

LAW OF THE OBLIGATORY RESERVES OF OIL AND OIL PRODUCTS

Prom. SG. 9/31 Jan 2003, amend. SG. 107/9 Dec 2003, amend. SG. 95/29 Nov 2005, amend. SG. 105/29 Dec 2005, amend. SG. 30/11 Apr 2006

Chapter one. GENERAL

Art. 1. (1) This law settles the creation, storing, using and restoration of obligatory reserves of oil and oil products for the purpose of providing the supply of liquid fuel in the cases of facing difficulties with the supply of oil and oil products in the country.

(2) The obligatory reserves under para 1 shall be created apart from the war-time reserves.

Art. 2. Created, stored, used and restored, by the order of this law, shall be obligatory reserves of the following oil products:

1. car and aviation gasoline;
2. industrial fuel (gas oil), jet fuel of kerosene type and diesel fuel;
3. fuel oil;
4. propane-butane gas.

Art. 3. (1) The state reserves of oil and oil products created and maintained by the State Agency "State reserve and war-time reserves" shall be included in the total quantity of reserves according to this law and shall be financed by the state budget.

(2) (amend., SG 107/03) The reserves of oil products created and maintained by the energy enterprises by the order of art. 85, para 1 and art. 128 of the Law of the energy sector, shall be included in the total quantity of reserves under this law.

(3) The producers and importers of oil products shall organise and finance the reserves under this law, other than those under para 1 and 2.

(4) The implementation of the activities related to the storing of the reserves of oil and oil products shall be carried out by persons meeting the requirements of this law.

Art. 4. (1) The obliged persons under art. 17, para 1 and 2 shall work out and present to the State Agency "State reserve and war-time reserves" monthly, by the 15th, information about the level, condition and places of storing the obligatory reserves under this law during the preceding month.

(2) The obliged persons under art. 17, para 1 and 2 shall work out and present to the State Agency "State reserve and war-time reserves" annually, by February 25, information regarding the quality of sold, respectively imported, during the preceding calendar year, oil and oil products.

(3) Agency "Customs" shall work out and present to the State Agency "State reserve

and war-time reserves" annually, by February 25, information regarding the received, during the preceding year, under import regime, oil and oil products under art. 2, about the state receivables and for the importers charged by them.

(4) (amend., SG 107/03) The obliged persons according to art. 85, para 1 and art. 128 of the Law of the energy sector shall work out and present to the State Agency "State reserve and war-time reserves" annually, by February 25, information regarding their reserves of oil products for the current calendar year.

(5) The chairman of the State Agency "State reserve and war-time reserves" shall submit to the Minister of Economy, upon request, full data regarding the level and the state of the obligatory reserves, and shall publish monthly in a bulletin of the Agency information for their aggregate current state.

Chapter two.

STATE SUPERVISION OF THE CREATION, STORING, USING AND RESTORATION OF THE OBLIGATORY RESERVES OF OIL AND OIL PRODUCTS

Art. 5. The state supervision of the creation, storing, using and restoration of obligatory reserves of oil and oil products for the purpose of providing the supply of liquid fuel in cases of facing difficulties in the supply of oil and oil products in the country shall be carried out by State Agency "State reserve and war-time reserves" at the Council of Ministers, called hereinafter "the agency".

Art. 6. (1) The agency shall have the following functions related to this law:

1. control the creation, storing, using and recreation of the obligatory reserves of oil and oil products;

2. organise and control the keeping of registers of the obliged persons under art. 17, para 1 and 2 and of the registered, under art. 21, warehouses for storing oil and oil products;

3. establish and calculate the average annual and average daily consumption of oil products in the country, and the respective level of the reserves to be maintained during the year by the obliged persons under art. 17, para 1 and 2;

4. determine the form and the order of submitting the information by the producers and importers of oil products and the keepers of oil and oil products;

5. carry out inspection of documents or of a place for fulfilment of the obligations under this law on the part of the producers and importers of oil products and of the keepers of oil and oil products.

(2) The chairman of the agency shall exercise control over the entire activity related to the creation, storing, using and recreation of the obligatory reserves of oil and oil products.

