

## ANNEX

### ADMINISTRATIVE PROCEDURE CODE

*In force from 12.07.2006*

*Prom. SG. 30/11 Apr 2006, amend. SG. 59/20 Jul 2007, amend. SG. 64/7 Aug 2007, amend. SG. 94/31 Oct 2008, amend. SG. 35/12 May 2009, amend. SG. 100/21 Dec 2010, amend. SG. 39/20 May 2011, amend. SG. 77/9 Oct 2012, amend. SG. 104/3 Dec 2013, amend. SG. 27/25 Mar 2014, amend. and suppl. SG. 74/20 Sep 2016, suppl. SG. 13/7 Feb 2017, amend. SG. 58/18 Jul 2017, suppl. SG. 63/4 Aug 2017, amend. SG. 85/24 Oct 2017, suppl. SG. 103/28 Dec 2017, suppl. SG. 42/22 May 2018, amend. SG. 65/7 Aug 2018, amend. and suppl. SG. 77/18 Sep 2018, **amend. SG. 36/3 May 2019***

#### Chapter ten.

#### CONTESTATION OF ADMINISTRATIVE ACTS BEFORE THE FIRST INSTANCE

##### Section I.

##### Contestation of individual administrative acts

###### Subject to contestation

Art. 145. (1) The administrative act may be contested before the court regarding their lawfulness.

(2) Subject to contestation shall be:

1. the initial individual administrative act, including the refusal to be issued such act;
2. (amend. – SG 39/11) the decision of the higher administrative body by which the act under item 1 has been cancelled or amended and the matter is considered on its merits;
3. the decisions upon requests for issue of documents, significant for recognition, exercise or redemption of rights or obligations.

(3) The administrative acts may be contested entirely or in their separate parts.

###### Grounds for contestation

Art. 146. Grounds for contestation of the administrative acts shall be:

1. lack of competence;
2. lack of conformity with the established form;
3. essential breach of the administrative and procedural rules;
4. contradiction to the material legal provisions;
5. non-compliance with the purpose of the law.

###### Right of contestation

Art. 147. (1) Right to contest the administrative act shall have the citizens and the organisations, which rights, freedoms or legitimate interests have been breached or threatened by it or for which it raises obligations.

(2) The prosecutor may file a protest against the act in the cases under Art. 16.

### **Choice of the order of contestation**

Art. 148. The administrative act may be contested before the court and without being used up the opportunity for its contestation by administrative order, unless otherwise has been provided for by this code or by a special law.

### **Terms for contestation**

Art. 149. (1) The administrative acts may be contested within 14 days period after their announcement.

(2) The tacit refusal or the tacit consent may be contested within one month period after the expiration of the term, in which the administrative body has been obliged to pronounce.

(3) When the act, the tacit refusal or the tacit consent has been contested by administrative order, the term under para 1, respectively para 2, shall start after the announcement, that the higher administrative body has pronounced by a decision, and if the body has not pronounced – after the final date, on which he/she has have to pronounce.

(4) When the prosecutor has not participated in the administrative proceedings, he/she may contest the act within one month period after its issue.

(5) The administrative acts may be contested with a request for declaring their invalidity without limitation of the time.

### **Form and contents of the complaint and the protest**

Art. 150. (1) The complaint or the protest shall be filed in written form and shall contain:

1. indication of the court;
2. the three names and the address, telephone, fax and e-mail, if there is such one – for the Bulgarian citizens, respectively the name and the position of the prosecutor, the number of the telephone, fax or telex or an e-mail, if there is such one;
3. the three names and the address, the personal number – for a foreigner, and the address, declared in the respective administration, telephone, fax and an e-mail, if there is such one;
4. the firm of the merchant or the name of the legal entity, written in Bulgarian language, the corporate seat, the last declared in the respective register address of management and the e-mail;
5. indication of the appealed administrative act;
6. indication of what consists of the unlawfulness of the act;
7. in what consists of the request;
8. signature of the person, who files the complaint or the protest.

