

# Conformity Assessment of Directive 2009/110/EC BULGARIA

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#### NATIONAL IMPLEMENTING MEASURES

## List of the national implementing measures notified to the European Commission

#### **General observations**

### Закон за платежните услуги и платежните системи, ("ЗПУПС")

Приет от XL народно събрание на 12 март 2009 г., обнародван в "Държавен вестник", бр. 23 от 27 март 2009 г., в сила от 1 ноември 2009 г.; последно изм., бр. 105 от 2011 г.

Law on Payment Services and Payment Systems, adopted by the 40th National Assembly on 12 March 2009; published in the OJ, issue 23 of 27 March 2009; effective as of 1 November 2009; last amendement, issue 105 of 2011

(referred throughout the report as "LPSPS")

The Law on Payment Services and Payment Systems lays down the requirements for the payment service providers' activities and types of payment services. In particular, it establishes the terms and procedure for licensing and operation of electronic money institutions.

The Law on Payment Services and Payment Systems is an almost literal transposition of Directive 2009/110/EC.

The LPSPS was adopted on 12 March 2009 and entered into force on 1 November 2009.

This legal act was notified by Bulgaria to the European Commission and provided by this latter for the purpose of this assessment. The relevant updated legislation and its translation in English was also found on the official website of the Bulgarian National Bank (hereinafter referred to as the "BNB") (www.bnb.bg).

The Bulgarian version of the LPSPS can be found on the following link:

http://bnb.bg/bnbweb/groups/public/documents/bnb\_law/laws\_payment\_services\_bg.pdf

An English updated translation can be consulted on the following website:

http://bnb.bg/bnbweb/groups/public/documents/bnb\_law/laws\_payment\_services\_en.pdf

#### NATIONAL IMPLEMENTING MEASURES

#### Закон за кредитните институции, ("ЗКИ")

Обн., ДВ, бр. 59 от 21.07.2006 г., в сила от 1.01.2007 г., последно изм., бр. 77 и 105 от 2011 г.

Law on Credit Institutions, published in OJ, issue 59 of 21 July 2006, last amendment issue 77 and 105 of 2011 (referred throughout the report as "LCI")

The Law on Credit Institutions is primary law which indirectly concerns the transposition of Directive 2009/110/EC into the Bulgarian legislation. This legal act contributes to the establishment of the legal framework, which is required for the accurate application of the above mentioned Directive.

The Law on Credit Institutions lays down the terms and procedures for authorisation (licensing), taking up and pursuit of the business, supervision and winding-up of credit institutions in order to ensure a sound, reliable and secure banking system and to safeguard the interests of depositors. The definition of credit institutions provided by the LCI include emoney institutions within its scope (cf. Art 1(1) and (2) of the LCI). A licence (authorisation) granted by the BNB is required in order to provide payment services.

This legal act was notified by Bulgaria to the European Commission and provided by this latter for the purpose of this assessment. The relevant updated legislation and its translation in English was also found on the official website of the BNB (www.bnb.bg).

The LCI was adopted on 21 July 2006 and entered into force on 1 January 2007.

The Bulgarian version of the LCI can be found on the following link: http://bnb.bg/bnbweb/groups/public/documents/bnb\_law/laws\_creditinstitutions\_bg.pdf

An English updated translation can be consulted on the following website: <a href="http://bnb.bg/bnbweb/groups/public/documents/bnb\_law/laws\_creditinstitutions\_en.pdf">http://bnb.bg/bnbweb/groups/public/documents/bnb\_law/laws\_creditinstitutions\_en.pdf</a>.

Наредба № 16 от 16 юли 2009 г. за лицензиране на платежните интитуции и операторите на платежни системи, ("Наредба 16")

Обн., ДВ, бр. 62 от 4.08.2009 г., в сила от 1.10.2009 г., последно изм., бр. 59 от 2011 г.

Ordinance No 16 of 16 of July 2009 licensing payment institutions and payment systems operators, adopted by BNB, published in OJ, issue 62 of 4 August 2009, last amendment in OJ issue 59 of 2011

(referred thoughout the report as "BNB Ordinance No 16")

Ordinance No 16 of 16 of July 2009 is the secondary law which establishes detailed rules and procedures for the licensing of payment institutions and electronic money institutions. It was issued by the BNB and is required for the accurate application of the above mentioned Directive.

This legal act was notified by Bulgaria to the European Commission and provided for the purpose of this assessment. The relevant updated legislation and its translation in English was also found on the official website of the BNB (<a href="www.bnb.bg">www.bnb.bg</a>).

The BNB Ordinance No 16 was adopted on 16 July 2009 and entered into force on 1 October 2009.

The Bulgarian version of the Ordinance can be found on the following link:

http://bnb.bg/bnbweb/groups/public/documents/bnb law/au lf ordinance 16 bg.pdf

An English updated translation can be consulted on the following website:

http://bnb.bg/bnbweb/groups/public/documents/bnb\_law/au\_lf\_ordinance\_16\_en.pdf

#### NATIONAL IMPLEMENTING MEASURES

## List of additional national implementing measures referred to in the conformity assessment

#### **General observations**

## Закон за мерките срещу изпирането на пари ("ЗМСПИ")

Обн., ДВ, бр. 85 от 24 юли 1998 г., в сила от деня на влизане в сила на Договора за присъединяване на Република България към Европейския съюз; последно изм., бр. 16, 48, 57 и 96 от 2011 г.

#### Law on the Measures against Money Laundering

Published in OJ, issue 85 of 24 July 1998; in force on the date of entry into force of the Treaty of Accession of the Republic of Bulgaria to the European Union; last amendments, issues 16, 48, 57 and 96 of 2011

(referred throughout the report as "LMML")

The Law on the measures against money laundering is a primary law which determines the preventive measures against the use of the financial system for the purpose of money laundering, as well as the organization and control over their enforcement.

Measures to prevent the use of the financial system for the purpose of money laundering are mandatory among others for the BNB, credit institutions which conduct activities on the territory of the Republic of Bulgaria, as well as electronic money institutions.

This legal act was notified by Bulgaria to the European Commission and provided for the purpose of this assessment. The relevant updated legislation and its translation in English was also found on the official website of the BNB (<a href="www.bnb.bg">www.bnb.bg</a>).

The Law on the measures against money laundering was adopted on 25 July 1998 and came into force on the day of the entry into force of the Accession Treaty of Bulgaria to the European Union.

The Bulgarian version of the Law can be found on the following link:

http://www.bnb.bg/bnbweb/groups/public/documents/bnb\_law/laws\_moneylaundrying\_bg.pdf

An English up-to-date translation can be consulted on the following website:

 $\underline{http://www.bnb.bg/bnbweb/groups/public/documents/bnb\_law/laws\_moneylaundrying\_en.pdf}$ 

#### **SUMMARY**

#### 1. Executive summary

Overall, the Directive 2009/110/EC has been transposed in a conform manner in relation to the licensing and the activities of electronic money institutions.

The legal framework in Bulgaria with regards to electronic money institutions consists of three laws and as such presents the Bulgarian legislation with a clear division of the different aspects of the Directive: the Law on Payment Systems, the Law of Credit Institutions and the BNB Ordinance No 16 on licensing of payment institutions, electronic money institutions and payment system operators. The previous legislation on electronic money was dealt by the Law on Credit Institutions. But with the adoption of the new E-Money Directive, the existing provisions were repealed and these three legal acts were amended in order to transpose the new Directive. The transposition of the Directive is mainly done through general legislation such as the LPSPS and more detailed rules on the licensing and own funds of electronic money institutions can be found in the BNB Ordinance No 16.

The Law on Payment Services and Payment Systems has been amended as well as a new Chapter concerning electronic money institutions has been introduced. This primary legislation is the main national implementing measure of the Directive 2009/110/EC. Electronic money institutions are considered within the meaning of this law as payment service providers.

Among other provisions, it provides:

- the terms and procedures for the licensing of electronic money institutions, such as the requirements for the issuance, the refusal of issuance or the withdrawal of a license;
- the different categories of electronic money issuers;
- the conditions for the issuance and redemption of electronic money;
- the requirements for the activity of electronic money institutions.

The BNB Ordinance No 16 which is a secondary legislation contains detailed rules on the terms and procedure for granting a license and for conducting activities as electronic money institutions. It includes specific rules on the licensing of electronic money institutions, the application process for granting a license, the required documents and requirements for qualification, professional experience and good reputation. Moreover the structure and the elements, the ways and methods for the calculation of own funds of electronic money institutions, the periodicity, form and content of the report for the own funds amount are specified in the BNB Ordinance No 16.

The single competent surveillance authority in Bulgaria is the Bulgarian National Bank (<a href="www.bnb.bg">www.bnb.bg</a>). The BNB is in charge of the issuance of license for the taking-up of the business of electronic money institutions in Bulgaria. The BNB also keeps a register with all the electronic money institutions carrying activities on the territory of the Republic of Bulgaria directly or through branches or agents.

The NIMs were in a readable format. Some of the NIMs were not the most updated versions. Nevertheless, an up-to-date version of the legal acts was found on the official website of the BNB (www.bnb.bg).

In some provisions, the NIMs were referring to the implementing measures of the Payment Services Directive. These provisions relevant for payment service providers were also applied in relations to electronic money institutions.

The structure of the NIMs followed the order of the articles of the Directive and was arranged in accordance with the subject matter. Bulgaria has chosen to apply most of the provisions

with a literal transposition. However, in some provisions, there was a slightly different wording.

#### 2. The implementation of Directive 2009/110/EC

#### 2.1. Scope

The scope of the NIMs coincides with the scope of the Directive. Overall, Bulgaria has correctly transposed the provisions of the Directive. The structure of the LPSPS follows the order of the Articles of the Directive and the provisions are arranged according to the content of the subject matter. On several occasions, the national provisions dealing with electronic money institutions referred to other provisions applicable to payment services providers which correctly transposed the Payment Services Directive.

#### 2.2. Terminology

The NIMs did not present any terminological discrepancies or major differences when compared with the terminology used in the Directive. Bulgaria has chosen to apply most of the provisions with a literal transposition. In other provisions, an almost literal approach could also be found and only some contained a slightly different wording.

#### 2.3. Explanatory note on the assessment

Conformity applies to cases whereby the national provisions follow all requirements of the corresponding provision of Directive 2009/110/EC. Some requirements of the Directive provision may not be explicitly transposed. National provisions can however be considered as conform as far as the silence does not affect the proper implementation of all requirements and that the missing ones can be inferred.

Partial conformity applies to cases whereby the national provisions do not follow all the requirements of the Directive provision, or are silent about requirements, which are considered minor but necessary. In cases of partial conformity, the interpretation of the national provision does not hamper the proper implementation of the Directive provision as a whole, and, missing requirements cannot be inferred.

Non conformity applies to cases whereby the Directive provision is not transposed or the national provisions do not follow either, all requirements of the Directive provision, or, the main ones. In cases of non conformity, the interpretation of the national provisions hamper the proper implementation of the Directive provision as a whole, and missing requirements cannot be inferred either. Also considered are additional requirements and exemptions, which hamper the proper implementation of the Directive provision.

The cases where there are no headings relate to options laid down by the Directive provision that Member States has not chosen to apply, or, to obligations resting upon the European Commission.

#### 2.4. Legal analysis

#### 2.4.1. Title I – Scope and definitions

Title I of the Directivehas been transposed in a conform manner by the LPSPS, LCI and BNB Ordinance No 16.

#### 2.4.1.1. Article 1 – Subject

Article 1 of the Directive was properly transposed into Bulgarian legislation. Electronic money issuers cover fully the scope of credit institutions defined under Article 4(1) of Directive 2006/48/EC, as well as such institutions which are licensed in accordance with LPSPS, their branches, the European Central Bank and the central banks of Member States. Chapter V of LPSPS and Chapter V of BNB Ord. No 16 regulate the subject matter of Title II of the Directive. With regards to the scope, the NIMs do not apply to monetary value stored on instruments that can be used to acquire goods or services only in the premises used by the issuer or under a commercial agreement with the issuer, or used for payment transactions executed by means of any telecommunication, digital or IT device.

Therefore, the Bulgarian law has correctly transposed the scope of application of the Directive.

#### 2.4.1.2. Article, 2 – Definitions

The definitions under Article 2 of the Directive are properly transposed into Bulgarian legislation. More specifically, electronic money institutions are defined in accordance with the Directive provisions as legal entities which are granted a license to issue electronic money. Electronic money issuers within the meaning of article 74(1) of LPSPS include banks (credit institutions), electronic money institutions that have been granted a license, the European Central Bank and the national central banks of Member States under certain circumstances.

However, it should be noted that there are no post office giro institutions issuing electronic money in Bulgaria. Therefore, a provision transposing Article 1(1)(c) of the Directive could not be located in the NIMs. National provisions referring to such institutions authorised under the law of another Member State could not be located either. But it was concluded that there was no contradiction with the wording of Article 1(1)(c) of the Directive, which only states institutions "entitled under national law".

Moreover, neither the central public authorities nor the regional or local authorities issue electronic money when acting in their capacity as public authorities. In this regard, the equivalent of Article 1(1)(c) of the Directive could not be located in the national implementing provisions.

#### 2.4.2. Title II – Requirements for the taking up, pursuit and prudential supervision of the business of electronic money institutions

Overall, the provisions of Title II have been transposed in a conform manner. Nevertheless, few cases of partial conformity and non-conformity have been identified.

In accordance with the Directive provisions, Bulgarian legislation establishes requirements for the activity of electronic money institutions such as prohibition of taking deposits and granting interest, safeguarding measures and requirements for additional activities other than the issuance of electronic money.

#### 2.4.2.1. Article 3 – General prudential rules

The Bulgarian NIMs relevant to electronic money institutions make a reference to the transposing measures of the Payment Services Directive which also apply *mutatis mutandis* to these institutions with regards to the taking up the business of electronic money. The BNB (www.bnb.bg) is the competent authority to which legal entities intending to obtain a license of electronic money institution, are applying with all the required information and documents listed under BNB Ord. No 16. The latter also establishes the reporting and notification obligations by electronic money institutions and the supervisory role of BNB. Overall, conformity has been observed.

#### 2.4.2.2. Article 4 – Initial capital

According to the NIMs quoted for the analysis of Article 4 of the Directive, the almost identically worded provisions inserted in LPSPS require from each electronic money institution to hold initial capital not less than 700,000 BGN (approximately 350,000 EUR). The BNB Ord. No 16 lays down a list with the elements which are included in the initial capital of the electronic money institution.

#### 2.4.2.3. Article 5 – Own funds

In accordance with Article 5 of the Directive, the BNB Ord. No 16 allows the amount of own funds of electronic money institution to be not less than the higher amounts set down as 700,000 BGN (approximately 350,000 EUR).

With regards to the composition of own funds, the relevant articles for payment service providers are also applicable to electronic money institutions. The structure and the elements, the ways and methods for its calculation, the periodicity, form and content of the report for the own funds amount are specified in the BNB Ordinance No 16.

For the calculation of their own funds, electronic money institutions are required to use Method D in regard to the activity of issuing electronic money. For any other activity, three other methods can be used.

Overall, Bulgarian legislation transposes almost literally the Directive provisions.

#### 2.4.2.4. Article 6 – Activities

In accordance with the Directive provisions, it should be noted that electronic money institutions are entitled to engage in any other activity than the issuance of electronic money such as

provision of payment services, granting of credit, provision of services closely related to the issuance of electronic money, operation of payment systems (with some exceptions). The Bulgarian NIM also lays down the prohibition of taking deposits or granting interest by electronic money institutions.

2.4.2.5. Article 7 – Safeguarding requirements

Pursuant to the Directive provisions, the national provisions require electronic money institutions to apply safeguarding measures over the funds received in exchange for issued electronic money.

Neverthless, the equivalent of Article 7(1) of the Directive could not be located in the Bulgarian NIMs. On the basis of this finding, non-conformity was concluded.

2.4.2.6. Article 8 – Relations with third countries

The equivalent of Article 8(1) and (2) of the Directive have not been found in the Bulgarian legislation. Non-conformity was therefore concluded. Furthermore, no national provision corresponding to Article 8(3) of the Directive could be found either in the Bulgarian law as it does not contain any positive obligation for Member States to conclude agreements with third countries.

2.4.2.7. Article 9 – Optional exemptions

The Bulgarian legislator decided not to apply the waiver under Article 9(1) first subparagraph of the Directive and as a consequence, none of the provisions of Article 9 of the Directive are transposed into Bulgarian legislation. Therefore, this provision of the Directive is not implemented into the Bulgarian legislation.

National provisions corresponding to most of the paragraphs of Article 9 of the Directive could not be found in the Bulgarian legislation.

2.4.3. Title III – Issuance and redeemability of electronic money

Overall, the provisions of Title III have been transposed in a conform manner. For most of the cases, Bulgaria has opted for a literal implementation of the Directive provisions.

2.4.3.1. Article 10 – Prohibition from issuing electronic money

The Bulgarian NIM correctly transposes the prohibition on the issuance of electronic money without having been granted a license of electronic money institution.

2.4.3.2. Article 11 - Issuance and redeemability

With regards to the issuance and redeemability of electronic money, Bulgaria has literally transposed Article 11 of the Directive.

2.4.3.3. Article 12 – Prohibition of interest

In accordance with the Directive provision, the Bulgarian legislation prohibits electronic money institutions to accrue interest or any other benefit related to the length of time during which an electronic money holder holds the electronic money.

2.4.3.4. Article 13 – Out-of-court complaint and redress procedures for the settlement of disputes

Pursuant to the Directive provision, out-of-court complaints and redress procedures are also envisaged for electronic money institutions. These matters are treated with provisions transposing Directive 2007/64/EC which also apply *mutatis mutandis* to electronic money institutions.

2.4.4. Title IV – Final provisions and implementing measures

Title IV of the Directive has been transposed mostly in a conform manner. However, few cases of non-conformity have been detected and the option laid down under Article 18(2) of the Directive has not applied by Bulgaria.

#### 2.4.4.1. Article 16 – Full harmonization

The transposition of the Directive provisions into the Bulgarian legislation has been conform, therefore Article 16 of the Directive has been correctly transposed.

#### 2.4.4.2. Article 18 – Transitional provisions

Bulgaria did not transpose Article 18(1) and (3) of the Directive into its national legislation. Therefore, non-conformity was concluded. The option under Article 18(2) was not transposed either. Thus, this provision of the Directive is not implemented into the Bulgarian legislation.

#### 3. Conclusions on conformity

#### 3.1. Cases of partial conformity

Article 3(3), third subparagraph of the Directive: Article 3(3), third subparagraph of the Directive regarding the acquisition of qualifying holding having a detriment effect on the sound management of electronic money institution and the consequent suspension of voting rights, has been transposed partially as the national implementing measure limits the application of safeguarding measures only to the cases of temporary suspension of voting rights.

Article 3(3), fifth subparagraph of the Directive: Article 3(3), fifth subparagraph of the Directive regarding the suspension of voting rights connected to shares acquired without having obtained the necessary authorisation, has been transposed partially as the nullity of votes is not foreseen in Bulgarian legislation.

#### 3.2. Cases of non-conformity

Article 7(2), first subparagraph of the Directive: the equivalent national provisions could not be located.

Article 7(2), second subparagraph of the Directive: the equivalent national provisions could not be located.

**Article 8(1) of the Directive**: the equivalent national provisions could not be located.

Article 8(2) of the Directive: the equivalent national provisions could not be located.

Article 18(1), third subparagraph of the Directive: the equivalent national provisions could not be located.

Article 18(3) of the Directive: the equivalent national provision could not be located.

#### 3.3. Option ('May' clause)

3.3.1. Bulgaria has chosen to transpose the following options into its national legislation

Article 2(3) of the Directive: Bulgaria has included a definition of "electronic money issuers" in a conform manner to the Directive provision.

Article 5(5) of the Directive: Requirements for the calculation of own funds.

**Article 7(1) of the Directive**: Application of safeguarding measures over the funds received in exchange for issued electronic money.

Article 7(3) of the Directive: Bulgaria duly implemented this provision in relations to the activities other than the issuance of electronic money.

3.3.2. Bulgaria has not chosen to transpose the following options into its national legislation:

Article 3(3), sixth subparagraph of the Directive: Bulgaria has decided not to apply this option into its national legislation in relation to the activities other than issuing electronic money.

Article 5(7) of the Directive: Waiver of the application of the provisions related to own funds of electronic money institutions which are included in the consolidated supervision of the

parent credit institutions.

Article 7(2), third subparagraph of the Directive: Bulgaria did not exercise the option on the determination of assets which do not constitute secure and low-risk ones.

Article 7(4) of the Directive: Bulgaria did not give the possibility to competent authorities to choose which method to be used by electronic money institutions to safeguard funds.

Article 9(1), first subparagraph of the Directive: Bulgaria has chosen not to apply the optional exemptions.

Article 9(1), third subparagraph of the Directive: Bulgaria did not apply this option which sets down additional requirements of a maximum storage amount on the payment instrument of the user where the electronic money is stored.

**Article 9(4) of the Directive**: Bulgaria did not apply this option which establishes requirements for registration in order to exercise the activities other than the issuance of electronic money.

Article 18(2) of the Directive: Bulgaria did not exercise this option with regards to the establishment of a public register with authorised electronic money institutions.

#### 4. List of acronyms

BNB: Bulgarian National Bank

BGN: Bulgarian national currency is Bulgarian Lev, which is approximately 1 EUR=1,95 LV

EEA: European Economic Area

LCI: Law on Credit Institutions

LPSPS: Law on Payment Services and Payment Systems

MS: Member State(s)

NIM: National Implementing Measure The Directive: Directive 2009/110/EC

OJ: Official Journal

Ord. No 16: Ordinance of 16 of July 2009 on procedures for execution of payment transactions and the use of payment instruments

PSD: Payment Services Directive.

Directive 2009/110/EC			National Implementing Measures			Conformity Assessment
Articl e No.	EN	BG	Act, Articl e No.	EN	BG	Observations
Art. 1(1) intr. Wordi ng	TITLE I SCOPE AND DEFINITIONS  Article 1  Subject matter and scope  1. This Directive lays down the rules for the pursuit of the activity of issuing electronic money to which end the Member States shall recognise the following categories of electronic money issuer:	ДЯЛ І ПРИЛОЖНО ПОЛЕ И ОПРЕДЕЛЕНИЯ Член І Предмет и приложно поле  1. В настоящата директива се установяват правилата за упражняването на дейността по издаване на електронни пари, за която цел държавите- членки признават следните категории издатели на електронни пари:	LPSPS , Art. 74(1) BNB Ord. No 16, Art. 1(1) and (3)	Art. 74 of LPSPS  (1) Electronic money issuers within the meaning of this Law shall be:  Art. 1 of BNB Ord. No 16  This Ordinance shall lay down:  1. the terms and procedure for granting a license and for conducting activities as a payment institution and electronic money institution;  3. the requirements to the reports submitted to the BNB by the payment service providers, operators of and participants in the payment systems.	<ul> <li>Чл. 74 от ЗПУПС</li> <li>(1) Издатели на електронни пари по смисъла на този закон са:</li> <li>Чл. 1 от Наредба № 16</li> <li>С тази наредба се определят:</li> <li>1. условията и редът за издаване на лиценз и за извършване на дейност като платежна институция и дружество за електронни пари;</li> <li>3. изискванията към предоставяните в БНБ отчети от доставчиците на платежни услуги, операторите и участниците в платежни системи.</li> </ul>	CONFORM  Article 74(1) of LPSPS and Article 1(1) and (3) of BNB Ord. No 16 transpose Article 1(1) of the Directive.  Article 74(1) of LPSPS lists the various entities which are considered as electronic money institutions. The assessment of this provision is examined in more details below. It should be observed that the main national provisions transposing the subject matter of Title II of the Directive are located under Chapter V of LPSPS and Chapter V of BNB Ord. No 16. The scope of LPSPS is broader than the Directive one, as it applies not only to electronic institutions, but also to payment services.  Similarly, the BNB Ord. No 16 lays down the conditions for granting a license and conducting activities as a payment service and electronic money institution.
Art. 1(1)(a)	(a) credit institutions as defined in point 1 of Article 4 of Directive 2006/48/EC including, in	а) кредитни институции съгласно определението в член 4, точка 1 от Директива 2006/48/EO,	LPSPS , Art. 74(1)(1	Art. 74(1) of LPSPS  1. banks within the meaning of Article 2 of the Law on Credit	<b>Чл. 74(1) от ЗПУПС</b> 1. банки по смисъла на чл. 2 от Закона за	CONFORM  Article 74(1)(1) of LPSPS and Article 2(1) and 2(13) of LCI transpose Article 1(1)(a) of

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	accordance with national law, a branch thereof within the meaning of point 3 of Article 4 of that Directive, where such a branch is located within the Community and its head office is located outside the Community, in accordance with Article 38 of that Directive;	включително, в съответствие с националното право, техен клон по смисъла на член 4, точка 3 от същата директива, когато такъв клон се намира в Общността, а централното управление на институцията се намира извън Общността в съответствие с член 38 от същата директива;	LCI, Art. 2(1) and (2)(13)	Institutions; Art. 2 of LCI  (1) A bank (credit institution) shall be a legal person engaged in the business of receiving deposits or other repayable funds from the public and granting credits or other financing for its own account and at its own risk.  (2) A bank may also carry on the following activities, provided that they are included in its authorisation (license):  13. issue of electronic money;	кредитните институции;  Чл. 2 от ЗКИ  (1) Банка (кредитна институция) е юридическо лице, което извършва публично привличане на влогове или други възстановими средства и предоставя кредити или друго финансиране за своя сметка и на собствен риск.  (2) Банката може да извършва и следните дейности, ако са включени в нейния лиценз:  13. издаване на електронни пари;	the Directive.  Electronic money issuers within the meaning of Article 74(1)(1) of LPSPS cover fully the scope of credit institutions defined under Article 4(1) of Directive 2006/48/EC. Banks (credit institutions) under Article 2 of LCI are defined as undertakings whose business is to receive deposits or other repayable funds from the public and to grant credits for its own account or issue electronic money.  Article 74(1)(1) of LPSPS and Article 2(1) and 2(13) of LCI are therefore conform to the Directive provisions.
Art. 1(1)(b)	(b) electronic money institutions as defined in point 1 of Article 2 of this Directive including, in accordance with Article 8 of this Directive and national law, a branch thereof, where such a branch is located within the Community and its head office is located outside the Community;	б) институции за електронни пари съгласно определеното в член 2, точка 1 от настоящата директива, включително, в съответствие с член 8 от настоящата директива и с националното право, и клон на същите, когато такъв клон се намира в Общността, а централното управление на институцията се	LPSPS , Art. 74(1)(2 ) and 77(f)(5 )	Art. 74(1) of LPSPS  2. electronic money institutions licensed according to this Law;  Art. 77(f) of LPSPS  (5) Electronic money institution licensed in the Republic of Bulgaria may pursue its business directly or through a branch in another Member State as set out in Article 29.	Чл. 74(1) от ЗПУПС  2. дружества за електронни пари, получили лиценз по смисъла на този закон;  Чл. 77(е) от ЗПУПС  (5) Дружество за електронни пари, лицензирано в Република България, може да извършва дейност директно или	Articles 74(1)(2) and 77(f)(5) of LPSPS transpose Article 1(1)(b) of the Directive.  Electronic money institutions within the meaning of Article 1(1) of the Directive include such institutions which are licensed in accordance with LPSPS and their branches which are authorized to pursue business in accordance with Articles 29 and 30 of LPSPS.  Articles 74(1)(2) and 77(f)(5) of LPSPS are therefore conform to the Directive provisions.

