BULGARIAN PRIVATE LAW AT CROSSROADS
Bulgarian Private Law at Crossroads
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Traditionally, comparative private law has focused on multi-jurisdictional studies of legal doctrine in specific areas of law, such as contract or property, without much reference to the various contexts in which doctrine exists and operates: historical, institutional, social, cultural, technological, political and so on.

This series departs from both the multi-jurisdictional and the doctrinal elements of this paradigm. Each volume in the series will focus on a single jurisdiction (such as China), a group of related legal systems (such as Latin-American or low/middle income) or a ‘legal tradition’ (such as Islamic law). The primary aim in so doing is not, explicitly, to compare the law of the subject jurisdiction(s) or tradition with the law of some other jurisdiction(s) or tradition(s). Rather, books in this series are particularly intended for readers from other jurisdictions or traditions who seek an understanding of the law in the subject jurisdiction(s) or tradition, whether for its own sake or as data for comparison with their own or other jurisdictions and traditions. This means that while authors in the series do not need to be experts in the law of more than one jurisdiction or tradition, they will be sensitive to the ways in which the law of their subject jurisdiction(s) or tradition is, or is not, distinctive from the law of some other jurisdiction(s) or tradition(s). Put differently, books in the series are written by insiders but primarily for an audience of outsiders.

As for the doctrinal, a contextual focus of much traditional comparative law, the phenomenon, well known amongst comparative lawyers, of ‘false friends’ – individual words that look similar in different languages but, in fact, have quite different conceptual roots, – can also exist at the level of legal rules and principles found in various legal systems. Rules and principles may be superficially similar in formulation and structure but, at the same time, rooted in quite different conceptual and social soil. Indeed, in my experience of comparing public law in various English-language legal systems, the very same phenomenon can be found within one and the same language, affecting understanding of words as ubiquitous as ‘law’ itself and principles as basic as, for instance, that public officials must not act contrary to law.
In writing for legal outsiders, assumptions and pre-conceptions that may not need to be spelled out for insiders will have to be made explicit if outsiders are to be able to understand the legal landscape of the subject jurisdiction(s) or tradition. Such assumptions may relate to cultural, social, religious and other values and practices that insiders imbibe and learn as part of growing up and living in their society. This is another reason why books in this series will look beyond legal doctrine to social, historical, institutional and other contexts in which legal rules and principles exist and operate. Without reference to such factors, it may be very difficult for outsiders fully to appreciate and truly to understand the relevant legal doctrine of a jurisdiction or tradition and the ways in which it is similar to, or different from, that of their own system or tradition.

One result of this emphasis on context is that books in the series will be as concerned with what makes legal systems and traditions different from one another as with their similarities. The avowed aim of much comparative private law is to find a common core of convergence across legal systems. Such searches are often motivated by a desire to find, substantively, ‘the best law’ in some objective, prescriptive sense. By contrast, the prime aim of this series is to identify and explain what makes particular systems and traditions distinct. An appreciation of difference deepens understanding of one’s own law as much as the laws of others. It is also important for predicting the likely success of migration, transfer or transplantation of rules and principles between legal systems.

Another reason why context is important is that while doctrine is, of course, foundational, it comes to life only in its application. In relation to tort law, for instance, we often speak of ‘the tort system’ to refer to tort law in operation. Context is fundamental to understanding the operation of doctrine. Institutional context is concerned with the various actors (courts, lawyers, insurance companies and so on) involved in operationalising the law. The social and technological contexts refer to the human activities with which the law is concerned. Political context addresses the way in which the law affects the distribution of legal resources – rights, powers and obligations – within society at large.

Finally, a word about ‘private law’. There are at least two ways of dividing private law into manageable topics: conceptual and functional. The main conceptual categories of private law are property and obligations (the latter encompassing tort, contract, unjust enrichment and so on). Functional categories of private law include (the private law aspects of) company law, family law, environmental law and so on. This series is not committed to either of these categorizations or, indeed, to any other. Life does not come
in law-sized boxes. One result is that some books in the series may go beyond, or even conflict with, some readers’ ideas of the nature of private law. Comparison is as much about unsettling as confirming existing world views. I hope that books in this series will stimulate new ways of thinking and fresh ways of seeing.