(3) The chairman of the agency shall:

1. approve the methodology of determining the quantity relation between the individual components of the obligatory reserves;

2. approve general obligatory technical requirements and the requirements for safety and operation to be met by the warehouses for storing the obligatory reserves;

3. register the warehouses for storing obligatory reserves of oil and oil products;

4. determine the level of the obligatory reserves for each of the obliged persons under art. 17, para 1 and 2;

5. approve the annual plan for the control activity of the agency according to this law;

6. approve plans for intervention in cases of difficulties with the supply of oil and oil products in the cases of art. 26, item 2;

7. issue orders for using the obligatory reserves and other acts stipulated by the law;

8. approve a form of a declaration by which the employees of the agency shall be obliged not to make public facts and circumstances having become known to them in fulfilment of their official duties, as well as their responsibility for fulfilment of this obligation.

(4) The chairman of the agency may delegate his rights under para 3, item 3, 4, 5 and 7 to the deputy chairman of the agency.

(5) The registers kept by the agency shall be accessible to the public and everybody shall have the right to view and receive copies and abstracts from them.

(6) The agency shall fulfil its functions with minimal expenses and in a way not affecting the conditions of the market of oil and oil products and of the free competition on this market.

Art. 7. (1) (amend. - SG 30/06, in force from 12.07.2006) The chairman of the agency shall issue individual administrative acts which shall contain the details provided by the Administrative procedure code.

(2) On issuing the individual administrative acts the chairman of the agency may invite for preliminary discussions the interested parties and administrative bodies, including branch organisations of producers, importers and keepers of oil and oil products.

(3) (amend. - SG 30/06, in force from 12.07.2006) The individual administrative acts of the chairman of the agency shall be announced by the order of the Administrative procedure code.

(4) (amend. - SG 30/06, in force from 12.07.2006) For proceedings before the chairman of the agency shall apply the provisions of the Administrative procedure code, except in the cases when other terms are stipulated by this law.

(5) (amend. - SG 30/06, in force from 12.07.2006) The individual administrative acts of the chairman of the agency may be appealed regarding their lawfulness by the order of the Administrative procedure code within 14 days from their announcement.

Art. 8. The individual administrative acts of the chairman of the agency shall enter into force when:

1. they have not been appealed in due time;

2. the filed complaint has not been granted.

Art. 9. (1) The proceedings under art. 6, para 3, item 3 shall be instituted before the chairman of the agency on the grounds of written requests.

(2) The chairman of the agency shall issue an order for entering the warehouse in the register kept by the agency and shall issue a certificate for the entry.

Art. 10. (1) The producers and importers of oil products and the keepers of oil and oil

products and their employees shall be obliged to render assistance to the authorised employees of the agency in fulfilment of the duties assigned to them by the law, expressed in providing access to premises, providing information, as well as submission of documents and other information on information carriers.

(2) (amend., SG 95/2005, in force from 01.03.2006) On refusal of access or not providing information, the employees of the agency under para 1 shall be assisted by the bodies of the prosecution, of the Ministry of Interior, of the Ministry of Finance and of the State Agency for Metrological and Technical Supervision, which shall be obliged to render the requested assistance within the frames of their competence.

(3) In carrying out inspection by the agency the persons under para 1 cannot refer to a production or commercial secret, with exception of the protected intellectual property.

Art. 11. (1) The documentation and information received by the chairman and the employees of the agency in the process of the inspection can be used only by them for the purposes of this inspection, except by a written request of a state body, when stipulated by a law.

(2) The chairman and the employees of the agency shall be obliged not to make public circumstances and facts having become known to them in fulfilment of their official duties, except by a written request of a state body, when stipulated by a law.

(3) For fulfilment of their obligations under para 1 the persons stipulated by it shall sign declarations in a form.

Chapter three.

CREATION, STORING, USING AND RESTORATION OF THE OBLIGATORY RESERVES OF OIL AND OIL PRODUCTS

Section I.

Creation of obligatory reserves of oil and oil products

Art. 12. (1) The level of the obligatory reserves maintained by the obliged persons under art. 17, para 1 and 2 shall be determined by the chairman of the agency annually by March 31 on the basis of the average consumption of the oil products under art. 2 on the territory of the country during the preceding calendar year.

(2) The obliged persons under art. 17, para 1 and 2 shall be obliged annually, by April 30 to bring the level of their obligatory reserves in compliance with the fixed level under para 1.

Art. 13. (1) Taken into account in calculating the average daily consumption shall be the oil products sold by the producers, respectively the imported by importers to the territory of the Republic of Bulgaria for the purpose of sale or consumption.

