

Ordinance No 12

of 29 September 2016

on the Register of Bank Accounts and Safe Deposit Boxes

(Adopted by the Bulgarian National Bank on 29 September 2016;
published in the Darjaven Vestnik, issue 81 of 14 October 2016;
effective as of 1 January 2017; amended, issue 103 of 2016;
amended, issue 14 of 2017)

Chapter One

General Provisions

Article 1. (amended; Darjaven Vestnik, issue 103 of 2016) This Ordinance shall determine the functioning, scope, procedure and time limits for submitting and obtaining information to/from the Register of Bank Accounts and Safe Deposit Boxes (the Register) maintained by the Bulgarian National Bank (the BNB).

Article 2. (amended; Darjaven Vestnik, issue 103 of 2016) The Register is an electronic information system developed and maintained by the BNB that ensures:

1. centralised information on bank account numbers, titleholders and persons having disposal rights over the accounts, as well as on deposit box holders and persons authorised by them;
2. receipt of information from bodies and institutions under Article 56a, paragraph 3, as well as from natural persons and legal entities under Article 56a, paragraph 4 of the Law on Credit Institutions (LCI);
3. aggregation of collected information.

Article 3. Banks and foreign bank branches operating on the territory of Bulgaria (banks) and the BNB shall submit information to the Register.

Chapter Two

Scope and Time Limits for Submission of Information to the Register by Banks

Article 4. (1) Banks shall submit to the Register information on bank accounts of natural persons specifying:

1. the titleholder of the account (name and identifier code);
2. persons authorised by the titleholder (name and identifier code);
3. the number of the account;
4. the type of the account;
5. the currency of the account;
6. the date of opening the account;

7. the date of closing the account;
8. other additional information.

(2) Banks shall submit to the Register information on bank accounts of legal entities specifying:

1. the titleholder of the account (name and identifier code);
2. persons authorised by the titleholder (name and identifier code);
3. the number of the account;
4. the type of the account;
5. the currency of the account;
6. the date of opening the account;
7. the date of closing the account;
8. other additional information.

Article 5. (1) Banks shall submit to the Register information on natural persons who are deposit box holders specifying:

1. the deposit box holder (name and identifier code);
2. persons authorised by the holder (name and identifier code);
3. the date of allotment of the safe deposit box;
4. the expiry date of the safe deposit box allotment;
5. other additional information.

(2) Banks shall submit to the Register information on legal entities who are deposit box holders specifying:

1. the deposit box holder (name and identifier code);
2. persons authorised by the holder (name and identifier code);
3. the date of allotment of the safe deposit box;
4. the expiry date of the safe deposit box allotment;
5. other additional information.

Article 6. Data registration and identification in the Register shall be effected as follows:

1. for natural persons: the identity number;
2. for sole proprietors and legal entities: the unified identification code (UIC or BULSTAT code) or personal identification code (PIC) designated by the Registry Agency for other persons and bodies subject to entry in the Commercial Register as provided by law;
3. for non-resident natural persons who have not been issued an identity number under the procedure set by the competent Bulgarian authorities: the personal number, personal number of a foreigner or other identification data;
4. for legal entities which are not Registered in Bulgaria: the tax number of foreign persons of the European Union or the registration code in the relevant home country of the entity;
5. for other non-legal entities: the BULSTAT code or the identity number, personal number, personal number of a foreigner of authorised persons, or another identifier by country of registration;

6. other individualising data specified in instructions of the Deputy Governor heading the Banking Department.

Article 7. (1) Banks shall submit to the Register weekly information on opened new accounts, closed accounts or changes in already submitted data under Article 4.

(2) Banks shall submit to the Register weekly information on new rental contracts for safe deposit boxes, expiry of safe deposit box allotment or changes in the information submitted under Article 5.

Article 8. (1) Banks shall be liable for the accurate, complete and duly provided information to the Register and shall correct inaccuracies in provided information on their own initiative or at the request of the person to whom the data relate.