Peter Cane
ACKNOWLEDGEMENTS

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CONTENTS

Series Editor’s Preface ................................................. v
Acknowledgements ............................................... ix
List of Cases .................................................. xv
List of Legislation .............................................. xix
List of Abbreviations ........................................... xxiii

Chapter 1. Why Bulgarian Law? ................................. 1
1. Introduction .................................................. 1
2. Challenging the Traditional Taxonomies of Comparative Law .... 3
   2.1. The Ghost that Haunts Comparative Law ............... 3
   2.2. New Biases ........................................... 6
3. Informing the Study of the Common Law–Continental Law ... 9
   3.1. The Role of Courts .................................... 10
   3.2. The Role of Scholars .................................. 13
4. The Importance of Context in Legal Development .............. 17
   4.1. A Complex Conceptual Catalogue ..................... 18
   4.2. The Bulgarian Context ................................ 20
5. Addressing Adequately the Difficulties of Harmonisation .... 21
   5.1. The EU Harmonisation Project ....................... 22
   5.2. Informing the Harmonisation Project by Examining
        East European Jurisdictions ......................... 25
6. Structure of the Book ..................................... 27

Chapter 2. Sources, History, and Development of Bulgarian
Private Law .......................................................... 29
1. Introduction .................................................. 29
2. Hierarchy of Sources ....................................... 29
   2.1. Primary Sources of Private Law ..................... 30
       2.1.1. The Constitution and International Treaties .... 30
       2.1.2. Domestic Laws ................................ 32
2.2. Secondary Sources of Private Law ........................................... 34
  2.2.1. Case Law .............................................................. 35
    2.2.1.1. Decisions and Decrees on Interpretation ... 35
    2.2.1.2. Other Court Decisions ......................... 37
  2.2.2. Scholarly Writing (Doctrine) ................................. 39
3. Difficulties in Researching Bulgarian Law ............................. 41
4. Historical Development .................................................... 43
  4.1. A Mammoth Task: Building a State from Scratch
       (1878–1944) .............................................................. 43
    4.1.1. A Piecemeal Approach ................................. 44
    4.1.2. The Role of Comparative Law .................. 46
  4.2. Darkness Falls: Imposing a Totalitarian Regime
       (1944–1989) .............................................................. 49
    4.2.1. Censorship and Myths in Law .................... 49
    4.2.2. Communist Law .............................................. 51
      4.2.2.1. New Values ....................................... 51
      4.2.2.2. The LOC’s Fascinating History ............. 53
  4.3. A Winding Road: Restoring Democracy (1989–Present) .... 56
5. Conclusion ................................................................. 59

Chapter 3. Particularities of Bulgarian Contract Law ................. 61

1. Introduction ................................................................. 61
2. What Is a Contract? ........................................................ 61
3. Key Principles and Values of Contract ................................ 64
  3.1. Sanctity of Contract, Freedom of Contract, and Their Limits .. 64
  3.2. Fairness and Good Faith ......................................... 66
  3.3. Others ................................................................. 69
4. Contract Formation ....................................................... 71
  4.1. Negotiations in Good Faith ..................................... 71
  4.2. Offer and Acceptance ............................................ 72
  4.3. Enforceability and Vitiating Factors .......................... 73
5. Contract Modification ..................................................... 76
6. Contract Interpretation .................................................... 79
7. Performance .................................................................... 81
8. Excused Non-Performance ................................................ 84
  8.1. Impossibility ........................................................... 84
    8.1.1. Origins of the Patchwork ............................... 84
    8.1.2. The Impact of Dualism ................................. 85
### Chapter 4. The Blurry Realms of Tort and Unjust Enrichment

1. Introduction .......................................................... 111
2. The Hazy Realm of Tort ........................................... 111
3. Tortious Liability in the LOC ..................................... 113
   3.1. Delicts in the LOC ........................................... 113
   3.2. Jurisprudential Gap-Fillers ................................ 118
4. Exploring the Fluid Boundaries of Tort: Some Examples .... 121
   4.1. Defamation .................................................... 121
   4.2. Accidents at Work .......................................... 124
   4.3. State Liability for Damage .................................. 127
5. The Meagre Realm of Unjust Enrichment ....................... 130
   5.1. The Principles in the LOC .................................. 130
   5.2. Doctrinal Concerns ......................................... 133
   5.3. Gap-Fillers ................................................... 135
   5.4. Case Law .................................................... 137
6. Conclusion ................................................................... 138