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		намира извън Общността;		Electronic money institution licensed in another Member State may pursue its business directly or through a branch in the Republic of Bulgaria as set out in Article 30.	чрез клон на територията на друга държава-членка по реда на чл. 29. Дружество за електронни пари, лицензирано в друга държава-членка, може да извършва дейност директно или чрез клон на територията на Република България по реда на чл. 30.	
Art. 1(1)(c)	(c) post office giro institutions which are entitled under national law to issue electronic money;	в) институции за пощенски парични преводи, оправомощени съгласно националното право да издават електронни пари;	N/A	N/A	N/A	There are no post giro institutions which are authorised to issue electronic money in Bulgaria. Therefore, a provision transposing Article 1(1)(c) of the Directive could not be located in the NIMs. National provisions can however be considered as conform as far as the silence does not affect the proper implementation of all requirements and that the missing ones can be inferred.  It should be noted that no national provision refers either to post office giro institutions authorised under the law of another Member State. But this does not contradict with the wording of Article 1(1)(c) of the Directive, which only states institutions "entitled under national law".  On the basis of the above findings, conformity can be concluded.
Art. 1(1)(d)	(d) the European Central Bank and national central	г) Европейската централна банка и	LPSPS , Art.	Art. 74(1) of LPSPS  3. the European Central	<b>Чл. 74(1) от ЗПУПС</b> 3. Европейската	CONFORM Article 74(1)(3) of LPSPS literally transposes

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	banks when not acting in their capacity as monetary authority or other public authorities;	националните централни банки, когато не действат в качеството си на органи на паричната политика или други публични органи;	74(1)(3	Bank and national central banks of the Member States when not acting in their capacity as monetary authority or other public authorities;	централна банка и националните централни банки на държавитечленки, когато не действат в качеството си на органи на паричната политика или на органи, осъществяващи публичноправни функции.	Article 1(1)(d) of the Directive.
Art. 1(1)(e)	(e) Member States or their regional or local authorities when acting in their capacity as public authorities.	д) държави-членки или техни регионални или местни органи, когато действат в качеството си на публични органи.	N/A	N/A	N/A	CONFORM  Neither the Republic of Bulgaria nor the regional or local authorities issue electronic money when acting in their capacity as public authorities. Therefore, this provision is not applicable.
Art. 1(2)	2. Title II of this Directive lays down the rules for the taking up, the pursuit and the prudential supervision of the business of electronic money institutions.	2. В дял II от настоящата директива се установяват правилата за предприемането, упражняването и пруденциалния надзор на дейността на институциите за електронни пари.	N/A	N/A	N/A	CONFORM  Chapter V of LPSPS and Chapter V of BNB Ord. No 16 regulate the subject matter of Title II of the Directive. For further details regarding the transposition of Title II of the Directive, please find below the assessment of the relevant articles.
Art. 1(3)	3. Member States may waive the application of all or part of the provisions of Title II of this Directive to the institutions referred to in Article 2 of Directive 2006/48/EC, with the	3. Държавите-членки може да освободят от прилагането на всички или на част от разпоредбите на дял II от настоящата директива институциите, посочени в член 2 от Директива	N/A	N/A	N/A	Article 1(3) of the Directive sets out an option. Owing to this option, Bulgaria has not chosen to apply it. In this regard, no corresponding provision could be located in the legislation of Bulgaria either.

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	exception of those referred to in the first and second indents of that Article.	2006/48/EO, с изключение на тези, посочени в първо и второ тире от същия член.				
Art. 1(4)	4. This Directive does not apply to monetary value stored on instruments exempted as specified in Article 3(k) of Directive 2007/64/EC.	4. Настоящата директива не се прилага за парична стойност, съхранявана в инструменти, които са изключени, както се посочва в член 3, буква к) от Директива 2007/64/ЕО.	LPSPS , Art. 74(2)(1	Art. 74(2) of LPSPS  The provisions of this Chapter shall not be applicable to:  1. monetary value stored on instruments that can be used to acquire goods or services only in the premises used by the issuer or under a commercial agreement with the issuer either within a limited network of payments service providers or for a limited range of goods or services;	Чл. 74(2) от ЗПУПС Разпоредбите на тази глава не се прилагат за:  1. парична стойност, съхранявана в инструменти, които могат да бъдат използвани за придобиване на стоки или услуги единствено в помещенията на издателя или по силата на търговски договор с издателя в рамките на ограничена мрежа от доставчици на платежни услуги или за придобиване на ограничени по вид стоки или услуги;	CONFORM  Article 74(2)(1) of LPSPS transposes Article 1(4) of the Directive.  Article 74(2)(1) of LPSPS transposes in a conform manner Article 1(4) of the Directive, including a specific reference to the services mentioned in Article 3(k) of Directive 2007/64/EC. Article 74(2)(1) of LPSPS literally transposes Article 3(k) of the PSD Directive.  Article 74(2)(1) of LPSPS is therefore conform to the Directive provision.
Art. 1(5)	5. This Directive does not apply to monetary value that is used to make payment transactions exempted as specified in Article 3(1) of Directive 2007/64/EC.	5. Настоящата директива не се прилага за парична стойност, която се използва за извършване на платежни транзакции, които са изключени, както се посочва в член 3, буква л) от Директива	LPSPS , Art. 74(2)(2	Art. 74(2) of LPSPS  2. monetary value used for payment transactions executed by means of any telecommunication, digital or IT device, where the goods or services purchased are delivered to	Чл. 74(2) от ЗПУПС  2. парична стойност, която се използва за извършване на платежни операции, изпълнявани чрез телекомуникационно, цифрово или	Article 74(2)(2) of LPSPS transposes Article 1(5) of the Directive.  Article 74(2) of LPSPS transposes in a conform manner Article 1(5) of the Directive, including a specific reference to the payment transactions mentioned in Article 3(1) of the Payment Services Directive. Moreover,

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		2007/64/EO.		and are to be used through a telecommunication, digital or IT device, provided that the telecommunication, digital or IT operator does not act only as an intermediary between the payment service user and the supplier of the goods and services.	информационно устройство, когато закупените стоки или услуги се доставят и се използват чрез телекомуникационно, цифрово или информационно устройство и при условие че операторът на телекомуникационни, цифрови или информационни услуги не действа само като посредник между ползвателя на платежни услуги и доставчика на стоки и услуги.	Article 74(2) of LPSPS literally transposes Article 3(1) of the PSD.  Article 74(2)(2) of LPSPS is therefore conform to the Directive provision.
Art. 2 intr. wordi ng	Article 2 Definitions  For the purposes of this Directive, the following definitions shall apply:	Член 2 Определения За целите на настоящата директива се прилагат следните определения:	N/A	N/A	N/A	CONFORM  The structure of the Bulgarian law differs from the Directive provision and thus does not contain an equivalent introductory wording. However, this does not affect the conformity.
Art. 2 pt (1)	1. "electronic money institution" means a legal person that has been granted authorisation under Title II to issue electronic money;	1. "институция за електронни пари" означава юридическо лице, на което е предоставен лиценз съгласно дял II за издаване на електронни пари;	LPSPS , Art. 76(1)	Art. 76 of LPSPS  (1) An electronic money institution is a legal entity that has been licensed under this Section to issue electronic money.	<b>Чл. 76 от ЗПУПС</b> (1) Дружество за електронни пари е юридическо лице, което е получило лиценз за издаване на електронни пари по реда на този раздел.	CONFORM  Article 76(1) of LPSPS literally transposes Article 2(1) of the Directive.  Pursuant to recital 25 of the Directive, credit institutions are not mentioned in the national provision and thus, electronic money institutions are not to be considered only as credit institutions.  Article 76(1) of LPSPS is therefore conform

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						to the Directive provision.
Art. 2 pt (2)	2. "electronic money" means electronically, including magnetically, stored monetary value as represented by a claim on the issuer which is issued on receipt of funds for the purpose of making payment transactions as defined in point 5 of Article 4 of Directive 2007/64/EC, and which is accepted by a natural or legal person other than the electronic money issuer;	2. "електронни пари" означава парична стойност, съхранявана в електронна, включително магнитна форма, представляваща вземане към издателя, която се издава при получаване на средства с цел извършване на платежни транзакции по смисъла на член 4, точка 5 от Директива 2007/64/ЕО и се приема от физическо или юридическо лице, различно от издателя на електронни пари;	LPSPS , Art. 76(2)	Art. 76 of LPSPS  (2) Electronic money is electronically, including magnetically, stored monetary value as represented by a claim on the issuer which is issued on receipt of funds for the purpose of making payment transactions, and which is accepted by a natural person or legal entity other than the electronic money issuer.	Чл. 76 от ЗПУПС  (2) Електронните пари са парична стойност, съхранявана в електронна, включително магнитна форма, която представлява вземане към издателя, издава се при получаване на средства с цел извършване на платежни операции и се приема от физическо или юридическо лице, различно от издателя на електронни пари.	CONFORM  Article 76(2) of LPSPS literally transposes Article 2(2) of the Directive.  In accordance with the Directive, the abovementioned national provision introduces a clear definition of electronic money.  Furthemore, a definition of payment transactions, as set out under point 5 of Article 4 of the Payment Services Directive, is provided under the supplementary provisions of LPSPS, paragraph 1, point 17.  Article 76(2) of LPSPS is therefore conform to the Directive provision.
Art. 2 pt (3)	3. "electronic money issuer" means entities referred to in Article 1(1), institutions benefiting from the waiver under Article 1(3) and legal persons benefiting from a waiver under Article 9;	3. "издател на електронни пари" означава образуванията, посочени в член 1, параграф 1, институциите, ползващи се от освобождаване по силата на член 1, параграф 3, и юридически лица, ползващи се от освобождаване по силата на член 9;	LPSPS , Art. 74(1)(1 ), (2) and (3)	Art. 74 of LPSPS  (1) Electronic money issuers within the meaning of this Law shall be:  1. banks within the meaning of Article 2 of the Law on Credit Institutions;  2. electronic money institutions licensed according to this Law;  3. the European Central Bank and national central	<ul> <li>Чл. 74 от ЗПУПС</li> <li>(1) Издатели на електронни пари по смисъла на този закон са:</li> <li>1. банки по смисъла на чл. 2 от Закона за кредитните институции;</li> <li>2. дружества за електронни пари, получили лиценз по смисъла на този закон;</li> <li>3. Европейската</li> </ul>	CONFROM  Article 74(1)(1), (2) and (3) of LPSPS transposes Article 2 point (3) of the Directive.  Electronic money issuers within the meaning of article 74(1) of LPSPS include banks (credit institutions), electronic money institutions granted a license and the European Central Bank and national central banks of the Member States under certain circumstances.  As Article 9 of the Directive sets out an option and Bulgaria has not decided to apply the waiver, the legal persons benefiting from

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				banks of the Member States when not acting in their capacity as monetary authority or other public authorities;	централна банка и националните централни банки на държавитечленки, когато не действат в качеството си на органи на паричната политика или на органи, осъществяващи публичноправни функции.	this waiver are not included in the definition of electronic money issuers.  Furthermore, Bulgaria does not include a waiver for the institutions mentioned in Article 1(3) of the Directive and thus, these institutions are not included in the definition of electronic money issuers.  Article 74(1)(1), (2) and (3) of LPSPS is therefore conform to the Directive provisions.
Art. 2 pt (4)	4. "average outstanding electronic money" means the average total amount of financial liabilities related to electronic money in issue at the end of each calendar day over the preceding six calendar months, calculated on the first calendar day of each calendar month and applied for that calendar month.	4. "средна стойност на електронните пари в обращение" означава средната стойност на общия размер на финансовите пасиви, свързани с издаваните електронни пари, в края на всеки календарен ден за предходните шест календарни месеца, изчислявана на първия календарен ден от всеки календарен месец и прилагана за същия календарен месец.	LPSPS , Art. 77(b)( 4)	Art. 77(b) of LPSPS  (4) 'Average outstanding electronic money' shall mean the average total amount of financial liabilities related to electronic money in issue at the end of each calendar day over the preceding six calendar months, calculated on the first calendar day of each calendar month and applied for that calendar month.	Чл. 77(б) от ЗПУПС  (4) Средна стойност на електронните пари в обращение означава средната стойност на общия размер на финансовите пасиви, свързани с издаваните електронни пари, в края на всеки календарен ден за предходните б календарни месеца, изчислявана на първия календарен ден от всеки календарен месец и прилагана за същия календарен месец.	CONFORM  Article 77(b)(4) of LPSPS literally transposes Article 2(4) of the Directive.
Art. 3(1)	TITLE II REQUIREMENTS FOR THE TAKING UP, PURSUIT AND PRUDENTIAL SUPERVISION OF THE BUSINESS OF	ДЯЛ II ИЗИСКВАНИЯ ЗА ПРЕДПРИЕМАНЕ, УПРАЖНЯВАНЕ И ПРУДЕНЦИАЛЕН НАДЗОР НА ДЕЙНОСТТА НА	LPSPS, Art. 76(3), 77(1), (2) and (3),	Art. 76 of LPSPS  (3) An entity that intends to issue electronic money as an electronic money institution shall be licensed to perform	Чл. 76 от ЗПУПС  (3) Лице, което възнамерява да издава електронни пари като дружество за електронни пари, трябва да получи	CONFORM  There is not a single national provision which transposes Article 3(1) of the Directive.  The corresponding rules to Articles 5 and 10 to 15, Article 17(7) and Articles 18 to 25 of Directive 2007/64/EC are transposed into

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INSTITUTIONS  Article 3 General prudential rules  1. Without prejudice to this Directive, Articles 5 and 10 to 15, Article 17(7) and Articles 18 to 25 of Directive 2007/64/EC shall apply to electronic money institutions mutatis mutandis.	институциите за ЕЛЕКТРОННИ ПАРИ  Член 3 Общи правила за пруденциален надзор  1. Без да се засяга настоящата директива, членове 5 и 10—15, член 17, параграф 7 и членове 18—25 от Директива 2007/64/ЕО се прилагат mutatis mutandis към институциите за електронни пари.	77(c)(4 ), 77(e)(4 ) BNB Ord. No 16, Art. 1(1), 5, 6, 34, 35, 36, 37, 38, 39, 41, 42, 43, 44, 46 and 48	activities as an electronic money institution prior to commencing issuing electronic money.  Art. 77 of LPSPS  (1) The Bulgarian National Bank shall issue a license for taking-up of the business of electronic money institution where the registered office of the applicant is in the Republic of Bulgaria. The Bulgarian National Bank shall issue a license where the applicant has presented all required information and documents in accordance with this Law and the laws on its implementation and if the BNB assesses that the applicant satisfies all conditions for license issuance.  (2) The provisions of Articles 10–17 shall apply for the conditions for the issuance, refusal of issuance, withdrawal of a license and termination of operation.  (3) The Bulgarian National Bank shall issue	лиценз за извършване на дейност като дружество за електронни пари, преди да започне да издава електронни пари.  Чл. 77 от ЗПУПС  (1) Българската народна банка издава лиценз за извършване на дейност като дружество за електронни пари, когато седалището на заявителя е в Република България. Българската народна банка издава лиценз, когато заявителят е представил всички изискуеми сведения и документи в съответствие с изискванията на този закон и подзаконовите актове по прилагането му и ако по преценка на БНБ заявителят отговаря на условията за издаване на лиценз.  (2) За условията за издаване на лиценз и прекратяване на лиценз и прекратяване на дейността се прилагат съответно разпоредбите на чл. 10—17.	primary (LPSPS) and secondary legislation (BNB Ord. No 16). Article 77 of LPSPS makes a reference to the provisions of LPSPS laying down the procedure for granting a license for payment services, as well as to the provisions of BNB Ord. No 16 which in accordance with Article 1 of the Ordinance applies not only to payment institutions, but also to electronic money institutions.  Therefore, the general principle laid down in Recital 9 of the Directive is respected as the national measures implementing the Payment Services Directive also apply mutatis mutandis to electronic money institutions.  Article 5 of Directive 2007/64/EC is transposed by Article 77 of LPSPS which establishes the BNB as the competent authority to which legal entities intending to obtain a license for electronic money institution, are applying with all the required information and documents. Moreover, the documents required for authorisation are laid down in BNB Ord. No 16 (Article 3, 4 and 5). Therefore, the national transposing provisions are to be considered as conform to Article 5 of Directive 2007/64/EC.  Articles 34 and 35 of BNB Ord. No 16 lay down the application process for granting a license to an electronic money institution and the required documents.  Further to that, Article 36 of BNB Ord. No 16 adds a list of requirements for qualification, professional experience and good reputation. Article 37 and 38 of BNB Ord. No 16

an Ordinance on the

(3) Българската народна

complements the list of data required by

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	implementation of this article.  Art. 77(c) of LPSPS  (4) For the accounting and the electronic money institution auditors' Articles 22, 23 and 24, paragraph 1 shall be applicable respectively.  Art. 77(e) of LPSPS  4. operation of payment systems with the exception of payment systems ensuring settlement finality as defined in Directive 98/26/EC of the European Parliament and of the Council of 19 May 1998 on settlement finality in payment and securities settlement systems amended by Directive 2009/44/EC of the European Parliament and of the Council of 6 May 2009, without prejudice to Articles 85 and 86;  Art. 1 of BNB Ord. No 16  This Ordinance shall lay down:  1. the terms and procedure for granting a license and	different categories of persons such as the persons responsible for the management and the supervision of the applicant and those having a qualifying holding or with whom the applicant is in close relation.  Article 10(1) of Directive 2007/64/EC is transposed by Article 7(1) of LPSPS. The national implementing provision is conform to Article 10(1) of Directive 2007/64/EC.  Article 10(2) of Directive 2007/64/EC is transposed by Article 12(1) of LPSPS. The national implementing provision is conform to Article 10(2) of Directive 2007/64/EC.  Article 10(3) of Directive 2007/64/EC is transposed by Article 95(1), pt. 4 of LPSPS. The national implementing provision is conform to Article 10(3) of Directive 2007/64/EC is literally transposed by Article 95(4), pt. 5 of LPSPS. The national implementing provision is conform to Article 10(4) of Directive 2007/64/EC is literally transposed by Article 95(4), pt. 5 of LPSPS. The national implementing provision is conform to Article 10(4) of Directive 2007/64/EC is literally transposed by Article 18(2) of LPSPS. The national implementing provision is conform to Article 10(5) of Directive 2007/64/EC.  Article 10(6) of Directive 2007/64/EC is transposed by Article 10(5) of Directive 2007/64/EC.  Article 10(6) of Directive 2007/64/EC is transposed by Article 95(1), pt. 9 of LPSPS. The national implementing provision is conform to Article 10(6) of Directive 2007/64/EC.

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	a payment institution and electronic money institution;  1. условиздава	Тhe national implementing conform to Article 10(7) о 2007/64/EC.	1), pt. 10 of LPSPS. g provision is of Directive
	The following data shall be submitted with respect to the persons managing and representing the	атежна Аrticle 10(8) of Directive 2 transposed by Article 10(4) The national implementing conform to Article 10(8) of 2007/64/EC.	4), pt. 11 of LPSPS. g provision is
	applicant and to the members of its management and supervisory bodies and the supervisory bodies and the	та, управляващи тавляващи ля, за членовете вите органи за ение и надзор и за Article 10(9) of Directive 2 transposed by Article 30(1 national implementing pro to Article 10(9) of Directive 2 transposed by Article 30(1) national implementing pro to Article 10(9) of Directive 2 transposed by Article 30(1) national implementing pro to Article 10(9) of Directive 2 transposed by Article 30(1) national implementing pro to Article 10(9) of Directive 2 transposed by Article 30(1) national implementing pro to Article 10(9) of Directive 2 transposed by Article 30(1) national implementing pro to Article 30(1) national implementin	1) of LPSPS. The ovision is conform ve 2007/64/EC.
	representing its branches and agents:  1. the name and personal предст	управляващи и на disparation (and the properties) are клонове и на disparation (b). Article 11 of Directive 200 transposed by Article 11(2 137(3) of the LPSPS. The implementing provisions are implementing provisions are disparation.	2) and Article national are conform to
	and permanent and current данни: address; 1. имен	Аrticle 11 of Directive 200 Article 12 of Directive 200 transposed by Article 15 article 13 article 15 article 16 article 17 of Directive 200 article 17 of Directive 200 article 11 of Directive 200 article 12 of Directive 200 article 13 of Directive 200 article 15 artic	07/64/EC is and Article 137(3) of
	questionnaire: а самоли declaration of qualification, professional и насто	раттіаl conformity: Article specifies that the administration reasoned and immediately does not imply the condition	e 137(3) of LPSPS rative acts shall be renforced, but it
	reputation as per the BNB sample form;  3. a certificate showing no профес	опсетпен выпросник – сопсетпен accordingly.  ация за икация, ионален опит и  сопсетпен accordingly.  Article 13 of Directive 200 transposed by Article 17 o	07/64/EC is of LPSPS. The
	not later than one month before the date of filing the application or an analogous document in	паtional implementing pro to Article 13 of Directive 200 transposed by Article 13(1). The national implementing pro to Article 14 of Directive 200 transposed by Article 13(1). The national implementing pro to Article 13 of Directive 200 transposed by Article 13(1).	2007/64/EC. 07/64/EC is 1) and (2) of LPSPS.

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	case the person is not a Bulgarian citizen;  4. a certified transcript of the diploma for completed education;  5. a declaration certifying compliance with the requirements under Article 4, paragraph 1, items 4 to 6, and that the person has not been convicted of a premeditated crime in a country of which he is not a national;  6. a certificate of no outstanding tax and insurance liabilities;  7. where it is a representative of a legal person — a certified copy of the decision of the competent body on his appointment in a management or supervisory body of the payment institution.  Art. 6 of BNB Ord. No 16  (1) For any natural person who owns or has subscribed, directly or indirectly, qualifying holding in the applicant's capital within the meaning	2007/64/EC.  The rules on accounting and statutory audit referred to in Article 15 of Directive 2007/64/EC are transposed by Article 22 of LPSPS, Article 23(1) and 24, paragraph 1 of LPSPS. For the accounting and the electronic money institutions' auditors, Article 77(c) of LPSPS explicitly refers to Articles 22, 23 and 24, paragraph 1 of LPSPS. The abovementioned national implementing provisions are conform to Article 15 of Directive 2007/64/EC.  Article 17(7) of Directive 2007/64/EC is transposed by Article 28(1) to (5) of LPSPS. The national implementing provisions are conform to Article 17(7) of Directive 2007/64/EC.

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	of § 1, paragraph 1, items 6, 6a, 6b, 6c, 6d and 6e of the Law on Credit Institutions, the following data shall be submitted:  1. data, documents and declarations under Article 5, items 1, 3, 5, 6 and 7;  2. data about qualification and professional experience, including:  a) data about completed education, acquired qualification and current profession or occupation; b) a description of the professional experience of the person in the last five years;  3. a declaration of the origin of funds used for the contributions made against subscribed shares, equity respectively, or for the acquisition thereof; 4. a declaration stating whether:  a) a person over which he has exercised control has been declared insolvent, bankrupt respectively, or in compulsory liquidation in the last five years;  3. декларация за професионалная дейност на лиць последните 5 го за декларация за произхода на ст с които са напры вноските срещу вноските	паціопаl implementing provision is conform to Article 19 of Directive 2007/64/EC.  Аrticles 41 to 48 of BNB Ord. No16 also establishes the reporting and notification obligations by electronic money institutions and the supervisory role of BNB.  Аrticle 20 of Directive 2007/64/EC is transposed by Article 77(1) of LPSPS which designates BNB as the competent authority for the authorisation and supervision of electronic money institutions. The national implementing provision is conform to Article 20 of Directive 2007/64/EC.  Аrticle 21 of Directive 2007/64/EC is transposed by Article 123, Article 114 and Article 126 of LPSPS. The national implementing provisions are conform to Article 21 of Directive 2007/64/EC.  Аrticle 22 of Directive 2007/64/EC is transposed by Article 116 and Article 119 of LPSPS. The national implementing provisions are conform to Article 23 of Directive 2007/64/EC.  Article 23 of Directive 2007/64/EC is transposed by Article 137 of LPSPS. The national implementing provision is conform to Article 23 of Directive 2007/64/EC.  Article 24 of Directive 2007/64/EC is transposed by Article 118 of LPSPS. The national implementing provision is conform to Article 24 of Directive 2007/64/EC.  Article 24 of Directive 2007/64/EC.  Article 25(1) and (2) of Directive 2007/64/EC.

