

Crude Oil and Petroleum Products Stocks Act

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*Note: An update of the English text of this Act is being prepared following the amendments in SG No. 17/26.02.2019, effective 2.03.2019

Text in Bulgarian: Закон за запасите от нефт и нефтопродукти

Chapter One GENERAL PROVISIONS

Article 1. (1) This Act shall regulate the social relations, relevant to the constituting, holding, replacement, use and replenishment of emergency crude oil and petroleum products stocks and of specific stocks of petroleum products, as well put in place the necessary procedural means to deal with a serious shortage.

(2) The stocks under paragraph 1 shall be intended to ensure the supply of liquid fuels in instances of supply difficulties or major supply disruptions of crude oil and petroleum products in this country, in other European Union Member States and/or pursuant to an effective decision of the International Energy Agency to release stocks.

(3) The stocks under paragraph 1 shall be constituted separately from any state reserves and wartime stocks and any other types of fuel stocks, constituted on the territory of this country, pursuant to applicable legislation.

Article 2. (1) In accordance with rules and procedures hereinafter set forth, emergency stocks of crude oil and the following categories of petroleum products shall be constituted, held, replaced, used, replenished and controlled:

1. motor gasolines;
2. gas oils, kerosene-type jet fuels and diesel engine fuels;
3. boiler fuels;
4. the propane-butane gas.

(2) In accordance with rules and procedures hereinafter set forth, specific stocks of the following categories of petroleum products shall be constituted, held, replaced, used, and replenished:

1. motor gasolines;
2. gas oils, kerosene-type jet fuels and diesel engine fuels.

(3) The specific stocks under paragraph 2 shall form part of the emergency stocks and be constituted and maintained by the State Reserves and Wartime Stocks State Agency. The Council of Ministers shall decide on the need of constituting specific stocks.

(4) This Act shall not apply to crude oil and petroleum products, included in paragraph 1, delivered in the territory of this country in industrial packages of net weight under 1 kg.

Article 3. (1) The emergency stocks of crude oil and petroleum products, which are constituted and maintained by the State Reserves and Wartime Stocks State Agency shall be in private state ownership, funded by the state budget and count to the overall amount of stocks under this Act. The State Reserves and Wartime Stocks State Agency shall constitute and maintain emergency stocks and specific stocks of class C motor gasolines and class E diesel engine fuels.

(2) Purchases and compulsory insurance of stocks under paragraph 1 shall be performed by the State Reserves and Wartime Stocks State Agency under the terms and procedure of the Public Procurement Act and sales shall be performed via licensed commodity exchanges.

(3) Petroleum products stocks, which are constituted and maintained by power engineering enterprises under Article 85(1) and Article 128 of the Energy Act at their own cost, shall count to the overall amount of stocks under this act.

(4) The obligated persons shall organize and finance themselves and by their own means the constituting, holding, replacement and replenishment of the emergency stocks at the levels, prescribed for them.

Article 4. (1) By the 15-th day of each month the obligated persons shall prepare and submit to the State Reserves and Wartime Stocks State Agency statement-declaration in standard form in regard to the preceding calendar month, containing information on:

1. levels, condition and places of storage of their prescribed emergency stocks, constituted and held by them both in the territory of this country, as well as in the territories of other European Union Member States;

2. types and quantities of commercial stocks, maintained by them during the preceding month in the territory of this country;

3. quantities of crude oil, NGL, refinery feedstocks, fuel oils and petroleum products under Article 2(1), which in the preceding calendar month were:

a) introduced under import procedure;

b) supplied to this country's territory by intra-Community arrivals;

c) produced in this country's territory.

(2) All Bulgarian and/or foreign natural and legal persons, as well as any branches thereof, which had engaged during the previous year in the territory of this country in activities of production, assignment of production, import and intra-Community arrival of petroleum products under Article 2(1) and/or import and intra-Community arrival of crude oil, NGL, refinery feedstocks and fuel oils, shall prepare and submit to the State Reserves and Wartime Stocks State Agency, by 15-th February of each year, statement-declaration in standard form in regard to the preceding calendar year, containing information on:

1. quantities of crude oil, NGL, refinery feedstocks and fuel oils, input into production by refineries, including under contract for assignment of production and/or processing;

2. quantities of petroleum products under Article 2(1) and of fuel oils produced, consumed for own needs and/or sold for consumption;

3. quantities of petroleum products under Article 2(1) and of fuel oils, assigned for production and/or processing, as well as on any of the same consumed by them and/or sold for consumption;

4. quantities imported, exported, supplied by intra-Community arrival, intra-Community dispatch and bunker supplies of petroleum products under Article 2(1);

5. quantities of crude oil, NGL, refinery feedstocks, fuel oils and naphtha imported, exported, delivered by intra-Community arrival, intra-Community dispatch and bunker supplies;

6. quantities of naphtha produced by refineries, returned to them and used for their own needs;

7. quantities on hand of crude oil, NGL, refinery feedstocks, fuel oils, naphtha and petroleum products under Article 2(1) as at 1 January and 31 December of the preceding calendar year;

8. quantities of crude oil and petroleum products under Article 2(1), intended for the Bulgarian Army, for constituting and/or replenishment of state reserves, wartime stocks, intra-agency wartime stocks, emergency stocks and specific stocks of fuels.

(3) The National Customs Agency shall prepare and submit to the State Reserves and Wartime Stocks State Agency information from the single administrative documents and the accompanying administrative documents concerning petroleum products under Annex B, subsection 4.1. Applicable energy products to Regulation (EC) No. 1099/2008 of the European Parliament and of the Council of 22 October 2008 on energy statistics (OJ, L 304/1 of 14 November 2008), hereinafter referred to as "Regulation (EC) No. 1099/2008". This information shall include data on the description of petroleum products, their quantity, the state of their dispatch and receipt and shall be provided by codes in accordance with Chapter 27 of the Combined Nomenclature of the European Union pursuant to Commission Implementing Regulation (EU) No. 1006/2011 of 27 September 2011 amending Annex I to Council Regulation (EEC) No. 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff, hereinafter referred to as "Implementing

Regulation (EU) No. 1006/2011", as follows:

1. by the 15-th day of each month in regard to the preceding calendar month for the quantities of imports performed and intra-Community arrivals of crude oil, NGL, refinery feedstocks, fuel oils and petroleum products under Article 2(1) and the persons having performed them;

2. by the 31-th of January of each year in regard to the preceding calendar year for the quantities of imports, exports, vessel and aircraft supply, intra-Community arrivals and intra-Community dispatches performed of crude oil, NGL, refinery feedstocks, fuel oils, naphtha and petroleum products under Article 2(1) and to the persons having performed them.

(4) (Amended, SG No. 14/2015) The Ministry of Energy shall draw up and submit to the State Reserves and Wartime Stocks State Agency:

1. by the 15-th day of each month information in regard to the preceding calendar month on the stocks of petroleum products by types and quantities, maintained by the power engineering enterprises under the procedure of Article 85(1) and Article 128 of the Energy Act;

2. by the 31-st of January of each year information regarding the types and quantities of petroleum products, which would be maintained in the current calendar year.

(5) The National Statistical Institute shall draw up and submit to the State Reserves and Wartime Stocks State Agency:

1. by the 15-th day of each month information in regard to the preceding calendar month on the types and total quantities of commercial stocks, maintained in the territory of this country;

2. by the 31-st of January of each year information regarding the quantities of crude oil, processed in the territory of this country, the quantities of petroleum products, including naphtha and fuel oils, produced in the territory of this country, by producers and the types and total quantities of commercial stocks as at 1-st January and 31-st December of the preceding calendar year.

(6) The Ministry of Defence shall prepare and submit to the State Reserves and Wartime Stocks State Agency by the 31-st of January of each year information regarding the quantities and types of petroleum products, purchased in the preceding calendar year for the needs of the Ministry of Defence, the structures directly reporting to the Minister of Defence and the Bulgarian army, for constituting, maintaining and/or replenishment of intra-agency wartime stocks or for armed forces of other EU Member States, or third countries or international organizations, based on or passing through the territory of this country, as well as on the persons having delivered them.

(7) The Ministry of Interior shall prepare and submit to the State Reserves and Wartime Stocks State Agency by the 31-st of January of each year information regarding the quantities and types of petroleum products, purchased in the preceding calendar year for constituting, maintaining and/or replenishment of intra-agency wartime stocks, as well as on the persons having delivered them.

(8) The information under paragraphs (3) - (7) shall be submitted in hard copy and on electronic carrier and if containing classified information - it shall be provided under the procedure of the Classified Information Protection Act.

(9) For the purposes of statistical reporting to the European Commission, as well as for the purposes of exercising current control over stocks on hand the territorial directorates of the State Reserves and Wartime Stocks State Agency shall submit, by the 15-th day of each month information in regard to the petroleum products actually stored at the crude oil depots, placed under Agency management, located within their territorial scope.

Article 5. (1) The State Reserves and Wartime Stocks State Agency shall draw up and submit on monthly basis a statistical summary to the European Commission in accordance with the deadlines and form, established by it, regarding:

1. quantities of emergency stocks, held in the territory of the Republic of Bulgaria, as at the last day of each calendar month; the fact sheet shall also include information concerning any stocks, stored on own territory on account of other European Union Member States and any own emergency stocks, held in other European Union Member States;

2. quantities and types of specific stocks, held in the territory of the Republic of Bulgaria, by categories of petroleum products as at the last day of each calendar month; the fact sheet shall also include information by types and quantities of any stocks, held on own territory on account of other European Union Member States and any specific stocks of the Republic of Bulgaria, held in other

European Union Member States;

3. the total quantities of commercial stocks, held in the territory of this country, provided based on the data under Article 4(5) item 1, but excluding information on the locations of stocks and their owners.

(2) The statistical summary may not include quantities of crude oil and petroleum products, which are subject to a seizure order and/or enforcement action as well as such, constituted by enterprises that are bankrupt or have a court-approved rehabilitation plan.

(3) By the 25-th of February of each year the State Reserves and Wartime Stocks State Agency shall prepare abstracts from the register of emergency stocks by types and quantities as at the last day of the preceding calendar year, excluding information concerning the locations of stocks.

(4) If no specific stocks have been constituted or their levels would cover less than the 30-days' consumption of this country, by the 31-st day of January the State Reserves and Wartime Stocks State Agency shall prepare reports with analyses of the measures taken to guarantee during the current year availability and physical accessibility of emergency stocks. The reports shall also indicate the provisions, on the basis of which the use of such stocks would be controlled in case of supply difficulties or of major supply disruptions of crude oil and petroleum products.

(5) Upon request by the European Commission the State Reserves and Wartime Stocks State Agency shall provide, within the term specified in the request, copy of:

1. the register of emergency stocks excluding information concerning the locations of stocks;
2. the register of specific stocks excluding information concerning their locations;
3. relevant statistical summaries;
4. the intervention plan for emergency situations and the organizational measures, related to it.

(6) (Amended, SG No. 14/2015) The Minister of Energy shall be advised of the information under paragraphs (3) - (5). The information shall be submitted to the European Commission under procedure, determined by the Council of Ministers.

(7) The State Reserves and Wartime Stocks State Agency shall provide on monthly basis by the 24-th day of the current month to the National Statistical Institute, for the purposes of statistical reporting under the Eurostat system, information by types and quantities of stocks constituted and maintained under this Act by the State Reserves and Wartime Stocks State Agency during the preceding month on the territory of this country and/or in another European Union Member State.

(8) (Amended, SG No. 14/2015) Upon request by the Council of Ministers or of the Minister of Energy the Chairperson of the State Reserves and Wartime Stocks State Agency shall provide information concerning the levels and condition of the emergency stocks and of the specific stocks.

Chapter Two

SUPERVISION OF THE STATE OVER THE CONSTITUTING, HOLDING, REPLACEMENT, USE AND REPLENISHMENT OF EMERGENCY STOCKS AND OF SPECIFIC STOCKS

Article 6. (1) The State Reserves and Wartime Stocks State Agency, hereinafter referred to as "agency" shall be a body of the central executive power and exercise the functions of a central stockholding entity.

(2) The agency shall exercise the supervision of the state over the constituting, holding, replacement, use and replenishment of stocks under this Act with the aim to ensure supply of liquid fuels in the cases under Article 1(2).

