

ENERGY SECTOR ACT

*Prom. SG. 107/9 Dec 2003, amend. SG. 18/5 Mar 2004, amend. SG. 18/25 Feb 2005, amend. SG. 95/29 Nov 2005, amend. SG. 30/11 Apr 2006, amend. SG. 65/11 Aug 2006, amend. SG. 74/8 Sep 2006, amend. SG. 49/19 Jun 2007, amend. SG. 55/6 Jul 2007, amend. SG. 59/20 Jul 2007, amend. SG. 36/4 Apr 2008, amend. SG. 43/29 Apr 2008, amend. SG. 98/14 Nov 2008, amend. SG. 35/12 May 2009, amend. SG. 41/2 Jun 2009, amend. SG. 42/5 Jun 2009, amend. SG. 82/16 Oct 2009, amend. SG. 103/29 Dec 2009, amend. SG. 54/16 Jul 2010, amend. SG. 97/10 Dec 2010, amend. SG. 35/3 May 2011, amend. SG. 47/21 Jun 2011, amend. SG. 38/18 May 2012, amend. SG. 54/17 Jul 2012, amend. SG. 82/26 Oct 2012, amend. SG. 15/15 Feb 2013, amend. SG. 20/28 Feb 2013, suppl. SG. 23/8 Mar 2013, amend. SG. 59/5 Jul 2013, amend. SG. 66/26 Jul 2013, amend. SG. 98/28 Nov 2014, amend. SG. 14/20 Feb 2015, amend. and suppl. SG. 17/6 Mar 2015, amend. and suppl. SG. 35/15 May 2015, suppl. SG. 48/27 Jun 2015, amend. and suppl. SG. 56/24 Jul 2015, amend. and suppl. SG. 42/3 Jun 2016, amend. and suppl. SG. 47/21 Jun 2016, amend. and suppl. SG. 105/30 Dec 2016, suppl. SG. 51/27 Jun 2017, amend. SG. 58/18 Jul 2017, amend. and suppl. SG. 102/22 Dec 2017, amend. and suppl. SG. 103/28 Dec 2017, amend. SG. 7/19 Jan 2018, amend. and suppl. SG. 38/8 May 2018, amend. SG. 57/10 Jul 2018, amend. and suppl. SG. 64/3 Aug 2018, amend. and suppl. SG. 77/18 Sep 2018, **amend. and suppl. SG. 83/9 Oct 2018***

Chapter one. GENERAL

Art. 1. (suppl. – SG 74/06, in force from 08.09.2006; amend. – SG 49/07amend – SG, 54/2012, in force from 17. 07. 2012) This Act settles the public relations in connection with the implementation of the activities of production, import and export, transmission, distribution of electric and heat energy and natural gas, transmission of oil and oil products through pipelines, trade with electric and heat energy and natural gas, as well as the authority of the state bodies in determining the state policy, regulation and control.

Art. 2. (1) The main objectives of this Act are to establish preconditions for:

1. qualitative and reliable satisfying of the needs of the public of electric and heating power and natural gas;

2. energy development and energy reliability in the country in effective using of the energy and energy resources;

3. creation and development of a competitive and financially stable energy market;

4. energy supply with minimal expenses;

5. (revoked – SG 49/07)

6. encouraging the combined production of electric and heating power.

7. (new – SG 74/06, in force from 08.09.2006 amend. – SG 49/07amend – SG, 54/2012, in force from 17. 07. 2012) development of infrastructures for transmission and distribution natural gas, and for transmission of oil or oil products on the territory of the country and through it.

(2) (amend. and suppl. – SG 74/06, in force from 08.09.2006 amend and suppl. – SG, 54/2012, in force from 17. 07. 2012) The production, import, export, transmission, distribution and trade with electric and heating power, natural gas, oil and oil products shall be carried out by guaranteeing the life and health of the citizens, the property, the environment, the security of supplies, the interests of the consumers and the national interests.

Chapter two. ENERGY POLICY

Section I.

State management of the energy sector

Art. 3. (amend. – SG 103/09) (1) The state policy in the energy sector shall be performed by the

National Assembly and the Council of Ministers.

(2) (Amend. - SG 38/18, in force from 08.05.2018) The National Assembly shall adopt a Strategy for Sustainable Energy Development of the Republic of Bulgaria at a proposal by the Council of Ministers, which shall determine the basic objectives, stages, means and methods of development of the energy sector.

(3) (Amend. - SG 38/18, in force from 08.05.2018) The Council of Ministers shall govern the energy sector of the country in compliance with the Strategy adopted by the National Assembly.

Art. 4. (1) (amend. – SG 74/06, in force from 08.09.2006; amend. – SG 82/09, in force from 16.10.2009; amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015) The energy policy of the country shall be carried out by the Minister of Energy.

(2) (amend. – SG 74/06, in force from 08.09.2006; amend. – SG 82/09, in force from 16.10.2009; amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015) The Minister of Energy shall:

1. (amend. – SG 103/09, amend. - SG 38/18, in force from 08.05.2018) work out and present for approval by the Council of Ministers a Strategy for Sustainable Energy Development of the Republic of Bulgaria;

2. adopt short-term, medium-term and long-term general prognostic energy balances of the country in compliance with the adopted strategy;

3. (suppl. – SG 74/06, in force from 08.09.2006) present for approval by the Council of Ministers a list of the strategic sites of national importance in the energy sector, including the ones, extracting local solid fuel;

4. (suppl. – SG 74/06, in force from 08.09.2006; amend – SG, 54/2012, in force from 17. 07. 2012) determine by an order obligatory indices for the degree of reliability of the supply of electric power;

4a. (new – SG, 54/2012, in force from 17.07.2012) is the competent body on the issues for security of supplies of the natural gas in the meaning of Regulation (EU) No 994/2010 of the European Parliament and of the Council of 20 October 2010 concerning measures to safeguard security of gas supply and repealing Council Directive 2004/67/EC (OJ L 295/1 of 12 November 2010) called hereinafter Regulation (EC) N 994/2010;

5. (suppl. – SG 35/11, in force from 03.05.2011, amend. – SG, 54/2012, in force from 17. 07. 2012) determine the needed new powers for production of electronic energy and shall promulgate the list of the needed new powers in the State Gazette;

6. present for approval by the Council of Ministers a list of new separate territories for distribution of natural gas and for change of existing separate territories for distribution of natural gas for which licence has not been issued, and shall promulgate it in the State Gazette;

7. approve programmes and strategies for restructuring in the energy sector;

8. determine a total annual quota for obligatory purchase of electric power by producers using local primary energy sources (of fuel) up to 15 percent of the whole primary energy, necessary for the production of electric power, consumed in the country every calendar year, for reasons of reliability of the supply;

9. (revoked – SG 49/07)

10. (suppl. – SG 74/06, in force from 08.09.2006; revoked – SG 49/07)

11. (amend. – SG 74/06, in force from 08.09.2006; amend. – SG 82/09, in force from 16.10.2009; amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015; amend. - SG 35/15) (*) prepare and submit for approval to the Council of Ministers:

a) a comprehensive assessment of the potential to implement the highly efficient combined production of heat and electric energy and of efficient regional heating and cooling systems;

b) analysis of the costs and benefits as part of the comprehensive assessment referred to in Letter “a”, which shall include assessment of programmes under Art. 6, Para 1 and projects of establishing of economically most efficient and advantageous heating and cooling option; the analysis may be part of the environmental assessment of the programme and of the projects, if provided for;

c) analysis of the national potential as part of the comprehensive assessment referred to in Letter

“a” and assessment of the advantage gained by increasing the share of the highly efficient combined production in the gross consumption of electric energy;

d) measures for development of efficient heating and cooling infrastructure and/or for supporting the development of highly efficient combined energy production and use of heating and cooling energy, generated on the basis of waste heat and renewable energy resources in compliance with the assessment and analysis under Letters “a”, “b” and “c”.

12. make proposals for creation and storing of state reserves and war-time reserves in the energy sector;

13. approve norms for the reserves of fuel necessary for reliable power supply;

14. (amend. - SG 38/18, in force from 08.05.2018) be an administrator of state aids and minimum aid in the field of energy;

15. exercise control in the cases stipulated by this Act;

16. give permit for prospecting and exploring energy resources and organise the activity of granting concessions for obtaining energy resources and for construction of hydro-energy sites;

17. issue annually a bulletin for the state and development of the energy sector;

18. formulate and implement the state policy related to the activities of transmission of oil and oil products through pipelines on and through the territory of the country;

18a. (new – SG 74/06, in force from 08.09.2006, amend. and suppl. – SG, 54/2012, in force from 17.07. 2012) represent the state in its relations with other countries, as well as with trade companies with regards to all issues, related to the application of the Treaty to the Energy Charter and to the realisation of projects for construction of trans-national infrastructures for transmission of electric energy, natural gas and oil and for integration of the national market of electronic energy and natural gas at regional level;

18b. (new – SG 74/06, in force from the date of entry into effect of the Treaty of Accession of the Republic of Bulgaria to the European Union, (01.01.2007, amend. – ST, 54/2012, in force form 17.07. 2012) provide the competent institutions of the European Communities with the information, provided in the law of the European Union;

18c. (new – SG 74/06, in force from the date of entry into effect of the Treaty of Accession of the Republic of Bulgaria to the European Union (01.01. 2007), amend. – SG, 54/2012, in force from 17.07. 2012) address to the competent institutions of the European Union in accordance with his/her authorities requests and notifications for temporary exemption from application of provisions of the European Union law and transitional periods in the sphere or energy sector in the cases, provided for in the European Union law;

18d (new – SG, 54/2012, in force from 17.07. 2012) organize and control the implementation of the Nation Investment Plan for the period 2013 – 2020 and shall produce to the European Commission from 2014 annually by 31 January a summarized report about its implementation on the basis of the reports of the energy undertakings, for which obligations occur under this Plan;

19. issue the acts of secondary legislation stipulated by the act according to his competence;

20. represent the Republic of Bulgaria in international organisations in the sphere of the energy sector;

21. (new – SG 17/15, in force from 06.03.2015 (*), suppl. - SG 38/18, in force from 08.05.2018) issue together with the Minister of Finance and the Minister of Economy an ordinance for reduction of the burden related to the cost of energy from renewable sources and from sources of high-efficiency cogeneration of electricity and heat, according to the Guidelines on State aid for environmental protection and energy 2014 – 2020 (OJ, C 200/1 of 28 June 2014);

22. (new - SG 56/15, in force from 24.07.2015) issue an ordinance for public disclosure and cost optimization of companies with 50 and more than 50 per cent state or municipal participation in the capital, together with the principal companies carrying out activities under this Act;

23. (prev. item 21 – SG 17/15, in force from 06.03.2015; prev. text of item 22 - SG 56/15, in force from 24.07.2015) have other authorities assigned to him by other normative acts.

(3) (amend. – SG 103/09, amend. - SG 38/18, in force from 08.05.2018) The Strategy under art. 3, para 2 adopted by the National Assembly shall be promulgated in the State Gazette.

(4) (New - SG 38/18, in force from 08.05.2018) The competent authorities shall provide the Minister of Energy with the necessary information in view of his powers under Para. 2, item 14.

Art. 5. (1) (amend. – SG 74/06, in force from 08.09.2006; amend. – SG 82/09, in force from 16.10.2009; amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015, suppl. - SG 38/18, in force from 08.05.2018) The list under art. 4, para 2, item 3 of the strategic sites of national importance in the energy sector and the hydropower systems that are part of them, with an up-to-date assessment of the state and the risks related to their economic condition and operational safety shall be drawn up annually by the Ministry of Energy and shall be presented by the Minister of Energy for approval by the Council of Ministers.

(2) The persons carrying out activity according to this Act through sites, included in the list under para 1, shall use a protection including:

1. (suppl. – SG 74/06, in force from 08.09.2006) organisation and control of physical protection (guarding) of sites, carried out by the bodies of the Ministry of Interior or by persons, carrying out activity by the order of the Private Security Business Act;

2. information protection carried out through administrative, organisational and technological measures.

(3) The protection under para 2 shall be for the account of the persons carrying out activity according to this Act through sites included in the list under para 1.

(4) (new – SG 74/06, in force from 08.09.2006; amend. – SG 35/09, in force from 12.05.2009; amend. – SG 82/09, in force from 16.10.2009; amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015) The persons, carrying out activity under this Act, through sites, included in the list under para 1, shall implement activities and events regarding work in case of disasters and in wartime, assigned to them by the Minister of Energy.

Art. 6. (1) The mayors of municipalities shall require from the energy enterprises on the territory of the municipality prognoses for development of the consumption of electric and heat power and natural gas, programmes and plans for energy supply, heat supply and gas supply.

(2) The mayors of municipalities, at a proposal of the energy enterprises shall obligatorily provide in the general and detailed development plans urbanisation works necessary for fulfilment of the programmes and plans under para 1.

(3) (amend. – SG 74/06, in force from 08.09.2006) The mayors of municipalities shall provide the construction, operation, maintenance and development of the networks and installations for external lighting on the territory of the municipality for real estate – municipal property.

Art. 7. (1) (amend. and suppl. – SG 74/06, in force from 08.09.2006; amend. – SG 82/09, in force from 16.10.2009; amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015) In implementing the state policy in the energy sector the Minister of Energy may be assisted by the branch chambers and organisations of the power engineers and by such, extracting energy resources.

(2) (suppl. – SG 74/06, in force from 08.09.2006) The employees in the energy sector may establish and be members of branch chambers and organisations of the power engineers and such, extracting energy resources.

(3) (suppl. – SG 74/06, in force from 08.09.2006) The branch chambers and organisations of the power engineers and such extracting energy resources shall be registered under the conditions and by the order of the Non-Profit Legal Entities Act.

(4) (suppl. – SG 74/06, in force from 08.09.2006) The branch chambers and organisations of the

power engineers and such extracting energy resources:

1. shall have as an objective presentation and protection of the common interests of their members;
2. may negotiate with the trade unions on issue of mutual interest and be a party in signing branch team employment contract;
3. (suppl. – SG 74/06, in force from 08.09.2006) shall work out rules for the good production practices, models of systems of analysis of the dangers in the production of energy and/or the production of energy resources, as well as other professional requirements;
4. participate in the working out of strategies, analyses, programmes and statements for development of the branch and assist their fulfilment;
5. (suppl. – SG 74/06, in force from 08.09.2006) create database for experts in the branch for rendering assistance to the producers of energy and the ones extracting energy resources, as well as to the state bodies;
6. (suppl. – SG 74/06, in force from 08.09.2006) work out an ethical code stipulating the professional ethics in the branch and non-admission of disloyal competition between the producers of energy and the ones extracting energy resources;
7. (suppl. – SG 74/06, in force from 08.09.2006) inform the competent bodies for committed violation in the production and trade of energy and/or the production of energy resources and natural gas;
8. give opinion on changes in the normative acts for the respective branch;
9. organise and carry out professional training;
10. fulfil other functions assigned to them by a law.

(5) (suppl. – SG 74/06, in force from 08.09.2006) The state bodies and the bodies of the branch chambers and organisations of the power engineers shall cooperate and mutually inform each other for established violations in the production and/or trade of energy and/or the production of energy resources and natural gas.

(6) (suppl. – SG 74/06, in force from 08.09.2006) The state bodies, institutions and administrative bodies, the bodies of the local independent government and local administration shall render assistance and shall submit information to the branch chambers and organisations of the power engineers and the ones extracting energy resources, necessary for fulfilment of their functions stipulated by this Act.

Art. 7a. (repealed, - SG, 54/2012, in force from 17.07.2012, new – SG 20/13, in force from 28.02.2013) (1) (amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015) For protection of consumer's interest, a Public council shall be set up subordinated to the Minister of Energy as a consultancy unit for solving problems of special competency of the Minister, as determined by this act.

(2) (amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015) The board of the Public council referred to in par. 1 shall include representatives of the Ministry of Energy, consumers associations, scientific unions, trade union organizations and non-profit legal entities.

(3) (amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015) The Public council referred to in par. 1 shall be set up by an order of the Minister of Energy.

(4) The order referred to in par. 3 shall determine the issues to be considered by the Public council, and also the terms and conditions and the procedure of carrying out of its activity.

Section II.

Energy prognosticating and planning

Art. 8. (1) (amend. – SG 74/06, in force from 08.09.2006; amend. – SG 82/09, in force from 16.10.2009; amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015, amend. - SG 38/18, in force from 08.05.2018) The Strategy for Sustainable Energy Development of the Republic of Bulgaria shall be developed by the Minister of Energy.

(2) (amend. – SG 74/06, in force from 08.09.2006; amend. – SG 82/09, in force from 16.10.2009; amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015, amend. - SG 38/18, in force from 08.05.2018) The Ministry of Energy shall work out programmes and strategies for restructuring in the energy sector on the basis of the Strategy for Sustainable Energy Development of the Republic of Bulgaria, which shall be approved by the Minister of Energy. The privatisation of the trade companies in the energy sector shall be carried out in compliance with the programmes and strategies for restructuring in the energy sector, approved by the Minister of Energy.

(3) The general prognostic energy balances shall be short-term, medium-term and long-term. They shall be worked out on the basis of:

1. (amend. – SG 74/06, in force from 08.09.2006) prognoses, studies and plans of enterprises carrying out activities of production, processing, transformation, transmission and distribution of energy resources and energy;

2. information from the general conclusive energy balances;

3. information from the National Institute of Statistics.

(4) (amend. – SG 74/06, in force from 08.09.2006; amend. – SG 82/09, in force from 16.10.2009, amend. – SG. 54/2012, in force from 17.07.2012; amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015) The Minister of Energy shall determine the needed new powers for production of electric energy under Art. 4, Para. 2, p. 5 in the interest of security of supply of electric energy for fulfilment of the obligations for share of the energy from renewable sources in the gross end consumption of energy, as well as in the interest of protection of the environment and encouragement of new technologies, where through the market mechanisms for investments these purposes cannot be provided on the grounds of:

1. the general prognostic energy balances;

2. the obligatory indices for the degree of reliability of the supply of electric power;

3. the 10-year development plan of electric transmission network;

4. the reports under Art. 13 of the Act on Energy from Renewable Sources for implementation of the National Action Plan for Energy of Renewable Sources.

(5) (amend. and suppl. – SG 74/06, in force from 08.09.2006; amend. – SG 82/09, in force from 16.10.2009; amend. – SG 103/09; amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015, amend. - SG 38/18, in force from 08.05.2018) The Minister of Energy shall implement an energy policy aimed at energy development of the country by effective using of the energy and energy resources and satisfying the needs of the public of electric and heating power, natural gas, oil products and solid fuel on the grounds of the general prognostic energy balances and in compliance with the Strategy for Sustainable Energy Development of the Republic of Bulgaria adopted by the National Assembly.

(6) (amend. – SG 74/06, in force from 08.09.2006; amend. – SG 82/09, in force from 16.10.2009; amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015) The Minister of Energy shall carry out supervision over the security of the supply and shall publish the provided for and undertaken measures, the results from the supervision and the trends of the energy policy in the bulletin under art. 4, para 2, item 17, as well as in the Internet site of the Ministry of Energy.

Art. 9. (1) (suppl. – SG 74/06, in force from 08.09.2006) The enterprises carrying out activity of production of energy resources, processing and trade of fuel, transformation, transmission, distribution and trade of energy and natural gas shall:

1. (suppl. – SG 74/06, in force from 08.09.2006) carry out studies and analyses, develop short-term, medium-term and long-term prognoses for the production of energy resources, processing and trade of fuel and energy and adopt the respective plans for their providing;

2. (amend. – SG 74/06, in force from 08.09.2006; amend. – SG 82/09, in force from 16.10.2009, suppl. – SG, 54/2012, in force from 17.07.2012; amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015) work out, at least once in two years, and present to the Minister of Energy plans for rehabilitation, for taking measures for improvement of the effectiveness of the existing production capacities

and networks, for construction with minimal expenses of new capacities and networks and information on the investment practices in implementation of Commission Regulation (EU, Euratom) No 833/2010 of 21 September 2010 implementing Council Regulation (EU, Euratom) No 617/2010 concerning the notification to the Commission of investment projects in energy infrastructure within the European Union (OJ, L 248/36 of 22 September 2010) The plans shall be accompanied by technical and economic, financial and ecological analysis and variants of energy saving.

(2) (suppl. – SG 74/06, in force from 08.09.2006) The prognoses under para 1, along with the relevant accountancy information and the preliminary studies and a list of the necessary new production capacities and networks, and sites for storing natural gas, shall be presented as follows:

1. (amend. – SG 74/06, in force from 08.09.2006; amend. – SG 82/09, in force from 16.10.2009; amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015) to the Minister of Energy;

2. (suppl. SG 18/05; amend. – SG 17/15, in force from 06.03.2015) to the Commission for Energy and Water Regulation;

3. to the mayors of the respective municipalities for fulfilment of the obligations under art. 6;

4. (suppl. – SG 74/06, in force from 08.09.2006, amend. – SG, 54/2012, in force form 17.07. 2012) to the operators of transmission networks;

5. (amend. – SG, 54/2012, in force from 17.07.2012) to the operators of distribution networks.

(3) (amend. and suppl. – SG 74/06, in force from 08.09.2006; amend. – SG 82/09, in force from 16.10.2009; amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015) The content, the structure, the conditions and the order of presenting the information under para 1 and 2 shall be determined by an ordinance of the Minister of Energy.

(4) (new – SG 74/06, in force from 08.09.2006; amend. – SG 82/09, in force from 16.10.2009, amend. and suppl. – SG, 54/2012, in force from 17.07.2012; amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015; amend. – SG 17/15, in force from 06.03.2015) The contents, the structure, the terms and the procedure for provision of the information under art. 4, para 2, item 186 and 18d and Art. 21, Para 1, item 7, 24, 26 and 27 shall be determined by an ordinance of the Council of Ministers upon proposal by the Minister of Energy and the Commission for Energy and Water Regulation.

Chapter three.

REGULATION OF THE ACTIVITIES IN THE ENERGY SECTOR

Section I.

Commission for Energy and Water Regulation (title amend. SG 18/05; amend. – SG 17/15, in force from 06.03.2015)

Art. 10. (1) (amend. SG 18/05; amend. – SG 17/15, in force from 06.03.2015) The regulation of the activities in the energy sector and in the water supply and sewerage shall be carried out by the Commission for Energy and Water Regulation, called hereinafter "the Commission".

(2) The Commission is an independent, specialised state body – a corporate body with a seat in Sofia.

(3) (new – SG 17/15, in force from 06.03.2015) For the implementation of their authorities the commission is independent from the executive power and its activity shall be carried out based on the principles of independency, fairness, professionalism, respectability, consistency, publicity and transparency. The commission shall report on their activity before the National Assembly.

Art. 11. (1) (amend. SG 18/05; amend. – SG 54/10, in force from 16.07.2010; amend. – SG 17/15, in force from 06.03.2015) The Commission is a college body and consists of 9 members, including a chairman.

(2) (amend. SG 18/05; amend. – SG 54/10, in force from 16.07.2010; amend. – SG 17/15, in force from 06.03.2015) The chairmen and the remaining members of the Commission shall be elected and released by the National Assembly.

(3) (suppl. – SG 54/10, in force from 16.07.2010) The mandate of the members of the Commission shall be 5 years, provided that a maximum of two complete mandate periods is allowed.

(4) (new – SG 54/10, in force from 16.07.2010, amend. – SG, 54/2012, in force from 17.07.2012; revoked – SG 17/15, in force from 06.03.2015).

(5) (new – SG 54/10, in force from 16.07.2010; amend. – SG 17/15, in force from 06.03.2015) The selection of new members of the Commission shall take place not earlier than three months and not later than one month prior to expiration of the mandate of the acting members. The members of the Commission shall continue performing their functions after their mandate expires until the new members take up office.

Art. 12. (1) (amend. – SG 17/15, in force from 06.03.2015) Elected for members of the Commission may be able bodied Bulgarian citizens who:

1. have got University diploma with educational qualification master degree;

2. have got good professional repute and professional experience minimum 10 years, minimum 7 out of which:

a) experience in the field of energy sector – for four of the commission members;

b) experience in the sphere of water supply and sewerage – for two of the commission members;

c) legal counselling experience – for one of the commission members;

d) experience in the field of economy – for one of the commission members;

e) experience in the field of energy sector or in water supply and sewerage – for the Chairperson of the Commission;

3. who have not been convicted to imprisonment for premeditated crime of general nature.

(2) (amend. – SG 42/09; amend. – SG 17/15, in force from 06.03.2015, amend. - SG 7/18) The members of the Commission may not be affiliated persons within the meaning of the Act on Counteracting Corruption and on Seizure of Illegally Acquired Property.

(3) (amend. – SG 17/15, in force from 06.03.2015) The members of the Commission may not occupy another paid position or to carry out any other paid activity, except for international projects and programs related to company activity, research, teaching or another activity, regulated by the Law on the copyright and related rights.

(4) (revoked – SG 17/15, in force from 06.03.2015, new – SG, 103/17, in force from 01.01.2018) The circumstance under Art. 12, Para. 1, item 3 shall be established officially.

In the cases of para 3 the Council of Ministers shall elect a new member for a period until the end of the initial mandate.

(5) The remunerations of the members of the Commission shall be determined as follows:

1. (amend. SG 18/05, amend. – SG, 54/2012, in force from 17.07.2012) for the chairman – 93 percent of three average monthly salaries of persons hired under employment and official terms of relations in the sector "Production and distribution of electric and heat energy and gas fuels" according to data of the National Institute of Statistics;

2. (amend. SG 18/05; revoked – SG 54/10, in force from 16.07.2010)

3. (amend. SG 18/05, amend. – SG, 54/2012, in force from 17.07.2012) for the remaining members – 85 percent of three average monthly salaries of persons hired under employment and official terms of relations in the sector "Production and distribution of electric and heat energy and gas fuels" according to data of the National Institute of Statistics.

Art. 12a. (new – SG 17/15, in force from 06.03.2015) (1) The members of the Commission shall be elected upon a conducted public procedure.

(2) The proposals for selection of commission members may be submitted by deputies and

parliamentary groups.

(3) The National Assembly shall elect separately the Chairperson and the remaining commission members.

(4) Commission members shall take before the National Assembly the oath as per Art. 76, par. 2 of the Constitution of the Republic of Bulgaria.

Art. 12b. (new – SG 17/15, in force from 06.03.2015) (1) Powers of a commission member shall be terminated prematurely:

1. upon their request;
2. in case of incompatibility;
3. in case of physical impossibility to carry out their duties for a period longer than 6 months;
4. where the member has been convicted to imprisonment for a criminal offense of general nature by an enforced act;
5. in case of severe violation or systematic non-fulfillment of their duties;
6. (amend. - SG 7/18) upon enforcement of an act, establishing conflict of interest in compliance with the Act on Counteracting Corruption and on Seizure of Illegally Acquired Property;
7. in case of death.

(2) In cases referred to in par. 1, items 1, 4, 6 and 7 the grounds shall be announced by the Chair of the National Assembly before the National Assembly.

(3) In cases of premature termination of the powers of a commission member, a new member shall be elected within two months after the enforcement of the decision of termination under par. 1, items 2, 3 and 5, or after the announcement under par. 1, items 1, 4, 6 and 7. The newly elected member shall finalize the mandate of the person at whose place they have been elected.

Art. 13. (amend. – SG 17/15, in force from 06.03.2015) (1) (amend. - SG 35/15, in force from 15.05.2015) The Commission shall be a standing body and shall hold sittings if more than the half of the total number of members or of the members of a panel are present.

(2) (suppl. - SG 105/16) The Commission shall consider and decide on the issues related to business plans' regulation and price regulation in energy sector and of water supply and sewage services and the complaints filed to two boards, as follows:

1. “Energy” board, including the Chair person, members with experience in the field of energy sector, and also the members who are a legal advisor and an economist;
2. “Water supply and sewage” board, including the chairman, member with experience in the field of water supply and sewage, and also members who are a legal advisor and an economist.

(3) (amend. - SG 35/15, in force from 15.05.2015) The Commission shall pronounce with justified decisions, which are individual or general administrative acts. The decisions shall be adopted by a majority of more than the half of the the total number of members or of the members of a panel, out of which minimum:

1. 2 of the members with experience in the energy sector - when exercising the powers of the Commission in energy sector;
2. one of the members with experience in the sphere of water supply and sewerage - when exercising the powers of the Commission in water supply and sewage services.

(4) Refraining from voting shall not be allowed. The voting method of every voter and the reasons of every voter having voted against shall be recorded in records to the decision.

(5) The sittings of the Commission shall be open when applications or requests are considered related to:

1. issuance, amendment, supplement, withdrawal and termination of a licence;
2. approval of prices;
3. other issues related to carrying out the competences of the commission.

(6) In those cases where the information protected by a law is being disclosed the Commission

meetings under para 5 to be held behind closed doors, where only the members of the Commission and the parties to the respective proceedings may be present.

(7) The decisions of the Commission under para 5 and 6 shall be taken in a closed sitting and announced by an order, determined in the regulation of art. 16, para 1.

(8) In exercising its legal capacities the Commission shall apply the procedural rules stipulated by this Act, and in the cases not stipulated thereby – the rules of the Administrative procedure code.

(9) (amend. - SG 77/18, in force from 01.01.2019) The decisions of the Commission may be appealed against their accordance with the law before the Sofia Administrative Court within 14 days of their communication. The appeal shall not stop the fulfilment of the decision. The request for interruption of the fulfilment of a disputed decision in a judicial procedure shall be inadmissible, unless in relation to decision, which imposes sanctions, decisions for interruption and deprivation of licenses and decision for withdrawal of certificates for independence of transmission system operators.

Art. 14. (1) (suppl. SG 18/05) The Commission shall carry out a procedure of public discussion with the interested persons in working out general administrative acts stipulated by this Act and the Water Supply and Sewerage Services Regulation Act, as well as on other issues of public importance for the development of the energy sector and the sector of water supply and sewerage services.

(2) (suppl. SG 18/05; amend. – SG 74/06, in force from 08.09.2006, amend. – SG, 54/2012, in force from 17.07.2012) Interested persons under para 1 are state bodies, branch organisations, energy enterprises, WSS operators (operators of water supply and sewerage services), clients, privileged consumers and organisations of consumers directly related to the prepared project.

(3) The Commission shall discuss with the interested persons the basic principles underlying in the project, and shall determine a term of presentation of statements on it not shorter than 14 days.

(4) The Commission shall consider all received statements from the interested persons and shall motivate its opinion by publishing the motives in its Internet page.

Art. 15. (1) (amend. – SG, 54/2012, in force from 17.07.2012; prev. Art. 15/17, in force from 06.03.2015) The Commission shall announce publicly the followed policy and the established practice of applying its acts and the motives for their change on the Commission [website](#).

(2) (new – SG 17/15, in force from 06.03.2015) The Commission shall publish on the Internet site the proposals of utility companies and of water supply and sewage operators for approval of prices together with all input data, the minutes of held open and close sessions and public discussions, commission decisions, including the way of voting of commission members and the reasons of every voter having voted against, the adopted regulatory acts, rules, methodologies and guidelines.

(3) (new - SG 56/15, in force from 24.07.2015) The rules and ordinances adopted by the Commission shall be promulgated in the State Gazette.

Art. 16. (amend. – SG 17/15, in force from 06.03.2015) (1) The Commission shall adopt regulations for its activity subject to promulgation in State Gazette.

(2) In its activities the Commission shall be supported by administration, the structure and the work organisation of which shall be regulated by the regulations under par. 1.

(3) (Amend. - SG 38/18, in force from 01.01.2019) The activity of the administration shall be carried out by persons working under an employment relationship. Employment relationships of the Commission's employees shall be governed by the provisions of the Labour Code.

(4) (Amend. - SG 38/18, in force from 01.01.2019) An employee of the Commission cannot be a person who:

1. has been convicted of an intentional crime of general nature;
2. would find himself/herself in a hierarchical managerial or supervisory relationship with a spouse,

with a person with whom he or she is in a partnership, with a relative in a straight line without restrictions, in a collateral line up to the fourth degree inclusive, or by marriage up to the fourth degree including ;

3. is a sole trader, an unlimited liability partner in a commercial company, a manager, a commercial agent, a commercial representative, a procurator, a commercial intermediary, a liquidator or a trustee, a member of a management or control body of a commercial company or cooperative;

4. is a Member of Parliament;

5. occupies a leading or control position at national level in a political party;

6. exercises control over an energy company and/or a water supply and sewerage operator, or holds directly or through related persons more than 5 percent of the voting rights in the general meeting or from the capital of the energy enterprise and/or the water and sewerage operator;

7. is a member of managing or controlling bodies of an energy enterprise and/or a water and sewerage operator, or is authorized to manage or represent an energy enterprise and/or a water and sewerage operator without being a member of its management or supervisory bodies;

8. works under an employment or civil contract for an energy company and/or a water and sewerage operator.

(5) (New - SG 38/18, in force from 01.01.2019) At the conclusion of the employment contract, and each year by 15th of May, the employees of the Commission shall be obliged to submit to the Chairperson of the Commission a declaration of property and interests under Art. 35 of the Act on Counteracting Corruption and on Seizure of Illegally Acquired Property. This obligation shall not apply to employees who occupy technical positions.

(6) (New - SG 38/18, in force from 01.01.2019) Employees who hold a managerial position must have higher education with a minimum of a "Master's Degree" in the field of Economics, Finance, Law, Mathematics, Informatics, and other appropriate, in view of the regulatory functions of the Commission, as well as a specialty and professional experience in the specialty of at least three years.

(7) (New - SG 38/18, in force from 01.01.2019) Upon occurrence of changes in the circumstances under Para. 4, the persons shall notify in writing within 7 days the Chairperson of the Commission who is obliged to act in accordance with his legal powers.

Art. 16a. (New - SG 38/18, in force from 01.01.2019) (1) The basic monthly salaries of the Commission's employees shall be determined by the Chairperson according to the internal rules for the salary, adopted by the Commission, and within the fund of the budget available for the relevant year.

(2) The Commission's employees may receive additional remuneration for achieved results, determined in the order and in the manner established by the internal rules for the work salary.

(3) When a position in the administration of the Commission is occupied by an employee with university degree in Law, the acquired work or service experience shall be recognized as such in the specialty of "Law".

(4) The members of the Commission and the employees shall be entitled annually to representative clothing of up to three minimum wages, the funds being provided from its budget. The individual amount of the funds shall be determined by the Chairperson of the Commission.

(5) The Commission's employees may be awarded awards and/or object or financial prizes up to the amount of the basic monthly salary for the performance of certain tasks within the limits of the available budget funds for the respective year, in order and in a manner established with the internal rules for the work salary.

(6) The members and the administration of the Commission shall be insured obligatorily with Life and Accident at the expense of the Commission's budget.

(7) The Commission's employees shall be assessed for their work performance on an annual basis, in an order and in a manner established by internal rules. Any employee's employment relationship may be terminated without prior notice when he has received the lowest possible annual assessment of work performance, within one month of receipt of the final assessment.

Art. 17. The members of the Commission, as well as the employees of its administration shall be obliged to observe the rules of professional ethics adopted by the Commission.

Art. 18. (1) The chairman of the commission, its members and the officials of its administration are obliged not to disclose classified information, which they create and keep and which has become known to them at fulfilment of their obligations under this Act and under the Water Supply and Sewerage Services Regulation Act, included in a list of the specific facts, pieces of information and objects, representing official secret.

(2) Following a coordination with the State commission for the security of the information, the commission shall approve, amend and supplement the list under para 1 by decision.

(3) The list under para 1 may include information, announced as a commercial secret by the applicants and the licensees, only if its disclosure would lead to unfair competition between traders or to threatening commercial interest of third persons. This category of information shall be included in the list by the commission after coordination with the Commission for protection of the competition.

(4) Information representing official secret may only be made public except before the bodies of the judicial authority or before other state bodies by the order established by a law.

Art. 19. (1) The state bodies, the energy enterprises and the officials shall render assistance to the Commission in carrying out its functions.

(2) (suppl. – SG, 54/2012, in force from 17. 07.2012) In carrying out its functions the Commission may cooperate with persons representing and protecting the interests of the consumers of energy services.

(3) (new – SG – 54/2012, in force from 17.07.2012) While carrying out its functions, the commission shall publish once a year recommendations about the compliance of the sale prices by public supplier, end suppliers and last instance suppliers with obligations for public services, including for protection of consumers of energy services and for environment protection and shall submit the recommendations to the Commission for competition protection, if needed.

Art. 20. The chairman of the Commission shall:

1. organise and manage the activity of the Commission and its administration according to the law and its decisions;

2. represent the Commission before third persons;

3. appoint and discharge the employees of the organisation;

4. (amend. – SG 17/15, in force from 06.03.2015) submit annually to the National Assembly a report on the activity of the Commission;

5. organise the drawing up of the budget and present it for consideration and adoption by the Commission;

6. be responsible for the fulfilment, conclusion and accounting of the budget of the Commission;

7. present the annual report and the periodical financial reports for adoption by the Commission.

Section II.

Legal Capacities of the Commission

Art. 21. (1) (amend. – SG, 54.2012, in force from 17.07.2012) (1) (amend. – SG 17/15, in force from 06.03.2015) The Commission for energy and water regulation shall:

1. issue, amend, supplement, stop, terminate and withdraw licences in the cases stipulated by this Act;

2. adopt and publish basic trends of its activity;
3. adopt acts of secondary legislation provided for by this Act;
4. approve the general requirements of the contracts stipulated by this Act;
5. approve rules for operation with the consumers of energy services;
6. exercise control, analyze, periodically examine and shall have the right to request amendment and supplementation of the mechanisms for price formation, laid down in the contracts for long-term buying at disposal and electric energy, signed with the public supplier, where they contradict the EU law or are not in compliance with the EU policies;
7. observe the application of all the measures, adopted for implementation of the obligations for public services, including for protection of the consumers of energy services and for environment protection and for their possible effect over the internal and international competition and shall inform the European Commission about these measures and for all their changes;
- 7a. (new – SG 74/06, in force from 08.09.2006) adopt rules for supply of electric power and natural gas by end suppliers as a part of the rules for trading with electric power and natural gas under item 7;
8. carry out regulation of the prices in the cases, provided by this act, as well as determine annually the limit price for signing deals on the market of balancing energy;
- 8a. (new – SG 59/13, in force from 05.07.2013) determine for every price period a threshold value of the expenses of electrical transfer system operator for purchasing of availability for cold reserve following a tender procedure;
- 8b. (new - SG 38/18, in force from 08.05.2018) shall determine annually by June 30th premiums for electricity from renewable sources and from high-efficiency cogeneration of electricity and heat, produced by plants with a total installed capacity of 4 MW and more than 4 MW;
- 8c. (new - SG 38/18, in force from 08.05.2018) for the purposes of pricing, shall determine annually by June 30th an estimated market price of the electric energy to cover the technological costs of the transmission system operator and of the operators of the electricity distribution networks;
9. (amend. - SG 38/18, in force from 08.05.2018) upon proposal of the energy undertakings, or at its own initiative, shall adopt or amend rules for trade with electric energy and trade rules for natural gas, as well as technical rules of the relevant networks and systems, including security and safety rules, control their observation and carry out examination and control of the results of passed periods;
10. adopt and control the observation of rules for supply with electric energy by the end suppliers and last instance suppliers as a part of the rules under p. 9, including norms for quality of services and supplies, as well as rules for supply of clients with heating energy, including norms for quality of services and supplies;
11. adopt and control the application of methods for determining the prices of the balancing electric energy as a part of the rules for trade with electric energy under p. 9;
12. (amend. – SG 59/13, in force from 05.07.2013) adopt and control the application of methods of determination of the electric energy prices of the last instance supplier;
13. determine rules for access to electricity transmission and gas transmission network or to the electric distribution and gas distribution network and the equipment for storage of natural gas, including norms for quality of the services and supplies and if needed, it shall review them for provision of effective access;
14. upon proposal of the transmission system operator, or the operator of the distribution network, shall take decision for the belonging of the electric distribution lines, heat distribution lines and gas distribution lines, their belonging equipment to the transmission or distribution networks and shall give obligatory instruction for their buying and/or for provision of access to them;
15. hold the competition under Art. 46;
16. require any information and documents, related to the functioning of the energy market, including contracts for supply, transmission, distribution and storage, as well as all follow up agreement to them and may provide to participants on the market pieces of this information under the condition, that

information, representing trade secret or protected under an act shall not be disclosed;

17. (amend. - SG 38/18, in force from 08.05.2018) examine the requests for the energy undertakings and the "Electricity System Security" Fund for compensation of expenses under Art. 34 and 35, confirm their grounded amount and shall determine the way of their compensation while observing the requirements for the state assistance;

18. (suppl. - SG 56/15, in force from 01.01.2016, amend. - SG 105/16) issue, transfer and revoke monthly certificates of the producers of electric energy for the origin of the goods of electric energy, produced at highly effective combined production of electric and heat energy;

19. determine maximum amounts of technological consumption of electric energy, heat energy or natural gas, which may be recognized in price regulation in production, transmission and distribution of electric energy, in production and transmission of heat energy and in transmission, distribution and storage of natural gas according to methods or instructions, adopted by the commission;

19a. (new - SG 35/15, in force from 15.05.2015) request from power and gas network operators to evaluate the energy efficiency potential of the respective networks by reduction of the technological expenses; the assessment shall include analysis of the transfer, distribution, management of the loads, the efficient functioning of the networks and the possibilities of connecting installations for decentralised energy production;

19b. (new - SG 35/15, in force from 15.05.2015) on the basis of the evaluation under Item 19a request that the network development plans include specific measures and investments for improving the energy efficiency of the gas and power networks and a schedule of implementation thereof;

20. carry out assessment of the economic purpose in relation to introduction of intelligent measurement systems upon proposal of the operators of networks in case that the introduction is economically grounded, prepare schedules for their introduction, guarantying their operative compatibility of the intelligent measurement systems while accounting suitable standards, best practices and their significance for the internal market development of electric energy and natural gas;

21. (amend. – SG 59/13, in force from 05.07.2013, suppl. - SG 38/18, in force from 08.05.2018) determine the availability for production of electric energy of producers, from whom the public supplier is to buy out electrical energy, as well as the quantity of electric energy according to which the public supplier is to conclude transactions with end suppliers. The Commission shall not determine the availability of producers whose regulated price exceeds by more than 10% the estimated market price for the regulatory period, with the exception of those under Art. 93a and 94;

22. give consent for division, separation or joining of energy undertakings – holding licenses under this act;

22a. (new - SG 38/18, in force from 08.05.2018) require the owners of energy enterprises under this Act, in the framework of the annual reports on the execution of the licenses, to declare any intentions for division, separation, merger, disposition of shares or stakes representing more than 20 percent of the capital, or sales of all or part of the assets of the energy company;

23. permit carrying out disposition of property, which exercises the license activity in the cases, provided by this act, as well as of other deals, which lead or may lead to disturbance of the provision security as a result of debts of the energy undertaking;

23a. (new - SG 38/18, in force from 08.05.2018, amend. and suppl. - SG 83/18) authorize transactions for disposition of shares and stakes, representing more than 20 percent of the capital of commercial companies, which carry out licensing activity on transfer and distribution of electricity, heat or natural gas, in order to ensure security of supply, protection of national security and public order; The Commission shall take a decision after the entry into force of any other necessary authorizations and approvals related to the transactions;

24. provide to the EU competent institutions information, provided by the EU law;

25, in compliance with its competences shall submit to the EU competent institutions requests and notifications for provision to temporary liberation from application of provisions of the EU law and

temporary periods in the energy in the cases, provided by the EU law;

26. publish annual report about its activity, including about the results of the control for non-admittance limitation and violation of the competition on the energy markets and their effective functioning, as well as submit the report to the Agency for cooperation between the energy regulators (ACER) and to the European Commission;

27. certify the operators of the electric transmission network and of the gas transmission networks for observation of the requirements for independence; monitor their observation and shall submit the relevant notifications to the European Commission;

28. carry out cooperation on issues of trans-border nature with the regulatory bodies of other EU Member States and with ACER; shall sign cooperation agreements with the national regulatory bodies;

29. contribute for the compatibility of the data exchange processes on the most important market processes at regional level, by guarantying the needed level of confidentiality of the information;

30. control the implementation of the investment plans of the operator of electric transmission and gas transmission networks and shall provide in its annual report an assessment of the investment plans of the operators in relation to their compliance with the 10 year plans for development the networks in the EU under Art. 8, Para. 3, letter "b" of Regulation (EC) No 714/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the network for cross-border exchanges in electricity and repealing Regulation (EC) No 1228/2003 (OJ L 211/15 of 14 August 2009) called hereinafter "Regulation (EC) N 714/2009 and Art. 8, Para. 3, letter "b" of Regulation (EC) No 715/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the natural gas transmission networks and repealing Regulation (EC) No 1775/2005 (OJ, L 211/36 of 14 August 2009) called hereinafter |Regulation (EC) N 715/2009, where this assessment may include recommendations for change of the investment plans;

31. apply and control the implementation of the legally binding decision of the European Commission or of ACER;

32. (amend. – SG 17/15, in force from 06.03.2015) adopt the introduced by the president draft annual budget and financial report of the commission and information under Art. 20, p. 4;

33. (amend. - SG 35/15, in force from 15.05.2015) control the implementation of the obligation for providing access to data for the consumers about their consumption;

34. monitor and control the fulfilment of the obligations or transparency by the energy undertakings while determining the prices, the accountancy and operation with the consumers of energy services;

35. monitor the level of effectiveness of opening of the market and competition in the wholesale and retail sectors, by following for the connection with the energy markets of other EU Member States;

36. encourage the integration of markets and support the related to this scientific and research activities;

37. monitor the technical cooperation between the operators of transmission networks from EU Member States and from third states;

38. request from the operators of transmission and distribution networks if needed to make proposal for change of the rules and general contract conditions, provided by this act, which shall be approved by the commission upon their proposal;

39. carry out control on passing from market of related prices to organized market of free negotiated prices in compliance with the rules for trade with electric energy;

40. follow for announcing and fair distribution of the available capacity of the networks between all users;

41. carry out control for development of the electric and gas networks in favour of all participants, which will guarantee sufficient and available of all capacity;

41a. (new - SG 38/18, in force from 08.05.2018) exercise control over the implementation of Regulation (EU) N° 1227/2011 of the European Parliament and of the Council of 25 October 2011 on wholesale energy market integrity and transparency (OJ, L 326/1 of 8 December 2011),

hereinafter referred to as "Regulation (EU) № 1227/2011";

41b. (new - SG 38/18, in force from 08.05.2018) interact with state authorities and cooperate with regulatory bodies of other EU Member States, and the ACER, by concluding agreements for the exchange of information and establishing mechanisms under Regulation (EU) № 1227/2011;

42. exercise control in the cases, provided by this act;

43. have other authorizations, provided by this act.

(2) The commission authorizations under Para. 1. p. 10, 16, 17 and 34 shall not apply to the activities under Art. 39, Para. 4, p. 2, 3 and 4.

(3) In relation to carrying out their authorizations in regulation of the activity of independent transmission operator of electric transmission network and of gas transmission networks, the commission shall:

1. impose sanctions for discrimination behaviour of the operators in favour of vertical integrated undertaking;

2. monitor the communications between the operator and the vertical integrated undertaking, in order to guarantee, that the operator fulfills his obligations;

3. act as a body for settling disputes between the vertical integrated undertaking and the operator;

4. request information and documents, related to the trade and financial relations, including the loans between the vertical integrated undertaking and the operator;

5. approve trade and financial agreements between the vertical integrated undertaking and the operator in the cases, where they influence the conditions for the market development;

6. request explanation by the vertical integrated undertaking in relation to the produced by the person in charge of the compliance of decisions about the plan for network development or some investments of the operator, including in relation of observation of the requirements for non-discrimination behaviour in favour of the vertical integration undertaking;

7. carry out checkups in the sites of a vertical integrated undertaking and the operator;

8. approve 10-year plan for development of the transmission network, monitor and control its implementation under the conditions and procedure of the ordinance under Art. 60;

9. assign all or certain tasks to the independent transmission operator of an independent system operator, proposed by the owner of the network, in case that the operator violates systematically his obligations, related to the requirements for independence, under Chapter Eight "a", Section II, including in systematically discrimination behaviour in favour of the vertical integrated undertaking.

(4) In relation to carrying out its authorizations of regulation of the activity of an independent system operator of an electric-transmission network and gas transmission network, the commission shall:

1. impose sanctions for non-fulfillment of the obligations of the owner of the network and of the operator;

2. monitor the relations and communications between the operator and the owner of the network, in order to guarantee that the operator fulfills his obligations;

3. approve the contracts and act as a body for settling disputes between the network owner and the operator;

4. approve 10-year plan for development of the transmission network, monitor and control its implementation under the conditions and procedure of the ordinance under Art. 60;

5. provide conditions, which guarantee, that the income, collected by the independent system operator from access to transmission through the networks provide sufficient income from the assets of the networks and from its investments in it;

6. monitor the use of all incomes, collected by the independent transmission operator under Art. 16, Para. 6 of Regulation (EC) N 714/2009;

7. carry out checkups in the sites of the network owner and of the operator.

(5) The rules and methods under Para. 1, p. 9 – 13 shall be published by the energy undertakings and the commission on their internet site.

(6) While carrying out its activity, the commission shall cooperate with the Commission for protection of competition and the Commission for consumer protection, where if needed may refer to them in view to formation of a procedure under the Act on Competition Protection, or under the Act on Consumer Protection.

(7) The authorizations of the commission for regulation of the activities in the area of water supply and sewage shall be determined by the Act on Regulation of Water – supply and Sewage Services.

Art. 21a (New – SG, 54/2012, in force from 17. 07.2012) (1) The commission may require an opinion from ACER, correspondingly shall be obliged to present its foundations upon request by ACER on the compliance of a decision, taken by another regulatory body of an EU Member State with the directives, indicated in Regulation (EC) N 714.2009 and Regulation (EC) N 715/2009.

(2) The commission shall consider the ACER opinion on the compliance with a decision, taken by it with the directives under Para. 1 and shall inform ACER within the term of 4 months after the date of receiving the opinion.

(3) The commission may inform the European Commission, where according to it a decision, related to trans-border trade, taken by another regulatory body fails to comply with the directives under Para. 1 within 2-month term after the decision has been taken.

(4) Where the European Commission upon request of another regulatory body or of ACER has taken a decision that the directives under Para, 1 have not been observed and has requested a repeal or amendment, the commission shall be obliged within the term of 2 months after the European Commission decision, to repeal of amend its decision and to inform the European Commission.

Art. 22. (1) (amend. SG 18/05, amend. – SG 54/2012, in force from 17.07.2012) The Commission shall consider complaints of:

1. of consumers of networks and equipment against operators of transmission and distribution networks, production undertakings, operators of equipment for storage of natural gas and operators of equipment for liquid natural gas, related to fulfillment of their obligations under this act and of consumers against water –supply and sewage operators, related to the subject of regulation under the act on Regulation of Water-supply and Sewerage Services;

2. of consumers against suppliers of energy and natural gas, including end suppliers, related to their obligations under this act;

3. licensed against licensed, related to fulfillment of the license activity under this act, as well as of water-supply and sewerage operators against water-supply and sewerage operators, related to the subject of regulation under the Act on Regulation of Water-supply and Sewerage Services;

4. the members of the bodies of the operators of the transmission network, of the persons in charge of the compliance in operator of transmission network and of the persons under Art. 81e, Para. 9 in termination of their legal relations in the cases, provided by this act.

(2) Consumer associations under the Act on Consumer Protection and non-profitable legal persons for protection of consumers of energy services may submit complaints under Para. 1, p. 1 and 2 for breaching collective interests of energy services consumers, as well as propose to the commission to start a procedure for change of the general conditions of the contract under the ordinance of Art. 60.

(3) Within two months from filing a complaint under Para. 1, p. 1, 2 and 3 and Para. 2 the Commission may assist for the voluntary settlement of the dispute. The term may be extended by another two months if the nature of the dispute requires the gathering of additional data and information by the Commission.

(4) In complaints under Para. 1, p. 1, 2 and 3, including submitted under Para. 2, where no voluntary settling of the dispute has been reached, or in case of refusal of one of the sides from voluntary settling, the commission shall take decision on the complaint within the term of 2 months after its receiving.

This term may be extended by 2 months more, if the nature of the dispute imposes collection of additional data and information by the commission. With the consent of the complainer, the extended term may be extended by 2 months more.

(5) In the cases, where the commission accepts a complaint as reasonable, it shall give obligatory instructions on the application of the act by the decision.

(6) The commission shall examine complaints of:

1. the independent transmission operator against the vertical integrated undertaking and of vertical integrated undertaking against the independent transmission operator – after determining an independent transmission operator;

2. the independent system operator against the owner of the transmission network and of the owner of the transmission network against the independent system operator – after determining an independent system operator, by taking a decision on the complaint within the term of 2 months after its receiving; this term may be extended by 2 months more, if the nature of the dispute imposes collection of additional data and information by the commission; with the consent of the complainer the extended term may be further extended by 2 months more.

(7) The procedure for submitting the complaints, their examination and the procedure for voluntary settling the dispute shall be provided by the ordinance under Art. 60.

Art. 23. (1) (Amend. – SG, 54/2012, in force from 17.07.2012) In fulfilment of its regulatory legal capacities the Commission shall be guided by the following general principles:

1. encouragement in close cooperation with ACER with the regulatory bodies of the other EU Member States and with the European Commission the development of competition, safe and sustainable ecologically internal market of electric energy and natural gas for all the clients and suppliers in the EU and providing appropriate conditions for the effective and reliable exploitation of the electric and gas networks, by taking into consideration the long term objectives;

2. development of competition and well functioning regional markets within the frames of the European Union;

3. prevention and non-admission or restriction or violation of the competition on the energy market;

4. providing a balance between the interests of the energy enterprises and clients;

5. providing equality between the individual categories of energy enterprises;

6. creation of incentives for the development of a competitive market for activities in the energy sector where there are conditions for that;

7. encouragement the integration of the markets, providing appropriate stimulus and support for the connected with this scientific and research activities;

8. creating stimuli for effective development of safe, reliable and efficient networks in compliance with the clients interest, integrating the production of various scale of electric energy of renewable sources and distributed production;

9. stimulating the investments in an infrastructure in a non-discriminating way, equal access of new players to the network and the market;

10. achieving high standards for the provided services of public interest, guaranteeing the clients possibilities for choice and change of the supplier, providing protection of consumers of energy services;

11. creating stimuli for the energy undertakings for effectiveness of regulated activities.

12. (new – SG 59/13, in force from 05.07.2013) provision of guarantees for end clients protection;

13. (new – SG 59/13, in force from 05.07.2013) enabling the provision of a balance between the generation and consumption of electrical energy at the local market;

14. (new - SG 35/15, in force from 15.05.2015) encourage the increase of the energy efficiency in production, transfer, distribution and end consumption of energy and natural gas;

15. (new - SG 35/15, in force from 15.05.2015) implementation of stimulus for the transfer and distribution network operators to provide system services to the end consumers, enabling the

implementation of measures for improving the energy efficiency by introduction of intelligent networks, taking into account the costs and benefits related to each measure, by guaranteeing the system safety.

