

Obligations to the International Fund for Compensation for Oil Pollution Damage Act

Promulgated SG No. 34/19.04.2005, effective 19.04.2005, amended and supplemented, SG No. 33/30.04.2009

Text in Bulgarian: Закон за задълженията към Международния фонд за обезщетение при щети, причинени от замърсяване с нефт

Article 1

This Act shall specify the obligations to the International Fund for Compensation for Oil Pollution Damage arising from the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage from 1971, as amended by the Protocol of 1992 to Amend the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage 1971 (FUND'92 Convention).

Article 2

The International Fund for Compensation for Oil Pollution Damage has the following aims:

1. Provide compensation for oil pollution damage to the extent that the protection afforded by the 1969 International Convention on Civil Liability for Oil Pollution Damage (CLC'92) (SG No. 91/2003) is inadequate;
2. Give effect to the related purposes set out in the Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage.

Article 3

(1) Contributions to the International Fund for Compensation for Oil Pollution Damage of the Republic of Bulgaria shall be paid by persons who have received more than 150,000 tonnes of crude oil, as supplies of:

1. Taxable crude oil carried by sea, in a port or terminal facility in the Republic of Bulgaria;
2. Taxable crude oil, which has been transported by sea and has been unloaded in a port or terminal facility of a state, which is not party to the FUND'92 Convention and which has been subsequently received in a port or facility located inside the territory of the Republic of Bulgaria.

(2) In the hypotheses under Paragraph 1, item 2 taxable crude oil shall only be reported if it has not been previously supplied to another consignee in another state party to the FUND'92 Convention.

(3) (Amended, SG No. 33/2009) Where the total amount of taxable crude oil received in one calendar year by a person on the territory of the Republic of Bulgaria and the amount of taxable crude oil received in the same year on the territory of the Republic of Bulgaria by one or more persons related thereto exceeds 150,000 tonnes, said persons shall pay contributions based on the actual amount of taxable crude oil received by them, even where said amounts, taken separately, are not in excess of 150,000 tonnes of taxable crude oil.

Article 4

Exigible contributions shall be paid at the amount and within the time limits set forth in pursuance of the terms and conditions of the FUND'92 Convention.

Article 5

(1) (Supplemented, SG No. 33/2009) Persons who have received taxable crude oil on the territory of the Republic of Bulgaria shall submit declarations to the State Reserves and Wartime Stocks State Agency, stating the amount of crude oil supplied to them.

(2) (Amended, SG No. 33/2009) A declaration under Paragraph 1 shall be submitted in respect of each delivery, within 14 days of unloading taxable crude oil on the territory of the Republic of Bulgaria.

(3) A declaration under Paragraph 1 shall contain the following particulars:

1. Name/firm, address and seat of the person who has received crude oil;
2. (Supplemented, SG No. 33/2009) The amount of taxable crude oil in tonnes;
3. The location where crude oil was unloaded;
4. The state and port from which crude oil was delivered, as well as the states on whose territory crude oil has been unloaded.

(4) (New, SG No. 33/2009) The persons referred to in Article 3(1) shall draw up an annual report on the quantities of taxable crude oil received in the preceding calendar year, in compliance with the requirements of the International Fund for Compensation for Oil Pollution Damage. The report shall be submitted to the State Reserves and Wartime Stocks State Agency by 25 February of the respective year.

Article 6

(Amended, SG No. 33/2009)

(1) The Customs Agency shall prepare, and provide to the State Reserves and Wartime Stocks State Agency, information about taxable crude oil received in the customs territory of the Republic of Bulgaria, in consideration of the completion date of the Single Administrative Document. The information shall specify:

1. taxable crude oil, by types;
2. quantities of taxable crude oil, in tonnes;
3. consignees of taxable crude oil, including name and personal identification number, for natural persons, or name and unified identification code, for legal persons;
4. place of unloading (code as per the Uniform Classifier of Populated Areas);
5. country of dispatchment of the taxable crude oil;
6. country of origin of the taxable crude oil;
7. type of transport by which the taxable crude oil has been delivered.

(2) The National Revenue Agency prepares information about inter-Community cargoes of taxable crude oil, based on the Intrastat system, and submits it to the State Reserves and Wartime Stocks State Agency. The information shall specify:

1. taxable crude oil, by types, in line with the specific commodity codes, as provided in advance by the State Reserves and Wartime Stocks State Agency, consistent with the up-to-date Combined Nomenclature for the relevant year ;
2. quantities of taxable crude oil, in tonnes;
3. persons who have conducted the inter-Community cargoes of taxable crude oil, including name and personal identification number, for natural persons, or name and unified identification code, for legal persons;

4. country of origin of the taxable crude oil;
5. country of dispatchment of the taxable crude oil;
6. type of transport by which the taxable crude oil has been delivered.

(3) The information referred to in paragraphs 1 and 2 shall be submitted on a monthly basis, by the 20th day of the relevant month, arranged by individual supplies.