### Chapter 5. Re-Inventing Property Law

1. Introduction .......................................................... 141
2. The Drastic Transformations of the Right to Private Property .... 141
   2.1. Unconditional Right to Private Property (1878–1944) .... 141
   2.2. The Communist Dark Ages (1944–1989) .................... 143
      2.2.1. Confiscating and Limiting Private Property (1944–1947) ... 144
      2.2.2. Developing Communist Property Law Post-1947 .... 145
      2.2.3. The Final Crackdown on the Right to Private Property (1971–1989) .... 148
2.3. The Rebirth and Downfall of the Right to Private Property ..... 150
   2.3.1. The Early Democratic Years Post-1989 ................. 151
   2.3.2. Creating New Venues for Confiscation .............. 153
3. Restitution of Property Rights After the End of Communism ..... 155
   3.1. Agricultural Land ........................................ 156
       3.1.1. Key Principles ........................................ 156
       3.1.2. Case Law ............................................. 159
           3.1.2.1. State Institutions Resist Restitution ........ 159
           3.1.2.2. Conflict Between the Rules on Restitution
                       and Other Laws .................................. 161
           3.1.2.3. No Remedies for Affected Third Parties ... 164
   3.2. Other Immovable Property .................................. 166
       3.2.1. A Complex Patchwork .................................. 166
       3.2.2. Case Law ............................................. 168
4. Conclusion .......................................................... 171

1. Introduction ......................................................... 173
2. Debating Reform .................................................... 173
   2.1. Is Reform Necessary? ......................................... 173
   2.2. What Could Be Changed? ...................................... 175
   2.3. How Should We Reform? ....................................... 178
   2.4. Is Reform Feasible? ........................................... 179
3. Challenges of the 21st Century .................................... 180
   3.1. Digitalisation of Trade ........................................ 181
   3.2. Environmental Issues .......................................... 183
   3.3. Human Rights .................................................. 186
   3.4. COVID-19 ...................................................... 189
4. Conclusion .......................................................... 192

Afterword ............................................................ 195
Bibliographical Recommendations ........................................ 199
Index ................................................................. 207
LIST OF CASES

BULGARIAN COURTS

CONSTITUTIONAL COURT

Decision 6 of 5 June 1992 on c. 9/92 ................................. 165
Decision 12 of 8 July 1993 on c. 12/93 ................................. 165
Decision 8 of 19 June 1995 on c. 12/95 ................................. 165
Decision 20 of 7 November 1996 on c. 21/96 ................................. 165
Decision 13 of 14 November 2000 on c. 11/2000 ................................. 165

SUPREME COURT/SUPREME COURT
OF CASSATION

Decrees and Decisions on Interpretation

Decree 7 of the Plenum of the Supreme Court of 1959 ...................... 118
Decree 4 of the Plenum of the Supreme Court of 1961 ...................... 118
Decree 9 of the Plenum of the Supreme Court of 1961 ...................... 118
Decree 17 of the Plenum of the Supreme Court of 1963 ...................... 119
Decree 4 of the Plenum of the Supreme Court of 1968 ...................... 119
Decree 4 of the Plenum of the Supreme Court of 1975 ...................... 119
Decree 1 of the Plenum of the Supreme Court of 1979 ...................... 178
Decision on interpretation 1 of 15 June 2010, General Assembly
of the Commercial College ............................................. 65, 104
Decision on interpretation 1/2016 of 21 June 2018, General
Assembly of the Criminal, Civil, and Commercial College .................. 120
Decision on interpretation 4/2016 of 7 December 2018, General
Assembly of the Civil College ........................................... 154

