

State Contingency Reserves and Wartime Stocks Act

Promulgated, State Gazette No. 9/31.01.2003, corrected, SG No. 37/22.04.2003, amended, SG No. 19/1.03.2005, SG No. 69/23.08.2005, SG No. 105/29.12.2005, effective 1.01.2006, SG No. 30/11.04.2006, effective 12.07.2006, supplemented, SG No. 102/19.12.2006, SG No. 54/13.06.2008, amended and supplemented, SG No. 35/12.05.2009, effective 12.05.2009, amended, SG No. 16/26.02.2010, effective 26.02.2010, amended and supplemented, SG No. 15/15.02.2013, effective 15.02.2013, amended, SG No. 57/28.07.2015, SG No. 58/18.07.2017, effective 18.07.2017, supplemented, SG No. 13/14.02.2020, effective 14.02.2020, amended and supplemented, SG No. 65/21.07.2020

Text in Bulgarian: Закон за държавните резерви и военновременните запаси

Chapter One

GENERAL PROVISIONS

Article 1. (1) This act shall regulate social relations on the management of state contingency reserves and wartime stocks.

(2) Management of state contingency reserves and wartime stocks shall be the activity for their planning, creating, preserving, protecting, renewing, maintaining, releasing, using, accounting, financing and controlling.

Article 2. (1) (Amended, SG No. 19/2005, SG No. 35/2009, effective 12.05.2009, supplemented, SG No. 13/2020, effective 14.02.2020) State contingency reserves shall be basic raw materials, materials, fuels, food products, medicines and hospital stock, disinfectants, pest control and disinsection products, protective clothing in cases of restriction and eradication of animal diseases and zoonoses, etc., specified with a categorization list by the Council of Ministers or with an act of Parliament, designated for satisfying the needs of the national economy and of the population in crisis situation during a state of war, martial or emergency law.

(2) (Repealed, SG No. 69/2005, new, SG No. 102/2006, amended, SG No. 35/2009, effective 12.05.2009) Crises stocks within the meaning of this Act shall be a fixed type and quantity of tangible goods, which the State sets up and maintains for use at time of crisis situation and which are part of the state contingency reserves.

(3) (Repealed, SG No. 19/2005, new, SG No. 102/2006) The Council of Ministers shall stipulate the type, the conditions and the procedure for stockpiling, using and replenishing the crisis reserves of tangible goods.

Article 3. (1) Wartime stocks shall be material resources, specified with a categorization list and designated to ensure in a state of war or martial law the manufacture of military production for the needs of the armed forces, of the structures performing tasks for the defence of the country, the national economy and the population for a period of time determined by the Council of Ministers with the integrated state wartime plan.

(2) The Ministry of Defence and the Ministry of the Interior shall create for their own needs departmental wartime stocks under terms and procedures, determined with an ordinance by the Council of Ministers.

Article 4. The state contingency reserves and the wartime stocks shall be private state ownership. Their creating, preservation and maintenance shall be at the expense of the state budget.

Chapter Two

STATE CONTINGENCY RESERVES AND WARTIME STOCKS STATE AGENCY

Article 5. (1) The management of state contingency reserves and wartime stocks shall be implemented by the State Contingency Reserves and Wartime Stocks State Agency.

(2) (Supplemented, SG No. 15/2013, effective 1.01.2014) The State Agency "State Reserve and War-time Stocks", hereinafter referred to as "agency" is a legal entity funded with headquarters in Sofia and is directly subordinate to the Council of Ministers. The chairman of the Agency's primary spending budget.

(3) The structure, the functions and the number of the administration, as well as the organisation of the work of the Agency shall be determined with an organisational regulation adopted by the Council of Ministers.

(4) The Agency shall administer the incomes from:

1. sale of state contingency reserves and wartime stocks released without restoration and sold for the purpose of renewal;
2. calculated interests and forfeits under contracts concluded with entrepreneurs and organisations.

Article 6. (1) The Agency shall be managed and represented by a Chairman who shall be determined with a decision of the Council of Ministers.

(2) The Chairman of the Agency shall be assisted by a Deputy Chairman in implementing his functions.

(3) The Prime Minister shall conclude, amend and terminate the contracts with the Chairman and the Deputy Chairman.

Article 7. (1) The Chairman of the Agency shall participate in conducting state policy in the field of planning, creating, preserving, protecting, renewing, maintaining, releasing, using, accounting and controlling state contingency reserves and wartime stocks of the country in compliance with national security interests.

