

Ordinance No 27

on the Balance of Payments Statistics, International Investment Position and Securities Statistics

(Issued by the Bulgarian National Bank on 13 March 2014; published in the Darjaven Vestnik, issue 27 of 25 March 2014, amended issue 53 of 2016, effective as of 1 August 2016)

Chapter One

SUBJECT

Article 1. This Ordinance shall establish the procedure for reporting and statistical declaration of transactions between residents and non-residents, and for provision of information on the balance of payments, international investment position and securities statistics.

Chapter Two

REGISTERS

Article 2. (repealed; Darjaven Vestnik, issue 53 of 2016, effective as of 1 August 2016)

Article 3. (repealed; Darjaven Vestnik, issue 53 of 2016, effective as of 1 August 2016)

Article 4. (amended; Darjaven Vestnik, issue 53 of 2016, effective as of 1 August 2016) Payment services providers shall execute transfer orders in relation to a transaction subject to declaration under Article 7, paragraph 5 of the Currency Law upon verification of the declaration of the transaction by the resident legal entity or sole proprietor.

Article 5. (amended; Darjaven Vestnik, issue 53 of 2016, effective as of 1 August 2016) The Bulgarian National Bank may collect aggregate data or other relevant immediately accessible information provided that this process does not affect the direct processing of payments and may be fully automated by payment services providers. The information shall be submitted in accordance with the written instructions of the Deputy Governor of the BNB heading the Banking Department.

Chapter Three

STATISTICAL DECLARATION

Article 6. (1) Any resident legal entity or sole proprietor who has concluded a transaction under Article 7, paragraph 5 of the Currency Law shall submit to the BNB a declaration within 15 business days after the conclusion of the transaction as follows:

1. on transactions for extending or borrowing financial credits equal to or exceeding BGN 50,000, or the equivalent amount in foreign currency – by completing a declaration according to a sample form;

2. on opening a bank account in another country – by completing a declaration according to a sample form;

3. on making initial direct investment in other countries – by completing a declaration according to a sample form;

4. on issuing debt securities – by completing a declaration according to a sample form;

5. on acquiring securities without intermediation of a resident person, investment intermediary – by completing a declaration according to a sample form.

(2) Government and government guaranteed credits, as well as banks' accounts in other countries shall not be subject to declaration under paragraph 1, items 1 and 2.

(3) Declarations under paragraph 1 may be submitted personally, by a proxy on a hard copy or electronically.

(4) Declarations under paragraph 1, which are sent electronically, shall comply with the requirements of the Law on Electronic Document and Electronic Signature and the Law on E-Governance.

(5) (new, Darjaven Vestnik, issue 53 of 2016, effective as of 1 August 2016) Transactions on acquiring securities without the intermediation of a resident person – investment intermediary, concluded by resident legal entities belonging to the institutional sector of Financial Corporations shall not be subject to declaration under paragraph 1, item 5.

Article 7. (1) The Bulgarian National Bank shall certify the declaration of the transactions under Article 6 by a signature and a seal on the declaration on a hard copy and/or by an electronic signature in case of electronically submitted declaration. Certification shall be performed within five business days after a thoroughly and correctly completed declaration has been submitted.

(2) Provided the submitted declaration has been completed incorrectly, the BNB shall issue instructions for removing the imperfections thereof. In case the declarations have been received by mail or electronically, the BNB shall issue written instructions for removing the imperfections within five days.

(3) Upon receipt of the declaration under Article 6, the BNB shall check whether the resident legal entity or the sole proprietor has submitted in time the reports under Article 10 of the Currency Law provided he was required to do so. Should the reports have not been submitted, the BNB shall issue written instructions for their submission.

(4) Declarations shall be electronically accepted and verified by the BNB under a procedure as determined in the instructions of the Deputy Governor of the BNB heading the Banking Department in compliance with the provisions of the Law on Electronic Document and Electronic Signature and the Law on E-Governance.

Article 8. (1) Upon occurrence of a change in the data of the declared transaction under Article 6, resident legal entities and sole proprietors shall notify in writing the BNB, on a hard copy or electronically thereof, within 15 business days after its occurrence.

