

ENERGY FROM RENEWABLE SOURCES ACT

In force from 03.05.2011

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Chapter one. GENERAL PROVISIONS

Art. 1. (1) This Act shall provide for the public relations, connected with production and consumption of:

1. electric energy, thermal energy and energy for cooling from renewable sources;
2. gas from renewable sources;
3. biofuels and energy from renewable sources in transport.

(2) For unsettled issued in this Act, the Energy Sector Act shall apply.

Art. 2. (1) The basic targets of this Act are:

1. promotion of production and consumption of energy, produced from renewable sources;
2. promotion of production and consumption of biofuels and energy from renewable sources in transport;
3. creating conditions for including gas from renewable sources in the networks for transfer and distribution of natural gas;
4. creating conditions for including thermal energy and energy for cooling from renewable sources in thermal-transferable networks;
5. providing information on the supporting schemes, the use and practical peculiarities of the development and use of energy from renewable sources of all interested persons, participating in the process of production and consumption of electric energy, thermal energy and cooling energy from renewable sources, of production and consumption of gas from renewable sources, as well as production and consumption of biofuels and energy from renewable sources in transport;
6. creating conditions for achieving systems and competition energy policy and economic growth through innovations, introducing new products and technologies;
7. creating conditions for achieving sustainable development at regional and local level;
8. creating conditions for raising the competitiveness of the small and medium enterprises through production and consumption of electric energy, thermal energy and cooling energy from renewable sources;
9. reliability of the energy supply, delivery and technical safety;
10. protection of environment and restricting the climate change;
11. raising the life standard of population through economically effective use of energy from renewable sources.

(2) The targets under Para. 1 shall be achieved by:

1. introducing supporting schemes for production and consumption of electric energy, thermal energy and cooling energy from renewable sources, production and consumption of gas from renewable sources, as well as for production and consumption of biofuels and energy from renewable sources in transport;
2. regulating the rights and duties of the executive bodies and of the local self-government while conducting the policy in the area of promotion the production and consumption of electric energy, thermal

energy and cooling energy from renewable sources, production and consumption of gas from renewable sources, as well as for production and consumption of biofuels and energy from renewable sources in transport;

3. introducing obligations for the executive bodies for initiation and realization of measures, related to promotion of the production and consumption of electric energy, thermal energy and cooling energy from renewable sources, production and consumption of gas from renewable sources, as well as production and consumption of biofuels and energy from renewable sources in transport;

4. introducing supporting schemes, related to the development of the transferable and distribution electric networks, including inter-system connections of intelligent networks, as well as building up of regulative and accumulating equipment, related to reliable functioning of the electric energy system while developing the production of energy from renewable sources;

5. introducing supporting schemes of building up and developing thermal-transferable, gas-transferable and gas-distribution networks, including inter-system networks, where this is economically reasonable;

6. introducing supporting schemes for production of energy from renewable sources for one's own consumption;

7. creating National information system for the potential, production and consumption of energy from renewable sources in the Republic of Bulgaria, called hereinafter "National information system";

8. introducing supporting mechanisms of scientific researches and development activity, related to production and consumption of electric energy, thermal energy and cooling energy from renewable sources, to the production and consumption of gas from renewable sources, as well as to production and consumption of biofuels and energy from renewable sources in transport;

9. mutual implementation of measures for consumption of energy from renewable sources and of measures for introducing technologies for raising the energy effectiveness.

(3) while developing supporting schemes, the technical requirements shall be indicated, including applicable standards to which should respond the equipments and systems for energy from renewable sources.

Chapter two.

STATE GOVERNANCE IN THE AREA OF ENERGY FROM RENEWABLE SOURCES

Art. 3. The Council of Ministers shall:

1. determine the state policy for encouragement the production and consumption of electric energy, thermal energy and cooling energy from renewable sources, production and consumption of gas from renewable sources, as well as production and consumption of biofuels and energy from renewable sources in transport;

2. adopt a National action plan for energy from renewable sources (NAPERS);

3. adopt national supporting schemes for using energy from renewable sources;

4. approve projects of agreements for mutual schemes between the Republic of Bulgaria and one or more EU Member States, for unifying or coordination of national supporting schemes for using energy from renewable sources;

5. approve mutual projects, related to production of electronic energy, thermal energy and cooling energy from renewable sources between the Republic of Bulgaria and one or more EU Member States and/or one or more third states;

6. approve statistical transfers of certain quantities energy, produced from renewable sources from the Republic of Bulgaria to an EU Member State, as well as from EU Member State to the Republic of Bulgaria;

7. adopt acts of secondary legislation in the cases, provided for by this Act.

Art. 4. (1) (amend. - SG 59/13, in force from 05.07.2013; amend. - SG 14/15) The state policy for promotion the production and consumption of electric energy, thermal energy and cooling energy from renewable sources, the production and consumption of gas from renewable sources, as well as the production and consumption for biofuels and energy from renewable sources in transport shall be conducted by the Minister of Energy.

(2) (amend. - SG 59/13, in force from 05.07.2013; amend. - SG 14/15) The Minister of Energy shall:

1. develop, update and introduce for adoption by the Council of Ministers the National action plan for energy from renewable sources under Art. 3, p. 2;
2. draw up and produce to the European Commission reports on the implementation of NAPERS;
3. propose to the Council of Ministers the projects of agreements for mutual schemes for approval, under Art. 3, p. 4;
4. propose to the Council of Ministers mutual projects for approval under Art. 3, p. 5;
5. propose to the Council of Ministers the statistical transfers under Art. 3, p. 6;
6. organize and direct the activities on planning and implementation of mutual projects under Art. 3, p. 5;
7. propose mutually with the Minister of Finance national supporting schemes for using energy from renewable sources under Art. 3, p. 3;
8. perform control over issuing, transferring and repeal of guaranties for origin of energy;
9. perform interaction with the executive bodies, with trade organizations and interested legal persons with non-profitable activity in relation to conducting the state policy for promotion of the production and consumption of electric energy, thermal energy and cooling energy from renewable sources, the production and consumption of gas from renewable sources, as well as the production and consumption for biofuels and energy from renewable sources in transport;
10. give to the EU competent institutions information, provided in the EU law under the conditions and procedure of the ordinance under Art. 9, Para. 4 of the Energy Sector Act;
11. perform the international cooperation of the Republic of Bulgaria in the area of the renewable sources and biofuels;
12. develop and introduce for adoption by the Council of Ministers drafts of acts of secondary legislation in the cases, provided by this Act;
13. adopt acts of secondary legislation in the cases, provided for by this Act;
14. perform control in the cases, provided by this Act;
15. perform other competences in the area of the renewable sources, assigned to him by this Act and other legislative acts.

Art. 5. The Minister of Environment and Waters, while implementing his competences in the ecological legislation and under this Act shall:

1. develop and apply a mechanism for reliable and independent audit of the provided information by the economic operators under Art. 40, Para. 1 on the implementation of the requirements and criteria for sustainability of biofuels and liquid fuels from biomass;
2. organize the creation and updating of a list of the persons, who perform audit for the compliance of biofuels and liquid fuels from biomass with the criteria for sustainability.

Art. 6. (amend. - SG 17/15, in force from 06.03.2015) The Energy and Water Regulatory Commission (EWRC) shall:

1. (suppl. - SG 38/18, in force from 01.07.2018) determine preferential priced for buying electric energy from renewable sources, produced from energy facilities with a total installed capacity of less than 4

MW;

2. (amend. - SG 59/13, in force from 05.07.2013; amend. - SG 17/15, in force from 06.03.2015) determine by the methods under Art. 35, para 5 of the Energy Act the distribution of costs resulting from the commitment to buy at preferential prices electric energy, produced from renewable sources, among all end customers connected to the the electric power system;

3. approve and publish on its internet site the envisaged electric capacities, which may be provided for joining to the transferable and distribution electric networks of sites for production of electric energy from renewable sources;

4. perform control while conducting procedures for joining energy sites for production of electric energy to the transferable and distribution electric networks;

5. perform control for implementation of the obligations of the operators of the transferable and distribution electric networks to report on the cases of substantial decrease of the quantities transferred and/or distributed electric energy from renewable sources and on the undertaken corrective measures;

6. perform control over the implementation of the obligations of the operators of the transferable and distribution networks to spend the funds under Art. 29, Para. 1 only for covering the expenses under Art. 29, Para. 4;

7. (amend. - SG 59/13, in force from 05.07.2013; amend. - SG 14/15) provide information for the Minister of Energy and for the Agency for Sustainable Energy Development (ASED) on NAPERS within the frames of its competence;

8. perform also other competences in the area of the renewable sources, assigned to it by this Act and other legislative acts.

Art. 7. (1) The state policy for promotion of the production and consumption of electric energy, thermal energy and cooling energy from renewable sources, the production and consumption of gas from renewable sources, as well as the production and consumption for biofuels and energy from renewable sources in transport shall be implemented by the director of ASED.

(2) The executive director shall:

1. direct, manage and represent ASED;

2. participate in the development and updating of NAPERS in cooperation with the executive bodies, including Mayors of Municipalities;

3. organize the implementation of the activities and measures, included in NAPERS in cooperation with the interested persons; assist while developing and implementing the Municipal programmes for promotion the use of energy from renewable sources and biofuels;

4. organize the evaluation of the available and forecast potential of the kinds of resources for production of energy from renewable sources on the territory of the country;

5. (amend. - SG 59/13, in force from 05.07.2013; amend. - SG 14/15) provide for the Minister of Energy with the needed information for preparing the reports on the implementation of NAPERS;

6. organize the creation and maintenance of the National information system and control the updating of the data and maintenance of the system by the Mayors of Municipalities;

7. organize the creation and maintenance of the system for issuing guaranties for the energy origin;

8. (amend. - SG 17/15, in force from 06.03.2015) issue for the producers of electric energy, thermal energy and cooling energy from renewable sources guarantees for energy origin, perform activities on transfer and repeal of these guaranties and shall notify the EWRC for the issued guaranties, the performed activities on transfers and repeal of guaranties;

9. organize the planned statistical transfers of certain quantities energy from renewable sources from the Republic of Bulgaria to another EU Member State, as well as from another EU Member State – to the Republic of Bulgaria;

10. perform interaction with the executive bodies, with branch organizations and interested legal

persons with non-profitable activity while implementing activities and measures for promotion the production and consumption of electric energy, thermal energy and cooling energy from renewable sources, the production and consumption of gas from renewable sources, production and consumption of biofuels and energy from renewable sources in transport;

11. organize popularization of the measures for promotion the production and consumption of electric energy, thermal energy and cooling energy from renewable sources, the production and consumption of gas from renewable sources, as well as the production and consumption of biofuels and energy from renewable sources in transport;

12. assist the executive bodies and the bodies of the local self-government while implementing their obligations under this Act;

13. participate in the development of the legislative acts, provided by this Act;

14. perform control in the cases, provided by this Act;

15. organize information and training campaigns for the measures for support, the use and practical peculiarities of the development and use of electric energy, thermal energy and cooling energy from renewable sources, gas from renewable sources, biofuels and energy from renewable sources in transport;

16. implement other competences, assigned to him by other legislative acts.

Art. 8. The regional Governor shall:

1. provide for the conducting of the state policy for promotion of the production and consumption of electric energy, thermal energy and cooling energy from renewable sources, the production and consumption of gas from renewable sources, as well as the production and consumption for biofuels and energy from renewable sources in transport on the territory of the region;

2. coordinate the activities on the promotion of the production and consumption of electric energy, thermal energy and cooling energy from renewable sources, the production and consumption of gas from renewable sources, as well as the production and consumption for biofuels and energy from renewable sources in transport between the Municipalities in the region;

3. provide information for the executive director of ASSED on the implementation of the programmes under Art. 9 in the Municipalities on the territory of the region;

4. propose amendments, in ordinances and general administrative acts, adopted by the Municipal councils, where permits, certification and license procedures, including for the territory planning fail to meet the requirements of Art. 11.

Art. 9. The Municipal councils shall adopt long-term and short-term programmes for promotion of the use of energy from renewable sources and biofuels.

Art. 10. (1) The Mayor of the Municipality shall develop and introduce for adoption by the Municipal council Municipal long-term and short-term programmes for promotion of the use of energy from renewable sources and biofuels in compliance with the NAPERS, which shall include:

1. data from the evaluations under Art. 7, Para. 2, p. 4, and where applicable, also evaluations for availability and the forecast potential of local resources for production of energy from a renewable source;

2. measures for use of energy from renewable sources at construction or reconstruction, general renewal, general repair or reconstruction of buildings – Municipal property;

3. measures for use of energy from renewable sources in outside artificial lighting of streets, squares, parks, gardens and other immovable properties – public Municipal property, as well as while realizing other Municipal activities;

4. measures for promotion of production and consumption of electric energy, thermal energy and cooling energy produced from renewable sources, as well as such, produced from biomass of wastes, generated on the territory of the Municipality;

5. measures for using biofuels and/or energy from renewable sources in the Municipal transport;
6. analysis of the possibilities for building up energy sites for production of energy from renewable sources over the covering and facade constructions of buildings – Municipal property;
7. supporting schemes of projects for production and consumption of electric energy, thermal energy and cooling energy from renewable sources, including individual systems for using electric energy, thermal energy and cooling energy from renewable sources, the production and consumption of gas from renewable sources, as well as the production and consumption for biofuels and energy from renewable sources in transport;
8. supporting schemes of projects for modernization and expansion of thermal transferable networks or for building up thermal transferable networks in populated places, meeting the requirements for differentiated territories under Art. 43, Para. 7 from the Energy Sector Act;
9. developing and/or updating the general and detailed territory plans, related to realization of public works for implementation of projects, in connection with the measures under p. 2, 3 and 4;
10. yearly information and training campaigns among the population of the relevant Municipality for the supporting measures, the use and practical peculiarities of the development and use of electric energy, thermal energy and cooling energy from renewable sources, gas from renewable sources, as well as biofuels and energy from renewable sources in transport.

(2) Long-term programmes under Para. 1 shall be developed for the term of 10 years, and the short-term programmes – for the term of 3 years. In Municipal supporting schemes shall be able to participate only projects, related to the measures for the Municipal programmes under Para. 1.

(3) The Mayor of the Municipality shall:

1. inform in an appropriate way the public about the programme contents under Para. 1, including through their publication on the Municipality internet site;
2. organize the implementation of the programmes under Para. 1 and shall give information to the executive director of ASED, to the regional Governor and to the Municipal council about their implementation;
3. organize for the territory of the Municipality updating of the data and maintenance of the National information system under Art. 7, Para. 2, p. 6;
4. be in charge for simplifying and relieving the administrative procedures about small decentralized installations for production of energy from renewable sources and for production of biogas from agricultural materials – solid and liquid manures, as well as other wastes from animal and organic origin, and where necessary – make proposals before the Municipal council for simplifying and relieving the procedures;
5. give assistance to the competent state bodies for implementation of their competences under this Act, including giving available information and documents, organize collection and giving information and access to existing data base and to Municipal properties for performing the evaluation under Art. 7, Para. 2, p. 4.

