

ADMINISTRATIVE PROCEDURE CODE

*Effective from 12.07.2006, publ. in SG issue 30 dated 11 April 2006, amended SG, issue 59 dated 20 July 2007, amended SG, issue 64 of 7 August 2007*

Chapter eight  
PROPOSALS AND SIGNALS

Section I  
General

*Subject and scope*

Art. 107. (1) This Chapter regulates the proposals and signals submitted to public authorities and other bodies carrying out public law functions.

(2) This Chapter shall not apply to proposals and signals for the review and solution of which a different procedure is provided for in a law.

(3) Proposals can be made for the improvement of the organization and activity of the authorities under para 1 or for resolution of other issues within the competence of these authorities.

(4) Signals can be submitted in respect of abuses of power and corruption, poor management of state or municipal property or for other illegal or inexpedient acts or omissions of public authorities and officials in the respective administrations which affect state or public interests, rights or other persons' legal interests.

*Principles*

Art. 108. (1) The authorities under Art. 107, para 1 shall review and resolve the proposals and signals within the statutory terms objectively and in compliance with the law.

(2) No person shall be pursued due to submission of proposal or signal under this Chapter.

## *Parties*

Art. 109. Each citizen or organization and the ombudsman can submit a proposal or a signal.

## *Organization of the work with proposals and signals*

Art. 110. (1) The organization of the processing of proposals and signals shall be determined in the rules for the organization of the authorities under Art. 107, para 1.

(2) The authorities under Art. 107, para 1 shall be responsible for the overall processing of proposals and signals. The organization of the work can be delegated to officials appointed by these authorities.

(3) The authorities under Art. 107, para 1 shall accept citizens and representatives of organizations in order to hear their proposals and signals in special preliminary determined days and hours.

## *Form of the proposals and signals*

Art. 111. (1) The proposals and signals can be made in writing or verbally, submitted in person or by an authorised representative, by phone, telegraph, telex, fax or e-mail.

(2) Signals and proposals submitted under para shall be subject to registration.

(3) In case the proposal or signal needs to be submitted in writing or to comply with certain requirements, the submitter shall be given certain explanations.

(4) No proceedings shall be initiated upon anonymous proposals or signals referring to violations committed more than two years ago.

## *Referral by competence*

Art. 112. Proposals and signals not submitted to the competent authority shall be referred to the competent authority not later than 7 days following their submission unless there is information that the question has already been referred to these competent authorities. The person having submitted the proposal or signal shall be notified about the referral.

## *Limitations*

Art. 113. Signals cannot be solved by the authorities or officials against whom they have been submitted unless they accept them for grounded and take them into consideration.

#### *Clarification of the case*

Art. 114. (1) A decision on proposal or signal shall be taken after the case is investigated and the explanations and objections of the interested persons have been discussed.

(2) The authorities to which proposals and signals have been submitted shall explain to the submitters their rights and obligations.

(3) All means not prohibited by the law can be used for the establishment of the facts and circumstances.

(4) The means for investigations of the case shall be determined by the authority competent to issue the decision unless another legal instrument requires evidence to be carried out in a certain way or with certain means.

(5) Organizations shall provide the documents, information and explanations required within the term specified by the administrative authority competent to issue the decision.

(6) Citizens shall provide the documents and information requested unless this can damage their rights or legal interests or offend their dignity.

(7) When the requests are illegal or non-grounded or cannot be satisfied due to objective reasons, the reasons for that should be stated.

#### *Execution*

Art. 115. The authority issuing the decision shall take measures for its execution which shall determine the way and term for execution.

#### *Closure of the proceeding*

Art. 116. Proceedings on proposals and signals shall be closed after the execution of the decision.

## Section II. Proposals

### *Competence*

Art. 117. (1) Proposals shall be made before the authorities competent to solve the issues raised before them.

(2) Copies of proposals can also be sent to higher standing authorities.

### *Decision*

Art. 118. (1) Decision on the proposal shall be taken not later than two months after its submission and shall be notified within 7 days to the submitter.

(2) In case longer investigation is necessary, the term for the decision can be extended by the higher standing authority to up to six months which shall be notified to the submitter.

(3) The decision made upon proposal shall not be subject to appeal.

## Section III. Signals

### *Competence*

Art. 119. (1) Signals shall be submitted to the authorities directly managing and controlling the authorities and officials whose illegal or inexpedient acts or omissions are referred to in the signals.

(2) Upon discretion of the submitter the signal can be sent also through the authority against which act or omission it is submitted.

(3) Copies of the signals can be also sent to higher standing authorities.

### *Interruption of the execution*

Art. 120. The submission of a signal shall not still the execution of the act or activity which has been disputed unless the authority competent to issue a decision stills the execution until a decision is issued.

### *Term for issue of decisions*

Art. 121. The decision on the signal shall be taken not later than two months following its submission. In case specific reasons require it, the higher standing authority can extend the term by not more than one month. The submitter shall be notified about the extension.

### *Decision*

Art. 122. (1) In case the authority considers the signal grounded, the authority shall take immediate measures for repairing the violation or inexpedience committed and shall notify the submitted and the other interested parties accordingly.

(2) In case the authority finds the signal ungrounded, the authority under Art. 119, para 2 shall, within one month from its submission, send it back together with its explanations to the respective higher standing authority and notify the submitter thereof.

### *Notification of the decision*

Art. 123. (1) The decision on the signal shall be in writing, include reasons and be notified to the submitter within 7 days following its issue.

(2) In case the decision affects rights or legal interests of other persons, they shall be also notified thereof.

(3) In case the signal is sent to the competent authority by a Member of Parliament, member of a Municipal Council, state authority, local authority or mass-media, they shall be also notified about the decision.

(4) Should there be information for a crime, the respective public prosecutor shall be informed immediately.

### *Non-appeal*

Art. 124. (1) Signals submitted for a second time regarding an issue on which a decision has already been issued shall not be reviewed unless they refer to execution of the decision or are based on new facts and circumstances.

(2) The decision issued upon a signal shall not be subject to appeal.

*Execution*

Art. 125. (1) The decision on a signal shall be executed within one month following its issue. Upon exception and should this be required due to very important reasons, the term can be extended by the issuing authority by not more than two months. The submitter shall be notified about the extension.

(2) Upon execution of the decision on the signal the harmful consequences caused by the illegal or inexpedient acts shall be repaired. Should this not be possible, the affected parties shall be satisfied in a different manner compliant with the law or be explained the procedures to be followed.

(3) The authority assigned with the execution of the signal shall notify the authority issuing the decision.