(2) (amended; Darjaven Vestnik, issue 53 of 2016, effective as of 1 August 2016) Where a transaction for extending or borrowing financial credits is terminated, the resident legal entities and sole proprietors shall notify in writing the BNB, on a hard copy or electronically, about a closure of declared bank accounts in other countries, termination of declared direct investment in other countries or sale of declared property in other countries within 15 business days after the change has occurred.

Chapter Four

STATISTICAL REPORTING AND PROVISION OF INFORMATION

Article 9. (1) Resident legal entities and sole proprietors, with the exception of banks, shall report on a quarterly basis before the BNB in statistical forms:

1. (amended; Darjaven Vestnik, issue 53 of 2016, effective as of 1 August 2016) transactions, outstanding balances and other changes in the amount of a financial credit received from or extended to a non-resident where by the time of declaration its amount is equal to or exceeds BGN 500,000 or the equivalent amount in foreign currency. Transactions, outstanding balances and other changes in the amount of a financial credit are subject to reporting where by 31 December of the preceding year its registered amount is equal to or exceeds BGN 500,000 or the equivalent amount in foreign currency;

2. transactions and balances on accounts opened in other countries;

3. receivables from non-residents on commercial credits and transactions other than financial credits provided the total amount of these receivables is equal to or exceeds BGN 5000 or the equivalent amount in foreign currency;

4. liabilities to non-residents on commercial credits and other transactions other than financial credits or bonds loans provided the total amount of liabilities is equal to or exceeds BGN 200,000 or the equivalent amount in foreign currency;

5. transactions with non-residents related to services, remunerations, gratuitous receipts and payments. The statistical forms for reporting these transactions shall be submitted upon a written request by the Deputy Governor of the BNB heading the Banking Department or by a person authorized by him.

(2) The ministries and government agencies shall report their receivables from and obligations to non-residents on commercial transactions under the procedure of paragraph 1, items 2, 3 and 4.

(3) Banks shall report their receivables from and liabilities to non-residents, as well as transactions with non-residents related to services, remunerations, gra-

tuitous receipts and payments under a procedure determined by instructions of the Deputy Governor of the BNB heading the Banking Department or a person authorised by him.

(4) Resident legal entities and sole proprietors, with the exception of banks, shall report on an annual basis before the BNB in statistical forms:

1. transactions, outstanding balances and other changes in the amount of a financial credit received from or extended to a non-resident provided the amount of the financial credit amounts from BGN 50,000 to BGN 500,000 or the equivalent amount in foreign currency;

2. direct investments in real estate.

(5) Notaries or recordation magistrates respectively shall report on a monthly basis before the BNB in statistical forms transactions in real estate between residents and non-residents.

(6) The persons having declared transactions under Article 6, paragraph 1, item 4 shall report on a quarterly basis before the BNB in statistical forms sales of additional amounts of the issue, amortisation payments and interest payments thereon.

(7) Resident legal entities, issuers of debt securities abroad shall once report before the BNB in statistical forms transactions in securities in the primary market within 15 business days after the issuance.

(8) The Central Depository shall provide the BNB with monthly information of each transaction in the capital market in securities issued by a resident or non-resident entity and registered with these entities, as well as of the positions related to these securities based on the 'security-by-security' principle.

(9) (amended; Darjaven Vestnik, issue 53 of 2016, effective as of 1 August 2016) Resident legal entities belonging to the institutional sectors of Financial Corporations and General Government shall report on a monthly basis before the BNB in statistical forms data on securities acquired by them according to the 'security-by-security' principle, on their positions and operations during the reporting month.

(10) Banks and investment intermediaries other than banks shall report on a monthly basis before the BNB in statistical forms the positions and operations in acquired securities based on the 'security-by-security' principle for the account of the customers, as follows:

1. resident entities belonging to the institutional sectors other than the Financial Corporations sector;

2. non-residents.

(11) Resident legal entities and sole proprietors with the exception of the persons under paragraph 9 that have concluded transactions in securities without intermediation of a resident person – investment intermediary, shall report on a monthly basis before the BNB in statistical forms the positions and operations in these securities based on the 'security-by-security' principle.