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Directive 2009/110/EC	b) a company over which he has exercised control or a company in whose managing or controlling body he has been a member or a procurator:  aa) has been subject to administrative sanctions and/or compulsory administrative measures imposed for violation of legislative acts in the area of the financial sector;  bb) has been refused a license or entry in a register kept by the BNB, the Financial Supervision Commission or analogues bodies of other countries, has been refused a membership in a trade or professional organization, or the issued license has been revoked or the entry has been deleted;  c) the person has been sanctioned for violating tay legislation:  b) a a company over which he has annucanure aktuu, съответно дялове, или с които същите са придобити.  4. декларация за това, дали:  a) лице, върху което е упражнявало контрол, е обявено за неплатежоспособно, съответно несъстоятелно или в принудителна ликвидация през последните 5 години;  б) дружество, върху което е упражнявало контрол, или дружество, в което е било член на управителен или контролен орган или прокурист:  aa) ваписаните акции, съответно дялове, или с които същите са придобити.  4. декларация за това, дали:  a) лице, върху което е упражнявало контрол, е обявено за последните 5 години;  б) дружество, върху което е упражнявало контрол, или дружество, в което е било член на управителен или контролен орган или прокурист:  aa) на бито същите са придобити.	are transposed Article 29 and Article 30(2) and (3) of LPSPS. The national implementing provisions are conform to Article 25(1) and (2) of Directive 2007/64/EC.  Article 25(3) of Directive 2007/64/EC is transposed by Article 29(9) of LPSPS. The national implementing provision is conform to Article 23(3) of Directive 2007/64/EC.  Article 25(4) of Directive 2007/64/EC is transposed in a conform manner by Article 29(8) of LPSPS.  Article 25(5) of Directive 2007/64/EC is transposed in a conform manner by Article 29(6) of LPSPS.  In summary, partial conformity is observed as regards the transposition of Article 12 of Directive 2007/64/EC which does not affect the overall transposition of Article 3(1) of the Directive.  On the basis of the above findings, it should be concluded that Article 3(1) of the Directive is transposed in a conform manner into Bulgarian legislation.
	d) the person has been dismissed from a managing or controlling body of a banking and/or financial sector enterprise within the meaning of Ordinance No. 20 of the за нарушения на нормативните актове в областта на финансовия сектор; бб) е получавало отказ за издаването на лиценз или вписването в	

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	BNB on the Issuance of Approvals under Article 11, Paragraph 3 of the Law on Credit Institutions, whose activity is subject to a licensing/registration regime as a result of an imposed compulsory administrative measure;  5. a declaration on:  a) his financial situation, the property held, the type and amount of income in the last three years and its sources;  b) the type and amount of assumed obligations, registered pledges and mortgages in favour of third parties, issued guarantees and other similar obligations. Favour of third parties, issued guarantees and other similar obligations.  (2) The following information and documents shall be submitted with respect to any legal person having or having subscribed, directly or indirectly, qualifying holding in the capital of the applicant company:	регистър, воден от БНБ, Комисията за финансов надзор или аналогични органи от други държави, отказ за членство в търговска или професионална организация, съответно издаденият му лиценз е бил отнеман или извършеното вписване е било заличено;  в) лицето е било санкционирано за нарушения на данъчното законодателство; г) лицето е било освобождавано от длъжност като член на управителен или контролен орган на предприятия от банковия и/или финансовия сектор по смисъла на Наредба № 20 от 2009 г. на БНБ за издаване на одобрения по чл. 11, ал. 3 от Закона за кредитните институции, чиято дейност подлежи на лицензионен/регистраци онен режим, в резултат на приложена принудителна административна мярка;	

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	1. a unified identification code or a statement by the Commercial Register issued not later than one month before the date of filing the application with the BNB; another analogous document shall be submitted for a nonresident;  2. a certified copy of the Articles of Association/company contract and other documents certifying establishment of the company;  3. a detailed description of the legal person's activity and audited financial statements for the period of existence of the company, unless it is a company in the process of being formed;  4. a certificate of no outstanding tax and insurance liabilities;  5. a declaration and documents of the origin of funds used for the contributions made against subscribed shares, equity respectively, or for the	

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	acquisition thereof;аналогичен документ;6. data, documents and declarations under Article2. заверен препис от устава/дружествения	
	5, items 1, 3, 5, 6 and 7 with respect to the persons managing and representing the legal person;  yeraba дружествения договор и други документи по учредяването на дружеството;	
	7. data on qualification and professional experience under paragraph 1, item 2 with respect to the persons managing and representing the legal person;  3. изчерпателно описание на дейността на юридическото лице и одитирани финансови отчети за последните 3 години или за периода на съществуването му,	
	8. a certified copy of the competent body's decision in compliance with the ocentario освен ако не е новоучредяващо се дружество;	
	association on acquisition of shares/equity in the capital of the applicant задължения;	
	company;5. декларация и9. a list of shareholders/partners of the legal person up to an actual owner; a structure and distribution of the capital between shareholders/partners;5. декларация и документи за произхода на средствата, с които са направени вноските срещу записаните акции, съответно дялове, или с които същите са придобити;	
	10. declarations made by the persons managing and representing the legal entity on the circumstances under  6. данните, документите и декларациите по чл. 5, т. 1, 3, 5, 6 и 7 за лицата, управляващи и представляващи	

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	рагадгара 1, items 4 and 5 in respect to them as natural persons.  (3) The Bulgarian National Bank may also require data and documents under paragraphs 1 and 2 with respect to the persons whose holding in the applicant's capital is not qualifying.  (4) Upon transferring the subscribed shares/equity holding in the payment institution's capital, paragraphs 1 and 2 shall be applied respectively, and the documents shall be submitted before the transfer.  (5) The applicant shall also submit to the BNB the documents under paragraphs 1 and 2 with respect to the persons with whom it is in close relations within the meaning of § 1, paragraph 1, item 10 of the Law on Credit Institutions, as well as upon a change related to these persons within a seven-day period after the change has occurred.  (3) The Bulgarian (лами на квалификацията и професионалния опит по ал. 1, т. 2 за лицата, управляващи и представляващи представляващи (представляващи и представляващи (представляващи и представляващи (представляващи и професионалния опит по ал. 1, т. 2 за лицата, управляващи и професионалния опит по ал. 1, т. 2 за лицата, управляващи и професионалния опит по ал. 1, т. 2 за лицата, управляващи и професионалния опит по ал. 1, т. 2 за лицата, управляващи и представляващи (представляващи (дялове) в капитала на капита	

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	аrt. 34 of BNB Ord. No 16  (1) The application for granting a license for conducting activities as an electronic money institution shall be filed in writing to the BNB Governing Council through the Governor heading the Banking Department.  (2) The application shall contain the name, registered office and head office addresses of the applicant and a detailed description of the activity of issuing electronic money which the applicant intends to carry out.  Art. 35 of BNB Ord. No 16  (1) The following documents with respect to the applicant shall be enclosed to the application:  1. a certified copy of the Articles of Association or the company contract; for a company in the process of being formed, a  банка може да поиска представяне на данните и документите по ал. 1 и 2 и за лица, чието участие в капичала на заявителя не е квалифицирано.  (4) При прехвърляне на акции/дялове в капитала на прилагат съответно, кате документите се представят преди извършване на прехвърлянето.  (5) Заявителят представя в БНБ документите по ал. 1 и 2 и за лица, исто участие в капичала на заявителя не е квалифацирано.  (4) При прехвърляне на акции/дялове в капитала на закрителя не е квалифацирано.  (4) При прехвърляне на прилагат съответно, кате документите се представят преди извършване на прехвърлянето.  (5) Заявителят представя в БНБ документите по ал. 1 и 2 и за лица, по институция ал. 1 и 2 се придставят преди извършване на прехвърлянето.  (5) Заявителя не е квалифацирано.  (4) При прехвърляне на акции/дялове в капитала на закции/дялове в капитала на закции/дялове в капитала на закции/дялове в капитала на придставя в БНБ документите по ал. 1 и 2 и за лица на кции/дялове в капитала на кции/дялове в капитала на кции/дялове в капитала на кции/дялове в капитала на практава в БНБ документите по ал. 1 и 2 и за лица на кции/дялове в капитала на кции/дялове в	

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	certified copy of the decision of the Constituent Meeting for establishment of the company and the Minutes of Management Bodies Election Meetings;  2. documents certifying that the capital required under Article 77a, paragraph 1 of the Law on Payment Services and Payment Systems has been paid-up; where a company is in the process of being formed, a certificate issued by a bank shall be enclosed, certifying that the contributions have been deposited on a cumulative account, and for non-monetary contributions, the documents under Articles 72 and 73 of the Commerce Law shall be enclosed;  3. a declaration and documents by the shareholders/partners on the origin of funds used for the contributions made against subscribed shares, equity respectively, or for the acquisition thereof;  4. a unified identification	Управителния съвет на БНБ чрез управителя и подуправителя, ръководещ управление "Банково".  (2) Заявлението съдържа наименование, седалище и адрес на управление на заявителя и изчерпателно описание на дейността по издаване на електронни пари, която заявителят възнамерява да извършва.  Чл. 35 от Наредба № 16  (1) Към заявлението се прилагат следните документи относно заявителя:  1. заверен препис от устава или дружествения договор, а за дружество в процес на учредяване се представя и заверен препис от решението на учредителното събрание за създаване на дружеството и от протокола от заседанието за избор на управителни органи;  2. документи, удостоверяващи, че е	

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	соde or statement by the Commercial Register issued not later than one month before filing the application with the BNB;  5. a detailed description of the applicant's activity and audited financial statements for the last three years or for the period of the existence of the company, unless it is a company in the process of being formed;  6. a business plan and forecast budget for the first three years of functioning, containing at least the following:  a) a plan for the development and economic rationale of the activity;  b) a detailed description of all activities, which the applicant intends to carry out;  c) rules and procedures for conducting activity encompassing the applicant, its branches and agents;  d) identifying the risks to server a graph and rate was a graph and forecast budget for the first three years of functioning, containing at least the following:  a) a plan for the development and economic rationale of the activity;  b) a detailed description of all activities, which the applicant, its branches and agents;  d) identifying the risks to solve the development and agents;  d) identifying the risks to solve the development and agents;  5. a detailed description of the applicant intends to carry out;  correct of the current, 3a дружество в процес на учредяване се прилагат удостоверение от банка, че паричните вноски са внесени по набирателна сметка, а за непарични вноски се прилагат документи по чл. 72 и 73 от Търговския закон;  3. декларация и документи от акционерите/ съдружниците за произхода на средствата, с които са направени вноските срещу записаните акции, съответно дялове, или с които същите са придобити;  4. единен идентификационен код или извлечение от търговския регистър, издадено преди не повече от един месец, считано от датата на подаване на заявлението до БНБ;  5. изчерпателно	
	which the electronic 5. изчерпателно	

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	money institution is exposed or might be exposed comprising the applicant, its branches and agents;  e) a forecast budget for the first three years of functioning based on realistic estimates; f) resource certainty for conducting activity; 7. rules for the management of the electronic money institution, encompassing the activities of the applicant, its branches and agents, which shall include the following: a) a managerial structure and levels of responsibility; b) systems and procedures for identification, management, control and reporting of risks to which the electronic money institution is exposed or might be exposed; c) internal control mechanisms including reliable and effective administrative and	описание на дейността на заявителя и одитирани финансови отчети за последните 3 години или за периода на съществуване на дружеството, освен ако заявителят не е дружество в процес на учредяване;  6. бизнес план и прогнозен бюджет за първите три години от дейността, които включват най-малко:  а) план за развитие и икономическа обосновка на дейността;  б) изчерпателно описание на всички дейности, които заявителят възнамерява да извършва;  в) правила и процедури за извършване на дейността, обхващащи заявителя, неговите клонове и представители; г) определяне на рисковете, на които е изложена или може да бъде изложено дружеството за	

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	d) a programme for the measures against money laundering in discharge of the obligations set forth in the Law on the Measures Against Money Laundering and the Law on the Measures Against Terrorist Financing, as well as in Regulation No. 1781/2006 of the European Parliament and the Council of 15 November 2006 on information on the payer accompanying transfers of funds;  e) draft internal rules for measures against money laundering and terrorist financing; f) measures ensuring continuity and reliability in issuing electronic money or in providing payment services; g) procedures for the implementation of safeguarding measures under Article 77d of the Law on Payment Services and Payment Systems;	електронни пари, обхващащи заявителя, неговите клонове и представители;  д) прогнозен бюджет за първите три години от дейността, основан на реалистични разчети;  е) ресурсна осигуреност за извършване на дейността;  7. правила за управление на дейността като дружество за електронни пари, обхващащи дейността на заявителя, неговите клонове и представители, които включват:  а) управленска структура и нива на отговорност; б) системи и процедури за установяване, управление, контрол и докладване на рисковете, на които е изложена или може да бъде изложен заявителят;  в) механизми за вътрешен контрол, включително надеждни и ефективни административни и	
	h) organization and	адмипистративни и	

management of the information system, including the manner of protecting information and customer data;  8. a description of the organizational structure of the applicant, including the following:  a) information on the agents and branches to be used by the applicant, where such are foreseen; where, as of the time of filing the application, agents and branches already exist, the information under Article 39 shall also be submitted; b) conditions for assigning activities to subcontractors, if foreseeable; c) interaction between the applicant and other payment service providers and/or payment systems; 9. a list of shareholders/partners and their shares/equity interests, containing their unified identification code or personal identity data;  where such are foreseen; where, as of the time of filing the applicant, and branches already exist, the clear of the payment systems; 9. a list of shareholders/partners and their shares/equity interests, containing their unified identification code or personal identity data;  where are a naps in symmatourus as approach and pay in the payment systems; 9. a list of shareholders/partners and their shares/equity interess, containing their unified identification code or personal identity data;  where are a naps in symmatourus as approach as a naretra, uppunyssassaus unpurum, paymatourus as anceptar penny data and paymatourus as approach as a naretra, uppunyssassaus unpurum, paymatourus as mepsare cpenny sammatourus and paymatourus	Directive 2009/110/EC	National Implementing Measures	Conformity Assessment
10. a list of the persons Закона за платежните		information system, including the manner of protecting information and customer data;  8. a description of the organizational structure of the applicant, including the following:  a) information on the agents and branches to be used by the applicant, where such are foreseen; where, as of the time of filing the application, agents and branches already exist, the information under Article 39 shall also be submitted; b) conditions for assigning activities to subcontractors, if foreseeable; c) interaction between the applicant and other payment service providers and/or payment systems; 9. a list of shareholders/partners and their shares/equity interests, containing their unified identification code or personal identity data;  inporpama 3a мерките срещу изпиране на пари и закона за мерките срещу изпирането на пари и 3акона за мерките срещу изпирането на пари и в тероризма, както и в Регламент № 1781/2006 на Европейския парламент и на Съвета от 15 ноември 2006 г. относно информацията за платеца, придружаваща парични преводи; Д) проект на вътрешни правила за мерки срещу изпиране на пари и финансирането на пари и 3акона за мерките срещу изпирането на пари и дероизма, както и в Регламент № 1781/2006 на Европейския парилатеца, придружаваща парични преводи; Д) проект на вътрешни правила за мерки срещу изпиране на пари и финансиране на пари и изпиране на пари и и финансиране на пари и изпиране на пари и и изпира	

having, directly or indirectly, a qualifying holding in the applicant's capital within the meaning of \$1, paragraph 1, items 6, 6a, 6b, 6c, 6d and 6e of the Law on Credit Institutions;  11. a list of the persons with whom the applicant is in close relations within the meaning of \$1, paragraph 1, item 10 of the Law on Credit Institutions;  12. a list of the persons managing and representing the applicant, members of the management and supervisory bodies of the latter and the persons managing and representing its branches and agents;  13. a list containing the addresses of the premises where the applicant will issue electronic money or provide payment services, including through a branch, as well as the addresses of the premises where the applicant will sell and buy back electronic money products through an agent;	Directive 2009/110/EC	National Implementing Measures	Conformity Assessment
1 14 a certificate of		indirectly, a qualifying holding in the applicant's capital within the meaning of § 1, paragraph 1, items 6, 6a, 6b, 6c, 6d and 6e of the Law on Credit Institutions;  11. a list of the persons with whom the applicant is in close relations within the meaning of § 1, paragraph 1, item 10 of the Law on Credit Institutions;  12. a list of the persons managing and representing the applicant, members of the management and supervisory bodies of the latter and the persons managing and representing its branches and agents;  13. a list containing the addresses of the premises where the applicant will issue electronic money or provide payment services, including through a branch, as well as the addresses of the premises where the applicant will sell and buy back electronic money products	

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	compliance of the premises in which electronic money will be issued or payment services will be carried out, including through branches, as well as the addresses of the premises where electronic money products will be sold and bought back through agents, along with the safety and fire precaution requirements under current legislation;  15. data and documents under Article 37 with respect to the persons managing and representing the applicant and to the members of its management and supervisory bodies, as well as data and documents under Article 38 with respect to the persons having a qualifying holding or with whom the applicant is in close relations.  16. a document of paid fee under Article 49.  (2) The application for a license shall be signed by the persons managing and	9. списък с акционерите/съдружниц ите и притежаваните от тях акции/дялове от капитала, съдържащ техния единен идентификационен код или лични данни по документ за самоличност;  10. списък на лицата, които пряко или косвено притежават квалифицирано дялово участие по смисъла на § 1, ал. 1, т. 6, 6а, 6б, 6в, 6г и бд от Закона за кредитните институции в капитала на заявителя;  11. списък на лицата, с които заявителят се намира в тесни връзки по смисъла на § 1, ал. 1, т. 10 от Закона за кредитните институции;  12. списък на лицата, управляващи и представляващи и представляващи заявителя, на членовете на неговите органи за управление и надзор и на лицата, управляващи и представляващи неговите клонове и	

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	representing the applicant.  (3) The enclosed documents shall be submitted in Bulgarian language or in a certified translation of the original or in a certified copy verified by the applicant, and upon request, the latter shall be obliged to submit the original of the document.  (4) A document under Article 1 may be replaced by a declaration verified by a notary public where the legal system of the foreign country does not provide for the issuance of such a document, which shall be certified by the respective competent authorities of this country by an official document.  (5) The applicant shall immediately notify in writing the BNB of any changes in the information contained in the application and in the enclosed documents which have occurred after filing	
	the application.  (6) The Bulgarian National Bank may  15. данни и документи по чл. 37 за управляващите и	

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	with the purpose of ascertaining all the circumstances required for assessment of available conditions for granting a license.  (7) For the license granted, the BNB shall provide the applicant with a specially designed certificate.  Art. 36 of BNB Ord. No 16  (1) The persons managing and representing the applicant and the members of its management and supervisory bodies shall be natural persons who:  1. have higher education; 2. have at least five-year professional experience, of which three years managerial experience in banking or financial sector enterprises or in institutions comparable to a bank within the meaning of § 1, items 2 to 4 of Ordinance No. 20 of 2009 on the Issuance of	и членовете на органи за ие и надзор, анни и и по чл. 38 за оитежаващи ирано дялово ли с които т се намира в зки; ент за платена пасно чл. 49. ението за подписва от правляващи и ияващи

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	on Credit Institutions (published; State Gazette, issue 36 of 2009; amended, issue 10 of 2010);  3. have not been convicted of a premeditated crime of general character, unless rehabilitated;  4. during the last two years have not been members of a managing or controlling body or partners with unlimited liability with a company when its activity has been terminated because of bankruptcy, if unsatisfied creditors have remained;  5. have not been deprived of the right to hold positions of financial responsibility; and  6. have not been included in the list under Article 5, paragraph 1 of the Law on the Measures Against Terrorist Financing.  (2) The requirements under paragraph 1, items 3 to 6 shall also apply to natural persons having a direct or indirect qualifying holding in the	такъв, което се удостоверява от съответните компетентни органи на тази държава с официален документ.  (5) Заявителят е длъжен незабавно писмено да информира БНБ при настъпване на промени в информацията, съдържаща се в заявлението и в приложените към него документи, настъпили след подаване на заявлението.  (6) Българската народна банка може да изисква представянето на допълнителни документи с цел да бъдат установени обстоятелствата, необходими за извършване на преценка налице ли са условията за издаване на лиценз.  (7) За издадения лиценз БНБ предоставя на заявителя художествено оформено удостоверение.  Чл. 36 от Наредба № 16	

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	аpplicant's capital, as well as to persons who by law represent the legal persons having a direct or indirect qualifying holding in the applicant's capital.  (3) The requirements under paragraph 1, items 3 to 6 shall also apply to the persons managing and representing the applicant's branches and agents.  (4) In case of a change of the persons under paragraphs 1, 2 and 3, all requirements under this Article shall be observed, and within a seven-day period after the change the electronic money institution shall notify the BNB thereof and shall enclose the respective documents required for these persons under this Ordinance.  Art. 37 of BNB Ord. No 16  The documents and information under Article 5 shall be submitted with respect to the persons managing and representing the applicant and to the	н от вия о а а а а а а а а а а а а а а а а а а
	the applicant and to the поради несъстоятелно	v <sup>1</sup> ,

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	members of its ако са останали неудовлетворени supervisory bodies. кредитори;	
	Art. 38 of BNB Ord. No 16  (1) For any natural person or legal entity who owns or has subscribed, directly or indirectly, qualifying holding in the applicant's capital within the meaning of § 1, paragraph 1, items 6, 6a, 6b, 6c, 6d and 6e of the Law on Credit Institutions, the documents and information under Article 6 shall be submitted.  (2) The Bulgarian National Bank may also require data and documents under Article 6, paragraphs 1 and 2 with respect to the persons whose holding in the applicant's capital is not qualifying.  5. He са лишени от право да заемат материалноотговорна длъжност; и  6. He са включени в списъка по чл. 5, ал. 1 от Закона за мерките срещу финансирането на тероризма.  (2) Изискванията по ал. 1, т. 3—6 се прилагат и за физическите лица, които пряко или косвено притежават квалифицирано дялово участие в капитала на заявителя.	
	(3) Upon transferring the subscribed shares/equity holding in the electronic money institution's capital, paragraphs 1 and 2 shall be applied respectively, and the documents shall be	

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	submitted before the transfer.  (4) The applicant shall also submit to the BNB the documents under Article 6, paragraphs 1 and 2 with respect to the persons with whom it is in close relations within the meaning of § 1, paragraph 1, item 10 of the Law on Credit Institutions, as well as upon a change related to these persons within a seven-day period after the change has occurred.  Art. 39 of BNB Ord. No 16  (1) An electronic money institution shall not issue electronic money through agents.  (2) An electronic money institution may distribute and redeem electronic money through agents which are traders acting on behalf of this electronic money institution.  (3) If the applicant intends to carry out activities through a branch or will distribute and redeem electronic money through a period after the change has occurred.  (1) An electronic money institution may distribute and redeem electronic money through a branch or will distribute and redeem electronic money through a branch or will distribute and redeem electronic money through a branch or will distribute and redeem electronic money through a branch or will distribute and redeem electronic money through a branch or will distribute and redeem electronic money through a branch or will distribute and redeem electronic money through a branch or will distribute and redeem electronic money through a branch or will distribute and redeem electronic money through a branch or will distribute and redeem electronic money through a branch or will distribute and redeem electronic money through a branch or will distribute and redeem electronic money through a branch or will distribute and redeem electronic money through a branch or will distribute and redeem electronic money through a branch or will distribute and redeem electronic money through a branch or will distribute and redeem electronic money through a branch or will distribute and redeem electronic money through a branch or will a supparation and a panch or will a supparation and a part of the persons within a conc	

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	ап agent, it shall submit to the BNB the following information and documents:  1. the name, registered office and address of the applicant, a unified identification code or a statement by the Commercial Register of the applicant issued not later than one month before filing the documents with the BNB, and the number of the license for issuing electronic money issued by the BNB;  2. the name, registered office and address of the agent or branch;  3. a unified identification code or a statement by the Commercial Register of the agent or branch issued not later than one month before filing the documents with the BNB;  4. a list of the persons managing and representing the agent or branch and the documents under Article 37 with regard to the persons certifying compliance with the	

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	requirements of Article 36; 5. a declaration that the rules and procedures under Article 35, paragraph 1, item 7 apply also to the branch or agent the applicant wishes to register.  (4) Where the agent is an institution licensed by the BNB, the applicant may submit to the BNB only information on the date and the registration number of the information that has already been submitted to the BNB pursuant to the requirements of another legislative act, which complies with the content and size of the information required under paragraph 1.  (5) The Bulgarian National Bank shall enter, refuse to enter or delete the branch or agent of the electronic money institution into/from the register maintained by the BNB on the grounds	да разпространява и изкупува обратно електронни пари чрез представители — търговци, действащи от негово име.  (3) Когато заявителят ще извършва дейност чрез клон или ще разпространява и изкупува обратно електронни пари чрез представител, той представя в БНБ следната информация и документи:  1. наименование,	
	provided for in Article 77f of the Law on Payment	на електронни пари; 2. наименование,	

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	Services and Payment Systems.  (6) The BNB shall also enter in its register electronic money institutions licensed in the Republic of Bulgaria which will conduct activity directly or through a branch or will distribute and redeem electronic money institutions licensed in other Member State, as well as electronic money institutions licensed in other Member States which will conduct activity directly or through a branch or will distribute and redeem electronic money through an agent on the territory of the Republic of Bulgaria upon fulfillment of the requirements under Article 77f of the Law on Payment Services and Payment Systems.  Art. 41 of BNB Ord. No 16  (1) The electronic money institution shall prepare a report on its own funds on the basis of the balance	

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	consolidated basis as of the last day of each quarter. This report shall be submitted to the BNB вапкіпд Department by the 15 <sup>th</sup> day of the month представен информація изисквания нормативе съдържания съдържания	ия, съгласно ята на друг н акт, която а ието и обема ната по ал. 1
	institution shall submit a consolidated own funds report twice a year by the 30th day following the reporting period. банка вписване и клона или на дружест електроння	и пари във
	heading the BNB Banking Department shall determine in instructions the form and content of the own funds report.  на основан предвиден Закона за п услуги и п системи.	и в чл. 77e от платежните латежните
	Art. 42 of BNB Ord. No16се вписват за електро лицензира institution must notify the BNB of the additionalрепублика които ще и	ни в България, извършват пректно или ще
	Systems, which it intends to perform within seven days prior to their изкупуват електронни представит	обратно и пари чрез гел на га на държава- кто и

of the Bulgarian National Bank heading the Banking Department may require from the electronic money institution additional information on each item in the own funds report.  Art. 43 of BNB Ord. No 16 The Bulgarian National Bank may conduct examinations of the accuracy in preparing the report under Article 41, including on-site inspections and comparison between the data in the report and those in the accounting and operational reporting of the electronic money institution.  Art. 44 of BNB Ord. No 16 A company licensed to conduct activity as an electronic money institution shall be obliged to submit to the BNB is a manual propersist of the propersion of the electronic money institution shall be obliged to submit to the BNB is a manual propersion of the propersion of the electronic money institution shall be obliged to submit to the BNB is a manual propersion of the propersion of the electronic money institution shall be obliged to submit to the BNB is a propersion of the propersion of the electronic money institution shall be obliged to submit to the BNB is a propersion of the propersion of the electronic money institution shall be obliged to submit to the BNB is a propersion of the propersion of the electronic money institution shall be obliged to submit to the BNB is a propersion of the propersion of the electronic money institution shall be obliged to submit to the BNB is a propersion of the electronic money institution shall be obliged to submit to the BNB is a propersion of the electronic money institution shall be obliged to submit to the BNB is a propersion of the electronic money institution shall be obliged to submit to the BNB is a propersion of the electronic money institution shall be obliged to submit to the BNB is a propersion of the electronic money institution shall be obliged to submit to the BNB is a propersion of the electronic money institution shall be obliged to submit to the BNB is a propersion of the electronic money institution shall be obliged to submit to the BNB is a propersion of the	Directive 2009/110/EC	National Implementing Measures		Conformity Assessment
annual financial statements certified by a specialized audit company, which is a registered audit enterprise under the Law on the Independent отчетния период.  (2) Дружеството за електронни пари представя отчет за собствения капитал на консолидирана основа на		Bank heading the Bankin Department may require from the electronic mone institution additional information on each item in the own funds report.  Art. 43 of BNB Ord. Not 16  The Bulgarian National Bank may conduct examinations of the accuracy in preparing the report under Article 41, including on-site inspections and comparison between the data in the report and those in the accounting and operational reporting of the electronic money institution.  Art. 44 of BNB Ord. Not 16  A company licensed to conduct activity as an electronic money institution shall be oblige to submit to the BNB its annual financial statements certified by a specialized audit compan which is a registered audenterprise under the Law	у държави-членки, които ще извършват дейност директно или чрез клон или ще разпространяват и изкупуват обратно електронни пари чрез представител на територията на Република България след изпълнение на изискванията по чл. 77е от Закона за платежните услуги и платежните системи.  Чл. 41 от Наредба № 16  (1) Дружеството за електронни пари съставя отчет за собствения капитал въз основа на баланса на неконсолидирана основа към последната дата на всяко тримесечие.  Отчетът се представя в управление "Банково" на БНБ до 15-о число на месеца, следващ отчетния период.  (2) Дружеството за електронни пари представя отчет за собствения капитал на собствения капитал на	

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	Financial Audit, within a seven-day period after receiving the auditors' report, but not later than 15 April of the calendar year following the year reviewed in the report, as well as the interim financial statements by the end of the calendar month following the reporting six-month period.  B сяко шестмесечие до 30 дни след края на отчетния период.  (3) Подуправителят, ръководещ управление "Банково" на БНБ, определя с указания формата и съдържанието на отчета за собствения капитал.  Чл. 42 от Наредба № 16	
	Art. 46 of BNB Ord. No 16  (1) The payment system operators shall immediately notify the BNB in the following cases:  1. if their solvency is in jeopardy;  2. if they have begun a comprehensive review and/or upgrade of the information systems, or if they have started developing a new package of services which significantly affect the state of the information technology, as well as in case of changes to the system's functionality;  3. in all other events which  (1) Дружеството за електронни пари е длъжно да уведоми БНБ за допълнителните дейности по чл. 77д от Закона за платежните услуги и платежните системи, които възнамерява да извършва, в срок до 7 дни преди да започне извършването им.  (2) Подуправителят, ръководещ управление "Банково" на БНБ, може да изисква от дружеството за електронни пари допълнителни сведения по всяка позиция на отчета за собствения капитал.	

