

REPUBLIC OF BULGARIA
NATIONAL ASSEMBLY

OWNERSHIP AND USE OF FARMLAND ACT

Promulgated State Gazette No. 17/01.03.1991

*Amended SG Nos. 74/1991; 18, 28, 46 & 105/1992; 48, 64 & 83/1993; 80/1994;
45, 57 & 59/1995; 79 & 104/1996; 62, 87, 98, 123 & 124/1997; 36, 59, 88 & 133/1998; 68/1999*

**Chapter One
GENERAL PROVISIONS**

Article 1

This Act shall regulate the ownership and use of farmland.

Article 2

(Amended, SG No. 28/1992) Farmland, for the purposes of this Act, shall be any land, set aside for farming, which:

1. (Amended, SG Nos. 98/1997, 68/1999) does not fall within the building development confines of settlements and other populated areas, as designated by a building development and urban-planning design, or by a belt line range;
2. is not included as part of the forest reserve;
3. is not built-up by: industrial or other economic enterprises, recreation or health establishments, religious denominations or other public organisations; nor is within courtyards, nor under warehouses auxiliary to such buildings as the above;
4. is not occupied by open mines and quarries, energy, irrigation, transportation facilities or other public utilities, nor is adjacent to such facilities and utilities.

Article 3

(Amended, SG Nos. 28/1992; 45/1995)

- (1) Farmland may be individual citizen's, state, municipal, or legal persons' property.
- (2) Political parties and organisations, movements and coalitions for political purposes may not have ownership of farmland.
- (3) (Amended, SG No. 98/1997) Foreign governments and foreign legal persons shall not have a rightful title to farmland.
- (4) Foreign nationals may not acquire farmland otherwise than by legal deed of inheritance. Such persons shall transfer the farmland thus acquired to persons under paragraph (1) above within three years of the date that the inheritance is announced.
- (5) Foreign legal persons and foreign nationals may acquire usufruct in farmland or other limited real rights in land by terms and procedures as provided by law.

Article 4

(Amended, SG No. 28/1992)

- (1) Proprietors shall be free to determine a manner of using farmland according to its purposes. Proprietors shall use land in a manner such as is not detrimental to soils and in compliance with sanitation, fire safety and environmental protection standards.
- (2) Buildings and installations may be erected on farmland such as are related to its use by terms and procedures as provided by the Territorial and Urban Development Act.
- (3) (Amended, SG No. 87/1997) Expropriation of farmland for important government and municipal purposes shall be done pursuant to the Property Act and the Farm Lands Protection Act, and subject to a resolution by the Minister of Agriculture, Forestry and Agrarian Reform.
- (4) Proprietors and users shall protect archaeological sites, cultural monuments, irrigation, power generation and other facilities and installations, geodetic and frontier signs such as exist on their land, and shall not prevent other proprietors, users and officials from using and maintaining such facilities and installations.
- (5) (Amended, SG No. 68/1999) Incorporation of farmland within the building development confines of settlements and other populated areas shall be done pursuant to the Farm Lands Protection Act and the Territorial and Urban Development Act.

Article 5

(New, SG No. 45/1995; Amended, SG No. 98/1997, 88/1998, 68/1999) Proprietors of farmland restituted under this Act, shall be exempted from state, state notary fees and local tax and fees in the event of voluntary partition and rights-transferring transactions in farmland for a period of five (5) years.

* Constitutional Court Decisions No. 7 & 8 of 1995

Chapter Two

LAND OF INDIVIDUAL PROPRIETORS

Article 6

(Repealed, SG No. 28/1992)

Article 7

(Amended, SG No. 79/1996)

- (1) In the event of disposition, partition, amends-making and grant of land, farmland estates shall not be parcelled out into fragments the proportions whereof are less than the ones prescribed under Article 72 of the Inheritance Act.
- (2) (Repealed, SG No. 98/1997)
- (3) Partition of a farm estate or disposition of real shares of a farm estate shall be executed only if the separate shares thereof are detachable to constitute separate estates of such proportions as specified in paragraph 1 above under a project drawn up or approved by the respective land board.
- (4) (Amended, SG No. 98/1997) In the event of partitions, disposition transactions, alienation, change of function and appraisal of farmlands, attached shall be a plot drawn up or endorsed by the land board.
- (5) (Amended, SG No. 98/1997) Recordation judges and other competent authorities shall be required to notify, within one month, the land board of any changes in land ownership and use.
- (6) Paragraphs 4 and 5 above shall not apply to the instances under Article 17, paragraph 2.

Article 8

(Amended, SG No. 28/1992) Individuals may associate in co-operatives or associations for joint farming of their land. In such cases they shall retain ownership of their land within its actual confines.

Article 9

(Repealed, SG No. 98/1997)

Article 9a

(Repealed, SG No. 98/1997)

Article 10

(Amended, SG Nos. 28/1992; 48/1993; 45/1995)

- (1) (Amended, SG Nos. 79/1996; 98/1997) Proprietors or their inheritors shall be reinstated in possession of the farmlands they used to own prior to the institution of labour co-operative farms (TKZS) or state farms (DZS) regardless of whether such lands used to be incorporated therein or in other suchlike agricultural organisations set up on the basis thereof.
- (2) Proprietors shall be reinstated in their farmland as nationalised under the repealed Article 12 of the Property Act, subject to reimbursement of moneys received in compensation.
- (3) Proprietors who donated their land to TKZS or the State shall be reinstated.
- (4) Proprietors shall be reinstated in their farmland where unlawfully dispossessed.
- (5) (Amended, SG Nos. 79/1996; 98/1997) Proprietors shall be reinstated in aforested or self-aforested farmland, inclusive of such lands incorporated into the state forestry reserve for which proprietors have received no compensation, with the exception of forest nurseries and forest shelter belts. Such reinstatement shall be effected following the procedure set forth in Article 14, paragraph 1, subparagraph 1.
- (6) (Amended, SG No. 98/1997) Proprietors shall be reinstated in farm yards managed as farmland by labour co-operative farms, state-owned farms or other agricultural organisations based thereon, in the effaced or abandoned settlements.
- (7) (Amended, SG Nos. 79/1996; 98/1997) Proprietors shall be reinstated in possession of the farmlands they used to own prior to the institution of labour co-operative farms or state farms, regardless of whether such lands used to be incorporated therein or in other suchlike agricultural organisations set up on the basis thereof, and are located within the building development confines of settlements, as designated by an urban development and urban-planning design, or by a circular belt range, except where buildings have been erected thereon by third persons in strict adherence to all regulative requirements, or where the right to build has been ceded and the erection, lawfully afforded as of March 1, 1991, has commenced. Such reinstatement shall be effected following the procedure set forth in Article 14, paragraph 1, subparagraph 1.
- (8) (Amended, SG Nos. 79/1996; 98/1997) Proprietors shall be reinstated in farmland up to such proportions as specified by the repealed Article 8, paragraph (1) and Article 10 of the Earned Landed Property Act, inclusive of land alienated under the Earned Landed Property Act. For farmland exceeding such proportions, proprietors shall be indemnified following the procedure laid down in Article 35. The limitation on land proportions shall also apply to any instances where farmland was confiscated by virtue of a sentence and such sentence has been vacated.
- (9) Proprietors shall be reinstated, at their request, in land nationalised as forests and subsequently transformed into farmland.

- (10) (Amended, SG Nos. 98/1997, 68/1999) Proprietors shall be reinstated in land that is polluted, eroded, salinated, with high acid content or with excess moisture in the surface layer, and the expenses for its ecological reclamation shall be borne by the State. Funds needed to recover such lands productivity as well as to neutralise hazardous pollutants, shall be provided by the budget of the Ministry of Agriculture, Forestry and Agrarian Reform under a program approved by the Council of Ministers on an annual basis. The Council of Ministers shall determine the procedure and manner of the ecological reclamation of such land and the control over polluted farmland.
- (11) (Amended, SG Nos. 79/1996; 98/1997) Reinstated in land shall be such persons who have been granted land under the Earned Landed Property Act, including those who have not yet paid a part of the instalments due, with the exception of such persons who have lost their rights over such land.
- (12) (New, SG No. 79/1996; Amended, SG No. 98/1997) Proprietors shall be reinstated under the procedure laid down in Article 14, paragraph 1, item 1, in possession of lands, both within and outside of the building development confines of settlements, incorporated into farm yards of labour co-operative farms, state farms, or other suchlike agricultural organisations set up on the basis thereof, which are not built-up and do not represent areas contiguous to buildings.
- (13) (New, SG No. 98/1997) Proprietors shall be reinstated in possession of such lands, which they used to own prior to the institution of labour co-operative farms or state farms, or other suchlike agricultural organisations set up on the basis thereof, that have been sold or ceded by such organisations, or by other governmental or municipal authorities, respectively, to third parties with the exception of the ones explicitly specified herein. Reference to acquisition by virtue of positive prescription shall be inadmissible.
- (14) (New, SG No. 98/1997, Amended, SG No. 88/1998) Subject to restitution shall be also all land taken away from its proprietors under the Law on Confiscation of Property Acquired by Way of Profiteering or in an Illicit Way (SG No. 78/1946), or pursuant to the Law on Collection of Taxes and Other State Revenue (SG No. 304/1948), the Regulation on Collection of Taxes and Charges (Izvestiya, No. 13/1952), the Decree on Procurement and Prices (SG No. 213/1945), the Decree on Mandatory Re-registration of Farm Land Property (SG No. 122/1949), as well as under Government Decree No. 982 of 1951 on the Measures Preparatory to the Completion of 1951 Autumn Sowing and Deep Autumn Ploughing (not promulgated), Government Decree No. 5 on Measures Preparatory to the Completion of the Spring Sowing and on the Cares for Growing the Autumn Crops in 1951 (Izvestiya, No. 4 of 1951), Government Decree No. 1559 of 1951 on the Measures Preparatory to the Completion of the Spring Sowing and on the Cares for Growing the Autumn and Spring Crops and Ensuring High Yields in 1952 (not promulgated), and Government Decree No. 48 of 1958 on Establishing the Balance of Arable Land as of January 1, 1958 and Taking Measures to Ensure its Further Enlargement, Utilisation and Protection against Misuse and Wasteful Practices (Izvestiya, No. 28/1952).

Article 10a

(New, SG No. 28/1992; Amended, SG No. 45/1995)

- (1) Reinstatement shall be done within the actual boundaries of land owned wherever existent or if possible to be established from the Cadastre of settlements or from compensation plans.
- (2) Wherever boundaries of land no longer exist, reinstatement in ownership shall be done within actual boundaries of farmland of equivalent area on the territory of the respective settlement or an adjacent territory, and upon proprietor's consent, on another territory, following land division and consolidation of real estates on it.
- (3) Foreign nationals who are reinstated in property pursuant to this Article shall within three years transfer said property to persons under Article 3, paragraph 1.