(4) The Mayor of Municipality shall introduce for examination by the Municipal council the proposals of the regional Governor under Art. 8, p. 4 at the first meeting after receiving the proposal.

Art. 11. (1) The state power bodies and the bodies of the local self-government, while performing their competences on regulation of permits, certificate and license procedures, including the territory planning for achieving the goals of this Act, shall be obliged:

1. to determine in transparent way, clearly and with concrete terms the pronouncing on the relevant applications;
2. not to admit discrimination between the interested persons;
3. to account for the peculiarities of the single technologies for energy from renewable sources;
4. in case that they introduce charges for administrative service, they should be defined clearly, transparently and determined by the costs for performing the administrative service;

5. to envisage simplified procedures for receiving permits for projects, related to realization of individual systems for production and consumption of electric energy, thermal energy and cooling energy from renewable sources, where this is advisable.

6. to envisage accelerated procedures for pronouncing in relation to planning, designing and building up an electrical energy network infrastructure.

(2) The bodies of the state power and the bodies of the local self-government shall undertake measures to provide so that from 1 January 2012 the new buildings for public service, as well as the existing buildings for public service, in which is done reconstruction, general renewal, general repair works or reconstruction, should play the role of a sample for achieving the targets of this Act. This obligation may be fulfilled by observing the standards for residential buildings with zero use of energy by providing using the roofs of such buildings or buildings with mixed targets, including public service, by third persons for installations for production of energy from renewable sources.

Chapter three.

NATIONAL ACTION PLAN FOR ENERGY FROM RENEWABLE SOURCES. STATISTICAL TRANSFERS, JOINT PROJECTS AND JOINT SCHEMES

Section I.

National Action Plan for Energy from Renewable Sources

Art. 12. (1) (amend. - SG 59/13, in force from 05.07.2013; amend. - SG 14/15) In order to achieve the national target of the Republic of Bulgaria for 16% general share of the energy from renewable sources in the gross end consumption of energy, including 10% obligatory share of the energy from renewable sources in transport, the Minister of Energy shall develop the NAPERS.

(2) The national action plan for energy from renewable sources shall cover the period 2010 – 2020, and shall be prepared by a model, adopted by a decision of the European Commission and shall contain:

1. review of the national policy in the area of energy from renewable sources;
2. forecast for a gross end consumption of energy during the period of 2010 to 2010;
3. national target and sectored targets for share of the energy from renewable sources, for electric energy, for thermal energy and cooling energy and for energy from renewable sources in transport till 2020 and forecast charts of the growth for the share of energy from renewable sources (indicative line) for the sectors electric energy, thermal energy and cooling energy and energy from renewable sources in transport;
4. measures for achieving the targets under p. 3, including:
 - a) all policies and measures for promoting the use of energy from renewable sources;
 - b) (amend. – SG 29/12, in force from 10.04.2012) the specific measures in relation to the administrative procedures, territorial and resource planning, technical specifications for equipment and systems for production of energy from renewable sources, of buildings in industrial and residential zones, while designing, construction, reconstruction, general renewal, general repair or reconstruction, on which equipment and systems for using electric energy, thermal energy and cooling energy from renewal sources are installed, providing information, training for obtaining professional qualification for the activities under Art. 21, Para 1, development of the infrastructure of the electric energy, thermal and network cooling systems, operation of electric networks, including biogas in the networks for natural gas, biofuels and liquid fuels from biomass;
 - c) the national and joint supporting schemes of production and consumption of electric energy, thermal energy and cooling energy and of energy from renewable sources in transport, planned use of statistical transfers and planned participation in joint projects;
 - d) measures for promotion of the use of energy from biomass;
5. assessment of the target achievement under p. 3, of the general envisaged contribution of each technology for production of electric energy, thermal energy and cooling energy from renewable sources and

of energy from renewable sources in transport, of the general envisaged contribution of the measures for energy effectiveness and energy saving, impact assessment – forecast costs and benefits from the supporting measures, as well as the preparation of the NAPERS and tracing its application.

(3) The needed quantity of biofuels and energy from renewable sources in transport shall be determined as a share of the end consumption of petrol, diesel fuels, biofuels, used in the road and railroad transports and the electric energy from renewable sources, used in transport.

(4) The average values for 2-year period for a share of energy from renewable sources in gross end consumption of energy according to the indicative line are as follows:

1. from 2011 to 2012 including - 10,72 %;
2. from 2013 to 2014 including - 11,38 %;
3. from 2015 to 2016 including - 12,37 %;
4. from 2017 to 2018 including - 13,69 %.

(5) The National action plan for energy from renewable sources shall be updated in case of decreasing the share of energy from renewable sources in the gross end consumption of energy, accounted in reference to the indicative line for the relevant 2-year period.

(6) In the updated NAPERS corrective measures shall be envisaged for compliance within a reasonable term the share with the indicative line.

(7) (amend. - SG 59/13, in force from 05.07.2013; amend. - SG 14/15) The updated NAPERS shall be developed by the Minister of Energy by 20 May of the year, following the relevant 2-year period and shall be adopted by the Council of Ministers by 15 June of the same year.

(8) (amend. - SG 59/13, in force from 05.07.2013; amend. - SG 14/15) Where the decreasing of the share of energy from renewable sources in gross end consumption of energy, accounted in reference to the indicative line for the relevant 2-year period is unessential, and current measures have been undertaken and future measures for compliance have been planned within reasonable term, Para. 5-7 shall not apply, if after notification by the Minister of Energy, the European Commission adopts a decision for liberating the Republic of Bulgaria from the obligation for producing an amended NAPERS.

(9) (amend. - SG 59/13, in force from 05.07.2013; amend. - SG 14/15) Where because of an insurmountable reason the implementation of the obligatory national target is not possible for a share of energy from renewable sources in the gross end consumption of energy during 2020, the Minister of Energy shall notify the European Commission for correction of the indicated part.

(10) (amend. - SG 59/13, in force from 05.07.2013; amend. - SG 14/15) The Minister of Energy shall notify the updated NAPERS of the European Commission and shall send the notification under Para. 8 and 9 under the conditions and procedure of the Ordinance under Art. 9, Para. 4 of the Energy Sector Act.

Art. 13. (1) (amend. - SG 59/13, in force from 05.07.2013; amend. - SG 14/15) The Minister of Energy shall develop and produce to the European Commission every two years by 31 December 2021 a report on the implementation of the NAPERS.

(2) The report under Para. 1 shall cover a period of 2 calendar years before the year of developing the report and shall contain information about:

1. the total quantity of the produced and consumed energy from renewable sources;
2. the part of sectors of electric energy, thermal energy and cooling energy and of energy from renewable sources in transport;
3. the implemented and planned measures for promotion of the production and consumption of energy from renewable sources, coordinated with the national target for the of energy from renewable sources by 2020;
4. implementation, updating and/or introducing new supporting schemes, related to the implementation of the national targets for the share of energy from renewable sources till 2020;
5. development of supporting schemes for applying technologies for production of energy from

renewable sources and biofuels, including new technologies, which give additional benefits on the account of higher costs;

6. the action of the system for issuing guaranties for energy origin from renewable sources and measures for providing reliability and protection of the system;

7. the achieved progress while conducting administrative procedures from the point of view of removing regulatory and non-regulatory obstacles, related to realization of projects for production of energy from renewable sources;

8. the measures for providing transfer and distribution of energy from renewable sources and for improvement of the legislative base or the rules for assuming and distributing the costs;

9. the progress in relation to the availability and use of biomass for energy targets;

10. alteration of the goods prices and use of land as a result of increasing the consumption of biomass and other types of energy from renewable sources;

11. the production and share of biofuels, produced by wastes, residues, non-food cellulosic materials and lingo-cellulosic materials;

12. the forecast for the impact of production of biofuels and liquid fuels from biomass over the biodiversity, water resources, quality of waters and quality of soils;

13. forecast for the gross decrease of emission from greenhouse gasses as a result of use of energy from renewable sources;

14. forecast for surplus production of energy from renewable sources in comparison with the indicative line, which may be transferred to other EU Member States by 2020;

15. forecast for the potential for joint projects for production of electric energy, thermal energy and cooling energy from renewable sources by 2020;

16. forecast of consumption of energy from renewable sources, which is foreseen to be satisfied in a way, different from internal production by 2020;

17. the way in which the forecast for the share of bio-residues from wastes, used for production of energy, as well as the undertaken measures for improvement and checkup of forecasts.

(3) In each report under Para. 1 the data from the previous reports may be corrected.

(4) (amend. - SG 59/13, in force from 05.07.2013; amend. - SG 14/15) The Minister of Energy may request the data under Para. 2, p. 14 – 16 not to be made public by the European Commission.

(5) (amend. - SG 59/13, in force from 05.07.2013; amend. - SG 14/15) The Minister of Energy shall publish the reports under Para. 1 on the internet site of the Ministry of Energy.

(6) (amend. - SG 59/13, in force from 05.07.2013; amend. - SG 14/15) The Minister of Energy shall submit the reports on the implementation of the NAPERS to the European Commission and shall make the request under Para. 4 under the conditions and procedure of the Ordinance under Art. 9, Para. 4 of the Energy Sector Act.

(7) (amend. - SG 59/13, in force from 05.07.2013; amend. - SG 14/15) The calculation of the total share of energy from renewable sources in gross end consumption of energy and the consumption of biofuels and energy from renewable sources in transport, the energy contents of fuels in transport, the rules for normalization while accounting the electric energy, produced from water-electric and wind stations and for accounting the energy from thermal pumps shall be determined by an ordinance of the Minister of Energy. While calculating the share of energy from renewable sources shall be used the methods and definitions, indicated in Regulation (EC) N 1099/2008 of the European Parliament and of the Council of 22 October 2008 on statistics for the energy sector (OJ, L 304/1 of 14 November 2008).

Section II.

Statistical Transfers, Joint Projects and Joint Schemes

Art. 14. (1) Statistical transfers shall be transfers between the Republic of Bulgaria and one or more

EU Member States of quantities energy, produced from renewable sources on a territory of an EU Member State on the bases of agreements between the Member States for one or more years.

(2) The quantities energies from renewable sources, which are transferred shall be taken in consideration for the implementation of the targets under Art. 12, Para. 1 and 4, where as a result of the transfer the Republic of Bulgaria receives a quantity of energy and shall not be taken in consideration, where as a result of the transfer, the Republic of Bulgaria shall give a quantity of energy to another EU Member State.

(3) Statistical transfers shall give rise to an action after notification of the European Commission by the Republic of Bulgaria and the other participating in the transfer EU Member States.

Art. 15. (1) Joint projects shall be projects of the Republic of Bulgaria and one or more other EU Member States, related to the production of electric energy, thermal energy and cooling energy from renewable sources, implementing of which a part of the whole produced energy on the territory of an EU Member State from a site, entered into exploitation after 25 June 2009, or through increases power of installations, reconstructed after this date shall be accounted for the implementation of the general national target for share of the energy from renewable sources in the Republic of Bulgaria.

(2) Joint projects shall also be projects of the Republic of Bulgaria and one or more EU Member States and one or more third states, related to the production of electric energy from renewable sources, while implementing of which a part or the whole produced electric energy on the territory of a third state from a site, entered into exploitation after 25 June 2009, or through increased power of an installation, reconstructed after this date, is accounted for the implementation of the general national target for a share of the energy from renewable sources in the Republic of Bulgaria, where:

1. the electric energy is used in the European Union;
2. the quantity produced and imported electric energy has not been subject of support from a third state, unless in the cases of investment assistance for the energy site.

(3) The electric energy shall be accounted ad used in the European Union according to Para. 2, p. 1 where the following conditions have been fulfilled:

1. all the operators of transferable systems in the state of origin, in the state of location and if needed, in any transit third state have duly determined the quantity electric energy, corresponding to the accounted one, which is used for their relevant share of the inter-system capacity;
2. an operator of transferable system of the European Union has duly registered the quantity electric energy, corresponding to the accounted one in relation to a certain inter-system distribution line, and
3. the determined capacity and production of electric energy from renewable sources shall refer to the installation and period under Para. 2.

(4) (amend. - SG 59/13, in force from 05.07.2013; amend. - SG 14/15) The Minister of Energy may request from the European Commission to account for the electric energy from renewable sources, produced and used in a third state in relation to construction of inter-system connection between the Republic of Bulgaria and a third state with a long period of implementation, if the following conditions have been met:

1. the construction of the inter-system connection will have started by 31 December 2016;
2. the inter-system connection cannot be entered into exploitation by 31 December 2020, but may be entered into exploitation by 31 December 2022;
3. after its entering into exploitation the inter-system connection will be used for import of electric energy from renewable sources in the European Union in compliance with Para. 2 and 3;
4. the request shall refer to a joint project under Para. 2 and shall use the inter-system connection after its entering into exploitation , as well as to the quantity electric energy, which shall not be larger than the quantity, which will be imported in the European Union after entering into exploitation of the inter-system connection.

(5) The joint projects under Para. 1 and 2 may be for 1 or more years; private operators may also

participate in them, and the accounting of the energy for the implementation of the general national target of the Republic of Bulgaria shall be admissible by 31 December 2020, where the joint projects may continue after this date as well.

Art. 16. (1) the Republic of Bulgaria and one or more EU Member States may agree for the application of joint supporting schemes through combining or coordinating the national supporting schemes.

(2) While applying joint supporting schemes, certain quantities energy, produced on the territory of some of the participating EU Member States, may be considered as a part of the general national target of another participating EU Member State, when one of the following conditions are met:

1. a statistical transfer has been made from one EU Member State to another in compliance with Art. 14;

2. a rule for distribution of the quantities energy from renewable sources has been determined between the participating EU Member States;

(3) (amend. - SG 59/13, in force from 05.07.2013; amend. - SG 14/15) The Minister of Energy shall notify the European Commission and the participating States about the agreements under Art. 14, about the projects under Art. 15 and about the joint schemes under the conditions and procedure of the ordinance under Art. 9, Para. 4 of the Energy Sector Act.

Chapter four.

PRODUCTION OF ENERGY FROM RENEWABLE SOURCES

Section I.

General Provisions

Art. 17. Promotion of production of energy from renewable sources shall be done through:

1. development of supporting schemes and consumption of energy from renewable sources, gas from renewable sources, biofuels and energy from renewable sources in transport and of liquid fuels from biomass;

2. development of supporting schemes of the production and consumption of energy from biomass, in the cases where technologies with high level of protection of the environment are used and energy in highly effective way is produced;

3. development of joint supporting schemes with other EU Member States for support of the production and consumption of energy from renewable sources;

4. financing activities and projects for production of energy from renewable sources, as well as for using energy from renewable sources at end consumption of energy from fund: "Energy effectiveness and renewable sources" and from other financial institutions;

5. contracts with guaranteed result according to the Energy Effectiveness Act, related to use of energy from renewable sources.