(2) The Chairman shall:

1. participate in the planning, organise and manage creating, preserving, accounting, maintaining, releasing, protecting and using state contingency reserves and wartime stocks according to categorisation lists adopted with a decision of the Council of Ministers;
2. organise and manage the carrying out of studies of the needs of state contingency reserves in the country and propose the categorisation lists and the rates for them for approval to the Council of Ministers;
3. organise the preservation of the technical documentation of Bulgarian developments and license technical documentation, without having copyright, for production and repairs of military and special production related to implementing tasks for the defence of the country (wartime tasks);
4. unblock state contingency reserves and wartime stocks according to his competence;
5. organise and control the activities on defence and mobilisation preparation and drawing up plans for bringing the activity from peace to wartime status and the wartime plan of the agency;
6. take decisions on conducting procedures for assigning public procurement and tenders in compliance with applicable law, as well as conclude contracts with natural and legal persons;
7. (amended, SG No. 30/2006) issue individual administrative acts containing the requisites provided by the Administrative Procedure Code;
8. (repealed, SG No. 15/2013, effective 15.02.2013);
9. issue penal ordinances upon established violations in the cases defined by law;
10. draw up the draft annual budget of the Agency and reports on its activity for the Council of Ministers and other bodies of the central executive;
11. (repealed, SG No. 15/2013, effective 15.02.2013);
12. (new, SG No. 35/2009, effective 12.05.2009, repealed, SG No. 16/2010, effective 26.02.2010);
13. (renumbered from Item 12, SG No. 35/2009, effective 12.05.2009) carry out other functions regulated by an act of Parliament or a statutory instrument or assigned by the Council of Ministers.

(3) The Chairman can delegate with an order powers to the Deputy Chairman of the Agency.

Article 8. The employees in the Agency shall be obliged not to reveal information of which they have become aware during or on occasion of implementing their official obligations.

Article 9. The Agency shall interact with the bodies of the central and local authorities in managing state contingency reserves and wartime stocks. These bodies shall co-operate with the Agency in implementing its functions.

Article 10. (1) The Council of Ministers shall adopt an ordinance on the terms and procedures for organising the activities on state contingency reserves and wartime stocks.

(2) The sale of state contingency reserves and wartime stocks shall be carried out under the legally established order and a procedure determined with an ordinance by the Council of Ministers.

(3) The purchase of state contingency reserves and wartime stocks and of departmental wartime stocks under Article 3, paragraph 2 shall be implemented under the terms and procedures provided for in the Public Procurement Act.

(4) (New, SG No. 54/2008, amended, SG No. 57/2015, SG No. 58/2017, effective 18.07.2017) The control over the quality and the grain preserved by the agency is executed by the Ministry of Agriculture, Food and Forestry according to the rules prescribed in the ordinance under paragraph 1.

Article 11. (1) The Chairman of the Agency shall draw up and submit to the Council of Ministers an annual report of the state of state contingency reserves and wartime stocks under the procedure determined in the ordinance under Article 10, paragraph 1.

(2) The Chairman of the Agency shall present to the Minister of Defence information about the wartime stocks created and released with an act of the Council of Ministers in relation to ensuring the fulfilment of the wartime tasks assigned to entrepreneurs and organisations. On request by the competent bodies of the central executive power the agency shall provide information about the reserves created for their needs. The information shall be provided under the procedure specified in the ordinance under Article 10, paragraph 1.

(3) (Supplemented, SG No. 65/2020) The business entities State Oil Company Government Enterprise and the organisations keeping state contingency reserves and wartime stocks shall draw up and submit to the agency annual reports in accordance with the procedure specified in the ordinance under Article 1, paragraph 1.

Chapter Two "a"

(New, SG No. 65/2020)

THE STATE OIL COMPANY GOVERNMENT ENTERPRISE

Article 11a. (New, SG No. 65/2020) (1) A government-operated enterprise under the name "State Oil Company" shall be incorporated having the status of a state-owned enterprise within the meaning of Article 62, Paragraph (3) of the Commerce Act, hereinafter referred to as "the Enterprise".

(2) The Company shall be a legal person with a registered office in Sofia. The enterprise shall not be a commercial corporation and shall not generate and distribute any profit.

(3) The structure, internal organization and business activity of the enterprise, the powers and obligations of its management bodies shall be determined by a set of Rules adopted by the Council of Ministers.

(4) The terms, conditions and procedure of interaction between the agency and the enterprise shall be defined by force of an agreement between them.