(2) The quantities from import or from local production shall not be taken into account in calculating the average daily consumption when they are designated:

1. for the Bulgarian army or for armed forces of other countries or international

organisations staying on or crossing the territory of the country in compliance with the Constitution of the Republic of Bulgaria and the acting legislation;

2. for maintenance of the war-time reserves;
3. for creation or restoration of the obligatory reserves established by this law;
4. for bunker supplies for sea vessels;
5. for export, including the fuel in the fuel tanks of aircraft and road vehicles leaving the territory of the country.

(3) In determining the average daily consumption the quantity of the consumed oil products from oil produced in the country to the amount of up to 25 percent of the level of the annual consumption shall not be taken into account.

Art. 14. The obligatory reserves under this law cannot include oil and oil products:

1. from local ledges which have not been extracted;
2. supplied for filling in sea vessels;
3. contained in piping, in road and railroad cisterns and in cisterns of the retail sellers (gas stations);
4. possessed by small consumers;
5. stored by or at the disposal of the armed forces outside the war-time reserves;
6. passing in transit through the territory of the country;
7. which cannot be moved from the depositories by the normally used for the purpose technology (bottom reserves), or which are hardly accessible or are not operative for other similar reasons.

Art. 15. (1) The obligatory reserves can be maintain as oil, intermediate technological products for obtaining fuel or in ready oil products.

(2) In determining the quantities of obligatory reserves of oil products the end products shall be accounted according to their actual tonnage.

(3) The oil and the intermediate technological products shall be accounted on the basis of the ratio of the whole quantity of oil products produced in the country during the preceding calendar year and the whole quantity of oil consumed during this year. This rule shall apply for no more than 40 percent of the quantity of obligatory reserves of gasoline, industrial oil (gas oil), jet fuel of kerosene type and diesel fuel for not more than 50 percent of the quantity of the obligatory reserves of black fuel and up to 100 percent of the quantity of the obligatory reserves of propane-butane gas.

(4) The quantity of the obligatory reserves of propane-butane gas amounting to 100 percent can also be stored in the form of gasoline or diesel fuel.

(5) The extras designated for processing of some of the categories of end oil products under art. 2 can be used as substitutes of the respective products.

(6) The intermediate technological products for obtaining fuel and the extras for processing into end oil products cannot be more than 10 percent of the total quantity of the obligatory reserves of oil and oil products.

Art. 16. The agency shall create and maintain 30-day state reserves of oil and oil products calculated on the basis of the average daily consumption of oil products in the country during the preceding calendar year.

Art. 17. (1) Every person - producer of oil products shall be obliged to create, store and restore by own resources and for own account obligatory reserves in a quantity proportional to the quantity of oil products sold by him during the preceding calendar year for consumption on the territory of the Republic of Bulgaria.

(2) Every person - importer of oil products shall be obliged to create, store and restore by own resources and for his account obligatory reserves in quantities proportional to the oil products imported by him for consumption on the territory of the Republic of Bulgaria during the preceding calendar year.

(3) The storing of the reserves under para 1 and 2 can be carried out only in warehouses registered by the order of art. 21.

(4) The agency shall store the state reserves of oil and oil products in their own warehouses meeting the general obligatory technical requirements for safety and operation according to art. 6, para 3, item 2, and in warehouses registered by the order of art. 21.

(5) The obligations under para 1 and 2 shall be considered fulfilled if the respective producer or importer of oil products possesses warehouse reserves for own quantities of oil and oil products or for submitted quantities under a loan contract in a quantity corresponding to the level, determined for him by the agency, of the obligatory reserves deposited in a public warehouse registered by the order of art. 21.

(6) The obliged persons under para 1 and 2 who have submitted under a contract quantities of oil and oil products, being their property, located in warehouses registered under art. 21, cannot account these quantities as fulfilment of their own obligations under this law.

(7) Every producer and importer of oil products shall be obliged, at any time, to keep the reserve for which he is obliged under the preceding paras, and to administer it only on the grounds of an issued order for using and in compliance with this order.

Art. 18. (1) The quantity of the obligatory reserves under this law, equal to the average daily consumption of oil products for 90 days during the preceding calendar year on the territory of the country shall be achieved for nine years according to the terms under § 3 of the concluding provisions.