Article 7. (1) The agency shall:

1. organize and control the constituting, holding, replacement, use and replenishment of stocks of crude oil and petroleum products under this Act;
2. control the holding in the territory of this country of stocks of crude oil and petroleum

products, constituted for fulfilment of the obligations of other European Union Member States;

3. purchase, hold, replace and sell stocks of crude oil and petroleum products under Article 3(1) and (2);

4. keep registers of:

a) obligated persons;

b) crude oil and petroleum products storing facilities, registered under Article 38;

c) all emergency stocks constituted and maintained;

d) all specific stocks constituted and maintained;

5. store the registers kept in hard copy and on electronic carrier;

6. publish on monthly basis on the agency website information regarding the current levels of stocks of crude oil and petroleum products under this Act;

7. ascertain and calculate the average daily net imports and intra-Community arrivals, as well as the average daily consumption of petroleum products in the territory of this country during the previous calendar year on the basis of a crude oil equivalent;

8. calculate the total and individual stock levels by types and quantities, which must be maintained by the obligated persons and by the agency;

9. publish annually by the 10-th of October information concerning the methods of calculation of stock levels, which the obligated parties must constitute by the 30-th of April of the following calendar year;

10. prescribe the format and procedure for providing the information under Article 4(1) and (2);

11. carry out documentary and/or on-site checks of performance of the obligations under this Act;

12. carry out documentary and on-site checks of storing facilities, in regard to which registration requests have been submitted under Article 38;

13. publish preliminary information on the product categories under Article 2 on the conditions and stock quantities, for which storage obligation may be assumed by the central stockholding entity for management of stocks of other European Union Member States;

14. assist the persons, authorized by the European Commission to conduct reviews of the preparedness for emergency situations, the mechanism of stockholding, the availability and keeping account of the stocks.

15. provide the interaction with the European Commission services in connection with fulfilment of the obligation to maintain minimum stocks of crude oil and petroleum products and/or with emergencies, as well as fulfilment of decision of the International Energy Agency to release stocks.

16. ensure representation of this country at fora, discussions and training sessions, organized by the European Commission and/or other international organizations in connection with the obligation to maintain minimum stocks of crude oil and petroleum products;

17. ensure representation of this country in the functioning of the Coordination Group for oil and petroleum products, composed of representatives of the European Union Member States and chaired by the European Commission;

18. prepare a draft Contingency plan and submit it for approval by the Council of Ministers;

19. store the data, summaries and documentation in connection with the emergency stocks and the specific stocks for a period of at least 5 years of the date of their preparation;

20. maintain interaction with the central stockholding entities of other European Union Member States in connection with the activities, related to delegation of obligations of stocks management and maintenance both in the territory of this country, as well as in the territories of other European Union Member States;

21. monitor for appearance/lack of signs of difficulties in the supply of crude oil and petroleum products in this country;

22. conduct competition procedures for selection of store-holders, registered under the procedure of Article 38, for holding the stocks, allocated to the agency, in case its tank capacities would not be sufficient.

(2) The agency shall perform its duties in such a manner, as would not influence the conditions

on the crude oil and petroleum products market and free competition on that market.

Article 8. (1) The Chairperson of the Agency shall exercise control over the overall activity of constituting, holding, replacement, use and replenishment of emergency stocks and of specific stocks.

(2) The Chairperson of the Agency shall:

1. approve the methods for calculation of the obligations under this Act;
2. approve the stock levels for fuel categories in total for this country;
3. determine the individual stock levels of the Agency and of the obligated persons for each period of holding;
4. endorse general requirements, to which the storing facilities for holding the stocks under this Act must conform;
5. register and remove the registration of the storing facilities for holding the stocks under this Act;
6. endorse the templates of documents under this Act, including of the registers kept by the agency and monitor their updating in due course;
7. propose to the Council of Ministers maintenance of a minimum quantity of specific stocks of petroleum products;
8. retain the annual plan of the Agency's controlling operations under this Act;
9. issue instructions for use and orders for replenishment to their prescribed levels the emergency stocks of the obligated persons, as well as other documents, envisaged in this Act;
10. issue orders for use and orders for replenishment of emergency stocks and specific stocks, constituted and managed by the agency;
11. issue orders for replacement of stocks, constituted and held by the agency;
12. authorise activities for movement of stocks under this Act;
13. examine if need be the options and propose to the Council of Ministers holding of emergency stocks and of specific stocks, managed by the agency, in the territory of another European Union Member State;
14. issue authorizations to obligated persons for constituting and holding part of their prescribed emergency stocks in the territory of other European Union Member States and notify the Council of Ministers in due course;
15. issue penal decrees in regard to violations under this Act.

(3) The Chairperson of the Agency shall issue individual administrative acts under the terms and procedure of the Civil Procedure Code, to the extent not provided for otherwise by this Act. A petition against an act under paragraph (2), item 3 shall not stay its enforcement.

(4) The Chairperson of the Agency shall issue ordinance regarding the terms and procedure for holding of emergency stocks and specific stocks in crude oil depots, provided to the agency for management, with store-holders in the territory of this country and in the territories of other European Union Member States.

(5) The Chairperson of the Agency may delegate powers under paragraph (2), items 3, 5, 8 - 10 and 15 to the Deputy chairperson of the Agency.

Article 9. (1) Registration and removal of the registration of storing facilities for holding stocks under this Act, as well as registration of changes in the circumstances, related to storing facilities registered shall be made by order of the Chairperson of the Agency based on written request by the person interested.

(2) Upon entry of a storing facility into the register of storing facilities or of changes in circumstances the Chairperson of the Agency shall issue a certificate of the registration.

(3) Removal of the registration of a storing facility shall be made based on written request from the store-holder or in the cases, envisaged in this Act.

(4) The store-holder shall be obliged to return to the agency the certificate of registration within 5 days of the issuance of order for registration of change of any circumstance under paragraph (2), as well as in all cases of removal of the registration.

Article 10. (1) The obligated persons and the store-holders of stocks under this Act and their employees must render assistance to the employees under Article 55(4) in the discharge of their duties, assigned to them under this Act, including for ensuring access to documentation and storing facilities for holding stocks.

(2) The bodies of the Ministry of Interior, the Ministry of Finance, the National Customs Agency, the National Statistical Institute, the National Revenue Agency, the State Agency for Metrological and Technical Surveillance and the local bodies within their remit, shall be obliged to render assistance to the employees under Article 55(4) in the discharge of their control functions under this Act.

(3) Where agency inspections are conducted, individuals and entities under paragraph (1) may not advance grounds of industrial or commercial secrecy.

Article 11. (1) Documents and information, obtained by the Chairperson and by agency officials in the course of any inspection or review of emergency preparedness of this country or of any other European Union Member State, may only be used by them for the purposes of such inspection or review. Such information may be provided only by written request of a state body, when so provided for by a law or upon request from the respective European Commission services. Information related to natural persons shall be processed and made available in compliance with the Personal Data Protection Act.

(2) The Chairperson and agency officials must refrain from disclosing facts and circumstances, which have become known to them on the occasion or in the course of discharge of their official duties under this Act, except where a written request of a state body would be filed, when so provided for by a law or upon request from the respective European Commission services.

(3) To guarantee fulfilment of their duties under paragraph (2), the individuals and entities shall sign declarations according to template.

(4) Employees of state bodies, who receive documents and information under this Act, may use it only for the purposes of the functions, discharged by them.

Chapter Three

CALCULATING AND DETERMINING STOCK LEVELS

Article 12. (1) Emergency stocks levels to be constituted and maintained by obligated persons and by the agency, shall be determined by the Chairperson of the Agency by the 31-st of March of each year based on the crude oil equivalent of the imports and the intra-Community arrivals of petroleum products under Article 2(1) or the crude oil equivalent of their consumption in the territory of this country during the previous calendar year in accordance with Annex III to Council Directive 2009/119/EC of 14 September 2009 imposing an obligation on Member States to maintain minimum stocks of crude oil and/or petroleum products (OJ, L 265/9 of 9 October 2009), hereinafter referred to as "Council Directive 2009/119/EC". The method, chosen for determining the levels for the respective year, shall be applied until the 30-th of April of the next calendar year.

(2) The total quantity of emergency stocks of crude oil and petroleum products shall, at the very least, match the greater among both values below: 90 days of average daily net imports and intra-Community arrivals, of which 30 days to be provided for by the agency or 61 days of average daily consumption in the territory of this country, of which 20 days to be provided for by the agency.

(3) When determining the emergency stocks levels the information, obtained under the procedure of Article 4(2) - (7), shall be taken into account.

(4) If a person within the meaning of Article 4(2) would fail to submit to the Agency the annual information regarding the activities performed by it during the preceding calendar year, the Chairperson of the agency shall set the emergency stocks levels, which such person must constitute and hold based on information, provided by the state institutions under Article 4(3) - (7).

(5) In case of divergence between the information, provided under the procedure of Article

4(2) and the information received under the procedure of Article 4(3) - (7), the Chairperson of the Agency shall inform such person within 7 days to submit additional information and evidence, required for performing an inspection. In case of failure to provide the information and evidence additionally requested the emergency stock levels shall be determined in accordance with paragraph (4).

(6) When calculating the levels of stocks biofuels and additives shall be taken into account only if already blended with the respective petroleum products.

(7) When calculating the levels of stocks of boiler fuel the quantities of fuel oils, intended for use as fuel in fixed installations, shall also be taken into account.

Article 13. (1) The levels of specific stocks to be constituted and maintained by the agency shall be determined based on the crude oil equivalent of the average daily consumption in the territory of this country of petroleum products under Article 2(2) during the previous calendar year.

(2) The specific stocks may comprise one or more petroleum products, indicated in Article 2(2), the crude oil equivalent of which would equal at least 75% of consumption in the territory of this country during the previous calendar year.

(3) When determining the specific stocks levels the information, obtained under the procedure of Article 4(2) - (7), shall be taken into account.

Article 14. (1) The average daily net imports and intra-Community arrivals shall be calculated based on the crude oil equivalent of imports and intra-Community arrivals of petroleum products under Article 2(1) during the previous calendar year.

(2) When calculating the average daily net imports and intra-Community arrivals of petroleum products under Article 2(1) the quantities of crude oil, NGL, refinery feedstocks, fuel oils and petroleum products under Article 2(1), resulting from imports and/or intra-Community arrivals in the territory of this country, shall be taken into account.

(3) When calculating the average daily net imports and intra-Community arrivals of petroleum products under Article 2(1) the quantities of the following shall not be taken into account:

1. imports and intra-Community arrivals of naphtha;
2. bunker supplies of naphtha and petroleum products under Article 2(1) for river and seagoing vessels leaving the territory of this country;
3. export and/or intra-Community dispatch of crude oil, NGL, refinery feedstocks, fuel oils, naphtha and petroleum products under Article 2(1), including fuel in tanks of airborne and road vehicles leaving the territory of this country;
4. quantities on hand as at 1 January and 31 December of the preceding calendar year of crude oil, NGL, refinery feedstocks, fuel oils, petroleum products under Article 2(1) and of naphtha.

(4) The crude oil equivalent of imports and intra-Community arrivals of petroleum products shall be obtained by calculating the sum of the net imports and intra-Community arrivals of crude oil, NGL and refinery feedstocks, deducting 4 percent for naphtha yield in comparison to the input of total quantities of refinery feedstocks - crude oil, NGL etc. If the average naphtha yield within the national territory is greater than 7% the net actual consumption of naphtha or the average naphtha yield shall be deducted from it. The result under the first sentence shall be multiplied by a coefficient of 1.065 and be added to the net imports and intra-Community arrivals of the petroleum products under Article 2(1).

Article 15. (1) The average daily consumption of petroleum products in the territory of this country shall be calculated based on the crude oil equivalent of consumption of petroleum products in the territory of this country during the previous calendar year.

(2) When calculating the consumption of petroleum products under Article 2(1) and (2) the following shall be taken into account:

1. quantities produced in this country, used for own needs of the producer or sold by it for consumption;
2. quantities, obtained as a result of contract for assigning production and processing, used by

the assignor for own needs or sold by it;

3. quantities imported under import regime for consumption for own needs and/or for sale;
4. quantities, obtained from intra-Community arrivals with the view of consumption for own needs and/or for sale;
5. quantities, obtained from imports and intra-Community arrivals, available on hand as at 1 January of the previous calendar year.

