

# Enforcement of Foreign Judgments

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Fundamental Principles [Bulgaria]

2024



**MULTILAW LITIGATION AND  
DISPUTE RESOLUTION  
PRACTICE GROUP**

**ENFORCEMENT OF FOREIGN  
JUDGMENTS PROJECT**



**MULTILAW**

**FUNDAMENTAL PRINCIPLES: QUESTIONS**

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**I. RECOGNITION AND ENFORCEMENT OF A FOREIGN COURT DECISION  
(CIVIL AND COMMERCIAL MATTERS)**

**A. Ability to Apply for Recognition and Enforcement of a Court Judgment**

1. **Is it possible to apply for enforcement of a foreign court judgment in your country?**

**Answer:** Yes.

**B. Applicable Law: General Rules**

1. **Which laws are generally applicable to the enforcement of a foreign court judgment in your country?**

**Answer:** The generally applicable act is The Private International Law Code. In addition, The Civil Procedure Code envisages some specific rules regarding enforcement of acts rendered on the grounds of the Hague Convention of 2007.

The relevant EU Regulations (mentioned in letter “C” below) are also applicable.

**C. Special Rules: European Union**

1. **Are there any special rules regarding the enforcement of a foreign court judgment in your country?**

**Answer:** Yes, the Civil Procedure Code envisages some specific rules regarding the enforcement of acts under Regulation No 1215/2012, Regulation No 861/2007, Regulation No 805/2004, Regulation No 1896/2006, Regulation No 4/2009, Regulation No 650/2012.

A judgment rendered under Regulation (EU) No 1215/2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters is subject to direct enforcement. The applicant shall present the judgment to a bailiff to initiate enforcement proceedings. A writ of execution is not issued.

The same applies to a preservation order rendered under Regulation (EU) No 655/2014 of the European parliament and of the Council of 15 May 2014 establishing a European Account Preservation Order procedure to facilitate cross-border debt recovery in civil and commercial matters.

In case the judgment is rendered under any of the following:

- Regulation No (EC) 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure
- Regulation (EC) No 805/2004 of the European Parliament and of the Council of 21 April 2004 creating a European Enforcement Order for uncontested claims
- Regulation No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure
- Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations, and the member state of origin is a party to the Protocol of 23 November 2007 on the Law Applicable to Maintenance Obligations,

the applicant shall obtain from the regional court a writ of execution in order to initiate enforcement proceedings.

If the judgment is rendered under Regulation (EC) No 4/2009 and the member state of origin is not a party to the Hague Protocol, the enforcement is admitted through a claim procedure.

## **2. Does the European Union have a special procedure to enforce court judgments coming from its member states?**

**Answer:** The rules referred to in the previous item provide for the facilitated enforcement of judgments by EU member states as compared to judgments from non-member states.

For details on the enforcement of judgments by non-member states, please see item IV D below which sets out the ordinary claim procedure with hearings.

## **D. Average Duration of Enforcement Procedure**

### **1. What is the average length of time for this kind of procedure?**

**Answer:** Issuing a writ of execution will usually take between a few days and a few weeks.

The enforcement before a bailiff may be completed in a month or two if only attachment over bank accounts is conducted. If other enforcement actions turn necessary, such as sale of assets, it may take years.

## **II. Denial of Recognition and Enforcement of a Foreign Court Judgment: Reasons**

### **A. Can a Court in your country deny recognition and enforcement of a foreign court judgment? If YES: what kind of reasons may justify denial?**

**Answer:** With regard to judgments rendered outside the EU, the court may deny recognition and enforcement, if:

- The only ground for foreign court's jurisdiction over property disputes was plaintiff's citizenship or residence in the state of origin.
- The defendant was not properly summoned, was not served with a copy of the statement of claim, or their right of defense was not observed.
- There is a final judgment rendered by a Bulgarian court between the same parties and over the same subject matter.
- There is a pending case before a Bulgarian court between the same parties over the same subject matter and the case was initiated prior to the case with regard to which recognition and enforcement is sought.
- Recognition or enforcement is contrary to Bulgarian public order.

Special rules with regard to denial of recognition and enforcement of judgments rendered in member states are not provided for. The rules of the respective EU regulations apply.

### **B. Costs and expenses**

#### **1. What kind of cost and expenses can a claimant expect in this enforcement procedure?**

**Answer:** The court fees for the recognition and enforcement procedure and for the issuing of a writ of execution are between EUR 5 and EUR 50.

Bailiff fees would depend on the type and number of enforcement actions. Usually, bailiff fees would not exceed EUR 200 unless real estate or tangible assets are enforced upon. In such a case, the additional fees would be proportionate to the amount of the claim or the price of the asset.

All these costs and the relevant attorney fees are subject to collection from the debtor.

## **III. FORMAL REQUIREMENTS**



**A. Time limit**

**1. Is there a time limit to apply for enforcement of a foreign court judgment?**

**Answer:** The statutory limits established in the legislation of the state of origin shall be applied accordingly in case the respondent objects that the limitation period has expired.

Apart from that, if the enforcement was admitted by an act of a Bulgarian court, the statutory limit for initiation of enforcement is five years as of entry into force of the court act subject to enforcement.

**B. Final and Definitive Court Judgment: Provisional Enforcement**

**1. Is it mandatory for the judgment to be a final and definitive court judgment?  
If NO: Are there any special requirements to provisionally enforce a court judgment which is not final and definitive?**

**Answer:** The rules of the EU regulations apply to the judgments rendered by courts in member states which are enforceable in the country of origin. Usually, a judgment does not need to be final and definitive in order to be enforced.