Article 10b

- (1) (New, SG No. 28/1992; Amended, SG Nos. 45/1995; 79/1996; 87 & 98/1997; 88/1998; 68/1999) Proprietors or their inheritors who used to be in possession of farmland prior to the institution of labour co-operative farms or state farms, regardless of whether such land was incorporated therein, or in other suchlike agricultural organisations set up on the basis thereof, located either within or outside the building development limits of settlements, and which are either built-up or such projects have been undertaken thereupon which render reinstatement in ownership inadmissible, shall have the right to indemnification, at their request, with land of equal worth from the municipal landed reserve, and/or with registered compensation vouchers. Based on a substantiated proposal by the land board or any person concerned, the municipal council shall, within one month of its receipt, define the type, size and location of the lands to be granted in compensation from the municipal landed reserve, inclusive of instances pursuant of Article 10b, Article 1, item 2 and 3, paragraph 2 and 4 but not less than 50 per cent of the available municipal landed reserve. Should the municipal council not make a decision within the prescribed time, the land for compensation shall be defined by ruling of the district governor upon request by the land board or any person concerned. Where the proposal is for land constituting less than 50 per cent of the available municipal landed reserve, the land for compensation shall be defined by ruling of the district governor up to the size of land requested. The respective land board shall furnish all needful information to the Minister of Agriculture, Forestry and Agrarian Reform, the district governor and the municipal council.
- (2) Proprietors of land nationalised under the repealed Article 12 of the Property Act, who cannot be reinstated in ownership pursuant to the circumstances stated in the preceding paragraph, shall be compensated by terms and procedures as provided by the Transformation and Privatisation of State and Municipal Enterprises Act.

- (3) (New, SG No. 79/1996; Amended, SG No. 98/1997, 88/1998) Proprietors of land confiscated by virtue of a sentence which has been vacated, and ownership thereupon may not be reinstated for circumstances cited under paragraph 1, shall be indemnified under the terms and procedures of paragraph 1 above.
- (4) (Repealed, SG No. 98/1997) Bulgarian citizens whose property has not been replaced by land from the state landed reserve under the procedures of Chapter Seven of the Act on Changes and Amendments to the Settlement of Ownership Over Real Estates in South Dobrudja Act shall be indemnified under the procedures of paragraph 2.
- (5) Land ownership wherever cannot be restituted as a result of the circumstances described in the above paragraphs shall be the property of the state.

Article 10c

(Amended, SG Nos. 74/1991; 28/1992; 45/1995; 79/1996; 98/1997)

- (1) Bulgarian nationals or their heirs whose farmlands have served as a government debt redemption pursuant to the Agreement on the Settlement of Open Financial Issues and Economic Co-operation Development between the People's Republic of Bulgaria and the Kingdom of Greece (SG, No. 87 of 1964) shall be indemnified as follows:
 1. (Amended, SG No. 68/1999) persons who emigrated in the period between 1913 and 1928 who have not registered their bonds for redemption by the state: with registered compensation vouchers;
 2. Bulgarian nationals who emigrated in the period from 1913 to 1928 and who have not obtained bonds and have not been otherwise indemnified - with registered compensation vouchers and/or with land from the state and municipal landed reserve;
 3. those who emigrated in from 1928 to 1944 - with registered compensation vouchers and/or with land from the state and municipal landed reserve.
- (2) (Amended, SG No. 68/1999) Bulgarian nationals or their heirs, from whom the State of Romania, under the Organisation of New Dobrudja Act of 1 April 1914, confiscated one third of their own farmland, shall be indemnified as follows:
 1. the one third for which the right to compensation was not claimed under the Act on Settlement of Ownership of Real Estates in South Dobroudja (promulgated SG No. 157/1942; repealed Izv., No. 16/1951): with land from the state and/or municipal landed reserve for adding to the owner's other property up to 100 decares, and registered compensation vouchers for the shortage to the full amount of the confiscated one third;
 2. the granted right to moneys in compensation under Chapter III of the Act on Settlement of Ownership of Real Estates in South Dobroudja: with registered compensation vouchers.
- (3) (Amended, SG No. 87/1997, 68/1999) Persons under paragraphs 1 and 4 shall file petitions with the Ministry of Agriculture, Forestry and Agrarian Reform, and persons under paragraph 2, with the land boards having jurisdiction over the location of the restituted property.
- (4) (New, SG No. 88/1998) Bulgarian nationals whose estates have not been substituted with land from the state landed reserve under the provisions of Chapter Seven of the Act on the Amendment of the Act on Regulation of Real Estates in South Dobrudja (repealed, SG No. 57/1948), shall be compensated according to the provisions of paragraph 2.
- (5) (New, SG No. 68/1999) Indemnification with land shall be done: under paragraph 2, subparagraph 1, and under paragraph 4, in the location of the restituted property, and in case of shortage or lack of land from the state landed reserve or the municipal landed reserve in the village land, with registered compensation vouchers.

Article 11

(Amended, SG Nos. 18, 28 & 46/1992; 45/1995; 79/1996)

- (1) Persons under Article 10 above shall file petitions for reinstatement in farmland within seventeen months from the date that this Act comes into force.
- (2) Persons failed to file petitions within the period under paragraph (1) above, shall claim against the respective land board to reinstate ownership of farmland. The land board shall set out the land for restitution of ownership on grounds of the ruling and abiding by this Act.
- (3) (Repealed, SG No. 98/1997)
- (4) (Amended, SG Nos. 79/1996; 98/1997) Where a court ruling is presented to the respective land board following the promulgation in the official State Gazette of an announcement that the land division plan had been drafted, the owner shall be indemnified under the terms and procedures specified in Article 10b.

Article 12

(Amended, SG Nos. 28/1992; 45/1995; 79/1996; 98/1997)

- (1) Petitions under the preceding Article shall be referred to the respective land board. Petitions shall contain description of the estate concerned together with evidence of ownership.
- (2) (Amended, SG No. 98/1997) Ownership shall be proven by: act of notary, deeds of partition, TKZS protocols, land registers, applications for TKZS membership, rent ledgers protocols and decisions for vesting in landed

property, including under the Earned Landed Property Act of 1946 and the Regulation for its application, and other evidence in writing.

- (3) In the absence of evidence in writing the applicant may attach to his petition a signed statement certified by a notary public to declare his ownership. The signatory shall be liable for misinformation under Article 313 of the Criminal Code.
- (4) Every party concerned may establish, under legal procedure, its rights on the property restituted under paragraph (3) above, and claim compensation for damages suffered and benefits missed.
- (5) The data in the declaration under paragraph 3 shall be verified on site and shall be evaluated by the land board or by the court with a view that all data available of the land in the area; any such evaluation shall also be guided by the requirement for completeness of the description of the property.
- (6) (Amended, SG Nos. 79/1996; 87/1997; 98/1997) In the event that the land claimed should exceed the amount of land available in the area at the time of the establishment of the labour co-operative farms, the state farms and other suchlike agricultural organisations, the Minister of Agriculture, Forestry and Agrarian Reform shall be empowered to discontinue the land-division for the purpose of precisely specifying the amount of land due to each claimant, as well as to order a land board to rescind earlier enacted decisions. In such cases persons found to have filed false petitions and declarations shall be held materially liable for damages inflicted as well.
- (7) (New, SG No. 98/1997) Positive prescription in favour of a farmland holder, whose possession thereto is based on a contract in writing, a deed of voluntary partition or other legal instrument in writing, shall not be suspended with the incorporation of such land in labour co-operative farms, state farms and other suchlike agricultural organisations. This shall not constitute a ground for rescinding any court rulings that have entered into force.

Article 13

- (1) (Amended, SG No. 28/1992) Land boards shall post petitions filed with the information presented at municipalities or other appropriate places.

Article 14

(Amended, SG Nos. 28/1992; 45/1995; 79/1996; 62/1997; 98/1997)

- (1) A land board shall hand down rulings on:
 1. (Amended, SG Nos. 98/1997, 68/199) restitution of ownership rights over land within existing old actual boundaries or such that are possible to restore. A board's ruling shall provide a description of the size and category of the property, its location (boundaries, neighbours) and any applicable limitations on the property with a quotation of the reasons for such limitations. A plan of the property shall be annexed to such ruling. A ruling having entered into force accompanied by a plan, except in the cases under Article 10, paragraph 7, shall certify the ownership right and shall be valid as a ascertaining notarial title deed for the property. Where a ruling restitutes ownership right over farmland to a deceased owner, the ruling shall be issued for all his/her heirs together. The shares of the heirs shall be defined as per the Inheritance Act, without being specified in the ruling.
 2. (Amended, SG Nos. 79/1996; 87/1997; 98/1997) restitution of ownership rights over farmlands within new real confines by means of a land division plan. A ruling shall indicate the size and categories of the farmlands, and the precise locality on the territory within which they used to be. A land division plan shall be drawn up by a duly licensed contractor on the basis of a land board's resolutions and following a survey, an inquiry and designing. The procedure of granting licences to contractors shall be prescribed in an executive order enacted by the Minister of Agriculture, Forestry and Agrarian Reform. A land division plan shall be drawn up after an inquiry shall have been conducted with the participation of no less than half the owners or their inheritors. Such inquiry shall be conducted in the order and manner prescribed in the Rules on the implementation of this Act. Any need to rework a land division plan shall be prescribed by an executive order of the Minister of Agriculture, Forestry and Agrarian Reform.
 3. (New, SG No. 98/1997; Amended, SG Nos. 88/1998, 68/1999) acknowledgement of ownership right under the provisions of § 4 through 4l; the ruling shall set forth the size and the locality where the farmland was found.
- (2) A land board's rulings shall be notified to the persons concerned in correspondence with the Code of Civil Procedure.
- (3) (Amended, SG Nos. 62/1997; 98/1997; 59/1998) A land board's rulings shall be appealable to the District Court within fourteen (14) days of notification. Appeals shall be lodged with the respective land board. The Court shall rule at the substance of the matter. Cases shall be heard in the same settlement in whose territory the property is located. A cassation appeal against a regional court ruling may be filed with the District Court under the procedure stipulated by the Supreme Administrative Court Act.
- (4) Where disputes arise on material rights every person concerned shall establish his rights by court action.
- (5) In legal proceedings at the District Court all forms of evidence under the Code of Civil Procedure shall be valid as well.
- (6) The land board may correct at its own initiative or at the request of interested persons any obvious factual errors made in the ruling under this Article.