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	may be related to the governance of the payment system.  (2) The payment institutions and electronic money institutions shall immediately notify the BNB in the following cases:  1. if their solvency is in jeopardy;	Българската народна банка може да извършва проверки за верността на съставянето на отчета по чл. 41, включително и чрез проверки на място и сравняване на данните от отчета с тези по счетоводната и оперативната отчетност на дружеството за електронни пари.	
	2. if the amount of the payment institution's own funds has decreased below the higher amount under Articles 8 or 9 of the Law on Payment Services and Payment Systems, and correspondingly the amount of the electronic money institution's own funds has decreased below the higher amount under Articles 77a or 77b, paragraphs 2–6 of the Law on Payment Services and Payment Systems.  Art. 48 of BNB Ord. No 16  (1) Payment service providers shall submit to the BNB information about payment services	Чл. 44 от Наредба № 16  Дружество, лицензирано да извършва дейност като дружество за електронни пари, е длъжно да представя на БНБ годишни финансови отчети, заверени от специализирано одиторско предприятие, вписано в регистъра на регистрирани одитори съгласно Закона за независимия финансов одит, в срок до 7 дни от получаването на одиторския доклад, но не по-късно от 15 април на календарната година, следваща годината, за която отчетът се отнася, както и междинни финансови отчети в срок	

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	institutions shall submit to the BNB information about electronic money issued, delivered and redeemed by them.  (3) The Deputy Governor of the BNB heading the Banking Department shall determine in instructions the content, form and time limits for submission of the reports under paragraphs 1 and 2.  2. archimocratic paragraphs 1 and 2.	и, следващ отчетния гмесечен период.  46 от Наредба № 16  Операторите на гмежни системи бавно уведомяват в следните случаи:  о семоспособността им грашена;  о са предприели гметване на гметване на гметвен преглед и/или гмеменяване на гметването на нов гметуслуги, които в ителна степен гат състоянието на гметращионната ология, както и при дени, свързани с кционалността на гметната система; гметването на гмета система; гметването на гмета система.  Илатежните итуции и кествата за тронни пари

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	незабавно уведомяват БНБ в следните случаи:	
	1. ако платежоспособността им е застрашена;	
	2. ако собственият капитал на платежната институция е спаднал под по-голямата от стойностите по чл. 8 или по чл. 9 от Закона за платежните услуги и платежните системи, съответно собственият капитал на дружеството за електронни пари е спаднал под по-голямата от стойностите по чл. 77а или по чл. 776, ал. 2 — 6 от Закона за платежните услуги и платежните услуги и платежните системи.	
	Чл. 48 от Наредба № 16	
	(1) Доставчиците на платежни услуги предоставят на БНБ информация относно предоставяните от тях платежни услуги.	
	(2) Дружествата за електронни пари предоставят на БНБ информация относно издаваните,	

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					разпространявани и изкупувани обратно от тях електронни пари. (3) Подуправителят, ръководещ управление "Банково" на БНБ, определя с указание съдържанието, формата и сроковете за подаване на отчетите по ал. 1 и 2.	
Art. 3(2)	Electronic money institutions shall inform the competent authorities in advance of any material change in measures taken for safeguarding of funds that have been received in exchange for electronic money issued.	2. Институциите за електронни пари информират компетентните органи предварително за всяко съществено изменение в мерките, предприемани за защита на средства, които са били получени в замяна на издадените електронни пари.	LPSPS , Art. 77(d)( 3)	Article 77(d) of LPSPS  (3) The electronic money institution shall inform the BNB in advance of any material change in the measures taken to safeguard funds received in exchange for electronic money issued.	Чл. 77(г) от ЗПУПС  (3) Дружеството за електронни пари информира БНБ предварително за всяко съществено изменение в мерките, предприемани за защита на средствата, които са били получени в замяна на издадените електронни пари.	CONFORM  Article 77(d)(3) of LPSPS literally transposes Article 3(2) of the Directive.
Art. 3(3) 1 <sup>st</sup> subpar a.	3. Any natural or legal person who has taken a decision to acquire or dispose of, directly or indirectly, a qualifying holding within the meaning of point 11 of Article 4 of Directive 2006/48/EC in an electronic money institution, or to further increase or reduce, directly	3. Всяко физическо или юридическо лице, което е взело решение да придобие или продаде, пряко или непряко, квалифицирано дялово участие в институция за електронни пари по смисъла на член 4, точка 11 от Директива 2006/48/ЕО или да увеличи или намали	LPSPS , Art. 77(g)	Article 77(g) of LPSPS  (1) A natural person or legal entity, as well as persons acting in consent, may not without prior approval by the BNB acquire directly or indirectly shares or voting shares/stakes in an electronic money institution licensed in the Republic of Bulgaria, if as	Чл. 77(ж) от ЗПУПС  (1) Физическо или юридическо лице, както и лица, действащи съгласувано, не могат без предварително одобрение от БНБ да придобиват пряко или косвено акции или право на глас по акции/дялове в дружество за електронни пари,	CONFORM  Article 77(g) of LPSPS transposes Article 3(3) first subparagraph of the Directive.  The above-mentioned national provision envisages two different cases.  On the one hand, further to the Directive provision, the BNB needs to give its approval in cases of acquisition of a qualifying holding in an electronic money institution licensed in Bulgaria, or disposal or increase of 20 %, 30 % or 50 % of the shares or of the voting

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or indirectly, such qualifying holding as a result of which the proportion of the capital or of the voting rights held would reach, exceed or fall below 20 %, 30 % or 50 %, or so that the electronic money institution would become or cease to be its subsidiary, shall inform the competent authorities of their intention in advance of such acquisition, disposal, increase or reduction.	допълнително, пряко или непряко, такова квалифицирано дялово участие, в резултат на което делът от капитала или от правото на глас би достигнал, надвишил или спаднал под 20, 30 или 50 %, или по такъв начин, че институцията за електронни пари би станала или би престанала да бъде негово дъщерно дружество, информира компетентните органи за своето намерение преди съответното придобиване, продажба, увеличаване или намаляване на дялово участие.	a result of the acquisit the holding becomes qualified or if this hold reaches or exceeds the 30 or 50 per cent thresholds of the shares/stakes or of the voting shares/stakes as well as when the electronic money institution becomes a subsidiary.  (2) Any natural person legal entity which inte to transfer directly or indirectly its qualifyin holding in an electron money institution lice in the Republic of Bulgaria or to decreas qualifying holding in a way that its shares/stakes or its voting shares/stakes fall belo 20, 30 or 50 per cent of capital, shall inform the BNB for the amount of holding prior to the transfer and for the amount of the holding after the transfer.	Република България, ако в резултат на придобиването участието им става квалифицирано или ако това участие достига или надхвърля праговете от 20, 30 или 50 на сто от акциите/дяловете или от правото на глас по акциите/дяловете, както и когато дружеството за електронни пари става дъщерно дружество.  (2) Всяко физическо или юридическо лице, което възнамерява да прехвърли пряко или непряко квалифицираното си дялово участие в дружество за електронни пари, лицензирано в f the е да намали	rights. Such approval is also required in the event where the electronic money institution becomes a subsidiary.  Moreover, Article 77(g)(1) of LPSPS not only refers to natural or legal persons as the Directive, but also to "persons acting in consent". Although the wording slightly differs, it does not affect the conformity.  On the other hand, Article 77(g)(2) of LPSPS requires that the BNB is informed in cases of transfer of a qualifying holding or reduction of 20%, 30% or 50% of the shares or the voting shares.  Nevertheless, although the Bulgarian law provides for stricter measures than the Directive, this is not contrary to the spirit of the Directive requirement.  Article 77(g) of LPSPS is therefore conform to the Directive provisions.

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					което притежава преди прехвърлянето, и за размера на дяловото си участие, което ще притежава след прехвърлянето.	
Art. 3(3) 2 <sup>nd</sup> subpar a.	The proposed acquirer shall supply to the competent authority information indicating the size of the intended holding and relevant information referred to in Article 19a(4) of Directive 2006/48/EC.	Предлаганият приобретател предоставя на компетентния орган информация, в която се посочват размерът на предвижданото дялово участие и съответната информация, посочена в член 19а, параграф 4 от Директива 2006/48/ЕО.	LPSPS , Art. 77(g)(3 )	Article 77(g) of LPSPS  (3) For the cases under paragraphs 1 and 2, Articles 28, 28a, 28b, 31, 32 and 34 of the Law on Credit Institutions shall apply accordingly.	Чл. 77(ж) от ЗПУПС  (3) В случаите по ал. 1 или 2 се прилагат съответно чл. 28, 28а, 286, 31, 32 и 34 от Закона за кредитните институции.	Article 77(g)(3) of LPSPS transposes Article 3(3), second subparagraph of the Directive.  In compliance with the Directive 2006/48/EC, Article 77(g)(3) of LPSPS makes a reference to the provisions of the Law on Credit Institutions dealing with the approval procedure and the information which should be supplied to BNB. Article 28(a) of the Law on Credit Institutions literally transposes Article 19a(4) of Directive 2006/48/EC.  Article 77(g)(3) of LPSPS is therefore conform to the Directive provisions.
Art. 3(3) 3 <sup>rd</sup> subpar a.	Where the influence exercised by the persons referred to in the second subparagraph is likely to operate to the detriment of the prudent and sound management of the institution, the competent authorities shall express their opposition or take other appropriate measures to bring that situation to an end. Such measures may include injunctions,	Когато влиянието, упражнявано от лицата, посочени във втора алинея, може да е във вреда на благоразумното и надеждно управление на институцията, компетентните органи изразяват своето несъгласие или предприемат други подходящи мерки, за да се сложи край на това положение. Мерките	LPSPS , Art. 77(g)(5	Article 77(g) of LPSPS  (5) Where shareholders/stakeholders are temporarily suspended of their voting rights under paragraph 4, the amount of the shares held by them shall not be taken into consideration when the quorum for holding the shareholders' general meeting and for taking decisions by this meeting is formed. In these cases,	Чл. 77(ж) от ЗПУПС  (5) Когато акционери/съдружници са лишени временно от право на глас по реда на ал. 4, размерът на притежаваните от тях акции не се взема предвид при изчисляване на необходимия кворум за провеждане на общото събрание на акционерите/съдружниц ите и за вземане на	PARTIALLY CONFORM  Article 77(g)(5) of LPSPS transposes Article 3(3), third subparagraph of the Directive.  On the one hand, the Directive refers to a situation where the prudent and sound management of the electronic money institution is endangered because of the influence exercised by the persons in question and in order to end this, the latter may be suspended of their voting rights.  On the other hand, the NIM refers to the specific case mentioned in Article 77(g)(4) of LPSPS where the management of the

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	sanctions against directors or managers, or the suspension of the exercise of the voting rights attached to the shares held by the shareholders or members in question.	могат да включват обезпечителни мерки, санкции срещу ръководните лица или управителите или спиране на упражняването на право на глас, произтичащо от акциите, притежавани от въпросните акционери или членове.		if the soundness and safety of the electronic money institution's management or its operations is endangered, the BNB may limit the institution's activity by forbidding to perform certain activities or by disallowing payment of dividends or distribution of capital in any form whatsoever.	решение от това събрание. В тези случаи, ако възниква опасност за надеждността или сигурността в управлението на дружеството за електронни пари, БНБ може да ограничи дейността на дружеството, като му забрани да извършва определени дейности или да забрани плащането на дивиденти или под друга форма разпределянето на капитал.	institution is endangered as a result of the suspension of some shareholders' voting rights. In the latter case, the BNB can temporarily suspend the voting rights of shareholders/stakeholders in the absence of its prior approval to the acquisition of a qualifying holding.  In these cases, the BNB can adopt specific measures such as forbidding the performance of certain activities or disallowing the payment of dividends.  Therefore, the NIM limits the application of safeguarding measures only to the cases of temporary suspension of voting rights.  Article 77(g)(5) of LPSPS is thus partially conform to the Directive provisions.
Art. 3(3) 4 <sup>th</sup> subpar a.	Similar measures shall apply to natural or legal persons who fail to comply with the obligation to provide prior information, as laid down in this paragraph.	Подобни мерки се прилагат по отношение на физически или юридически лица, които не са изпълнили задължението да предоставят предварителната информация, както е предвидено в настоящия параграф.	LPSPS , Art. 77(g)(3	Art. 77(g) of LPSPS  (3) For the cases under paragraphs 1 and 2, Articles 28, 28a, 28b, 31, 32 and 34 of the Law on Credit Institutions shall apply accordingly.	Чл. 77(ж) от ЗПУПС  (3) В случаите по ал. 1 или 2 се прилагат съответно чл. 28, 28а, 286, 31, 32 и 34 от Закона за кредитните институции.	CONFORM  Article 77(g)(3) of LPSPS transposes Article 3(3) fourth subparagraph of the Directive.  Article 77(g)(3) of LPSPS makes a reference to the provisions of the Law on Credit Institutions dealing with the obligation to provide information and the measures applicable in case of breach of such an obligation. Article 31 and 32 of the Law on Credit Institutions refers to Article 103, paragraph 2, item 15 of the LCI which allows the BNB to temporarily suspend the voting rights of a shareholder and/or issue written orders to a shareholder to dispose of the shares held by him.  In such a case, the BNB can impose measures

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						similar to the ones mentioned under Article 77(g)(5) of LPSPS.  Thus, Article 3(3), fourth subparagraph of LPSPS is conform to the Directive provisions.
Art. 3(3) 5 <sup>th</sup> subpar a.	If a holding is acquired despite the opposition of the competent authorities, those authorities shall, regardless of any other sanction to be adopted, provide for the exercise of the voting rights of the acquirer to be suspended, the nullity of votes cast or the possibility of annulling those votes.	Ако въпреки възражението на компетентните органи бъде придобито дялово участие, компетентните органи, независимо от всякаква друга санкция, която може да се приема, предвиждат или спиране упражняването на правата на глас на приобретателя, или обявяване на подадените гласове за невалидни, или тяхното анулиране.	LPSPS , Art. 77(g)(4)	Art. 77(g) of LPSPS  (4) If an approval under paragraph 1 has not been asked for in the set time limit or it has been refused, the BNB may temporarily suspend the voting rights of the shareholder/stakeholder and/or issue a written order to a shareholder/stakeholder to dispose of the shares/stakes held by him within 30 days.	Чл. 77(ж) от ЗПУПС  (4) Ако одобрение по ал. 1 не бъде поискано в срок или бъде отказано, БНБ може да лиши временно от право на глас акционер/съдружник и/или да му нареди писмено да прехвърли притежаваните от него акции/дялове в срок до 30 дни.	PARTIALLY CONFORM  Article 77(g)(4) of LPSPS transposes Article 3(3), fifth subparagraph of the Directive.  In compliance with the Directive, Article 77(g)(4) of LPSPS refers to the cases where a holding is acquired despite the refusal of BNB. Moreover, the national provision refers also to the case where an approval has not been asked of BNB within the indicated time limit.  Although the Directive states the minimum core of sanctions which are to be adopted with regards to the exercise of the voting rights of the acquirer, the above-mentioned national provision envisages only two possible sanctions: suspension of the voting rights and/or an order to dispose of the shares held by the acquirer in a defined time limit (30 days). In this case, the nullity of votes is not foreseen in Bulgarian legislation.  Therefore, Article 77(g)(4) of LPSPS is partially conform to Article 3(3), fifth subparagraph of the Directive.
Art. 3(3) 6 <sup>th</sup> subpar a.	The Member States may waive or allow their competent authorities to waive the application of	Държавите-членки могат да освобождават или да разрешат на своите компетентни органи да	N/A	N/A	N/A	Article 3(3), sixth subparagraph of the Directive sets out an option. Owing to this option, Bulgaria has not chosen to apply it. In this regard, no corresponding provision could

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	all or part of the obligations pursuant to this paragraph in respect of electronic money institutions that carry out one or more of the activities listed in Article 6(1)(e).	освобождават от прилагането напълно или частично на задълженията по настоящия параграф институциите за електронни пари, които извършват една или повече от дейностите, изброени в член 6, параграф 1, буква д).				be located in the Bulgarian legislation either.
Art. 3(4)	4. Member States shall allow electronic money institutions to distribute and redeem electronic money through natural or legal persons which act on their behalf. Where the electronic money institution wishes to distribute electronic money in another Member State by engaging such a natural or legal person, it shall follow the procedure set out in Article 25 of Directive 2007/64/EC.	4. Държавите-членки позволяват на институциите за електронни пари да разпространяват и изкупуват обратно електронни пари чрез физически или юридически лица, действащи от тяхно име. Ако институция за електронни пари желае да разпространява електронни пари в друга държава-членка, ангажирайки такова физическо или юридическо лице, тя следва процедурите, предвидени в член 25 от Директива 2007/64/ЕО.	LPSPS , Art. 77(f)(2 ), (3), (5), (6) BNB Ord. No 16, Art. 39(2)	Art. 77(f) of LPSPS  (2) The electronic money institution may distribute and redeem electronic money through a business agent acting under the name of the electronic money institution.  (3) For the agents and branches of the electronic money institution Article 25, paragraphs 2–5, Articles 26 and 27 shall apply accordingly, and for the entities to which activities are outsourced Articles 27 and 28 shall apply accordingly.  (5) Electronic money institution licensed in the Republic of Bulgaria may pursue its business directly or through a branch in	<ul> <li>Чл. 77(е) от ЗПУПС</li> <li>(2) Дружество за електронни пари може да разпространява и изкупува обратно електронни пари чрез представители – търговци, действащи от негово име.</li> <li>(3) За представителите и клоновете на дружество за електронни пари се прилагат съответно чл. 25, ал. 2–5, чл. 26 и 27, а за подизпълнителите се прилагат съответно чл. 27 и 28.</li> <li>(5) Дружество за електронни пари, лицензирано в Република България, може да извършва дейност директно или</li> </ul>	Article 77(f)(2) of LPSPS and Article 39(2) of BNB Ord. No 16 almost literally transpose Article 3(4) of the Directive.  Although, the Directive provision refers to "natural and legal persons", the NIM limits the scope to business agents acting under the name of the electronic money institution.  Furthermore, Article 77(f)(5) and (6) of LPSPS authorise the application of Article 29 and 30 of LPSPS to electronic money institutions. On the one hand, Article 29 of LPSPS sets out the right of payment institutions licensed in Bulgaria to establish a branch, agent or provide activities directly in another Member State after notifying the BNB in writing. The submitted information covers the requirements of Article 25 of Directive 2007/64/EC. On the other hand, Article 30 of LPSPS sets out the right of payment institutions licensed in another Member State to pursue their business directly or through an agent in Bulgaria.

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	another Member State as set out in Article 29. Electronic money institution licensed in another Member State may pursue its business directly or through a branch in the Republic of Bulgaria as set out in Article 30.  (6) Electronic money institution licensed in the Republic of Bulgaria may distribute and redeem electronic money in another Member State through an agent as set out in Article 29. Electronic money institution licensed in another Member State may distribute and redeem electronic money institution licensed in another Member State may distribute and redeem electronic money in the Republic of Bulgaria through an agent as set out in Article 30.  Art. 39 of BNB Ord. No 16  (2) An electronic money institution may distribute and redeem electronic money through agents which are traders acting on behalf of this electronic money institution.	чрез клон на територията на друга държава-членка по реда на чл. 29. Дружество за електронни пари, лицензирано в друга държава-членка, може да извършва дейност директно или чрез клон на територията на Република България по реда на чл. 30.  (6) Дружество за електронни пари, лицензирано в Република България, може да разпространява и изкупува обратно електронни пари на територията на друга държава-членка чрез представител по реда на чл. 29. Дружество за електронни пари, лицензирано в друга държава-членка, може да разпространява и изкупува обратно електронни пари, лицензирано в друга държава-членка, може да разпространява и изкупува обратно електронни пари на територията на Република България чрез представител по реда на чл. 30.  Чл. 39 от Наредба № 16 (2) Дружество за	In compliance with Article 3(4) and recital 10 of the Directive, both types of electronic institutions can distribute and redeem electronic money through agents.  Article 77(f)(2) of LPSPS and Article 39(2) of BNB Ord. No 16 are therefore conform to Article 3(4) of the Directive.

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					електронни пари може да разпространява и изкупува обратно електронни пари чрез представители — търговци, действащи от негово име.	
Art. 3(5)	5. Notwithstanding paragraph 4, electronic money institutions shall not issue electronic money through agents. Electronic money institutions shall be allowed to provide payment services referred to in Article 6(1)(a) through agents only if the conditions in Article 17 of Directive 2007/64/EC are met.	5. Без да се засяга параграф 4, институциите за електронни пари не издават електронни пари чрез представители. На институциите за електронни пари се позволява да предоставят чрез представители платежните услуги, посочени в член 6, параграф 1, буква а), само ако са спазени условията съгласно член 17 от Директива 2007/64/ЕО.	LPSPS , Art. 77(f)(1 ), (4) and (7) BNB Ord. No 16, Art. 39(1)	Art. 77(f) of LPSPS  (1) The electronic money institution shall not issue electronic money through an agent.  (4) Electronic money institution may provide payment services through an agent if the conditions of Article 25, paragraphs 2–5, Articles 26 and 27 are met accordingly, or assign the performance of operational functions related to payment services if the conditions of Articles 27 and 28 are met accordingly.  (7) Electronic money institution licensed in the Republic of Bulgaria may provide payment services in another Member State through an agent as set out in Article 29. Electronic money institution licensed in another Member State in another Member State	Чл. 77(е) от ЗПУПС  (1) Дружество за електронни пари не може да издава електронни пари чрез представители.  (4) Дружество за електронни пари може да предоставя чрез представители платежни услуги, ако са спазени съответно условията на чл. 25, ал. 2–5, чл. 26 и 27, или да възлага осъществяването на оперативни функции, свързани с платежни услуги, ако са спазени съответно условията на чл. 27 и 28.  (7) Дружество за електронни пари, лицензирано в Република България, може да предоставя платежни услуги на територията на друга	CONFORM  Article 77(f)(1), (4) and (7) of LPSPS and Article 39(1) of BNP Ordinance No 16 transpose Article 3(5) of the Directive.  Article 77(f)(1) of LPSPS and Article 39(2) of BNB Ord. No 16 clearly establish the prohibition for electronic money institutions to issue electronic money through agents in accordance with Article 3(5) and recital 10 of the Directive.  When electronic money institutions intend to provide payment services through agents, Article 77(f)(4) of LPSPS requires the respect of the relevant articles applicable to payment institutions. Therefore, such agents need to be registered following the conditions set down under Article 25, paragraphs 2-5, Articles 26 and 27 of LPSPS.  In this regard, Article 17 of Directive 2007/64/EC is transposed by Articles 25, 26, 27 and 28 of LPSPS. The national implementing provisions are conform to Article 17 of Directive 2007/64/EC.  Article 77(f)(1), (4) and (7) of LPSPS and Article 39(1) of BNP Ordinance No 16 are therefore conform to the Directive provisions.