Art. 18. (1) The production of electric energy from renewable sources, including electric energy from combined production of thermal and /or cooling energy and electric energy from renewable sources, shall be promoted through:

1. providing guaranteed access of electric energy, produced from renewable sources to the transferable and distributive electric networks while observing the criteria of security, determined by the rules under Art. 83, Para. 1, p. 4 and 5 of the Energy Sector Act;

2. (new - SG 17/15, in force from 06.03.2015) keeping in operation with priority the transmission and distribution network of power units of energy objects under Art. 24, item 3 with combined cycle and indirect use of biomass, whose total weight of animal manure is not less than 50 percent, and with combined

cycle and indirect use of biomass of plant waste from own agricultural production in compliance with the balance between production and consumption in excess, after exhaustion of the requests for balancing downwards and without limitation of working hours during the year of the respective power plant;

3. (prev. text of item 2 - SG 17/15, in force from 06.03.2015) guarantee of the transfer and distribution of electric energy, produced from renewable sources, while observing the security criteria under p. 1;

4. (prev. text of item 3 - SG 17/15, in force from 06.03.2015) providing building up of the needed infrastructure and electric energy powers for regulation of the electric energy system;

5. (prev. text of item 4 - SG 17/15, in force from 06.03.2015) providing priority at controlling the electric energy, produced from renewable sources, while observing the security criteria under p. 1;

6. (prev. text of item 5 - SG 17/15, in force from 06.03.2015, amend. and suppl. - SG 38/18, in force from 01.07.2018) buying electric energy from renewable sources, produced from energy facilities with a total installed capacity of less than 4 MW, for a term, determined by this Act;

7. (prev. text of item 6 - SG 17/15, in force from 06.03.2015) determining preferential price for buying electric energy, produced from renewable sources, including electric energy, produced from biomass, through technologies for direct burning, with the exception of the energy, produced from water power stations with total installed power above 10 MW;

8. (prev. text of item 7 - SG 17/15, in force from 06.03.2015) determining preferential prices for buying electric energy, produced from biomass, in the cases, where technologies for thermal gasification are used; the price cannot be lower than 30% above the preferential price, determined for the electric energy, produced from biomass from waste wood and other, through technologies for direct burning with a combined cycle.

(2) (amend. - SG 59/13, in force from 05.07.2013; amend. - SG 14/15; amend. - SG 17/15, in force from 06.03.2015) The promotions under Para. 1, p. 6, 7 and 8, the procedure for joining under Section II, as well as Art. 31 and 32 shall not apply to the energy sites for production of electric energy from renewable sources, which are announced for joining after the date of the report of the Minister of Energy under Art. 13, Para. 1, in which it has been reported, that the total national target under Art. 12, Para. 1 has been reached.

(3) The production of thermal energy and cooling energy from renewable sources shall be promoted through:

1. supporting and realizing projects for building up thermal transferable networks in populated places, meeting the requirements for restricted territory under Art. 43, Para. 7 of the Energy Sector Act, where economic use has been proved for consumption of thermal energy from renewable sources for production of which an idea investment project has been produced;

2. support and realization of projects for building up small decentralized systems for thermal energy and/or cooling energy;

3. joining sites for production of thermal energy from renewable sources to the thermal transferable network and buying from the thermal transferable enterprise of the produced by another producer thermal energy under the conditions of the Energy Sector Act and the ordinance under Art. 125, Para. 3 of the Energy Sector Act, where this is technically possible and economically advisable.

(4) The production of gas from renewable sources shall be promoted through:

1. (amend. - SG 17/15, in force from 06.03.2015) providing guaranteed access to the transfer and distribution networks while observing the security criteria, proposed by the operators of the gas-transferable and gas- distribution systems approved by EWRC;

2. guaranteeing the transfer and distribution of gas, produced from renewable sources, while observing the security criteria under p. 1;

3. non-admittance of discrimination in relation to gas from renewable sources while determining charges for transfer and distribution on transferable or distribution networks;

4. publishing by the operators of the gas-transferable and gas-distribution networks of the tariffs for joining sites for production of gas from renewable sources;

5. (amend. - SG 17/15, in force from 06.03.2015) obligatory buying of gas from renewable sources with quality certificate and pressure, according to a contract with the public supplier and/or end suppliers in preferential prices, determined by EWRC.

(5) The realization of investment intentions under Para. 3 shall be supported financially, where with the project it is achieved a substantial decrease of the consumption of energy, the provisions of the Technical Requirements to Products Act shall be applicable, and with self-participation of the Municipality and /or the interested person. While determining the effectiveness of reforming and the relation of the produced energy to the primary energy of the systems and equipment shall be used procedures of the Community, and in case of lack of such – international procedures.

(6) (new – SG 29/12, in force from 10.04.2012; amend. - SG 17/15, in force from 06.03.2015) The provision of Para 2 shall not apply to energy sites under Art. 24, Item 1 and 3.

(7) (New - SG 56/15, in force from 24.07.2015, amend. – SG 100/15) The promotion under para 1, item 2 as regards to the energy sites under Art. 24, item 3 with combined cycle and indirect use of biomass whose total weight of animal manure is not less than 60 percent shall apply only if producers of electricity from renewable sources prove that they have registered an animal breeding site within the meaning of the Veterinary Practice Act at least three years before the date of application for accession and and for every kW of installed capacity for electricity production from manure they own the needed number of registered animals and birds, where equalization to 1 kW of installed capacity is as follows:

1. cattle, buffaloes - 1;
2. calves and heifers for fattening - 1;
3. calves up to 6 months - 1,5;
4. swine - 5;
5. sheep - 10;
6. birds - 300.

Art. 19. (1) The investment intentions for building up energy sites for production of energy from renewable sources shall be preceded by an assessment for the available and forecast potential of the resource of the relevant type of energy from renewable source, which is forecast to be used in the process of production of energy in the future energy site.

(2) The provision under Para. 1 shall not apply to:

1. building up and introduction in exploitation of energy sites for production of electric energy from renewable sources with total installed power up to 30 kW, including on roof and facade constructions of buildings and on immovable properties to them within the frames of urban territories;

2. building up and introducing into exploitation of energy sites for production of electric energy from renewable sources on roof and facade constructions of buildings for industrial and warehouse activities and on immovable properties to such buildings in industrial zones with total installation power up to 1MW including:

3. building up and introducing into exploitation of energy sites or mounting and introducing into exploitation of installations for production of thermal energy and/or cooling energy from renewable sources.

(3) (amend. - SG 59/13, in force from 05.07.2013; amend. - SG 14/15, amend. – SG 58/17, in force from 18.07.2017) The terms and conditions for performing the assessment under Para. 1, as well as the requirements to the persons, performing the assessment, shall be determined by an ordinance, issued jointly by the Minister of Energy, the Minister of Environment and Waters and the Minister of Agriculture, Foods and Forestry.

Art. 20. (1) While building up new or in reconstruction, general renewal, general repair or reconstruction of existing buildings, installations for production of energy from renewable sources shall be

introduced into exploitation , where this is technically possible and economically beneficial.

(2) In the cases under Para. 1 at least 15% of the total quantity thermal energy and cooling energy, needed for the building, must be produced from renewable sources through introduction of:

1. central heating, using biomass or geo-thermal energy;
2. individual equipment for burning biomass with effectiveness of transformation at least 85% in residential and commercial buildings and 70% in industrial buildings;
3. solar thermal installations;
4. thermo-pumps and surface geo-thermal systems.

(3) While developing investment projects for new buildings or reconstruction, general renewal, general repair or reconstruction of existing buildings in the part "energy effectiveness" and in the examination for energy effectiveness of the existing buildings, the possibilities for using energy from renewable sources shall be obligatorily analyzed in order to prove the technical possibility and economic benefit under Para. 1. The analysis of the possibilities for using energy from renewable sources shall be part of the assessment of the indicators for annual energy expenditure of the building.

(4) while realizing projects for modernization of production processes in small and medium enterprises, the measures for energy effectiveness shall be combined with introduction into exploitation of installations for production of thermal energy and cooling energy from renewable sources for satisfying the technological needs of the enterprise.

(5) Para. 1 – 4 shall not apply to buildings of the armed forces, where the application of these requirements contradicts the purpose of the buildings.

Art. 20a. (new – SG 29/12, in force from 10.04.2013; revoked – SG 33/14)

Art. 20b. (new – SG 29/12, in force from 10.04.2013; revoked – SG 33/14)

Art. 20c. (new – SG 29/12, in force from 10.04.2013; revoked – SG 33/14)

Art. 20d. (new – SG 29/12, in force from 10.04.2013; revoked – SG 33/14)

Art. 20e. (new – SG 29/12, in force from 10.04.201; amend. - SG 59/13, in force from 05.07.2013; revoked – SG 33/14)

Art. 20f. (new – SG 29/12, in force from 10.04.2013; revoked – SG 33/14)

Art. 21. (1) (In force from 31.12.2012) The activities on mounting and maintenance of equipment for biomass, solar photovoltaic transformers, solar thermal installations, thermal pumps and surface geo-thermal systems shall be done by persons, possessing the needed professional qualification about this.

(2) (In force from 31.12.2012) Acquiring qualification for performing the activities under Para. 1 shall be done under the conditions and procedure of the Professional Education and Training Act.

(3) (In force from 31.12.2012) The institutions, which have the right to conduct education for acquiring professional qualification according to the Professional Education and Training Act, shall be obliged to produce yearly in ASED a list of the persons, who have acquired qualification for performing the activities under Para. 1.

(4) (In force from 31.12.2012) Recognizing professional qualifications, acquired in other EU Member States and in third states for performing the activities under Para. 1 shall be done under the conditions and procedure of the Recognition of Professional Qualifications Act for providing access and exercising regulated professions in the Republic of Bulgaria.

(5) (amend. – SG 29/12, in force from 10.04.2013; amend. – SG 68/13, in force from 02.08.2013)

The state educational requirements for acquiring qualification for the profession of "Technician of Energy Equipment and Installations" or "Installer of Energy Equipment and Installations", speciality "Renewable energy resources", including the activities under Para. 1, as well as the terms of validity of the documents, certifying the availability of the corresponding type of qualification, shall be determined in an ordinance of the Minister of Education and Science.

Section II.

Joining Energy Sites for Production of Electric Energy from Renewable Sources

Art. 22. (1) (In force from 01.01.2012) The operators of distribution electric measures shall yearly up to 28 February produce to the operator of the transferable electric network the envisaged for one year period electric powers, which may be produced for joining to the distribution networks on regions of joining and levels of tension.

(2) (In force from 01.01.2012; amend. - SG 59/13, in force from 05.07.2013; amend. - SG 14/15; amend. - SG 17/15, in force from 06.03.2015) The operator of the transferable electric network on the basis of the 10-year plan for development of the transferable network and the proposals under Para. 1 shall yearly up to 30 April submit to EWRC and to the Minister of Energy the envisaged for 1 year period electric powers, which may be produced for joining to the transferable and distribution networks of sites for production of electric energy from renewable sources on regions of joining and levels of tension.

(3) (In force from 01.01.2012) The provisions under Para. 1 and 2 shall be developed on the bases of the targets in NAPERS and data about:

1. the signed preliminary contracts;
2. the accounted and forecast consumption of electric energy;
3. the transferable possibilities of networks;
4. the possibilities for balancing of powers in the electric-energy system.

(4) (In force from 01.01.2012; amend. - SG 59/13, in force from 05.07.2013; amend. - SG 14/15; amend. - SG 17/15, in force from 06.03.2015) The Minister of Energy within one month term from receiving the proposals under Para. 2 shall submit to EWRC an opinion for their compliance with the NAPERS.

(5) (In force from 01.01.2012; amend. - SG 17/15, in force from 06.03.2015) The EWRC shall annually by June 30 approve and publish on the internet site of the Commission the envisaged for 1 year period, from 1 July, electric powers, which may, which may be provided for joining to the transferable and distribution electric networks of sites for production of electric energy from renewable sources on regions of joining and levels of tension.

(6) The conditions and procedure for drawing out the provisions under Para. 1 and 2 shall be provided by the ordinance under Art. 60 of the Energy Sector Act.

Art. 23. (1) (In force from 01.07.2012) persons, who wish to build up an energy site for production of electric energy from renewable sources or to expand an existing electric power station or to increase the installed electric power of the station for production of electric energy from renewable sources, shall submit to the operator of the relevant electric network application for joining in indicated by them regions, approved under Art. 22, Para. 5.

(2) (In force from 01.07.2012) Applications under Para. 1 shall be submitted after approval of the electric powers, which may be provided for joining, by finalizing the 1-year period under Art. 22, Para. 5.

(3) (In force from 01.07.2012) The operator of the relevant electric network shall examine the applications in the order of their receiving and by a motivated opinion shall pronounce on the admissibility of each application within the term of 14 days after its receiving.

(4) (In force from 01.07.2012) The operator of the relevant electric network shall submit to the applicant the opinion under Para. 3 and shall publish it on his internet site.

(5) (In force from 01.07.2012) According to an opinion under Para. 3, by which the application has been determined as admissible, the operator of the relevant electric network shall perform a research and shall issue an opinion about the conditions and way of joining.

(6) (In force from 01.07.2012) After exhausting the approved electric powers for the relevant region, the operator of the electric network shall return the submitted and non-examined applications, which shall be considered for a motivated refusal for joining as provided by Art.117, Para. 4 of the Energy Sector Act.

(7) (In force from 01.07.2012; amend. - SG 17/15, in force from 06.03.2015) The operators of the transferable and distribution electric networks shall submit to the EWRC and publish on their internet sites:

1. the opinions under Art. 3 and 5;
2. information about the returned applications under Para. 6;
3. information, where the approved electric powers for the relevant region are exhausted.

(8) (In force from 01.07.2012) while submitting the applications under Para. 1, for the benefit of the operator of the relevant electric network a guarantee shall be deposited for participation in the procedure in the amount of BGN 5000 per MW declared power for joining.

(9) (In force from 01.07.2012) The participation guarantee shall be liberated within the term of 7 days after issuing the opinion under Para. 3 and shall be returned to the applicants, whose applications are defined as inadmissible and to the applicants, whose applications have not been examined and have been returned under Para. 6.

(10) (In force from 01.07.2012) The participation guarantee in the cases under Para. 5 shall remain for the benefit of the operator of the relevant electric network as a part of the advance money under Art. 29, Para. 1.

(11) (In force from 01.07.2012) In case that the request for preparing a preliminary contract for joining is not submitted before the relevant operator of electric network within the term of 6 months after receiving the opinion under Para. 5, it shall be considered as invalid.

(12) (In force from 01.07.2012) The operator of the relevant electric network has the right to keep the participation guarantee, if the applicant:

1. withdraws his application before expiry of the term for pronouncing by the operator with a motivated opinion under Para. 3 or after issuing the opinion under Para. 5;
2. fails to submit a request for drawing out a preliminary contract according to Para. 11;
3. refuses to sign a preliminary contract because of a reason, for which the producer is not responsible.