(3) When calculating the crude oil equivalent of the consumption of petroleum products under Article 2(1) and (2) in the territory of this country no quantities sold from production, processing, imports, intra-Community arrivals shall be taken into account, which during the previous calendar year had been intended for:

1. the Ministry of Defence, the structures directly reporting to the Minister of Defence and the Bulgarian army or for armed forces of other EU Member States, or third countries or for international organizations, based on or passing through the territory of this country in conformity with the Constitution of the Republic of Bulgaria and applicable legislation;
2. constituting, holding and/or replenishment of state reserves and wartime stocks, constituted by the agency, as well as of intra-agency wartime stocks, constituted by the Ministry of Defence and the Ministry of Interior.
3. constituting, holding and/or replenishment of emergency stocks;
4. constituting, holding and/or replenishment of specific stocks of petroleum products;
5. bunker supplies of petroleum products for river and seagoing vessels leaving the territory of this country;
6. export and/or intra-Community dispatches, including fuel in tanks of airborne or road transportation means, leaving the territory of the country

(4) When calculating the crude oil equivalent of average daily consumption of petroleum products under Article 2(1) and (2) in the territory of this country no quantities from imports and intra-Community arrivals shall be taken into account, which were available on hand as at 31-st December of the preceding calendar year.

(5) When calculating the levels of stocks of boiler fuel the quantities of fuel oils, intended for use as fuel in fixed installations, shall also be taken into account.

(6) Inland consumption shall be calculated as a sum of the aggregate observed gross inland deliveries of petroleum products, indicated in Article 2(1) and (2). The crude oil equivalent of inland consumption shall be calculated by multiplying it by a factor of 1.2.

Article 16. For the period from 1-st January to 31-st March of each calendar year the average daily consumption and the average daily net imports and intra-Community arrivals in the territory of this country shall remain in effect, as determined in the preceding calendar year.

Chapter Four

CONSTITUTING OF EMERGENCY STOCKS AND OF SPECIFIC STOCKS

Section I

Constituting of emergency stocks

Article 17. (1) On an annual basis, by 30th April at the latest, the obligated persons must bring the levels of their emergency stocks by categories of petroleum products into conformity with the levels, prescribed to them under Article 12(1).

(2) The obligated persons must hold the levels of emergency stocks prescribed to them until 30th of April of the following calendar year.

(3) The constituting of the levels shall be evidenced by:

1. in this country's territory - by warehouse bills, issued by store-holders who own storing

facilities registered under Article 38 - in regard to stocks of obligated persons and of the Agency and in regard to economic operators and central stockholding entities of other European Union Member States - also by stockholding contract;

2. in the territory of another European Union Member State - by the documents under Article 18(4);

3. in crude oil depots, placed under agency management - by an act of acceptance of the Agency stocks and as regards stocks of central stockholding entities of other European Union Member States - also by stockholding contract.

(4) In case an obligated person has constituted and is holding the levels of emergency stocks, prescribed for it, of motor gasolines and class A diesel engine fuel, it shall be obliged to replace them by the 31-st of October of the respective calendar year by an equivalent quantity of stocks of class C motor gasoline and class E diesel engine fuel under the terms and procedure of Article 37.

Article 18. (1) The obligated persons shall be entitled to delegate by contract in their own name and on own account the constituting and holding of part of the levels of emergency stocks, prescribed for them, only to:

1. store-holders owning storing facilities registered under Article 38, who would be able to provide crude oil and petroleum products and/or have available tank capacities for holding in the territory of this country; that entitlement shall apply to up to 100 percent of the prescribed individual levels of emergency stocks and the obligated person must submit to the agency copy of the warehouse bill not later than the business day following the day of its issuance and the store-holder shall be responsible for the quantity and quality of stocks, in regard to which he undertook a stockholding commitment;

2. economic operators and/or store-holders who would be able to provide crude oil and petroleum products and/or have available tank capacities for holding emergency stocks in the territories of other European Union Member States; that entitlement shall apply to up to 30 percent of the prescribed individual levels of stocks of the respective crude oil and petroleum products categories; each specific instance of delegation may be authorised upon request of the obligated person following prior authorization from the competent bodies of the other European Union Member State, in the territory of which the stocks are to be stored and subsequent authorisation by the agency; the liability of the economic operators and store-holders for the types, quantities and qualities of stocks accepted for holding shall be determined in accordance with the legislation of the European Union Member State in question and the obligated person shall be liable under the respective domestic legislation;

3. one or more central stockholding entities of other European Union Member States, which had expressed in advance readiness to hold such stocks; that entitlement shall apply to up to 30 percent of the prescribed individual levels of stocks of the respective crude oil and petroleum products categories; each specific instance of delegation may be authorised upon request of the obligated person following prior authorization from the agency and from the competent bodies of the other European Union Member State, in the territory of which the stocks are to be held.

(2) Any central stockholding entity of another European Union Member State may in own name and on own account propose to the agency in writing to delegate the holding of part of the levels of stocks, prescribed for it, provided it would have available free tank capacities for holding of stocks under this Act. If more than one proposal would be received they shall be reviewed in the order of receipt.

(3) Each obligated person, having expressed a desire to hold stocks outside the territory of this country, shall submit a written request to the agency not later than 20 calendar days before the start of the period, for which approval is sought, which must include:

1. name, address by corporate seat, as well as correspondence address, telephone, fax, e-mail address and contact person of the store-holder, economic operator and/or central stockholding entity of another European Union Member State, which will perform the stockholding;

2. stocks types and quantities;

3. location of the storing facility, where stocks would be held;

4. the period of stockholding;

5. written consent of the respective Member State or its central stockholding entity, in the territory of which the respective stocks are to be held; the expression of consent shall include data on the types and quantities of stocks and the period of stockholding, as well as a commitment to submit monthly information of the stocks of the obligated person held in its territory for the period of stockholding.

(4) In the cases under paragraph (1), items 2 and 3 the obligations would be deemed fulfilled, if the obligated person:

1. would have received authorization from the agency to hold the stocks in accordance with the request made under paragraph (1);

2. would have submitted to the agency the original or certified copy of contract or any other document, certifying stockholding outside this country for the entire period, authorization had been granted by the agency; such document must contain:

a) the locations, types, quantities and quality of the stocks;

b) the dates of deposit thereof;

c) the stockholding term,

d) insurance of the stocks;

e) the type of transport for bringing them to this country - in case of emergency, as well as the term for accomplishing that;

f) the body in the other European Union Member State, exercising control functions over the availability and quality of stocks.

(5) The economic operators and other central stockholding entities of European Union Member States shall be entitled to delegate by contract in their own name and on own account to store-holders in the territory of this country holding of quantities of stocks, prescribed for constituting by the respective Member State.

(6) The entitlement to delegate shall not give rise to an obligation for the other party to accept the activities delegated without its consent.

(7) The holding of stocks, delegated under paragraphs (1) and (5), may not be sub-delegated.

(8) Any change in the terms of stockholding, including any extension of its period, shall be treated as a new delegation.

Article 19. (1) If the agency would not have available sufficient tank capacities the Council of Ministers may delegate by decision the constituting and holding of the emergency stocks, assigned to it, to a central stockholding entity of another European Union Member State. Delegation may be authorized if the stockholding conditions in the territory of the other Member State would be more advantageous than the conditions, offered by store-holders in the territory of this country that own storing facilities, registered under Article 38.

(2) (Amended, SG No. 14/2015) The decision under paragraph (1) shall be accepted upon proposal by the Chairperson of the Agency, coordinated with the Minister of Energy. The proposal shall be drawn up following prior examination of its economic expediency, the quality of the holding service offered and the possibilities for timely delivery of the respective quantities on the territory of this country.

(3) The obligations for constituting and holding of stocks by virtue of delegation may not be sub-delegated to other persons.

Article 20. (1) An economic operator or a central stockholding entity of another European Union Member State, having expressed a desire to hold stocks in the territory of the Republic of Bulgaria, shall submit written request not later than 30 calendar days before the start of the period, for which authorisation for holding and maintenance of stocks under this Act is requested, including:

1. name, address by corporate seat, as well as correspondence address, telephone, fax, e-mail address and contact person of the respective economic operator and/or central stockholding entity, at the expense of which stocks would be held in the territory of this country;

2. name, address by corporate seat, as well as correspondence address, telephone, fax, e-mail address and contact person of the store-holder, who would perform stockholding under the procedure of this Act;

3. stocks types and quantities;
4. location and other data, identifying the storing facilities where the stocks would be held;
5. the stockholding period;
6. written consent on behalf of the competent bodies of the respective European Union Member State, at the expense of which stocks would be held in the territory of this country.

(2) Within 14 days of receipt of the request under paragraph (1) the Chairperson of the Agency shall issue written consent for holding and maintenance of the stocks. Any refusal to issue consent shall be subject to appeal under the procedure of the Code of Administrative Procedure, except in the case under Article 18(2).

(3) In case of agreement to hold and maintain stocks under paragraph (1) the agency shall submit on monthly basis information to the European Union Member State and/or to the central stockholding entity, established by it, concerning the stocks held and maintained for its account in the territory of this country.

Article 21. (1) Emergency stocks under Article 2(1) may be maintained in the form of crude oil or of finished petroleum products.

(2) The quantities of crude oil and petroleum products stocks shall be accounted for according to their actual tonnage.

(3) Crude oil shall be accounted for based on the output programmes of refineries for the current year and the rate of yield, specified by the producer. This rule shall apply to:

1. up to 40 percent of the quantities of emergency stocks of gasolines, gas oils, kerosene-type jet fuels and diesel engine fuels;

2. up to 50 percent of the quantities of emergency stocks of boiler fuels, incl. fuel oils;

3. up to 100 percent of the quantities of emergency stocks of propane-butane gas.

(4) The levels determined for emergency stocks of propane-butane gas may also be constituted and held up to 100 percent in the form of gasolines and diesel engine fuels.

(5) Emergency stocks may be maintained in the form of crude oil only by persons, who had performed during the preceding calendar year imports and/or intra-Community arrivals of crude oil, refinery feedstocks, NGL, as well as by producers or assignors of production of petroleum products. Persons under the first sentence shall submit to the agency written request not later than the 15-th of April of the current year. A plan of crude oil processing shall be appended to the request, indicating the deadlines for provision of finished petroleum products in the event of supply difficulties or major supply disruptions. Importers, persons having conducted intra-Community arrivals and assignors of production shall also attach certified copy of contract executed with a refinery for processing the crude oil into petroleum end-products.

(6) Persons having performed imports and/or intra-Community arrivals of refinery feedstocks and NGL shall constitute and hold the levels of emergency stocks, prescribed for them, entirely in the form of crude oil.

(7) Persons having performed sale activities based on production, imports and/or intra-Community arrivals of fuel oils, intended for use in fixed combustion installations, shall constitute and hold the levels of emergency stocks, prescribed for them, entirely in the form of boiler fuel.

(8) The prescribed levels of emergency stocks of crude oil may be constituted and held up to 100 percent in the form of petroleum end-products under Article 2(1) in crude oil equivalent.

(9) The maintenance of stocks under the procedure of paragraphs (3), (4), (5), (6) and (8) shall be allowed and their quantities shall be determined by the Chairperson of the Agency within 10 days of receipt of the written request under paragraph (5) from the obligated persons. Authorization may also be issued later, if a valid reason for it exists. Refusals to issue authorizations shall be subject to appeal under the procedure of the Code of Administrative Procedure.

Article 22. (1) In case the levels of emergency stocks would have been determined based on the average daily consumption in the territory of this country the categories of obligated persons would be determined in accordance with paragraphs (2) - (5).

(2) Each person, having produced petroleum products under Article 2(1) and fuel oils in the preceding calendar year shall have to constitute, hold, replace and replenish, with means of its own

and at its own expense, emergency stocks in quantities, proportionate to the amount of petroleum products, consumed and/or sold by it in the preceding calendar year, in comparison to the total consumption in the territory of this country.

(3) Each person, having assigned in the preceding calendar year production and processing of petroleum products under Article 2(1) and fuel oils and having used them for own needs and/or sold petroleum end-products on the domestic market shall have to constitute, hold, replace and replenish, by own means and at its own expense emergency stocks in quantities, proportionate to the amount of petroleum products consumed for own needs and/or sold by it in the preceding calendar year, in comparison to the total consumption on the territory of this country.