(2) The agency, in compliance with the schedule of creating, shall determine the quantity and the structure of the reserves for every year on the basis of the average consumption during the preceding year.

Section II.

Storing obligatory reserves of oil and oil products

Art. 19. Obligatory reserves of oil and oil products under this law can be stored only in warehouses registered by the agency by the order of art. 21 and in warehouses of the agency under the conditions of art. 17, para 4.

Art. 20. For each request for registration of a warehouse for storing obligatory reserves of oil and oil products under this law stamp duty shall be paid according to a tariff approved by the Council of Ministers.

Art. 21. The request for registration of a warehouse, where obligatory reserves under this law can be stored, shall be filed by the person who will be the keeper to the chairman of the agency and it shall be accompanied by the following documents:

1. a notary act or another document of ownership of the warehouse, and when the applicant is not an owner - a contract by whose virtue the applicant has the right to use the warehouse;

2. documents certifying the technical fitness of the equipment and installations of the warehouse and their compliance with the requirements approved by the chairman of the agency;

3. plans for action for liquidation of fires and accidents, coordinated with the bodies of National Service "Fire and accident safety" and a provided reserve of fire extinction devices;

4. documents certifying the professional qualification and experience of the persons who will work in the warehouse;

5. a positive decision for assessment of the impact on the environment;

6. registration as a public warehouse according to the Commercial Law;

7. full property insurance of the assets of the warehouse registered by the order of this law, of the stored products, as well as of the liability to third persons;

8. document for paid fee.

Art. 22. The chairman of the agency can write off by an order the registration under art. 21:

1. if false data were presented, which have served as grounds for the registration;

2. for violation of the provisions of this law or of other normative acts settling the storing of oil and oil products.

Art. 23. In accepting oil and oil products as obligatory reserves under this law the recipient shall obligatorily issue to the depositor a warehouse notice containing the details under art. 577 of the Commercial Law.

Art. 24. (1) The producers and importers of oil products and the keepers of oil and oil products shall be obliged to inform the chairman of the agency about their administering the warehouses registered by the order of art. 21 (including for transaction with the enterprise in which they are included), as well as about every transformation (merger, incorporation, division or separation) of the keeper.

(2) The keepers of oil and oil products registered by the order of art. 21 shall notify the chairman of the agency about every case of depositing and drawing out of oil or oil products. The notification shall be made in writing or by electronic means not later than the work day following the day of drawing out.

(3) (amend., SG 107/03) The obliged persons under art. 85, para 1 and art. 128 of the Law of the energy sector shall notify the chairman of the agency about each case of using the reserves of oil products and about the term of their restoration. The notification shall be made in writing or by electronic means not later than the work day following the day of drawing out.

Section III.

Using the obligatory reserves of oil and oil products

Art. 25. (1) The chairman of the agency shall issue an order for using the reserves in each individual case of hampered supplies according to § 1, item 1. The order shall be general and it shall be valid for all persons under art. 17, para 1 and 2.

(2) (amend. - SG 30/06, in force from 12.07.2006) The order for using the obligatory reserves shall be in a form of permit for temporary reduction of the level of the obligatory reserves under 90 days. It must include the details provided by the Administrative procedure code, as well as:

1. the type and the quantity of the oil and oil products for which the order for using is issued;
2. the duration of using;
3. the deadline of restoring the used obligatory reserves.

(3) The chairman of the agency may, at any time, in changing the circumstances, revoke or change the order for using obligatory reserves under this law.

(4) The order for using the obligatory reserves shall not be subject to appeal and shall enter into force on the date of its issuance and it shall be subject to immediate execution.

(5) The Minister of Economy, in coordination with the minister coordinating the implementation of the state policy for the creation, storing and using of the state reserves may, within 7 days, order the revoking of the order of the chairman of the agency under para 1. The order shall revoke entirely the issued order for using the obligatory reserves.

(6) The using of the state reserves of the agency shall be carried out at a proposal of the chairman of the agency by a decision of the Council of Ministers or by a body authorised by it, and by a subsequent order of the chairman of the agency.

Art. 26. The obligatory reserves under this law shall be released in the following sequence:

1. the obligatory reserves of the persons under art. 17, para 1 and 2;
2. the state reserves of the agency after running low of the reserves under item 1.