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				may provide payment services in the Republic of Bulgaria through an agent as set out in Article 30.  Art. 39 of BNB Ord. No 16  (1) An electronic money institution shall not issue electronic money through agents.	държава-членка чрез представител по реда на чл. 29. Дружество за електронни пари, лицензирано в друга държава-членка, може да предоставя платежни услуги на територията на Република България чрез представител по реда на чл. 30.  Чл. 39 от Наредба № 16 (1) Дружество за електронни пари не може да издава електронни пари чрез представители.	
Art. 4	Article 4 Initial capital Member States shall require electronic money institutions to hold, at the time of authorisation, initial capital, comprised of the items set out in Article 57(a) and (b) of Directive 2006/48/EC, of not less than EUR 350000.	Член 4 Начален капитал Държавите-членки изискват от институциите за електронни пари да разполагат към момента на получаване на лиценз с начален капитал, включващ позициите, посочени в член 57, букви а) и б) от Директива 2006/48/EO, от не по-малко от 350 000 EUR.	LPSPS , Art. 77(a)(1 ) and (2) BNB Ord. No 16, Art. 40(1)	Art. 77(a) of LPSPS  (1) The electronic money institutions shall hold, at the time of license issuance, initial capital, of not less than BGN 700,000.  (2) The positions included in the initial capital shall be specified in the Ordinance under Article 77, paragraph 3.  Art. 40 of BNB Ord. No 16  (1) The elements under Article 9, paragraph 1,	Чл. 77(а) от ЗПУПС  (1) Към момента на получаване на лиценза дружеството за електронни пари трябва да разполага с начален капитал в размер не помалко от 700 000 лв.  (2) Позициите, които се включват в началния капитал, се определят с наредбата по чл. 77, ал. 3.  Чл. 40 от Наредба № 16  (1) В началния капитал по чл. 77а от Закона за	CONFORM  Article 77(a)(1) and (2) of LPSPS and Article 40 of BNP Ordinance No 16 transpose Article 4 of the Directive.  Article 77(a)(1) of LPSPS sets a minimum initial capital of BGN 700,000 (which is approximately EUR 350,000). In this regard, the national provision ensures "an appropriate level of consumer protection and the sound and prudent operation of electronic money institutions" which is in line with recital 11 of the Directive.  Furthermore, Article 40(1) of BNB Ord. No 16 requires the inclusion of the elements under Article 9, paragraph 1, items 1 and 2 of BNB Ord. No 16 in the initial capital of electronic money institutions. The latter

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				items 1 and 2 shall be included in the initial capital under Article 77a of the Law on Payment Services and Payment Systems which the electronic money institution shall have as of the date of obtaining the license.	платежните услуги и платежните системи, с който дружеството за електрони пари трябва да разполага към момента на получаване на лиценз, се включват елементите по чл. 9, ал. 1, т. 1 и 2.	article is a direct transposition of Article 57(a) and (b) of Directive 2006/48/EC.  Article 77(a)(1) and (2) of LPSPS and Article 40 of BNP Ordinance No 16 are therefore conform to the Directive provisions.
Art. 5(1)	Article 5 Own funds  1. The electronic money institution's own funds, as set out in Articles 57 to 61, 63, 64 and 66 of Directive 2006/48/EC shall not fall below the amount required under paragraphs 2 to 5 of this Article or under Article 4 of this Directive, whichever the higher.	Член 5 Собствен капитал 1. Собственият капитал на институциите за електронни пари, определен съгласно членове 57—61, 63, 64 и 66 от Директива 2006/48/ЕО, не може да спада под по-високия от размерите, които се изискват съгласно параграфи 2—5 от настоящия член или съгласно член 4 от настоящата директива.	LPSPS , Art. 77(a)(1 ), (2) and Art. 77(b) BNB Ord. No 16, Art. 9, 9(a), 9(b), 40(2) and (3) and Art. 41	Art. 77(a) of LPSPS  (1) The electronic money institutions shall hold, at the time of license issuance, initial capital, of not less than BGN 700,000.  (2) The positions included in the initial capital shall be specified in the Ordinance under Article 77, paragraph 3.  Art. 77(b) of LPSPS  (1) The electronic money institution's own funds shall not fall below the amount required under paragraphs 2 to 6 or under Article 77a, whichever the higher.  (2) In regard to the activities referred to in Article 77e, paragraph 1,	<ul> <li>Чл. 77(а) от ЗПУПС</li> <li>(1) Към момента на получаване на лиценза дружеството за електронни пари трябва да разполага с начален капитал в размер не помалко от 700 000 лв.</li> <li>(2) Позициите, които се включват в началния капитал, се определят с наредбата по чл. 77, ал. 3.</li> <li>Чл. 77(б) от ЗПУПС</li> <li>(1) Собственият капитал на дружество за електронни пари не може да спада под поголямата от стойностите, определени по ал. 2–6 или по чл. 77а.</li> <li>(2) По отношение на дейностите, посочени в</li> </ul>	Article 77(a)(1), (2) and 77(b) of LPSPS and Article 9, 9(a), 9(b), 40(2) and (3) of BNP Ordinance No 16 transpose Article 4 of the Directive.  Article 77(a)(1) of LPSPS requires an initial capital not less than BGN 700,000 (approximately EUR 350,000, 1 EUR= 1.95 BGN).  Furthermore, Article 77(b)(1) of LPSPS literally transposes Article 5(1) of the Directive by requiring that the electronic money institution's own capital must not fall below the higher of the following required amounts.  In accordance with Article 5 of the Directive, Article 40(2) of BNB Ord. No 16 allows the amount of own funds of electronic money institution to be no less than the higher amounts set down under Article 77(a) and (b) of LPSPS.  Article 40(3) of BNB Ord. No 16 permits the application of Article 9, 9(a) and (b) to

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	item 1, that are not linked to the issuance of electronic money, the own funds requirements of an electronic money institution shall be calculated in accordance with Article 9, paragraphs 1 and 2.  (3) In regard to the activity of issuing electronic money, the own funds requirements of an electronic money institution shall amount to at least 2 per cent of the average outstanding electronic money.  (4) 'Average outstanding electronic money.  (4) 'Average outstanding electronic money in sisue at the end of each calendar day over the preceding six calendar months, calculated on the first calendar day of each calendar month.  (5) The electronic money institution shall at all times hold own funds that are at 1, the own funds and electronic money institution shall at all times hold own funds that are at 1, the own funds and electronic maney institution shall at all times hold own funds that are at 1, the own funds and electronia money, the own funds and electronia money in sisue at the eac cвързани с издаването на електронни пари, изискванията за размер на електронни пари се изчисляван съб гъпасно чл. 9, ал. 1 и 2.  (3) По отношение на дейността по издаване на електронни пари размерът на собствения капитал на дружеството за електронни пари размерът на собствения капитал на дружеството за електронни пари размерът на собствения капитал на дружеството за електронни пари размерът на собствения капитал на дружеството за електронни пари размерът на собствения капитал на дружеството за електронни пари размерът на собствения капитал на дружеството за електронни пари размерът на собствения капитал на дружеството за електронни пари размерът на собствения капитал на дружеството за електронни пари размерът на собствения капитал на дружеството за електронни пари размерът на собствения капитал на дружеството за електронни пари размерът на собствения капитал на дружеството за електронни пари размерът на собствения капитал на дружеството за електронни пари размерът на собствения капитал на дружеството за електронни пари размерът на	electronic money institutions in relations to the composition of own funds. Article 9, 9(a) and (b) of BNB Ord. No 16 transpose Article 57 to 61, 63, 64 and 66 of Directive 2006/48/EC.  The national implementing provisions respect the aim of ensuring "an appropriate level of consumer protection and the sound and prudent operation of electronic money institutions" laid down in Recital 11 of the Directive.  Article 77(a)(1), (2) and 77(b) of LPSPS and Article 9, 9(a), 9(b), 40(2) and (3) of BNP Ordinance No 16 are therefore conform to the Directive provisions.

least equal to the sum of the requirements referred to in the paragraphs 2 and 3.  (6) On the basis of an evaluation of the riskmanagement processes, of the risk loss databases and to in the paragraphs 2 and 3.  (5) Дружеството за електронни пари разполага по всяко време със собствен капитал, който не може да спада под сумата на изискваните размери,	Directive 2009/110/EC	National Implementing Measures	Conformity Assessment
internal control mechanisms of the electronic money institution, the ВNВ may require the electronic money institution to hold an amount of own funds which is up to 20 per cent higher than the amount which would result from the application of the relevant method in accordance with Article 9, paragraphs 1 and 2, or permit the electronic money institution to hold an amount of own funds which is up to 20 per cent lower than the amount which would result from the application of the relevant method in accordance with Article 9, paragraphs 1 and 2.  Art. 9 of BNB Ord. No 16  (1) Own funds of the		the requirements referred to in the paragraphs 2 and 3.  (6) On the basis of an evaluation of the riskmanagement processes, of the risk loss databases and internal control mechanisms of the electronic money institution, the BNB may require the electronic money institution to hold an amount of own funds which is up to 20 per cent higher than the amount which would result from the application of the relevant method in accordance with Article 9, paragraphs 1 and 2, or permit the electronic money institution to hold an amount of own funds which is up to 20 per cent lower than the amount which would result from the application of the relevant method in accordance with Article 9, paragraphs 1 and 2.  Art. 9 of BNB Ord. No 16  (5) Дружеството за електронни пари разполага по всяко време със собствен капитал, който не може да спада под сумата на изискваните размери, посочени в ал. 2 и 3.  (6) Въз основа на оценка на процесите по управление на рисква на процесите по управление на дриска на процесите по управление на рисква на оценка на процесите по управление на дриска на процесите по управление на рисква на оценка на процесите по управление на рисква на оценка на процесите по управление на процесите по управление на процесите по управление на процесите по управление на рисква на оценка на процесите по управление на процесите по уп	

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Directive 2009/110/EC	раутельного меаsures  раутельного поло-consolidated basis shall comprise the following elements:  1. paid-in and registered capital which entirely covers the losses arising from ordinary operations or from bankruptcy or liquidation and shall be repaid after satisfying all other claims;  2. 'Reserve' fund within the meaning of Article 246 of the Law on Commerce, excluding the premium reserves related to cumulative preference shares;  3. other general purpose reserves set aside from the profit after tax;  4. retained earnings from previous years;  5. reserves from revaluation of real estates  payment institution on a non-consolidated basis shall comprise the following elements:  9, ал. 1 и 2.  Чл. 9 or Hapegãa № 16 (1) Собственият капитал на платежната институция на неконсолидирана основа се образува от следните елементи:  1. внесен и регистриран капитал, който напълно покрива загубите, възникващи от обичайната дейност и при несъстоятелност илл ликвидация и се изплащ вземания;  2. фонд "Резервен" по смисъла на чл. 246 от Търговския закон, с изключение на премийните резерви, свързани с привилегировани акции с натрупващ се дивидент;  3. приги резерви о обима	1
	occupied by the payment institution; 6. amounts attracted by the payment institution in permanent debt/capital (hybrid) instruments and other financial instruments, including  5. други резерви с общо предназначение, заделени от печалбата след облагането й; 4. неразпределената печалба от минали години; 5. резервите от	

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	регмалепt cumulative preference shares, provided that these instruments meet the following specific requirements:  а) the amounts on them are fully paid; b) their repayment is not limited by a term; c) their repayment is not guaranteed in any form by the payment institution, repayment of these funds is admissible after all other creditors' claims have been satisfied; e) claims on these instruments as regards the principal shall not be deemed payable without the written permission of the BNB; f) the terms and conditions under which the payment institution has attracted these funds shall entitle it to defer the repayment of the interest income on them in case the payment institution has not generated profit or the	

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	рrofit is insufficient; 7. the amounts attracted as a subordinated term debt, term cumulative preference shares and subordinated term debt/equity (hybrid) instruments, provided that they meet the following specific requirements:  a) the amounts on the instruments are fully repaid; b) their repayment is not guaranteed in any form by the payment institution; c) their original term to maturity is at least five years; d) early repayment shall not be possible without the written permission of the BNB; e) the contract may not provide for a possibility for early collection of the debt; f) in case of liquidation or  a y Bземанията по тези инструменти относно главницата не могат да станат изискуеми без писмено разрешение на БНБ; e) условията, при които тези средства са привлечени от платежната институция, й дават правото да отлага изплащането на лихвения доход по тях, ако тя не е формирала печалба или печалбата й е недостатьчна; 7. сумите, привлечени като подчинен срочен дълг, както и срочни дългово-капиталови (хибридни) инструменти, при условие че тези инструменти отговарят на следните специфични изисквания: a) the amounts on the instruments are fully repaid; b) their repayment is not guaranteed in any form by the payment institution; c) their original term to maturity is at least five years; d) early repayment shall not be possible without the written permission of the BNB; e) the contract may not provide for a possibility for early collection of the debt; f) in case of liquidation or	
	bankruptcy of the payment institution, repayment of the debt is admissible after all other creditors' claims have been satisfied.  инструментите са платени изцяло; б) изплащането им не е обезпечено под никаква форма от платежната	

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	8. the instruments under Article 9a.  (2) The retained profit under paragraph 1, item 4 may be included in the capital after the annual financial report has been adopted by the general shareholders' meeting, less the dividends and other deductions.  (3) Once included as an element of the own funds, retained earnings from previous years can be used for dividends only upon approval by the BNB.  (4) During the last five years to maturity, the amount of the instruments under paragraph 1, item 7 included in the own funds shall by reduced by 20 per cent per year. After the instruments had matured, they shall be entirely excluded from the own funds calculation.  (5) Paragraph 4 shall apply also to the dates of interest and other agreed income repayment on the instruments under paragraph 1, item 7.	о- а се но да ет ил.

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	(6) The amounts under paragraph 1, items 6 and 7 may be included in the own funds upon a permission by the BNB based on a written application accompanied by the relevant documents proving compliance with the requirements of this Article. The term of ruling shall be 30 days.  (7) Payment institutions shall not include in their own funds:  1. reserves from cash flow hedges of positions previously measured at amortized cost and cash flow hedges related to forecasted transactions;  2. gains and losses on liabilities measured at fair value;  3. unrealized gains from investment property and from available-for-sale financial instruments.  (8) The amount under paragraph 1 shall be reduced by:  1. the loss for the current and previous years;	

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	2. the balance sheet value of the payment institution own shares; 3. the value of intangible assets; 4. unrealized loss from available-for-sale-financial instruments; 5. the balance sheet value of total investment in shares or in other form of participating interest amounting to more than 10 per cent of the paid-in capital of a payment institution, as well as the investments in debt equity (hybrid) instruments and in subordinated term debt in credit institutions, in which the payment institution holds more than 10 per cent of the paid-in capital for each individual case where they are not consolidated in its balance sheet; 6. the balance sheet value of investments in shares or in other form of participating interest in the capital, in debt/equity (hybrid) instruments and in subordinated term debt in a bank or other financial	

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	institution under the Law on Credit Institutions, where their total amount exceeds 10 per cent of the payment institution's own funds prior to the deductions under this item and under item 5 of this paragraph;  7. the balance sheet value of total investment in shares or in other form of participating interest representing 10 or more than 10 per cent of the paid-in capital of a nonconsolidated undertaking other than those under item 5.  (9) The amounts under paragraph 8, items 1, 2, 3, 4, and 8 and the total amount of the items under paragraph 8, items 1, 2, and 3 and 50 per cent of the total amount of the items under the relevant deduction exceeds the total amount of the items under of the items under the relevant deduction exceeds the total amount of the items under the relevant deduction exceeds the total amount of the items under the relevant deduction exceeds the total amount of the items under the relevant deduction exceeds the total amount of the items under the relevant deduction exceeds the total amount of the items under the relevant deduction exceeds the total amount of the items under the relevant the relev	

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	рагаgraph 1, items 5, 6 and 7, the excess shall be deducted from the difference between the total amount of the items under paragraph 1, items 1, 2, 3, 4, and 8 and the total amount of the items under paragraph 8, items 1, 2, and 3.  (10) The own funds of a payment institution on a consolidated basis shall be formed pursuant to paragraphs 1 to 8 by adding, deducting respectively, the following elements:  1. minority interests; 2. goodwill; 3. differences resulting from currency translation of balances; 4. other elements provided by the effective legislation in case of consolidation.  (11) Where the elements under paragraph 9, items 2, 3 and 4 are positive (debit), they shall be deducted from the calculation of the consolidated own funds. Where they are negative	ни)  пг в а на за ции, мм на на пта  пост пи в ома и над я но г. 5, г пцата о ал.

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	(credit), they shall be added to the consolidated own funds.  (12) Minority interests under paragraph 9, item 1 in subsidiary bank and non-bank undertakings subject to full consolidation, shall be reported under the respective capital element of the payment institution subject to the nature of minority interests.  Art. 9(a) of BNB Ord. No 16  (1) The payment institution's own funds may also include undated instruments which meet the following requirements:  1. the provisions governing the instrument allow the payment institution to cancel, when necessary, the payment of interest or dividends for an unlimited period of time, on a non-cumulative basis; the payment institution shall cancel such payments if it does not comply with the capital requirements set out in	

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	Article 8, paragraph 2;  2. the provisions governing the instrument shall provide for principal, unpaid interest or dividend to be such as to absorb losses and to not hinder the recapitalisation of the payment institution through appropriate mechanisms, as elaborated by the European Banking Authority;  3. in the event of the bankruptcy or liquidation of the payment institution, the instruments shall rank after the claims on instruments referred to in Article 9, paragraph 1, items 6 and 7.  4. all other conditions under Article 9, paragraph 1, item 6 are satisfied.  (2) The instruments under paragraph 1 may include one or more call options at the sole discretion of the issuer, but they shall not be redeemed before five years after the date of issue.  (3) If the provisions governing undated	и ге  в  ия,  на  ия  на  на  на  на  на  на  на  на  на  н
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	instruments provide for a moderate incentive for the payment institution to redeem as determined by the BNB, such incentive shall not occur within ten years of the date of issue.  (4) Instruments may be called or redeemed only with the prior written consent of the BNB provided the request is made at the initiative of the payment institution and either financial or solvency conditions of the payment institution and either financial or solvency conditions of the payment institution are not unduly affected. In that case, the BNB may require the payment institution to replace the instruments by instruments under paragraph 1 of the same or better quality or by shares or interests referred to in Article 9, paragraph 1, item 1.		
	(5) The Bulgarian National Bank shall require the suspension of the payments under paragraph 1, item 1 based on the financial situation and fulfillment of the own funds requirements of the payment institution. The  3. при несъстоятелност или ликвидация на платежната институция изплащането на инструментите е допустимо, след като се удовлетворят изцяло вземанията по инструментите,		

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	suspension is without prejudice to the right of the payment institution to replace, after a relevant notification to the BNB, the payment of interest and dividends by shares or interests under Article 9, paragraph 1, item 1 provided this mechanism allows it to preserve its financial resources and the BNB has not made objections in a seven-day period.  (6) The Bulgarian National Bank may grant permission for instruments under paragraph 1 to be called or redeemed in the event that there is a change in the applicable tax treatment or regulatory classification of such instruments which was unforeseen at the date of issue.  посочени в чл. 9, ал. 1, т. 6 и и изпълнени са другите условия по чл. 9, ал. 1, т. 6.  (2) Инструментите по ал. 1 могат да съдържат една или повече кол опции, упражними по преценка на емисията.  (3) В случай че условията, уреждащи инструментите, по преценка на БНБ предвиждат умерени стимули за обратното им изкупуване от платежната институция, тази възможност не може да бъде използвана преди изтичането на 10 години от датата на емисията.		
	(7) The inclusion of the instruments under paragraph 1 in the own funds shall be permitted by the BNB based on a written application accompanied by relevant documents proving compliance with the (4) Инструментите могат да бъдат изкупени обратно или изплатени само след предварително писмено разрешение от страна на БНБ, при условие че искането е направено по инициатива на		

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	requirements under this Article. The term of ruling shall be 30 days.  (8) Instructions on the instruments under Article 3a of BNB Ordinance No. 8 of 2006 on the capital adequacy of credit institutions issued by the BNB Deputy Governor heading the Banking Supervision Department shall apply to this Article on the grounds of \$ 12 of the Transitional and Final Provisions of BNB Ordinance No. 8 of 2006 on the capital adequacy of credit institutions (published, State Gazette, issue 106 of 2006; amended, issue 62 of 2007, issue 38 of 2008, issue 21 of 2009, issues 20, 85 and 102 of 2010).  Art. 9(b) of BNB Ord. No 16  (1) The total amount of the items under Article 9, paragraph 1, items 1, 2, 3, 4 and 8		

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	and the total amount of the items under Article 9, paragraph 8, items 1, 2 and 3.  (2) The amounts under Article 9, paragraph 1, item 1 within a predetermined range must in total not exceed a maximum of 50 per cent of the difference between the total amount of the items under Article 9, paragraph 1, item 8 shall be subject to the following limits:  1. instruments that must be converted during emergency situations and may be converted at the initiative of the BNB, at any time, based on the financial situation and capital adequacy of the issuer into items referred to in Article 9, paragraph 1, item 1 within a predetermined range must in total not exceed a maximum of 50 per cent of the difference between the total amount of the wind the items under Article 9, paragraph 1, item 1 within a predetermined range must in total not exceed a maximum of 50 per cent of the difference between the total amount of the wind the items under Article 9, paragraph 1, item 2 within a predetermined range must in total not exceed a maximum of 50 per cent of the difference between the total amount of the wind the items under Article 9, paragraph 1, item 2 within a predetermined range must in total not exceed a maximum of 50 per cent of the difference between the total amount of the wind wind wind wind wind wind wind wind	а в в рот в в в в в в в в в в в в в в в в в в в

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	items under Article 9, paragraph 1, items 1, 2, 3, 4 and 8 and the total amount of the items under Article 9, paragraph 8, items 1, 2 and 3;  2. all other instruments must not exceed a maximum of 35 per cent of the difference between the total amount of the items under Article 9, paragraph 1, items 1, 2 and 3, and together with the instruments under item 1 − 50 per cent of the difference between the total amount of the items under Article 9, paragraph 1, items 1, 2, 3, 4 and 8 and the total amount of the items under Article 9, paragraph 1, items 1, 2, 3, 4 and 8 and the total amount of the items under Article 9, paragraph 1, items 1, 2, 3, 4 and 8 and the total amount of the items under Article 9, paragraph 1, items 1, 2, 3, 4 and 8 and the total amount of the items under Article 9, paragraph 1, items 1, 2, 3, 4 and 8 and the total amount of the items under Article 9, paragraph 8, items 1, 2 and 3;  3. instruments with provisions that provide for an incentive for the payment institution to redeem them must not exceed:  a) 15 per cent of the  incomprise provide in provide in provide in a mount of the items under Article 9, paragraph 8, items 1, 2 and 3;  3. instruments with provisions that provide for an incentive for the payment institution to redeem them must not exceed:  a) 15 per cent of the		

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	difference between the total amount of the items under Article 9, paragraph 1, items 1, 2, 3, 4 and 8 and the total amount of the items under Article 9, paragraph 8, items 1, 2 and 3;  b) together with the instruments under item 2 — 35 per cent of the difference between the total amount of the items under Article 9, paragraph 1, items 1, 2, 3, 4 and 8 and the total amount of the items under Article 9, paragraph 8, items 1, 2 and 3, and c) together with the instruments under items 1 and 2 — 50 per cent of the difference between the total amount of the items under Article 9, paragraph 1, items 1, 2, 3, 4 and 8 and the total amount of the items under Article 9, paragraph 1, items 1, 2, 3, 4 and 8 and the total amount of the items under Article 9, paragraph 8, items 1, 2 and 3.  Art. 40 of BNB Ord. No 16  (2) The electronic money institution shall at all times hold own funds of no less than the higher amounts		

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	б of the Law on Payment Services and Payment Systems both on a nonconsolidated and consolidated basis.  (3) The provisions of Articles 9, 9a and 9b shall apply respectively to the own funds of the electronic money institution.  Art. 41 of BNB Ord. No 16  (1) The electronic money institution shall prepare a report on its own funds on the basis of the balance sheet on a nonconsolidated basis as of the last day of each quarter. This report shall be submitted to the BNB Banking Department by the 15 <sup>th</sup> day of the month following the reporting period.  (2) The electronic money  T. 1, 2, 3, 4 и сума от пози 9, ал. 8, т. 1, 6) заедно с инструменти 35% от разли общата сума позициите по т. 1, 2, 3, 4 и сума от пози 9, ал. 8, т. 1, 6) заедно с инструменти 35% от разли общата сума позициите по т. 1, 2, 3, 4 и сума от пози 9, ал. 8, т. 1, 6) заедно с инструменти 50% от разли общата сума общата сума общата сума от пози 9, ал. 8, т. 1, 2 3, 4 и сума от пози 9, ал. 8, т. 1, 2 3, 4	о чл. 9, ал. 1, 8 и общата ищите по чл. 2 и 3; нтите, чиито предвиждат обратно от страна на институция, надвишават: зликата та сума на о чл. 9, ал. 1, 8 и общата ищите по чл. 2 и 3; ите от т. 2 — иката между а на о чл. 9, ал. 1, 8 и общата ициите по чл. 2 и 3, и ите от т. 1 и 2 вликата та сума на о чл. 9, ал. 1, 8 и общата ициите по чл. 2 и 3, и ите от т. 1 и 2 вликата и 4 и 4 и 4 и 5 и 5 и 6 и 6 и 6 и 7 и 7 и 7 и 7 и 7 и 7 и 7

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	(3) The Deputy Governor heading the BNB Banking Department shall determine in instructions the form and content of the own funds report.  4. 10 от Наредба № 16  (2) По всяко време на извършване на дейността дружеството за електронни пари е длъжно да разполага със собствен капитал на неконсолидирана и на консолидирана основа в размери, които не могат да спадат под поголямата от стойностите по чл. 77а или по чл. 776, ал. 2–6 от Закона за платежните услуги и платежните системи.  (3) За собствения капитал на дружество за електронни пари се прилагат съответно разпоредбите на чл. 9, 9а и 96.  4. 11 от Наредба № 16  (1) Дружеството за електронни пари съставя отчет за собствения капитал въз основа на баланса на неконсолидирана основа към последната дата на всяко тримесечие.  Отчетът се представя в	
	управление "Банково" на БНБ до 15-о число на	

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Art. 5(2) 1 <sup>st</sup> subpar a.	2. In regard to the activities referred to in Article 6(1)(a) that are not linked to the issuance of electronic money, the own funds requirements of an electronic money institution shall be calculated in accordance with one of the three methods (A, B or C) set out in Article 8(1) and (2) of Directive 2007/64/EC. The appropriate method shall be determined by the competent authorities in accordance with national	2. По отношение на дейностите, посочени в член 6, параграф 1, буква а), които не са свързани с издаването на електронни пари, изискванията за размер на собствения капитал на институцията за електронни пари се изчислява в съответствие с един от трите метода (А, Б или В), посочени в член 8, параграфи 1 и 2 от Директива 2007/64/ЕО. Подходящият метод се определя от	LPSPS , Art. 77(b)( 2)	Art. 77(b) of LPSPS  (2) In regard to the activities referred to in Article 77e, paragraph 1, item 1, that are not linked to the issuance of electronic money, the own funds requirements of an electronic money institution shall be calculated in accordance with Article 9, paragraphs 1 and 2.	месеца, следващ отчетния период.  (2) Дружеството за електронни пари представя отчет за собствения капитал на консолидирана основа на всяко шестмесечие до 30 дни след края на отчетния период.  (3) Подуправителят, ръководещ управление "Банково" на БНБ, определя с указания формата и съдържанието на отчета за собствения капитал.  Чл. 77(б) от ЗПУПС  (2) По отношение на дейностите, посочени в чл. 77д, ал. 1, т. 1, които не са свързани с издаването на електронни пари, изискванията за размер на собствения капитал на дружеството за електронни пари се изчисляват съгласно чл. 9, ал. 1 и 2.	CONFORM  Article 77(b)(2) of LPSPS transposes Article 5(2), first subparagraph of the Directive.  Following the requirements of Article 8(1) and (2) of Payment Services Directive, electronic money institutions can calculate the amount of their own funds on the basis of one of the three methods with regard to the activities other than issuing electronic money. Under Article 9, paragraph 1 of LPSPS, the Bulgarian legislator has chosen to apply Method B. Therefore, Method B is applicable both for payment services and electronic money institutions.  As such, the abovementioned national provisions ensure "an appropriate level of

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	legislation.	компетентните органи съгласно националното законодателство.				consumer protection and the sound and prudent operation of electronic money institutions" in accordance with Recital 11 of the Directive.  Article 77(b)(2) of LPSPS is therefore
						conform to the Directive provisions.
Art. 5(2) 2 <sup>nd</sup> subpar a.	In regard to the activity of issuing electronic money, the own funds requirements of an electronic money institution shall be calculated in accordance with Method D as set out in paragraph 3.	По отношение на дейността по издаване на електронни пари изискванията за размер на собствения капитал на институцията за електронни пари се изчисляват в съответствие с метод Г, посочен в параграф 3.	LPSPS , Art. 77(b)( 3)	Art. 77(b) of LPSPS  (3) In regard to the activity of issuing electronic money, the own funds requirements of an electronic money institution shall amount to at least 2 per cent of the average outstanding electronic money.	Чл. 77(б) от ЗПУПС  (3) По отношение на дейността по издаване на електронни пари размерът на собствения капитал на дружеството за електронни пари трябва да възлиза на 2 на сто от средната стойност на електронните пари в обращение.	Article 77(b)(3) of LPSPS transposes Article 5(2), second subparagraph of the Directive.  It is established that the own funds requirements of an electronic money institution should correspond to at least 2 per cent of the average outstanding electronic money.  On the basis of the above finding, Article 77(b)(3) of LPSPS is conform to the Directive provisions as it includes correctly the content of Method D.
Art. 5(2) 3 <sup>rd</sup> subpar a.	Electronic money institutions shall at all times hold own funds that are at least equal to the sum of the requirements referred to in the first and second subparagraphs.	Институциите за електронни пари разполагат по всяко време със собствен капитал, който надвишава или е равен на сбора на изисквания размер, посочен в първа и втора алинея.	LPSPS , Art. 77(b)( 5)	Art. 77(b) of LPSPS  (5) The electronic money institution shall at all times hold own funds that are at least equal to the sum of the requirements referred to in the paragraphs 2 and 3.	Чл. 77(б) от ЗПУПС  (5) Дружеството за електронни пари разполага по всяко време със собствен капитал, който не може да спада под сумата на изискваните размери, посочени в ал. 2 и 3.	CONFORM  Article 77(b)(5) of LPSPS literally transposes Article 5(2), third subparagraph of the Directive.
Art. 5(3)	3. Method D: The own funds of an electronic money institution for the activity of issuing	3. Метод Г: Размерът на собствения капитал на институция за електронни пари за	LPSPS , Art. 77(b)(	Art. 77(b) of LPSPS  (3) In regard to the activity of issuing electronic	<b>Чл. 77(б) от ЗПУПС</b> (3) По отношение на дейността по издаване на	CONFORM  Article 77(b)(3) of LPSPS transposes Article 5(3) of the Directive.