(4) Each person, having imported petroleum products under Article 2(1) and fuel oils during the preceding calendar year shall have to constitute, hold, replace and replenish, with means of its own and at its own expense, emergency stocks in quantities, proportionate to the amount of petroleum products, imported by it for own needs and/or sale for consumption in the territory of this country, in comparison to the total quantity of petroleum products imported and consumed in the territory of this country in the preceding calendar year.

(5) Each person, having performed during the preceding calendar year intra-Community arrivals of petroleum products under Article 2(1) and fuel oils shall have to constitute, hold, replace and replenish, with means of its own and at its own expense, emergency stocks in quantities, proportionate to the quantities of petroleum products from the intra-Community arrivals, performed by it for own needs and/or sale for consumption in the territory of this country, in comparison to the total quantity of petroleum products introduced by intra-Community arrivals and consumed in the territory of this country during the preceding calendar year.

Article 23. (1) In case the levels of emergency stocks would have been determined based on the average daily net imports and intra-Community arrivals in the territory of this country the categories of obligated persons would be determined in accordance with paragraphs (2) and (3).

(2) Each person, having imported crude oil, refinery feedstocks, NGL, fuel oils and petroleum products under Article 2(1) during the preceding calendar year shall have to constitute, hold, replace and replenish, with means of its own and at its own expense, emergency stocks in quantities, proportionate to the net imports performed by it in comparison to the total net imports into the territory of this country during the preceding calendar year.

(3) Each person, having performed intra-Community arrivals of crude oil, refinery feedstocks, NGL, fuel oils and petroleum products under Article 2(1) during the preceding calendar year shall have to constitute, hold, replace and replenish, with means of its own and at its own expense, emergency stocks in quantities, proportionate to the net intra-Community arrivals performed by it in comparison to the total net intra-Community arrivals into the territory of this country during the preceding calendar year.

Article 24. (1) The quantities of emergency stocks, ensuring fulfilment of the obligations under Articles 22 and 23, may be the property of the obligated person, of the economic operator or of a central stockholding entity of another European Union Member State and/or have been made available under a loan contract.

(2) The loan and stockholding contracts may not:

1. be secured by pledges over the stocks;
2. contain clauses, preventing use of the stocks if such an order would be issued by the Chairperson of the Agency;
3. Be terminated in instances of supply difficulties or of major supply disruptions.

(3) A decrease of the quantity of stocks held may be allowed only if an order for use would be issued and in accordance with the quantities, indicated therein.

(4) The obligated persons and/or the store-holders, who have transferred crude oil and petroleum products under loan contract to other obligated persons, economic operators or to a central stockholding entity of another European Union Member State, may not report those quantities towards fulfilment of their own obligations under this Act.

(5) Should an obligated person cease its activity of production, processing, import or intra-

Community arrivals of petroleum products during the year, when its obligation arose or during the current year, its obligation to hold the levels of stocks prescribed for it, shall remain in force until 30th of April of the year, following the year of determining such levels.

(6) Each obligated person shall keep available at all times the stocks, for which it is obligated under Articles 22 or 23 and may dispose of them only in compliance with an order for use, issued by the Chairperson of the Agency.

(7) (New, SG No. 62/2018, effective 28.01.2019) In case of an order issued for the deletion from the register of a person performing economic activities under Article 2, paragraph 1, item 1 and item 2 of the Act on Administrative Regulation of Economic Activities Associated with Oil and Petroleum Products, as a result of the import and intra-Community arrivals carried out by it, the liable person shall be obliged to create conditions for accumulation and storage of the levels of emergency stocks set to him in accordance with the injunction issued to him, as well as for the implementation of all other individual administrative acts issued under this Act.

Article 25. Emergency stocks under this act may not include crude oil and petroleum products:

1. from indigenous petroleum deposits not yet extracted;
2. as supplies for bunkers of river and seagoing vessels;
3. located inside pipelines, in road-tankers and rail tank-wagons, in the storage tanks of retail outlets (petrol stations);
4. held by the armed forces or available to them, including wartime stocks;
5. passing in direct transit through the territory of this country;
6. which constitute bottom residue;
7. which may not be withdrawn from storing facilities registered under Article 38 using fixed equipment and technologies, customarily used for such purposes, or are inaccessible, or nonoperative for other reasons;
8. in tankers at sea.

Section II

Constituting of specific stocks

Article 26. (1) Specific stocks may be constituted only by the agency.

(2) (Amended, SG No. 14/2015) Upon proposal from the Chairperson of the Agency, coordinated with the Minister of Energy, the Council of Ministers shall determine the types and quantities of specific stocks, as well as the term for maintaining them, which may not be less than a year.

(3) The minimum quantity of specific stocks, calculated as a number of days of average daily consumption in the territory of this country, shall apply to all categories of petroleum products.

(4) The specific stocks shall be held and maintained for the entire term and temporary decreases may be allowed only while performing individual operations of replenishment of stocks.

(5) In case of need of change of the types of stocks it shall be applied as of the beginning of the calendar month, following the decision of the Council of Ministers for making such a change.

Article 27. (1) The decision to assume an obligation to constitute specific stocks, ensuring at least 30 days of consumption in the territory of this country, shall be communicated to the European Commission.

(2) (Amended, SG No. 14/2015) The communication under paragraph (1) shall be coordinated in advance with the Minister of Energy and forwarded for publication in the Official Journal of the European Union. It shall contain the types and quantities of stocks, in regard to which obligation for constituting was undertaken, as well as the duration of their maintenance.

Article 28. (1) If the decision to assume an obligation to constitute specific stocks, ensuring at least 30 days of consumption in the territory of this country, would envisage a stockholding period

of less than one calendar year, at least a third of the levels of stocks, determined for the respective year, must be in the form of petroleum end-products.

(2) If the decision to assume an obligation to constitute specific stocks concerns quantities of petroleum products, ensuring at least 30 days of consumption in the territory of this country, the Chairperson of the Agency shall prepare an annual report with analysis of the measures taken for guaranteeing and inspection of the availability and physical accessibility of emergency stocks. The report shall also indicate the provisions, adopted for ensuring control over the use of such stocks in case of supply difficulties or of major supply disruptions of crude oil and petroleum products.

(3) (Amended, SG No. 14/2015) The report under paragraph (2) shall be coordinated in advance with the Minister of Energy and be transmitted to the European Commission by the 31-st of January of the calendar year which it concerns.

Article 29. No enforcement measures may be applied in regard to specific stocks of the Republic of Bulgaria or of other European Union Member States, held in the territory of this country. If need be assistance for unobstructed transportation of stocks through the territory of this country shall be rendered by the bodies of the Ministry of Interior.

Chapter Five

HOLDING AND REPLACEMENT OF EMERGENCY STOCKS AND OF SPECIFIC STOCKS

Article 30. (1) Stocks of crude oil and petroleum products under this Act may be held in the territory of this country in storing facilities, registered by the agency under the procedure of Article 38, in tank capacities, placed under the agency's management, as well as in tank capacities of other European Union Member States, provided their physical availability and accessibility has been taken into account.

(2) Stocks under this Act shall be insured at the very least against the risks under Section II, letter A, items 8 and 9 of Appendix No. 1 to the Insurance Code. In addition to the content, provided for by the Insurance Code, the insurance contract of the stocks shall also contain the types and quantities of stocks insured. The start of the insurance cover period may not be later than the date of deposit of stocks into the storing facilities, registered under the procedure of Article 38 or into storing facilities, placed under the agency's management and respectively the end of the insurance cover period may not fall earlier than the end date of holding of stocks, based on warehouse bills issued for the obligated persons or in accordance with the agency's terms of stockholding.

(3) The mandatory insurance contract of the stocks shall be accompanied by a contract for mandatory Third Party Liability insurance in regard to property and non-property damage, inflicted on third parties as a result of stockholding in storing facilities under Article 38.

(4) Where the insurance contracts under paragraphs (2) and (3) provide for payment by instalments of the premium due the obligated person or the store-holder shall be obliged to submit to the agency certified copy of each payment order in evidence of making the payment of the premium to the insurer, within 5 business days of effecting it.

(5) The tank capacities in crude oil depots, placed under the agency's management, shall be insured at the expense of the state budget.

(6) The State Reserves and Wartime Stocks State Agency shall be obliged to keep on hand documents, evidencing payment or securing of excise duty, payable under the Excise Duties and Tax Warehouses Act, in regard to the stocks of crude oil and petroleum products, constituted by it.

(7) The store-holders of stocks under this Act, owning storing facilities registered under Article 38, shall be obliged to keep on hand documents, evidencing payment or securing of excise duty, payable under the Excise Duties and Tax Warehouses Act, in regard to the stocks of crude oil and petroleum products, held by them.

Article 31. (1) Holding of stocks by store-holders in the territory of this country shall be

regulated by contract and may not be sub-delegated to any third parties. The stockholding contract shall certainly contain:

1. name, address by corporate seat, as well as correspondence address, telephone, fax, e-mail address and contact person of the store-holder, economic operator and/or central stockholding entity of another European Union Member State;

2. the stockholding term;

3. stocks types and quantities;

4. location and other data, identifying the storing facilities where the stocks would be held.

(2) Any change in the terms of stockholding, including any extension of its period, shall be treated as a new delegation.

Article 32. Control concerning the availability, movement and condition of the stocks, constituted by the obligated persons or the agency and held in another European Union Member State, shall be exercised under terms and procedure, agreed between the competent bodies of the respective states.

Article 33. (1) In case specific stocks would be held commingled with other petroleum products, any performance of dispensing and other operations involving them must not lead to a decline in quantities of stocks or to movement thereof.

(2) Activities under paragraph (1) in regard to stocks, held in the territory of this country, shall be authorized based on order of the Chairperson of the Agency.

(3) (Amended, SG No. 14/2015) Activities under paragraph (1) in regard to Agency stocks, held in the territory of another European Union Member State, shall be permitted only following authorisation by the Chairperson of the Agency, coordinated in advance with the Minister of Energy.

(4) Activities under paragraph (1) in regard to stocks, property of another European Union Member State, which are held in the territory of this country, shall be permitted only following authorisation by the competent bodies of that Member State and/or the central stockholding entity, established by it.

Article 34. Each store-holder shall at all times keep available the stocks, for which he/she assumed a stockholding obligation and may dispose of and release them only upon written order from the Chairperson of the Agency.

Article 35. (1) Upon receipt for holding in the territory of this country of crude oil and petroleum products, which constitute stocks under this Act, the store-holder shall be obliged to issue a warehouse bill of deposit of crude oil and petroleum products.

(2) A warehouse bill shall be a security to order, whereby deposit of stocks under this Act shall be attested. The store-holder shall issue warehouse bills for each quantity deposited up to the limit of its registered capacity.

(3) A warehouse bill issued in regard to quantities, stored at a facility, not registered under Article 38, shall be deemed null and void.

(4) A warehouse bill shall be issued based on registration into the storehouse register of the respective public storing facility based on written contract executed and consist of a commodity warrant and letter of line.

(5) Both parts of the warehouse bill under paragraph (1) must contain, in addition to the requisites under Article 577(2) of the Commerce Act also:

1. the title Warehouse bill of deposit of crude oil and petroleum end-products;

2. registration number of the storing facility and the date of its listing in the register of storehouses;

3. number and date of the declaration of conformity in compliance with the Ordinance on the liquid fuels quality requirements, the conditions, procedure and manner of control thereof (publ. in SG No. 66/2003; as amended and supplemented, No. 69 and 78/2005, No. 40/2006, No. 76/2007, No. 93 of 2009, No. 36 of 2011, Nos 55 and 103 of 2012);

4. the term of holding of the stocks under this Act deposited into the public storing facility, recorded in the warehouse bill.

(6) The storehouse registers of public storing facilities for holding crude oil and petroleum products under this Act shall be kept as specified by the Ordinance under Article 574(2) of the Commerce Act.

(7) Where the term of validity of the warehouse bill would expire prior to 30th April of the calendar year following the year, in which the level of emergency stocks was prescribed for the respective obligated person in the territory of this country, it must submit to the agency a warehouse bill for storage at the same or at another storing facility registered under Article 38 for the same types and quantities of stocks not later than 14 days prior to expiry if the term of the old warehouse bill.

(8) If the term of the warehouse bill, issued to an economic operator and/or a central stockholding entity of another European Union Member State would expire prior to the term, prescribed for its stocks, the issuance of a new warehouse bill must be authorized in advance by the Chairperson of the Agency and by the competent bodies of the other Member State prior to expiry of the term of the previous warehouse bill.

