

LAW OF THE STATE RESERVES AND THE WAR TIME RESERVES

Prom. SG. 9/31 Jan 2003, corr. SG. 37/22 Apr 2003, amend. SG. 19/1 Mar 2005, amend. SG. 69/23 Aug 2005, amend. SG. 105/29 Dec 2005, amend. SG. 30/11 Apr 2006

Chapter one. GENERAL PROVISIONS

Art. 1. (1) This law shall provide the public relations for the management of the state reserves and the war time reserves.

(2) The management of the state reserves and the war time reserves shall be the activity for their planning, creating, preservation, protection, renewal, use, accounting, financing and control.

Art. 2. (1) (amend. SG 19/05) The state reserves shall be basic raw materials, materials fuels, food products, medicines and hospital stock and other, determined with nomenclature list by the Council of Ministers or with a law, designated for satisfaction of the needs of the national economy and of the population at crises, at state of war, martial or emergency law.

(2) (revoked 0 SG 69/2005)

(3) (revoked – SG 19/05)

Art. 3. (1) the war time reserves shall be material resources, determined with a nomenclature list and designated to ensure at state of war or martial law the production of military production for the needs of the armed forces, of the structures, implementing 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 general state war time plan.

(2) The Ministry of Defence and the Ministry of Interior shall create for their needs departmental war time reserves under conditions and by order, determined with an ordinance by the Council of Ministers.

Art. 4. The state reserves and the war time reserves shall be private state ownership. Their creating, preservation and maintenance shall be for the account of the state budget.

Chapter two. STATE AGENCY "STATE RESERVES AND WAR TIME RESERVES"

Art. 5. (1) The management of the state reserves and the war time reserves shall be implemented by the State agency "State reserves and the war time reserves".

(2) The State agency "State reserves and the war time reserves", called hereinafter "the agency", shall be corporate body with budget maintenance with headquarters in Sofia and directly subordinated to the Council of Ministers.

(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 structural regulation, approved by the Council of Ministers.

(4) The agency shall be administrator of the incomes from:

1. sale of the state reserves and war time reserves released without restoration and sold with objective renewal;

2. calculated interests and forfeits from contracts with entrepreneurs and organisations.

Art. 6. (1) The agency shall be managed and represented by chairman, who shall be determined with a decision by the Council of Ministers.

(2) The chairman of the agency shall be supported by a deputy chairman at implementing of his functions.

(3) The Prime Minister shall conclude, change and terminate the contracts with the chairman and the deputy chairman.

Art. 7. (1) The chairman of the agency shall participate in the conducting of the state policy in the field of planning, creating, preservation, protection, renewal, maintaining, releasing, using, accounting and control of the state reserves and the war time reserves of the country in compliance with the interests of national security.

(2) The chairman shall:

1. participate in the planning, organise and manage the creating, the preservation, the accounting, the maintaining, the releasing, the protection and the using of the state reserves and the war time reserves according to nomenclature lists, approved with decision of the Council of Ministers;

2. organise and manage the implementing of investigation of the needs of state reserves in the country and propose the nomenclature lists and the normatives 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 repair of military and special production, which is connected with the fulfilment of tasks for the defence of the country (war time tasks);

4. unblock state reserves and war time reserves according to his competence;

5. organise and control the activities for defence – mobilisation preparation and preparation of plans for bringing the activity from peace time to war time status and the war time plan of the agency;

6. take decisions for conducting of procedures for assigning of public procurement and tenders in compliance with the legislation in effect, as well as conclude contracts with individuals and corporate bodies;

7. (amend. - SG 30/06, in force from 12.07.2006) issue individual administrative acts, containing the requisites provided by the Administrative procedure code;

8. issue orders for use of the obligatory reserves of oil and oil products;

9. issue punitive decrees upon established breaches in the cases, defined with a law;

10. prepare the draft annual budget of the agency and accounts of its activity for the Council of Ministers and other bodies of the central executive power;

11. organise and implement control over the overall activity for creating, preservation and restoration of the obligatory reserves of oil and oil products with objective ensuring of the supply with liquid fuels in the cases of difficulties of their supply in the country, as well as over the activity of the producers, the importers and the preservers of oils and oil products, connected with this;

12. implement other functions, regulated with a law or normative act or assigned by the Council of Ministers.

(3) The chairman can delegate with an order authorities to the deputy chairman of the agency.

Art. 8. The employees of the agency shall be obliged not to distribute information, which has become known to them at or on occasion of fulfilment of their official obligations.

