relationship with the requested State, reasons for the request and the manner in which the requested information will be used.

(7) (new - SG 42/19, in force from 28.05.2019) For exchange purposes, the Financial Intelligence Directorate of the State Agency for National Security provides the financial intelligence units of other countries with any kind of information that it has or has direct or indirect access to, including about the natural and legal persons involved in the case, and information about the entries in the registers under Art. 63, para. 1 and 2 circumstances for the actual owners of legal persons and other legal entities. The exchange of information can not be denied due to the lack of information on the predicate offense.

(8) (new - SG 42/19, in force from 28.05.2019, suppl. – suppl. – SG, 94/19) The Financial Intelligence Directorate of the National Security State Agency for cannot refuse to provide information or assistance to other financial intelligence units due to differences in the definitions of tax offenses, or other predicate crimes under national law.

Art. 91. (1) Apart from the cases under Art. 90, the Financial Intelligence Directorate of National Security State Agency shall immediately notify the unit for financial intelligence of the relevant Member State, where the received notification under Art. 72 about money laundering or about available funds of criminal origin refers to this state.

(2) The provided under Para. 1 information shall be used for the purposes of prevention of using the financial system for the purposes of money laundering.

(3) The conditions and procedure for implementation of the obligation under Para. 1 shall be provided by the Rules on the implementation of the Act.

Art. 92. (1) With receiving a grounded request of a unit fir financial intelligence of another state under Art. 90 and where there is suspicion for money laundering, the director of the Financial Intelligence Directorate of National Security State Agency may

stop an operation or transaction under Art. 73, Para. 1.

(2) The Financial Intelligence Directorate of National Security State Agency shall immediately notify the prosecution about termination of the operation or transaction, by providing the needed information while observing the conditions and restrictions, defined by the unit for financial intelligence of the relevant state in relation to the provided by it information and under the restrictions of Art. 75, Par. 1.

(3) Where by expiry of the term under Art. 73, Para. 1 no seizure or confiscation has been imposed, the person under Art. 4 may perform the operation or transaction.

(4) The Financial Intelligence Directorate of National Security State Agency may refuse to stop an operation or transaction under Para. 1 where:

1. the grounded request of the unit for financial intelligence of the relevant state has not been accompanied by the relevant permit for using the information for the purposes of this Art., including for provision of the information of the competent bodies, or

2. the received and available information would not be a sufficient ground for stopping the operation or transaction under Art. 73, Para. 1, as well as if the stopping would harm a current investigation.

Art. 93. (1) The Financial Intelligence Directorate of National Security State Agency may impose limitations and conditions for using the provided information under this Section.

(2) The Financial Intelligence Directorate of National Security State Agency may use the information, received under this Section, only for the purpose, for which it has been requested or provided. Disclosure of this information to another body, institution or service, or using this information for purposes, exceeding initial approval, shall be performed after preliminary consent from the unit for financial intelligence of another state, provided the information and according to the conditions for exchange and use, indicated by it.

(3) (amend. - SG 42/19, in force from 28.05.2019, amend. – SG, 94/19, amend. – SG, 60/23, in force from 14.07.2023) The Financial Intelligence Directorate of National Security State Agency shall give its prior consent to the disclosure of information, provided to another country's financial intelligence unit under this Section, to another authority, institution or service in a timely manner and to the fullest extent possible. The Financial Intelligence Directorate of the National Security State Agency may refuse to give its prior consent to disclosure of information, provided under this Section, only if it could be detrimental to an ongoing investigation, is inconsistent with the current legislation of the Republic of Bulgaria. The refusal shall be motivated for each specific case.

(4) Upon request or upon own initiative, the Financial Intelligence Directorate of National Security State Agency shall notify the unit for financial intelligence of the relevant state about the way, in which the provided by it information has been used. The decision about the volume of information, which is to be provided back for each case, shall be taken by the director of the Directorate.

(5) The information, exchanged under Art. 89 – 91 shall be protected under this act and shall not be official secret in the meaning of the Protection of Classified Information Act.

Art. 94. (1) The exchange of information under this Section shall be performed through protected channels for electronic communication between the units for financial intelligence in the frames of the EU or Egmont group.

(2) The Financial Intelligence Directorate of National Security State Agency shall cooperate with the units for financial intelligence of other Member States in applying updated technologies, which allow anonymous comparison of data, received under Art. 72 with data of the units for financial intelligence of these states under criteria and procedure, defined by the Rules on the application of the act.

(3) Application of the technologies under Para. 2 shall be performed while observing complete protection of personal data in view to disclosure of the persons, who represent interest for the units for financial intelligence in other Member States and finding their incomes and funds.

(4) The technologies under Para. 2 may be used also for mutual analysis of transborder cases, as well as for finding tendencies and factors, which are significant for risk assessment from money laundering and financing terrorism, under the conditions and procedure, defined by the Rules on the implementation of the act.

(5) (New - SG, 94/19) The Financial Intelligence Directorate of the National Security State Agency shall provide data to a contact person in connection with the exchange of information under this Section. In the event of a change, the data shall be updated in a timely manner.

Chapter seven.

RISK ASSESSMENT

Section I.

National risk assessment

Art. 95. (1) (Amend. - SG 84/23) For establishment, assessment, understanding and limitation of the risk from money laundering and financing terrorism for the purposes of this act and the Measures against Financing of Terrorism Act, a national risk assessment of money laundering and financing terrorism, which shall be updated every 3 years.

(2) While preparing and updating the national risk assessment under Para. 1, the results shall be coordinated and expressed from the prepared by the European Commission over-national risk assessment of money laundering and financing terrorism, which influence the internal market and refer to transborder activities, while fulfilling the recommendations of the European Commission to the Member States about the measures,

which are appropriate for coping with the found risks.

Art. 96. (1) For the purposes of the national risk assessment, a permanently acting inter-institutional working group shall be established, which:

1. prepares and updates the national risk assessment of money laundering and financing terrorism in the Republic of Bulgaria;

2. (New - SG 84/23) prepares and updates an assessment of the risk of money laundering and terrorist financing related to the various types of legal person and other legal entities established on the territory of the Republic of Bulgaria, assessment of potential money laundering or terrorist financing risks arising from the introduction of new products, business practices and delivery mechanisms, as well as the use of new technologies in new or existing products, business practices and delivery mechanisms, and assessment of terrorist financing risks in the non-profit sector;

3. (prev. item 2, amend. - SG 84/23) prepares reports with the results of the assessments under items 1 and 2 and presents them to the Council of Ministers;

4. (prev. item 3, amend. - SG 84/23) prepares proposals for the measures that should be taken to limit the identified risks, including measures related to the allocation of resources, as well as an action plan to prevent and/or limit the risks identified in the assessments under items 1 and 2, which it presents for consideration by the Council of Ministers;

5. (prev. item 4, suppl. - SG 84/23) prepares and updates other analyses in the area of prevention and counteracting money laundering and financing terrorism, which require cooperation and coordination between the institutions, as well as draw up reports on the results of these analyses, which shall be produced to the Council of Ministers;

6. (prev. item 5 - SG 84/23) fulfill other functions, provided by an act.

(3) (Amend. and suppl. - SG 84/23) In the composition of the work group under Para. 1 shall be included representatives of the Ministry of Finance, Ministry of Interior, Ministry of Justice, the Customs Agency, Registry Agency, the prosecution of the Republic of Bulgaria, the Commission for counteracting corruption, the Financial Intelligence Directorate of National Security State Agency, competent specialized directorates of the National Security State Agency, the supervision bodies and other state bodies and intuitions with separate powers in the area of prevention and counteracting money laundering and financing terrorism, as well as those, which have data and information, needed for preparation and updating the national risk assessment.

(4) For the implementation of the tasks of the work group under Para. 1, representatives of the persons under Art. 4 may be attracted, also their professional and branch organizations.

(5) The state bodies and institutions under Para. 3 and the persons under para. 4 shall be obliged to provide to the work group the information and data, including statistical data under Art. 71, which are needed for implementation of the activities under Para. 1, p. 1 – 4. Provision of the information and data shall not be limited upon consideration for

official or professional secret.

(6) The information and data under Para. 5 shall be used only for the purposes of the national risk assessment and may be provided to third persons or made public only after preliminary permit and in volume, defined by the relevant body or institution.

(7) (New - SG 84/23) The assessments under para. 1, item 2 are updated within the period under Art. 95, para. 1 and may be included in the assessment under para. 1, item 1.

Art. 97. (1) The results from the national risk assessment shall serve for:

1. improvement of the normative provision for prevention and counteracting money laundering and financing terrorism, including through defining all areas, in which the persons under Art. 4 must apply stricter measures and where appropriate – indication of the measures, which are to be undertaken;

2. establishing sectors or areas with lower or higher level of risk of money laundering and financing terrorism;

3. distribution and direction of priority areas of the funds and resources for counteracting money laundering and financing terrorism;

4. guaranteeing preparation of appropriate rules for every sector or area in compliance with the risk of money laundering and financing terrorism;

5. provision of timely access of the persons under Art. 4 to the needed information, in order to facilitate performing their own risk assessments of money laundering and financing terrorism;

6. (new – SG, 94/19) preparation of a report on the institutional structure and basic procedures of the national system for the prevention of money laundering and terrorist financing, including with respect to the Financial Intelligence Directorate of the National Security State Agency, the National Revenue Agency and the Prosecutor's Office of the Republic of Bulgaria, on the available human and financial resources, to the extent, that this information is available;

7. (new – SG, 94/19) preparation of a report on national efforts and the human and financial resources, involved in the prevention and counteraction to money laundering and terrorist financing.

(2) (Suppl. – SG, 94/19) The results of the national risk assessment and its updates shall be made available to the persons under Art. 4 in volume, form and manner, determined by the interinstitutional working group under Art. 96, Para. 1. A summary of the risk assessment, which does not contain classified information, shall be published on the website of the National Security Agency. The summary may also be published on the websites of state bodies and institutions under Art. 96, Para. 3.

(3) The Financial Intelligence Directorate of National Security State Agency shall produce to the Agency chairperson a report on the results from the national risk assessment.

(4) (Suppl. – SG, 94/19, amend. - SG 21/21) The results from the national risk

assessment and its updates shall be produced to the European Commission, to the European bank authority and to the other Member States under Art. 90. Upon receipt of additional relevant information, provided by another Member State, it shall be reported by the interinstitutional working group under Art. 96, Para. 1, when performing its tasks.

(5) The conditions and procedure for application of the measures under Para. 1, p. 1 shall be defined by the Rules on the implementation of the Act.

(6) (New, SG, 94/19) The working group under Art. 96, Para. 1 may decide, where appropriate, to provide additional information to the competent authorities of another Member State when, in the light of the results of that State's risk assessments and their updates, it has been established, that relevant information or its update is available.

Section II.

Drawing up risk assessment by the obliged subjects

Art. 98. (1) In order to establish, understand and assess the risks of money laundering and financing terrorism, the persons under Art. 4 shall draw up own risk assessments, while account for the relevant risk factors, including these, which refer to clients, the state or geographical zones, the offered products and services, the operational and transactions, or supply mechanisms.

(2) While preparing the risk assessments under Para. 1, the type of the person under Art. 4 and the volume of the activity, performed by him shall be considered.

(3) Para. 1 and 2 shall not apply by the persons under Art. 4, p. 28, who do not fall at the same time in another category of persons under Art. 4.

(4) (Amend. - SG 84/23, amend. - SG 70/24 [*]) The persons under Para. 3 with annual turnover above EUR 25 000 shall draw up risk assessment by using criteria for risk assessment, drawn up and published in the National Security State Agency.