- (7) (Amended, SG Nos. 79/1996; 87/1997; 98/1997) Upon detection of infractions of this Act and the Rules on the implementation thereof, as well as of any new circumstances and/or new written evidence of substantial significance for handing down a ruling under paragraph 1, a land board shall, at the request of the Minister of Agriculture, Forestry and Agrarian Reform or at the request of the concerned persons, render a ruling amending the previous one within one (1) year following the emergence of such new circumstances, or of new written evidence, but certainly no later than two (2) years of the land division plan's entry into effect or of the handing down of the land board's decision under Article 14, paragraph 1, subparagraph 1. This procedure shall not apply where a court ruling has entered into force in respect of the same lands.
- (7a) (New, SG 79/1996) Interested persons shall have the right to require, under the conditions and following the procedure laid down in paragraph 7 above, that a land board modify the persons in favour or to the prejudice of whom their ruling has been handed down.
- (8) (Amended, SG Nos. 79/1996; 98/1997) Any rulings under paragraphs 6 and 7 shall be made known following the procedure described in paragraph 2 and may be appealed in the manner and within the terms laid down in paragraph 3. Where the rulings are handed down following the promulgation in the official State Gazette of the announcement that the land division plan has been drawn up, the owners shall be indemnified under the terms and procedures specified in Article 10b.
- (9) (Amended, SG Nos. 79/1996; 87/1997) A land board shall be represented before the court by the president or secretary thereof, or by a duly authorised person having a degree in law, or by the Ministry of Agriculture, Forestry and Agrarian Reform.

Article 15

(Amended, SG Nos. 28/1992; 45/1995; 79/1996; 98/1997)

- (1) Municipal Councils shall, within six months of the date this Act comes into force, provide land boards with information on changes in the area of farmland within the respective territory.
- (2) (New, SG No. 98/1997) Where a land board has ascertained a decrease in the proportion of farmland within a respective territory, lessened respectively shall be also the plots of land subject to restitution with the exception of such plots of land that are to be restituted within their either currently existing or previous actual confines restorable on the same terrain. Lessened appropriately shall also be the plots of land the title whereof is subject to restitution in execution of a court ruling on restitution of title by way of a land division plan.
- (3) (Former paragraph 2; Amended, SG No. 79/1996; Renumbered and amended, SG No. 98/1997) Proprietors, at their request, shall be indemnified for the differential between the land under rightful claim and land received in restitution with equivalent lands from the municipal landed fund and/or registered compensation vouchers. Lands shall be appraised under such terms and procedures as prescribed by the Council of Ministers in consideration of the current market prices in the respective area.
- (4) (Former paragraph 3; Amended, SG No. 79/1996; Renumbered and amended, SG No. 98/1997) Owners shall be indemnified under the procedure specified in paragraph 3 also where the court ruling by virtue whereof their right to restitution of ownership of farmland has been acknowledged has been presented to the land board following the promulgation of an announcement in the official State Gazette that a land division plan has been drawn up.
- (5) (Former paragraph 4, Renumbered, SG No. 98/1997) Legal persons who have worked out or keep and maintain cadastral topographic and geodetic information on the territories of settlements, shall submit it to the state authorities within 10 days from request. Information shall be submitted free of charge, with the exception of the expenses incurred for producing copies of the documentation.

Article 16

Land boards shall keep registers of petitions filed pursuant to Article 11 above, and rulings become effective under Article 14 above.

Article 17

(Amended, SG Nos. 28/1992; 45/1995; 79/1996; 98/1997)

- (1) (Amended, SG No. 98/1997, 68/1999) Ownership of farmland within new actual boundaries shall be restored using plots of land of similar proportion and quality, appropriately lessened in the cases under Article 15, paragraph 3, and where possible in the same localities where petitioners' estates owned by them even prior to the establishment of labour co-operative farms, state-owned farms, or other agricultural organisations based thereon had been located. New actual boundaries shall be established by way of a land division plan. Restitution of title shall be made by a ruling of the land board rendered on the basis of a valid land division plan. Said ruling shall include a description of the farmland's proportions and category, its location, confines, neighbours, as well as any limitations on the property and the reasons for such limitations. A plan of the property shall be also annexed to the ruling. A ruling having entered into force with a plan annexed to it, shall certify the ownership right and shall be valid as an ascertaining notarial title deed for the property. Where a ruling restitutes ownership right over farmland to a deceased owner, the ruling shall be issued for all his/her heirs together, except in the cases under paragraph 2. The shares of the heirs shall be defined as per the Inheritance Act, without being specified in the ruling.
- (2) Whenever the ruling under Art 14, paragraph 1, item 2 has been issued in the name of a deceased owner his legal heirs may divide among themselves the lands determined by the ruling for restitution of property. The contract of partition shall be in writing and the signatures of the parties thereto shall be notarised. Until

promulgation in the State Gazette of the announcement of the land division plan the heirs may require from the land board to issue a ruling under paragraph 1 for each of them pursuant to his or her rights as established by the contract of partition.

- (3) (Repealed, SG No. 98/1997)
- (4) (Amended, SG Nos. 79/1996; 98/1997) Separate land division plans shall be adopted in respect of territories occupied by perennial crops, rice fields and canal equipment, which shall be part and parcel of the land division plan for the entire territory.
- (5) (Amended, SG No. 98/1997) By way of a land division plan, any particular owner's plots of land within a locality shall be restored in one and the same area. All other requirements to which a land division plan and the manner of its elaboration, as well as any technical activities relating to its drawing up and to the survey of estates under Article 14, paragraph 1, subparagraph 1 should conform, shall be set forth in the Rules on the implementation of this Act.
- (6) Restitution of property shall take place after harvesting of the crop unless the proprietor pays compensation.
- (7) (Amended, SG No. 79/1996) Prior to entry into force of the land division plan petitioners who have been issued a ruling under Article 14, paragraph 1, item 2, or where partitions have been effected under the procedure laid down in paragraph 2, may be put in possession of farmlands in such proportions as shall not exceed the ones specified in the ruling.
- (8) (Amended, SG Nos. 87/1997; 98/1997; 88/1998; 68/1999) A land division plan that has entered into force and an approved chart of the existing actual boundaries or previous actual boundaries of farmland restorable on the grounds, may be reworked in the event of an obvious factual error, by way of an executive order of the Minister of Agriculture, Forestry and Agrarian Reform, or by an official duly authorised by the Minister. The executive order shall be promulgated in the State Gazette and shall be notified by the land board in the municipality.
- (9) (New, SG No. 79/1996; Repealed, SG No. 98/1997)

Article 18

(New, SG No. 45/1995; Amended, SG No. 87/1997) Proprietors of farmland located within consolidated plots of perennial plots, rice fields and irrigation facilities shall not destroy them prior to the expiry of their amortisation period, except with the permission of the Minister of Agriculture, Forestry and Agrarian Reform. Such proprietors shall manage them by executing all applicable agrotechnical and agrochemical operations.

Article 19

(Amended, SG No. 98/1997) Municipalities shall hold, control and manage any farmland that has remained after all proprietors have been reinstated. Following the expiry of a ten-year period such land shall become municipal property.

Article 19a

(New, SG No. 45/1995)

(Amended, SG No. 98/1997) Terms and procedures of compensation with land from the municipal landed fund shall be prescribed by the Rules on the implementation of this Act.

- (2) (Repealed, SG No. 98/1997)
- (3) (Repealed, SG No. 98/1997)

Article 20

- (1) (Amended, SG Nos. 45/1995; 79/1996) Landless persons and small proprietors shall be granted land by respective land boards from the national and municipal land reserves by way of transferring the property rights or leasing out by such terms and under such procedure as shall be prescribed in an ordinance enacted by the Council of Ministers.
- (2) (New, SG No. 79/1996; Amended, SG No. 87/1997) The size and locality of lands to be granted shall be specified by the Minister of Agriculture, Forestry and Agrarian Reform on a motion by the land board as regards lands belonging to the state landed reserve, and by the municipal council where lands constituting municipal landed funds are concerned, in proportion to the factual availability of landed funds in the respective territory. Same authorities shall specify what part thereof shall be transferred in possession or leased out.
- (3) (New, SG No. 79/1996) Land shall be granted within the territory of the settlement where a person takes up his permanent abode, or where his farmlands have been reinstated, as well as within neighbouring territories.
- (4) Persons thus vested with landed property may not transfer said property before the expiry of 10 years of the date of acquisition unless the transfer is made to the State or the local Municipality.

Article 21

- (1) (Amended, SG No. 28/1992) Among persons eligible to be thus vested with property, preference shall be given, as follows:
 - 1. persons who are engaged in farming in a local settlements;
 - 2. persons, residing permanently in a local settlement, who have relinquished land to the land reserve in another settlement;

3. graduates in farming and young couples who undertake to engage in farming;
 4. persons dispossessed of farmland for state or public policy needs.
- (2) Among applicants of the same category, preference shall be given to those who do not own any land or own less by comparison with others.
- (3) A land board's rulings on petitions shall be notified to persons concerned pursuant to the Code of Civil Procedure and may be appealed against pursuant to Article 14 above.

Article 22

Persons outside categories under the preceding article shall be vested with property rights in land subject to a ruling of the land board on results of auction held according to rules set by the Council of Ministers.

Article 23

(Amended, SG Nos. 79 & 104/1996) Where land is granted, ownership shall be acquired upon the entry into force of the ruling handed down by the relevant land board. Said ruling shall be entered into the registers of a recordation office. A lawful instalment mortgage shall be given on the property until the moneys due for the grant of land are repaid.

Chapter Three

LAND HELD BY THE STATE, MUNICIPALITIES, AND LEGAL PERSONS

(Retitled, SG No. 98/1997)

Article 24

- (1) (Amended, SG Nos. 28/1992; 45/1995; 79/1996; 87/1997; 68/1999) The State shall retain its ownership of farmlands according to the status quo at the time of entry of this Act into force, with the exception of the lands subject to restitution. The Minister of Agriculture, Forestry and Agrarian Reform shall exercise the owner's rights in respect of lands included in the state landed fund, by letting or leasing them out, by establishing limited real rights thereon, by executing sales and exchanges for farmlands equivalent in quantity and quality.
- (2) (Amended, SG Nos. 79/1996; 87/1997) The property rights of the State over farmlands allotted to research, research and manufacture, and academic institutions, inclusive of the Ministry of Transportation, to the penitentiaries, to seed production and pedigree animal farms, fruit tree nurseries, pepper nurseries, forest nurseries and hunting estates, as well as to the Ministry of Regional Development and Urban Planning inasmuch as are necessary for their activities, shall be retained in such proportions as correspond to such institutions' basic nature of business and as determined by the Ministry of Agriculture, Forestry and Agrarian Reform following consultations with all administrations concerned.
- (3) The State's ownership of farmland allotted to the Ministry of Defence, the Ministry of the Interior and other departments directly pertaining to the national defence and security, shall be retained on territories and in size determined by the Council of Ministers on a motion by the Minister of Defence, or by the Minister of the Interior, respectively, or by the head of the respective department.
- (4) (Amended, SG No. 133/1998) Proprietors shall not be reinstated in ownership of farmlands which have been included in parks of national significance and natural reserves, exclusively state-owned, as identified under the provisions of the Protected Territories Act, or of land where immovable archaeological sites are located on or below its surface.
- (5) The lands under paragraphs 2, 3 and 4 shall be the property of the state. These may only be used for the purposes for which they had been granted. The users of such lands shall not be entitled to permit other persons to use such lands.
- (6) Proprietors under paragraphs (2), (3) and (4) above shall be granted compensation pursuant to Article 10b, paragraph (1).
- (7) (New, SG No. 88/1998) Land in the state landed reserve shall not be acquired by prescription.

