

**ORDINANCE No. 28 of 10.05.2006 on the terms and procedure for holding examination for professional qualification and recognising qualification acquired in a Member State**

Issued by the Chairperson of the Financial Supervision Commission, promulgated in the State Gazette, No. 42 of 23.05.2006.

**Chapter One  
GENERAL PROVISIONS**

**Art. 1.** (1) This Ordinance shall determine the terms and procedure for holding examination for professional qualification of a natural person wishing to:

1. pursue activity as insurance broker – sole trader;
2. be elected a member of the management body of an insurance broker – legal person or be authorised to manage or represent an insurance broker – legal person;
3. represent a legal person – a member of a management or supervisory body of an insurance broker.

(2) Recognised under the terms of this Ordinance shall also be the qualification of persons under paragraph 1 acquired in a Member State.

**Art. 2.** (1) The persons under Article 1, paragraph 1 shall pass an examination before an examination commission determined by the Financial Supervision Commission.

(2) The requirement for passing an examination for professional qualification shall not apply if one of the following conditions exists:

1. the person has professional experience in the field of insurance;
2. the person has acquired qualification recognised by the Financial Supervision Commission, hereinafter referred to as “the Commission”, under Chapter Three.

(3) Professional experience under paragraph 2, item 1 shall mean at least two consecutive years of work in a managerial capacity or a capacity directly related to conclusion and execution of insurance contracts with an insurer, reinsurer, insurance broker or insurance agent.

**Chapter Two  
HOLDING THE EXAMINATION  
Section I  
Admission to examination**

**Art. 3.** (1) The persons under Article 1, paragraph 1 shall file an application with the Commission for admission to examination in accordance with a model form approved by the Deputy Chairperson.

(2) Attached to the application under paragraph 1 shall be:

1. a certificate of conviction;
2. a notary certified transcript of a diploma of completed higher education;
3. a declaration of the circumstances under Article 157, paragraph 1, items 4 – 6 of the Insurance Code.

**Art. 4.** The Deputy Chairperson shall deny admission to examination where:

1. the applicant does not meet the requirements referred to in Article 157, paragraph 1, item 1, items 3 – 6 of the Insurance Code;
2. he/she establishes that the applicant has submitted false data or documents with untrue content.

**Art. 5.** (1) The Deputy Chairperson shall pronounce on the application for admission to

examination within 14 days of its filing and where additional data and documents have been required, within seven days from receipt thereof. The decision shall be reasoned in writing and may be appealed before the Supreme Administrative Court under the terms of the Administrative Procedure Code.

(2) The applicants shall be notified of the decision in writing within seven days from issue thereof.

## **Section II Examination**

**Art. 6.** (1) Holding of examination for professional qualification of the persons under Article 1, paragraph 1 shall be organised by the Commission.

(2) Eligible to sit for examination shall be the persons who have been admitted to examination in accordance with Section I.

**Art. 7.** The Commission shall publish the requirements regarding the subject scope of the examination, the procedure for its holding, as well as the rules for evaluation in its official bulletin not later than one month prior to the examination date. These circumstances shall be furthermore disclosed on the website of the Commission as well as by other appropriate means.

**Art. 8.** (1) The Commission shall fix the date of the examination.

(2) The Commission shall announce the date of the examination in its official bulletin, as well as by putting a notice at a place specially designed for that purpose in the building of the Commission. The latter circumstance shall be ascertained by a protocol drawn up by officials determined by an order of the Deputy Chairperson. The dates of the examination shall be furthermore disclosed on the website of the Commission or by other appropriate means.

**Art. 9.** (1) The examination shall be held by an examination commission including minimum three members. The procedure for the work and the composition of the examination commission shall be determined by a decision of the Commission.

(2) The examination shall be written and anonymous.

**Art. 10.** (1) The results from the examination shall be completed in a protocol with a mark according to the evaluation rules. The protocol shall be signed by all members of the examination commission. The marks shall be final and shall not be subject to review.

(2) The results from the examination shall be announced in accordance with Article 8, paragraph 2 within 14 days from the date of holding the examination.

(3) Within five working days from announcement of the results under paragraph 1, the persons who have not passed successfully the examination for professional qualification may file a request with the Commission to familiarise themselves with the results of the examination of their written test.

(4) The persons shall familiarise themselves with the results of the examination of their written test in the presence of a member of the examination commission and an official from the administration of the Commission determined by an order of the Deputy Chairperson.

## **Section III Certificate**

**Art. 11.** (1) The persons who have passed successfully the examination for professional qualification shall receive a certificate issued by the Deputy Chairperson.

(2) The certificate shall be issued on paper according to a model form approved by the Deputy Chairperson.

(3) A duplicate of the certificate shall be issued by the Deputy Chairperson at the request of the interested person if the certificate is stolen, lost, damaged or destroyed. On

receipt of the duplicate the person shall return the original certificate if it is in his/her possession.

(4) The certificate shall no longer be valid where the person to whom it is issued, within two years from the date of issuance thereof, has not been entered in the register under Article 30, paragraph 1, item 9 of the Financial Supervision Commission Act as an insurance broker – sole trader, as a member of a management body of an insurance broker – legal person, or as a person authorised to manage or represent it. In these cases the person shall sit again the examination for professional qualification under the terms of this Chapter. This circumstance shall be recorded in the certificate.