Regular Decisions and Rulings

Decision 51 of 22 March 1994 on civ.c. 585/93, 4th Civil Chamber ............ 72
Decision 307 of 20 February 1998 on civ.c. 792/1997, 5th Civil Chamber ............ 72
Decision 1444 of 4 November 1999 on civ.c. 753/99, 5th Civil Chamber ............ 74
Decision 579 of 17 April 2003 on civ.c. 1329/2003, 5th Civil Chamber ............ 85
Decision 169 of 22 April 2003 on civ.c. 2520/2002, 5th Civil Chamber ............ 78
Decision 829 of 20 January 2006 on com.c. 2121/2003, 2nd Commercial Chamber ................................................................. 94
Decision 673 of 6 November 2007 on com.c. 324/2007, 2nd Commercial Chamber ........................................................................... 96
Decision 115 of 8 May 2008 on com.c. 774/2007, 2nd Commercial Chamber ........................................................................... 93
Decision 530 of 14 October 2008 on com.c. 242/2008, 1st Commercial Chamber ........................................................................... 104
Decision 639 of 2 July 2009 on civ.c. 2398/2008, 4th Civil Chamber .......... 129
Decision 99 of 5 March 2010 on civ.c. 533/2009, 3rd Civil Chamber ........................................................................... 137
Decision 324 of 28 July 2011 on civ.c. 924/2010, 4th Civil Chamber .......... 129
Decision 6 of 27 February 2013 on com.c. 1028/2011, 1st Commercial Chamber ........................................................................... 86
Decision 140 of 19 August 2013 on com.c. 405/2012, 2nd Commercial Chamber ........................................................................... 101
Decision 240 of 12 September 2013 on com.c. 259/2011, 2nd Commercial Chamber ........................................................................... 96
Decision 197 of 2 December 2013 on com.c. 68/2013, 2nd Commercial Chamber ........................................................................... 102
Decision 424 of 2 December 2015 on civ.c. 1899/2015, 4th Civil Chamber ..... 108
Decision 165 of 2 December 2016 on com.c. 1777/2015, 1st Commercial Chamber ........................................................................... 108
Decision 205 of 7 November 2016 on com.c. 154/2015, 1st Commercial Chamber ........................................................................... 108
Decision 245 of 31 July 2017 on com.c. 3625/2015, 1st Commercial Chamber ........................................................................... 98
Decision 278 of 27 November 2019 on civ.c. 1140/2019, 3rd Civil Chamber ........................................................................... 123
Decision 103 of 27 October 2020 on civ.c. 3859/2019, 3rd Civil Chamber ........................................................................... 40
Decision 153 of 26 November 2020 on civ.c. 4753/2019, 3rd Civil Chamber ........................................................................... 137
Decision 56 of 9 March 2021 on civ.c. 1726/2020, 4th Civil Chamber .......... 80
Decision 37 of 23 April 2021 on com.c. 3033/2017, 1st Commercial Chamber ........................................................................... 81
Decision 112 of 17 May 2021 on civ.c. 3657/2020, 4th Civil Chamber .......... 138
Decision 60181 of 4 June 2021 on civ.c. 4365/2019, 4th Civil Chamber .......... 81
Ruling 763 of 15 October 2013 on com.c. 1106/2012, 1st Commercial Chamber ........................................................................... 77

APPELLATE COURTS

Plovdiv Appellate Court, Decision 245 of 10 August 2017 on com.c. 823/2016 .... 108
Sofia Appellate Court, Ruling of 19 December 2006 on civ.c. 2325/2006 ........ 94
Sofia Appellate Court, Decision 90/2010 on com.c. 738/2009 .......................... 94
Sofia Appellate Court, Decision 399 of 4 May 2010 on civ.c. 77/2010 .............. 76
Sofia Appellate Court, Decision 1428 of 31 July 2012 on civ.c. 2973/2011 .......... 78
Sofia Appellate Court, Decision 365 of 28 February 2013 on com.
c. 2115/2012 .................................................................................................. 95
Sofia Appellate Court, Decision 92 of 15 January 2015 on com.c. 4244/2014 .... 94
Varna Appellate Court, Decision 50 of 30 April 2010 on com.c. 10/2010 .......... 96
Veliko Turnovo Appellate Court, Decision 368 of 19 December 2008
on com.c. 661/2008 .......................................................... 87
Veliko Turnovo Appellate Court, Decision 127 of 1 July 2010 on
civ.c. 247/2010 .......................................................... 74