(2) In the complaint or the protest the appellant shall be obliged to point the evidences, which he/she wants to be collected, and to submit the written evidences, which he/she possessed with.

### **Attachments**

Art. 151. To the complaint shall be attached:

1. a certificate for the existence and the representation of the organisation –

appellant;

2. a power of attorney, when the complaint is filed by a proxy;
3. a document for paid state fee, if such one is due;
4. copies from the complaint or the protest, from the written evidence and from the annexes according to the number of the rest parties.

### **Filing the complaint and the protest**

Art. 152. (1) The complaint or the protest shall be filed through the body, who has issued the contested act.

(2) Within three days period after the expiration of the terms for contestation by the rest persons, the body shall send the complaint or the protest together with the verified copy of the entire file upon the issue of the act to the court, notifying the sender for that.

(3) The body shall be obliged to attach to the file a list of the parties in the proceedings on issue of the administrative act, indicating the addressed, to which they have been last summoned.

(4) If the body does not fulfil his/her obligations under para 1 – 3, the court shall require the file ex officio on the ground of a copy of the complaint or the protest.

### **Parties**

Art. 153. (1) Parties in the case shall be the appellant, the body who has issued the administrative act, as well as all interested persons.

(2) When after the issue of the administrative act, the body has been closed, without being indicated his/her legal successor, a party in the case shall be the body authorized with the competence to issue the same acts.

(3) When the competence of the administrative body on the matter has been withdrawn, the court shall strike him off and shall constitute ex officio a competent body as a party in the case.

(4) The definition under para 3 shall be a subject to appeal by a private complaint.

### **Constituting the parties**

Art. 154. (1) The court shall constitute the parties ex officio.

(2) When the administrative body has not fulfil his/her obligation under Art. 152, para 3, the court shall fix a term for its fulfilment.

### **Withdrawal and refusal from the contestation**

Art. 155. (1) In any stage of the case, the appellant may withdraw the contestation or to refuse from it entirely or partially.

(2) The request for declaring the invalidity may be withdrawn without the consent of the defendants upon the complaint till the finishing of the first meeting of the case.

(3) The withdrawal and the refusal from the contestation out of the court meeting shall be made with a written application.

(4) A preliminary refusal from the right of contestation shall be invalid.

### **Withdrawal of the contested act**

Art. 156. (1) (Suppl. - SG 77/18, in force from 01.01.2019) In any stage of the case

with the consent of the rest of the defendants and interested parties, for whom the contested act is favourable, the administrative body may withdraw entirely or partially the contested act or issue the act, which issue has refused.

(2) For withdrawal of the act after the first meeting of the case shall be necessary a consent and by the appellant.

(3) The withdrawn act may be issued repeatedly only at new circumstances.

(4) When with the contestation a claim on compensation has been joined, the proceedings on it shall continue.

#### **Instituting and fixing the date of the case**

Art. 157. (1) (Suppl. - SG 77/18, in force from 01.01.2019) The chairman of the court, his/her deputy or the chairman of the division shall institute the administrative case, which shall be given to a judge-rapporteur. The judge-rapporteur, respectively the chairman of a division in the Supreme Administrative Court, shall set the case within a maximum of two months from the filing of the complaint in court. This period shall not run for the period of the judicial holiday, unless shorter deadlines are provided for in this Code or a special law.

(2) The reporting judge shall be determined according the sequence of the receipt of the contestations in the court by an electronic allocation or by another way for accidentally allocation of the cases, indicated in internal rules, accepted by the respective court and announced in public.

#### **Check of the regularity of the complaint and the protest**

Art. 158. (1) (Amend. - SG 77/18, in force from 01.01.2019) When the complaint or the protest do not meet the requirements of Art. 150, para 1 and Art. 151, the judge-rapporteur, respectively the chairperson of a division in the Supreme Administrative Court, shall leave them without any motion, sending the disputing party a notification to eliminate the irregularities within 7 days.