Art. 27. (1) The obligatory reserves created by the order of this law shall be used in the ways stipulated by the order of the chairman of the agency under art. 25.

(2) The reserves created and stored by the producers and importers of oil products shall be sold by them by wholesale or to end users by market principle.

(3) The sale on the market of the state reserves, created and maintained by the agency, shall be settled by a law.

Art. 28. In cases of hampered supply of oil and oil products in the country, according to this law, the Minister of Economy and the Minister of the energy sector and energy resources can propose to the Council of Ministers;

1. to adopt a decision for introduction of restrictions of using the oil products in the country;
2. to adopt a decision for regulation of the prices of oil products for the purpose of preventing the possibility of their market increase.

Section IV. Restoration of the obligatory reserves of oil and oil products

Art. 29. The restoration shall be carried out by the producers and importers of oil products by a market principle, within a period determined by the order of the chairman of the agency under art. 25, para 1 or by the order under art. 25, para 5.

Chapter four. CONTROL OVER THE CREATION, STORING, USING AND RESTORATION OF THE OBLIGATORY RESERVES OF OIL AND OIL PRODUCTS

Art. 30. (1) The chairman of the agency shall control the fulfilment of the obligations of the producers and importers of oil products and the keepers of oil and oil products regarding the creation, storing, using and restoration of the obligatory reserves under this law, with the assistance of an inspectorate and employees of the agency authorised by him.

(2) Employed as inspectors carrying out control functions under this law can be only persons with higher education, having a time of service at least three years, of which at least one year in the production, storing or trade with oil and oil products.

Art. 31. (1) In fulfilment of their official duties the inspectors and the authorised employees shall have the right:

1. to a free access to the sites where the obligatory reserves under this law are stored;
2. to require documents, data, information, references and other carriers of information from the controlled bodies;
3. to inspect the accountancy of the controlled sites;
4. to carry out the activities stipulated by the law regarding the provision of the evidence, including to seal the warehouses where obligatory reserves are stores or must be stored;
5. to carry out counter inspections;
6. to require from third person information and documents necessary for carrying out counter inspections;
7. to require written explanations from the inspected persons;
8. to use experts with whom they may conclude contracts for assigning expertise.

(2) (amend. - SG 105/05, in force from 01.01.2006) In exercising their legal capacities the inspectors and the authorised employees shall interact with the respective bodies of Agency "Customs", the National Revenue Agency and the Agency for state receivables under conditions and by an order determined by a joint instruction of the Minister of Finance and the chairman of the Agency, as well as with the respective bodies of the Ministry of Interior according to art. 6 of the Law for the Ministry of Interior.

(3) In carrying out inspection at a written request of the chairman of the agency the respective state bodies shall be obliged to submit data regarding customs charged quantities of oil and oil products, the volume and the type of the sales made by the inspected person, as well

as any other information necessary for determining the obligations of the inspected persons and of the level of the obligatory reserves maintained by him.

(4) The inspections shall be assigned and carried out by an order determined by the instruction of the chairman of the agency.

Art. 32. (1) In carrying out inspection the inspectors and the authorised employees can undertake measures for providing evidence through taking an inventory of the material assets and valuables or through seizure by an inventory of documents and other carriers of information. In cases when there are no other possibilities of provision they can temporarily seal warehouses, workshops and other sites related to the activity, for a period of up to 24 hours, and by a written permit of the chairman of the agency - up to 72 hours.

(2) Drawn up for the sealing under para 1 shall be written records indicating the date and the hour of carrying out the activities, the concrete acts of sealing, the actual and legal grounds for applying this measure, the term of its application, as well as the body and the term of appeal. Copy of the written records shall be submitted to the inspected person.

(3) The measures can be appealed within 3 days before the chairman of the agency who shall announce a decision not later than the day following the day of receipt of the complaint, whereas he can confirm or revoke the measures within the periods for which the claimant shall be informed on the same day.

(4) The decision of the chairman of the agency may be appealed within 7 days before the Supreme Administrative Court. The Court shall announce a decision within 14 days by a definition which shall not be subject to appeal.

(5) The complaint shall not stop the implementation of the measures for providing the evidence, unless the court orders discontinuation.

Art. 33. Written records shall be drawn up for the results of the inspection. Where the findings contain data for committed offence under this law the inspector shall draw up an act of establishment of the committed offence.