Art. 9. At the management of the state reserves and the war time reserves the agency shall interact with the bodies of the central and local power. These bodies shall co-operate with the agency in the fulfilment of its functions.

Art. 10. (1) The Council of Ministers shall approve ordinance for the conditions and the order for organising of the activities for the state reserves and the war time reserves.

(2) The sale of state reserves and war time reserves shall be implemented by the lawfully established order and by a procedure, determined with an ordinance by the Council of Ministers.

(3) The purchase of state reserves and war time reserves and of the departmental war time reserves of art. 3, para 2 shall be implemented under the conditions and by the order, provided in the Law of public procurement.

Art. 11. (1) The chairman of the agency shall prepare and present to the Council of Ministers annual account of the status of the state reserves and the war time reserves by the order, determined in the ordinance of art. 10, para 1.

(2) The chairman of the agency shall present to the Minister of Defence information about the created and the released war time reserves with an act by the Council of Ministers in connection with ensuring of the fulfilment of the assigned to entrepreneurs and organisations war time tasks. On request by the competent bodies of the central executive power the agency shall concede information about the reserves, created for their needs. The information shall be conceded by the order, defined in the ordinance of art. 10, para 1.

(3) The entrepreneurs and organisations, preserving state reserves and war time reserves, shall prepare and present to the agency annual information by the order, determined in the ordinance of art. 10, para 1.

Chapter three.

PLANNING AND CREATING OF STATE RESERVES AND WAR TIME RESERVES

Art. 12. The chairman of the agency shall in co-ordination with the interested bodies of the executive power develop and submit to the Council of Ministers a proposal for nomenclature lists of the state reserves, the normatives for them and estimate of the necessary financial resource on the basis of accounted consumption in the country by the National Statistics Institute and other competent departments.

Art. 13. The Council of Ministers shall approve with a decision the nomenclature lists of the state reserves and the normatives for them and estimate of the necessary financial resources.

Art. 14. The agency shall in co-ordination with interested bodies of the central executive power develop and submit for approval to the Council of Ministers programme for creating, preservation, protection and renewal of the state reserves and the war time reserves.

Art. 16. (1) The agency shall ensure the fulfilment of the tasks for creating of state reserves, assigned to it with an act by the Council of Ministers.

(2) The agency shall ensure the creating of war time reserves or with contracts assign their creating to entrepreneurs and organisations, to whom with an act by the Council of Ministers have been assigned war time tasks.

Chapter four. STATE RESERVES

Art. 17. (1) The preservation and the protection of the state reserves shall be implemented by the agency.

(2) The agency can assign the preservation and the protection of the state reserves also to external preservers – entrepreneurs and organisations, on competition principle, the relations being provided with a contract.

Art. 18. The renewal of the state reserves with reducing of the available quantities shall be implemented on decision by the Council of Ministers or a body of the agency, authorised by it or by the entrepreneurs and organisations, preservers by the order of art. 10, para 1.

Art. 19. (1) The releasing of state reserves shall be implemented on proposal by the chairman of the agency with a decision of the Council of Ministers or a body, authorised by it and with following order by the chairman of the agency upon:

1. sale with objective renewal of the state reserve;
2. change of the nomenclature lists of the state reserves and the norms for them;
3. introduction in effect of the general state war time plan;
4. request by the central or the local administration for surmounting of the consequences of crisis situations with timely restoration;
5. difficulties of the supplies of oil and oil products in the country in the cases,

determined with a law.

(2) (corr., SG 37/03) The released state reserves of para 1, item 1 and 2 and art. 20 shall be sold by the agents through a tender, on the commodity exchanges and the market places by the order of the ordinance of art. 10, para 2.

(3) The agency shall be obliged to realise or move the released state reserves, preserved by entrepreneurs and organisations, within one year after the releasing.

(4) Till the realising and the movement of the released state reserves the entrepreneurs or the organisations, who preserve them, shall bear responsibility for their entity and status.

(5) The orders of the chairman of the agency about releasing of the state reserves or their movement shall be obligatory for the entrepreneurs and the organisations preservers.

Art. 20. Upon emergency needs, connected with substitution and renewal, the releasing of state reserves up to 30 percent with term of restoration up to 6 months can be implemented with an order by the chairman of the agency by an order, defined in the ordinance of art. 10, para 1, without decision under art. 18. The chairman of the agency shall notify the Council of Ministers or a body, authorised by it, on time about the implemented releasing.

Art. 21. At opening of procedure for insolvency or liquidation the persons, who represent the commercial companies and the organisations preservers, shall be obliged to notify immediately the agency about undertaking of activities for further preservation of the state reserves.

