

Electronic Government Act

Promulgated, State Gazette No. 46/12.06.2007, effective 13.06.2008, amended and supplemented, SG No. 82/16.10.2009, effective 16.10.2009, amended, SG No. 20/28.02.2013, supplemented, SG No. 40/13.05.2014, effective 1.07.2014, amended, SG No. 13/16.02.2016, effective 15.04.2016, amended and supplemented, SG No. 38/20.05.2016, effective 21.05.2017, SG No. 50/1.07.2016, effective 1.07.2016, supplemented, SG No. 62/9.08.2016, effective 1.07.2016, SG No. 98/9.12.2016, effective 1.01.2017, amended, SG No. 88/23.10.2018, amended and supplemented, SG No. 94/13.11.2018, SG No. 94/29.11.2019, effective 29.11.2019

*Note: An update of the English text of this Act is being prepared following the amendments in SG No. 102/31.12.2019, effective 29.11.2019

Text in Bulgarian: Закон за електронното управление

Chapter One GENERAL PROVISIONS

Subject

Article 1. (1) (Amended, SG No. 94/2019, effective 29.11.2019) This Act shall regulate the public relations between administrative authorities in relation to working with electronic documents and provision of administrative services by electronic means, as well as the interchange of electronic documents among the administrative authorities.

(2) This act shall apply also in relation to the activities of the persons performing public functions and of organisations providing public services unless the law provides otherwise.

(3) (Amended, SG No. 50/2016, effective 1.07.2016, SG No. 88/2018) This Act shall not apply to electronic documents, communication and information systems containing or being used for work with classified information.

(4) (New, SG No. 94/2019, effective 29.11.2019) This Act shall not apply to the Ministry of Defence, the Ministry of Interior, the State Agency for National Security, the State Intelligence Agency, the State Agency for Technical Operations, the Military Information Service and the National Service for Protection, except in the cases of provision of administrative services by electronic means and exchange of electronic documents among administrative authorities.

(5) (Renumbered from Paragraph 4, SG No. 94/2019, effective 29.11.2019) This act shall not revoke the regulations for work with hard copy documents when an act of parliament provides a special form or a special procedure for carrying out specific actions.

One-off Collection and Creating of Data

Article 2. (1) The administrative authorities, the persons performing public functions and the organisations providing public services cannot require from citizens and organisations to provide or prove data that have already been collected or created but shall be obliged to collect them ex officio from the original data administrator.

(2) The original data administrator shall be an administrative body which by force of law collects or creates data on citizens or organisations for the first time and

replaces or deletes these data. It shall provide access to citizens and organisations to the whole information collected on them.

Ex Officio Notification

Article 3. (Supplemented, SG No. 40/2014, effective 1.07.2014) The original data administrator shall send the data ex officio and at no charge to all administrative authorities, to the persons performing public functions and to the organisations providing public services which by law also process these data and have stated a wish to receive them.

Automatic Provision

Article 4. (1) Notification and request for provision of data under this chapter shall be done automatically as an internal electronic administrative service.

(2) (New, SG No. 50/2016, effective 1.07.2016) As an internal electronic administrative service other interchange of electronic documents shall be carried out with which information is provided between administrative bodies, persons performing public functions and the organisations providing public services.

(3) (Renumbered from Paragraph 2, amended, SG No. 50/2016, effective 1.07.2016, SG No. 94/2019, effective 29.11.2019) In the cases where a law provides for registers to be kept on paper, the data shall be requested, respectively sent, as an unformatted electronic document.

(4) (New, SG No. 50/2016, effective 1.07.2016) An original data administrator shall not be entitled to raise additional requirements or to envisage a different procedure for interchange of data, different from the ones provided for by law.

(5) (New, SG No. 50/2016, effective 1.07.2016) The history of data interchange under Paragraph 1 shall be kept for a period of ten years. Persons shall be entitled to free access to the history of the data related to them.

Obligations in Case of Identification

Article 5. (Amended, SG No. 38/2016, effective 21.05.2017) (1) The obligations set out in this chapter arise if the citizen or organisation, respectively, has been identified as per a statutory procedure, where a law requires identification for the purposes of providing an administrative service.

(2) (Amended, SG No. 94/2019, effective 29.11.2019) When the electronic administrative service concerned is requested, the persons referred to in paragraphs 1 and 2 of Article 1 shall provide to citizens and organisations an opportunity to identify themselves according to the procedure set out in the Electronic Identification Act and/or by electronic identification means determined in a decision of the Council of Ministers and issued and maintained by administrative authorities.

(3) (New, SG No. 94/2019, effective 29.11.2019) The electronic identification means referred to in paragraph 2 shall be interoperable with and integrated in the electronic authentication system put in place and maintained by the State e-Government Agency.

(4) (New, SG No. 94/2019, effective 29.11.2019) The persons referred to in paragraphs 1 and 2 of Article 1 shall specify the means referred to in paragraph 2 through which citizens and organisation can request the electronic administrative services said persons provide and the assurance levels of said means pursuant to Article 8 of Regulation (EU) No. 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257/73

of 28.8.2014), hereinafter referred to as "Regulation (EU) No. 910/2014", and shall make said means and assurance levels public through their official websites or in another manner accessible to the public.

(5) (New, SG No. 94/2019, effective 29.11.2019) Administrative authorities shall enter the electronic identification means through which citizens and organisations can request the electronic administrative services they provide in the Administrative Register referred to in Article 61 of the Administration Act.

Uniform Time

Article 6. (1) The administrative authorities, the persons performing public functions and the organisations providing public services shall be obliged to use information systems which give uniform time under a standard specified with a regulation of the Council of Ministers.

(2) (Supplemented, SG No. 50/2016, effective 1.07.2016, amended, SG No. 94/2019, effective 29.11.2019) The time when facts of legal or technical significance occur shall be read and certified with an accuracy to the nearest year, date, hour, minute, second and millisecond, also stating the time zone.

Rules by Policy Areas

(Title amended, SG No. 94/2019, effective 29.11.2019)

Article 7. (1) (Supplemented, SG No. 50/2016, effective 1.07.2016, SG No. 94/2019, effective 29.11.2019) Rules for the provision of electronic administrative services, for interchange of electronic documents between administrative authorities, citizens and organisations and for internal interchange of electronic documents within the individual administration in the relevant policy areas shall be set out in regulations.

(2) (New, SG No. 94/2019, effective 29.11.2019) The regulations referred to in paragraph 1 shall be issued by the respective ministers when the organisation of work and the processes in the respective policy areas require to establish a special procedure, to comply with stricter requirements for network and information security or where specific standards for interoperability have been established in respect of them. The regulations shall be coordinated with the Chairperson of the State e-Government Agency.

(3) (Renumbered from Paragraph 2, SG No. 94/2019, effective 29.11.2019) The rules referred to in paragraph 1 may not contradict the general rules established by this Act.

(4) (Renumbered from Paragraph 3, SG No. 94/2019, effective 29.11.2019) The introduction of special rules shall not exempt the persons obliged under this Act from the requirement to comply with the general rules established.

(5) (Supplemented, SG No. 82/2009, effective 16.10.2009, amended, SG No. 50/2016, effective 1.07.2016, renumbered from Paragraph 4, SG No. 94/2019, effective 29.11.2019) The Council of Ministers shall adopt with a decision a Strategy for eGovernance Development in Republic of Bulgaria on a proposal by the Chairperson of the State e-Government Agency.

(6) (Amended, SG No. 50/2016, effective 1.07.2016, renumbered from Paragraph 5, amended and supplemented, SG No. 94/2019, effective 29.11.2019) The deputy prime ministers and the ministers shall propose for adoption by the Council of Ministers strategies for eGovernance development in the relevant policy areas after said strategies have been approved by the Chairperson of the State e-Government Agency.

Chapter One "a"
(New, SG No. 50/2016, effective 1.07.2016)
MANAGEMENT OF THE ACTIVITIES IN THE FIELD OF
ELECTRONIC GOVERNMENT

Section I
(New, SG No. 50/2016, effective 1.07.2016)
Electronic Government State Agency

Status

Article 7a. (New, SG No. 50/2016, effective 1.07.2016) (1) An Electronic Government State Agency shall be established under the Council of Ministers, referred to hereinafter as "Agency".

(2) The Agency shall be a legal person financed by the state budget with a seat in Sofia.

(3) The activity, structure and organisation of the Agency shall be determined with Rules adopted by the Council of Ministers on proposal of the Agency's Chairperson.

(4) The Agency shall work in cooperation and coordination on matters of electronic government with the competent authorities of the European Union member-states, the institutions of the European Union and with other international organisations.

Chairperson of the Electronic Government State Agency

Article 7b. (New, SG No. 50/2016, effective 1.07.2016) (1) The Agency shall be headed and represented by a Chairperson who shall be determined with a decision of the Council of Ministers and appointed by the Prime Minister for a term of five years.

(2) (Amended, SG No. 94/2019, effective 29.11.2019) A person who has graduated with a master's degree and has at least five years' experience in managing or coordinating activities in the field of information technology, electronic government or network and information security may be appointed as Chairperson of the Agency.

(3) The Chairperson of the Agency shall be a first level spending unit.

(4) In the exercise of his/her functions the Chairperson of the Agency shall be assisted by deputy-chairpersons who shall be determined with a decision of the Council of Ministers on proposal of the Chairperson of the Agency and who shall comply with the conditions in Paragraph 2.

(5) The Chairperson of the Agency may be relieved of his/her duties before the expiry of his/her mandate

1. on his/her request;
2. in case of incompatibility;
3. in case of demise or placement under injunction;
4. in case of actual incapacity to perform his/her duties for more than eight months;
5. when he/she has been convicted to prison term for premeditated offence of a general nature with an effective sentence;
6. in case of a serious violation or systematic failure to perform his/her

official duties;

7. in case an act has become effective which establishes conflict of interest under the Prevention and Establishing Conflicts of Interest Act.

(6) In case of demise or dismissal ahead of schedule of the Chairperson of the Agency the Council of Ministers shall determine a new Chairperson within one month who shall complete the mandate.

(7) The Chairperson and the deputy-chairpersons of the Agency shall not occupy positions or perform activities under Article 19, Paragraph 6 of the Administration Act.

(8) Within ten days after his/her appointment the Chairperson of the Agency shall publish on the Agency's web site and shall make a public presentation of his/her concept on the development electronic government and on ensuring continuity and sustainability of government policy in this field.