(9) Neither the warehouse bill, nor its component parts may be endorsed, nor the quantities of crude oil and petroleum products, constituting emergency stocks, may serve as guarantee, except in pledge for securing a bank credit for purchase of crude oil and petroleum products for constituting the level of stocks, prescribed for the obligated person, while the bank credit agreement must be entered into prior to the term under Article 17(1). If a pledge would be established over emergency stocks, they shall remain in possession of the obligated person and the pledgee shall be entitled to request from court to approve the sale thereof upon expiry of the term under Article 17(2). An order for use of the emergency stocks shall be executed forthwith irrespective of whether the warehouse bill in regard to them had been endorsed or the stocks had been used as security under a bank credit agreement.

(10) A warehouse bills shall be issued in form, approved by the Chairperson of the Agency and be printed in conformity with the terms and procedure for printing of securities.

(11) Should individuals or entities lose their capacity of store-holders under this Act, they must return to the agency all completed and blank warehouse bills within three business days of the date of notice of deletion.

(12) If the insurance cover term of any insurance under this Act would expire prior to 30-th of April of the calendar year following the year, in which the level of emergency stocks was prescribed for the respective obligated persons, the store-holder shall be obliged to enter into a new insurance contract and submit to the agency certified copy of a new warehouse bill not later than the business day, following the day of insurance. The store-holder shall have the same obligation also in regard to stocks, which it holds for economic operators or a central stockholding entity of another European Union Member State for the entire period, for which their stocks had been prescribed.

Article 36. (1) Obligated persons and store-holders of crude oil and petroleum products shall be obliged to notify within 14 days the Chairperson of the Agency of:

1. any transformations performed (merger, inclusion, division, or separation), any operations with an enterprise, as well as of changes in the legal form and in the managing bodies of the legal entity;

2. any changes concerning the official seat, management address and the contact persons for correspondence.

(2) (Amended, SG No. 85/2017) Store-holders of crude oil and petroleum products, which have registered storing facilities under Article 38 shall notify the Chairperson of the Agency of any and all occurrences of deposit and withdrawal of stocks under this Act. Notification shall be made in writing or electronically, signed with an advanced electronic signature, advanced electronic signature based on a qualified certificate for electronic signatures, or qualified electronic signature pursuant to the requirements of Regulation (EU) No. 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ, L 257/73 of 28.8.2014), referred to hereinafter Regulation (EU) No. 910/2014, and of the Electronic Document and Electronic Trust

Services Act, on the business day following that of the deposit or withdrawal, at the latest.

(3) Certified copy of insurance contract for the fuel quantity deposited, with its term of validity being not shorter than the stockholding term according to the warehouse bill, shall be attached to the notification of the deposit.

(4) Store-holders shall notify within three business days the Chairperson of the Agency of any and all disposal operations, performed by them with storing-facilities, registered under the procedure of Article 38, including in cases of transaction involving the enterprise, part of which they form.

(5) The obligated persons, economic operators, central stockholding entities and store-holders shall not be entitled to move stocks under this Act from one storing facility into another storing facility, registered under Article 38, except:

1. in case of deletion of registration of a storing facility;
2. by written request of the Chairperson of the Agency based on motivated written request;
3. in case of disaster, accident or any other unforeseeable event, which could lead to destruction or damage of crude oil and petroleum products, of which the Chairperson of the Agency must be notified forthwith; a new warehouse bill must be issued in regard to each transfer and notification must be submitted of crude oil and petroleum products deposit or withdrawal under the order of paragraph (2).

(6) (Amended, SG No. 14/2015, SG No. 85/2017) The Minister of Energy or an official, authorized by him, shall inform the Chairperson of the Agency of each use of stocks of crude oil and petroleum products by the power engineering enterprises under Article 85(1) and Article 128 of the Energy Act and of the terms for replenishment thereof. Notification shall be made in writing or electronically, signed with an advanced electronic signature, advanced electronic signature based on a qualified certificate for electronic signatures, or qualified electronic signature pursuant to the requirements of Regulation (EU) No. 910/2014 and of the Electronic Document and Electronic Trust Services Act, within two business days following the withdrawal.

Article 37. (1) The quantities of crude oil and petroleum products under this Act must meet in terms of quality the requirements of the statutory acts, of Bulgarian and European standards.

(2) In instances of change of the quality requirements in regard to crude oil and petroleum products held, in case of replenishment following order for use or in case of replacement the obligated persons, store-holders and the agency shall be obliged to resupply the quantities until reaching the levels prescribed, in accordance with the respective requirements.

(3) The obligated persons shall replace the emergency stocks, constituted by them without departures from the levels, following coordination with the Chairperson of the Agency and shall prove the fact by the respective documents and on-site inspections shall be conducted by the employees under Article 55(4), as necessary.

(4) The replacement of stocks, constituted and held by the agency, shall be performed in accordance with the stockholding terms and the fuel quality indicators, where:

1. orders shall be issued in regard to the quantities, placed under the agency's management, by its Chairperson;

2. in regard to quantities, stored outside crude oil depots, placed under the agency's management, it shall be performed by the store-holders and evidenced by the respective documents.

(5) In instances of replacement of specific stocks temporary reduction of the quantities may be allowed for a term not exceeding one month.

Article 38. (1) Registration of storing facilities shall be performed based on request submitted for registration of storing facility for holding crude oil and petroleum products stocks and fees shall be collected in accordance with tariff, approved by the Council of Ministers.

(2) The request for registration of a storing facility, wherein crude oil and petroleum products stocks may be held, shall be submitted by the person, wishing to operate as store-holder, to the Chairperson of the Agency and must be accompanied by:

1. a notarial deed or other document of real rights over the storing facility or a notarized lease contract for a term of at least 18 calendar months following the date of submission of the request - where the person, wishing to act as store-holder, is leasing the storing facility;

2. documents evidencing conformity of the storing facility to the general requirements according to template, approved by the Chairperson of the Agency;

3. declaration according to approved template concerning the availability of response plans for the neutralization of fires and emergencies agreed with the Fire Safety and Protection of the Population Directorate General;

4. declaration according to approved template of availability of fire-extinguishing means in stock;

5. summary according to approved template concerning the professional qualification and experience of the individuals, who would work at the storing facility, as well as of the positions occupied by them;

6. copy of positive decision on environmental impact assessment or of decision not to conduct environmental impact assessment;

7. declaration according to approved template of the availability of permit under Article 104(1) of the Environmental protection Act;

8. copy of certificate of listing and certification of a storehouse register of a public storing facility according to the requirements, determined by the Ordinance under Article 574(2) of the Commerce Act.

9. certified copy of the contract for property insurance of the storing facility, for which a request for registration under the procedure if this Act had been submitted;

10. declaration according to approved template attesting that the person, which will act as storeholder, is not undergoing a bankruptcy or liquidation procedure; the declaration must contain information on the good standing of the person according to the commercial register and of its uniform identification code;

11. certificate, attesting that the person, which will act as store-holder, has no liabilities within the meaning of Article 87(6) of the Tax and Social Insurance Procedure Code;

12. declaration concerning the design, actual, inoperative and reserve capacity of the storing facility in form, approved by the Chairperson of the Agency and the type of product to be held;

13. notarized power of attorney - in case the person having submitted the request is an authorized representative;

14. flowchart, with the numbers of storing facilities and the technological interlinkages among them indicated;

15. fee payment receipt;

16. (new, SG No. 62/2018, effective 28.01.2019) a copy of the certificate for pursuing economic activities under Article 2, paragraph 1, item 3 of the Act on Administrative Regulation of Economic Activities Associated with Oil and Petroleum Products, or a copy of the license for management of a tax warehouse or a registration certificate of a recipient within the meaning of the Excise Duties and Tax Warehouses Act.

(3) The property insurance of the storing facility shall provide cover at the very least against the risks under Section II, letter A, items 8 and 9 of the Insurance Code and in addition to the content, provided for by the Insurance Code, the insurance contract of the storing facility shall certainly contain its identification, including its number in the flowchart of the storage complex. The insurance term may not be less than 18 months and its starting date should be not later than the date of submission of the request for registration of the storing facility. The insurance contract shall be renewed not later than 10 business days prior to expiry of the insurance cover under it. The storeholder shall be obliged to submit to the agency a certified copy of the renewed contract within 5 business days of execution thereof.

(4) Where the property insurance contract of the storing facility provides for payment by instalments of the premium due the store-holder must submit to the agency certified copy of each payment order in evidence of making the payment of the premium to the insurer, within 5 business days of effecting it.

(5) The documents under paragraph (2), items 1, 10 and 11 shall also be submitted by the owner of the storing facility - in case the store-holder is different from the owner.

(6) It shall be prohibited to hold at a storing facility, registered for a certain type of product, other types of products, different from those under the registration.

Article 39. (1) By order the Chairperson of the Agency may delete the registration under Article 38.

1. Where false data submitted has served as grounds for registration;
2. Where a store-holder is declared in liquidation or a bankruptcy procedure has been initiated against him;
3. where as a result of an inspection it would be established that the storing facility does not meet the general requirements under Article 8(2), item 4 or of any other statutory act;
4. for other breach of the provisions of this Act or of other statutory acts regulating the storage of crude oil and petroleum products;
5. (new, SG No. 62/2018, effective 28.01.2019) in case of a notification received at the Agency under Article 23, paragraph 4 of the Act on Administrative Regulation of Economic Activities Associated with Oil and Petroleum Products.

(2) The Chairperson of the Agency shall modify by order the data, recorded in the register of storing facilities, in cases of change to the circumstances under Article 38, if the same do not conflict the law. In case of submission of request for modification of the data in the register of storing facilities, a stamp duty shall be collected in amount, determined by the tariff under Article 38(1) for the records made and a new certificate shall be issued depending on the nature of changes occurred.

(3) In cases of removal of the registration of a storing facility the obligated person must, within 30 days of being notified of the order under the procedure of Article 61 of the Code of Administrative Procedure, deposit the quantities of emergency stores into another storing facility, registered under the procedure of Article 38.

(4) An order for removal of registration of a storing facility shall be motivated and subject to appeal in accordance with the Code of Administrative Procedure and appeals shall not stay its enforcement.

Chapter Six

INSPECTIONS OF EMERGENCY PREPAREDNESS AND EMERGENCY PROCEDURES

Section I

Inspections of emergency preparedness

Article 40. (1) The Chairperson of the Agency shall coordinate the timing and scope of the inspections of emergency preparedness with the European Commission services and with authorised representatives of the Coordination Group for oil and petroleum products, if such have been appointed to take part in an inspection. The Chairperson of the Agency shall inform in due course the Council of Ministers of each upcoming inspection.

(2) The Chairperson of the Agency shall designate officials, enjoying access to all documents, registers and locations of holding of stocks, for rendering assistance for the conduct of the inspection.

(3) Within 7 days of announcement of the inspection the Chairperson of the Agency shall submit to the European Commission or to officials, authorised by it, information on the locations of emergency stocks and of specific stocks.

(4) Agency employees, obligated persons and store-holders shall be obliged to provide access by the inspectors to all documents, registers, created and stored under this Act, as well as to the locations of stockholding.

(5) While conducting inspections the persons under paragraph (2) shall undertake the requisite measures for protection of personal data of the persons inspected and refrain from disclosing circumstances and facts of the nature of commercial secret, which had become known to them during or in connection with the inspections.

Section II

Emergency procedures and use of stocks

Article 41. (1) The stocks under this Act shall be used:

1. in instances of supply difficulties or of major supply disruptions in this country;
2. at the recommendation of the European Commission in connection with supply difficulties or of major supply disruptions in one or more European Union Member States or pursuant to an effective decision of the International Energy Agency to release stocks;
3. in case of local crisis.

(2) The stocks under this Act may not be used before conducting the consultations under Article 44(3), except in the cases under paragraph (1), item 3.

Article 42. (1) (Amended, SG No. 14/2015) The Chairperson of the Agency shall, in coordination with the Minister of Energy, submit for approval by the Council of Ministers, a Contingency plan for emergency situations, hereinafter referred to as "Contingency plan".

(2) The Contingency plan shall be activated in each individual instance of supply difficulties or of major supply disruptions in this country or in any other European Union Member State, or pursuant to an effective decision of the International Energy Agency to release stocks, or pursuant to a decision of the Council of Ministers in case of local crisis.

