

**Ordinance No 9\***  
**of the BNB**  
**of 26 July 2017**  
**on the Information and Documents Proving**  
**Compliance with the Requirements to Temporary**  
**Administrators or Special Managers of a Bank**

(Published in the Darjaven Vestnik, issue 64 of 8 August 2017;  
amended, Darjaven Vestnik, issue 55 of 12 July 2019)

**Subject**

**Article 1.** This Ordinance shall lay down the information and documents proving compliance with the requirements for appointing a temporary administrator or special manager to a bank in applying early intervention measures and resolution actions under the Law on the Recovery and Resolution of Credit Institutions and Investment Firms (LRRCIIF).

**Documents and Information Proving Compliance with the**  
**Requirements to Temporary Administrators or Special Managers**

**Article 2.** (1) Documents and information required to prove compliance with the requirements to temporary administrators or special managers under Article 46, paragraph 2 and Article 54, paragraph 2 of the LRRCIIF shall include:

1. a verified copy of the diploma of higher education with at least master's qualification degree;
2. a conviction status certificate;
3. declarations certifying the circumstances under Article 11, paragraph 1, items 4–6 and item 8 of the Law on Credit Institutions (LCI);
4. a declaration that the person is neither a spouse or relative in a direct line, in a lateral line to the third degree inclusive of any member of a managing or controlling body of the relevant bank, nor a non-marital partner of such a member;
5. a curriculum vitae containing a detailed description of the background and qualifications;
6. a record of service, a certificate issued by the Commercial Register or other documents certifying professional experience in banking or finance, including occupied managerial positions, as follows:

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\* Unofficial translation provided for information purposes only. The Bulgarian National Bank bears no responsibility whatsoever as to the accuracy of the translation and is not bound by its contents.

a) for persons with higher education in law or economics: documents certifying that the person has at least five years of experience on a managerial position;

b) for persons without higher education in law or economics: documents certifying that the person has at least ten years of professional experience, of which at least five years on a managerial position;

7. a copy of the document evidencing the obtained speciality, qualification or legal capacity, if any;

8. a fit and proper test questionnaire completed according to the Appendix;

9. a declaration by the person that there are no relationships which give rise to reasonable doubts about impartiality of the person to be appointed as a temporary administrator or special manager, including:

a) no commercial, financial, business, or other material interests in the bank in which the person is to be appointed, with persons connected to the bank or its debtors, as well as with other subsidiaries of the parent undertaking of the relevant bank, if it is part of a banking group;

b) the person does not hold a managerial position in a bank or entities connected to a bank;

10. a declaration that the person is ready to take up in due time his/her duties as a temporary administrator or special manager and is able to allocate sufficient time for performing his/her obligations in managing the bank in which he is to be appointed.

(2) The documents and information under paragraph 1, items 1–4 and item 8 shall prove compliance with the requirements under Article 11, paragraph 1, item 1 and items 3–9 of the Law on Credit Institutions.

(3) (amended; *Darjaven Vestnik*, issue 55 of 2019) The documents and information under paragraph 1, items 5–10 shall be presented to the BNB to judge if the required qualification, skills and knowledge of the person to perform the functions and tasks assigned to him/her are available and if there are doubts of his/her impartiality under Article 46, paragraph 3 and Article 54, paragraph 2 of the LRRCIF.

**Article 3.** A person graduated from a higher school abroad shall submit a copy of the diploma of higher education with the attained qualification degree in a foreign higher school acknowledged by the competent government body in the corresponding country as part of its secular higher education upon fulfilment of the requirements of Article 8, paragraph 3 of the Ordinance on the State Requirements for Recognition of University Education Acquired in Foreign Institutions of Higher Learning, and of Periods of Studies Completed at Such Establishments.

**Article 4.** The Governing Council, the Deputy Governor heading the Banking Supervision Department or persons authorised by them may request a certificate of acknowledgment of higher education issued under the Ordinance on the State Requirements for Recognition of University Education Acquired in Foreign Institutions of Higher Learning, and of Periods of Studies Completed at Such Establishments.