(5) The persons under Para. 3, notwithstanding of their annual turnover may draw up risk assessment under Para. 4 also where they consider, that there is danger of using their activity for:

1. money laundering or financing terrorism by certain terrorists, terrorist organizations and persons, financing terrorism;

2. covering financing terrorism by using persons with legal purposes and activity, including in view to avoiding blocking financial funds and other financial assets or economic resources;

3. diverting funds, intended for legal purposes to certain terrorists, terrorism organizations and persons, financing terrorism.

(6) The risk assessment under Para. 1 and 4 shall be updated periodically. The terms, procedure and additional requirements to the risk assessments, as well as the factors, which are to be considered at the preparation of the risk assessment under Para. 1 and 4 shall be defined by the Rules on the implementation of the act.

(7) The risk assessments under Para. 1 and 4 shall be documented and stored under Chapter Three, Section I.

(8) The risk assessment under Para. 1 and 4 shall be accessible for the Financial Intelligence Directorate of National Security State Agency and for the supervision bodies.

(9) On the basis of the drawn-up risk assessments, the person shall define the risk profile of the client and of the business relations with him and shall apply the measures under this act in compliance with the defined risk profile.

Art. 99. (1) With drawing up and updating the risk assessment under Art. 98, Para. 1 and 4, the results from the national risk assessment under Art. 95, Para. 1 shall be obligatorily considered and reflected, as well as the results from the over – national risk assessment and recommendations of the European Commission under Art. 95, Para. 2.

(2) In case that in preparation of the risk assessment under Art. 98, Para. 1 and 4 a person under Art. 4 fails to consider the results of the national risk assessment under Art. 95, Para. 1, within 14-day term from the preparation of the assessment, the person under Art. 4 shall notify the Financial Intelligence Directorate of National Security State Agency about his decision and the grounds for it.

(3) With notification under Para. 2, the director of the Financial Intelligence Directorate of National Security State Agency may give obligatory instructions to the person under Art. 4, which shall be reflected in the risk assessment under Art. 98.

(4) Para. 1 – 3 shall also apply correspondingly to the risk assessment under Art. 100, Para. 1.

Art. 100. (1) The professional organizations and associations of the persons under Art. 4 may draw up and update risk assessments of the money laundering and financing terrorism at sectoral level.

(2) The results from the risk assessment under Para. 1 shall be provided to the members of the professional organizations and associations of the persons under Art. 4, for the purposes of preparation of the risk assessments under Art. 98, Para. 1 and 4.

(3) The risk assessments under Para. 1 shall be documented and stored under Chapter Three, Section I.

Chapter eight.

INTERNAL ORGANIZATION AND CONTROL

Section I.

Internal rules for control and prevention of money laundering and financing of terrorism (Title amend. - SG 42/19, in force from 28.05.2019)

Art. 101. (1) (suppl. - SG 42/19, in force from 28.05.2019) Persons under Art. 4

shall adopt internal rules for control and prevention of money laundering and financing of terrorism, which shall be applied effectively also to their branches and subsidiaries abroad. The persons under Art. 4, p. 28, who do not fall at the same time in another category persons under Art. 4, shall adopt internal rules in the cases under Art. 98, Para. 4 and 5.

(2) The internal rules under Para. 1 shall contain:

1. (amend. – SG, 60/23, in force from 14.07.2023) clear criteria for identifying suspicious customers and suspicious operations or transactions, related to money laundering, presence of funds of criminal origin and financing terrorism;

2. (suppl. - SG 42/19, in force from 28.05.2019) the procedure for using technical means for prevention and disclosure money laundering and financing of terrorism;

3. (amend. and suppl. - SG 42/19, in force from 28.05.2019) an internal control system over the implementation of the obligations, established in this act, the Measures against Financing of Terrorism Act and the instruments on their implementation;

4. (amend. - SG 84/23) the procedure for reviewing, verifying and evaluating the rules, procedures and requirements under this paragraph, from the internal control over the fulfillment of the obligations under item 3;

5. possibility for performing an independent audit, in which the rules, procedures and requirements under this Para. Are to be assessed, where this is appropriate in view to the size and nature of the economic activity of the person under Art. 4.

6. the internal system under Art. 42;

7. the internal system for risk assessment and defining the risk profile of the clients;

8. proportional to the size and nature of the economic activity of the person under Art 4. Policies, control mechanisms and procedures for limitation and effective management of the risks of money laundering and financing terrorism, established at the EU level, at national level, as well as at the level of obliged subject;

9. rules and organization for implementation of the obligations for clarifying the origin of the funds and the source of the property status;

10. the conditions and procedure for collecting, storing and disclosure of information;

11. time intervals, during which the maintained data bases and clients' files are reviewed and updated in implementation of Art. 15 and 16, while observing the established and documented under Art. 98 risk level for the clients and business relations;

12. (suppl. - SG 42/19, in force from 28.05.2019) distribution of the responsibility for application of the measures against money laundering and financing of terrorism in the branches of the person under Art. 4 and measures, including procedures for risk assessment in relation to branches and subsidiary companies in the conditions of Art. 7, if any;

13. (amend. – SG, 60/23, in force from 14.07.2023) the rules for organizing and operating the specialized service under Art. 106, policies and procedures for verification of

professional competence and reliability in hiring and ongoing evaluation of employees in the specialized service, as well as rules for the verification and training of these employees; for the purposes of the check under sentence one, a criminal record certificate or other similar document may be required for persons, who are not Bulgarian citizens;

14. (amend. – SG, 60/23, in force from 14.07.2023) policies and procedures for checking the professional competence and reliability when hiring and ongoing evaluation of the other employees, whose official duties at the discretion of the person under Art. 4 or to the head of the specialized service under Art. 106 could be related to the control and prevention of money laundering and the financing of terrorism, as well as the rules for the training of these employees, and for the purposes of verification, a criminal record or other similar document may be required for persons, who are not Bulgarian citizens;

15. (amend. - SG 42/19, in force from 28.05.2019, amend. – SG, 94/19) the distribution of the responsibility of the representatives and employees of the person under Art. 44, as well as to persons in a similar situation, engaged in his/her activity on other grounds for fulfilling the obligations, set out in this Act in the Act on Measures against Financing of Terrorism and in the instruments for their implementation, as well as contact information with the person under Art. 4 and with its responsible representatives and employees and persons in a similar position, engaged in its activity on other grounds, for the purposes of this Act, the Act on Measures against Financing Terrorism and their implementing instruments;

16. (amend. and suppl. - SG 42/19, in force from 28.05.2019, suppl. – SG, 94/19) in proportion to the size and nature of the economic activity of the person under Art. 4 procedure for anonymous and independent submission of internal reports by employees or persons in a similar position, engaged in his activity on other grounds, for violations of this Act, the Act on Measures against the Financing of Terrorism and their implementing instruments, including alerts for existing suspicion for money laundering or terrorist financing;

17. (amend. - SG 84/23) the assessment under Art. 98;

18. (new – SG, 60/23, in force from 14.07.2023, amend. - SG 84/23) when the person under Art. 4 is part of a group, policies and procedures for:

a) exchange of information within the group for the purposes of fulfilling the duties of due diligence and managing the risks of money laundering and terrorist financing;

b) exchange of information within the group for the purposes of Art. 46, para. 4, Art. 57, Art. 66, para. 1, item 4, Art. 72, para. 6 and 7 and Art. 80, para. 3, as well as Art. 9, para. 13 - 15 of the Measures against the Financing of Terrorism Act;

c) provision of information by the branches and subsidiaries about customers, accounts and transactions and operations, including information about transactions and operations under Art. 35, item 6, for the purposes of the prevention of money laundering and the financing of terrorism;

d) provision of information to branches and subsidiaries about customers,

accounts and transactions and operations, including information about transactions and operations under Art. 35, item 6, for the purposes of the prevention of money laundering and the financing of terrorism, when the same is relevant and suitable for managing the risks of money laundering and financing of terrorism;

e) protection of the information exchanged within the group, including in order to avoid the disclosure of information to the relevant client or to third parties for the disclosure of information under Art. 68, 72, 74 and 76;

19. (new - SG 84/23) when the persons under Art. 4, items 2 and 7 provide services through representatives, respectively when the insurers under item 5 provide insurance services through agents, policies and procedures for including their representatives or agents in the scope of the rules, as well as a procedure for monitoring compliance with the obligations under para . 8;

20. (former item 18 - SG, 60/23, in force from 14.07.2023, prev. para 19 - SG 84/23) other rules, procedures and requirements according to the peculiarities of the activity of the person under Art. 4.

(3) (Amend. - SG 21/21) The conditions and procedure for adoption of the internal rules under Para. 1 shall be defined by the Rules on the implementation of the act.

(4) (amend. - SG 42/19, in force from 28.05.2019) The supreme lawyers' council, the Notary chamber of the Republic of Bulgaria, the Chamber of the private judicial agents and the Institute of the diploma expert-accountants shall adopt single internal rules for control and prevention of money laundering and financing of terrorism, which shall be applied by the members of these organizations after their adoption. The Supreme Bar Council adopts unitary internal rules for the control and prevention of money laundering and terrorist financing which the members of the Bar Associations shall apply.

(5) (Amend. - SG 21/21) The Financial Intelligence Directorate of National Security State Agency shall draw up exemplary internal rules in relation to the activity of the persons under Art. 4, p. 13, 20, 28 and 29, which shall be published on its website.

(6) (Amend. - SG 21/21) The persons under Art. 4, p. 13, 20 and 29 shall adopt internal rules under Art. 102, which comply to the exemplary rules of Para. 5, where they supplement them according to the risk level, defined under Chapter Seven, including in relation to the criteria for suspicious operations, transactions and clients, or adopt their own internal rules under Para. 1. The persons under Art. 4, p. 28, who do not fall at the same time in other category persons under Art. 4, in the cases of Art. 98, Para. 4 and 5 shall adopt internal rules under Art. 102, which comply with the exemplary rules of Para. 5, and they shall supplement them by the assessment under Art. 98, Para. 4.

(7) (revoked - SG 42/19, in force from 28.05.2019)

(8) (Amend. - SG 42/19, in force from 28.05.2019, amend. - SG 21/21, suppl. - SG 84/23) The representatives of suppliers of payment services under Art. 4, p. 2 shall be obliged to observe and apply the adopted under Art. 102 internal rules of the supplier of payment services under Art. 4, p. 2. The insurance agents shall fulfill their obligations of

persons under Art. 4, p. 5 where they shall observe and apply the adopted under Art. 102 internal rules of the insurer, for whom they carry out insurance mediation. The representatives of the licensed postal operators under Art. 4, item 7 are obliged to observe and apply the adopted pursuant to Art. 102 internal rules of the licensed postal operator on whose behalf they carry out their activities.

(9) (Amend. - SG 42/19, in force from 28.05.2019, amend. - SG 21/21) The suppliers of payment services and the insurers from another Member State, who carry out an activity on the territory of the Republic of Bulgaria under the conditions and the right to establishment shall apply policies and procedures for control and prevention money laundering and financing terrorism, which contain at least the requirements, indicated in Para. 2 or cover these requirements through other means for which they shall notify Financial Intelligence Directorate of National Security State Agency.

(10) (Amend. - SG 42/19, in force from 28.05.2019, amend. - SG 21/21) In the cases under Para. 9, the representatives of the suppliers of payment services under Para. 9, as well as of insurers under Para. 9 shall be obliged to observe and apply the policies and procedures for control and prevention of money laundering and financing terrorism of the supplier of payment services, whom they represent, or of the insure, for whom they perform insurance intermediation.