Article 11b. (New, SG No. 65/2020) (1) The principal sphere of activity of the enterprise shall be:

1. the generation, storage, safekeeping, updating and sale of contingency reserves and wartime stocks of oil and petroleum products in pursuance of this Act;

2. the generation, storage, safekeeping, updating and sale of oil and petroleum products in pursuance of Article 2, paragraph 1

and 2 of the Oil and Petroleum Products Stocks Act;

3. the management, maintenance, operation and construction of oil facilities for the storage of oil and petroleum products stocks.

(2) The Enterprise shall carry out other activities as well to ensure or complement the core activity.

(3) The state shall consign to the Enterprise state assets, both public and private state property, determined by a decision of the Council of Ministers, for the purpose of implementation of its activities.

(4) Pursuant to a resolution of the Council of Ministers, the Enterprise will have the power to create business entities, including ones with non-monetary contribution, representing its ownership rights over the private and public state property assigned to it, for the purposes of pursuing its business activity involving the management, maintenance, operation and construction of facilities for the storage of oil and petroleum products, of gas stations, as well as for the purpose of dealing in alternative fuels.

(5) The activities of the Enterprise in fulfilment of the tasks associated with the core activity shall be financed through:

1. revenue from operations;
2. transfers from the state budget;
3. other proceeds determined by a statutory instrument.

(6) The funds referred to in paragraph 5 shall be expended on the operation and upkeep of the Enterprise.

Article 11c. (New, SG No. 65/2020) The Company shall be managed by:

1. Management Board;
2. the Executive Director.

Article 11d. (New, SG No. 65/2020) The Minister of Economy shall:

1. exercise the state's property rights in the Enterprise;
2. appoint and dismiss members of the Board and the Chief Executive Officer of the Enterprise.

Article 11e. (New, SG No. 65/2020) (1) No coercive execution may be brought against the property - public state property consigned to the Enterprise.

(2) The Enterprise may not be privatised, and no bankruptcy proceedings may be initiated against it.

(3) The financial resources and the operations of the Enterprise shall be included in the consolidated fiscal program as financial resources and operations of other economically delineated persons under Article 13(4) of the Public Finance Act and shall not be a part of the state budget.

Chapter Three

PLANNING AND CREATING STATE CONTINGENCY RESERVES AND WARTIME STOCKS

Article 12. The Chairman of the Agency, in co-ordination with the interested bodies of the executive, shall draw up and submit to the Council of Ministers a proposal on categorisation lists of state contingency reserves, the rates for them and an estimate of the required financial resource on the basis of accounted consumption in the country by the National Statistics Institute and other competent departments.

Article 13. The Council of Ministers shall approve with a decision the categorisation lists of state contingency reserves and the rates for them and an estimate of the required financial resources.

Article 14. (Supplemented, SG No. 35/2009, effective 12.05.2009) The Council of Ministers shall approve with a decision the categorisation lists of wartime stocks and the rates for them and an estimate of the required financial resources on a proposal of the Minister of Defence and the Chairman of the Agency.

Article 15. The Agency, in co-ordination with interested bodies of the central executive, shall draw up and submit for approval by the Council of Ministers a programme for creating, preserving, protecting and renewing the state contingency reserves and the wartime stocks.

Article 16. (1) The Agency shall ensure the fulfilment of the tasks on creating state contingency reserves, assigned to it with an act by the Council of Ministers.

(2) The Agency shall ensure the creating of wartime stocks or shall assign their creating with contracts to entrepreneurs and organisations to which wartime tasks have been assigned with an act of the Council of Ministers.

(3) (New, SG No. 65/2020) The state contingency reserves and the wartime stocks of oil and petroleum products shall be generated by the Enterprise in types and quantities determined by the decisions as per Article 13 and Article 14.

Chapter Four

STATE CONTINGENCY RESERVES

Article 17. (1) The preservation and the protection of the state contingency reserves shall be implemented by the Agency.

(2) (New, SG No. 65/2020) The state contingency reserves and the wartime stocks of oil and petroleum products shall be stored and kept safe by the Enterprise in types and quantities determined by the decision as per Article 13.

(3) (Renumbered from Paragraph 2, amended, SG No. SG No. 65/2020) The Agency and the Enterprise may also assign the preservation and the protection of state contingency reserves to external storage operators - business entities and organisations, on a tender principle, the relations being regulated with a contract.

Article 18. (Supplemented, SG No. 65/2020) The replenishment of state contingency reserves in case of depletion of quantities stored in them shall authorized by a decision by the Council of Ministers or a body authorised by it by the agency or by the business entities, the Enterprise and organisations - keepers under the procedure of Article 10, paragraph 1.