**Article 5.** A person who has declared interest to be appointed as a temporary administrator or special manager may be interviewed and/or requested to submit

additional documents (including letters of recommendation) where the submitted documents do not contain sufficient information as to his/her qualification, skills and knowledge or fitness and probity.

**Article 6.** (1) A person who meets the requirements under Article 46, paragraph 2 and Article 54, paragraph 2 of the LRRCIIF may at any time declare his/her interest to the Bulgarian National Bank to be appointed as a temporary administrator or special manager, and shall submit the documents and information under Article 2, paragraph 1, items 1–3 and items 5–8. The Bulgarian National Bank shall publish a template of an application form on its website.

(2) The Bulgarian National Bank shall keep the information on the person under paragraph 1 and may appoint as a temporary administrator or special manager one or more of these persons and/or one or more persons other than those under paragraph 1. The persons referred to in the first sentence shall inform the Bulgarian National Bank if they are no longer interested in the position.

(3) When a decision has been taken on appointing a person as a temporary administrator or special manager, the Bulgarian National Bank shall request a complete and up-to-date set of documents and information as specified in Article 2.

(4) The requirement under paragraph 3 shall also apply where a temporary administrator appointed under Article 46, paragraph 1 of the LRRCIIF, as well as a conservator appointed under Article 106, paragraph 1 of the Law on Credit institutions is to be appointed as a special manager in the same bank where he/she has been a temporary administrator or special manager until that time.

## **Additional Provision**

§ 1. Within the meaning of this Ordinance:

1. ‘connected persons’ shall be a concept within the meaning of § 1, item 4 (b–i) of the Additional Provisions of the Law on Credit Institutions.

2. ‘banking group’ shall be a group within the meaning of § 1, item 11 of the Additional Provisions of the Law on Credit Institutions.

3. (amended; Darjaven Vestnik, issue 55 of 2019) ‘persons holding a managerial position’ shall be a concept within the meaning of § 1, item 1 of the Additional Provisions of BNB Ordinance No 20 of 2019 on the Issuance of Approvals to the Members of the Management Board (Board of Directors) and Supervisory Board of a Credit Institution and Requirements for Performing Their Duties.

## **Transitional and Final Provisions**

§ 2. All documents in a foreign language as submitted under the terms and procedures of this Ordinance shall be accompanied by a translation into Bulgarian made by a translation agency authorised by the Ministry of Foreign Affairs of the Republic of Bulgaria, or by a consular or diplomatic officer in the country of origin of the document, and the official documents supplied shall, where applicable, also be legalised. Some private documents of essential significance for the assessment of compliance

with the requirements of this Ordinance may be required to be provided with notarial verification of the signatures of the persons who issued them.

§ 3. This Ordinance is issued on the grounds of Article 46, paragraph 3 and Article 54, paragraph 2 of the Law on the Recovery and Resolution of Credit Institutions and Investment Firms and is adopted by Resolution No 115 of the Governing Council of the Bulgarian National Bank of 26 July 2017.

Appendix to Article 2, paragraph 1, item 8  
(amended; Darjaven Vestnik, issue 55 of 2019)

## QUESTIONNAIRE DECLARATION

### Fitness and Probity of Temporary and Special Managers under Article 2, paragraph 1, item 8 of BNB Ordinance No 9 of 2017

#### 1. Personal data:

- 1.1. Full name: \_\_\_\_\_
- 1.2. Identity number/Personal number of a foreigner: \_\_\_\_\_
- 1.3. Nationality: \_\_\_\_\_
- 1.4. Date of birth (DD/MM/YYYYY): \_\_\_\_\_
- 1.5. Place of birth: \_\_\_\_\_
- 1.6. Permanent address: \_\_\_\_\_
- 1.7. Present address: \_\_\_\_\_
- 1.8. Telephone number: \_\_\_\_\_
- 1.9. E-mail: \_\_\_\_\_
- 1.10. Have you ever changed your name?