### **Chapter Three** **RECOGNITION OF ACQUIRED QUALIFICATION**

**Art. 12.** (1) The persons who have acquired qualification in a Member State, which meets the requirements included in the subject scope of the examination, ascertained by a document of acquired degree, diploma or another certificate issued by a competent authority of a Member State or another organisation in a Member State shall file an application for recognition thereof by the Commission.

(2) Attached to the application under paragraph 1 shall also be other documents apart from those under Article 3, paragraph 2:

1. a notary certified transcript of a document of acquired degree, a diploma or another certificate ascertaining the acquired qualification;
2. information about the competent authority or the organisation in the Member State, which has issued the document ascertaining the acquired qualification;
3. information about other data, conditions or restrictions related to the recognised qualification, not included in the document under Item 1;
4. a declaration of the veracity of data specified by the persons and of their awareness of the criminal liability incurable for submission of false data under the Penal Code of the Republic of Bulgaria.

(3) The application under paragraph 1 may also be filed in the procedure of registration of the insurance broker under Article 158 of the Insurance Code.

**Art. 13.** The Deputy Chairperson may also require other data and documents, where necessary, on taking decision on recognition of the acquired qualification.

**Art. 14.** The Commission shall refuse to recognise acquired qualification where:

1. the applicant does not meet the requirements under Article 157, paragraph 1, item 1, items 3 – 6 of the Insurance Code;
2. it establishes a significant difference between the qualification for which recognition is requested and the requirements to the subject scope of the examination for professional qualification of insurance brokers;
3. it establishes that the authority or organisation which has issued the document for acquired qualification does not have the required competence for granting such qualification;
4. another condition or restriction exists which does not allow exercise of the acquired qualification;
5. it establishes that the applicant has submitted false data or documents with untrue content.

**Art. 15.** (1) The Commission shall pronounce on the application for recognition of acquired qualification within one month from filing thereof and when additional data and documents have been requested, within seven days from receipt thereof. The decision shall be reasoned in writing and may be appealed in respect of its lawfulness before the Supreme Administrative Court under the terms of the Administrative Procedure Code.

(2) The applicants shall be notified in writing of the decision taken within seven days from issue thereof.

**Art. 16.** The persons to whom qualification acquired in a Member State is recognised shall receive a certificate issued by the Deputy Chairperson. The provisions of Article 11 shall apply *mutatis mutandis*.

**Art. 17.** The persons to whom recognition of qualification is refused under the terms of this Chapter may not apply again for recognition of the same qualification.

### **ADDITIONAL PROVISIONS**

**§ 1.** Within the meaning of this Ordinance:

1. "Competent authority of a Member State" shall be a government authority or organisation, recognised in accordance with the legislation of the Member State or by government authorities expressly authorised for the purpose by a normative act. Such authorities may not be insurers or reinsurers.

2. "Organisation in a Member State" shall be a legal person authorised by a normative act or an international treaty to issue diplomas, certificates or other documents for recognition of qualification in the field of insurance.

3. "Member State" shall be a country within the meaning of § 1, item 6 of the Insurance Code.

**§ 2.** (1) The applications for admission to examination under Article 3, paragraph 1 and for qualification recognition under Article 12, paragraph 1 shall be completed in Bulgarian.

(2) The documents required under the terms hereof, which are issued in a language other than the Bulgarian language, shall be translated into Bulgarian and legalised in accordance with the provisions of the applicable legislation. Should there be any discrepancy between the texts, data in the Bulgarian translation shall be deemed true.

**§ 3.** The Deputy Chairperson may prepare model forms of declarations and other standardised documents in connection with the application of the Ordinance.

### **TRANSITIONAL AND FINAL PROVISIONS**

**§ 4.** (1) The first examination for professional qualification of insurance brokers shall be held by 30 June 2006 and the time limit under Article 7 shall not apply.

(2) Existing insurance brokers under § 8, paragraph 3 of the Insurance Code who have brought their activity in line with legal requirements by 31 March 2006 and which meet the requirement for professional experience under Article 2, paragraph 3 shall file applications with the Deputy Chairperson and shall be recorded *ex officio* in the register under Article 30, paragraph 1, item 9 of the Financial Supervision Commission Act without sitting the examination.

(3) Where the existing insurance broker under paragraph 2 is a legal person and the requirement for professional experience under Article 2, paragraph 3 does not exist in respect of all the members of its management body, all such persons – members of its management body shall sit the examination under paragraph 1, to be held under the terms hereof.

**§ 5.** Until entry into force of the Administrative Procedure Code the relevant provisions of the Administrative Procedure Act or the Supreme Administrative Court Act shall apply.

**§ 6.** This Ordinance is adopted pursuant to Article 157, paragraph 7 of the Insurance Code and was adopted by Decision № 57-H of 10.05.2006 of the Financial Supervision Commission.

**§ 7.** The Financial Supervision Commission shall give instructions on the application of this Ordinance.