

## ORDINANCE №1 OF 9<sup>th</sup> OF JULY 2004

### ON THE MINIMUM REMUNERATION OF ATTORNEYS

Promulgated, State Gazette No. 64/23.07.2004, amended SG No.2/9.1.2009., amended SG No.43/8.06.2010, amended and supplemented SG No. 28/28.03.2014, amended SG No.10/5.02.2016, amended and supplemented, SG No. 84/25.10.2016, amended SG No. 41/23.05.2017, amended and supplemented, SG No. 7/22.01.2019, amended SG No. 45/15.05.2020, amended and supplemented, SG No. 68/31.07.2020, amended and supplemented, SG No. 88/4.11.2022r.

#### Chapter One

#### GENERAL DISPOSITIONS

**Art. 1.** The amount of the remuneration for the legal aid rendered by the attorney-at-law shall be determined by free negotiation on the basis of a written contract with the client, but may not be less than the minimum amount for the respective type of assistance specified in this Ordinance.

**Art. 2.** (1) In the absence of a written contract, the amount of the remuneration shall be determined by the Bar Council in accordance with Art. 36, par. 3 of the Bar Act.

(2) For the cases referred to in Art. 38 par. 2 of the Bar Act, the attorney's remuneration shall be determined by the court or the investigating authorities in accordance with this Ordinance.

(3) repealed

(4) Remuneration for legal representation shall be paid for each instance, including in the event of remand for a new hearing of the case.

(5) The fees for legal representation, defence and legal assistance in civil cases shall be determined according to the number and type of claims asserted, regardless of the form of accumulation of claims.

(6) The payment of the remuneration shall be made in advance and shall be due upon conclusion of the attorney contract. Payment in installments is permissible.

(7) For partial claims, the remuneration for the assertion of the first partial claim shall be determined by the full value of the claim, irrespective of the share to which the claim relates.

(8) For legal representation, defence and participation in judicial and administrative authorities outside the seat of the attorney's office, the remuneration determined in accordance with this Ordinance shall not include travel and accommodation expenses.

(9) When the representation, defence and assistance involve special factual and legal complexity, the minimum remuneration under this Ordinance shall be double the amount.

**Art. 3** In the event of a voluntary settlement of the dispute or the case is concluded by settlement, conciliation or agreement, or is terminated due to withdrawal or abandonment of the claim, the fee paid shall not be refunded.

**Art. 4.** If the client withdraws from the concluded contract without any reason, the client shall not be entitled to a refund of the paid remuneration and if the remuneration was agreed to be paid in installments, the client shall pay the full amount of the agreed remuneration.

**Art. 5.** Attorneys may provide free legal aid and legal assistance on payment of fees below the amounts specified in this Ordinance to:

1. materially hindered persons;
2. persons entitled to maintenance;
3. close relations and relatives, as well as jurists.

## **Chapter II**

### **Fees for advice, reports, preparation of documents and contracts and certification of copies of documents under Article 32 of the Bar Act**

**Art. 6.** (1) The entitlement to remuneration for consulting assistance, reference, preparation of documents and contracts is as follows:

1. for an oral advice, counseling, regarding mediation proceedings without the participation of an attorney and reference at court or authorities, etc. – BGN 100;
2. for written advice – BGN 200;
3. for investigation of the case and opinion – BGN 450 ;
4. for complaints and signals to the prosecutor's office, police, state and municipal authorities – BGN 200;
5. for notarial invitations, for application for acceptance or refusal of inheritance, for preparation of papers for notarial registration, for application for remission of amounts due and for other applications - BGN 200;
6. for application for renunciation or restoration of Bulgarian citizenship – BGN 450;
7. for the preparation of the will – BGN 300;
8. For the preparation of: a written contract, notarial deeds of ownership, sale, exchange, donation, mortgage, leasehold and servitudes, out-of-court agreements, out-of-court settlement, including the preparation of an agreement reached by way of mediation without the participation of an attorney, as well as for the execution and preparation of a written document after thorough examination based on the price of the relevant contract or deed:
  - a) in case of interest up to BGN 1,000 - BGN 250
  - b) in case of interest from 1000 to 10 000 BGN - 250 BGN plus 3 per cent for the surplus from 1000 BGN;
  - c) in case of interest from 10,000 to 100,000 BGN- BGN 500 + 2 per cent for the surplus amount from 10,000 leva;
  - d) in case of interest from 100,000 to 1,000,000 leva - 2,300 leva + 1 per cent for the surplus amount from BGN 50,000;
  - f) in case of interest exceeding BGN 1,000,000 – BGN 11,300 + 0.5 per cent for the surplus amount exceeding BGN 1,000,000;
9. for the establishment, registration and entry of changes in the relevant register:
  - a) a sole trader - 250 BGN.;