Art. 34. (1) The act of establishment of an offence shall be issued in writing within 7 days from the conclusion of the inspection and it shall contain:

1. full name of the issuer and his position;
2. the title and the number of the act;
3. the data for the inspected subject;
4. the actual and legal grounds for issuance of the act, description of the offence and the circumstances in which it has been committed;
5. the legal provisions which have been violated;
6. explanations or objections of the inspected subject, if he has made them;
7. inventory of the applied evidence and of the seized documents and possessions;
8. date of issuance of the act and signature of the person having issued the act.

(2) The actual and legal grounds under para 1, item 4 shall be the motives for the act of establishing offence.

(3) Copy of the act of establishing offence shall be presented by the order of the Law of the administrative offences and penalties to the inspected subject within 7 days from its issuance.

(4) Inseparable part of the acts for establishing offences shall be all evidence gathered in the process of the inspection. The original copies of the gathered evidence shall be applied to the act for establishing offence designated for the agency, and the copies of them shall be enclosed to the copy designated for the inspected subject.

(5) The penal provisions shall be issued by the chairman of the agency.

Chapter five. ADMINISTRATIVE PENAL PROVISIONS

Art. 35. An employee of the agency who makes public, publishes, uses or spreads in any other way data and circumstances representing production or trade secret of a producer or importer of oil products or of a keeper of oil and oil products, unless subject to a more severe punishment, shall be fined by 1000 to 10 000 levs and shall be divested of a right to occupy position in the agency.

Art. 36. (1) Producer or importer of oil products or keeper of oil and oil products who does not fulfil or admits non-fulfilment of obligations under art. 12, para 2, art. 17, para 1, 2 and 3, art. 19 and 29 shall be fined by 15 000 to 150 000 levs.

(2) Producer or importer of oil products or keeper of oil and oil products who is a corporate body and does not fulfil the obligations under para 1 shall be punished by a property sanction of 15 000 to 150 000 levs.

Art. 37. (1) Producer or importer of oil products or keeper of oil and oil products who does not fulfil or admits non-fulfilment of the obligations under art. 17, para 7, art. 25 and art. 27, para 1 and 2 shall be fined by 500 levs for each ton of the products administered in violation, but not less than 150 000 levs.

(2) Producer or importer of oil products or keeper of oil and oil products who is a corporate body and does not fulfil the obligations under para 1 shall be punished by a property sanction of 500 levs per ton of products administered in violation, but not less than 150 000 levs.

Art. 38. (1) Producer or importer of oil products or keeper of oil and oil products or an employee of such a person who does not render assistance in carrying out an inspection or obstructs it, or admits such actions, shall be fined by 15 000 to 150 000 levs.

(2) Producer or importer of oil products or keeper of oil and oil products who is a corporate body and does not fulfil the obligations under para 1 shall be punished by a property sanction of 15 000 to 150 000 levs.

(3) Producer or importer of oil products or keeper of oil and oil products who does not fulfil or admits non-fulfilment of obligations under art. 4, para 1, 2 and 4 and art. 24 shall be fined by 1000 to 5000 levs.

(4) Producer or importer of oil products or keeper of oil and oil products who is a corporate body and does not fulfil the obligations under para 3 shall be punished by a property sanction of 1000 to 5000 levs.

Art. 39. Experts who have agreed, by a contract, to carry out, but who have not carried out within the set period, assigned expertise, thus having become reason for extension of the period of conclusion of an inspection shall be punished by a fine or property sanction up to 5000 levs.

Art. 40. An employee of the agency who does not institute proceedings for issuance of an act determined by this law, or who does not announce a decision on a complaint against such an act within the legally established period shall be fined by 1000 to 10 000 levs.

Art. 41. (1) In cases other than the ones under the preceding Art.s a person who does not fulfil, within the set periods, hid obligations under this law or admits their non-fulfilment, shall be fined by 500 to 5000 levs, and the corporate body shall be punished for non-fulfilment by a property sanction of 500 to 5000 levs, unless subject to a more severe punishment.

(2) For repeated violation under para 1 the fine or property sanction shall be from 5000 to 20 000 levs.

Art. 42. (1) The establishment of the offences, the issuance of the penal provisions and their appeal shall be carried out by the order of the Law of the administrative offences and penalties.

(2) The acts for established offences shall be drawn up by the inspectors or by authorised employees of the agency, and the penal provisions shall be issued by the chairman of the agency.