Article 7

(1) (Previous Article 7, amended, SG No. 33/2009) Persons performing port operations or providing port services within the meaning of the Maritime Space, Inland Waterways and Ports of the Republic of Bulgaria Act, shall submit to the State Reserves and Wartime Stocks State Agency information about the consignees of taxable crude oil, i.e. the name/firm, address and seat of business, as well as about the unloaded amounts of taxable crude oil - in tonnes - at a given port or terminal facility.

(2) (New, SG No. 33/2009) The information referred to in paragraph 1 shall be submitted for each supply individually, within 14 days upon unloading of the taxable crude oil at the port or the terminal facilities.

Article 8

(1) The State Reserves and Wartime Stocks State Agency shall collect and summarise the information under Article 5 through 7.

(2) The Chair of the State Reserves and Wartime Stocks State Agency or an official authorised by him/her shall, every year, submit to the Director of the International Fund for Compensation for Oil Pollution Damage and to the Secretary-General of the International Maritime Organisation, within the time limits and following the procedure specified in pursuance of the terms and conditions of the FUND'92 Convention, information about the persons obligated to make contributions to the International Fund for Compensation for Oil Pollution Damage, containing the particulars under Article 15, para 2 FUND'92 Convention.

(3) (Amended, SG No. 33/2009) In the event of inconsistent information under Articles 5 through 7, the Chair of the State Reserves and Wartime Stocks State Agency, or an official authorised by him/her, shall require that the consignee of taxable crude oil shall present additional information and evidence, within 14 days thereupon..

(4) (New, SG No. 33/2009) If a consignee of taxable crude oil fails to submit data as per the procedure of Article 5, or additional information and evidence for the purpose of rectifying the inconsistency under Article 3, the Chair of the State Reserves and Wartime Stocks State Agency, or an official authorised by him/her, shall submit the information received, as per the procedure of Article 6, from the Customs Agency and the National Revenue Agency to the Director of the International Fund for Compensation for Oil Pollution Damage, as well as the Secretary General of the International Maritime Organization.

Article 9

(Amended, SG No. 33/2009)

Employees of the State Reserves and Wartime Stocks State Agency who receive and process information under this Act shall sign a declaration of confidentiality, representing that they will not disclose confidential facts and circumstances pertaining to the consignees of taxable crude oil and that they will submit such information only for purposes related to the direct fulfilment of their official obligations, and upon the written request by a state authority,

where such submission is stipulated in a statutory act.

Article 10

The Chair of the State Reserves and Wartime Stocks State Agency or an official authorised by him/her shall notify the persons under Article 3 of the annual amount of contributions due, as fixed by the respective bodies of the International Fund for Compensation for Oil Pollution Damage.

Penal Administrative Provisions

Article 11

(1) For violations of this Act, which do not constitute criminal offences, individuals shall be punished by fine at the amount of BGN 1,000 to 5,000 and legal entities and sole traders shall be imposed pecuniary sanctions at the amount of BGN 10,000 to 50,000.

(2) Any official who fails to discharge, or violates his/her duty, arising from this Act, shall be punished by fine at the amount of BGN 500 to 2,000.

(3) In case of repeated violation under para 1, the offender shall be imposed a double fine or pecuniary sanction.

Article 12

Acts which establish the existence of administrative violations under this Act shall be drafted by officials designated by the Chair of the State Reserves and Wartime Stocks State Agency.

Article 13

(1) Penal decrees regarding administrative violations under this Act shall be issued by the Chair of the State Reserves and Wartime Stocks State Agency or by officials thereby authorised.

(2) The presence of violations shall be established and penal decrees shall be appealed and enforced pursuant to the Administrative Violations and Sanctions Act .

ADDITIONAL PROVISION

§ 1. Within the meaning of this Act:

1. "Taxable crude oil" shall be taxable crude oil within the meaning of Article 1, Paragraph 3 FUND'92 Convention.

2. "Persons receiving crude oil" or "consignees of crude oil" shall be the persons who have been supplied with crude oil in bulk on the territory of the Republic of Bulgaria.

3. "Related persons" shall be:

a) Persons, of which one is involved in the management of the other or of its subsidiary;

b) Persons, on the management or control bodies of which one and the same individual or legal entity is present, including the cases where a legal entity is the representative of another legal entity;

c) Partners, in partnerships under Article 357 Obligations and Contracts Act as well.

4. "Terminal facility" shall be a location for the storage of crude oil as a liquid, allowing

for crude oil transported by water to be received, including any facility in the open sea associated with any such location.

5. "Repeated violation" shall be the one committed within one year of the entry into force of a penal decree, whereby a punishment for the same type of violation was imposed.

6. (New, SG No. 33/2009) "The inter-community deliveries" are deliveries of taxable crude oil, representing deliveries under Article 8 of the Act on Statistics Relating to Intra-Community Trade in Goods.

FINAL PROVISIONS

§ 2. (Amended, SG No. 33/2009) The implementation of the Act shall be assigned to the Chair of the State Reserves and Wartime Stocks State Agency.

§ 3. This Act shall enter into force on the date of its publication in the State Gazette.

The Act was adopted by XXXIX National Assembly on 5 April 2005 and the official seal of the National Assembly was affixed unto it.