Art. 24. (1) (amend. – SG 74/06, in force from 08.09.2006, amend. – SG, 54/20012, in force from 17.07.2012, amend. - SG 38/18, in force from 08.05.2018) In exercising its legal capacity under art. 21, para 1, item 10, and § 135 the Commission shall observe the following principles:

1. (amend. and suppl. – SG 74/06, in force from 08.09.2006) fair distribution of the economic consequences from the liberalization of the market between all parties to the transactions with electric power and natural gas;

2. (suppl. – SG 74/06, in force from 08.09.2006 amend. – SG, 54/20012, in force from 17.07.2012) provision of equal conditions for conclusion of transactions under freely negotiated prices as compared with those concluded with the public supplier or with the end public providers of electric power and natural gas;

3. (suppl. – SG 74/06, in force from 08.09.2006 amend. – SG, 54/20012, in force from 17.07.2012) provision of a balanced change of the prices for end client, taking into account the obligations of the public supplier or of the operators of transmission and distribution networks, related to the provision of public interest services, with the obligations to the society and to the non-restorable costs;

4. (new – SG 74/06, in force from 08.09.2006 amend. – SG, 54/20012, in force from 17.07.2012) provision of the measures necessary for supplying the clients with electric power and natural gas of certain quality at entirely comparable, transparent and objective prices, applied under the conditions of equality.

(2) (New - SG 38/18, in force from 08.05.2018) In exercising its power under Art. 21, Para. 1, item 21, the Commission shall apply the criteria for lower price, seasonality and peak load coverage.

(3) (Previous Para. 2 - SG 38/18, in force from 08.05.2018) The requirements to be met by the persons having the right to conclude transactions under art. 100, para 1, as well as the conditions of providing access to the respective networks shall be determined by rules adopted by the Commission.

Art. 25. (1) The Commission shall keep public registers for:

1. the issued licences, entering all licensees, the issued licences and other circumstances;

2. (amend. - SG 105/16) certificates of origin of electrical power produced from high-efficiency combined production of electric and heating power;

3. (revoked – SG 74/06, in force from 08.09.2006);

4. (revoked – SG 74/06, in force from 08.09.2006);

5. the permits issued by it according to this Act.

6. (new – SG, 54/2012, in force from 17.07.2012) the issued by it decision under Art. 21, Para. 1, p. 1,4,5,9,10,15, 18, 21, 25 and 26.

(2) (amend. – SG 74/06, in force from 08.09.2006, amend. - SG, 54/2012, in force from 17.07.2012 p amend. - SG 105/16) The circumstances subject to entry under para 1, item 1, 5 and 6, the order of entering in the registers and of obtaining information shall be determined by the ordinance under art. 60. The circumstances subject to entry according to para 1, item 2, the order of entering in the register and of obtaining information shall be determined by the ordinance under art. 163c, para 3.

(3) (amend. – SG 54/10, in force from 16.07.2010) The decisions for issuing, amendment, supplement, withdrawal and termination of the licences, s well as the decisions for approval of the prices shall be published in the web site of the Commission.

Section III.

Financing of the Commission. Fees

Art. 26. (1) (suppl. SG 18/05) The activity of the Commission and its administration shall be financed by the revenue determined by art. 27, para 1 and in the Water Supply and Sewerage Services

Regulation Act.

(2) (amend. SG 15/13, in force from 01.01.2014) The Commission shall be a first level budget administrator.

(3) (New - SG 38/18, in force from 01.01.2019) The budget of the Commission shall be a part of the state budget, and shall be compiled, implemented and accounted for according to the order of the Public Finances Act.

(4) (New - SG 38/18, in force from 01.01.2019) The budget of the Commission shall include all revenues and funds under Art. 27, Para. 1.

Art. 27. (1) (Amend. - SG 38/18, in force from 01.01.2019) To the budget of the Commission shall go the revenues and funds from:

1. (amend. SG 18/05) the fees collected by the Commission under art. 28 of this Act and under art. 8, para 1, items 1 and 3 of the Water Supply and Sewerage Services Regulation Act, and the interest on them;

2. (suppl. - SG 18/05, amend. – SG, 54/2012, in force from 17.07.2012; amend. – SG 17/15, in force from 06.03.2015, amend. - SG 38/18, in force from 01.01.2019) the fines and proprietary sanctions, imposed by the commission in compliance with this Act and the Regulation of Water Supply and Sewerage Services Act;

3. (suppl. - SG 18/05, amend. – SG, 54/2012, in force from 17.07.2012) donations by persons not subject to licensing and/or control under this Act, or of persons related to them in the meaning of the Commerce Act.

4. (new - SG 38/18, in force from 01.01.2019) a subsidy from the central budget.

(2) (suppl. SG 18/05, suppl. - SG 18/05, amend. – SG, 54/2012, in force from 17.07.2012) Not accepted shall be donations by persons subject to licensing and/or control under this Act or to regulation under the Regulation of Water Supply and Sewerage Services Act and by persons related to them in the meaning of the Commerce Act.

(3) The resources under para 1 shall be spent for:

1. (suppl. SG 18/05) financing the activity of the Commission and its administration, including carrying out studies, analyses and expertise related to the regulatory activities under this Act and under the Water Supply and Sewerage Services Regulation Act.

2. (revoked - SG 38/12, in force from 01.07.2012)

3. (revoked - SG 38/12, in force from 01.07.2012)

4. (revoked - SG 38/12, in force from 01.07.2012)

(4) (revoked - SG 38/12, in force from 01.07.2012, new - SG 38/18, in force from 01.01.2019) The budget of the Commission shall not provide for the financing of expenses and the granting of transfers at the expense of revenues under Para. 1, item 2, which are reported as contribution to the central budget.

(5) (New - SG 38/18, in force from 01.01.2019) In case of over-fulfillment of revenues under Para. 1, item 1 and 3, as well as in the case of unused amounts of expenses and transfers for granting for the respective budget year, additional expenses and payments for transfers to the budget of the Commission for the following year may be approved under the conditions and by the order of the Public Finance Act.

(6) (Previous Para. 5 - SG 38/18, in force from 01.01.2019) Where the annual revenue from fees under this Act exceed or are not sufficient to cover the necessary expenses under the budget of the Commission for the next calendar year the chairman of the Commission may make a proposal for reconsidering the size of the fees.

(7) (New - SG 38/18, in force from 01.01.2019) At the end of the current year, the unused funds in the budget shall be transferred as revenue to the Fund under Art. 36b.

Art. 28. (1) (amend. SG 18/05) For fulfilment of the regulatory legal capacities the Commission

under this Act and the Water Supply and Sewerage Services Regulation Act the commission shall collect fees for considering applications, for issuance of certificates, for sale of documents for conducting of competitions, license fees and fees for registration of experts.

(2) The size of the fees under para 1, the order and the terms of their payment shall be determined by a tariff approved by the Council of Ministers at a proposal of the Commission.

(3) (new – SG 74/06, in force from 08.09.2006) The fees, collected following the procedure of this Act and the Water Supply and Sewerage Services Regulation Act, are public state receivables.

Art. 29. (1) The fee for considering an application shall be paid at the time of its filing.

(2) The persons having obtained licence shall pay licence fees for every issued licence, as well as for amendment of the licence in the cases indicated by the tariff.

(3) The licence fees shall be:

1. initial – for issuance or amendment of a licence, including expenses for its preparation and expenses for the regulatory activity related to the licence until the end of the current year;

2. annual – including expenses for the regulatory activity related to the licence for the respective year.

(4) The annual fee for the term of the licence, as well as for the term of its extension, shall be paid by the licensee every year following the year of its issuance.

(5) The licence fees shall be determined depending on the type of the licensed activity carried out and shall be differentiated by criteria determined by the tariff under art. 28, para 2.

Section IV. Price Regulation

Art. 30. (Amend. – SG, 54/2012, in force from 17.07.2012) (1) Subject to regulation by the Commission shall be the prices:

1. (amend. – SG 59/13, in force from 05.07.2013) at which the producers, within the frames of the availability determined by the commission under art. 21, para 1, item 21, sell electric power to the end consumer or the public supplier;

2. (revoked – SG 59/13, in force from 05.07.2013)

3. (suppl. – SG 74/06, in force from 08.09.2006) at which the producers sell heat power to the heat transmission enterprise and to directly connected clients;

4. at which the heat transmission undertaking sells heat energy to clients;

5. (revoked - SG 38/18, in force from 01.07.2018)

6. at which the public suppliers sell to the end suppliers bought electric energy under Art. 21, Para. 1, p. 21;

7. at which the public supplier sells natural gas to the end suppliers of natural gas and to the clients, adjoined to the gas transmission network;

8. at which the end suppliers sell natural gas to clients, joined to the relevant gas distribution networks;

9. at which the end suppliers sell electric energy to households and non-household end clients for sites, joined to the electric distribution network at level of low tension;

10. (amend. – SG 59/13, in force from 05.07.2013) for access and/or transmission through the transmission network;

12. for access and transmission of natural gas through transmission and/or distribution networks apart from the cases, where the commission upon its consideration approves the method for fixing a price for access and transmission through the transmitting network;

13. (amend. – SG 59/13, in force from 05.07.2013) for access and/or transmission through the

electric distribution networks;

14. for access and storage of natural gas in an equipment for storage;

15. for distribution of traction electric energy on the distribution networks of the railway transport;

16. to provided for the client services, determined by the commission, related to the licensed activity;

17. (new – SG 59/13, in force from 05.07.2013; suppl. - SG 56/15, in force from 24.07.2015) including the price or the price component through which all end clients joined to the electrical power system, including the electric transmission network operator and the electric distribution networks operators, participate in compensation of the expenses referred to in Art. 34 and Art. 35.

(2) The prices of the electric power, natural gas and services, provided by the energy enterprises shall not be subject to regulation by the Commission where it establishes the presence of competition creating preconditions for free negotiation of the prices in market conditions for the respective activity in the energy sector.

(3) The prices for supply with heat energy by the persons under Art. 39, Para. 4, p. 2 and 3 shall not be subject to regulation by the commission.

(4) (new – SG 47/16, suppl. - SG 51/17) The Commission shall not regulate the selling prices of heat energy and shall not set prices under Art. 33, para. 1 to producers who, according to audited annual financial statements for anyone of the three preceding calendar years, have a total annual revenue of over 5 million BGN and their revenues from sale of electricity from combined heat and power production has exceed 35 percent of their total annual revenue, unless these producers carry out transmission of and supply with heat energy to household customers, or use 100% of the produced heat energy for the production of plant agricultural products.

Art. 31. (suppl. – SG 74/06, in force from 08.09.2006) In exercising the legal capacities of price regulation the Commission shall be guided, besides by the principles of art. 23 and 24 and by the following principles as well:

1. the prices shall not be discriminatory, shall be based on objective criteria and determined in a transparent way;

2. the prices of the energy enterprises shall restore the economically substantiated expenses related to their activity, including the expenses for:

a) management, operation and maintenance of the energy sites;

b) (amend. – SG, 54/2012, in force from 17.07.2012) maintenance of reserve and regulating capacities necessary for reliable supply to the clients;

c) supply and maintenance of the reserves of fuel;

d) repair;

e) depreciation;

f) storing and processing of spent nuclear fuel and radioactive waste, decommissioning of nuclear installations and nuclear safety;

g) (new – SG, 54/2012, in force from 17.07.2012, revoked - SG 38/18, in force from 08.05.2018)

3. (suppl. - SG, 54/2012, in force from 17.07.2012; suppl. – SG 59/13, in force from 05.07.2013) outside the expenses under item 2 the prices may include the non-restorable expenses related to the transition to a competitive energy market, as well as the expenses ensuing from the fulfilment of obligations to the public, related to the reliability of the supply, including for protection of the sites, which are critical infrastructure in the energy area;

4. the prices shall provide an economically substantiated norm of capital return;

5. (amend. - SG, 54/2012, in force from 17.07.2012) the prices for the individual groups of clients shall correspond to the expenses for supply of energy and natural gas to these clients;

6. non-admittance of cross subsidy through the prices:

a) (amend. - SG, 54/2012, in force from 17.07.2012) between the individual groups of clients;

b) for integrated energy enterprises – between the individual activities subject to licensing under this Act and/or between the activities subject to licensing under this Act and other activities.

7. (new – SG 74/06, in force from 08.09.2006; amend. – SG 35/11, in force from 03.05.2011, amend. - SG, 54/2012, in force from 17.07.2012; suppl. – SG 59/13, in force from 05.07.2013, suppl. - SG 38/18, in force from 08.05.2018) fair transmission of the expenses from preferential prices and premiums for energy from renewable sources and highly effective co-generation of electric and heat energy to the end clients of electric power joined to electrical power system, including the transmission system operator and the distribution system operators, of transmission and distribution technology costs;

8. (new – SG 74/06, in force from 08.09.2006, amend. - SG, 54/2012, in force from 17.07.2012) fair transmission of the expenses for system services, including additional and ancillary services, standby reserve also for technological expenses to the users of the transmission network, respectively to the distribution networks;

9. (new - SG 35/15, in force from 15.05.2015) the prices for transfer and distribution of electric energy shall not limit the increase of the energy efficiency in the production, transfer and distribution of energy and inclusion of the consumption optimisation in the markets balancing and provision of additional services, as well as the reflecting in the network tariffs the reduction of the expenses in the networks achieved by the consumers, optimisation of the energy consumption, reduction of the supply costs or for investments in the networks and from optimisation of the functioning of the networks;

10. (new - SG 35/15, in force from 15.05.2015) the prices for transfer and distribution of electric energy shall allow the increased involvement of the end consumers in the improvement of the efficiency of the electric energy system by optimisation of the consumption;

11. (new - SG 35/15, in force from 15.05.2015) encouragement of the operators of transfer and distribution networks to provide system services for optimisation of the consumption of electric energy, for energy consumption management and for decentralised production within the framework of organised electric energy markets and of improving the efficiency in designing and functioning of the networks, and specifically:

a) transferring the load from peak to lower load hours by the end consumers taking into account the availability of renewable resources energy, of combined energy production and of decentralised production;

b) saving energy by optimisation of the consumption from decentralised production resources by combining provision of energy efficient services and involvement of the balancing market of electric energy;

c) reduction of the consumption by energy efficiency measures implemented by providers of energy efficient services;

d) accession and dispatch management of energy sites for production of electric energy of medium and lower tension;

e) accession of energy sites for production of electric energy located closer to the consumption points;

f) provision of access to the networks of energy accumulation facilities;

12. (new - SG 35/15, in force from 15.05.2015) introduction of dynamic price formation in relation to measures of optimisation of the electric energy consumption by the end consumers through:

a) prices taking into account the period of consumption;

b) prices for the critical periods of peak load;

c) real-time price formation;

d) discounts for reduced consumption during peak periods.

Art. 31a (new – SG 20/13, in force from 28.02.2013) (1) (suppl. – SG 17/15, in force from 06.03.2015, suppl. - SG 83/18) The Commission shall have the right where applicable to justify the approved electrical energy prices, the prices for access and / or transmission through the electricity transmission and / or distribution networks and the price and / or the component of the price under Art. 30,

para. 1, item 17 during the price period but not more often than once per calendar quarter, by:

1. modifying the availability under Art. 21, par. 1, item 21, and also the quantity of electrical energy of the public supplier, according to which the producers and/or the public supplier are obliged to make deals with end consumers, subject to consideration of the energy balance in order to provide maximum protection of end customers' interests and subject to compliance with the principle of provision of balance between the interests of energy enterprises and the clients;

2. adjusting the amount of process expenses of energy enterprises for production, transfer and distribution of electrical energy, by determining of their target values and subject to compliance with the principle of provision of balance between the interests of energy enterprises and the clients;

3. adjusting the approved amount of other price-determining components and subject to compliance with the principle of provision of balance between the interests of energy enterprises and the clients.

(2) (New - SG 38/18, in force from 08.05.2018) The Commission may, if necessary, modify the defined premiums, but not more frequently than once every 6 months, provided that there is a material change between the set estimated market price for a basic load for this period in relation to the achieved and forecasted one for the remaining period of the organized stock market.

(3) (Previous Para. 2, suppl. - SG 38/18, in force from 08.05.2018) In the cases referred to in Para. 1 and 2, the Commission may apply shortened procedures and terms.

(4) (Previous Para. 3, suppl. - SG 38/18, in force from 08.05.2018) The decision for adjustment of prices shall enter into force from the day of its adoption by the Commission.

Art. 32. (amend. - SG, 54/2012, in force from 17.07.2012) (1) The Commission may regulate the prices by applying various methods for regulation, including determining an upper limit of prices or revenue, determine indices for effectiveness of the energy enterprises, indices of comparability between them, fulfilment of basic criteria.

(2) The Commission may determine:

1. components of the prices showing the structure of the expenses;

2. hourly, seasonal and other tariff structures of the prices in compliance with the expenses.

(3) (new – SG 74/06, in force from 08.09.2006, repealed - SG, 54/2012, in force from 17.07.2012)

(4) (new. - SG, 54/2012, in force from 17.07.2012) The commission may determine temporary prices under Art. 30, Para. 1, p. 10. 12. 13. 14. 15 in case of delay of the operators of transmission or distribution networks while determining the prices for access, transmission and distribution and take decisions about suitable compensation measures, in case that the final prices for access transmission and distribution deviate from the temporary prices.

Art. 33. (amend. – SG 74/06, in force from 08.09.2006) (1) (amend. – SG 49/07; amend. – SG 54, in force from 16.07.2010, suppl. - SG, 54/2012, in force from 17.07.2012; amend. – SG 17/15, in force from 06.03.2015) The Commission shall determine preferential prices for sale of electric power produced in a highly effective combined method by power stations with combined production of electric and heat power according to art. 162, para 1.

(2) (revoked – SG 49/07, new - SG 38/18, in force from 01.07.2018) The Commission shall determine preferential prices of producers under Art. 162a in connection with the determination of the premium under Art. 33a.

(3) (suppl. - SG, 54/2012, in force from 17.07.2012, amend. and suppl. - SG 38/18, in force from 01.07.2018) The preferential price of the electric power, produced in a combined manner by power stations with highly effective combined production of electric and heat power under para 1 and 2 shall be assessed on the basis of the individual expenses for production as per the ordinance under art. 36, para 3.

(4) (new - SG, 54/2012, in force from 17.07.2012; revoked – SG 17/15, in force from 06.03.2015).

(5) (former Para. 4 – SG, 54/2012, in force from 1. 1. 2012) At a proposal of the respective heat

transmission enterprise the Commission shall determine a preferential price of heat energy for the association under art. 151, para 1 and for the provider under art. 149a.

Art. 33a. (New - SG 38/18, in force from 01.07.2018) (1) The Commission shall determine premiums to plants with a total installed electrical capacity of 4 MW and over 4 MW for the electricity produced from high efficiency cogeneration of heat and electricity.

(2) The premiums shall be determined annually by June 30th as the difference between the producers' preferential prices and the estimated market price determined for this period for the electricity produced in a highly efficient combined manner.

Art. 34. (1) The energy enterprises shall have the right to claim recognition and compensation of non-restorable expenses.

(2) Non-restorable are the expenses ensuing from investments and/or concluded transactions until the enactment of this Act by the energy enterprises, which cannot be restored as a result of creation of a competitive electric power market.

(3) The energy enterprises under para 1 shall file application to the Commission for recognising the expenses as non-restorable and for establishing their size. Attached to the application shall be proof of the grounds for occurrence of the non-restorable expenses and their size.

(4) The Commission shall determine the maximal total size and period for compensation of the recognised non-restorable expenses for each individual enterprise.

(5) The Commission, guided by the principles under art. 23 and taking into account the changes in the competition conditions shall:

1. re-calculate annually the maximal total size of the compensation related to the non-restorable expenses;
2. determine the size of restoration for the respective period;
3. distribute them among the respective energy enterprises.

(6) (amend. – SG 59/13, in force from 05.07.2013; suppl. - SG 56/15, in force from 24.07.2015) The method of compensation of non-restorable expenses shall be determined following the mechanism of allocation of these expenses in a transparent way between the end clients, joined to the electrical power system, including the electric transmission network operator and the electric distribution networks operators, and/or following a different procedure, provided by a law.

(7) (amend. – SG, 54/2012, in force from 17.07. 2012; revoked – SG 59/13, in force from 05.07.2013)

Art. 35. (1) (Suppl. - SG 38/18, in force from 01.07.2018) The energy enterprises shall not have the right to claim compensation of expenses ensuing from required obligations to the public, including related to the reliability of supply, protection of the environment and energy efficiency. The "Electricity System Security" Fund shall be entitled to claim compensation for costs arising from electricity purchase obligations at preferential prices and the granting of premiums for electricity from renewable energy sources and from high-efficiency cogeneration of electricity and heat.

(2) Recognised as expenses under para 1 shall be:

1. those ensuing from obligations to purchase electric power from producers having won a competition by the order of art. 46;

2. ensuing from obligation for production of electric power in using local primary energy sources under art. 4, para 2, item 8;

3. (amend. – SG 49/07; amend. – SG 54/10, in force from 16.07.2010; amend. – SG 35/11, in force from 03.05.2011, suppl. - SG 38/18, in force from 01.07.2018) ensuing from obligation for purchasing electric power at preferential prices under Art. 162 and under Art. 31 according to the Energy from

Renewable Sources Act;

3a. (new - SG 38/18, in force from 01.07.2018) arising from the obligation to grant a premium to a producer under Art. 162a and a producer with a total installed capacity of 4 MW and more than 4 MW under the Energy from Renewable Sources Act;

4. (new - SG, 54/2012, in force from 17.07. 2012) comprising from obligations, related to the protection of sites, providing critical infrastructure in energy;

5. (new - SG, 54/2012, in force from 17.07. 2012; amend. - SG 35/15, in force from 15.05.2015) resulting from obligations, related to fulfillment of the individual objectives for energy saving, under Art. 14, Para. 4 and Art. 15 of the Act on the Energy Effectiveness;

6. (former p. 4 - SG, 54/2012, in force from 17.07. 2012) other additional obligations.

(3) (Amend. - SG 38/18, in force from 01.07.2018) The entities under para 1 shall file periodically application to the Commission for compensation of the respective expenses. Presented along with the application shall be a proof of their grounds and size.

(4) (Amend. - SG 38/18, in force from 01.07.2018) The Commission shall determine the size for compensation for each individual enterprise and the total size for restoration for the respective period.

(5) (amend. – SG 59/13, in force from 05.07.2013; suppl. - SG 56/15, in force from 24.07.2015) The method of compensation of the expenses arising out of the obligations to the public shall be determined by a methodology determined by the Commission for allocation of these expenses in a transparent way between all final clients, including those consuming electrical energy from import, joined to the electrical energy system, the electric transmission network operator and the electric distribution networks operators, and/or by a different procedure, provided by law.

(6) (amend. - SG, 54/2012, in force from 17.07. 2012; amend. – SG 59/13, in force from 05.07.2013) The obligations for purchasing of electrical power at preferential prices under the Energy from Renewable Resources Act shall take place subject to compliance with the provision of Art. 6, item 2 of the Energy Sector Act from renewable resources upon deduction of the cash equivalent of 100 per cent of the revenues, received from quotes of greenhouse emissions provided in the Environmental Protection Act and 100 per cent of the income from sale of power from renewable resources, received under contracts for statistical transfer as per the Energy from Renewable Resources Act.

Art. 35a. (New - SG 38/18, in force from 08.05.2018) All end customers connected to the electricity system, including the operator of the electricity transmission grid and the operators of the electricity distribution grids, shall pay the expenses under Art. 34 and 35.

Art. 36. (1) The prices subject to regulation shall be formed by the energy enterprises according to the requirements of this Act and the ordinances under para 3. The instructions given by the Commission regarding the formation of the prices shall be obligatory for the energy enterprises.

(2) (revoked – SG 74/06, in force from 08.09.2006)

(3) (amend. - SG, 54/2012, in force from 17.07. 2012, suppl. - SG 38/18, in force from 08.05.2018) Methods of regulation of the prices, the rules for their formation or determining and change, the order of submitting information, presentation of the proposals for the prices and approval of the prices, the procedure for determining the premiums, the methodology for determining the forecast market price by producer groups depending on the primary energy source, and the order for determining the estimated market price for the technological costs of the transmission system operator and the electricity distribution system operators, shall be determined by ordinances for the electric power, heat power and natural gas adopted by the Commission.

Art. 36a. (new – SG 74/06, in force from 08.09.2006) (1) (amend. – SG, 54/2012, in force from 17.07.2012) The energy enterprises, supplying electric power and natural gas in regulated prices and the

operators of transmissible and distribution networks, within one-month term prior to submitting the application for approving new prices or for changing current prices to the Commission, announce in the mass media the offer for approving new prices or for changing current prices.

(2) The Commission shall approve the prices under para 1 as limit prices for every licensee by a decision, which is an individual administrative act.

(3) (amend. – SG, 54/2012, in force from 17.07.2012; amend. – SG 17/15, in force from 06.03.2015) Within a term of 7 days after the receipt of the decision under para 2 the licensee shall publish on their Internet site the approved limit prices and the prices under the contracts with the clients.

Art. 36b. (new - SG 56/15, in force from 24.07.2015) (1) (Amend. - SG 38/18, in force from 01.07.2018) The “Electricity System Security” Fund, hereinafter referred to as "the Fund", shall be set up to manage the means of covering the expenses:

1. incurred by the public provider, arising from his obligations under Art. 93a and 94, determined by decision of the Commission, including for past regulatory periods;

2. for granting a premium to a producer under Art. 162a and a producer with an installation with a total installed capacity of 4 MW and over 4 MW under the Energy from Renewable Sources Act, determined by decision of the Commission, including for past regulatory periods.

(2) (Suppl. - SG 38/18, in force from 01.07.2018) The payment to the public provider and the producers to cover the expenses with funds from the Fund shall be carried out on a monthly basis.

(3) The Fund shall be a legal person with a registered office in Sofia.

Art. 36c. (new - SG 56/15, in force from 24.07.2015) (1) The Fund shall be managed by a management board.

(2) (Suppl. - SG 38/18, in force from 08.05.2018) The Management Board shall consist of 5 members who shall be appointed, for a period of 5 years, as follows:

1. the Chairperson - by the Minister of Energy;

2. one member - by the Minister of Finance;

3. one member - by the Minister of Environment and Waters;

4. two members - by electricity producers.

(3) (New - SG 38/18, in force as of 08.05.2018) After the expiry of the term under Para. 2, the members of the Management Board of the Fund may be re-elected as members only for a further period of 5 years.

(4) (Previous Para. 3 - SG 38/18, in force from 08.05.2018) The members of the Management Board shall be appointed according to rules approved by the Minister of Energy.

(5) (Previous Para. 4 - SG 38/18, in force from 08.05.2018) The Minister of Energy shall, by an order, appoint the names of the members of the Management Board in agreement with the Minister of Finance, the Minister of the Environment and Waters and the electricity producers.

(6) (New - SG 38/18, in force as of 08.05.2018) The Chairperson of the Management Board shall:

1. organize the implementation of the decisions of the Management Board;

2. organize and manage the activity of the administration of the Fund;

3. appoint and direct the meetings of the Management Board;

4. represent the Fund in its relations with third parties;

5. appoint and dismiss the employees of the administration.

(7) (New - SG 103/17, in force from 01.01.2018, Previous Para. 5 - SG 38/18, in force from 08.05.2018) Ex officio shall be established the circumstance that the members of the Management Board proposed by the Minister of Finance and the Minister of Environment and Waters have not been convicted of crimes of general nature.

(8) (Previous Para. 5 - SG 103/17, in force from 01.01.2018, previous Para. 6 - SG 38/18, in force

from 08.05.2018) Any person convicted of a crime of general nature shall not become a member of the Management Board, nor shall become any person who is a spouse or relative, in a straight or collateral line up to the fourth degree and by marriage to a third degree including, of another member of the Fund's management bodies .

(9) (New - SG 38/18, in force from 08.05.2018) The powers of a member of the Management Board of the Fund shall be terminated before term:

1. at his/her request;
2. I case of incompatibility;
3. in case of a factual failure to fulfill his obligations for more than 6 months;
4. where he has been convicted of an offense of general nature with an act enacted;
5. in the case of a serious breach or systematic failure to perform the official duties;
6. in case of death.

(10) (New - SG 38/18, in force from 08.05.2018) In cases of early termination of the powers of a member of the Management Board of the Fund, a new member shall be determined within two months of the termination. The newly elected member shall finish the mandate of the person, in whose place he is elected.

(11) (New - SG 38/18, in force from 08.05.2018) The remuneration of the members of the Management Board of the Fund shall be determined as follows:

1. of the Chairperson - two-thirds of three average monthly salaries of employees under labour and employment relationship in the sector "Production and distribution of electricity, heat and gaseous fuels" according to data from the National Statistical Institute;
2. of the other members - one third of the remuneration of the Chairperson as per item 1.

Art. 36d. (new - SG 56/15, in force from 24.07.2015) (1) The Management Board shall be summoned by its Chairperson.

(2) Sessions of the Management Board shall be valid if attended by not less than two thirds of its members.

(3) The Management Board shall adopt its decisions by open vote and a simple majority of the members present.

(4) (New - SG 38/18, in force from 08.05.2018) The Management Board shall manage the Fund, guided by the following principles:

1. independence;
2. transparency in the management of funds;
3. traceability and accountability of all revenues and expenses;
4. objectivity in decision-making.

(5) (Previous Para. 4 - SG 38/18, in force from 08.05.2018) The Management Board shall:

1. adopt rules of organization and operation of the Fund as well as rules for spending the funds and operations of the Fund;
2. supervise the administration of the revenues of the Fund and expenditure thereof;
3. send annually by March 31 to the Ministry of Energy a report on its activities, which is submitted by the Minister of Energy at the Council of Ministers to be adopted and at the committee for information;
4. perform other functions related to the management of the fund in accordance with legislation in force.

Art. 36e. (new - SG 56/15, in force from 24.07.2015) (1) Fund resources shall be raised from:

1. contributions under Art. 36f;
2. revenues generated by the auctions for sale of quotas under Art. 57, para 1 of the Climate Change Mitigation Act, which are used for development of renewable energy sources

3. interest income, including arrears of contributions under item 1;
4. donations;
5. income from statistical transfers of energy from renewable sources used for the development of renewable energy sources.
6. (new - SG 38/18, in force from 01.07.2018) revenues under Art. 27, Para. 7;
7. (new - SG 38/18, in force from 01.07.2018) the revenues from the price and/or the component from price under Art. 30, Para. 1, item 17.

(2) (Amend. - SG 38/18, in force from 01.07.2018) Funds under para 1 be spent for maintenance related to Fund's operation and to cover the expenses under Art. 36b, Para. 1.

(3) (New - SG 38/18, in force from 01.07.2018) The maintenance funds related to the activity of the Fund shall amount to one percent of the collected funds under Para. 1, items 1 and 3.

Art. 36f. (new - SG 56/15, in force from 24.07.2015) (1) Contributions to the Fund amounting to 5 percent shall be made on a monthly basis by:

1. (suppl. - SG 38/18, in force from 01.07.2018) producers of electric power of the income from electricity sold without VAT and for those who receive a premium under Art. 162a and the Energy from Renewable Sources Act and its revenues without VAT;

2. traders importing electric power of the income from electricity imported and sold on the national market without VAT;

3. (new – SG 47/16) the operator of the electric transmission network from the revenues from access and transmission of electricity without VAT;

4. (new – SG 47/16) the operators of the gas transmission networks from the revenues from access and transmission of natural gas without VAT;

5. (new – SG 47/16), operators of facilities for the storage of natural gas from the revenues from access and storage of natural gas without VAT.

(2) (amend. – SG 47/16, amend. – SG, 102/17, in force from 01.01.2018, amend. - SG 38/18, in force from 01.07.2018) Persons under para. 1 shall submit to the Fund by the 20th day of the current month a declaration for the respective revenues for the previous month.

(3) (Amend. – SG, 102/17, in force from 01.01.2018) Contributions to the Fund e shall be paid by the 20th day of the month following the month to which they relate and shall be recognized as current operating expenses for taxation purposes.

(4) **3a** For the purposes of price regulation expenses for contributions under para 1 shall not be included within the costs recognized by the Commission.

(5) (Revoked - SG 38/18, in force from 01.07.2018)

(6) (Revoked - SG 38/18, in force from 01.07.2018)

(7) (Revoked - SG 38/18, in force from 01.07.2018)

Art. 36g. (New - SG 38/18, in force from 01.07.2018) (1) The invoiced funds of the price and/or the component of price under Art. 30, Para. 1, item 17 shall be deposited in the Fund by:

1. a trader, producer, operator of an organized stock market and supplier of last resort, who conclude transactions at freely negotiated prices with end customers connected to the electricity system;

2. an end supplier who concludes transactions on regulated prices with end customers;

3. an operator of the electricity transmission network and operators of the electricity distribution networks for the consumed electricity for technological costs.

(2) The funds shall be deposited by the 20th day of the month following the month to which they relate, and are to be recognized as current operating expenses for tax purposes.

(3) (Amend. - SG 64/18, in force from 03.08.2018, amend. and suppl. - SG 83/18) The obligations of the traders and producers under Para. 1 for the current month shall a collateral shall be provided at the

amount of 100 percent of the arithmetic mean monthly value of the product of the price and/or the component of price under Art. 30, Para. 1, item 17 and the quantity of electricity sold by them to end customers, for the previous 6 months. In the absence of data for the preceding 6 months, the collateral shall be 100 percent of the arithmetic mean monthly value for those previous months, for which there is data, but not less than BGN 20 000. Collateral is provided in one of the following forms:

1. a deposit in money on a bank account of the fund;
2. bank guarantee.

(4) Where the obligations under Para. 1 are secured by a bank guarantee, its term of validity shall be 12 months.

(5) Where the obligations under Para. 1 are secured with a deposit, no interest shall be due on it.

(6) (Amend. - SG 64/18, in force from 03.08.2018, amend. - SG 83/18) Where the obligations under Para. 1 are executed exactly for 12 consecutive months, the collateral for the month following this period shall be reduced to 50 percent of the arithmetic mean monthly value of the product of the price and/or the component of price under Art. 30, Para. 1, item 17 and the amount of electricity sold by the trader or producer to end customers, for the preceding 6 months.

(7) (Amend. - SG 64/18, in force from 03.08.2018) For the obligations under Para. 1 no collateral shall be paid when the traders and producers under Para. 1 have simultaneously fulfilled the following conditions for the current month:

1. until the 20th day have no debts due and/or overdue towards the Fund;
2. they have deposited in advance, by the 25th of the month, in the Fund's bank account, funds in the amount of the arithmetic mean of the product of the price and/or the component of price under Art. 30, Para. 1, item 17 and the amount of electricity sold by them to end customers for the previous 6 months;
3. by the 25th, they have informed the Fund that they have deposited the funds under item 2.

(8) (New - SG 64/18, in force from 03.08.2018) The Fund shall verify the fulfillment of the conditions under Para. 7 and in case of default, shall notify the respective trader or producer to deposit the security under Para. 3 within 7 days of notification.

(9) (Previous Para. 8 - SG 64/18, in force from 03.08.2018, amend. - SG 83/18) The Fund shall check monthly the size of the collateral, and shall notify the trader or producer to bring it in accordance with the requirements. The trader or producer shall provide an updated collateral within 7 days of receipt of the notice.

(10) (Previous Para. 9 - SG 64/18, in force from 03.08.2018, amend. - SG 83/18) In the event of non-fulfillment by a trader or producer of obligations under this Article, the Fund shall take actions to use the provided collateral in the amount of the liabilities under Para. 1, and shall submit to the independent transmission operator a request for removal of said trader or producer from the electricity market by the order of the ordinance under Art. 36l.

(11) (new - SG 83/18) In the event of failure by a trader or producer to fulfill obligations under this Article the Fund shall adopt a reasoned decision to remove it from the electricity market for a period specified in the decision. The removal shall be carried out by the independent transmission operator upon receipt of a request from the Fund. The decision for removal is appealed under the Administrative Procedure Code and the appeal does not stop the enforcement.

(12) (New - SG 64/18, in force from 03.08.2018, prev. para. 11, suppl. - SG 83/18) The notification under Para. 7, 8 and 9 shall be done electronically with an electronic signature, by registered letter with acknowledgment of receipt or by fax.

Art. 36h. (New - SG 38/18, in force from 01.07.2018) (1) The contributions under Art. 36f, Para. 1 and the funds under Art. 36e, Para. 1, item 7 shall be public state receivables subject to enforcement by a public executor under the procedure of the Tax Insurance Procedure Code. The act establishing the receivable shall be issued by the Fund's Chairperson.

(2) The funds and operations of the Fund shall be included in the consolidated fiscal program as

funds and operations of other economically distinct persons under Art. 13, Para. 4 of the Public Finances Act and are not to be made part of the state budget.

(3) (amend. - SG 83/18) The funds of the Fund shall not be sequestered and cannot be subject of offset by the third persons with the liabilities of the Fund. The Fund may offset its claims for contributions under Art. 36f, para. 1 against its obligation to pay a premium under Art. 36i based on the act of offsetting receivables issued by the Chairman of the Fund.

(4) (new - SG 83/18) Postponement or deferring of the obligations for contributions under Art. 36f, para. 1 shall be carried out under the terms and procedure of the Tax-insurance Procedure Code. The permission to defer or reschedule is issued by the Fund's Management Board.

Art. 36i. (New - SG 38/18, in force from 01.07.2018) (1) The Fund shall conclude with a producer under Art. 162a and producers with an installation with a total installed capacity of 4 MW and over 4 MW under the Energy from Renewable Sources Act, a premium-compensation contract.

(2) A premium shall not be paid when a producer under Para. 1 has liabilities to the Fund, in which case the Fund does not owe interest for delay.

(3) The Fund shall not owe a premium for the quantities of electricity, for which a producer under Para. 1:

1. (amend. - SG 57/18, in force from 01.07.2018) has not entered into a transaction under Art. 100, Para. 4 and/or 6, or a balancing market;

2. has no transferred monthly certificates of origin, or guarantees of origin, under Art. 34 of the Energy from Renewable Sources Act.

(4) The Fund shall pay the premium by the end of the month, in which, by the 20th day, has been presented the cost statement and the monthly certificates of origin or guarantee of origin have been transferred to it under Art. 34 of the Energy from Renewable Sources Act.

Art. 36j. (New - SG 56/15, in force from 24.07.2015, previous Art. 36g - SG 38/18, in force from 01.07.2018, suppl. - SG 83/18) The Council of Ministers shall determine with ordinance the terms and procedures for raising, spending, accounting for and control of the Fund's resources, as well as the procedure for granting, releasing and utilizing the collateral under Art. 36g, para. 3.

Section V.

Separate accounting. Storage and Providing Information (Title, amend. – SG, 54/2012, in force from 17.07.2012)

Art. 37. (1) The energy enterprises shall keep separate accounting for:

1. each activity subject to licensing under this Act;
2. the activities subject to licensing under this Act, and other activities;
3. every branch and enterprise;
4. activities in regulated and freely negotiated prices.

(2) (amend. – SG, 54/2012, in force from 17.07.2012) The rules for keeping separate accounting by the energy enterprises, including the assets for the purposes of the price formation in groups of clients, as well as the form and the content of the accountancy reports for regulatory purposes shall be determined by a decision of the commission by an order stipulated by the ordinances under art. 36, para 3.

(3) (new – SG, 54/2012, in force from 17.07.2012) The energy enterprises, which are subject to independent financial audit, shall provide to the commission audit report about the observation of the rules for keeping separate accountancy.

Art. 38. (1) The energy enterprises shall be obliged to present annually to the Commission:

1. their annual financial reports, including their attachments, according to the Accountancy Act and the annual audit reports;
2. accounting information for types of activities.
- 3 (new – SG, 54/2012, in force from 17.07.2012) information about the assets and costs on types of clients for the purpose of price formation.

(2) (amend. - SG, 54/2012, in force from 17.07.2012) The energy enterprises shall be obliged, at a request of the Commission, of the Commission for Competition Protection and of the European Commission, implementing their authorizations to submit their entire documentation, accountancy and technical and other information, including for the concluded contracts.

(3) (new - SG, 54/2012, in force from 17.07.2012). The enterprises for supply of electric energy and natural gas shall keep for the term of 5 years data about all the concluded deals for supply of electric energy and natural gas with wholesale clients and with operators of transmission networks – term, supply and payment conditions, quantity, dates and time of fulfillment, prices and way for identification of the relevant wholesale client, as well as other data, determined by the ordinance under Art. 60. the Commission may provide to market players pieces of this information under the conditions, that no information is disclosed, which is trade secret, or information, protected by the law.

Section VI.

Measures for Protection of Energy Service Clients (New – SG, 54/2012, in force from 17.07.2012; amend. - SG 35/15, in force from 15.05.2015)

Section VI.

Measures for Protection of End Clients (New – SG, 54/2012, in force from 17.07.2012)

Art. 38a. (New – SG, 54/2012, in force from 17.07.2012) (1) (amend. - SG 35/15, in force from 15.05.2015) The contracts with consumers of energy services shall contain obligatorily:

1. data, identifying the energy enterprise, including address;
2. the offered services and conditions and procedure for their providing;
3. the means for receiving updated information for all applicable prices of the offered services;
4. contract term, the conditions for temporary termination, termination of their provision and of the contract;
5. (suppl. - SG 35/15, in force from 15.05.2015) the conditions for one-sided termination of the contract by the user of energy services, including in case of changing the contractual terms and prices, and the possibility for such termination without additional payment;
6. the conditions and procedure for compensation and return of sums in cases of failure to observe the quality of the agreed services, including incorrect and delayed invoicing;
7. (suppl. - SG 35/15, in force from 15.05.2015) the rights of the consumer of energy services, including information about the procedure of examination and pronouncing on complaints within three months from their receipt;
8. other conditions under the provisions of this act.

(2) The conditions under Para. 1, as well as the proposals for their change shall be announced before signing or confirming the contract.

Art. 38b (new – SG, 54/2012, in force from 17.07.2012) (1) (amend. - SG 35/15, in force from 15.05.2015) The energy enterprises - contracting parties under Art. 38a, Para. 1 shall provide for their consumers of energy services information about:

1. the ways of payment, prices for termination or restoring the supply, prices for maintenance services and other prices for services, related to the license activity;

2. the procedure for change of supplier and information, that tat consumers of energy services do not owe additional payments in case of change of their supplier;

3. (amend. - SG 35/15, in force from 15.05.2015) the real consumed quantities and the value of the provided service according to the accounting frequency agree upon without obligation for additional payment for this service;

4. drawing up of a final equalizing bill in each change of supplier;

5. the share of each energy source in the total supplied energy by the supplier during the previous calendar year in an understandable and clearly comparable way;

6. existing sources of public accessible information about the impact on the environment in relation at least to the emissions of carbon dioxide and radio-active wastes – as a result of the production of electric energy from different energy sources in the total supplied energy by the supplier during the previous year;

7. information about the ways for settling disputes;

8. (new - SG 35/15, in force from 15.05.2015) the conditions of providing electronic information and invoicing and electronic invoices.

(2) (new - SG 35/15, in force from 15.05.2015) The energy or natural gas supplier shall provide to its customers a wide selection of payment methods, including advance payment systems, which shall be fair and adequately representing the potential consumption.

(3) (new - SG 35/15, in force from 15.05.2015) The energy or natural gas supplier shall provide to another energy or natural gas supplier information of the consumption of a household client, if so provided in an explicit agreement between the client and the energy or natural gas supplier.

(4) (prev. text of Para 02 - SG 35/15, in force from 15.05.2015) The information under Para. 1 shall be presented in the invoices or together with them in information materials and on internet sites of the energy enterprises. In this way the suppliers of energy and natural gas shall produce to the consumers of energy services also a control list, adopted by the European Commission, containing practical information about their rights.

(5) (new - SG 35/15, in force from 15.05.2015) Invoicing information shall be provided at least once every quarter, and twice per year upon request or where the consumers have opted for electronic receipts.

(6) (new - SG 35/15, in force from 15.05.2015) The energy enterprises under Para 1 shall provide to the consumers of energy services related to supply of electric energy or natural gas, additional information of:

1. cumulative data for a period of at least three preceding years or for a period since entry into force of the supply contract, if shorter; the information shall correspond to the intervals that the invoice information relates to;

2. detailed data of consumption for any day, week, month and year by using intelligent measuring systems through provision of information to the end consumer through internet or through the interface of the measuring device for a period of at least 24 preceding months, or for the period since entry into force of the supply contract, if shorter.

Art. 38c. (New – SG, 54/2012, in force from 17.07.2012) (1) (amend. - SG 35/15, in force from 15.05.2015) The energy enterprises under Art. 38b, Para. 1 shall draw up and produce for approval by the commission rules about their operation with their consumers of energy services.

(2) The rules under Para. 1 shall provide for the procedure and terms for receiving, examining, check-up and reply of submitted complaint, signals and proposals, the form of data about the consummation and the procedure in which the suppliers and consumers of energy services receive access to them.

(3) The rules under Para. 1 shall be approved by the commission, shall be published in one central and one local daily newspaper, as well as on the internet site of the licensee and shall be enforced after their publication. The rules shall be part of the contract conditions, approved by the commission, where by this act general conditions have been provided.

(4) The terms and conditions for approval of the rules for operation with the consumers of energy services shall be provided by the ordinance under Art. 60.

(5) (new - SG 35/15, in force from 15.05.2015) The energy enterprises under Art. 38b, Para 1 shall notify its consumers of energy services - household clients, of each proposed amendment of the contractual terms and the price of the rendered services, as well as of the right of the consumers for unilateral termination of the contract within 30 days from the date of notification, if they do not accept the new conditions and/or prices.

(6) (new - SG 35/15, in force from 15.05.2015) The notification of the rise of prices shall be made within the invoicing term following the entry into force of the price increase.

(7) (new - SG 35/15, in force from 15.05.2015) Where the commission approves the general terms and conditions, the notification of the amendment of the contractual terms shall be deemed completed on the date of publication of the approved general terms and conditions.

(8) (new - SG 35/15, in force from 15.05.2015) Para 5 - 7 shall not apply to contracts for supply of heat energy.

Art. 38d (New – SG, 54/2012, in force from 17.07.2012; amend. - SG 35/15, in force from 15.05.2015) The energy enterprises, supplying energy or natural gas, shall provide centres for providing information under art. 38a, 38b and 38c to the consumers of energy services, as well as work with the, under the rules of art. 38c.

Art. 38e (New – SG, 54/2012, in force from 17.07.2012) the energy enterprises, providing services of public interest in the general conditions for supply and use of networks and in the rules for operation with the consumers of energy services shall determine special procedures for providing information, related to consummation and for termination the supply to vulnerable clients.

Art. 38f. (new – SG 17/15, in force from 06.03.2015) (*) The end supplier shall inform the customer, together with the invoice of the last month of every semester, where the measured consumption of electricity or of natural gas of the end customers in the said semester is higher by more than 50% of the measured consumption in the respective semester of the preceding calendar year.

Art. 38g. (new – SG 17/15, in force from 06.03.2015) (*) (1) The customer may request from the operator of electrical distribution or gas distribution network to carry out metrological expert check of commercial measuring device. The expert check shall be carried out by the Bulgarian Institute of Metrology according to the provisions of Chapter Five of the Measurements Act. The commercial measuring device shall be de-installed and stored by the operator who shall provide for its sending to Bulgarian Institute of Metrology sealed with the seals and stickers, recorded in the act of findings issued at the time of de-installation.

(2) The cost of metrological check of the commercial measuring device shall be covered by:

1. the operator of the electrical distribution, respectively of the gas distribution network, in case the expert check proves malfunctioning of the commercial measuring device;
2. the customer, in case the expert check proves proper operation of the commercial measuring device.

Art. 38h. (new – SG 17/15, in force from 06.03.2015) (*) Where by initiative of the end supplier the supply of electricity or natural gas to the client will be terminated the end supplier shall be obliged to notify the customer thereof by a method chosen by the latter, not later than three days before the date of termination of the supplies. If the customer has not stated a specific method of notification, they should be notified by a method at end supplier's option.

Chapter four.

LICENCES

Section I.

Issuance of licences

Art. 39. (1) The activities subject to licensing under this Act are:

1. production of electric and/or heat power;
2. transmission of electric power, heat power or natural gas;
3. distribution of electric power or natural gas;
4. (suppl. – SG, 54/2012, in force from 17.07.2012) storing of natural gas in storage equipment and/or liquidation of natural gas or import, unloading and de-gasification of liquid natural gas in equipment for liquidized natural gas;
5. trade with electric power;
6. (suppl. – SG, 54/2012, in force from 17.07.2012) organising of stock market of electric power;
7. public supply of electric power or natural gas;
8. (revoked – SG 74/06, in force from 01.07.2007)
9. (repealed - SG, 54/2012, in force from 17.07.2012);
10. (new – SG 74/06, in force from 01.07.2007) supply of electric power or of natural gas by end suppliers;
11. (repealed - SG, 54/2012, in force from 17.07.2012);
12. (new – SG 74/06, in force from 08.09.2006) distribution of traction electric power to distribution networks of the railway transport.
13. (new - SG, 54/2012, in force from 17.07.2012) supply of electric energy by an end instance supplier;

(2) The licence shall permit the implementation of some of the activities under para 1 under conditions stipulated by it, and it shall be an integral part of the permit for its issuance.

(3) Where, for implementing some of the activities under para 1, a licence is issued before the construction of the energy site for carrying out this activity, the licence shall contain the conditions for construction of this site and a term of starting the licence activity.

(4) (amend. – SG 74/06, in force from 08.09.2006) Issuance of licence shall not be required for:

1. production of electric power by a person possessing electric power station with total installed capacity up to 5 MW;
 2. (amend. – SG, 54/2012, in force from 17.07 2012) production of heat power by a person possessing a heat power station with a total installed capacity up to 10 MW;
 3. (amend. – SG, 54/2012, in force from 17.07 2012) transmission of heat power by a person possessing heat transmission network, to which are connected power stations with a total installed capacity up to 10 MW;
 4. production of heat power for own consumption only;
 5. (new – SG 17/15, in force from 06.03.2015) production of electricity for own consumption only.
- (5) (new – SG 74/06, in force from 08.09.2006, amend. – SG, 54/2012, in force from 17.07 2012)

In case the person, applying for the issue of a license for some of the following activities:

1. production of electric energy;
2. production of electric end heat energy;
3. transmission of electric energy;
4. distribution of electric energy;
5. trade with electric energy;
6. organization of stock market of electric energy;
7. public supply of electric energy;

8. supply of electric energy by end supplier;
9. supply of electric energy by an end instance supplier;
10. distribution of traction electric energy on the electric transmission networks of the railway transport or possesses such a license and meets the requirements for coordinator of a balancing group; the relevant license contains the rights and obligations, related to the activity of a coordinator of a balancing group.

(6) (New – SG, 54/2012, in force from 17.07. 2012) a license for supply of electric energy by a last instance supplier for clients, which have not chosen other supplier or the selected supplier does not carry out supply on non-depending on the client reasons, shall be issued to:

1.the licensed for the activity public supply of electric energy – for the clients, joined to the electric transmission network;

2. licensees for the activity supply of electric energy by end supplier – for clients, joined to the relevant distribution network for the territory of the licenses in force for a public supplier and supply by end supplier.

Art. 40. (1) (amend. – SG, 54/2012, in force from 17.07.2012) Licence shall be issued to a person registered according to the Commercial Act who:

1. has technical and financial capacities, material and human resources and an organisational structure for fulfilment of the normative requirements for carrying out the activity under the licence;

2. (amend. - SG 38/18, in force from 08.05.2018) has real rights on the energy sites through which he will implement the activity, if they are constructed, with exception of the licences under art. 39, para 1, item 4, 5, 6, 7, 10 and 13;

3. presents proof that the energy sites through which the activity under the licence will be implemented meet the normative requirements for safe operation and for protection of the environment.

(2) In case of issuing a licence under art. 39, para 3 it shall be required that the conditions under para 1, item 1 – 3 are available by the moment of starting the licensed activity.

(3) A licence under art. 39, para 1, item 4 shall be issued, observing the provisions of art. 118a, para 3 – 6 of the Waters Act.

(4) Licence shall not be issued to a person:

1. regarding whom bankruptcy proceedings have been instituted or who has been declared bankrupt;

2. who is in liquidation;

3. whose licence has been withdrawn or issuance of licence has been refused for the same activity and the term under art. 59, para 4 or under art. 41, para 4 has not expired.

(5) Licence shall not be issued in the presence of a danger of harming the life and the health of the citizens, the property of third persons and the interests of the consumers, interruption of the reliable supply of electric or heath power or natural gas.

(6) In the cases where one and the same person carries out more than one of the activities for which licensing is stipulated, individual licences shall be issued for each of the activities. The Commission shall observe non-admission of contradictions in the regime of implementing the individual licensed activities.

(7) The license under para 1 shall also be issued also to a person with a registration, equal to the one under Para. 1 under the legislation of another Member State of the European Union under the conditions of Para. 1 – 6.

(8) (new – SG 17/15, in force from 06.03.2015) The license referred to in Art. 39, par. 1, items 1 and 2 shall be granted also to a person to which the concession has been granted or holding the right of use and operation of utility facilities for production, transmission and distribution of thermal energy subject to compliance with the provisions of par. 1 – 6.

Art. 41. (1) Procedure for issuance of licence shall be opened upon a written application accompanied by all necessary documents for issuance of licence.

(2) If the licence activity is carried out at prices subject to regulation under this Act the application under para 1 shall also be accompanied by an application for their approval.

(3) Within three months from filing the applications under para 1 and 2 the Commission shall issue or shall refuse with motivation the issuance of licence and shall approve or determine the respective prices.

(4) In the cases of refusal the applicant may file a new request for issuance of licence not earlier than three months from the issuance of the decision for refusal, respectively from the enactment of the court decision by which the complaint has been rejected as ungrounded.

(5) (New – SG, 54/2012, in force from 17.07.2012) The commission shall submit information to the European Commission for each case of motivated refusal for issuance licenses for transmission, distribution, storage, public supply of natural gas and supply with natural gas by end supplier.

Art. 42. (1) The licence shall be issued for a period of up to 35 years in compliance with the requirements of the ordinance under art. 60.

(2) The term of the licence shall be extended for a period not longer than the period under para 1 if the licensee meets the requirements of the Law and fulfils all obligations and requirements of the licence, and he has filed a written request for extension at least one year before the expiration of the term of the initial licence.

(3) By the decision for extension of the term under para 2 the Commission shall also determine the conditions of implementing the activity for the new term of the licence.

Art. 43. (1) Only one licence shall be issued on the territory of the country for:

1. (amend – SG, 54/2012, in force from 17.07.2012) transmission of electric power;
2. organising market of the electric power;
3. public supply of electric power or natural gas;
4. (new – SG 74/06, repealed – SG, 54/2012, in force from 17.07.2012)
5. (new - SG, 54/2012, in force from 17.07.2012) supply of electric power by last instance provider for clients, connected to the electric transmission network.

(2) Only one licence shall be issued for one separate territory for:

1. distribution of electric power or natural gas;
2. (revoked – SG 74/06, in force from 01.07.2007);
- 2a. (new – SG 74/06, in force from 01.07.2007) supply of electric power or natural gas by end suppliers;
3. transmission of heat power.
4. (new - SG 54/2012, in force from 07.07.2012) supply of electric power by a last instance supplier for clients, connected to the electric transmission network of the territory.

(3) (amend. – SG, 54/2012, in force from 17.07.2012) One separate territory of distribution of electric power shall include no less than 150 thousand clients connected to the adherent electric distribution network, included in whose boundaries shall be no less than one region according to the electric transmission administrative and territorial structure of the country.

(4) (new – SG 74/06, in force from 01.07.2007) For a separate territory under para 3 shall be issued only one license for supply of electric power by end suppliers.

(5) (prev. text of para 4 – SG 74/06, in force from 08.09.2006, amend – SG, 54/2012, in force from 17.7.2012) One separate territory of distribution of natural gas shall include no less than 50 thousand clients who might be connected to the adherent gas-distribution network, and its boundaries shall be determined by the list under art. 4, para 2, item 6.

(6) (new – SG 74/06, in force from 01.07.2007) For a separate territory under para 5 shall be issued

only one license for supply of natural gas by end suppliers.