(2) When the addresses of the appellant and his/her representative have not been indicated, the notice under para 1 shall be made by putting an announcement on the definite for this place in the court during 7 days.

(3) (Suppl. - SG 77/18, in force from 01.01.2019) If the irregularities have not been eliminated in the term under para 1, the complaint or the protest shall be left without consideration with an order of the judge-rapporteur, respectively the chairperson of the division in the Supreme Administrative Court. When the irregularities have been found in the course of the proceedings, the court shall terminate the case.

(4) The revised contestation shall be considered regular from the day of its filing.

#### **Check of the admissibility of the complaint and the protest**

Art. 159. The complaint or the protest shall be left without consideration, and if court proceedings have been instituted, they shall be terminated, when:

1. the act is not a subject of contestation;
2. the appellant does not possess a legal capacity;
3. the contested administrative act has been withdrawn;
4. the appellant does not have a legal interest in the contestation;
5. the contestation has been overdue;
6. there is an entered into force court decision upon the contestation;
7. there is an instituted case before the same court, between the same parties, on the

same ground;

8. the contestation has been withdrawn or has been made a refusal from it.

### **Appeal of the act on the admissibility of the complaint and the protest**

Art. 160. (1) The order, by which the complaint or the protest are considered without consideration, the definition by which the case is terminated, shall be a subject to appeal by a private complaint. Copies from it shall not be submitted, if the order has been pronounced before the handing over of a copy of the contestation.

(2) (amend. – SG 39/11) The private complaints shall be considered in a closed meeting, unless the court considers it is necessary that they must be considered in an open court meeting.

### **Revival of the term for appeal**

Art. 161. (1) Within 7 days period after the notice for leaving the complaint without consideration may be requested revival of the term, if the missing is due to particular unexpected circumstances or to a behaviour of the administration, which has misled the appellants. The request can be made and with the complaint.

(2) In the request for the revival of the term shall be pointed out all the circumstances, establishing the grounds under para 1.

(3) The definition, by which the request under para 1 has been rejected, may be appealed by private complaint. The definition by which the request under para 1 has been considered favourably, shall be appealed together with the decision on the case.

### **Announcement of the act by the court**

Art. 162. (1) When the administrative act has not been announced to all affected persons, the court shall send a notice and shall continue the court proceedings on the complaint, ensuring to these persons an opportunity to defend their interests.

(2) When the contested act is favourable for the persons under para 1, the court shall constitute them ex officio as parties and shall defer the case, if imposed so.

(3) When to the beginning of the oral competitions upon the initial complaint complaints are received and from persons under para 1, the complaints shall be joined in one proceeding for pronouncing a common decision.

### **Handing in copies of the complaint and the protest and an answer upon them**

Art. 163. (1) If the complaint or the protest are admissible, the reporting judge shall order copies of them to be sent to the parties.

(2) Within 14 days period after the receipt of the copy each party may submit a written answer and to point out evidences. The written evidences, which the party disposes of, shall be attached to the answer.

(3) When for the clarification of the legal dispute is necessary to be collected and other evidences except for these, which are content in the file, the reporting judge shall give instructions to the respective party for the necessity of their collection.

### **Body of the administrative court**

Art. 164. The administrative court shall consider the case in a body of one judge.

### **Body of the Supreme Administrative Court**

Art. 165. The Supreme Administrative Court shall consider the case in a body of three judges.

### **Stay of the execution of the administrative act**

Art. 166. (1) The contestation shall stop the execution of the administrative act.

(2) (amend. and suppl. – SG 39/11) In any stage of the case till the entry into force of the decision at request of the appellant the court may stop the preliminary execution, admitted by an entered into force order of the body, who has issued the act as per Art. 60, para 1, if it may cause to the appellant a significant or hardly repairable damage. The execution may be stopped only on the ground of new circumstances.