(2) The information provided by banks under Articles 4 and 5 shall correspond to the data stored in their information systems.

(3) The Bulgarian National Bank may not correct the information in the Register on its own initiative unless the information has been provided by the BNB.

Article 9. (1) (previous wording of Article 9; Darjaven Vestnik, issue 103 of 2016) The information shall be stored in the Register within the terms provided for in Article 56a, paragraph 9 of the Law on Credit Institutions.

(2) (new; Darjaven Vestnik, issue 103 of 2016) The BNB shall also submit information under this Chapter to the Register.

Article 10. (1) A bank with a registered office in the Republic of Bulgaria, which has been declared bankrupt or in liquidation, shall submit information to the Register under the procedure established in this Ordinance until the date of Court ruling on its deletion from the Commercial Register.

(2) In case of bankruptcy or liquidation of a bank with a registered office in a Member State or a bank with a registered office in a third state operating in the Republic of Bulgaria through a branch, as well as in case of a decision for closing a branch of a bank with a registered office in a Member State or a bank with a registered office in a third state, information to the Register shall be provided until its deletion from the respective public register in the state where the bank has been registered until the deletion of the branch accordingly.

(3) (new; Darjaven Vestnik, issue 14 of 2017) A bank in bankruptcy or liquidation shall have limited access to the information in the Register.

Chapter Three

Access to the Information of the Register

Article 11. (1) Access to the information of the Register shall be provided to the bodies and institutions under Article 56a, paragraph 3 of the Law on Credit Institutions with regard to performing their duties in individual checks.

(2) (amended; Darjaven Vestnik, issue 103 of 2016) The bodies and institutions under Article 56a, paragraph 3 of the Law on Credit Institutions shall be provided with information from the Register by means of a hard copy statement or electroni-

cally, while information to the banks shall be provided only electronically subject to the payment of a fee under Article 16.

(3) (new; Darjaven Vestnik, issue 103 of 2016) Pursuant to the Law on the Bulgarian National Bank Article 43, paragraph 2, item 4, the Minister of Finance and the BNB shall agree to electronically exchange information on the bank accounts and safe deposit boxes of the budget organisations and the persons under Article 156 of the Law on Public Finance. Specific account identifiers and codes can also be entered in the Register, as well as other information characterising these accounts and their titleholders.

(4) (previous paragraph 3; Darjaven Vestnik, issue 103 of 2016) Where the request does not contain the data required to identify the person under Article 6, the BNB shall inform the applicant in writing of the reasons for not issuing the statement.

Article 12. (1) Any person may receive information relating to him in the Register as an account holder, a deposit box holder, or an authorised person. Heirs of deceased persons may also receive information from the Register.

(2) The information shall be made available free of charge to individuals within 14 days under Article 32, paragraph 1 of the Law on Personal Data Protection and in other cases – against a fee.

(3) The right under paragraph 1 shall be exercised by filing an application in writing to the BNB. The application shall include data from the applicant's identity document and shall specify the manner of submitting the information to the applicant – personally or by mail. Upon filing the application in the BNB, the applicant or the person authorised by him shall identify him/herself by submitting an identity document.

(4) The application for information about a natural person shall be personally filed by the applicant or his representative explicitly authorised by notary verified power of attorney which shall be attached to the application.

(5) The application for information about a legal entity shall be personally filed by the person authorised to represent this legal entity, or by a person authorised by him. The documents to be attached to the application shall include:

1. a copy of a current status certificate of registration with the Commercial Register or applicant's unified identification code;
2. a verified copy of current status certificate for entities which are not recorded with the Commercial Register;
3. an explicit notary verified power of attorney to the authorised person if the application is not filed by the persons representing the legal entity.