Article 43. In case of an emergency under Article 42(2) the Chairperson of the Agency shall be entitled to require for a certain period of time daily written information from:

1. the obligated persons regarding the current situation of:
 - a) imports and intra-Community arrivals, performed by them, of crude oil, fuel oils and petroleum products under Article 2(1);
 - b) any fuel oil and petroleum products under Article 2(1) produced;
 - c) the quantities of fuels under letters "a" and "b", sold on the domestic market;
2. The National Customs Agency regarding the quantities of crude oil, fuel oils and petroleum products under Article 2(1), arriving in the territory of this country as imports and intra-Community arrivals;
3. The National Revenue Agency regarding the quantities of fuel oils and petroleum products under Article 2(1), sold on the domestic market.

Article 44. (1) (Amended, SG No. 14/2015) In case of detecting indications of supply difficulties or of major supply disruptions in this country the Chairperson of the Agency shall, in coordination with the Minister of Energy, notify the Council of Ministers.

(2) (Amended, SG No. 14/2015) The Minister of Energy shall address a request to the European Commission for calling consultations within the framework of the Coordination Group for oil and petroleum products.

(3) The Chairperson of the Agency and/or another Agency official, designated as representative of the Republic of Bulgaria in the Coordination Group for oil and petroleum products, shall take part in the consultations. The consultations may be held at a location, determined by the European Commission and/or by electronic communication.

(4) (Amended, SG No. 14/2015) The Chairperson of the Agency shall inform of the outcome of the consultations held the Minister of Energy, who must report to the Council of Ministers and, if required, propose to adopt a decision concerning:

1. introduction of restrictions on consumption of petroleum products in this country;
2. release of stocks under this Act in line with the estimated shortages, in coordination with the Chairperson of the Agency;
3. allocation of petroleum products to certain groups of users on a priority basis, in coordination with the Chairperson of the Agency.

Article 45. (Amended, SG No. 14/2015) The Council of Ministers, acting upon proposal by the Minister of Energy, may adopt a decision for implementing measures under Article 44(4) including for depleting stocks to below the compulsory minimum levels prescribed, even before the end of consultations within the Coordination Group for oil and petroleum products in cases of particular urgency or in order to meet local crises, of which they shall notify the European Commission immediately.

Article 46. (1) (Amended, SG No. 14/2015) In case of an emergency within the European Union, at the recommendation of the European Commission and/or pursuant to an effective decision of the International Energy Agency to release stocks, including introducing additional measures for restricting consumption, the Chairperson of the Agency shall inform forthwith the Minister of Energy, who shall propose forthwith to the Council of Ministers to adopt a decision.

(2) Upon recommendation of the European Commission and/or pursuant to an effective decision of the International Energy Agency to release stocks, it shall be prohibited to apply measures that could hamper the movement and transportation of specific stocks and/or emergency stocks, property of other European Union Member States. All measures shall be taken for unobstructed transportation of such stocks through the territory of this country and to the border checkpoints of the Republic of Bulgaria.

(3) In case of receipt of request for transportation of emergency stocks and/or specific stocks - property of other European Union Member States - the agency shall cooperate with their competent bodies in connection with the quantities, types of stocks and transportation, by means of which their carriage through the territory of this country and to the border checkpoints of the Republic of Bulgaria would be performed.

(4) The agency shall provide the information under paragraph (3) to the Ministry of Transport, Information Technology and Communications, the Ministry of Interior and the National Customs Agency for taking action for unobstructed transportation of the stocks to the border checkpoints of the Republic of Bulgaria.

Article 47. The European Commission shall be notified forthwith in writing of each instance of use of stocks. The notification shall be performed under procedure, specified by the Council of Ministers and contain information on:

1. the reasons having necessitated the use;
2. the date, on which the stocks were depleted below the levels reached;
3. the measures envisaged for replenishment of the stocks to the levels, reached prior to the order for use.

Article 48. (1) Based on decision of the Council of Ministers for release of stocks for use the Chairperson of the Agency shall issue general and individual instructions for use of emergency stocks of obligated persons and/or order for use of the stocks, managed by the agency.

(2) By the instruction for use of emergency stocks of obligated persons and/or the order for use of the stocks, managed by the agency, their quantities shall be temporarily reduced below the levels prescribed.

(3) The instructions for use shall be mandatory for all obligated persons and store-holders. If that order would cover stocks, held in the territories of other European Union Member States, the Chairperson of the Agency shall forward transcripts thereof to the respective economic operators and/or central stockholding entities.

(4) The instruction for use of emergency stocks shall be an administrative act, which in addition to the requisites under the Code of Administrative Procedure must also indicate the quantity of crude oil and/or the quantities and types of petroleum products, for which it had been issued, as well as the term of their release on the market. The instruction may not be appealed against, shall enter into force as of the date of its issuance and be executable forthwith.

(5) Fulfilment of the instructions for use of emergency stocks shall be controlled by the officials under Article 55 based on documents and/or on-site.

Article 49. (Amended, SG No. 14/2015) In case of change in circumstances the Chairperson of the Agency may, in coordination with the Minister of Energy, repeal or amend the instructions and order for use.

Article 50. The stocks of crude oil and petroleum products, constituted and held under this Act, shall be used in the following sequence:

1. emergency stocks, constituted and held by obligated persons;
2. emergency stocks, constituted and held by the agency after exhaustion of the stocks under item 1;
3. specific stocks.

Article 51. (1) The emergency stocks of obligated persons shall be used in accordance with the instruction of the Chairperson of the Agency under Article 48;

(2) The obligated persons must:

1. take action without delay for using all types and quantities of stocks, indicated in the instruction;
2. organize the transportation and placing of the stocks on the domestic market;
3. certify before the agency by the respective documents the actions under items 1 and 2 within three business days of undertaking them.

(3) Stocks constituted and held by obligated persons shall be used for wholesale or for sale to end-users, based on market principles.

Article 52. Any obligated person, which fails to fulfil its obligation under Article 51(2) item 1, shall owe the agency compensation in an amount equivalent to the value of the stocks, in regard to which no activities for use had been undertaken. The compensation shall be calculated at market prices as at the date of issuance of the instruction.

Section III

Replenishment of stocks

Article 53. (1) Upon the return to normal of the supply of crude oil and petroleum products under Article 2(1) in the territory of this country and/or at the recommendation of the European Commission, the Chairperson of the Agency shall issue general and individual instructions for replenishment of the quantities of emergency stocks of obligated persons, released for use, up to the levels prescribed for them. The instructions for replenishment shall be mandatory for all obligated persons.

(2) The instruction for replenishment of emergency stocks shall be an administrative act, which in addition to the requisites under the Code of Administrative Procedure must also indicate the quantity of crude oil and/or the quantities and types of petroleum products, for which it had been issued, as well as the term for reaching the levels prescribed for them.

(3) Fulfilment of the instructions for replenishment of emergency stocks up to the levels, prescribed for them, shall be controlled by the officials under Article 55 based on documents and/or on-site.

(4) Replenishment of stocks managed by the agency and released for use, shall take place by decision of the Council of Ministers, based on which an order of the Chairperson of the Agency shall be issued.

(5) The Chairperson of the Agency shall notify the European Commission of the issuance of instructions and orders for replenishment of stocks, as well as of the fulfilment thereof.

Article 54. Any obligated person, which fails to fulfil an obligation for replenishment of stocks up to the levels, prescribed for them, shall owe the agency compensation in an amount equivalent to the value of the quantities of petroleum products not replenished. The compensation shall be

calculated at market prices as at the date of issuance of the instruction.

Chapter Seven

CONTROL OVER THE CONSTITUTING, HOLDING, REPLACEMENT, USE AND REPLENISHMENT OF CRUDE OIL AND PETROLEUM PRODUCTS STOCKS

Article 55. (1) The Chairperson of the Agency shall exercise control over obligated persons and store-holders of crude oil and petroleum products, owners of registered storing facilities under Article 38 in connection with the fulfilment of their obligations to constitute, hold, replace, use and replenish stocks under this Act.

(2) The Chairperson of the Agency shall exercise control over the holding in the territory of this country of stocks of economic operators and central stockholding entities of other European Union Member States under terms and procedure, agreed with the competent bodies of the respective states.

(3) The Chairperson of the Agency shall exercise control over the holding in other European Union Member States of stocks of the agency and the obligated persons under terms and procedure, agreed with the competent bodies of the respective states.

(4) In the discharge of his/her control functions the Chairperson of the Agency shall be assisted by Agency officials, designated by his/her order.

Article 56. (1) In the discharge of their control functions in the territory of this country the officials under Article 55(4) shall be entitled to:

1. free access to sites where stocks under this Act are held, including in tax warehouses within the meaning of the Excise Duties and Tax Warehouses Act;
2. require documents, data, records, abstracts and other carriers of information from the persons under inspection;
3. check the reporting practices at sites under inspection;
4. take all necessary steps, as provided by the law, to secure evidence, including the possibility to seal off storing facilities where stocks are or should be held;
5. conduct counter-inspections;
6. obtain records and documents from third parties, necessary to conduct counter-inspections;
7. demand the submission of written explanations by persons under inspection;
8. use experts with whom contracts for assignment of expert reviews shall be executed.
9. issue mandatory instructions and monitor compliance with them.

(2) In the exercise of their powers the officials under Article 55(4) shall cooperate with the respective bodies of the National Customs Agency and the National Revenue Agency under terms and procedure, determined by joint instruction of the Minister of Finance and the Chairperson of the Agency. Where required experts and specialists from other state bodies may be involved and cooperation may be established with the competent bodies of other European Union Member States.

(3) The bodies of the Ministry of Interior shall render assistance to the officials under Article 55(4) for the discharge of their control functions, including tracing and service of documents on authorised representatives of persons under inspection. Such assistance shall be rendered under terms and procedure, determined by joint instruction of the Minister of Interior and the Chairperson of the Agency.

(4) While conducting an inspection, upon request in writing of the Chairperson of the Agency, the relevant state authorities shall be obligated to provide data on the quantities of crude oil and petroleum products introduced into the territory of this country under import procedure or by intra-Community arrivals, the volumes and types of sales, conducted by the person under inspection, as well as any other information required to determine the obligations of such person under inspection.

(5) Inspections shall be assigned and carried out in accordance with a procedure, specified by ordinance of the Chairperson of the Agency.

Article 57. (1) While conducting an inspection the officials under Article 55(4) may take measures to secure evidence by means of inventorying material assets and valuables or seizing documents and other information carriers by inventory. In cases where no other possibilities to secure evidence are available, they shall be entitled to temporarily seal off storing facilities, workshops, and other sites related to the activity for a period of up to 24 hours and upon written authorization from the Chairperson of the Agency - for up to 72 hours.

(2) A memorandum shall be drafted for sealing off under paragraph (1), indicating the date and hour action was taken, factual and legal grounds for imposition of said measure, a description of all steps made for sealing, the duration of the measure, as well as the time limit and authority of appeal. Copy of the memorandum shall be handed to the person under inspection.

(3) Such measures may be appealed against within three days before the Chairperson of the Agency, who shall issue a decision not later than the day following the day of receipt of the petition. The Chairperson may uphold, amend or repeal measures and deadlines, of which developments the petitioner shall be notified the same day.

(4) (Amended, SG No. 77/2018, effective 1.01.2019) The decision of the Chairperson of the Agency may be appealed against within seven days before the relevant administrative court under the Code of Administrative Procedure and the petition shall not stay execution of measures, unless the court would rule otherwise. The Court shall rule in camera within 14 days by decree that is not subject to appeal.

Article 58. A memorandum outlining the findings of the inspections shall be drafted. Where findings point to a violation committed of this Act, the official designated under the procedure of Article 55(4) shall draw up an act of establishment of administrative violation.

Article 59. (1) The act of establishment of administrative violation shall be drawn up in written form within 14 days of completion of the inspection under the procedure of the Administrative Violations and Penalties Act and must contain:

1. the author's name and position;
2. the number and date of drawing up the act;
3. details of the person under inspection;
4. the factual and legal grounds for issuance of the act;
5. the date or period when the violation was committed;
6. description of the violation and of the circumstances, in which it was committed;
7. legal provisions infringed upon;
8. explanations or objections of the offender, if any;
9. inventory of the evidence enclosed and of documents and objects seized;
10. signature of the individual, who prepared the act;
11. names and precise addresses of witnesses and their PINs
12. Date of receipt of the act and signature of the person who received it;
13. information of any property damage suffered as a result of the violation.