DISTRICT AND REGIONAL COURTS

Pleven District Court, Decision 73 of 18 February 2010 on civ.c. 463/2009 .... 74
Shumen District Court, Decision 49 of 4 April 2014 on com.c. 53/2014 ........ 72
Sofia City Court, Decision 4524 of 5 July 2018 on civ.c. 4348/2017 .......... 138
Sofia City Court, Decision 1350 of 19 February 2020 on civ.c. 2811/2019 ... 125
Varna District Court, Decision 136 of 23 February 2017 on
com.c. 1698/2016 .......................................................... 71

ARBITRAL AWARDS

Award of 30 April 2003 on Domestic Arbitration Case 141/2002 ............ 87

ENGLISH COURTS

Cavendish Square Holding BV v. Talal El Makdessi, ParkingEye Limited
Director General of Fair Trading v. First National Bank [2001] UKHL 52 .... 27

INTERNATIONAL COURTS

COURT OF JUSTICE OF THE EUROPEAN UNION

Case C-415/11, Mohamed Aziz v. Caixa d’Estalvis de Catalunya,
Tarragona i Manresa (Catalunyacaixa) .................................................. 109
Case C-26/13, Kásler v. OTP Jelzálogbank Zrt ................................. 107
Case C-143/13, Matei v. SC Volksbank România SA .......................... 107
Case C-34/18, Ottília Lovásné Tóth v. ERSTE Bank Hungary Zrt ........ 107
EUROPEAN COURT OF HUMAN RIGHTS

Gyuleva and others v. Bulgaria, no. 76963/01, 25 June 2009 ............... 168, 170
Kehaya and others v. Bulgaria, nos. 47797/99 and 68698/01,
12 January 2006 .............................................. 159
Kirova and others v. Bulgaria, no. 31836/04, 2 July 2009 ...................... 170
Krasteva and others v. Bulgaria, no. 5334/11, 1 June 2017 .............. 164, 166, 168
Sivova and Koleva v. Bulgaria, no. 30383/03, 15 November 2011 .......... 161, 165
Todorova and others v. Bulgaria, nos. 48380/99, 51362/99, 60036/00,
and 73465/01, 27 July 2008 ........................................ 165
Tomov and Nikolova v. Bulgaria, no. 50506/09, 21 July 2016 .............. 165
Velikovi and others v. Bulgaria, nos. 43278/98, 45437/99, 48014/99,
48380/99, 51362/99, 53367/99, 60036/00, 73465/01, and 194/02,
15 March 2007 ..................................................... 165
LIST OF LEGISLATION

BULGARIAN LEGISLATION

NORMATIVE ACTS OF THE NATIONAL ASSEMBLY

Constitution of 1879 (abrogated)
Constitution of 1947 (abrogated)
Constitution of 1971 (abrogated)
Constitution of 1991
Code of Administrative Procedure of 2006
Code of Civil Procedure of 1952 (abrogated)
Code of Civil Procedure of 2007
Code of Criminal Procedure of 2005
Code of Labour of 1986
Criminal Code of 1951 (abrogated)
Criminal Code of 1968
Criminal Law of 1896 (abrogated)
Family Code of 2009
Law against Corruption and Forfeiture of Illegally Acquired Assets of 2018
Law Declaring the Communist Regime in Bulgaria Criminal of 2000
Law on Acquiring Uninhabited Land of 1880 (abrogated)
Law on Administrative Proceedings of 1979 (abrogated)
Law on Agricultural Tenancy of 1996
Law on Amnesty and Return of Confiscated Property of 1991
Law on Civil Legal Procedure of 1891 (abrogated)
Law on Commerce of 1897 (abrogated)
Law on Commerce of 1991
Law on the Confiscation of Illegally Obtained Assets of 2012
Law on Consumer Protection and the Rules of Commerce of 1999 (abrogated)
Law on Cooperations of 1999
Law on Electronic Commerce of 2006
Law on Environmental Protection of 1991 (abrogated)
Law on Environmental Protection of 2002
Law on Inheritance of 1949
Law on Normative Acts of 1973
Law on Obligations and Contracts of 1892 (abrogated)
Law on Obligations and Contracts of 1950
Law on Ownership by Citizens of 1973
Law on Ownership and Use of Agricultural Land of 1991
Law on Property of 1951
Law on Property, Ownership and Easements of 1904 (abrogated)
Law on Restoration of Movable and Immovable Property Confiscated from the Catholic Church with Decree 88 of the Presidium of the National Assembly of 1992
Law on Restoration of Ownership of Nationalised Real Estate of 1992
Law on Restoration of Ownership of Some Assigned Properties of 1992
Law on Restoration of Ownership of Some Shops, Workshops, Warehouses and Ateliers of 1991
Law on the Electronic Document and Electronic Signature of 2001
Law on the Justice System of 1994 (abrogated)
Law on the Justice System of 2007
Law on the Liability of the State and Municipalities for Damage of 1988
Law on the Protection of Agricultural Property of 1974
Law on the Protection of Consumers of 2005
Law on the Provision of Digital Content and Digital Services and for the Sale of Goods of 2021