(13) (amend. - SG 17/15, in force from 06.03.2015) The conditions and procedure for conducting the procedures under Para. 1 – 12, including the criteria for admissibility and for performing control by EWRC shall be determined by the ordinance under Art. 116, Para. 7 of the Energy Sector Act.

Art. 24. The provision of Art. 23 shall not apply to energy sites for production of electric energy from renewable sources:

1. (amend. – SG 29/12, in force from 10.04.2012) with total installed power up to 30 kW including, which are envisaged to be built up on roof and facade constructions of buildings connected to the power distribution network and over immovable properties to them within the urban territories;

2. (amend. – SG 29/12, in force from 10.04.2012) with total installed power up to 200 kW including, which are envisaged to be built up on roof and facade constructions of buildings for production and warehouse activities connected to the power transportation or power distribution network within the urban territories;

3. (amend. – SG 29/12, in force from 10.04.2012; amend. - SG 17/15, in force from 06.03.2015; amend. - SG 56/15, in force from 24.07.2015) with combined cycle and indirect use of biomass, which are planned to be constructed in urban areas, agricultural sites or industrial areas with installed capacity of up to:

a) 1,5 MW and which use biomass, whose total weight of animal manure is not less than 60 percent, in compliance with Art. 18, para 7 and whose installed capacity is evidenced in accordance with the ordinance of Art. 116, para 7 of the Energy Sector Act;

b) 500 kW and use of biomass from plant waste from own agricultural production;

4. (amend. – SG 29/12, in force from 10.04.2012) with installed electric power of up to 1.5 MW inclusive, for production of energy from water power plants.

Art. 25. (1) The provision of Art. 23 shall not apply to energy sites for production of electric energy from renewable sources, where at submitting a request for joining, the producer of electric energy from renewable sources declares, that he shall not use the preferences under Art. 31 and 32.

(2) The powers for joining under Para. 1 shall not be included in the envisaged electric powers, which may be provided for joining under Art. 22, Para. 1 and 2.

Art. 26. (1) In the cases under Art. 18, Para. 2, Art. 24 and 25, requests shall be submitted for studying the conditions and way of joining before the relevant operator of electric network under the conditions and procedure of the ordinance under Art. 116, Para. 7 of the Energy Sector Act.

(2) Producer of electric energy from renewable sources under Art. 24, who envisages using produced energy for own consumption, shall indicate this in the request under Para. 1.

(3) (new – SG 29/12, in force from 10.04.2012) The joining conditions for the sites referred to in Art. 24, Item 1 shall be determined in an opinion issued within 30 days from submission of the request, and in the cases of Art. 27, Para 5 – within 15 days from submission of the request.

(4) (new – SG 29/12, in force from 10.04.2012) In the cases of Para 3 shall not be signed a preliminary contract for joining and the contract for joining shall be signed under the conditions set out in the opinion under Para 3 and after the issue of a construction permit.

(5) (amend. – SG 29/12, in force from 10.04.2012) Upon request for signing a contract for joining under Para 4 the distribution undertaking shall submit a draft contract within 30 days.

Art. 27. (1) The costs for building up equipment for joining of an energy site of a producer to the relevant network to the border of ownership of the electric equipment shall be on the account of the producer.

(2) The costs for building up equipment for joining of the energy site of a producer to the relevant network from the border of ownership of the electric equipment to the place of joining, as well as for development, including reconstruction and modernization of the electric networks in relation to the joining shall be on the account of the owner of the relevant network.

(3) The border of ownership of the electric equipment shall be determined according to the ordinance under Art. 116, Para. 7 of the Energy Sector Act. Where the place of joining does not coincide with the border of ownership of the electric equipment, Art. 116, Para. 5 of the Energy Sector Act shall apply.

(4) The means for commercial measurement of the electric energy shall be placed on the border of ownership under Para. 3 of closest to it, according to the rules under Art. 83, Para. 1, p. 6 of the Energy Sector Act.

(5) (suppl. – SG 29/12, in force from 10.04.2012) The place of joining of the energy sites under Art. 24, p, 1 shall coincide with the place where the means for commercial measurement of the consumed electric energy is mounted, where the installed capacities do not exceed the granted capacities for joining the building as a consumer site.

Art. 28. (1) The operators of the transferable and distribution electric networks in relation to the implementation of the targets and measures, laid down in the NAPERS shall include in annual investment and repair programmes means for development of networks, related to the joining, transfer and distribution of the

electric energy, produced from renewable sources.

(2) (amend. - SG 17/15, in force from 06.03.2015) The operators of the transferable and distribution electric networks annually by 31 March shall report to EWRC about the implementation of the activities, laid down in the investment and repair programmes for development of networks under Para. 1 during the previous calendar year, about the targets of joining the energy sites for production of electric energy from renewable sources and in case of non-implementation – about the undertaken measures.

(3) The reports under Para. 2 shall include information about the collected sums under Art. 29, Para. 1 and about their expenditure, as well as information under Art. 30. Para. 7.

(4) In order to realize joint projects for production of electric energy from renewable sources between the Republic of Bulgaria and EU Member States or between the Republic of Bulgaria and third states, the owner of the transferable network shall include in his investment programmes means for building up the needed intersystem connections.

Art. 29. (1) While signing preliminary contract for joining the producer of electric energy from renewable sources shall owe to the transferable or the relevant distribution enterprise, which joins him an advance payment in the amount of:

1. BGN 50 000 for every MW installed power of the future energy site, where the installed power is larger than 5 MW;

2. BGN 25 000 for every MW installed power of the future energy site, where the installed power is up to 5 MW, including;

(2) The advance payment under Para. 1 shall be part of the price for joining and shall remain in favour of the energy enterprise – owner of the transferable or distribution electric network, in the cases, where the energy site of the producer of electric energy from renewable sources is not built up within the time limits, determined in the contract for joining, where the non-fulfillment is because of a reason, for which the producer is responsible.

(3) The producer of electric energy from renewable sources shall deposit the advance payment under Para. 1 on the account of the owner of the transferable or distribution electric network. The contract for joining shall regulate the payment of the remaining part of the determined in it price for joining, in the cases, where this price is higher than the value of the advance payment under Para. 1.

(4) The means under Para. 1 and 3 shall serve for covering the costs for building up the equipment for joining and for planned development, including reconstruction, modernization and management of electric networks, related to the joining of the concrete energy site for production of electric energy from renewable sources.

(5) The preliminary contract for joining shall have a time limit, not longer than one year, where before running of this time limit, the producer shall submit a written request for signing a contract for joining.

(6) (amend. – SG 29/12, in force from 10.04.2012) The contract for joining shall have a time limit not longer than the time limit for entering into exploitation of the producer's site and the equipment for its joining, but not more than three years, where the introduction into exploitation has been envisaged to be done in one stage. In case of introduction in exploitation in several stages, the time limit for introduction in exploitation of the first stage shall be not longer than three years after signing the contract.

(7) The responsibility of the parties in case of failure to observe the conditions and time limits under the preliminary contract for joining and under the joining contract shall be provided by the relevant contract.

(8) The procedure of joining shall be terminated in case of non-fulfillment of some of the requirements under Para. 1 and 5. In these cases the opinion under Art. 23, Para. 5 about the conditions and way of joining shall be considered invalid, and respectively, the preliminary contract shall be considered as terminated.

(9) (amend. - SG 17/15, in force from 06.03.2015) The price for joining of energy site under Art. 24 shall be individual, shall include the costs for building up the equipment for joining to the relevant

distribution network and shall be determined according to a method, adopted by the EWRC, according to the relevant ordinance under Art. 36, Para. 3 of the Energy Sector Act.

(10) The preliminary contract and the joining contract shall be signed under the conditions and procedure of the ordinance under Art. 116, Para. 7 of the Energy Sector Act.

(11) (amend. - SG 17/15, in force from 06.03.2015) The EWRC shall draw up a report up to 30 June 2011, and then in every two years, on the observation of the rules for covering the costs according to Para. 1, 2, 3, 4 and 9 and Art. 27 and if needed, shall make proposals for their amendment. The report shall be published on the commission internet site.

Section III.

Buying, transfer and distribution of electric energy from renewable sources

Art. 30. (1) (amend. - SG 17/15, in force from 06.03.2015) The producers of electric energy from renewable sources, whose energy sites are with total installed power above 30 kW, shall sign a contract for access to the operator of the transferable or distribution network under general conditions, approved by EWRC and published on the internet site of the operator of the relevant distribution network before signing the contract for buying the electric energy. Inseparable part of the access contract shall be the assessment of the potential under Art. 19, Para. 1, where its drawing out shall be obligatory, on the basis of which potential the forecast schedules for production of electric energy from renewable sources shall be developed.

(2) (amend. - SG 17/15, in force from 06.03.2015) The producers of electric energy from renewable sources, whose energy sites are with total installed power up to 30kW including, shall use distribution networks, to which have been joined, under general conditions, approved by EWRC and published on the internet site of the operator of the relevant distribution network.

(3) The access contract under Para. 1 shall determine the conditions on implementation of the forecast time limits under Para. 1 and shall agree the owed by the operator compensations at limiting the production regime of the energy site, with the exception of the cases of planned repairs, as well as with the exception of the cases under Art. 72 and 73 of the Energy Sector Act. In the cases, where the network is not owed by the relevant operator, compensations shall be agreed in a contract between the owner of this network and the producer of electric energy from renewable sources.

(4) (amend. - SG 17/15, in force from 06.03.2015) The producer of electric energy from renewable sources with installed power above 200 kW shall provide submission of data in real time to the operator of the transferable or of the distribution electric network about the supplied electric power in the location of joining electric power, as well as remote control of this power. The operators of the distribution electric network shall transmit to the operator of the transferable electric network summarized data in real time delivered at the point of connection of electrical power in areas of accession from various renewable sources with installed capacity over 200 kW.

(5) (amend. - SG 17/15, in force from 06.03.2015) The operator of a transferable or distribution electric network shall limit remotely or by dispatcher's order the energy transferred to the electric network in those cases, where the transmission capacity of the network, to which the producer is connected are exceeded or in the cases provided for in Art. 73 of the Energy Act.

(6) (amend. - SG 17/15, in force from 06.03.2015) The operator of the transferable or distribution electric network shall, in a manner specified in the access agreement, notify immediately the producer of electric energy from renewable sources of any forthcoming restrictions, indicating date and time of the introduction and the relevant coverage.

(7) (amend. - SG 17/15, in force from 06.03.2015) The operator of the transferable or distribution electric network shall report to EWRC every 6 months about the cases of substantial decreasing of the quantities transferred and distributed electric energy from renewable sources and the undertaken by him concrete measures for preventing decreasing of these quantities, under conditions and procedure, determined

by the ordinance under Art. 60 of the Energy Sector Act.

Art. 31. (1) (amend. – SG 29/12, in force from 10.04.2012; amend. - SG 17/15, in force from 06.03.2015, amend. - SG 38/18, in force from 01.07.2018) The public supplier, respectively the end providers buy out the electric energy from renewable sources, produced from energy facilities with a total installed capacity of less than 4 MW, under the determined by EWRC preferential price, acting on the date of entry into operation in the sense of the Spatial Development Act of the energy site for production of electric power, and in respect of the sites referred to in Art. 24, Item 1 – at the date of filing the application for mounted of a power production facility with the distribution enterprise as set out in the ordinance referred to in Art. 116, Para 7 of the Energy Sector Act.

(2) The electric energy from renewable sources under Para. 1 shall be bought on the basis of signed long-term contracts for buying for the term of:

1. 20 years – for electric energy, produced from geo-thermal and solar energy, as well as for electric energy, produced from biomass;

2. 12 years – for electric energy, produced from wind energy;

3. 15 years – for electric energy, produced from waterpower stations with installed power up to 10 MW, as well as for electric energy, produced from other kinds renewable sources.

(3) (amend. – SG 29/12, in force from 10.04.2012) The time limits under Para. 2 shall run from the date of entry into operation of the energy site, respectively the date of entry into operation of the first stage, in cases of staged entry into operation, and for the sites under Art. 24, Item 1 – from the date of signing a contract for purchase of electric power. For energy sites, entered into operation after 31 December 2015, the time limits for purchasing shall be reduced with the time form this date till the date of entry into operation, respectively from the mounting.

(4) The price of the electric energy from renewable sources shall not change for the term of the contract for buying under Para. 2, unless in the cases under Art, 32, Para. 4, where after expiry of this term, preferences about the prices shall not be provided.

(5) (amend. – SG 29/12, in force from 10.04.2012; amend. – SG 109/13, in force from 01.01.2014; amend. - SG 56/15, in force from 24.07.2015) The public provider, respectively, the end providers shall buy up the generated electric energy from renewable sources under the following terms and conditions:

1. (amend. and suppl. - SG 17/15, in force from 06.03.2015) at a preferential price for the quantities of specific net electricity production based on which preferential prices are fixed in the respective decisions of the EWRC; the set specific net electricity production shall not apply to the sites under Art. 24, item 3;

2. at a price for excess of the balancing market as regards to the quantities exceeding production under item 1.

(6) While producing electric energy through combined using renewable sources and non-renewable sources, the prices under Para. 1 and the obligation for buying under Para. 5 shall refer only to the energy, responding to the share of the invested quantity renewable sources.

(7) (amend. – SG 29/12, in force from 10.04.2012) The provisions of Para. 1 – 6 shall not apply to energy sites for production of electric energy from renewable sources under Art. 25, and Art. 26, Para. 2.

(8) (amend. – SG 29/12, in force from 10.04.2012; amend. - SG 17/15, in force from 06.03.2015) Where the investment for building up the energy site for production of electric energy from renewable sources is supported by means from the national or the European supporting schemes, the electric energy shall be bought by the public provider or the relevant end provider according to groups of prices, determined by the EWRC, under the conditions and procedure of the relevant ordinance under Art. 32, Para. 3 of the Energy Sector Act.

(9) (amend. - SG 17/15, in force from 06.03.2015) In the cases under art. 26, Para. 2, the quantity

electric energy, which has not been used for own consumption, shall be bought by the relevant end provider on a price, determined by EWRC, under the conditions and procedure of the relevant ordinance under Art. 36, Para. 3 of the Energy Sector Act.

(10) (amend. – SG 29/12, in force from 10.04.2012) The entry into operation of the energy sites under Para 1 shall be carried out as set out in the ordinance referred to in Art. 177, Para 2 of the Spatial Development Act, and within 30 days from the date of filing of a request, accompanied by the respective documents, including for taken 72-hour samples.

(11) (amend. – SG 29/12, in force from 10.04.2012; amend. - SG 17/15, in force from 06.03.2015) Where it is envisaged certain parts of the energy site to be entered in stages into operation, the purchase price of the electric power shall be changed at the entry into operation at each subsequent stage and it shall be a weighted average of the corresponding installed capacity between the repurchase price at the date of entry into operation of the corresponding part and the preferential price set by the EWRC at that date and is determined by a methodology adopted by the EWRC.