Article 25

- (1) (Amended, SG No. 45/1995) Farmland, outside such as is owned by individuals, legal persons or the State, shall be municipal property.
- (2) (Amended, SG No. 98/1997) Municipalities shall be reinstated in ownership of farmland of which they were dispossessed to benefit state-owned farms, labour co-operative farms, agricultural and industrial complexes, agricultural companies, as well as state-owned forest lands, where such land was included in the state forestry fund, except in the instances of forest nurseries and protective forest belts.

Article 26

(Amended, SG Nos. 28/1992; 45/1995; 87/1997) The Ministry of Agriculture, Forestry and Agrarian Reform and the land boards may grant usufruct in state and municipal land to individuals where such land is in low-productivity or depopulated areas as determined by the Council of Ministers. Users, who have cultivated such land for a period over 10 years, may be granted ownership subject to a resolution of the Municipal Council and by order of the Minister of Agriculture, Forestry and Agrarian Reform, when ownership of land from the State Land Reserve shall be granted.

Article 27

- (1) (Amended, SG Nos. 28/1992; 45/1995; 79/1996) Proprietors of land incorporated in labour co-operative farms and state farms, members of labour co-operative farms or of other agricultural organisations set up on the basis thereof, as well as all persons in legal labour relations with them, shall be entitled to a share of such entities' property. Shares shall be assessed on the basis of a person's contribution to the acquisition thereof: contributed land, perennials, length of service and moneys paid up for the acquisition of machinery and equipment not cleared by subsequent payment. The distribution of shares shall be effected under the terms and procedures laid down in the Rules on the implementation of this Act, in equal proportions of contributed land and length of service and following the reimbursement of moneys provided for the acquisition of machinery and equipment not cleared by payment. Where a rightful claimant has not made contributions of land and fixed assets, his years of service shall be taken into account, provided they are not less than five (5).
- (2) Members of co-operative farms shall have the right to withdraw their shares at termination of membership.
- (3) Persons, and their inheritors, who have terminated their membership before this Act comes into force shall also be entitled to shares.
- (4) (Repealed, SG No. 98/1997)
- (5) (Amended, SG No. 98/1997) In the event that several persons under paragraph 1 have requested to be granted a certain chattel related to agricultural production in exchange of shares in the organisation under § 12 of the Transitional and Concluding Provisions, priority shall have those who manufacture agricultural produce or provide manufacturing services related thereto; and if several persons should satisfy this requirement, priority shall have those whose shares cover a larger portion of the requested chattel's value.
- (6) (Amended, SG Nos. 79/1996; 98/1997) Persons who have taken possession of buildings from the property of the organisations under § 12 of the Transitional and Concluding Provisions, shall be also entitled to utilise, as of the day of acquisition of the buildings and against payment, the non-built portion of land surrounding such buildings within such proportions as are set by the law for a period of one (1) year following the entry into force of the land division plan. The rental amount shall be determined by the respective Regional Governor. The said persons shall have the right to acquire the property over that land and over the built-up portion of it by way of:
 1. (Amended, SG No. 98/1997) a three-year instalment plan involving payment by equal annual instalments of the outstanding amount increased by 20 per cent of the annual inflation rate;
 2. (Repealed, SG No. 98/1997)
 3. submitting of an equal amount of land to the state landed fund. If the person in question is a legal person, such submission of land may be effected by its members following the appropriate procedure.
- (7) (Amended, SG No. 98/1997) Persons having a share in a co-operative under Article 27, upon leaving such co-operative shall have the right to receive a portion of the property of the organisations under § 12 of the Transitional and Concluding Provisions in proportions corresponding to their shares.

Article 28

- (1) (Amended, SG No. 28/1992) Labour co-operative farms shall be reinstated in ownership of farmland, fixed and financial assets, etc. as dispossessed of them or of state-owned farms based on them to benefit other entities.
- (2) Where such property is an indivisible part of existing assets and the project has not changed its purposes since its foundation, it shall be restituted to the proprietor who will reimburse the difference in value.
- (3) Where a labour co-operative farm's property was ceded to a state-owned farm, a tractor depot and to other state-owned organisations, and has been subsequently incorporated into corporate property, the labour co-operative farm's equity share, or that of its legal successors, shall be determined in proportion to the property transferred by the labour co-operative farm to a state-owned farm and to other state-owned organisations.

Article 29

- (1) (Amended, SG No. 28/1992) The Bulgarian Orthodox Church and the other religious denominations, co-operatives and other organisations, shall, at their request, be reinstated in ownership of farmland, as dispossessed, unless such land has since been lawfully built up for purposes other than farming, or granted to individuals. In such cases the above organisations shall be compensated with land equal in quality and area from the State or Municipal Land Reserves. In the absence of such appropriate land compensation shall be conducted by terms and procedures as provided by law.
- (2) Subject to consent of the organisations under paragraph (1) above, reinstatement in ownership may be done elsewhere in the country.

Article 30

- (1) (Amended, SG Nos. 87/1997; 98/1997; 68/1999) Any property of the expunged organisations under § 12 of the Transitional and Concluding Provisions, which the persons specified in Article 27, paragraph 1 do not wish to receive as a share, and which cannot be sold out, shall be ceded gratis free to the municipality in whose territory it is located. In the presence of state property, municipalities shall be obligated to render the same to the Ministry of Agriculture, Forestry and Agrarian Reform.
- (2) (New, SG No. 68/1999) Following the expiry of a 5-year period starting from transferring the property under paragraph 1, sentence 1, such property shall pass into ownership of the municipality.

- (3) (New, SG No. 68/1999) The documents of the expunged organisations under § 12 shall be submitted according to an inventory, by the persons under § 29 of the Transitional and Concluding Provisions of the Act on the Amendment of the Ownership and Use of Farm Land Act (promulgated, SG 45/1995; amended, 46/1995; 59/1995: Ruling No. 8/1995 of the Constitutional Court; amended, 79/1996; 15/1997: Ruling No. 3/1997 of the Constitutional Court; amended, 98/1997) to the Mayor in the municipality where the organisation had its registered seat.

Chapter Four

LANDED PROPERTY AUTHORITIES

Article 31

- (1) (Amended, SG Nos. 28/1992; 87/1997; 98/1997) Land property authorities shall be the Ministry of Agriculture, Forestry and Agrarian Reform and all land boards.
- (2) (New, SG No. 98/1997; 68/1999) On a motion of the Minister of Agriculture, Forestry and Agrarian Reform in agreement and co-ordination with the Finance Minister, the Council of Ministers shall adopt a tariff of state fees to be charged, for keeping and updating land division plans and for any other administrative services provided by land property authorities. Revenues from such fees shall be deposited into the budget of the Ministry of Agriculture, Forestry and Agrarian Reform.

Article 32

(Repealed, SG No. 28/1992)

Article 33

- (1) (Amended, SG Nos. 28/1992; 45/1995; 79/1996; 87/1997) Land boards shall be bodies of the Ministry of Agriculture, Forestry and Agrarian Reform. They shall be appointed, established, re-established and disbanded by the Minister of Agriculture, Forestry and Agrarian Reform. He shall appoint and dismiss the president, secretary and members of such boards.
- (2) (Amended, SG No. 79/1996) Land boards shall reconstitute property over lands under the provisions of this Act, shall keep and update land division plans and other materials and data obtained in result of the enforcement of this Act, shall issue land plans for rights-transferring transactions, and partition of farmlands and shall conduct such other activities as prescribed by the Rules on the implementation of this Act.
- (3) (New, SG No. 79/1996; Amended, SG No. 87/1997) Performance of activities related to maintenance and update of land division plans and of other materials and data obtained in result of the enforcement of this Act, shall be assigned by the Minister of Agriculture, Forestry and Agrarian Reform, or by persons duly authorised by the Minister, on a motion by the land board to licensed contractors within one (1) month following the entry into force of land division plans.
- (4) (New, SG No. 79/1996; Amended, SG No. 87/1997) The powers of the Minister of Agriculture, Forestry and Agrarian Reform relative to the implementation of this Act may also be exercised by persons authorised by him in writing.
- (5) (Amended, SG No. 87/1997) The Minister of Agriculture, Forestry and Agrarian Reform shall determine the employed strength, the functions and tasks of land boards in connection with the need to maintain, amend and up-date land division plans.

Article 34

(New, SG No. 98/1997)

- (1) At the request of the owners, farm estates the title whereof has been restituted shall be seized from the persons holding and using them without legal grounds and shall be rendered to their lawful proprietors by a ruling of the mayor of the municipality within which such estates fall.
- (2) Both a mayor's ruling as well as his refusal to issue such ruling shall be appealable under the terms and procedures presented in the Administrative Proceeding Act. No appeal shall suspend the execution of the ruling unless the court has ruled otherwise.
- (3) A mayor's ruling shall be carried out through administrative channels and with the assistance of the national police authorities.
- (4) No persons thus removed from the utilisation of an estate shall have any right to indemnification.

Article 34a

(New, SG No. 98/1997; Repealed, SG No. 68/1999)

Article 34b

(New, SG No. 98/1997; Repealed, SG No. 68/1999)

Article 34c

(New, SG No. 68/1999)

In the cases under Article 17, paragraph 8 and under §§ 31, 32 and 34 of the Transitional and Concluding Provisions of the Act on the Amendment of the Ownership and Use of Farm Land Act (promulgated, SG 98/1997; amended, 36 and 88/1998), starting from the date of promulgation in the State Gazette of the ruling for the reworking of the plan

under Article 17, paragraph 8, all rulings of the land board and the titled deeds for the property affected by the reworking, issued on the basis of these rulings, shall be considered null and void by rights.

Chapter Five INDEMNIFICATION

(New, SG No. 98/1997)

Article 35

- (1) Where restitution of property cannot be effected in any other way stipulated statutorily, farmland owners and owners of forests and lands included in the state forestry reserve that are subject to restitution under this Act, shall be indemnified with registered compensation vouchers.
- (2) Upon a request filed in writing with the respective land board, persons entitled to indemnification shall have the right to receive registered compensation vouchers even in such cases where restitution of title could be effected with farmland or forests and lands included in the state forestry reserve, or to be indemnified in other ways provided for in a statute.
- (3) Registered compensation vouchers shall not be securities as construed under the Securities, Stock Exchanges and Investment Companies Act. They can only be used for purchasing by auction of farmland from the state landed fund and of forests and lands from the state forestry reserve, for participation of their holders in the privatisation, as well as for acquisition of title to land under Article 27, paragraph 6. Only holders of registered compensation vouchers shall have the right to participate in auctions for farmland from the state landed fund and for forests and lands from the state forestry reserve.
- (4) (Amended, SG No. 68/1999) Registered compensation vouchers shall be transferable without limitations.
- (5) Registered compensation vouchers shall be inheritable.
- (6) Registered compensation vouchers may not be put up as collateral security, nor can be used as a means of payment, except from the instances specified in paragraph 3.
- (7) Registered compensation vouchers shall have a par value of one thousand (1,000) units each. For the purpose of establishing the amount of indemnification payable to entitled persons by way of registered compensation vouchers, as well as of any payments thereby in the instances specified in paragraph 3, each nominal value unit shall be equal to one (1) Bulgarian Lev.