Article 10. Resident legal entities and sole proprietors shall report on a quarterly basis before the BNB in statistical forms their direct investments abroad, with the exception of investments in real property which shall be reported only once a year.

Article 11. The Bulgarian National Bank may conduct periodical statistical surveys in order to collect additional statistical information under a procedure specified by the BNB Deputy Governor heading the Banking Department.

Article 12. (1) The reports under Article 9, paragraph 1, item 1 and paragraph 6 shall be submitted to the BNB by the 15th day of the month following the reporting quarter.

(2) The reports under Article 9, paragraph 1, items 2–5 and paragraph 3 and Article 10 shall be submitted to the BNB by the 20th day of the month following the reporting quarter.

(3) The reports under Article 9, paragraphs 1 and 3 and Article 10 concerning the fourth quarter of the year shall be submitted to the BNB by 25 January in the year following the reporting year.

(4) (amended; Darjaven Vestnik, issue 53 of 2016, effective as of 1 August 2016) The reports under Article 9, paragraphs 2 and 4 shall be submitted to the BNB by 20 January in the year following the reporting year.

(5) The reports under Article 9, paragraph 5 and paragraphs 8–11 shall be submitted to the BNB by the 10th day of the month following the reporting month.

Article 13. (1) Resident natural persons shall annually report before the BNB in statistical forms their receivables from or liabilities to non-residents on financial credits, receivables on accounts opened in other countries, as well as investments in securities made without intermediation of a resident person – investment intermediary, by 31 March in the year following the reporting year.

(2) The statistical forms under paragraph 1 shall be submitted provided:

1. the total amount of all receivables on financial credits, accounts in other countries and investments in securities made without intermediation of a resident person – investment intermediary, is equal to or exceeding BGN 50,000 or its foreign currency equivalent as of the end of the reporting year;

2. the total amount of all liabilities on financial credits is equal to or exceeding BGN 50,000 or its foreign currency equivalent as of the end of the reporting year.

(3) The reports under this Article may be submitted personally or by a proxy, on a hard copy or electronically.

Article 14. (1) (amended; Darjaven Vestnik, issue 53 of 2016, effective as of 1 August 2016) The reports under Article 9, paragraphs 1, 2, 4 and 5, Article 10 and Article 11 may be submitted personally or by a proxy, on a hard copy or electronically.

(2) (amended; Darjaven Vestnik, issue 53 of 2016, effective as of 1 August 2016) The reports under Article 9, paragraph 3 and paragraphs 6–11 may be submitted personally or by a proxy, only electronically.

(3) Upon receipt of the reports, the BNB shall examine their veracity and completeness. In the event of any errors and omissions, the BNB shall issue instructions for their elimination.

(4) The reports under this Chapter shall be submitted electronically under a procedure specified in the instructions of the Deputy Governor of the BNB heading the Banking Department in compliance with the provisions of the Law on Electronic Document and Electronic Signature and the Law on E-Governance.

(5) (amended; Darjaven Vestnik, issue 53 of 2016, effective as of 1 August 2016) In the event of more than five fungible transactions under Article 6 or more than five records in the reports under Article 9, paragraph 1, item 1 and items 3–5, paragraph 2, paragraph 4, and paragraph 5, statistical forms shall be submitted only electronically.

Article 15. (1) The information collected under this Ordinance shall be used by the BNB only for statistical purposes.

(2) The Bulgarian National Bank may provide to other persons and institutions only summarised data which do not allow for identification of the persons that have submitted statistical information.

(3) (amended; Darjaven Vestnik, issue 53 of 2016, effective as of 1 August 2016) The Bulgarian National Bank shall grant to the persons access to the statistical information stored about them upon the receipt of an application requesting such access. The application shall be submitted personally and in case of legal entities – by their legal representatives. If the application is submitted by regular mail, it should be notarised. If the application is submitted by an authorised representative, the authorisation should be notarised. The application shall specify the personal identity number or identity card number for natural persons and the unique reference number (URN) or BULSTAT for legal entities and traders.

Article 16. (1) The BNB Deputy Governor heading the Banking Department shall determine in instructions the samples of statistical forms and declarations under this Ordinance.