Additional provisions

§ 1. In the context of this law:

1. "Difficulties of the supplies" shall be present when, within two subsequent months, a reduction of 20 percent of the total level of the supplies to the country of oil and oil products occurs, as compared with the same period of the preceding calendar year.

2. "Producer of oil products" is a corporate body or individual producing oil products included in art. 2.

3. "Importer of oil products" is a corporate body or individual carrying out import of oil products included in art. 2.

4. "Keeper of oil and oil products" is a corporate body or individual whose warehouse is registered by the order of art. 21.

5. "Intermediate technological product" is a fraction of oil used in subsequent processing or preserved as a component for obtaining end products.

6. "Addition" is a chemical product used for improvement of the qualities of the fuel and obtaining the end product.

7. "Repeated" is the administrative offence committed within one year from the enactment of the penal provision by which the offender has been punished for an offence of the same kind.

Concluding provisions

§ 2. The creation of obligatory reserves shall begin one year after the enactment of the law.

§ 3. The quantity of the obligatory reserves under this law shall be achieved within the following periods:

1. during the first year - at least for 10 days, of which 10 days for the agency;
2. during the second year - at least for 20 days, of which 10 days for the agency;
3. during the third year - at least for 30 days, of which 15 days for the agency;
4. during the fourth year - at least for 40 days, of which 20 days for the agency;
5. during the fifth year - at least for 50 days, of which 25 days for the agency;
6. during the sixth year - at least for 60 days, of which 30 days for the agency;
7. during the seventh year - at least for 70 days, of which 30 days for the agency;
8. during the eighth year - at least for 80 days, of which 30 days for the agency;
9. during the ninth year - at least for 90 days, of which 30 days for the agency;

§ 4. The Council of Ministers, within three months from the enactment of the law, shall adopt the respective amendments and supplements in the structural regulations of State Agency "State Reserve and war-time reserves" and in the tariff under art. 20.

§ 5. The obliged persons under art. 17, para 1 and 2, within three months from the enactment of the law, shall deposit in the agency a schedule, including a financial schedule, for accumulation of the obligatory reserves under this law.

§ 6. In the Law of the energy sector and energy efficiency (prom., SG 64/99; amend., SG 1/00; SG 108/01; SG 63/02) art. 56 is revoked.

§ 7. The fulfilment of the law is assigned to the Council of Ministers.

The law was adopted by the 39th national Assembly on January 16, 2003 and was affixed by the official seal of the National Assembly.

Transitional and concluding provisions TO THE TAX-INSURANCE PROCEDURE CODE

(PROM. – SG 105/05, IN FORCE FROM 01.01.2006)

§ 88. The code shall enter in force from the 1st of January 2006, except Art. 179, Para 3, Art. 183, Para 9, § 10, item 1, letter "e" and item 4, letter "c", § 11, item 1, letter "b" and § 14, item 12 of the transitional and concluding provisions which shall enter in force from the day of promulgation of the code in the State Gazette.

Transitional and concluding provisions TO THE ADMINISTRATIVE PROCEDURE CODE

(PROM. – SG. 30/06, IN FORCE FROM 12.07.2006)

§ 142. The code shall enter into force three months after its promulgation in State Gazette, with the exception of:

1. division three, § 2, item 1 and § 2, item 2 – with regards to the repeal of chapter third, section II "Appeal by court order", § 9, item 1 and 2, § 15 and § 44, item 1 and 2, § 51, item 1, § 53, item 1, § 61, item 1, § 66, item 3, § 76, items 1 – 3, § 78, § 79, § 83, item 1, § 84, item 1 and 2, § 89, items 1 - 4 § 101, item 1, § 102, item 1, § 107, § 117, items 1 and 2, § 125, § 128, items 1 and 2, § 132, item 2 and § 136, item 1, as well as § 34, § 35, item 2, § 43, item 2, § 62, item 1, § 66, items 2 and 4, § 97, item 2 and § 125, item 1 – with regard to the replacement of the word "the regional" with the "administrative" and the replacement of the word "the Sofia City Court" with "the Administrative court - Sofia", which shall enter into force from the 1st of May 2007;

2. paragraph 120, which shall enter into force from the 1st of January 2007;

3. paragraph 3, which shall enter into force from the day of the promulgation of the code in State Gazette.