Article 36

- (1) Land boards shall determine the pecuniary indemnification amount due and the number of registered compensation vouchers owing to entitled persons under Article 35, paragraph 1.
- (2) The indemnification amount under paragraph 1 shall be determined at current market prices fixed by a Council of ministers' decree.

Article 37

Terms, time-limits and procedures of issuance and receipt of registered compensation vouchers, as well as the procedure of transferring them between the persons specified in Article 35, paragraph 4 and of making disbursements thereby, shall be prescribed by a Council of Ministers' decree.

Chapter Six ADMINISTRATIVE AND PENAL PROVISIONS

(New, SG No. 98/1997)

Article 38

- (1) (Amended, SG No. 68/1999) Any person who destroys, damages, removes or relocates a permanent landmark designating the supporting net or the boundaries of farm estates, shall be penalised by a fine in the amount of Bulgarian Leva (BGL) from two hundred and fifty (250) up to five hundred (500).
- (2) (Amended, SG No. 68/1999) Any person who destroys a field road traced under a land division plan, or presents an obstacle to its tracing under a land division plan, shall be penalised by a fine of BGL from five hundred (500) up to one thousand (1,000).
- (3) (Amended, SG No. 68/1999) Where a violation under paragraphs 1 and 2 has been committed on the orders of a legal entity's official, the executive manager thereof shall be penalised by a fine in the amount of BGL from one thousand (1,000) up to two thousand (2,000), and the legal entity shall be penalised by a property sanction in the amount of BGL from two thousand (2,000) up to five thousand (5,000).

Article 39

- (1) (Amended, SG No. 68/1999) Any official who has failed to discharge his obligations under Article 7, paragraph 5, Article 15, paragraph 5, and Article 34, paragraph 1, shall be penalised by a fine in the amount of Bulgarian Leva (BGL) from five hundred (500) up to two thousand (2,000).
- (2) (Amended, SG No. 68/1999) Any official who has caused or allowed the approval of a land division plan, or of other technical activities relating to the implementation of this Act, in violation of the requirements for their

elaboration, shall be penalised by a fine of Bulgarian Leva (BGL) from one hundred and fifty (150) up to two thousand (2,000).

Article 40

- (1) (Amended, SG No. 68/1999) Any person who utilises without any legal ground a farmland estate the title whereof has been restituted, shall be penalised by a fine in the amount of Bulgarian Leva (BGL) from two thousand (2,000) up to ten thousand (10,000).
- (2) (Amended, SG No. 68/1999) Any person who fails to obey an order for seizing such estate as provided for in Article 34, shall be penalised by a fine in the amount of Bulgarian Leva (BGL) from five hundred (500) up to two thousand (2,000).

Article 41

- (1) (Amended, SG No. 68/1999) Violations under the preceding articles shall be ascertained by way of statements drawn up by an official designated by the district governor having jurisdiction over the location of the property.
- (2) (Amended, SG No. 68/1999) Penal decrees shall be issued by the district governor having jurisdiction over the location of the property, or by a person duly authorised by the district governor.
- (3) (Amended, SG No. 68/1999) Penalties shall be deposited into the budget of the Ministry of Agriculture, Forestry and Agrarian Reform.
- (4) Ascertainment of violations, as well as issuance, appeal and execution of penal decrees shall be effected under the terms and procedures prescribed in the Administrative Violations and Penalties Act.

ADDITIONAL PROVISIONS

(New, SG No. 79/1996)

- § 1 Absence of written evidence as construed in the accepted meaning of Article 12, paragraph 3 shall be available in such events where the documents described in Article 12, paragraph 2 have been destroyed or lost through no fault of the land-owners.
- § 2 (Repealed, SG No. 98/1997)
- § 2a (Repealed, SG No. 98/1997)

TRANSITIONAL AND CONCLUDING PROVISIONS

- § 3 (Amended, SG Nos. 28/1992; 45/1995)
- (1) Disputes on the use of land of the State and Municipal Land Reserves, or on boundaries between the settlement territories, shall be settled according to the general legal procedure.
 - (2) Until the dispute over boundaries between settlement territories is resolved land division shall be made on the basis of the settlement territory confines established by the Integrated Cadastre of the Republic of Bulgaria Act.
 - (3) In the event that settlement territory confines are amended by a court decision that has entered into force, the farmland reduction made by the land board under Article 15, paragraph 2 in the respective settlement territory shall remain into force.
 - (4) Court rulings on amending confines of settlement territories for which land division plans have already come into effect, shall not be reflected in the restituted rights of proprietors.
- § 4 (1) (Amended, SG Nos. 28/1992; 45/1995; 98/1997) Usufruct of farmland granted to individuals under any acts issued by the once Presidium of the National Assembly, State Council and the Council of Ministers, shall be hereby discontinued.
- (2) (New, SG No. 68/1999) Populated areas shall be created under the provisions of Chapter III, Section II of the Act on Administrative and Regional Organisation of the Republic of Bulgaria on the lands under paragraph 1, where at least two thirds of the property situated on them, have been built up.
 - (3) (New, SG No. 68/1999) Lands under paragraph 2 situated in the immediate vicinity of the building development confines of settlements, may be incorporated into them.
 - (4) (New, SG No. 68/1999) The mayors of municipalities shall propose to the municipal councils not later than 1 March 2000 belt line ranges of lands under paragraphs 2 and 3.
 - (5) (New, SG No. 68/1999) No fees as per Article 30 of the Farmland Protection Act shall be charged for incorporation of lands under paragraphs 2 and 3 into the building development confines of settlements and other populated areas.
- § 4a (Amended, SG No. 98/1997)
- (1) Individuals, enjoying usufruct of land under § 4, shall, in the event of strict adherence to all requirements of any state authorities' acts stated in such usufruct, acquire title to the usufructed land provided they had erected a building thereupon by March 1, 1991, and provided also they pay for such land to its owner via the municipality at prices set by the Council of Ministers pursuant to Article 36, paragraph 2, within three (3) months of the entry of such appraisal into force.

- (2) Where a building's total floorage exceeds thirty-five (35) square metres, or is more than a single storey high, an individual coming into possession under this Act shall also pay in favour of the state a graduated fee in accordance with the building's floorage, and in such an amount as prescribed by the Council of Ministers. Such fee shall not be paid provided that as of January 1, 1992 the erected building served as the only residence of its owner's family, comprising of the spouses and their underaged children.
- (3) In the event that the land-owner is not paid the value of his land under the terms and procedure set forth in paragraph 1 above, he shall acquire a good title to the building erected thereon, provided he pays for it to the land-usufructuary who erected the building, or to his inheritors, respectively, at prices set by the Council of Ministers.
- (4) In the event that neither the value of the land, nor that of the building have been paid, both the building and the plot of land attached to it shall be offered for public sale following the terms and procedures laid down in the Code of Civil Procedure.
- (5) Where an usufructuary, by virtue of any of the acts specified in § 4, has been granted usufruct of municipal or state-owned land the title whereof is not restorable to citizens, such usufructuary shall acquire ownership provided he pays via the municipality the value of the land at prices set by the Council of Ministers under the terms of paragraph 1, pursuant to Article 36, paragraph 2, within three (3) months of the entry of the appraisal into force.
- (6) In order to attain the hold of title in adherence to the requirements presented in § 4a, § 4b, § 4e and § 4h hereof, usufructuaries shall be required to make a statement of their intention to the respective municipality up to January 31, 1998.

§ 4b (Amended, SG No. 98/1997)

- (1) (Amended, SG No. 123/1997) Individuals shall be reinstated in ownership of farmlands clear of erections and granted in usufruct under the acts stated in §4. Where such lands are planted with vineyards or orchards, or where a plot of farmland is the only one held by an usufructuary's family residing permanently in the same settlement in whose territory the estate in issue is located, such usufructuary shall acquire title to the land, provided he pays for it to its owner via the municipality at prices set by the Council of Ministers pursuant to Article 36, paragraph 2, within three (3) months of the entry of such appraisal into force. No usufructuary shall be allowed to acquire title to any land lying at less than thirty (30) kilometres away from cities with a population exceeding three hundred thousand (300,000) inhabitants, irrespective of the municipality which it is situated in, or falling within 10 kilometres from the littoral strip.
- (2) Where an usufructuary acquires title to land pursuant to paragraph 1 above, or to § 4a, instead of paying for the land he may offer to the land-owner to exchange it for a plot of land of his own, provided the land-owner is willing to accept the offer.

§ 4c (Amended, SG No. 98/1997) Persons who have effected ameliorations on landed estates subject to restitution shall enjoy the rights stipulated for in Article 72 of the Ownership Act.

§ 4d (Amended, SG No. 98/1997) Any land estate held and usufructed by any person without good legal grounds shall be subject to seizure. A seizure shall be effected following the procedure laid down in Article 34.

§ 4e (Amended, SG No. 98/1997) Individuals enjoying usufruct of two or more landed estates shall have the right to acquire title, under the terms of §§ 4a and 4b, to one of them alone by exercising their own choice and making a statement to the respective municipality within the time limit specified in § 4a, paragraph 6.

§ 4f (Amended, SG No. 98/1997, Repealed, SG No. 68/1999)

§ 4g (Amended, SG No. 98/1997, Amended, SG No. 68/1999) Funds under § 4a, 4b and 4h shall be raised in an extra-budgetary account with the municipalities and shall, along with the interest accrued, be used to indemnify former land-owners and usufructuaries. The amounts shall be paid within one month of their being deposited, under terms and procedures defined in the Rules on the implementation of this Act.

§ 4h (New, SG No. 98/1997)

- (1) Individuals whose usufruct of a property is transformed into a good title thereto pursuant to § 4a, paragraph 1, shall acquire title to plots of land up to six hundred (600) sq. m., and those under § 4a, paragraph 1 to plots of land up to one thousand (1,000) sq. m.
- (2) (Amended, SG No. 68/1999) The differential between six hundred (600) sq. m. and one thousand (1,000) sq. m. and the actually usufructed plot of land shall be restituted to the land-owners for the purpose of setting up new pieces of property with proportions of no less than two hundred and fifty (250) sq. m. under terms and procedures prescribed in the Rules on the implementation of this Act. Plots of land which cannot be used to establish a new piece of real estate shall be paid for by the usufructuaries to the proprietors at market prices, within three months of entry into force of the valuation.