Powers of the Agency's Chairperson

Article 7c. (New, SG No. 50/2016, effective 1.07.2016, amended and supplemented, SG No. 94/2018, amended, SG No. 94/2019, effective 29.11.2019) The Chairperson of the Agency shall:

1. implement the government policy in the following fields:

- (a) electronic government;
- (b) electronic trust services;
- (c) electronic identification;
- (d) infrastructure for spatial information;
- (e) information from the public sector in machine-readable open format;

2. develop and propose for adoption by the Council of Ministers draft statutory instruments in the field of electronic government and the use of information and communication technologies in the work of the administrative authorities and their administrations;

3. develop and propose for adoption by the Council of Ministers a Strategy for eGovernance Development in Republic of Bulgaria;

4. approve strategies for eGovernance development by policy areas and endorse and control the plans for their implementation;

5. develop and propose for adoption by the Council of Ministers a uniform policy for information resources, issue methodological instructions and coordinate the implementation of said policy;

6. endorse and develop the eGovernance architecture in the Republic of Bulgaria and oversee its implementation, coordinate the development and approve the draft eGovernance development architectures by policy areas prepared by the respective competent deputy prime ministers or ministers, and monitor the implementation of the adopted architectures by policy areas;

7. provide methodological guidance, coordination and control of the activities related to the implementation of the requirements for the interchange of electronic documents among administrative authorities and with citizens and organizations and for the internal circulation of electronic documents and their subsequent archiving;

8. carry out reviews of the compliance of the activities of the administrative authorities financed with funds from the state budget, from the municipal budgets and from other sources with the approved policies, strategic documents and programmes, give guidelines and coordinate the documents referred to in subparagraphs 1 and 2, as well as in subparagraph 3 of Article 7d(2), with respect to the changes made in the field of electronic governance and information and communication technologies in

accordance with the procedure laid down in the regulation referred to in Article 7d(6);

9. participate in the prioritisation, coordinate and control the implementation of electronic administrative services and information systems in the administrations;

10. approve project proposals and activities and modifications to projects and activities, and coordinate and control the implementation of programmes for electronic government, information and communication technologies in administrative authorities financed from the state budget, from the structural and investment funds of the European Union and from other sources;

11. certify the compliance of the information systems with the requirements for interoperability and exercise control of the compliance of administrative authorities with these requirements;

12. coordinate and assist the integration of the information systems for electronic government of the administrative authorities with the systems of the European Union Member States;

13. implement electronic government projects which are important for all administrations;

14. develop and coordinate shared eGovernment resources, establish and develop an environment for configuring and testing electronic administrative services on said resources, and coordinate the configuration and deployment of said services;

15. develop, keep and maintain the registers referred to in this Act;

16. develop, coordinate and control the operation of the single portal for access to electronic administrative services;

17. issue methodological instructions and assist the administrations in defining the structure and content of the data sets for publication on the open data portal pursuant to the Access to Public Information Act;

18. provide methodological guidance for, coordinate and control the activities relating to the development, maintaining and use of the national infrastructure for spatial information, and exercise the powers set out in the Spatial Data Access Act;

19. draw up a progress report and an annual plan for the development and updating of the information resources in the administration and the information resources of the Single Electronic Communication Network of the state administration and those required for the needs of national security;

20. exercise control of the fulfilment of the obligations of the primary data controllers referred to in Article 3 and control the fulfilment of the requirements set out in Article 58a;

21. exercise other powers provided for in a law or in another statutory instrument.

Control within the Budget Process

Article 7d. (New, SG No. 50/2016, effective 1.07.2016) (1) (Amended and supplemented, SG No. 94/2019, effective 29.11.2019) The Chairperson of the Agency shall create, keep and maintain an information system for preliminary, ongoing and follow-up control, where appropriate, in the field of electronic government and the use of information and communication technologies.

(2) (Supplemented, SG No. 94/2019, effective 29.11.2019) Within the budget process, all administrative authorities shall be obliged to coordinate in advance with the Chairperson of the Agency the expenditure in the field of electronic government and the expenditure on the information and communication technologies used by them, and to provide information on:

1. the tri-annual budget forecasts;
2. the draft budgets for the following year;
3. the approved annual budgets and the effected changes of their budgets in this field;

4. the current and annual report.

(3) The information under Paragraph 2 shall include obligatorily a breakdown under the Unified Budget Classification (EBC) and the Common Procurement Vocabulary (VPV).

(4) The information under paragraph 2 shall be transmitted electronically by employees appointed by the administrative body. The employees shall be responsible for the credibility of the entered information as well as for its timely entering.

(5) The access to the data in the information system under Paragraph 1 shall be open and free of charge.

(6) (Amended, SG No. 94/2019, effective 29.11.2019) The conditions and procedure for the for the provision of the information set out in paragraph 2, as well as the processes involved in the coordination of documents referred to in subparagraphs 1 and 2, as well as in subparagraph 3 of paragraph 2, with respect to the changes made in the field of electronic governance and information and communication technologies shall be laid down in a regulation adopted by the Council of Ministers.

(7) (New, SG No. 94/2019, effective 29.11.2019) When drawing up the three-year budget forecasts and draft budgets for the following year, the administrative authorities shall separate the expenditure foreseen for electronic government and for the information and communication technologies they use from the other funds for current and capital expenditure and submit them for coordination in accordance with paragraph 6.

(8) (New, SG No. 94/2019, effective 29.11.2019) The expenditure of administrative authorities foreseen for electronic government and for the information and communication technologies they use must include funds for maintaining the systems existing in the administrative authority concerned. The systems for which no funds for maintenance are foreseen shall be decommissioned in accordance with a procedure laid down in the regulation referred to in Article 12(4).

(9) (New, SG No. 94/2019, effective 29.11.2019) The documents subject to coordination and referred to in subparagraphs 1 and 2, as well as in subparagraph 3 of paragraph 2, with respect to the changes made in the field of electronic governance and information and communication technologies shall be determined under the conditions and according to the procedure for the budget procedure concerned.

Register of Projects

(Title amended, SG No. 94/2019, effective 29.11.2019)

Article 7e. (New, SG No. 50/2016, effective 1.07.2016) (1) (Amended, SG No. 94/2019, effective 29.11.2019) The Chairperson of the Agency shall create and maintain a public electronic register of the projects in the field of electronic government, information and communication technologies in administrative authorities, which shall contain information concerning:

1. the approved and rejected project proposals and refusals of approval issued by the Agency;

2. the general and specific objectives of the projects approved, the expected results and measurable performance indicators;

3. the main activities with indicative budgets and a schedule for implementation;

4. the technical specifications for public procurement procedures referred to in Article 58a;

5. the implementation of the projects and the results achieved, including financial effect and an assessment of quality of implementation.

(2) The information under Paragraph 1 shall include obligatorily a breakdown under the Unified Budget Classification (EBC) and the Common Procurement Vocabulary (VPV).

(3) (Amended, SG No. 94/2019, effective 29.11.2019) The register referred to in paragraph 1 shall be maintained as an electronic information system in which employees designated by the administrative authority shall enter the information. Said employees shall be responsible for the reliability of the information entered, as well as for its timely entering.

(4) The access to the data in the register under Paragraph 1 shall be open and free of charge.

(5) (Amended, SG No. 94/2019, effective 29.11.2019) The circumstances that are entered and the conditions and procedure for keeping and using the register referred to in paragraph 1 shall be laid down in the regulation referred to in Article 7d (6).

Register of Information Resources

Article 7f. (New, SG No. 50/2016, effective 1.07.2016) (1) The Chairperson of the Agency shall create, keep and maintain a register of the information resources, which shall contain information on:

1. the information resources available to the administrative bodies with the exception of the ones that are intended for work and storage of classified information;

2. the information resources of the Single Electronic Communication Network (UECN) of the state administration and for the needs of national security;

3. annual plans for updating of the information resources of the administrations.

(2) The information under Paragraph 1 shall include obligatorily a breakdown under the Unified Budget Classification (EBC) and the Common Procurement Vocabulary (VPV).

(3) The register under Paragraph 1 shall be maintained as an electronic information system in which employees determined by the administrative body shall enter the information. The employees shall be responsible for the credibility of the entered information as well as for its timely entering.

(4) The administrative bodies shall be obliged to enter in the register under Paragraph 1 the data on the information resources within one month after their commissioning/decommissioning.

(5) The circumstances that are entered, the terms and procedures for keeping, maintaining and using the register under Paragraph 1 shall be determined with the regulation under Article 7d, Paragraph 6.

Mechanism for Planning of Information Resources in the Administrations

Article 7g. (New, SG No. 50/2016, effective 1.07.2016) (1) Every administrative body shall, within its approved budget, draw up and enter in the information system under Article 7f, Paragraph 3 an annual plan for updating the information resources in its administration, the projected costs and the deadlines for its implementation.

(2) The Chairperson of the Agency shall issue methodological instructions to the bodies under Paragraph 1 relating to the legal compliance of the plan, the efficient

use of existing information resources entered in the register of the information resources in the administration, the strategies and programmes in the field of electronic government.

(3) (Amended, SG No. 94/2019, effective 1.01.2021) Every year the Chairperson of the Agency shall draw up a progress report and an annual plan for the development and updating of the information resources in the administration and the information resources of the Single Electronic Communication Network of the state administration and those required for the needs of national security, and shall submit said report and plan to the Council of Ministers for approval by 31 March. The report and the annual plan shall be published on the Agency's web site.

(4) (New, SG No. 94/2019, effective 1.01.2021) The administrative authorities shall define in an order the internal procedure for conducting the tests of the information systems and their functionalities, including the tests for compliance with the terms of reference, as well as the persons responsible for that.

(5) (New, SG No. 94/2019, effective 1.01.2021) Information systems shall be deployed with an order of the administrative authority, entered in the Administrative Register referred to in Article 61 of the Administration Act.

(6) (New, SG No. 94/2019, effective 1.01.2021) The deployment of information systems that have not passed successfully tests of all components, modules and functionalities shall not be allowed.

Coordination of Draft Normative Acts

Article 7h. (New, SG No. 50/2016, effective 1.07.2016) (1) (Amended, SG No. 94/2019, effective 29.11.2019) Persons promoting draft statutory instruments that regulate relations related to electronic government shall coordinate said drafts with the Chairperson of the State e-Government Agency.

(2) The Agency shall coordinate the adoption and implementation of state standards in the field of electronic government.

Mandatory Directives

Article 7i. (New, SG No. 50/2016, effective 1.07.2016) The Chairperson of the Agency shall issue mandatory directives to the administrative bodies and the persons under Article 1, Paragraph 2 concerning the compliance with the requirements herein.

Section II

(New, SG No. 50/2016, effective 1.07.2016, repealed, SG No. 94/2019, effective 29.11.2019)

State-owned Enterprise "Single System Operator"

Article 7j. (New, SG No. 50/2016, effective 1.07.2016, amended, SG No. 94/2018, repealed, SG No. 94/2019, effective 29.11.2019).

Article 7k. (New, SG No. 50/2016, effective 1.07.2016, supplemented, SG No. 98/2016, effective 1.01.2017, repealed, SG No. 94/2019, effective 29.11.2019).