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	electronic money shall amount to at least 2 % of the average outstanding electronic money.	дейността издаване на електронни пари възлиза на 2 % от средната стойност на електронните пари в обращение.	3)	money, the own funds requirements of an electronic money institution shall amount to at least 2 per cent of the average outstanding electronic money.	електронни пари размерът на собствения капитал на дружеството за електронни пари трябва да възлиза на 2 на сто от средната стойност на електронните пари в обращение.	The national implementing provision ensures "an appropriate level of consumer protection and the sound and prudent operation of electronic money institutions" in compliance with Recital 11 of the Directive.  Article 77(b)(3) of LPSPS is conform to the Directive provision as it clearly implements Method D.
Art. 5(4)	4. Where an electronic money institution carries out any of the activities referred to in Article 6(1)(a) that are not linked to the issuance of electronic money or any of the activities referred to in Article 6(1)(b) to (e) and the amount of outstanding electronic money is unknown in advance, the competent authorities shall allow that electronic money institution to calculate its own funds requirements on the basis of a representative portion assumed to be used for the issuance of electronic money, provided such a representative portion can be reasonably estimated on the basis of historical data and to the satisfaction of the competent authorities. Where an	4. Когато институция за електронни пари извършва някоя от дейностите, посочени в член 6, параграф 1, буква а), които не са свързани с издаването на електронни пари, или която и да било от дейностите, посочени в член 6, параграф 1, букви б)—д), и стойността на електронните пари в обращение не е предварително известна, компетентните органи позволяват на тази институция за електронни пари да изчисли изискванията за размер на своя собствен капитал въз основа на представителен дял, за който се предполага, че ще се използва за издаване на електронни	LPSPS , Art. 77(b)( 7)  BNB Ord. No 16, Art. 40(5) and (6)	Art. 77(b) of LPSPS  (7) The structure and the elements, the ways and methods for its calculation, the periodicity, form and content of the report for the own funds amount shall be specified in a BNB Ordinance.  Art. 40 of BNB Ord. No 16  (5) Where an electronic money institution carries out some of the additional activities under Article 77e of the Law on Payment Services and Payment Systems and the amount of outstanding electronic money is unknown in advance, the electronic money institution may calculate the amount of own funds on the basis of a representative portion	Чл. 77(6) от ЗПУПС  (7) Структурата и елементите, начините и методите на изчисляването му, периодичността, формата и съдържанието на отчетите за размера на собствения капитал се определят с наредба на БНБ.  Чл. 40 от Наредба № 16  (5) Когато дружеството за електронни пари извършва някоя от допълнителните дейности по чл. 77д от Закона за платежните услуги и платежните услуги и платежните системи и стойността на електронните пари в обращение не е предварително известна, дружеството за електронни пари може да изчисли размера на	Article 77(b)(7) of LPSPS and Article 40(5) and (6) of the BNP Ordinance No 16 transpose Article 5(3) of the Directive.  In regard to the activities other than the issuance of electronic money and where the value of outstanding electronic money is unknown, Article 40(5) of BNB Ord. No 16 transposes in a conform manner the first part of Article 5(4) of the Directive.  Furthermore, where an electronic money institution has not pursued a business for a long period, Article 40(6) of BNB Ord. No 16 literally transposes the second part of Article 5(4) of the Directive.  Article 77(b)(7) of LPSPS and Article 40(5) and (6) of the BNP Ordinance No 16 are therefore conform to the Directive provisions.

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	electronic money institution has not completed a sufficient period of business, its own funds requirements shall be calculated on the basis of projected outstanding electronic money evidenced by its business plan subject to any adjustment to that plan having been required by the competent authorities.	пари, при условие че такъв представителен дял може да бъде разумно оценен въз основа на исторически данни и по задоволителен за компетентните органи начин. Когато институция за електронни пари не е извършвала стопанска дейност в достатъчно дълъг срок, изискванията за размер на нейния собствен капитал се изчисляват въз основа на прогнозни данни за електронните пари в обращение, подкрепени от нейния бизнес план, които подлежат на корекции в този бизнес план, изисквани от страна на компетентните органи.		assumed to be used for the issuance of electronic money, provided that this representative portion can be reasonably estimated on the basis of historical data and in a reliable manner.  (6) Where an electronic money institution has not completed a long period of business, the own funds requirements must be calculated on the basis of projected outstanding electronic money as evidenced by its business plan, subject to any adjustments to that plan.	собствения капитал въз основа на представителен дял, за който се предполага, че ще се използва за издаване на електронни пари, ако такъв представителен дял може да бъде разумно оценен въз основа на исторически данни и по задоволителен начин.  (6) Когато дружеството за електронни пари не е извършвало стопанска дейност продължителен период от време, изискванията за размер на собствения капитал се изчисляват въз основа на прогнозни данни за електронните пари в обращение, подкрепени от представения бизнес план, които подлежат на корекции в този бизнес план.	
Art. 5(5)	5. On the basis of an evaluation of the risk-management processes, of the risk loss databases and internal control mechanisms of the electronic money institution, the competent	5. Въз основа на оценка на процесите на управление на риска, на бази от данни за рисковете от загуби и на механизми за вътрешен контрол на институцията за електронни пари	LPSPS , Art. 77(b)( 6)	Art. 77(b) of LPSPS  (6) On the basis of an evaluation of the riskmanagement processes, of the risk loss databases and internal control mechanisms of the electronic money	Чл. 77(б) от ЗПУПС  (6) Въз основа на оценка на процесите по управление на риска на базата на данни за рисковете от загуби и на механизмите за вътрешен контрол на	CONFORM  Article 77(b)(6) of LPSPS of the Directive sets out an option, which Bulgaria chose to apply in a literal manner.  Article 9, paragraphs 1 and 2 of BNB Ord. No 16 lay down the requirements for the calculation of the own funds of a payment

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	authorities may require the electronic money institution to hold an amount of own funds which is up to 20 % higher than the amount which would result from the application of the relevant method in accordance with paragraph 2, or permit the electronic money institution to hold an amount of own funds which is up to 20 % lower than the amount which would result from the application of the relevant method in accordance with paragraph 2.	компетентните органи могат да изискват от институцията за електронни пари да разполага със собствен капитал, който надвишава с до 20 % сумата, която би се получила в резултат от прилагането на съответствие с параграф 2, или да разрешат на институцията за електронни пари да разполага със собствен капитал, който е с до 20 % по-малък от сумата, която би се получила в резултат от прилагането на съответствие с параграф 2.		institution, the BNB may require the electronic money institution to hold an amount of own funds which is up to 20 per cent higher than the amount which would result from the application of the relevant method in accordance with Article 9, paragraphs 1 and 2, or permit the electronic money institution to hold an amount of own funds which is up to 20 per cent lower than the amount which would result from the application of the relevant method in accordance with Article 9, paragraphs 1 and 2.	дружеството за електронни пари БНБ може да изиска от дружеството за електронни пари да разполага със собствен капитал, който надвишава с до 20 на сто сумата, която се получава при определяне на размера съгласно чл. 9, ал. 1 и 2, или да разполага със собствен капитал, който е с до 20 на сто по-малък от сумата, която се получава при определяне на размера съгласно чл. 9, ал. 1 и 2.	institution, as well as of an electronic money institution when not carrying out activities related to the issuance of electronic money.  Article 77(b)(6) of LPSPS is therefore conform to the Directive provisions.
Art. 5(6) intr. wordi ng	6. Member States shall take the necessary measures to prevent the multiple use of elements eligible for own funds:	6. Държавите-членки предприемат необходимите мерки за предотвратяване на многократното използване на елементи, приемани като собствен капитал:	LPSPS , Art. 77(b)( 7) BNB Ord. No 16, Art. 40(4)	Art. 77(b) of LPSPS  (7) The structure and the elements, the ways and methods for its calculation, the periodicity, form and content of the report for the own funds amount shall be specified in a BNB Ordinance.  Art. 40 of BNB Ord. No	Чл. 77(6) от ЗПУПС  (7) Структурата и елементите, начините и методите на изчисляването му, периодичността, формата и съдържанието на отчетите за размера на собствения капитал се определят с наредба на БНБ.	CONFORM  Due to the different structure of the Bulgarian law, no national provision corresponding to the introductory wording of Article 5(6) of the Directive could be located, but this does not affect the conformity.

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				(4) Where an electronic money institution belongs to the same group as another electronic money institution, credit institution, payment institution, investment firm, an asset management company or insurance or reinsurance undertakings, the elements which meet the own funds conditions may not be used more than once in calculating their amount. This requirement shall apply also in the cases when the electronic money institution carries out additional activities under Article 77e of the Law on Payment Systems.	Чл. 40 от Наредба № 16  (4) Когато дружеството за електронни пари принадлежи към същата група, към която принадлежи и друго дружество за електронни пари, кредитна институция, платежна институция, инвестиционен посредник, дружество за управление на активи или застрахователно или презастрахователно или презастрахователно дружество, елементите, изпълняващи условията за собствен капитал, не могат да бъдат използвани повече от веднъж при изчисляването му. Това изискване се прилага и когато дружеството за електронни пари осъществява допълнителни дейности по чл. 77д от Закона за платежните услуги и платежните системи.	
Art. 5(6)(a)	(a) where the electronic money institution belongs to the same group as another electronic money institution, a credit	а) когато институцията за електронни пари принадлежи към същата група, към която принадлежи и друга	BNB Ord. No 16, Art. 40(4)	Art. 40 of BNB Ord. No 16  (4) Where an electronic money institution belongs to the same group as	Чл. 40 от Наредба № 16 (4) Когато дружеството за електронни пари принадлежи към същата група, към която	CONFORM  Article 40(4) of BNB Ordinance No16, first sentence literally transposes Article 5(6)(a) of the Directive.

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	institution, a payment institution, an investment firm, an asset management company or an insurance or reinsurance undertaking;	институция за електронни пари, кредитна институция, платежна институция, инвестиционен посредник, дружество за управление на активи или застрахователно или презастрахователно дружество;		another electronic money institution, a credit institution, a payment institution, an investment firm, an asset management company or an insurance or reinsurance undertakings, the elements which meet the own funds conditions may not be used more than once in calculating their amount. This requirement shall apply also in the cases when the electronic money institution carries out additional activities under Article 77e of the Law on Payment Services and Payment Systems.	принадлежи и друго дружество за електронни пари, кредитна институция, платежна институция, инвестиционен посредник, дружество за управление на активи или застрахователно или презастрахователно дружество, елементите, изпълняващи условията за собствен капитал, не могат да бъдат използвани повече от веднъж при изчисляването му. Това изискване се прилага и когато дружеството за електронни пари осъществява допълнителни дейности по чл. 77д от Закона за платежните услуги и платежните системи.	
Art. 5(6)(b)	(b) where an electronic money institution carries out activities other than the issuance of electronic money.	б) когато една институция за електронни пари извършва и други дейности освен издаването на електронни пари.	BNB Ord. No 16, Art. 40(4)	Art. 40 of BNB Ord. No 16  (4) Where an electronic money institution belongs to the same group as another electronic money institution, credit institution, payment institution, investment firm, an asset management	Чл. 40 от Наредба № 16 (4) Когато дружеството за електронни пари принадлежи към същата група, към която принадлежи и друго дружество за електронни пари, кредитна институция, платежна институция,	Article 40(4) of BNB Ordinance No16, second sentence transposes Article 5(6)(a) of the Directive.  The second sentence of Article 40(4) of BNB Ord. No 16 is in line with Article 5(6)(b) of the Directive, as to the use only once of the elements eligible for own funds. Article 77(e) of LPSPS refers to the activities held by an electronic money institution other than the

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				company or insurance or reinsurance undertakings, the elements which meet the own funds conditions may not be used more than once in calculating their amount. This requirement shall apply also in the cases when the electronic money institution carries out additional activities under Article 77e of the Law on Payment Services and Payment Systems.	инвестиционен посредник, дружество за управление на активи или застрахователно или презастрахователно дружество, елементите, изпълняващи условията за собствен капитал, не могат да бъдат използвани повече от веднъж при изчисляването му. Това изискване се прилага и когато дружеството за електронни пари осъществява допълнителни дейности по чл. 77д от Закона за платежните услуги и платежните системи.	issuance of electronic money.  The second sentence of Article 40(4) of BNB Ordinance No 16 is therefore conform to the Directive provisions.
Art. 5(7)	7. Where the conditions laid down in Article 69 of Directive 2006/48/EC are met, Member States or their competent authorities may choose not to apply paragraphs 2 and 3 of this Article to electronic money institutions which are included in the consolidated supervision of the parent credit institutions pursuant to Directive 2006/48/EC.	7. Ако са изпълнени условията, посочени в член 69 от Директива 2006/48/ЕО, държавитечленки или техните компетентни органи могат да решат да не прилагат параграфи 2 и 3 от настоящия член по отношение на институции за електронни пари, включени в консолидирания надзор върху кредитната институция майка	N/A	N/A	N/A	Article 5(7) of the Directive sets out an option. Owing to that option, Bulgaria has not chosen to apply it. In this regard, no corresponding provision could be located in the legislation of Bulgaria either.

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		съгласно Директива 2006/48/EO.				
Art. 6(1) 1 <sup>st</sup> subpar a.	Article 6 Activities  1. In addition to issuing electronic money, electronic money institutions shall be entitled to engage in any of the following activities:	Член 6 Дейности  1. Освен издаването на електронни пари институциите за електронни пари имат право да извършват следните дейности:	LPSPS , Art. 77(e)(1	Art. 77(e) of LPSPS  (1) In addition to issuing electronic money, the electronic money institution shall be entitled to engage in any of the following activities:	Чл. 77д от ЗПУПС  (1) Освен издаването на електронни пари дружеството за електронни пари има право да извършва следните дейности:	CONFORM  Article 77(e)(1) of LPSPS literally transposes Article 6(1), first subparagraph of the Directive.
Art. 6(1) 1 <sup>st</sup> subpar a. (a)	(a) the provision of payment services listed in the Annex to Directive 2007/64/EC;	а) предоставяне на платежни услуги, изброени в приложението към Директива 2007/64/ЕО;	LPSPS , Art. 77(e)(1 )(1)	Art. 77(e)(1) of LPSPS  1. provision of payment services under Article 4;	чл. 77(д)(1) от ЗПУПС  1. предоставяне на платежни услуги по чл. 4;	CONFORM  Article 77(e)(1)(1) of LPSPS transposes Article 6(1), first subparagraph (a) of the Directive.  Article 4 of LPSPS defines explicitly the type of business activity such as services enabling cash flow between accounts, cash withdrawals, execution of all types of payment transactions including the transfer of funds and other activities, which correspond to those listed in the Annex of the Payment Services Directive.  Article 77(e)(1)(1) of LPSPS is therefore conform to the Directive provisions.
Art. 6(1) 1 <sup>st</sup> subpar a. (b)	(b) the granting of credit related to payment services referred to in points 4, 5 or 7 of the Annex to Directive 2007/64/EC, where the conditions laid down in	б) предоставяне на кредит, свързан с платежни услуги, посочени в точка 4, 5 или 7 от приложението към Директива 2007/64/ЕО, когато са	LPSPS , Art. 77(e)(2	Art. 77(e) of LPSPS  2. granting of credit related to payment services referred to in Article 4, items 4, 5 or 7, where the conditions laid	<b>Чл. 77</b> (д) от ЗПУПС 2. предоставяне на кредит, свързан с платежни услуги по чл. 4, т. 4, 5 или 7, когато са изпълнени условията,	CONFORM  Article 77(e) of LPSPS literally transposes Article 6(1), first subparagraph (b) of the Directive.  The aforementioned national provision refers to the payment services under Article 4, items

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	Article 16(3) and (5) of that Directive are met;	изпълнени условията, предвидени в член 16, параграфи 3 и 5 от посочената директива;		down in Article 19 are met	предвидени в чл. 19;	4, 5 and 7 of LPSPS and the conditions under Article 19 of LPSPS which need to be met by these services.  Article 19 of LPSPS is a literal transposition of Article 16(3) and (5) of the Payment Services Directive with corresponding references to the conditions in the national legislation which should be met simultaneously.  On the basis of the above findings, conformity can be concluded.
Art. 6(1) 1 <sup>st</sup> subpar a. (c)	(c) the provision of operational services and closely related ancillary services in respect of the issuing of electronic money or to the provision of payment services referred to in point (a);	в) предоставяне на оперативни услуги и на тясно свързани спомагателни услуги по отношение на издаването на електронни пари или на предоставянето на платежните услуги, посочени в буква а);	LPSPS , Art. 77(e)(3	Art. 77(e) of LPSPS  3. provision of operational services and closely related ancillary services in respect of issuing electronic money or to the provision of payment services referred to in item 1;	Чл. 77(д) от ЗПУПС  3. предоставяне на оперативни услуги и на тясно свързани спомагателни услуги по отношение на издаването на електронни пари или на предоставянето на платежните услуги, посочени в т. 1;	CONFORM  Article 77(e)(3) of LPSPS literally transposes Article 6(1), first subparagraph (c) of the Directive.
Art. 6(1) 1 <sup>st</sup> subpar a. (d)	(d) the operation of payment systems as defined in point 6 of Article 4 of Directive 2007/64/EC and without prejudice to Article 28 of that Directive;	г) експлоатация на платежни системи, както е определено в член 4, точка 6 от Директива 2007/64/ЕО и без да се засягат разпоредбите на член 28 от същата директива;	LPSPS , Art. 77(e)(4 )	Art. 77(e) of LPSPS  4. operation of payment systems with the exception of payment systems ensuring settlement finality as defined in Directive 98/26/EC of the European Parliament and of the Council of 19 May 1998 on settlement finality in payment and securities	Чл. 77(д) от ЗПУПС  4. извършване на дейност като оператор на платежна система с изключение на платежни системи, осигуряващи окончателност на сетълмента по Директива 98/26/ЕО на Европейския парламент и на Съвета от 19 май	CONFORM  Article 77(e)(4) of LPSPS transposes Article 6(1), first subparagraph (d) of the Directive.  The national provision includes a reference to Articles 85 and 86 of LPSPS, which are an almost literal transposition of Article 28 of the Payments Services Directive with regards to access and restriction to payment systems.  Article 77(e)(4) of LPSPS also makes reference to the amending Directive

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				settlement systems amended by Directive 2009/44/EC of the European Parliament and of the Council of 6 May 2009, without prejudice to Articles 85 and 86;	1998 г. относно окончателността на сетълмента в платежните системи и в системите за сетълмент на ценни книжа, изменена с Директива 2009/44/ЕО на Европейския парламент и на Съвета от 6 май 2009 г., без да се засягат разпоредбите на чл. 85 и 86;	2009/44/EC. Article 77(e)(4) of LPSPS is therefore conform to the Directive provisions.
Art. 6(1) 1 <sup>st</sup> subpar a. (e)	(e) business activities other than issuance of electronic money, having regard to the applicable Community and national law.	д) стопански дейности, различни от издаването на електронни пари, при спазване на приложимото общностно и национално право.	LPSPS , Art. 77(e)(5	Art. 77(e) of LPSPS  5. other activity having regard to the applicable legal requirements.	Чл. 77(д) от ЗПУПС 5. друга дейност при спазване на нормативните изисквания за нейното извършване.	CONFORM  Article 77(e)(5) of LPSPS transposes Article 6(1), first subparagraph (e) of the Directive.  While the Directive refers to "business activities other than the issuance of electronic money", the national provision uses a broader term ("activity") without specifying the nature of the legal requirements to comply with.  Although the wording differs some due to linguistic choices, Article 77(e)(5) of LPSPS reflects the content of Article 6(1), first subparagraph, (e) of the Directive and thus does not affect conformity.
Art. 6(1) 2 <sup>nd</sup> subpar a.	Credit referred to in point (b) of the first subparagraph shall not be granted from the funds received in exchange of electronic money and held in accordance with Article	Кредитът, посочен в първа алинея, буква б), не може да се предоставя от средства, получени в замяна на електронни пари и държани в съответствие	LPSPS , Art. 77(e)(2	Art. 77(e) of LPSPS  (2) The credit referred to in paragraph 1, item 2 shall not be granted from the funds received in exchange of electronic money and held in	Чл. 77(д) от ЗПУПС  (2) Кредитът по ал. 1, т. 2 не може да се предоставя от средства, получени в замяна на електронни пари и държани в съответствие	CONFORM  Article 77(e)(2) of LPSPS literally transposes Article 6(1), second subparagraph of the Directive.

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	7(1).	с член 7, параграф 1.		accordance with Article 77c.	с чл. 77в.	
Art. 6(2)	2. Electronic money institutions shall not take deposits or other repayable funds from the public within the meaning of Article 5 of Directive 2006/48/EC.	2. Институциите за електронни пари не може да приемат от населението депозити или други възстановими средства по смисъла на член 5 от Директива 2006/48/EO.	LPSPS , Art. 77(c)(1 )	Art. 77(c) of LPSPS  (1) The electronic money institution shall not take deposits or other repayable funds within the meaning of the Law on Credit Institutions.	Чл. 77(в) от ЗПУПС  (1) Дружество за електронни пари не може да приема влогове или други възстановими средства по смисъла на Закона за кредитните институции.	Article 77(c)(1) of LPSPS literally transposes Article 6(2) of the Directive.  The aforementioned national provision includes a reference to the definition of deposits and other repayable funds given in the LCI  Article 5 of Directive 2006/48/EC is transposed by § 1(3) of Additional provisions of the Law on Credit Institutions. The latter national provision defines the publicly accepted deposits and other repayable funds in compliance with Article 5 of Directive 2006/48/EC.  Article 77(c)(1) of LPSPS is therefore conform to the Directive provisions.
Art. 6(3)	3. Any funds received by electronic money institutions from the electronic money holder shall be exchanged for electronic money without delay. Such funds shall not constitute either a deposit or other repayable funds received from the public within the meaning of Article 5 of Directive 2006/48/EC.	3. Средствата, които институции за електронни пари са получили от държател на електронни пари, се обменят незабавно срещу електронни пари. Тези средства не представляват нито депозит, нито други възстановими средства, получени от населението, по смисъла на член 5 от Директива	LPSPS , Art. 77(c)(2	Art. 77(c) of LPSPS  (2) The funds received by the electronic money institution from the electronic money holder shall be exchanged for electronic money without delay. Such funds shall not constitute either a deposit or other repayable funds within the meaning of the Law on Credit Institutions.	Чл. 77(в) от ЗПУПС  (2) Получените от дружество за електронни пари средства от държател на електронни пари се обменят незабавно срещу електронни пари. Тези средства не представляват влог или други възстановими средства по смисъла на Закона за кредитните институции.	CONFORM Article 77(c)(2) of LPSPS literally transposes Article 6(3) of the Directive.

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Art. 6(4)	4. Article 16(2) and (4) of Directive 2007/64/EC shall apply to funds received for the activities referred to in paragraph 1(a) of this Article that are not linked to the activity of issuing electronic money.	2006/48/ЕО.  4. Член 16, параграфи 2 и 4 от Директива 2007/64/ЕО се прилага по отношение на средствата, получени за дейността, посочена в параграф 1, буква а) от настоящия член, които не са свързани с дейността по издаване на електронни пари.	LPSPS , Art. 77(e)(3	Art. 77(e) of LPSPS  (3) For the funds received to provide payment services under Article 4, excluding the activity of electronic money issuance, Articles 20 and 21 shall apply.	Чл. 77(д) от ЗПУПС(3) По отношение на средствата, които са получени за предоставяне на платежни услуги по чл. 4, извън дейността по издаване на електронни пари, се прилагат съответно чл. 20 и 21.	CONFORM  Article 77(e)(3) of LPSPS transposes Article 6(4) of the Directive.  Article 77(e)(3) of LPSPS establishes that for the funds received to provide payments services other than the issuance of electronic money Article 20 and 21 of LPSPS apply. In this regard, Article 16(2) and (4) of Directive 2007/64/EC is transposed by Article 20 and Article 21 of LPSPS. The national implementing provisions are conform to Article 16(2) and (4) of Directive 2007/64/EC.  Thus, Article 6(4) of the Directive is transposed in a conform manner
Art. 7(1)	Article 7 Safeguarding requirements  1. Member States shall require an electronic money institution to safeguard funds that have been received in exchange for electronic money that has been issued, in accordance with Article 9(1) and (2) of Directive 2007/64/EC. Funds received in the form of payment by payment instrument need not be	Член 7 Изисквания за защитни мерки 1. Държавите-членки изискват от институциите за електронни пари да прилагат защитни мерки по отношение на средствата, получени в замяна на издадени електронни пари, в съответствие с член 9, параграфи 1 и 2 от Директива 2007/64/ЕО. Средствата, получени	LPSPS , Art. 77(d)( 1) and (2)	Art. 77(d) of LPSPS  (1) The electronic money institution shall apply to the funds received in exchange for issued electronic money the safeguarding measures referred to in Article 21.  (2) Funds received in the form of payment by payment instrument shall not be subject to the safeguarding measures under paragraph 1 until they are credited to the	Чл. 77(г) от ЗПУПС  (1) Дружество за електронни пари прилага по отношение на средствата, получени в замяна на издадени електронни пари, защитните мерки, посочени в чл. 21.  (2) Средствата, получени под формата на плащане с платежен инструмент, не са предмет на защитните мерки по ал. 1, докато не бъдат	Article 77(d)(1) and (2) of LPSPS transpose Article 7(1) of the Directive.  Article 77(d)(1) of LPSPS allows electronic money institutions the application of safeguarding measures mentioned under Article 21 of LSPS, over the funds received in exchange for issued electronic money. Furthermore, Article 21of LPSPS is an almost literal transposition of Article 9(1) and (2) of the Payment Services Directive, with the exception of Article 9(2), second sentence of PSD. Nevertheless, Article 9(2) of PSD provides an option for Member States, which has not been applied in Bulgaria.