(7) (prev. text of para 5 – SG 74/06, in force from 08.09.2006; amend. SG 82/12, in force from 26.11.2012) One separate territory for transmission of heat power shall be determined according to the current development plans of the settlement.

(8) (prev. text of para 6, amend. – SG 74/06, in force from 08.09.2006, amend, SG, 54/2012, in force from 17.7.2012) The provision of para 6 shall not apply in the event that there is a declared interest in gas supply on a territory outside the list under art. 4, para 2, item 6. In this case the territory, subject to investment interest, shall be separated as an independent territory for distribution of natural gas. Licences for distribution of natural gas, or for supply of natural gas by an end supplier regarding this territory shall be issued without a competition to the interested investor under the conditions of Section I of this Chapter and by the order of the ordinance under art. 60, upon coordination with the respective municipality.

(9) (prev. text of para 7, amend. – SG 74/06, in force from 08.09.2006) In the event that, for the territory under para 8, more than one application has been filed for gas supply the Commission shall announce a competition under the conditions of Section II of this chapter and by the order of the ordinance under art. 60.

(10) (prev. text of para 8, amend. – SG 74/06, in force from 08.09.2006, amend. – SG, 54/2012, in force from 17.7.2012) By a decision of the Commission for amendment of the license on the territory of the municipality, which is outside the list under art. 4, para 2, p. 6 may be connected to a separate territory for distribution of natural gas, or to the territory of the municipality, for which there is an issued license for the same activity, in case there is a consent declared by the respective municipality outside the list and a consent of the holder of the license.

(11) (new – SG 74/06, in force from 08.09.2006, suppl. – SG, 54/2012, in force from 17.7.2012) The provisions of para 8 and 9 shall not apply, in case the consent under para 10 is received by the holder of the license for distribution of natural gas to the separate territory, or in the territory pursuant to Para. 8

(12) (new – SG 74/06, in force from 08.09.2006, amend – SG, 54/2012, in force from 2012) For the territory of the country shall be issued one license for distribution of traction electric power only to the electric distribution networks of the railway transport of the "Railway Infrastructure" National Company.

Art. 44. (1) (amend. – SG 74/06, amend. – SG, 54/2012, in force from 17.7.2012) The person, to whom is issued a licence for transmission of electric power, shall not be granted another licence for other activity, subject to licensing under this Act, except for a licence for organising a stock market of electric power.

(2) (amend. – SG, 54/2012, in force from 17.7 2012) The person to whom a licence is issued for transmission of natural gas shall not be granted a licence for another activity subject to licensing under this Act, except for a licence for the operation under Art. 39, Para. 1, p. 4 and a licence for distribution of natural gas. The person to whom licence is issued for transmission of natural gas may not trade with natural gas.

(3) (amend. – SG 74/06, in force from 08.09.2006) Persons to whom licence has been issued for distribution of electric power shall not be granted licences for other activities subject to licensing under this Act.

(4) (new – SG 74/06, in force from 08.09.2006, amend. – SG, 54/4012, in force from 17.7.2012) Persons to whom licence has been issued for distribution of natural gas, shall not be granted licences for other activities subject to licensing under this Act, except for a license for supply of natural gas by an end supplier, in case the clients, connected to the gas transmission network on this territory are less than 100 000.

Art. 45. The licence shall determine:

1. the title of the licence;
2. the activity for which the licence is issued;

3. the sites through which the licensed activity is carried out;
4. the territory of the licence for the activities for which it is necessary;
5. the term of the licence;
6. the types of insurance, covered risks and the size of the insurance coverage which the licensee is obliged to maintain while carrying out the licensed activity;
7. requirements for decommissioning of energy sites through which the activity is carried out;
8. other special normative requirements related to the activity under the licence.

Section II. Competition

Art. 46. (1) (Amend. – SG, N 54 of 2012, in force from 17.07, 2012) Competition for a needed capacity for production of electric power, shall be held only in the cases pursuant to art. 4, para. 2, p. 5 for building a new or for granting existing power. The participant, who has won the competition shall be determined for holder of the license, containing obligation for building up in the cases of building of a new capacity.

(2) The holders of licences for distribution of natural gas for the separate territories determined by the list under art. 4, para 2, item 6 shall be determined by competitions.

(3) (Amend. – SG, N 54 of 2012, in force from 17.07, 2012) Licence under para 1 in the cases of construction of a new capacity or under Para. 2 shall be issued a license under Art. 39. Para. 1, p. 1 or 3.

(4) (New - SG, N 54 of 2012, in force from 17.07, 2012) In the cases under Para. 2 with the commission decision under Para. 3, also a license shall be issue for carrying out the activity of providing with natural gas by an end provider to reaching 100 000 clients in compliance with Art. 44, Para. 4.

(5) (suppl. – SG 74/06, in force from the date of entry into effect of the Treaty of Accession of the Republic of Bulgaria to the European Union, former Para. 4, SG, 54/2012, in force from 17.07.2012) Where the competition is won by a foreign person, who is not registered in a Member State of the European Union or in another country – party to the European Economic Area Agreement, the licence shall be issued to a company registered according to the Commercial Act, of which the foreigner possesses at least 67 percent of the capital. This person shall not have the right to transmission his share in the licensed company to a third person until the date of starting the licensed activity.

(6) (Former, Para. 5 – SG, 54/2012, in force from 17.07.2012) The public supplier shall conclude a contract for purchasing electric power with the person having won the competition under para 1.

Art. 47. (1) The competition shall be announced by the Commission in compliance with the list under art. 4, para 2, item 5 or 6 and shall be held under conditions and by an order determined by the ordinance under art. 60.

(2) The competition documentation shall be worked out in compliance with the ordinance under art. 60 and shall be approved by the Commission. The competition documentation shall include a draft licence, and in the cases under art. 46, para 1 – also a draft contract for purchasing electric power.

(3) (amend. SG, 54/2012, in force from 17.07.2012, amend. and suppl. - SG 83/18) The Commission's decision to announce a competition shall be promulgated in the State Gazette with detailed information published in the Official Journal of the European Union for the competition. The term for submitting application for participation in the competition shall not be shorter than 6 months after the date of the promulgation in the State Gazette. The decision of the Commission for announcing the competition may be appealed only along with the decision for determining the winner of the competition.

(4) (New – SG, 54/2012, in force from 17.07.2012) An applicant for participation in a competition may be any persons, who possesses technical, economical, financial and organization capacities in compliance with the requirements, indicated in the competition documentation and for whom the

circumstances under Art. 40. Para. 4 are not present.

Art. 48. (amend. – SG, 54/2012, in force from 17.07.2012, amend. - SG 83/18) Where, within the term of filing applications for participation in the competition an application is not filed or only one application is filed this term may be extended by no more than 60 days considered from the date of promulgation in the State Gazette of the decision for extension of the term. In this case, the date of holding the competition shall also be changed.

Art. 49. (1) The Commission shall appoint by a decision a competition commission for holding the competition with a chairman – member of the Commission. It shall include employees of the administration of the Commission and, depending on the subject of the competition, representatives of the respective municipalities and interested administrative bodies and organisations.

(2) The competition commission shall consider and assess the offers of the applicants and shall propose to the Commission to take a decision for determining the person having won the competition.

(3) (amend. – SG 74/06, in force from 08.09.2006) The Commission, within 14 days from receipt of the proposal of the competition commission, shall classify the applicants and shall determine, by a motivated decision, the person having won the competition.

(4) (amend. – SG 74/06, in force from 08.09.2006) The Commission shall notify the applicants of the decision under para 3.

Art. 50. (1) The Commission shall terminate the competition and shall announce a new one where:

1. only one applicant has appeared, or
2. the offers of the applicants do not meet the terms of the competition.

(2) (new - SG 83/18) With re-announcement of a competition the term for submitting applications to participate in the competition can not be shorter than three months from the date of promulgation of the decision to re-announce the competition in the State Gazette.

(3) (prev. para. 2 - SG 83/18) If, upon re-announcement of the competition only one applicant appears the Commission shall announce him winner of the competition if he meets the terms of competition.

Section III.

Amendments, supplements, termination and withdrawal of licences

Art. 51. (1) The licence may be amended and/or supplemented by a decision of the Commission:

1. at a request of the licensee;
2. at an initiative of the Commission.

(2) (amend. – SG, 54/2012, in force from 17.07.2012) The Commission shall have the right to an initiative for amendment and/or supplement of an issued licence:

1. (amend. – SG, 54/2012, in force from 17.07.2012) of providing the reliability of the uninterrupted and quality supply of the clients with electric and heat power and natural gas;
2. (suppl. – SG, 54/2012, in force from 17.07.2012) of changes of the legislation, as well as for implementation of lawful decision of the European Commission or ACPE;
3. of providing the national security and the public order in coordination with the respective competent state bodies;
4. of danger of harming the life and the health of the citizens, of harming the environment or the property of third persons where it does not require withdrawal of the licence and/or at the proposal of specialised state bodies in fulfilment of their legal capacities;
5. of permitting transformation of a licensee or an administering transaction where this does not

lead to termination of the licence.

(3) The Commission shall notify the licensee for the opening of proceedings for amendment and/or supplement of the licence under para 2. The licensee may, within 14 days, present a written statement on the grounds for amendment and/or supplement of the licence.

(4) The Commission shall amend and/or supplement the licence upon expiration of the term under para 3.

(5) The licensee may request amendment and/or supplement of the licence also regarding the nature of the used primary energy sources and/or the energy transmission technology.

(6) The holder of a licence under art. 39, para 3, issued through a competition, may request its amendment and/or supplement before the commencement of the activity only because of occurrence of circumstances beyond his control.

Art. 52. (1) The Commission shall permit transformation of a licensee through merger, consolidation, division, separation, separation of a sole-owner trade company through a change of the legal form, if the person who will carry out the licence activity after the transformation meets the requirements for issuance of licence for the activity.

(2) In the cases of para 1 the Commission shall amend or terminate the existing licence and/or shall issue a new licence depending on the concrete case, within one month from filing the application. The termination, amendment or issuance of a licence shall take effect from the date of entry of the transformation in the commercial register.

(3) (New – SG 74/06, in force from the date of entry into effect of the Treaty of Accession of the Republic of Bulgaria to the European Union) The termination, amendment or issue of a license in the Republic of Bulgaria at transformation of a legal person, having a license issued under art. 40, para 6, shall enter into force from the date of entry into effect of the transformation of the legal person according to the legislation of the country, where it is registered.

Art. 53. (1) (Amend. – SG, 54/2012, in force from 17.07.2012) Disposal for administering unfinished sites of construction or with the property through which the activity under the licence is carried out, may be done only in their entirety, upon a permit of the Commission, including in cases of declaring a licensee bankrupt.

(2) (Amend. – SG, 54/2012, in force from 17.07.2012) In the cases of para 1, where the licence is issued for production of electric and/or heat power and the activity is carried out through generating capacities (block), which technologically may be operated independently of each other, subject of the disposal may be an individual block. In this case the initial licence shall be amended and supplemented.

(3) (Amend. – SG, 54/2012, in force from 17.07.2012) Where termination or amendment of a licence under para 1 or 2 might lead to deterioration of the reliability of the supply of electric or heat power or natural gas the Commission shall permit the administering the order, if the acquirer has filed an application and meets the requirements for issuance of a licence for the respective activity. The licence issued to the acquirer shall take effect on the date of acquiring right to ownership.

(4) (Amend. – SG, 54/2012, in force from 17.07.2012) Where the termination or amendment of the licence under para 1 and 2 does not lead to deterioration of the reliability of the supply the Commission shall issue a permit for carrying out the administering of an order, regardless of whether the acquirer has filed an application for issuance of a licence.

(5) The Commission shall also issue a permit in the cases of pledge or mortgage of a property through which the licensed activity is carried out.

(6) Permit shall not be required in the cases of replacement or modernisation or where such an order does not lead to a change of the conditions under which the licensed activity is carried out.

(7) (Amend. – SG, 54/2012, in force from 17.07.2012) The disposals, made in violation of the

preceding para shall be declared void by the court at a request of the Commission, the Prosecutor or each interested person.

(8) The Commission shall consider the requests under para 1 – 4 within three months from filing the application, and those under para 5 – within one month.

Art. 54. (1) On privatising a separate part of an energy enterprise a permit under art. 53 shall not be required.

(2) The Commission shall issue a licence to the acquirer under the privatisation transaction under para 1 if he has requested the issuance of a licence and meets the requirements for its issuance.

Art. 55. (1) The licence shall be terminated by a decision of the Commission:

1. at a request of the licensee, including on transmission of the property through which the licence activity is carried out, under the conditions of art. 53;

2. on a loss of the energy site through which the licensee carries out his activity;

3. on transformation of the licensee where the transformation leads to termination of the corporate body – holder of the licence;

4. on enactment of the court decision for declaring the licensee bankrupt or of the decision for termination of the activity due to declaring liquidation of the licensee, in cases other than those under art. 61.

(2) (amend. – SG 74/06, in force from 08.09.2006, suppl. - SG 38/18, in force from 08.05.2018) The Commission may, upon notification, terminate the licence, where the licensee does not carry out his licensed activity for a period of more than one year, as well as in case of disposition with shares or stakes of the company without the required permission under Art. 21, Para. 1, item 23a.

(3) The licence shall be terminated before expiration of the term of the licence except in the cases of art. 56.

(4) The decision for termination of the licence shall be a requirement for consideration by the respective court of an application for registration of liquidators in terminating the activity of the corporate body – holder of the licence.

(5) (Amend. – SG, 54/2012, in force from 17.07.2012) In the cases of termination of the licence under para 1, item 1 and 2 under conditions stipulated by the ordinance under art. 60 the Commission shall have the right to oblige the licensee to transmission to a third person the property through which he carries out the licensed activity, in its entirety, or to vest a right of its using, if the acquirer is a licensee or he has filed an application and meets the requirements for issuing licence for the respective activity. If the licensee, within one month after termination of the licence, does not transmission his property or does not vest real rights of using the provisions of art. 56, para 4 – 11 shall apply respectively.

Art. 56. (1) The licensee shall be obliged, at least one year before the expiration of the term of the licence:

1. to file an application for extension of the term, or

2. to inform the Commission that he will not carry out the licensed activity upon expiration of the term.

(2) When, upon expiration of the term of the licence, the energy site through which the licensed activity has been carried out is subject to a final decommissioning due to technical reasons, the Commission shall extend the term of the licence until the final decommissioning of the energy site.

(3) (Amend. – SG, 54/2012, in force from 17.07.2012) In the cases of para 1 and 2, or a refusal of the Commission to extend the term of the licence, if the termination of the licensed activity might lead to deterioration of the reliability of the supply to the clients of electric power or heat power or natural gas, or a danger can occur for the national security and public order, the licensee shall be obliged to transmission to a third person his property or to vest a right of using the property through which he carries out the licensed

activity, only in its entirety by the order of art. 53, para 1 and 3.

(4) When the licensee, within 60 days before the expiration of the term of the licence, does not fulfil his obligations under para 3, or the Commission does not permit the administering transaction, the Commission shall appoint a special administrator who shall:

1. receive by inventory the sites through which the licensed activity is carried out, whereas they shall be submitted to him for administration, considered from the first day after the expiration of the term of the licence, and

2. carry on the fulfilment of the licensed activity for the account of the licensee until the transmission of the ownership of the energy sites and determining a new licensee.

(5) The special administrator shall be chosen upon a mutual agreement between the licensee and the Commission within 30 days before the expiration of the term of the licence. In the event that an agreement is not reached he shall be appointed by the Commission.

(6) The special administrator shall have the right to carry out only transactions and actions directly related to the licensed activity, and he shall not have the right to expropriate and encumber real estate, as well as carry out activities determined by the commission by the act for appointment.

(7) The name and the address of the appointed special administrator shall be entered in the commercial register upon request of the Chairman of the Commission and shall be promulgated in the State Gazette.

(8) The managing bodies of the licensee, upon entry of the special administrator in the commercial register, may carry out only activities related to the preparation and conclusion of administering transaction under para 3.

(9) In the cases of appeal of the refusal of the Commission the licensee shall carry on the activity until the final decision of the court on the appeal.

(10) The establishing of the circumstances under para 3 shall be carried out in coordination with the respective competent state bodies.

(11) Appointed as a special administrator may be a person meeting the following requirements:

1. to have higher education and a professional experience in the management of energy enterprises;

2. not to have been convicted as a person of age for deliberate crime of general nature, unless he has been rehabilitated;

3. not to have relations with the licensee which might give rise to a grounded doubt of his objectivity.

(12) (New – SG, 103/17, in force from 01.01.2018) The circumstances under Para. 11, p.2 shall be established officially by the Commission.

Art. 57. (1) (Amend. – SG, 54/2012, in force from 17.07.2012) In the cases where the licensee requests termination of the licence before the expiration of the term and, if the termination of the licensed activity might lead to deterioration of the reliability of the supply to the clients of electric or heat power or natural gas, or where a danger might occur for the national security and public order, he shall be obliged to carry on the licensed activity until the issuance of a new licence to another person by the order of art. 56, para 3.

(2) (Amend. – SG, 54/2012, in force from 17.07.2012) Where, within the term of the notice by which the licensee has requested termination of the licence, a new licensee is not determined by the order of para 1, art. 56, para 4, 5, 6, 7, 9 and 11 shall apply respectively.

Art. 58. (Amend. – SG, 54/2012, in force from 17.07.2012) (1) In filing an application requiring termination of a licence issued upon a competition the Commission shall consider the request in view of the needs of the general prognostic energy balance of the country and the secure and reliable supply of the clients with power and natural gas.

(2) The holder of a licence, determined through a competition, may file a request for its termination if he has transferred the unfinished site of construction to a third person under the conditions of art. 53, para 1.

Art. 59. (1) The Commission, upon a notification within a set period, shall withdraw the licence:

1. where the licensee does not fulfil or violates his obligations under Chapter Six and Seven;
2. where the licensee does not fulfil or violates his obligations under the issued licence;
3. where the licensee does not fulfil within the set period, or violates prescriptions of the control bodies or of the Commission, or imposed compulsory administrative measures by the Commission;
4. where the licensee has presented false information which has served as grounds for issuance of the licence.

(2) The licence shall also be withdrawn when a licence for operation of a nuclear installation has been withdrawn by an enacted administrative act, issued by the order of the Safe Use of Nuclear Power Act.

(3) (amend. – SG 74/06, in force from 08.09.2006) The Commission may withdraw a licence for distribution of natural gas, issued upon a competition, if the licensee does not construct, within the period set by the licence, the respective gas distribution network shown in his offer for the competition. In this case a new competition shall be held for the vacated territory by the order of this Act.

(4) The decision for withdrawal of the licence shall set a period during which the person may not apply for issuance of a new licence for the same activity. This period may not be shorter than two years.

(5) The withdrawal of a licence shall not exclude the claiming of administrative penal or penal responsibility for the committed offence, should there be preconditions for that.

(6) (amend. - SG 77/18, in force from 01.01.2019) By the decision for withdrawal of the licence the Commission shall appoint a special administrator with legal capacities according to art. 56, para 4 until the final decision of the court, in case of an appeal.

Art. 60. (Amend. And suppl. – SG, 54/2012, in force from 17.07.2012, amend. and suppl. - SG 38/18, in force from 08.05.2018) The conditions and the order of issuing, amendment, supplement, termination and withdrawal of licences, of issuing the permits under this chapter, of approving the general terms of the contracts under this Act, for approval of the rules for operation with the consumers of energy services or for supplying the clients with electric and heat power and natural gas, of voluntary settlement of the disputes under art. 22, as well as the conditions and procedure for control over the implementation of Regulation (EU) N^o 1227/2011, shall be determined by an ordinance adopted by the Commission.

Art. 61. The relations connected with the insolvency and bankruptcy of an energy enterprise having obtained licence for transmission of electric and heat power or natural gas, for distribution of electric power or natural gas, as well as the persons having obtained licence for activity through sites according to the list of the strategic sites of national importance in the energy sector approved by the Council of Ministers for public delivery or public supply of electric power or natural gas shall be settled by a special law.

Chapter five. REAL RIGHTS

Section I.

Right to build and ownership. Expropriation (title suppl. - SG 83/18)

Section I.

Right of construction. Alienation

Art. 62. (amend. – SG 74/06, in force from 08.09.2006) (1) (amend. – SG 54, in force from 16.07.2010, suppl. – SG, 54/2012, in force from 17.07.2012, amend. - SG 83/18) When the construction or expansion of a service-bay energy sites, as well as of over-ground and underground hydro-technical installations for production of electric power or parts thereof as well as the facilities used in the production and disposal sites of industrial waste is carried out on a real estate –state property, the competent state bodies shall vest in favour of the person, who will construct and operate the energy site an onerous right of construction on the land according to the State Ownership Act without a tender or a competition.

(2) (new – SG 54, in force from 16.07.2010, suppl. – SG, 54/2012, in force from 17.07.2012)) Where the construction or expansion of the sites referred to in para 1 is carried out on a real estate - municipal property, the competent municipal authorities shall create an onerous building right to the land tract without an auction or tender in favour of the person to construct and operate the energy site under the procedure established by the Municipal Property Act without an auction or tender.

(3) (prev. text of para 2, amend. – SG 54/2012, in force from 16.07.2010 repealed – SG, 54/2012, in force from 17.07.2012)

(4) (prev. text of para 3 – SG 54, in force from 16.07.2010, amend. - SG, 54/2012, in force from 17.07.2012, amend. - SG 83/18) Where it is necessary to construct or expand service-bay energy sites, as well as of over-ground and underground hydro-technical installations for production of electric power or parts of them on a real estate – private property, the person under Para. 1 shall have to acquire onerously in advance a right of ownership or a right of construction on the land necessary for the construction of the site.

(5) (New – SG 83/18) In the cases under para. 4 property rights may also be acquired on parts of properties sized less than 3 decares for fields, 2 decares for meadows, 1 decares for perennials and 1 decares for forests with the consent of the owner of the property.

(6) (New – SG, 54/2012, in force from 17.07.2012, prev. para. 5 - SG 83/18) the person under Para. 1 shall submit a written proposal to the holder of real rights, y indicating the legal and factual reasons for the proposal, including the property, type of the energy sites and/or equipment and the ways in which they will reflect the utilization of the property, the type of real rights, which are to be acquired, the area the offered compensation, by giving an appropriate term – not shorter than 1 month for answering the proposal. This term may be changed after mutual agreement of the persons.

(7) (New – SG, 54/2012, in force from 17.07.2012, prev. para. 6 - SG 83/18) With establishing real rights under Para. 1 on properties – public ownership for national sites shall be applied the procedure for private state or private municipal ownership, unless otherwise provided by an act.

(8) (New – SG, 54/2012, in force from 17.07.2012, prev. para. 7 - SG 83/18) The persons under Para. 1 shall be contracting authorities of the construction of these sites in the meaning of Art. 161, Para. 1 of the Spatial Development Act, as well as interested persons in the meaning of Art. 124, Para. 3 of the Spatial Development Act.

Art. 63. (1) (amend. – SG 74/06, in force from 08.09.2006; amend. – SG 49/07; amend. – SG 54, in force from 16.07.2010, amend. -SG, 54/2012, in force from 17.07.2012, amend. - SG 83/18) In case of a refusal or impossibility of fulfilment of the actions under art. 62, para 4, due to reasons insurmountable by the person under Art. 62, Para. 1, the real estate shall be alienated in favour of the state. For refusal shall be considered the explicit refusal, as well as the non-acceptance of the proposal or failure to reach agreement within the term of Art. 62, Para. 6.

(2) The alienation under para 1 shall be carried out under the conditions and by the order of the State Ownership Act.

(3) (amend. -SG, 54/2012, in force from 17.07.2012) The person under Art. 62, Para. 1 may use the real estate only for the purposes of the alienation.

Section I "a".

Alienation of properties for the purposes of production of energy resources (new – SG 41/09)

Art. 63a. (new – SG 41/09) (1) An energy enterprise, which is a concessionary in the meaning of the Underground Resources Act and carries out operations for production of energy resources, may offer the owners and the holders of other real rights to conclude a contract, pursuant to which it acquires the right to ownership or another kind of real right on the properties, included in the area subject to concession.

(2) (amend. – SG 82/09, in force from 16.10.2009; amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015) When the concessionary is not able to identify or to find the holders of the rights on the land or their addresses, he shall have the right to ask for assistance from the Minister of Energy. Upon requested assistance, the Minister shall be obliged to require relevant information from the competent state and municipal bodies, which shall not have the right to refuse its provision.

Art. 63b. (new – SG 41/09) (1) (amend. – SG 82/09, in force from 16.10.2009; amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015) In cases of production of energy resources for satisfying a state need, where no settlement with the owners or holders of other real rights on a property or a part thereof has been reached, the energy enterprise – concessionary shall have the right to require from the Minister of Energy to undertake actions for compulsory acquisition of the property following the provisions of the State Property Act.

(2) The request under par. 1 shall indicate the characteristic, the type, location and the size of the property and information on the owners, respectively on the holders of other real rights. The following shall be attached to the request:

1. evidences, that:

a) the property has been included within the borders of the area subject to concession and it is needed or disturbs the implementation of activities under the approved overall detailed project for production of an energy resource;

b) the concessionary has offered to the owner, respectively to the holder, to purchase the property at a price not less than the price, which would have been fixed pursuant to the provisions of Chapter Three of the State Property Act in case of compulsory acquisition of the property for state purposes;

c) the owner, respectively the holder, within one month after receiving the proposal has silently or expressively rejected it;

2. enforced detailed development plan.

(3) (amend. – SG 82/09, in force from 16.10.2009; amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015) Within one month after receiving the request under par. 1 the Minister of Energy shall undertake activities for compulsory acquisition of the property for state purposes pursuant to the provisions of Chapter Three of the State Property Act.

(4) Where a property, included within the boundaries of the area subject to concession, is a public municipal property, only the evidences under par. 2, item 1 shall be attached to the request of par. 1.

(5) The expenses related to the compulsory acquisition shall be charged to the concessionary.

Art. 63c. (new – SG 41/09) (1) The alienated properties, as well as other properties of state ownership, included within the boundaries of the area subject to concession, shall be assigned to the concessionary by a decision of the Council of Ministers as an accessory pursuant to the Concessions Act.

(2) In case of termination of a concession agreement the properties, assigned to the concessionary as an accessory, shall be given back to the state in the condition, under the terms and conditions, and following a procedure, set out in the concession agreement.

Section II. Easements

Art. 64. (1) (amend. and suppl. – SG 74/06, in force from 08.09.2006, amend. -SG, 54/2012, in force from 17.07.2012, amend. - SG 83/18) In expanding the existing, and in constructing new linear energy sites in favour of the persons, who will construct and operate the energy site, easements arise.

(2) Easements under this Act are:

1. (amend. -SG, 54/2012, in force from 17.07.2012) right of passing by people and equipment in favour of the persons under para. 1;

2. (amend. and suppl. – SG 74/06, in force from 08.09.2006, amend. -SG, 54/2012, in force from 17.07.2012, amend. - SG 83/18) right of laying linear energy sites in favour of the persons under Para. 1;

3. (amend. - SG 83/18) restriction of the using of affected land properties.

(3) In using the easements:

1. (amend. -SG, 54/2012, in force from 17.07.2012) the holder of easement shall acquire a right:

a) (amend. - SG 83/18) of laying and constructing of linear energy sites;

b) (amend. - SG 83/18) of his representatives to enter and pass through the affected estate and carry out activities on them related to construction and/or operation of the energy sites, including the right of passing equipment through the affected land properties in connection with the servicing of air and underground lines and ground facilities;

c) (amend. - SG 83/18) carry out trimming and cutting of trees and bushes in the easement lines of the linear energy sites for removal accidents with notifying the governing bodies of the forestry holdings and national parks;

2. (amend. - SG 83/18) not admitted in the affected land properties shall be:

a) (amend. - SG 83/18) construction or planting perennial plants in the easement strip determined by the ordinance under para 9;

b) (suppl. -SG, 54/2012, in force from 17.07.2012, amend. - SG 83/18) laying trunks of other networks of the technical infrastructure, with exception of the cases where it is admissible by a normative act, in observance of the respective technical requirements and after a written contract providing for the relevant terms and price;

3. (amend. - SG 83/18) the change of the ownership of the affected property and of the linear energy sites shall not terminate the effect of the easements under para. 1;

4. (amend. - SG 83/18) the easements are inseparable rights; they may be exercised in full in favour of the persons under para. 1 and also charges entirely every part of the affected property when the properties are separates;

5. (amend. - SG 83/18) the easement may be used only by the persons under par. 1 for the construction and operation of the linear energy site;

6. (amend. - SG 83/18) the owner of the affected property shall not have the right to move the easement.

(4) The easements under para 2 shall occur where:

1. (amend. - SG 83/18) there is a detailed development plan in effect which determines the location and size of the linear energy site in the affected properties, and

2. (amend. -SG, 54/2012, in force from 17.07.2012, amend. - SG 83/18) the easement holder shall pay or deposit once indemnity in accordance with para. 6 available to the owner and to the holders of other real rights on the property affected.

(5) (repealed -SG, 54/2012, in force from 17.07.2012).

(6) (suppl. – SG 74/06, in force from 08.09.2006, amend. - SG 83/18) The determining of the size and payment of the compensation for the easements of energy sites shall be carried out by the order of art. 210 and 211 of the Spatial Development Act or by mutual consent of the parties with an assessment based on an assessment by an independent appraiser. The appeal of the amount of the compensation by the persons

concerned shall not prevent the exercise of the easement rights by the persons under para. 1.

(7) (amend. -SG, 54/2012, in force from 17.07.2012).The exercising of the easement right shall be implemented by the easement holder, according to the technical requirements of the ordinance under para 9.

(8) (amend. -SG, 54/2012, in force from 17.07.2012, amend. and suppl. - SG 83/18) In the event that the easement zone falls within a property for which right of construction is established in favour of easement holder, the easement on the property shall be designated by the act for establishing right of construction. When the easement zone does not fall into the property in which a aerial energy site will be built, easements are established for this site

(9) (amend. – SG 74/06, in force from 08.09.2006; amend. - SG 36/08; amend. – SG 82/09, in force from 16.10.2009, amend. -SG, 54/2012, in force from 17.07.2012; amend. – SG 59/13, in force from 05.07.2013; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014; amend. – SG, 14/2015, amend. – SG 58/17, in force from 18.07.2017) The sizes, the location and the special regime of exercising the easements are individual for the different types of energy sites and shall be determined by an order and in a way stipulated by an ordinance of the Minister of Energy, the Minister of Agriculture, Foods and Forestry, the Minister of Regional Development and Public Works.

(10) (new -SG, 54/2012, in force from 17.07.2012, suppl. - SG 83/18) In case of establishing limited real rights under Para. 1 on properties – public ownership, for national sites and sites of national importance shall apply the procedure for private state or private municipal property, unless otherwise provided by an act.

Art. 64a (new -SG, 54/2012, in force from 17.07.2012) (1) (amend. - SG 83/18) An enforced instrument of a competent body for approval of a similar territory plan under Art. 64, Para. 4, p. 1 with an attached summary of graphic and text materials on the affected property, the easement holder and owner/holder of real right in the property and a document for paid or deposited in a trade bank at disposal of the owners and holders of other real rights on the affected property one time compensation, representing the price of the easement right, shall be entered in the property register upon request of the easement holder.

(2) (amend. - SG 83/18) By opening a procedure on creation of a property register under Art. 70, Para. 1 of the Cadastre and Property Register Act, the entering of the acts and documents under Para. 1 shall be carried out on the owner's lot of the affected property under the Rules on Entries (N101/1951; amend. 30/1955, SG, 82/1996, 86/1997, 14/2000, 5 and 16/20012, 69/2004, 67/2005 and 22/2008).

Art. 65. (1) (amend. - SG, 54/2012, in force from 17.07.2012) The size of the compensation under art. 64, para 4, p. 2 shall be determined by applying the following criteria:

1. the size of the another's land property included within the boundaries of the easement;
2. the types of restrictions of the using;
3. the term of the restriction;
4. the fair market assessment of the property or of the part of it, falling within the boundaries of the easement.

(2) (amend. - SG, 54/2012, in force from 17.07.2012) Regardless of the compensation under para 1 the easement holder shall owe indemnification of all damages caused to the property or a respective monetary compensation.

Art. 66. (amend. - SG 83/18) The type and the location of the energy sites and of the area of affected land properties included within the boundaries of the easements under this Act shall be determined by general and detailed development plans.

Art. 67. (1) (amend. - SG, 54/2012, in force from 17.07.2012, amend. and suppl. - SG 83/18) The

representatives of the persons who operate the energy sites and the officials exercising control under this Act may enter and pass through another's property and carry out activities there related to the operation of the energy sites or to the control over them.

(2) (amend. and suppl. – SG 74/06, in force from 08.09.2006; amend. and suppl. - SG 43/08; amend. – SG 41/09, amend. - SG, 54/2012, in force from 17.07.2012, amend. - SG 83/18) Persons who build or operate the energy sites shall have the right to use free of charge bridges, roads, streets, sidewalks and other infrastructure – public property, with the exception of land properties in forest areas, for construction, laying, connecting, passing and maintaining of linear energy sites providing the technical safety and taking measures for non-admission of damages.

(3) (amend. - SG, 54/2012, in force from 17.07.2012) The operators of transmission and distribution networks shall use gratuitously parts of buildings and the attached land properties for fitting measuring devices and other equipment related to the supply of electric and heat power and natural gas.

(4) The owners of the real estate under para 1 – 3 shall be entitled to indemnification for caused damages.

Art. 68. (1) (amend. - SG, 54/2012, in force from 17.07.2012) Where the owner, user or tenant of the property carries out unauthorised construction, fencing, planting or other violation of the regime of exercising the easement the easement holder shall have the right to approach the competent bodies with a request for removal of the illegal constructions for the account of the owner, user or tenant if the latter does not remove them by a deadline set by the easement holder.

(2) (amend. - SG, 54/2012, in force from 17.07.2012) In the cases of para 1 the easement holder shall not owe indemnification for the caused damages.

Chapter six.

OBLIGATIONS TO THE PUBLIC

Art. 69. (Amend. and suppl. – SG, 54/2012, in force from 17.07.2012) The energy enterprises shall be obliged to carry out their activity to the interest of the public and of the individual clients and in compliance with the requirements of this Act and of the other normative acts, providing the reliability of supply, including protection of the sites, which are critical infrastructure in the energy sector, non-interruption and quality of the electric and heat power and natural gas, the effective using of the fuel and energy, the protection of the environment, the life, the health and the property of the citizens.

Art. 69a (new – SG, 54/2012, in force from 17.07.2012) (1) (amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015) The energy undertakings, for which obligations occur under the National plan for investments for the period 2013 – 2020, shall be obliged to fulfill the obligations, provided by this plan and to report to the Minister of Energy.

(2) (amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015; amend. – SG 17/15, in force from 06.03.2015) The organization and control on the implementation of the National plan for investments for the period 2013 – 2020, including the mechanism for providing and the way of spending the funds for its implementation shall be realized under conditions and procedure, determined by a Council of Ministers ordinance upon proposal of the Minister of Energy and of the Commission for energy and water regulation.

(3) (new – SG 17/15, in force from 06.03.2015) The enterprises under par. 1 which do not make investments on their sites shall be obliged to pay monthly installments to the “National Investment Plan” account of the Ministry of Energy.

(4) (new – SG 17/15, in force from 06.03.2015) The installments referred to in par. 3 shall be determined in the amount of one twelfth of the calculated annual fee which shall be fixed for every calendar

year as a production of the reference price per ton of emissions and the allocated to the operator free quotas for the same year. The installment shall be re-calculated in case of change of the reference price per ton of emissions.

(5) (new – SG 17/15, in force from 06.03.2015) The installments under par. 3 shall be deposited by the 15th day of the current month. Interest shall be payable on the outstanding installments.

(6) (new – SG 17/15, in force from 06.03.2015) The installments under par. 3 shall be public governmental takings. The delated installments shall be subject to compulsory execution by a public bailiff according to the provisions of the Tax Insurance Procedure Code. The act establishing the taking shall be issued by the Minister of Energy or by an official authorized thereby.

Art. 70. (1) (amend. – SG 74/06, in force from 08.09.2006; amend. – SG 82/09, in force from 16.10.2009; amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015) The Minister of Energy may assign to the energy enterprises additional obligations for servicing the public.

(2) The additional obligations under para 1 shall be assigned when they are related to:

1. non-interruption of the supplies of electric and heat energy and natural gas, and
2. protection of the environment and waters;
3. (new - SG, 54/2012, in force from 17.07.2012) protection of the sites, which are critical infrastructure in the energy sector.

(3) The additional obligations under para 1 shall be assigned by an order containing:

1. the person to whom they are assigned;
2. the content of the obligation;
3. the term and the conditions under which the obligation shall be fulfilled;
4. other terms.

(4) The additional expenses incurred by the energy enterprises with regard of para 3 shall be recognised as expenses under art. 35.

Art. 71. (suppl. – SG 74/06, in force from 08.09.2006, amend. - SG, 54/2012, in force from 17.07.2012) (*) The energy enterprises for management of the electric power system, transmission of electric and heat power and natural gas or for distribution of electric power and natural gas, which provide generally offered service of public interest and have a dominant position on the market in the meaning of the Protection of Competition Act, shall observe its provisions inasmuch as they do not obstruct in actual or juridical way the fulfilment of the assigned obligations.

Chapter seven.

RESTRICTIVE REGIME, TEMPORARY INTERRUPTION OR RESTRICTION

Art. 72. (1) Restrictive regime for supply of electric power, heat power or natural gas shall be introduced in the cases of needed restriction or interruption of the supply for a period longer than 48 hours on the territory of the whole country or a part of it as a result of:

1. insurmountable force;
2. occurrence or for prevention of failures of installations for production and transmission of electric and heat power and natural gas and for distribution of electric power and natural gas;
 - 2a. (new - SG, 54/2012, in force from 17.07.2012) overloading the electric networks;
3. lasting shortage of energy capacities or energy carriers;
4. administrative measures of state bodies for state of readiness or hostilities;
5. (suppl. - SG, 54/2012, in force from 17.07.2012) terrorist actions or violations of energy sites.

(2) (amend. – SG 74/06, in force from 08.09.2006; amend. – SG 82/09, in force from 16.10.2009; amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015) Competent body to take decisions for

introduction of a restrictive regime for the territory of the country shall be the Minister of Energy or a deputy minister authorised by him.

(3) (amend. – SG 74/06, in force from 08.09.2006; amend. – SG 82/09, in force from 16.10.2009; amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015) The mayors shall determine the restrictive regime of heat power and natural gas on the territory of the municipality upon coordination with the Minister of Energy in compliance with the ordinance under art. 74, para 1.

(4) (amend. – SG 74/06, in force from 08.09.2006; amend. – SG 82/09, in force from 16.10.2009, amend. - SG, 54/2012, in force from 17.07.2012; amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015) The Minister of Energy shall announce about the introduction of the restrictive regime or of the restrictive conditions under para 1 – 3 to the commission, to the European Commission in the cases, provided by the ordinance under Art. 9, Para. 4 and shall announce it through the mass media.

Art. 72a (new - SG, 54/2012, in force from 17.07.2012) (1) (amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015) The Minister of Energy, after consultation with the undertakings for natural gas and organizations, representing the interests of the household and non-household clients, provided with gas and with the commission, shall introduce at national level:

1. preventive action plan, which shall contain the measures, needed for removal or restriction of the identified risk impact, in compliance with the risk assessment;

2. action plan in emergency situations, which contain the measures to be undertaken for removal or smoothening the impact of termination of the natural gas deliveries.

(2) The risk assessment under Para. 1, p. 1 shall be carried out on the basis of the elements, indicated in Regulation (EC) N 994/2010.

(3) (amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015) With accepting the plans under Para. 1, the Minister of Energy shall cooperate with the competent bodies of the region and with the European Commission in view to guarantying, that they are compatible with the plans of other EU Member States in the region in view to development regional action plans.

Art. 73. (1) (amend. – SG, 54/2012, in force from 17.07.2012) The operators of the electric power system, of the heat transmission network, of the gas transmission network or the operator of the respective distribution network may order temporary interruption or restriction of the production or supply of electric power, heat power and natural gas without prior notice to the producers and clients:

1. on occurrence or for prevention of failures;

2. where there is a danger for the health or the life of people;

3. where a danger exists for the integrity of the electric power system, the heat power or gas transportation system;

4. (amend. – SG, 54/2012, in force from 17.07.2012) for a danger of causing considerable material damages to the systems, respectively to the network or to the clients;

5. for a danger of extra pollution of the environment – at a proposal of the competent bodies in the meaning of art. 10, para 1 of the Environmental Protection Act;

6. (amend. – SG, 54/2012, in force from 17.07.2012) for restriction of the supplies of natural gas due to circumstances beyond the control of the operator of the gas-transmission network;

7. (new - SG, 54/2012, in force from 17.07.2012; amend. – SG 59/13, in force from 05.07.2013) in case of impossibilities for maintaining the balance between the generation and consumption in the electric power system or occurrence of deviation from the inter-system schedules for exchange with neighbouring operators above the admissible borders, indicated in the rules under Art. 83, Para. 1, p. 4 and in the rules of the European network of the operators of transmission electric power systems (ENOTES for electric power).

(2) (amend. - SG, 54/2012, in force from 17.07.2012) The operators under para 1 shall be obliged to notify in advance the producers and the clients for the time and duration of the interruption or restriction

in carrying out repair works, operative switching, commissioning of new installations and other similar activities subject to planning.

(3) The duration of the interruption or restriction under para 1 may not exceed 48 hours.

Art. 74. (1) (amend. – SG 74/06, in force from 08.09.2006; amend. – SG 82/09, in force from 16.10.2009; amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015) The order of introducing a restrictive regime, temporary interruption or restriction of the production or supply of electric power, heat power and natural gas shall be determined by an ordinance of the Minister of Energy.

(2) The energy enterprises shall not be obliged to pay indemnification for the damages caused as a result of a restrictive regime, temporary interruption or restriction of the supply of electric power, heat power or natural gas, with exception of the cases where the failures or the lasting shortage have occurred through their fault.

Chapter seven "a".

CONTROL OVER THE IMPLEMENTATION OF REGULATION (EU) № 1227/2011 (NEW - SG 38/18, IN FORCE FROM 08.05.2018)

Art. 74a. (New - SG 38/18, in force from 08.05.2018) (1) The Commission may be notified for breach of Art. 3 and 5 of Regulation (EU) № 1227/2011 by:

1. a participant on the market or a parent undertaking, or a related undertaking within the meaning of Regulation (EU) № 1227/2011;

2. a person who by his occupation carries out transactions within the meaning of Regulation (EU) № 1227/2011;

3. a person, whose interests have been breached or threatened by the breach;

4. a regulatory body of a Member State of the European Union or from the ACER;

5. a state authority;

6. a prosecutor.

(2) On the basis of a request made by a person under Para. 1, the Chairperson of the Commission shall appoint by order the officials to carry out a preliminary investigation for the existence of a reasoned assumption of a committed breach.

(3) A preliminary investigation for the existence of a well-founded presumption of any breach committed may be started on its own initiative, based on an order of the Chairperson of the Commission.

(4) For the preliminary investigation carried out, the officials under Para. 2 shall prepare a report. Where a joint study with other regulatory authorities has been carried out, a joint research report shall be prepared.

(5) The Chairperson of the Commission shall schedule a closed session, at which the Commission is to consider the report under Para. 4 and decide on:

1. initiating proceedings to identify any breaches of Art. 3 and 5 of Regulation (EU) № 1227/2011, for which it shall immediately notify the ACER; the decision shall not be subject to appeal;

2. termination of the preliminary investigation.

(6) In the cases under Para. 5, item 1, the Chairperson of the Commission shall appoint by an order the officials to carry out an inspection to identify breaches under Art. 3 and 5 of Regulation (EU) № 1227/2011.

(7) The inspected person shall be informed that a procedure has been initiated to identify breaches under Art. 3 and 5 of Regulation (EU) № 1227/2011 after its opening or during the on-the-spot check.

(8) The decisions and minutes of the meetings of the Commission related to the preliminary

investigation and identification of breaches under Art. 3 and 5 of Regulation (EU) N° 1227/2011 shall not be published on the Commission's website.

Art. 74b. (New - SG 38/18, in force from 08.05.2018) (1) The officials under Art. 74a, para. 6 in carrying out the inspection to identify any breaches under Art. 3 and 5 of Regulation (EU) N° 1227/2011, shall be entitled to:

1. require information and/or documents, substantial, written, digital and electronic evidence, regardless of the medium on which they were stored, and obtain a copy thereof;
2. take oral or written explanations from all relevant persons, including those who take part in the transfer of orders or in the execution of the operations concerned, as well as by their procuring entities and, if necessary, to call and hear any such person or assignor;
3. carry out on-site inspections;
4. propose to the Commission that external expertise be commissioned;
5. propose to the Commission to implement the measure under Art. 74k;
6. require, through the Chairperson of the Commission, information or assistance from another regulatory body of a Member State of the European Union and/or the ACER.

(2) When carrying out the inspection, the person being inspected, including his parent undertaking or affiliated undertaking within the meaning of Regulation (EU) N° 1227/2011, as well as the state and municipal authorities and their administrations, shall be obliged to assist the officials under Art. 74a, Para. 6.

Art. 74c. (New - SG 38/18, in force from 08.05.2018) (1) The persons, from whom information and/or documents have been requested, may not invoke a manufacturing, commercial or other secret protected by law.

(2) The requested information and/or documents shall be provided within the term determined by the officials under Art. 74a, Para. 6. The information to be provided must be complete, accurate, reliable and not misleading.

(3) Where the person, from whom information and/or documents have been requested, prevents their collection, the Commission may accept as evidence the facts, for which the information and/or documents relate.

(4) Where the documents contain data which give rise to reasonable doubt as to other breaches under Regulation (EU) N° 1227/2011, the same shall be seized and, based on them, the Commission may initiate new proceedings.

(5) The information and/or documents collected in the course of the inspection to identify any breaches shall be used only for the purposes of control under this Chapter.

Art. 74d. (New - SG 38/18, in force from 08.05.2018) (1) Oral explanations shall be taken and recorded by at least two officials, appointed in the order under Art. 74a, Para. 6.

(2) The minutes shall be signed by the person, from whom the explanations have been taken and by the officials under Art. 74a, Para. 6.

Art. 74e. (New - SG 38/18, in force from 08.05.2018) Where, vis-à-vis a person who has given explanations or provided information and/or documents relating to a breach under Regulation (EU) N° 1227/2011, there are reasonable grounds to suggest that the disclosure of his/her identity would have serious adverse consequences for the activity he/she pursues or for his/her personality, the Commission shall take measures to keep his/her identity secret in accordance with the procedure

laid down in the ordinance under Art. 60.

Art. 74f. (New - SG 38/18, in force from 08.05.2018) (1) The Commission may carry out an on-the-spot inspection of the person, including his parent undertaking or a related undertaking within the meaning of Regulation (EU) № 1227/2011, after receiving an authorization under Art. 74g.

(2) During the on-the-spot inspection, the officials under Art. 74a, Para. 6 shall have the right to:

1. enter the premises, vehicles and sites of the persons under Para. 1;
2. examine documents and records related to the activity of the persons under Para. 1, including commercial or accounting documentation, regardless of the medium on which they are stored;
3. seize or receive copies or extracts of documents on hard copy, in digital or electronic form, as well as existing records of telephone conversations and data transmission, regardless of the medium on which they are stored, and, where this is impossible, seize the originals and other evidence;
4. seize or receive electronic evidence as well as traffic data from all types of computer data carriers, computer systems and other media, and seize means for transmitting information;
5. receive access to all types of data carriers, including servers accessible via computer systems or other means located in the premises under inspection;
6. seal for a definite period premises, vehicles and other sites, used by the persons under Para. 1;
7. take oral and written explanations from a representative or a member of a management body, or from the personnel of the persons under Para. 1 for circumstances relating to the subject matter and purpose of the on-the-spot inspection.

(3) When carrying out an on-the-spot inspection, the police officers shall assist the officials under Art. 74a, Para. 6 according to their powers under the Ministry of the Interior Act. The order for organizing and carrying out joint actions shall be determined by an instruction issued by the Minister of the Interior and the Chairperson of the Commission.

Art. 74g. (New - SG 38/18, in force from 08.05.2018) (1) The on-the-spot inspection shall be carried out with the permission of a judge of the Administrative Court of Sofia, at the request of the Chairperson of the Commission, which shall contain:

1. the purpose of the on-the-spot inspection, the start and end dates of the inspection, and the name of the person, including its parent undertaking or related undertaking within the meaning of Regulation (EU) № 1227/2011, for whom permission is sought;
2. the nature of the alleged breach;
3. justification of the reasons for the on-the-spot inspection.

(2) The application for permission shall be accompanied by the decision of the Commission under Art. 74a, Para. 5, item 1 and the order under Art. 74a, Para. 6.

(3) The Administrative Court of Sofia shall pronounce on the request under Para. 1 on the day of its entering, at a closed session with a motivated determination. In the determination, the court shall indicate the person for whom permission is sought. The permission shall apply to all premises, vehicles and other sites used by the inspected person. The court shall communicate to the inspected person the determination, by which it authorizes an on-the-spot inspection on the day following the start date of the inspection under the Administrative-Procedure Code.

(4) Where the on-the-spot inspection has to be carried out simultaneously to several persons, the Chairperson of the Commission may file one general request. In this case, the court shall decide with separate determinations for each person, for whom permission is sought.

(5) The determinations under Para. 3 and 4 shall be subject to appeal before a three-member panel of the Supreme Administrative Court within three days of notification to the Commission, respectively to the person or persons inspected. The appeal shall not stop the execution. The Supreme Administrative Court shall rule on the appeal in closed session with a reasoned determination within three days from the day of its

receipt.

(6) In the case of an effective court determination which has refused permission to carry out an on-the-spot inspection, the evidence collected during the on-the-spot inspection shall be returned to the inspected person and shall not be taken into account during the proceedings.

Art. 74h. (New - SG 38/18, in force from 08.05.2018) (1) The gathering of evidence during the on-the-spot inspection shall be carried out by the officials under Art. 74a, Para. 6 in the presence of the inspected person, his employees or any other person who is entitled to be present at the premises or vehicles, or was already there during their inspection.

(2) The copies of the seized documents shall be certified by an official under Art. 74a, Para. 6 and by the inspected person or a person authorized by him. In the event of refusal of the person inspected, or the authorized person, to certify the documents, the certification shall be made by the official, and the refusal shall be noted in the protocol under Para. 7.

(3) Electronic copies of seized documents, digital and electronic evidence seized by special software shall be appropriately sealed.

(4) The original documents shall be seized in the state in which they are found during the inspection, and shall be returned to the inspected person after the decision of the Commission under Art. 74m has entered into force.

(5) The seized original documents shall be returned before the decision of the Commission under Art. 74m has entered into force:

1. when exercising rights thereon is related to their actual holding;
2. at the request of the inspected person.

(6) In the cases under Para. 5, the Commission shall use copies of the original documents, which shall be certified by an official of the Commission and by the inspected person, or the person authorized by the latter.

(7) For the seized documents and evidence under Para. 2, a protocol shall be drawn up on the spot, with a complete and accurate inventory of the seized items. The minutes shall be drawn up in duplicate, signed by the persons under Para. 2, and one copy thereof shall be provided to the inspected person.

Art. 74i. (New - SG 38/18, in force from 08.05.2018) (1) Where, in order to clarify the circumstances of the proceedings, special knowledge is required, the Commission may, by decision, entrust the carrying out of an expert examination by one or more external experts. The decision shall specify the expert, the task of the expert's opinion and the time limit for submitting a report with the expert's opinion, and the decision shall be communicated to the inspected person.

(2) The expert must not be a person, directly or indirectly interested in the outcome of the proceedings.

(3) Within three days from the notification under Para. 1, the inspected person may request a recusal of the expert specified in the decision, by submitting evidence in connection with Para. 2.

(4) Where the request is justified, the Commission shall, by decision, assign the performance of an expertise to another external expert.

(5) The expert's opinion shall not be mandatory for the Commission, but is to be discussed along with the other evidence gathered during the proceedings.

Art. 74j. (New - SG 38/18, in force from 08.05.2018) (1) The inspected person shall be entitled to access to all the evidence gathered in the course of the inspection, with the exception of the materials containing manufacturing, commercial or another secret protected by law. Access to internal Commission documents, including correspondence with the ACER and regulatory authorities of the Member States of the European Union, shall not be granted.

(2) Any person who provides information to the Commission in the course of proceedings shall indicate the material which they claim contain a manufacturing, commercial or other secret protected by law, and are to be considered by the Commission to be confidential. In these cases, the person shall motivate his statements, and shall provide said materials in a version that deletes the data he considers to be confidential.

Art. 74k. (New - SG 38/18, in force from 08.05.2018) (1) In the event that in the initiated procedure to identify breaches under Art. 3 and 5 of Regulation (EU) № 1227/2011 there is sufficient evidence of a breach, in urgent cases, due to the risk of serious and irreparable damage to the electricity market, the Commission may impose immediate suspension on the part of the inspected person and/or his parent undertaking and/or a related undertaking within the meaning of Regulation (EU) № 1227/2011 of all practices contrary to that Regulation, or to the delegated acts, or to the implementing acts adopted on the basis of that Regulation.

(2) The measure under Para. 1 shall be applied at any time in the course of proceedings by a decision of the Commission, which is to be immediately enforced.

(3) (suppl. - SG 77/18, in force from 01.01.2019) The decision under Para. 2 shall be appealed before the Sofia Administrative Court under the Administrative-Procedure Code within 14 days of the notification. The appeal against the decision shall not stop its execution.

Art. 74l. (New - SG 38/18, in force from 08.05.2018) (1) Upon completion of the inspection, the officials under Art. 74a, Para. 6 shall submit a report to the Commission.

(2) The Chairperson shall schedule a closed meeting, on which the Commission may:

1. give mandatory instructions for carrying out a further study, setting a deadline for their implementation;

2. accept the report and, where the report contains a manufacturing, commercial or other secret protected by law, accept a summary thereof.

(3) In the cases under Para. 2, item 1, the officials under Art. 74a, Para. 6 shall carry out the additional study, for which they submit a report, applying the order of Para. 2.

(4) The report, or the summary of the report, shall be sent to the inspected person for submission of an opinion within a term determined by the Commission, but not less than one month.

(5) Within the term under Para. 4, the inspected person shall be entitled to access to all collected material in the course of the initiated proceedings, with the exception of those which contain a production, commercial or other secret protected by law.

(6) The Commission may schedule an open hearing in camera in order to hear the inspected person.

Art. 74m. (New - SG 38/18, in force from 08.05.2018) (1) The Commission shall, in closed session, adopt a decision whereby it:

1. establishes that no breach has been committed or that no action has been taken to commit any breach of Art. 3 and 5 of Regulation (EU) № 1227/2011, and is to cease production;

2. finds that a breach has been committed or that actions have been taken to commit breaches of Art. 3 and 5 of Regulation (EU) № 1227/2011; with the decision, the Commission shall impose the fine or the property sanction under Art. 224d and may apply the measure under Art. 74k.

(2) (suppl. - SG 77/18, in force from 01.01.2019) The decision shall be appealed before the Sofia Administrative Court in accordance with the Administrative-Procedure Code, with the appeal suspending the execution, except in the part of the decision which is accompanied by a measure under Art. 74k.

Art. 74n. (New - SG 38/18, in force from 08.05.2018) (1) The Commission shall carry out a preventive, current and subsequent control over compliance with obligations under Art. 4, 8, 9 and 15 of Regulation (EU) N° 1227/2011.

(2) While executing control under Para. 1, the Commission shall carry out inspections through officials appointed by an order of the Chairperson of the Commission. For the inspections shall apply Art. 78, Para. 2 and 3 respectively.