Yes No

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*(If 'yes', please complete the information under items 1.10.1 – 1.10.3.)*

- 1.10.1. Previous name: \_\_\_\_\_
- 1.10.2. Date of change (DD/MM/YYYYY): \_\_\_\_\_
- 1.10.3. Reason for the change: \_\_\_\_\_

#### 2. Education and professional qualification:

##### 2.1. Education

Educational establishment	Educational attainment and the field of study	Period of study (from – to)

*(Please add additional fields, if needed.)*

##### 2.2. Professional qualification

Organisation that has issued the qualification document	Qualification obtained	Period of study (from – to)

*(Please add additional fields, if needed.)*

## 2.3. Knowledge of languages

Language	Level*

(If more than two, please add additional fields.)

\* Please specify the level according to the Common European Framework of Reference for Languages.

## 3. Professional experience

Employer	
Position held	
Period	
Address	
Telephone number/e-mail for references	

Previous employer	
Position held	
Period	
Telephone number/e-mail for references	

Previous employer	
Position held	
Period	
Telephone number/e-mail for references	

## 4. Information on the companies in which the person under item 1.1 has or has had qualifying holdings over the past five years

4.1. Name and UIC of the company(s), registered and head office address:

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4.2. Percentage share in the equity, number of shares or units and total nominal amount in BGN:

Share (%)	Number of shares/units	Total nominal amount (BGN)

4.3. Date of acquiring the holding (DD/MM/YYYYY):

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4.4. Date of change (DD/MM/YYYYY):

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4.5. Has the company(s) ever been or is it currently subject to enforcement?

Yes No

<input type="checkbox"/>	<input type="checkbox"/>
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*(If 'yes', please specify the company's name, the type and amount of the liability; the reasons behind the enforcement and the results thereof.)*

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4.6. Has the company(s) ever been or is it currently subject to imposed attachments, freeze or other enforcement measures?

Yes No

<input type="checkbox"/>	<input type="checkbox"/>
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*(If 'yes', please specify the company's name, what the measures are and for what liabilities they have been imposed.)*

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4.7. Has the company ever been terminated due to bankruptcy or is it currently subject to bankruptcy proceedings?

Yes No

<input type="checkbox"/>	<input type="checkbox"/>
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*(If 'yes', please specify the company's name, the number and date of the decision to conclude bankruptcy proceedings and delete the company, or the number and date of the decision to institute bankruptcy proceedings, respectively.)*

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*(Please add additional fields to complete the list.)*

**5. Information on companies in which the person under item 1.1 exercises or has been exercising control over the past five years**

5.1. Name and UIC of the company(s), registered and head office address:

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5.2. Manner of exercising control over the company(s):

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5.3. Initial date of control (DD/MM/YYYYY):

5.4. Date of change (DD/MM/YYYYY):

5.5. Has the company(s) ever been or is it currently subject to enforcement?

Yes No

<input type="checkbox"/>	<input type="checkbox"/>
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(If 'yes', please specify the company's name, the type and amount of the liability; the reasons behind the enforcement and the results thereof.)

5.6. Has the company(s) ever been or is it currently subject to imposed attachments, freeze or other enforcement measures?

Yes No

<input type="checkbox"/>	<input type="checkbox"/>
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(If 'yes', please specify the company's name, the measures imposed and the liabilities they have been imposed for.)

5.7. Has the company ever been terminated due to bankruptcy or is it currently subject to bankruptcy proceedings?

Yes No

<input type="checkbox"/>	<input type="checkbox"/>
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(If 'yes', please specify the company's name, the number and date of the decision to conclude bankruptcy proceedings and delete the company, or the number and date of the decision to institute bankruptcy proceedings, respectively.)

(Please add additional fields to complete the list.)

6. Cooperation with competent authorities



6.1. Have any administrative sanctions or compulsory administrative measures been imposed upon you or a company for violation of primary and secondary legislation applicable to the activity of a central bank, bank, entities in the financial sector, institutions comparable to a bank or companies comparable to a bank: 1) in which you have held a managerial position; 2) over which you are exercising or have exercised control; 3) in which you have or have had qualifying holdings?