§ 4i (New, SG No. 98/1997)

- (1) Land-owners or their inheritors shall have the right to file a claim for restitution of title to the land where it was granted in usufruct under § 4 and the subsequents, or has been transferred not by its owner, if the granting of such usufruct or the acquisition of the property has been effected in violation of any statutory and regulative instruments, as well as through a misuse of high official or communist party standing, or through an abuse of power.
- (2) The rights under paragraph 1 shall be also enjoyed by the land-owners or their inheritors in any instances specified in Article 10, paragraph 7.

- (3) In the event that a building has been erected on a plot of land in the instances under paragraphs 1 and 2, or some other ameliorations have been carried out, the relations between the land-owner and the usufructuary shall be settled in correspondence with Articles 73 and 74 of the Ownership Act.

§ 4k (New, SG No. 98/1997; Amended, SG No. 68/1999)

- (1) A cadastral plan and a plan of newly-formed landed property shall be designed for the lands granted in usufruct to individuals on the basis of the enactments specified in § 4.
- (2) The cadastral plan under paragraph 1 shall contain information both on the landed property granted in usufruct, and on the landed property which existed before the establishment of labour co-operative farms and state-owned farms. It shall be designed and approved in compliance with the Act on the Republic of Bulgaria's Integrated Cadastre.
- (3) For the purpose of ascertaining the boundaries of landed property existing prior to the establishment of the labour co-operative farms and state-owned farms, all information sources may be used: aerial photographs, photodiagrams, photoplans, cadastral plans, reallocation plans and other graphic materials and data. Where information from these sources on the boundaries of landed property is lacking, data shall be collected through inquiries, under terms and procedures provided for in the Rules on the implementation of this Act.
- (4) The contents of the plan of newly-formed landed property under paragraph 1 and terms and procedures for its designing shall be stipulated in the Rules on the implementation of this Act.
- (5) The plan of newly-formed landed property shall be approved and notified to the persons concerned, as provided for in the Act on the Integrated Cadastre of the Republic of Bulgaria.
- (6) The plan of newly-formed landed property shall be approved by the district governor. The ruling thereon shall be notified to the persons concerned, as stipulated in paragraph 5. Complaints against the approved plan of newly-formed landed property may be filed with the district court within 14 days of announcing the ruling.
- (7) Restitution, or acquisition, respectively, of ownership right on newly-formed landed property shall be executed by ruling of the mayor of the municipality, which shall be notified under the provisions of the Civil Proceedings Code. The ruling shall set forth the location, confines, neighbours, as well as any limitations on the property and the reasons for such limitations. A plan of the property shall be annexed to the ruling.
- (8) A plan of newly-formed landed property which has already entered into force may be changed:
 1. when the cadastral plan on the basis of which it has been worked out, contains significant inadequacies or errors; where a material right is contested, the parties concerned shall assert their rights through the court;
 2. when the plan contains an obvious factual error;
 3. when the plan has been worked out in gross violation of the law, unless a court ruling has entered into force, or the plan has been annexed;
 4. upon request of the court in relation to lawsuits for partition of property;
 5. with the consent of all owners directly concerned.
- (9) Financing of the plans under paragraph 1 shall be done within the limits of the approved funds from the state budget, according to an yearly programme formulated by the district governor in conjunction with the mayor of the municipality.
- (10) In respect of the plots of land under § 4, paragraphs 2 and 3, the district governor shall order that a cadastral plan and a plan of newly-formed landed property as of 30 September the previous year, be designed.

§ 4l (New, SG No. 98/1997; Amended, SG No. 68/1999) Valuations of land, buildings and ameliorations under §§ 4a, 4b, 4c and 4h shall be carried out by ruling of the mayor of the respective municipality, or of an official duly authorised by the mayor, within three months of entry into force of the plan of newly-formed landed property, under terms and procedures set forth in the Rules on the implementation of this Act.

§ 5 Leases shall be honoured where land under lease is to remain as possession of or in use by the lessor. Should the opposite be the case, the lease shall be terminated as the rightful proprietor comes into possession, but in no case earlier than the crop has been gathered.

§ 6 Persons, vested with property in land pursuant to this Act, may not lease or let their land before the expiry of five years of the date they come into possession thereof.

§ 7 (1) (Repealed, SG No. 57/1995)

- (2) Annuity receipts from farmland shall be deducted from the sum dutiable to income tax.
- (3) Natural persons shall be exempt from tax on buildings erected on farmland for a period of five years from the date of their entering into possession.
- (4) Young families shall be exempt from income tax on farming receipts from vegetable and animal products for a period of eight years since the entering in force of this Act.

§ 8 (New, SG No. 28/1992) The inheritors of persons reinstated in ownership of farmland under this Act shall be exempt from inheritance tax.

- § 9 (New, SG No. 28/1992) Farm land subject to reinstated ownership under Article 10 of this Act and considered as forests in the sense of the Forestry Act, shall be subject to the provisions of the Forestry Act and the Hunting Estates Act.
- § 10 (New, SG No. 28/1992; Amended, SG Nos. 45/1995; 79/1996) Farmlands the ownership wherein has been reinstated under the provisions of this Act, and which are construed as forests in the accepted meaning of the Forestry Act may, at their proprietors' request, be commuted for other farmland from the landed reserve of the respective settlement or within the territory of an adjacent settlement, and by the proprietors' consent - within a different territory just as well.
- § 11 (New, SG No. 28/1992; Amended, SG No. 45/1995)
- (1) All transactions concluded in violation of the Decision of the National Assembly on Temporary Halting of Disposal with Property (SG No. 1/1992) shall be null and void.
 - (2) All auctions of property of organisations under § 12, held in violation of the terms and procedures specified for them, as well as any deals made on the basis of such auctions shall be null and void. Such property shall be confiscated under Article 16 of the Property Act by ruling of the district governor.
 - (3) Subject to annulment shall be deals with property of organisations under § 12 made by liquidation councils at obviously unfavourable terms. Annulment claims may be filed within one year of the entry into force of this Act by any of the persons under Article 27, paragraph 1 or on their behalf by a co-operative or company of which they are members of shareholders.
- § 12 (New, SG No. 28/1992) Terminates all existing TKZS and farm co-operatives established under § 7 of the Transitional and Concluding Provisions of the Co-operatives Act. Terminates all existing organisations and companies registered under Decree No. 922 on Land Use and Farming (promulg. SG, No. 39/1989; amend. No. 10/1990; repeal. No. 63/1991) and Decree No. 56 on Economic Activity with property and share in equity of farming teams, farm co-operatives, TKZS, tractor depot, APK and agricultural institutes. Terminates the existence of co-operatives registered under the Co-operatives Act, when the provisions under Article 33, paragraph (3) of that Act have not been observed and contribution of farmland has been envisaged in their By laws.
- § 13 (New, SG No. 28/1992; Amended, SG Nos. 48/1993, 45/1995)
- (1) The liquidation of the organisations under § 12 shall be carried out by Liquidation Councils, composed of a chairman and up to two members.
 - (2) (Amended, SG No. 87/1997) The members of the Liquidation Councils shall be dismissed and appointed by the Minister of Agriculture, Forestry and Agrarian Reform upon a proposal by the regional agricultural offices in consultation with the respective mayors of communities. The Minister of Agriculture, Forestry and Agrarian Reform shall also make changes or shall fill in vacancies in the respective Liquidation Council on his own initiative through a procedure to be determined by the Council of Ministers.
 - (3) The Liquidation Councils shall terminate their activities with the deletion of the organisations under § 12 from the register of the respective district court.
 - (4) (Amended, SG 87/1997) The regional agricultural offices shall, in consultation with the respective mayors of communities, forward to the Minister of Agriculture, Forestry and Agrarian Reform within one month of the entry into force of this Act a reasoned proposal on changes or filling in of vacancies in the respective Liquidation Councils.
 - (5) The Liquidation Council shall:
 1. organise and manage the activities of the organisation under § 12 until its deletion from the register of the respective district court and shall have the rights and obligations of the Managing Board, while the Chairman of the Liquidation Council shall execute the rights and obligations of the organisation's head;
 2. determine the shares under Article 27, paragraph (1) and grant ownership or co-ownership of property based on such shares;
 3. distribute the in-kind property among the persons possessing the right to a share in accordance with the shares owned by them;
 4. undertake other actions pertaining to liquidation under the Rules on the implementation of this Act.
 - (6) The Liquidation Councils shall file with the respective district courts applications for deletion of the organisations under § 12 immediately after the ending of the liquidation activities.
 - (7) (Amended, SG No. 87/1997) The Minister of Agriculture, Forestry and Agrarian Reform shall carry out the guidance and supervision of the activities of the Liquidation Councils. The Minister of Agriculture, Forestry and Agrarian Reform, or a person duly authorised by the Minister, may revoke acts of the liquidation councils, including after termination of the latter within one year of the entry into force of this Act. He shall determine the final deadline for their work in accordance with the liquidation activities performed.
 - (8) The members of the Liquidation Councils shall be liable jointly and severally for the damages they have caused to the organisations under § 12 and to the persons possessing a share in the property. Persons eligible to receive shares may empower co-operatives or companies of which they are members to file claims under this paragraph on their behalf. Such claims shall be exempt of state fees.

- (9) (Amended, SG. No. 87/1997) Within one (1) year of the entry into force of this Act the Ministry of Finance shall organise and carry out financial control of the organisations under § 12 of the Transitional and Concluding Provisions, including after such organisations are terminated. The funds necessary for exercising financial control shall be allocated from the state budget. The audit statements and penal statements shall also be sent to the Ministry of Agriculture, Forestry and Agrarian Reform. Within the legal process in respect to claims under paragraph 8 the factual findings in audit statements shall be considered true until proved false.

§14 (New, SG No. 28/1992; Amended, SG No. 43/1993)

- (1) The obligations of the organisations under § 12 to the banks with state participation, as existent by December 31, 1992, shall be converted to state debt under terms and procedures to be determined by the Council of Ministers.
- (2) The State shall assume the rights of the organisations under § 12 for all their claims towards third parties natural or legal persons which have arisen by December 31, 1992.
- (3) Movable and immovable property of liquidated labour co-operative farms necessary for their activities may not be subject to execution.

§15 (New, SG No. 28/1992, Repealed, SG No. 88/1998)

§16 (Amended, SG Nos. 79/1996; 104/1996; 98/1997)

- (1) (Amended, SG No. 98/1997) Court proceedings under this Act shall be free with the exception of the ones under Article 14, paragraph 4.
- (2) (New, SG No. 98/1997) Conduct of technical activities relating to the execution of court rulings whereby the right to reinstatement in farmland under Article 11, paragraph 2 has been adjudged, shall be paid for by the land-owners.
- (3) (Former paragraph 2; Renumbered and amended, SG Nos. 98/1997; 68/1999) Revenues from activities related to the keeping and updating of land division plans shall be paid into the budget of the Ministry of Agriculture, Forestry and Agrarian Reform.