(3) (amend. – SG 39/11) The request under para 2 shall be considered in a closed meeting. The court shall pronounce immediately by a definition, which may be appealed by a private complaint within 7 days period from the announcement thereof.

(4) (new – SG 39/11) The admitted preliminary execution of an administrative act according to another Law, where there is no explicit prohibition for judicial control may be suspended upon request of the appellant under the terms of para 2.

### **Admission of a preliminary execution by the court**

Art. 167. (1) In any stage of the case at request of a party the court may admit preliminary execution of the administrative act under the conditions, at which it may be admitted by the administrative body.

(2) When the preliminary execution may cause significant or hardly repairable damage, the court may admit it under a condition of paying of a guarantee in a determined by the court extent.

(3) The definition upon the request shall be a subject to appeal within three days period after its announcement. If the preliminary execution has been cancelled, it shall be restored the situation, existing before the execution.

(4) Repeated request before the court can be made only on the ground of new circumstances.

### **Subject of the court check**

Art. 168. (1) The court shall not limit itself only with the consideration of the grounds, pointed out by the appellant, but shall be obliged on the ground of the submitted by the parties evidences, to check the lawfulness of the contested administrative act on all grounds under Art. 146.

(2) The court shall declare the invalidity of the act, even when there is no request for this.

(3) The invalidity may be declared and after the expiration of the term under Art. 149, para 1 – 3.

(4) (New - SG 77/18, in force from 01.01.2019) A substantial breach of the administrative production rules shall in any case be deemed where, as a result of a violation of the obligation to notify, a citizen or organization has been deprived of the opportunity to participate as party to the procedure for issuing an individual administrative act.

(5) (New - SG 77/18, in force from 01.01.2019) Where the court finds a substantial

breach of the administrative production rules under Para. 4, it shall repeal the act and send the file to the relevant competent administrative body without checking the grounds under Art. 146, items 4 and 5.

### **Court control and operative self-dependence**

Art. 169. At contestation of an administrative act, issued in operative self-dependence, the court shall check whether the administrative body has disposed of operative self-dependence and has observed the requirement for lawfulness of the administrative acts.

### **Burden**

Art. 170. (1) The administrative body and the persons, for which the contested administrative act is favourable, shall establish the existing of the factual grounds, pointed out in it, and the fulfilment of the legal requirements at its issue.

(2) When a refusal for issue of an administrative act is contested, the appellant shall establish that the conditions for its issue are present.

(3) (New - SG 77/18, in force from 01.01.2019) The court shall be obliged to indicate to the parties the distribution of the burden of proof.

### **Evidence**

Art. 171. (1) The evidence, collected regularly in the proceedings before the administrative body, shall have effect and before the court. The court may interrogate as witnesses the persons, who have given information before the administrative body, and the expert witnesses only if find necessary to hear them immediately.

(2) At request by the parties the court may collect and new circumstances, admissible under the Civil Procedure Code. The court may appoint expert witnesses, an inspection or a survey also and ex officio.

(3) The parties shall be obliged to cooperate for the establishment of the truth.

(4) The court shall be obliged to cooperate to the parties for the removal of formal mistakes and ambiguities in their statements and to instruct them, that for some circumstances significant for the case, evidence has not been pointed out.

(5) The court shall pronounce in a closed meeting on the requests for evidence. They may be permitted in the first meeting of the case, if the court finds, that is necessary to hear and the oral explanations of the parties upon the evidence pointed out by them.

### **Judgement on the case**

Art. 172. (1) The court shall render a judgement within one month period after the meeting in which has finished the consideration of the case.

(2) The court may declare the invalidity of the contested administrative act, to cancel it entirely or partially, to amend it or to reject the contestation.

(3) When a tacit refusal or a tacit consent has been cancelled, shall be considered cancelled and the explicit such ones, followed before the decision for cancellation.

(4) In the judgement shall be indicated the names of the parties, unless when it has an effect regarding everyone.