(3) For the inspection carried out, the officials shall draw up a statement of findings, to which the collected evidence are to be attached.

(4) The breaches under Art. 4, 8, 9 and 15 of Regulation (EU) N° 1227/2011 shall be identified with an act establishing an administrative offense, drawn up by officials appointed by the Chairperson of the Commission.

Art. 74o. (New - SG 38/18, in force from 08.05.2018) In carrying out its activity under this Chapter, the Commission shall cooperate with the Ministry of Interior, the Ministry of Finance, the Financial Supervision Commission, the Commission for the Protection of Competition, the Commission for Consumer Protection and the competent bodies of the judiciary. The interaction and cooperation of the Commission with the Commission for the Protection of Competition and the Financial Supervision Commission shall be carried out on the basis of joint rules adopted by the respective commissions.

Art. 74p. (New - SG 38/18, in force from 08.05.2018) The Commission shall cooperate with the ACER and the regulatory bodies of other Member States of the European Union by receiving, cooperating and exchanging information in accordance with Regulation (EU) N° 1227/2011.

(2) The information exchanged shall be used while providing the same level of protection as is provided by the regulatory body to the Member State of the European Union, or by the ACER which have provided it.

Chapter eight.

CONTROL IN THE ENERGY SECTOR

Art. 75. (1) (amend. – SG 74/06, in force from 08.09.2006; amend. – SG 82/09, in force from 16.10.2009; amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015) The Minister of Energy shall exercise preliminary, current and subsequent control of:

1. (amend. – SG 74/06, in force from 08.09.2006) the technical state and the operation of the energy sites;

2. the applying of the order and the technical requirements for heat supply, termination of the heat supply and applying the share distribution of the heat power;

3. the fulfilment of the obligation for raising and storing the reserves of fuel necessary for a reliable and uninterrupted supply of power;

4. (amend. – SG 35/09, in force from 12.05.2009) the readiness of the energy sites for work in case of disasters and martial law;

5. (amend. – SG 74/06, in force from 08.09.2006; amend. – SG 82/09, in force from 16.10.2009; amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015) the fulfilment of the obligations under this Act for submitting information to the Ministry of Energy;

6. (new - SG, 54/2012, in force from 17.07.2012) implementation of the National plan for investments for the period 2013 – 2020.

(2) The Commission shall exercise control of:

1. the observance of the terms of the issues licence;

2. the applying of the prices under art. 30, para 1;
3. (revoked – SG 74/06, in force from 08.09.2006)

Art. 76. (1) The Commission shall control the compliance of the performed licensed activities with the terms of the issued licences.

(2) The Commission shall exercise preventive, current and subsequent control.

(3) The Commission shall exercise a preventive control of the procedures for issuing licences under this Act.

(4) The Commission shall control currently the compliance of the fulfilment of the licensed activity with the terms of the licence, including:

1. the fulfilment of the requirements for reliability of the supplies of electric and heat power or natural gas and effective using of the power and energy resources;

2. (suppl. - SG, 54/2012, in force from 17.07.2012) the fulfilment of the obligations for providing access to the networks to the equipments for storage and services on temporary storage of natural gas, as well as the correct application of the conditions for access provision;

3. the applying of the prices approved by the Commission;

4. the fulfilment or the readiness of fulfilment of the additional obligations for termination of the licensed activity upon expiration of the term of the licence or upon its termination, as well as for decommissioning energy sites;

5. the fulfilment of the obligations for insuring the property through which the licensed activity is carried out, or the fulfilment of the obligations for financial security;

6. (suppl. - SG, 54/2012, in force from 17.07.2012) the fulfilment of the obligations for storage and submitting information to the Commission;

7. (amend. - SG, 54/2012, in force from 17.07.2012) the fulfilment of the obligations for submitting information to the respective system operator of transmission network;

7a (amend. - SG, 54/2012, in force from 17.07.2012) observation of the long-term contracts and the conditions of the contracts for termination services, as well as their compliance with the EU law and their compliance with the EU policies;

8. (amend. - SG, 54/2012, in force from 17.07.2012) checking up the grounds of complaints and signals against the energy enterprises, including regarding contractual violations, non-fulfilment of obligations for connection of producers and clients to the networks or interruption of the supply of power or natural gas;

9. (new. - SG, 54/2012, in force from 17.07.2012) the availability of restricting contract practices and provision for exclusiveness, which may stop non-household clients to sign contracts with more than 1 supplier or to restrict their choice of suppliers;

10. (new. - SG, 54/2012, in force from 17.07.2012) the time, for which the operators of electric transmission/distribution gas transmission/gas distribution networks shall carry out connections to the networks, repairs and inter-system connections;

11. (new. - SG, 54/2012, in force from 17.07.2012) observation of operation rules with the consumers of energy services;

12. (new. - SG, 54/2012, in force from 17.07.2012) observation of the requirements, determined by Regulation (EC) N714/2009 and Regulation (EC) N 715/2009;

13. (former. - SG, 54/2012, in force from 17.07.2012) other requirements stipulated by the licence.

(5) The Commission shall exercise subsequent control over the fulfilment of the recommendations and prescriptions given to the licensees.

(6) (new – SG 54, in force from 16.07.2010, suppl. - SG, 54/2012, in force from 17.07.2012) The Commission shall exercise control over the activities as per Art. 39, para 1, as well as over the fulfilment of the duty to provide access to own installation and/or equipment also to production gas-transmission network, as well as for provision of access to their use in the cases provided for in this Act.

Art. 77. (1) (amend. – SG 74/06, in force from 08.09.2006; amend. – SG 82/09, in force from 16.10.2009; amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015) In fulfilment of his control functions the Minister of Energy shall:

1. carry out inspections through persons authorised by him;
2. notify the bodies of the specialised control in view of taking measures in the circle of their competence;
3. impose compulsory administrative measures and administrative sanctions stipulated by this Act.

(2) In fulfilment of its control functions the Commission shall:

1. carry out inspections through persons authorised by it;
2. notify the bodies of the specialised control in view of taking measures within the circle of their competence;
3. stop the effect, amend or withdraw the issued licence;
4. impose compulsory administrative sanctions stipulated by this Act.

(3) (amend. – SG 74/06, in force from 08.09.2006; amend. – SG 82/09, in force from 16.10.2009; amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015) The Minister of Energy, respectively the Commission, shall have the right to require from the inspected persons information for their activity, the necessary documents related to the control and, where necessary, require assistance from the specialised control bodies.

Art. 78. (1) (amend. – SG 74/06, in force from 08.09.2006; amend. – SG 82/09, in force from 16.10.2009; amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015) The persons carrying out inspections and issuing acts for establishing an offence shall be appointed by an order of the Minister of Energy or by the Chairman of the Commission according to their competence under this Act.

(2) The persons under para 1, called hereinafter "the control bodies" shall have the right:

1. to free access to the persons controlled by them and to sites for inspection;
2. to require the necessary data, information, explanations, operative and other information, including carry out or assign carrying out of expertise, measuring and tests for establishing the technical state and the conditions of operation of the site, including the legal capacity of the personnel, by the respective officials, as well as any other information related to the fulfilment of the terms of the licence;

3. to carry out counter inspections and require from third persons information and documents necessary for the counter inspections;

4. (amend. - SG, 54/2012, in force from 17.07.2012) to grant obligatory prescriptions;

5. to make proposals for imposing compulsory administrative measures and administrative penalties.

(3) The inspected person shall be obliged to provide all conditions for the normal process of the inspection and render assistance to the control bodies by:

1. providing a place for carrying out the inspection or appear in the building of the Ministry, respectively of the Commission;

2. appoint an employee for contacts and rendering assistance to the inspecting officials;

3. provide access to all official premises;

4. submit all accountancy, trade and other documents necessary for establishing facts and circumstances related to the scope of the inspection;

5. give written explanations on request of the control body.

(4) The prescriptions of the control bodies issued in fulfilment of their legal capacities under this Act shall be obligatory.

Art. 79. (1) The control bodies shall be obliged not to make public the official, production and trade

secret having become known to them during or on the occasion of carrying out the control activity.

(2) The control bodies shall carry out their activity independently or, where necessary, jointly with other specialised control bodies.

Art. 80. (1) The control bodies shall issue written records for the results from the inspection, accompanied by the gathered data, documents and explanations.

(2) The written records shall be signed by the issuer, by the inspected person and, on refusal – by two witnesses of the refusal.

(3) (New. - SG, 54/2012, in force from 17.07.2012) A written protocol shall not be drawn up in the cases, where the control bodies have found violation of this act and the acts of secondary legislation on its implementation on the basis of official documents, as well as in case of non-fulfillment of the obligation for provision of documents and information, provided by this act and in the legislative normative instruments on its implementation

(4) (former Para. 3, amend. - SG, 54/2012, in force from 17.07.2012) On the grounds of the results from the inspection the control bodies may give obligatory prescriptions to the inspected persons and/or issue acts for establishing administrative offences.

1. give obligatory instructions to the inspected persons;
2. draw up acts for finding out administrative violations, and
3. propose imposition of compulsory administrative measures.

(5) (former Para. 4, amend. - SG, 54/2012, in force from 17.07.2012) The persons to whom obligatory prescriptions are given shall notify, within the set period, the control bodies for their fulfilment.

Art. 80a. (new – SG 17/15, in force from 06.03.2015) (1) The authorities of the Agency of State Financial Inspection shall carry out follow up control of utility enterprises carrying out activities at regulated, including at preferential prices of electricity. The control shall cover their financial, business and accounting activities at regulated, including at preferential prices.

(2) (revoked - SG 35/15, in force from 15.05.2015)

(3) Utility enterprises under par. 1 to which the State Financial Inspection Act applies, shall be subject to annual control by the authorities of the Agency of State Financial Inspection within the scope of financial inspection.

(4) Utility enterprises under par. 1 to which the State Financial Inspection Act shall not apply, shall be subject to annual control by the authorities of the Agency of State Financial Inspection through follow-up inspections.

(5) (new - SG 35/15, in force from 15.05.2015) The electric energy producers, owning a central of total installed electric capacity of up to 1 MW, shall not be subject to an annual control under Para 4. These producers shall be subject to inspection by the authorities of the State Financial Inspection Agency according to an approved annual plan based on risk assessment according to the following criteria:

1. date of entry into operation;
2. amount of the preference price for mandatory purchase of the produced electric energy;
3. date of signing the purchase contract with the end supplier;
4. type of energy resource and production technology.

(6) (prev. text of Para 05 - SG 35/15, in force from 15.05.2015) The order for carrying out an inspection by the authorities of the Agency of State Financial Inspection shall be issued by the Director of the Agency or by officials authorized thereby and shall not be subject to appeal.

(7) (prev. text of Para 06 - SG 35/15, in force from 15.05.2015) The Minister of Energy may request from the Agency of State Financial Inspection to carry out financial inspection or a follow up inspection under a specific case.

(8) (prev. text of Para 07 - SG 35/15, in force from 15.05.2015) For carrying out of inspections

under par. 4 the authorities of the Agency of State Financial Inspection shall have the right:

1. to free access to the facility subject to inspection;
2. to review the entire documentation related to the financial, business and accounting activity at regulated prices, including preferential prices;
3. to require from the officials at the facilities subject to inspection, information and statements regarding the inspection.

(9) (prev. text of Para 08 - SG 35/15, in force from 15.05.2015) The persons at the facilities subject to inspection shall be obliged to provide assistance to the authorities of the Agency of State Financial Inspection, to provide free access to the office premises and to the entire documentation and provide within the fixed terms the required documents, information and statements related to the review. The documents in a foreign language shall be submitted with a certified translation into Bulgarian language, The persons shall not have the right to refuse access to information, by referring to their own or someone else's trade or bank secret, neither to information classified as state or business secret subject to compliance with the provisions of the Classified Information Protection Act.

(10) (prev. text of Para 09 - SG 35/15, in force from 15.05.2015) In the course of carrying out of inspections by the authorities of the Agency of State Financial Inspection shall be obliged to:

1. identify themselves by their official card and an order for carrying out of the inspection;
2. report correctly the results of their inspection activities;
3. not to disclose or to distribute information made known to them in the course of inspections.

(11) (prev. text of Para 10 - SG 35/15, in force from 15.05.2015) For the results of the carried out inspection the authorities of the Agency of State Financial Inspection shall draw up a report containing their findings, substantiated by relative evidence.

(12) (prev. text of Para 11, amend. - SG 35/15, in force from 15.05.2015) The report under par. 11 shall be handed over to the person representing the utility enterprise. After handing of the report over, the person can submit a written opinion within 14 days after its handing over. The authorities of the Agency of State Financial Inspection shall pronounce with a justified conclusion within 7 days after the receipt of the opinion.

(13) (prev. text of Para 12 - SG 35/15, in force from 15.05.2015) In case of available data about perpetrated offense, the inspection materials shall be sent to the prosecutor's office.

(14) (prev. text of Para 13, amend. - SG 35/15, in force from 15.05.2015) The report under par. 11 together with the justified written conclusion and the written opinion under par. 12 shall be sent within 7 days after its issuance to the Minister of Energy and to the Commission.

(15) (prev. text of Para 14, amend. - SG 35/15, in force from 15.05.2015) The report under par. 11 together with the justified written conclusion and the report on the carried out financial inspection under par. 3 together with the justified written conclusion shall be published on the Internet site of the Agency of State Financial Inspection within 7 days after the issuance of the conclusion.

Art. 81. The state and municipal bodies and their administrations, as well as the persons obliged under the law, shall be obliged to render assistance to the control bodies in exercising their legal capacities.

Chapter eight "a".

CERTIFICATION OF OPERATORS OF TRANSMISSIONABLE NETWORKS. RULES FOR REALIZATION OF INVESTMENTS. INDEPENDENCE OF THE TRANSMISSION OPERATORS (NEW – SG, N 54/2012, IN FORCE FORM 17.07.2012)

Section I.

Certification of operators of transmission networks. Rules for realization of investments (new – SG, N

54/2012, in force form 17.07.2012)

Art 81a. (new – SG, N 54/2012, in force form 17.07.2012) (1) The commission shall certify every operator of transmission network for fulfillment of the requirements for independence and shall monitor their observation by the certified operator.

(2) The commission shall open procedures for certification under Para. 1 upon its initiative after request of the transmission operator or upon motivated request of the European Commission.

(3) The commission shall adopt a draft certification decision or shall refuse certification within the term of 4 months after the date of receiving the certification request or from formation of the procedure upon its initiative or upon request of the European Commission. In case that within the indicated term the commission does not pronounce explicitly, it shall be considered that the certification draft decision has been adopted.

(4) The draft decision under Para. 3 with the whole related information shall be notified immediately to the European Commission.

(5) The operator of a transmission network and the undertakings, fulfilling some of the functions of production of electric power, production of natural gas or supply of electric power of natural gas, production of natural gas from renewable sources shall provide upon request by the commission or by the European Commission any information, related to fulfillment of the obligations for independence of the operator.

(6) The decision for selection of an operator shall be notified to the European Commission and shall be published in the EU Official Journal. While selecting an independent system operator, Art. 811, Para. 10 shall be applied.

(7) The conditions and procedure for certification of operators of transmission networks shall be determined by the ordinance under Art. 60.

Art. 81b (New – SG, 54/2012, in force from 03.03.2013) (1) Where certification has been requested by an owner or operator of transmission network, which are controlled by a person/s of a third state/s, the commission shall notify the European Commission.

(2) The commission shall immediately notify the European Commission about every circumstance, which may lead to acquiring control over the transmission network or operator of transmission network by persons from third states.

(3) The operators of transmission networks shall notify the commission about every circumstance, which may lead to acquiring control on transmission network or operator of a transmission network by person from third states.

(4) The draft decision of the commission for certifying an operator of a transmission network, who, or whose owner is controlled by persons of third states, or the draft for refusal for certification, shall be adopted within the term of 4 months after the date of receiving the request under Para. 1.

(5) Certification, requested by the persons under Para. 1 shall be refused, where it has not been proved, that:

1. the person observes the requirements for independence of the operator of transmission network, and
2. the certification will not be a risk for the security of delivery of electric power and natural gas of the Republic of Bulgaria and the European Union, in view to:
 - a) the right and obligations of the European Union in relation to the third state, which ensues from the international law, including every agreement, signed by one or more third states, on which the European Union is a party and which examines the issues of security of delivery with electric power and natural gas;
 - b) the rights and obligations of the Republic of Bulgaria in relation to the third state under agreements, signed by it, as far as they are complied with the EU law, and
 - c) other concrete facts and circumstances, which refer to the case and the relevant third state.

(6) Certification, apart from the cases under Para. 5 shall be also refused, where:

1. may lead to breaking the safety of delivery in the Republic of Bulgaria or safety of delivery in another EU Member State;
2. danger may occur for the national security and the public order;
3. The European Commission has given a negative opinion about certification.

(7) The council of Ministers shall adopt a decision, which makes assessment if the circumstances under Para. 5. p. 2 and Para. 6, p. 1 and 2 are present upon request of the commission, which is accompanied by the whole information, related to the case. The Council of Ministers decision shall be boundary for the commission.

(8) The draft decision under Para. 4 for certification of an operator of a transmission network, who, or whose owner is controlled by a person/s of a third state/s with the whole related information shall be presented immediately to the European Commission for an opinion of the requirements for independence have been observed of an operator of a transmission network and of the certification will not represent a risk for the security of provision with electric power and natural gas for the European Union.

(9) The commission shall adopt a final decision on the certification of an operator of a transmission network, who, or whose owner is controlled by persons from third states in compliance with the opinion of the European Commission within the term of 2 months after its receiving or from expiry of the term for receiving such an opinion.

(10) The term for receiving an opinion of the European Commission shall be 2 months, and in case that the European Commission has requested an opinion from ACER – 4 months and shall run from the presentation of the draft decision under Para. 8 and of the relevant information.

(11) The decision under Para. 9 shall be presented to the European Commission with the whole related information and shall be published with the European Commission opinion, and where the decision is diverted from this opinion – also the grounds on which the decision is based.

(12) The conditions and procedure for certification shall be determined by the ordinance under Art. 60 and the directives of the European Commission about the certification procedure under Para. 1 – 11.

Art. 81c. (new – SG, 54/2012, in force from 17.07.2012) On a transmission network operator, who is also the owner of the transmission network shall not be acquired control directly or indirectly or right to be exercised by undertakings, fulfilling whichever of the operations: production of electric power, production of gas from renewable sources, production of natural gas or supply of electric power or natural gas.

Art. 81d (new – SG, 54/2012, in force from 17.07.2012) (1) The transmission network operator shall develop, consult with all the interested parties and shall provide to the commission annually by 30 April a 10-year plan, which shall:

1. show to the players on the market the basic infrastructure for transmission, which is envisaged for construction, expansion, reconstruction and modernization during the following 10 years;
2. contain all the investments, for which a decision has already been taken and shall determine the new investments, which are to be made during the following 3 years;
3. provide a schedule for all the investment projects.

(2) With drawing out the 10-year plan for development of a transmission network, the transmission network operator shall consider the available information about forthcoming changes in the production, supplies, consumption and volume with other states, including research, plans and prognosis under Art. 87, Para. 3, while taking in consideration the investment plans for regional networks and networks on the territory of the EU. With the development of the 10-year plan for development of the gas transmission network, the operator shall also consider the investment plans for equipment for storage of natural gas.

(3) The commission shall consult with all current or potential users of the network about the 10

year plan for development of the transmission network in an open and transparent way. From the persons or undertakings, which claim that are potential users of the network, may be requested to ground their claims. The results from the process of consultations, including the possible needs of investments shall be published on the commission web-site.

(4) The commission shall find out if the 10-year plan for development of the transmission network covers all the needs of investments, established in the process of consultations and if it is in compliance with the 10-year plans of development of the EU networks.

(5) The commission shall monitor and assess the implementation of the 10-year plan for development of the transmission network.

(6) Unless urgent reasons are present out of its control, where an independent transmission operator fails to make investment, which under the 10-year plan for development of the transmission network was to be made in the following 3 years, the commission shall obliged the operator to make the needed investments, if they are still needed to be made, as well as to provide return of the costs for these investments through the prices of the network services.

Section II.

Independent transmission operator (New – SG, N54/2012, in force from 17.07.2012)

Art. 81e (New – SG, N54/2012, in force from 17.07.2012) (1) an independent transmission network operator for electric power or for natural gas – part of the vertical integrated undertaking shall be shareholding company with two-level management system.

(2) The managing board of the independent transmission operator shall take decisions, related to the current activities of the transmission network operator, the network management and the operations, needed for the preparation of the 10-year development plan of the network.

(3) The management board members of the independent transmission operator shall be elected and discharged by the supervision council. The supervision council shall immediately send to the commission the decisions for election, as well as information about the conditions, which provide the mandate, its duration and termination, the conditions of work, including the remunerations, and the decision for preterm discharge with the grounds for them. The decisions shall evoke an action, if within 3 weeks after the notification – but not shorter than the term for appeal under Para. 7, the commission does not object them.

(4) The commission shall be informed about the decision about:

1. election of a management board member of the independent transmission operator;
2. preterm discharge of a management board member of the independent transmission operator, after the person, who is to be discharged has received it.

(5) The management board members of the independent transmission operator shall:

1. not occupy professional position or position in charge, shall not have economic interests or business relations directly or indirectly with any other part of the vertically integrated undertaking or with its shareholders, holding control shares;
2. not have interests or do not receive financial benefits directly or indirectly from any part of the vertically integrated undertaking;
3. receive remuneration, which does not depend on the activities or results of the vertically integrated undertaking, different for those of the transmission network operator.

(6) The majority of the management board members of the independent transmission operator shall be persons, who within the term of 3 years before their appointment have not occupied professional position or position in charge, have not had interests or business relations, directly or indirectly with a vertically integrated undertaking or with any part of it, different for the transmission network operator, or with its shareholders, holding control shares. The remaining management board members shall be persons, who for a period of at least of 6 months before their appointment have not exercised managerial or other similar activity in the vertically integrated undertaking.

(7) The management board members of the independent transmission operator shall have the right to appeal the decision of the supervision council for preterm termination of the contracts for assigning management before the commission, under Art. 22, para. 1, p. 4 within the term of up to 7 days after receiving the decision.

(8) After termination of their mandate, the management board members of the independent transmission operator shall not occupy professional position or position in charge, shall not have interest or business relations with any part of the vertically integrated undertaking, different from the transmission network operator or with its shareholders, holding control shares for the period of at least 4 years.

(9) The provision of Para. 5, Para. 6., sentence one and Para. 8 shall apply also in relation to the persons, who report directly to the management board members of the independent transmission operator on issues, related to the exploitation, maintenance and development of the network.

(10) The persons under Para. 9 with termination of their employment legal relation may appeal the termination before the commission under Art. 22, Para. 1, p. 4 within 7 days after receiving the act for termination, by applying Para. 3.

(11) The commission may object against a decision for:

1. election of a management board member of the independent transmission operator where there are doubts about his/her professional independence;

2. preterm discharge of a management board member of the independent transmission operator, where there are doubts about the reasons for this preterm discharge.

Art. 81f (New – SG, 54/2012, in force from 17.07.2012) (1) The supervision council of the independent transmission operator shall adopt the decision, which may substantially influence the value of the shares of the transmission network operator, including the decisions, related to approval of the annual financial plans, the level of debt of the transmission network operator and binding the general meeting of the operator decisions about the size of the dividends, which are distributed among the shareholders.

(2) (amend. - SG 83/18) The supervision council of the independent operator shall be elected by the general meeting of the shareholders. The supervision council shall consist of 3 – 7 members, representing the vertically integrated undertaking and members representing third party shareholders, in cases where such shareholders are present, where about the election the commission shall be notified. The shareholders general meeting decisions shall evoke an action, if within the term of 3 weeks after the notification the commission does not object against the elections of the half minus 1 of the members of the supervision council on the grounds, provided by art. 81e, Para. 11, p. 1.

(3) The provision of Art. 81e, Para. 7 and Para. 11 shall apply to all members of the supervision council of the independent transmission operator and Art. 81e, Para. 3, 4, 5, Para. 6, sentence one and Para. 8 shall apply respectively to at least half of them minus 1 of the supervision council members.

Art. 81g (new – SG, 54/2012, in force from 17.07.2012) (1) The independent transmission operator of transmission network for electric power or for natural gas shall have at disposal all human, technical, physical and financial resources, needed for fulfillment of the obligations for carrying out the activity on transmission of electric power or natural gas.

(2) The operator under Para. 1 shall be the owner of the shares, needed for the activity of transmission of electric energy or natural gas, including of the transmission network and shall have own identity, separate office, staff and shall use independently his needed equipment and legal, accountancy and information services.

(3) Without concerning the decisions of the supervisory body under Art. 81f, Para.1, the independent transmission operator shall have the right to take decision independently from the vertically integrated undertaking in reference to shares, needed for the functioning, maintenance or development of the transmission network, as well as authorizations to propose decisions binding the general meeting on

collecting funds of the capital market through loan or increasing the capital.

(4) The independent transmission operator shall appoint the needed staff, where he/she cannot hire and give at disposal staff also for other parts of the vertically integrated undertaking.

(5) Providing services of the independent transmission operator shall be prohibited to:

1. electric-transmission network from other parts of the vertically integrated undertaking, fulfilling the operations of provision or production of electric power;

2. gas-transmission network from other parts of the vertically integrated undertaking, fulfilling the activities on provision or production of natural gas.

(6) The independent transmission operator may provide services to the vertically integrated undertaking under the condition, that the provision of these services:

1. does not lead to discrimination between the various consumers of the network;

2. is accessible for all consumers of the network in one and the same conditions and procedure;

3. does not restrict, does not violate and does not interfere the competition in the production or provisions.

(7) The commission shall approve the conditions and procedure for provision of the services under Para. 6.

(8) The independent transmission operator shall not disclose any information, which is trade secret to the remaining parts of the integrated undertaking, unless this is needed for concluding a trade deal. In deals for sale or purchasing from joint undertakings, the operators shall not be able to misuse information – trade secret, received from third parties while providing or negotiating access to the system.

(9) The independent transmission operator through his/her corporative identity, communications, trademarks and sites shall not provoke confusion in relation to the separate identity of the vertically integrated undertaking or any part of it.

(10) The independent transmission operator and any other part of the vertically integrated undertaking, fulfilling operations on provision or production of electric power or natural gas, shall use independent systems or equipment for information technologies, premises and security systems in relation to the access to them, as well as various consultations or external operators of systems or equipment for information technologies and security systems in relation to the access.

(11) The independent transmission operator shall notify the commission about planned deals, which may impose re-assessment of the observation by him/her requirements for independence.

(12) The independent transmission operator shall be audited independently by an auditor, different for the one of the vertically integrated undertaking and of the companies in it.

(13) The requirement under Para. 2 shall be considered as fulfilled, where 2 or more undertakings, possessing transmission networks have established a joint undertaking, acting as an operator of transmission networks in the Republic of Bulgaria and in other EU Member States. Other undertaking shall not be part of the joint undertaking, unless it has been approved as an independent transmission operator or as independent system operator of a transmission network.

Art. 83h (New – SG, 54/2012, in force from 17.07.2012) (1) Vertically integrated undertaking shall not carry out actions, hindering or violating the independent transmission operator while fulfilling its obligations under the act, and the independent transmission operator shall not request permit from the vertically integrated undertaking in order to fulfill its obligations under this Section.

(2) Without concerning the supervisory body decisions under art. 81f, Para. 1, the vertically integrate undertaking shall provide timely to the independent transmission operator sufficient financial resources for future investment projects and/or for change of existing shares in case of a grounded and economically reasonable request by the operator.

Art. 81i (New – SG, 54/2012, in force from 17.07.2012) (1) Subsidiary companies of the vertically

integrated undertaking, fulfilling the functions of production or provision shall not have direct or indirect participation in the capital of the independent transmission operator. The operator shall not have direct or indirect participation in the capital of some of the subsidiary undertaking of the vertically integrated undertaking, fulfilling the functions of production or provision, nor shall receive dividends or other financial benefits from this subsidiary undertaking. The operator shall not have direct or indirect participation in the capital of some subsidiary undertaking of the vertically integrated undertaking, fulfilling the functions of production or provision, nor shall receive dividends or other financial benefits from this subsidiary undertaking.

(2) The whole management structure and statute of the independent transmission operator shall guaranty its effective independence. The vertically integrated undertaking shall not define directly or indirectly the competition behavior of the operator in relation to its current operation and the network management or in relation to the operations, needed for preparation of the 10-year development plan of the network, developed under Art. 81d.

(3) All trade and financial relations between the vertically integrated undertaking and the independent transmission operator, including loans, granted by the operator of the vertically integrated undertaking shall be realized under market conditions. The operator shall keep detailed information for these trade and financial relations and upon request shall provide access to it to the commission.

(4) The independent transmission operator shall product for approval by the commission all the trade and financial agreements with the vertically integrated undertaking.

(5) The independent transmission operator shall notify the commission about granted financial resources under Art. 81h, Para. 2.

Art. 81j. (New – SG, 54/2012, in force from 17.07.2012) (1) The independent transmission operator shall develop and implement a compliance programme, which shall indicate measures for non-admittance of discrimination behavior of the operator, as well as the concrete obligation of the employees of the operator for achieving this objective. The compliance programme shall be enforce after an approval of the commission.

(2) The control on implementation of the compliance progmmme shall be assigned to a person, selected for person in charge of the compliance by the supervisory council of the independent transmission operator. The selection of a person in charge of the compliance shall be approve by the commission, which may refuse the approval on grounds of lack of independence or of professional competence. The requirements for independence and the selection procedure, notification of the commission and discharge under Art. 81e, Para. 3 -8 and 10 shall apply also to the person in charge of the compliance.

(3) While fulfilling his/her authorizations, person in charge of the compliance shall:

1. observe the compliance programme implementation and shall produce to the commission 3-month reports for its implementation;

2. develop annually and produce to the commission an annual report, which shall indicate the undertaken measures for implementation of the compliance programme;

3. develop and produce to the supervisory council a report and shall give recommendations on the compliance programme and on its implementation;

4. notify the commission for existing violations while applying the compliance programme and about all trade and financial relations between the vertically integrated undertaking and the operator;

5. notify the commission about proposed decision on the development plan of the network or some investments of the operator before the production of the management board of these plans and decisions to the supervisory council;

6. notify the commission about general meeting decision of the vertically integrated undertaking or for voting of the members of the supervisory council of the operator, which has stopped or slowed down the realization of the investments, provided for the previous 3 year according to the 10-year development plan of the network;

7. control the observation of Art. 81g, Para. 8;

8. report before the commission and shall have the right to report before the supervisory council of the operator.

(4) The person in charge of the compliance shall have the right, without prior notification, to a permanent access to the whole needed information and to the premises of the operator, if this is needed for fulfillment of his duties.

(5) The person in charge of the compliance may be present at all the meetings of the general meeting, the management and the supervisory boards of the operator and shall obligatory be present at the meeting, which examine the issues of:

1. the conditions for access to the network, determined by Regulation (EC) N 714/2009 and Regulation (EC) N 715/2009;

2. the investments and projects, related to the exploitation, maintenance and development p the transmission networks, including the inter-system connections;

3. buying energy, needed for technological costs for electric-transmission network, or for exploitation of the gas-transmission network.

(6) The person I charge of the compliance shall be obliged not to disclose the official, production and trade secret, having become known to him in relation to his duties.

(7) After preliminary approval by the commission the supervisory council may discharge form position the person in charge of the compliance. It shall discharge the person in charge of the compliance on grounds of lack of independence or of professional competence upon request of the commission.

Section III.

Independent system operator (New – SG, N 54/2012, in force from 17.07.2012)

Art. 81k. (New – SG, 54/2012, in force from 17.07.2012) (1) All or certain tasks of the independent transmission operator shall be assigned to an independent system operator upon request of the commission in case of permanent violation of the duties of the independent transmission operator, relate the requirements for independence, under Section II of this Chapter, including in case of permanent discrimination behaviour in favour of the vertically integrated undertaking.

(2) As independent system operator shall be appointed a person, proposed by the owner of the transmission network and approved by the commission in relation to whom the following requirements have been fulfilled:

1. one and the same person/s shall not have the right to:

a) exercise directly or indirectly control over an undertaking, fulfilling some of the activities of production or provision of electric power or natural gas an simultaneously exercise control or have rights over operators of transmission network or over transmission network;

b) exercise directly or indirectly control over operator of transmission network or over transmission network and simultaneously exercise directly or indirectly control or have rights over an undertaking, fulfilling some of the activities of production or provision of electric power or natural gas;

c) select members of the supervisory council or of management bodies of the operator of transmission network or owner of a transmission network and exercise directly or indirectly control or have rights over an undertaking, fulfilling some of the activities of production or provision of electric power or natural gas;

d) are members of the supervisory council or management bodies of an undertaking, fulfilling some of the activities of production or supply and at the same time – of operator of transmission network or owner of transmission network;

2. have at disposal all human, technical, physical and financial resources, needed for fulfilment of the duties for carrying out the activity on transmission of electric power or natural gas;

3. have taken an obligation to observe the plan for development of the transmission network under

Art. 81d;

4. the applicant for operator has proved his/her ability to fulfil the obligation under Regulation (EC) N 714/2009 or Regulation (EC) N 715/2009, including cooperation between operators of transmission networks at European and Regional level.

(3) In the meaning of Para. 2, p. 1, letters "a", "b" and "c", right on an undertaking shall mean the right to vote, to select members of the supervisory council or of management bodies of the undertaking or possession of a majority share.

(4) The certification of an independent system operator shall be carried out under the procedure of Art. 81a or 81b, where the conditions under Para. 2 have been fulfilled and the owner of the transmission network proved possibility to fulfil the obligations under Para. 5, for which all the projects of contract agreements between the owner and the undertaking – applicant for independent system operator are produced and also other relevant agreements.

(5) Where an independent system operator is selected, the owner of the transmission network shall:

1. assist the independent system operator whole fulfilling his/her tasks, including by producing the whole needed information;

2. finance the investments, which the independent system operator has decided to make and which are approved by the commission or give his/her agreement to be financed by any interested party, including by the independent system operator;

3. provide covering the responsibility, related to the network shares, with the exception of the responsibility, related to the tasks of the independent system operator;

4. provide guaranties, needed for facilitation of the financing of all the network extensions, with the exception of the investments, for which he/she in compliance with p. 2 has agreed to be financed by any interested party, including by the independent system operator.

(6) The financial agreements under Para. 5, p. 2 shall be approved by the commission after consultations with the owner of the transmission network and with other interested persons.

(7) The independent system operator shall be responsible for provision and management of the access of third parties, including for collecting of all receivables, related to the transmission, as well as for the exploitation, maintenance and development of the network and for provision of its long term ability to meet the reasonable search through investment planning. While drawing out development network plans, the independent system operator shall be responsible for the planning, including for the procedures for receiving permits, building up and exploitation of the new infrastructure. The network owner shall not be responsible for provision and management of the access of third parties nor for the investment planning.

(8) The implementation of the transmission network owner duties under Para. 5 shall be controlled by the Competition Protection Commission in cooperation with the commission.

(9) Where the person, indicated in Para. 2, p. 1 is the Bulgarian state or public body, they shall not be considered as one and the same person or persons of 2 public bodies – one of which exercises control over a transmission network operator or over the transmission network, and the other – over an undertaking, fulfilling some of the functions of production or supply.

(10) The decision for selection of an independent system operator shall be taken after finalization of the procedure under Para. 4, shall be subject to approval by the European Commission and shall be published in the EU Official Journal with the decision of the European Commission.

Art. 81l. (New – SG, 54/2012, in force from 17.07.2012) (1) With the selection of an independent system operator of electric transmission network, the network owner, who is part of a vertically integrated undertaking shall be independent in relation to the legal organization form, the organization and the decisions taking from the other activities of the vertically integrated undertaking, which have not been related to the transmission of electric power.

(2) In order to provide the independence of the owner of the electric transmission network under Para. 1, the persons, responsible for the management shall:

1. not participate in company structures of the integrated energy undertaking, being responsible directly or indirectly for the daily functioning of the production, distribution, public supply and trade;
2. take independent decisions while fulfilling their duties, assigned to them by this act and in relation to them appropriate measures have been undertaken, which account for their professional interests, in order to provide the opportunity to act independently;
3. be obliged not to admit discrimination behaviour while fulfilling their obligations, assigned by this act.

(3) The owner of electric transmission network shall draft a programme, which shall include measures for implementation of Para. 1 and 2, containing concrete obligations of the staff for its achievement, by selecting a person, responsible for the control on the programme implementation.

(4) The owner of the electric transmission network shall be obliged to keep in confidentiality the information, which is trade secret, received during and in relation to his/her activity and could lead to trade advantages. Information shall be produced under conditions of equality.

(5) The person under Para. 3 shall produce to the commission an annual report on the measures under Para. 3, which shall be published on the internet site of the owner of the electric transmission network.

Art. 81m. (New – SG, 54/2012, in force from 17.07.2012) (1) (amend. - SG 83/18) The network owner, when an independent system operator of a gas transmission network is designated, and the operator of an equipment for storage of natural gas, when they are part of the vertically integrated undertaking, shall be independent in relation to the legal organization form, the organization and the decision taking from the other activities of the vertically integrated undertaking, which are not connected to transmission, distribution and storage of natural gas.

(2) In order to provide independence of the owner of the gas transmission network and of the operator of a facility for storage of natural gas under Para. 1, the persons, responsible for the management shall:

1. not participate in company structures of the integrated energy undertaking, responsible directly or indirectly for the daily realization of the activities of production of natural gas, production of gas from renewable sources, public supply and trade with natural gas;
2. take independently decisions while fulfilling obligations, assigned to them by this act, and in relation to them, appropriate measures have been taken, which account for their professional interests in order to provide the possibility to act independently.
3. be obliged not to admit discrimination behaviour while fulfilling their obligations, assigned by this act.

(3) The gas transmission network owner and the operator of facility for storage of natural gas shall draft a programme, which shall indicate measures for fulfilment of Para. 1 and 2., containing concrete obligations of the employees for its achievement, by selecting a person, responsible for the control of the programme implementation.

(4) The person under Para. 3 shall produce to the commission an annual report on the measures under Para. 3, which shall be published on the internet site of the gas transmission network owner and of the operator of facility for storage of natural gas.

(5) The gas transmission network owner shall be obliged to keep confidentiality of the information, which is trade secret, received in relation to his/her activity and may lead to trade advantages. The information shall be produced under conditions for equality.

(6) (suppl. - SG 83/18) A company, which is owned by an operator of facility for storage natural gas shall not give instructions in relation to his/her current activity and shall not take decision on building up or modernization of a facility for storage of natural gas outside the approved business plans. The operator of a natural gas storage facility shall have effective decision-making rights independent of the vertically integrated natural gas undertaking for the assets necessary for the operation, maintenance or development of the storage facility.

Section IV.

Operators of transmission networks, separated on ownership (New – SG, 54/2012, in force from 17.07.2012)

Art. 81n. (New – SG, 54/2012, in force from 17.07.2012) (1) Every undertaking, which acquired transmission network after certification, shall function as operator of a transmission network.

(2) The undertaking under Para. 1 shall not realize activities of production of electric power, production of gas from renewable sources, production of natural gas or provision of electric power or natural gas and is not a part of a vertically integrated undertaking, in which such activities are carried out.

(3) The operator under Para. 1 shall fulfil the requirements under Art. 81g, Para. 1 and Art. 81l, Para. 2, p. 1 and 2. Art. 81g, Para. 11 and 13, Art. 81l, Para. 3 and 9 and Art. 81m, Para. 4 or Art. 81n, Para. 5 shall apply respectively.

(4) Operator of a transmission network, which has been a part of a vertical integrated undertaking, shall be obliged to keep confidentiality of information, which is a trade secret and has been received in relation to its activity.

(5) (new - SG 83/18) An operator's staff who was part of a vertically integrated undertaking shall not be transferred to undertakings performing any of the functions of production or supply.

(6) (prev. para. 5 - SG 83/18) The requirement under Para. 1 shall be considered as fulfilled, where 2 or more undertakings, possessing transmission networks have established joint undertaking, acting as operator of transmission network in the Republic of Bulgaria and another EU Member State, in relation to the relevant transmission networks. Other undertaking shall not be a part of the joint undertaking unless it has been approved as an independent transmission operator or as independent system operator of transmission network.

Chapter nine.

ELECTRIC POWER SECTOR

Section I.

Electric power system

Art. 82. (1) All electric power sites on the territory of the country shall be connected and functioning in a single electric power system with a common regime of operation and an interrupted process of production, transformation, transfer, distribution and consumption of electric power.

(2) The electric power system comprises the electric power stations, the transfer network, the individual distribution networks and the electric utilities of the consumers.

(3) (suppl. – SG 74/06, in force from 08.09.2006) The parallel operation of the electric power system with other electric power systems and units of systems shall be carried out in compliance with the concluded international acts in the sphere of the electric power sector and in observance of the technical norms and requirements for reliable and safe operation.

Art. 83. (1) The construction and the operation of the electric power system shall be carried out according to norms stipulated by:

1. an ordinance for the structure of the electric utilities and electric power lines stipulating the technical norms for designing and construction of electric utilities and electric power lines;

2. an ordinance for the technical operation of the electric power stations and networks stipulating the conditions and the order of organisation and technical operation of electric power stations and networks, of power stations for production of electric and/or heat power, of heat transfer networks, of the hydro-

technical installations of the power stations and their mechanical parts (and management and technical operation of electric power stations and networks);

3. an ordinance for the technical operation of the energy equipment stipulating the rules for maintenance of the technical fitness and the rules of safe operation of the electric utilities and installations of the consumers;

4. (suppl. - SG 35/15, in force from 15.05.2015) the rules for management of the electric power system stipulating the rights and obligations of the operator of the electric power network and the persons connected to the electric transfer network in connection with the planning of the development of the electric transfer network, planning and management of the regime of operation of the electric power system, the procedures of the obligatory data exchange, the order of operative announcements and exchange of information, creation and fulfilment of a protective plan and of a plan for restoration of the electric power system, conditions and order of carrying out systematic tests and for providing additional services, of the conditions and order to access the electric transfer network, of transfer of electric energy via the electric transfer network, including the access and dispatch management priorities, of the implementation of the norms for safety and quality of supply of electric energy transferred through the electric transfer network and the supplied services;

5. (suppl. - SG 35/15, in force from 15.05.2015) the rules for management of the electro distribution networks, stipulating the rights and obligations of the operator of the electro distribution network and the persons connected to the respective network, in connection with the planning of the development of the network, planning and management of the regime of operation of the distribution network, the procedures of obligatory data exchange, the order of operative announcement and exchange of information, creation and fulfilment of a local protective plan and for submission of additional services, of the conditions and order to access the electric distribution networks, of transfer of electric energy via the electric distribution networks, including the access and dispatch management priorities, of the implementation of the norms for safety and quality of supply of electric energy transferred through the electric distribution networks and the supplied services;

6. (amend. - SG 38/18, in force from 08.05.2018) the rules for measuring the quantity of electric power stipulating the principles of measuring, the methods and the places of measuring, the conditions and the order of their servicing, the order and methods for re-calculating the amount of electrical energy for establishing undetected, incorrectly and/or inaccurately measured electrical energy, or for which there are measured readings in a non-visualized register of the commercial metering instrument, the order and the way of servicing the commercial metering devices, and creating, maintaining and accessing databases registered by these means.

(2) (amend. – SG 74/06, in force from 08.09.2006; amend. – SG 82/09, in force from 16.10.2009; amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015) The ordinances under para 1, item 1 – 3 shall be issued by the Minister of Energy. The rules under para 1, item 4 – 6 shall be adopted by the Commission at the proposal of the energy enterprises.

(3) (amend. – SG 74/06, in force from 08.09.2006; amend. – SG 82/09, in force from 16.10.2009; amend. – SG 59/13, in force from 05.07.2013; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014; amend. – SG, 14/2015) The technical rules and standards of designing, construction and using the sites and installations for production, transformation, transfer and distribution of electric power shall be determined by an ordinance of the Minister of Regional Development and Public Works and the Minister of Energy.

Section II.

Production of electric power

Art. 84. (1) (former text of Art. 84 – SG, 54/2012, in force from 17.07.2012; suppl. – SG 17/15, in force from 06.03.2015) Production of electric power may be carried out by energy enterprises having

obtained licence for production by the order of this Act, except in the cases under art. 39, para 4, item 1 and 5.

(2) (New – SG, 54/2012, in force from 17.07.2012) The producers of electric power shall be obliged to sign contracts for access with the operator of the electric transmission network and/or with the operator of the electric distribution network, which shall regulate the rights and duties of the parties in relation to control, provision of cold reserve and additional services;

(3) (New – SG, 54/2012, in force from 17.07.2012) The contracts under Para. 2 shall be condition for implementation of the contracts for sale of electric power, including implementation of the contracts under Art. 93a and Art. 94a, Para. 3.

(4) (New - SG, 54/2012, in force from 17.07.2012) The producers of electric power shall be obliged to observe the norms for quality and reliability of the produced electric energy according to the rules under Art. 83, Para. 1, p. 4 and 5 in view to be guaranteed the security of the electric power system.

(5) (New – SG, 54/2012, in force from 17.07.2012) The producers, who fail to observe the norms of quality and reliability under Para. 4 under the rules of Art. 83, Para. 1. p. 4 and 5 may be excluded from the system by the relevant operator of the network till removal of the incompliance

(6) (New – SG, 54/2012, in force from 17.07.2012) The producers of electric power from heat-electric centrals with combined production of heat and electric power shall be obliged:

1. to maintain electric power for production of electric power with achieved indicators for high efficiency, corresponding to the useful heat load, of buying of higher power has not been agreed as a result of signed contracts under Chapter Nine, Section VII or otherwise ordered by the network operator;

2. (suppl. – SG 17/15, in force from 06.03.2015) to provide possibility to the electric transmission network and/or operator of the electric distribution network for operative control through on-line transfer of data about the heat and electricity production of production of electric power, produced from highly effective combined way, combined electric power without reached indicators for high efficient combined production and for quantities non-combined electric power, needed for providing exploitation reliability of the basic facilities.

(7) (New – SG, 54/2012, in force from 17.07.2012; amend. – SG 17/15, in force from 06.03.2015) The conditions and way of fulfilment of the obligations under Para. 6 shall be determined by an ordinance of the Minister of Energy.

Art. 85. (1) (suppl. – SG 74/06, in force from 08.09.2006) The producers of electric power shall be obliged to maintain reserves of fuel, including local solid fuel in quantities guaranteeing a lasting and reliable production.

(2) (amend. – SG 74/06, in force from 08.09.2006; amend. – SG 82/09, in force from 16.10.2009; amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015) The conditions and the order of gathering, maintaining of the reserves of fuel and the control shall be determined by an ordinance f the Minister of Energy.

Section III.

Transmission of electric power (Title amend. – SG 74/06, amend. – SG, 54/2012, in force from 17.07.2012) (*)

Art. 86. (1) (amend. – SG 74/06, amend. – SG, 54/2012, in force from 17.07.2012) (1) The transmission of electric power shall be carried out by the operator of the electric transmission network, having obtained license for transmission of electric power and certified under Chapter Eight "a", Section I.

(2) The transmission and transformation of electric power shall be a service of public interests, which is controlled by the operator of electric transmission network.

(3) The activity on transmission of electric power shall also include:

1. representation of the operator of electric transmission network and contacts with third parties, with the regulation bodies of other EU Member States, as well as representation within the frames of the European network of the operators of transmission systems (ENOTS for electric power);

2. collection of all receivables, related to transmission, including for access, payments for additional services as buying services (costs for balancing, energy for loss coverage), as well as for overloading the mechanism for compensation between the operators of transmission networks in compliance with Art. 13 of Regulation (EC) N 714/2009;

3. exploitation, maintenance and development of a safe, efficient and economic electric transmission network in view to provision of an open market, in compliance with the requirements for protection of the environment, energy efficiency and effective use of the energy;

4. investment planning, which should provide long term capacity of the network to cover in reasonable limits the demand and to guaranty security of deliveries;

5. establishment of appropriate joint undertakings, including with one or more operators of electric transmission networks, energy stock markets and other relevant players in view to development of creation of regional markets or to facilitate the process of liberalization, and

6. all corporative services, including legal services, accountancy and service, related to IT.

(4) The operator of the electric transmission network at any time shall act so, that should provide availability of the needed resources for fulfilment of the operation on transmission in an appropriate and efficient way and for development and maintenance of an effective secure and economic transmission network.

Art. 87. (1) (new – SG 74/06, amend. – SG, 54/2012, in force from 17.07.2012) (*) The electric transmission network operator shall provide the expansion, reconstruction and the modernisation of the transmission network in correspondence with the long-term prognoses and plans for development of the electric power sector.

(2) (prev. text of para 1, amend. – SG 74/06, in force from 08.09.2006, amend. – SG, 54/2012, in force from 17.07.2012) (*) The operator of the electric transmission network shall provide:

1. the united management of the electric energy system and the reliable functioning of the electric transmission network, including availability of all necessary additional services;

2. (amend. – SG 74/06) (*) the transmission of electric power along the electric transmission network, provision and management of the access of third parties on non-discrimination basis between consumers of the network or groups of consumers of the network;

3. the maintenance of the sites and installations of the electric transmission network in compliance with the technical requirements and with the requirements for safety at work;

4. coordinative development and the operative compatibility of the electric transmission network with interrelated electric transmission networks;

5. the maintenance and development of the auxiliary networks.

6. measurement of the electric power in the electric transmission network.

(3) (prev. text of para 2, amend. – SG 74/06, in force from 08.09.2006, amend. – SG, 54/2012, in force from 17.07.2012) (*) In order to work out the energy balance of the country, the electric transmission network operator shall:

1. work out short-term and long-term prognoses for change of the consumption of electric power in the country;

2. (amend. – SG, 54/2012, in force from 17.07.2012) organise studies of the possibilities of expansion and modernisation of the electric transmission network for the purpose of commissioning new capacities, decommissioning of existing production capacities, connection to the electric transmission network of new clients, expected increase of the quantity of transferred electric power, introduction of new technologies providing better quality and reliability of the provided services and effectiveness of the activity; the studies shall be accompanied by technical and economical and ecological analysis;

3. (amend. – SG, 54/2012, in force from 17.07.2012) work out short-term, medium-term and long-term prognoses and plans for expansion and modernisation of the electric transmission network and development of the auxiliary networks, including in view to improvement of the delivery security;

4. work out short-term and long-term plans for development of the electric energy system for the purpose of providing the electric energy balance;

5. (amend. and suppl. – SG 74/06; amend. – SG 82/09, in force from 16.10.2009, amend. – SG, 54/2012, in force from 17.07.2012; amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015) (*) worked out and presented to the Minister of Energy, on the grounds of the studies, prognoses and plans shall be a project of the electric energy balance of the country and a draft record of the sources, including production capacities and inter-system electric power lines necessary for meeting the needs of the country.

Section IV.

Distribution of the electric power

Art. 88. (1) (amend. – SG, 54/2012, in force from 17.07.2012) The distribution of electric power and the operation of the electric distribution networks shall be carried out by electric distribution network operators - owners of such networks on a separate territory, licensed to carry out distribution of electric power to the respective territory.

(2) The distribution of electric power shall be a service of public interest.

Art. 89. (amend. – SG, 54/2012, in force from 17.07.2012) For the licensed territory comprised by the electric distribution network the electric distribution network operator shall provide:

1. distribution of the electric power received in the electric distribution network;

2. continuity of the electric power supply and quality of the supplied electric power;

3. management of the electric distribution network;

4. maintenance of the electric distribution network, sites and installations of the auxiliary networks in compliance with the technical requirements;

5. expansion, reconstruction and modernisation of the electric distribution network and of auxiliary networks, in compliance with the requirements environment protection, energy efficiency and effective use of power;

6. measurement of the electric power in the electric distribution network;

7. other services, related to the license activity.

Art. 90. (amend. – SG, 54/2012, in force from 17.07.2012) The operator of the electric distribution network shall:

1. study the perspectives of economic development and the change of the electric consumption on the respective territory;

2. (amend. – SG, 54/2012, in force from 17.07.2012) work out short-term and long-term plans for development of the electric distribution network;

(amend. – SG, 54/2012, in force from 17.07.2012) submit the results from the studies and the worked out plans under item 1 and 2 of the electric transmission network operator.

Section V.

Trade relations. Parties to the transactions with electric power

Art. 91. (1) (amend. – SG, 54/2012, in force from 17.07.2012) Transactions with electric power may be concluded at prices regulated by the Commission, at freely negotiated prices and at the stock market,

as well as at balanced market of electric power.

(2) (suppl. – SG, 54/2012, in force from 17.07.2012, amend. - SG 38/18, in force from 08.05.2018) The transactions with electric power shall be concluded in observing the provisions of this Act and the rules or trade with electric power. The rules shall be published by the energy undertakings and the commission on their internet sites.

(3) (amend. – SG 74/06, in force from 08.09.2006, amend. - SG, 54/2012, in force from 17.07.2012, suppl. - SG 38/18, in force from 08.05.2018) The rules under para 2 shall determine the rules for provision by the end providers and suppliers of last instance, the procedure for registration on the market and the removal of a commercial participant from the market, rules for exchange of data, the way of administering the transactions, of information about hour schedules, organising and work T the stock market, the market of balancing energy, and the market for provision of transmission ability, the mechanisms for defining the prices for non-balancing, as well as registration of the types of balance groups and the activity of the coordinators of balance groups.

(4) (new – SG 74/06, in force from 08.09.2006, amend. and suppl. - SG 38/18, in force from 08.05.2018) At accounting the achieved results from the work of the electric power system and the market of electric power and the procedures, set forth in the rules for trading with electric power, the Commission, upon proposal by the energy enterprises, or its own initiative, shall amend or adopt new rules for trading, observing the principles of equality and balance of the interests of all parties.

Art. 92. (amend. – SG 74/06, in force from 08.09.2006, amend. - SG, 54/2012, in force from 17.07.2012) Parties to the transactions with electric power shall be:

the public supplier of electric power;

end provider of electric power;

3. producer;

4. end client;

5. of the electric transmission network;

6. operator of electric distribution network;

7. dealer of electric power;

8. last instance supplier;

9. coordinator of balancing group;

10. (new – SG 17/15, in force from 06.03.2015) operator at a electricity exchange market.

Art. 92a. (new - SG 83/18) (1) Operators of publicly available charging points are parties to electricity transactions as end customers in connection with services provided by them for the refueling of electric vehicles.

(2) Users of electric vehicle recharging services are not parties to electricity transactions.

(3) The electricity supply for a charging point located in a property that is placed, as an end-customer site may be a subject of a transaction a party to which is an energy undertaking, other than the one supplying electricity to the property.

(4) The transactions with electricity under para. 1 and 3 and the relations regarding the provision of services for recharging of electric vehicles shall be settled in accordance with the rules under Art. 91, para. 2.

Art. 93. (revoked – SG 55/07, in force from 01.07.2007).

Art. 93a. (new – SG 74/06, in force from 01.07.2007) (1) (amend. – SG 35/11, in force from 03.05.2011, amend., 54/2012, in force from 17.07.2012, amend. - SG 38/18, in force from 01.07.2018) The

public supplier shall buy up the electric power

1. from power plants connected to the electricity transmission grid with a total installed electrical capacity of less than 4 MW, produced from renewable sources and from high-efficiency cogeneration of electricity and heat;

2. under contracts for long-term purchasing of availability and electric power;

3. in quantity determined by the order of art. 4, para 2, item 8.

(2) (amend., 54/2012, in force from 17.07.2012; amend. – SG 59/13, in force from 05.07.2013) The public supplier shall purchase electric power, determined within the frames of the availability as per art. 21, para 1, item 21 with the purpose of provision of electric power to the end suppliers.