(12) (new - SG 56/15, in force from 24.07.2015) The quantities of electrical power exceeding those under Para 5, item 1 can be used by the producers for supply of their branches, enterprises and sites or to be sold at freely negotiated prices under the Chapter Nine, Section VII of the Energy Sector Act and/or on the balancing market.

(13) (new - SG 56/15, in force from 24.07.2015) As for the quantities of electrical power under Para 5, the trading schedules (TPS) of balancing groups with members of producers of electricity from renewable sources, can be changed only by the order of Art. 73 of the Energy Sector Act.

(14) (new - SG 38/18, in force from 01.07.2018) In the case of reconstruction and modernization of an energy site which require commissioning within the meaning of the Spatial Development Act the terms of the purchase under the contracts under para. 2 and the defined specific net electricity production of electricity shall be kept.

Art. 32. (1) (amend. – SG 54/12, in force from 17.07.2012; amend. - SG 17/15, in force from 06.03.2015) The EWRC shall determine preferential prices for buying electric energy, produced from renewable sources, with the exception of the energy, produced from waterpower stations with installed power above 10 MW:

1. annually by June 30;
2. where, it has been found a significant change in the price forming elements under Para. 2 as a result from an analysis carried out.

(2) The preferential prices under Para. 1 shall be determined as provided by the relevant ordinance under Art. 36, Para. 3 of the Energy Sector Act, where the type of the renewable source, the types of the technologies, the installed power of the site, the place and way of mounting of the equipment shall be considered, as well as:

1. the investment costs;
2. the norm of regained;
3. the structure of the capital of the investment;
4. the productivity of the installation according to the type technology and the used resources;
5. the costs, related to a higher level of environment protection;
6. the costs for raw materials for production of energy;
7. the costs for fuels for transport;
8. the costs for labour and work salaries;
9. other exploitation costs.

(3) The preferential price of the electric energy from renewable sources shall be determined for the whole term of the contract for buying under Art. 31, Para. 2, where after expiry of this term, preferences for buying shall not be provided.

(4) (amend. - SG 17/15, in force from 06.03.2015) The EWRC every year by 30 June shall update the preferential price of the electric energy, produced from biomass with a coefficient, reflecting the alteration of the value of the price-forming elements under Para. 2, p. 6, 7 and 8.

(5) The coefficient, reflecting the alteration of the value of the price-forming elements under Para. 2, p. 6 7 and 8 shall be determined as a product from:

1. the alteration of the costs for raw materials for production of electric energy from biomass, of the costs for fuels for transport, needed for supply of the raw material for production of electric energy and of the costs for labour and work salaries, needed for obtaining and processing the raw materials for production of electric energy and production of electric energy from renewable sources, expressed in percentage, and
2. the share of the relevant price-forming element of the total costs, expressed in percentage.

(6) (amend. - SG 17/15, in force from 06.03.2015, amend. – SG 58/17, in force from 18.07.2017) The percentage of alteration of the costs for the raw materials for production of electric energy from biomass shall be determined by EWRC, taking into consideration the determined and published by the Minister of Agriculture, Foods and Forestry indexes for alteration of prices of these raw materials.

(7) The percentage of alteration of the costs for fuels for transport shall be determined on the basis of the average market price of the relevant price-forming element for the previous reported year.

(8) The percentage of alteration of the costs for labour and work salaries shall be determined on the basis of the data of the National Statistical Institute for the alteration of the average labour salary for the previous calendar year.

Section IV. Guaranties for Origin of the Energy From Renewable Sources

Art. 33. The activities for issuing, transfer and repeal of the guaranties for origin of the energy from renewable sources shall be done by ASED.

Art. 34. (1) (suppl. - SG 38/18, in force from 01.07.2018) Guaranty for origin shall be issued to a producer for produced standard quantity energy of 1MWh, shall be valid for the term of 12 months from the production of the relevant unit energy and shall contain at least the following information:

1. the renewable source, used for production of the energy;
2. the initial and final data of production of the energy from renewable sources;
3. type of the production energy;
4. name, location, type and total installed power for the energy site, where the energy has been produced;
5. used supporting schemes;
6. date of introducing the energy site in exploitation;
7. data and place of issuing;
8. unique identification number.

(2) For each unit produced energy may be issued only one guaranty of origin.

(3) Issuing, transfer and repeal of the guaranty for origin shall be done in an electronic way.

(4) (suppl. - SG 38/18, in force from 01.07.2018) Guaranty for origin shall be repealed after it has been used or with the expiry of the time limit for which it was issued. The guarantee of origin is used when it is transferred to an end-user or when the share of energy from renewable sources in the supplier's total energy composition is proven.

(5) (amend. - SG 35/15, in force from 15.05.2015) The guaranties for origin shall be issued after paying a fee, determined by the tariff under Art. 75, Para. 1 of the Energy Effectiveness Act.

(6) (amend. - SG 38/18, in force from 01.07.2018) The guaranties for origin shall be used only to prove to a end-customer that a certain share of the energy in the supplier's total energy composition or

quantity of electricity is produced from renewable sources. The quantity energy from renewable sources, corresponding to guaranties for origin, transferred to third party by the provider of electric energy, shall be taken out of the share of the energy from renewable sources in his energy composition.

(7) (new - SG 38/18, in force from 01.07.2018) The guarantee of origin can be transferred regardless of the electric energy for which it was issued, but only once to the end-customer.

(8) (new – SG 29/12, in force from 10.04.2012, prev. para. 7, amend. and suppl. - SG 38/18, in force from 01.07.2018) For the purchased energy under Art. 31, Para 5, item 1 the producers shall apply for the issue of guaranties of origin and shall transfer them to the public supplier, respectively the end-supplier.

Art. 35. (1) The ASED shall recognize the guaranties for origin, issued by the competent authorities in the other EU Member States.

(2) The ASED may refuse to recognize the guaranties for origin, issued by the competent authorities in the other EU Member States, where some of the requirements of Art. 34, Para. 1 has not been fulfilled.

(3) The guaranties for origin, issued by the other EU Member States shall be recognized in caste that after notification of the circumstances under Para. 2, the European Commission adopts a decision, requesting these guaranties to be recognized.

(4) (amend. - SG 59/13, in force from 05.07.2013; amend. - SG 14/15) The conditions and procedure for issuing, transfer and repeal of the guaranties for origin, as well as the conditions and procedure for recognizing the guaranties for origin shall be determined by an ordinance of the Minister of Energy.

Section V.

Fee for generation of electrical energy from wind and solar energy (new – SG 109/2013, in force from 01.01.2014)

Art. 35a. (new - SG 109/13, in force from 01.01.2014) (1) (announced to be anti-constitutional by a Decision of the Constitutional Court No. 13 of 2014 – SG 65/14) **A fee shall be payable for the generation of electrical energy from wind and solar energy.**

(2) (announced to be anti-constitutional by a Decision of the Constitutional Court No. 13 of 2014 – SG 65/14) **The amount of the fee under par. 1 shall be calculated by the following formula: $FGEE = PP \times QPEE \times 20 \%$, Where: FGEE is a fee for generation of electrical energy; PP is the preferential price under Art. 31, par. 1, value added tax exclusive; QPEE is the quantity of electrical energy purchased by the public provided and by the end suppliers under Art. 31, par. 5.**

(3) (announced to be anti-constitutional by a Decision of the Constitutional Court No. 13 of 2014 – SG 65/14) **Producers of electrical energy from wind and solar energy shall be liable to pay the fee referred to in par. 1.**

Art. 35b. (new – SG 109/13, in force from 01.01.2014) (1) (announced to be anti-constitutional by a Decision of the Constitutional Court No. 13 of 2014 – SG 65/14) **The fee under Art. 35a shall be deducted and paid by the public supplier, respectively by the end supplier.**

(2) (announced to be anti-constitutional by a Decision of the Constitutional Court No. 13 of 2014 – SG 65/14) **The persons obliged to deduct and pay the fee under this Section, shall submit a quarterly statement in a standard form approved by the SCEWR about the due fee for the respective period.**

(3) (announced to be anti-constitutional by a Decision of the Constitutional Court No. 13 of 2014 – SG 65/14) **The statement under par. 2 shall be submitted to the SCEWR by the 15th day of the month following the referenced quarter.**

(4) (announced to be anti-constitutional by a Decision of the Constitutional Court No. 13 of 2014 – SG 65/14) **The due fee shall be deposited to the state budget within the term for submission of the statement referred to in par. 3.**

Art. 35c. (new – SG 109/13, in force from 01.01.2014) (1) (announced to be anti-constitutional by a Decision of the Constitutional Court No. 13 of 2014 – SG 65/14) **On the fee under Art. 35a which is not paid within the set time interest shall be calculated and become payable equal to the fixed interest according to the Act of interest on taxes, fees and other state takings.**

(2) (announced to be anti-constitutional by a Decision of the Constitutional Court No. 13 of 2014 – SG 65/14) **The fee under Art. 35a shall not be subject to refund.**

(3) (announced to be anti-constitutional by a Decision of the Constitutional Court No. 13 of 2014 – SG 65/14) **The overdue fee under Art. 35a shall be subject to enforced collection by a public bailiff subject to compliance with the provisions of the Code of Tax Insurance Procedure. The act of settlement of the takings shall be issued by the Chair of the SCEWR.**

Chapter five.

PRODUCTION AND CONSUMPTION OF BIOFUELS AND ENERGY FROM RENEWABLE SOURCES IN TRANSPORT AND OF LIQUID FUELS AND BIOMASS

Section I.

General Provisions

Art. 36. (1) Production and consumption of biofuels and energy from renewable sources in transport shall be promoted by:

1. accessibility of the transport fuels;
2. providing effective operation of the motors while observing the technical and quality norms for production of biofuels;
3. offering mixtures of biofuels as compound part of the liquid fuels of petrol origin for internal-combustion engines;
4. sustainable development of the agriculture and forestry;
5. development and introducing new technologies for using wastes, residues, non-food cellulose and lingo-cellulose materials for production of biofuels;
6. development and introduction of electric cars in the public and personal transport;
7. building up stations for charging the electric cars while building new or reconstruction of existing car parks in urban territories;
8. building up infrastructure for charging electric cars outside the urban territories;
9. financial support for consumption of biofuels.

(2) Production and consumption of liquid fuels from biomass shall be promoted through:

1. sustainable development of agriculture and forestry;
2. financial support for the consumption of liquid fuels from biomass;
3. the promotions under Art. 17 and Art. 18, Para. 1 – 3.

(3) Financial support for production and consumption of biofuels and energy from renewable sources in transport and of liquid fuels from biomass shall be provided only where they meet the criteria for sustainability.

(4) In case of providing financial support for production of biofuels, priority shall be given to the production of biofuels from wastes, residues, non-food cellulose materials and lingo-cellulose materials.

Art. 37. (1) The biofuels and liquid fuels from biomass shall be reported for the purposes of Art. 12, Para. 1 and 4 only under the conditions, that the raw materials (plants, wastes and residues from the forestry, agriculture and fisheries and aquacultures) used for production of biofuels and of liquid fuels from biomass meet the following criteria for sustainability:

1. have not been grown on ground with big importance for the biodiversity;
 2. have not been grown on grounds of high carbon stocks, unless where the raw material has been obtained on a ground, which during the obtaining and in January 2008 has had the status of a ground of high carbon stocks;
 3. have not been obtained from raw material, grown on land, which has been peat ground during January 2008, unless proof has been given, that the cultivation and obtaining of the raw material does not impose draining of the preliminary undrained soil;
 4. lead as result in consumption of the produced by them biofuels and liquid fuels from biomass to the following decreasing of emissions of greenhouse gasses:
 - a) at least 35% - by 31 December 2016;
 - b) at least 50% - from 1 January 2017;
 - c) at least 60% for biofuels and liquid fuels from biomass, produced in installations, in which the production will have started from 1 January 2017 – from 1 January 2018.
- (2) To the biofuels and liquid fuels from biomass, produced by installations, which have been in exploitation on January 2008, Para.1, p. 4, letter "a" shall apply from 1 April 2013.
- (3) Decreasing of emission of greenhouse gasses from 31 December 2012, till 31 December 2017 is at least 45% for biofuels, produced in installations for biofuels by 31 December 2013
- (4) Biofuels and liquid fuels from biomass, produced from wastes and residues, different from those under Para. 1 shall be considered for the purposes of Art. 12, Para. 1 and 4 only under the condition that the wastes and residues meet the criteria for sustainability, determined by Para. 1, p. 4, as well as that the fuels meet the conditions of Para. 2 and 3.

Art. 38. The agricultural raw materials, grown in EU Member States and used for production of biofuels and liquid fuels from biomass, which shall be accounted for the purposes of Art. 12, Para. 1 and 4 should be obtained in compliance with the requirements and standards, indicated under the title "Environment" in Part A and p. 9 of Annex II to Regulation N 73/20090 of the Council of 19 January 2009, establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) No 1290/2005, (EC) No 247/2006, (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003 (OJ L 30/16 of 31 January 2009) and in compliance with the minimal requirements for good agricultural and environmental condition, according to Art. 6, Para. 1 of the same Regulation.

Art. 39. (1) The criteria for sustainability shall be fulfilled where the European Commission takes decision about this in the cases where:

1. the European Union has signed bilateral and multilateral agreements with third states, containing provisions on decreasing the greenhouse emissions and the other criteria for sustainability;
2. voluntary national or international schemes for establishing standards for production of products from biomass contain exact data on decreasing the emissions of greenhouse gases and/or prove that the lots of biofuels meet the other sustainability criteria.

(2) The Minister of Environment and Waters, in case of need for accounting the purposes of Art. 12, Para.1 shall send a request to the European Commission for studying the sustainability criteria in relation to the source of the biofuel or the liquid fuel from biomass.

(3) The requests for issuing a decision under Para. 1 and 2 shall be made by the Minister of Environment and Waters.

Art. 40. (1) Biofuels and liquid fuels from biomass shall be accounted for the purposes of Art. 12, Para 1 and 4, where in relation of the persons, who produce, import and/or introduce raw materials for production of biofuels and liquid fuels from biomass (including farmers, organizations of producers and

cooperations) and of the persons, who place on the market biofuels, pure or in mixtures and/or liquid fuels from biomass for end use, called hereinafter "economic operators":

1. have been observed the sustainability criteria;
2. a system for mass balance is used;
3. the auditing of the information under p. 1 and 2 is secured;
4. evidences have been produced for the conducted audit.

(2) Para. 1 and the obligation for giving information about the measures, undertaken for protection of the soils, lands, waters, air etc. shall be applied in the cases under Art. 39, Para. 1, as far as nothing else has been provided in the agreement with a third state or in the voluntary national or international schemes for establishing standards for production of products from biomass.