Article 7l. (New, SG No. 50/2016, effective 1.07.2016, repealed, SG No. 94/2019, effective 29.11.2019).

Article 7m. (New, SG No. 50/2016, effective 1.07.2016, repealed, SG No. 94/2019, effective 29.11.2019).

Article 7n. (New, SG No. 50/2016, effective 1.07.2016, repealed, SG No. 94/2019, effective 29.11.2019).

Section III **(New, SG No. 50/2016, effective 1.07.2016)** **Open government**

Obligation of the Electronic Government State Agency to publish information

Article 7o. (New, SG No. 50/2016, effective 1.07.2016) The Agency shall publish monthly up-to-date information on work in machine-readable open format, including through the portal for open data with the exception of the data under Item 1 which are published daily under the Access to Public Information Act. The information shall contain at least the following data:

1. the data from the register under Article 7e, Paragraph 1;
2. summary statistical data from the register under Article 7f, Paragraph 1;
3. data on the acts under Articles 63 and 64;
4. other data sets specified in the regulation under Article 7d, Paragraph 6.

Article 7p. (New, SG No. 50/2016, effective 1.07.2016, repealed, SG No. 94/2019, effective 29.11.2019).

Section IV **(New, SG No. 94/2019, effective 29.11.2019)** **System Integration**

System Integration Activities

Article 7q. (New, SG No. 94/2019, effective 29.11.2019) System integration activities shall include the establishment, maintenance, development and monitoring of the performance of the information systems used by the administrative authorities.

Chapter Two **PROVISION OF ELECTRONIC ADMINISTRATIVE SERVICES**

Section I **General Requirements**

Electronic Administrative Services

Article 8. (1) Electronic Administrative services shall be administrative services provided to citizens and organisations by the administrative authorities, services provided by persons assigned with public functions as well as public services that may be requested and/or provided from a distance through the use of electronic means.

(2) The administrative authorities, the persons performing public functions and the organisations providing public services shall be obliged to provide all services within their competencies also by electronic means unless the law provides for a

special form of performing certain actions or issuing respective acts.

(3) When the special form prescribed by law has a legal significance but part of the service may be requested or provided through electronic means the administrative authorities, the persons performing public functions and the organisations providing public services shall ensure the possibility thereof.

(4) (New, SG No. 94/2019, effective 29.11.2019) Administrative services provided electronically shall be entered in the Administrative Register referred to in Article 61 of the Administration Act.

(5) (New, SG No. 94/2019, effective 29.11.2019) The electronic forms for requesting electronic administrative services shall follow a model approved by the Chairperson of the State e-Government Agency and shall be entered in the Administrative Register referred to in Article 61 of the Administration Act.

(6) (New, SG No. 94/2019, effective 29.11.2019) The electronic forms for the results of the service shall follow a model approved by the Chairperson of the State e-Government Agency and shall be entered in the Administrative Register referred to in Article 61 of the Administration Act.

Provider and Receiver of Electronic Administrative Services

Article 9. (1) Provider of electronic administrative services shall be an administrative body, a person performing public functions or an organisation providing public services which provide electronic administrative services to citizens and organisations within their competencies.

(2) Receiver of electronic administrative services shall be a citizen or an organisation which use electronic administrative services.

Obligation to Register and Disclose the Electronic Administrative Services Provided

(Title amended, SG No. 94/2019, effective 29.11.2019)

Article 10. (1) (Amended, SG No. 94/2019, effective 29.11.2019) Electronic administrative service providers shall announce the services provided by them and the basic work flow for requesting and providing electronic administrative services in a comprehensible and accessible manner.

(2) (New, SG No. 94/2019, effective 29.11.2019) Where the electronic administrative service provider is an administrative authority, it shall register the information set out in the first sentence of paragraph 3 in the Administrative Register referred to in Article 61 of the Administration Act.

(3) (Renumbered from Paragraph 2, SG No. 94/2019, effective 29.11.2019) The provider shall provide detailed information on any electronic administrative service it offers free of charge, including in its territorial units and in municipalities. Said information shall also be provided through the provider's official website.

(4) (Renumbered from Paragraph 3, SG No. 94/2019, effective 29.11.2019) Providers shall make public their official web site.

Obligation to Accept and Issue Electronic Statements

(Title amended, SG No. 50/2016, effective 1.07.2016)

Article 11. (Amended, SG No. 50/2016, effective 1.07.2016) Electronic administrative services providers may not refuse to accept electronic documents, statements issued and signed as electronic documents in compliance with the requirements of the law, neither may they refuse to issue electronic documents.

Accessibility of Services

Article 12. (1) (Amended, SG No. 50/2016, effective 1.07.2016) The Chairperson of the Electronic Government State Agency shall build and maintain a single portal for access to the electronic and administrative services.

(2) (Amended, SG No. 50/2016, effective 1.07.2016, supplemented, SG No. 94/2019, effective 29.11.2019) Electronic administrative services shall be provided in an accessible manner through the portal referred to in paragraph 1, including for people with disabilities.

(3) The electronic administrative services provider shall ensure access to the current state of the service provided.

(4) (Amended, SG No. 94/2019, effective 29.11.2019) The general requirements for the provision of electronic administrative services shall be set out in a regulation adopted by the Council of Ministers.

(5) The electronic payment methods for the provision of electronic administrative services shall be specified in the regulation under paragraph 4.

(6) (New, SG No. 50/2016, effective 1.07.2016) The Council of Ministers shall be entitled to use the name of a domain "gov.bg".

Obligation to Provide Information

Article 13. (1) The provider of electronic administrative services shall ensure to the receivers unimpeded, direct and permanent access to the following information:

1. name;
2. seat and address;
3. addresses of the territorial units, if any, and if different from the address in item 2;
4. (amended, SG No. 50/2016, effective 1.07.2016) correspondence particulars, including phone, electronic address and web page with an electronic correspondence interface;
5. current and operating phone from which the user could obtain information on the service provided, advice and help on the action required in order to obtain the service;
6. unique identifier;
7. information on the authority exercising control over its operation;
8. information for submitting proposals, signals and complaints;
9. information on the procedures to appeal against its actions and the acts issued;
10. other relevant information provided for in a normative act.

(2) When charges are due in order to obtain an electronic administrative service they shall be identified clearly, comprehensibly and unequivocally, specifying the cost of the service and the payment methods.

(3) When supplying an electronic government service the provider shall inform the receiver in advance in a clear, comprehensive and unequivocal manner on:

1. the technical steps in providing the service, their legal significance and the time-frame for its provision;
2. the possibility that the act issued may be kept in electronic form by the provider and the way of access to it;
3. the technical means for establishing and removing errors when entering information before the statements related to the service are made;
4. the languages through which the service could be used.

Possibilities to Eliminate Errors and Omissions

Article 14. The provider of electronic administrative services shall ensure adequate, effective and accessible technical means for establishing and correcting errors when entering information before the receiver of the service has made his/her statements.

Access to the Issued Acts and Statements

Article 15. (1) The provider of electronic administrative services shall provide the user with access to its acts and to any statements and data collected about the receiver in relation to the provision of the service in a manner allowing their preservation and reproduction.

(2) Providers of electronic administrative services shall ensure access by electronic means to their general administrative acts and statements.

Obligation to Collect, Process and Provide Personal Data

Article 16. (1) (Amended and supplemented, SG No. 50/2016, effective 1.07.2016) Providers of electronic administrative services shall be obliged to collect, process and provide personal data only inasmuch as they are needed for the provision of electronic services in the meaning herein.

(2) The collected data shall not be used for purposes different from the ones specified in paragraph 1 save with the express agreement of the person they relate to.

Technical Standards and Policies

Article 17. (1) The technical requirements for ensuring access to electronic administrative services and policies of providers of electronic administrative services for the used information systems graphic and other interfaces shall be specified in the regulation under article 12, paragraph 4.

(2) (Amended and supplemented, SG No. 50/2016, effective 1.07.2016) The technical requirements for ensuring access to electronic administrative services and policies for the graphic and other interfaces used as well as the types of electronic documents adopted by providers of electronic administrative services shall be published, included in machine-readable open format, on the web page of the Electronic Government State Agency and on the single portal for access to electronic administrative services and shall be obligatory for all persons when receiving, sending respectively, electronic documents from and to providers.

Applicability of the Obligations to the Persons Performing Public Functions and to the Organisations Providing Public Services

Article 18. The provisions of this chapter related to the obligations of the administrative authorities with the exception of the obligations under article 37 and 38 shall apply respectively also to the persons performing public functions and to the organisations providing public services.

Section II Submitting Electronic Documents

Use of Electronic Administrative Services

Article 19. (Amended and supplemented, SG No. 50/2016, effective 1.07.2016) The recipients of electronic administrative services may make electronic statements and to send them electronically while complying with the requirements

specified by law.

Interfaces for Sending Electronic Documents
(Title amended, SG No. 50/2016, effective 1.07.2016)

Article 20. (Amended, SG No. 50/2016, effective 1.07.2016) Submission of electronic documents by citizens and organisations shall be done:

1. (amended, SG No. 94/2019, effective 29.11.2019) via a user interface, such as:

(a) a personal profile registered in a secure electronic service information system maintained by the State e-Government Agency as a module of the single portal for access to electronic administrative services, which allows to receive a message containing information for downloading the document prepared, or

(b) electronic address which allows to receive a message containing information for downloading the document prepared from a secure electronic service information system;

2. via an interface for automated data interchange;

3. by other means for submitting electronic documents specified with the regulation under Article 12, Paragraph 4.

Format and Particulars

Article 21. The Council of Ministers shall determine with the regulation under article 12, paragraph 4 the formats and the obligatory particulars with which electronic documents shall comply.

Identification, Integrity and Authorship

Article 22. (1) (Amended, SG No. 38/2016, effective 21.05.2017) Bulgarian nationals and foreign nationals residing in Bulgaria for a long term who are recipients of electronic administrative services and signatories of electronic statements shall be identified as per a statutory procedure, unless a law permits the provision of an administrative service with no identification required. The recipients of electronic administrative services which are legal persons shall be identified with their unique identifier.

(2) (New, SG No. 38/2016, effective 21.05.2017, amended, SG No. 50/2016, effective 1.07.2016) The citizens of a European Union member-state shall be identified with their national electronic identifier in compliance with the act under Article 12, Paragraph 8 of Regulation (EU) No. 910/2014.

(3) (Renumbered from Paragraph 2, SG No. 38/2016, effective 21.05.2017, amended, SG No. 50/2016, effective 1.07.2016) The integrity and authorship of electronically submitted statements related to electronic administrative services shall be authenticated through an electronic signature in compliance with applicable law in this field unless the law provides otherwise.

