Court fees concerning Small Claims procedure

Bulgaria

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Introduction

The provisions on the payment of court fees and costs in civil proceedings are respectively laid down in the Code of Civil Procedure and the Schedule of state fees collected by the courts under the Code of Civil Procedure (GPK).

Code of Civil Procedure:

'Chapter Eight. Fees and Costs, Section I - Cost of action

Cost of action

Article 68. The monetary value of the subject-matter of the case shall be the cost of action.

Cost of action

Article 69. (1) The amount of the cost of action shall be:

1. in actions concerning monetary claims: the sum claimed;

Determination of the cost of action:

Article 70. (1) The cost of action shall be specified by the plaintiff. The cost of action may be challenged either by the respondent or by the court, acting on its own motion, at the latest during the first hearing for the examination of the case. In the event of a discrepancy between the cost indicated and the actual cost, the court shall determine the cost of action.

(2) The ruling of the court increasing the cost of action shall be subject to challenge by an interlocutory appeal.

(3) Where the cost of action is difficult to appraise at the time when the action is brought, an approximate cost of action shall be determined by the court and an additional fee shall subsequently be charged or the excess fee refunded depending on the cost determined by the court when settling the case.

Section II. State fees and costs

Liability for fees and costs

Article 71. (1) State fees on the cost of action and court costs shall be collected for handling the case. Where the action is unappraisable, the amount of the state fee shall be determined by the court.

State fees

Article 73. (3) State fees shall be collected, in accordance with a schedule adopted by the Council of Ministers, when a motion for protection or facilitation is presented and when the document for which a fee is payable is issued.

Attachments to application

Article 128. The following shall be presented with an application:

1. the power of attorney, where the statement is submitted by an attorney-in-fact;
2. documentary proof of payment of state fees and costs, where such duties and costs are due;
3. copies of the application and of the attachments thereto in accordance with the number of respondents.

Verification of the application

Article 129. (1) The court shall verify the conformity of the application.

(2) Where the application does not conform to the requirements laid down in Article 127(1) and Article 128, the plaintiff shall be instructed to remedy the non-conformities within one week and informed of the possibility of using legal aid, if the plaintiff needs and is entitled to such aid. Where the address of the plaintiff is not stated and is unknown to the court, communication shall be effected by posting a notice in a place designated for this purpose at the court for one week.

(3) Where the plaintiff fails to remedy the non-conformities, the application and the attachments shall be returned, and where the address is unknown, the application shall remain at the office of the court at the disposal of the plaintiff. An interlocutory appeal may be lodged against the return of the application without presenting a copy for service.'

Schedule of state fees collected by the courts under the Code of Civil Procedure

'Section I

Fees Collected in court proceedings

Article 1. A fee of 4% of the cost of action but not less than BGN 50 shall be collected for an application, a counter-application or an application by a third party with independent rights.'

Court fees are payable only by bank transfer to an account of the court.

What fees are applicable?

State fees are collected when the action is brought. The plaintiff must accompany the application with documentary proof of payment of any state fees and costs due.

How much shall I pay?

The state fee in the Republic of Bulgaria for such actions is 4 % of the cost of action but not less than BGN 50.

What happens if I do not pay the court fees on time?

If the plaintiff does not accompany the application with documentary proof of payment of the state fees due when bringing the action, the court will send the plaintiff a communication instructing them to pay the state fees within one week. Where the address of the plaintiff is not stated and is unknown to the court,

communication is effected by posting a notice in a place designated for this purpose at the court for one week.
Where the plaintiff fails to remedy the non-conformities, the application and the attachments are be returned, and where the address is unknown, the application remains at the office of the court at the disposal of the plaintiff. In such instances, the case is dismissed.

How can I pay the court fees?

Court fees are payable only by bank transfer to an account of the court, and the payment document must be submitted to the judge/bench examining the case via the court registry. The court fee cannot be paid in cash to the court cashier. Each court has a contract with a bank which provides services to the court. The bank accounts can be found on the official website of the court.

What shall I do after the payment?

Court fees are payable only by bank transfer to an account of the court, and the payment document must be submitted to the judge/bench examining the case via the court registry.

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