Art. 41. The economic operators may participate in supporting schemes only where the conditions under Art. 40 have been met.

Art. 42. The used system for mass balance shall:

1. allow the mixture of lots of raw materials or biofuels with different characteristics for sustainability;
2. request to the mixture to remain attached information about the characteristics for sustainability and the volumes of the lots under p. 1;
3. provide the sum of all the lots, which have left the mixture to have the same characteristics for sustainability, which have the sum of all the lots, added to the mixture.

Art. 43. The information, provided under Art. 40 by the economic operators shall be subject to audit and certification.

Art. 44. (1) the Council of Ministers shall determine the conditions and procedure by an ordinance on:

1. collecting and providing information from the economic operators, including the measures, taken for protection of the soils, lands, waters, air, etc.;
2. performing audit for compliance of biofuels and liquid fuels from biomass with the sustainability criteria;
3. issuing and withdrawal of certificates for compliance of the raw materials, biofuels and liquid fuels from biomass with the sustainability criteria, as well as the contents of the certificates.

(2) The ordinance under par. 1 shall be adopted upon proposal by the Minister of Environment and Waters.

(3) (amend. - SG 59/13, in force from 05.07.2013; amend. - SG 14/15, amend. – SG 58/17, in force from 18.07.2017) The Minister of Environment and Waters in coordination with the Minister of Energy and with the Minister of Agriculture, Foods and Forestry shall approve the methods for calculation of the decreasing of greenhouse emissions of the whole life cycle of the biofuel and of the liquid fuels from biomass.

Section II.

Consumption of Biofuels and Energy from Renewable Sources in Transport and of Liquid Fuels from Biomass

Art. 45. (1) Biofuels and their derivatives in transport shall be used pure or in mixtures, as a compound part of the liquid fuels from petrol origin.

(2) Apart from the cases under Para. 1, any other type of energy from renewable sources may be used.

Art. 46. The liquid fuels and biomass are used for production of electric energy, thermal energy and cooling energy in case that they meet the sustainability criteria.

Art. 47. (1) Persons, who place on the market liquid fuels from petrol origin in transport shall be obliged at liberation for consumption in the meaning of the Excises and Tax Warehouses Act to offer the fuels for diesel and petrol engines mixed with biofuels in percentage relation, as follows:

1. from 1 January 2012 – fuel for diesel engines with contents of biodiesel minimum 5 % volume;
2. from 1 June 2012 – fuel for diesel engines with contents of biodiesel minimum 6 % volume;
3. from 1 June 2012 – fuel for petrol engines with contents of bio-ethanol or ethers, produced from bio-ethanol, minimum 2% volume;
4. from 1 March 2013 - fuel for petrol engines with contents of bio-ethanol or ethers, produced from bio-ethanol, minimum 3% volume;
5. from 1 September 2013 – fuel for petrol engines with contents of bio-ethanol or ethers, produced from bio-ethanol, minimum 4% volume;
6. from 1 March 2014 - fuel for petrol engines with contents of bio-ethanol or ethers, produced from bio-ethanol, minimum 5% volume;
7. from 1 September 2014 – fuel for petrol engines with contents of bio-ethanol or ethers, produced from bio-ethanol, minimum 6% volume;
8. from 1 March 2015 – fuel for petrol engines with contents of bio-ethanol or ethers, produced from bio-ethanol, minimum 7% volume;
9. (amend. - SG 35/15, in force from 15.05.2015) from 1 September 2018 – fuel for petrol engine with contents of bio-ethanol or ethers, produced from bio-ethanol, minimum 8% volume;
10. (amend. - SG 35/15, in force from 15.05.2015) from 1 March 2019 - fuel for petrol engine with contents of bio-ethanol or ethers, produced from bio-ethanol, minimum 9% volume.

(2) Within the term of 2 months after expiry of the time limits under Para. 1 the end distributors shall be obliged to place on the market fuels for diesel and oil engines in compliance with the requirements of Para. 1.

(3) The end distributors shall be obliged to publish at the places of sale the % contents of biofuels in the liquid fuels of petrol origin, where it exceeds 10% volume bio-ethanol and 7 % volume biodiesel.

Section III.

Requirements for Quality, Control and Placing on the Market Biofuels and their Mixtures of Liquid Fuels of Biomass

Art. 48. (1) The persons, who place on the market biofuels and their mixtures with liquid fuels from petrol origin in transport shall draw up for every lot a compliance declaration with the requirements for quality according to Art. 18a, Para. 2 of the Ambient Air Quality Act.

(2) The distributors shall be obliged to provide for every following placement on the market a copy of the compliance declaration for the placed on the market lot biofuels and their mixtures with liquid fuels of petrol origin, where they shall indicate the quantity liquid fuels, the person, to which it is given and the number of the document for expedition and shall enter the number and date of the compliance declaration of the lot of liquid fuels in all other accompanying documents.

(3) The end distributors shall be obliged to produce to the officials a certified copy of the compliance declaration, which shall contain the information under Para. 2, as well as a copy of the document for expedition of the inspected fuel.

Art. 49. Mixing biofuels with liquid fuels of petrol origin shall be done only in tax warehouses, licensed as provided by the Excises and Tax Warehouses Act.

Art. 50. (1) (amend. – SG 15/13, in force from 15.02.2013) The state agency "State Reserve and Military Stocks" shall buy and sell petrol products, intended for creating, storing and renewal of state reserves, wartime stocks, emergency situation stocks and dedicated stocks, which are not mixed with biofuels.

(2) (amend. – SG 15/13, in force from 15.02.2013) The external depositories under the Act on State Reserves and Wartime Stocks shall create, store, protect and renew of state reserves and/or wartime stocks of petrol products, which are not mixed with biofuels.

(3) (new – SG 15/13, in force from 15.02.2013) The obliged persons and the depositories with registered warehouses under Art. 38 of the Stocks of Crude Oil and Petroleum Products Act shall create and store stocks for emergency situations, which are not mixed with biofuels. The depositories shall store dedicated stocks of crude oil and petroleum products on the territory of the country, which are not mixed with biofuels.

(4) (prev. text of Para 03, suppl. – SG 15/13, in force from 15.02.2013) The persons, who buy fuels for petrol and diesel engines from the state agency "State reserve and wartime stocks" and from the persons under Para 2 and 3 shall be obliged to mix them with bio-ethanol or ethers, produced from bio-ethanol and bio-diesel in percentage relation and in terms, determined by Art. 47, Para 1 and 2 and 3.

(5) (prev. text of Para 04 – SG 15/13, in force from 15.02.2013) The persons, who place on the market liquid fuels from petrol origin for the needs of aviation, navigation, rail-road transport, in liberation for consumption in the meaning of the Excises and Tax Warehouses Act shall offer fuels, not mixed with biofuels.

Art. 51. (1) The control over the quality of biofuels and their mixtures with liquid fuels of petrol origin, as well as of liquid fuels from biomass shall be performed by the chairman of the State Agency on Metrological and Technical Observation (SAMTO) or by officials, authorized by him under This Act.

(2) The technical and quality requirements to the biofuels and their mixtures with liquid fuels from petrol origin and to the liquid fuels from biomass, as well as the conditions and procedure and way of their control shall be determined by the ordinance under Art. 8, Para. 1 of the Ambient Air Quality Act.

Chapter six.

SUBMITTING INFORMATION AND REPORTING

Art. 52. (1) In view to providing access and disposal of the information, collected under the conditions and procedure of this Act, in ASED shall be created, maintained and update the national information system for the potential, production and consumption of energy from renewable sources in the Republic of Bulgaria.

(2) For providing access through the system under Para. 1, the following shall be provided:

1. information about the national targets for production and consumption of energy from renewable sources in total by sectors;
2. the report on the implementation of NAPERS;
3. (amend. – SG 29/12, in force from 10.04.2012) qualification schemes for training for obtaining professional qualification of the activities under Art. 21, Para 1;
4. (amend. – SG 29/12, in force from 10.04.2012) a list for obtaining a professional qualification for the activities under Art. 21, Para 1;
5. a list of the persons, who perform audit for the compliance of biofuels and liquid fuels from biomass with the sustainability criteria;
6. information about incentive measures for production and consumption of electric energy, thermal energy and cooling energy from renewable sources and gas from renewable sources;
7. information about incentive measures for the production and consumption of biofuels and energy from renewable sources in transport;

8. information about seminars, conferences and other events, related to production and consumption of electric energy, thermal energy and cooling energy from renewable sources and gas from renewable sources, as well as to production and consumption of biofuels and energy from renewable sources in transport;

9. information about the pure benefit, costs for energy and energy effectiveness of the equipment and the systems for production and consumption of electric energy, thermal energy and cooling energy from renewable sources, provided by the providers of equipment and systems;

10. information about training and information campaigns about the promotion measures, benefits and practical peculiarities of the development and use of electric energy, thermal energy and cooling energy from renewable sources and gas from renewable sources, biofuels and energy from renewable sources in transport;

11. information about the procedure of examining the applications for using permits, certificates and licenses for energy sites for production of energy from renewable sources;

12. other information.

(3) for providing disposal through the system under Para. 1 , information shall be provided about:

1. production of energy from renewable sources, gas from renewable sources, biofuels and energy from renewable sources in transport;

2. the consumption of energy, produced from renewable sources, biofuels and energy from renewable sources in transport;

3. the projects, funded by fund "Energy effectiveness and renewable sources".

Art. 53. The information under Art. 52, Para. 2 and 3 shall be provided by:

1. the producers, operators of networks, the public provider and end providers of electric energy;

2. producers and the thermal-transferable enterprises for thermal energy and cooling energy, the producers of gas from renewable sources;

3. the economic operators under Art. 40, Para. 1;

4. distributors and end distributors of biofuels and their mixtures with liquid fuels from petrol origin in transport;

5. persons, who perform audit for compliance of the biofuels and the liquid fuels from biomass with the sustainability criteria;

6. the executive director of fund "Energy effectiveness and renewable sources";

7. providers of equipment and systems for production and consumption of electric energy, thermal energy, and cooling energy from renewable sources;

8. service providers of mounting and maintenance of installations for production of electric energy, thermal energy, and cooling energy from renewable sources;

9. the bodies of the state and local authorities;

10. owners of buildings for public service;

11. owners of individual systems for production of electric energy, thermal energy, and cooling energy;

Art. 54. (amend. - SG 59/13, in force from 05.07.2013; amend. - SG 14/15) The contents, structure, conditions and procedure for collecting and providing information under Art. 52, Para. 2 and 3, as well as about the updating and maintaining the National information system under Art. 52, Para. 1 shall be determined by an ordinance of the Minister of Energy.

Chapter seven.

CONTROL, COMPULSORY ADMINISTRATIVE MEASURES AND ADMINISTRATIVE PENAL PROVISIONS

Art. 55. In case of found violations of Art. 47 and 48, the chairperson of SAMTO or officials, authorized by him, shall have the right to apply the following compulsory administrative measures:

1. to stop temporarily the placement on the market and providing for the market liquid fuels and to stamp the sites, where no compliance declaration has been produced or the produced declaration does not contain the information under Art. 48, Para. 2;

2. to prohibit placement on the market and providing for the market liquid fuels and to stamp the sites, where as a result of the testing in a stationary laboratory and a drawn up a written protocol, an incompliance has been found with the requirements of Art. 47, Para. 1 and 2;

3. to order withdrawal of liquid fuels from the market, where the test results of the control sample , with which an incompliance with the requirements of Art. 47, Para. 1 and 2 has been found, they have not been disputed within a 7-day term after their receiving or in cases of dispute, they have been confirmed by the tests of the arbitrage sample and the drawn up expertise.

Art. 56. (1) The compulsory administrative measures under Art. 55 shall be applied by a motivated order, which shall contain obligatory prescriptions and by placing the establishing signs of the control bodies under Art. 55. The kind of signs shall be determined by an order of the chairperson of the SAMTO.

(2) The order under Para. 1 shall be announced to the interested persons as provided by the Administrative – procedure Code.

(3) The order under Para. 1 may be appealed under the Administrative – procedure Code, where the submitted claim shall not stop the implementation of the applied compulsory administrative measure.

(4) The damages, losses and omitted benefits from the applied compulsory administrative measures shall be on the account of the owners of the inspected liquid fuels, unless in the cases of their repeal by a judicial procedure.

(5) In the cases under Art. 55, Para. 1 and 2, the measures shall be repealed by the officials, who have imposed them, as well as after testing in a stationary laboratory and a written protocol has been drawn up or test of an arbitrage sample and a drawn up expertise a compliance with the requirements for contents of biofuels in percentage relation has been established, under Art. 47, Para. 1.

Art. 57. (1) (amend. - SG 17/15, in force from 06.03.2015) The EWRC shall apply compulsory administrative measures, if found that the controlled under this Act persons, their employees, persons, who fulfill management functions on a contract in them or sign deals on their account, have committed, or commit acts, by which:

1. violate provisions of this Act, of the legislative acts on its implementation and of Commission acts;
2. threaten the security of the energy system, the public interests or of the consumers of electric and thermal energy and natural gas or other energy undertakings;
3. violate the conditions for performing license activity;
4. impede conducting of control activity of the Commission.

(2) The compulsory administrative measures under Para. 1, the procedure on their imposing and appeal shall be provided by Chapter Thirteen of the Energy Sector Act.

Art. 58. (1) The executive director of ASED or an official authorized by him shall give obligatory prescriptions for removal of found violations of this Act and the legislative acts on its implementation and the determined time limit for their implementation.

(2) The persons, who have been given obligatory prescriptions, shall notify the persons under Para. 1 about their fulfillment within the determined time limit.

Art. 59. (1) Any Mayor of a Municipality, who:

1. fails to fulfill his obligation under Art. 10. Para. 1 to develop and introduce for adoption by the Municipal council a Municipal long-term or short-term programme for promotion of the use of energy from renewable sources and biofuels in compliance with the NAPERS:

2. fails to fulfill his obligation under Art. 10, Para. 3 or 4, shall be punished by a fine of BGN 2000 to 10 000.

(2) Any Regional Governor, who fails to submit the ASSED information under Art. 8, p. 3 on the programme implementation under Art. 9, shall be punished by a fine of BGN 2000 to 10 000.

Art. 60. (1) Any operator of transferable or distribution network of an energy enterprise, who:

1. (amend. - SG 17/15, in force from 06.03.2015) fails to fulfill some of his obligations under Art. 18, Para. 1, p. 1 and 3, Para. 4, p. 1 and 2;

2. fails to fulfill his obligations under Art. 22, Para. 1 or 2;

3. fails to fulfill some of his obligations under Art. 28, Para. 1 – 3;

Shall be imposed by a property sanction within the amount of BGN 20 000 to 30 000.

(2) (amend. - SG 38/18, in force from 08.05.2018) In repeated violation, the property sanction shall be in triple amount of the sanction under Para. 1.