(4) (Renumbered from Paragraph 3, amended, SG No. 38/2016, effective 21.05.2017) Except in the cases under Paragraph 3 the authentication of the integrity and authorship of electronic statements shall be regulated with the regulation under Article 12, Paragraph 4 on the respective access method.

(5) (New, SG No. 50/2016, effective 1.07.2016) When submitting applications for electronic administrative services by natural persons who have identified themselves electronically under the procedure of the Electronic Identification Act, the electronic applications may be signed with advanced electronic signature.

Requirements to the Electronic Signature Certificates

Article 23. Electronic signature certificates for using electronic administrative services shall be issued with an exact indication of the name of the electronic signature's author and when the certificate contains data on a titleholder - also his/her name.

Representation

(Title amended, SG No. 38/2016, effective 21.11.2017)

Article 24. (Amended, SG No. 38/2016, effective 21.11.2017) In order to use electronic administrative services by proxy, the principal must authorise a proxy pursuant to the Electronic Identification Act.

Intermediary in Applying for Electronic Administrative Services

Article 24a. (New, SG No. 50/2016, effective 1.07.2016) Citizens may apply for electronic administrative services through an intermediary. The activity of the intermediaries shall be regulated with the regulation under Article 12, Paragraph 4.

Automatic Ascertainment of Legal Representative Authority

Article 24b. (New, SG No. 50/2016, effective 1.01.2018) The original data administrators shall provide to all administrative bodies and to the persons under Article 1, Paragraph 2 internal electronic administrative service for ascertainment of representative authority, when one ensues or may be established from entries in registers or databases maintained by them.

Obligation to Accept Electronic Statements

Article 25. (1) The receiver of the electronic administrative service shall be obliged to accept the electronic statements from the provider on confirmation of receipt and on the result of the checking the regularity of the submitted documents.

(2) The receiver of the electronic administrative service may agree to receive the electronic statements related to the service required or all electronic statements from the respective provider.

Submitting Electronic Documents

(Title amended, SG No. 50/2016, effective 1.07.2016)

Article 26. (Amended, SG No. 50/2016, effective 1.07.2016) (1) The recipient of an electronic administrative service shall be obliged to indicate an electronic address for notification pursuant to the requirements specified in the regulation under Article 12, Paragraph 4.

(2) (Amended, SG No. 94/2019, effective 29.11.2019) Electronic administrative service providers may deliver electronic statements by sending to the electronic address a notification containing information for downloading the document prepared from the secure electronic service information system or from the single portal referred to in Article 12(1). The documents shall be deemed delivered when downloaded.

(3) When the recipient has not downloaded a document within seven days after ending the notification under paragraph 2, the documents shall be submitted under a procedure provided for by law.

(4) (Amended, SG No. 94/2019, effective 29.11.2019) The electronic submission and delivery of documents shall be certified with a copy of the electronic record of the sending, respectively downloading, stored in the secure electronic

service system maintained by the State e-Government Agency. The delivery may also be ascertained also by a provider of qualified service for electronic registered mail within the meaning of Regulation (EU) No. 910/2014.

(5) (New, SG No. 94/2019, effective 29.11.2019) The electronic submission and delivery of documents in relation to the provision of electronic administrative services shall also be carried out through a secure electronic service system maintained by the State e-Government Agency.

Change of the Stated Circumstances

Article 27. (Amended, SG No. 50/2016, effective 1.07.2016) The recipient of the electronic administrative service shall be obliged to notify the provider of any changes in the stated circumstances related to representative authority, agreement to receive electronic statements and the electronic address. The change shall become valid as of the moment of notification.

Identity Verifications of Legal Persons

(Title amended, SG No. 38/2016, effective 21.05.2017)

Article 28. (Amended, SG No. 38/2016, effective 21.05.2017) The identity of legal persons shall be verified by performing an automated check of their status in the relevant registers in which they have been entered, where such verifications are technically feasible.

Article 29. (Repealed, SG No. 38/2016, effective 21.05.2017).

Transformation of Applications and Acts Accepted on a Hard Copy

Article 30. (1) (Amended, SG No. 50/2016, effective 1.07.2016) When applications of citizens and organisations, court acts as well as acts of administrative and other authorities arrive on a hard copy they shall be entered in the information system of the respective administrative body through taking an electronic image of them and the attached documents with a scanning device in a type and manner allowing them to be read. The full and exact compliance of the electronic image taken with the scanned document shall be corroborated with an electronic signature of the official who has done the scanning.

(2) (Amended, SG No. 50/2016, effective 1.06.2017) The documents under Paragraph 1 shall be returned to the applicant by the administrative authority.

(3) (Amended, SG No. 50/2016, effective 1.06.2017) The documents under Paragraph 1 may be shared among the administrative authorities only in electronic form.

Section III Accepting Electronic Documents

Persons Accepting Electronic Statements

Article 31. The documents submitted electronically shall be accepted by persons authorised by the respective providers of electronic administrative services.

Time for Receiving Electronic Statements

Article 32. (1) (Amended, SG No. 50/2016, effective 1.07.2016) The electronic statements shall be deemed received by the provider of electronic administrative services with their arrival in its information system or in another system

4. under a procedure determined with the regulation under Article 12, Paragraph 4.
- (2) The risk of errors when transmitting the statements to the provider of the service shall be at the expense of the applicant.

Compatibility Verification

Article 33. (1) When documents sent electronically are in a format diverging from the one established in article 22 or the applicant cannot identify himself/herself if required by law the applicant shall be sent a message that receipt is not confirmed and the reasons thereof.

(2) The verification under paragraph 1 shall be done automatically if there is a technical possibility.

Receipt Confirmation

Article 34. (1) After registering an incoming electronic document at the administration of the administrative authority a confirmation of receipt shall be generated and sent to the applicant

(2) The confirmation shall be an electronic document containing:

1. (amended, SG No. 50/2016, effective 1.07.2016) unique register identifier of the received document;
2. time of receipt of the electronic document;
3. (amended, SG No. 50/2016, effective 1.07.2016) information on access to the electronic document and all documents attached thereto.

(3) The text in the confirmation shall be written in Bulgarian in the Cyrillic alphabet and in transliteration. In the cases under article 13, paragraph 3, item 4 the confirmation may be also in one of the official languages accepted in the European Union.

(4) (Amended, SG No. 50/2016, effective 1.07.2016) The confirmation shall be sent signed to the electronic address of the applicant under Article 26 unless the statement has been submitted by other means for the respective access specified in the regulation under Article 12, Paragraph 4.

Regularity Verification

Article 35. The provider of the electronic government service shall conduct a verification of the regularity of the requests and of the completeness and truthfulness of the submitted data. In case irregularities are established the applicant shall be sent an electronic message with instructions and time-limit for their elimination.

Section IV Sending and Keeping of Electronic Documents

Sending of Electronic Documents to the Receivers

Article 36. (1) (Amended, SG No. 50/2016, effective 1.07.2016) The confirmation shall be sent signed to the electronic address of the applicant under Article 26 unless the statement has been submitted by other means for the respective access specified in the regulation under Article 12, Paragraph 4.

(2) The Council of Ministers may specify with the regulation under article 12, paragraph 4 other means for sending electronic statements to the providers.

Rules For Using Electronic Signatures

Article 37. (Amended, SG No. 50/2016, effective 1.07.2016) The rules for acquiring, using, renewing and terminating certificates for electronic signatures, certificates for electronic seals, certificates for electronic time-stamps and certificates for authenticity of web sites of the administrations shall be determined with a regulation of the Council of Ministers.

Storing Electronic Documents

Article 38. (1) All received and sent electronic documents shall be stored in the information system of each administration.

(2) The storage of electronic documents shall be specified in the regulation under Article 42, paragraph 1.

Chapter Three **INTERCHANGE OF ELECTRONIC DOCUMENTS**

Internal Electronic Administrative Services

Article 39. (1) Internal electronic administrative services shall be internal administrative services which may be requested from and/or provided at a distance through the use of electronic means.

(2) Internal electronic administrative services shall be also the services which may be requested from and/or provided at a distance through the use of electronic means offered by the persons performing public functions and by the organisations providing public services to one another as well as to the administrative authorities.

(3) Internal electronic administrative services may be provided also by administrative bodies to persons performing public functions and to organisations providing public services.

Obligation for Electronic Interchange

Article 40. (1) (Amended and supplemented, SG No. 94/2019, effective 29.11.2019) The persons referred to in paragraphs 1 and 2 of Article 1 shall be obliged to provide to each other internal electronic administrative services related to the exercise of their powers and to the provision of electronic administrative services to citizens and organisations, insofar as a law does not provide otherwise.

(2) (Repealed, SG No. 94/2019, effective 29.11.2019).

Terms for Interchange of Electronic Documents

(Title amended, SG No. 50/2016, effective 1.07.2016)

Article 41. (Amended, SG No. 50/2016, effective 1.07.2016) The terms for automated interchange of electronic documents as internal administrative services shall be determined with the regulation under Article 43, Paragraph 2.

Internal Turnover of Electronic and Hard Copy Documents

Article 42. (1) The general rules for the internal turnover of electronic documents and of hard copy documents in the administrations shall be regulated with a regulation of the Council of Ministers.

(2) (Amended, SG No. 94/2019, effective 29.11.2019) The persons referred to in Article 1(1) shall draw up, on the basis of the general rules, their own rules for internal turnover of electronic and paper documents taking into account the specifics and particularities of their activities and structures.

Chapter Four

TECHNICAL INFRASTRUCTURE, NETWORKS AND INFORMATION SYSTEMS

(Title amended, SG No. 50/2016, effective 1.07.2016)

Section I

Operational Compatibility

Requirement for Operational Compatibility

Article 43. (1) The provision of internal electronic administrative services and the electronic documents interchange among the administrative bodies shall be done under conditions of operational compatibility.

(2) (Supplemented, SG No. 50/2016, effective 1.07.2016, amended, SG No. 94/2018, SG No. 94/2019, effective 29.11.2019) The general requirements for interoperability of information systems, electronic registers and electronic administrative services shall be laid down in a regulation of the Council of Ministers.

(3) (Amended, SG No. 82/2009, effective 16.10.2009, amended and supplemented, SG No. 50/2016, effective 1.07.2016) The Chairperson of the Electronic Government State Agency shall ensure integration of the information systems of the administrative bodies with the information systems of the European Union member-states with the aim of ensuring possibilities for providing cross-border electronic administrative services.

Requirement for Uniform Standards and Rules

Article 44. The administrative authorities shall be obliged to use the uniform standards and rules determined on the basis of this act and establishing technological and functional parameters that shall be maintained by their information services in order to achieve operational compatibility.

Semantic Operational Compatibility

Article 45. (1) Semantic operational compatibility of the electronic interchange of documents among the administrative authorities shall be ensured through:

1. standardisation of the names of data that are subject to storage in databases or in registers;
2. formalisation of the data and of the administrative services in order to ensure technological possibility for automated interchange among the administrative authorities and for data processing.