(6) Non-residents shall attach to the application for information the following documents:

1. an up-to-date document for registration of the applying legal entity in a certified Bulgarian translation;

2. an explicit notary verified power of attorney to the authorised person; where the power of attorney has been verified by a notary outside the Republic of Bulgaria, a certified Bulgarian translation shall be required.

(7) The documents attached to the application under paragraph 4, paragraph 5, item 3 and paragraph 6, item 2 shall be submitted in original or in a notary verified copy.

(8) Where the application is filed by regular mail, the applicant's signature shall be verified by a notary.

Article 13. (1) The information requested under Article 12 shall be provided to the applicant, a person authorised by him by a notary-certified explicit power of attorney or a third person entered in the application as information recipient by means of a written statement and upon signed acknowledgement. Where the statement is provided in person, the recipient shall identify him/herself by presenting an identity document.

(2) The information may also be sent to the applicant by registered letter with acknowledgement of receipt to an address specified by him/her, or to a third person named explicitly in the application as the recipient of the information.

(3) Where a statement cannot be issued, this shall be communicated to the applicant in writing within the same period, stating the reasons thereof.

Article 14. (1) Where a person discovers data held about him/herself in the Register to be incorrect, that person may request in writing from the bank which has entered the information in the Register to correct the established inaccuracy.

(2) Within seven working days of receipt of the application, the bank shall be obliged to examine the request and reply to the applicant in writing.

(3) (amended; Darjaven Vestnik, issue 103 of 2016) If the request is justified, the bank shall, within seven days, make the correction and submit the corrected data to the Register.

(4) The bank shall not charge a fee for the examination of the request under paragraph 1.

(5) The Bulgarian National Bank shall not examine any statement of objection made by persons with regard to data about the latter submitted to the Register by banks.

Chapter Four

Control, Measures and Sanctions

(title amended; Darjaven Vestnik, issue 103 of 2016)

Article 15. (1) The Bulgarian National Bank shall monitor the compliance with the terms and procedure for the submitting and obtaining information to/from the Register.

(2) (new; Darjaven Vestnik, issue 103 of 2016) Where a bank fails to submit information to the Register within the period referred to in Article 7 or submits

information which does not comply with the requirements of this Ordinance, the BNB shall discontinue the bank's access to bank account and safe deposit boxes statements until the relevant information is submitted.

(3) (new; Darjaven Vestnik, issue 103 of 2016) The Bulgarian National Bank may require additional information or documents with regard to the monitoring under paragraph 1 and may also carry out on-site inspections.

(4) (previous paragraph 2; Darjaven Vestnik, issue 103 of 2016) Where an infringement of the terms and procedure for data submission under this Ordinance is identified, the sanctions, fines and supervisory measures provided for in the Law on Credit Institutions shall be imposed.

Chapter Five

Fees

Article 16. (1) (previous wording of Article 16; Darjaven Vestnik, issue 103 of 2016) The BNB shall charge fees for the statements issued under this Ordinance as follows:

1. (amended; Darjaven Vestnik, issue 103 of 2016) BGN 0.50 for issuing a statement for one person when accessing the Register electronically;

2. (amended; Darjaven Vestnik, issue 103 of 2016) BGN 0.50 for issuing a statement for a group of 1 to 400 persons in an XML format when accessing the Register electronically and BGN 0.25 per person for a group of 401 to 2000 persons;

3. (amended; Darjaven Vestnik, issue 103 of 2016) BGN 2 for issuing a hard copy statement for one person within seven working days;

4. (amended; Darjaven Vestnik, issue 103 of 2016) BGN 10 for issuing a hard copy statement for one person within 24 hours.

5. (amended; Darjaven Vestnik, issue 103 of 2016) BGN 20 for issuing a hard copy statement for one person within four hours.

(2) (new; Darjaven Vestnik, issue 103 of 2016) The fee for consulting the Register and issuing a hard copy statement shall be paid in advance save for the cases referred to in the Law on Credit Institutions Article 56a, paragraph 11.