Yes No

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*(If 'yes', please specify the name and UIC of the company, position held, manner of exercising control, percentage of qualifying holdings, legal provisions that have been violated, date and number of the act on imposing the penalty or measure and the authority that had issued it.)*

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6.2. Are you aware of any pending penal administrative proceedings or compulsory administrative measures initiated under item 6.1?

Yes No

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*(If 'yes', please specify the name and UIC of the company, position held, manner of exercising control, percentage of qualifying holdings, legal provisions that have been violated, date of instituting the proceedings and the authority that had issued it.)*

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6.3. Has a company been terminated due to a court decision: 1) in which you have held a managerial position; 2) over which you are exercising or have exercised control; 3) in which you hold or have held qualified interest in view of the fact that the company activity contradicts the law or the company pursues goals forbidden by the law?

Yes No

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*(If 'yes', please specify the name and UIC of the company, the position held, the manner of exercising control accordingly, the percentage of qualifying holdings, the number and date of the decision whereby the activity of the company was terminated.)*

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6.4. Have you ever been dismissed on the grounds of applied compulsory administrative measures from a managerial position in a central bank, bank, financial sector entity comparable to a bank or a company comparable to a bank?

Yes No

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*(If 'yes', please specify the name and UIC of the company, position held, grounds for dismissal, date and number of the act of dismissal and the authority that had issued it.)*

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6.5. Has a licence ever been refused for activities subject to a licensing procedure of the Bulgarian National Bank, Financial Supervision Commission or a relevant competent authority in other countries to a company: 1) in which you have held a managerial position; 2) over which you are exercising or have exercised control; 3) in which you have or have had qualifying holdings?

Yes      No

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*(If 'yes', please specify the subject of activity of the license, the competent authority that has refused to issue the license, the name and UIC of the company, the position held, the manner of exercising control accordingly, percentage of qualifying holdings, grounds for refusal of the license, the number and date of the act whereby the license was refused.)*

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6.6. Has a licence been withdrawn or withdrawal proceedings instituted of a company: 1) in which you have held a managerial position; 2) over which you are exercising or have exercised control; 3) in which you hold or held qualified interest?

Yes      No

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*(If 'yes', please specify the subject of activity of the license, the competent authority that has withdrawn the license, the name and UIC of the company, the position held, the manner of exercising control accordingly, percentage of qualifying holdings, grounds for withdrawal of the license, the number and date of the act whereby the license was withdrawn.)*

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6.7. Has a deletion or registration been refused to a company for activities subject to a registration procedure of the Bulgarian National Bank, Financial Supervision Commission or a relevant competent authority in other countries, to you as a natural person or to a company: 1) in which you have held a managerial position; 2) over which you are exercising or have exercised control; 3) in which you have or have had qualifying holdings?

Yes      No

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*(If 'yes', please specify the subject of registration, the competent authority that has refused or deleted the registration, the reason for the refusal or deletion, the number and date of the act accordingly, the name and UIC of the company, the position held, the manner of exercising control accordingly, percentage of qualifying holdings.)*

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6.8. Have your qualification, professional experience and good repute (fitness and probity) been assessed by the Bulgarian National Bank, the Financial Supervision Commission or by a relevant competent authority in other countries for holding management position or acquiring holdings?

Yes No

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*(If 'yes', please specify the name of the authority that has made the assessment, the reason and the result thereof.)*

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6.9. Have you ever been refused to be appointed on a managerial position or to acquire holdings by the Bulgarian National Bank, the Financial Supervision Commission or a relevant competent authority in other countries?

Yes No

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*(If 'yes', please specify the authority that has made a decision for the refusal and the reason thereof.)*

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### **7. Information on the financial discipline/integrity of the person under item 1**

7.1. Do you have/have you ever had any overdue liabilities in the last ten years?

Yes No

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*(If 'yes', please specify the type and amount of these liabilities (country, municipality, bank, third parties.)*

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7.2. How have the liabilities under item 7.1 been repaid?