(2) (Amended, SG No. 50/2016, effective 1.07.2016) The formalised data and the formalised description of the electronic administrative services shall be entered into the register of information objects, in the administrative register under Article 61 of the Administration Act respectively.

Applicability to the Persons Performing Public Functions and the Organisations Providing Public Services

Article 46. The obligations of the administrative authorities under this chapter shall apply also in relation to the persons performing public functions and the organisations providing public services when providing internal electronic administrative services unless provided otherwise by law.

Section II

Operational Compatibility Registers

Register of Standards

Article 47. (1) (Amended, SG No. 50/2016, effective 1.07.2016) The Chairperson of the Electronic Government State Agency shall keep a register of standards as a uniform centralised electronic database managed by an information system containing the technical standards and their applicability.

(2) The technical standards that shall be applied by the administrative authorities for providing electronic administrative services and for ensuring operational compatibility, information security and automated information and document interchange among the administrative authorities shall be entered in the register of standards.

(3) The maintenance, storage of and access to the register of standards shall be regulated with the regulation under article 43, paragraph 2.

Register of Information Objects

Article 48. (1) (Amended, SG No. 50/2016, effective 1.07.2016) The Chairperson of the Electronic Government State Agency shall keep a register of information objects as a uniform centralised electronic database managed by an information system containing a description of all information objects through a specified technical standard.

(2) Information objects shall be single or component data collected, created, stored and processed in the course of the exercise of an administrative body's powers.

(3) The maintenance, storage of and access to the register of information objects and the specification of the standard under paragraph 1 shall be regulated by a regulation on the register of information objects and electronic services adopted by the Council of Ministers.

Entry in the Register of Information Objects

Article 49. (Amended, SG No. 50/2016, effective 1.07.2016) The Chairperson of the Agency shall ensure the drawing up of a technical description and the entry in the register of every information object under a procedure determined with the regulation under Article 43, Paragraph 2.

Register of Registers

Article 50. (Repealed, SG No. 50/2016, effective 1.07.2016, new, SG No. 94/2019, effective 29.11.2019) (1) The Chairperson of the State e-Government Agency shall keep a register of registers in which registers and databases of primary data controllers that contain primary data shall be registered.

(2) The conditions and procedure for registration in the register referred to in paragraph 1 shall be laid down in the regulation referred to in Article 7d(6).

Article 51. (Repealed, SG No. 50/2016, effective 1.07.2016).

Standardised Request and Provision of Services

Article 52. (Amended, SG No. 50/2016, effective 1.07.2016, SG No. 94/2019, effective 29.11.2019) (1) Administrative authorities shall request from each other internal electronic administrative services by submitting standardised requests on the basis of the technological description of the service entered in the

Administrative Register referred to in Article 61 of the Administration Act.

(2) The service referred to in paragraph 1 shall be provided in the standardised form under the conditions and according to the procedure laid down in the regulation referred to in Article 61(5) of the Administration Act.

Functionality of Information Systems

Article 53. All information systems of administrative authorities shall maintain functionality and interfaces for automatic submission, servicing respectively, of standardised applications for administrative services by electronic means.

Section III **(Repealed, SG No. 94/2018)** **Network and Information Security** **(Title amended, SG No. 50/2016, effective 1.07.2016)**

Article 54. (Supplemented, SG No. 50/2016, effective 1.07.2016, repealed, SG No. 94/2018).

Article 55. (Supplemented, SG No. 50/2016, effective 1.07.2016, repealed, SG No. 94/2018).

Article 55a. (New, SG No. 50/2016, effective 1.07.2016, repealed, SG No. 94/2018).

Section IV **Conformity with the Operational Compatibility and Network and** **Information Security Requirements** **(Title amended, SG No. 20/2013, supplemented, SG No. 50/2016,** **effective 1.07.2016)**

Introduction of Information Systems

Article 56. (1) (Amended, SG No. 20/2013, supplemented, SG No. 50/2016, effective 1.07.2016, amended and supplemented, SG No. 94/2018) The administrative authorities shall use information systems which are in conformity with the operational compatibility and network and information security requirements herein and Cybersecurity Act.

(2) (Amended, SG No. 20/2013, supplemented, SG No. 50/2016, effective 1.07.2016) When conducting public procurement for developing, upgrading or introducing of information systems the administrative authorities shall be obliged to include as a requirement that these systems should be in conformity with the operational compatibility and network and information security requirements.

Assessment for Compatibility

Article 57. (1) (Amended, SG No. 20/2013, amended and supplemented, SG No. 50/2016, effective 1.07.2016, amended, SG No. 94/2018) The compatibility of the information systems introduced by the administrative authorities with the established normative requirements for operational compatibility shall be certified by persons accredited by the Chairperson of the Electronic Government State Agency.

(2) (Amended, SG No. 20/2013) The methodology and the rules for

performing the conformity assessment shall be determined in the regulation under Article 43, paragraph 2.

(3) (Repealed, SG No. 20/2013).

(4) (Repealed, SG No. 20/2013).

Article 58. (Repealed, SG No. 20/2013).

Section V **(New, SG No. 50/2016, effective 1.07.2016)** **Requirements to Projects and Activities in the Field of Electronic Government**

Mandatory Requirements When Drawing Up Specifications
(Title amended, SG No. 94/2019, effective 29.11.2019)

Article 58a. (New, SG No. 50/2016, effective 1.07.2016, amended, SG No. 94/2019, effective 29.11.2019) When drawing up technical specifications for conducting public procurement procedures for developing, upgrading or introduction of information systems or electronic services, the administrative authorities must include in the specifications the following requirements:

1. (supplemented, SG No. 94/2019, effective 29.11.2019) in the cases where the subject of the procurement includes the development or upgrading of computer programs:

a) the computer software shall comply with the criteria for open source code;

b) all copyright and similar rights on the respective computer applications, their source code, the interface design and the databases, the development of which is the subject of the procurement must arise for the assignor in full, without limitation of their use, amendment and distribution;

c) (amended, SG No. 94/2019, effective 29.11.2019) the repository and the version control system shall be used for the development;

2. to implement automated interfaces for ensuring free public access to the electronic documents, the information and the data in machine-readable format, including through publication on the open data portal under the procedure of the Access to Public Information Act.

3. To implement technological and architectural solutions for ensuring non-discriminatory installation, operation and maintenance, as well as efficiency and fault tolerance of the information system in a productive regime on the shared resources of the electronic government.

4. to implement a service interface for automated on-line data interchange and provision of internal electronic administrative services pursuant to the requirements herein.

5. (supplemented, SG No. 94/2019, effective 29.11.2019) a service interface for automated on-line interchange of data concerning the history of completed transactions for the electronic services provided, the conducted electronic data interchange and the fees charged to the information systems of other public institutions and public service providers shall be implemented with a view of providing comprehensive administrative service in compliance with the existing requirements for interoperability and network and information security;

6. (supplemented, SG No. 94/2019, effective 29.11.2019) if more than one administration is a potential user of the system, a technical possibility shall be

implemented for simultaneous use of the system by more than one administration in compliance with the existing requirements for interoperability and network and information security;

7. (amended, SG No. 94/2019, effective 29.11.2019) a functionality for electronic certification of authorship, integrity, time, delivery, etc. through electronic certification services within the meaning of Regulation (EU) No. 910/2014 shall be implemented;

8. to implement periodic creation of backup copies and archiving under a procedure determined with the regulation under Article 43, Paragraph 2;

9. (amended, SG No. 94/2019, effective 29.11.2019) opportunities for electronic identification in accordance with Article 5 shall be provided;

10. to comply with other specific requirements determined with the regulation under Article 12, Paragraph 4.

Certification of Conformity

Article 58b. (New, SG No. 50/2016, effective 1.07.2016, amended, SG No. 94/2019, effective 29.11.2019) (1) Conformity of the technical specifications with the statutory requirements set out in Article 58a shall be confirmed by the Chairperson of the State e-Government Agency under the conditions and according to the procedure set out in the regulation referred to in Article 7d(6).

(2) Only the technical specifications for public procurement with an estimated value equal to or higher than the threshold set out in Article 20(4)(2) of the Public Procurement Act shall be confirmed in accordance with the procedure set out in paragraph 1.

Section VI

(New, SG No. 94/2019, effective 29.11.2019)

Accessibility of the Content of Websites and Mobile Applications and Dispute Resolution

Accessibility of the Content of Websites and Mobile Applications

Article 58c. (New, SG No. 94/2019, effective 29.11.2019) (1) The persons referred to in paragraphs 1 and 2 of Article 1 shall ensure that the content of their websites and mobile application is accessible in accordance with the applicable harmonised standards, parts of such standards or technical specifications.

(2) The obligation set out in paragraph 1 shall not apply to:

1. websites and mobile applications of:

(a) public radio and television operators and providers of media services and public service television and radio broadcasters;

(b) public law bodies that are legal persons engaged in a non-profit making activity provided that they do not provide services that:

(aa) are intended to address the needs of, or are meant for, persons with disabilities;

(bb) are essential to the public;

(c) schools, kindergartens or nurseries, in respect of the content thereof that does not relate to the provision of electronic administrative services;

2. the following content of websites and mobile applications:

(a) live time-based media;

(b) online maps and mapping services, if essential information is provided in

an accessible digital manner for maps intended for navigational use;

(c) third-party content that is neither funded nor developed by, nor under the control of, the respective authority or organisation referred to in paragraph 1;

(d) reproductions of items in heritage collections that cannot be made accessible because of either for reasons of preservation of the item concerned or of the authenticity of the reproduction, or because of the unavailability of automated and cost-efficient solutions that would easily extract the text of manuscripts or other items in heritage collections and transform it into accessible content.

(3) The persons referred to in paragraphs 1 and 2 of Article 1 can be fully or partially exempted from the obligation to ensure accessibility of the websites and mobile applications according to paragraph 1 if the fulfilment of said obligations would impose a disproportionate burden on person concerned. Disproportionate burden shall be established by carrying out an assessment of the burden.

(4) The persons referred to in paragraphs 1 and 2 of Article 1 shall draw up and prominently place on their websites and mobile applications accessibility statements in accordance with Commission Implementing Decision (EU) 2018/1523 of 11 October 2018 establishing a model accessibility statement in accordance with Directive (EU) 2016/2102 of the European Parliament and of the Council on the accessibility of the websites and mobile applications of public sector bodies (OJ L 256/103 of 12.10.2018). A link to the text of the accessibility statement placed on the website of the person referred to in paragraphs 1 and 2 of Article 1 shall be made available on every other web page of said person.

(5) The persons referred to in paragraphs 1 and 2 of Article 1 shall update their accessibility statements at least annually.