Judgments rendered outside the EU shall be authenticated as final and definitive in order to be enforced.

**C. Necessary Requirements**

**1. What necessary requirements must the foreign court judgment fulfill to be recognised and enforced?**

**Answer:** For judgments rendered in member states, the rules of the respective EU regulation apply. A copy of the judgment and a certificate for its enforceability shall be submitted to the Bulgarian court or the bailiff.

Judgments rendered outside the EU shall not contradict with the grounds for denial of recognition and enforcement listed in item II A above.

**D. Other Formal Requirements: Court Fees**

**1. Is it mandatory to pay court fees for this kind of application?**

**Answer:** Yes, but their amount is not high. There is also an option for the claimant (usually a natural person, and not an entity) to seek exemption from court fees by filing an application to the competent court with proof that its financial situation does not allow the claimant to pay the due court fees.

**E. Are there any other formal requirements in your country to enforce a court judgment?**

**Answer:** The relevant documents shall be translated into Bulgarian. Some documents which shall be served to the defendant might not be translated into Bulgarian if they are drafted in a language that the defendant understands.

#### **IV. PROCEDURE**

**A. Competent court**

**1. Which court or courts are competent to decide an enforcement application?**

**Answer:** The application for enforcement for judgments shall be submitted to the district court in the district where the defendant is domiciled. Enforcement shall be initiated before the bailiff in the district where the defendant is domiciled.

Judgments rendered outside the EU are admitted to enforcement by the Sofia City Court.

**B. Informational Requirements for the Application to Enforce a Foreign Court Judgment**

**1. What information must be contained in the enforcement application of a foreign court judgment?**

**Answer:** The application shall contain reference to the act subject to enforcement, the jurisdiction of the issuing court, the participation of the defendant in the procedure before the foreign court, the enforceability of the judgment and the amount subject to collection).

**C. What documents must be included with/attached to the application to enforce a foreign court judgment?**

**Answer:**

- A certified copy of the judgment
- A certificate for enforceability for EU judgments or a certificate for judgment's entry into force for foreign judgments. The latter shall be certified by the Ministry of Foreign Affairs in Bulgaria.

- In some cases – evidence that the defendant was notified of the procedure before the foreign court or that they have been served with the judgment.

## **D. Phases of the Procedure**

### **1. What are the phases of the procedure to enforce a foreign court judgment?**

**Answer:** Depending on the judgment subject to enforcement, the phases may vary:

- a court phase followed by an enforcement phase. This is applicable for recognition and enforcement of a judgment rendered outside the EU. It is a standard claim procedure with open hearings. It may go through three instances depending on the case.
- a relatively short court phase followed by an enforcement phase. The court phase consists of filing an application for issuing a writ of execution or for enforcement of a judgment issued in a EU member state. The court will usually rule in a short time without serving a copy of the application to the defendant.
- only an enforcement phase if the act is subject to direct enforcement (EU Regulation 1215/2012 or EU Regulation 655/2014).

## **E. Opposition of the Defendant**

### **1. Can a defendant oppose this enforcement application?**

**Answer:** In cases where enforcement of a judgment rendered in a EU member state is sought, the court phase is *ex-parte*. The defendant could only oppose in the enforcement phase on the grounds envisaged in the respective EU regulation by filing an application for refusal of enforcement (e.g., under Art. 46 of EU Regulation 1215/2012).

In cases where enforcement of a judgment rendered outside the EU is sought, the defendant may oppose the enforcement application on the following grounds:

- Any of the grounds for denial listed in item II A above are present.
- The claim under the foreign judgment has been extinguished (e.g., due to expired limitation, payment, set-off, etc.) after entry into force of the foreign judgment.

### **2. Are there a limited number of reasons for the defendant to oppose the enforcement of the court judgment? If YES: what are those reasons?**

**Answer:** Yes, please see the previous question.

## **F. Appeal and its Consequences in this Procedure**

### **1. Is it possible to appeal a court decision to recognise and enforce a foreign court decision?**

**Answer:** Yes. If the recognition and enforcement shall be admitted by the court (i.e. for judgments rendered outside the EU), the court decision may be appealed.

### **2. Can this appeal suspend the enforcement?**

**Answer:** The first-instance decision is not enforceable in principle (exceptions apply), therefore the enforcement has not been initiated. The court could allow preliminary enforcement (i.e., prior to entry into force of the court decision allowing enforcement of the foreign judgment) upon request of the claimant and if there is a risk for the claimant to suffer significant or unrecoverable damages due to the delayed enforcement.

## **G. Recovery of judicial costs and expenses**

### **1. Are there any rules concerning recovery of the judicial costs incurred as a result of the enforcement application?**

**Answer:** As a general rule, all costs are awarded to the successful party as long as the party proves that these have been incurred. If the legal fees paid to the counsel of the successful party are unreasonably high considering the value and the complexity of the case, the court could award a lower amount which it considers appropriate.

## **V. RECOVERY OF THE DEBT**

### **A. Means of Enforcement**

#### **1. What types of assets are subject to enforcement of the court's judgment?**

**Answer:** Proceeds with bank accounts and accounts in payment institutions, receivables, movables, securities, intellectual property rights, real estate, company shares, separate parts of the commercial enterprise of the debtor. Exceptions may apply to some assets necessary for a debtor – natural person, to maintain an existence minimum. Some types of receivables (such as payments under programmes for agricultural and rural development) are also outside the scope of enforcement.

**VI. OTHER ISSUES OF INTEREST IN YOUR JURISDICTION**

**A. Any other issues of interest in your jurisdiction**

**Answer:** N/A

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