(11) (amend. and suppl. - SG 42/19, in force from 28.05.2019) The persons under Art. 4 shall be obliged to provide introducing and follow-up training of their employees for their knowledge about the requirements of this act, the Measures against Financing of Terrorism Act and the instruments of their implementation, as well as with the internal rules under this Art., including conducting current training programmed, directed to getting to nonsuspicious operations, transactions, sources and clients and to undertaking the needed actions in case of occurred cases of suspicion of money laundering or financing of terrorism.

(12) Where the persons under Art. 4, p. 28, who do not fall at the same time in another category persons under Art. 4, have not adopted internal rules in the cases of Art. 98, Para. 4 and 5, the director of the Financial Intelligence Directorate of National Security State Agency shall give obligatory instructions for undertaking additional actions.

Art. 102. (1) The persons under Art. 4 shall adopt the rules under Art. 101 within 4-month term from their registration. The persons under Art. 4, p. 28, who do not fall at the same time also in another category persons under Art. 4, shall adopt the rules under Art. 101 by 31 July of the year, following the year for which their annual turnover exceeds the sum under Art. 98, para. 4 or within 1-month term from the assessment under Art. 98, Para. 5.

(2) Where a certain activity is subject to licensing, permit or registration, the persons under Art. 4 shall adopt the rules under Art. 101 within 4-month term form issuance of the license or permit or form entry in the relevant register.

(3) The rules under Art. 101 shall be adopted by a written act of the person under

Art. 4. In the cases of persons under Art. 4, who are legal persons or other legal formations, the rules shall be adopted by a written act of the persons, who manage them and/or represent them.

Art. 103. (1) (revoked - SG 42/19, in force from 28.05.2019)

(2) (revoked - SG 42/19, in force from 28.05.2019)

(3) (revoked - SG 42/19, in force from 28.05.2019)

(4) (revoked - SG 42/19, in force from 28.05.2019)

(5) (amend. - SG 42/19, in force from 28.05.2019) The internal rules under Art. 101, Para. 1, sentence one shall be obligatory for application by the persons under Art. 4 after their adoption.

(6) (amend. - SG 42/19, in force from 28.05.2019) The internal rules under Art. 101, Para. 4 shall be obligatory for application by the members of the Notary Chamber of the Republic of Bulgaria, the Chamber of Private Enforcement Agents and the Institute of Certified Public Accountants after their adoption by these organizations. The internal rules under Art. 101, Para. 4 shall be obligatory for application by the members of Bar Associations after their adoption by the Supreme Bar Council.

(7) (revoked - SG 42/19, in force from 28.05.2019)

(8) (amend. - SG 42/19, in force from 28.05.2019, amend. - SG 84/23) When exercising control activity under Art. 108 was found that the internal rules under Art. 101 do not comply with this Act or an instrument on its implementation, have not been adopted by a competent body of the person under Art. 4 or the measures provided for therein are not sufficient to achieve the objectives of this Act the Director of the Financial Intelligence Directorate of the State Agency for National Security shall give the person under Art. 4 or the organizations under para. 6 mandatory instructions to remove the inconsistencies found. The instructions are executed within one month of receipt for which the Directorate is notified. The "Financial Intelligence" Directorate of the State Agency for National Security is notified within three days of the execution of the instructions.

(9) (amend. - SG 42/19, in force from 28.05.2019, repealed - SG 84/23)

Art. 104. (1) (Amend. - SG 84/23) The persons under Art. 4, who are a part of a group, shall apply policies and procedures for control and prevention money laundering and financing terrorism, which shall cover the whole group, where these policies and procedures contain at least the requirements, indicated in Art. 101, Para. 2.

(2) (amend. - SG 42/19, in force from 28.05.2019) Within 30-day term from occurrence of the circumstances under Para. 1, the persons under Art. 4 shall notify the director of Financial Intelligence Directorate of National Security State Agency.

(3) (amend. - SG 42/19, in force from 28.05.2019) In case that the indicated in Para. 1 policies and procedures for control and prevention money laundering and financing terrorism do not meet the requirements of Art. 101, Para. 2, the director of Financial Intelligence Directorate of National Security State Agency, or a person, authorized by him

shall give obligatory instructions in relation to their contents and implementation.

(4) (amend. - SG 42/19, in force from 28.05.2019) Within 30-day term from occurrence of the circumstances under Para. 1, the persons under Art. 4 shall notify the relevant supervision body.

Art. 105. (Repealed – SG, 60/23, in force from 14.07.2023)

Section II.

Specialized services

Art. 106. (1) The persons under Art. 4, p. 1, 3, 5 and 8 - 11 with the exception of the insurance firms shall create specialized services, which prepare, offer for confirmation and fulfill training programmed of the employees on the implementation of this act, the instruments on its implementation and the internal rules under Art. 101. As well as organize, manage and control the activities on:

1. collection, processing, storage and disclosure of information about the concrete operations or transactions;
2. collecting of evidences about the ownership of the property, subject to transfer;
3. requirement of information about the origin of the money funds or valuables – subject to the operations or transactions, as well as about the source of the property status in the cases, provided by this act;
4. collecting information about the clients and maintaining exact and detailed documentation about their operations with money funds or valuables, including the information and documents under Art. 6 of the Currency Act;
5. (suppl. - SG 84/23) presentation of the collected information under p. 1- 4 to Financial Intelligence Directorate of National Security State Agency under the conditions and procedure of Art. 72 from this Act or Art. 9 of the Measures against Financing of Terrorism Act.

(2) The specialized services under Para. 1 shall be directed by an employee of the persons under Art. 4, p. 1, 3, 5 and 8 - 11, occupying high governing position. The head of the specialized service shall be responsible for realization of the internal control on the implementation of the obligations under this act and the Rules on its implementation, apart from the cases, in which these functions are fulfilled by the persons, who manage and represent the persons under Art. 4, p. 1, 3, 5 и 8 - 11, or have been assigned to another official, occupying high governing position. Assigning the functions to another official shall be performed under Art. 107, Para. 3 – 5.

(3) The specialized services under Para. 1 shall be established by a written act of the persons, who manage and represent the persons under Art. 4, p. 1, 3, 5 and 8 - 11.

(4) The specialized services under Para. 1 shall be established within 4-month

term from issuance of the license or permit for performing the relevant activity or form their entry in the relevant register.

(5) The persons under Art. 4, p. 1, 3, 5 and 8 - 11 shall be obliged within 7-day term from determine or changing the employee under Para. 2, to notify Financial Intelligence Directorate of National Security State Agency about the name of the employee, as well as to produce information for contact with him.

Art. 106a. (New - SG 84/23) The persons under Art. 4, items 3, 5 and 8 - 11, with the exception of banks - investment intermediaries within the meaning of Art. 8, para. 1 of the Markets in Financial Instruments Act, when applying the policies and procedures, related to the management of regulatory compliance, and the role and responsibilities of the officer responsible for regulatory compliance in relation to the prevention of money laundering and the financing of terrorism, comply with the guidelines under Art. 8 and Chapter VI of Directive (EU) 2015/849.

Art. 107. (1) (Amend. - SG 21/21, amend. - SG 25/22, in force from 08.07.2022, amend. - SG 84/23) The persons under Art. 4, p. 2, 4, 6, 7, 12 - 18, 20, 21, 26, 29, 32 and 35 - 40 shall establish specialized services under the conditions and procedure of Art. 106 or fulfill personally the internal control on the implementation of their obligations under this act and the Rules on its implementation.

(2) (Amend. - SG 21/21, amend. - SG 25/22, in force from 08.07.2022, amend. - SG 84/23) In case that no specialized service has been established, the internal control on the implementation of the obligations under this act and the Rules on its implementation shall be performed personally by the persons under Art. 4, p. 2, 4, 6, 7, 12 - 18, 20, 21, 26, 29, 32 and 35 - 40, correspondingly by the persons, who manage them and represent them

(3) (Amend. - SG 21/21, amend. - SG 25/22, in force from 08.07.2022, amend. - SG 84/23) In the cases under Para. 2, the persons under Art. 4, p. 2, 4, 6, 7, 12 - 18, 20, 21, 26, 29, 32 and 35 - 40, respectively the persons, who manage and represent them may determine by a written act an official, occupying high managing position, who should perform the internal control on the implementation of the obligations under this act and the Rules on its implementation.

(4) (Amend. and suppl. - SG 21/21) Financial Intelligence Directorate of National Security State Agency shall be notified about the officials under Para. 3 pursuant to Art. 106, Para. 5, when such have been determined.

(5) The obligations of the officials under Para. 3 shall occur after the notification under Para. 4.

(6) Para. 1 – 5 shall apply by the persons under Art. 4, p. 28, who do not fall at the same time also in another category of persons under Art. 4, in the cases of Art. 98, Para. 4 and 5.

Chapter nine.

CONTROL OVER THE ACTIVITY OF THE OBLIGED SUBJECTS

Art. 108. (1) The control over the implementation of the act shall be exercised by the chairperson of the National Security State Agency.

(2) Control bodies shall be determined by the chairperson of the National Security State Agency officials of the staff of the Financial Intelligence Directorate of the Agency.

(3) The control bodies under Para. 2 shall carry out checks on site of the persons under Art. 4 on the implementation of the measures for prevention of using the financial system for the purposes of money laundering, as well as in suspicion for money laundering.

(4) (amend. - SG 42/19, in force from 28.05.2019) The checks under Para. 3 may be carried out jointly with the supervision bodies. The procedure of the checkups shall be determined by joint instructions of the chairperson of the National Security State Agency and the heads of the supervision bodies.

(5) The checks under Para. 3 shall be performed on the basis of a written order of the chairperson of the National Security State Agency, of an official, authorized by him, which shall indicate the purposes, term and place of the checkup, the checked person, as well as the names and positions of the control bodies under Para. 2 who have been assigned to carry out the checkup.

(6) (new - SG 42/19, in force from 28.05.2019, amend. – SG, 94/19, suppl. - SG 84/23) Control over compliance with the requirements of Art. 7 - 9, Art. 72, Chapter Two, Chapter Three, Section I, Chapter Seven, Section II and Chapter Eight shall be exercised through the application of a risk-based approach, pursuant to Art. 114, Para. 1 and respectively by:

1. the Bulgarian National Bank – in relation:

a) (suppl. – SG, 60/23, in force from 14.07.2023) the persons, licensed by it under Art. 4, item 1, proposal second, including branches of third-country credit institutions, as well as with respect to branches of credit institutions, established in the Republic of Bulgaria, licensed in other Member States, in the cases, specified in the Credit Institutions Act, including in relation to their activity under Art. 6 of the Financial Instruments Markets Act;

b) (amend. - SG 21/21) the persons, licensed by it under Art. 4, item 2, including in respect of their activity through representatives in the territory of the Republic of Bulgaria, as well as in respect of the activities carried out through branches or representatives of payment institutions and electronic money companies, established in the territory of the Republic of Bulgaria, licensed in other Member States;

2. (amend. - SG 21/21, suppl. – SG, 60/23, in force from 14.07.2023) the Financial Supervision Commission and its bodies - in respect of the persons, under Art. 4, items 5 and 8 -11, with the exception of banks - investment intermediaries within the

meaning of Art. 8, Para. 1 of the Financial Instruments Markets Act;

3. (amend. – SG 69/20) The National Revenue Agency - in respect of the persons under Art. 4, item 21;

4. (new - SG 84/23) the Communications Regulation Commission of - in relation to the persons under Art. 4, item 7.