(6) The persons referred to in paragraphs 1 and 2 of Article 1 shall encourage and facilitate the training of their employees to ensure up-to-date knowledge of accessibility requirements when designing, maintaining and updating the accessible content on their websites and mobile applications, and shall set requirements for contractor qualification in respect to accessibility when conducting public procurement procedures the scope of which includes the construction and upgrading of websites and mobile applications.

(7) The regulation referred to in Article 12(4) shall define:

1. the exceptions from the obligation to ensure accessibility of the content of websites and mobile applications;

2. the conditions and procedure for carrying out and approval of the assessment referred to in paragraph 3 and the requirements for its content.

Filing Reports and Complaints

Article 58d. (New, SG No. 94/2019, effective 29.11.2019) (1) The persons referred to in paragraphs 1 and 2 of Article 1 shall indicate in the accessibility statements referred to in Article 58c(4) the procedure and time limits within which they consider reports from citizens and organisations in respect of violations of the accessibility requirements for the content of a website or mobile application of the authority or organisation concerned.

(2) The sender of the report may file a complaint to the Chairperson of the State e-Government Agency if the person referred to in paragraph 1 or 2 of Article 1:

1. fails to respond to the report within the time limit specified in the accessibility statement;

2. fails to take the action for removing the breach of accessibility identified in the response.

Chapter Five

CONTROL AND COORDINATION

General Control

Article 59. (Amended, SG No. 82/2009, effective 16.10.2009, SG No. 50/2016, effective 1.07.2016, SG No. 94/2019, effective 29.11.2019) The Chairperson of the State e-Government Agency or persons authorised thereby shall exercise control of the implementation of this Act.

Powers in the Exercise of Control

Article 59a. (New, SG No. 94/2019, effective 29.11.2019) (1) In the exercise of their powers, the Chairperson of the State e-Government Agency or the persons authorised thereby pursuant to Article 59 shall have the right to:

1. carry out inspections at the entities subject to control in which the communication and information systems, facilities and technical means are located; to this end, the administrative authorities and organisations shall be obliged to grant access;

2. gain access from the persons inspected to original documents, data, information, enquiries and other data media related to the exercise of control, as well as to require certified copies of documents in connection with the implementation of the control and/or with the ascertainment of administrative violations under this Act;

3. inspect accounting, business or other books or documents and data mediums, as well as other documents related to the implementation of the control and/or with the ascertainment of administrative violations under this Act.

(2) The administrative authorities, officials and organisations are obliged to assist the persons authorised by the State e-Government Agency in exercising their powers.

Compulsory Administrative Measures

Article 59b. (New, SG No. 94/2019, effective 29.11.2019) (1) For the purposes of preventing and discontinuing violations covered by this Act and the statutory instruments for its implementation, as well as for the purposes of eliminating the harmful consequences of such violations, the Chairperson of the State e-Government Agency or the persons authorised thereby pursuant to Article 59 shall issue compulsory instructions to the administrative authorities and set a time limit for their implementation. The following compulsory administrative measures can be imposed for failure to implement the instructions within the time limit set:

1. suspension of the commissioning of communication and information systems, facilities and technical means if the provisions of this Act and the statutory instruments for its implementation have not been complied with;

2. suspension of the operation of communication and information systems, facilities and technical means if the provisions of this Act and the statutory instruments for its implementation have not been complied with.

(2) The compulsory administrative measures set out in paragraph 1 may be appealed according to the procedure established by the Code of Administrative Procedure.

Control of Operational Compatibility

(Title supplemented, SG No. 50/2016, effective 1.07.2016, amended, SG No. 94/2018)

Article 60. (1) (Amended and supplemented, SG No. 50/2016, effective 1.07.2016, amended, SG No. 94/2018) The Chairperson of the Electronic Government State Agency shall exercise control over the compliance with the requirements for operational compatibility.

(2) (Amended, SG No. 50/2016, effective 1.07.2016, SG No. 94/2018, SG No. 94/2019, effective 29.11.2019) The Chairperson of the State e-Government Agency may carry out inspections through persons authorised thereby to verify compliance with the criteria for interoperability of a certain information system or of the measures taken by the administrative authority and may issue instructions for their improvement.

Control of the Accessibility of the Content of Websites and Mobile Applications

Article 60a. (New, SG No. 94/2019, effective 29.11.2019) (1) The control of the compliance of the content of websites and mobile applications with the accessibility requirements set out in Article 58c shall be exercised by the Chairperson of the State e-Government Agency on the basis of a methodology pursuant to Commission Implementing Decision (EU) 2018/1524 of 11 October 2018 establishing a monitoring methodology and the arrangements for reporting by Member States in accordance with Directive (EU) 2016/2102 of the European Parliament and of the Council on the accessibility of the websites and mobile applications of public sector bodies (OJ L 256/108 of 11.10.2018).

(2) The Chairperson of the State e-Government Agency shall:

1. perform monitoring and checks to verify the compliance of the websites and mobile applications of the persons referred to in paragraphs 1 and 2 of Article 1 with the accessibility requirements and review the assessments referred to in Article 58c(3);

2. consider the complaints referred to in Article 58d(2) filed against the persons referred to in paragraphs 1 and 2 of Article 1 and relating to failure to comply with accessibility requirements or failure to follow the procedure for consideration of reports established by the person concerned.

(3) At the request of the Chairperson of the State e-Government Agency, the persons referred to in paragraphs 1 and 2 of Article 1 shall provide, within 14 days of receiving such request, data and information required for the monitoring and verification.

(4) At the request of the Chairperson of the State e-Government Agency, the Minister for Labour and Social Policy shall provide, within 14 days of receiving such request, a binding opinion on non-technical issues related to the specific needs of persons with disabilities when such issues arise in the course of monitoring, verifications and reviews referred to in subparagraph 1 of paragraph 2 or during the consideration of complaints according to subparagraph 2 of paragraph 2.

(5) When considering a complaint referred to in Article 58d(2), the Chairperson of the State e-Government Agency shall deliver a decision to:

1. issue compulsory instructions if he/she finds a violation of the accessibility requirements for the content according to Article 58c or of the regulation referred to in Article 12(4), and set a time limit for their implementation by the person referred to in paragraphs 1 and 2 of Article 1;

2. dismiss the complaint if no violation is found.

(6) The decision referred to in paragraph 5 may be appealed according to the procedure established by the Code of Administrative Procedure.

Monitoring and Reporting

Article 60b. (New, SG No. 94/2019, effective 29.11.2019) (1) The Minister for Transport, Information Technology and Communications shall draw up a report on the monitoring of the compliance with the accessibility requirements set out in Article 58c(1).

(2) The Chairperson of the State e-Government Agency shall provide to the Minister for Transport, Information Technology and Communications the monitoring data required to draw up the report referred to in paragraph 1.

(3) The report referred to in paragraph 1 shall be published on the websites of the Ministry of Transport, Information Technology and Communications and the State e-Government Agency.

Cooperation and Coordination

Article 61. (Amended, SG No. 50/2016, effective 1.07.2016) The Chairperson of the Electronic Government State Agency shall cooperate on and coordinate with the competent authorities of the European Union member-states and with the European Commission matters of electronic government.

Publishing of Information

Article 62. (1) (Amended, SG No. 50/2016, effective 1.07.2016) The Chairperson of the Electronic Government State Agency shall organise and maintain the information required for the implementation of this Act, which shall be published on the official web site of the Electronic Government State Agency and shall contain:

1. general information on the rights and obligations of providers and receivers of electronic administrative services, and
2. information on the bodies and persons that may provide additional information or render practical assistance in relation to the use of electronic administrative services.

(2) (Amended, SG No. 50/2016, effective 1.07.2016) The Chairperson of the Electronic Government State Agency shall ensure the possibility to be contacted on matters ensuing from Paragraph 1 by electronic means.

Chapter Six ADMINISTRATIVE AND PENAL PROVISIONS

Article 63. (1) (Amended and supplemented, SG No. 50/2016, effective 1.07.2016, amended, SG No. 94/2019, effective 29.11.2019) (1) Any official or person performing public functions who commits or allows a violation covered by Article 2 (1), Article 3, Article 4, Article 5(2), Article 6(1), Article 7e(3), Article 7f(3) and (4), Article 7g(1), Article 8(2) and (3), Articles 10 to 16, Articles 30 to 38, Article 40(1), Article 42(2), Articles 43, 44, 46, 52, 53, 56, 58a, and Article 59a(2) shall be punished by a fine of between BGN 500 and BGN 1 500, unless the act constitutes a criminal offence.

(2) Any official who commits or allows a violation covered by paragraphs 2, 3, 4, 7 and 8 of Article 7d shall be punished by a fine of between BGN 1 500 and BGN 4 500, unless the act constitutes a criminal offence.

(3) In the case of a repeated violation, the fine under paragraph 1 shall be between BGN 1 500 and BGN 3 000, and the fine under paragraph 2 shall be between BGN 4 500 and BGN 15 000.

(4) Any person performing public functions that is a legal person or a sole trader and commits or allows a violation covered by Article 2(1), Article 3, Article 4, Article 5(2), Article 6(1), Article 7e(3), Article 7f(3) and (4), Article 7g(1), Article 8(2) and (3), Articles 10 to 16, Articles 30 to 38, Article 40(1), Article 42(2), Articles 43, 44, 46, 52, 53, 56, 58a, and Article 59a(2) shall be punished by a financial penalty of between BGN 1 500 and BGN 15 000.

(5) Any organisation providing public services that commits or allows a violation covered by Article 2(1), Article 3, Article 4, Article 5(2), Article 6(1), Article 7e(3), Article 7f(3) and (4), Article 7g(1), Article 8(2) and (3), Articles 10 to 16, Articles 30 to 38, Article 40(1), Article 42(2), Articles 43, 44, 46, 52, 53, 56, 58a, and Article 59a(2) shall be punished by a financial penalty of between BGN 1 500 and BGN 15 000.

(6) In the case of a repeated violation, the financial penalty under paragraph 4 or paragraph 5, as the case may be, shall be between BGN 4 500 and BGN 25 000.

Article 64. (Amended, SG No. 50/2016, effective 1.07.2016, SG No. 94/2019, effective 29.11.2019) (1) Any official who fails to provide the information referred to in Article 60a(3) shall be punished by a fine of between BGN 500 and BGN 1 500.

(2) In the case of a repeated violation, the fine under paragraph 1 shall be between BGN 1 500 and BGN 3 000.

(3) Any official who fails to comply with the instructions referred to in Article 60a(5)(1) shall be punished by a fine of between BGN 1 500 and BGN 3 000.

(4) In the case of a repeated violation, the fine under paragraph 3 shall be between BGN 1 500 and BGN 4 500.

