

# **LAW ON OBLIGATIONS TO THE INTERNATIONAL REIMBURSEMENT OF DAMAGES FROM OIL POLLUTION FUND**

*In force from 19.04.2005*

*Prom. SG. 34/19 Apr 2005*

Art. 1. This law shall stipulate the obligations to the International Reimbursement of Damages from Oil Pollution Fund, arising from the International Convention on establishing of International Reimbursement of Damages from Oil Pollution Fund of 1971, amended by the Protocol of 1992 for amendment of the International Convention on establishing of International Reimbursement of Damages from Oil Pollution Fund of 1971 (Convention FUND'92).

Art. 2. The purposes of the International Reimbursement of Damages from Oil Pollution Fund shall be:

1. providing of reimbursement in cases of damages caused of oil pollution in a the degree to which the protection arising from the International Convention on the Civil Responsibility for Damages, Caused by Oil Pollution of 1969 (CLC'92) (prom. SG 91/2003) is not sufficient;

2. bringing into action of the arising purposes provided by the International Convention on Establishing of International Reimbursement of Damages from Oil Pollution Fund.

Art. 3. (1) The instalments on the International Reimbursement of Damages from Oil Pollution Fund of the Republic of Bulgaria shall be paid by the consignees of oil to which above 150 000 tones of oil have been delivered annually:

1. taxable oil, transported by sea, in a port or terminal unit of the Republic of Bulgaria;

2. taxable oil, which have been transported by sea and have been unshipped in a port or terminal unit on a state, which is not a party of the Convention Fund'92, after which is received at a unit located on the territory of the Republic of Bulgaria.

(2) In the cases of Para 1m item 2 the taxable oil shall be reported only if before this it has not been delivered to another consignee in another state, which state is a party in the Convention Fund'92.

(3) Where the total amount of the oil quantity, received during of one calendar year by one person on the territory of the Republic of Bulgaria and the quantity of oil received for the same year on the territory of the Republic of Bulgaria by one or more related to the first person persons amounts more than 150 000 tones, the persons shall pay instalments accordingly to the actual quantity of oil received by them, not depending on if the received separately by them quantity does not exceed 150 000 tones of oil.

Art. 4. The due instalments shall be paid in the amount and in the terms as defined

under the conditions and order of Convention'92.

Art. 5. (1) The consignees of oil on the territory of the Republic of Bulgaria shall submit an affidavit regarding the delivered to them quantity of oil at the State Agency "State Reserve and War-time Reserves".

(2) The affidavit under Para 1 shall be submitted for each delivery within 14- days term from the unshipping of the oil on the territory of the Republic of Bulgaria.

(3) The affidavit under Para 1 shall contain:

1. the name, address and seat of the person – consignee of the oil;
2. the quantity of oil – in tones;
3. the place, where the oil have been unshipped;
4. the state and the port, from which the oil has been delivered, as well as the states on which territory the oil has been unshipped.

Art. 6. (1) The Agency "Customs" shall provide to the State Agency "State Reserve and War-time Reserves" the following information regarding the consignees of oil: name, BULSTAT, imported quantities of oil, the place of unshipping (code as per the Unified Classificatory of the Populated Places (UCPP), state of sending/import.

(2) The information shall under Para 1 shall be provided to the 15-th day of each month for the previous month.

Art. 7. The persons who perform port activity or port services in the meaning of the Law on the Sea Waters, the Internal Water Ways and the Ports of the Republic of Bulgaria, shall provide to the State Agency "State Reserves and War-time Reserves" information regarding the consignees of oil – name, address and seat and the unshipped quantities of oil – in tones, at the port or terminal unites.

Art. 8. (1) The State Agency "State Reserve and War-time Reserves" shall collect and resume the information under Art. 5 - 7.

(2) The Chairman of the State Agency "State Reserve and War-time Reserves" or an empowered by him/her official, shall submit annually to the Director of the International Reimbursement of Damages from Oil Pollution Fund and to the Secretary General of the International Sea Organisation information regarding the persons obliged to pay instalments to the International Reimbursement of Damages from Oil Pollution Fund and containing the data as per Art. 15, Para 2 of the Convention FUND'92 within the terms and in the manner as defined in the Convention FUND'92.

(3) In case of contradiction in the information under Art. 5 – 7, the Chairman of the State Agency "State Reserve and War-time Reserves", or an empowered by him/her official, shall submit to the Director of the International Reimbursement of Damages from Oil Pollution Fund and to the Secretary General of the International Sea Organisation information as received from the Agency "Customs" under the order of Art. 6.

Art. 9. The information submitted under the order of Art. 5- 8 shall be official secret.

Art. 10. The Chairman of the State Agency "State Reserve and War-time Reserves" or an empowered by him/her official shall notify the persons under Art. 3 about the determined by the bodies of the International Reimbursement of Damages from Oil Pollution Fund annual amount of the due instalments.

### **Administrative- penal Provisions**

Art. 11. (1) For breaches of this law which does not sustain crimes, the natural persons shall be sanctioned with a fee in amount from 1000 to 5000 BGN, and to the legal persons and sole traders shall imposed property sanctions in amount from 10 000 to 50 000 BGN.

(2) An official, who does not perform or fails to perform his/her obligation arising from this law shall be sanctioned with a fee in amount from 500 to 2000 BGN.

(3) In cases of a repeated breach under Para 1, the offender shall be sanctioned with a doubled-amount fee.

Art. 12. The acts of findings of administrative breaches under this law, shall be drawn up by officials determined by the Chairman of the State Agency "State Reserve and War-time Reserves".

Art. 13. The penal decrees for administrative breaches under this law shall be issued by the Chairman of the State Agency "State Reserve and War-time Reserves", or by empowered by him/her officials.

(2) Finding of breaches, issuing, appealing and execution of the penal decrees shall be performed under the order of the Law on the Administrative Offences and Sanctions.

### **Additional provisions**

§ 1. In the meaning of this law:

1. "Taxable oil" shall be the taxable oil in the meaning of the Art. 1, Para 3 of the Convention FUND'92.

2. "Consignees of oil" shall be the persons, to which oil has been delivered as a cargo on the territory of the Republic of Bulgaria.

3. "Related persons" shall be:

a) the persons, on of which participates in the management of the other or of its affiliate;

b) the persons, where in their managing on controlling body one and the same legal or natural person participates, including the case of the legal person is a representative of a legal person;

c) the partners, including the partners of Art. 357 of the Law on the Obligations and Contracts.

4. "Terminal unit" shall be a place for storing of oil in liquid status, which allows acceptance of oil, transported by a sea way, including each unit, which is located at open sea

and is related to this place.

5. "Repeated" shall be the breach which is committed within one-year term from the penal decree by which a sanction for a breach of the same type is imposed enters in force.

## Concluding provisions

§ 2. Execution of the law is assigned to the Minister of Economy and to the Chairman of the State Agency "State Reserve and War-time Reserves".

§ 3. The law shall enter into force from the day of its promulgation in State Gazette.  
The law was adopted by the XXXIX National Assembly on the 5th of April 2005 and was affixed with the official seal of the National Assembly.