(2) The instructions issued under this Ordinance shall be published on the website of the BNB. The samples of the statistical forms and declarations shall be submitted on paper on-site at the BNB.

Additional Provision

§ 1. Within the meaning of this Ordinance:

1. (repealed; Darjaven Vestnik, issue 53 of 2016; effective as of 1 August 2016)
2. The institutional sector ‘Financial Corporations’ includes the units under item 2.55–2.110 of Regulation (EU) No 549/2013 of the European Parliament and of the Council of 21 May 2013 on the European system of national and regional accounts in the European Union (ESA 2010), as follows:

a) banks (credit institutions) within the meaning of Article 2 of the Law on Credit Institutions;

b) money market funds (MMFs) within the meaning of the single European definition set in CESR's Guidelines 10-049 on a common definition of European money market funds of the *Committee of European Securities Regulators – CESR* (now *ESMA*) and the Financial Supervision Commission Instructions of 22 August 2012 on the application of CESR Guidelines to the funds investing in money market instruments (Ref.: CESR/10-049) concerning funds' names which contain word combinations referring to the label 'money market';

c) investment companies and contractual funds (collective investment schemes) within the meaning of Article 4 of the Law on the Activities of Collective Investment Schemes and Other Undertakings for Collective Investment;

d) investment intermediaries other than banks within the meaning of Article 5, paragraph 1 of the Law on Markets in Financial Instruments;

e) financial institutions within the meaning of Article 3 of the Law on Credit Institutions;

f) financial vehicle corporations within the meaning of Article 3 of the Law on Financial Vehicle Corporations;

g) management companies within the meaning of Article 86 of the Law on the Activities of Collective Investment Schemes and Other Undertakings for Collective Investment;

h) pension insurance companies within the meaning of Article 121 of the Social Security Code;

i) insurance and reinsurance intermediaries within the meaning of Article 8, paragraphs 1 and 2 of the Insurance Code;

j) supplementary pension insurance funds within the meaning of Article 133 of the Social Security Code;

k) guarantee funds established by a special law;

l) financial corporations other than those listed in letters 'a' to 'k'.

3. Institutional sectors other than 'Financial Corporations' include the units under item 2.45–2.54 and item 2.111–2.130 of Regulation (EU) No 549/2013 of the European Parliament and of the Council of 21 May 2013 on the European system of national and regional accounts in the European Union (ESA 2010).

4. (new; Darjaven Vestnik, issue 53 of 2016; effective as of 1 August 2016) The institutional sector 'Financial Corporations' includes the units under items 2.111–2.117 of Regulation (EU) No 549/2013 of the European Parliament and of the Council of 21 May 2013 on the European system of national and regional accounts in the European Union (ESA 2010), as follows:

a) central government;

b) local government;

c) social security funds.

TRANSITIONAL AND FINAL PROVISIONS

§ 2. This Ordinance is issued on the grounds of Article 7, paragraph 11, Article 8, paragraph 4 and Article 10, paragraph 4 of the Currency Law and Article 42 of the Law on the Bulgarian National Bank, and is adopted by Resolution No 16 of the Governing Council of the Bulgarian National Bank of 13 March 2014.

§ 3. This Ordinance shall enter into force on 1 April 2014, except for Article 6, paragraphs 3 and 4, Article 7, paragraphs 1, 2 and 4, Article 8, Article 13, paragraph 3 and Article 14 which shall enter into force on 1 July 2014, and Article 9, paragraphs 9 and 10 which shall enter into force on 1 January 2015.

§ 4. This Ordinance repeals Ordinance No 27 of 2003 on Balance of Payments Statistics (published in the *Darjaven Vestnik*, issue 69 of 2003; amended, issue 111 of 2003; issue 7 of 2007 and issue 102 of 2009).

§ 5. The BNB Deputy Governor heading the Banking Department may issue instructions on enactment of this Ordinance.

§ 6. This Ordinance is issued on the grounds of Article 7, paragraph 11, Article 8, paragraph 4 and Article 10, paragraph 4 of the Currency Law and Article 42 of the Law on the Bulgarian National Bank, adopted by Resolution No 76 of the Governing Council of the Bulgarian National Bank of 30 June 2016 and shall enter into force on 1 August 2016.