Article 19. (1) The release of state contingency reserves shall be carried out on a proposal by the Chairman of the Agency with a decision of the Council of Ministers or a body authorised by it and with subsequent order by the Chairman of the Agency upon:

1. sale with the aim of renewing the state contingency reserves;
2. change of the categorisation lists of the state contingency reserves and the rates for them;
3. introducing in effect the integrated state wartime plan;
4. request by the central or the local administration for overcoming the consequences of emergency situations with a subsequent due restoration;
5. difficulties with the supplies of oil and oil products in the country in the cases specified by law.

(2) (Corrected, SG No. 37/2003) The state contingency reserves released under paragraph 1, item 1 and 2 and Article 20 shall be sold by the Agency through a tender, on the commodity exchanges and the market places under the procedure of the ordinance under Article 10, paragraph 2.

(3) (New, SG No. 65/2020) The state contingency reserves of oil and petroleum products released in accordance with paragraph 1, items 1 and 2, and Article 20, shall be offered for sale by the Enterprise in accordance with a procedure determined by the Rules as per Article 11a, paragraph 3.

(4) (New, SG No. 65/2020) If the decision of the Council of Ministers or the body authorised by it was adopted in pursuance of paragraph 1, items 3, 4 and 5, the Enterprise shall make the generated state contingency reserves of oil and petroleum products available free of charge to the Agency and shall assume the obligation of their subsequent replenishment.

(5) (Renumbered from Paragraph 3, SG No. 65/2020) The Agency shall be obliged to realise or move the released state contingency reserves kept by entrepreneurs and organisations within one year after the release.

(6) (Renumbered from Paragraph 4, supplemented, SG No. 65/2020) Until the released state contingency reserves are sold and removed from the storage facility, the business entities, the Enterprise or the organisations storing them shall be responsible for their wholeness and condition.

(7) (Amended, SG No. 35/2009, effective 12.05.2009, renumbered from Paragraph 5, supplemented, SG No. 65/2020) The orders of the Chairman of the Agency on releasing state contingency reserves, on their handing over or their transfer shall be binding for business entities, the Enterprise and the organisations storing them and shall be subject to immediate implementation. The orders shall not be subject to appeal.

Article 20. Upon emergency needs related to replacement and renewal, the release of state contingency reserves up to 30 percent with a restoration term of up to 6 months may be carried out with an order of the Chairman of the Agency under a procedure specified in the ordinance under Article 10, paragraph 1, without a decision under Article 18. The Chairman of the Agency shall duly notify the Council of Ministers or a body authorised by it of the release carried out.

Article 21. On opening a procedure for bankruptcy or liquidation the persons who represent the commercial companies and the organisations keepers shall be obliged to notify the Agency forthwith about undertaking activities on the further preservation of the state contingency reserves.

Chapter Five

WARTIME STOCKS

Article 22. (Supplemented, SG No. 35/2009, effective 12.05.2009, amended, SG No. 65/2020) (1) The storage and safekeeping of wartime stocks shall be the responsibility of the Agency.

The storage and safekeeping of wartime stocks of oil and petroleum products shall be carried out by the Enterprise by type and quantity as determined by force of the decision as per Article 14.

(3) The Agency and the Enterprise may contract the storage and safekeeping of wartime stocks out to business entities and organizations in accordance with the tasks assigned to them by an act of the Council of Ministers or to business entities and organization selected by competitive procedure.

Article 23. (Supplemented, SG No. 65/2020) Depleted wartime stocks shall be replenished on the authority of a decision of the Council of Ministers or a body authorised by it, or by the business entities, the Enterprise or the organizations responsible for their storage in accordance with the procedure as per Article 10, paragraph 1.

Article 24. (1) (Amended, SG No. 35/2009, effective 12.05.2009) The release of wartime stocks shall be done following a decision of the Council of Ministers or an agency authorised by it on a proposal of the Chairman of the Agency. On the basis of the decision the Chairman of the Agency shall issue a subsequent release order. Wartime stocks shall be released upon:

1. renewal of the wartime stocks in case of reduction of the available quantities for a certain period of time;
2. change of the categorisation lists and of the rates of the wartime stocks;
3. introducing in effect of the integrated state wartime plan.

(2) (Corrected, SG No. 37/2003) The released wartime stocks under paragraph 1, items 1 and 2 and Article 25 shall be sold by the Agency through a tender, on the commodity exchanges and the market places and under the procedure of the ordinance under Article 10, paragraph 2.

