

Bulgarian Criminal Code
*(as amended by the Law adopted on 13 September 2002,
published in "State Gazette" №92 of 27 September 2002)*
[Unofficial translation]

*Texts of the provisions related to term "foreign public official" and to the
punishment of bribery and trading in influence*

General Part
Use of terms
Article 93

The words and expressions indicated below have been used in this Code with the following meaning:

1. "Official" is a person assigned to carry out against salary or without pay, temporarily or permanently:

a) the duties of an office in a state institution, with the exception of persons who carry out activities relevant solely to material function;

b) management work and work related to safeguarding or managing property belonging to others in a state enterprise, co-operative, public organisation, another legal entity or sole proprietor, as well as private notary and assistant-notary.

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15. "Foreign public official" is a person exercising:

a) duties of an office in an institution of a foreign state;

b) functions assigned by a foreign state, including by a foreign public enterprise or organisation;

c) duties of an office or mission assigned by international organisation, as well as duties of an office in international parliamentary assembly or international court.

Special Part
Chapter Six
"Crimes against the Economy"
Section "Common business crimes"

Article 225c

(1) A person who, where working for legal entity or sole proprietor, requests or receives a gift or any undue advantage, or accepts an offer or a promise of gift or advantage, in order to perform or to fail to perform an act in breach of his/her duties in the course of business activity, shall be

punished by deprivation of liberty for up to five years or fine of up to 20 000 Leva.

(2) A person who, in the course of business activity, offers, promises or gives a gift or any kind of advantage to a person who works for legal entity or sole proprietor in order to perform or to fail to perform an act in breach of his/her duties, shall be punished by deprivation of liberty for up to three years or fine of up to 15 000 Leva.

(3) The punishments provided in the preceding paragraphs shall be imposed also where, with the consent of the person mentioned in paragraph 1, the gift or advantage have been offered, promised or given to another person.

(4) A person who mediates for perpetrating any action under the preceding paragraphs, if the perpetrated action does not represent a graver crime, shall be punished by deprivation of liberty for up to one year and fine of up to 5 000 Leva.

(5) The object of the crime shall be forfeited in favour of the state or, where it is missing, a sum equal to its value shall be adjudged.

Chapter Eight
“Crimes against the Activity
of the Public authorities and Social Organisations”

Section “Bribery”

Article 301

(1) An official who requests or receives a gift or any undue advantage, or accepts an offer or a promise of gift or advantage, in order to perform or to fail to perform an act connected with his/her service, or because he has performed or failed to perform such an act, shall be punished for bribery by deprivation of liberty for up to six years and fine of up to 5 000 Leva.

(2) If the official has perpetrated any action under paragraph 1 in order to break, or for having broken his/her service, where this breach does not constitute a crime, the punishment shall be deprivation of liberty for up to eight years and fine of up to 10 000 Leva.

(3) If the official has perpetrated any action under paragraph 1 in order to commit or because of having committed another crime in connection with his/her service, the punishment shall be deprivation of liberty for up to ten years and fine of up to 15 000 Leva.

(4) In the cases of the preceding paragraphs, the court shall rule deprivation of the rights under Article 37, sub-paragraphs 6 and 7.

(5) The punishment provided in paragraph 1 shall be imposed also on foreign public official who requests or receives bribe, or accepts an offer or a promise of bribe.

Article 302

For bribery committed:

1. by a person holding a responsible official position, including judge, court assessor, public prosecutor or investigating magistrate;
2. through blackmail in abusing the official position;
3. for a second time, and
4. on a large scale,

the punishment shall be:

a) in the cases of Article 301, paragraphs 1 and 2 - deprivation of liberty from three to ten years, fine of up to 20 000 Leva and deprivation of rights under Article 37, sub-paragraphs 6 and 7.

b) in the cases of Article 301, paragraph 3 - deprivation of liberty from three to fifteen years, fine of up to 25 000 Leva and confiscation of up to one half of the culprit's property, and the court shall rule deprivation of rights under Article 37, sub-paragraphs 6 and 7.

Article 302a

For bribery in particularly large amounts, representing a particularly grave case, the punishment shall be deprivation of liberty from ten to thirty years, fine of up to 30 000 Leva, confiscation of the whole or part of the culprit's property and deprivation of rights under Article 37, sub-paragraphs 6 and 7.

Article 303

In accordance with the differences under the preceding articles, the official and the foreign public official shall also be punished where, with their consent, the gift or advantage have been offered, promised or given to another person.

Article 304

(1) A person who offers, promises or gives a gift or any kind of advantage to an official in order that the official perform or not perform

an act connected with his function, or because he/she has performed or has not performed such an act, shall be punished by deprivation of liberty for up to six years and fine of up to 5 000 Leva.

(2) If in connection with the bribe the official has broken his official duties, the punishment shall be deprivation of liberty for up to eight years and fine of up to 7 000 Leva, where this breach does not constitute a graver punishable crime.

(3) The punishment provided in paragraph 1 shall be imposed also on a person who offers, promises or gives a bribe to a foreign public official.

Article 304a

A person who offers, promises or gives a bribe to an official holding a responsible official position, including judge, court assessor, public prosecutor or investigating magistrate, shall be punished by deprivation of liberty for up to ten years and fine of up to 15 000 Leva.

Article 304b

(1) A person who requests or receives a gift or any undue advantage, or accepts an offer or a promise of gift or advantage, in order to exert influence over the decision-making of an official or a foreign public official connected with his/her service, shall be punished by deprivation of liberty for up to six years and fine of up to 5 000 Leva.

(2) A person who offers, promises or gives a gift or any undue advantage to another person, who asserts that he/she is able to exert influence under paragraph 1, shall be punished by deprivation of liberty for up to three years and fine of up to 3 000 Leva.

Article 305

(1) The punishments for bribery under the preceding articles shall also be imposed on an arbitrator or an expert, appointed by a court, institution, enterprise or organisation, where they perpetrate such actions in connection with their activity, as well as on the person who offers, promises or gives such a bribe.

(2) The punishments for bribery under the preceding articles shall also be imposed on a defence counsel, where he/she perpetrates such actions in order to help in ruling criminal or civil case in favour of the adverse party or to client's prejudice, as well as on the person who offers, promises or gives such a bribe.

Article 305a

A person who mediates for perpetrating any action under the preceding articles, if the perpetrated action does not constitute a graver crime, shall be punished by deprivation of liberty for up to three years and fine of up to 5 000 Leva.

Article 306

A person who has offered, promised or given a bribe shall not be punished if he/she has been blackmailed by the official, the arbitrator or the expert to do so and if he/she has informed the authorities without delay and voluntarily.

Article 307

A person who with premeditation creates a situation or conditions in order to provoke offering, giving or receiving of bribe for the purpose of harming a person who gives or receives bribe, shall be punished for provocation to bribery by deprivation of liberty for up to three years.

Article 307a

The object of the crime under this section shall be forfeited in favour of the state or, where it is missing, a sum equal to its value shall be adjudged.