- b) a general partnership - BGN 300;
- c) a limited partnership - BGN 400;
- d) a limited liability company - BGN 500;
- e) a joint stock company – BGN 1,000;
- f) cooperative association - BGN 750.;
- g) housing cooperative – BGN 750;
- h) foundations and non-profit associations - BGN 600.;

10. for submission of documents for registration of circumstances and publication of acts in the relevant register, without preparation of the documents, the remunerations shall be ½ of the remunerations under No. 9;

11. for ongoing legal assistance under a contract with a legal entity or sole proprietorship - BGN 800 per month, with a separate fee payable to the attorney for appearing in the cases of the respective legal entity or sole trader;

12. For agreed hourly consultancy - 120 BGN per hour;

13. For certification of copies of documents according to Art. 32 of the Bar Act, which are provided to the attorney in connection with or in relation to the legal defence and representation of the interests of his client – BGN 3 for the first page and BGN 2 for each additional page.

14. For preparation of papers for participation in proceedings under the Public Procurement Act, auction and competition documents under the State Property Act, Municipal Property Act, Concession Fee Act, the attorney's fee under Art. 6 par. 1 no. 8 shall be determined on the value determined for the relevant proceedings, but not less than BGN 2,000.

(2) The remuneration mentioned under par. 1 shall be increased by ½ if the legal advice is provided in a foreign language. For the preparation of documents in different languages, the client shall have a separate remuneration in the amount stated under par. 1 per language in which they are prepared.

(3) The remuneration referred to in Par. 1 and 2 shall be calculated at double the amount for legal services rendered in urgent cases or on non-working days.

### **Chapter III**

#### **Remuneration for civil and administrative cases per instance**

**Art. 7. (1)** The following fees shall apply to legal representation, defence and assistance in civil cases:

1. For the reversal of a redundancy or reinstatement in the workplace, the remuneration shall be at least the minimum wage applicable in the country at the time of the conclusion of the legal assistance contract or at the time of the determination of the remuneration in accordance with the provisions of Art. 2;
2. For dissolution of marriage by filing a claim- BGN 1,200 and by a no fault divorce – BGN 800, in that for settlement of property relations in relation to the agreement also par. 4 shall apply;
3. For paternity and contestation of paternity - BGN 1200;
4. For other non-assessable claims - BGN 1000.;

5. For security proceedings and proceedings for securing evidence - BGN 750.

6. In a maintenance claim - BGN 500

7. In proceedings on private appeal - 1/3 of the minimum amount for one instance according to the subject matter of the case and the interest of the party, but not less than provided for in Art. 11, and where the appeal is against an order blocking the development of the proceedings - 1/2 of the minimum amount for one instance, but not less than provided for in Article 11;

8. repealed

9. for legal representation, defence and assistance in cases of placement under interdiction - BGN 1000;

10. for proceedings under the Commercial Act in a claim of a partner or shareholder against a company, in claims for protection of membership rights, proceedings under the Non-Profit Legal Entities Act, the Cooperatives Act, the Commercial Register and the Register of Non-Profit Legal Entities Act, the Bulstat Register Act and proceedings under other laws regulating register proceedings and entries therein - BGN 1250.

(2) For legal representation, defence and assistance in cases of certain interest the fees shall be as follows:

1. in case of interest up to 1000 BGN - 400 BGN;

2. in case of interest from 1000 to 10 000 BGN. - 400 BGN plus 10% for the surplus over 1000 BGN;

3. in case of interest from 10 000 to 25 000 BGN. - 1,300 BGN plus 9% for surplus over 10,000 BGN;

4. in case of interest from BGN 25 000 to BGN 100 000. - 2650 BGN plus 8% for surplus over 25 000 BGN;

5. for interest from BGN 100 000 to BGN 500 000. - BGN 8650 plus 4% for surplus above BGN 100 000;

6. in case of interest from BGN 500 000 to BGN 1 000 000. - 24 650 BGN plus 3% for surplus over 500 000 BGN;

7. for interest from BGN 1 000 000 to BGN 10 000 000. - 39 650 BGN plus 1,5 % for the surplus over 1 000 000 BGN;

8. if the interest exceeds BGN 10 000 000. - BGN 174 650 plus 0,6 % for the surplus over BGN 10 000 000.