(3) (New, SG No. 65/2020) The released wartime stocks of oil and petroleum products as per paragraph 1, items 1 and 2, and Article 25 shall be offered for sale by the Enterprise in accordance with a procedure determined by Article 11a, paragraph 3.

(4) (New, SG No. 65/2020) If the decision of the Council of Ministers or the body authorised by it was adopted in pursuance of paragraph 1, items 3 and 5, the Enterprise shall make the generated state contingency reserves of oil and petroleum products available free of charge to the Agency and shall assume the obligation of their subsequent replenishment.

(5) (Renumbered from Paragraph 3, SG No. 65/2020) The Agency shall be obliged to realise or move the released stocks preserved by entrepreneurs and organisations within one year after their release.

(6) (Renumbered from Paragraph 4, supplemented, SG No. 65/2020) Until the released wartime stocks are sold and removed from the storage facility, the business entities, the Enterprise or the organisations responsible for their storage shall be responsible for their integrity and condition.

(7) (Amended, SG No. 35/2009, effective 12.05.2009, renumbered from Paragraph 5, supplemented, SG No. 65/2020) The orders of the Chairman of the Agency on releasing wartime stocks, on their handing over or their transfer shall be binding for business entities, the Enterprise and the organisations responsible for their storage and shall be subject to immediate implementation. The orders shall not be subject to appeal.

Article 25. Upon emergency needs related to replacement and renewal the release of wartime stocks up to 30 percent with a restoration term of up to 6 months may be carried out with an order by the Chairman of the Agency under a procedure specified in the ordinance under Article 10, paragraph 1, without a decision under Article 23. The Chairman of the Agency

shall duly notify the Council of Ministers and the interested Ministers about the release carried out.

Article 26. On opening a procedure on bankruptcy or liquidation the persons who represent the commercial companies and the organisations - keepers, shall be obliged to notify the agency forthwith for undertaking activities for further preservation of the wartime stocks.

Chapter Six

CONTROL

Article 27. (1) The Council of Ministers shall control the activity of the agency on managing the state contingency reserves and the wartime stocks.

(2) (Supplemented, SG No. 65/2020) Control over the business entities, the Enterprise and the organisations responsible for their storage with regard to the generation, storage, safekeeping, replenishment and use of state contingency reserves and wartime stocks shall be carried out by the Chairman of the Agency through an inspectorate and other officials authorised by him.

(3) (Supplemented, SG No. 65/2020) While exercising control the inspectors or the officials authorised by the Chairman of the Agency can issue instructions which shall be binding for the business entities, the Enterprise and the organizations responsible for storage.

Article 28. (1) The inspectors and the authorised officials of the agency shall have the right to access to the places for storing state contingency reserves and wartime stocks and to check the quantity, quality, technical status, the accounting and the commercial documentation on them.

(2) When implementing their official obligations the inspectors and the officials authorised by the Chairman of the Agency shall have the right to:

1. implement the actions provided for by law on providing evidence, including to seal storehouses, where state contingency reserves and wartime stocks are kept;
2. carry out cross checks;
3. require from third persons data and documents, required for carrying out cross checks;
4. require written explanations from the inspected persons;
5. use experts with whom contracts on carrying out expert inspections shall be concluded.

(3) A record shall be compiled as a result of the inspections. When the findings contain data about a committed violation of this act or of other statutory instruments which have relation to the activity of the agency the inspector shall compile a fact finding act on a committed violation.

Article 29. (1) (Supplemented, SG No. 65/2020) The bodies of the executive branch and national or territorial level or officials authorised by them shall exercise control, on a functional and a territorial principle, over the generation and maintenance of wartime stocks by business entities, the Enterprise or the organizations responsible for their storage.

(2) The Minister of Defence or officials authorised by him shall exercise control over the creating and maintaining of the wartime stocks.

(3) The Chairman of the Agency shall be notified in writing about the results of the control under paragraphs 1 and 2.

Article 30. The bodies of the Ministry of the Interior shall render assistance on request by employees of the Agency in relation to implementing their official powers.

Chapter Seven

ADMINISTRATIVE PENAL PROVISIONS

Article 31. (1) A person that perpetrates or allows the perpetration of a violation of the provisions herein, as well as of the statutory instruments on its implementation or fails to observe the mandatory prescriptions of the inspectors and the authorised officials of the agency shall be sanctioned with a fine from BGN 500 to BGN 10 000 or with a property sanction for legal persons and sole traders amounting from BGN 1000 to BGN 500 000.