(3) (new; Darjaven Vestnik, issue 103 of 2016) In the cases referred to in Article 56a, paragraph 11 of the Law on Credit Institutions, the due fees shall be paid quarterly, and for the other persons under Article 56a, paragraph 3 of the Law on Credit Institutions, on a monthly basis, following the issue of invoices.

Article 17. (new; Darjaven Vestnik, issue 103 of 2016) The fees under Article 16 shall be determined pursuant to the methodology referred to in the Appendix to this Ordinance. The methodology takes into account the estimated operating and maintenance costs of the Register and the estimated number of statements for the respective calendar year.

*Chapter Six***Inclusion in and Exclusion from the Information System of the Register**

(new; Darjaven Vestnik, issue 14 of 2017)

Article 18. (1) The bodies and institutions under Article 56a, paragraph 3 of the Law on Credit Institutions shall file a written application to the Deputy Governor heading the BNB Banking Department for inclusion in the information system of the Register. The following documents shall be attached to the application:

1. a registration form for inclusion in the information system of the Register;
2. a notification on the technical and software readiness for inclusion in the information system of the Register;
3. approved internal rules laying down the terms and procedure for obtaining and using information from the Register, as well as the rights and obligations of the officials who shall receive information from the Register and the monitoring of the work thereof.

(2) Banks' internal rules under paragraph 1, item 3 shall include the terms and procedure for submitting information to the Register, as well as the rights and responsibilities of the officers who shall process and submit this information; and the terms and procedure for controlling the accuracy of the information submitted to the BNB and for correcting the inaccurate information.

(3) The inclusion in and exclusion from the information system of the Register shall be effected by an order of the Deputy Governor heading the BNB Banking Department.

(4) Exclusion from the information system shall be made in case of deletion of the legal entity or in the event of termination of activity of a body or institution under Article 56a, paragraph 3 of the Law on Credit Institutions.

(5) The access to the information in the system may cease in the event of failure to pay the fees due to the Register within the deadlines referred to in Article 16, paragraph 3.

Additional Provision

§ 1. Within the meaning of this Ordinance:

1. 'Bank account' shall mean an account at a bank, opened on behalf of one or more persons, used for execution of payment transactions, storage of money or other valuables under certain conditions.

2. 'Account holder' shall mean a person in whose name an account is opened on the territory of the Republic of Bulgaria.

3. 'Safe deposit box holder' shall mean a person who has concluded a rental contract for a safe deposit box on the territory of the Republic of Bulgaria.

Transitional and Final Provisions

§ 2. The initial submission of information by banks to the Register shall be made by 30 November 2016 and shall include data as of 31 October 2016 and the information for the 1 November to 31 December 2016 period shall be submitted after 1 January 2017.

§ 3. The data concerning the persons authorised by account holders and safe deposit box holders shall be submitted to the Register starting with new accounts and safe deposit box rental contracts concluded after 1 July 2017.

§ 4. The Deputy Governor of the Bulgarian National Bank heading the Banking Department shall issue instructions on the enactment of this Ordinance.

§ 5. This Ordinance is issued on the grounds of § 56a, paragraph 8 and § 13 of the Transitional and Final Provisions of the Law on Credit Institutions and is adopted by Resolution No 111 of 29 September 2016 of the Governing Council of the Bulgarian National Bank and shall be effective as of 1 January 2017 with the exception of § 2 which shall enter into force from the date of publication of this Ordinance in the Darjaven Vestnik.

Appendix
to Article 17
(new; Darjaven Vestnik, issue 103 of 2016)

Methodology for Calculating the Amount of Fees for Issuing Statements from the Register of Bank Accounts and Safe Deposit Boxes

1. This methodology shall set out the terms and conditions for determining the fees under Article 16.

2. The estimated operating and maintenance costs of the Register shall be calculated on an annual basis and shall comprise staff costs, including insurance and social expenditure, depreciation costs and software and hardware maintenance subscriptions and administrative expenditure.