(2) The factual and legal grounds under paragraph (1), item 4 shall constitute reasoning for the purposes of the act of establishment of violation.

(3) Copy of the act of establishment of violation shall be handed over to the offender under the procedure of the Administrative Violations and Penalties Act.

(4) The evidence collected in the process of inspection shall form integral part of the act of establishment of the violation. Originals of written evidence collected shall be attached to the copy of the act of establishment of violation remaining with the Agency, whereas copies thereof shall be attached to the copy of the act to be handed over to the person under inspection.

(5) Should the offender fail to appear for preparing the act of establishment of violation, the act shall be drawn up in his absence and transmitted for handing over by the bodies of the respective

municipality or mayoralty, which obliged to notify the offender against his signature of the act deposited and hand over the latter within 14 days of date of its receipt. Should the offender fail to appear, the act shall be signed by an authorized officer of the municipality or mayoralty and be left undelivered.

(6) If the offender is unavailable at the address indicated, the act of establishment of administrative violation shall be returned to the agency not finalised and with indication of the circumstance, because of which the offender had not been found.

(7) After the return of the act the Chairperson or the Deputy chairperson of the Agency shall issue a penal decree, which shall enter into force as of the date of its issuance and be handed over under the procedure of the Administrative Violations and Penalties Act.

Chapter Eight

PENAL ADMINISTRATIVE PROVISIONS

Article 60. Persons who fail to provide information under Article 4(2) or provide untrue, imprecise or incomplete information, shall be punishable by a fine and sole proprietors and entities - respectively by a pecuniary sanction of BGN 2,000 to 10,000.

Article 61. (1) Persons who fail to provide information under Article 4(1), Article 36, paragraphs (1) - (4) or provide untrue, imprecise or incomplete information, shall be punishable by a fine and sole proprietors and entities - respectively by a pecuniary sanction of BGN 1,000 to 10,000. In case of repeat offence the sanction shall be a fine, respectively a pecuniary sanction of BGN 2,000 to 10,000.

(2) Obligated persons who fail to fulfil their obligations under Article 43(1) or provide untrue, imprecise or incomplete information, shall be punishable by a fine and sole proprietors and entities - respectively by a pecuniary sanction of BGN 500 to 5,000. In case of repeat offence the sanction shall be a fine, respectively a pecuniary sanction of BGN 1,000 to 5,000.

Article 62. (1) Obligated persons who fail to fulfil their obligations under Article 17(1) and (2), Article 24(4) and (6) and Article 39(3) shall be punishable by a fine and a pecuniary sanction shall be imposed on sole proprietors and entities in amount double the equivalent of the stocks at market prices as at the date of establishment of the violation.

(2) Persons who in acting as authorised representatives of legal entities have committed violation under paragraph (1) shall be punishable by a fine from BGN 500 to 5,000.

Article 63. Persons who violate the provisions of Article 24(2) item 3 and paragraph (3), Article 30(1) and (2) and Article 35(9), shall be punishable by a fine and sole proprietors and entities - respectively by a pecuniary sanction of BGN 15,000 to 150,000.

Article 64. (1) Persons who violate the provisions of Article 34, shall be punishable by a fine and sole proprietors and entities - respectively by a pecuniary sanction of BGN 20,000 to 200,000.

(2) Store-holders, who sub-delegate the holding of stocks, which had been delegated to them under the procedure of Article 18(1) and (5) shall be punishable by a fine and sole proprietors and entities - respectively by a pecuniary sanction of BGN 20,000 to 200,000.

(3) Store-holders who fail or allow failure to perform the obligations under Article 35(1) and Article 38(6), shall be punishable by a fine or a pecuniary sanction of BGN 500 to 1,000.

Article 65. Persons who violate the provisions of Article 33(1) and (2), shall be punishable by a fine and sole proprietors and entities - respectively by a pecuniary sanction of BGN 10,000 to 150,000.

Article 66. Persons who fail or allow failure to perform the obligation of Article 37(1) and (2), shall be punishable by a fine and sole proprietors and entities - respectively by a pecuniary sanction of BGN 15,000 to 150,000.

Article 67. Persons who fail to perform the obligations under Article 35(7) and (11), shall be punishable by a fine of BGN 500 to 5,000 and sole proprietors and entities - respectively by a pecuniary sanction of BGN 1,000 to 10,000.

Article 68. (1) Persons who fail to perform the obligations under Article 9(4) and Article 37(3) shall be punishable by a fine of BGN 500 to 2,000 and sole proprietors and entities - respectively by a pecuniary sanction of BGN 1,000 to 5,000, unless liable to a heavier sanction.

(2) Obligated persons who had not submitted written request for maintaining stocks under Article 21, paragraphs (3), (4), (5), (6) and (8) or, despite having received refusal, constitute and maintain stocks, shall be punishable by a fine of BGN 500 to 2,000 and sole proprietors and entities - respectively by a pecuniary sanction of BGN 1,000 to 5,000.

Article 69. (1) Persons failing to provide assistance during an inspection, preventing its conduct, failing to fulfil mandatory instructions of the officials under Article 55(4), written instructions of the Chairperson of the Agency or allowing any of the above, shall be punishable by a fine of BGN 500 to 15,000.

(2) In instances of repeat offense under paragraph (1) the sanction shall be a fine of BGN 1,000 to 30,000.

Article 70. Obligated persons or store-holders, who fail to perform the obligations under Article 35(12) and Article 36(5), shall be punishable by a fine of BGN 500 to 5,000 and sole proprietors and entities - respectively by a pecuniary sanction of BGN 1,000 to 10,000.

Article 71. Experts who did not conduct an assigned expert review within the term under the contract and this resulted in an extension of the period for inspection, shall be sanctioned by a fine of up to BGN 5,000.

Article 72. (1) Where an official of the Agency acts to the effect of disclosing, providing, publicizing, using or otherwise making public data and circumstances, constituting a production or commercial secret of any obligated person or store-holder, unless liable to heavier sanctions, he/she shall be imposed a fine of between BGN 1,000 and 2000 and shall be ineligible to exercise control functions under this Act for a term of one calendar year.

(2) Any official of the Agency, who despite existence of sufficient data of violation perpetrated under this Act would fail to draw up a memorandum of findings or an act of establishment of administrative violation, shall be sanctioned by a fine of BGN 500 to 3,000.

Article 73. (1) Outside the cases under Articles 60-72 where any person would fails to perform its obligations under this Act or allows non-performance thereof, it shall be imposed a fine of BGN 500 to 5,000 and sole proprietors and entities shall be imposed pecuniary sanctions of BGN 1,000 to 10,000, unless liable to a heavier sanction.

(2) In each subsequent instance of instituting penal administrative proceedings under paragraph (1) the fine or pecuniary sanction shall be from BGN 2,000 to 20,000.

Article 74. (1) The establishment of violations, the issuance, appeals and enforcement of penal decrees shall be conducted following the procedure of the Administrative Violations and Penalties Act.

(2) The acts of establishment of administrative violations shall be drawn up by the officials under Article 55(4) and the penal decrees shall be issued by the Chairperson of the Agency.

SUPPLEMENTARY PROVISIONS

§ 1. Within the meaning of this Act:

1. "Indications of supply difficulties" shall be present where for two consecutive months a 20 per cent decrease of the overall level of inland supplies of crude oil and petroleum products has been registered compared to the same period of the preceding calendar year;

2. "Difficulty in supply of crude oil and petroleum products" shall be any difficulty, even a temporary one, leading to a considerable decline of supply of crude oil and petroleum products or to a significant rise of their prices on the world market, which may cause serious disruptions to economic and business activity in this country and/or another European Union Member State.

3. "Major supply disruption" shall be a substantial and sudden drop in the supply of crude oil and petroleum products to the European Union or to a Member State, irrespective of whether or not it has led to a decision of the International Energy Agency to release stocks for use.

4. "Local crises" shall be situations, which could lead to temporary cut of the supply of crude oil and petroleum products, caused by extraordinary events in the territory of this country, including as a result of temporary technological and other difficulties, the meeting of which would not materially affect the total quantity of stocks of crude oil and petroleum products and the replenishment of their mandatory minimum. Local crises shall not include situations, resulting from changes of prices of crude oil and petroleum products.

5. "Consumption in the territory of this country" shall denote the total quantities of crude oil and petroleum products calculated by method, approved by the Chairperson of the Agency, delivered within this country for both energy and non-energy use. This aggregate shall include deliveries to industry, transport, households and other daily needs, as well as for own consumption of enterprises.

6. "Producer of petroleum products" shall be a local or foreign individual or legal entity, as well as any branches thereof, which have produced in the territory of this country during the preceding calendar year fuel oils and petroleum products under Article 2(1) and have used for own needs and/or sold the petroleum end-products on the domestic market.

7. "Assignor of production of petroleum products" shall be a local or foreign individual or legal entity, as well as any branches thereof, which have assigned during the preceding calendar year production and processing in the territory of this country of fuel oils and petroleum products under Article 2(1) and have used for own needs and/or sold the petroleum end-products on the domestic market.

8. "Importer of crude oil and petroleum products" shall be a local or foreign individual or legal entity, as well as any branches thereof, which have performed imports into the territory of this country during the preceding calendar year of crude oil, NGL, refinery feedstocks, fuel oils and petroleum products under Article 2(1).

9. "Person, who has performed intra-Community arrivals of crude oil and petroleum products" shall be a local or foreign individual or legal entity, as well as any branches thereof, which have performed intra-Community arrivals to the territory of this country during the preceding calendar year of crude oil, NGL, refinery feedstocks, fuel oils and petroleum products under Article 2(1).

10. "Economic operator" shall be a person, obligated to constitute and hold emergency stocks of crude oil and petroleum products for fulfilment of the requirements of Council Directive 2009/119/EC of another European Union Member State.

11. "Obligated person" shall be an economic operator, which by virtue of Article 22(2) - (5) or Article 23(2) and (3) is obliged to constitute, hold, replace and replenish by own means and at its own expense, emergency stocks of crude oil and petroleum products, as part of the total quantity of emergency stocks of the Republic of Bulgaria.

12. "Store-holder" shall be an individual or legal entity having registered a storing facility under Article 38 in the territory of this country and/or possesses the qualifications required for holding stocks of crude oil and petroleum products in other European Union Member States.

13. "Additive" shall be a non-hydrocarbon chemical substance, added to a certain product to modify and improve its properties and/or obtain the end-product.

14. "Biofuels" shall mean liquid or gaseous fuel for transport produced from biomass, "biomass" being the biodegradable fraction of products, waste and residues from agriculture, including vegetable and animal substances, forestry and related industries, as well as the biodegradable fraction of industrial and municipal waste.

15. "Intra-Community arrivals" shall be crude oil and petroleum products deliveries, representing arrivals within the meaning of Article 3, paragraph 3 of Regulation (EC) No. 638/2004 of the European Parliament and of the Council of 31 March 2004 on Community statistics relating to the trading of goods between Member States and repealing Council Regulation (EEC) No. 3330/91, hereinafter referred to as "Regulation (EC) No. 638/2004".

16. "Intra-Community dispatches" shall be crude oil and petroleum products dispatches, representing dispatches within the meaning of Article 3, paragraph 2 of Regulation (EC) No. 638/2004.

17. "Storing facility" shall be each individual fixed tank and the adjacent infrastructure and installations, intended for storage of crude oil and petroleum end-products, except pipelines, tanks of airborne or road transportation means, automobile, seagoing and river vessels, truck and railway cisterns and retailer cisterns (petrol stations).

18. "Physical accessibility" shall be arrangements for locating and transporting stocks to ensure their release for use or effective delivery to end users and markets within time frames and conditions conducive to alleviating the supply problems which may have arisen.

19. "Constituting of stocks of crude oil and petroleum products" shall be activities of purchase, delivery, acceptance for holding thereof pursuant to this Act or of making them available under loan contract and/or deposit contract with the aim of reaching the levels required under Article 17(1).

20. "Holding of stocks of crude oil and petroleum products" shall be the activity of maintaining them in the respective quantity and quality, in appropriate technological conditions and in a status of permanent preparedness for use.

21. "Replacement of stocks of crude oil and petroleum products" shall be an activity of replacement of stocks under this Act, in the respective quantity and quality, prior to expiry of their storage terms or in compliance with the requirements of statutory acts or quality standards without departing from the levels prescribed, except for the cases under Article 37(5).