(3) (new, 54/2012, in force from 17.07.2012) In the cases under Para. 2, the public supplier shall determine the hour quantities for every day for each of the stations while accounting the production characteristics of their heaters, prognoses regimes of operation and of the end consumers, where the so determined quantities shall be obligatory for the producers.

(4) (new - SG 56/15, in force from 24.07.2015) Commercial (TPS) schedules of manufacturers of highly effective combined electricity can be changed only pursuant to Art. 73.

Art. 94. (revoked – SG 55/07, in force from 01.07.2007; new – SG 59/13, in force from 05.07.2013; suppl. - SG 56/15, in force from 24.07.2015) End providers shall sell to the public supplier the quantities of electric power, purchased under Art. 162 and under Art. 31 of the Energy from Renewable Sources Act at the price, at which they have purchased it. End providers shall certify the quantities of electricity purchased by each producer by a Protocol of measurements and an invoice.

Art. 94a. (new – SG 74/06, in force from 08.09.2006, amend., 54/2012, in force from 17.07.2012) (1) The end supplier shall provide the supply of electric power of household and non-household end clients, joined to electric distribution network at level of low tension in the relevant licensed territory, where these clients are not provided by another supplier.

with a definite quality and reliability to household consumers and enterprises with less than 50 persons employed personnel and an annual turnover amounting up to 19, 5 mln. BGN in correspondence with the rules under art. 21, para 1, item 7a.

(2) (amend. and suppl., 54/2012, in force from 17.07.2012) The supply of electric power under para 1 is a service of public interest within the meaning of this Act, which is provided under the conditions of equality in compliance with the rules of Art. 21, Para. 1, p. 10.

(3) (amend. – SG 35/11, in force from 03.05.2011, amend., 54/2012, in force from 17.07.2012, suppl. - SG 38/18, in force from 01.07.2018) The end supplier shall purchase electric power, produced from renewable sources, by highly effective combined production of heating and electric power from producers, under Art. 162 and Art. 31 of the Energy from Renewable Sources Act, connected to the electric distribution network.

Art. 95. (amend., 54/2012, in force from 17.07.2012) (1) Each client shall have the right to choose a supplier of electric power notwithstanding of the fact in which EU Member State the supplier is registered as far as the supplier observes the rules under Art. 91, Para. 2.

(2) The network operator shall change the supplier under the rules under Art. 91, Para. 2 up to 3 weeks after receiving the written request of the client.

(3) Change of the supplier while observing the agreed conditions shall not be accompanied by additional obligations for the client.

(4) every supplier shall draw out and send a final levelling bill in case of choice of another supplier within the term of up to 6 weeks after the change of the supplier.

(5) Where a provision under Para. 1 has been refused by a supplier in another EU Member State,

because of the fact, that the client has no right to choose supplier in another state, upon request of the client the commission shall notify the regulatory body of this other state and if needed – the European Commission for undertaking actions for repeal of the refusal.

Art. 95a (New – SG, 54/2012, in force from 17.07.2012) (1) The supplier from the last instance shall provide the delivery with electric power to end clients, which cannot be clients to the end supplier under Art. 941, Para. 1, till the choice of another supplier or the chosen supplier does not carry out provision on reasons, not depending on the end client.

(2) The provision with electric power under Para. 1 shall be a service of public interest in the meaning of this act, which is provided on the basis of a contract in general conditions and such of equality in compliance with the rules of Art. 91, Para. 1.

Art. 96. (amend. – SG 74/06, in force from 01.07.2007, amend. - SG 38/18, in force from 08.05.2018) The dealers of electric power are person licensed for their activity, meeting the requirements of financial guaranteeing of the transactions concluded by them for electric power, determined by the rules under art. 24, para 3.

Art. 96a. (new – SG 74/06, in force from 08.09.2006, amend. – SG, 54/2012, in force from 17.07.2012) Coordinator of a balance group is a person, to whom a license is issued for some of the activities under art. 39, para 1, items 1, 3, 5, 7, 10 or 13, who meets the requirements for financial guarantee of the transactions, concluded by him/her, the requirements, specified in the rules under the rules for trade with electric power and who is registered by the operator of the electric transmission network.

(2) The licensees for the activities transmission of electric power and distribution of electric power may be combined in a special balancing group under the conditions and procedure, determined by the rules for trade with electric power.

Section VI.

Transactions at regulated prices

Art. 97. (1) (Amend. – SG, 54/2012, in force from 17.07.2012) At regulated prices by the commission, deals with electric power shall be signed between:

1 (revoked - SG 38/18, in force from 01.07.2018)

2. the producers and the end suppliers or the public provider of the quantities electric power, determined by the Commission within the frames of the availability under art. 21, para 1, item 21;

3.the public supplier and the end suppliers of the quantities electric power, determined by the Commission in implementation of under art. 21, para 1, item 21;

4.the end suppliers and household and non-household end clients – for sites, joined to the electric distribution network at level low voltage, where these clients have not chosen other supplier.

(2) The operator of the electric transmission network shall conclude transactions with the operators of the neighbouring systems for mutual compensation of the influence of the cross-border flows of electric power.

Art. 98. (revoked – SG 55/07, in force from 01.07.2007; new - SG 56/15, in force from 24.07.2015) (1) The agreements under Art. 97, para 1, item 2 shall be public.

(2) Within 14 days from conclusion of the contracts under para 1 the parties shall be obliged to present them to the Commission. Contracts, together with all amendments and supplements thereto, whatever the name, shall be made public on the website of the Commission within 7 days of receipt thereof.

(3) Any information constituting a trade secret or information that is protected by law shall be deleted in the contracts.

Art. 98a. (new – SG 74/06, in force from 01.07.2007) (1) The end supplier shall sell electric power under general conditions disclosed to the public.

(2) The general conditions shall obligatorily contain:

1. information, provided by the supplier;

2. (suppl. – SG, 54/2012, in force from 17.07.2012) term of the contract and rights and obligations of the parties on the contract;

3. the terms of termination or interruption of the supply;

4. (new – SG, 54/2012, in force from 17.07.2012) procedure and terms for payment, including possibility for payment of monthly contributions;

5. (former 4 – SG, 54/2012, in force from 17.07.2012) the liability of the energy enterprise in case of non-fulfilment of the general conditions.

6. (new – SG, 54/2012, in force from 17.07.2012) procedure for notification of clients while carrying out correction of a bill under the rules of Art. 83, Para. 1, p. 6:

a) in favour of the end supplier for used electric power in the cases of not measures, incorrectly measured electric energy because of illegal joint, change of the scheme of connection or illegal impact on appliances, or facilities under Art. 120, Para. 3;

b) in favour of the client for used electric power in the cases of incorrect measured electric energy because of damaged appliances, facilities or equipment under Art. 120, Para. 3.

(3) The end supplier of electric power shall publish the general conditions in at least one central and one local daily newspaper.

(4) (amend. – SG, 54/2012, in force from 17.07.2012) The published general conditions for the end supplier without explicit acceptance in writing.

(5) (amend. – SG, 54/2012, in force from 17.07.2012) Within 30-days term after the entry into force of the general conditions the clients, who do not agree with them, shall be entitled to submit to the respective end supplier of electric power an application, in which to propose special conditions. The special conditions adopted by the end supplier of electric power, which are different from the published general conditions, shall be indicated in the additional written agreements.

Art. 98b. (new – SG 74/06, in force from 01.07.2007; amend. – SG 55/07, in force from 01.07.2007, repealed – SG, 54/2012, in force from 17.07.2012)

Art. 98c. (new – SG 55/07, in force from 01.07.2007, amend. – SG, 54/2012, in force from 17.07.2012) (1) The relations between the end supplier or last instance provider, or trader and the operator of the electric distribution networks shall be settled by the rules of electric power trade.

Art. 99. (1) (amend. – SG 74/06) (*) (1) (amend. – SG, 54/2012, in force from 17.07.2012) For the purposes of balancing the production and consumption of electric power the operator of electric power network shall organise a market of balancing energy in compliance with the rules of art. 91, para 2.

(2) (amend. – SG, 54/2012, in force from 17.07.2012) The operator of the electric transmission network shall be a party to all transactions with balancing energy.

(3) (amend. – SG, 54/2012, in force from 17.07.2012) The electric transmission network operator shall conclude transactions with the providers of balancing energy from the state and/or outside the state in order to balance the electric power system.

(4) (amend. – SG, 54/2012, in force from 17.07.2012) The electric transmission operator shall

conclude transactions for settling non-balances with the coordinators of balance groups with the persons, who because of lack of participation in balancing groups shall be responsible independently for their non-balances.

(5) (amend. – SG, 54/2012, in force from 17.07.2012) The electric transmission network operator shall settle the transactions and the mutual obligations between the participants in the market of balance energy in compliance with the rules of art. 91, para 2.

Section VII.

Transaction at freely negotiated prices

Art. 100. (amend. – SG, 54/2012, in force from 17.07.2012) (1) (suppl. – SG 17/15, in force from 06.03.2015; suppl. - SG 56/15, in force from 24.07.2015, amend. - SG 38/18, in force from 01.07.2018) Transactions with electric power at freely negotiated prices may be concluded between the producers, including producers of energy from renewable sources for the quantities under Art. 31, para 5 item 2 of the Energy from Renewable Sources Act, dealers of electric power, last instance suppliers, the operator at the electricity exchange market, co-ordinators of balancing groups, end customers and transmission and distribution system operators to offset the technology costs of transmission and distribution respectively.

(2) (suppl. - SG 56/15, in force from 24.07.2015) The public supplier of electric power may sell the electric power, purchased by the order of art. 93a, Para 1 and Art. 94 at freely negotiated prices.

(3) (New – SG 38/18, in force from 01.07.2018) The public provider may purchase electricity at freely negotiated prices in the event of a shortage of electricity, under which the public provider is to conclude transactions with end suppliers.

(4) (New - SG, 102/17, in force from 01.01.2018, previous Para. 3, amend. and suppl. - SG 38/18, in force from 01.07.2018) The transactions under Para. 1, concluded by electricity manufacturers with a total installed capacity of 4 MW and over 4 MW, by the transmission and distribution system operators to compensate the technological costs of transmission and respectively of distribution, as well as the transactions under Para. 2 and 3, shall be realized on an organized stock market of electric energy.

(5) (New – SG, 102/17, in force from 01.01.2018, previous Para. 4, amend. - SG 38/18, in force from 01.07.2018) Para. 4 shall not apply to transactions with electric energy which are signed under the conditions and procedure of Art. 119, Para. 1 and 2.

(6) (New - 59/13, in force from 05.07.2013; amend. - SG 56/15, in force from 24.07.2015, former Para. 3 – SG, 102/17, in force from 01.01.2018, previous Para. 5, amend. - SG 38/18, in force from 01.07.2018) Manufacturers under Art. 162a and producers with a facility with a total installed capacity of 4 MW and over 4 MW, under the Energy from Renewable Sources Act, may sell all or part of the electricity produced by them through a balancing group coordinator. In this case, the coordinator shall register with the independent transmission operator the producers as a subgroup in the balancing group, and shall obligatorily sell the purchased electricity through a separate registration at an organized stock market.

(7) (new – SG 59/13, in force from 05.07.2013; suppl. - SG 56/15, in force from 24.07.2015, former Para. 4 – SG, 102/17, in force from 01.01.2018, previous Para. 6, amend. - SG 38/18, in force from 01.07.2018) The co-ordinator under Para. 6 shall draw up a monthly report on the electricity sold on an organized stock market by producers, which he is to provide to the Commission and the Fund by the 10th of the month following the month to which it relates.

Art. 101. (1) (repealed. – SG, 54/2012, in force from 17.07.2012)

(2) (amend. – SG 74/06; amend. – SG 54/10, in force from 16.07.2010, amend. – SG, 54/2012, in force from 17.07.2012) (*) The electric transmission network operator shall receive validated data on the measured quantities of electric power by the electric distribution networks operators according to the procedures and within the terms determined by the rules under art. 83, para 1, item 6 and art. 91, para 2.

Art. 102. (amend. – SG 74/06, in force from 08.09.2006, amend. – SG, 54/2012, in force from 17.07.2012; suppl. – SG 17/15, in force from 06.03.2015) The producers, dealers, the public supplier, the public providers of electric power, the last instance suppliers, the operator at the electricity exchange market and the clients may conclude transactions for electric power with local persons in a Member State of the European Union, where:

1. (amend. – SG, 54/2012, in force from 17.07.2012; suppl. – SG 17/15, in force from 06.03.2015) the producers, dealers of electric power, the public supplier, the public providers of electric power, the end suppliers of electric power, the operator at electricity exchange market and the clients of electric power have a recognised right for a free trade of electric power according to the legislation of the other state, and

2. (amend. – SG, 54/2012, in force from 17.07.2012) under the conditions of mutuality the legislation of the other country provides for a possibility of a free trade with electric power for their clients;

3. (amend. – SG, 54/2012, in force from 17.07.2012) on the condition that the clients under Art. 94a, Para. 1 are provided with the necessary electric power with certain quality indices at transparent and reasonable prices;

4. (new – SG 17/15, in force from 06.03.2015) inform the participants about the concluded transactions at the organized market.

Art. 103. (1) (suppl.. – SG, 54/2012, in force from 17.07.2012) The transactions on the organised stock market of electric power shall be carried out in compliance with the rules for trade with electric power determined by art. 91, para 2.

(2) (suppl.. – SG, 54/2012, in force from 17.07.2012) The organising of a stock market of electric power shall be carried out by a person having obtained licence according to art. 39, para 1, item 6 who:

1. publish rules for operation of an organized stock market;

2. organises the receiving of offers for sale and purchase of electric power;

3. carries out comparison of the offers for sale and purchase for the respective period until the covering of the demand;

4. informs the participants about signed deals of the organised market and takes into account the conditions and the changes imposed by restrictions in the transmission capacities or by emergency situations in the networks;

5. determines the price of the traded electric power for every period.

6. publish the information required under the trade rules with electric energy under Art. 91, Para. 2.

(3) (revoked – SG 74/06, in force from 01.07.2007)

Section VIII.

Transactions for transmission, access, additional services and standby reserve (Title amend. – SG 74/06) (*)

Art. 104. (amend. – SG 74/06, in force from 06.07.2007) (1) (amend. – SG, 54/2012, in force from 17.07.2012) The users of the respective network, except for the end clients of the end supplier, shall settle via transactions the relations with the operator of the transmission and/or distribution networks for using the network for access to the network and for the transmission of the quantities of electric power, entered in the network or consumed by the network.

(2) (Repealed. – SG, 54/2012, in force from 17.07.2012)

(3) (amend. - SG 55/07, in force from 06.07.2007, amend. – SG, 54/2012, in force from 17.07.2012)) The procedure, the conditions and the ratio in the payment of the prices under para 1 by the users of the relevant networks shall be determined by the rules of electric power trade.

Art. 104a (new. – SG, 54/2012, in force from 17.07.2012) (1) The end clients shall use the electric transmission or the electric distribution network to which they are connected in public known general conditions.

(2) The general conditions shall contain obligatorily:

1. information, which is provided by the electric transmission or electric distribution networks operator;

2. the conditions for disconnection or termination of the supply;

3. the quality and reliability conditions of supply;

4. the operator's responsibility in non-regulated disconnection and non-qualitative supply;

5. procedure for notification of the client in carrying out correction of a bill under the rules of Art. 83, Para. 1, p. 6:

a) in favour of the end supplier for used electric power in the cases of not measured, incorrect measures electric power because of illegal connection, change of the scheme of connection or illegal impact on appliances, facilities or equipment under Art. 120, Para. 3;

b) in favour of the client for used electric power in the cases of incorrect measured electric energy because of a damage of appliances, facilities or equipment under Art. 120. Para. 3.

(3) The electric transmission or electric distribution network operator shall publish the general conditions in at least one central and one local daily newspaper.

(4) The published general conditions shall enter into force for the end clients without explicit written acceptance.

(5) (new - SG 83/18) Operators of publicly available charging points as end customers shall use the electricity transmission or the respective electricity distribution network to which they are connected, under the general conditions of para. 1.

(6) (new - SG 83/18) Users of electric vehicle recharging services are not a party to transactions with the operator of transmission and/or distribution network.

Art. 105. (1) (amend. – SG 74/06, amend. – SG, 54/2012, in force from 17.07.2012) (*) For the purpose of guaranteeing the reliable operation of the electric transmission network operator shall conclude transactions for additional services and standby reserve under the conditions and by the order of art. 83, para 1, item 4 and art. 91, para 2 with providers and/or outside the country.

(2) The standby reserve under para 1 shall be provided by transactions for purchasing available quantities, determined on the grounds of the degree of reliability of the electric supply under art. 4, para 2, item 4.

(3) The conditions and the order of purchasing the quantities of standby reserve under para 2 shall be determined by the rules under art. 83, para 1, item 4.

(4) (new – SG 74/06, in force from 08.09.2006) The net electric power from activated standby reserve shall be paid under conditions, following a procedure and at a price, determined in the rules under art. 91, para 2.

(5) (new – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015) In case of impossibility to provide the required quantities of cold reserve through contracting, its provision shall be instructed by the Minister of Energy following the provision of Art. 70.

(6) (new – SG 59/13, in force from 05.07.2013) Electrical energy producers shall be obliged to offer to the electrical transfer system operator to purchase availability for supplementary services in an amount of minimum half of the regulating scope of blocks with scheduled operation on a monthly basis.

(7) (new – SG 59/13, in force from 05.07.2013) The electrical transfer system operator, in view of the electrical energy system needs and following the lowest price criterion shall determine the quantities under par. 6 subject to purchasing.

(8) (new - SG 35/15, in force from 15.05.2015) The producers of energy of highly efficient combined energy production may render additional services to the transfer network operator in the cases of

Para 7, if this is technically and economically compliant with the manner of operation of the production site.

Art. 106. (1) (amend. – SG, 54/2012, in force from 17.07.2012; prev. text of Art. 106, amend. - SG 35/15, in force from 15.05.2015) For the purpose of guaranteeing the reliable operation of the electric distribution networks the electric distribution network operators shall conclude transactions for additional services under the conditions and by the order of art. 83, para 1, item 5.

(2) (new - SG 35/15, in force from 15.05.2015) The producers of energy of highly efficient combined energy production may render additional services to the distribution networks operators in the cases of Para 1, if this is technically and economically compliant with the manner of operation of the production site.

Art. 107. (amend. – SG 74/06, in force from 08.09.2006; amend. – SG 59/07, in force from 01.03.2008, amend. – SG, 54/2012, in force from 17.07.2012) The public supplier, the end suppliers, the last instance suppliers, the electric transmission network operator and the electric distribution network operators may require issuing an order for execution under Art. 410, par. 1 of the Civil Procedure Code for their receivables for supplied or transferred electric power, as well as for the services, provided by them under this Act, irrespective of their amount.

Section IX. Operative management

Art. 108. (1) (amend. – SG, 54/2012, in force from 17.07.2012) (1) The unified operative planning, coordination and management of the electric energy system shall be carried out by the electric transmission network operator and by the operators of each electric distribution networks.

(3) The operative management and the provision of the reliable functioning of the electric power system and the electric distribution networks shall be carried out by the specialised units of the relevant operator (units for operative management).

Art. 109. (1) (amend – SG, 54/2012, in force from 17.07.2012) The operator of the electric transmission network shall be obliged to provide:

1. reliable, safe and effective functioning of the electric energy system;
2. maintenance of the balance between the production and consumption of electric power;
3. joint work of the electric energy system with the electric energy systems of other countries in compliance with the international agreements;
4. 9suppl. – SG, 54/2012) equal access to transmission of electric power by observing the requirements for quality and providing to the network consumers the information, which they need for efficient access to the network;
5. reliable and effective functioning of the auxiliary networks.

(2) (suppl. – SG 74/06, amend. – SG, 54/2012, in force from 17.07.2012) (*) The orders of the unit for operative management of the electric energy system related to operative management shall be obligatory for the units for operative management of the electric distribution networks for producers of electric energy for clients, connected to the electric transmission network

(3) (new – SG 74/06, amend. – SG, 54/2012, in force from 17.07.2012) (*) The electric transmission network operator shall determine coordinated timetable for the planned downtimes of the production capacities and the elements of the transmission network according to criterion maximum reliability.

Art. 109a. (new – SG 74/06, in force from 08.09.2006, repealed. – SG, 54/20120, in force from 17.07.2012).

Art. 110. (1) (amend. – SG 74/06, amend. - SG, 54/20120, in force from 17.07.2012). (*) For the purposes of measuring the quantities of electric power the electric transmission network operator and the electric distribution network operators in compliance with their issued licenses shall provide:

1. (amend. - SG, 54/20120, in force from 17.07.2012) technical and metrological guarantying, development and modernisation of the devices for commercial measuring of the quantity of electric power received and leaving the transmission system;

2. (amend. – SG 74/06, amend. - SG, 54/20120, in force from 17.07.2012) (*) maintenance of database of the registration of the devices for commercial measuring.

(2) (amend. – SG 74/06, amend. - SG, 54/20120, in force from 17.07.2012) (*) The owners of devices for commercial measuring shall submit the data from the measuring by these devices to the electric transmission network operator, which are necessary for carrying out the functions of the latter under art. 111.

(3) (amend. – SG 74/06, amend. - SG, 54/20120, in force from 17.07.2012) (*) The coordinators of balancing groups, the public supplier, end suppliers, last instance suppliers, traders and consumers of the networks shall have the right to receive information from the database of the measurements of the operator of the relevant network under the conditions and procedure of the rules under Art. 91, Para. 2.

Art. 111. (1) (amend. – SG 74/06, amend. - SG, 54/20120, in force from 17.07.2012) (*) The electric transmission network operator shall administer the transactions for electric power, concluded at regulated and freely negotiated prices and shall organise the market of balancing energy in compliance with the rules of art. 91, para 2 by:

1. (amend. – SG 74/06) (*) keeping registers for the persons concluding contracts and of the market of electric energy;

2. (amend. - SG, 54/20120, in force from 17.07.2012) keeping registers of schedules;

3. accepting, arranging in priority lists at price and technological criteria and activate offers and requests for purchase/sale of balancing energy;

4. applying a methodology of calculation and determine prices of the balancing energy for each period of settlement;

5. (amend. - SG, 54/20120, in force from 17.07.2012) working out daily and monthly notifications for the due sums for balancing energy by the participants for each period of settlement;

6. controlling the financial security of the transactions for balancing energy and give obligatory instructions to the participants on the market in that respect;

7. on occurrence of circumstances threatening the reliability of the operation of the electric energy system or parts of it shall have the right to stop temporarily the fulfilment of the transaction or to change the contracted quantities of electric power by them, under conditions and by an order described by the rules under art. 91, para 2;

8. (amend. - SG, 54/20120, in force from 17.07.2012) submitting generally accessible information for operation of the market and information of each commercial player, referring to his/her participation on the market under the rules under Art. 91, Para. 2.

(2) The expenses related to the fulfilment of the functions under para 1 shall be recognised as economically recognised expenses under art. 31, para 2.

(3) (New - SG, 54/20120, in force from 17.07.2012) Upon request the electric transmission network operator shall provide to the commercial players against payment additional information and references for passed periods.

Art. 112. (1) (amend. – SG 74/06, amend. - SG, 54/20120, in force from 17.07.2012) (*) The electric transmission network operator shall regulate the distribution of the electric load of the electric energy system among the electric power stations at technical and economic criteria.

(2) (amend. – SG 74/06, amend. - SG, 54/20120, in force from 17.07.2012) (*) In distributing the electric load the electric transmission network operator shall provide the observance of the concluded contracts stipulating obligatory purchase of a part or of the entire produced electric power according to this Act by confirming the schedules for the producers only if they have observed their obligations successively:

1. for providing reserve and additional services upon contracts with the transmission network operator;

2. upon contracts under a commission decision under Art. 21, Para. 1, p. 21;

3. for fulfilment of supplies on other contracts.

(3) (new – SG 74/06, amend. - SG, 54/20120, in force from 17.07.2012) (*) At separation of the permeability of elements from the network the electric transmission network operator shall observe technical and economic rules for equal access and fulfilment of the obligations for security of the network and for publicity of the information.

(4) (new – SG 74/06, amend. - SG, 54/20120, in force from 17.07.2012) (*) The electric transmission network operator shall be entitled to impose sanctions on the violators of the technical requirements for reliable functioning of the electric power system, and violation of the rules for operation of the market of balancing electric power.

Art. 113. (1) (amend. - SG, 54/20120, in force from 17.07.2012) The operators of the electric distribution networks shall be obliged to provide:

1. (amend. - SG, 54/20120, in force from 17.07.2012) reliable, safe and effective functioning of the respective electric distribution network;

2. reliable and effective functioning of the auxiliary networks;

3. equal access to transmission of electric power in observance of the requirements for quality;

4. (amend. - SG, 54/20120, in force from 17.07.2012) equality of the producers and equality of the clients, connected to the network.

(2) (suppl. – SG 74/06, in force from 08.09.2006, amend. - SG, 54/20120, in force from 17.07.2012)) The orders of the operative management unit of the electric distribution network related to the operative management of the electric distribution network, related to the operative management shall be obligatory for the operative personnel on duty in the energy sites of the end clients and for the producers of electric power directly connected to the respective distribution network

Art. 113a. (new – SG 74/06, in force from 08.09.2006, amend. - SG, 54/20120, in force from 17.07.2012) (1) In case the electric distribution network operator is a part of vertical integrated enterprise, its activity must be independent in legal organization form and in decision taking from the other activities, which are not connected to distribution of electric power.

(2) (amend. - SG, 54/20120, in force from 17.07.2012) In order to provide the independence of the electric distribution network operator under para 1 the persons in charge for the management, including the operational management of the electric distribution networks:

1. (amend. - SG, 54/20120, in force from 17.07.2012) may not take part in the management of the other companies of the vertical integrated enterprise, carrying out production, distribution, public delivery, public supply by end supplier and trade with electric power;

2. (suppl. - SG, 54/20120, in force from 17.07.2012) shall take decisions individually at fulfilment of the obligations, assigned to them by this Act and in relation to them appropriate measures have been taken, which account for their professional interests in order the possibility to act independently to be provided;

3. are obliged not to admit discriminatory behaviour at fulfilment of the obligations, assigned to them by this Act.

(3) (amend. - SG, 54/20120, in force from 17.07.2012) The electric distribution network operator shall prepare a programme, in which he/she shall point out measures for fulfilment of the objective under para 1 and 2, containing concrete obligations for the employees for its achievement.

(4) (new - SG, 54/20120, in force from 17.07.2012) the operator of the electric distribution network shall assign an person in charge of compliance, responsible for the programme implementation control under Para. 3 by providing his/her independence as well as access to information about the electric distribution network operator and all connected undertakings, needed for fulfilment of his/her tasks.

(5) (former Para. 4, amend. - SG, 54/20120, in force from 17.07.2012) The electric distribution network operator shall prepare an annual account for the measures under para 3, which shall be presented to the Commission by the person in charge of the compliance and shall be published in compliance with art. 15.

(6) (new. - SG, 54/20120, in force from 17.07.2012) The electric distribution network operator in his/her communications and while using his/her trade mark shall not create confusion in relation to his/her identity from the part of the vertically integrated undertaking, providing supplies of electric power.

(7) (new. - SG, 54/20120, in force from 17.07.2012) The electric distribution network operator shall have effective rights for decision taking, independently from the integrated electric power undertaking in relation to the assets, needed for exploitation, maintenance or network development.

(8) (new. - SG, 54/20120, in force from 17.07.2012) The company, which owns an electric distribution network operator shall:

1. not give orders in relation to its current activity and shall not take decision on the activities of construction, expansion, reconstruction or modernization of the network, where these activities are within the frames of the approved plan;

2. be able to apply appropriate coordination mechanisms, which should guaranty the protection of his/her economic and management-supervision rights in the company – operator in relation to return over the assets, as well as approve the business plan of the operator and set general restrictions over the level of its debts.

Art. 114. (amend. – SG 74/06, in force from 08.09.2006, amend. - SG, 54/20120, in force from 17.07.2012) The operators of electric transmission and of the electric distribution networks shall be obliged to keep confidentiality of the information, which is a commercial secret and is obtained during or on occasion of the fulfilment of their duties. The operators shall be obliged to provide information about their activity under the terms of equality.

Art. 115. (amend. – SG 74/06, in force from 08.09.2006; amend. – SG 82/09, in force from 16.10.2009, amend. - SG, 54/20120, in force from 17.07.2012; amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015) The conditions and the order under which the activities on management of the electric energy system and of the electric distribution networks is carried out, and those of the distribution networks, as well as of the operative personnel on duty of the electric energy sites and electric facilities of the end clients, shall be determined by an ordinance of the Minister of Energy.

Section X.

Connection of producers and clients to the networks. Access to the networks (Title, amend. – SG, 54/2012, in force from 17.07.2012)

Art. 116. (1) (amend. – SG, 54/2012, in force from 17.07.2012) The electric transmission network operator, respectively the electric distribution network operator, shall be obliged to connect every site of a

producer of electric power located on the respective territory, for whom the producer:

1. has concluded a written contract for connection at a price for connection determined according to the respective ordinance under art. 36, para 3;

2. has fulfilled his/her obligations on the contract under p. 1 and the normative requirements for connection to the electric transmission or electric distribution network;

3. has constructed electric facilities within the boundaries of his own property or on the property on which he has a right of construction, meeting the technical norms and the requirements for safe operation, and

(2) The electric transmission network operator or the electric distribution network operator shall be obliged to define the technically possible place of connection while observing the criteria for secure functioning of the electric power system and in compliance with the confirmed development plans of the electric networks.

(3) The electric transmission network operator or the electric distribution network operator shall be obliged to carry out expansion and reconstruction of the electric transmission or the electric distribution networks, related to connection of sites of producers to the place of connection.

(4) The electric equipment of high and medium voltage, which serve for connection of a producer of electric power to the electric transmission or electric distribution networks and are not elements of these networks, shall be constructed for his/her account and shall be his/her ownership.

(5) the electric lines of high and medium voltage, which connect the equipment under Para. 4 to the relevant electric network at the place of connection shall be constructed by the electric transmission network operator, or the electric distribution network operator and shall be their ownership.

(6) The produced electric power shall be measured by devices for commercial measuring – ownership of the electric transmission network, respectively of the electric distribution network operators, whereas the requirements to be met and the location shall be determined by the rules under art. 83, para 1, item 6.

(7) The conditions and the order of connecting to the respective network, for disconnection or supply with electric power and the border of ownership between the electric facilities shall be determined by an ordinance, adopted by the commission.

(8) (new - SG 83/18) The transmission network operator is not entitled to refuse the connection of a new site of an electricity producer based on possible future constraints on the transmission capability of the network providing the necessary information on the transmission network linked to the connection, including the manner and timing of the connection, in line with the 10-year network development plan.

(9) (new - SG 83/18) The transmission network operator is not entitled to refuse the connection of a new site of an electricity producer on the grounds that this will lead to additional costs associated with increasing the transmission capacity of network elements in the immediate vicinity of the point of attachment. The changes in the electricity grid needed for connection are reflected in the next 10-year network development plan.

Art. 116a (New – SG, 54/2012, in force from 17.07.2012) (1) The electric transmission network operator shall be obliged to connect sites of an electric distribution network operator in relation to expansion, reconstruction and modernization of the electric distribution networks, as well as connection to them sites of producers and clients of electric power.

(2) The connection under Para. 1 shall be carried out with a signed contract between the electric transmission network operator and the electric distribution network operator at prices for connection, confirmed by the commission under the relevant ordinance under Art. 36, Para. 3.

(3) The conditions and procedure for connection of the sites under Para. 1 to the electric transmission network and for signing the contracts under Para. 2 shall be provided by the ordinance under Art. 116, Para. 7.

Art. 117. (Amend. – SG, 54/2012, in force from 17.07.2012) (1) (suppl. - SG 83/18) The electric transmission network operator or the electric distribution network operator shall be obliged to connect any site of a client of electric power, including a charging point, located on the respective territory who:

1. has constructed electric facilities within the boundaries of his property, meeting the technical norms and the requirements for safe operation;

2. has fulfilled the requirements for connection to the transmission, respectively the distribution network, and

3. has concluded a written contract for connection with the electric transmission network operator, respectively the electric distribution network operator at a price for connection determined according to the respective ordinance under art. 36, para 3.

(2) By a permit of the Commission the electric distribution network operator may connect a client of electric power, located on the territory of another electric distribution network operator, where this is technically and economically feasible and it is to the interest of the clients.

(3) The conditions and the order of connecting to the electric transmission or electric distribution network and for conclusion of the contracts under para 1 shall be settled by the ordinance under art. 116, para 7. the connection contract of a site to the electric transmission or electric distribution network shall be for the term of connection not longer than the term for introduction into exploitation of a site and the facilities for its connection.

(4) (suppl. - SG 83/18) The refusal of the electric transmission network operator to make the connection shall be motivated in writing.

(5) The electric facilities of high and medium voltage, serving for supply of electric power to only one non-household client, shall be constructed for his account and shall be his ownership.

(6) In the cases, where the electric lines of high and medium voltage by which the devices under Para. 5 are connected to the electric transmission or electric distribution networks shall not be elements of these networks, they shall be constructed by the client and are his/her ownership.

(7) The electric facilities of low voltage located on the properties of the clients and located beyond the boundaries of the property of the facilities shall be constructed for their account and shall be their ownership.

(8) The owners of electric facilities and equipment in case of technical possibility and free capacity shall provide their use to the electric transmission network operator or the electric distribution network operator for the reconstruction and transmission of electric power to other clients. The use shall be provided after signing a contract at a price, determined under methods, approved by the commission. In case of failure to reach agreement, the commission shall order provision of use and payment at a price, defined by the commission under the methods.

(9) Para. 1 – 8 shall not apply to the electric distribution network operator in the railway transport.

(10) (new - SG 83/18) When constructing a charging point under Art. 92a, para. 3 at the request of the customer, it joins the respective power grid as a separate object with an independent measurement of the electricity supplied by the grid under the conditions and by the order of the ordinance under Art. 116, para. 7.

Art. 118. (amend. – SG 74/06) (*) (1) (amend. – SG, 54/2012, in force from 17.07.2012) The electric transmission network operator and the electric distribution network operator shall be obliged to provide access, under the conditions of equality, to the electric transmission and electric distribution networks of the users of the respective network.

(2) (amend. – SG, 54/2012, in force from 17.07.2012, amend. - SG 83/18) The electric transmission network operator, respectively the electric distribution network operator may in accordance with criteria defined in the rules under Art. 83, para. 1, items 4 and 5, temporarily restrict or suspend the access of a network user, who violates the access conditions and that would lead to violation of the technical parameters and security of the networks or to deterioration of the conditions for supply of other consumers and users.

Art. 119. (1) (amend. – SG, 54/2012, in force from 17.07.2012) Producers may supply with electric power their branches, enterprises and sites located on the territory of the country:

1. through the electric transmission and/or electric distribution networks (high, medium and low voltage) to the concrete site by concluding a contract for transmission with the electric transmission network operator and/or electric distribution network operator, or

2. along direct electric power lines constructed for their account.

(2) (new – SG 74/06 (*), amend. – SG, 54/2012, in force from 17.07.2012; suppl. – SG 17/15, in force from 06.03.2015) Site of a client may be supplied by a direct electric line by a producer or electric power trader and in this case the commercial measuring devices shall be constructed and installed at the expense of the producer or the trader and shall be their property.

(3) (prev. text of para 2, amend. – SG 74/06, amend. – SG, 54/2012, in force from 17.07.2012) (*) The electric transmission network operator and/or the respective electric distribution network operator may refuse the conclusion of contracts for transmission through the respective networks in the cases of para 1, item 1 where:

1. (amend. – SG, 54/2012, in force from 17.07.2012) the transmission capacities of the networks are insufficient, or

2. (revoked – SG 74/06 (*));

3. there are no technical possibilities of measuring the consumed quantities of electric power from own production, apart from the quantities supplied by other sources.

(4) (prev. text of para 3 – SG 74/06) (*) The way of distribution of the electric power from own production or of those supplied by other sources shall be determined by the rules of art. 91, para 2.

(5) (New – SG 74/06, amend. – SG, 54/2012, in force from 17.07.2012, revoked - SG 83/18)

Art. 120. (1) (amend. – SG, 54/2012, in force from 17.07.2012) The electric power, supplied to the end clients shall be measured by devices for commercial measuring – property of the electric transmission network operator or of the respective electric distribution network operator, located by or at the boundary of the property of the client.

(2) The boundary of the property of the electric facilities and the place of the devices for commercial measuring shall be determined according to the requirements of the ordinance under art. 116, para 7 and the rules of art. 83, para 1, item 6.

(3) (amend. – SG, 54/2012, in force from 17.07.2012) The electric transmission, network operator, respectively the electric distribution network operator, shall determine the type, the number and the place of fitting the measuring devices and facilities and of the operating and communication units to them.

(4) (amend. – SG, 54/2012, in force from 17.07.2012) Where the approved tariffs provide a possibility for the clients of a certain group to choose the method of measuring of the quantity of electric power the electric transmission network operator, respectively the electric distribution network operator, shall be obliged to fit measuring devices corresponding to the choice of the client made in writing.

(5) (amend. – SG, 54/2012, in force from 17.07.2012) The conditions and the order of replacement of a measuring device at a request of a client in the cases of para 4 shall be determined by the rules of art. 83, para 1, item 6.

(6) (new. – SG, 54/2012, in force from 17.07.2012) The electric power, supplied to the end clients of the electric transmission network operator in the railway transport shall be measured by devices for trade measurement – ownership of the client, placed in the electric traction movable composition.

(7) (new - SG 83/18) Where this is technically feasible and economically viable, the operator of the electricity transmission or of the respective electricity distribution network when connecting the charging point as well as in the cases under Art. 67, para. 4 of the Energy Efficiency Act installs intelligent measuring systems in compliance with the requirements of Art. 67, para. 6 of the same Act.

Art. 120a. (new – SG 74/06, in force from 08.09.2006) The consumers of electric power shall not pay a fee for the devices for commercial measuring.

Art. 121. (1) (new. – SG, 54/2012, in force from 17.07.2012) Any client, who wishes to install own source for reserve supply shall be obliged to notify in writing the electric transmission network operator or the electric distribution network operator and to provide access of their representative to the reserve source for checkups.

(2) The electric transmission network operator or the electric distribution network operator shall determine for the clients obligatory technical conditions for installing own source of reserve supply under the ordinance of Art. 83, Para. 1, p. 1.

(3) The electric transmission network operator, respectively the electric distribution network operator, shall have the right to stop the electric power supply to the client in the event that he does not fulfil his obligations under para 1 and 2.

Section XI.

Termination of the connection and supply of electric power

Art. 122. (1) (amend. – SG, 54/2012, in force from 17.07.2012) The electric transmission network operator of the electric distribution network operators shall have the right to stop temporarily the transmission of electric power through the respective network upon an advance written warning in the cases of planned repairs, reconstruction or inspection of facilities of the electric energy enterprise, requiring safety by their disconnection.

(2) (amend. – SG, 54/2012, in force from 17.07.2012) The electric transmission network operator or the electric distribution network operators shall have the right to stop temporarily the transmission of electric power through the respective network without advance warning:

1. for prevention of an immediate danger for the health and safety of people or facilities;
2. for failure in the electric networks and facilities for reasons beyond the control of the electric energy enterprise;
3. in using electric power without measuring or if it is incorrectly measured by devices for commercial measuring;
4. (amend. – SG, 54/2012, in force from 17.07.2012) on establishing uncoordinated change of the scheme of connection of the client.

(3) (amend. – SG, 54/2012, in force from 17.07.2012) The electric transmission network operator or the electric distribution network operators shall have the right to terminate the connection:

1. of persons who have been connected to the respective network without having the right to do so;
2. (amend. – SG, 54/2012, in force from 17.07.2012) of clients having admitted the connection of a third person to their own electric facilities without the explicit consent of the energy enterprise;
3. for failure to fulfil in due time a prescription of a control body for rectification of an offence;
4. (amend. – SG, 54/2012, in force from 17.07.2012) of clients who, by their own network, interfere the electric energy system.

(4) (amend. – SG, 54/2012, in force from 17.07.2012) On termination of the transmission under Para. 2 and connection under Para 3 the suppliers of electric power shall not be responsible for the damages caused by a restriction or termination of the supply.

Art. 123. (1) (amend. – SG, 54/2012, in force from 17.07.2012; suppl. – SG 17/15, in force from 06.03.2015, suppl. - SG 38/18, in force from 08.05.2018) The last instance public supplier and the public

providers, the end suppliers, the producers and electric power traders shall have the right to stop temporarily the supply of electric power of end clients in case of failure to fulfill obligations under the contract for sale of electric power, including in failure to fulfill the obligation for timely payment of all due sums, related to supply of electric power. The right for temporary suspension of electricity supplies cannot be enjoyed on days off or on holidays, neither on the days before them.

(2) (New – SG 38/18, in force from 08.05.2018) Upon change of provider, if the end customer has not fulfilled the obligations under an electricity sale contract towards his previous provider, the latter shall have the right to temporarily cease supplying them with electricity in accordance with an order determined in the rules under Art. 91, Para. 2.

(3) (New - 54/2012, in force from 17.07.2012, previous Para. 2 - SG 38/18, in force from 08.05.2018) The end suppliers shall terminate the supply of electric power to end clients, which cannot be his/her clients under Art. 94a, Para. 1 in the cases, where not supplier has been chosen on free agreed prices and have refused a deal with last instance supplier.

(4) (former Para. 2 – SG, 54/2012, in force from 17.07.2012, previous Para. 3 - SG 38/18, in force from 08.05.2018) The term of the advance warnings and the other conditions regarding the temporary stopping of the supply shall be settled by the contracts for sale of electric power, respectively by the general conditions.

(5) (former Para. 3 – SG, 54/2012, in force from 17.07.2012, previous Para. 4, amend. - SG 38/18, in force from 08.05.2018) In the cases under Para. 1 and 3, the electric transmission network operator or the electric distribution network operator shall be obliged to terminate the transmission of electric power to the end clients upon request of the relevant supplier.

(6) (former Para. 4 – SG, 54/2012, in force from 17.07.2012, previous Para. 5, amend. - SG 38/18, in force from 08.05.2018) In fulfilment of their obligation under para. 5, the electric transmission network operator or, respectively the electric distribution network operator, shall not bear responsibility for the damages caused by the stopping of the transmission of electric power.

(7) (new – SG, 54/2012, in force from 17.07.2012, previous Para. 6 - SG 38/18, in force from 08.05.2018) The electric transmission network operator or the electric distribution network operator shall have the right to terminate temporary the transmission of electric power to the end clients in case of failure to fulfill obligations under a contract for transmission of electric power or for access to the network, including in case of failure to fulfill the obligation for timely payment of all sums due, related to the provision of these services.

Art. 123a (new – SG, 74/2006, in force from 1.07.2007, repealed – SG, 54/2012, in force from 17.07.2012))

Art. 124. (amend. – SG, 54/2012, in force from 17.07.2012) The energy enterprise shall restore the supply and/or connection of the clients upon elimination of the reasons having lead to their termination.

Chapter ten. HEAT SUPPLY

Section I. General

Art. 125. (1) (amend. – SG, 54/2012, in force from 17.07.2012) The heat supply is a process of production, transmission, supply, distribution and consumption of heat power by heat carrier of water steam and hot water for household and non-household purposes.

(2) The heat supply is carried out through sites and facilities for production, transmission, supply

and distribution connected to a heat supply system.

(3) (amend. – SG 74/06, in force from 08.09.2006; amend. – SG 82/09, in force from 16.10.2009, amend. – SG, 54/2012, in force from 17.07.2012; amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015) The order and the technical requirements for heat supply, for operative management of the heat supply system, for connection of producers and clients to the heat supply network, for distribution, termination of the heat supply and stopping of the heat transmission shall be determined by an ordinance of the Minister of Energy.

(4) (amend. – SG 74/06, in force from 08.09.2006; amend. – SG 82/09, in force from 16.10.2009; amend. – SG 59/13, in force from 05.07.2013; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014; amend. – SG, 14/2015) The technical rules and norms for designing, construction and operation of the sites and facilities for production, transmission and distribution of heating power shall be determined by an ordinance of the Minister of Regional Development and Public Works and the Minister of Energy.

Art. 125a (new - SG, 54/2012, in force from 17.07.2012) The provisions of this Chapter, with the exception of Art. 125, Para. 4 shall not apply to the persons under Art. 39, Para. 4, p. 2 and 3.

Section II.

Production of heating power

Art. 126. (1) The production of heating power shall be carried out by an energy enterprise having obtained licence for production by the order of this Act.

(2) (amend. - SG 55/07, in force from 06.07.2007) Production of heating power may also be carried out by persons without a licence in the cases of art. 39, para 4, item 2 and 4.

Art. 127. (1) The production of heating power shall be carried out in:

1. power stations for combined production of heating and electric power;
2. heating power stations;
3. (amend. – SG 35/11, in force from 03.05.2011) installations for utilisation of waste heating power and of renewable sources.

(2) For declared need of heating power new installations with capacity over 5 MW and using natural gas shall be constructed for production of combined production of heating and electric power.

(3) (New - SG 38/18, in force from 08.05.2018) Paragraph 2 shall not apply when carrying out a technical reconstruction or construction of substitute installations in order to ensure the fulfillment of the obligations of continuity of quality of the heat supply.

Art. 128. The producers of heating power in heat-electric and/or heat power stations shall be obliged to maintain reserves of fuel in quantities guaranteeing reliable production, determined under the conditions and by the order of the ordinance under art. 85, para 2.

Section III.

Transmission of heating power

Art. 129. (1) (amend. – SG 74/06, in force from 08.09.2006) The operation of the heat transmission network shall be carried out by a heat transmission enterprise.

(2) (amend. – SG 74/06, in force from 08.09.2006) The heat transmission enterprise may also carry out an activity of production of heating and electric power.

Art. 130. The heat transmission enterprise shall be obliged:

1. (amend. – SG, 54/2012, in force from 17.07, 2012) to supply heating power to the clients connected to the heat transmission network under equal and non-discriminatory conditions;
2. to maintain the sites and the facilities of the heat transmission network in compliance with the technical requirements and with the requirements for safety of operation;
3. to develop the heat transmission network in compliance with the plans for development on the territory for which it holds a licence;
4. to buy out the negotiated quantities of heating power from producers located on the territory for which it holds a licence.

Section IV. Operative management

Art. 131. (1) The operative management of the heat supply system shall be carried out by an operator of the heat transmission network.

(2) Operator of the heat transmission network is a specialised unit of the heat transmission enterprise.

(3) (amend. – SG, 54/2012, in force from 17.07, 2012) The orders of the operator shall be obligatory for the producers and clients of heating power.

Art. 132. (1) The operator of the heat transmission network shall be obliged to provide:

1. the regime of operation of the heat transmission network in compliance with the requirements of the ordinance under art. 125, para 3;
2. maintenance of the balance between the production and consumption;
3. (amend. – SG 74/06, amend. – SG, 54/2012, in force from 17.07, 2012) (*) coordination with the electric transmission network operator and/or the operator of the electric distribution network in compliance with the concluded contracts – in the cases of combined production of heating and electric power;
4. coordination with the operator of the gas transmission and/or gas distribution network in compliance with the concluded contracts – in using natural gas.

(2) (amend. – SG 74/06, in force from 08.09.2006) The operator of the heat transmission network shall regulate the distribution of the heat load among the power stations for production of heating power by criteria determined by the ordinance under art. 125, para 3.

Section V. Connection to the heat transmission network

Art. 133. (1) (amend. – SG, 54/2012, in force from 17.07, 2012) The heat transmission enterprise shall be obliged to connect to the heat transmission network producers and clients located on the respective territory determined by the licence for transmission of heating power.

(2) (suppl. – SG 74/06, in force from 08.09.2006; amend. – SG 54/10, in force from 16.07.2010, amend. – SG, 54/2012, in force from 17.07, 2012) The connection of the clients installations in a building – condominium shall be based on the written consent of the owners holding at least two thirds of title of the condominium building.

(3) The heat transmission enterprise may refuse connection of a producer to the heat transmission network if he has not met the requirements of this Act and of the ordinance under art. 125, para 3.

(4) (amend. – SG, 54/2012, in force from 17.07, 2012) The heat transmission enterprise may refuse

connection of clients to the heat transmission network:

1. where there is no heat transmission network;
2. due to insufficient production capacities;
3. because of insufficient capacity of the heat transmission network;
4. (amend. – SG 74/06, in force from 08.09.2006, amend. – SG, 54/2012, in force from 17.07, 2012) where the installations of the clients in a condominium are not fitted with the devices and appliances under art. 140, para 1, item 2 and 3.

(5) The heat transmission enterprise shall motivate in writing the reasons for refusal of connection.

Art. 134. The producers shall be connected to the heat transmission network via connecting heat pipelines which shall be constructed by and for the account of the producer and shall be his property.

Art. 135. (amend. – SG, 54/2012, in force from 17.07, 2012; amend. - SG 35/15, in force from 15.05.2015) (1) The building installations of the clients shall be connected to the heat transmission network via a connecting pipeline and a junction.

(2) Where a new building is getting connected, in each separate property within the building shall be mounted an individual heat measuring device on a competitive price.

(3) Where an existing building is getting connected following a general reconstruction and reconstruction of the heating installations of the building from vertical to horizontal distribution, in each separate property within the building shall be mounted an individual heat measuring device on a competitive price.

Art. 136. (1) (amend. – SG, 54/2012, in force from 17.07, 2012) In connecting a client of heat power for non-household purposes the connecting pipelines and their facilities, as well as the junction, shall be constructed by and for the account of the client and shall be his property.

(2) (amend. – SG, 54/2012, in force from 17.07, 2012) Connection of a new client of heating power for non-household purposes via an existing connecting heat pipeline of another client for non-household purposes may be carried out in the presence of a technical possibility when the heat transmission enterprise buys out the part for common using of the connection heat pipeline or the owner vests in his favour onerous real right of using for this part.

Art. 137. (1) (amend. – SG, 54/2012, in force from 17.07, 2012) In connecting clients of heating power for household needs the connecting heat pipeline, its facilities and the junction shall be constructed by the heat transmission enterprise and shall be its property.

(2) (amend. – SG 74/06, in force from 08.09.2006, amend. – SG, 54/2012, in force from 17.07, 2012) The construction of the facilities under para 1 may be carried out by the consumers upon coordination with the heat transmission enterprise. In this case the heat transmission enterprise shall pay a price for using the facilities under para 1, constructed by the clients.

(3) (new – SG 74/06, in force from 08.09.2006, amend. – SG, 54/2012, in force from 17.07, 2012) The ownership over the facilities, constructed by the clients, shall be transferred within a term of up to three years, provided that the relations are settled in the contract for connection under art. 138, para 1.

(4) (prev. text of para 3 – SG 74/06, in force from 08.09.2006, amend. – SG, 54/2012, in force from 17.07, 2012) The connection of clients from one or more buildings to a junction in another building shall be admitted where:

1. the owners of the real estate in the buildings without a junction have concluded contract for using the premises of the existing junction, and
2. they have met the technical requirements of the ordinance under art. 125, para 3.

(5) (prev. text of para 4, amend. – SG 74/06, in force from 08.09.2006, amend. – SG, 54/2012, in force from 17.07, 2012) The construction of the connecting heat pipeline from the existing junction to the building of the clients under para 4 shall be carried out by them and for the account of the connecting clients and shall be their property.

Art. 138. (1) (amend. – SG, 54/2012, in force from 17.07, 2012) The connection of the producers and clients to the heat transmission network shall be carried out on the grounds of a written contract with the heat transmission enterprise under the conditions and by the order of the ordinance under art. 125, para 3.

(2) (amend. – SG, 54/2012, in force from 17.07, 2012) The producers and clients under para 1 shall pay to the heat transmission enterprise a price for connection formed by the order of the respective ordinance under art. 36, para 3.

(3) (amend. – SG, 54/2012, in force from 17.07, 2012) The clients connected to the heat transmission network shall be obliged to provide access of the heat transmission enterprise, having obtained licence, via their own installations for the purposes of transmission of heating power to other clients on the territory determined by the licence. The price of the provided access shall be determined by a methodology approved by the Commission.

Section VI.

Distribution of the heating power

Art. 139. (1) The distribution of heating power in a condominium shall be carried out by a system of share distribution.

(2) (amend. – SG 74/06, in force from 08.09.2006, amend. – SG, 54/2012, in force from 17.07, 2012) The share distribution of the heating power between the clients in buildings - condominium shall be carried out by the heat transmission enterprise or by a provider of heat power individually or via assignment to a person, entered in the public register under art. 139a.

Art. 139a. (new – SG 74/06, in force from 08.09.2006) (1) (amend. – SG 82/09, in force from 16.10.2009; amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015) The persons who carry out the service share distribution shall be registered in a public register at the Ministry of Energy.

(2) In the register under para 1 shall be entered a person, who meets the following requirements:

1. presents a document for commercial registration and a certificate for current status;
2. is a producer of individual distributors of heat power or is duly authorised representative of such person, which shall be certified by a declaration by the producer, and with respect to the representatives of the latter – by a notary certified letter of attorney or another document, with which the producer authorises the person to carry out this activity;
3. offers and/or uses individual distributors and/or individual heat-meters of heating power, meeting the standards in effect in the country;
4. provides guarantee and extra-guarantee servicing of the offered and installed devices for share distribution;
5. has technical devices and licensed software for carrying out the activity;
6. has qualified personnel and an authorised representative in the respective settlement;
7. applies methods of share distribution of the heat power, corresponding to the rules for distribution according to the ordinance under art. 125, para 3;
8. is not in liquidation proceedings;
9. is not declared bankrupt and is not in bankruptcy proceedings;
10. submits certificate that he/she is an administrator of personal data under the Protection of Personal Data Act;

11. is not deprived of the right to carry out commercial activity;

12. has no pecuniary obligations to the state, established by entered into force act of competent body, or liabilities to insurance funds, unless the competent body has admitted deferring or postponement of the obligation.

(3) (amend. – SG 82/09, in force from 16.10.2009; amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015) For carrying out the registration the person shall submit an application to the Minister of Energy, to which shall be applied documents, certifying the circumstances under para 2. In case the share distribution is carried out by a foreign natural or legal person, the application shall be submitted in Bulgarian language, and the documents, enclosed to the application, which are in foreign language, shall also be presented in translation.

(4) With respect to the circumstances under para 2, item 4 – 6 the person shall attach to the application a declaration, in which shall also be pointed out the number of the personnel used, as well as its qualification.

(5) The circumstances under para 2, item 3 and item 8 – 12 shall be certified by documents by the respective competent administrative or judicial bodies.

(6) (amend. – SG 82/09, in force from 16.10.2009; amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015) A commission, appointed by an order of the Minister of Energy, shall consider the application and shall draw up a motivated proposal to the Minister in one-month term from the date of its submission.

(7) In the course of considering the application the commission under para 6 is entitled to check the data, declared by the person, to require elucidations regarding the circumstances and the documents under para 2, as well as to require a written presentation of additional evidence of the circumstances, pointed out in the application within a fixed term.

(8) (amend. – SG 82/09, in force from 16.10.2009; amend. – SG 59/13, in force from 05.07.2013) The Minister of Energy shall pronounce on the application on the ground of the commission's proposal in 7-days term from its drawing up. The applicant shall be informed thereof following the procedure of the Civil Procedure Code.

(9) The body under para 8 shall pronounce with a motivated refusal on the application, in case the person does not meet the requirements of para 2 and/or has not submitted some of the documents under para 4 or 5. The refusal is subject to appeal by the order of the Administrative Procedure Code.