§ 17 Financing required for the enforcement of this Act shall be provided from the state budget, as requested by the Council of Ministers.

§ 18 (New, SG No. 48/1993) A "Residential property" for the purposes of Article 10, paragraph 7 shall mean a housing unit and the right to build within the construction confines of the communities.

§ 19 This Act is hereby assigned for enforcement to the Council of Ministers which shall issue Rules on the implementation thereof.

This Act was submitted to a vote and duly adopted by the Grand National Assembly on March 20, 1992 and the State Seal was affixed hereto.

REPUBLIC OF BULGARIA
NATIONAL ASSEMBLY

AMENDMENT ACT TO THE OWNERSHIP AND USE OF FARM LAND ACT

Promulgated State Gazette No. 28/20.03.1992

TRANSITIONAL AND CONCLUDING PROVISIONS

§ 40 The sentence "No charges shall be payable for court proceedings pursuant to this Act" shall be added to the end of Article 7 of the Property Reinstatement of Nationalised Immovables Act.

§ 41 Within one (1) month of the date of entry of this Act into force, the Council of Ministers shall revoke land expropriations for state purposes, when expropriated land has not been used for such purposes or they have dropped off.

REPUBLIC OF BULGARIA
NATIONAL ASSEMBLY

AMENDMENT ACT TO THE OWNERSHIP AND USE OF FARM LAND ACT

*Promulgated State Gazette No. 45/16.05.1995
Amended SG Nos. 79/1996, 98 & 124/1997*

TRANSITIONAL AND CONCLUDING PROVISIONS

§ 28 (1) (Amended, SG No. 79/1996) With the entry into force of this Act liquidation councils shall be terminated and the organisations under § 12 of the Transitional and Concluding Provisions of the Ownership and Use of Farm Land Act shall be deleted from the registers of district courts. The members of liquidation councils

shall not receive compensation under Article 220, 222 and 224 of the Labour Code. Disputes arising out of dismissals of members of liquidation councils shall not be examined by the courts. Pending cases and pending execution proceedings where to organisations under § 12 of the Ownership and Use of Farm Land Act are defendants or debtors shall be discontinued, while those to which they are plaintiffs or claimants may be continued by the persons under §29, paragraph 1.

- (2) (Amended, SG No. 79/1996) Property of organisations under § 12 of the Transitional and Concluding Provisions of the Ownership and Use of Farm Land Act shall be the joint property of persons under Article 27, paragraph 1, commensurate with their rights, with the exception of perennials following the restitution of ownership over the land whereupon they have been planted. The shares of persons who are not to receive perennials shall be equalised by supplement of other property in compensation. The General Meeting of persons under Article 27, paragraph 1 shall be empowered to adopt changes to the assessment of property of organisations under § 12 of the same Act. Each person under Article 27, paragraph 1 shall enjoy the rights under Article 28 commensurate with his share in the property of an organisation under § 12. A person may delegate such rights as well as authorise a co-operative or a company of which he is a member or a shareholder to exercise such rights at his expense and account, inclusive of the right to file claims in connection therewith.
 - (3) (Amended, SG No. 79/1996) Persons who have effected ameliorations of real estates belonging to organisations under § 12 of the Transitional and Concluding Provisions of the Ownership and Use of Farm Land Act, shall have the right to request that the owner repays to them the cost of such ameliorations under the provisos of Articles 72 and 74 of the Property Act or Article 59 of the Liabilities and Agreements Act.
 - (4) The documents of the organisations under § 12 of the Transitional and Concluding Provisions shall be handed over as per document lists to the mayors of the municipalities where such organisations have their principal offices and shall be kept by them. Mayors shall provide information to interested parties on the grounds of such documents. They shall present all documents of organisations under § 12 to the persons under § 29, paragraph 1 upon their request.
 - (5) Banks, other legal persons and sole traders may deduct from their taxable profits any amounts due to them by organisations under § 12 of the Transitional and Concluding Provisions for three years after the deletion of such organisations from the registers.
 - (6) (New, SG No. 79/1996) No Value Added Tax shall be due for mechanised farming services provided but not paid for, and for seeds, fertilisers and preparations (chemicals) sold to organisations deleted from court registers under paragraph 1 hereinabove. The liabilities of such organisations to the state and municipal budget shall be written off as uncollectable.
- § 29 (1) (Amended, SG Nos. 79/1996, 98/1997) The General Meeting of persons under Article 27, paragraph 1 may appoint physical or legal persons to distribute the property of the organisations under § 12 of the Transitional and Concluding Provisions, including their moneys in banks. They shall provide information on the state property to the government authorities. Where a person or a group of persons under Article 27, paragraph 1 are not willing to receive a certain chattel of property belonging to an organisation under § 12 of the Transitional and Concluding Provisions of the Ownership and Use of Farm Land Act, the General Meeting of the persons under Article 27, paragraph 1 may authorise in writing persons to have such chattel sold. Sale of motor vehicles and immovable property (real estate) shall be made by an agreement in writing and shall require a notary certification of the parties' hands. The price fetched shall be allotted to the persons under Article 27, paragraph 1 commensurate with their rights. Prescription time for acquisition of shares under Article 27, paragraph 1 shall be five (5) years effective as of the date of termination of an organisation under § 12. Following the expiry of such term all remaining property shall be apportioned to all remaining persons under Article 27, paragraph 1 commensurate with their rights.
- (2) (Amended, SG No. 79/1996) Persons under paragraph 1 may receive from debtors to organisations under § 12 of the Transitional and Concluding Provisions of the Ownership and Use of Farm Land Act in exchange of their debt shares or stakes in their capital, or chattels which they shall apportion to the persons under Article 27, paragraph 1.
 - (3) (New, SG No. 79/1996) Persons under paragraph 1 shall have the right to transfer to persons under Article 27, paragraph 1, and by their consent to other persons as well, collections of organisations deleted under § 12 of the Transitional and Concluding Provisions of the Ownership and Use of Farm Land Act, inclusive of their rights under Article 28 of the same Act. Such transfer shall be effected in exchange of their share in the property of the deleted organisations by way of an agreement in writing.
 - (4) A General Meeting shall be held in the settlement where an organisation under § 12 of the Transitional and Concluding Provisions used to have its principal office. The General Meeting shall be called by at least 50 persons eligible to receive shares, or by the mayor of the settlement where the organisation under § 12 of the Transitional and Concluding Provisions had its principal office, by announcement published in the local or national media. In the event that more than half of the persons eligible to attend the meeting should fail to appear on the announced date and time, the General Meeting shall be postponed for the next day and may sit on that day with the same agenda and adopt decisions irrespective of the number of persons attending it. Decisions shall be adopted by open ballot and simple majority of those in attendance. Each person shall have the right to one vote. Heirs of a person eligible to receive shares shall have the right to one vote in the General Meeting and shall be counted as one when the quorum is established. The minutes of the meeting shall be certified by the mayor of the settlement.

- (5) Whenever many persons are eligible to attend a General Meeting or the operation of the organisation under § 12 has covered several settlements, a meeting of authorised representatives may be called which shall be governed by the preceding paragraphs. The number of authorised representatives may not be smaller than 100. The number of persons represented by one representative shall be determined by the mayor of the settlement where the organisation under § 12 had its principal office, or by the General Meeting.
- (6) (New, SG No. 79/1996) The persons under paragraph 1 shall be jointly liable materially for damages they have inflicted to persons entitled to a share of the property of organisations under § 12 of the Transitional and Concluding Provisions of the Ownership and Use of Farm Land Act, inclusive of the damages inflicted to the state property husbanded by them.
- (7) (New, SG No. 79/1996) The persons under paragraph 1 shall report to the General Meeting on the husbandry and manage, and allocation of property. The General Meeting shall adopt the statement on the closure of their activities and may decide that a financial audit be carried out, where the expenditures for such audit shall be borne by the persons under Article 27, paragraph 1.
- (8) (New, SG No. 98/1997, Amended, SG No. 124/1997) The General Meeting of the persons under Article 27, paragraph 1 shall set a time limit for the appointed persons to allocate the property of the organisations whose existence has been terminated under § 12 of the Transitional and Concluding Provisions, which shall be not later than 31 December 1997. Such term shall not apply to property and chattels whereover litigation is pending in court. The authorised representatives shall represent the General Meeting in court until pending lawsuits are finally decided or settled, whereafter they shall allocate such property within two (2) months.
- (9) (New, SG No. 98/1997) Null and void shall be announced such auctions and decisions about distribution of the property of the organisations whose existence has been terminated under § 12 of the Transitional and Concluding Provisions made by the persons appointed or authorised under paragraph 1, which are in violation of the terms and procedures for holding such auctions provided for in the Act, the Rules on its implementation and the resolutions of the General Meeting of rightful claimants. Null and void shall also be announced the transactions based on these auctions and decisions. Such property shall be confiscated under the provisions of Article 80 of the State Property Act by ruling of the district governor.
- § 30 (1) The rulings of land boards on restitution of ownership issued prior to the entry into force of this Act shall remain in force on the terms described in Article 14.
- (2) (Repealed, SG No. 79/1996)
- (3) The transactions announced null and void under the former §11 of the Transitional and Concluding Provisions, shall be valid if the parties to such transactions have not returned items they have received under those transactions prior to the entry into force of this Act.
- (4) Land division plans which have not come into effect on the day of entry into force of this Act shall be prepared under the requirements of this Act.
- § 31 Everywhere in the Act "Ministry of Agriculture" and "Minister of Agriculture" shall be replaced with "Ministry of Agriculture and Food Industry" and "Minister of Agriculture and Food Industry", respectively.
- § 32 The persons under Article 10c, paragraph 2 shall specify in express petitions their choice of manner of compensation within one year of entry into force of this Act.
- § 33 All cases under Article 11, paragraph 1 pending at the time of the entry into force of this Act, shall be examined in the manner applicable prior to the adoption of this Act.
- § 34 For rulings of land boards, the terms under Article 14, paragraph 7 shall commence as of the entry into force of this Act.
- § 35 In § 6, paragraph 4 of the Transitional and Concluding Provisions of the Transformation and Privatisation of State and Municipal Enterprises Act, "within four months following the entry into force of this Act" shall be replaced with "until December 31, 1996".

Chairman of the National Assembly: **Blagovest Sendov**

REPUBLIC OF BULGARIA
NATIONAL ASSEMBLY

AMENDMENT ACT TO THE OWNERSHIP AND USE OF FARM LAND ACT

*Promulgated State Gazette No. 79/17.09.1996
Amended SG No. 98/1997*

TRANSITIONAL AND CONCLUDING PROVISIONS

- § 24 Such projects of land division plans whereof no announcement of their elaboration has been promulgated in the official State Gazette as of the date of entry of this Act into force, shall be drawn up pursuant to the requirements thereof.