Chapter five. WAR TIME RESERVES

Art. 22. The preservation and the protection of the war time reserves shall be implemented by the agency or it shall be assigned by it through contracts to entrepreneurs and organisations for the war time tasks, assigned to them with an acts by the Council of Ministers.

Art. 23. The renewal of war time reserves with reduction of the available quantities shall be implemented on decision by the Council of Ministers or a body of the agency, authorised by it, or by the entrepreneurs and organisations preservers by the order of the ordinance of art. 10, para 1.

Art. 24. (1) The releasing of the war time reserves shall be implemented with a decision of the Council of Ministers or a body, authorised by it and with following order by the chairman of the agency upon proposal by the interested bodies of the central power. The proposal for releasing shall be co-ordinated with the Minister of Defence and with the chairman of the agency. War time reserves shall be released upon:

1. renewal of the war time reserves with reduction of the available quantities for certain period of time;

2. change of the nomenclature lists and of the normatives of the war time reserves;

3. introduction in effect of the general state war time plan.

(2) (corr., SG 37/03) The released war time reserves of para 1, item 1 and 2 and art. 25 shall be sold by the agency through a tender, on the commodity exchanges and the market places and by the order of the ordinance of art. 10, para 2.

(3) The agency shall be obliged to realise or move the released reserves, preserved by entrepreneurs and organisations, within one year after the releasing.

(4) Till the realising and the movement of the released war time reserves the entrepreneurs or the organisations, who preserve them, shall bear responsibility for their entity and status.

(5) The orders of the chairman of the agency about releasing of the war time reserves or their movement shall be obligatory for the entrepreneurs and the organisations preservers.

Art. 25. Upon emergency needs, connected with substitution and renewal, the releasing of war time reserves up to 30 percent with term of restoration up to 6 months can be implemented with an order by the chairman of the agency by an order, defined in the ordinance of art. 10, para 1, without decision under art. 23. The chairman of the agency shall notify the Council of Ministers and the interested Ministers on time about the implemented releasing.

Art. 26. At opening of procedure for insolvency or liquidation the persons, who represent the commercial companies and the organisations preservers, shall be obliged to notify immediately the agency about undertaking of activities for further preservation of the war time reserves.

Chapter six. CONTROL

Art. 27. (1) The Council of Ministers shall control the activity of the agency for management of the state reserves and the war time reserves.

(2) The control over the entrepreneurs and the organisations preservers for the creating, the preservation, the renewal and the using of the state reserves and the war time reserves shall be implemented by the chairman of the agency through inspectorate and other officials, authorised by him.

(3) At exercising the control activity the inspectors or the officials, authorised by the chairman of the agency, can give prescriptions, which have obligatory character for the entrepreneurs and the organisations preservers.

Art. 28. (1) The inspectors and the authorised officials of the agency shall have right to access to the places for preservation of state reserves and war time reserves and to check of the quantity, the quality, the technical status, the accounting and the commercial documentation for them.

(2) At implementing of 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 by a law for ensuring of profts, including to seal

storehouses, where are preserved state reserves and war time reserves;

2. implement counter checks;
 3. require from third persons data and documents, necessary for implementing of counter checks;
 4. require written explanations from the checked persons;
 5. use experts, with whom contract for implementing of expertise shall be concluded.
- (3) A record shall be compiled as result of the checks. When the findings contain data about committed violation of this law or other normative acts, which have relation to the activity of the agency, the inspector shall compile a fact finding act for committed violation.

Art. 29. (1) The bodies of the central and the executive power or officials, authorised by them, shall implement control over the creating and maintenance or the war time reserves by entrepreneurs and organisations preservers on functional and territorial principle.

(2) The Minister of Defence or employees, authorised by him, shall implement control over the creating and the maintaining of the war time reserves.

(3) The chairman of the agency shall be notified in writing about the results of the control of para 1 and 2.

Art. 30. The bodies of the ministry of Interior shall render co-operation on request by the employees of the agency in connection with the fulfilment of their official authorities.

Chapter seven.

ADMINISTRATIVE PUNITIVE PROVISIONS

Art. 31. (1) The one, who implements or admits to be implemented violation of the provisions of this law, as well as of the normative acts for its implementation or does not observe the obligatory prescriptions of the inspectors and the authorised officials of the agency, shall be punished with fine from 500 to 10 000 levs or with proprietary sanction for corporate bodies and sole entrepreneurs in extent from 1000 to 500 000 levs.