(Amend. – SG 69/20, suppl. - SG 84/23) In exercising control, the Bulgarian National Bank, the Financial Supervision Commission, Communications Regulation Commission and the National Revenue Agency shall carry out remote supervision and on-the-spot checks.

(7) (prev. para. 6, suppl. - SG 42/19, in force from 28.05.2019) Checks on the implementation of the requirements of this act and the supervised persons shall be carried out by the supervision bodies, other than those under para. 6. In case of found violation, the supervision bodies under the sentence one shall immediately notify the Financial Intelligence Directorate of National Security State Agency, by sending an excerpt of the confirmation act in the relevant part and information about the undertaken measures.

(8) (New - SG 42/19, in force from 28.05.2019, suppl. - SG 25/22, in force from 08.07.2022, amend. – SG, 60/23, in force from 14.07.2023, amend. - SG 84/23) The control bodies under Para. 2 shall also carry out checks on documents of the persons under Art. 4 for the implementation of Art. 9d, Para. 4, Art. 98 and Art. 101-104. The checks shall be carried out under the procedure of Para. 5.

Art. 108a. (New – SG, 94/19) (1) The Directorate "Financial Intelligence" of the National Security State Agency shall provide the European Commission with a list of the supervisory authorities, which shall also contain contact information.

(2) The supervisory authorities under Para. 1 shall provide to the Financial Intelligence Directorate of the National Security State Agency the necessary information for its inclusion in the list under Para. 1.

(3) The supervisory authorities under Para. 1 shall inform the Financial Intelligence Directorate of the National Security State Agency in due time about any changes in the data and information in the list under Para. 1. In such cases, the Directorate shall inform the European Commission in due time of any changes, that have occurred, providing an updated list.

(4) The supervisory authorities under Para. 1 shall, as part of their powers, serve as a point of contact with the relevant competent authorities of other Member States.

(5) (Amend. - SG 21/21) The Bulgarian National Bank and the Financial Supervision Commission shall serve as the point of contact with the European Bank Authority.

Art. 109. (1) (amend. - SG 42/19, in force from 28.05.2019, amend. - SG 21/21) While exercising the control and checkups Art. 108, Para. 3, 4 and 6, the control bodies under Art. 108 shall have the right:

1. to a free access to the premises of the checked person;
2. to require and collect documents, references, excerpts and other information in relation to the implementation of their assigned task;
3. to require and collect copies of documents, certified by the checked person or by a person, authorized by him;
4. to require written and oral explanations about the circumstances, related to the subject of the checkup;
5. to define the term for provision of the documents, references, excerpts, information and explanations under p. 2- 4.

(2) For the purposes of the checkups under Art. 108, Para. 3 experts may be used, as well as information, documents and other data and information to be requested from third persons, needed for the checkups.

Art. 110. (1) The checked person shall be obliged to give assistance to the control bodies, by:

1. receiving against a signature the order for the checkup;
2. provide a place for the performance of the checkup and shall appeal upon request in the official premises of the National Security State Agency;
3. determine own contact person and give assistance to the control bodies;
4. provide access to the official premises;
5. produce in the term, defined by the control bodies, all the documents, references, excerpts and other information, needed for establishment of facts and circumstances, related to the scope and subject of the checkup;
6. upon request shall produce in the term, defined by the control bodies, certified copies of documents, where the certification shall be made by placement of writing: "true to the original", date and signature by a legal or authorized representative of the checked person, as well as a stamp of the person under Art. 4;
7. upon request shall give in the term, defined by the control bodies written and oral explanations about circumstances, related to the subject of the checkup.

(2) (new - SG 42/19, in force from 28.05.2019, amend. – SG 69/20, suppl. - SG 84/23) The persons under Art. 4, which are under the supervision of the Bulgarian National Bank, the Financial Supervision Commission, the Communications Regulation Commission and the National Revenue Agency shall be obliged to provide the assistance under para. 1 in carrying out the inspections under Art. 108, para. 6.

(3) (prev. para. 2, suppl. - SG 42/19, in force from 28.05.2019, amend. - SG 21/21, repealed - SG 84/23)

(4) (new - SG 42/19, in force from 28.05.2019) When carrying out the checks on documents under Art. 108, para. 8 the control bodies under Art. 108, para. 2 have the right to:

1. (amend. – SG, 60/23, in force from 14.07.2023, amend. - SG 84/23) require and collect documents, references and other information, regarding the fulfillment of the

requirements of Art. 9a, Art. 9b, Art. 9c, Art. 98 and Art. 101-104;

2. require and collect copies of documents certified by the inspected person or by a person authorized by him / her;

3. require written explanations of circumstances related to the subject matter of the check;

4. set the deadline for submission of the documents, references, statements and explanations under items 1 to 3.

(5) (New - SG 84/23) All documents, information, references, extracts and written explanations required for the purposes of inspections under Art. 108, are provided by the person being checked in Bulgarian. The documents, which are in a foreign language, are submitted together with a translation into Bulgarian. At the request of the control authorities, the translation of the submitted documents must be carried out by a sworn translator.

Art. 111. (1) (Suppl. - SG 21/21, amend. – SG, 60/23, in force from 14.07.2023) Provision of documents, information, references, excerpts, written and oral explanations for the checks under Art. 108, Para. 3, 4, 6 and 8 shall not be refused or limited upon consideration for official, bank, trade or professional secret or that it is tax and security information or protected personal information.

(2) Under the conditions of Para. 1, no responsibility shall be born for violation of other acts or a contract.

Art. 111a. (New, SG, 94/19) In exercising control under Art. 108, Para. 6, in respect of persons, belonging to a group, the Bulgarian National Bank and the Financial Supervision Commission shall cooperate with the competent supervisory authorities in the Member States, in which the undertakings have been incorporated - part of the group, respectively, in which the parent undertaking of obligations subject.

Art. 111b. (1) (New - SG 25/22, in force from 08.07.2022, prev. text of Art. 111b - SG 84/23) The bodies that exercise control over the observance of the requirements of this Act, the Measures against Financing of Terrorism Act and the acts on their implementation by the persons under Art. 4, items 1 - 6 and 8 - 11, as well as the chairman of the State Agency "National Security" or a person authorized by him may conclude written agreements with the competent supervisory authorities of the Member States for the purposes of cooperation and exchange of information for the purposes of Directive (EU) 2015/849.

(2) (New - SG 84/23) Written agreements under para. 1 can also be concluded with the competent supervisory authorities of third countries under Art. 27.

Art. 111c. (New - SG 84/23) (1) The Directorate "Financial Intelligence" of the State Agency for National Security and the supervisory authorities, on their own initiative

and upon request, exchange information in connection with the control activity carried out by them in the implementation of this Act, the Measures Against Financing of Terrorism Act and the acts on their implementation with relevant international bodies, bodies of the European Union and bodies of other countries based on an agreement.

(2) The Directorate "Financial Intelligence" of the State Agency for National Security may, at the request of their respective supervisory authorities from another country, when supervising a group, provide assistance on the territory of the Republic of Bulgaria or provide information for the purposes of countering money laundering or terrorist financing.

(3) The Directorate "Financial Intelligence" of the State Agency for National Security may, when supervising a group, to ask their relevant authorities of another country for assistance in the territory of the relevant country or the provision of information for the purposes of combating money laundering or terrorist financing.

(4) The received according to para. 1, 2 and 3 information may be used only for the purpose for which it was requested or provided. The disclosure of this information to another authority, institution or office or the use of this information for purposes beyond those originally approved is done after the prior consent of the providing party.

Art. 112. The state and local bodies and their employees shall be obliged to give assistance to the control bodies of Financial Intelligence Directorate of National Security State Agency while implementing their functions.

Art. 113. For every checkup on site under Art. 108, Para. 3, a protocol shall be drawn up in 2 copies, which shall be signed by the control bodies under Art. 108, Para. 2, who have performed the checkup and shall be handed against a signature to the checked person.

Art. 114. (1) The control activity on the application of the measures for prevention of the sue of the financial system for the purposes of money laundering shall be carried out by application of an approach, based on the risk, which consists of:

1. (suppl. - SG 84/23) identification of the referable risk factors by collecting the needed information, including in relation to risk clients, products and services 4 and the groups of which those persons are a part, where applicable, including the types and numbers of persons and the degree of autonomy they have in applying the risk-based approach;

2. using the collected information for assessment and understanding of the risk form money laundering and financing terrorism, to which the person under Art. 4 are exposed, as well as the measures, which are undertaken by them for decreasing and limiting this risk;

3. (amend. - SG 84/23) use of the collected information under item 1 and the results of the assessments under item 2 for undertaking measures for realizing control activity, proportional to established risks and distribution of the resources in compliance

with the risk assessment, including decision taking about the scope, depth, continuity and frequency of the checkups on site, as well as about the need of human resources and expert knowledge for realization of the control activity;

4. (suppl. - SG 84/23) current observation and periodic review of the risk assessment and of the distribution of the resources for realization of the control activity, including in occurrence of circumstances of substantial significance or changes in the management of the activity of the persons under Art. 4, in order to be guaranteed, that the risk assessment as well as its updating in accordance with the established risk level and distribution of the resources are updated, applicable and referable.

(2) (Amend. - SG 42/19, in force from 28.05.2019, amend. - SG 69/20, suppl. - SG 84/23) For the purposes of Para. 1, the Financial Intelligence Directorate of National Security State Agency, as well as the Bulgarian National Bank, the Financial Supervision Commission, Communications Regulation Commission and the National Revenue Agency with respect to the persons under Art. 4, whose activities they supervise shall collect documents and information from the persons under Art. 4. The documents and information shall be produced by the persons under Art. 4 in the term and form, determined by the Directorate or the body under sentence one.

Art. 115. (1) (amend. - SG 42/19, in force from 28.05.2019, amend. - SG 69/20, amend. - SG 21/21, suppl. - SG 84/23) The Financial Intelligence Directorate of National Security State Agency, the Bulgarian National Bank, the Financial Supervision Commission, Communications Regulation Commission and the National Revenue Agency shall define the risk for the purposes of the checkups under Art. 108, Para. 3, 4 or 6 while applying the approach under Art. 114, Para. 1.

(2) (amend. - SG 42/19, in force from 28.05.2019) For the purposes of Art. 108, Para. 6, the determination of the risk in application of the approach under Art. 114, Para. 1 shall be performed by the supervision bodies, other than those under art. 108, para. 6.

(3) While applying the approach under Art. 114, Para. 1, the results from the national risk assessment shall be considered under Art. 95, Para. 1, as well as the results from the above-national risk assessment and recommendation of the European Commission under Art. 95, Para. 2.

(4) (suppl. - SG 42/19, in force from 28.05.2019, amend. – SG, 94/19) For the purposes of Art. 114, Para. 1, Financial Intelligence Directorate of National Security State Agency and the supervision bodies shall exchange statistical and other data and information about the concrete persons, who fall under the supervision of the relevant body under conditions and procedure, defined by a joint instruction, which would allow effective realization of the powers under Para. 1 and 2. The information may also include information about submitted by employees, or persons in similar situation, engaged in the activity of the persons under Art. 4 on other ground, reports under Para. 9 on potential or really committed violations of this Act, the Measures against Financing of Terrorism Act and the instruments of their implementation.

(5) For the purposes of Art. 114, Para. 1 in relation to the persons under Art. 4, p. 1 - 3, 5 and 8 - 11 the exchange of information shall be considered with the directions for realization of supervision, based on the risk, adopted under Art. 48, Para. 10 of Directive (EU) 2015/849.