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	safeguarded until they are credited to the electronic money institution's payment account or are otherwise made available to the electronic money institution in accordance with the execution time requirements laid down in the Directive 2007/64/EC, where applicable. In any event, such funds shall be safeguarded by no later than five business days, as defined in point 27 of Article 4 of that Directive, after the issuance of electronic money.	под формата на плащане с платежен инструмент, не е необходимо да бъдат предмет на защитни мерки, докато не се заверят по платежна сметка на институция за електронни пари или не бъдат предоставени на разположение по друг начин на институция за електронни пари в съответствие с изискванията за срока за изпълнение, установени с Директива 2007/64/ЕО, когато е приложимо. При всички случаи тези средства са предмет на защитни мерки не покъсно от пет работни дни след издаването на електронните пари, както е определено в член 4, точка 27 от посочената директива.		electronic money institution's payment account or are otherwise made available to the electronic money institution in accordance with the execution time requirements laid down in Article 64, paragraph 2. In any event, such funds shall be safeguarded by no later than five business days after the issuance of electronic money.	заверени по платежната сметка на дружеството за електронни пари или не бъдат предоставени на разположение по друг начин на дружеството за електронни пари в съответствие с изискванията за срока на изпълнение, посочен в чл. 64, ал. 2. При всички случаи тези средства са предмет на защитни мерки не по-късно от 5 работни дни след издаването на електронните пари.	Article 77(d)(2) of LPSPS almost literally transposes Article 7(1) of the Directive, while referring to Article 64, paragraph 2 of LPSPS which lays down the execution time requirements to be met before making available electronic money. The five days safeguard period is also duly respected under Bulgarian legislation.  Article 77(d)(1) and (2) of LPSPS are therefore conform to the Directive provisions.
Art. 7(2) 1 <sup>st</sup> subpar a.	2. For the purposes of paragraph 1, secure, lowrisk assets are asset items falling into one of the categories set out in Table 1 of point 14 of Annex I to Directive 2006/49/EC of the European Parliament and of the Council of 14	2. За целите на параграф 1 сигурни, нискорискови активи са позициите от активите, които попадат в една от категориите в приложение I, точка 14, таблица 1 към Директива 2006/49/ЕО на Европейския	N/A	N/A	N/A	NOT CONFORM  Provisions corresponding to Article 7(2), first subparagraph of the Directive could not be located in the Bulgarian law.  The provided Bulgarian correlation table states that this article is not meant to be transposed into national law, as Bulgaria has only introduced the first measure under

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	June 2006 on the capital adequacy of investment firms and credit institutions for which the specific risk capital charge is no higher than 1,6 %, but excluding other qualifying items as defined in point 15 of that Annex.	парламент и на Съвета от 14 юни 2006 г. относно капиталовата адекватност на инвестиционните посредници и кредитните институции (1), за които капиталовото изискване за специфичен риск е не по-високо от 1,6 %, но като се изключат други квалифицирани позиции, както е определено в точка 15 от същото приложение.				Article 9, paragraph 1 (a) of Directive 2007/64/EC and has not chosen to opt for the second measure with regards to investment into secure and not risky activities.  On the basis of the above findings, nonconformity is concluded.
Art. 7(2) 2 <sup>nd</sup> subpar a.	For the purposes of paragraph 1, secure, lowrisk assets are also units in an undertaking for collective investment in transferable securities (UCITS) which invests solely in assets as specified in the first subparagraph.	За целите на параграф 1 сигурни, нискорискови активи са и дяловете в предприятие за колективно инвестиране в прехвърлими ценни книжа (ПКИПЦК), което инвестира единствено в активите, посочени в първа алинея.	N/A	N/A	N/A	NOT CONFORM  Provisions corresponding to Article 7(2), second subparagraph of the Directive could not be located in the Bulgarian law.  The provided Bulgarian correlation table states that this article is not meant to be transposed into national law, as Bulgaria has only introduced the first measure under Article 9, paragraph 1 (a) of Directive 2007/64/EC and has not chosen to opt for the second measure with regards to investment into secure and not riskful activities.  However, further clarifications could be inquired from Bulgaria.  On the basis of the above findings, nonconformity is concluded.

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Art. 7(2) 3 <sup>rd</sup> subpar a.	In exceptional circumstances and with adequate justification, the competent authorities may, based on an evaluation of security, maturity, value or other risk element of the assets as specified in the first and second subparagraphs, determine which of those assets do not constitute secure, low-risk assets for the purposes of paragraph 1.	При извънредни обстоятелства и с подходяща обосновка компетентните органи могат, въз основа на оценка на сигурността, падежа, стойността и други елементи на риска на активите, съгласно посоченото в първа и втора алинея, да определят кои от тези активи не представляват сигурни, нискорискови активи за целите на параграф 1.	N/A	N/A	N/A	Article 7(2) third subparagraph of the Directive sets out an option. Owing to this option, Bulgaria has not chosen to apply it. In this regard, no corresponding provision could be located in the legislation of Bulgaria either.
Art. 7(3)	3. Article 9 of Directive 2007/64/EC shall apply to electronic money institutions for the activities referred to in Article 6(1)(a) of this Directive that are not linked to the activity of issuing electronic money.	3. Член 9 от Директива 2007/64/ЕО се прилага по отношение на институциите за електронни пари за дейностите, посочени в член 6, параграф 1, буква а) от настоящата директива, които не са свързани с дейността по издаване на електронни пари.	LPSPS , Article 77(e)(3 )	Art. 77(e) of LPSPS  (3) For the funds received to provide payment services under Article 4, excluding the activity of electronic money issuance, Articles 20 and 21 shall apply.	Чл. 77(д) от ЗПУПС  3. предоставяне на оперативни услуги и на тясно свързани спомагателни услуги по отношение на издаването на електронни пари или на предоставянето на платежните услуги, посочени в т. 1;	Article 77(e)(3) of LPSPS transposes Article 7(3) of the Directive.  Article 77(e)(3) of LPSPS establishes that for the funds received to provide payments services other than the issuance of electronic money Article 20 and 21 of LPSPS apply. In this regard, Article 4 of LPSPS defines payment services. Article 9 of Directive 2007/64/EC is transposed by Article 20 and Article 21 of LPSPS. The national implementing provisions are conform to Article 9 of Directive 2007/64/EC.  Article 77(e)(3) of LPSPS is therefore conform to Article 7(3) of the Directive.
Art.	4. For the purposes of paragraphs 1 and 3,	4. За целите на параграфи 1 и 3	N/A	N/A	N/A	Article 7(4) of the Directive sets out an option. Owing to that option, Bulgaria has not

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7(4)	Member States or their competent authorities may determine, in accordance with national legislation, which method shall be used by the electronic money institutions to safeguard funds.	държавите-членки или техните компетентни органи могат да определят, в съответствие с националното законодателство, кой метод за защитата на средства да използват институциите за електронни пари.				chosen to apply it. In this regard, no corresponding provision could be located in the legislation of Bulgaria either.
Art. 8(1)	Article 8 Relations with third countries  1. Member States shall not apply to a branch of an electronic money institution having its head office outside the Community, when taking up or pursuing its business, provisions which result in more favourable treatment than that accorded to an electronic money institution having its head office within the	Член 8 Отношения с трети държави  1. За предприемането и упражняването на дейност от клонове на институции за електронни пари, чиито централни управления се намират извън Общността, държавитечленки не прилагат разпоредби, които водят до по-благоприятно третиране от това спрямо институции за	N/A	N/A	N/A	NOT CONFORM  The equivalent of Article 8(1) of the Directive has not been found in the Bulgarian legislation. No national provisions in the Bulgarian legislation transpose Article 8(1) of the Directive.  On the basis of the above findings, nonconformity is concluded.
Art. 8(2)	2. The competent authorities shall notify the Commission of all authorisations for branches	електронни пари, чиито централни управления се намират в Общността.  2. Компетентните органи уведомяват Комисията за всички разрешения за клонове, издадени на	N/A	N/A	N/A	NOT CONFORM  Provisions corresponding to Article 8(2) of the Directive could not be located in the

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	of electronic money institutions having their head office outside the Community.	институции за електронни пари, чиито централни управления се намират извън Общността.				Bulgarian law.  Further clarifications might, however, be enquired from Bulgaria and prove useful as regards to the notification of the Comission of all authorisations for branches of electronic money institutions.
Art. 8(3)	3. Without prejudice to paragraph 1, the Community may, through agreements concluded with one or more third countries, agree to apply provisions that ensure that branches of an electronic money institution having its head office outside the Community are treated identically throughout the Community.	3. Без да се засяга параграф 1, Общността може, чрез споразумения с една или повече трети държави, да се договори да прилага разпоредби, които гарантират, че клоновете на институция за електронни пари, чието централно управление се намира извън Общността, получават еднакво третиране в цялата Общност.	N/A	N/A	N/A	CONFORM  Provisions corresponding to Article 8(3) of the Directive could not be located in the Bulgarian law as it does not contain any positive obligation for Member States to conclude agreements with third countries.
Art. 9(1) 1 <sup>st</sup> subpar a. intr. wordi ng	Article 9 Optional Exemptions  1. Member States may waive or allow their competent authorities to waive the application of all or part of the procedures and conditions set out in Articles 3, 4, 5 and 7 of this Directive, with the exception of Articles 20, 22, 23 and 24	Член 9 Освобождавания по избор на държавачленка 1. Държавите-членки може да освобождават или да позволяват на своите компетентни органи да освобождават от прилагане на всички или част от процедурите и условията, предвидени	N/A	N/A	N/A	Article 9(1) first subparagraph of the Directive sets out an option. Owing to that option Bulgaria has not chosen to apply it. In this regard, no corresponding provision could be located in the legislation of Bulgaria either.  As Bulgarian legislator decided not to apply the waiver under Article 9(1), first subparagraph of the Directive, none of the provisions of Article 9 of the Directive are transposed into Bulgarian legislation.

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	of Directive 2007/64/EC, and allow legal persons to be entered in the register for electronic money institutions if both of the following requirements are complied with:	в членове 3, 4, 5 и 7 от настоящата директива, с изключение на членове 20, 22, 23 и 24 от Директива 2007/64/ЕО, както и да позволяват вписването на юридически лица в регистъра на институциите за електронни пари, ако са спазени следните две условия:				
Art. 9(1) 1 <sup>st</sup> subpar . (a)	(a) the total business activities generate an average outstanding electronic money that does not exceed a limit set by the Member State but that, in any event, amounts to no more than EUR 5000000; and	а) общите стопански дейности пораждат средна стойност на електронните пари в обращение, която не надвишава границата, определена от държавата-членка, и която при всички случаи не надвишава 5 000 000 EUR; и	N/A	N/A	N/A	Article 9(1), first subparagraph (a) of the Directive sets out an option. Owing to that option Bulgaria has not chosen to apply it. In this regard, no corresponding provision could be located in the legislation of Bulgaria either.
Art. 9(1) 1 <sup>st</sup> subpar a. (b)	(b) none of the natural persons responsible for the management or operation of the business has been convicted of offences relating to money laundering or terrorist financing or other financial crimes.	б) никое от физическите лица, отговорни за управлението или осъществяването на стопанската дейност, не е осъждано за престъпления, свързани с изпиране на пари или финансиране на тероризъм, или за други	N/A	N/A	N/A	Article 9(1), first subparagraph (b) of the Directive sets out an option. Owing to that option Bulgaria has not chosen to apply it. In this regard, no corresponding provision could be located in the legislation of Bulgaria either.

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		финансови престъпления.				
Art. 9(1) 2 <sup>nd</sup> subpar a,	Where an electronic money institution carries out any of the activities referred to in Article 6(1)(a) that are not linked to the issuance of electronic money or any of the activities referred to in Article 6(1)(b) to (e) and the amount of outstanding electronic money is unknown in advance, the competent authorities shall allow that electronic money institution to apply point (a) of the first subparagraph on the basis of a representative portion assumed to be used for the issuance of electronic money, provided that such a representative portion can be reasonably estimated on the basis of historical data and to the satisfaction of the competent authorities. Where an electronic money institution has not completed a sufficiently long period of business, that requirement shall be assessed on the basis of projected outstanding	Когато институция за електронни пари извършва някоя от дейностите, посочени в член 6, параграф 1, буква а), които не са свързани с издаването на електронни пари или която и да било от дейностите, посочени в член 6, параграф 1, букви б)—д), и стойността на електронните пари в обращение не е предварително известна, компетентните органи позволяват на тази институция за електронни пари да приложи първа алинея, буква а) въз основа на представителен дял, за който се предполага, че ще се използва за издаване на електронни пари, при условие че този представителен дял може да бъде разумно преценен въз основа на исторически данни и по задоволителен за компетентните органи начин. Когато	N/A	N/A	N/A	Article 9(1), second subparagraph of the Directive sets out an option. Owing to that option Bulgaria has not chosen to apply it. In this regard, no corresponding provision could be located in the legislation of Bulgaria either.

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	electronic money evidenced by its business plan subject to any adjustment to that plan having been required by the competent authorities.	институция за електронни пари не е извършвала стопанска дейност в достатъчно дълъг срок, това изискване се оценява въз основа на проекция за стойността на електронните пари в обращение, подкрепена от нейния бизнес план, и подлежи на изискване от страна на компетентните органи за корекции в този бизнес план.				
Art. 9(1) 3 <sup>rd</sup> subpar a.	Member States may also provide for the granting of the optional exemptions under this Article to be subject to an additional requirement of a maximum storage amount on the payment instrument or payment account of the consumer where the electronic money is stored.	Държавите-членки може също така да предвидят предоставянето на факултативни освобождавания по настоящия член да бъде обвързано с допълнително изискване за максимална стойност, съхранявана в платежния инструмент, или платежна сметка на потребителя, в която се съхраняват електронните пари.	N/A	N/A	N/A	Article 9(1), third subparagraph of the Directive sets out an option. Owing to this option, Bulgaria has not chosen to apply it. In this regard, no corresponding provision could be located in the legislation of Bulgaria either.
Art. 9(1) 4 <sup>th</sup> subpar a.	A legal person registered in accordance with this paragraph may provide payment services not	Юридическо лице, регистрирано в съответствие с настоящия параграф,	N/A	N/A	N/A	Article 9(1), fourth subparagraph of the Directive sets out an option. Owing to this option, Bulgaria has not chosen to apply it. In this regard, no corresponding provision could

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	related to electronic money issued in accordance with this Article only if conditions set out in Article 26 of Directive 2007/64/EC are met.	може да предоставя платежни услуги, които не са свързани с електронните пари, издавани в съответствие с настоящия член, само ако са изпълнени условията, определени в член 26 от Директива 2007/64/ЕО.				be located in the legislation of Bulgaria either.
Art. 9(2)	2. A legal person registered in accordance with paragraph 1 shall be required to have its head office in the Member State in which it actually pursues its business.	2. Юридическо лице, регистрирано в съответствие с параграф 1, е длъжно да има централно управление в държавата-членка, в която то действително упражнява дейността си.	N/A	N/A	N/A	Article 9(2) of the Directive sets out an option. Owing to this option, Bulgaria has not chosen to apply it. In this regard, no corresponding provision could be located in the legislation of Bulgaria either.
Art. 9(3)	3. A legal person registered in accordance with paragraph 1 shall be treated as an electronic money institution. However, Article 10(9) and Article 25 of Directive 2007/64/EC shall not apply to it.	3. Юридическо лице, регистрирано в съответствие с параграф 1, се третира като институция за електронни пари. Член 10, параграф 9 и член 25 от Директива 2007/64/ЕО обаче не се прилагат за него.	N/A	N/A	N/A	Article 9(3) of the Directive sets out an option. Owing to this option, Bulgaria has not chosen to apply it. In this regard, no corresponding provision could be located in the legislation of Bulgaria either.
Art. 9(4)	4. Member States may provide for a legal person registered in accordance with paragraph 1 to engage only in some of the	4. Държавите-членки може да предвидят, че всяко регистрирано в съответствие с параграф 1 юридическо лице може	N/A	N/A	N/A	Article 9(4) of the Directive sets out an option. Owing to this option, Bulgaria has not chosen to apply it. In this regard, no corresponding provision could be located in the legislation of Bulgaria either.

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	activities listed in Article 6(1).	да извършва само някои от дейностите, изброени в член 6, параграф 1.				
Art. 9(5) intr. wordi	5. A legal person referred to in paragraph 1 shall:	5. Юридическо лице, посочено в параграф 1:	N/A	N/A	N/A	Article 9(5), introductory wording of the Directive sets out an option. Owing to this option, Bulgaria has not chosen to apply it. In this regard, no corresponding provision could be located in the legislation of Bulgaria either.
Art. 9(5)(a)	(a) notify the competent authorities of any change in its situation which is relevant to the conditions specified in paragraph 1; and	а) уведомява компетентните органи за всяка промяна в положението му, свързана с условията по параграф 1; и	N/A	N/A	N/A	Article 9(5)(a) of the Directive sets out an option. Owing to this option, Bulgaria has not chosen to apply it. In this regard, no corresponding provision could be located in the legislation of Bulgaria either.
Art. 9(5)(b)	(b) at least annually, on date specified by the competent authorities, report on the average outstanding electronic money.	б) поне веднъж годишно, на дата, посочена от компетентните органи, докладва относно средната стойност на електронните пари в обращение.	N/A	N/A	N/A	Article 9(5)(b)of the Directive sets out an option. Owing to this option, Bulgaria has not chosen to apply it. In this regard, no corresponding provision could be located in the legislation of Bulgaria either.
Art. 9(6)	6. Member States shall take the necessary steps to ensure that where the conditions set out in paragraphs 1, 2 and 4 are no longer met, the legal person concerned shall seek authorisation within 30 calendar days in accordance with Article 3.	6. Държавите-членки предприемат необходимите мерки, с които да се гарантира, че когато условията по параграфи 1, 2 и 4 престанат да бъдат изпълнени, съответното юридическо лице подава заявление за лиценз в	N/A	N/A	N/A	Article 9(6) of the Directive sets out an option. Owing to this option, Bulgaria has not chosen to apply it. In this regard, no corresponding provision could be located in the legislation of Bulgaria either.

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	Any such person that has not sought authorisation within that period shall be prohibited, in accordance with Article 10, from issuing electronic money.	срок от 30 календарни дни в съответствие с член 3. На юридическо лице, което не е подало в този срок заявление за лиценз, се забранява да издава електронни пари в съответствие с член 10.				
Art. 9(7)	7. Member States shall ensure that their competent authorities are sufficiently empowered to verify continued compliance with the requirements laid down in this Article.	7. Държавите-членки гарантират, че техните компетентни органи разполагат с достатъчно правомощия да проверяват непрекъснатото спазване на изискванията, установени в настоящия член.	N/A	N/A	N/A	Article 9(7) of the Directive sets out an option. Owing to this option, Bulgaria has not chosen to apply it. In this regard, no corresponding provision could be located in the legislation of Bulgaria either.
Art. 9(8)	8. This Article shall not apply in respect of the provisions of Directive 2005/60/EC or national anti-money-laundering provisions.	8. Настоящият член не се прилага за разпоредбите на Директива 2005/60/ЕО или за националните разпоредби срещу изпиране на пари.	N/A	N/A	N/A	Article 9(8) of the Directive sets out an option. Owing to this option, Bulgaria has not chosen to apply it. In this regard, no corresponding provision could be located in the legislation of Bulgaria either.
Art. 9(9)	9. Where a Member State avails itself of the waiver provided for in paragraph 1, it shall notify the Commission accordingly by 30 April 2011. The Member State shall notify the Commission forthwith	9. Ако държава-членка се възползва от освобождаването, предвидено в параграф 1, тя нотифицира Комисията до 30 април 2011 г. Държавата-членка нотифицира	N/A	N/A	N/A	Article 9(9) of the Directive sets out an option. Owing to this option, Bulgaria has not chosen to apply it. In this regard, no corresponding provision could be located in the legislation of Bulgaria either

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	of any subsequent change. In addition, the Member State shall inform the Commission of the number of legal persons concerned and, on an annual basis, of the total amount of outstanding electronic money issued at 31 December of each calendar year, as referred to in paragraph 1.	Комисията за всички последващи промени. В допълнение държаватачленка информира Комисията за броя на съответните юридически лица и — ежегодно — за общата стойност на електронните пари в обращение, издавани към 31 декември на всяка календарна година, както е посочено в параграф 1.				
Art. 10	TITLE III  ISSUANCE AND REDEEMABILITY OF ELECTRONIC MONEY  Article 10 Prohibition from issuing electronic money  Without prejudice to Article 18, Member States shall prohibit natural or legal persons who are not electronic money issuers from issuing electronic money.	ДЯЛ III  ИЗДАВАНЕ И  ОБРАТНО  ИЗКУПУВАНЕ НА  ЕЛЕКТРОННИ ПАРИ  Член 10  Забрана за издаване на електронни пари  Без да се засяга член 18, държавите-членки забраняват издаването на електронни пари от физически или юридически лица, които не са издатели на електронни пари.	LPSPS , Art. 76(3)	Art. 76 of LPSPS  (3) An entity that intends to issue electronic money as an electronic money institution shall be licensed to perform activities as an electronic money institution prior to commencing issuing electronic money.	Чл. 76 от ЗПУПС  (3) Лице, което възнамерява да издава електронни пари като дружество за електронни пари, трябва да получи лиценз за извършване на дейност като дружество за електронни пари, преди да започне да издава електронни пари.	CONFORM  Article 76(3) of LPSPS transposes Article 10 of the Directive.  Article 76(3) of LPSPS uses the term "entity" instead of "legal persons" as in the Directive. However, it can be inferred that they both have similar meanings so as to be conformed to the Directive provisions.  Article 76(3) of LPSPS is therefore conform to the Directive provisions.
Art. 11(1)	Article 11 Issuance and redeemability	Член 11 Издаване и обратно изкупуване	LPSPS , Art. 75(1)	Art. 75 of LPSPS  (1) Electronic money issuers shall issue	<b>Чл. 75 от ЗПУПС</b> (1) Издателите на електронни пари издават	CONFORM  Article 75(1) of LPSPS literally transposes Article 11(1) of the Directive.

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	1. Member States shall ensure that electronic money issuers issue electronic money at par value on the receipt of funds.	1. Държавите-членки гарантират, че издателите на електронни пари издават електронни пари по номинална стойност при получаване на средства.		electronic money at par value on the receipt of funds.	електронни пари по номинална стойност при получаване на средства.	
Art. 11(2)	2. Member States shall ensure that, upon request by the electronic money holder, electronic money issuers redeem, at any moment and at par value, the monetary value of the electronic money held.	2. Държавите-членки гарантират, че по искане на държателя на електронни пари издателите на електронни пари изкупуват обратно, по всяко време и по номинална стойност, паричната стойност на държаните електронни пари.	LPSPS , Art. 75(2)	Art. 75 of LPSPS  (2) Upon request by the electronic money holder, electronic money issuers shall redeem, at any time and at par value, the monetary value of the electronic money held.	Чл. 75 от ЗПУПС  (2) По искане на държателя на електронни пари издателите на електронни пари изкупуват обратно по всяко време и по номинална стойност паричната стойност на държаните електронни пари.	CONFORM Article 75(2) of LPSPS literally transposes Article 11(2) of the Directive.
Art. 11(3)	3. The contract between the electronic money issuer and the electronic money holder shall clearly and prominently state the conditions of redemption, including any fees relating thereto, and the electronic money holder shall be informed of those conditions before being bound by any contract or offer.	3. В договора между издателя и държателя на електронни пари се посочват ясно и недвусмислено условията на обратно изкупуване, включително всякакви свързани с това такси, като на държателя на електронни пари се предоставя информация относно тези условия, преди да бъде обвързан от какъвто и да било	LPSPS , Art. 75(3)	Art. 75 of LPSPS  (3) The contract between the electronic money issuer and the electronic money holder shall clearly and prominently state the conditions of redemption, including any fees relating thereto, and the electronic money holder shall be informed of those conditions before being bound by any contract or offer.	Чл. 75 от ЗПУПС  (3) В договора между издателя и държателя на електронни пари се посочват ясно и недвусмислено условията за обратно изкупуване, включително всички свързани с това такси, като на държателя на електронни пари се предоставя информация относно тези условия,	CONFORM  Article 75(3) of LPSPS literally transposes Article 11(3) of the Directive.

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		договор или оферта.			преди да бъде обвързан от договор или оферта.	
Art. 11(4) 1st subpar a. intr. wordi ng	4. Redemption may be subject to a fee only if stated in the contract in accordance with paragraph 3 and only in any of the following cases:	4. Обратното изкупуване може да подлежи на такса, само ако това е посочено в договора в съответствие с параграф 3 и само в някой от следните случаи:	LPSPS , Art. 75(4)	Art. 75 of LPSPS  (4) Redemption may be subject to a fee only if stated in the contract in accordance with paragraph 3 and only in any of the following cases:	Чл. 75 от ЗПУПС  (4) За обратното изкупуване може да се начислява такса само ако това е посочено в договора в съответствие с ал. 3 и ако е налице поне едно от следните условия:	CONFORM  Article 75(4) of LPSPS literally transposes Article 11(4), first subpagraph introductory wording of the Directive.
Art. 11(4) 1 <sup>st</sup> subpar a. (a)	(a) where redemption is requested before the termination of the contract;	а) когато обратното изкупуване е поискано преди изтичането на договора;	LPSPS , Art. 75(1)	Art. 75 of LPSPS  1. where redemption is requested before the termination of the contract;	<b>Чл. 75 от ЗПУПС</b> 1. когато обратното изкупуване е поискано преди изтичането на договора;	CONFORM  Article 75(1) of LPSPS literally transposes Article 11(4), first subparagraph (a) of the Directive.
Art. 11(4) 1 <sup>st</sup> subpar a. (b)	(b) where the contract provides for a termination date and the electronic money holder terminates the contract before that date; or	б) когато договорът предвижда дата на изтичане и държателят на електронни пари прекрати договора преди тази дата; или	LPSPS , Art. 75(2)	Art. 75 of LPSPS  2. where the contract provides for a termination date and the electronic money holder terminates the contract before that date;	Чл. 75 от ЗПУПС  2. когато договорът предвижда дата на изтичане и държателят на електронни пари прекрати договора преди тази дата;	CONFORM  Article 75(2) of LPSPS literally transposes Article 11(4), first subparagraph (b) of the Directive.
Art. 11(4) 1 <sup>st</sup> subpar a. (c)	(c) where redemption is requested more than one year after the date of termination of the contract.	в) когато обратното изкупуване е поискано повече от една година след датата на изтичане на договора.	LPSPS , Art. 75(3)	Art. 75 of LPSPS  3. where redemption is requested more than one year after the date of termination of the contract.	<b>Чл. 75 от ЗПУПС</b> 3. когато обратното изкупуване е поискано повече от една година след датата на изтичане на договора.	CONFORM  Article 75(3) of LPSPS literally transposes Article 11(4), first subparagraph (c) of the Directive.