Article 64a. (New, SG No. 94/2019, effective 29.11.2019) (1) Any official who commits or allows a violation of this Act or of the instruments issued pursuant to this Act and no other punishment is envisaged for said violation, shall be punished by a fine of between BGN 500 and BGN 1 500.

(2) Any person performing public functions that is a legal person or a sole trader and commits or allows a violation of this Act or of the instruments issued pursuant to this Act and no other punishment is envisaged for said violation, shall be punished by a financial penalty of between BGN 1 500 and BGN 15 000.

(3) Any organisation providing public services that commits or allows a violation of this Act or of the instruments issued pursuant to this Act and no other punishment is envisaged for said violation, shall be punished by a financial penalty of between BGN 1 500 and BGN 15 000.

Article 64b. (New, SG No. 94/2019, effective 29.11.2019) (1) Any person that fails to implement a compulsory instruction referred to in Article 59b(1)(1) shall be punished by a fine of between BGN 500 and BGN 1 500, and where said person is a legal person or a sole trader, a financial penalty of between BGN 1 500 and BGN 15 000 shall be imposed.

(2) Any person that fails to implement a directive referred to in Article 7i shall be punished by a fine of between BGN 500 and BGN 1 500, and where said person is a legal person or a sole trader, a financial penalty of between BGN 1 500 and BGN 15 000 shall be imposed.

Article 65. (1) (Amended, SG No. 82/2009, effective 16.10.2009, SG No. 50/2016, effective 1.07.2016) The acts on establishing violations shall be drawn up by officials determined by the Chairperson of the Electronic Government State Agency.

(2) (Amended, SG No. 82/2009, effective 16.10.2009, SG No. 50/2016,

effective 1.07.2016, SG No. 94/2019, effective 29.11.2019) Penalty decrees shall be issued by the Chairperson of the State e-Government Agency or officials authorised thereby.

(3) The establishment of violations, the issuing of, appealing against and the implementation of penal ordinances shall be carried out under the procedure of the Administrative Violations and Sanctions Act.

SUPPLEMENTARY PROVISIONS

§ 1. In the meaning herein:

1. "Administrative Authority" shall be a body belonging to the system of executive power as well as any carrier of administrative powers authorised by law.

2. "Administrative Service" shall be:

a) the issue of individual administrative acts which ascertain facts of legal significance;

b) the issue of individual administrative acts with which the existence of rights or obligations is recognised or denied;

c) the carrying out of other administrative actions which represent a legal interest for a natural or legal person;

d) consultations representing a legal interest for a natural or legal person related to administrative or legal regime that are given pursuant to a normative act or which are related to the issue of an administrative act or to providing another administrative service;

e) expert opinions representing a legal interest for a natural or legal person when a normative act envisages their provision as an obligation of a state body or an authorised organisation.

3. "Internal Administrative Service" shall be an administrative service which one administrative authority provides to another one for the sake of exercising the latter's powers.

4. "Citizen" shall be any natural person who is a Bulgarian citizen or a foreigner.

5. (Amended, SG No. 50/2016, effective 1.07.2016) "Electronic document" shall be an electronic document in the meaning of Regulation (EU) No. 910/2014.

6. "Unformatted Electronic Document" shall be an electronic document which is not registered in the register of information objects.

7. (Repealed, SG No. 50/2016, effective 1.07.2016).

8. "Request and/or Provision of Services at a Distance" shall mean requesting, providing respectively, services when the parties are not located at the same place at the same time.

9. "Integrity" shall be a characteristic of the electronic document representing an absence of a damage of its wholeness from the moment of its drawing up and/or signing by its author until the moment of its inspection by the addressee.

10. (Amended, SG No. 50/2016, effective 1.07.2016, SG No. 94/2018) "Network and Information Security" is a concept within the meaning of Article 2, Paragraph 3 of the Cybersecurity Act.

11. (Supplemented, SG No. 40/2014, effective 1.07.2014, amended, SG No. 13/2016, effective 15.04.2016) "Persons Performing Public Functions" shall be notary judges, private enforcement agents, state and municipal educational establishments, state and municipal medical establishments, contracting authorities under Article 5 (2) – (4) of the Public Procurement Act, which are not administrative bodies or

organizations, providing public services and other persons and organisations through which the state exercises its functions and which have been assigned this by law.

12. (Supplemented, SG No. 50/2016, effective 1.07.2016) "Public Services" shall be educational, medical, water and sewerage, heating, electricity and gas supply, telecommunications, postage, banking, financial, and certification services in the meaning of Regulation (EU) No. 910/2014 or other similar services provided for meeting public needs, including on a commercial basis, in relation to the provision of which administrative services can be carried out.

13. "Operational Compatibility" shall be the capacity of information systems to process, store and interchange electronic documents and data amongst themselves using uniform technological standards and processes.

14. (Amended, SG No. 50/2016, effective 1.07.2016) "Organisation Providing Public Services" shall be any organisation regardless of the legal form of its incorporation which provides one or more of the services under Item 12.

15. "Special Form" shall be a form of carrying out acts and actions which due to its nature or by force of a normative act cannot be done by electronic means.

16. "Official Web Page" shall be a publicly available internet page through which an administrative body provides information on the activity performed by it and on the electronic administrative services provided by it.

17. "Provision of Services by Electronic Means" shall mean the provision of services where any party uses electronic processing devices, including digital compression and storage of the information, and where the service is done entirely by the use of cable, radio waves, optical or other electromagnetic means.

18. "Repeated" shall be a violation that has been committed within one year after the entry into force of the penal ordinance with which the offender has been sanctioned for a violation of the same kind.

19. "Semantic Operational Compatibility" shall be an element of operational compatibility meaning a capacity for the same interpretation of the same data by different information systems.

20. "Transliteration" shall mean the transformation (conversion) of letters, syllables or words from one alphabetical system to another.

21. "Web-based Application" shall mean an information system ensuring through an internet page or another electronic interface the possibility to send and/or receive electronic statements from and to providers of electronic administrative services.

22. "Unique Identifier" shall mean the personal registration number of the Bulgarian citizens, the personal number of foreigners, the unique identification number of traders and branches of foreign traders and the BULSTAT code of the persons subject to registration in the BULSTAT register.

23. (New, SG No. 50/2016, effective 1.07.2016) "Electronic address" shall be an information system for receiving electronic statements identifiable through a generally accepted standard

24. (New, SG No. 50/2016, effective 1.07.2016, amended, SG No. 94/2019, effective 29.11.2019) "Information resource" shall be an information and communication environment or its component that ensures the implementation of the e-government strategy.

25. (New, SG No. 50/2016, effective 1.07.2016) "Electronic seal" shall be and electronic seal in the meaning of Regulation (EU) No. 910/2014.

26. (New, SG No. 50/2016, effective 1.07.2016) "State hybrid private cloud"

shall be a centralised state-owned information infrastructure (servers, data storage facilities, communication equipment, ancillary equipment and system software) distributed in several locations in premises complying with the criteria for building protected information centres, which provides physical and virtual resources for use and administration by state bodies, while guaranteeing a high level of security, reliability, isolation of the individual users and impossibility of interference in the operation of their information systems or unauthorised access to their information resources. The isolation of the resources and networks of the individual sector users is guaranteed through measures for separation on physical and logical level.

27. (New, SG No. 50/2016, effective 1.07.2016) "Shared information resources of electronic government" shall be the technical infrastructure, the single electronic communications network and the state-owned hybrid private cloud, which are created and developed by the Agency and are used in shared mode by all state bodies.

28. (New, SG No. 50/2016, effective 1.07.2016) "Information resources policy" shall be a set of rules and standards, determining type requirements to the technical and functional characteristics when purchasing and leasing fixed tangible and intangible assets, as well as rules for using and managing of the assets' life cycle, in the field of electronic government and the use of information and communication technologies in the work of the administrative bodies and their administrations.

29. (New, SG No. 50/2016, effective 1.07.2016) "Source code" shall be a set of instructions and comments written in programming language understandable for humans, which form a computer application.

30. (New, SG No. 50/2016, effective 1.07.2016) "Open code software" shall be a computer application, whose source code is publicly accessible for free use with a right to review and a right to edit under terms specified by the copyright holder.

31. (New, SG No. 50/2016, effective 1.07.2016, amended, SG No. 94/2019, effective 29.11.2019) "Secure electronic service system" shall be an electronic registered delivery service within the meaning of Regulation (EU) No. 910/2014 and a system through which the time of dispatch, receipt and service is authenticated and the identification, authorship and integrity of the person who sends, receives or delivers electronic documents or electronic statements through the system is guaranteed.

32. (New, SG No. 50/2016, effective 1.07.2016) "Single portal" shall be a single point of access to the electronic administrative services of all administrations, implemented with current technological means and interfaces.

33. (New, SG No. 50/2016, effective 1.07.2016, repealed, SG No. 94/2019, effective 29.11.2019).

34. (New, SG No. 50/2016, effective 1.07.2016) "Fault tolerance" shall be the capacity of information systems and technical infrastructure to perform their functions in spite of operational breakdowns or lack of achieved result of part of their elements.

35. (New, SG No. 50/2016, effective 1.07.2016) "Intermediary in applying for electronic administrative services" shall be a person who represent under a power of attorney a recipient of electronic administrative services for applying and receiving a certain service.

36. (New, SG No. 94/2019, effective 29.11.2019) "eGovernance architecture" shall be a structured comprehensive description of the fundamental elements of electronic government, of their interconnections, of the main processes, activities and information resources at national level that implement the Strategy for eGovernance Development.

37. (New, SG No. 94/2019, effective 29.11.2019) "Architecture by policy

area" shall be an integral part of the e-Governance architecture presenting a structured, comprehensive description of the elements of electronic government in a specific policy area, which includes the interconnections of these elements, the main processes, the interaction with systems at national level, the activities and information resources at the level of the relevant area that implement the Strategy for eGovernance Development.

38. (New, SG No. 94/2019, effective 29.11.2019) "Electronic authentication" shall be a horizontal system for identification of all entities, objects and information systems involved in electronic government.

39. (New, SG No. 94/2019, effective 29.11.2019) "Electronic government" shall be the realisation by the administrative authorities of legal interconnections, administrative processes and services and of interaction with users, persons performing public functions and organisations providing public services through the use of information and communication technologies that ensure a higher level of effectiveness.

40. (New, SG No. 94/2019, effective 29.11.2019) "Information and communication technologies" shall be technologies for creating, processing, storing and sharing digital information in various formats using hardware.

41. (New, SG No. 94/2019, effective 29.11.2019) "Information system" shall be an application, service, information technology asset and any other component that processes information.

42. (New, SG No. 94/2019, effective 29.11.2019) "National Computer Security Incident Response Team" shall be the team within the meaning of Article 17 of the Cybersecurity Act.