(3) For legal representation, defence and assistance in insolvency proceedings, the remuneration shall be calculated on the basis of the value of the claims on the basis of which the opening of insolvency proceedings is claimed, according to the methodology under par. 2, but not less than BGN 1500. For the preparation of an application for the assertion of a claim, as well as for the preparation of an objection to a claim asserted or admitted in insolvency proceedings, as well as for participation in the proceedings for the examination of the objections, the remuneration shall be 1/2 of the amount provided for in par. 2, but not less than BGN 1 000. For the preparation of a bidding proposal and participation in a procedure for the acquisition of property from the bankruptcy estate, the remuneration shall be determined in accordance with the procedure laid down in Art. 6, par. 1, No 8.

(4) For legal representation, defence and assistance in partition proceedings the remuneration shall be determined in accordance with the interest of the represented party according to the rules of par. 2, but not less than BGN 1500 for each phase. For legal representation, defence and assistance in proceedings for partition of agricultural land only, the fee shall be determined in accordance with the

interest of the represented party according to the rules of par. 2, but not less than BGN 750 for each phase.

(5) For legal representation, defence and assistance in claims under Art. 75, 76 and 108 of the Ownership Act the remuneration shall be determined in accordance with the interest of the represented party according to the rules of par. 2, but not less than BGN 800 for movable property and not less than BGN 1500 for immovable property or real rights on them. The remuneration shall be determined on the basis of the market price of the properties, and if the properties have no market price - on the basis of the tax assessment.

(6) For legal representation, defence and assistance in actions for existence, for annulment or for rescission of a contract and for conclusion of a final contract with the subject matter of real property rights, the remuneration shall be determined in accordance with the interest of the represented party according to the rules of par. 2, but not less than BGN 1500. The remuneration shall be determined on the basis of the market price of the properties, and if the properties have no market price - on the basis of the tax assessment.

(7) For defence in proceedings for securing a future claim, in proceedings for issuing a writ of execution under Art. 405, par. 3 and 4 of the Civil Procedure Code and in proceedings for the issue of a writ of execution, the fee shall be determined in accordance with the rules of par. 2 on the basis of half of the amounts claimed.

(8) repealed

(9) In the case of a defence with more than two hearings, an additional BGN 250 shall be paid for each subsequent hearing.

**Art. 8** The remuneration for legal representation, defence and assistance in administrative cases with a certain material interest shall be determined in accordance with the procedure of Art. 7, Para 2.

(2) For legal representation, defence and assistance in administrative cases without a defined material interest:

1. for cases under the Spatial Development Act and the Cadastre and Property Registry Act - BGN 1250.;

2. for cases under the Social Insurance Code - BGN 500;

3. for cases under the Ministry of Interior Act - BGN 750;

4. for cases under the National Standards Act - BGN 600;

5. in appeal proceedings against the decision to open a procedure, the decision to select a contractor or to terminate the procedure of a contracting authority under the Public Procurement Act, the remuneration shall be determined in accordance with the procedure of Art. 1 on the interest on which the state fee for the proceedings is determined; in other cases of appeal against decisions of the contracting authority - BGN 1500.

6. for cases under the Bulgarian Identity Documents Act - BGN 600;

7. for cases under the Agricultural Producers Support Act - BGN 800.;

8. in cases under the Protection of Competition Act before the Commission for Protection of Competition or a court instance - BGN 1500, and when the initiated case concerns an act of material interest (imposed monetary or material sanction or other), the remuneration shall be determined in accordance with Art. 8, Para 1;

9. in cases under the Protection Against Discrimination Act before the Commission for Protection against Discrimination or a court of law - BGN 1500;

10. in cases under the Protection Against Discrimination Act before the Commission for Protection against Discrimination or an instance - BGN 1500;

(3) For legal representation, defence and assistance in administrative cases without a defined material interest, outside the cases under par. 2, the remuneration shall be BGN 1000.

(4) The remuneration for legal representation, defence and assistance before an administrative body shall be determined in accordance with the preceding paragraphs.

**Art. 9.** For the preparation of a statement of claim and a written reply to a statement of claim, of an appeal and a reply to an appeal, without legal representation, as well as for the examination of a civil case and the signing of a cassation appeal under Art. 284, par. 2 of the Civil Procedure Code, when not prepared by the signing attorney, the fee shall be 3/4 of the fee under Art. 7 or 8, but not less than BGN 400.

(2) For the preparation of a cassation appeal with grounds for cassation under Art. 280, par.1 of the Code of Civil Procedure without legal representation, the fee shall be 3/4 of the fee referred to in Article 7 or 8, but not less than BGN 1 200.

(3) For the preparation of a reply to a cassation appeal with grounds for cassation under Article 280, par. 1 of the Code of Civil Procedure without legal representation, the fee shall be 3/4 of the fee referred to in Art. 7 or 8, but not less than BGN 1 200.