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7.3. Have you been within the last ten years or are you currently subject to enforcement?

Yes No

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*(If 'yes', please specify the type and amount of the liability; the reasons behind the enforcement and the results thereof.)*

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7.4. Have any administrative sanctions been imposed on you for infringements of tax legislation?

Yes No

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*(If 'yes', please specify the grounds for imposition of the administrative sanction and the type thereof.)*

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7.5. Are you currently subject to penal administrative proceedings initiated against you for infringements of tax legislation?

Yes No

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*(If 'yes', please specify relevant infringements and the stage reached in proceedings.)*

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7.6. Please indicate the amount of taxes on the income of natural persons paid by you during the last two years:

Year	Amount (BGN thousand)

### 8. Relationship with banks

Do you have financial liabilities to a bank of over BGN 5000?

Yes No

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*(If 'yes', please specify the type and amount of these liabilities.)*

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### 9. Additional information

9.1. Have you ever been imposed disciplinary sanctions for violation of labour legislation?

Yes No

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*(If 'yes', please specify the employer's name, the reason for imposition of the disciplinary sanction and the type thereof.)*

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9.2. Have you ever been dismissed from a managerial position?

Yes No

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*(If 'yes', please specify the reasons for dismissal.)*

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9.3. Indicate whether your membership in a professional association has been revoked or whether any sanctions have been imposed by such an association in the Republic of Bulgaria or abroad:

9.3.1. on you as a natural person:

Yes No

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*(If 'yes', please specify the name of the professional association, legal grounds for the revocation or for imposing a sanction, the number and date of the act for revocation or by which the sanction has been imposed.)*

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9.3.2. on a company in which you have held a position as a member of a management or controlling body?

Yes No

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*(If 'yes', please specify the name of the professional association, the name of the company, the registered and head office address, the position held, legal grounds for the revocation or for imposing the sanction, the number and date of the act for revocation or by which the sanction has been imposed.)*

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9.3.3. on a company in which you have held qualifying holdings:

Yes No

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*(If 'yes', please specify the name of the professional association, the name of the company, the registered and head office address, the position held, legal grounds for the revocation or for imposing the sanction, the number and date of the act for revocation or by which the sanction has been imposed.)*

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9.4. Are you subject to pending criminal proceedings of indictable offences?

Yes No

*(If 'yes', please specify the legal classification of the crime, the date and place of opening the proceedings.)*

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\_\_\_\_\_

9.5. Have you ever had a modified audit opinion (certified with reservation or refused certification respectively) after an audit of a company: 1) in which you have held a managerial position; 2) over which you have exercised control; 3) in which you have had qualifying holdings?

Yes No

*(If 'yes', please specify the name and UIC of the company, the position held, the manner of exercising control accordingly, percentage of qualifying holdings, the reasons of modified audit opinion.)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9.6. Please, provide any other information which you believe is essential:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I hereby declare that:

- 1. The statements and information indicated in this questionnaire declaration are true and correct, and I am not aware of any other information whose presentation would affect declared circumstances.
- 2. In case of a change in declared circumstances, I undertake to notify the BNB within 14 days after the occurrence of the change.
- 3. I hereby declare that I am aware of the penal liability in case of providing false or inaccurate data.

Date (DD/MM/YYYY) \_\_\_\_\_

Signature: \_\_\_\_\_

**ORDINANCE**  
**on Amendment of Ordinance No 9 of 2017 on the Information**  
**and Documents Proving Compliance with the Requirements**  
**to Temporary Administrators or Special Managers of a Bank**

(published in the Darjaven Vestnik, issue 55 of 12 July 2019)

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**Final Provision**

§ 4. This Ordinance is issued on the grounds of Article 46, paragraph 3 and Article 54, paragraph 2 of the Law on the Recovery and Resolution of Credit Institutions and Investment Firms and adopted by Resolution No 214 of 25 June 2019 of the Governing Council of the Bulgarian National Bank and shall enter into force on the date of its publication in the Darjaven Vestnik.