- § 25 In respect of land division plans that have entered into force, the time limit under Article 17, paragraph 8 of the Ownership and Use of Farm Land Act shall be effective as of the entry into force of this Act.
- § 26 (Repealed, SG No. 98/1997)
- § 27 Persons under Article 10b, paragraphs 1, 2 and 3, Article 10c, Article 15 paragraph 2 of the Ownership and Use of Farm Land Act shall, within one (1) year following the entry into force of this Act, specify in additional applications the mode of indemnification.

This Act was adopted by the 37th National Assembly on July 23, 1996, readopted on September 11, 1996 pursuant to Article 101, paragraph 2 of the Constitution and the State Seal has been affixed to it.

Chairman of the National Assembly: **Blagovest Sendov**

REPUBLIC OF BULGARIA
NATIONAL ASSEMBLY

AN AMENDMENT ENACTMENT TO THE OWNERSHIP AND USE OF FARM LAND ACT

Promulgated State Gazette No. 62/05.08.1997

TRANSITIONAL PROVISION

- § 2 Pendent court proceedings instituted under appeals to the Supreme Court of Administrative Appeal for judicial re-examination of regional courts' rulings under Article 14, paragraph 3 hereof, shall be terminated and send to the respective District Courts in accordance with the jurisdiction thereof.

This Enactment was adopted by the 38th National Assembly on July 31, 1997, and the State Seal has been affixed to it.

President of the National Assembly: **Yordan Sokolov**

REPUBLIC OF BULGARIA
NATIONAL ASSEMBLY

AMENDMENT ACT TO THE OWNERSHIP AND USE OF FARM LAND ACT

Promulgated State Gazette No. 98/28.10.1997

Amended SG No. 36 & 88/1998, 68/1999

TRANSITIONAL AND CONCLUDING PROVISIONS

- § 30 (Amended, SG No. 36/1998, 68/1999) Persons under Article 10c, paragraph 1, items 2 and 3 and paragraphs 2 and 4 may file applications with the Ministry of Agriculture, Forestry and Agrarian Reform following the entry into force of this Act, by 31 October, 1999.
- § 31 Persons who have failed, within the time limit under Article 14, paragraph 3, to appeal against land division plans and rulings of the land board under Article 14, paragraph 1, items 1 and 2, which have already become effective, may make an appeal within one month of the entry into force of this Act.
- § 32 Where the time periods under article 14, paragraph 7 have expired, the land board shall rule amendment to its ruling already made, within one month of the entry into force of this Act.
- § 33 Licences of contractors issued by the Ministry of Agriculture, Forestry and Agrarian Reform for performing activities related to the drawing up of land division plans shall be granted in conformity with the requirements of Article 14, paragraph 1, item 2.
- § 34 Persons concerned are entitled, within three months of the entry into force of this Act to request that the land board rescind its rulings which disallowed them reinstatement of ownership over farmland, on the grounds of the repealed, amended respectively, provisions of this Act.
- § 35 A claim under § 4 shall be made within one year of the entry into force of this Act, and legal proceedings shall be exempt of stamp duty.
- § 36 Usufructuaries who have filed applications for valuation to the municipal councils having jurisdiction over the property prior to 30 September 1995 under § 4a and 4b, shall retain their rights to have such valuation made by virtue of this Act.
- § 37 The Minister of Agriculture, Forestry and Agrarian Reform shall announce in the official State Gazette the territories in which proceedings shall be suspended on the reinstatement in ownership of lands which are under the jurisdiction both of the Union Republic of Yugoslavia and the Republic of Macedonia until this issue has been resolved on governmental level with the Union Republic of Yugoslavia and the Republic of Macedonia.
- § 38 The decree under Article 37 shall be drafted jointly by the Minister of Agriculture, Forestry and Agrarian Reform and the Minister of Finance and shall be adopted by the Council of Ministers by 31 December 1997.

§ 39 Projects of land division plans for which no announcement has been made in the official State Gazette as of the date of entry into force of this Act, shall be made in accordance with its requirements.

REPUBLIC OF BULGARIA
NATIONAL ASSEMBLY

**AMENDMENT ACT TO THE
OWNERSHIP AND USE OF FARM LAND ACT**

Promulgated State Gazette No. 88/31.07.1998

ADDITIONAL PROVISIONS

- § 11 (1) In cities with regional partitioning, mayoral competencies relevant to enforcement of the Act and the enforcement rules thereof may also be exercised by officials empowered by the Mayor.
- (2) The functions of the municipal technical service, entrusted with the enforcement of the law and the enforcement rules thereof, may be assigned to the regional technical services, pursuant of a Municipal Council resolution.

TRANSITIONAL AND CONCLUDING PROVISIONS

- § 12 (1) When the disposition of the property of organisations under § 12 of the Transitional and Concluding Provisions has not been completed, the Regional Governor shall convene a General Meeting of the persons envisioned in Article 27, paragraph 1 within two months of the enactment of the current Act.
- (2) The General Meeting shall be announced by means of a notice in the local and national media and it shall be displayed in a visible location in the Town Hall of the respective settlement.
- (3) If on the date and hour set for the General Meeting of the persons under Article 27, paragraph 1, the persons holding altogether over 50 per cent of the shares fail to appear, the General Meeting shall be postponed by an hour and may adopt decisions in the presence of persons holding no less than 30 per cent of the shares. Decisions shall be adopted by open vote and on an ordinary majority of represented shares. Each person shall be entitled to a number of votes proportionate to participation expressed as a percentage rate of shares held compared to the total property of the organisation under § 12 of the Transitional and Concluding Provisions. The heirs of a person entitled to shares shall be eligible to as many votes as their Grantor held shares. The General Meeting shall be attended by the Regional Governor or an official empowered by him. In the event that a General Meeting is unfeasible, a new General Meeting shall be convened within one month, under the conditions of paragraph 1.
- (4) At the General Meeting, the persons under § 29, paragraph 1 of the Transitional and Concluding Provisions of the Amendment Act to the Ownership and Use of Farm Land Act (Promulgated SG, No. 45/1995; amended Nos. 46/1995, 59/1995 - Resolution No. 8 of the Constitutional Court of 1995, 79/1996, 15/1997 - Resolution No. 3 of the Constitutional Court of 1997, 98/1997) shall report on performance.
- (5) The convened General Meeting may extend the operation of the persons under § 29, paragraph 1 of the Transitional and Concluding Provisions of the Amendment Act to the Ownership and Use of Farm Land Act (Promulgated SG, No 45/1995; amended Nos 46/1995, 59/1995 - Resolution No 8 of the Constitutional Court of 1995; 79/1996, 15/1997 - Resolution No 3 of the Constitutional Court of 1997; 98/1997) or it may designate new persons, through elections, assigning them the competencies under § 29, paragraph 1 for a period not exceeding 6 months of the date of the Meeting, and similarly representation in pending lawsuits pursuant of § 29, paragraph 8 of the Transitional and Concluding Provisions of the Amendment Act to the Ownership and Use of Farm Land Act (Promulgated SG, No 45/1995; amended Nos. 46/1995; 59/1995 - Resolution No. 8 of the Constitutional Court of 1995; 79/1996; 15/1997 - Resolution No. 3 of the Constitutional Court of 1997; 98/1997).
- (6) The Regional Governor or the official empowered by him shall monitor the legitimacy of the Meeting; by verifying the minutes of the latter and by monitoring compliance with the deadline on the final disposition of property.
- (7) Persons under paragraph 5 shall be subject to joint liability.

This Act was adopted by the 38th National Assembly on July 22, 1998 and the State Seal has been affixed to it.

Chairman of the National Assembly: **Yordan Sokolov**

REPUBLIC OF BULGARIA
NATIONAL ASSEMBLY

**AMENDMENT ACT TO THE
OWNERSHIP AND USE OF FARM LAND ACT**

Promulgated State Gazette No. 68/30.07.1999

TRANSITIONAL AND CONCLUDING PROVISIONS

- § 21 Notarial title deeds based on rulings of the land boards, which have entered into force, shall be issued under the current procedure, in case applications for the issuance of such rulings have been filed with the respective land board, or draft notarial title deeds have been submitted to the notaries, prior to this Act's entry into force.
- § 22 In relation to proposals by a land board, for which the municipal council has made no ruling, the one-month period under Article 10b, paragraph 1 shall be considered to start from the date of this Act's entry into force.
- § 23 The provisions of Article 14, paragraph 1, subparagraph 1, sentence four, and of Article 17, paragraph 1, sentence six, shall also apply to rulings of land boards which have already entered into force, with plans annexed thereto, on the basis of which no notarial title deeds have been issued prior to this Act's entry into force, except in the cases under § 21.
- § 24 Pendent administrative penal proceedings shall be completed by the bodies, and under the terms and procedures, provided for in this Act.
- § 25 (1) Contracts for designing the plans under § 4k, paragraph 1, concluded prior to this Act's entry into force, shall be completed by the party which contracted with the supplier.
- (2) Plans of newly-formed landed property the designing of which was contracted prior to this Act's entry into force, shall be made under the provisions stipulated therein.
- § 26 This Act shall enter into force as from the date of its promulgation in the State Gazette.

This Act was adopted by the 38th National Assembly on July 20, 1999 and the State Seal has been affixed to it.

For the Chairman of the National Assembly: Ivan Kurtev

REPUBLIC OF BULGARIA
COUNCIL OF MINISTERS

**DECREE No. 232
of 29 November 1993**

**on the Implementation of Article 24, paragraph 3
of the Ownership and Use of Farm Land Act**

Promulgated State Gazette No. 104/10.12.1993

**THE COUNCIL OF MINISTERS
HAS DECREED:**

Article 1

Retains the right of ownership by the state of an area of 14 303.73 decares at locations and in sizes specified in Annex 1.

Article 2

The Ministry of Defence shall vacate 19 army lots at locations and in sizes specified in Annex 2.

Article 3

The Ministry of Defence shall return to the State Land Fund 8 888 639 decares at locations and in sizes specified in Annex 3.

Article 4

Retains the right of ownership by the state over 25 lots with an area of 109 982 decares managed by the Department of Civil Defence at locations and in sizes specified in Annex 4.

ADDITIONAL PROVISION

§ 1. (Amended, SG No. 87/1997) The Minister of Defence, the Minister of Agriculture, Forestry and Agrarian Reform and all Regional Governors shall be responsible for the implementation of this decree.

CONCLUDING PROVISION

§ 2. Annexes Nos. 1, 2, 3, and 4 shall be confidential.

Chairman of the Council of Ministers: **Lyuben Berov**
Chief Secretary of the Council of Ministers: **Stoyan Denchev**