(4) For legal representation in proceedings for reversal of a decision which has entered into force, the remuneration shall be determined in accordance with the procedure laid down in Art. 7 or Art. 8, but not less than BGN 1 000. For the preparation of an application for reversal of a final judgment or a reply to an application for reversal of a final judgment without legal representation in open court, the fee shall be 3/4 of the fee under Art. 7 or Art. 8, but not less than BGN 750.

(5) For the preparation of appeals to the European Court of Human Rights in Strasbourg, as well as for the preparation of a request for preliminary references to the Court of Justice of the European Union in Luxembourg without legal representation, the remuneration shall not be less than BGN 2000.

(6) For the preparation of an appeal under the Public Procurement Act, a written reply, an objection to such an appeal without legal representation before the Commission for Protection of Competition or the Supreme Administrative Court, the remuneration shall be 3/4 of the remuneration determined in accordance with Article 8, but not less than BGN 600.

(7) For the preparation of an objection before a controlling authority or an appeal to a court on financial corrections in projects related to the expenditure of European funds or operational programmes without legal representation, the remuneration shall be 3/4 of the remuneration determined in accordance with Art. 8, but not less than BGN 600.

**Art. 10.** For legal representation, defence and assistance of a party in an enforcement case the remuneration shall be:

1. for instituting an enforcement case - 200 BGN;

2. for procedural representation, defence and assistance of the parties in an enforcement case and performance of actions for the purpose of satisfaction of monetary claims - 1/2 of the respective remuneration under Article 7, Para 2;

3. for legal representation, defence and assistance of the party in an enforcement action, which has as its subject the coercive seizure or eviction of a immovable property - 1/2 of the respective fees under Art. 7, par. 2 based on the value of the immovable;

4. for legal representation, defence and assistance of the party in an enforcement case, which is subject to actions beyond those referred to in No. 2 and 3 - BGN 350;

5. for an appeal against the actions of an enforcement agent - BGN 400, and when the appeal is heard in open session - BGN 600; the same remuneration is due to the procedural representative of the debtor.

**Art. 11.** For court orders, for the preparation of private appeals, for appeals against the actions of an enforcement agent, a notary, a registry judge and a registration officer, the fee shall be BGN 400, and where the appeals are heard in open court - BGN 600.

## Chapter IV

### Fees in criminal and administrative cases for one instance

**Art. 12.** The remuneration for legal representation, defence and assistance in the pre-trial proceedings shall be in the amounts referred to in Art. 13, par. 1 and in case of carrying out procedural actions on different days - 250 BGN for each day.

**Art. 13 (1)** For the defence of the defendant, the private prosecutor or the private complainant the remuneration shall be:

1. in cases where the offence is punishable by probation or a fine - BGN 600;
2. up to 5 years imprisonment - BGN 1000.;
3. up to 10 years imprisonment - BGN 1500.;
4. up to 15 years imprisonment - BGN 2250;
5. over 15 years of imprisonment – BGN 3000;
6. life imprisonment - BGN 6000.;
7. in case of agreement, if the attorney did not participate in the criminal proceedings - 750 BGN.;
8. repealed
9. for appearing before a court on measures of procedural coercion if the attorney has not participated in the criminal proceedings by proxy - BGN 900.
10. repealed

(2) For legal representation, defence and assistance of the civil plaintiff or civil defendant, the remuneration shall be determined according to the rules of Art. 7, par. 2.

(3) For legal representation, defence and assistance of the defendant, private complainant or private prosecutor on several charges the remuneration under par. 1 provided for the most serious charge shall be increased by 1/2.

(4) In the case of the defence of more than one person, the remuneration for each defended person shall be determined in accordance with par. 1.

**Art. 14 (1)** Where the hearing of a criminal case lasts for more than one day, the additional remuneration for each additional day shall be BGN 250.

(2) For defence in a criminal or administrative criminal case with more than two hearings, an additional BGN 250 shall be paid for each subsequent hearing.

**Art. 15.** For the preparation of an intermediate appellate review appeal or cassation appeal without legal representation the fee shall be 3/4 of the fee referred to in Article 13.

**Art. 16.** For private complaints in criminal cases the fee shall be BGN 300, and when the complaints are heard in open court - BGN 600.

**Art. 17.** It shall be inadmissible to negotiate a resultant fee in criminal cases, including for a civil action brought in a criminal trial.

**Art. 18.** (1) For the preparation of an appeal against a penalty decision without legal representation, the fee shall be determined according to the rules of Art. 7, par. 2, on the basis of half of the amount of the penalty, respectively the compensation, but not less than 100 BGN.