(6) (suppl. - SG 42/19, in force from 28.05.2019, suppl. – SG, 94/19, amend. - SG 84/23, in force from 06.10.2023) While determining the risks, the Financial Intelligence Directorate of National Security State Agency may use information from a competent supervision body, the security and public order services, the Prosecution of the Republic of Bulgaria the Commission for counteracting corruption, the Customs Agency, the European supervision bodies, the European Commission, a competent body from another state and reliable public source of information, submitted by employees or representatives of the persons under Art. 4, or by persons in similar situation, engaged in the activity of the persons under Art. 4 on another ground, reports of violations of this Act, the Measures against Financing of Terrorism Act and the instruments on their implementation and reliable public sources of information.

(7) The exchange of data and information under Para. 4, as well as provision of information under Art. 114, Para. 2 shall not be refused or limited upon considerations for official, bank, trade or professional secret.

(8) The received information may be used only for the purposes of Art. 114 and shall not be provided to third persons.

(9) (new – SG, 94/19) Financial Intelligence Directorate of the National Security State Agency and the supervision bodies under Art. 108, Para. 6 shall adopt and implement appropriate and effective procedures for receiving reports of potential or actual violations of this Act, The Act on Measures Against Financing Terrorism and the instruments on their implementation, submitted by employees or persons in a similar position, engaged in the activities of the persons under Art. 4 on another ground, and for undertaking follow up actions on them, which shall include at least the following:

1. a special procedure for receiving alerts and undertaking follow up actions on them;

2. protection of the personal data of the person, who reports the violation and of the person, who is reported to have committed the violation;

3. that the alerts have been taken into account and, where appropriate, sent to other competent authorities;

4. confidentiality of the information submitted, except when its disclosure is required by the law in cases of administrative or criminal proceedings.

(10) (New – SG, 42/19, in force from 2.05.2019, former Para. 9, suppl. – SG, 94/19) Reporting by an employee or representative of a person under Art. 4, or by a person in a similar position, engaged in the activity of the person under Art. 4, on other grounds, for violations of this Act, the Act on Measures against the Financing of Terrorism, and the instruments for their implementation, shall not be grounds for termination of his

employment or professional relationship or application of other disciplinary measures or sanctions against him.

Chapter ten.

ADMINISTRATIVE – PENAL PROVISIONS

Art. 116. (1) (suppl. - SG 42/19, in force from 28.05.2019, amend. – SG, 60/23, in force from 14.07.2023) Anyone, who commits, or admits committing a violation of Art. 7, Art. 9 – 9c, Art. 11, Para. 1 - 3, Art. 12 - 22, 24 - 31, 33 - 60, 65 - 69, Art. 72, Para. 1 - 3 and 5 - 7, Art. 73, Para. 1, Art. 74, Para. 1 - 5 and 11, Art. 76, Para. 1, Art. 80, 87, Para. 4, Art. 101, Para. 11, Art. 106, Para. 2, 4 and 5, Art. 107, Para. 4, Art. 110, Para. 1 and 2 and Art. 111, Para. 1, if the deed is not a crime, shall be punished by:

1. a fine from BGN 1000 to 10 000, where the violator is a natural person;
2. a property sanction from BGN 2000 to 20 000, where the violator is a legal person or sole trader;
3. a property sanction from BGN 5000 to 50 000, where the violator is a person under Art. 4, p. 1 - 6 and 8 - 11.

(2) In repeated violation under Para. 1, the punishment shall be:

1. under Para. 1, p. 1 – the fine shall be from BGN 2000 to 20 000;
2. under Para. 1, p. 2 – a property sanction from BGN 5000 to 50 000;
3. under Para. 1, p. 3 – a property sanction from BGN 10 000 to 200 000.

(3) (amend. - SG 42/19, in force from 28.05.2019) For severe or systematic violations under Para. 1, if the deed is not a crime, the punishment shall be:

1. under Para. 1, p. 1 – a fine of BGN 5000 to 2 000 000;
2. under Para. 1, p. 2 – a property sanction from BGN 10 000 to 2 000 000 or to the double amount of the profit from the violation, if it may be established;
3. under Para. 1, p. 3 – a property sanction from BGN 20 000 to 10 000 000, or up to 10% of the annual turnover, including the gross revenues, according to the consolidated statement of the end parent undertaking for the previous year, consisting of receivables on interests and other similar revenues, from assets and other securities with variable or fixed revenue and receivable from commission and/or fees.

Art. 116a. (New - SG 84/23) (1) Whoever performs any of the activities under Art. 4, item 16, without being entered in the register under Art. 9b, any of the activities under Art. 4, item 38 or 39, without being entered in the register under Art. 9a, or the activity under Art. 4, item 40, without being entered in the register under Art. 9c if the act does not constitute a crime, it is punishable by:

1. a fine of BGN 2 000 to BGN 10 000, when the offender is a natural person;
2. a pecuniary sanction of BGN 5 000 to BGN 50 000, when the offender is a legal entity or sole trader.

(2) In case of repeated violation, the penalty is:

1. under para. 1, item 1 - fine from BGN 4 000 to BGN 20 000;
2. under para. 1, item 2 - property sanction from BGN 10 000 to BGN 100 000.

(3) For serious or systemic violations under para. 1, if the act does not constitute a crime, the punishment is:

1. under para. 1, item 1 - fine from BGN 5,000 to BGN 50,000;
2. under para. 1, item 2 - property sanction from BGN 50,000 to BGN 500,000.

(4) Whoever, within the term under this Act, does not declare the occurrence of changes in the circumstances subject to entry in a register from Art. 9a, 9b or 9c, shall be punished with the penalty under para. 1.

(5) The fines under para. 1, item 1, para. 2, item 1, para. 3, item 1 and para. 4 are also imposed on a person who manages and represents an entity under Art. 4, as well as to a person who is responsible for the implementation or performs internal control over the fulfillment of the obligations of a person under Art. 4, of this Act and the Rules on its implementation, when these persons have committed or have allowed, or have participated in the commission of an offense under this Article.

Art. 117. (1) The fines of Art. 116, Para. 1, p. 1 and Para. 2, p. 1 shall be imposed also to a person, who manages and represents a person under Art. 4, as well as to a person, who is responsible for the realization or performs internal control on the implementation of the obligations of a person under Art. 4 on this act and the Rules on its implementation, where these persons have committed or admitted to be committed or have participated in committing a violation under Art. 116, Para. 1.

(2) (amend. - SG 42/19, in force from 28.05.2019) For severe or systematic violations under Art. 116, Para. 1, if the deed is not a crime, the punishment shall be:

1. (amend. – SG, 94/19) a fine of BGN 5000 to 2 000 000 – where the violator is a person, who manages and represents a person under Art. 4, p. 7 and 12 -39, as well as a person, who is responsible for realization or performs internal control on the implementation of the obligations of a person under Art. 4, p. 7 and 12 - 39 under this Act and the Rules on its implementation, where these persons have committed or admitted to be committed or have participated in committing a violation under Art. 116, Para. 1;

2. a fine of BGN 10 000 to 10 000 000, where the violator is a person, who manages and represents a person under Art. 4, p. 1- 6 and 8 - 11, as well as a person, who is responsible for realization or performs internal control on the implementation of the obligations of a person under Art. 4, p. 1 – 6 and 8 -11 under this act and the Rules on its implementation, where these persons have committed or admitted to be committed or have participated in committing a violation under Art. 116, Para. 1;

Art. 118. (1) (Suppl. - SG 84/23) Anyone who commits or admits to be committed a violation of this act apart from the cases under Art. 116, Para. 1 or under Art. 116a, para. 1 and 4 and apart from the cases under Art. 11, Para. 4 - 6 and under Art. 101, Para. 1, sentence two or of the Rules on its implementation, if the deed is not a crime, shall

be punished by:

1. a fine of BGN 500 to 5000 where the violator is a natural person;
2. a property sanction from BGN 1000 to 10 000, where the violator is a legal person or a sole trader;
3. a property sanction from BGN 2000 to 20 000, where the violator is a person under Art. 4, p. 1 - 6 and 8 - 11.

(2) In a repeated violation under Para. 1 the punishment shall be:

1. under Para. 1, p. 1 – a fine of BGN 1000 to 10 000;
2. under Para. 1, p. 2 – a property sanction from BGN 2000 to 20 000;
3. under Para. 1, p. 3 – a property sanction from BGN 5000 to 50 000.

(3) For systematic violation under Para. 1, if the deed is not a crime, the punishment shall be:

1. under Para. 1, p. 1 – a fine of BGN 2000 to 20 000;
2. under Para. 1, p. 2 – a property sanction from BGN 5000 to 50 000;
3. under Para. 1, p. 3 – a property sanction from BGN 10 000 to 100 000.

(4) (New - SG 84/23, in force from 16.07.2024) Person under Art. 61, para. 1 or under Art. 62, para. 1, which did not fulfill its obligation to request entry of the data under Art. 63, para. 4 or Art. 63a, para. 4 within the time limit, shall be punished with a fine, if it is an individual, or with a property sanction, if it is a legal entity, in the amount of BGN 5 000.

(5) (Suppl. – SG, 60/23, in force from 16.07.2024, prev. para 4, amend. - SG 84/23, in force from 16.07.2024) Person under Art. 61, para. 1 or under Art. 62, para. 1, which, after being punished under para. 4, did not apply for entry until one month has passed from the imposition of the fine or property sanction, a new fine or property sanction is imposed under para. 4 every month until the entry is requested.

(6) (Prev. para 5 - SG 84/23, in force from 16.07.2024) A natural contact person under Art. 63, Para. 4, p. 3, who fails to fulfill his obligations under Art. 61, or 62, shall be punished by a fine of BGN 100 to 1000, and in a repeated violation – from BGN 200 to 2000.

Art. 119. (1) The fines under Art. 118, Para. 1, p. 1 and Para. 2, p. 1 shall be imposed also to a person, who manages and represents a person under Art. 4, as well as a person, who is responsible for realization or performs internal control on the implementation of the obligations of a person under Art. 4, under this act and the Rules on its implementation, where these persons have committed or admitted to be committed or have participated in committing a violation under Art. 118, Para. 1;

(2) For systematic violations under Art. 118, Para. 1, if the deed is not a crime, the punishment shall be:

1. (amend. – SG, 94/19) a fine of BGN 2000 to 20 000 – where the violator is a person, who manages and represents a person under Art. 4, p. 7 and 12 -39, as well as a person, who is responsible for realization or performs internal control on the

implementation of the obligations of a person under Art. 4, p. 7 and 12 - 39 under this act and the Rules on its implementation, where these persons have committed or admitted to be committed or have participated in committing a violation under Art. 118, Para. 1;

2. a fine of BGN 5000 to 50 000 where the violator is a person, who manages and represents a person under Art. 4, p. 1 – 6 and 8 - 11, as well as a person, who is responsible for realization or performs internal control on the implementation of the obligations of a person under Art. 4, p. 1 – 6 and 8 - 11 under this act and the Rules on its implementation, where these persons have committed or admitted to be committed or have participated in committing a violation under Art. 118, Para. 1;

Art. 120. (1) Anyone, who fails to fulfill obligatory instructions, issued under the conditions and procedure of this act and the Rules on its implementation, or fails to observe the term for their implementation, shall be punished by the punishments under Art. 118, Para. 1 and 2.

(2) Any person under Art. 4, p. 28, who does not fall at the same time also in another category of persons under Art. 4, who fails to fulfill obligatory instructions under Art. 11, Para. 7 or Art. 101, Para. 12, or fails to observe the term for their implementation, shall be punished by a property sanction from BGN 1000 to 10 000, and in a repeated violation – from BGN 2000 to 20 000.