3. The estimated number of statements shall be defined on the bases of the real number of statements for the previous year.

4. The amount of the fee for one statement when accessing the Register electronically shall be defined by dividing the estimated costs under item 2 by the estimated number of statements under item 3 and by rounding upward the resulting amount to the first decimal place.

5. The amount of the fee for accessing the Register electronically to obtain information in an XML file format for a group of persons shall be established as follows: from 1 to 400 persons – on the basis of the fee referred to in item 4 for each person, and from 401 to 2000 persons it shall be set at 0.50 per cent of the fee referred to in item 4 for each person.

6. The amount of the fee for accessing the Register to obtain information in a hard copy statement for one person issued within seven working days shall be established on the basis of four times the fee for an electronic statement, but not less than BGN 2.

7. The amount of the fee for accessing the Register to obtain information in a hard copy statement for one person issued within 24 hours shall be established on the basis of five times the fee under item 6.

8. The amount of the fee for accessing the Register to obtain information in a hard copy statement for one person issued within four hours shall be established on the basis of two times the fee under item 7.

9. The amount of the fees thus determined for accessing the Register to obtain information in hard copy statements also includes possible postal charges for the delivery thereof.

**Ordinance on Amendment to Ordinance No 12 of 2016
on the Register of Bank Accounts and Safe Deposit
Boxes**

(published in the Darjaven Vestnik, issue 103 of 2016)

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Transitional and Final Provisions

§ 11. The Bulgarian National Bank, banks and foreign bank branches operating on the territory of Bulgaria shall access the Register to obtain information by electronic means as from 1 February 2017.

§ 12. By 31 March 2017 the bodies and institutions under Article 56a, paragraph 3 of the Law on Credit Institutions shall adopt and implement internal rules for effective control on authorised persons having access to the information contained in the Register. The content of these rules shall be determined in instructions issued by the Deputy Governor heading the Banking Department.

§ 13. By 1 April 2017 a bank with a registered office in the Republic of Bulgaria, which has been declared bankrupt prior to the entry into force of this Ordinance, shall submit information to the Register on persons having claims to bank accounts as depositors, included in the approved list of the accepted claims pursuant to Article 67, paragraph 2 of the Law on Bank Bankruptcy, specifying the account titleholder (name and identifier code accordingly). When completing the list of claims approved by the court under Article 71 of the Law on Bank Bankruptcy, the bank shall submit the relevant information to the Register within 30 days after the entry into force of the decisions under Article 71, paragraph 1 of the Law on Bank Bankruptcy.

§ 14. A bank with a registered office in the Republic of Bulgaria, which has been declared bankrupt prior to the entry into force of this Ordinance, shall submit information to the Register on the safe deposit box holders, except where the safe deposit boxes have been vacated by their holders or opened by the assignee in bankruptcy pursuant to Article 56 of the Law on Bank Bankruptcy.

§ 15. This Ordinance is issued on the grounds of Article 56a, paragraph 8 of the Law Credit Institutions and is adopted by Resolution No 163 of the Governing Council of the Bulgarian National Bank of 16 December 2016. The Ordinance shall enter into force on 1 January 2017.

**Ordinance on Amendment to Ordinance No 12 of 2016
on the Register of Bank Accounts and Safe Deposit
Boxes**

(published in the Darjaven Vestnik, issue 14 of 2017)

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Transitional and Final Provisions

§ 3. Banks included in the information system as of the date of entry into force of this Ordinance, shall adopt and lodge at the BNB the internal rules under Article 18, paragraph 1, item 3 and paragraph 2 no later than 31 March 2017.

§ 4. This Ordinance is issued on the grounds of Article 56a, paragraph 8 of the Law on Credit Institutions and is adopted by Resolution No 9 of the Governing Council of the Bulgarian National Bank of 26 January 2017. The Ordinance shall enter into force on 1 February 2017.