### **Contents of the Judgement**

Art. 172a. (new – SG 39/11) (1) The judgement shall include the following:

1. date and place of issue;
2. referring to the court, the names of the judge(s), the court secretary and the prosecutor, if the latter is involved in the case;
3. reference number of the case on which the judgement is passed;
4. reference number and the date of the administrative act and the name of the authority issuing it;
5. the names of the parties;
6. the contents of the court ruling;
7. the person who must pay the costs;
8. whether the judgment is subject to appeal, to which court and within what time-period.

(2) In its judgement, the court shall present its reasons, stating the positions upheld by the parties, the facts in the main proceedings and the legal conclusions of the court.

(3) The judgement shall be signed by the judge(s) involved in passing it. When any of the judges is obstructed from signing the judgement, the chairperson shall note down the reasons thereof in the judgement.

#### **Powers of the court at invalidity or cancellation of the administrative act**

Art. 173. (1) When the matter has been left on the assessment of the administrative body, after declaring the invalidity or cancelling the administrative act, the court shall decide the case on its merits.

(2) Out of the cases under para 1, as well as when the act is invalid because of incompetence or its character does not allow the decision of the matter on its merits, the court shall send the file to the respective competent administrative body with obligatory instructions for the interpretation and the application of the law.

(3) At unlawful refusal to be issued a document, the court shall oblige the administrative body to issue it, without giving instructions on its contents.

(4) At refusal by an incompetent body to issue an administrative act, the court shall declare invalid the refusal and shall send the case as a file to the respective competent body.

#### **Defining a term for execution of the court decision**

Art. 174. (Suppl. - SG 77/18, in force from 19.11.2018) When obliging the body to issue an administrative act or document, the court shall also set a time limit for this. In case of tacit refusal of the administrative body, a copy of the court decision shall be sent to the competent bodies under Art. 307.

#### **Correction of an obvious factual mistake**

Art. 175. (1) On its own initiative or at request of a party the court may correct admitted in the decision written mistakes, mistakes in the calculation or other similar obvious inaccuracies.

(2) The decision on the correction shall be pronounced in a closed meeting and shall be a subject to appeal by the order of the decision itself. After its entry into force, it shall be indicated on the corrected decision and the copies.

#### **Pronouncement of an additional decision**

Art. 176. (1) When having not pronounced on the entire contestation, the court on its own initiative or at request by a party in the case, lodged within one month, shall pronounce an additional decision.

(2) (Amend. - SG 77/18, in force from 01.01.2019) The court shall notify the opposite party of the requested supplementation with instructions for submitting a reply within 7 days. The request shall be heard by summoning the parties in open court, if the court considers it necessary in view of the circumstances of the case. The court shall rule on a further decision which is subject to contestation under the order of the initial decision.

#### **Effect of the court decision**

Art. 177. (1) The decision shall have effect for the parties in the case. If the contested act has been cancelled or amended, the decision shall have effect regarding everyone.

(2) The acts and the actions of the administrative body, made in contradiction with an entered into force decision of the court, shall be invalid. Every interested person may always refer to the negligibility or request from the court to declare it.

(3) The decision by which has been rejected a contestation for cancellation of an administrative act, shall be an obstacle for its contestation as invalid, as well as and for its contestation on another ground.

#### **Agreement before the court**

Art. 178. (1) An agreement may be concluded before the court in each stage of the case under the conditions, which it may be concluded in the proceedings before the administrative body, even if the latter has refused its confirmation.

(2) All the parties in the case shall obligatory participate in the agreement.

(3) The refusal of the court to confirm the agreement may be appealed by a private complaint, filed jointly by the parties upon it.

(4) With the definition, by which confirming the agreement, the court shall nullify the administrative act and shall terminate the case.

(5) The definition may be appealed only by a party, which has not participated in the agreement. If it is cancelled, the consideration of the case shall continue.

(6) The confirmed agreement shall have the effect of an entered into force court decision.