(2) A property sanction amounting from BGN 1000 to BGN 500 000 shall be imposed on legal persons and sole traders who have committed or allowed a deviation or a shortage of state contingency reserves and/or wartime stocks.

(3) Legal persons and sole traders who have failed to take due care that has resulted in a deterioration of the quality characteristics of the state contingency reserves and/or wartime stocks shall be sanctioned with a property sanction amounting from BGN 500 to BGN 50 000.

(4) (Amended and supplemented, SG No. 65/2020) The business entities, the Enterprise or the organizations responsible for storage which fail to fulfil or intentionally impede the fulfilment of the orders of the Chairman of the Agency under Article 19, paragraph 7, and Article 24, paragraph 7, shall be liable to a fine of BGN 1,000 to BGN 50,000.

Article 32. (1) The violations under Article 31 shall be established with acts by the inspectors and the officials appointed by the Chairman of the Agency.

(2) The penal ordinances shall be issued by the Chairman of the Agency.

(3) The establishment of violations, the issuing, appealing and execution of penal ordinances shall be carried out under the procedure of the Administrative Violations and Sanctions Act.

Article 33. The administrative penal liability herein shall be implemented regardless of the liability under civil law.

Article 34. (Amended, SG No. 105/2005) The property sanctions and the fines under penal ordinances of the Chairman of the Agency that have entered into force shall be subject to collection under the procedure of the Tax and Social Insurance Procedure Code.

ADDITIONAL PROVISION

§ 1. In the meaning herein:

1. "Creating of state contingency reserves and wartime stocks" shall be the purchase, supply and accepting of raw materials, materials and goods as state contingency reserves and wartime stocks according to categorisation lists adopted with a decision by the Council of Ministers.

2. "Preservation of state contingency reserves and wartime stocks" shall be the preservation of state contingency reserves and wartime stocks under the appropriate technological conditions in a state ready to be used.

3. "Renewal of state contingency reserves and wartime stocks" shall be the replacement of state contingency reserves and wartime stocks before the expiry of their preservation term after supplying equal quantities of newly produced ones.

4. "Release of state contingency reserves and wartime stocks" shall be the activity on changing the status of state contingency reserves and wartime stocks with an act of the Council of Ministers.

5. "Categorisation lists" shall be the names of raw materials, materials and goods maintained as state contingency reserves and wartime stocks.

6. "Rates" shall be quantities of raw materials, materials and goods specified in the categorisation lists and maintained in the respective measuring unit for a certain period of time as state contingency reserves and wartime stocks.

7. "Maintenance" shall be the construction, repairs of storehouse capacities and machinery of the Agency, ensuring the normal preservation of state contingency reserves and wartime stocks and their optimal functioning.

8. (Supplemented, SG No. 65/2020) "Safekeeping" shall be a system of measures for the physical protection of state contingency reserves and wartime stocks from encroachments in the Agency, the business entities, the Enterprise and the organisations storing them.

- 9. "Emergency situation" shall occur due to the activity of destructive or aggressive forces in case of disasters, accidents, catastrophes, epidemics or other events.
- 10. "Disaster" shall be any natural or ecological phenomenon which is accompanied by casualties and heavy damage to property or the life and the health of the population is threatened.
- 11. "Accident" shall be a sudden technological breakdown of machines, facilities and plants, accompanied by stopping or serious disturbance of the technological process, explosions, fires, pollution of the environment, destruction, casualties or threat of the life and the health of the population.
- 12. "Catastrophe" shall be an event, phenomenon or process of the operation of destructive forces leading to large scale heavy or destructive consequences, casualties, injuries, destruction and damages, requiring emergency restoration interventions.
- 13. (Repealed, SG No. 69/2005).
- 14. "Material resources" shall be raw materials, materials, fuels, food products, pre-fabricates, supplies for immediate production, spare parts, medicines, hospital sets, machines, instruments, devices etc., which are set aside for wartime stocks.
- 15. "Wartime task" shall be an obligation of a legal or natural person on carrying out tasks from the integrated state wartime plan assigned with an act of the Council of Ministers.
- 16. (Amended, SG No. 19/2005) "Realisation" shall be the sale of unblocked state contingency reserves and wartime stocks without restoration or with restoration.
- 17. "Emergency needs" shall be activities of the Agency for preserving the state contingency reserves and the wartime stocks in case of accidents, disasters and infections leading to a destruction or abrupt deterioration of their quality characteristics.
- 18. (Repealed, SG No. 19/2005).

TRANSITIONAL AND FINAL PROVISIONS

§ 2. Within three months after this act enters into force the Council of Ministers shall approve the ordinances under Article 3, paragraph 2 and Article 10, paragraphs 1 and 2.