(10) The entry in the register shall be carried out in three days term from the pronouncing of the body under para 8, regarding which a certificate shall be issued to the applicant. The registration shall be considered implemented from the date of handing over the certificate.

(11) A person, entered in the register under para 1, shall be written off by an act of the body under para 8:

1. in case the person submits an application for removal;

2. in the event of termination of the activity or death of a natural person – sole trader, or in case of placing him/her under judicial disability, as well as in case of termination – regarding a legal person;

3. in case as a result of a change of the circumstances the person no longer meets the requirements under para 2;

4. in case by two or more acts of competent state bodies it is established that the trader has violated the provisions of the law systematically.

(12) (amend. – SG 82/09, in force from 16.10.2009; amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015) The persons, entered in the register under para 1, shall notify the Minister of Energy of all changes in the circumstances under para 2 in 7-days term from their occurrence.

(13) (amend. – SG 82/09, in force from 16.10.2009; amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015) For considering the application and entering in the register a fee shall be paid, specified by a tariff of the Council of Ministers upon proposal by the Minister of Energy.

(14) (amend. – SG 82/09, in force from 16.10.2009; amend. – SG 59/13, in force from 05.07.2013;

amend. – SG, 14/2015) The rules for keeping and preserving the data in the register shall be determined by an instruction of the Minister of Energy.

Art. 139b. (new – SG 74/06, in force from 08.09.2006) (1) (amend. – SG, 54/2012, in force from 17.07. 2012) The clients in a building – condominium shall select a person, registered by the order of art. 139a, for carrying out the service share distribution.

(2) (amend. – SG 54/10, in force from 16.07.2010) The selection under para 1 shall be based on the written consent of the owners holding at least two thirds of the title to the condominium building.

(3) (amend. – SG, 54/2012, in force from 17.07. 2012) For the results of the selection the clients shall notify in writing the heat transmission enterprise or the provider of heat power.

Art. 139c. (new – SG 74/06, in force from 08.09.2006) (1) (amend. – SG, 54/2012, in force from 17.07. 2012) In case the heat transmission enterprise or the provider of heat power are not registered by the order of art. 139a, they shall conclude a written contract for carrying out the service share distribution with the person, selected by the clients, following the procedure under art. 139a.

(2) The contract under para 1 shall be concluded under general terms, proposed by the heat transmission enterprise or the provider of heat power and approved by the commission.

(3) The contract under para 1 shall obligatorily contain:

1. the rights and the obligations of the parties;
2. methods for share distribution of heat power;
3. the order, the manner, the terms and the contents of the necessary information, which the parties provide to each other in order to carry out the share distribution;
4. price of the service share distribution, paid by the heat transmission enterprise or the provider, which reimburses expenses for the service, proved before the heat transmission enterprise or the provider of heat power, and economically substantiated norm of capital return;

5. (amend. – SG, 54/2012, in force from 17.07. 2012) the obligation of the person, selected by the clients by the order of art. 139b, to account the devices for share distribution and to prepare settlement of the sums for actually consumed quantity of heating power in case of termination of the contract;

6. the responsibility and the penalties for non-fulfilment of the contract, as well as the control of the heat transmission enterprise or the provider of heat power for carrying out properly the service of share distribution;

7. the terms for termination of the contract;

8. (amend. – SG, 54/2012, in force from 17.07. 2012) the order, the manner, the access and the terms for providing the information, necessary for forming the bills of the clients in the building – condominium by the person carrying out share distribution to the heat transmission enterprise or the provider of heat power.

(4) (amend. – SG, 54/2012, in force from 17.07. 2012) At termination of the contract under para 1 the clients in the building – condominium, or the association under art. 151, para 1 are obliged to select another person, registered under art. 139a, with which the heat transmission enterprise or the provider of heat power to conclude a contract.

Art. 140. (1) (amend. – SG, 54/2012, in force from 17.07. 2012) The share distribution of heating power among the clients in a condominium shall be carried out through:

1. devices for commercial measuring of the quantity of heating power in the junction;
2. (amend. – SG 74/06, in force from 08.09.2006) devices for share distribution of heating – individual distributors corresponding to the standards in effect in the country or individual heating power meters;

3. (amend. – SG 74/06, in force from 08.09.2006, amend. – SG, 54/2012, in force from 17.07.

2012) devices for share distribution of household hot water supply –a common water-meter for household hot water supply and individual water-meters for hot water at all branches of the building installation for hot water supply to the property of the clients.

4. (revoked – SG 74/06, in force from 08.09.2006).

(2) (amend. – SG, 54/2012, in force from 17.07. 2012) The clients connected to one junction in a condominium shall apply devices for share distribution of one and the same model, supplied by one and the same dealer or approved by him for suing in the building.

(3) (amend. – SG 74/06, in force from 08.09.2006 The building installations for heating and hot water supply shall be a common property of the condominium.

(4) (amend. – SG 74/06, in force from 08.09.2006; amend. – SG 54/10, in force from 16.07.2010) The heating appliances, the regulating fixtures to them, the branches of the building heating installation, as well as the branches of the installations for hot water supply shall be owned by the clients. The resources for share distribution under para 1, item 2, para 1 and the individual water-meters under para 1, item 3 shall be property of the clients or of the person referred to in Art. 139b, para 1 - in the cases provided for in the ordinance under Art. 125, para 3.

(5) (revoked – SG 74/06, in force from 08.09.2006; new – SG 54/10, in force from 16.07.2010) The person referred to in Art.139b, para 1 shall offer the clients in a condominium building to conclude, either separately or via an authorized representative, a written agreement stipulating the following:

1. the rights and obligations of the parties;
2. the ownership of the devices, payment terms and procedure, provision of information in conformity with the Bulgarian state standards for the share distribution devices;
3. the energy distribution methodology;
4. the regularity and procedure for reading the indications of the share distribution devices and for providing information about the distributed energy;
5. the warranty terms, guarantee covered and uncovered maintenance;
6. all liabilities and charges in case of violation of the agreement;
7. the procedure for consideration of consumer claims;
8. the terms and procedure to pay the share distribution service;
9. the terms for termination of the agreement.

(6) (revoked – SG 74/06, in force from 08.09.2006; new - SG 35/15, in force from 15.05.2015) In case of replacing existing means of share distribution of heat shall be mounted individual heat measuring devices on competitive price as long as this is technically possible or cost effective in relation to the potential energy savings.

Art. 140a. (new – SG 74/06, in force from 08.09.2006) The total quantity of heat power consumed in a building – condominium, connected to one junction or to its individual branch, shall be distributed for hot water supply and for heating.

Art. 141. (1) The heating power for hot water supply to a condominium shall be determined by:

1. the quantity of water consumed in the building for household hot water supply, registered by the common water-meter;
2. the consumption of heating power for heating 1 cubic meter of water of the quantity under item 1, determined under the conditions and by the order of the ordinance under art. 125, para 3.

(2) (amend. – SG, 54/2012, in force from 17.07.2012) The heating power under para 1 shall be distributed among the clients under the conditions and by the order of the ordinance under art. 125, para 3.

Art. 142. (1) (amend. – SG 74/06, in force from 08.09.2006) The heating power for heating a condominium is the difference between the total quantity of heating power for distribution in a building –

condominium and the quantity of heating power for hot water determined by art. 141, para 1.

(2) The heating power for heating a condominium shall be divided into heating power released by the building installation, heating power for heating the common parts and heating power for heating the private properties.

Art. 143. (amend. - SG 35/15, in force from 15.05.2015) (1) The heating power consumers in a condominium building shall choose a method of determining the heating power quantity emitted by the building installation, where a system of share distribution through individual distributors has been introduced as set out in the ordinance under Art. 125, Para 3.

(2) Where the heating power consumers in a condominium building do not choose a method of determining the heating power quantity, the heating power quantity emitted by the building installation, where a system of share distribution through individual distributors has been introduced, shall be determined by the person under Art. 139b, Para 1 as set out in the guidelines in the ordinance under Art. 125, Para 3.

(3) The choice under Para 1 shall be made by a decision of the general meeting of the owners or of the association of the owners as set out in the Act on Management of the Condominium Property.

(4) The heating power for heating the common parts of the condominium, where heating units are available, in applying share distribution through individual distributors, shall be determined on the basis of:

1. the capacity of the heating appliances, or
2. the readings of the individual distributors fitted on them.

(5) The heating power under para 1, 2 and 4 shall be distributed among all clients proportionally to the heated volume of the individual private properties according to a project.

Art. 144. (1) The heating power for heating the private properties shall be distributed among the individual private properties on the basis of the share units determined by the individual distributors fitted on the heating appliances in a private property.

(2) The share unit shall be determined by the readings of the individual distributor considering factors of assessment in compliance with its standard.

(3) (amend. - SG 35/15, in force from 15.05.2015) The heating power for one share unit shall be determined as the heating power for heating the building, reduced by the quantity of heating power determined under Art. 143, Para 1, Para 2, and Para 4, Item 1, is divided by the sum of the share units of all heating appliances in the building.

(4) The heating power released by one heating appliance is the product of share units determined by the readings of the individual distributor of the heating appliance and the heating power for one share unit.

(5) (new – SG 74/06, in force from 08.09.2006) The heating power under para 4 may not exceed the maximum energy, which the heating appliance can release for one heat period, determined according to the methodology under the ordinance as per art. 125, para 3, at the respective regime of operation of the building installation.

(6) (new – SG 74/06, in force from 08.09.2006) In the event of absence of devices for share distribution for heating of an individual property and/or in individual premises the heating power for their heating shall be calculated as the installed capacity of the fitted heating appliances is multiplied by the maximal specific consumption of the building determined by the order of the ordinance under art. 125, para 3.

Art. 145. (1) The heating power for heating the private properties in condominiums in applying share distribution through individual heat meters shall be determined on the basis of the readings of the heat meters in the individual private properties.

(2) The heating power released from the building installation and the heating power for heating the common parts in applying share distribution through individual heat meters shall be determined as a

difference between the heating power for heating the building determined under art. 142, para 1 and the heating power for heating the private properties under para 1.

(3) (amend. – SG, 54/2012, in force from 17.07.2012) The heating power under para 2 shall be distributed among all clients proportionally to the heated volume of the individual private properties.

Art. 146. (revoked – SG 74/06, in force from 08.09.2006)

Art. 147. (revoked – SG 74/06, in force from 08.09.2006)

Art. 148. (revoked – SG 74/06, in force from 08.09.2006)

Section VII. Trade relations

Art. 149. (1) The sale of heating power shall be carried out on the grounds of written contracts under general conditions, concluded between:

1. a producer and the heat transmission enterprise;
2. (amend. – SG, 54/2012, in force from 17.07.2012) a producer and directly connected clients of heating power for non-household purposes;
3. (amend. – SG, 54/2012, in force from 17.07.2012) a heat transmission enterprise and clients of heating power for non-household purposes;
4. (amend. – SG, 54/2012, in force from 17.07.2012) a heat transmission enterprise and associations of the clients of heating power in a condominium;
5. (new – SG 74/06, in force from 08.09.2006) a heat transmission enterprise and a provider of heat power;
6. (new – SG 74/06, in force from 08.09.2006, amend. – SG, 54/2012, in force from 17.07.2012) a provider of heat power and the clients in a building – condominium.

(2) (amend. and suppl. – SG 74/06, in force from 08.09.2006) The general terms of the contracts under para 1, item 1, 3, 4 and 5 shall be proposed by the heat transmission enterprise, and those under para 1, item 2 – by the producer, and under item 6 – by the provider of heat power, for approval by the Commission.

Art. 149a. (new – SG 74/06, in force from 08.09.2006, (1) (amend. – SG 54/10, in force from 16.07.2010, amend. – SG, 54/2012, in force from 17.07.2012) The clients of heating power in a building – condominium, may buy heating power from a provider, selected by the written consent of the owners, holding at least two thirds of the condominium building.

(2) Providers of heating power shall be legal persons, registered as traders according to the Bulgarian legislation, meeting the requirements of financial guarantee of the transactions, concluded by them with the heat transmission enterprise.

(3) The guarantees under para 2 shall be provided by the provider in favour of the heat transmission enterprise in a form, under conditions and following a procedure, settled in the ordinance under art. 125, para 3.

Art. 149b. (new – SG 74/06, in force from 08.09.2006) (1) (amend. – SG, 54/2012, in force from 17.07.2012) In case of sale of heating power from a provider to clients in a building – condominium, in the written contract shall be specified:

1. the rights and the obligations of the parties;
2. price of the heating power;
3. the order for measuring, accounting, distribution and payment of the heating power;
4. the procedure for providing access to the heating appliances and the devices for share distribution;
5. requirements to the quality of the service;
6. the responsibility in case of failure to fulfil the obligations;
7. (amend. – SG, 54/2012, in force from 17.07.2012) the procedure for considering complaints and claims by clients;
8. the terms and the conditions for termination of the contract.

(2) Integral part of the contract under para 1 shall be:

1. copy of the contract with the heat transmission enterprise;
2. the methods of share distribution of the consumed heating power;
3. written records from the general assembly of the condominium.

(3) In the contract under para 1 the service share distribution shall be carried out by the provider and at his/her account individually or under a contract, concluded by the latter with a person, registered by the order of art. 139a.

Art. 150. (1) (amend. – SG, 54/2012, in force from 17.07.2012) The sale of heating power by the heat transmission enterprise to clients of heating power for household needs shall be carried out under publicly announced general conditions offered by the heat transmission enterprise and approved by the Commission, determining:

1. (amend. – SG, 54/2012, in force from 17.07.2012) the rights and obligations of the heat transmission enterprise and of the clients;
2. the order of measuring, recording, distribution and payment of the quantity of heating power;
3. the liability for failure to fulfil the obligations;
4. the conditions and the order of connecting, stopping and termination of the heat supply;
5. the order of providing access to the heating appliances, the devices for commercial measuring or to other control devices;

6. (new – SG 74/06, in force from 08.09.2006, (amend. – SG, 54/2012, in force from 17.07.2012) the procedure and the terms for provision and receipt from the clients of their individual accounts for distribution of heating power in a manner, certifying the moment, from which starts the term for objection.

(2) (amend. – SG, 54/2012, in force from 17.07.2012) The heat transmission enterprises shall obligatorily publish the general conditions approved by the Commission in at least one central and one local daily newspaper in the towns with household heating supply. The general conditions shall enter into force 30 days after their first publication without a necessary explicit written acceptance by the clients.

(3) (amend. – SG, 54/2012, in force from 17.07.2012) Within 30 days after the enactment of the general conditions the clients who do not accept them shall have the right to file an application in the respective heat transmission enterprise proposing special conditions. The special conditions proposed by the clients and accepted by the heat transmission enterprises shall be shown in additional written agreements.

Art. 151. (1) (amend. – SG, 54/2012, in force from 17.07.2012) Clients of heating power in a condominium may found an association with whom the heat transmission enterprise will conclude a contract for sale of heating power used by the clients in the building.

(2) The contract under para 1 shall determine:

1. the rights and the obligations of the parties to the contract;
2. the order of measuring, recording and payment of the quantity of heating power according to the readings of the heat meter in the junction;

3. guarantees securing the fulfilment of the obligations of the parties to the contract;
4. the liability in case of non-fulfilment of the obligations;
5. the order of considering claims;
6. the conditions and the order of termination of the contract.

(3) The contract under para 1 shall be concluded at a preferential price of the heating power for the association, determined by the Commission at a proposal of the heat transmission enterprises.

(4) (amend. – SG, 54/2012, in force from 17.07.2012) The contract for sale of heating power at preferential price shall be terminated upon winding up the association under para 1 or on termination of a membership of a client in the association. From the moment of termination of the contract clients of heating power shall be the owners or the users of the properties in the condominium.

Art. 152. (1) (amend. – SG, 54/2012, in force from 17.07.2012) The association under art. 151, para 1 is a voluntary association of all clients of heating power in a condominium. The registration of the association shall be carried out by the order of Chapter One of the Non-Profit Legal Entities Act. The court shall enter in the register the data under art. 18, para 1, item 1 – 3, 5, 6, 8 and 9 of the Non-Profit Legal Entities Act.

(2) The association under art. 151, para 1 shall be established for the purpose of improvement and perfection of the conditions and the living environment in condominiums and it may:

1. purchase heating power from the heat transmission enterprise which will be used in the condominium;
2. register the readings of the devices for measuring and distribution of the quantity of heating power;
3. create new or update the existing documentation containing data for the heated premises and for consumption of hot water;
4. exercise control over the heating appliances and water meters, including over those to which the heat and water supply has been interrupted;
5. carry out repair and adjustment of the building installations independently or through other persons, including rehabilitation of the condominium;
6. take care of the building installations and the condominium;
7. carry out other activities related to the servicing of the properties in the condominium;
8. carry out economic activity.

(3) The association under art. 151, para 1 shall be a corporate body and shall not allot profit.

(4) The association shall be wound up on the grounds and by the order of the Non-Profit Legal Entities Act.

(5) On winding up the association liquidation shall be carried out. The liquidation shall be carried out by the manager or by a person appointed by the general meeting. Regarding the insolvency, respectively the bankruptcy, the order of liquidation and the legal authority of the liquidator shall apply respectively the provisions of the Commercial Act.

(6) The founders of the association shall adopt statute which shall contain:

1. the name of the association;
2. the objectives and the means of their achievement;
3. the seat;
4. the size of the initial instalments;
5. the subject of economic activity;
6. the bodies of management;
7. the legal authority of the bodies of the association;
8. the rules regarding the occurrence and termination of the membership, as well as the order of settling the property relations on terminating the membership;
9. the term for which the association is established, if any;

10. the order of determining the size and the way of paying the instalments.

(7) Every member shall have the right to participate in the management of the association, to be informed about its activity, to use the property and the results of the activity by the order stipulated by the statute. Every member shall be obliged to make instalments of a size stipulated by the statute. The membership shall be terminated by the order and in the way stipulated by the statute.

(8) The instalments of the members of the association up to the size of the obligation of the association under the contract for sale of heating power under art. 151 shall not be a part of the economic activity of the association.

(9) Bodies of the association shall be the general meeting and the manager.

(10) (amend. – SG, 54/2012, in force from 17.07.2012) The general meeting shall consist of all members of the association – clients of heating power.

(11) The general meeting shall:

1. amend and supplement the statute;
2. adopt other internal acts;
3. elect and release a manager and a liquidator;
4. accept, release and exclude members;
5. take a decision for termination of the association;
6. adopt the basic trends and a programme for the activity of the association;
7. adopt the budget of the association;
8. take decisions regarding the due and the size of the membership fee and/or of the instalments;
9. accept reports on the activity of the association;
10. take other decisions stipulated by the statute.

(12) The decisions of the general meeting shall be subject to judicial control regarding their lawfulness and compliance with the statute before the district court at the seat of the association.

(13) The general meeting shall be convened by the manager at his initiative or at a request of one third of the members of the association. If, within one week, the manager does not send a written invitation for convening the general meeting it shall be convened by the interested members or by a person authorised by them.

(14) The invitation shall contain the agenda, the date, the hour and the place of holding the general meeting and at whose initiative it is convened.

(15) The invitation shall be put in a place for announcements in the building where the management of the association is located at least one week before the set date.

(16) The general meeting shall be lawful if more than half of all members are present, unless the statute stipulates otherwise. In the lack of quorum the meeting shall be postponed by one hour at the same place and with the same agenda and it may be held with the present members unless the statute stipulates otherwise.

(17) A member of the general meeting shall not have the right to a vote in resolving issues regarding him, his spouse or relatives in the direct line without restrictions, in the collateral line – up to fourth degree, or by marriage – up to second degree including.

(18) One person may represent no more than three members at the general meeting on the grounds of a written letter of attorney, unless another form of representation or meeting of the proxies are stipulated by the statute. Re-authorisation shall not be admitted.

(19) Every member of the general meeting shall have the right to one vote. The decisions of the general meeting shall be taken by a majority of those present.

(20) The manager of the association shall be an individual – member of the association who shall:

1. represent the association;
2. provide the fulfilment of the decisions of the general meeting;
3. administer the property of the association in observance of the requirements of the statute;
4. prepare and present to the general meeting a draft budget;

5. prepare and present to the general meeting a report on the activity of the association;
6. take decisions on all issues which, by a law or according to the statute, are not of the competence of the general meeting;
7. fulfil other obligations stipulated by the statute.

Art. 153. (1) (amend. – SG, 54/2012, in force from 17.07.2012) All owners and holders of real right of using in a condominium, connected to a junction or to its individual branch, shall be clients of heating power and shall be obliged to fit devices for share distribution according to art. 140, para 1, item 3 on the heating appliances in their properties and to pay a price for heating power under the conditions and y an order determined by the respective ordinance under art. 36, para 3.

(2) (amend. – SG 74/06, in force from 08.09.2006; amend. – SG 54, in force from 16.07.2010, amend. – SG, 54/2012, in force from 17.07.2012) In those cases where the owners holding at least two thirds of the title of the condominium building, connected to a junction or to its individual branch, do not wish to be clients of heating power for heating and/or hot water supply they shall be obliged to declare this in writing before the heat transmission enterprise and to request termination of the heat supply for heating and/or hot water supply from this junction or from its independent branch.

(3) (amend. – SG, 54/2012, in force from 17.07.2012) The persons under para 2 shall be considered clients of heating power until the date of termination of the heat supply.

(4) The heat transmission enterprise shall be obliged to carry out the requested termination under para 2 within 15 days from receipt of the application.

(5) (amend. – SG, 54/2012, in force from 17.07.2012) For an introduced system of share distribution of heating power the clients in a condominium shall not have the right to terminate the supply of heating power to the heating appliances in their property through their physical removal from the building installation.

(6) (amend. – SG 74/06, in force from 08.09.2006, (amend. – SG, 54/2012, in force from 17.07.2012) The clients in a condominium who terminate the supply to the heating appliances in their properties shall remain clients of the heating power released by the building installation and by the heating appliances in the common parts of the building.

Art. 154. (amend. – SG 59/07, in force from 01.03.2008, amend. – SG, 54/2012, in force from 17.07.2012) For the liabilities of the clients to be charged and of the association under art. 151, para 1 to the heat transmission enterprise an order for execution under Art. 410, par. 1 of the Civil Procedure Code may be issued, irrespective of their amount. For the clients with introduced system for share distribution - consumers to be charged, a settlement account for the relevant year, for which the obligation refers, must be produced.

Art. 155. (1) (suppl. – SG 74/06, in force from 08.09.2006, (amend. – SG, 54/2012, in force from 17.07.2012) The clients of heating power in a condominium shall pay the consumed heating power in one of the following ways, chosen by them:

1. (amend. – SG 74/06, in force from 08.09.2006; amend. - SG 35/15, in force from 15.05.2015) by 11 equal monthly instalments and one settlement instalment;
2. by monthly payments determined by prognostic consumption for the building and one settlement instalment;
3. for actual monthly consumption.

(2) (new – SG, 35/15, in force from 15.05.2015) The heat transfer enterprise or the heating power supplier shall invoice the consumed heating power on the basis of the actual consumption at least once a year.

(2) (amend. – SG, 54/2012, in force from 17.07.2012; prev. text of Para 02 - SG 35/15, in force

from 15.05.2015) The rules for determining the prognostic consumption and the settlement of the sums for actually consumed quantity of heating power for each individual client shall be determined by the ordinance under art. 125, para 3.

Art. 156. (1) The heating power shall be measured by devices for commercial measuring – property of the heat transmission enterprise, fitted at the boundary of ownership of the facilities.

(2) The boundary of ownership of the facilities:

1. between the producer and the heat transmission enterprise shall be the last stopping fitting of the producer;

2. (amend. – SG, 54/2012, in force from 17.07.2012) between the heat transmission enterprise or the producer and the economic clients is the last stopping fitting before the connecting pipelines of the consumers;

3. (amend. – SG, 54/2012, in force from 17.07.2012) between the heat transmission enterprise and the clients of heating power in the independent building or in a condominium is the last stopping fitting before the distribution network of the building installations.

(3) When the hitting power is measured by devices for commercial measuring fitted at a place different from the boundary of ownership under para 2 the way of accounting the heating power shall be settled according to the ordinance under art. 125, para 3.

Chapter eleven.

ENCOURAGEMENT OF THE PRODUCTION OF ELECTRIC POWER BY COMBINED MEANS (Title amend. – SG 49/07)

Section I.

Production of electric power from restorable energy sources (revoked – SG 49/07)

Art. 157. (amend. and suppl. – SG 74/06, in force from 08.09.2006; revoked – SG 49/07)

Art. 158. (revoked – SG 49/07)

Art. 159. (revoked – SG 49/07)

Art. 160 (revoked – SG 49/07)

Art. 161. (revoked – SG 74/06, in force from 08.09.2006)

Section II.

Production of electric power by heat electric power stations by a combined method of production. Certificates of origin (title amend. - SG 105/16)

Section II.

Production of electric power by heat electric power stations by a combined method of production

Art. 162. (1) (amend. and suppl. – SG 74/06, in force from 01.07.2007, amend. – SG, 54/2012, in force from 01.01.2012; amend. – SG 59/13, in force from 05.07.2013; amend. – SG 17/15, in force from 06.03.2015; amend. - SG 56/15, in force from 24.07.2015, suppl. - SG 105/16, suppl. - SG 38/18, in force from 01.07.2018) The public provider, respectively the end suppliers shall be obliged to buy up from

producers with sites with a total installed electrical power of less than 4 MW, connected to the respective network the whole quantity of electric power from highly effective co-generation of heating and electric power, registered by a monthly certificate of origin, at preferential prices, determined according to the respective ordinance under Art. 36, par. 3, except for the quantity electric power, needed for provision of the exploitation safety of the basic facilities, produced above the quantity electric power of co-generation, and the quantities which the producer uses for his own needs and for own use in the meaning of Art. 119, para. 1, or has concluded contracts by the order of Chapter Nine, Section VII, or by which he participates on the balancing energy market or which is consumed by non-domestic clients, which are not budget-funded, and which are provided with thermal energy by the producer with prevailing thermal load for business needs. The quantities of electricity from highly effective co-generation of thermal and electrical energy shall be purchased up to the amount of the quantities determined by a decision of the Commission for determination of plants preferential price.

(2) (amend. – SG 74/06, in force from 08.09.2006, amend. – SG, 54/2012, in force from 01.01.2012; amend. – SG 17/15, in force from 06.03.2015, amend. - SG 38/18, in force from 01.07.2018) The producer may sell the quantities of electricity other than those under Para. 1 to the public provider, respectively the end supplier, at the average price of the surplus of the balancing market for the respective month.

(3) (amend. – SG 74/06, in force from 08.09.2006; amend. – SG 82/09, in force from 16.10.2009, suppl. – SG, 54/2012, in force from 01.01.2012; amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015, revoked - SG 38/18, in force from 01.07.2018)

(4) (new – SG 74/06, in force from 08.09.2006; amend. – SG 54/10, in force from 16.07.2010, revoked - SG 105/16)

(5) (new - SG 35/15, in force from 15.05.2015, revoked - SG 105/16)

Art. 162a. (New - SG 38/18, in force from 01.07.2018) The Electricity System Security" Fund shall compensate with a premium producers with sites with a total installed electrical capacity of 4 MW and over 4 MW for the total amount of electricity energy from high-efficiency cogeneration of heat and energy, registered with a monthly certificate of origin, except for the amount of electrical energy required to ensure the operational reliability of the main installations, produced above the amount of electricity of cogeneration production and the quantities used by the producer for own needs and own consumption within the meaning of Art. 119, Para. 1, or with which it participates in the balancing energy market, or which is consumed by non-household customers who are not on budget support, and whom the producer, with predominant heat load for business purposes, supplies with heating energy. Quantities of electricity from high-efficiency cogeneration shall be compensated till the amounts determined by the Commission's preferential pricing decision.

Art. 162b. (New - SG 38/18, in force from 01.07.2018) The way to determine the amount of electricity produced from cogeneration depending on the type of the technological cycle, the requirements towards technical means for measuring and registering the electricity from cogeneration, and the criteria for determination of the cogeneration as highly effective, shall be determined by an ordinance of the Minister of Energy.

Art. 162c. (new – SG 74/06, in force from 08.09.2006, previous Art. 162a - SG 38/18, in force from 01.07.2018) (1) (amend. – SG, 54/2012, in force from 17.07.2012; suppl. - SG 35/15, in force from 15.05.2015) The operators of electric transmission network and the electric distribution network shall be obliged to connect by priority all stations, producing electric power from highly effective combined production with installed capacity of up to 10 MW to the transmission, respectively to the distribution network under simplified conditions as set out in the ordinance referred to in Art. 116, Para 7.

(2) The expenses, required for connecting the station to the respective network, up to the boundaries of property of the electric facilities shall be undertaken by the producer.

(3) (amend. – SG, 54/2012, in force from 17.07.2012) The expansion and the reconstruction of the transmission and/or distribution network, related to the connection of the station under para 1, shall be an obligation of the electric transmission network operator, respectively of the electric distribution network operator after paying a prize for connection.

(4) (repealed. – SG, 54/2012, in force from 17.07.2012; new - SG 35/15, in force from 15.05.2015) The operators of the energy transfer network and of the energy distribution networks, in compliance with the safety criteria specified in the rules under Art. 83, Para 1, Items 4 and 5 of the present Act and Art. 18, Para 1, Items 1, 2 and 4 of the Act on the Renewable Resources Energy, shall be obliged to:

1. provide guaranteed access to the respective electric power network, produced according to a highly efficient combined production;

2. guarantee the transfer and distribution of the electric power, produced according to a highly efficient combined production;

3. provide priority in the dispatching to electric power, produced according to a highly efficient combined production.

Art. 163. (amend. – SG 74/06, in force from 08.09.2006; amend. - SG 35/15, in force from 15.05.2015) The criteria, which the comprehensive assessment, the analysis of the costs and benefits and the analysis of the national potential for highly effective combined production under art. 4, para 2, item 11 must meet, shall be determined by an ordinance issued by the Minister of Energy.

Art. 163a. (new - SG 35/15, in force from 15.05.2015) (1) In the development of investment projects an analysis of costs and benefits in accordance with the ordinance of Art. 163 for installations with a total thermal input exceeding 20 MW in the case of:

1. planning of a new thermal power plant for electricity production to assess the costs and benefits of designing a system that functions as installation of high-efficiency cogeneration;

2. significantly upgrading of thermal power plant for electricity production to assess the costs and benefits of re-equipment the installation as installation of high-efficiency cogeneration;

3. significantly upgrading of industrial plant generating heat at a useful temperature level, in order to use waste heat to satisfy economically justifiable demand, including through cogeneration, and by connecting this system with district heating or cooling network;

4. planning of a new regional heating and cooling network; in case of an existing regional heating or cooling network shall be planned a new installation for production of energy or significant re-equipment of the existing installation for recovery of waste heat from neighboring industrial installations.

(2) The companies responsible for the operation of regional heating and cooling networks, at the request of persons who carry out an analysis of the costs and benefits under Para 1, shall assist and provide the required information under Para 1, Items 3 and 4.

(3) Installation of equipment to capture carbon dioxide produced by combustion plants with a view to its storage in geological formations shall not considered re-equipment the cases under Para 1, Items 2, 3 and 4.

Art. 163b. (new - SG 105/16) (1) The certificate of origin shall be an electronic document issued for 1 MWh of electric power to a producer, for the net production of electric power measured at the plant's output and delivered to the respective electricity network, in compliance with the requirements for accuracy, reliability and being tamper-proof.

(2) The certificate shall contain:

1. the name, location, type and total installed capacity of the plant;

2. the start and end dates of the period, in which the electric power is produced;
3. the lower calorific value of the fuel used to produce electric power;
4. the amount of heating power produced together with the electric power, and the amount of heating power consumed;
5. (amend. - SG 38/18, in force from 01.07.2018) the amount of electric power produced in high-efficiency combined production of electric and heating power, determined in accordance with the ordinance of Art. 162b;
6. (amend. - SG 38/18, in force from 01.07.2018) the primary energy savings calculated in accordance with the ordinance of Art. 162b;
7. the nominal efficiency of the power facility for combined production of electric and heating power;
8. the investment aid received for the construction of the power facility for combined production of electric and heating power from a national or European support scheme;
9. any other type of support provided per unit of energy under a national support scheme;
10. the type of national support scheme;
11. the date, on which each installation of the power facility has been put into operation;
12. the date and country of issuance;
13. a unique identification number.

(3) For each unit of electrical power produced from high-efficiency combined production of electric and heating power, there may be issued only one certificate of origin with a validity of 12 months from the production of the corresponding energy unit.

(4) The certificate of origin shall be issued at the request of the producer of electrical power produced from high-efficiency combined production of electric and heating power, and shall be used by the manufacturer to prove that electrical power is produced from high-efficiency combined production of electric and heating power.

(5) (New - SG 38/18, in force from 01.07.2018) For the electricity delivered pursuant to Art. 162, producers shall request the issuance of monthly certificates of origin, and are to transfer them to the public provider, respectively to the end suppliers.

(6) (New - SG 38/18, in force from 01.07.2018) For the electricity produced pursuant to Art. 162a, producers shall request the issuance of monthly certificates of origin, and are to transfer them to the "Electricity System Security" Fund.

(7) (New - SG 38/18, in force from 01.07.2018) The "Electricity System Security" Fund, having paid a premium, shall transfer to the persons under Art. 36g, Para. 1, item 1 the certificates of origin under Para. 6 for the respective month in proportion to the amount of the funds due by these persons for the same month from the price and/or the component of price under Art. 30, Para. 1, item 17.

Art. 163c. (new - SG 105/16) (1) The issuance, transfer and cancellation of certificates of origin for electrical power produced from high-efficiency combined production of electric and heating power shall be carried out electronically.

(2) The certificate of origin shall be considered canceled after having been used to prove the origin of energy before the end customer, or with the expiry of its validity.

(3) The terms and conditions for the issuance, transfer and cancellation of certificates of origin for electrical power produced from high-efficiency combined production of electric and heating power shall be determined with an ordinance adopted by the Commission.

Art. 163d. (new - SG 105/16) (1) The Commission shall recognize the certificates of origin issued by the competent authorities in other countries - members of the European Union and in the countries - parties to the Agreement on the European Economic Area.

(2) The Commission may refuse to recognize a certificate of origin under para. 1 when any of the requirements of Art. 163b, para. 2 has not been met.

(3) For each refusal entered into force under par. 2 the European Commission shall be notified.

(4) The certificate of origin, not recognized by the commission, shall be recognized when, following a notification under para. 3, the European Commission adopts a decision requiring recognition.

Chapter twelve.

GAS SUPPLY

Section I.

General

Art. 164. (amend. – SG, 54/2012, in force from 17.07.2012) The gas supply is a combination of the activities of transmission, transit transmission, storing, distribution and supply of natural gas for meeting the needs of the clients.

Art. 165. The sites and the installations for carrying out the activities of transmission, storing and distribution of natural gas on the territory of the country, connected among each other, shall function in a united gas transport system of general regime of operation.

Section II.

Transmission, storing and distribution of natural gas, liquid natural gas (Title, amend. – SG, 54/2012, in force from 17.07.2012)

Art. 166. (amend. – SG, 54/2012, in force from 17.07.2012) The transmission of natural gas and the operation of the gas transmission network shall be carried out by the gas transmission network, obtained licence under art. 39, para 1, item 2.

Art. 167. (1) (repealed. – SG, 54/2012, in force from 17.07.2012)

Art. 168. (1) (former text of Art. 168, suppl. – SG, 54/2012, in force from 17.07.2012) The storing of natural gas and the operation of the installations for storing natural gas and/or for liquid natural gas shall be carried out by a person having obtained licence under art. 39, para 1, item 4.

(2)(new - SG, 54/2012, in force from 17.07.2012) The operator of a facility for storage of natural gas and/or the operator of a facility of a liquid natural gas shall:

1. exploit, maintain and develop in market conditions safe, reliable and effective facilities for storage of natural gas and/or for liquid natural gas;

2. provide equal access of the users to facilities for storage of natural gas and/or for liquid natural gas;

3. provide to the gas transmission network operators and to the operators of other facilities for storage and/or operators of other facilities for liquid natural gas and/or the operators of gas distribution networks sufficient information, in order to guaranty, that storage of natural gas is made in a way, compatible with the secure and effective exploitation of interconnected networks and facilities, and

4. provide for the users of networks and facilities the information, which they need for their efficient access.

Art. 168a (New – SG, 54/2012, in force from 17.07.2012) (1) Temporary storage of natural gas

shall be made by an operator of a gas transmission or gas distribution network.

(2) A network operator shall announce on his/her website data about the offered services on temporary storage of natural gas and annually up to 1 January shall publish the basic commercial conditions for provision of these services.

Art. 169. (amend. – SG, 54/2012, in force from 17.07.2012) The distribution of natural gas and the operation of the gas distribution networks shall be carried out by the operators of gas distribution networks having obtained licence under art. 39, para 1, item 3.

Art. 170. (amend. – SG, 54/2012, in force from 17.07.2012) (1) The gas transmission network operator shall provide:

1. the united management of the gas transmission network in view to its reliable, safe and effective functioning;
2. the transmission of natural gas along the gas transmission network and its accounting;
3. the maintenance of the sites and installations of the gas transmission network in compliance with the technical requirements and with the requirements for safety of operation;
4. development of the gas transmission network in compliance with the long-term prognoses and plans for development of the gas supply and out of them, where it is economically feasible;
5. the maintenance and development of the auxiliary networks.
6. provision and management of the access of third parties at non-discrimination base between users of the network or groups of users of the network while observing the requirements for quality and shall provide to the network users the information, needed for efficient access to the network;
7. the coordinated development and operative compliance of the gas transmission network with connected gas transportation systems;
8. to the operators and other gas-transmission networks, the operators of facilities for storage of natural gas and/or operators of facilities for liquid natural gas and/or operators of gas-distribution networks sufficient information, in order to guaranty that the transportation and storage are proceeded in a way, compatible with the secure and effective exploitation of connected networks and facilities;
9. sufficient trans-border capacity in view to integration of the European gas transmission infrastructure while satisfying all the economic reasonable and technically realizable requests for capacity and in view to observation of the requirements or security of the gas supplies;
10. inclusion of gas from renewable sources in the gas transmission network, where this is technically possible and safe.

(2) The activity of transmission of natural gas shall also include:

1. representation of the operator of the gas transmission network and contacts with third parties with the regulatory bodies of other EU Member States, as well as representation within the frames of the European network of the gas transmission system operators (ENTSO for gas):
2. collection of all receivables, related to the transmission, including for access, levelling payments for additional services, as processing of the natural gas, buying services (costs for balancing, power for covering losses);
3. exploitation, maintenance and development of a secure, efficient and economical gas transmission networks in view to providing an open market while protecting the environment;
4. investment planning, which should provide long term capacity of the network to cover in reasonable limits the demand and to guaranty security of supplies;
5. creation of appropriate joint undertakings, including with one or more operators of gas transmission networks, energy stock markets and the other relevant players in view to development of regional markets or facilitating the process of liberalization, and
6. all cooperative services, including legal services, accountancy and services, related to

informational technologies.

(3) Exploitation of gas transmission networks shall be carried out under management rules of gas transmission networks, adopted by the commission upon proposal of the gas transmission network operators.

(4) An operator of a gas transmission network at any time shall act so, that should provide availability of the needed resources for fulfilment of the operation on transmission in an appropriate and effective way and for development and maintenance of efficient secure and economic transmission network.

Art. 171. (amend. – SG, 54/2012, in force from 17.07.2012) (1) The gas distribution network operator shall provide:

1. the management of the gas distribution network in view to its reliable, safe and effective functioning;

2. the distribution of natural gas along the gas distribution network and its accounting;

3. the maintenance of the sites and installations of the gas distribution network and of the supporting facilities in compliance with the technical requirements;

4. the expansion, reconstruction and modernization of the gas distribution network in compliance with the requirements for environment protection and power effectiveness and in compliance with the prognoses for consumption of natural gas adopted by the Commission, and out of them, where it is economically feasible;

5. inclusion of gas from renewable sources in the gas distribution network where this is technically possible and safe.

(2) The exploitation of gas distribution networks shall be carried out under rules for management of gas distribution networks, adopted by the commission upon proposal of the gas distribution network operators.

Art. 172. (amend. – SG, 54/2012, in force from 17.07.2012)(1) The gas transmission and the gas distribution network operators shall be obliged to provide access under the conditions of equality to their gas transmission and/or gas distribution networks to the persons meeting the requirements set by rules adopted by the Commission and to provide to the network users the information, needed for efficient access to the network.

(2) Access under Para. 1 may be refused access due to a lack of capacity or in a case that the provision of access would lead to violation of the technical requirements and security of the networks, or it would obstruct the enterprises to fulfil their obligations for services of public interest, or if the provision of access would cause serious economic and financial difficulties as a result of concluded contract for supply having a clause "take or pay".

(3) the network operators, who refuse access because of lack of capacity or lack of connection shall make the needed improvements, if this is economically feasible or where a potential client wishes to pay for this.

(4) The gas transmission network operator, the operator of a facility for storage of natural gas, the operator of a facility for liquid natural gas, or the gas distribution network operator shall have the right to refuse access or temporary stop the transmission of natural gas or gas from renewable sources on the relevant network, or storage in a facility for storage or temporary storage, because of :

1. incompliance of the supplied to the network or to the facility for storage natural gas or gas from renewable sources with the defined by the operator requirements for quality;

2. in case of failure to be fulfilled obligations under contract for transmission or storage or for access to network or facility for storage, including in case of failure of obligation for payment of sums due, related to providing theses service.

Art. 172a. (new – SG 74/06, in force from the date of entry into effect of the Treaty of Accession of

the Republic of Bulgaria to the European Union, amend. – SG, 54/2012, in force from 17.07.2012) (1) Energy undertaking for natural gas may submit a request to the Commission for temporary discharge of the gas transmission or the gas distribution network operators from the obligation for providing access under art. 172, para 1 in the cases when the provision of access would cause serious economic and financial difficulties as a consequence of contracts, concluded for supply with a clause "take an pay".

(2) The request under para 1 shall be submitted in each individual case prior to or immediately after the refusal of access to the system.

(3) The request under para 1 shall be accompanied by detailed information on the type and the scope of the economic and financial difficulties and the measures undertaken for their overcoming.

(4) The Commission shall allow the temporary discharge under para 1 in case there is no other economically grounded possibility of providing access, observing the following criteria:

1. the fulfilment of the obligations to the society and ensuring the security of the supply;
2. (amend. – SG, 54/2012, in force from 17.07.2012) the position of the operator on the gas market and the factual status of the competition on this market;
3. the extent of the economic and financial difficulties;
4. (suppl. – SG, 54/2012, in force from 17.07.2012) the conditions and the terms of the contracts, including the level to which they include provisions on market changes;
5. the measures undertaken for overcoming the difficulties;
6. to what extent in the event of undertaking the "take or pay" obligations the enterprise could have foreseen the occurrence of serious difficulties according to the provisions of this Act;
7. (amend. – SG, 54/2012, in force from 17.07.2012) the level of connection of the network to other networks and the extent of interaction of these networks;
8. the consequences of the temporary discharge to the effective application of the provisions of this Act, related to development of competitive market of natural gas.

(5) The decision of the Commission under para 4 shall be grounded.

(6) Serious difficulties under para 1 are not present, in case:

1. the sales of natural gas have not dropped under the level of the minimal contracted quantities under "take or pay" contracts for purchasing gas;
2. the conditions under "take or pay" contracts for purchasing gas may be renegotiated.

(7) (new – SG, 54/2012, in force from 17.07.2012) The relevant network operator who has not been provided by temporary liberation from his/her obligation for provision of access under Art. 172, Para.1, shall not have the right to refuse access or to continue to refuse access to the network because of obligations "take and pay", undertaken under contract for buying natural gas.

(8) (previous para. 7 – SG, 54/2012, in force from 17.07.2012) The Commission shall immediately notify the European commission of entered into effect decision under para 4 for temporary discharge and shall send the necessary information.

(9) (previous Para. 8, suppl. - SG, 54/2012, in force from 17.07.2012) Upon request by the European commission the Commission may amend or revoke its decision under para 4 within 28-days term from receiving the request, and shall notify the European commission thereof.

(10) (previous Para. 9 - SG, 54/2012, in force from 17.07.2012) The Commission shall notify the European commission in the cases when it does not amend or revoke its decision under the terms of para 9. In this case the temporary discharge shall be decided by the European commission.

Art. 172b. (new – SG 74/06, in force from 01.07.2007, amend. - SG, 54/2012, in force from 17.07.2012)) (1) The operators of natural gas storage facilities an/or the liquid natural gas facilities operators shall provide access to the facilities and the operators of the gas transmission networks – access to services of temporary storage under equal conditions to the persons, meeting the conditions, defined by rules under Art. 172, Para. 1.

(2) The operators of natural gas storages facilities, and/or the facilities liquid natural gas operators

may refuse access:

1. because of lack of capacity;
2. in case the provision of access would lead to violation of technical conditions and the security of the facilities;
3. in case the provision of access would hinder the operators from fulfilling their obligations for public interest services.

(3) The production undertakings shall be obliged to provide access to the production gas transmission networks under the conditions of equality of the persons, meeting the conditions, defined by Art. 172, Para. 1, with the exception of the part of the network, which is used for local production operations, while observing the applicable legislation, including in the area of environment protection, territory planning and production of ores and minerals.

(4) the operators of production gas transmission network may refuse access:

1. because of lack of capacity;
2. in case the provision of access would lead to violation of technical conditions and the security of the facilities;
3. in case the provision of access would hinder the current or planned production of carbohydrates, as well as in concerning the interests of other users of the production gas transmission networks or related processing or manipulation facilities;
4. in case that rights are concerned, provided to the production undertaking under special act or normative provided requirements are not implemented for provision of the access.

Art. 172c. (new – SG 74/06, in force from the date of entry into effect of the Treaty of Accession of the Republic of Bulgaria to the European Union, amend. – SG, 54/2012, in force from 17.07.2012) (1) (amend. – SG 82/09, in force from 16.10.2009; amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015) In case considerable problems in the development of the gas transmission network, or the distribution networks occur within the framework of one separate territory under art. 43, para 5 and with the purpose of stimulation of the investments, the Minister of Energy may, upon proposal by the interested parties, submit an application to the European commission for temporary exemption from the application of the provisions of art. 37 and 38, chapter four, art. 172, para 1 and art. 197, para 2 and of the obligations for independence of the operator under Chapter Eight "a" and the possibilities for building and exploitation of direct gas pipelines.

(2) (amend. – SG 82/09, in force from 16.10.2009; amend. – SG 59/13, in force from 05.07.2013) The Minister of Energy shall consider the grounds of the application under para 1, observing the following criteria:

1. necessity of infrastructure investments, which would not have been economically grounded in competent market environment;
2. degree of returns on the necessary investments;
3. (amend. – SG, 54/2012, in force from 17.07. 2012) size and duration of existence of the gas network in the separate territory;
4. prospects of development on the respective gas market;
5. size, location, characteristics, social economic and demographic factors in the separate territory.

(3) (amend. – SG, 54/2012, in force from 17.07. 2012) With respect to newly constructed gas transmission networks temporary exemption may be granted only if there are no other networks of that kind in the separate territory or the existing ones are constructed before less than 10 years. In these cases the exemption may not be for more than 10 years, considered from the first supply of natural gas in the separate territory.

(4) (amend. – SG, 54/2012, in force from 17.07. 2012) Regarding gas distribution networks temporary exemption may be granted for a period, not longer than 20 years from the first supply of natural gas in the separate territory.

(5) (amend. – SG 82/09, in force from 16.10.2009; amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015) The Minister of Energy shall pronounce on the application in three months term and shall submit an application for temporary exemption to the European commission after the entry into force of the act, with which the application is accepted as reasonable.

Art. 172d (new - SG 82/09, in force from 16.10.2009) With construction of a big gas infrastructure, as well as with substantial increasing the capacity of an existing gas infrastructure and of expansion, reconstruction and modernization of such an infrastructure, which give possibility for development of new sources of gas supply, the commission may provide temporary liberation from the obligations for:

1. independence of the operator under Art. 81c, Art. 81g, Para. 2 and Art. 81l, Para. 2, p. 1;
2. provision of access;
3. regulation of the prices of the provided services.

(2) temporary liberation under Para. 1 shall be admitted where:

1. the investment stimulates the competition in the natural gas supply and increases the supply security;
2. the risk level, related to the investment is such, that it would not be made if no liberation is provided;
3. the infrastructure is possession of a person, who is separated in relation to his/her legal form the operators in whose systems this infrastructure is built;
4. the users of the new infrastructure shall pay a price for its using;
5. the liberation shall not be in harm of the competition or of the effective functioning of the domestic market for natural gas or of the effective functioning of the infrastructure to which the new infrastructure is joined;

(3) The owner or operator of the new infrastructure under Para. 1 shall submit an application to the commission for liberation of the whole or part of the capacity of the new infrastructure, to which shall apply the rules for management and distribution of the capacity of the new infrastructure, including:

1. requirements all the potential users of the infrastructure to be invited to show interest in the negotiation of a capacity before the distribution of the capacity of the new infrastructure, including for own needs;
2. obligation in case of overload of the not used capacity to be offered on the market, and the users of the infrastructure to have the right to trade with the negotiated capacity.

(4) While decision taking for liberation the commission shall take in consideration the results of the procedure for distribution of capacity under Para. 3, p. 1 for estimation of fulfilment of the conditions, indicated in Para. 2, p. 1, 2 and 5 and shall approve the rules and mechanisms for management and distribution of the capacity.

(5) While decision taking for liberation, the commission shall examine the need of imposing the conditions for the continuity of the liberation and the non-discrimination access to the infrastructure, by taking into consideration the additional capacity, which will be built up, or the change of the existing capacity, the exploitation period of the infrastructure and the national peculiarities.

(6) The commission shall examine the request under Para. 3 and shall pronounce by a grounded decision. The decision shall be published on the commission website.

Art. 172e (New – SG, 54/2012, in force from 17.07.2012) (1) Where the new gas infrastructure is situated on the territory of the Republic of Bulgaria and at least of one more EU Member State, the owner or operator of the relevant infrastructure shall submit an application for liberation to the commission and to the competent regulatory body of the EU Member State.

(2) The commission shall hold consultations with the competent regulatory bodies under Para. 1 for reaching an agreement on the application for liberation within 6 month term from the date, at which the

application has been received by the last of the regulatory bodies. Where in the indicated term ACER produces to the regulatory bodies consultative opinion upon request, they may ground their agreement on liberation with the recommendations, given by ACER. The regulatory bodies shall notify ACER about the reached agreement. The commission shall take a grounded decision about the liberation according to the reached agreements.

(3) The commission and the competent other regulatory body may request from ACER extension of the term under Para. 2 not longer than 3 months.

(4) The ACER shall take a decision for liberation where the terms under Para. 2 and 3 do not reach an agreement between the regulatory bodies about the liberation or upon their mutual request.

Art. 172f (new – SG, 54/2012, in force from 17.07.2012) 91) The commission shall notify immediately the European Commission about each submitted application for liberation and about a decision under Art. 172d, Para. 6 and Art. 172e, Para. 2. The notification about a decision taken for liberation shall be accompanied by the whole related information, including:

1. grounds for the taken decision;
2. analysis for the impact over the competition and the effective functioning of the domestic market;
3. explanation about the term of liberation and the liberated share of the total capacity of the infrastructure;
4. the agreement with the other regulatory bodies in case of an application for liberation under Art. 172e;
5. the input of the infrastructure for the diversification of the supplies.

(2) The commission shall provide additional information upon request of the European Commission within the term, indicated in the request or defined upon mutual agreement between the commission and the European Commission or shall notify the European Commission that considers the notification under Para. 1 as complete.

(3) Where the requested information is not provided within the term of Para. 2, the notification shall be considered as withdrawn, unless the commission has declared, that considers the notification complete.

(4) The commission shall comply the decision about the liberation with the opinion of the European Commission. The change or withdrawal of the decision for liberation shall be made within the term of 1 month, about which the commission shall inform the European Commission.

(5) The decision for liberation shall come into force after finalization of the procedures under Para. 1 – 4.

(6) The liberation decision shall lose its force 2 years after the European Commission opinion, if within this term building of the infrastructure has not started, or if within the term of 5 years after its adoption the infrastructure has not come into exploitation, unless the commission, after consultations with the European Commission decides, that the delay is due to substantial obstacles, which are out of the control of the person, granted with the liberation.

Section III.

Transactions with natural gas

Art. 173. (1) (suppl. – SG, 54/2012, in force from 17.07.2012) The transactions with natural gas shall be carried out on the grounds of written contracts by observing the provisions of this Act and of the rules for trade of natural gas adopted by the Commission. The rules shall be published by the energy enterprises and the commission on their websites.

(2) The rules under para 1 shall determine the way of administering the transactions with natural gas.

Art. 174. (amend. – SG, 54/2012, in force from 17.07.2012) The transaction with natural gas shall be supply, transmission along the gas transmission and gas distribution networks and storing of natural gas.

Art. 175. Parties to the transactions with natural gas are:

1. a public supplier of natural gas;
2. (revoked – SG 74/06, in force from 08.09.2006);
3. producing enterprises;
4. (amend. – SG, 54/2012, in force from 17.07.2012) operators of facilities for storage of natural gas;
- 4a. (new. – SG, 54/2012, in force from 17.07.2012) operators of facilities for storage of liquid natural gas;
5. (amend. – SG, 54/2012, in force from 17.07.2012) operator of gas transmission network;
- 5a. (new – SG 74/06, in force from the date of entry into effect of the Treaty of Accession of the Republic of Bulgaria to the European Union) combined operator;
6. (amend. – SG, 54/2012, in force from 17.07.2012) gas distribution network operators;
7. dealers of natural gas;
8. (amend. – SG, 54/2012, in force from 17.07.2012) clients;
9. (repealed. – SG, 54/2012, in force from 17.07.2012)
10. (new – SG 74/06, in force from 01.07.2007) end supplier of natural gas
11. (new – SG 74/06, in force from 01.07.2007, repealed – SG, 54/2012, in force from 17.07.2012).

Art. 176. (1) (amend. – SG, 54/2012, in force from 17.07.2012) The producing enterprises or traders of natural gas at one side, and the public supplier of natural gas, the end suppliers of natural gas, operators of facilities for storage of natural gas, operators of facilities for liquid natural gas, traders of natural gas or clients – on the other, shall sign deals with natural gas between themselves in free negotiated prices.

(2) (amend. – SG, 54/2012, in force from 17.07.2012) The producing enterprises may conclude transactions for transmission of natural gas with operators of gas transmission and gas distribution networks.

(3) The producing enterprises may conclude transactions for storing natural gas with the operators of gas storages.

(4) (amend. – SG, 54/2012, in force from 17.07.2012) Producing enterprises and clients according to art. 175, item 8 and 9 of natural gas inside and outside the country may construct between themselves direct gas pipelines and conclude contracts for supply of natural gas via these pipelines.

(5) (new. – SG, 54/2012, in force from 17.07.2012) The parties under Para. 1 and the operator of the gas transmission network shall conclude deals of natural gas for balancing the market under conditions, procedure and rules for price formation of the natural gas, intended for balancing, provided by the rules under Art. 173, Para. 1.

Art. 176a. (new – SG 74/06, in force from 08.09.2006, amend. - SG, 54/2012, in force from 17.07.2012) The producing enterprises, the public supplier of natural gas, the public providers of natural gas, the end suppliers, the operators of the facilities for gas storages, the operators of facilities for liquid natural gas, dealers of natural gas and the clients may conclude transactions for supply of natural gas with local persons in a Member State of the European Union:

1. (amend. - SG, 54/2012, in force from 17.07.2012) in case according to the legislation of the other country the right of free trade of natural gas is acknowledged to the producing enterprises, the dealers of natural gas the public supplier of natural gas, the public providers of natural gas, the end suppliers, the

clients, and

2. (amend. - SG, 54/2012, in force from 17.07.2012) under the conditions of reciprocity, in case the legislation of the other country provides a possibility of free trade of natural gas for its clients.