## **Section II.**

### **Contestation of general administrative acts**

#### **Terms for contestation**

Art. 179. The general administrative acts may be contested within one month period from the announcement for their issue or within 14 days period from the separate announcements to the persons, which have participated in the proceedings before the administrative body.

#### **Effect of the contestation**

Art. 180. (1) The contestation shall not stop the execution of the general administrative act.

(2) The court may stop the execution on the grounds and by the order of Art. 166, para 2 and para 3.

### **Announcement for the contestation**

Art. 181. (1) If the contestation is regular, the court within one month period shall announce it with a notice in the "State Gazette", in which shall be indicated the contested administrative act or its part and the number of the instituted case.

(2) A copy of the notice shall be put on a definite for this place in the court and shall be promulgated in the [Internet site of the Supreme Administrative Court](#).

(3) By the order of para 1 and 2 shall be announced and the definition for stop of the case.

(4) (New - SG 77/18, in force from 01.01.2019) The enacted determination for suspension of the effect, or of the execution, of the general administrative act shall be promulgated in the State Gazette.

### **Parties**

Art. 182. (1) Parties in the case shall be the appellant and the body, who has issued the general administrative act.

(2) (amend. – SG 59/07, in force from 01.03.2008) The persons, for whom the contested act is favourable, may entered as parties together with the administrative body till the beginning of the oral competitions in each stage of the case. If with a procedural action a party, who has entered after the first meeting, becomes a reason for a delay of the case, shall bear, regardless the result of the case, the expenses for the new hearing, those related to collection of new evidences or repeated collection of already collected evidences, the expenses incurred by the other party and by its representative for appearing under the case, and also shall pay additional state fee amounting to one third of the initially paid one, but not less than 100 levs.

(3) Every person, who has a legitimate interest, may join to the contestation or enter as a party together with the administrative body till the beginning of the oral competitions in each stage of the case, without being entitled to request repetition of the made procedural actions. A copy of the application for joining or entering shall be submitted to the opposite parties.

(4) The definition, by which is admitted the entering, shall be a subject to appeal by a private complaint.

### **Composition of the court**

Art. 182a. (New - SG 77/18, in force from 01.01.2019) The court shall hear the case in a composition of three judges.

### **Effect of the decision**

Art. 183. The decision by which the contested act has been declared invalid, has been cancelled or amended, shall have an effect regarding everyone.

### **Subsidiary application**

Art. 184. (Amend. - SG 77/18, in force from 01.01.2019) For the unsettled by this Section matters shall be applied the provisions for contestation of individual administrative acts.

### **Section III. Contestation of acts of secondary legislation**

#### **Subject of contestation**

Art. 185. (1) The acts of secondary legislation may be contested before a court.

(2) The acts of secondary legislation may be contested entirely or in their separate provisions.

#### **Right of contestation**

Art. 186. (1) Right to contest an act of secondary legislation shall have the citizens, the organisations and the bodies, which rights, freedoms or legitimate interests have been affected or may be affected by it or for which it raises obligations.

(2) The prosecutor may file a protest against the act.

#### **Non-limitation of the contestation**

Art. 187. (1) The acts of secondary legislation may be contested without limits in the time.

(2) Subsequent contestation of an act of secondary legislation on the same ground shall be inadmissible.

#### **Announcement for the contestation**

Art. 188. The contestation shall be announced by the order of Art. 181, para 1 and 2.

#### **Parties**

Art. 189. (1) Parties in the case shall be the appellant and the body who has issued the acts of secondary legislation.

(2) Every person, who has a legitimate interest, may join to the contestation or enter as a party together with the administrative body till the beginning of the oral competitions in each stage of the case, without being entitle to request repetition of made procedural actions. Copies of the application for joining or entering shall be handed in to the opposite parties.

(3) The definition, by which the entering is not admitted, shall be a subject to appeal by a private complaint.

