

REPUBLIC OF BULGARIA  
NATIONAL ASSEMBLY

RESTITUTION OF NATIONALISED REAL PROPERTY ACT

*Promulgated State Gazette No. 15/21.02.1992*

*Amended SG No. 28/1992; 20, 40, 66, 87 & 94/1995; 51 & 61/1996*

Article 1

(1) This Act restores ownership of real property expropriated under the Expropriation of Large Urban Housing Property Act (SG No. 87/1948; emnd, No. 91/1948) which is now owned by the State, municipal and public organisations, or by their companies, or by sole proprietorships under Article 61 of the Trade Act, and exists in the same physical dimensions as when it was expropriated.

(2) Transactions in real property, such as have been executed in violation of the resolution, enacted by the Grand National Assembly on 6 December 1990 (SG, No. 101/1990), on the partial lifting of the ban on the disposal of State and municipal property, are hereby declared null and void, and ownership of such property shall be restored.

Article 2

(1) This Act also restores the ownership of property expropriated under: the Government Tobacco Monopoly Act (SG, No. 96/1947; amnd, Nos 93 & 234 /1948, Izv., Nos 41/1951 & 39/1952); the Government Oil Products Monopoly Act (SG, No. 55/1948; rpld, No. 39/1991); the Spirits and Alcoholic Beverages Monopoly Act (SG, No. 178/1947; amnd, Nos 93 & 234 /1948 & 36/1949); the Nationalisation of Private Industrial and Mining Enterprises Act (SG, No. 302/1947; amnd, No. 176/1949); the Cinematography Act (SG, No. 78/1948; amnd, Izv., Nos 95/1953, 65/1959 & SG, No. 85/1974); the Book Printing Act (SG, No. 52/1949; amnd & suppl., Izv., No 19/1951); and the Decree on the Expropriation of Foods Warehouses (Izv., No. 13/1952).

(2) Ownership of property under the preceding paragraph shall be restored, provided that, on the date that this Act takes effect, such property is owned by the State, municipal and public organisations, or by their companies, or by sole proprietorships under Article 61 of the Trade Act, and provided also that such property exists in the same physical dimensions as when it was expropriated.

Article 3

(1) Ownership of property under Articles 1 and 2 shall be restored to the persons who were therefrom expropriated or to such persons' heirs by law.

(2) Ownership shall be restored to corporate persons expropriated under any of the Acts mentioned in Article 2. Where such corporate persons do not exist on the date that this Act shall take effect, ownership shall be restored to the partners or members thereof, or, as the case may be, to such physical persons who were partners or members thereof at the time of dissolution, and to such partners or members, according to their respective title, or their heirs by law.

(3) Where conditions are not present for the restitution of property under Articles 1 and 2, the former owners, or their heirs by law, shall be compensated under a procedure laid down in a separate enactment.

#### Article 4

(1) The ownership of property under Articles 1 and 2 shall be restored, provided that the former owners thereof did not receive an equivalent monetary compensation or an equivalent real property in compensation. Bonds received shall not be deemed a form of compensation.

(2) Persons shall not be deemed compensated whose accounts were debited for liabilities to the State, banks and State enterprises pursuant to the Decree on the Liabilities of Former Owners of Expropriated Property and Nationalised Enterprises. (Izv., No. 60/1955).

(3) The former owners of property, expropriated pursuant to Article 8 of the Expropriation of Large Urban Housing Property Act or pursuant to Article 7 of the Nationalisation of Private Industrial and Mining Enterprises Act, who received homes in, or by way of, compensation, may request restitution. The request shall be addressed to the Minister of Finance not later than six months after the date that this Act shall take effect, and the Minister of Finance shall give a ruling thereon within thirty days of receipt. If no ruling is given within the latter period, the request shall be deemed tacitly rejected. A rejection shall be subject to appeal within a period of fourteen days before the Supreme Court who shall decide the matter. In the absence of other specific provisions, those of the Administrative Procedure Act shall apply.

(4) As the ruling pursuant to the preceding paragraph takes effect, real property granted in, or by way of, compensation shall pass to the State or the local municipality and shall be taken pursuant to Article 16 of the Property Act. The said property may not be taken earlier than six months after the ruling on restitution, and, in the cases under Article 6, paragraph (2) below, not earlier than after the statutory three\_year period.

#### Article 5

The heirs of persons whose ownership is restored pursuant to Articles 1 and 2 shall be exempt from inheritance tax.

#### Article 6

(1) Existing leases of any real property under Articles 1 and 2 shall be deemed concluded without any specific duration.

(2) Any physical person who, under any administrative procedure, possesses of a home which is subject to restitution under this Act, shall retain his tenancy rights under the Rental Relationships Act for a period of three years as of the date that this Act takes effect. As of the date that ownership of such a property changes hands, such a person shall pay rent to the new owner. The lease may not be revoked before the expiry of the said three-year period, save in cases under Article 36, paragraph (1), items 1-4 and 11 of the Rental Relationships Act.

(3) The provisions of the preceding paragraph shall also apply where the property is in tenant use by a child-care institution, school, or health-care establishment.

#### Article 7

(Amended SG Nos. 28/1992; 51/1996) The former owners of property under Articles 1 and 2, or the heirs thereof, who have not received indemnification, may claim restitution where the property has been acquired by a third party in violation of statutes, or by resort to any official or political capacity, or through the misuse of power. Claims may be lodged within one year of the date that this Act takes effect. The procedure under such cases shall be payment-free.