§ 3. Until the ordinances under Article 3, paragraph 2 and Article 10, paragraphs 1 and 2 enter into force the effective secondary statutory instruments shall be implemented, insofar as they do not contradict this act.

§ 4. Everywhere in the Grain Storage and Grain Trade Act (promulgated, SG No. 93/1998; amended, SG No. 101/2000) the words "State Reserve and wartime Stocks General Department" shall be substituted by "State Contingency Reserves and Wartime Stocks State Agency".

This act was adopted by the 39th National Assembly on January 16, 2003 and is affixed with the official seal of the National Assembly.

TRANSITIONAL AND FINAL PROVISIONS

to the Crude Oil and Petroleum Products Stocks Act

(SG No. 15/2013, effective 15.02.2013)

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§ 16. In the State Contingency Reserves and Wartime Stocks Act (promulgated, SG No. 9/2003, amended, SG No. 37/2003, amended, SG No. 19, 69 and 105/2005, SG No. 30 and 102/2006, SG No. 54/2008, SG No. 35/2009 and SG No. 16/2010) in Article 7, paragraph 2, 8 and 11 are repealed.

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

TRANSITIONAL AND FINAL PROVISIONS

to the Public Finance Act

(SG No. 15/2013, effective 1.01.2014)
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§ 93. In the State Contingency Reserves and Wartime Stocks Act (promulgated, SG No. 9/2003, amended, SG No. 37/2003, amended, SG No. 19, 69 and 105/2005, SG No. 30 and 102/2006, SG No. 54/2008, SG No. 35/2009 and SG No. 16/2010) in Article 5 paragraph 2 is a second sentence: "The chairman of the agency's primary spending budget."

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§ 123. This Act shall enter into force on 1 January 2014, excluding § 115 which shall enter into force on 1 January 2013 and § 18, § 114, § 120, § 121 and § 122 which shall enter into force on 1 February 2013.

TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the State

Contingency Reserves and Wartime Stocks Act

(SG No. 65/2020)
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§ 18. (1) Within three months from being entered into the Commercial Register and the the Register of Non-Profit Legal Entities, the State Oil Company Government Enterprise must submit to the Director of the Customs Agency a written application for licenses to manage tax warehouses. Until such licenses are issued, the State Reserve and Wartime Stocks State Agency shall -conduct its activity as authorised warehouse keeper, in accordance with the currently applicable procedure.

(2) Licenses as per paragraph 1 and the decision to revoke the licenses issued in pursuance of the now repealed Section IIa of Chapter Four of the Excise Duties and Tax Warehouses Act shall be delivered simultaneously to the applicant on the 1st of the respective month.

(3) The stocks of excise goods established by the customs authorities as of the date of service of the instruments referred to in Paragraph 4 shall be entered in the stock records of the respective tax warehouses and shall not be considered to be released for consumption; for this purpose, electronic administrative documents shall be registered.

(4) Within three months from the issuance and delivery to the applicant of the licenses as per paragraph 1, the State Oil Company Government Enterprise shall apply for registration of the warehouses in pursuance of Article 38 of the Crude Oil and Petroleum Products Stocks Act. Until the registration of the warehouses as per Article 38 of the Crude Oil and Petroleum Products Stocks Act, control and accountability of the warehouses and the stocks of oil and petroleum products therein shall continue in accordance with the current procedure.

§ 19. (1) Any assets, including oil storage facilities, that are not licensed as tax warehouses; the liabilities, the records as well as any and all other rights and obligations of the State Contingency Reserves and Wartime Stocks State Agency pertinent to the operation as per Article 11b, paragraph 1 shall be reassigned to the the State Oil Company Government Enterprise as of the 1st of the respective month. The handover and receipt of such assets shall be reflected in a Protocol of Handover.

(2) All oil and petroleum products storage facilities licensed as tax warehouses that have been assigned to be managed by the State Contingency Reserves and Wartime Stocks State Agency, together with the quantities of oil and petroleum products reserves stored in them, shall be transferred to the care of the State Oil Company Government Enterprise as from the date of issuance and delivery of the licenses as per § 18, paragraph 2. The handover and receipt of such assets shall be reflected in a Protocol of Handover.