(2) Proprietary sanction in extent from 1000 to 500 000 levs shall be imposed to corporate bodies and sole entrepreneurs, committed or admitted deviation or lack of state reserves and/or war time reserves.

(3) To corporate bodies and sole entrepreneurs, admitted not taking care of, lead to degradation of the quality characteristics of the state reserves and/or war time reserves, shall be imposed proprietary sanction in extent from 500 to 50 000 levs.

(4) The entrepreneurs and the organisations preservers, who do not fulfil or intentionally create impediments for the fulfilment of the orders of the chairman of the agency of art. 19, para 5 and art. 24, para 5, shall be punished with sanction from 1000 to 50 000 levs.

Art. 32. (1) The violations of art. 31 shall be established with acts by the inspectors and the officials, determined by the chairman of the agency.

(2) The punitive decrees shall be issued by the chairman of the agency.

(3) The establishing of the violations, the issuing, the appealing and the execution of the punitive decrees shall be implemented by the order of the Law of the administrative

violations and penalties.

Art. 33. The administrative punitive responsibility under this law shall be implemented regardless from the responsibility under the civil legislation.

Art. 34. (amend. - SG 105/05, in force from 01.01.2006) The proprietary sanctions and the fines of punitive decrees of the chairman of the agency, entered into force, shall be subject to collecting by the order of the Tax –insurance Procedure Code.

Additional provisions

§ 1. In the context of this law:

1. "Creating of state reserves and war time reserves" is purchase, supply and accepting of raw materials, materials and goods as state reserves and war time reserves according to nomenclature lists, approved with a decision by the Council of Ministers.

2. "Preservation of state reserves and war time reserves" is preserving of the state reserves and war time reserves at appropriate technological conditions in status ready to be used.

3. "Renewal of state reserves and war time reserves" is substituting of state reserves and war time reserves before the elapse of their term for preservation after supplying of equal quantities of newly produced ones.

4. "Releasing of state reserves and war time reserves" is activity for changing of the statute of the state reserves and war time reserves with an act by the Council of Ministers.

5. "Nomenclature lists" are names of the raw materials, the materials and the goods, maintained as state reserves and war time reserves.

6. "Normatives" are quantities of raw materials, materials and goods, pointed out in the nomenclature lists and maintained in the respective measuring unit for certain period of time as state reserves and war time reserves.

7. "Maintenance" are construction, repair activities of storehouse capacities and machinery of the agency, ensuring the normal preservation of state reserves and war time reserves and their optimal functioning.

8. "Protection" is a system of measures for the physical protection of the state reserves and war time reserves from encroachment in the agency, at the entrepreneurs and the organisations preservers.

9. "Crisis situation" occurs due to the activity of destroying or aggressive forces at disasters, accidents, catastrophes, epidemics or other events.

10. "Disaster" is any natural or ecological phenomenon, which is accompanied by casualties and grave damages of property or the life and the health of the population is threatened.

11. "Accident" is sudden technological damage of machines, facilities and units, accompanied by stopping or serious breaking of the technological process, explosions, fires, pollution of environment, destruction, casualties or threat of the life and the health of the population.

12. "Catastrophe" is an event, phenomenon or process of the activity of destroying forces, lead to large scale heavy or destroying consequences, casualties, injuries, destruction

and damages, requiring emergency and restoration interventions.

13. (revoked – SG 69/2005)

14. "Material resources" are 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 war time reserves.

15. "War time task" is an obligation of a corporate body or individual for fulfilment of tasks from the general state war time plan, assigned with an act by the Council of Ministers.

16. (amend. SG 19/05) "Realisation" is selling of unblocked state reserves and war time reserves without restoration or with restoration.

17. "Emergency needs" are activities of the agency for preserving of the state reserves and the war time reserves at accidents, disasters and occurrence of infections, leading to devastating or abrupt degradation of their quality indices.

18. (revoked – SG 19/05).

Transitional and concluding provisions

§ 2. In three months term after the law enters into force the Council of Ministers shall approve the ordinances of art. 3, para 2 and art. 10, para 1 and 2.

§ 3. Till the ordinances of art. 3, para 2 and art. 10, para 1 and 2 enter into force the by-law normative acts in effect shall be implemented, as far as they do not contradict with this law.

§ 4. Everywhere in the Law of preservation and trade with grain (prom. SG 93/98; amend. SG 101/00) the words "Chief department "State reserve and war time reserves" shall be substituted by "State agency "state reserves and war time reserves".

The law was passed by the 39th National Assembly on January 16, 2003 and is affixed with 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.