

SUMMARY

of a compulsory administrative measure imposed by Decision № XXX-PIC from XXXX of the Deputy Chairman in charge of the Social Insurance Supervision Department

The FSC received a letter from the XXXXX XXXXX „XXXXX XXXXXXX“ XX with ref. № XXXXXXXXX dated XXXXX regarding the refusal of XXXX „XXXXX“ XX to accept an electronic application submitted by an socially insured person for change of participation.

During the examination of the documents which were attached to the letter it was established that XXX „XXXXX“ XX has inappropriately refused to accept an electronic application for change of participation submitted by the socially insured person. The reason for this refusal was the following: *“Dissonance of name and surname in the application and the electronic signature.”*

It is apparent from the electronic application for change of participation submitted in the FSC that there is data and information in the same document, from which it can be concluded that the application was signed by the socially insured person with a valid qualified electronic signature (QES) at the time of signing within the meaning of Regulation (EU) № 910/2014 of the European parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (Regulation (EU) № 910/2014) and Electronic Document and Electronic Trust Services Act (EDETSA).

According to Art. 2 of the Transliteration Act the rules provided by it for the transmission of the letters of the Bulgarian alphabet in Latin are mandatory only in certain cases and they do not include the spelling of the name of the holder of the electronic signature in the certificate and the submission of applications for change of participation and transfer of funds. The transliteration of the name in accordance with the table in Annex 1 to Art. 2, para. 1 of the Regulations for the issuance of Bulgarian personal documents is concerning its writing in the Bulgarian personal documents. There is no requirement to use that transliteration in the electronic signature of the person and may, under certain conditions, be carried out in a way different from that provided in the table, also that transliteration can be changed (Arg. Art. 2, para 2 and 6 of the same rules).

Therefore, when the dissonance described in Cyrillic and Latin letters can be attributed to one of the transliteration methods common in practice, it is not proof that the application is not signed by the person whose name is indicated in Cyrillic in it. Also it is not grounds for not accepting the application. In order to refuse to accept the application, the pension insurance company which is managing the fund in which the person is socially insured should be able to prove that the application has not been signed by the person concerned.

If dissonances are identified between the Cyrillic name and the information in Latin, it is necessary to assess in each individual case whether the non-compliance relates to the transliteration of the person's name or whether there is a real difference between the name of the person indicated in the application and the holder of the QES with which it is signed. When conducting such an assessment, should not be created formal obstacles to socially insured persons to exercise their free choice of pension fund. It cannot be shared the statement submitted by XXXXXXXX in a letter with № XXXXX of XXXXXXX that there are three differences in the names of the socially insured person. In the present case, the specificity of the spelling of the socially insured person's name in Cyrillic, indicated in the application and the Latin name in the QES, should be attributed to specificities of the transliteration, which is not grounds for the pension insurance company managing the fund from which the change of participation is requested to refuse to accept an electronic application for change of participation.