Art. 60a. (new – SG 54/12, in force from 17.07.2012) (1) An energy enterprise that violates the provisions of Art. 26, para 3 or Art. 31, para 10, shall be punishable by a property sanction amounting from BGN 10 000 to 50 000.

(2) In case of repeated violation, the property sanction shall amount to BGN 150 000.

Art. 61. (1) Any energy enterprise, which refuses unlawfully:

1. joining to the relevant energy network;

2. signing a contract for buying electric energy;

3. access to the networks for transfer or distribution of electric energy and natural gas;

4. joining of sites for production of thermal energy from renewable sources to the thermal-transfer network;

5. buying produced by another producer thermal energy, shall be imposed by a property sanction in the amount of BGN 20 000 to 1 000 000.

(2) (amend. - SG 38/18, in force from 08.05.2018) In repeated violation, the property sanction shall be in triple amount of the sanction under Para. 1.

Art. 62. (1) Any energy enterprise, which spends the means under Art. 29, Para. 1 for covering costs, different from the indicated by Art. 29, Para. 4 shall be imposed by a property sanction in the amount of BGN 20 000 to 1 000 000.

(2) In repeated violation, the property sanction shall be in triple amount, determined according to the maximum amount of the sanction under Para. 1.

Art. 63. (1) Any public provider, or an end provider, who fails to fulfill his obligation under Art. 18, Para. 4, p. 5 or Art. 31 shall be imposed by a property sanction in the amount of BGN 70 000 to 200 000.

(2) (amend. - SG 38/18, in force from 08.05.2018) In repeated violation, the property sanction shall be in triple amount of the sanction under Para. 1.

Art. 64. (1) (amend. – SG 29/12, in force from 10.04.2012, amend. - SG 38/18, in force from 08.05.2018) To a producer of electric power from renewable resources failing to perform his duties under Art. 34, Para 8 shall be imposed a fine of BGN 300 to 3000 or by a property sanction in the amount of BGN

500 to 10 000.

(2) Any person, who provides information in the cases, provided by this Act and by its legislative acts, shall be imposed by a fine of BGN 1000 to 3000, or a property sanction in the amount of BGN 10 000 to 20 000.

Art. 65. (1) Any person, who issues a compliance certificate of the biofuels and the liquid fuels from biomass with the sustainability criteria in violation of the conditions and procedure for their issuance, provided by the ordinance under Art. 44, Para. 1, shall be imposed by a property sanction in the amount of BGN 20 000 to 50 000.

(2) With the exception of the cases under Para. 1, any person, who conducts an audit in violation of the requirements of the ordinance under Art. 44, Para. 1, shall be imposed by a property sanction in the amount of BGN 10 000 to 20 000.

(3) (amend. - SG 38/18, in force from 08.05.2018) In repeated violation under Para. 1 or 2, the property sanction shall be in triple amount of the sanction under Para. 1, or Para. 2.

Art. 66. (1) Whoever impedes or admits to be impeded the control activity of this, conducted by officials under this Act, and its legislative acts, if this is not a crime, shall be punished by the relevant competent administrative penal body by a fine of BGN 2000 to 5000 and a legal person or one-man trader shall be imposed by a property sanction in the amount of BGN 5000 to 10 000.

(2) (amend. - SG 38/18, in force from 08.05.2018) In repeated violation, the property sanction shall be in triple amount of the sanction under Para. 1.

Art. 67. (1) Any person who places on the market liquid fuels from petrol origin in violation of the provision of Art. 47, Para. 1, shall be imposed by a property sanction in the amount of BGN 200 000.

(2) Any end distributor, who places on the market liquid fuels from petrol origin in violation of the provision of Art. 47, Para. 2 shall be imposed by a fine or property sanction in the amount of BGN 50 000.

(3) (amend. – SG 15/13, in force from 15.02.2013) Any person, who places on the market liquid fuels from petrol origin in violation of the provision of Art. 50, Para 4 shall be imposed by a fine or property sanction in the amount of BGN 10 000.

(4) In repeated violation, under Para. 1, 2 or 3, the fine or the property sanction shall be in triple amount of the fine, respectively the sanction under Para. 1, 2 or 3.

Art. 67a. (new – SG 29/12, in force from 10.04.2012; revoked – SG 33/14)

Art. 68. (1) Whoever violates the provision of this Act or of a legislative act on its implementation, if he/she is not subject to punishment under Art. 59-67, shall be punished by the relevant competent administrative penal body with a fine of BGN 1000 to 2000, and a legal person, or one-man trader shall be imposed by a property sanction in the amount of BGN 5000 to 10 000.

(2) (amend. - SG 38/18, in force from 08.05.2018) In repeated violation, the fine or property sanction shall be in triple amount of the fine or sanction under Para. 1.

Art. 69. (1) The acts, which establish the administrative violations shall be drawn up by officials:

1. determined by an order of the Minister of the Environment and Waters – for violations under Art. 65;
2. (amend. - SG 17/15, in force from 06.03.2015) determined by an order of the chairperson of EWRC – for violation under Art. 60 – 63, 66 and 68;
3. determined by an order of the executive directors of ASED - for violations under Art. 59, 64, 66 and 68;

4. (suppl. – SG 29/12, in force from 10.04.2012; amend. – SG 33/14) determined by an order of the chairperson of SAMTO – for violations under Art. 66, 67 and 68.

(2) The penal decrees shall be issued by:

1. the Minister of Environment and Waters or an official, authorized by him – in the cases under Para. 1, p. 1;

2. (amend. - SG 17/15, in force from 06.03.2015) the chairperson of EWRC or an official, authorized by his – in the cases under Para. 1, p. 2;

3. the executive director of ASED or an official, authorized by his – in the cases under Para. 1, p. 3;

4. the chairperson of SAMTO or an official, authorized by his – in the cases under Para. 1, p. 4;

Art. 70. The acts under Art. 69, Para. 1, p. 4 shall be drawn up while observing the requirements of Art. 43a, Para. 2 of the Ambient Air Quality Act.

Art. 71. (1) In case. Where the violator is known, but has not been found at the address, indicated at delivering the act for administrative violation, or has left the country or has given an address only abroad, the penal decree under Art. 69, Para. 2, p. 4 shall not be handed in. The decree shall be considered as enforced 2 months after its issuance.

(2) The penal decrees under Art. 69, Para. 2, p. 4 shall have obligatory indicated, that the imposed fine or property sanction, as well as the costs for taking and testing the samples of liquid fuels shall come into the budget account of SAMTO and shall serve as an invitation for a voluntary implementation after their enforcement.

Art. 72. The violations under Art. 49 shall be established by the customs authorities under the conditions and procedure of the Excises and Tax Warehouses Act and the acts of secondary legislation for its implementation.

Art. 73. (new – SG 109/13, in force from 01.01.2014) (1) (announced to be anti-constitutional by a Decision of the Constitutional Court No. 13 of 2014 – SG 65/14) **To a person obliged to deduct and deposit the fee under Art.35a, failing to submit the statement referred to in Art. 35b, par.2, failing to submit it within the set time, failing to provide or providing incorrect information or circumstances, resulting in determination of the due fee to a lower amount, a proprietary sanction shall be imposed in an amount from BGN5.000 to BGN10.000.**

(2) (announced to be anti-constitutional by a Decision of the Constitutional Court No. 13 of 2014 – SG 65/14) **In case of repeated violation under par. 1 the amount of the proprietary sanction shall be from BGN7.000 to BGN15.000.**

(3) (announced to be anti-constitutional by a Decision of the Constitutional Court No. 13 of 2014 – SG 65/14) **The acts of determination of violations shall be drawn up by officials, appointed by an order of the Chair of the SCEWR, and the punitive decrees shall be issued by the Chair of the SCEWR or by an official authorized by him/her.**

(4) (announced to be anti-constitutional by a Decision of the Constitutional Court No. 13 of 2014 – SG 65/14) **Determination of violations, issuance, appealing and enforcement of punitive decrees shall take place subject to compliance with the provisions of the Act of Administrative Violations and Penalties.**

Additional provisions

§ 1. In the meaning of this Act:

1. "biofuels" means liquid or gaseous fuel for transport produced from biomass, including:

a) "biodiesel: methyl ester, produced by vegetal or animal oils with the quality of diesel fuel, intended

to be used pure or mixture with fuels for diesel engines;

b) "bio-ethanol": ethanol, produced from biomass and/or from bio-wastes, intended to be used pure or in mixtures with fuels for petrol engines;

c) "ethers, produced from bioethanol": oxygen containing compounds (ethyl – three-butyl- ether or ETBE), produced on the basis of bio-ethanol, in which the exchange percentage of bio-ETBE, calculated as biofuel is 47, bio-di-methyl-ether: di-methyl-ether, produced from biomass, intended for use as biofuel, and bio-methyl-three-butyl-ether: fuel, produced on the basis of bio-methanol in which the exchange percentage bio-methyl-three-butyl-ether, calculated as biofuel is 36, intended for testing pure or mixtures with fuels for petrol engines.

2. "biomass" means the biodegradable fraction of products, waste and residues from biological origin from agriculture (including vegetal and animal substances), forestry and related industries including fisheries and aquaculture, as well as the biodegradable fraction of industrial and municipal waste;

3. "gross final consumption of energy" means the energy commodities delivered for energy purposes to industry, transport, households, services including public services, agriculture, forestry and fisheries, including the consumption of electricity and heat by the energy branch for electricity and heat production and including losses of electricity and heat in distribution and transmission;

4. "gas from renewable sources" is a gas fuel, produced from biomass and/or bio-fractions of wastes, which may be purified, until it reaches the quality of the natural gas, intended for energy targets, including for production of electric energy, thermal energy and cooling energy, as well as to be used as biofuel.

5. "guarantee for origin is an electronic document, which serves as an evidence before an end user (buyer for own use) that a certain share or quantity of the supplied energy has been produced by renewable sources.

6. "energy for own needs" is the quantity energy, used in work of the equipments and installations, by which the energy from renewable sources is produced.

7. "energy for own consumption" is the quantity energy, used for supplying sites, branches and undertakings of the owner of the equipment and installations for production of energy from renewable sources.

8. "energy from renewable sources" means energy from renewable non-fossil sources, namely wind, solar, aerothermal, geothermal, hydrothermal and ocean energy, hydropower, biomass, landfill gas, sewage treatment plant gas and biogases;

9. "energy from renewable sources in transport is the electric energy, produced from renewable sources, which is used in transport.

10. "obligation for the energy from renewable sources" means the national support scheme, requiring from the producers of energy to include a certain share of the energy from renewable sources in its production, requesting from the suppliers of energy to include in their supplies a certain share of energy from renewable sources or requesting from the consumer of energy to include a certain share of energy from renewable sources in his consumption, including schemes for using green certificates.

11. "combined combustion" is combustion of fuels from renewable sources and non-renewable source in which at least 20% of the used fuels for production of electric and/or thermal energy is from renewable sources.

12. "end- distributor" is a notion in the meaning of § 1, p. 20 of the Additional Provision of the Ambient Air Quality Act.

13. "Persons, who place on the market biofuels and liquid fuels from biomass" are:

a) producers – any person, who produces and provides for the market biofuels and liquid fuels from biomass as a part of his commercial or professional activity in view the products to be provided for the market on the territory of the country;

b) persons, who import biofuels and liquid fuels from biomass from another EU Member State – any person, who imports biofuels and liquid fuels from biomass on the territory of the Republic of Bulgaria as a part of his commercial or professional activity in view the products to be provided for the market on the

territory of the country;

c) importers – any legal person, who imports on the territory of the Republic of Bulgaria biofuels and liquid fuels from biomass from a third state in view the products to be provided for the market on the territory of the country.

14. "repeated" is an administrative violation, committed within one year term after the enforcement of the penal decree, by which the violator has been punished for a violation of the same type.

15. "provided for the market" is a notion in the meaning of Art. 2 Para. 1 of Regulation (EC) N 767/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ, L 218/30 of 13 August 2008).

16. "derivatives of biofuels" are liquid fuels, obtained from biofuels, ex. Ethyl-three-butyl- ether with a percentage of the biofuel, not smaller than 47%.

17. "production zone" is a combination of neighboring land properties with close characteristics and intended for planning and building predominantly with buildings and equipments for production and warehousing activities.

18. "placing on the market" is a notion in the meaning of § 1, p. 7 of the Additional Provision of the Ambient Air Quality Act.

19. "region of joining" is a part of a licensed territory of an operator of electronic network in the exploitation of the relevant network is done on a territory subdivision of the operator.

20. "buildings for public service" are all the buildings – state, Municipal or private ownership, which provide activities in the area of education, healthcare, social cares, cultural, administrative services, commercial services etc. of public interest.

20a. (new – SG 29/12, in force from 10.04.2012) "Systematic" means the commitment of three or more offences under this Act or the normative acts on its application within two calendar years;

21. "support scheme" means any instrument, scheme or mechanism applied by a Member State or a group of Member States, that promotes the use of energy from renewable sources by reducing the cost of that energy, increasing the price at which it can be sold, or increasing, by means of a renewable energy obligation or otherwise, the volume of such energy purchased. This includes, but is not restricted to, investment aid, tax exemptions or reductions, tax refunds, renewable energy obligation support schemes including those using green certificates, and direct price support schemes including feed-in tariffs and premium payments;

22. "raw materials for production of biofuels and liquid fuels from biomass" are vegetal kinds, wastes and residues from the forestry, agricultural and fisheries farms and aquacultures.

23. "terrains with high carbon stores" are territories. Which in January 2008 have had, but not any longer, one of the following status:

a) moors – soils, covered with water permanently or during a substantial part of the year;

b) permanently planted zones – terrains with the area of above 1 hectare with tall trees above 5 m and coverage of branches above 30% or with trees, which may reach these thresholds;

c) terrains with an area of above 1 hectare, with tall trees above 5 m and with coverage of crowns between 10 and 30 % or trees which may reach these thresholds, unless if under the provision of the ordinance under Art. 13, Para. 7 the conditions of Art. 37, Para. 1, p. 4 are proved;

24. "terrains of large significance for the bio-diversity" are terrains, which during or after January 2008 have had, notwithstanding whether they have some of the following status:

a) virgin forests or other lands, planted with local kinds, in which there is not substantial destruction of the ecological processes, determined by the regional plans for development of the forest territories under Art. 9, Para. 1, p. 2 of the Forestry Act;

b) territories, determined by a special Act in view protection of the biological diversity, as well as established territories of rare and endangered ecosystems and kinds, recognized by international agreements or by the European Commission, unless the production of raw materials of such zones contradicts the nature

protecting targets and this has been established by an act of a competent body;

c) pastures with high level of bio-diversity, which are rich of vegetal and animal kinds, are not eroded and notwithstanding the human impact in them they have reserved their natural composition of kinds and ecological characteristics and processes; they have been determined with established criteria and geographic scopes of the European Commission, unless when the obtaining of raw materials from the artificial pastures is needed for reserving the pasture.

25. "liquids fuels from biomass" means liquid fuels produced from biomass and intended for energy targets, including electricity and heating and cooling energy, other than those for transport.