22. "Replenishment of stocks of crude oil and petroleum products" shall be activities of purchase, delivery, acceptance for holding thereof pursuant to this Act or of making them available under loan contract and/or deposit contract with the aim of reaching the levels required under Article 17(1), after they would have been used under the procedure of Articles 46-51.

23. "Use of stocks of crude oil and petroleum products" shall be an activity of an obligated person, store-holder or the agency, whereby stocks of crude oil and petroleum products would be used according to their purpose in the territory of this country, with a change in their condition or an operation of disposal of them in favour of third parties would be performed.

24. "Emergency stocks" shall be the stocks of crude oil and petroleum products that the Republic of Bulgaria is required to constitute and hold pursuant to this Act.

25. "Specific stocks" shall be the stocks of petroleum end-products, which are in private state ownership, funded by the state budget and are in quantities and types, prescribed by decision of the Council of Ministers.

26. "Commercial stocks" shall be the stocks of crude oil and petroleum products, held by obligated persons, with the view of guaranteeing a continuity and regularity of the commercial process and such stocks shall be kept separate from emergency stocks.

27. "Central stockholding entity" shall be a body or service of a European Union Member State, upon which powers are conferred for purchase, maintenance and/or sale of stocks of crude oil and petroleum products, including emergency stocks and specific stocks;

28. "Delegation" shall be an act of a person, obligated to constitute and hold stocks under this Act, whereby it would assigne to another person the holding of all or part of the stocks, which had been prescribed to it.

29. "International marine bunkers" shall have the meaning given in Section 2.1 of Annex A to Regulation (EC) No. 1099/2008.

30. "Average daily net imports and intra-Community arrivals" shall be the quantities of crude

oil, NGL, refinery feedstocks and petroleum products calculated by method, approved by the Chairperson of the Agency, delivered into the territory of this country by imports and intra-Community arrivals.

31. "Yield" shall be a percentage or part of petroleum end-products, obtained from a specific quantity of raw materials used.

32. "Crude oil" shall be a term within the meaning of the definition of crude oil, provided in item 1 of subsection 4.1. Applicable energy products of Annex B to Regulation (EC) No. 1099/2008.

33. "NGL" shall be a term within the meaning of the definition of natural gas liquid, provided in item 2 of subsection 4.1. Applicable energy products of Annex B to Regulation (EC) No. 1099/2008.

34. "Refinery feedstocks" shall be a term within the meaning of the definition of processed oils for further processing by refineries, provided in item 3 of subsection 4.1. Applicable energy products of Annex B to Regulation (EC) No. 1099/2008.

35. "Fuel oil" shall be a petroleum product other than the petroleum products under Article 2(1), falling into the subheadings in accordance with letter "f" of item 1 of the Additional notes to Chapter 27 of the Combined Nomenclature of the European Union pursuant to Commission Implementing Regulation (EU) No. 1006/2011, intended for use as fuel in fixed installations and/or as refinery feedstock.

36. "Naphtha" shall be a term within the meaning of the definition of gasolines, provided in item 9 of subsection 4.1. Applicable energy products of Annex B to Regulation (EC) No. 1099/2008.

37. "Stocks of crude oil and petroleum products" shall be the stocks of energy products, indicated in Article 2.

38. "Preceding calendar year" shall be the calendar year for which data was used regarding consumption or the net imports and intra-Community arrivals into the territory of this country and based on which the required quantities of stocks, which must be maintained or of the stocks actually available at a certain moment, were calculated.

39. "Repeat" shall be a violation, committed within one year of the entry into force of a penal decree whereby the offender was punished for committing a violation of the same type.

§ 2. This Act shall introduce the requirements of Council Directive 2009/119/EC of 14 September 2009 imposing an obligation on Member States to maintain minimum stocks of crude oil and/or petroleum products (OJ, L 265/9 of 9 October 2009).

TRANSITIONAL AND CONCLUDING PROVISIONS

§ 3. The Mandatory Stocks of Crude Oil and Petroleum Products Act (published, SG No. 9/2003, as amended, No. 107/2003, Nos 95 and 105/2005, Nos 30 and 82/2006, No. 109/2007, Nos 69 and 102 of 2008, Nos 12, 32, 82 and 93/2009 and No. 88/2010) shall be repealed.

§ 4. The Republic of Bulgaria shall be entitled to maintain until 31-st December 2014 stocks of crude oil and petroleum products, corresponding to 81 days of average daily net imports and intra-Community arrivals, of which 27 to be provided for by the agency.

§ 5. The State Reserves and Wartime Stocks State Agency and the obligated persons must maintain and hold the levels of compulsory stocks, prescribed by the currently repealed Mandatory Stocks of Crude Oil and Petroleum Products Act, until the 30-th of April 2013. The compulsory stocks of crude oil and petroleum products, constituted before the entry into force of this Act, shall gain the status of stocks under this Act.

§ 6. The procedures of registration of storing facilities for holding stocks of crude oil and petroleum products, initiated prior to the entry into force of this Act, shall be finalised under the terms of the same.

§ 7. The registrations of storing facilities under Article 21 of the currently repealed Mandatory Stocks of Crude Oil and Petroleum Products Act shall remain valid after the entry into force of this Act and such storing facilities shall be deemed registered under Article 38.

§ 8. The register of obligated persons under the currently repealed Mandatory Stocks of Crude Oil and Petroleum Products Act shall remain valid until the 30-th of April 2013.

§ 9. The register of storing facilities, registered under Article 21 of the currently repealed Mandatory Stocks of Crude Oil and Petroleum Products Act, shall remain in effect pending the entry into force of the ordinance under Article 8(4).

§ 10. Any warehouse bills, issued prior to the entry into force of the ordinance under Article 8(4), shall remain valid until expiry of the terms, indicated in them.

§ 11. The forms of the warehouse bills under the currently repealed Mandatory Stocks of Crude Oil and Petroleum Products Act shall remain valid until the 30-th of April 2014 and may be used in conjunction with the forms of the warehouse bills, prescribed by the ordinance under Article 8(4).

§ 12. The advance information under Article 7(1) item 9 concerning the methods of calculation of the stock levels for 2013 shall be published at the website of the State Reserves and Wartime Stocks State Agency by the 25-th of February 2013.

§ 13. (1) The statement-declaration under Article 4(2) for 2012 shall be submitted to the State Reserves and Wartime Stocks State Agency by the 25-th of February 2013.

(2) The information under Article 4, paragraph (3) item 2, paragraph (4) item 2, paragraph (5) item 2, and paragraphs (6) and (7) for 2012 shall be submitted to the State Reserves and Wartime Stocks State Agency by the 15-th of February 2013.

§ 14. The penal administrative proceedings, instituted by the chairman of the State Reserves and Wartime Stocks State Agency prior to the entry into force of this Act, shall be finalized under the procedure of the currently repealed Mandatory Stocks of Crude Oil and Petroleum Products Act.

§ 15. The following amendments shall be introduced in the Excise Duties and Tax Warehouses Act (published, SG No. 91/2005, as amended, No. 105/2005, Nos 30, 34, 63, 80, 81, 105 and 108/2006, Nos 31, 53, 108 and 109/2007, Nos 36 and 106/2008, Nos 6, 24, 44 and 95/2009, Nos 55 and 94/2010, Nos 19, 35, 82 and 99/2011 and Nos 29, 54 and 94/2012:

1. In letter "b" of item 2 of Article 78(1) the phrase "Compulsory Stocks of Crude Oil and Petroleum Products Act" shall be replaced by "Crude Oil and Petroleum Products Stocks Act".

2. Article 102(5) shall be amended to read:

"(5) Control over stocks of crude oil and petroleum products in tax warehouses shall be exercised also by persons under Article 55(4) of the Crude Oil and Petroleum Products Stocks Act".

§ 16. Items 8 and 11 of paragraph (2) of Article 7 of the State Reserves and Wartime Stocks Act (published, SG No. 9/2003, as amended, No. 37/2003, Nos 19, 69 and 105/2005, Nos 30 and 102/2006, No. 54/2008, No. 35/2009 and No. 16/2010) shall be repealed.

§ 17. The following amendments and supplements shall be introduced in the Energy from Renewable Sources Act (published, SG No. 35/2011, as amended, Nos 29 and 54 /2012):

1. In Article 50:

a) paragraphs (1) and (2) shall be amended to read:

"(1) The State Reserves and Wartime Stocks State Agency shall purchase and sell petroleum

products, intended for constituting, holding and replacement of state reserves, wartime stocks, emergency stocks and specific stocks of fuels, not blended with biofuels.

(2) Outside store-holders under the State Reserves and Wartime Stocks Act shall constitute, hold, safekeep and replace state reserves and/or wartime stocks of petroleum products, not blended with biofuels";

b) a new paragraph (3) shall be introduced:

"(3) The obligated persons and store-holders with registered storing facilities under Article 38 of the Crude Oil and Petroleum Products Stocks Act shall constitute and hold emergency stocks, not blended with biofuels. The store-holders shall store specific stocks of crude oil and petroleum products in the territory of this country, not blended with biofuels";

c) the hitherto paragraph (3) shall become paragraph (4) and after the phrase "paragraph (2)" therein "and (3)" shall be added;

d) the hitherto paragraph (4) shall become paragraph (5)

2. In Article 67(3) the phrase "paragraph (3)" shall be replaced by "paragraph (4)".

§ 18. The following supplements shall be introduced into the Commerce Act (published, SG No. 48/1991, as amended, No. 25/1992, Nos 61 and 103/1993, No. 63/1994, No. 63/1995, Nos 42, 59, 83, 86 and 104/1996, Nos 58, 100 and 124/1997, Nos 21, 39, 52 and 70/1998, Nos 33, 42, 64, 81, 90, 103 and 114/1999, No. 84/2000, Nos 28, 61 and 96/2002, Nos 19, 31 and 58/2003, Nos 31, 39, 42, 43, 66, 103 and 105/2005, Nos 38, 59, 80 and 105/2006, Nos 59, 92 and 104/2007, Nos 50, 67, 70, 100 and 108/2008, Nos 12, 23, 32, 47 and 82/2009, Nos 41 and 101/2010, Nos 14, 18 and 34/ 2011 and Nos 53 and 60/2012):

1. A new item 5 shall be introduced into Article 57:

"5. who had been manager, member of managerial or supervisory body of any company, in regard to which non-performance of obligations to constitute and hold stocks under the Crude Oil and Petroleum Products Stocks Act at levels, prescribed for it, had been ascertained by an effective penal decree."

2. A second sentence shall be introduced into Article 141(8): Ineligible to serve as manager shall be any person, who had been manager, member of managerial or supervisory body of any company, in regard to which non-performance of obligations to constitute and hold stocks under the Crude Oil and Petroleum Products Stocks Act at levels, prescribed for it, had been ascertained by an effective penal decree."

3. A new item 2 shall be introduced into Article 234(2):

"2. who had been manager, member of managerial or supervisory body of any company, in regard to which non-performance of obligations to constitute and hold stocks under the Crude Oil and Petroleum Products Stocks Act at levels, prescribed for it, had been ascertained by an effective penal decree."

§ 19. The lower level statutory acts and the internal organization documents by the chairman of the State Reserves and Wartime Stocks State Agency in connection with the implementation of this Act shall be issued within three months of its entry into force.

§ 20. The lower level statutory acts and the internal organization documents, issued by the chairman of the State Reserves and Wartime Stocks State Agency in connection with the currently repealed Mandatory Stocks of Crude Oil and Petroleum Products Act, shall apply pending the issuance of the acts under § 19, to the extent they would not run counter to this Act.

§ 21. The Council of Ministers shall be in charge of implementing this Act.

§ 22. This Act shall enter into force as of the day of its publication in State Gazette.

This act was adopted by the 41-st National Assembly on this 31st day of the month of January, the year two thousand and thirteen and the official stamp of the National Assembly has been affixed

to it.

TRANSITIONAL AND CONCLUDING PROVISIONS
to the Act to Amend the Act on the Prohibition of Chemical Weapons
and on Control of Toxic Chemicals and the Precursors thereof
(SG No. 14/2015)

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§ 58. In the Crude Oil and Petroleum Products Stocks Act (promulgated in the State Gazette No. 15/2013) everywhere in the text the words "Ministry of Economy, Energy and Tourism" and "Minister of Economy, Energy and Tourism" shall be replaced by "Ministry of Energy" and "Minister of Energy", respectively.
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