#### Article 8

(1) Former owners and the heirs thereof may not claim foregone benefits and yields from the property.

(2) Any reasonable expenses, related to the property, incurred by the tenant, where the latter is a physical person, may be claimed under the standard procedure.

#### Article 9

Persons whose property is subject to restitution under this Act, may obtain title documents of verification of circumstances if they are able to prove that, at the date of expropriation, they themselves, or their testator, held title to the subject property. The statutory fee shall not be collected for the verification of circumstances.

#### Article 10

The ownership of shops, workshops, warehouses, and studios sold during the period from 30 March 1973 to 16 March 1990 under any procedure other than the procedure laid down in the Decree No. 60/1975 of the Council of Ministers on the Purchase of Shops, Workshops, Warehouses, and Studios (SG, No. 39/1975), shall be restored pursuant to the Restitution of Some Shops, Workshops, Warehouses, and Studios Act (SG, No. 105/1991).

## SUPPLEMENTARY PROVISIONS

§ 1. Local Councils shall take appropriate measures to provide with priority, and within the statutory period, for the housing needs of tenants under Article 6 paragraph (2).

§ 2. (Amended SG No. 51/1996)

(1) Persons sentenced pursuant to Articles 6 and 7 to vacate the respective lodgings, shall be provided with priority by the municipal councils with lodgings in compliance with § 11 of the Municipal Property Act (SG, No. 44/1996). This right shall not apply to sentenced persons, if they or members of their families own a housing or villa fit for permanent occupancy.

(2) Where as of the date of removal of persons under paragraph (1) from the housing premises occupied thereby the municipal councils could not provide them with housings, and therefore they had to rent lodgings on free rent, the difference to the price of the free rent shall be on the account of the municipality. This right shall not apply to persons who have income and property sufficient to afford housing on free rent.

§ 3. (Amended SG No. 51/1996) The State shall restore to persons sentenced under Article 7 the monies paid thereby for the respective housing, taking in consideration the market price as of the time of execution of the decision. The amount to be reimbursed and procedure for payment shall be specified by Regulation of the Council of Ministers. After receipt of the amount such persons shall vacate the housing they have been admitted to pursuant to §2, paragraph (1), and in cases under §2, paragraph (2), the municipalities shall discontinue payment of the difference to free rent.

§ 4. (Repealed SG No. 61/1996)

## CONCLUDING PROVISION

§ 5. (1) Within one month of the date that this Act takes effect, the Council of Ministers shall issue a decree whereby ownership of real property expropriated under acts of the Council of Ministers during the 1947-1962 period shall be restored, save such acts as were issued pursuant to Article 101 of the Property Act.

(2) Within the same period, the Council of Ministers shall submit to the National Assembly a bill to repeal the Decrees under which individual property has been confiscated for the State.

This Act was submitted to a vote and duly adopted by the Thirty-Sixth National Assembly on February 5th, 1992 and the State Seal was affixed hereto.

Chairman of the National Assembly: Stefan Savov

REPUBLIC OF BULGARIA  
COUNCIL OF MINISTERS

DECREE No. 60  
of 16 April 1992

on Applying Article 1, Paragraph 2  
of the Restitution of Nationalised Real Property Act

*Promulgated State Gazette No. 35/28.04.1992*

THE COUNCIL OF MINISTERS  
HAS DECREED:

§ 1. (1) Repeals all decrees, ordinances and decisions of the Council of Ministers by virtue of which real property has been nationalized under the acts listed in Art. 1 and 2 of the Restitution of Nationalised Real Property Act (SG, No 15/1992) from 1947 through 1962.

(2) in cases when one and the same act settles other legal relationships as well, that part referring to nationalized real property shall be repealed.

§ 2. Repeals the following acts of the Council of Ministers:

1. Regulation No 4 of 1948 on Nationalising Real Property under Art. 8 of the State Sanitary and Pharmaceutical Enterprise Act (SG, No 125/1948);

2. Decree no 10 of 1948 on Nationalising All Assets and Debts of the Dental Cooperative Consumer Society and Those of Its Branches in Favour of the State Sanitary Pharmaceutical Enterprise (SG. No 165/1948).

§ 3. (1) The restitution of property nationalized under repealed acts of the Council of Ministers shall be conducted under the conditions and in the manner specified by the Restitution of Nationalized Real Property Act.

(2) Following the deletion of the real property in the registration books under Art. 88, para 4 of the Regulation on State Property (SG, No. 79/1975; amended, Nos. 24/1978, 52/1979, 7 and 78/1980, 70 and 77/1983, 36/1984, 37/1985, 19/1988, 71/1989, 34 and 72/1990, 75/1991 and 26/1992) the municipal councils shall send to the respective notary offices letters confirming the fact of the deletion and indicating the names of the owners. All necessary entries in the registers shall be made on the grounds of the above documents.

## CONCLUDING PROVISIONS

§ 4. The present decree is issued under §2 para 1 of the concluding provisions of the Restitution of Nationalised Real Property Act.

§ 5. The decree shall enter into force on the day of its promulgation.

Chairman of the Council of Ministers: Philip Dimitrov

Chief Secretary of the Council of Ministers: Konstantin Mouhovski