(3) Any person, who manages and represents a person under Art. 4, p. 28, who does not fall at the same time in another category persons under Art. 4, shall be punished by a fine of BGN 100 to 1000, and in a repeated violation – from BGN 200 to 2000, where this person has committed or admitted committing the violation under Para. 2.

Art. 121. (1) Persons under Art. 4, registered in another Member State or in a third state, who carry out activity in the Republic of Bulgaria through a branch, participate in administrative, administrative – penal and judicial proceedings before Bulgarian administrative or judicial bodies through the authorized representative of the branch.

(2) The actions, committed by and to the authorized representative shall be considered as committed by and to the person under Art. 4.

(3) The documents, handed under the established procedure to the management address of the branch, shall be considered as handed to the person under Art. 4.

(4) In case of violations, committed by a registered in the Republic of Bulgarian branch of a person under Art. 4, who has been registered in another Member State or in a third state, the provided by this Chapter property sanctions for legal person shall be imposed to the person under Art. 4 and the fines and the compulsory administrative measures to natural persons shall be imposed by the authorized representative of the branch to a person under Art. 107, Para. 3, determined to carry out control on the implementation of the obligations under this act and the Rules on its implementation, as well as to a person under Art. 106, Para. 2, where these natural persons have committed, or admitted to be committed or participated in committing the violation.

Art. 122. (1) (amend. - SG 42/19, in force from 28.05.2019, amend. – SG, 94/19, amend. - SG 69/20, suppl. - SG 84/23) The National Security State Agency, the Bulgarian National Bank, the Financial Supervision Commission, Communications Regulation Commission and the National Revenue Agency shall publish timely on its official website information about the enforced acts for implementation of the provided by this Act compulsory administrative measures and penal decrees, by which punishments have been imposed for violations of this act and of the Rules on its implementation. The publications shall contain information about the violator, the type and nature of the violation and type and size of the imposed measure or punishment and its size. To publication shall be subject also information about judicial acts with which repealed the punitive decrees, entered into force, are also subject to publication after resumption of administrative penal proceedings under Art. 70 of the Administrative Violations and Penalties Act.

(2) (suppl. - SG 42/19, in force from 28.05.2019, amend. – SG, 94/19) When, after evaluating the circumstances of the particular case, the chairman of the National Security State Agency or the supervisory body under Para. 1, respectively, its head considers that the publication of personal data about the natural person or identification data about the legal person, to which a penalty or measure has been imposed is disproportionate to the purpose of this Act or the Act on Measures against the Financing of Terrorism, or may jeopardize the stability of financial markets or pending criminal proceedings, the authorities under Para. 1 shall take the following measures:

1. postpone the publication of information on the punishment or measure imposed until the grounds for its non-publication have dropped;

2. publish information on a sanction or measure imposed without personal data - on the natural person or on identification data - on the legal person, subject to the penalty or measure, if such anonymous publication guarantees effective protection of the relevant data; in this case, the publication of such information may be postponed for a reasonable period, if it is considered, that the grounds for anonymous publication will cease to act after the expiry of that period;

3. do not publish information on the penalty or measure imposed, if the measures under items 1 and 2 are considered insufficient to ensure, that the stability of financial markets is not jeopardized or to ensure the proportionality of publication in respect of measures, considered to be insignificant in nature.

(3) (suppl. - SG 42/19, in force from 28.05.2019, repealed, - SG, 94/19)

(4) (suppl. - SG 42/19, in force from 28.05.2019, repealed – SG, 94/19)

(5) (amend. - SG 42/19, in force from 28.05.2019, amend. – SG, 94/19) The consideration under Para. 2 shall be made on the basis of a written opinion, provided by the relevant supervision body over the activity of the sanctioned person. The opinion shall be provided to the chairperson of the National Security State Agency within 14-day term from being requested.

(6) (amend. - SG 42/19, in force from 28.05.2019) The published information

shall be accessible on the official website of the National Security State Agency or the relevant supervisory authority under para. 1 for the term not shorter than 5 years, subject to the requirements for the protection of personal data.

(7) (suppl. - SG 42/19, in force from 28.05.2019, suppl. – SG, 94/19, amend. - SG 21/21) The Financial Intelligence Directorate to National Security State Agency or the relevant supervisory authority under para. 1 shall inform the European bank authority about all imposed administrative punishments to persons under Art. 4, p. 1 – 11 about violations of this act and the Rules on its implementation, as well as for all imposed to these persons compulsory administrative measures under this Act, including about every appeal on them and the results from it.

Art. 123. (1) (Amend. - SG 42/19, in force from 28.05.2019, amend. and suppl. - SG 69/20, amend. - SG 21/21, amend. and suppl. - SG 84/23) The acts for establishment of violations shall be drawn up by the control bodies of the Financial Intelligence Directorate, by the National Revenue Agency, by the appointed officials of the Bulgarian National Bank, by the officials appointed by the bodies of the Financial Supervision Commission or by the employees authorized by the chairman of the Communications Regulation Commission. The penal decrees shall be issued by the chairperson of the National Security State Agency respectively by the supervisory body under sentence one, by its manager or by officials authorized by them, and in cases under the competence of the Communications Regulation Commission - by the chairman of the commission or by an official expressly authorized by him.

(2) (Amend. - SG 42/19, in force from 28.05.2019, amend. – SG, 94/19, amend. – SG, 60/23) The acts for establishment of the violations under Art. 63, Para. 1 – 8 and Art. 63a, Para. 4 shall be drawn up by officials, authorized by the executive director of the Registry Agency and the penal decrees shall be issued by the executive director of the Agency or officials, authorized by him.

(3) (New - SG 84/23) The acts for establishing the violations under Art. 116a are composed of officials authorized by the Minister of Justice - for the activities under Art. 4, item 16, by the executive director of the National Revenue Agency - for the activities under Art. 4, items 38 and 39 and by the Minister of Internal Affairs - for the activities under Art. 4, item 40. Penal decrees are issued by the Minister of Justice, respectively by the executive director of the National Revenue Agency or by the Minister of the Interior, or by officials authorized by them.

(4) (New - SG 42/19, in force from 28.05.2019, prev. para 3 - SG 84/23) In the initiation of administrative penal proceedings under the procedure of para. 1 the Directorate "Financial Intelligence" of the State Agency for National Security and the respective supervisory authority under para. 1 shall promptly exchange information on the administrative punitive proceedings instituted under para. 1, the established infringements and the sanctions imposed, as well as the supervisory measures imposed, if any.

(5) (New - SG 42/19, in force from 28.05.2019, prev. para 4 - SG 84/23) In

cross-border cases under para. 3 Directorate "Financial Intelligence" of the State Agency for National Security and the respective supervisory body under para. 1 shall cooperate and coordinate with the competent supervisory authorities of the Member State concerned.

(6) (Prev. para. 3 - SG 42/19, in force from 28.05.2019, prev. para 5 - SG 84/23) Establishment of violations, issue, appeal and fulfilling the penal decrees shall be carried out under the Administrative Violations and Penalties Act.

Art. 123a. (1) (New - SG 42/19, in force from 28.05.2019, prev. text of Art. 123a, amend. - SG 84/23) When determining the type and amount of fines and property sanctions, the administrative sanctioning body takes into account all relevant circumstances, including where applicable:

1. the severity and duration of the violation;
2. the degree of responsibility of the natural person or the legal entity;
3. the financial status of the natural person or the legal entity, determined according to the total annual financial turnover of the legal entity or the annual income of the natural person;
4. the amount of the profit realized or the loss avoided by the natural or legal person, as far as it can be determined;
5. the amount of losses suffered by third parties as a result of the breach, as far as can be determined;
6. (amend. - SG 21/21, amend. and suppl. - SG 84/23) the degree of assistance provided by the natural or legal entity to the control bodies of the Financial Intelligence Directorate of the State Agency for National Security and the National Revenue Agency, to the designated officials of the Bulgarian National Bank, to the officials designated by the authorities of the Financial Supervision Commission or to the employees authorized by the chairman of the Commission for the Regulation of Communications;
7. (amend. - SG 84/23) coercive administrative measures and penal decrees under this Act, the Measures against Financing of Terrorism Act and the acts on their implementation in the last 5 years, preceding the date of the violation, which came into force in relation to the natural or legal person.

(2) (New - SG 84/23) For violations of Art. 11, para. 1 - 3, Art. 12 - 15, Art. 17 - 18, Art. 24 - 29, Art. 33 - 36, Art. 37 - 40, Art. 44 - 47, Art. 52 - 53, Art. 59, Art. 65 - 69, Art. 72, para. 1 - 3 and 5 - 7, Art. 73, para. 1, Art. 74, para. 1 - 5 and 11, Art. 76, para. 1, Art. 80, Art. 87, para. 4, Art. 106, para. 2 and 4, Art. 110, para. 1 and 2 and Art. 111, para. 1 of this Act and violations of the Measures against Financing of Terrorism Act shall not apply Art. 28, para. 1 - 6 of the Administrative Violations and Penalties Act.

(3) (New - SG 84/23) The conditions and procedure for reporting the circumstances under para. 1 are determined by the rules for implementing the Act.

Art. 124. (1) Any person under Art. 117, Para. 1, who has been imposed by a fine with an enforced penal decree under Art, 117, Para. 2 shall not occupy high management

position in a person under Art. 4 for the term of 1 year.

(2) Any person under Art. 119, Para. 1, who has been imposed by a fine with an enforced penal decree under Art. 119, Para. 2, shall not occupy high management position in a person under Art. 4 for the term of 3 months.

Art. 125. (amend. - SG 42/19, in force from 28.05.2019) Under the conditions of Art. 116, Para. 2 and 3 upon proposal of the chairperson of the National Security State Agency, or upon own initiative, who, has issued the permit or license for performing an activity to a person under Art. 4, may withdraw the issued permit or license for the relevant activity or order deletion of the entry – in registration regime.

Art. 126. (amend. - SG 42/19, in force from 28.05.2019) Where a person under Art. 4 fails to fulfill his obligations under Art. 102 or Art. 104, Para. 2, as well as established violations under Art. 116, the director of Financial Intelligence Directorate to National Security State Agency may order to the person to terminate the violation and undertake concrete measures, needed for its removal, by defining a term for their undertaking.

Art. 127. The acts under Art. 125 and Art. 126 shall be appealed under the Administrative Procedure Code.

Art. 128. (New - SG 21/21, revoked - SG 25/22, in force from 08.07.2022)

Additional provisions

§ 1. In the meaning of this act:

1. "Bank phantom" is a credit institution or financial institution in the meaning of Art. 3, p. 2 of Directive (EU) 2015/849, or an institution, performing activities, equivalent to those of such institutions, established in a jurisdiction, in which it has not physical attendance, including a conception and management and is unbound with a regulated financial group (a financial group, which subject to effective consolidated supervision). Present local agent or executive staff does not meet the requirement for physical presence.

2. "Group" is a group of undertakings, consisted of a parent undertaking, of its subsidiaries and of legal formations, in which the parent undertaking or its subsidiaries have participation, as well as of undertakings, related to each other in the meaning of Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ, L 182/19 of 29 June 2013).

3. "Business relations" is economic, trade or professional relations, related to the

activity of occupation of the obliged institutions and persons under this act and at the moment of establishing contact is supposed that it has an element of continuity.

4. "Other official personal documents" are documents in the meaning of:

- a) Art. 1, Para. 5, p. 2 and 3 of the Bulgarian Personal Documents Act;
- b) Art. 40, Para. 1, p. 1 Asylum and Refugees Act.