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Art. 11(4) 2 <sup>nd</sup> subpar a.	Any such fee shall be proportionate and commensurate with the actual costs incurred by the electronic money issuer.	Всяка такава такса е пропорционална и съразмерна на действителните разходи, направени от издателя на електронни пари.	LPSPS , Art. 75(5)	Art. 75 of LPSPS  (5) The fee under paragraph 4 shall be proportionate and commensurate with the actual costs incurred by the electronic money issuer.	Чл. 75 от ЗПУПС  (5) Таксата по ал. 4 е пропорционална и съразмерна на действителните разходи, направени от издателя на електронни пари.	CONFORM  Article 75(5) of LPSPS literally transposes Article 11(4), second subparagraph of the Directive.
Art. 11(5)	5. Where redemption is requested before the termination of the contract, the electronic money holder may request redemption of the electronic money in whole or in part.	5. Когато обратното изкупуване е поискано преди изтичането на договора, държателят на електронни пари може да поиска обратното изкупуване на част от електронните пари или на цялата сума.	LPSPS , Art. 75(6)	Art. 75 of LPSPS  (6) Where redemption is requested before the termination of the contract, the electronic money holder may request redemption of the electronic money in whole or in part.	Чл. 75 от ЗПУПС  (6) Когато обратното изкупуване е поискано преди изтичането на договора, държателят на електронни пари може да поиска обратно изкупуване на част от електронните пари или на цялата сума.	CONFORM  Article 75(6) of LPSPS literally transposes Article 11(5) of the Directive.
Art. 11(6) intr. wordi ng	6. Where redemption is requested by the electronic money holder on or up to one year after the date of the termination of the contract:	6. Когато обратното изкупуване е поискано от държателя на електронни пари на датата на изтичане на договора или до една година след това:	LPSPS , Art. 75(7)	Art. 75 of LPSPS  (7) Where redemption is requested by the electronic money holder on or up to one year after the date of the termination of the contract, the electronic money institution may:	Чл. 75 от ЗПУПС  (7) Когато обратното изкупуване е поискано от държателя на електронни пари на датата на изтичане на договора или до една година след това, дружеството за електронни пари:	CONFORM  Article 75(7) of LPSPS literally transposes Article 11(6), introductory wording of the Directive.
Art. 11(6)(a	a) the total monetary value of the electronic money held shall be redeemed; or	а) се изкупува обратно цялата стойност на държаните електронни	LPSPS , Art. 75(1)	Art. 75 of LPSPS  1. redeem the total monetary value of the	<b>Чл. 75 от ЗПУПС</b> 1. изкупува обратно цялата стойност на	CONFORM Article 75(1) of LPSPS almost literally

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		пари; или		electronic money held, or	държаните електронни пари, или	transposes Article 11(6)(a) of the Directive.
Art. 11(6)(b)	(b) where the electronic money institution carries out one or more of the activities listed in Article 6(1)(e) and it is unknown in advance what proportion of funds is to be used as electronic money, all funds requested by the electronic money holder shall be redeemed.	б) ако институция за електронни пари извършва една или повече от дейностите, изброени в член 6, параграф 1, буква д) и делът от средства, предназначени да се използват като електронни пари, не е предварително известен, институцията за електронни пари изкупува обратно всички средства, искани от държателя на електронни пари.	LPSPS , Art. 75(2)	Art. 75 of LPSPS  2. redeem all funds requested by the electronic money holder where the electronic money institution carries out another activity within the meaning of Article 77e, paragraph 1, item 5 and it is unknown in advance what proportion of funds is to be used as electronic money.	Чл. 75 от ЗПУПС  2. изкупува обратно всички средства, поискани от държателя на електронни пари, ако дружеството за електронни пари извършва друга дейност по смисъла на чл. 77д, ал. 1, т. 5 и делът от средства, предназначени да се използват като електронни пари, не е предварително известен.	CONFORM  Article 75(2) of LPSPS almost literally transposes Article 11(6)(b) of the Directive.  Article 77(e)(5) of LPSPS transposes Article 6(1), first subparagraph (e) of the Directive.  The national implementing provision is conform to Article 6(1), first subparagraph (e) of the Directive.  On the basis of the above findings, Article 75(2) of LPSPS is therefore conform to Article 11(6)(b) of the Directive.
Art. 11(7)	7. Notwithstanding paragraphs 4, 5 and 6, redemption rights of a person, other than a consumer, who accepts electronic money shall be subject to the contractual agreement between the electronic money issuer and that person.	7. Независимо от разпоредбите на параграфи 4, 5 и 6, правата на обратно изкупуване на лица, различни от потребители, които приемат електронни пари, се уреждат от договорното споразумение между издателите на електронни пари и съответните лица.	LPSPS , Art. 75(8)	Art. 75 of LPSPS  (8) Notwithstanding paragraphs 5, 6 and 7, redemption rights of a person, other than a consumer, who accepts electronic money shall be subject to the contractual agreement between the electronic money issuer and that person.	Чл. 75. от ЗПУПС  (8) Независимо от разпоредбите на ал. 5, 6 и 7 правата на обратно изкупуване на различни от потребители лица, които приемат плащания с електронни пари, се уреждат с договора между издателите на електронни пари и съответните лица.	CONFORM  Article 75(8) of LPSPS literally transposes Article 11(7) of the Directive.

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Art. 12	Article 12 Prohibition of interest  Member States shall prohibit the granting of interest or any other benefit related to the length of time during which an electronic money holder holds the electronic money.	Член 12 Забрана за начисляването на лихви Държавите-членки забраняват начисляването на лихви или предоставянето на всякакви други ползи, свързани с продължителността на срока, за който държателят на електронни пари държи електронните пари.	LPSPS , Art. 77(c)(3 )	Art. 77(c) of LPSPS  (3) The electronic money institution shall not accrue interest or any other benefit related to the length of time during which an electronic money holder holds the electronic money.	Чл. 77(в) от ЗПУПС  (3) Дружество за електронни пари не може да начислява лихви или да предоставя каквито и да е други ползи, свързани с продължителността на срока, за който държателят на електронни пари държи електронните пари.	CONFORM  Article 77(c)(3) of LPSPS almost literally transposes Article 12 of the Directive.  Although the wording differs some, it does not affect the conformity as it establishes in a conform manner the prohibition set in the directive provisions.  Article 77(c)(3) of LPSPS is also in line with Recital 13 which establishes a separation between the electronic money issuance and the deposit-taking activity.  Article 77(c)(3) of LPSPS is therefore conform to Article 12 of the Directive.
Art. 13	Article 13 Out-of-court complaint and redress procedures for the settlement of disputes Without prejudice to this Directive, Chapter 5 of Title IV of Directive 2007/64/EC shall apply mutatis mutandis to electronic money issuers in respect of their duties arising from this Title.	Илен 13 Извънсъдебни процедури за възражения и определяне на обезщетение при уреждане на спорове Без да се засяга настоящата директива, дял IV, глава 5 от Директива 2007/64/ЕО се прилага mutatis mutandis към издателите на електронни пари по отношение на техните задължения, произтичащи от настоящия дял.	LPSPS , Art. 127, 128, 129, 130, 131, 132, 133, 134, 135 and 136	Art. 127 of LPSPS  (1) Any payment service provider, as part of its internal rules, shall establish a procedure of filing complaints, settling disputes and determining compensation in connection with the provision of payment services.  (2) The payment service provider shall be obliged to notify the customer in writing about its decision on each complaint filed within seven days of receipt of such a	<ul> <li>Чл. 127 от ЗПУПС</li> <li>(1) Всеки доставчик на платежни услуги в рамките на вътрешните си правила предвижда процедура за подаване на възражения, решаване на спорове и определяне на обезщетения във връзка с предоставянето на платежни услуги.</li> <li>(2) Доставчикът на платежни услуги е длъжен да се произнесе и да уведоми писмено клиента за решението си по всяко постъпило възражение в 7-дневен</li> </ul>	CONFORM  Article 127(4) of LPSPS specifically allows the application of the national implementing measures transposing the provisions of the Directive 2007/64/EC dealing with out-of-court complaint and redress procedures to electronic money institutions.  Chapter 8 of LPSPS transposes in a conform manner Chapter 5 of Title IV of Directive 2007/64/EC which refers to out-of-court complaint and redress procedures for the settlement of disputes, penalties, competent authorities, out-of-court redress procedures and out-of-court redress. Therefore, those national provisions are not only applicable to payment services providers, but also to electronic money institutions.  In this regard, Bulgarian law has established

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	соmplaint.  (3) If the payment service provider fails to deliver its decision within the time limit under paragraph 2, or if its decision does not satisfy the customer, the dispute may be referred to the Conciliation Commission on Payment service user of the existence of this option.  (4) Paragraphs 1–3 shall also apply to electronic money institutions.  Art. 128 of LPSPS  (1) The Conciliation Commission on Payment Disputes shall be established under the Consumer Protection Commission as a conciliation body for settlement of disputes arising between payment service users and payment service users, as well as between electronic money issuers and their clients in relation to the application of this Law, its implementing legislation	the payment services user and the payment services provider. Every payment service provider establishes internal rules and procedures for solving disputes.  Furthermore a special procedure under Article 128 of LPSPS has created a Conciliation Committee for Payment Disputes. The latter is responsible to conciliate disputes between electronic money issuers and their users with regards to the application of the relevant provisions of LPSPS dealing with electronic money institutions,  Article 127(4) of LPSPS is therefore in line with Recital 19 and conform to the Directive provisions.

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	and Regulation (EC) No 924/2009 of the Europear Parliament and of the Council of 16 September 2009 on cross-border payments in the Community and repealing Regulation (EC) No 2560/2001.  (2) The Conciliation Commission on Payment Disputes (hereinafter referred to as the 'Commission') shall be independent and shall not be subject to mandatory instructions regarding its activities.  Art. 129 of LPSPS  (1) The Conciliation Commission on Payment Disputes shall consist of a chairperson and deputy-chairperson designated by the BNB Governor, and members who are include in lists approved by a representative organisatio of the banks and by the Consumer Protection Commission. Such lists shall consist of at least three qualified persons. They can be withdrawn at any time.	пари и техни клиенти във връзка с прилагането на този закон, на подзаконовите актове по прилагането му и на Регламент (ЕО) № 924/2009 г. на Европейския парламент и на Съвета от 16 септември 2009 г. относно презграничните плащания в рамките на Общността и за отмяна на Регламент (ЕО) № 2560/2001.  (2) Помирителната комисия за платежни спорове, наричана понататък "комисията", е независима и към нея не могат да се отправят задължителни указания относно изпълнението на дейността є.  d Чл. 129 от ЗПУПС  п (1) Помирителната комисия за платежни спорове се състои от председател и заместник-председател, определени от	

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	(2) Each conciliation procedure of the Commission shall be held with the participation of three members, consisting of the chairperson or deputy chairperson of the Commission and one member from each of the respective lists. Members shall be designated by the chairperson on a rotation basis, in compliance with the Rules of Procedure of the Conciliation Commission.  (3) Where any of the members is unable to attend a conciliation procedure, the  Commission chairperson shall appoint another member.  (4) The members of the Commission, the chairperson and deputy-chairperson may not disclose information, which has become known to them in connection with the discharge of their duties.  (5) Annually, within three months after the end of the calendar year, the	

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	chairperson of the Commission shall draft a report, which shall be submitted to the BNB and the organisations that have approved the lists under paragraph 1. In preparing such a report, the requirements laid down in paragraph 4 shall be met.  Art. 130 of LPSPS  (1) The conciliation procedure of the Commission may not involve a member who:  1. is a spouse, a relative in a direct line, a relative in a lateral line up to the fourth degree inclusive, or a relative by marriage up to the third degree of affinity inclusive to any of the parties in the dispute;  2. has relationships with any of the parties to the dispute which give rise to justified doubts with regard to his/her impartiality.  (2) The request for suspension of a member of the Commission may be filed by any of the parties to the conciliation	комисията определя друг член.  (4) Членовете на комисията, председателят и заместник-председателят нямат право да разгласяват сведения, които са им станали известни във връзка с изпълнението на задълженията им.  (5) Ежегодно до три месеца след изтичането на календарната година председателят на комисията изготвя отчет, който предоставя на БНБ и на организациите, утвърдили листите по ал.  1. При изготвяне на отчета се спазват изискванията на ал. 4.  Чл. 130 от ЗПУПС  (1) Не може да участва в помирителното производство член на комисията, който:  1. е съпруг, роднина по права линия, по съребрена линия до четвърта степен или по сватовство до трета степен на някоя от	

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Directive 2009/110/EC	procedure.  (3) In case the circumstances referred to in paragraph 1 are in place, the member of the Commission shall request that he/she take exception from the procedure.  (4) Prior to the start of the conciliation procedure, the members of the Commission shall fill in a declaration to the effect that they are not in the situation referred to in paragraph 1.  Art. 131 of LPSPS  (1) The complaint shall be done in writing and shall state the facts and the claim. All the documents required for clarification of the subject of the dispute shall be attached.  (2) The complainant shall also submit a declaration stating that as at the firme.	Conformity Assessment
Conformity Assessment of Direction 2000/U10/TC, Delegation	stating that as at the time of filing the complaint he/she has not referred the same matter to be settled in court, in court of arbitration or another conciliation institution, and has not entered into an (1) Възражението е писмено и съдържа изложение на фактите и искането. Към възражението се прилагат всички документи, необходими за изясняване предмета	

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	agreement with the opposite party. The complainant may authoris his/her representative to stand proxy for him/her before the Commission.  (3) Where the documents provided are insufficient or the statement of the complaint is incomplete o unclear, the Commission shall not consider the complaint concerned, shal inform the complainant thereof, and shall grant him/her ten business days to rectify the matter.  (4) The complaint receive shall be sent to the parties concerned who should provide statements of opinion and evidence within ten business days.  By way of exception this time limit may be extended by ten business days.  (5) After expiration of the time-limit under paragrapi 4, the complainant shall be provided with the statements of opinions and evidence of the opposite party and shall be given up to ten business days to	и декларация, че към момента на подаване на възражението не е отнесъл същия спор за разрешаване пред съд, арбитражен съд или друга помирителна институция, както и че не е сключил с ответната страна спогодба.  Подателят на възражението може да упълномощи свой представител, който да го представлява пред комисията.  (3) Ако липсват достатъчно документи или изложеното във възражението е непълно или неясно, комисията оставя възражението без движение, информира подателя за това и му дава срок 10 работни дни за отстраняване на недостатъка.  (4) Полученото възражение се изпраща на засегнатите лица, които в срок до 10	

ргоvide an additional зtatement and new evidence if the opposite party refuses to satisfy his/her complaint.  (6) If the complainant presents an additional подателя на	Directive 2009/110/EC	National Implementing Measures	Conformity Assessment
statement of opinion and/or new evidence, the Commission shall afford the persons concerned the option to provide an additional statement of opinion and new evidence.  Art. 132 of LPSPS  (1) The Commission shall hear the dispute within one month of the expiration of the time limit under Article 131, paragraph 5.  (2) Where the Commission considers that the circumstances of the dispute need additional clarifications, it may require that the parties provide documents, information or further evidence. The Commission may also conduct on-site inspections in relation to the subject of the dispute.  (3) The Commission may		statement and new evidence if the opposite party refuses to satisfy his/her complaint.  (6) If the complainant presents an additional statement of opinion and/or new evidence, the Commission shall afford the persons concerned the option to provide an additional statement of opinion and new evidence.  Art. 132 of LPSPS  (1) The Commission shall hear the dispute within one month of the expiration of the time limit under Article 131, paragraph 5.  (2) Where the Commission considers that the circumstances of the dispute need additional clarifications, it may require that the parties provide documents, information or further evidence. The Commission may also conduct on-site inspections in relation to the subject of the dispute.  (3) The Commission may  (5) Commission may  (6) A  (6) A  (7) Commission may  (8) Commission may  (9) Commission may  (1) The Commission may  (1) The Commission may  (2) Commission may  (3) The Commission may  (1) The Commission may  (2) The Commission may  (1) The Commission may  (1) The Commission may  (1) The Commission may  (2) The Commission may  (3) The Commission may  (4) Commission may	почение срокът може бъде удължен с 10 отни дни.  След изтичане на ка по ал. 4 на ателя на ражението се доставят получените новища и азателства на етната страна и му се а срок до 10 работни за допълнително новище и нови азателства, ако етната страна не ае да удовлетвори ражението му.  Ако подателят на ражението представи вълнително новище и/или нови азателства, исията дава можност на егнатите лица да дставят вълнително новище и нови азателства.  132 от ЗПУПС  В срок до един месец д изтичане на срока

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	consider the dispute in an open session, explain to the parties the legal provisions applicable to the dispute and urge them to come to an agreement.  Art. 133 of LPSPS  The Commission shall not consider a complaint or shall terminate the conciliation procedure where, at the time of filing the complaint regarding the same dispute, court or arbitration proceedings have already been initiated or the dispute has been settled by means of an agreement.  Art. 134 of LPSPS  (1) After carrying out the necessary actions with a view to clarify the dispute, the Commission shall prepare a written conciliation proposal for its settlement.  (2) The conciliation procedure, No abstention from voting shall be allowed.	

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	(3) The parties may ассерт the conciliation proposal within ten days of its receipt by means of a written notification to the Commission. The acceptance of the proposal by the two parties shall have the effect of an agreement between them. The parties shall be notified that they are not obligated to accept the conciliation proposal.  (4) After expiration of the time-limit under paragraph 3, the Commission shall notify the parties of the outcome and shall terminate the conciliation procedure.  съдебно или спорът се разреши чрез спогодба.  4л. 134 от ЗПУПС  (1) След извършване на необходимите действия по изясняване на спора комисията изготвя писмено помирително предложение за неговото разрешаване.  (2) Помирителното предложение се приема с обикновено мнозинство от състава, който разглежда помирителното производство.  Въздържане при гласуване не се допуска.	
	Art. 135 of LPSPS  (1) The parties shall not be charged for hearing of the dispute by the  Commission. The costs incurred by the parties shall be for their own account. Each of the parties to the dispute may propose a provision for the settlement of costs to be included in the conciliation proposal.  (3) Помирителното предложение може да бъде прието от страните в срок до  10 дни след получаването му, като приемането става чрез писмено известие до комисията. Приемането на предложението от двете страни има силата на спогодба между тях. Страните трябва да бъдат уведомени, че не	

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	remuneration of Commission members shall be borne by the organisations which have appointed them. The Consumer Protection Commission shall provide staff and adequate working conditions for the Conciliation Commission on Payment Disputes.  (3) The BNB Governor shall approve rules of procedure for the operation of the Commission.  Art. 136 of LPSPS  In case of cross-border disputes, the Commission shall cooperate with the competent authorities for out-of-court settlement of the dispute redress in Member States by exchanging information and opinions with such authorities.  Ca длъжни да приемат помирителното предложение.  (4) След изтичане на срока по ал. 3 комисия съобщава резултата на страните, след което прекратява помирителното производство.  Чл. 135 от ЗПУПС  (1) Страните не заплащат такса за разглеждане на спора комисията. Направени от страните може да предложи в помирителното предложение.  (2) Разходите за възнаграждения на членовете на комисия се поемат от организациите, които ги определили. Комисията за защита и помирителното предожение.	ort tre ca co to

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					за платежни спорове.  (3) Управителят на БНБ утвърждава правилник за дейността на комисията.  Чл. 136 от ЗПУПС  В случаи на презгранични спорове комисията си сътрудничи със съответните органи за извънсъдебно разрешаване на спорове	
					в държавите-членки, като обменя информация и становища с тях.	
Art. 16(1)	TITLE IV FINAL PROVISIONS AND IMPLEMENTING MEASURES  Article 16 Full harmonization	ДЯЛ IV ЗАКЛЮЧИТЕЛНИ РАЗПОРЕДБИ И МЕРКИ ЗА ИЗПЪЛНЕНИЕ Член 16	N/A	N/A	N/A	CONFORM  The transposition of the above-mentioned Directive provisions has been so far conform into the Bulgarian law, therefore Article 16 of the Directive has been correctly transposed.
	1. Without prejudice to Article 1(3), the sixth subparagraph of Article 3(3), Article 5(7), Article 7(4), Article 9 and Article 18(2) and in so far as this Directive provides for harmonisation, Member States shall not maintain or introduce provisions other than those laid down	Пълна хармонизация  1. Без да се засягат член  1, параграф 3, член 3, параграф 3, шеста алинея, член 5, параграф  7, член 7, параграф 4, член 9 и член 18, параграф 2 и доколкото настоящата директива предвижда хармонизация,				

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	in this Directive.	държавите-членки не поддържат и не въвеждат разпоредби, различни от предвидените в настоящата директива.				
Art. 16(2)	2. Member States shall ensure that an electronic money issuer does not derogate, to the detriment of an electronic money holder, from the provisions of national law implementing or corresponding to provisions of this Directive except where explicitly provided for therein.	2. Държавите-членки гарантират, че издателите на електронни пари не се отклоняват, във вреда на държателите на електронни пари, от разпоредбите на националното законодателство за прилагане на разпоредбите на настоящата директива или съответстващите на тях, освен когато това е изрично предвидено в нея.	N/A	N/A	N/A	CONFORM  No national provision transposes Article 16(2) of the Directive.  Nevertheless, Article 77 of LPSPS establishes the BNB as the competent surveillance authority which is in charge to issue a license for the taking-up of the business of electronic money institution. As it has been already observed above, in specific circumstances, electronic money institutions needs to inform or get the approval of BNB.  Thus, conformity has been observed.
Art. 18(1) 1 <sup>st</sup> subpar a.	Article 18 Transitional provisions  1. Member States shall allow electronic money institutions that have taken up, before 30 April 2011, activities in accordance with national law transposing Directive 2000/46/EC in the Member State in which	Член 18 Преходни разпоредби 1. Държавите-членки позволяват на институциите за електронни пари, които преди 30 април 2011 г. са предприели дейност в съответствие с националното право, с която се транспонира	N/A	N/A	N/A	NOT CONFORM  The equivalent of Article 18(1), first subparagraph of the Directive has not been found in the Bulgarian legislation.  Therefore, no national provision in the Bulgarian legislation transposes Article 18(1), first subparagraph of the Directive.  On the basis of the above findings, non conformity is concluded.

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	their head office is located, to continue those activities in that Member State or in another Member State in accordance with the mutual recognition arrangements provided for in Directive 2000/46/EC without being required to seek authorisation in accordance with Article 3 of this Directive or to comply with the other provisions laid down or referred to in Title II of this Directive.	Директива 2000/46/ЕО в държавата-членка, в която се намира тяхното централно управление, да продължат дейностите си в тази или друга държава-членка в съответствие със споразуменията за взаимно признаване, предвидени в Директива 2000/46/ЕО, без да се изисква да подават заявление за лиценз в съответствие с член 3 от настоящата директива или да спазват другите разпоредби, предвидени в дял II от настоящата директива или към които този дял препраща.				
Art. 18(1) 2 <sup>nd</sup> subpar a.	Member States shall require such electronic money institutions to submit all relevant information to the competent authorities in order to allow the latter to assess, by 30 October 2011, whether the electronic money institutions comply with the requirements laid down in this Directive and, if not, which measures need to be taken	Държавите-членки изискват от такива институции за електронни пари да представят на компетентните органи цялата съответна информация с цел да дадат възможност на последните да направят оценка до 30 октомври 2011 г. дали институциите за електронни пари спазват изискванията,	N/A	N/A	N/A	NOT CONFORM  The equivalent of Article 18(1), second subparagraph of the Directive has not been found in the Bulgarian legislation.  Therefore, no national provision in the Bulgarian legislation transposes Article 18(1) second subparagraph of the Directive.  On the basis of the above findings, nonconformity is concluded.

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	in order to ensure compliance or whether a withdrawal of authorisation is appropriate.	предвидени в настоящата директива, а ако не ги спазват — какви мерки следва да бъдат предприети, за да се осигури спазването, или дали е уместно да се отнеме лицензът им.				
Art. 18(1) 3 <sup>rd</sup> subpar a.	Compliant electronic money institutions shall be granted authorisation, shall be entered in the register, and shall be required to comply with the requirements in Title II. Where electronic money institutions do not comply with the requirements laid down in this Directive by 30 October 2011, they shall be prohibited from issuing electronic money.	На спазващите изискванията институции за електронни пари се издава лиценз, вписват се в регистъра и се задължават да спазват изискванията, предвидени в дял II. Ако институции за електронни пари не спазят изискванията, установени в настоящата директива, до 30 октомври 2011 г., им се забранява да издават електронни пари.	N/A	N/A	N/A	NOT CONFORM  The equivalent of Article 18(1), third subparagraph of the Directive has not been found in the Bulgarian legislation.  Therefore, no national provision in the Bulgarian legislation transposes Article 18(1), third subparagraph of the Directive.  On the basis of the above findings, nonconformity is concluded.
Art. 18(2)	2. Member States may provide for an electronic money institution to be automatically granted authorisation and entered in the register provided for in Article 3 if the competent authorities already have evidence that	2. Държавите-членки могат да предвидят автоматично издаване на лиценз на институция за електронни пари и нейното вписване в регистъра, предвидено в член 3, ако компетентните органи	N/A	N/A	N/A	Article 18(2) of the Directive sets out an option. Owing to this option, Bulgaria has not chosen to apply it. In this regard, no corresponding provision could be located in the legislation of Bulgaria either.

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	the electronic money institution concerned complies with the requirements laid down in Articles 3, 4 and 5. The competent authorities shall inform the electronic money institutions concerned before the authorisation is granted.	вече разполагат с доказателства, че институцията за електронни пари спазва изискванията, посочени в членове 3, 4 и 5. Преди издаване на лиценза компетентните органи информират съответните институции за електронни пари.				
Art. 18(3)	3. Member States shall allow electronic money institutions that have taken up, before 30 April 2011, activities in accordance with national law transposing Article 8 of Directive 2000/46/EC, to continue those activities within the Member State concerned in accordance with Directive 2000/46/EC until 30 April 2012, without being required to seek authorisation under Article 3 of this Directive or to comply with the other provisions laid down or referred to in Title II of this Directive. Electronic money institutions which, during that period, have been neither authorised nor waived within the meaning of Article 9 of	3. Държавите-членки позволяват на институции за електронни пари, предприели преди 30 април 2011 г. дейности съгласно националното право, с които се транспонира член 8 от Директива 2000/46/ЕО, да продължат тези дейности в рамките на съответната държавачленка в съответствие с Директива 2000/46/ЕО до 30 април 2012 г., без да се изисква да подават заявление за лиценз съгласно член 3 от настоящата директива и без да спазват другите разпоредби, предвидени в дял II от настоящата директива или към които този дял препраща. На	N/A	N/A	N/A	NOT CONFORM  The equivalent of Article 18(3) of the Directive has not been found in the Bulgarian legislation therefore it might be useful to seek clarifications from Bulgaria.  On the basis of the above findings, nonconformity is concluded.

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this Directive, shall be prohibited from issuing electronic money.	институциите за електронни пари, които през този период нито са лицензирани, нито са освободени по смисъла на член 9 от настоящата директива, се забранява да издават електронни пари.		