(4) (amend. – SG 59/07, in force from 01.03.2008) The persons, who have joined or entered, shall bear, regardless the result of the case, the expenses for the new hearing, those related to collection of new evidences, the expenses incurred by the other party and by its representative for appearing under the case, and also shall pay additional state fee amounting to one third of the initially paid one, but not less than 100 levs.

#### **Effect of the contestation**

Art. 190. (1) The contestation shall not stop the force of the secondary legislative act, unless the court orders otherwise.

(2) The definition of the court under para 1 for stop the effect of the secondary legislative act shall be promulgated in the way, in which has been promulgated the act, and shall enter into force form the day of the promulgation.

### **Jurisdiction and body of the court**

Art. 191. (Amend. - SG 77/18, in force from 01.01.2019) The acts of secondary legislation shall be contested before the respective court, whose panel of three judges shall consider the case.

### **Participation of the prosecutor**

Art. 192. The case shall be considered with the participation of a prosecutor.

### **Conformity assessment**

Art. 192a. (New - SG 77/18, in force from 01.01.2019) The competence of the body issuing the secondary legislative act shall be assessed at the time of its issuance. The compliance of the secondary legislation with the material law shall be assessed at the time of the pronouncement of the judgment.

### **Decision upon the case**

Art. 193. (1) The court shall declare the invalidity of the contested act of secondary legislation or a part of it, shall cancel it entirely or partially or shall reject the contestation.

(2) The court decision shall have an effect regarding everybody.

### **Promulgation of the court decision**

Art. 194. The court decision, by which nullity is declared or the act of secondary legislation is cancelled, and against which there are no cassation complaint or protest filed in term, or they are rejected by the second instance court, shall be promulgated in the way, which has been promulgated the act, and shall enter into force from the day of the promulgation.

### **Effect of the decision for cancellation of the act of secondary legislation**

Art. 195. (1) The act of secondary legislation shall be considered cancelled from the day of entry into force of the court decision.

(2) The legal consequences arisen by an act of secondary legislation which is declared invalid or is cancelled as null, shall be settled ex officio by the competent body in term not longer than three months after the entry into force of the court decision.

### **Subsidiary application**

Art. 196. (Suppl. - SG 77/18, in force from 01.01.2019) For the unsettled in this Section matters shall be applied the provisions for contestation of the individual administrative acts, except for Art. 142, Para. 1, Art. 152, para 3, Art. 173 and 178.

## **Section IV.**

### **Appeal of a refusal for consideration of a request for issue of an administrative act**

#### **Right and term of appeal**

Art. 197. The explicit refusal of the administrative body to consider on its merits a filed to him/her request for issue of an individual or general administrative act may be appealed through him/her before the court by the person, who has made the request, within 14 days period after its announcement.

#### **Handing in copies and sending the complaint to the court**

Art. 198. (1) After accepting the complaint, the body shall send copies and to the rest parties in the administrative proceedings, which within 7 days period after their receiving may file objections.

(2) After the expiration of the term under para 1 the complaint together with a copy of the administrative file, the opinion of the administrative body and the objections shall be sent to the court.

#### **Consideration of the complaint**

Art. 199. The complaint shall be considered in closed meeting.

#### **Definition upon the complaint**

Art. 200. (1) Within one month period after the receipt of the complaint the court shall pronounce with a definition, by which shall reject it or shall cancel the refusal, and shall send the file to the competent administrative body for decision of the request on its merits, and the term for pronouncement by the body shall start from the moment of the receipt of the file with him/her.

(2) The definition may be appealed with a private complaint by the parties, participating in the administrative proceedings.

#### **Effect of the definition**

Art. 201. The definition shall be obligatory for the administrative body and for the persons participated in the appeal regarding the matter, decided with it.

#### **Appeal of the refusal to renew and the decision to suspend the administrative proceedings**

Art. 202. By the order of this Section shall be appealed:

1. the refusal to allow renewal under Art. 103, Para. 3;
2. the act for suspension of proceedings for issuance of an administrative act;
3. the refusal to renew suspended administrative proceedings.