5. "Another legal formation" is any non-personified company or any other legal form, notwithstanding of presence of legal subjectivity, which may enter in legal relations, possess or manage financial means and other financial assets or economic resources.

6. (suppl. - SG 21/21) "Member State" shall mean a state member of the EU or a state-Party to the Agreement on the European Economic Area.

7. "European supervisory authorities" are: The European Bank Authority, established by: Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC (OJ, L 331/12 of 15 December 2010); European Insurance and Occupational Pensions Authority, established by Regulation (EU) No 1094/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Insurance and Occupational Pensions Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/79/EC (OJ, L 331/48 of 15 December 2010) and European Securities and Markets Authority, established by Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC (OJ, L 331/84 of 15 December 2010).

8. (suppl. – SG, 94/19) "Electronic money" are electronic money in the meaning of Art. 34, Para. 1 of the Payment Services and Payment Systems Act with exception of the money value, indicated in Art. 34, Para. 5, p. 1 and 2 of the same Act..

9. "Client" is any natural or legal person, or other legal formation, which enters in relations or carried out random operation or transaction with a person under Art. 4.

10. "Correspondence relations" are:

a) provision of bank services by one bank (as correspondent) to another bank (respondent), including with the purpose of provision of current account or another account for liabilities and related to these services, like management of money, international transactions of funds, clearing of cheques, correspondence accounts and currency services;

b) relations between credit institutions, financial institutions in the meaning of Art. 3, p. 2 of Directive (EU) 2015/849 and between credit institutions and such financial institutions, where similar services are provided by an institution correspondent to and institution respondent, including relations in view to performing transactions with securities or transfer of funds.

11. (suppl. - SG 21/21, amend. - SG 84/23) "Supervision authorities" shall mean

the Financial Supervision Commission and its bodies, the BNB, Communications Regulation Commission, National Revenue Agency and the state bodies, empowered by an act or other normative instrument to exercise general supervision over the activity of a person under Art. 4.

12. "Official identity document" is a document in the meaning of:

- a) Art. 13 and 14, Para. 1 of the Bulgarian Personal Documents Act;
- b) § 1, p. 3 pf the Additional Provision of the Foreigners in the Republic of Bulgaria Act;
- c) (amend. - SG 34/19) Art. 21, Para. 1 of the Act on Entering, Residing and Leaving the Republic of Bulgaria by European Union Citizens and their Family Members;
- d) an identity document, issued by a foreign competent state body with unique identification number of the document, date of issue and validity, containing a photo, name and date and place of birth of the person and citizenship.

"Official identity documents" shall not be the documents for residence and a foreign certificate for driving motor vehicle.

13. "Repeated violation" is the violation, perpetrated in one-year term form the enforcement of the penal decree, by which a punishment for the same type of violation has been imposed.

14. "Related operations" are the operations and transactions, which meet the following conditions:

- a) a set of successive transfer of money or securities by one and the same natural person, legal person or another legal formation, which have been committed in relation to one obligation, where each transfer is under the legal threshold, but which jointly meet the criteria for application of the measures for complex checkup, or
- b) a set of transfers through various persons under Art. 4, which is related to the same obligation, or
- c) other connectivity, established in view to the specifics of the operations or transactions, based on application of the measures under this act.

15. "Systematic violation" is where 5 o4 more administrative violations have been committed under this act or the Rules on its implementation by the same type in the frames of a year.

16. "Public order services" are National Police General Directorate, Border Police General Directorate, Fire Safety and Protection of Population General Directorate, the regional directorates of the MI and Military Police Service under the Minister or Defence.

17. (amend. - SG 69/20) "Security services" Intelligence State Agency, the "Military Intelligence" service of the Ministry of Defence and Fight with Organized Crime General Directorate at the Ministry of Interior.

18. "Official at a high governing position" is an official person or employee, who hold sufficient knowledge about the risk exposition of the person under Art. 4, in relation

to money laundering and financing terrorism and sufficient high rank for decision taking, referring this risk exposition, where it is not needed in all cases this to be a body or member of a governing body or representation of the person under Art. 4.

19. "Random operation or transaction" is any operation or transaction, related to the activity of a person under Art. 4, which is carried out outside the frames of established business relations.

20. (amend. - SG 21/21) "Third state" shall mean a state which is not a Member State in the sense of item 6.

21. "Group for financial actions against money laundering (FATF)" is the group, established by a Decision of the state heads of the G-7 countries and the President of the European Commission during the meeting o G-7, taken place in Paris during 1989.

22. (new - SG 42/19, in force from 28.05.2019) "Property" means assets of every kind, movable or immovable, tangible or intangible as well as any other appraisable rights on movable or immovable, tangible or intangible objects, as well as documents or tools, including electronic or digital, certifying ownership of or participation in such assets.

23. (new – SG, 94/19) "Crime, from which the property was acquired" within the meaning of Art. 2, Para. 1 is any crime under Bulgarian law.

24. (new – SG, 94/19) "Virtual currencies" is a digital representation of a value, that is not issued or guaranteed by a central bank or a public body, is not necessarily related to a statutory currency and has no legal status. currency or money, but is accepted by natural or legal persons as a medium of exchange and can be transferred, stored and traded electronically.

25. (new – SG, 94/19) "Portfolio provider, offering guardian services" is a natural or legal person, or other legal entity, providing services for the protection of private cryptographic keys on behalf of its clients for owning, storing and transferring virtual currencies.

26. (new - SG 21/21) "Annual turnover" within the meaning of Art. 98, Para. 4 of a person under Art. 4, item 28 is the total turnover of the person, which includes the sum of the incomes, indicated in section I "Income from the activity" in the Statement of Income and Expenses from non-economic activity (appendix № 2 to National Accounting Standard 9), and total income from the operating activity specified in the Statement of Income and Expenses from economic activity (appendix № 2 to National Accounting Standard 1), if such has been prepared.

27. (New - SG 84/23) "Countries identified by the FATF as high risk" are those countries against which the FATF has called upon its members and other jurisdictions to take action, including the application of countermeasures and/or enhanced due diligence measures commensurate with the risks associated with the country.

28. (New - SG 84/23) "Origin of funds" is the source of funds used within an established business relationship or a particular operation or transaction.

29. (New - SG 84/23) "Source of wealth" means the sources of all

wealth/property status and assets of a person, not just funds involved in an established business relationship, or a particular operation or transaction. Sources include all economic, business or commercial activities that have generated or significantly contributed to the overall property status of the person.

30. (New - SG 84/23) A "Virtual Asset" is a digital representation of value that can be digitally transferred or traded, and can be used for payment or investment purposes, with the exception of financial instruments issued through decentralized ledger technology.

31. (New - SG 84/23) A "Virtual Asset Public Offering" is a way of raising capital by issuing virtual assets in exchange for recognized currencies without gold backing or other virtual assets.

§ 1a. (new - SG 42/19, in force from 28.05.2019, repealed - SG 7/21)

§ 2. (1) "Real owner" is a natural persons/s, who possess or control legal person or other legal formation and/or natural person/s on whose behalf, or for his expense a certain operation is performed or activity, and who meet at least one of the following conditions:

1. (amend. - SG 84/23) In relation or the legal entities or other legal formations, the real owner is the person, who directly or indirectly possesses 25% of the assets, shares or rights to vote in this legal entity or another legal formation, including through holding shares of a bearer, or through control through other funds, with the exception of the cases of a company, whose assets are traded on a regulated market, which is subordinated to the requirement for announcement in compliance with the EU law or with equivalent international standards, providing adequate level of transparency in relation to ownership.

Indication of indirect possession is present, where the assets or share participation in a legal person or other legal formation belongs to a legal person or another legal formation, which is under the control of one and the same natural person/s or many legal persons and/or legal formation, which are under the control of the same natural person/s.

2. In relation to the trust ownership, including trusts and other similar foreign legal formations, established and existing under the law of the jurisdictions, admitting such forms of trust ownership, the real owner is:

- a) the establisher;
- b) the trust owner;
- c) the keeper – if any;
- d) the beneficiary or the class of beneficiaries, or
- e) the person in whose major interest is created or is managed the trust ownership, where the natural person, who benefits from it is to be determined;
- f) any other natural person, who manages control over trust ownership by direct or indirect possession or other means.

3. In relation to foundations and legal forms, similar to trust ownership – the natural person/s, who occupy positions, equivalent or similar to those, indicated in p. 2.

(2) Real ownership is not the natural person/s, who are nominal directors, secretaries, shareholders or owners of the capital or a legal person or another legal formation if another real owner is established.

(3) "Control" is the control in the meaning of § 1c of the Additional Provision of the Commerce Act, as well as any possibility, which without being indication for direct or indirect possession, gives opportunity for exercising a decisive influence over a legal person or another legal formation with decision taking for determining the staff of the management and control bodies, reformation of the legal person, termination of its activity and other issued of substantial significance about its activity.

(4) Indication for indirect control is exercising an end effective control over the legal person or another legal formation by exercising rights through third persons, including – but not only – provided under authorization, contract or another transaction, as well as through other legal forms, providing possibility for exercising influence through third persons.

(5) (suppl. - SG 42/19, in force from 28.05.2019) Where after all possible means have been exhausted and provided that there are no grounds for doubting, it is impossible to establish the real owner under Para. 1, or where there is doubt, that the established person/s are not the real owner, as real owner shall be considered the natural person, who fulfills the position of high risk official. The obliged persons keep documentation for the undertaken actions in view to establishing the real owner under Para. 1.

§ 3. (Suppl. – SG, 94/19, amend. and suppl. - SG 21/21) This act shall introduce the requirements of Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ, L 141/73 of 5 June 2015), Directive (EU) 2018/843 of the European Parliament and of the Council of 30 May 2018, amending Directive (EU) 2015/849 to prevent the use of the financial system for the purpose of money laundering and terrorist financing and for the amendment of Directives 2009/138 / EC and 2013/36 / EU (OJ L 156/43 of 19 June 2018) and Directive (EU) 2019/2177 of the European Parliament and of the Council of 18 December 2019 amending Directive 2009/138/EC on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II), Directive 2014/65/EU on markets in financial instruments and Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money-laundering or terrorist financing (OJ L 334/155 of 27 December 2019).

§ 4. This act shall provide measures on the implementation of Commission Regulation (EU) No 389/2013 of 2 May 2013 establishing a Union Registry pursuant to Directive 2003/87/EC of the European Parliament and of the Council, Decisions No 280/2004/EC and No 406/2009/EC of the European Parliament and of the Council and repealing Commission Regulations (EU) No 920/2010 and No 1193/2011 (OJ, L 122/1 of 3 May 2013).

§ 4a. (new - SG 17/19) This law provides for measures to implement Regulation (EC) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OB, L 119/1 of 4 May 2016).

§ 5. The explicit indication of one or more of the activities under Art. 4 in the subject of activity on the lot of a legal person or other legal formation in the relevant public register, where this activity is not subject to permit, licensing or registration, is a basis to consider, that the indicated activity is performed upon profession, and the person is in the scope of persons under Art. 4 and it is obliged to apply the measures under this act, unless it proves with official, accounting and other documents, that the indicated activity is performed upon profession or is performed randomly.

Transitional and concluding provisions

§ 6. (1) (amend. - SG 37/19) Persons under Art. 4, for who the obligation for application of measures against money laundering has occurred by the enforcement of this act, shall comply their internal rules in compliance with the requirements of Art. 101 within 6 months from the publication of the results of the national risk assessment on the website of the State Agency for National Security. A message to the mass media is also sent to publish the results.