26. Forms for offering biofuels on the market are:

a) "pure" – pure biofuels or pure fuels with high level of the biofuel in them with specific qualities for their use in transport;

b) "mixtures" – mixtures of biofuels with liquid fuels in compliance with the requirements for quality if the fuels from petrol origin, laid down in the technical specifications for automobile petrols (BSS EN 228) and fuel for diesel engines (BSS EN 590).

27. "substantial decreasing the quantities" transferred and/or distributed energy" is the restriction by the operator of the relevant electric network above 20% of the nominal value of the site for production of electric energy from renewable sources for more than 72 hours.

28. (new – SG 54/12, in force from 17.07.2012) "Significant change in a price forming element" shall be a change where a difference of more than 10 percent is found between the value of a price forming element by the date of the analysis and its value by the date of the decision with which the prices under Art. 32 are fixed.

29. (New - SG 56/15, in force from 24.07.2015) "Specific net electricity production" means the average annual electricity production of 1 kW of installed capacity according to the decision of the EWRC for determining preferential prices after deduction of expenses for own needs.

Transitional and concluding provisions

§ 2. This Act shall introduce the requirements of Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC (OJ, L 140/16 of 5 June 2009)

§ 3. The provision of the law, which refer the EU Member States shall be applied also to the states – parties if the European Economic Area Agreement.

This Act was adopted by the 41st National Assembly on 21 April 2011.

Transitional and concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE ENERGY SECTOR ACT FROM RENEWABLE RESOURCES

(PROM. – SG 29/12, IN FORCE FROM 10.04.2012)

§ 17. (1) For energy sites, with the exception of hydroelectric power plants with total installed capacity exceeding 10 MW, for which at the date of entry into force of this Act have been concluded preliminary agreements for accession and the conditions of § 6, Para 2 of the transitional and concluding provisions have been met or have been concluded contracts for accession and which at the date of entry into force of this Act have not been entered into operation, the price negotiated in the contracts for the purchase of

electric power from renewable sources as from the date of entry into force of this Act, shall be effective at the date of entry into operation of the energy site.

(2) In the cases under Para 1, where it is provided that parts of the energy site shall be entered into operation in stages and the entry into operation in stages for all specified stages is not complete on the date of entry into force of this Act, the price negotiated in the contracts for the purchase of the produced electric power shall be determined pursuant to Art. 31.

§ 18. (1) The transmission and distribution undertakings, following consultation with the transmission undertakings, within three months from entry into force of this Act, shall draw up the 10-year development plan of the transmission network and the development plans of the electricity distribution networks schedules for connecting of the sites of producers – parties to signed preliminary agreements for connecting of energy sites for production of electric power from renewable resources, except for the sites for production of electric power from biomass.

(2) The connecting schedules under Para 1 shall be drawn up in accordance with the expected development of the transmission/distribution network and the sequence of signed preliminary contracts for connection, and producers – parties to signed preliminary contracts for connection shall be notified of the possible time limits for connection of each site.

(3) Within one month of receiving notification under Para 2 the producers – parties to signed preliminary contracts for connection, shall state in writing their consent or disagreement regarding the time limit for connection, of which they have been notified.

(4) In cases of declared consent under Para 3 the time limit for connection shall be determined in an annex to the respective preliminary contract for connection and the term of the contract shall correspond to the said time limit.

(5) In cases of declared consent under Para 3, where a request is made for signing a contract for connection, the time limit for connecting shall be determined in this contract and the connection contract shall be for the indicated term.

(6) In case of stated disagreement under Para 3, as well as in the cases of lack of statement, the contracts are deemed terminated as from the date of expiry of the time limit, referred to in Para 3, and if a request for signing a connection contract was made, it shall be left without consideration.

(7) In cases under Para 4 and 5 the term of validity of the paid security under § 6, Para 2 of the Transitional and Concluding Provisions shall be extended in accordance with the contract term.

(8) In cases under Para 6 the paid advance or guarantee under § 6, Para 2 of the Transitional and Concluding Provisions shall be returned, respectively released within one month from the expiry of the term under Para 3.

(9) The sites of the producers – parties to signed preliminary contracts for connecting of energy sites for electric power production from biomass, shall be connected within the time limits according to the contract terms and the terms under Art. 29, Para 5 and 6.

(10) Within 6 months after approval of the 10-year network development the electricity system operator shall publish on its website the plan, and the agreed schedules for connection of various producers.

(11) Every 6 months the electricity system operator shall publish on its website updated information of the connected and connection candidates - producers of electricity from renewable sources, with indications of the power, the type of production, grid voltage and settlement.

§ 19. With regard to the connection contracts signed before the date of entry into force of this Act shall apply the terms under Art. 29, Para 6, in effect before the entry into force of this Act.

§ 20. The ordinance under Art. 21, Para 5 shall be issued within two months from the entry into force of this Act.

.....

§ 23. This Act shall enter into force on the day of its promulgation in the State Gazette with the exception of § 3, which shall enter into force on 1 April 2013.

**Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE ENERGY SECTOR ACT**

(PROM. - SG 54/12, IN FORCE FROM 17.07.2012)

§ 204. This Act shall enter into force on the day of its promulgation in the State Gazette with the exception of:

1. paragraph 23, § 121, § 189, item 2, § 198 and § 199, para 3, which shall enter into force on January 1, 2012;
2. Art. 81b, which shall enter into force on March 3, 2013;
3. Art.120, para 6, which shall enter into force on January 1 2014.

**Transitional and concluding provisions
TO THE CRUDE OIL AND PETROLEUM PRODUCTS ACT**

(PROM. - SG 15/13, IN FORCE FROM 15.02.2013)

§ 22. This Act shall enter into force from the date of its promulgation in the State Gazette.

**Transitional and concluding provisions
TO THE ENERGY SECTOR ACT**

(PROM. - SG 59/13, IN FORCE FROM 05.07.2013)

2. Everywhere in the Act the words "the Minister of Economy, Energy and Tourism", "Minister of Economy, Energy and Tourism" and "the Ministry of Economy, Energy and Tourism" shall be respectively replaced by "the Minister of Economy and Energy", "Minister of Economy and Energy" and "Ministry of Economy and Energy".

§ 21. The Act shall enter into force from the date of its promulgation in the State Gazette.

**Concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE YOUTH ACT**

(PROM. - SG 68/13, IN FORCE FROM 02.08.2013)

§ 55. The Act shall enter into force from the date of its promulgation in the State Gazette

**Concluding provisions
TO THE ACT OF THE STATE BUDGET OF THE REPUBLIC OF BULGARIA FOR 2014**

(PROM. - SG 109/13, IN FORCE FROM 01.01.2014)

§ 10. The Act shall enter into force on 1 January 2014, except for § 2, which shall enter into force

from the date of promulgation of the Act in the State Gazette

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE ACT ON PROHIBITION OF
CHEMICAL WEAPONS AND ON CONTROL OF TOXIC CHEMICAL AGENTS AND THEIR
PRECURSORS

(PROM. - SG 14/15)

§ 55. Everywhere in the ENERGY FROM RENEWABLE SOURCES ACT the words "the Ministry of Economy and Energy", "the Minister of Economy and Energy" and "Minister of Economy and Energy" shall be replaced respectively by "the Ministry of Energy", "the Minister of Energy" and "Minister of Energy".

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE ENERGY ACT

(PROM. - SG 17/15, in force from 06.03.2015)

§ 44. Any regulations issued by the State Commission on Energy and Water Regulation related to the implementation of the Energy Act, Energy from Renewable Sources Act and the Act on Regulation of Water Supply and Sewerage Services shall retain their effect.

§ 53. In the Energy from Renewable Sources Act shall be made the following amendments and supplements:

.....

8. In the rest of the texts the words "State Commission on Energy and Water Regulation" shall be replaced by "Energy and Water regulatory Commission" and the abbreviation "SCEWR" shall be replaced by "EWRC".

§ 54. The promotions under Art. 18, para 1, items 6, 7 and 8, as well as Art. 31 and 32 of the Energy from Renewable Sources Act shall not apply to energy facilities for production of electricity from renewable sources, which are placed in service after the entry into force of this Act, with the exception of sites under Art. 24, items 1 and 3.

§ 57. The Act shall enter into force from the date of its promulgation in the State Gazette, except for § 13, which shall enter into force from January 1, 2016.

Transitional and concluding provisions
TO THE ENERGY EFFICIENCY ACT

(PROM. - SG 35/15, IN FORCE FROM 15.05.2015)

§ 32. The Act shall enter into force from the date of its promulgation in the State Gazette

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE ENERGY SECTOR ACT

(PROM. - SG 56/15, IN FORCE FROM 24.07.2015, AMEND. – SG 100/15)

§ 17. By July 31, 2015 in accordance with the Energy from Renewable Sources Act, the Energy

and Water Regulatory Commission shall adopt a decision with which establishes a specific net electricity production based on which are set the preferential prices in the respective decisions of the Commission, adopted before the entry into force of this Act. In this case Art. 14 shall not apply.

§ 18. By July 31, 2015 in accordance with the Energy from Renewable Sources Act, the Energy and Water Regulatory Commission shall adopt a decision with which establishes a specific net electricity production based on which are set the preferential prices in the respective decisions of the Commission, adopted before the entry into force of this Act. In this case Art. 14 shall not apply.

§ 19. (1) The provision of Art. 18, para 7 of the Energy from Renewable Sources Act shall not apply as regards to energy facilities intended for the production of electricity from renewable sources, which were put into operation before the entry into force of this Act.

(2) As regards to energy facilities referred to in Art. 24, item 3, letter "a" of the Energy from Renewable Sources Act which are entered for accession until the entry into force of this Act and are not put into operation, the circumstances under Art. 18, para 7 of the said Act shall be evidenced by an application to the operator of the transferable electric network. The application shall be submitted within one month from the entry into force of amendments to the ordinance under Art. 116, para 7.

(3) The ordinance under Art. 116, para 7 shall be brought in compliance with the Energy from Renewable Sources Act within one month from entry into force of the said Act.

§ 20. (amend. – SG 100/15) The promotions under Art. 18, para 1, items 6, 7 and 8, as well as Art. 31 and 32 from the Energy from Renewable Sources Act shall not apply to energy facilities for production of electricity from renewable sources under Art. 24, item 3, which are put into operation after January 1, 2016.

Concluding provisions

TO THE ACT AMENDING THE ACT ON BULGARIAN FOOD SAFETY AGENCY

(PROM. - SG 58/17, IN FORCE FROM 18.07.2017)

§ 25. Everywhere in the text of Energy from Renewable Sources Act words "Minister of Agriculture and Food" and "Ministry of Agriculture and Food" shall be replaced with words "Minister of Agriculture, Food and Forestry" and "Ministry of Agriculture, Food and Forestry".

.....

§ 76. This Act shall enter into force on the day of its promulgation in the State Gazette.

Transitional and concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE ENERGY SECTOR ACT

(PROM. - SG 38/18, IN FORCE FROM 08.05.2018)

§ 68. (1) By 31 October 2018, producers of electricity from renewable energy sources with a total installed capacity of 4 MW and more than 4 MW of the energy facilities conclude with the Fund "Security of electricity system" contract for compensation with a premium for the quantities of electricity produced by them up to the amount of their defined specific net electricity production on the basis of which the preferential price was determined. The compensation contracts with premium shall enter into force no later than 1 January 2019.

(2) The premium shall be determined annually by the Energy and Water Regulatory Commission by 30 June, as a difference between the preferential price determined before the entry into force of this Act,

respectively the updated preferential price of the site, and the estimated for that period market price for electric energy produced from renewable sources depending on the primary energy source.

(3) Fund "Security of electricity system" shall promptly inform the public provider of the date from which the contract of compensation with a premium was concluded with the respective producer.

(4) The premium is granted up to the expiration of the relevant long-term purchase contract or a contract under § 7 of the Transitional and Concluding Provisions of the Energy from Renewable Sources Act, concluded before the entry into force of this Act.

(5) Upon reconstruction and modernization of an energy site which requires commissioning within the meaning of the Spatial Development Act, the granting of a premium shall be maintained, applying para. 2 and 3.

(6) For the produced electricity, the producers under para. 1 require the issuance of guarantees of origin and transfer them to the Fund "Security of electricity system".

(7) Fund "Security of electricity system" after payment of a premium transfers to the persons under Art. 36g, para. 1, item 1 guarantees of origin for the respective month in proportion to the amount due by those persons for the same month funds from the price and/or the component of price under Art. 30, para. 1, item 17.

(8) From the date of entry into force of the contract under para. 1 the contract for purchase from the respective producer under para. 1 concluded before the entry into force of this Act it is considered terminated and the public supplier, respectively, the end suppliers do not buy at a preferential price the electricity produced by this producer.

(9) From July 1, 2018 until the entry into force of the contract under para. 1 the public supplier purchases electricity at preferential prices from the producers under para. 1, connected to the electrical grid.

(10) From July 1, 2018 until the entry into force of the contract under para. 1 the end-supplier purchases electricity at preferential prices from the producers under para. 1, connected to the electrical grid. The public supplier shall promptly notify the end-supplier of the date from which the compensation contract with premium enters into force concluded with the respective producer, according to the notification received from the Fund "Security of electricity system".

(11) The end suppliers sell to the public supplier the quantities of electricity under par. 10 at the price at which they bought it.

(12) The public provider sells on the stock market the electricity purchased by him under para. 9 and 11.

(13) For the electricity purchased by each manufacturer, the public provider receives compensation from the Fund "Security of electricity system" at the amount of the premium for that producer.

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§ 74. The Act shall enter into force on the day of its promulgation in the State Gazette, except for:

1. Paragraphs 11, 14, 15, 16, 19, 22, 23, 24, 25, 32, 33, 35, 36, 39, 40, 41, 42 and § 64 relating to items 1 to 4, which shall enter into force from 1 July 2018;

2. paragraphs 63 and 66, which shall enter into force from 30 April 2018;

3. paragraphs 5, 6, 9, 10 and 73, which shall enter into force from 1 January 2019.

Relevant European Union legislation

DIRECTIVE 2009/28/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 23 April 2009 to promote the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC (Consolidated version)

DIRECTIVE 2003/30/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of

8 May 2003 on the promotion of the use of biofuels and other renewable fuels for transport (revoked).

DIRECTIVE 2001/77/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 27 September 2001 on promoting the production and consumption of electricity from renewable energy sources in the internal electricity market (revoked).

REGULATION (EC) № 73/2009 OF THE COUNCIL of 19 January 2009 establishing common rules for direct support schemes under the Common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) № 1290/2005, (EC) № 247/2006, (EC) № 378/2007 and repealing Regulation (EC) № 1782/2003 (Consolidated) (repealed).

REGULATION (EC) № 1099/2008 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 22 October 2008 on energy sector statistics (Consolidated version)

REGULATION (EC) № 765/2008 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) № 339/93.

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