43. (New, SG No. 94/2019, effective 29.11.2019) "Project" shall be a project or activity of an administrative authority that is related to electronic government, information and communication technologies or the provision of electronic administrative services.

44. (New, SG No. 94/2019, effective 29.11.2019) "Electronic identification means" shall be electronic identification means within the meaning given by Article 2 (3) of Regulation (EU) No. 910/2014.

45. (New, SG No. 94/2019, effective 29.11.2019) "Mobile application" means application software designed and developed, by or on behalf of public sector bodies, for use by the general public on mobile devices such as smartphones and tablets. Mobile applications do not include the software that controls those devices (mobile operating systems) or hardware.

46. (New, SG No. 94/2019, effective 29.11.2019) "Time-based media" means media of the following types: audio-only, video-only, audio-video, audio and/or video combined with interaction.

47. (New, SG No. 94/2019, effective 29.11.2019) "Items in heritage collections" means privately or publicly owned goods presenting an historical, artistic, archaeological, aesthetic, scientific or technical interest that are part of collections preserved by cultural institutions such as libraries, archives and museums.

§ 2. (Amended, SG No. 50/2016, effective 1.07.2016) The regulations under Article 6, Paragraph 1, Article 12, Paragraph 4, Article 37, Article 42, Paragraph 1 and Article 48, Paragraph 3 shall be adopted on proposal of the Chairperson of the Electronic Government State Agency, the regulation under Article 43, Paragraph 2 - on proposal of the Chairperson of the Electronic government State Agency, and the regulation under Article 41, Paragraph 2 - on proposal of the Chairperson of the Electronic Government State Agency.

TRANSITIONAL AND CONCLUDING PROVISIONS

§ 3. The following amendments shall be made to § 1 of the Supplementary Provision of the Administration Act (promulgated in the State Gazette, No. 130/1998, No. 8/1999 - Decision No. 2 of the Constitutional Court of 1999; amend. No. 67/1999, No. 64 and 81/2000, No. 99/2001, corr. No. 101/2001, amend. No. 95/2003, No. 19/2005, No. 24, No. 30, No. 69 and No. 102/2006:

1. A new item 3 shall be created:

"3. "An internal administrative service" shall be an administrative service which one administrative authority provides to another one for the sake of exercising the latter's powers."

2. The current items 3 and 4 shall become items 4 and 5 respectively.

§ 4. (Effective 12.06.2007 - SG No. 46/2007) The second level normative acts on the implementation of the act shall be adopted within six months after its promulgation in the State Gazette.

§ 5. (Effective 12.06.2007 - SG No. 46/2007, amended, SG No. 50/2016, effective 1.07.2016) Within six months after the promulgation of the second level acts on the implementation of this act the Chairperson of the Electronic Government State Agency shall conduct a review of the information systems used by each administration and shall issue recommendations which of them shall be certified for compatibility with the requirements herein as well as what new information systems should be introduced.

§ 6. (Amended, SG No. 50/2016, effective 1.07.2016) The administrative authorities shall bring their information systems in compliance with the requirements herein and the recommendations of the Chairperson of the Electronic Government State Agency under § 5 within one year after the promulgation of this act.

§ 7. This act shall enter into force one year after its promulgation in the State Gazette with the exception of the provisions of § 4 and 5, which shall enter into force from the date of promulgation.

§ 8. (Amended, SG No. 50/2016, effective 1.07.2016) The implementation of this Act is assigned to the Chairperson of the Electronic Government State Agency.

This act was adopted by the 40th National Assembly on 31 May 2007 and has been stamped with the official seal of the National Assembly.

ACT Amending and Supplementing the Electronic Government Act
(SG No. 82/2009, effective 16.10.2009)

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Supplementary Provision

§ 5. Throughout the text of the Act the following replacements shall be made:

1. "Minister of State Administration and Administrative Reform" shall be replaced by "Minister of Transport, Information Technology and Communications".

2. "Ministry of State Administration and Administrative Reform" shall be replaced by "Ministry of Transport, Information Technology and Communications".

3. "President of the Ministry of Transport, Information Technology and Communications" shall be replaced by "Minister of Transport, Information Technology and Communications".

4. "State Agency for Information Technologies and Communications" shall be replaced by "Ministry of Transport, Information Technology and Communications".

Transitional and Final Provisions

§ 6. Any secondary statutory instruments issued prior to the enforcement of this Act shall retain their validity as far as they do not contradict the provisions of the Act.

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TRANSITIONAL AND CONCLUDING PROVISIONS to the Act Amending and Supplementing the Electronic Government Act (SG No. 20/2013)

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§ 6. (1) In regard to information systems, developed or in process of development as at the date of entry into force of this Act, the provisions of this Act shall apply.

(2) Any certificates of operational compatibility and information security requirements, issued as at the date of entry into force of this Act, shall remain in effect.

TRANSITIONAL AND FINAL PROVISIONS to the Electronic Identification Act (SG No. 38/2016, effective 21.11.2016)

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§ 5. The Electronic Government Act (promulgated, SG No. 46 of 2007; amended, SG No. 82 of 2009, No. 20 of 2013, No. 40 of 2014, and No. 13 of 2016) shall be amended and supplemented as follows:

.....

§ 6. This Act shall enter into force 6 months after its promulgation in the State Gazette, excluding:

1. Article 8, Article 9(2), Article 10, Article 11, and Articles 15 – 17 which shall enter into force 7 months after the promulgation of this Act;

2. Article 9, paragraphs 1, 3 and 4, Articles 19 – 21, Article 22 (excluding paragraph 1, sub-paragraph 3), Articles 23 – 28, § 4 and § 5, sub-paragraphs 1, 2, 4 and 5 which shall enter into force one year after the promulgation of this Act;

3. Articles 29 – 33 and § 5, sub-paragraph 3 which shall enter into force 18 months after the promulgation of this Act;

4. Article 22, paragraph 1, sub-paragraph 3 which shall enter into force as from 1 April 2017.

ACT

Amending and Supplementing the Electronic Government Act
(SG No. 50/2016, effective 1.07.2016, supplemented, SG No. 62/2016, effective 1.07.2016)

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§ 43. In the remaining texts of the Act the words "Minister of transport, information technologies and communications" and "ministry of transport, information technologies and communications" shall be replaced respectively by "the Chairperson of the Electronic Government State Agency" and "Electronic

Government State Agency".

Transitional and Final Provisions

§ 44. Within three months of the entry into force of this Act the Council of Ministers shall adopt the regulation under Article 7d, Paragraph 6.

§ 45. The Council of Ministers and the ministers shall bring the adopted, issued respectively, by them second level normative acts in compliance with this Act within six months of its entry into force.

§ 46. (1) The Executive Agency "Electronic Communication Networks and Information Systems" under the Minister of Transport, Information Technologies and Communications shall be closed down.

(2) The assets, liabilities, archive, as well as the other rights and obligations of the closed Executive Agency "Electronic Communication Networks and Information Systems" shall be transferred to the Electronic Government State Agency.

(3) (Supplemented, SG No. 62/2016, effective 1.07.2016) The Council of Ministers shall adopt the rules for the operation, structure and organisation of the Electronic Government State Agency and the rules for the operation, structure and organisation of the State-owned Enterprise "Single System Operator" and shall regulate the relations concerning the closure of the Executive Agency "Electronic Communication Networks and Information Systems" under Paragraph 2 and the transfer under Paragraph 2 within three months after the entry into force of this Act. Prior to the entry into force of the Rules of Organisation and Procedure, structure and organisation of the Electronic Government State Agency, the functions and activities related to the Electronic Government shall be performed by the Minister of Transport, Information Technology and Communications in the current order.

(4) The employment and service relationships with the employees of the closed Executive Agency "Electronic Communication Networks and Information Systems", who perform functions in the field of electronic government shall be transferred to the Electronic Government State Agency under terms and procedures of Article 123 of the Labour Code and Article 87a of the Civil Servants Act and in compliance with the structure and personnel numbers determined with the rules of the work, structure and organisation of the Electronic Government State Agency.

(5) The employment and service relationships with the employees of the closed Executive Agency "Electronic Communication Networks and Information Systems", besides the ones under Paragraph 4, shall be regulated under the terms and procedures of Article 328, Paragraph 1, Item 1 of the Labour Code, and respectively of Article 106, Paragraph 1, Item 1 of the Civil Servants Act.

§ 47. The Chairperson of the Electronic Government State Agency shall conduct stock-taking and audit of all information resources in the administrations within six months after the entry into force of this Act.

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§ 59. Within two years after the entry into force of this Act in case there is no technological possibility to provide the data automatically under the procedure of Article 4 the data shall be requested, respectively sent, as an unformatted electronic document or on a hard copy.

§ 60. This Act shall enter into force on the day of its promulgation in the State Gazette with the exception of the provisions of:

1. Paragraph 15, which shall enter into force on 1 January 2018;

2. Paragraphs 18, Items 2 and 3, which shall enter into force on 1 June 2017.

ACT

to Amend and Supplement the Electronic Government Act
(SG No. 94/2019, effective 29.11.2019)

.....

Supplementary Provision

§ 40. This Act transposes the requirements of Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies (OJ L 327/10 of 2.12.2016).

Transitional and Concluding Provisions

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§ 45. (1) The system integration provided for in Section IV of Chapter One "a" shall be carried out by Information Services – AD.

(2) Within two months of the entry of this Act into force, the Council of Ministers shall designate the administrative authorities which, in the performance of their functions related to system integration activities, assign the performance of these activities to the system integrator referred to in paragraph 1.

§ 46. The requirements for accessibility of the content of websites and mobile applications set out in Article 58c shall not apply to:

1. document file formats published in the website or application concerned before 23 September 2018, unless their content is needed for the provision of electronic administrative services by the public authority or organisation concerned;

2. pre-recorded time-based media published before 23 September 2020;

3. content of extranets and intranets that are websites if they are only available for a limited group of people and the content has been published before 23 September 2019; if a substantial revision of the content of such websites have been made after 23 September 2019, compliance with the accessibility requirements set out in Article 58c shall be ensured;

4. archived content of websites and mobile applications that is neither intended for the provision of electronic administrative services nor updated or edited after 23 September 2019.

§ 47. (1) The persons referred to in paragraphs 1 and 2 of Article 1 shall ensure accessibility of content according to Article 58 in respect of:

1. websites created between 23 September 2018 and the entry of this Act into force: within 6 months of the entry of this Act into force;

2. websites created before 23 September 2018: by 23 September 2020;

3. mobile applications: by 23 September 2021.

(2) The first report pursuant to Article 60b(2) shall be drawn up and published by 1 September 2022 and shall cover the period from 1 January 2020 to 22 December 2021.

§ 48. This Act shall enter into force on the day of its promulgation in the State Gazette, with the exception of § 10 which shall enter into force from 1 January 2021.