STATUTORY INSTRUMENTS

Ordinance for Compulsory Insurance of Workers and Employees against the Risk of ‘Accidents at Work’ of 2006
Ordinance for Temporary Limitation of the Acceptance of New Residents in the Cities of 1974
Ordinance for the Sale of State Housing Stock of 1957
Ordinance for the Sale of State Housing Stock of 1967
Presidential Decree 51 of 7 August 1990
Rules on the Application of the Law on Ownership by Citizens of 1973

FOREIGN LEGISLATION

Consumer Rights Act 2015 (United Kingdom)
French Civil Code of 1804
German Civil Code of 1900
Hungarian Law on Commerce (Act No. XXXVII of 1875)
Hungarian Civil Code (Act No. IV of 1959)
Hungarian Civil Code (Act No. V of 2013)
Hungarian Code of Criminal Law (Act No. V of 1878)
Italian Civil Code of 1865
Italian Civil Code of 1942
Italian Commercial Code of 1882
Italian Criminal Code of 1889
loi n° 2014-873 du 4 août 2014 (France)
List of Legislation

Polish Code of Obligations of 1933
Polish Civil Code of 1964
Romanian Commercial Code of 1887
Serbian Law of Obligations of 1978
Soviet Civil Code of 1922
Soviet Civil Code of 1964
Spanish Civil Code of 1889
Swiss Code of Obligations of 1911

INTERNATIONAL CONVENTIONS AND TREATIES

Charter of Fundamental Rights of the European Union
European Convention on Human Rights
International Covenant on Civil and Political Rights
San Stefano Peace Treaty of 1878
Treaty Concerning the Accession of the Republic of Bulgaria and Romania to the European Union
Treaty of Berlin of 1878
Treaty of Lisbon
Treaty on European Union
Treaty on the Functioning of the European Union

EU DIRECTIVES

Directive 94/47/EC of the European Parliament and the Council of 26 October 1994 on the protection of purchasers in respect of certain aspects of contracts relating to the purchase of the right to use immovable properties on a timeshare basis


Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty


LIST OF ABBREVIATIONS

BGN  Bulgarian lev (official currency of Bulgaria)
c.   case
civ.c. civil case
com.c. commercial case
CESL Common European Sales Law
Charter Charter of Fundamental Rights of the European Union
CJEU Court of Justice of the European Union
DCFR Draft Common Frame of Reference
ECHR European Convention on Human Rights
ECtHR European Court of Human Rights
EU European Union
EUR euro (official currency of 19 members of the European Union)
LC Law on Commerce
LEP Law on Environmental Protection
LOC Law on Obligations and Contracts
LP Law on Property
LLSMD Law on the Liability of the State and Municipalities for Damage
LPDCDSSG Law on the Provision of Digital Content and Digital Services and for the Sale of Goods
SAPARD Special Accession Programme for Agricultural and Rural Development
TEU Treaty on European Union
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<th>Abbreviation</th>
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<tr>
<td>TFEU</td>
<td>Treaty on the Functioning of the European Union</td>
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<td>TKZS</td>
<td>Labour Cooperative Agricultural Holdings (<em>Trudovi kooperativni zemedelski stopanstva</em>)</td>
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<td>UNIDROIT</td>
<td>International Institute for the Unification of Private Law</td>
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