Art. 177. (1) (suppl. – SG 74/06, in force from the date of entry into effect of the Treaty of Accession of the Republic of Bulgaria to the European Union, amend. - SG, 54/2012, in force from 17.07.2012)) The public supplier of natural gas is a legal person registered under the Commercial Act or according to the legislation of a Member State of the European Union or of another country – party to the European Economic Area Agreement, who may conclude transactions for supply of natural gas with producing enterprises, with dealers of natural gas, with end suppliers and with clients.

(2) (amend. - SG, 54/2012, in force from 17.07.2012) The public supplier of natural gas may conclude transactions for transmission of natural gas with the gas transmission and gas distribution enterprises.

(3) (amend. - SG, 54/2012, in force from 17.07.2012) The public supplier of natural gas may conclude transactions for storing natural gas with the operators of facilities for natural gas storages and/or operators of facilities for liquid natural gas.

(4) (revoked – SG 74/06, in force from 01.07.2007).

Art. 178. (1) (suppl. – SG 74/06, in force from the date of entry into effect of the Treaty of Accession of the Republic of Bulgaria to the European Union, amend. - SG, 54/2012, in force from 17.07.2012).

(2) (revoked – SG 74/06, in force from 01.07.2007).

Art. 178a. (New – SG 74/06, in force from 01.07.2007, amend. - SG, 54/2012, in force from 17.07.2012) The end supplier is a person licensed for its activity, who provides the supply of natural gas to end clients, connected to the gas distribution network, in correspondence with the rules under art. 21, para 1, item 10.

(2) For the needs of supply under para. 1, the end supplier shall sign deals for supply of natural gas with the public supplier, with producers of gas from renewable sources and may sign deals for supply of natural gas with production undertakings and with traders of natural gas.

Art. 178b. (new - SG 55/07, in force from 06.07.2007, amend. - SG, 54/2012, in force from 17.07.2012) Supply of natural gas by a public supplier and by the end suppliers shall be considered a generally offered service of public interest in the meaning of this Act.

Art. 179. (1) Dealer of natural gas may be any Bulgarian and foreign corporate body registered as an entrepreneur under the Commercial Act or according to his national legislation.

(2) (amend. – SG 74/06, in force from 08.09.2006, amend. - SG, 54/2012, in force from 17.07.2012) Apart from the cases of para 176a, the dealers of natural gas shall conclude transactions with producing enterprises inside or outside of the country, with clients, with other dealers of natural gas, with the public supplier of natural gas and with end suppliers of natural gas and with operators of facilities for natural gas storages and or operators of facilities for liquid natural gas.

Art. 180. (amend. - SG, 54/2012, in force from 17.07.2012) (1) Any client connected to gas transmission and/or gas distribution network shall have the right to choose of natural gas supplier, notwithstanding of the fact, in which EU Member State the supplier has been registered, as far as the

supplier observes the rules under art. 173, para 1, and the requirements for the supply security.

(2) The network operator shall carry out the change of supplier under the rules of art. 173, para 1. up to 3 weeks after receiving a written request of the client

(3) The change of supplier, while observing the contractual conditions shall not be accompanied by additional obligations for the client.

(4) Any supplier shall prepare and send a final levelling account in case of a choice of another supplier within the term of up to 6 weeks after the change of the supplier.

(5) Where a supply under Para. 1 has been refused by a supplier in another EU Member State, because of the fact, that the client has not right to choose a supplier in the other state, upon request of the client the commission shall notify the regulatory body of this other state and if needed – also the European Commission for undertaking actions for repeal of the refusal.

Art. 181. (amend. - SG, 54/2012, in force from 17.07.2012) The contracts for natural gas shall be concluded:

1. (amend. - SG, 54/2012, in force from 17.07.2012) at prices regulated by the Commission for universally offered services of public interest related to the transmission, distribution and supply of natural gas;

2. (amend. - SG, 54/2012, in force from 17.07.2012) at freely negotiated prices between the parties, apart from the cases under p. 1.

Art. 182. (repealed. - SG, 54/2012, in force from 17.07.2012)

Art. 183. (revoked – SG 74/06, in force from 01.07.2007)

Art. 183a. (New – SG 74/06, in force from 01.07.2007) (1) The end supplier of natural gas shall sell natural gas under publicly announced general conditions.

(2) The general conditions shall obligatorily contain:

1. the terms of quality of the supply;

2. information provided by the supplier;

3. term of the contract;

4. the responsibility of the energy enterprise for non-fulfilment of the general conditions.

(3) The end supplier shall publish the general conditions in at least one central and one local daily newspaper.

(4) (repealed. - SG, 54/2012, in force from 17.07.2012) The published general conditions shall enter into force for the clients, who buy natural gas from an end supplier without explicit written consent.

(5) (new. - SG, 54/2012, in force from 17.07.2012) Within the term of up to 30 days after the enforcement of the general conditions, the clients, who do not agree with them shall have the right to introduce to the relevant end supplier of natural gas an application, by which they may propose special conditions. The accepted special conditions by the end supplier of natural gas, different from the published general conditions shall be reflected in additional written agreements.

Art. 183b. (New – SG 74/06, in force from 01.07.2007, amend. - SG, 54/2012, in force from 17.07.2012) (1) The clients of the end supplier shall conclude a contract with the operator of the gas distribution network for the transmission to distribution networks of the natural gas, consumed by them under publicly announced general conditions.

(2) The general conditions shall obligatorily contain:

1. the terms of quality of the supply;

2. the terms of termination or interruption of the supply;
3. the responsibility of the energy enterprise in case of non-regulated interruption and low-quality supply.

(3) (amend. - SG, 54/2012, in force from 17.07.2012) The operator of gas distribution network shall publish the general conditions in at least one central and one local daily newspaper.

(4) (amend. - SG, 54/2012, in force from 17.07.2012) The published general conditions shall enter into force for the clients, who buy natural gas from an end supplier without explicit written consent.

Art. 184. (amend. and suppl. – SG 74/06, in force from 08.09.2006; amend. – SG 59/07, in force from 01.03.2008, amend. - SG, 54/2012, in force from 17.07.2012) The public supplier and the end suppliers of natural gas may require issuing of an order for execution under Art. 410, par. 1 of the Civil Procedure Code for their receivables for supplies of natural gas, irrespective of their amount.

Section IV. Operative management

Art. 185. (Amend. – SG, 54/2012, in force from 17.07.2012) (1) The centralised operative management, coordination and control of the regime of operation of the gas transmission network shall be carried out by the operator of the gas transmission network through a unit for operative management.

(2) The operative management of each gas distribution network shall be carried out by the operator of the gas distribution network, through a unit for operative management.

(3) (suppl. – SG 74/06, in force from the date of entry into effect of the Treaty of Accession of the Republic of Bulgaria to the European Union) The orders of the unit for operative management of the operator of the gas transmission network shall be obligatory for the unit for operative management of the operators of the gas distribution networks, the clients, the producing enterprises, the producers of gas from renewable sources, the operators of facilities for storage of natural gas and the operators of facilities for liquid natural gas, joined to the gas transmission network.

(4) (new – SG 17/15, in force from 06.03.2015) Customers, having joined the gas transfer and gas distribution network shall be obliged to provide access to the authorized representatives of the operator of gas transfer system to their own facilities or to the operator's facilities installed on their properties, for limitation or termination of natural gas transfer in cases provided by this act or in the contracts for transfer and/or supply of natural gas.

Art. 186. (1) (Amend. – SG, 54/2012, in force from 17.07.2012) The operator of the gas transmission network shall provide:

1. reliable, safe and effective functioning of the gas transmission network;
2. transmission of natural gas on the gas transmission network while observing the quality requirements
3. equality of the clients in the transmission of natural gas;
4. reliable and effective functioning of the auxiliary networks;
5. operative management of the regimes of operation of the facilities for storage of natural gas and of the facilities for liquid natural gas, joined to the gas transmission network in blasting and production of natural gas;

(2) The operator of the gas transmission network shall provide the power, which shall be used for carrying out his/her activity in a transparent, non-discrimination and market based procedures.

Art. 186a. (new – SG 74/06, in force from 08.09.2006, amend. – SG, 54/2012, in force from

17.07.2012) For the combined operator, Chapter Eight "a" shall be applied.

Art. 187. (1) (amend. – SG, 54/2012, in force from 17.07.2012) For the purposes of measuring the natural gas the operator of the gas transmission network shall provide:

1. (amend. – SG, 54/2012, in force from 17.07.2012) technical and metrological provision, development and modernisation of the devices for commercial measuring of the quantity of natural gas, delivered to and leaving the gas transmission network;

2. maintenance of the database of the registration of the devices for commercial measuring of the quantity of natural gas under item 1 and under the transactions of freely negotiated prices and of the balancing market.

(2) (amend. – SG, 54/2012, in force from 17.07.2012) The owners of devices for commercial measuring of the quantity of natural gas shall submit to the operator of the gas transmission network the data from the measuring of these devices regarding the transactions of freely negotiated prices and the balancing natural gas.

(3) The parties to the transactions with natural gas shall have the right to receive information from the database regarding the quantities of natural gas traded by them under the transactions.

(4) The conditions and the order of servicing the devices for commercial measuring, maintenance of the database and the access to them shall be set by the rules under art. 173, para 1.

Art. 188. (amend. – SG, 54/2012, in force from 17.07.2012) (1)The operator of the gas transmission network shall administer the transactions at freely negotiated prices for natural gas and shall organise the balancing of the market of natural gas in compliance with the rules under art. 173, para 1.

(2) In case of occurrence of the circumstances, threatening the security of the gas transmission system operation or parts of it, the operator of the gas transmission network shall have the right to stop carrying out of deals, or shall change the negotiated quantities natural gas on them in conditions and procedures described in the rules under Art. 173, Para. 1.

(3). The operator of the gas transmission network shall submit information for prognostic consumption of natural gas, restrictions in the gas transmission system, price information for the natural gas in balancing the market for past periods and other information necessary to the participants.

Art. 189. (1) (amend. – SG, 54/2012, in force from 17.07.2012) The operator of the gas transmission network shall be a party to all transactions for balancing the market of natural gas.

(2) (amend. – SG, 54/2012, in force from 17.07.2012) The operator of the gas transmission network shall not form a profit from the transactions under para 1.

(3) The expenses related to the fulfilment of the functions under art. 188 shall be recognised as economically substantiated expenses under art. 31, item 2.

Art. 190. (amend. – SG, 54/2012, in force from 17.07.2012) The operators of the gas distribution networks shall provide:

1. safe, reliable and effective functioning of the distribution network;

2. (amend. – SG, 54/2012, in force from 17.07.2012) distribution of natural gas to the clients by observing the requirements for reliability and quality;

3. reliable and effective functioning of the auxiliary networks;

4. (amend. – SG, 54/2012, in force from 17.07.2012) equality of the clients in distributing natural gas.

5. (new – SG, 54/2012, in force from 17.07.2012) to the operator of the gas transmission network, the operators of other gas distribution networks, the operators of facilities for natural gas storage and the

operators of facilities for liquid gas, sufficient information, in order to be guaranteed that the transport and storage of the natural gas are carried out in a way, compatible with the safe and effective exploitation of the joint connected network.

Art. 190a. (new – SG 74/06, in force from 08.09.2006, amend. – SG, 54/2012, in force from 17.07.2012) (1) In case a gas distribution network operator is a part of vertical integrated enterprise, its activity shall be independent with regards to legal organizational form and at taking decisions for the other activities, which are not related to distribution.

(2) In order to provide the independence of the gas distribution network operator under para 1, the persons in charge of the management, including the operative management, of the gas distribution networks:

1. may not participate in the management of the other companies of the vertical integrated enterprise, carrying out extraction, transmission, public delivery, public supply and trade of natural gas;
2. shall take decisions individually at fulfilment of the obligations, assigned to them by this Act;
3. shall be obliged not to admit discriminatory behaviour at fulfilment of the obligations, assigned to them by this Act.

(3) The gas distribution network operator shall work out a programme, where he/she shall point out measures for fulfilment of the objective under para 1 and 2, which shall contain specific obligations of the employees for its achievement.

(4) The gas distribution network operator shall assign a person in charge of the compliance for the control of the programme implementation under Para. 3 by providing his/her independence, as well as access to the information for the gas distribution network operator and all the undertakings, related to him/her, needed for fulfilment of his/her tasks.

(5) the gas distribution network operator shall draw up an annual report about the measures under Para. 3, which shall be produced to the commission by the person, in charge of the compliance and shall be published in compliance with Art. 15.

(6) The gas distribution network operator in his/her communications and while using his/her trade mark shall not create confusion in relation to his/her separate identity of the part/s of the vertically integrated undertaking, providing deliveries of natural gas.

(7) The provisions of para 1 – 6 shall not apply to vertical integrated enterprises of natural gas, in case to the respective gas distribution network are connected less than 100 000 end clients of natural gas.

Art. 191. (amend. – SG 74/06, in force from 08.09.2006, amend. – SG, 54/2012, in force from 17.07.2012) The operators of the gas transmission and gas distribution networks, the operators of facilities for storage of natural gas and the operators of facilities for liquid natural gas shall be obliged to keep the confidentiality of the information, which is commercial secret obtained during or on occasion of fulfilment of their duties, as well as to provide information about their activities in a non-discriminatory manner.

Art. 192. (amend. – SG 74/06, in force from 08.09.2006; amend. – SG 82/09, in force from 16.10.2009, amend. – SG, 54/2012, in force from 17.07.2012; amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015) The conditions and the order under which the activities of the operators of the gas transmission and gas distribution networks are carried out, the operators of facilities for storage of natural gas and the operators of facilities for liquid natural gas shall be determined by an ordinance of the Minister of Energy .

Section V.

Measuring of the natural gas

Art. 193. The transmission of natural gas shall be carried out through the gas transmission network via gas pipelines of high pressure to the outlets of the gas measuring or to the outlets of gas regulating stations.

Art. 194. (amend. – SG, 54/2012, in force from 17.07.2012) Distribution of natural gas shall be carried out via the gas distribution network from outlets of gas measuring stations or from outlets of gas regulating stations of the transmission network to the gas measuring unit of the client.

Art. 195. (amend. – SG, 54/2012, in force from 17.07.2012) (1) The measuring of the quantity of natural gas for the clients connected to the gas transmission network shall be carried out by devices for commercial measuring – property of the transmission network operator.

(2) (amend. – SG, 54/2012, in force from 17.07.2012) The measuring of the quantity of natural gas for the clients connected to the gas distribution networks shall be carried out by the devices for commercial measuring – property of the distribution network operators.

(3) (amend. – SG, 54/2012, in force from 17.07.2012) The measuring of the quantity of natural gas for storing shall be carried out by devices for commercial measuring – property of the enterprise having obtained licence under Art. 39, Para. 1, p. 4.

(4) (amend. – SG, 54/2012, in force from 17.07.2012) The consumers of natural gas, or the owners on whose property the devices for commercial measuring are fitted, shall be obliged to provide access to them to authorised representatives of the gas transmission or gas distribution network operators for fitting and control, reading and servicing of the measuring devices.

(5) (amend. – SG, 54/2012, in force from 17.07.2012) The operators of the gas transmission network, of the gas distribution networks and/or of the facilities for storages of natural gas and operators of facilities for liquid natural gas shall take a decision for the location and the kind of the installed devices for commercial measuring.

Section VI.

Connection to the gas pipeline network

Art. 196. (1) (amend. – SG 54/2012, in force from 17.07.2012) (1)The connection to the gas transmission and gas distribution networks shall be carried out under conditions and by an order determined by an ordinance, adopted by the commission.

(2) The connection to the gas transmission and/or to the gas distribution networks of producing for gas pipeline networks, facilities for liquid natural gas, gas distribution networks, sites for gas production from renewable sources and end clients shall be carried out at prices determined by the respective ordinance under art. 36, para 3 and on the grounds of a written contract concluded between the gas transmission network operator, respectively the gas distribution network operator and the connected persons.

Art. 197. (1) (amend. – SG 54/2012, in force from 17.07.2012) The gas transmission network operator shall be obliged to connect to its network, at a point set by it, sites of the gas distribution networks, the producing enterprises and the facilities for storing natural gas, facilities for liquid natural gas and sites for production of gas from renewable sources.

(2) Connected to the transmission network may also be sites of non-household clients of natural gas.

(3) The operator of the gas transmission network shall determine the technically possible place of connection while observing the criteria for safe functioning of the gas transmission system and in compliance with the development plans of the gas transmission network under the conditions and procedure

of the ordinance under Art. 196, Para. 1.

(4) The gas transmission network operator shall be obliged to carry out the extension and reconstruction of the gas transmission network, related to connection to the place of connection.

(5) (suppl. - SG 83/18) The gas transmission network operator can with a written motivated refusal to refuse the connection to the gas transmission network where:

1. (revoked - SG 83/18)

2. there is no connection to the network, and the improvement of the network is economically not feasible;

3. lacks technical possibility for connection of a site for production of gas from renewable sources of the produced gas from renewable sources does not comply with the quality requirements, defined by the rules under Art. 170, Para. 3.

(6) (amend. - SG 83/18) In case of a refusal under para 5, item 2 the producing enterprises, the facilities for storing natural gas from renewable sources, the operators of facilities for storage of natural gas, the operators for facilities for liquid natural gas and non-household clients of natural gas may construct for their account a gas pipeline to the gas transmission network.

(7) The owner of the gas pipeline shall be obliged to provide its servicing, maintenance and repair.

(8) The gas transmission network operator may, at a request of the owner, against payment, service, maintain and repair a gas pipeline, connecting non- household client to the relevant network.

(9) Connected to the gas transmission network clients in case of technical possibility and free capacity shall provide using of their own facilities of the respective gas distribution network operator, having obtained licence for the needs of the transmission of natural gas to other clients on the territory determined by the licence. The use shall be provided after a signed contract at a price, defined by a methodology approved by the Commission. The license contract shall negotiate the conditions of the use, including the conditions for operative management and measurement of the gas, supplied to each client, including the persons, providing the use for guaranteeing a single operative management and measurement of the supplied to the clients quantities natural gas. In case of failure of agreement, the commission shall order provision and payment at a price, defined by the commission under the methodology.

Art. 198. (amend. – SG, 54/2012, in force from 17.07.2012) The gas distribution network operators shall be obliged to construct for their account their gas distribution network to the point of connection determined by the gas transmission network operator.

Art. 199. (1) (amend. – SG, 54/2012, in force from 17.07.2012) The gas distribution network operator shall be obliged to connect to the network the sites of clients and gas production sites from renewable sources on the territory for which the enterprise is licensed for distribute natural gas under the conditions of equality and by observing the technical requirements for reliability and safety.

(2) The gas distribution network operator may connect to his/her network sites of production undertakings, facilities for storage natural gas and facilities for liquid natural gas.

(3) The gas distribution network operator shall define the technically possible place of connection in compliance with the development plans of the gas distribution network under conditions and procedure of the ordinance under Art. 196, Para. 1.

(4)The operator of the gas distribution network shall be obliged to carry out the extension and reconstruction of the gas distribution network related to the connection to the place of connection.

(5) (suppl. - SG 83/18) The operator of the gas distribution network can with a written motivated refusal to refuse the connection to the gas distribution network if there is no:

1. network capacity;

2.connection with the network and the improvement of the network is economically not feasible;

3. technical possibility for connection of a site for gas production from renewable sources or the

produced as from renewable sources does not comply with the quality requirements defined by the rules of Art. 171, Para. 2.

(6) In case of a refusal under Para. 5, p. 1 and 2, Art. 197, Para. 6 shall apply.

(7) With a commission permission the gas distribution network operator may connect a client of natural gas, who is on the territory of another licensee for distribution of natural gas, where this is technically and economically feasible and is in the interest of the clients.

(8) The deviations and facilities for connection of the clients to the relevant gas distribution network shall be constructed by the gas distribution network operator.

Art. 200. (1) (amend., SG 95/05, in force from 01.03.2006; amend. – SG 74/06, in force from 08.09.2006; amend. – SG 82/09, in force from 16.10.2009; amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015) The structure and the safe operation of the transmission and distribution gas pipelines, of the facilities, installations and utilities for natural gas shall be stipulated by an ordinance adopted by the Council of Ministers at a proposal of the Minister of Energy and the Chairman of the State Agency for metrological and technical supervision.

(2) (amend. – SG 74/06, in force from 08.09.2006; amend. – SG 82/09, in force from 16.10.2009; amend. – SG 59/13, in force from 05.07.2013; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014; amend. – SG, 14/2015) The technical rules and norms for designing, construction and using the sites and facilities for transmission, storing, distribution and supply of natural gas shall be determined by an ordinance of the Minister of Regional Development and Public Works and the Minister of Energy.

(3) (amend., SG 95/05, in force from 01.03.2006; amend. – SG 74/06, in force from 08.09.2006; amend. – SG 82/09, in force from 16.10.2009; amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015) The structure and the safe operation of oil pipelines and oil products pipelines on the territory of the Republic of Bulgaria shall be determined by an ordinance adopted by the Council of Ministers at a proposal of the Minister of Energy and the Chairman of the State Agency for metrological and technical supervision.

Chapter thirteen.

COMPULSORY ADMINISTRATIVE MEASURES

Art. 201. (1) (amend. – SG 74/06, in force from 08.09.2006; amend. – SG 82/09, in force from 16.10.2009; amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015) The Commission or the Minister of Energy shall apply the measures under para 2 when they establish that the controlled under this Act persons, their employees, persons who, under a contract carry out managerial functions with them or conclude transactions for their account have fulfilled or fulfil actions by which:

1. (amend. – SG 74/06, in force from 08.09.2006; amend. – SG 82/09, in force from 16.10.2009, amend. and suppl. – SG, 54/2012, in force from 17.07.2012; amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015) they violate provisions of this Act, of the acts of secondary legislation for its implementation, of acts of the Commission and of the Minister of Energy;

2. they threaten or harm the reliability of the energy system, the interests of the public or of the clients of electric and heating power and natural gas or of other energy enterprises;

3. they violate the terms of the licensed activity;

4. (amend. – SG 74/06, in force from 08.09.2006; amend. – SG 82/09, in force from 16.10.2009; amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015) they obstruct the control activity of the Commission or of the Minister of Energy.

(2) (amend. – SG 74/06, in force from 08.09.2006; amend. – SG 82/09, in force from 16.10.2009; amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015) In the cases of para 1, for the purpose

of preventing or stopping the offences, as well as for removal of the harmful consequences from them, the Commission or the Minister of Energy or persons authorised by them, according to their competence, shall impose the following compulsory administrative measures:

1. amend. – SG, 54/2012, in force from 17.07.2012) give written instructions for:
 - a) stopping certain actions or obligatory undertaking such actions by a set deadline;
 - b) carrying out expertise, inspections, tests of installations and facilities, their parts or components;
 - c) changing of the terms of operation of the energy sites, their parts, systems or components;
 - d) changing of designs and constructions of importance for the safety of people and networks;
 - e) give testimonial to the personnel, including examining their knowledge and abilities, carrying out training and qualification courses;
2. oblige the licensee to convene a general meeting and/or set a sitting of the managing or control bodies with a definite agenda for taking a decision for the measures to be taken;
3. order in writing temporary suspension or restriction of the licensed activity;
4. appoint a special manager in the cases stipulated by this Act.
5. (new – SG 54/10, in force from 16.07.2010) assign auditing of activities carried out by persons who are subject to control under this Act, the costs of which shall be at the expense of the audited person.

(3) The act imposing a compulsory administrative measure shall set an appropriate deadline for its fulfilment. The compulsory administrative measures shall apply until the removal of the reasons having caused their imposing.

(4) (new – SG 54/10, in force from 16.07.2010) The persons carrying out the audit referred to in item 5 of para 2 shall be entitled to the rights under Art. 78, para 2, items 1 through 3 and shall assume the obligations under Art. 79 and the persons subject to audit - the obligations under Art. 78, para 3.

(5) (new – SG 54/10, in force from 16.07.2010) The persons carrying out the audit referred to in para 2, item 5, the terms and procedure to assign and conduct the audit shall be established by the ordinance under Art. 60.

Art. 202. (1) (amend. – SG 74/06, in force from 08.09.2006; amend. – SG 82/09, in force from 16.10.2009, amend. – SG, 54/2012, in force from 17.07.2012; amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015) The proceedings of imposing the compulsory administrative measures under Art. 201 shall apply on a statement of the persons having the right to exercise control under this Act with a written grounded decision of the commission or an order of the Minister of Energy, which shall be notified to the interested person within 7 day term after the decision taking.

(2) The notifications under Para. 1 may be carried out by a return recommended letter, by a telegram, telex, fax or telephone. The notifications by a return recommended letter or telegram shall be certified by an information about their receiving, on the phone – written by the official, who has carried out them and the telex and fax – by a written confirmation for the sent notification.

(3) (amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015) Where the notifications under para 1 are not accepted by the indicated address, telephone, telex or fax by persons, they shall be considered as made by a notice for their delivery placed at a special place of the building of the commission or of the Ministry of Economy and Energy. The last circumstance shall be certified by a protocol, made by officials, assigned by an order of the president of the commission or the Minister of Energy.

Art. 203. (1) (amend. – SG 74/06, in force from 08.09.2006; amend. – SG 82/09, in force from 16.10.2009, amend. – SG, 54/2012, in force from 17.07.2012; amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015; amend. – SG 17/15, in force from 06.03.2015, suppl. - SG 77/18, in force from 01.01.2019) The decision under art. 202, para 1 may be appealed through the Commission or through the Minister of Energy before the Sofia Administrative Court according to the provisions of the Administrative Procedure Code within 14 days from its announcement.

(2) The decision or the order of imposing a compulsory administrative measure shall be subject to immediate fulfilment.

(3) The appeal of the decision for applying a compulsory administrative measure shall not stop its fulfilment.

Art. 204. (amend. - SG 30/06, in force from 12.07.2006) Inasmuch as this chapter does not stipulate special rules the respective provisions of the Administrative procedure code.

Chapter fourteen.

ADMINISTRATIVE PENAL PROVISIONS

Art. 205. (1)(amend. – SG, 54/2012, in force from 17.07.2012) Who carries out or permits activities under this Act without a licence in the cases where such is required shall be punished by a fine of 1 000 to 15 000 BGN, unless it is subject to a more severe penalty.

(2) (amend. – SG, 54/2012, in force from 17.07.2012) When the violations under para 1 have been committed by a corporate body or by a sole entrepreneur a proprietary sanction shall be imposed ranging from 20 000 to 150 000 BGN.

(3) (Amend. - SG 38/18, in force from 08.05.2018) For a repeated violation, the fine, respectively the proprietary sanction, shall be triple the size of the fine, or proprietary sanction respectively, from Para. 1 and 2.

Art. 206. (amend. – SG, 54/2012, in force from 17.07.2012) (1) (amend. – SG 17/15, in force from 06.03.2015, amend. – SG, 102/17, in force from 01.01.2018) To an energy enterprise violating provisions of this act, of the acts of secondary legislation on its application, the control for which is assigned to the commission of general or individual administrative instruments of the commission, legal decision of ACER or the terms of the issued license shall be imposed a proprietary sanction of 20 000 to 1 000 000 BGN.

(2) For violations under Para. 1 of a power transmission network operator of gas transmission network operator, combined operator, who has the functions of an operator of a transmission network or vertically integrated enterprise shall be imposed by a property sanction in the amount of up to 10% of the annual turnover of the operator – or of the annual turnover of the vertically integrated enterprise.

(3) (Amend. - SG 38/18, in force from 08.05.2018) For a repeated violation under para 1, the proprietary sanction shall be triple the size of the sanction under para 1.

Art. 207. (1) To energy enterprise unlawfully refusing:

1. connection to the respective energy networks;

2. conclusion of a contract for sale of electric power, heating power or natural gas;

3. (amend. – SG 49/07, suppl. – SG, 54/2012, in force from 17.07.2012) access to the networks for transmission or distribution of electric power and natural gas, a proprietary sanction of 20 000 to 1 000 000 BGN shall be imposed.

(2) (Amend. - SG 38/18, in force from 08.05.2018) For a repeated violation the proprietary sanction shall be triple the size of the sanction under para 1.

Art. 207a (new - SG, 54/2012, in force from 17.07.2012) (1) An energy enterprise, which uses restricting contract practices and provisions for exceptionality, which might stop non-household clients and sign contracts with more than one supplier or restrict their choice of suppliers shall be imposed by a property sanction of BGN 50 000 to BGN 1000 000.

(2) (Amend. - SG 38/18, in force from 08.05.2018) For a repeated violation, the proprietary

sanction shall be the triple size of the sanction under para 1.

Art. 207b (new - SG, 54/2012, in force from 17.07.2012) (1) (amend. – SG 17/15, in force from 06.03.2015; amend. - SG 35/15, in force from 15.05.2015) An energy enterprise, which violates Art. 37, Art. 38a, Para. 2, Art. 38b, Art. 38c, Para. 1, Art. 38d, Para 1, 38e, 38f, 38g or 38h shall be imposed by a property sanction of BGN 50 000 to BGN 200 000.

(2) (Amend. - SG 38/18, in force from 08.05.2018) For a repeated violation, the proprietary sanction shall be the triple size of the sanction under para 1.

Art. 208. (1) (amend. – SG 49/07, amend. SG, 54/2012, in force from 17.07.2012; amend. – SG 17/15, in force from 06.03.2015) An energy enterprise failing to submit the requested information in the cases stipulated by this Act, in the acts of secondary legislation on its implementation, and requested by the Minister of Energy, the Chairperson of the Commission, the authorities of the Agency of State Financial Inspection, and by the persons under Art. 78, par. 1, shall be imposed with a proprietary sanction of 5 000 to 50 000 BGN.

(2) (Amend. - SG 38/18, in force from 08.05.2018) For a repeated violation, the proprietary sanction shall be the triple size of the sanction under para 1.

Art. 209. (revoked – SG 54/10, in force from 16.07.2010; new – SG 17/15, in force from 06.03.2015) An energy enterprise having provided incorrect information in cases provided for by this act, in acts of secondary legislation for its application and requested by the Minister of Energy, the Chair of the Commission, the authorities of the Agency of State Financial Inspection and by the persons under Art. 78., Par. 1 shall be imposed with a proprietary sanction from BGN5 000 to BGN100 000.

(2) (Amend. - SG 38/18, in force from 08.05.2018) In case of repeated violation, the proprietary sanction shall be triple the amount of the penalty under par. 1.

Art. 210. (1) (amend. – SG 49/07) In the cases where the persons under art. 30, para 1 sell electric power, heating power or natural gas at prices subject to regulation, without having been approved or determined by the Commission, or at prices higher than the approved or determined y the Commission according to art. 30, a proprietary sanction of 20 000 to 1 000 000 BGN shall be imposed.

(2) (Amend. - SG 38/18, in force from 08.05.2018) For a repeated violation, the proprietary sanction shall be the triple size of the sanction under para 1.

Art. 211. (1) (amend. – SG 49/07; amend. – SG 54/10, in force from 16.07.2010) To energy enterprise which does not observe the norms of raising and storing the reserves of fuel for the power stations for production of electric and/or heating power shall be imposed a proprietary sanction of 20 000 to 200 000 BGN.

(2) For a repeated violation the proprietary sanction shall be of triple size determined by the maximal size of the sanction under para 1.

Art. 212. (revoked – SG 49/07)

Art. 212a. (new – SG 74/06, in force from 08.09.2006) (1) To a legal person or a sole trader, who in violation of art. 139a, para 1 carries out the activity of share distribution in violation of the registration regime, shall be imposed a proprietary sanction amounting from 5000 to 10 000 BGN.

(2) For repeated violation the proprietary sanction shall be of triple size determined by the maximal

size of the sanction under para 1.

Art. 213. (1) (amend. – SG 74/06, in force from 08.09.2006) To persons who do not observe the determined technical requirements and order of heat supply, for termination of the heat supply and the rules for share distribution of heating power under art. 125, para 3, shall be imposed a proprietary sanction of 10 000 to 25 000 BGN.

(2) For repeated violation the proprietary sanction shall be of triple size determined by the maximal size of the sanction under para 1.

Art. 213a. (new – SG 54/10, in force from 16.07.2010) Any person referred to in Art. 139b, para 1, who fails to offer the execution of the agreement as per Art. 140, para 5, shall be liable to a pecuniary penalty amounting from BGN 1 000 to BGN 5 000.

(2) (amend. – SG, 54/2012, in force from 17.07.2012) Any client, being a legal person or a sole trader, who fails to conclude the agreement referred to in Art. 140, para 5, shall be liable to a pecuniary penalty amounting from BGN 100 to BGN 300.

Art. 214. (amend. – SG 74/06, in force from 08.09.2006) 214. (1) Punished by a fine of 1000 to 5000 BGN, unless subject to a more severe punishment, shall be the one, who:

1. disturbs the normal electric supply, heat supply or gas supply;
2. causes the introduction of a restrictive regime;

3. uses heat energy without measuring its quantity by device for commercial measuring and or in a way that it is not distributed to him/her at implementation of the share distribution, or changes the readings of the devices for accounting and commercial measuring, or disturbs their normal operation.

(2) For repeated violation under para 1 shall be imposed a fine of double size determined by the maximal size of the sanction under para 1.

Art. 215. (amend. – SG 54/10, in force from 16.97.2010) (1) Anyone who obstructs or admits obstruction to the officials, control bodies and persons conducting expert assessments, measurements and tests under Art. 78, para 2, item 2 as well as the persons carrying out audit as per Art. 201, para 2, item 5 to fulfil their duties under this Act, unless this act constitutes a crime, shall be fined by 100 to 1000 BGN.

(2) Where the violation under para 1 has been committed by a legal person or a sole trader, a pecuniary penalty of BGN 1000 or more but not exceeding BGN 2 000 shall be imposed.

(3) Anyone who does not fulfil or admits non-fulfilment of the prescriptions of the officials and of the control bodies shall be fined by 500 to 5000 BGN or by a propriety sanction amounting from BGN 2000 to BGN 10 000.

(4) Anyone who does not fulfil an enacted decision of the Commission shall be punished by a fine of 3000 to 10 000 BGN or proprietary sanction of 20 000 to 60 000 BGN.

Art. 216. (amend. – SG 49/07; amend. – SG 54/10, in force from 16.97.2010) An official, control body, a person conducting expert assessments, measurements and tests under Art. 78, para 2, item 2 as well as the persons carrying out audit as per Art. 201, para 2, item 5 who does not fulfil his duties under this Act, shall be fined by 1000 to 5000 BGN.

Art. 217. (Amend. and suppl. - SG 38/18, in force from 08.05.2018) For a repeated violation under art. 215 and art. 216, the penalty shall be triple the amount of the fine or the proprietary sanction under Art. 215 and 216.

Art. 218. (1) Where the violations under art. 214 have been committed by a corporate body or by a sole entrepreneur a proprietary sanction of 5000 to 10 000 BGN shall be imposed.

(2) For repeated violation the proprietary sanction shall be of five-fold size, determined by the maximal size of the sanction under para 1.

Art. 219. (1) (amend. – SG 49/07, suppl. – SG, 2012, in force from 17.07.2012) An official in an energy enterprise who admits the violations under art. 206, 207, 207a, 207b, 210, 211 shall be fined by 1000 to 8000 BGN.

(2) (Amend. - SG 38/18, in force from 08.05.2018) For repeated violation, the proprietary sanction shall be triple the size of the sanction under para 1.

Art. 220. (1) (suppl. – SG, 2012, in force from 17.07.2012) Who does not fulfil or admits non-fulfilment of an order of an operator under art. 109, para 2, art. 113, para 2, art. 131, para 3 and art. 185, para 3 or fails to fulfil obligation under Art. 195, Para. 4 shall be fined by 500 to 5000 BGN.

(2) Where the violation under para 1 has been committed by a corporate body or sole entrepreneur a proprietary sanction of 10 000 to 20 000 BGN shall be imposed.

(3) For repeated violation the punishment shall be a fine, respectively a proprietary sanction, in triple size, determined by the maximal size of the sanction under para 1 or 2.

Art. 221. (1) To an energy enterprise whose operator does not observe art. 73, para 2 shall be imposed a proprietary sanction of 20 000 to 50 000 BGN.

(2) (new – SG 42/16) Energy enterprise which does not fulfil its obligation under Art. 84, para. 6, item 2 shall be imposed a proprietary sanction of 20 000 to 50 000 BGN.

(2) (previous para. 2, suppl. – SG 42/16) For repeated violation under para 1 and 2 the proprietary sanction shall be of triple size, determined by the maximal size of the sanction under para 1 and 2.

Art. 222. (1) (amend. – SG, 2012, in force from 17.07.2012) Anyone, who does not fulfil his obligation under art. 117, para 8, art. 138, para 3 and art. 197, para 9 shall be fined by 500 to 5000 BGN.

(2) Where the violations under para 1 have been committed by a corporate body or sole entrepreneur a proprietary sanction of 30 000 to 50 000 BGN shall be imposed.

(3) (Amend. - SG 38/18, in force from 08.05.2018) For repeated violation under para 1 and 2, the punishment shall be a fine, respectively a proprietary sanction of triple size of the sanction under para 1 or 2.

Art. 223. Who violates imperative provisions of normative acts related to the implementation of this Act shall be punished by the respective competent administrative punitive body by a fine of 500 to 1000 BGN, unless subject to a more severe punishment, or by a proprietary sanction of 5000 to 10 000 BGN.

Art. 224. The persons under art. 79, para 1 who make public, submit, publish, use or spread in any other way data and circumstances representing official secret shall be fined by 2000 to 5000 BGN.

Art. 224a. (new – SG 74/06, in force the date of entry into effect of the Treaty of Accession of the Republic of Bulgaria to the European Union, amend. – SG, 54/2012, in force from 17.07.2012) (1) To an operator of an electric transmission network, who does not fulfil the requirements under Regulation (EC) N 714/2009 shall be imposed proprietary sanction of 10 000 to 60 000 BGN.

(2) (Amend. - SG 38/18, in force from 08.05.2018) For repeated violation, the proprietary sanction shall be double the amount of the sanction under para 1.

Art. 224b. (new – SG 74/06, in force the date of entry into effect of the Treaty of Accession of the Republic of Bulgaria to the European Union, amend. – SG, 54/2012, in force from 17.07.2012) (1) To an operator of a gas transmission network, who does not fulfil the requirements under Regulation No 715/2009, shall be imposed proprietary sanction of 10 000 to 60 000 BGN

(2) (Amend. - SG 38/18, in force from 08.05.2018) For repeated violation, the proprietary sanction shall be double the amount of the sanction under para 1.

Art. 224c (new - SG, 54/2012, in force from 17.07.2012)(1) Operator of a facility for storage of natural gas and/or facility for liquid natural gas, who fails to fulfil the requirements of Regulation (EC) N 715/2009 shall be imposed by a property sanction of BGN 10 000 to BGN 60 000.

(2) (Amend. - SG 38/18, in force from 08.05.2018) For repeated violation, the proprietary sanction shall be double the amount of the sanction under para 1.

Art. 224d. (New - SG 38/18, in force from 08.05.2018) (1) Any legal person or sole trader who violates or acts in violation of Art. 3 and 5 of Regulation (EU) № 1227/2011, unless subject to a more severe penalty, shall be sanctioned with a pecuniary sanction of up to 10 percent of their total turnover for the previous financial year. When there is no realized turnover, the pecuniary sanction shall be in the amount from 10 000 to 100 000 BGN.

(2) Any natural person who violates or acts in violation of Art. 3 and 5 of Regulation (EU) № 1227/2011, if not subject to a more severe penalty, shall be liable to a fine from BGN 5 000 to BGN 50 000.

(3) In determining the amount of the property sanction under Para. 1 and of the fine under Para. 2, the Commission shall take into account the gravity and duration of the violation, as well as the mitigating and aggravating circumstances. The specific amount of the sanction and the fine shall be determined by the Commission in accordance with a methodology adopted by it and published on its website.

(4) The liability of the legal persons shall not exclude the liability of the natural persons who hold administrative or managerial positions in these legal entities.

(5) (suppl. - SG 77/18, in force from 01.01.2019) The sanctions under this Article shall be imposed by a decision of the Commission without drawing up an act establishing administrative violation. The decision of the Commission shall be appealed before the Sofia Administrative Court in accordance with the Administrative-Procedure Code whereby the appeal is to stop the enforcement.

Art. 224e. (New - SG 38/18, in force from 08.05.2018) (1) Any legal person or sole trader who does not provide information or obstructs an on-the-spot inspection in the course of a procedure to identify breaches under Art. 3 and 5 of Regulation (EU) № 1227/2011, shall be sanctioned with a pecuniary sanction from BGN 1 000 to BGN 10 000 for each day of default, but not more than BGN 100 000.

(2) Any natural person who fails to provide information or obstructs an on-the-spot inspection in the course of a procedure to identify breaches under Art. 3 and 5 of Regulation (EU) № 1227/2011, shall be liable to a fine from BGN 100 to BGN 1 000 for each day of default, but not more than BGN 10 000.

(3) (suppl. - SG 77/18, in force from 01.01.2019) The sanctions under this Article shall be imposed by an order of the Chairperson of the Commission on the basis of a report from the officials under Art. 74a, Para. 6. The order shall be appealed before the Sofia Administrative Court in accordance with the

Administrative-Procedure Code and the appeal shall not suspend the execution.

Art. 224f. (New - SG 38/18, in force from 08.05.2018) (1) Any legal person or sole trader who fails to implement a decision on implementing a measure under Art. 74k, shall be sanctioned with a pecuniary sanction from BGN 20 000 to BGN 200 000.

(2) Any natural person who fails to implement a decision on implementing a measure under Art. 74k, shall be liable to a fine from BGN 10 000 to BGN 100 000.

(3) In case of repeated violation, the pecuniary sanction, respectively the fine, shall be triple the amount of the property sanction, respectively the fine, under Para. 1 and 2.

Art. 224g. (New - SG 38/18, in force from 08.05.2018) (1) Any legal person or sole trader who violates Art. 4, 8, 9 and 15 of Regulation (EU) № 1227/2011, shall be sanctioned with a pecuniary sanction from BGN 10 000 to 100 000 BGN.

(2) Any natural person who violates Art. 4, 8, 9 and 15 of Regulation (EU) № 1227/2011 shall be liable to a fine from BGN 5 000 to BGN 50 000.

(3) In case of repeated violation, the pecuniary sanction, respectively the fine, shall be in triplicate the amount of the property sanction, respectively the fine, under Para. 1 and 2.

(4) The liability of the legal persons shall not exclude the liability of the natural persons who hold administrative or managerial positions in these legal entities.

Art. 225. (1) (suppl. – SG 17/15, in force from 06.03.2015, suppl. - SG 38/18, in force from 08.05.2018) The violations of this Act shall be established by acts of the persons under art. 74n, Para. 4, Art. 77, para 1, item 1 and para 2, item 1, and for the violations under Art. 208 and 209 also by the authorities of the Agency of State Financial Inspection.

(2) (new – SG 74/06, in force from 01.01.2007; amend. – SG 49/07; amend. and suppl. – SG 54/10, in force from 16.97.2010, amend. - SG, 54/2012, in force from 17.07.2012, amend. - SG 38/18, in force from 08.05.2018) The penal provisions under art. 205, 206, 207, 207a, 207b, 208, 210, 213a, 215, 216, 217, 219, 222, 223, 224, 224a, 224b, 224c, 224f and 224g shall be issued by the Chairman of the Commission or by an official authorised by the Commission.

(3) (amend. – SG 74/06, in force from 08.09.2006; amend. – SG 82/09, in force from 16.10.2009; suppl. – SG 54/10, in force from 16.97.2010, amend. - SG, 54/2012, in force from 17.07.2012; amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015) The penal provisions under art. 208, 211, 213a, 213, 214, 215, 216, 217, 218, 219, 220, 221, 223 and 224 shall be issued by the Minister of Energy or by an official authorised by him.

(4) (new – SG 17/15, in force from 06.03.2015) Penal decrees under Art. 208 and 209 shall be issued by the Director of the Agency of State Financial Inspection or by officials authorized by them in cases where the violation has been identified by the Agency authorities during the inspections according to the provision of Art. 80a.

(5) (prev. par. 4 – SG 17/15, in force from 06.03.2015) The establishment of the violations, the issuance, the appeal and the fulfilment of the penal provisions shall be carried out under the conditions and by the order of the Administrative Violations and Penalties Act.

(6) (prev. par. 5 – SG 17/15, in force from 06.03.2015) Until the issuance of the penal provision the person affected by the administrative violation by lay a claim before the administrative penal body for indemnification of the caused damages for up to 20 000 BGN.

Additional provisions

§ 1. In the meaning of this Act:

1. (amend. - SG, 54/2012, in force from 17.07.2012) "Junction" is a facility, through which is carried out supply, measuring, transformation and regulation of the parameters of the heating power from the heat transmission network to the clients.

1a. (new – SG 74/06, in force from 08.09.2006, amend. - SG 38/18, in force from 08.05.2018) "Balance group" is a group, consisting of one or more commercial participants according to the requirements and the rules under art. 91, para 2.

1b. (new - SG 38/18, in force from 08.05.2018) "Basic load" means production with constant capacity of electric power and its consumption for a certain period of time.

2. (amend. – SG 74/06, in force from 08.09.2006, amend. - SG, 54/2012, in force from 17.07.2012) "Balancing energy" is the active electric power which the operator of the electric power network activates for compensation of the difference between the delivery timetables, registered at him/her and the ones, which are in fact implemented, as well as the fluctuations of the cargoes with non-contracted delivery timetable.

2a (new - SG, 54/2012, in force from 17.07.2012) "Household client" is a client, who buys electric or heating energy with heat pipeline hot water or vapour for heating, acclimatization and hot water supply or natural gas for own household needs.

3. (revoked – SG 49/07)

3a. (new – SG 74/06, in force from 08.09.2006, amend. - SG, 54/2012, in force from 17.07.2012) "Vertical integrated enterprise" is

a) an energy enterprise or a group of energy enterprises, for which one person or persons are authorized directly or indirectly to exercise control and in which the enterprise or the group of enterprises shall fulfil at least one of the activities of transmission or distribution, and at least one of the activities of production or supply of electric power;

b) an enterprise or group of enterprises for natural gas, for which one and the same person or persons are authorized directly or indirectly to exercise control and in which the enterprise or the groups of enterprises fulfil at least one of the activities of transmission, distribution, or storage and at least one of the activities of production or supply of natural gas.

3b. (new - SG, 54/2012, in force from 17.07.2012) "Connected network"- connected transmission and/or distribution networks.

4. (repealed - SG, 54/2012, in force from 17.07.2012)

5. (repealed - SG, 54/2012, in force from 17.07.2012)

6. (new - SG, 54/2012, in force from 17.07.2012) "temporary storage" is storage of gas by compression in gas transmission and gas distribution networks with the exception of the facilities kept for the operators of gas transmission networks for carrying out their functions.

7. "Gas measuring station" is an installation equipped with devices for commercial measuring of natural gas.

8. (amend. – SG, 54/2012, in force from 17.07.2012) "Gas transmission network" is a system of gas pipelines of high pressure and the facilities to them, with a unified technological regime of operation, for transmission of natural gas to the outlet of the gas measuring station or gas regulation station.

9. (amend. – SG, 54/2012, in force from 17.07.2012) "Gas distribution network" is a local or regional system of gas pipelines with high, medium or low pressure and the facilities to them for distribution of natural gas to the respective clients on a territory determined by a licence.

10. "Gas regulation station" is an installation for regulation of the pressure of the natural gas, equipped also with devices for commercial measuring.

11. (amend. – SG, 54/2012, in force from 17.07.2012) "Gas transport system" is a system of connected networks for transmission, transit transmission, distribution of natural gas, as well as facilities to

and from gas storages and production enterprises on the territory of the country.

11a, (new – SG, 54/2012, in force from 17.07.2012) "Large gas infrastructure" is inter – system gas pipe line or facility for storage natural gas and/or liquid natural gas.

12. (amend – SG, 54/2012, in force from 17.07.2012) "Direct gas pipeline" is a gas pipeline and facilities to it as addition to the connected network.

12a. (new – SG, 54/2012, in force from 17.07.2012) "Direct electric pipeline is a pipe line, which connects directly a site of a producer of electric power with another site with a subsidiary site or with a client's site for the purposes of supply with electric power.

12b (new – SG, 54/2012, in force from 17.07.2012) "Production gas pipeline network" is a gas pipeline or network of gas pipelines which are exploited and/or constructed as a part of an investment project for production of oil or gas or are used for transmission of natural gas from one or several such projects to a facility for processing or terminal.

13. "Contract for delivery with a clause "take or pay" is a contract stipulating obligatory payment of quantities of natural gas determined by it at a set price, regardless of whether the natural gas has been supplied.

14. (amend. – SG, 54/2012, in force from 17.07.2012) "Additional services" are all services necessary for the operation of the electric power system, including participation in the voltage regulation and supply of reactive power, participation in a primary regulation of frequency and secondary regulation of frequency and exchange of capacity, rotating reserve, ability of starting after a significant accident without the assistance of an outside source and supply of part of the network and regulation of the loading.

15. "Access" is the right of using the transmission network and/or the distribution networks for transmission of electric power or natural gas against payment of a price and under conditions determined by an ordinance.

16. (amend. – SG, 54/2012, in force from 17.07.2012) "Supply" is a sale, including re-sale of power or natural gas to clients.

17. "Long-term prognostic energy balances" are prognostic energy balances comprising a period of 10-15 years.

18. (revoked – SG 49/07)

19. "Electric facility" is a combination of machines, equipment and apparatuses designated for transmission, transformation and distribution of electric power.

20. (amend. – SG 74/06, in force from 08.09.2006, amend. – SG, 54/2012, in force from 17.07.2012) "Electric transmission network" is a combination of electric power lines and electric facilities serving for transmission, transformation of the electric power of high voltage to medium voltage and redistribution of electric flows.

21. (amend. – SG 74/06, in force from 08.09.2006) "Electric power lines" are air or cable installations for connection of electric facilities, designated for transmission, transport or distribution of electric power, which correspond to "lineal engineering networks of electric power supply" within the meaning of the Spatial Planning Act.

22. (amend. – SG, 54/2012, in force from 17.07.2012) "Electric distribution network" is a combination of electric power lines and electric facilities of high, medium and low voltage serving for distribution of electric power.

23. (amend. – SG 74/06, in force from 08.09.2006, amend. – SG, 54/2012, in force from 17.07.2012) "Energy site" is a site or a combination of sites, in which or through which is carried out production of electric and/or heat power of definite capacity, production or storing of oil or natural gas, transmission, as well as transformation of the parameters or of the kind of electric and heating power and natural gas, oil or oil products through networks, as well as their auxiliary networks and facilities, distribution of electric, heating power or natural gas through networks, as well as their auxiliary networks and facilities, without the installations of the clients.

24. (suppl. – SG 74/06, in force from 08.09.2006; suppl. – SG 41/09, amend. – SG, 54/2012, in

force from 17.07.2012) "Energy enterprise" is a legal person carrying out one or more of the activities of production, transformation, transmission, storing, distribution, delivery and supply of electric, heating power or natural gas on the grounds of a licence issued according to this Act, or a person, producing energy resources on the grounds of a concession for production, or a person, carrying out activity of production of electric and/or heating power, without being obliged to obtain a licence for his activity according to this Act, or a person, carrying out activity of transmission of oil and oil products through pipelines.

24a. (new – SG 74/06, in force from 08.09.2006; amend. – SG 35/11, in force from 03.05.2011) "Energy resources" are the primary energy carriers (coal, oil, gas and others), the oil products, as well as the renewable sources, used for production of electric energy, thermal power or cooling energy.

24b. (new – SG 41/09) "Production of energy resources for satisfying state needs" shall be the production of energy resources for industrial production of electrical and/or thermal energy, carried out within the boundaries of the area subject to concession by the energy enterprise – concessionary, on the grounds of granted concession, where the quantity of the produced by the concessionary energy resources is in an amount, not less than 50 per cent of the produced in the territory of the country annual amounts of the respective energy resources.

24c. (new - SG 35/15, in force from 15.05.2015) "Efficient regional heating and cooling systems" means regional heating or cooling systems using at least 50 percent renewable energy, 50 percent waste energy, 75 percent heating energy of cogeneration or 50 percent of combining such energy with heat.

24d. (new - SG 83/18) "Charging point" means an interface that can be used to charge an electric vehicle or to replace the battery of an electric vehicle.

25. (revoked – SG 74/06, in force from 08.09.2006; new - SG 35/15, in force from 15.05.2015) "Considerable re-equipment" means re-equipment, which costs exceed 50 percent of the investment costs for a comparable new installation.

26. "Economically inexpedient" for the energy enterprise shall be the construction of facilities for connection, the investments which are not compensated by the resources raised from the depreciation deduction and the profit from sale of energy and natural gas through these facilities for a period of eight years, and the price to be paid by a client for the connection.

26a. (new - SG 83/18) "Intelligent Measurement System" is an electronic system that can measure energy consumption by providing more information than a traditional meter and can transmit and receive data through an electronic communication form.

27. "Individual distributor of heating power for heating" is a technical device by whose readings is distributed the heating power consumed by the heating appliances in the building. Their readings shall be in relative units which shall be adjusted by factors for assessment, depending on the type of the device and the type of the heating appliance. The individual distributors shall serve only for determining the share of consumed heating power by each heating appliance as a share of the total consumption of heating power of the building.

27a. (new – SG, 54/2012, in force from 17.07.2012) "Integrated enterprise" is vertical or horizontal integrated enterprise.

27b (new – SG, 54/2012, in force from 17.07.2012) "Client" is a client of wholesale or end client of power or natural gas, including enterprise for natural gas, which buys natural gas.

27c (new – SG, 54/2012, in force from 17.07.2012) "Wholesale client" is a natural or legal person, who buys electric power in view to re-sale, as well as natural or legal person, different from operator of gas transmission and gas distribution network, who buys natural gas for re-sale.

27d (new – SG, 54/2012, in force from 17.07.2012) "End client" is a client, who buys electric power or natural gas for own use.

27e (new – SG, 74/2006 in force from 08.09.2006, former p. 27a, amend. SG, 54/2012, in force from 17.07.2012) "Combined operator" is an energy enterprise, licensed for at least 2 of the activities transmission of natural gas, distribution of natural gas and activity under Art. 39, Para. 1, p. 4.

28. "Combined production of heating and electric power" is a production in one process of heating

and electric power according to the needs of heating power.

28a. (new – SG 74/06, in force from 08.09.2006, amend. – SG, 54/2012, in force from 17.07.2012) "End supplier" is

a) an energy enterprise, supplying with electric power sites of household and non-household end clients, connected to the electric distribution network at low voltage in the respective licensed territory, where these clients have not chosen another supplier, or

b) energy enterprise, supplying sites of clients with natural gas, connected to the gas distribution network in the corresponding licensed territory, where these clients have not chosen another supplier.

29. "Short-term prognostic energy balances" are prognostic energy balances comprising a period of one year.

29a. (new - SG, 54/2012, in force from 17.07.2012) "critical infrastructure in the energy sector" is an element, system or parts of it, which are of major significance for the energy safety of the country, whose violation or destruction would have big consequences on important public functions, health, safety, security, economic or social welfare of the population.

30. "Cross subsidising of integrated energy enterprises" – between the individual activities subject to licensing according to this Act, and/or between the activities subject to licensing under this Act, and other activities" is the inclusion in the price of a licensed activity of expenses of other licensed activity and/or inclusion in the prices of the licensed activity of expenses of not licensed activity.