(3) The reserves and stocks owned by the State Contingency Reserves and Wartime Stocks State Agency stored with external storage operators, in warehouses as per Article 38 of the Crude Oil and Petroleum Products Stocks Act or in other warehouses/reservoirs shall be reassigned to the care of the State Oil Company Government Enterprise within three months from its being entered into the Commercial Register or the non-profit legal entities register. The terms, conditions and procedure of re-assigning the existing reserves and stocks owned by the State Contingency Reserves and Wartime Stocks State Agency for storage by external storage operators and in warehouses as per Article 38 of the Crude Oil and Petroleum Products Stocks Act shall be governed by an agreement as per Article 11d, paragraph 4. Warehouse records issued for the benefit of the State Contingency Reserves and Wartime Stocks State Agency shall be re-issued by the storage facility operators for the benefit of the State Oil Company Government Enterprise within 14 days from their re-assignment into the care of the Enterprise.

(4) Regional governors shall cause these changes to be reflected in the certificates of state ownership in respect of the properties concerned or shall cause new certificates of state ownership to be issued in respect of them.

§ 20. The State Oil Company Government Enterprise shall appear as co-assignor jointly with the State Contingency Reserves and Wartime Stocks State Agency in any and all contracts related to the performance of current, major and emergency repairs of the oil storage facilities, as well as to the implementation of energy efficiency measures: retrofitting, inspection of buildings and facilities and the issuance of energy efficiency passports in accordance with the provision of Article 176a, paragraph 6 of the Spatial Development Act, within the powers vested in them by that Act. Any contracts other than those as per the first sentence, related to activities as per Article 116b, paragraph 1, shall be executed in their relevant part by the State Contingency Reserves and Wartime Stocks State Agency until the selection of new contractors/suppliers by the State Oil Company Government Enterprise, and the cost for their execution shall be covered by the budget of the Enterprise.

§ 21. Any adjustments arising out of the structural changes in the budgets of the Ministry of the Economy and the State Contingency Reserves and Wartime Stocks State Agency shall be effected in accordance with Article 110, paragraph 4 of the Public Finance Act on the 1st of the respective month.

§ 22. (1) The employment status of employees of the administration of the State Contingency Reserves and Wartime Stocks State Agency who operated in accordance with Article 116b, paragraph 1, shall be governed in accordance with Article 123 of the Labour Code.

(2) Permanent and fixed-term service relationships with employees of the administration of the State Contingency Reserves and Wartime Stocks State Agency who operated in accordance with Article 116b, paragraph 1 shall be transformed, respectively, into permanent and fixed-term employment relationships respectively, and employment contracts shall be entered into with the employees.

(3) Such employment contracts shall be entered into on the basis of a written application submitted by the employee within 7 days from receipt of notification that he/she was designated for re-assignment to the State Oil Company Government Enterprise, and their service relationship shall be terminated thenceforth.

(4) When the expired probationary period under Article 12 of the Civil Servants Act until the time of the transformation is less than 6 months, it shall be included in the probationary period under Article 70 of the Labour Code, and when the expired probationary period exceeds 6 months, the probationary period under Article 70 of the Labour Code shall be deemed to have expired.

(5) During the transformation the individual basic salary under the Labour Code of employees working under service or employment contracts for the administration of the State Contingency Reserves and Wartime Stocks State Agency who operated in accordance with Article 116b, paragraph 1 shall be set so that the said basic salary, plus the additional remuneration for acquired length of service and professional experience, less tax and compulsory insurance contributions of the insured person, shall not be lower than the individual monthly basic salary received by that point, less the compulsory insurance contributions due at the expense of the insured person, if any, and the tax due.

(6) Employees working under service or employment contracts for the administration of the State Contingency Reserves and Wartime Stocks State Agency who operated in accordance with Article 116b, paragraph 1 shall remain entitled to the unused portions of their paid leaves. Such paid leaves may be used proportionally towards the effective date of this Act, and no financial compensation may be provided as a substitute for them.

(7) The terms, conditions and procedure for reassignment of the employees shall be determined by the agreement as per Article 11a, paragraph 4.

§ 23. (1) Within two months from the entry into force of this Act, the Ministers of Finance shall bring the Rules and Regulations on the Implementation of the Excise Duty and Tax Warehouses Act in compliance herewith.

(2) Within three months from the entry into force of the amendments and supplements to the Rules and Regulations as per paragraph 1, the licensed warehouse operators shall bring their operation in compliance with Article 47, paragraph 12, and Article 65, paragraph 11, and shall notify in writing thereof the Director of the Customs Agency.

§ 24. (3) Within three months from the entry into force of this Act, the Council of Ministers shall adopt Rules and Regulations as per Article 11a, paragraph 3, and the respective amendments to the relevant secondary legislation.