(2) If the administrative penalty is in the form of a fine, material sanction and/or material compensation, the remuneration shall be determined in accordance with the procedure laid down in Art. 7, par. 2 on the value of each fine, sanction and/or compensation imposed.

(3) repealed

(4) For legal representation, defence and assistance in cases of an administrative criminal nature outside the cases under par. 2 the remuneration shall be BGN 500.

## **Chapter V**

### **Fees for participation in special statutory proceedings at one instance**

**Art. 19.** For legal representation, defence and assistance in proceedings under the Health Act the minimum remuneration shall be BGN 500.

**Art. 20.** For legal representation, defence and assistance in independent court proceedings under the Child Protection Act the minimum remuneration shall be BGN 600.

**Art. 21.** For legal representation, defence and assistance in proceedings under Chapter IX, Chapter X and Chapter XI of the Family Code the minimum remuneration shall be BGN 600.

**Art. 22.** For legal representation, defence and assistance in proceedings under the Domestic Violence Act the minimum remuneration shall be BGN 600.

**Art. 23.** For legal representation, defence and assistance in proceedings under the Extradition Act and European warrant the minimum remuneration shall be BGN 800.

**Art. 24.** The minimum remuneration for legal representation, defence and assistance in proceedings under the Decree on Combating Petty Hooliganism shall be BGN 500.

**Art. 25.** For legal representation, defence and assistance in exequatur proceedings the minimum remuneration shall be BGN 500.

**Art. 26.** For legal representation, defence and assistance in proceedings by delegation, where the attorney is not engaged for the whole case, the minimum fee shall be BGN 500.

**Art. 27.** For legal aid and representation, defence and assistance of a witness under Article 122 of the Criminal Procedure Code, where the attorney is not engaged for the entire case, the minimum remuneration shall be BGN 500.

**Art. 28.** The minimum remuneration for legal representation, defence and assistance in proceedings for a pre-trial detention order, where the attorney is not engaged for the entire case, shall be BGN 900.

**Art. 29.** For legal representation, defence and assistance in cumulative proceedings the minimum fee shall be BGN 600.

**Art. 30.** For the preparation of the claim under Article 368 of the Criminal Procedure Code the minimum fee shall be BGN 800.

**Art. 31 (1)** For the defence in proceedings for the reopening of criminal cases the fee shall not be less than the minimum for one instance.

(2) For the preparation of a motion for reopening a criminal case without appearing in court, the minimum fee shall be 3/4 of the minimum fee under Para. 1.

**Art. 32.** For defence in proceedings for the enforcement of a sentence of a foreign court under Article 457, Para. 2 of the Code of Criminal Procedure, the minimum fee shall be 1/2 of the minimum for one instance, in accordance with the type and amount of the penalty.

**Art. 33.** For legal representation, defence and assistance in proceedings under the Control of Juvenile Anti-social Behaviour Act the minimum remuneration shall be BGN 500.

**Art. 34.** repealed

**Art. 35.** For legal representation, defence and assistance in proceedings under the Asylum and Refugees Act the minimum remuneration shall be BGN 600.

**Art. 35a.** For representation, defence and assistance of a detainee under the Ministry of the Interior Act the minimum remuneration shall be BGN 300.

**Art. 36.** For representation and assistance in mediation proceedings in civil and commercial cases the minimum remuneration shall be 1/3 of the remuneration provided for in Article 7.

### **Additional provisions**

§ 1. For cases not provided for in this Ordinance, the remuneration shall be determined by analogy.

§ 2. Repealed

§ 2a. For attorneys not registered under the Value Added Tax Act, the amount of the fees under this Ordinance shall be without value added tax included therein, and for registered attorneys, the value added tax due shall be charged on the fees under this Ordinance and shall be considered an integral part of the attorney's fee payable by the client and shall be due in accordance with the provisions of the Value Added Tax Act.

§ 26. When contracting with clients legal entities - hospitals, social homes for children, for the elderly or for the disabled, with predominantly public funding, which in the scope of their activities serve unlimited public interest, the attorney, respectively the Bar Council under the conditions of Art. 3 of the Bar Act, may negotiate fees below the minimum set out in this Regulation for a specific type of work, but not less than 1/4 thereof.

### **Final provisions**

§ 3. This Ordinance was adopted by a decision of the Supreme Bar Council on 9.VII.2004 and is issued on the basis of Art. 121, Para 1 in conjunction with Articles 36 and 38 of the Bar Act (State Gazette No. 55 of 2004) and repeals Ordinance No. 1 of 1999 on the amount of minimum attorneys' fees (State Gazette No. 93 of 1999).