(2) (amend. - SG 37/19) The persons under Art. 4, about who with this act occurs obligation for application of measures against money laundering, shall adopt internal rules under Art. 101 in the term under Para. 1.

(3) In the cases under Art. 104, the persons under Art. 4, for who the obligation on the application of measures against money laundering has occurred by the enforcement of this act, shall perform the notification under Art. 104, Para. 2 and 4 within 30-day term form adoption of the Rules on the implementation of the act

§ 7. The persons under Art. 4, p. 1, 3, 5 and 8 - 11, for who the obligation for application measures against money laundering has occurred by the enforcement of this act and they have not established specialized services under the repealed Act on Measures

against Money Laundering, shall be obliged to establish services under Art. 106 within 4-month term from the enforcement of this act.

§ 8. (1) Art. 79, Para. 1 and Art. 94, Para. 2 shall apply after providing the relevant technical possibility and building in protection channels for electronic communication.

(2) Art. 79, Para. 3 shall apply after providing the technical possibility and building in automated IT systems and networks.

§ 9. (1) (Amend. - SG 94/18, in force from 01.10.2018) By January 31 2019, the Registry Agency shall provide possibility for entry of the data under Art. 63, Para. 4 in the relevant register under Art. 63.

(2) Persons, to whom the requirement for entry of the data under Para. 1 in the relevant register is applied under Art. 63, shall declare for entry these data in the term by 4 months from expiry of the term under Para. 1.

(3) (Amend. - SG 94/18, in force from 01.10.2018) Non-profitable legal person under § 25 of the Transitional and Final Provision of the Act, Amending and Supplementing the Non-Profitable Legal Persons Act (SG, N 74 of 2016), who have made re-registration by January 31, 2019, shall declare for entry the data under Para. 1 in the term of 4 months after expiry the term of Para. 1.

(4) (Amend. - SG 94/18, in force from 01.10.2018) Persons under Apra. 3, who have made re-registration after January 31, 2019, shall declare for entry the data under Para. 1 in the term of 4 months from expiry of the re-registration.

§ 10. The Council of Ministers shall adopt the Rules on the implementation of the act within 5-month term form the enforcement of this act.

§ 31. The Measures against Money Laundering Act (publ., SG, 85/1998; amend., 1 and 102/2001, 31/2003, 103 and 105/2005, 30, 54, 59, 82 and 108/2006, 52, 92 and 109/2007, 16, 36, 67 and 69/2008, 22, 23 and 93/2009, 88 and 101/2010, 16, 48, 57 and 96/2011, 44, 60 and 102/2012, 52/2013, 1, 22 and 53/2014, 14 and 79/2015, 27 and 81/2016, 96/2017 and 7/2018) shall be repealed.

§ 32. Paragraph 29 shall come into force from 31 March 2018.

The act has been adopted by the 44th National Assembly on 14 March 1981 and has been sealed by the official stamp of the National Assembly.

Transitional and concluding provisions TO THE CYBER SECURITY ACT

(PROM. - SG 94/18)

§ 12. The Council of Ministers shall adopt, by December 31, 2018, the Rules for the implementation of the Measures Against Money Laundering Act.

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§ 14. Article 15, Para. 3, 4 and 5 and Art. 18, Para. 9, item 2 and Para. 10 shall enter into force on 1 January 2022, and paragraph 11 shall enter into force on 1 October 2018.

Concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE MEASURES AGAINST MONEY LAUNDERING ACT

(PROM. – SG 42/19, IN FORCE FROM 28.05.2019)

§ 50. The Act shall enter into force on the day of its promulgation in the State Gazette.

Transitional and concluding provisions

TO THE ACT, AMENDING AND SUPPLEMENTING THE ACT ON MEASURES AGAINST MONEY LAUNDERING

(PROM. – SG, 94/19)

§ 48. (1) Within 5 months of the entry into force of this Act, the supervisory authorities within the meaning of § 1, item 11 of the Additional Provisions shall provide the Financial Intelligence Directorate of the National Security State Agency with the necessary information for its inclusion in the list under Art. 108a, Para. 1.

(2) Within 6 months of the entry into force of this Act, the Financial Intelligence Directorate of the National Security State Agency shall submit to the European Commission the list under Art. 108a, Para. 1.

.....

§ 58. By September 10, 2020, the Bulgarian National Bank shall take action and establish the necessary organization in connection with the submission by banks the payment institutions and electronic money companies of the necessary additional information and its introduction into the electronic information system under Art. 56a of the Credit Institutions Act.

§ 59. (1) Paragraph 8, item 1, concerning Art. 24, Para. 3 shall enter into force on 10 July 2020.

(2) Paragraph 50 shall enter into force on 10 March 2021.

(3) Paragraph 51, item 1, concerning Art. 56, Para. 14 shall enter into force on 1

January 2020.

(4) Paragraph 51, item 2, letters “b” and “g” shall enter into force on 10 September 2020.

**Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE INDEPENDENT
FINANCIAL AUDIT ACT**

(PROM. - SG 18/19, IN FORCE FROM 28.02.2020)

§ 56. The proceedings that has already started upon the entry into force of this Act to impose a distraint or foreclosure on requests made by prosecutors from the specialized prosecutor's office shall be heard by the courts in which they were initiated.

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§ 66. The Act shall enter into force on the day of its promulgation in the State Gazette, with the exception of:

1. § 57, item 2 and § 60, which shall enter into force on 1 January 2020;
2. § 57, item 1, which shall enter into force on 1 January 2021.

**Transitional and concluding provisions
TO THE COVERED BONDS ACT**

(PROM. - SG 25/22, IN FORCE FROM 08.07.2022)

§ 19. (1) The Act shall enter into force on 8 July 2022, with the exception of Art. 6, Para. 4, second sentence, Art. 26, Para. 6, Art. 32, Para. 5, Art. 44, Para. 5, in conjunction with § 3, which shall enter into force on the date of promulgation of the Act in the State Gazette.

(2) Paragraph 9 concerning amendments to the Bankruptcy Act shall not apply to bankruptcy proceedings, opened on the date of its entry into force.

**Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE JUDICIARY
SYSTEM ACT**

(PROM. - SG 32/22, IN FORCE FROM 28.07.2022)

§ 67. The Act shall enter into force three months after its promulgation in the State Gazette, with the exception of § 1, 2, 5, 6, 18, 28, 32, 34, 44, 45, 57 and 58, which shall enter into force from the day of promulgation.

Additional provisions

TO THE ACT, AMENDING AND SUPPLEMENTING THE MEASURES AGAINST MONEY LAUNDERING ACT

(PUBL. – SG, 60/23, IN FORCE FROM 14.07.2023)

§ 24. This Act shall introduce the requirements of Directive (EU) 2018/843 of the European Parliament and of the Council of 30 May 2018, amending Directive (EU) 2015/849 to prevent the use of the financial system for money laundering purposes and financing of terrorism and amending Directives 2009/138/EC and 2013/36/EU (OJ, L 156/43 of 19 June 2018).

Transitional and concluding provisions

TO THE ACT, AMENDING AND SUPPLEMENTING THE MEASURES AGAINST MONEY LAUNDERING ACT

(PUBL. – SG, 60/23, IN FORCE FROM 14.07.2023, AMEND. - SG 84/23)

§ 25. (Repealed - SG 84/23)

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§ 30. (1) The Act shall enter into force from the day of its promulgation in the State Gazette, with the exception of:

1. (Repealed - SG 84/23)

2. Paragraph 11, § 22 and § 23 - regarding Art. 63a, Para. 4, which shall enter into force 12 months after the promulgation of the Act in the State Gazette.

(2) (Repealed - SG 84/23)

(3) The Council of Ministers shall adopt amendments to the Rules for the Implementation of the Act, regarding the Declaration form under Art. 63, Para. 4 within three months from entry into force of this Act.

Transitional and concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE MEASURES AGAINST MONEY LAUNDERING ACT

(PROM. - SG 84/23)

§ 60. (1) Within 4 months from the entry into force of this Act, the Minister of Finance amends and supplements the Ordinance under Art. 9a, para. 8.

(2) Within 4 months from the entry into force of this Act, the Minister of Justice shall issue the Ordinance under Art. 9b, para. 8.

(3) Within 4 months from the entry into force of this law, the Minister of the Interior issues the Ordinance under Art. 9c, para. 8.

§ 61. (1) The persons under Art. 4, items 38 and 39 submit an application for entry in the register under Art. 9a within two months from the entry into force of the amendment and supplement to the Ordinance under Art. 9a, para. 8.

(2) The persons under Art. 4, items 38 and 39, entered in the register under Art. 9a until the entry into force of this Act, submit an application for updating the information in the register under Art. 9a and evidence of the absence of circumstances under Art. 9d, para. 1 in the term under para. 1. No fee is due for changing the circumstances entered in accordance with this paragraph.

(3) After the expiration of the term under para. 1 the persons entered in the register under Art. 9a until the entry into force of this Act, who have not updated their information or have not submitted evidence of the absence of circumstances under Art. 9d, para. 1, are deleted from the register ex officio.

§ 62. The persons under Art. 4, item 16 submit an application for entry in the register under Art. 9b within two months from the entry into force of the Ordinance under Art. 9b, para. 8.

§ 63. The persons under Art. 4, item 40 submit an application for entry in the register under Art. 9c within two months from the entry into force of the Ordinance under Art. 9c, para. 8.

§ 64. Within 6 months from the entry into force of this Act, the Council of Ministers amends and supplements the Rules on implementation of the Measures against Money Laundering Act.

§ 65. The persons under Art. 4 bring their activities in line with this Act within 8 months of its entry into force.

§ 66. The administrative penal proceedings that has already started upon the entry into force of this Act for violations under the Measures against Money Laundering Act, Measures against Financing of Terrorism Act, the Act on the Commercial Register and the Non-Profit Legal Entities Register and the BULSTAT Register Act are being completed according to the current order.

§ 67. In the case of already established correspondence relations, the persons for whom new obligations arise under Art. 44 of the Measures against Money Laundering Act, bring their activities in line with the same law within 6 months from the entry into force of this Act.

.....

§ 84. Paragraph 54, items 2 and 3 shall enter into force on 16 July 2024.

Transitional and concluding provisions

TO THE COUNTERACTING THE CORRUPTION ACT

(PROM. – SG, 83/23, IN FORCE FORM 06.10.2023)

.....

§ 79. The Act enters into force on the day of its promulgation in the State Gazette, with the exception of § 9, which enters into force on March 1, 2024.

Transitional and concluding provisions

TO THE ACT ON ADOPTION OF THE EURO IN THE REPUBLIC OF BULGARIA

(PROM. - SG 70/224)

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§ 5. (1) [*] Current legal acts, which regulate obligations to pay fees, sanctions, fines and other public obligations to the state and municipalities in Bulgarian leva, continue to be applied in accordance with the rules for currency conversion provided for in this Act.

(2) When the monetary amount in BGN is specified in a law or in a normative act as a result of the introduction into the Bulgarian legislation of a legal act of the European Union, in which a corresponding amount in euros is explicitly stated, upon amendment of the law, respectively of the normative act, indicates the amount in euros of the legal act of the European Union.

.....

§ 60. Paragraph 5, para. 1, § 8 - 36, § 37, items 1 - 12 and 14 - 20 and § 38 - 59 enter into force from the date specified in the Decision of the Council of the European Union on the adoption of the euro by the Republic of Bulgaria, adopted in accordance with Art. 140, paragraph 2 of the Treaty on the Functioning of the European Union and Regulation of the Council of the European Union, adopted in accordance with Art. 140, paragraph 3 of the Treaty on the Functioning of the European Union.