31. (amend. - SG, 54/2012, in force from 17.07.2012) "Cross subsidising between the individual groups of clients" is the inclusion in the prices for a group of clients of an energy enterprise of a larger size of expenses than the necessary for its individual supply or a lesser size of expenses of the needed for their supply.

31a. (new – SG 74/06, in force from 08.09.2006) "Supervision over the security of the supply" is the balance between the demand and supply of electric power and natural gas on the national market, the level of the expected future consumption and the additional capacities provided for, which are in process of planning and construction, and the quality and the level of maintaining the networks, as well as measures for covering peak consumption and overcoming the deficit of one or more providers, suppliers or dealers.

31b. (new - SG 83/18) "Linear Energy Object" is an underground and / or overhead conduit or a set of conduits including the associated permanently attached to the ground structural components and/or equipment, as well as waterworks of hydro-technical equipment intended for:

a) transmission or distribution of electricity, heat, natural gas, oil or oil products through transmission or distribution networks;

b) production of electrical and / or heat energy;

c) transmission of the extracted oil and natural gas from the site to the areal energy sites.

32. "Material resources" is the presence of basic and auxiliary facilities providing the normal functioning of the energy site.

32a (new. - SG, 54/2012, in force from 17.07.2012) (Intersystem electric pipeline" is an electric pipe line, used for connection for electric power systems.

32b. (new. - SG, 54/2012, in force from 17.07.2012) "Intersystem gas pipe line" is a transmission gas pipe line, which crosses or passes the border between 2 states in view to connection of national gas transport systems of these states.

33. (amend. – SG 35/11, in force from 03.05.2011, amend. - SG, 54/2012, in force from 17.07.2012) "Place of connection to the electric network" is every point of the construction of the transmission or distribution electric network, to which the facilities for connection of one or more clients or producers are connected.

33a (new - SG, 54/2012, in force from 17.07.2012) "non-household client" is a client, who buys electric or heat energy with heat transmission hot water or vapour for heating, air-conditioning, hot water supply and technical needs or natural gas for non-household needs.

34. (amend. - SG, 54/2012, in force from 17.07.2012) "Total heated volume of the building" is the

sum of the volumes of the properties of the clients and the volumes of the premises of the common parts of the condominium to be heated according to the design.

34a (new - SG, 54/2012, in force from 17.07.2012) "Transmission network operator" is:

a) a person – operator of electric transmission network, who carries out transmission of electric power on the electric transmission network and is responsible for its exploitation, maintenance and development at a certain territory and for its interconnections with other networks, as well as for providing in long term plan of the ability of the network to cover reasonable requests for transmission of electric power;

b) a person – operator of gas transmission network, who carries out transmission of natural gas on gas transmission network and is responsible for its exploitation, maintenance and development on a certain territory and for its interconnections with other networks, as well as for providing in long term plan of the ability of the network to cover reasonable requests for transmission of natural gas;

34b (new - SG, 54/2012, in force from 17.07.2012) "Operator of a distribution network" is:

a) a person – operator of electric distribution network, who carries out distribution of electric power on the electric distribution network and is responsible for its functioning, maintenance and development on a certain territory and for its interconnections with other networks, as well as for providing in long term plan of the ability of the network to distribute electric power;

b) a person – operator of gas distribution network, who carries out distribution of natural gas on the gas distribution network and is responsible for its functioning, maintenance and development on a certain territory and for its interconnections with other networks, as well as for providing in long term plan of the ability of the network to distribute natural gas;

34c (new - SG, 54/2012, in force from 17.07.2012) "Operator of a facility for liquid gas" is a natural or legal person, who carries out a function of liquidation of natural gas or import, unload and re-gasification of the liquid natural gas and is responsible for the exploitation of the facilities for liquid natural gas.

34d (new - SG, 54/2012, in force from 17.07.2012) "Operator of a facility for storage" is a natural or legal person, who carries out a function of storage and is responsible for the exploitation of the facilities for storage.

34e. (new - SG 83/18) "Operator of publicly available charging point" is a natural or legal person responsible for the operation of a publicly available charging point.

35. (amend. – SG 74/06, in force from 08.09.2006) "Organised market of electric power" is a combination of forms of trade with electric power where the way, the place and the time of conclusion of the transactions are publicly known and preliminarily announced by trade rules.

36. "Organisational structure" is the organisation of the managerial and executive personnel, showing the number, the functional relations, the coordination between the individual occupations and units depending on the needs of the licensed activity.

36a. (new – SG 74/06, in force from 08.09.2006) "Basic provider" is an enterprise for delivery and/or persons, related to it, who have a market share of more than 75 percent.

37. "Heating appliances" are the tubular heating appliances and standpipes, the rib heating appliances, the flat heating appliances and the convectors, which are constructive elements serving for releasing heat to the premises through radiation and convection heat exchange of the heat carrier supplied to them.

38. "Heated volume of a property" includes the volume of all owned and/or used by the junction premises and the respective adherent parts of the common parts of the building to be heated according to design.

39. "Heated volume of the common parts" is the sum of the volumes of the premises of the common parts of the condominium with heating appliances according to the design.

40. (suppl. – SG 74/06, in force from 08.09.2006) "Market of balancing energy" is an organised trade of electric power and natural gas for the purposes of maintaining a balance between production and

consumption in the electric energy system, respectively between the import and consumption of natural gas, as well as extraction of energy resources.

41. "Ground energy sites" are buildings and permanently attached to them or to a real estate energy equipment, without their linear parts, designated for carrying out the activities of production, transmission and distribution of electric and heating power and natural gas.

41a. (new – SG 74/06, in force from 06.07.2006, amend. SG, 54/2012, in force from 17.07.2012) "Network user" is

a) a natural or legal person, who uses the electric transmission and/or electric distribution network, supplying electric power in the electric transmission and/or electric distribution network or supplied with such a network;

b) a natural or legal person, who uses the gas transmission and/or gas distribution network, supplying or receiving supplies in the gas transmission and/or gas distribution network;

41b. (new - SG, 54/2012, in force from 17.07.2012) "User of energy services" is:

a) (amend. - SG 35/15, in force from 15.05.2015) end client, who buys energy or natural gas, and/or

b) user of transmission and/or distribution network for supply with energy or natural gas.

41c (new - SG, 54/2012, in force from 17.07.2012) "professional independence" is independence while fulfilling the duties of the professional competence from other interests, different from the interests of the contracting authority of the activity.

41d. (new - SG 83/18) "Publicly available charging point" is a charging point that provides non-discriminatory access for users in the European Union. Non-discriminatory access may include different conditions for user identification, use and payment of the service.

42. (amend. – SG 74/06, in force from 08.09.2006, repealed - SG, 54/2012, in force from 17.07.2012, new - SG 38/18, in force from 08.05.2018) "Predicted market price by producer groups depending on the primary energy source" shall be the weighted average annual price determined by the Energy and Water Regulatory Commission under the electricity method procedure, produced by solar energy, wind energy, hydropower, with installed capacity up to 10 MW, by biomass, other renewable sources, and for electricity produced from highly efficient cogeneration produced by natural gas and coal.

43. (amend. and suppl. – SG 74/06, in force from 08.09.2006, repealed - SG, 54/2012, in force from 17.07.2012).

44. (amend. – SG 74/06, in force from 08.09.2006) "Transmission of electric and heat power or natural gas" is the transportation of the electric or heating power or natural gas, oil and oil products through the transmission network or pipelines.

45. (repealed - SG, 54/2012, in force from 17.07.2012).

46. (amend. – SG 74/06, in force from 08.09.2006, suppl. - SG, 54/2012, in force from 17.07.2012).) "Producer" is a person producing electric and/or heat power or gas from renewable sources or carrying out production of natural gas.

47. (repealed - SG, 54/2012, in force from 17.07.2012).

48. "Availability" is a possibility of a producer to provide a capacity at disposal during a definite period of time for the purpose of supplying electric power. It is measured by "Watt per hour" and the derivative units.

49. "Distribution" is transportation of electric power or natural gas via the distribution networks.

50. (amend. - SG, 54/2012, in force from 17.07.2012)."Distribution of heating power" is transportation of heating power via the installations for household hot water supply, heating, air conditioning and other to the clients.

51. (amend. - SG, 54/2012, in force from 17.07.2012, revoked - SG 105/16)

52. (amend. – SG 74/06, in force from 08.09.2006; revoked – SG 49/07)

53. "Settlement" is a system applied by the operator of the electric energy system for individual calculation of the deviation of the actually consumed or produced electric power from the negotiated quantities for a definite period, by a methodology approved by trade rules determined by an ordinance.

53a. (new – SG 74/06; amend. - SG 55/07, in force from 06.07.2007) (*) "System services" are all services, provided by the network operator, necessary for the reliable functioning of the electric power system and the vitality of the market, which include planning, dispatching and management of the reliable work of the network users, settlement of the obligations of the market participants, balanced timetables for delivery.

53b. (new - SG, 54/2012, in force from 17.07.2012)."security of supply" is security of supply, also supply of power and natural gas and technical safety.

54. (amend. SG 18/05; amend. – SG 74/06, in force from 08.09.2006; revoked – SG 74/06, in force from 08.09.2006)

54a. (new – SG 74/06, in force from 08.09.2006) "Special balance group" is a group, formed of licensed companies under art. 39, para 1, item 2, 3, 7, 8 and 10 and producers, selling at prices, regulated by the Commission and/or prices under long-term contracts, to which shall be applied special terms for balancing, according to the rules under art. 91, para 2.

55. "Auxiliary networks" are the command, regulation, protection, communication and information networks necessary for the effective functioning of the transmission and distribution networks.

55a. (new - SG, 54/2012, in force from 17.07.2012)."Auxiliary services" are all the services, needed for the access to the exploitation of the gas transmission network, gas distribution network, facilities for storage of natural gas and/or for liquid natural gas, including balancing the load, mixing and injection of inert gases with the exception of the facilities, kept exclusively for the operators of the gas transmission networks while carrying out their activity.

56. "Medium-term prognostic energy balances" are prognostic energy balances comprising a period of 3 to 5 years.

57. "Devices for registration of the share consumption of the heating power" are devices fitted after the devices for commercial measuring of heating power.

58. "Devices for commercial measuring" are technical devices for measuring having metrological characteristics and designated to be used for measuring, independently or in connection with one or more technical devices, and which are used in selling electric and heating power or natural gas.

59. (amend. – SG 17/15, in force from 06.03.2015) "Years of service in the field of energy sector" is an official and/or working time acquired at a managerial or expert position in governmental or municipal bodies for management of the energy sector, in business companies with subject of activity subject to licensing according to this Act or to concession according to the Underground Natural Resources Act, as well as in the course of research and teaching activity, related to management of activities in energy sector.

59a. (new – SG 18/05; amend. – SG 17/15, in force from 06.03.2015) "Practice in the field of water supply and sewerage" is official or employment practice, obtained at managerial or expert position in state or municipal bodies for management of the activities for water supply and sewerage, in commercial companies with subject of activity subject to regulation under the Water Supply and Sewerage Services Regulation Act, and also as in the course of research and teaching activity, related to management of activities in water supply and sewage.

59b. (new – SG 74/06, in force from 08.09.2006) "Standard balance group" is a group of commercial participants under para 100, para 1, who conclude transactions with electric power at freely negotiated prices, to which shall be applied the general terms of balancing according to the rules under art. 91, para 2.

60. (amend. – SG 74/06, in force from 08.09.2006; amend. – SG 82/09, in force from 16.10.2009; amend. – SG 59/13, in force from 05.07.2013; amend. – SG, 14/2015) "Degree of reliability of the electric energy system" is the determined in percentage by the Minister of Energy probability of creating a balance between consumption and production of electric power in cases of occurrence of deficit in the system.

61. (amend. – SG 74/06, in force from 08.09.2006, amend. - SG 38/18, in force from 08.05.2018) "Standby reserve" is a reserve, necessary for the fixed degree of adequacy, purchased by the operator of the electric energy system in the form of availability of energy production and / or consumption capacities,

which the operator activates in cases of deficit.

61a (new – SG, 54/2012, in force from 17.07.2012) "Facility for liquid natural gas" is a terminal, which is used for liquidation of natural gas or for carrying, unloading and re-gasification of the liquid natural gas and includes auxiliary services and temporary storage, needed for the process of re-gasification and follow up supply to the gas transmission system, but does not include the parts of the terminals for liquid natural gas, used for storage.

61b. (new – SG, 54/2012, in force from 17.07.2012) "Facility for storage" is a facility, used for storage of natural gas and which is owned and/or exploited by an enterprise for natural gas, including the part of the facilities for liquid natural gas, used for storage but with the exception of the part, used for production operations and with the exception of the facilities, kept exclusively for operators of gas transmission systems for carrying out their activity.

62. (amend. - SG, 54/2012, in force from 17.07.2012) "Storing of natural gas" is an activity of blasting natural gas in a facility for storage of natural gas and/or facility for liquid natural gas and its reverse drawing out and return to the gas supply network, not including the supply of natural gas.

63. "Technical capacities" is the total technical and operation state of the energy site in compliance with the normative requirements for uninterrupted, reliable, ecological and safe operation of the facilities by which the licensed activity shall be carried out.

64. "Technological expenses" are the spending of electric and heating power and natural gas inherent to the technological process of their production, transmission, distribution and storing.

65. (amend. - SG, 54/2012, in force from 17.07.2012) "Heat transmission network" is a system of heat pipelines and technological facilities located between the boundaries of ownership of the heat transmission enterprise with the heat source and/or the clients, serving for transmission of heating power from the heat source to the clients.

66. (amend. – SG 74/06, in force from 08.09.2006, repealed -SG, 54/2012, in force from 17.07.2012)

66a. (new - SG 55/07, in force from 06.07.2007) "Traction electric power" is the electric power, consumed by the contact network of the National Company "Railroad Infrastructure" by the electricity traction movable body – electric engines and electric motor carriages, of the licensed railroad carriers.

66b. (new -SG, 54/2012, in force from 17.07.2012)"Service of public interest" is transportation, supply or provision with power or natural gas of a certain quality, regulated price or price, defined on an approved by the commission methods and contractual other conditions, which cannot be refused because of reasons, not indicated by the act.

66c (new -SG, 54/2012, in force from 17.07.2012) "Vulnerable clients" are household clients, who receive target assistance for electric power, heat energy or natural gas under the Act on Social Assistance and the acts of secondary legislation on its implementation.

67. "Financial position" is the total financial and economic state of the applicant considering the implementation of the licence activity.

67a (new -SG, 54/2012, in force from 17.07.2012) "Horizontal integrated enterprise" is:

a) an enterprise, fulfilling at least one of the activities of production for sale or transmission or distribution or supply of electric power and other different activity, or

b) enterprise, fulfilling at least one of the activities of production, transmission, distribution, supply or storage of natural gas and other different activity or

c) enterprise, fulfilling activity of production or transmission of heat energy and other, different activity.

68. (repealed -SG, 54/2012, in force from 17.07.201269). "Human resources" possesses an applicant who has minimal managerial and executive personnel with the necessary education and professional qualification, allowing him to carry out the licence activity.

70. "Power station" is a combination of installations, equipment and auxiliary units connected via technological links, for production of electric power, heating power and/or for combined production of

heating and electric power.

71. (new – SG, 102/17, in force from 01.01.2018) “Operator of stock market” is a person, holding a license for organization of stock market of electric energy.

72. (new – SG, 102/17, in force from 01.01.2018) “Stock market” is combination of all organized market segments, operated and administered by operators of stock market, at which transaction are signed with electronic energy with physical supply.

§ 1a. (new - SG, 54/2012, in force from 17.07.2012, amend. - SG 105/16, suppl. - SG 83/18) This act shall introduce the requirements of Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, on amending Directives 2009/125/EC and 2010/30/EC and repealing Directives 2004/8/EC and 2006/32/EC (OJ, L 315/1 of November 14, 2012, Directive 2005/89/EC of the European Parliament and of the Council of 18 January 2006 concerning measures to safeguard security of electricity supply and infrastructure investment, Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC (OJ, L 211/55 of 14 August 2009) and Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC (OJ, L 211/94 of 14 August 2009) and the requirements of Art. 2, items 3 and 7 and Art. 4, paragraphs 7, 8, 9, 10, 11 and 12 of the Directive 2014/94/EU of the European Parliament and of the Council of 22 October 2014 on the deployment of alternative fuels infrastructure (OB, L 307/1 of 28 October 2014).

§ 1b. (new - SG, 54/2012, in force from 17.07.201269). The provision of this act which refer to the EU Member States shall apply also to other states – parties of the EEA Agreement/

Transitional and concluding provisions

§ 2. This Act revokes the Energy Sector Act and the Energy Efficiency Act (prom., SG 64/99; amend. SG 1/00; SG 108/01; SG 63/02 and SG 9/03) with exception of Chapter Thirteen.

§ 3. (1) The devices for commercial measuring which, by the moment of enactment of this Act, have been property of the consumers shall be bought out by the energy enterprises at their market value within three years from the enactment of the law.

(2) The obligation of the energy enterprises to buy out the devices for commercial measuring under para 1 shall be dropped where they fit, within the terms of buying out, their own facilities in replacement of the existing ones.

§ 4. (1) (amend. - SG, 54/2012, in force from 17.07.201269). The energy sites and facilities representing elements of the respective transmission or distribution network which, by the moment of enactment of this Act, must be property of the licensed energy enterprises, but they are property of third persons, shall be bought out by the transmission or by the respective distribution enterprise depending on the belonging of the site to the networks, within 12 years from the enactment of this Act.

(2) (amend. - SG, 54/2012, in force from 17.07.201269). The transmission, respectively the distribution enterprise, shall not be obliged to buy out the constructed facilities and/or electric power lines – property of clients connected to the transmission, respectively to the distribution network, to which they have been actually connected without a contract for connection of new clients.

(3) The sites under para 1 shall be bought out at their market value. In the event that the parties do

not reach an agreement on their value they shall assign an assessment of the sites to an independent licensed auditor. The value of the site determined by the assessor shall be the price of buying out transaction. On failure to reach an agreement for appointing an assessor within 60 days from receiving an invitation for that by the other party the energy enterprise and/or the owner of the sites shall have the right to file a request to the Chairman of the Commission for appointing an independent assessor. The assessor, thus appointed, shall be obligatory for the parties. The expenses related to the assessment shall be equally divided among the parties.

(4) The energy enterprises and the owners under para 1 may not, without stating grounds, refuse to buy out or respectively sold the energy sites.

(4a) (New - SG 38/18, in force from 08.05.2018) In case the buy out transaction has not been performed or there is no justified refusal under Para. 4, the energy enterprise, within three months after the invitation by the owners under Para. 1, shall be obliged to pay rent according to a methodology determined by the Commission, depending on the type and capacity of the facility.

(5) The obligation of the energy enterprises to buy out the energy sites under para 1 shall be dropped when, within the terms stipulated for buying out, they construct their own facilities as a replacement of the existing ones.

(6) (amend., SG 18/04) In the event of an ungrounded refusal telecommunications sell energy sites and facilities – an element of the transmission system and/or of the distribution networks on part of their owners these sites and facilities, along with the adherent terrains shall be alienated by the order of art. 63.

(7) (amend. - SG, 54/2012, in force from 17.07.201269). The energy sites under para 1 which, by the date of enactment of the law, have been private state or municipal property and have been constructed by resources of the state or municipal budget shall be transferred gratuitously to the energy enterprises for a period of 12 years from the enactment of this Act.

(8) The energy enterprises shall be obliged to transmission gratuitously, within a period of 2 years from the enactment of this Act, the contained in their assets facilities for outside lightening of streets, squares, parks, gardens and other real estate – public municipal property of the respective municipalities.

(9) On restructuring real estate – former state property, if they contain constructed energy sites included in the long-term tangible assets of the energy enterprise, the owners of returned real estate shall not have the right to request their moving, to deprive other consumers of power supply and to obstruct the activity of the energy enterprises.

(10) The owners of real estate with constructed energy sites on them shall have the right to carry out construction or other activities on them by observing the normative requirements for safe operation of energy sites and upon coordination with the energy enterprise.

(11) In privatisation of sites on whose territory energy sites have been constructed they shall not be included in the subject of the transaction if more than one consumer is supplied through them by power or natural gas. These sites shall be transferred to the respective energy enterprise by the order of the preceding paras.

(12) (new – SG, 54/2012, in force from 17.07.2012) Gas pipe lines, which are owned by non-household clients, connect non-household clients with gas transmission network and do not serve for supply of household clients, are not subject to purchasing by licensed energy enterprises.

§ 4a. (new – SG 47/11, in force from 21.06.2011, amend. - SG, 54/2012, in force from 17.07.2012) The sites and the facilities, managed by the National Company "Railway Infrastructure", which are components of the transmission or of the distribution system, and which must be property of the licensed energy undertakings, but which are property of third persons, shall be purchased by the transmission or by the respective distribution undertaking depending on belonging of the site to the networks not later than December 13, 2016.

§ 5. The members of the State Commission for Energy Regulation, including the Chairman and deputy chairman, shall complete their mandates according to the revoked Energy Sector Act and the Energy Efficiency Act.

§ 6. (revoked – SG 74/06, in force from 08.09.2006)

§ 7. The provision of art. 4, para 2, item 14 shall apply by December 31, 2005.

§ 8. (amend. and suppl. – SG 74/06, in force from 08.09.2006, amend. - SG, 54/2012, in force from 17.07.2012)) Unrecoverable expenses of the energy enterprises under art. 34 and 35 may be compensated by the order of art. 21, para 1, item 17.

§ 9. (revoked – SG 74/06, in force from 08.09.2006)

§ 10 (revoked – SG 74/06, in force from 08.09.2006)

§ 11 (revoked – SG 74/06, in force from 08.09.2006)

§ 12. (1) The licences and permits issued pursuant to the revoked Energy Sector Act and the Energy Efficiency Act shall retain their effect inasmuch as they do not contradict this Act. The requirements for separate territory under art. 43, para 3 – 5 shall not apply regarding them.

(2) The holders of the issued permits for construction of energy sites under art. 37, para 1 of the revoked Energy Sector Act and the Energy Efficiency Act shall be obliged to file an application to the Commission within 6 months from the enactment of the ordinance under art. 60 for issuance of licence under art. 39, para 3.

(3) The issued licences which contradict this Act or which are incomplete shall be re-issued to the same licensees for the remainder of the term of validity of the acting licences or shall be supplemented upon discretion of the Commission. The licensees whose licences are subject to re-issuance or supplementing shall be obliged to file an application to the Commission within 6 months from the enactment of the ordinance under art. 60. Fees shall not be due for the procedures of re-issuance or supplementing.

(4) For re-issuance or supplement of licences under para 3 it shall not be necessary to present proof which has already been presented for the issuance of the initial licence in the cases where there are no new circumstances.

(5) Until the issuance of a new licence under para 2 the licensees shall have the right to carry out the activities for which they have been licensed.

§ 13. The pending proceedings found at the time of enactment of the law for issuance of permits or licences according to the revoked Energy Sector Act and the Energy Efficiency Act shall be concluded by the order and under the conditions of this Act.

§ 14. The list for construction of new gas distribution networks issued pursuant to art. 4, item 7 of the revoked Energy Sector Act and the Energy Efficiency Act shall remain in effect after the adoption of this Act, and the found tender procedures for choice of an investor for construction of new gas distribution networks shall be concluded by the previous order.

§ 15. (1) (amend. – SG 74/06, in force from 08.09.2006) The activities related to management of the electric power system and to organising a market of electric power shall be separated legally and organisationally, from the other activities of the National Electric Company" Co. not later than the date of entering into force of the Treaty of Accession of the Republic of Bulgaria to the European Union. National Electric Company" Co. shall submit applications to the commission for permitting transformation and/or transactions of disposal with property, with which license activity is carried out, and for issuing the respective licenses.

(2) Licence for carrying out the activity of public supplier of electric power shall be issued to the National Electric Company" Co. within 6 months from the enactment of the law. Until the date of enactment of the respective licence the National Electric Company" Co. shall carry out the functions of a public supplier of electric power ensuing from this Act.

(3) Licence for transmission of electric power shall be issued to the National Electric Company" Co. within 6 months from the enactment of the law. Until the date of enactment of the licence the National Electric Company" Co. shall carry out the activities related to the transmission of electric power ensuing from this Act.

(4) (amend. – SG 74/06, in force from 08.09.2006) A licence for the activities for management of the electric power system and for organising market of electric power shall be issued to the electric power system operator – legal person, after its forming by the National Electric Company" Co. The Commission shall issue this licence ex-officio upon producing proof of the transformation carried out under para 1.

(5) (revoked – SG 74/06, in force from 08.09.2006)

§ 16. (revoked – SG 17/15, in force from 06.03.2015)

§ 17. (amend. – SG 74/06, in force from 08.09.2006) (1) The activities related to distribution of electric power and operative management of the distribution networks shall be separated legally and organisationally from the supply of electric power and from the other activities of the electric distribution enterprises by December 31, 2006, but not later than the date of entering into force of the Treaty of Accession of the Republic of Bulgaria to the European Union. The electric distribution enterprises shall submit applications for allowing transformation and/or transactions of disposal with property, with which the license activity is carried out, and for issuing and/or amending and/or termination of the respective licenses.

(2) Licences for carrying out the activity of a public supplier of electric power shall be issued to the electric distribution companies within 6 months from the enactment of the law. Until the date of enactment of the respective licence the electric distribution companies shall fulfil the functions of public providers of electric power ensuing from this Act for the respective territories.

(3) Licences for distribution of electric power on the respective territories shall be issued to the existing electric distribution companies within 6 months from the enactment of the law. Until the date of enactment of the licences the electric distribution companies shall carry out the activities of distribution of electric power on the respective territories, ensuing from this Act.

(4) Depending on the type of the transformation under para 1 and in correspondence with the activities, carried out by transformed companies after the transformation, the licences for distribution of electric power and the licences for supply of electric power of the existing electric distribution enterprises and their successors shall be amended and/or terminated respectively, or new licenses shall be issued. For the newly issued or amended licenses the transformed companies do not owe the initial license fees under art. 29, pa5ra 3, item 1.

(5) After the transformation under para 1 the electric distribution enterprises shall obtain all rights and shall undertake all obligations, related to the distribution of electric power on the separate territory, determined by the license for distribution of electric power, including the rights and obligations, which have occurred prior to the transformation, related to the regulation of the relevant prices, and the public providers

shall obtain all rights and shall undertake all obligations, related to the supply of electric power on the separate territory, determined by the license for public supply of electric power, including the rights and obligations, which have occurred prior to the transformation, related to the regulation of the relevant prices.

§ 18. (1) Until the transformation of the National Electric Company" Co. according to § 15, respectively of the electric distribution companies according to § 17, the provisions of art. 104. para 1 shall apply only for the quantities of electric power traded at freely negotiated prices.

(2) The provisions of art. 104, para 2 shall apply among the transformed, in the meaning of § 15, public supplier and the transformed, in the meaning of § 17, public providers and distribution enterprises.

§ 19. (1) (amend. – SG, 54/2012, in force from 17.07.2012) In the cases when a client does not install a water meter for hot water in a private property the heating power for heating water shall be calculated according to the norms for water consumption determined by the ordinance under art. 125, para 3.

(2) (amend. – SG, 54/2012, in force from 17.07.2012) In the cases when a housing property is used or submitted to other persons for carrying out economic activity the owner or the holder of the real right of using shall be obliged to inform about that the heat transmission enterprise within 30 days from starting the economic activity or from submitting the property. For failure to notify to owner or the holder of the real right of using shall pay the heating power at a price for non-household needs, increased by 20 percent for the overdue period. The provision shall have effect while different prices of heating power apply for household and non-household needs.

(3) (amend. – SG 74/06, in force from 08.09.2006) Where the heat transmission enterprise establishes a technical impossibility of applying the system of share distribution of the heating power in a condominium, the distribution shall be carried out by the heat transmission enterprise under conditions and by an order determined by the ordinance under art. 125, para 3.

(4) (new – SG 74/06, in force from 08.09.2006, amend. – SG, 54/2012, in force from 17.07.2012) The clients shall not be entitled to install additional isolating or stopping fitting to the entrance and the exit of the heating appliances.

§ 20. By January 1, 2010 the quantity of electric power necessary for providing the operational reliability of the basic facilities in existing by the moment of enactment of this Act heat electric power stations with combined production of heat and electric power, produced above the quantity of electric power by a combined method, shall be bought out by the public supplier and or by the public providers at negotiable prices.

§ 21. By January 1, 2010 the public supplier and/or the public providers shall be obliged to buy out the whole quantity of electric power registered by a certificate of origin from combined production, produced by the existing, by the moment of enactment of this Act, heat electric power plants for combined production of heat and electric power, without achieved indices of high efficiency, at preferential prices, according to the respective ordinances under art. 36, para 3, with exception of the quantities used by the producer for his own needs, or he has concluded contracts by the order of Chapter Nine, section VII or by which he participates on the balancing market. For power stations, having achieved an index of high efficiency before this date shall apply the provisions of art. 163.

§ 22. (1) (amend. – SG 74/06, in force from 08.09.2006) The activities of "Bulgargas" Co., related to transmission of natural gas shall be separated, in corporate and organisational aspect, from the activities, related to public delivery of natural gas up to the 31st of December 2006, but not later than the date of entering into force of the Treaty of Accession of the Republic of Bulgaria to the European Union.

"Bulgargas" Co. shall submit applications to the Commission for allowing transformation and/or transactions of disposal with property, with which the license activity is carried out, and for issuing the respective licenses.

(2) Licence for carrying out the activity of public supplier of natural gas shall be issued to "Bulgargas" Co. until the transformation under para 1. Until the date of enactment of the respective licence "Bulgargas" Co. shall fulfil the functions of a public supplier of natural gas ensuing from this Act.

(3) Licences for transmission and for transit transmission of natural gas shall be issued to "Bulgargas" Co. until the transformation under para 1. Until the date of enactment of the respective licence "Bulgargas" Co. shall carry out the activities of transmission of natural gas ensuing from this Act.

(4) Licence for storing natural gas shall be issued to "Bulgargas" Co. until the transformation under para 1. Until the date of enactment of the respective licence "Bulgargas" Co. shall carry out the activities of storing natural gas ensuing from this Act.

(5) (revoked – SG 74/06, in force from 08.09.2006).

(6) The prohibition under art. 44, para 2 shall apply after the date of transformation under para 1.

(7) The existing consumers, in the meaning of art. 175, item 8 and 9, of the transmission enterprise by the enactment of this Act shall be considered directly connected consumers.

(7) The existing consumers, in the meaning of art. 175, item 8 and 9, of the transfer enterprise by the enactment of this Act shall be considered directly connected consumers.

(8) (new – SG 74/06, in force from 08.09.2006) In the cases when as a result of the restructuring under para 1, the license for carrying out the activity of public delivery of natural gas, issued according to para 2, is terminated and issued to another person, the new holder of the license shall replace "Bulgargas" Co. as a party to the contracts for delivery of natural gas, concluded by "Bulgargas" Co. till the moment of termination of the indicated license.

(9) (new – SG 74/06, in force from 08.09.2006) In the cases when as a result of the restructuring under para 1, the license for carrying out the activity of transit transmission of natural gas, issued as per para 3, is terminated and issued to another person, the new holder of the license shall replace "Bulgargas" Co. as a party to the contracts for transit transmission of natural gas, concluded by "Bulgargas" Co. till the moment of termination of the indicated license.

§ 22a. (new – SG 74/06, in force from the date of entry into effect of the Treaty of Accession of the Republic of Bulgaria to the European Union) (1) In the event that the following conditions are simultaneously present:

1. the Republic of Bulgaria is directly connected to the gas transport network of another Member State of the European Union, and

2. the market share of the basic provider of gas or persons, related to the latter within the meaning of the Commercial Act is more than 75 percent, the interested parties can address a request to the Commission to be temporarily exempted from applying the provisions of chapter four, art. 172, para 1 and art. 197, para 2.

(2) The Commission shall pronounce on the request under para 1 in one month term and shall notify immediately the European commission of the entered into force decision for temporary exemption.

§ 23. (1) (suppl. – SG 74/06, in force from 08.09.2006, amend. – SG, 54/2012, in force from 17.07.2012) The activities related to distribution of natural gas shall be separated, in corporate and organisational aspect, from the supply of natural gas to end clients and from the other activities of the gas distribution companies where no less than 100 thousand end clients of natural gas are connected to the distribution network. The gas distribution enterprises shall submit applications for allowing transformation and/or transactions of disposal with property, with which the license activity is carried out, and for issuing the respective licenses.

(2) Licences for activity of public provider of natural gas shall be issued to the gas distribution companies until the completion of the transformation under para 1. Until the date of enactment of the respective licence the gas distribution companies shall fulfil the functions of public providers of natural gas, ensuing from this Act, for the respective territory.

(3) Licences for distribution of natural gas on the respective territories shall be issued to the existing gas distribution companies until the conclusion of the transformation under para 1. Until the date of enactment of the respective licences the gas distribution companies shall fulfil the activities of distribution of natural gas, ensuing from this Act, on the respective territories.

(4) (revoked – SG 74/06, in force from 08.09.2006).

§ 24. (revoked – SG 74/06, in force from 08.09.2006)

§ 25. In the cases when in the assets of the energy enterprises is included property of rightful claimants under the Act on Indemnification of Owners of Expropriated Real Estate or under art. 18 of the revoked Act on Transformation and Privatisation of State and Municipal Enterprises (Revoked SG 28/02), the latter shall be indemnified only by compensation records by the procedure of the Act on Indemnification of Owners of Nationalised Properties.

§ 26. (1) Occurred easement rights, by virtue of the revoked Energy Sector Act and the Energy Efficiency Act, in favour of the energy enterprises for energy sites existing by the enactment of this Act, shall retain their effect.

(2) The sizes, the location and the special regime of using the easements under para 1 shall be determined by the order and the way stipulated by the ordinance under art. 64, para 9.

(3) The easement rights under para 1 shall be registered at a request of the respective energy enterprise – owner of the energy site, in the registry office and in the property register at the location of the subservient land property.

§ 27. The following amendments and supplements are introduced to the Spatial Development Act (prom., SG 1/01; amend., SG 41 and 111/01; SG 43/02; SG 20 and 65/03):

1. In art. 73, para 1, second sentence the words "the operating company or shall be divided between it and" are deleted.

2. In art. 182, para 2, at the end of the first sentence, after the figure 4 is added "or easement has been established under art. 64 and § 26 of the transitional and concluding provisions of the Energy Sector Act".

3. In §5, item 31, after the word "electric power supply" is added "and heat power supply".

§ 28. In art. 15 of the Protection of Competition Act (prom., SG 52/98; SG 112/98 – Decision No 22 of the Constitutional Court of 1998; amend., SG 81/99; SG 28/02; SG 9/03) para 2 is amended as follows:

"(2) The unification of the general conditions shall only be admitted by a decision of the commission, except in the cases where they are approved by a competent body carrying out regulation and control. The permit shall be given within two months from filing the request by the enterprises under para 1."

§ 29. The following amendments and supplements are introduced to the Act on Limitation of the Administrative Regulation and the Administrative Control over the Business Activity (prom., SG 55/03;

corr., SG 59/03):

1. In art. 13:

a) the previous text becomes para 1;

b) para 2 is created:

"(2) Para 1 shall apply only where a special law does not determine other procedure on the grounds of exclusive rights."

2. Item 28 of the appendix to art. 9, para 1, item 2 is amended as follows:

"28. Activities in the energy sector settled by a special law."

§ 30. The following amendments are introduced to the Law of the obligatory reserves of oil and oil products (SG 9/03):

1. In art. 3 para 2 is amended as follows:

"(2) The reserves of oil products created and maintained by the energy enterprises by the order of art. 85, para 1 and art. 128 of the Energy Sector Act, shall be included in the total quantity of reserves under this Act."

2. In art. 4, para 4 is amended as follows:

"(4) The obliged persons according to art. 85, para 1 and art. 128 of the Energy Sector Act shall work out and present to the State Agency "State reserve and war-time reserves" annually, by February 25, information regarding their reserves of oil products for the current calendar year."

3. In art. 24, para 3 is amended as follows:

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

§ 31. Para 5 is created in art. 47 of the Waters Act (prom., SG 67/99; amend., SG 81/00. SG 34, 41 and 108/01, SG 47, 74 and 91/02, SG 42, 69 and 84/03):

"(5) For production of geo-thermal energy by mineral waters – exclusive state property, where they are used only as heat carrier and return in the respective bed, concession shall be paid determined by a methodology adopted by the Minister of Environment and Waters and the Minister of energy and energy resources."

§ 32. The following amendments and supplements are introduced to the Forestry Act (prom., SG 125/97; amend., SG 79 and 133/98, SG 26/99, SG 29 and 78/00, SG 77, 79 and 99/02, SG 16/03):

1. In art. 16, para 5, item 1 the words "air electric power lines" are deleted.

2. Art. 16b is created:

"Art. 16b. (1) For easement around air and underground power lines, heat pipelines and gas pipelines shall apply the provisions of Chapter Five of the Energy Sector Act.

(2) The easement around the energy sites located on forests and lands of the forest fund shall be coordinated by the energy enterprises with the National Department of Forests.

(3) The determination of the size of the indemnification for easement on forests and lands of the forest fund under para 2 shall be carried out by the order of the ordinance under art. 19."

§ 33. In art. 32 of the Technical Requirements to Products Act (prom., SG 86/99; amend., SG 63 and 93/02; SG 18/03), after the words "acetylene appliances" is added "oil pipelines and oil products pipelines".

§ 34. (1) The acts of secondary legislation for the implementation of this Act shall be adopted within 6 months from its enactment.

(2) Until the issuance of the acts of secondary legislation stipulated by this Act, shall apply the acts of secondary legislation issued for implementation of the revoked Energy Sector and Energy Efficiency Act, inasmuch as they do not contradict this Act.

§ 35. The provision of § 33 shall take effect 6 months after the promulgation of the Act in the State Gazette.

The Act was passed by the 39th National Assembly on November 26, 2003 and was affixed with the official seal of the National Assembly

**Transitional and concluding provisions
TO THE ADMINISTRATIVE PROCEDURE CODE**

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

§ 47. In the Energy Sector Act (prom. – SG 107/03; amend. – SG 18/04, 18 and 95/05) the words "Administrative Procedure Act" shall be replaced by "Administrative Procedure Code".

.....

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

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

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

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

**Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE WATERS ACT**

(PROM. – SG 65/06, IN FORCE FROM 11.08.2006)

§ 145. This Act shall enter into force from its promulgation in State Gazette, except for the provisions of:

1. paragraph 18, item 3, which shall enter into force one year after the entry into force of this Act;

2. paragraph 48 with respect to its part regarding the provision of art. 118a, para 1, item 1, which shall enter into force from 22nd of December 2013;

3. paragraph 60, item 5, which shall enter into force from the 1st of March 2007;

4. paragraph 73 – with respect to its part regarding the provision of art. 155a, para 1, item 1, which shall enter into force one year after the entry into force of this Act.

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

(PROM. – SG 74/06, IN FORCE FROM 08.09.2006, AMEND. – SG, 54/2012, IN FORCE FROM 17.07.2012)

§ 125. Everywhere in the Act:

1. The words "The Minister of Energy and Energy Resources", "Minister of Energy and Energy Resources" and "The Ministry of Energy and Energy Resources" shall be replaced respectively by the words "The Minister of Economy and Energy", "Minister of Economy and Energy" and "The Ministry of Economy and Energy".

2. The words "the act by which the Republic of Bulgaria is recognised as full member of the European Union" shall be replaced by "The Treaty of Accession of the Republic of Bulgaria to the European Union".

§ 126. (In force from 01.07. 2007, repealed – SG, 54/2012, in force from 17.07.2012)

§ 127. (revoked – SG 49/07)

§ 128. (repealed – SG, 54/2012, in force from 17.07.2012)

§ 129. (1) The licenses for carrying out activity of supplying with electric power by end suppliers on the respective territories shall be issued ex officio by the Commission to the existing public providers of electric power till the 1st of July 2008.

(2) Till the date of entry into force of the newly issued licenses under para 1 the public providers of electric power shall carry out the functions of end suppliers on the respective territories, ensuing from this Act, and the licenses, issued to them for public supply with electric power, as far as they do not contradict this Act.

(3) The licenses under para 1 shall be issued for the rest of the validity term of the existing licenses for public supply with electric power.

§ 130. (1) The licenses for carrying out activity of supplying with natural gas by end suppliers on the respective territories shall be issued ex officio by the Commission to the existing public providers of natural gas till the 1st of July 2008.

(2) Till the date of entry into force of the newly issued licenses under para 1 the public providers of natural gas shall carry out the functions of end suppliers on the respective territories, ensuing from this Act, and the licenses, issued to them for public supply with natural gas, as far as they do not contradict this Act.

(3) The licenses under para 1 shall be issued for the rest of the validity term of the existing licenses for public supply with natural gas.

§ 131. The dealers, who by the date of entry into force of this Act carry out activity of share distribution of heat power in buildings – condominium, shall be obliged to submit an application for registration by the order of art. 139a, para 3 in three months term from the entry into force of the law.

§ 132. The provision of § 27 regarding the amendment of art. 49, para 3 and 4 shall also be applied

to the previous proceedings unfinished by the moment of entry into force of this Act, instituted by the order of art. 46, para 2, with respect to which there is no decision for determining a holder of license by the Commission.

§ 133. (1) The provision of § 55 regarding the amendment of art. 102 shall also be applied to the transactions with local persons in a Member State of the European Union, from the date of entry into effect of the Treaty of Accession of the Republic of Bulgaria to the European Union.

(2) The entry into force of § 55 shall restrict respectively the exclusive right of the public supplier for import and export of electric power under art. 93, para 2.

(3) The provision of § 55 shall be applied from the date of entry into force of this Act with respect to producers of electric power with:

1. a license under art. 39, para 3 for construction of new energy site for production of electric energy;

2. a permission for expansion under art. 35, para 1, item 1 from the revoked Energy Sector and Energy Efficiency Act (Prom. SG 64/16 Jul 1999, amend. SG 1/4 Jan 2000, amend. SG 108/14 Dec 2001, amend. SG 63/28 Jun 2002, amend. SG 9/31 Jan 2003, amend. SG 107/9 Dec 2003, rev. SG 18/5 Mar 2004) only regarding the increase of the capacity.

§ 134. The provision of § 105 regarding the creation of art. 176a shall enter into force with respect to the transactions with local persons in a Member State of the European Union, from the date of entry into effect of the Treaty of Accession of the Republic of Bulgaria to the European Union.

§ 135. Till the entry into force of the provision of § 12, item 6 regarding the repeal of art. 21, para 1, item 17 the Commission shall determine the availability according to which every producer may conclude transactions with privileged consumers, dealers of electric power and other producers under the conditions and the rules of art. 91, para 2 or may take part in organised market.

§ 136. Till the entry into force of the provision of § 24, item 2, letter "a" regarding the repeal of art. 43, para 2, item 2 for a separate territory under 43, para 3 shall be issued only one license for public supply of electric power.

§ 137. Till the entry into force of the provision of § 24, item 2, letter "a" regarding the repeal of art. 43, para 2, item 2 for a separate territory under 43, para 5 shall be issued only one license for public supply of natural gas.

§ 138. Till the entry into force of the provision of § 50, item 1, letter "a" – in the part regarding the repeal of art. 97, para 1, item 4, at prices, regulated by the Commission, shall be concluded transactions with electric power between the public supplier and the consumers, connected to the transmission network, who have not chosen a supplier.

§ 140. The acts of secondary legislation regarding the application of the Energy Sector Act shall be adopted or brought in alignment with this Act in 6-months term from its entry into force.

§ 141. This Act shall enter into force from the day its promulgation in State Gazette, except for the

provisions of:

1. (amend. - SG 55/07, in force from 06.07.2007) paragraph 3, item 2, letter "f" regarding art. 4, para 2, item 18b and 18c, § 12, item 8 regarding art. 21, para 1, item 19a and 19b, § 23, item 2; § 26, § 28, § 103 regarding art. 172a and art. 172c, § 104, item 2, § 106, item 1, § 107, item 1, §113, §121, §122, §124, item 9, which shall enter into force from the date of entry into effect of the Treaty of Accession of the Republic of Bulgaria to the European Union.

2. (amend. - SG 55/07, in force from 06.07.2007) paragraph 12, item 2, 6 and 7, § 16, item 1, 4, 5 and 6, § 22, item 1, letters "a" and "b", § 24, item 2, 3 and 5, § 44, item 2 and 5, § 46, § 48, § 50, item 1, letters "a" and "c", § 51, § 53, § 56, § 74, § 97, item 1 and 2, § 100, item 1, § 103 regarding the creation of art. 172b, § 104, items 1 and 3, § 106, item 2, § 107, item 2, § 108, § 110, § 111, 112, §123, item 13 and § 126, which shall enter into force from the 1st of July 2007;

3. paragraph 16, item 4 and 7, § 22, item 1, letter "c", § 23, item 1, § 25, item 1, § 35, § 39, § 40, § 41, § 44, item 4, § 50, item 2, § 52, § 54, § 59, item 1, § 61, § 62, § 64, § 65, § 66, § 71, § 72, § 76, item 1 and § 123, item 25, which shall enter into force from the date of entry in the Commercial register of the decision for transformation of the "National Electric Company" Co., however, not later than the date of entry into effect of the Treaty of Accession of the Republic of Bulgaria to the European Union.

Transitional and concluding provisions

TO THE ACT ON RENEWABLE AND ALTERNATIVE ENERGY SOURCES AND BIOFUELS

(PROM. – SG 49/07)

§ 6. (1) The acts of secondary legislation regarding the implementation of the Law shall be adopted in 6-month term from its entry into force.

(2) The acts of secondary legislation regarding the implementation of the Energy Sector Act shall be brought in compliance with this Act within the term fixed in para 1.

Transitional and concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE ENERGY EFFICIENCY ACT

(PROM. - SG 55/07, IN FORCE FROM 06.07.2007)

§ 31. This Act shall enter into force from the day of its promulgation in the State Gazette, except the provisions of § 26, Items 1, 2, 3, 4, 5 and 6, which shall enter into force from 1 July 2007, and the provision of § 27, which shall enter into force from 1 January 2008.

Transitional and concluding provisions

TO THE CIVIL PROCEDURE CODE

(PROM. – SG 59/07, IN FORCE FROM 01.03.2008)

§ 61. This code shall enter into force from 1 March 2008, except for:

1. Part Seven "Special rules related to proceedings on civil cases subject to application of European Union legislation"

2. paragraph 2, par. 4;

3. paragraph 3 related to revoking of Chapter Thirty Two "a" "Special rules for recognition and admission of fulfilment of decisions of foreign courts and of other foreign bodies" with Art. 307a – 307e and Part Seven "Proceedings for returning a child or exercising the right of personal relations" with Art. 502 –

507;

4. paragraph 4, par. 2;

5. paragraph 24;

6. paragraph 60,

which shall enter into force three days after the promulgation of the Code in the State Gazette.

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

(PROM. – SG 98/08, IN FORCE FROM 14.11.2008)

§ 20. This Act shall enter into force from its promulgation in the State Gazette, except the provision of Art. 29, Para 2, which shall enter into force one year after entry into force of this Act, and the provisions of Art. 38, Para 3 and 4, which shall enter into force 6 months after its entry into force.

**Transitional and concluding provisions
TO THE ACT ON DEFENSE AND ARMED FORCES OF THE REPUBLIC OF BULGARIA**

(PROM. – SG 35/09, IN FORCE FROM 12.05.2000)

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

**Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE TOURISM ACT**

(PROM. - SG 82/09, IN FORCE FROM 16.10.2009)

§ 26. In the Energy Sector Act (prom. – SG 107/03; amend. – SG 18/04, SG 18 and 95/05, SG 30, 65 and 74/06, SG 49, 55 and 59/07, SG 36, 43 and 98/08, SG 35, 41 and 42/09) everywhere the words "the Minister of Economy and Energy", "Minister of Economy and Energy" and "the Ministry of Economy and Energy" shall be replaced respectively with "the Minister of Economy, Energy and Tourism", "Minister of Economy, Energy and Tourism" and "the Ministry of Economy, Energy and Tourism".

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§ 59. The Act shall enter into force from 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 54/10, IN FORCE FROM 16.07.2010)

§ 24. (1) By June 30, 2010, the quantity of electricity required to ensure the operational reliability of the major facilities at the combined heat and power plants, generated in excess of the quantity of co-generated electricity, shall obligatorily be purchased by the public provider and/or by the end suppliers at negotiated prices.

(2) From July 1, 2010 until January 1, 2012 the public provider and/or the end suppliers shall be obligated to purchase the quantity of electricity required to ensure the level of operating reliability of the main facilities at the heat and power plants with combined heat and electricity generation, exceeding the

amount of co-generated electricity, save the quantities for which the producer has concluded contracts according to the procedure set out in Section VII of Chapter Nine, at a price fixed on the basis of the individual expenses for its generation pursuant to the procedure provided for in the ordinances as per Art. 36, para 3.

§ 25. (1) By January 1, 2012, the public provider and/or the end suppliers shall be obligated to purchase the entire quantity of electricity registered by a certificate of origin from combined generation, generated by the combined heat and power plants existing at the moment of the entry into force of this Act, without high efficiency parameters achieved, at prices according to the relevant ordinances referred to in Art. 36, para 3, with the exception of the quantities which the producer consumes for its own uses or for which contracts have been concluded according to the procedure set out in Section VII of Chapter Nine, or with which the producer participates in the balancing market. The provisions of Art. 162 herein shall apply to any plants which have achieved a high efficiency parameter.

(2) Dropping off the preferential price for the electricity registered by a certificate of origin from combined generation, without achieving the high efficiency parameters under para 1, shall become effective on July 1, 2010.

§ 26. Within three months from the entry into force of this Act the Council of Ministers shall remove from office the Chairperson, the Deputy Chairpersons and the members of the Commission and shall appoint a Chairperson and six other members. The term of office of three of the members, two with experience in the energy sector and one with experience in the sphere of water supply and sewerage, shall be two and a half years.

§ 27. The agreements mentioned in Art. 140, para 5 relating to condominium buildings with share distribution devices that have been installed, changed, or the batteries of which have been replaced, shall be concluded by December 31, 2010.

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§ 29. This 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 ACT ON PREVENTION AND
FINDINGS OF CONFLICT OF INTERESTS**

(PROM. - SG 97/10, IN FORCE FROM 10.12.2010)

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

1. paragraph 11 regarding Art. 22a – 22e, which shall enter into force from January 1, 2011;
2. paragraphs 7, 8, 9, § 11 regarding Art. 22f – 22i and § 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23, which shall enter into force from April 1, 2011.

**Transitional and concluding provisions
TO THE ENERGY FROM RENEWABLE SOURCES ACT**

(PROM. - SG 35/11, IN FORCE FROM 03.05.2011)

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

1. article 20, par. 1, 2 and 3, which shall enter into force from January 1, 2012 for buildings of public services, and for the remaining buildings – from December 31, 2014;
2. article 21, par. 1, 2, 3 and 4, which shall enter into force from December 31, 2012;
3. article 22, par. 1, 2, 3, 4 and 5, which shall enter into force from January 1, 2012;
4. article 23, par. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, which shall enter into force from July 1, 2012.

Transitional and concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE RAILWAY TRANSPORT ACT

(PROM. - SG 47/11, IN FORCE FROM 21.06.2011)

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

1. paragraph 17 with reference to Art. 35, par. 2 and 5 and § 50 with reference to Art. 30, par. 1, item 11, which shall enter into force three months after promulgation of the Act in the State Gazette.
2. paragraph 46 with reference to Art. 139, items 1 -3, 5 – 12, 15 – 23, 25 and 26, Art. 140, item 1, 3 – 6q 8 – 10, Art. 141 and 143, which shall enter into force from December 4, 2014.

Transitional and concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE CIVIL SERVANTS ACT

(PROM. - SG 38/12, IN FORCE FROM 01.07.2012)

§ 84. (In force from 18.05.2012) Within one month from the promulgation of the Act in the State Gazette:

1. the Council of Ministers shall bring the Classifier of Administration Positions in compliance with this Act;
2. the competent authorities shall bring the statutory rules of the respective administration in compliance with this Act.

§ 85. (1) Legal relations with the persons from administrations under the Radio and Television Act, the Independent Financial Audit Act, the Electronic Communications Act and the Financial Supervision Commission Act, Act on Access to and Disclosure of the Documents and Announcing Affiliation of Bulgarian Citizens with the State Security Service and the Intelligence Services of the Bulgarian Popular Army, Confiscation by the State of Proceeds of Crime, Act on Prevention and Findings of Conflict of Interests, Code of Social Insurance, Health Insurance Act, Agricultural Producers Assistance Act and the Roads Act shall be regulated under the terms and following the procedure of § 36 of the Transitional and Final provisions of the Act Amending and Supplementing the State Servant Act (SG 24/06).

(2) By the act appointing the civil servant shall be:

1. awarded the minimum rank for the position occupied defined in the Classifier of Administration Positions, unless the civil servant has a higher rank;
2. determined the individual basic monthly salary.

(3) The funds additionally needed for insurance instalments of the persons referred to in para 2 shall be provided within the costs for salaries, remuneration and insurance instalments of the budgets of the respective budget credit spending units.

(4) The Council of Ministers shall carry out the changes required in the extra-budgetary account of State Fund Agriculture according to this Act.

(5) The managing bodies of the National Insurance Institute and the National Health Insurance Fund shall carry out the changes requires according to this Act in the respective budgets.

(6) Unused leaves under employment relationships shall be retained and may not be compensated by cash benefits.

§ 86. (1) Within one month from entry into force of this Act the individual basic monthly salary of the employee shall be determined in such a manner as to ensure that the said salary, reduced by the tax due and the mandatory insurance instalments at the expense of the insured person, if they were due, is not lower than the gross monthly salary received hitherto, reduced by the mandatory insurance instalments due at the expense of the insured person, if they were due, as well as by the tax due.

(2) The gross salary under para 1 shall include:

1. the basic monthly salary or basic monthly remuneration;
2. bonuses paid regularly along with the basic monthly salary or basic monthly remuneration due, which are related solely to the hours worked off.

§ 87. The Act shall enter into force from July 1, 2012 except for § 84, which shall enter into force from the date of its promulgation in the State Gazette.

ACT, AMENDING AND SUPPLEMENTING THE ENERGY SECTOR ACT

(PUBL. – SG, 54/2012, IN FORCE FROM 17.07.2012

§ 190. Everywhere in Chapter Ten the words "consumer/s" shall be replaced by "client/s" and the words "economic" shall be replaced by "non-household".

Transitional and concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE ENERGY SECTOR ACT

(PUBL. – SG, 54/2012, IN FORCE FROM 17.07.2012; SUPPL. – SG 23/13, IN FORCE FROM 08.03.2013; AMEND. – SG 17/15, IN FORCE FROM 06.03.2015)

§ 191. (1) The assessment under art. 21, Para. 1, p. 20 shall be carried out by 3 September 2012 where in a proved economic feasibility upon proposal of the operators of networks the commission shall draw up schedules for introduction of intelligent systems for measurement of electric power and natural gas.

(2) The schedule under Para. 1 for introduction of intelligent systems for measurement of the electric power with the term of up to 10 years, where a positive assessment for the installation of intelligent electrometers of at least 80% of the clients shall be provided intelligent measuring systems by 2020.

§ 192. Owners of transmission networks within 6 month term after the enforcement of this act shall submit a request for certification of operators of transmission networks in compliance of this act.

§ 193. (1) The issued by the enforcement of this act licenses and permits shall keep its action and shall be amended by the commission for their compliance with this act.

(2) The license for transit transmission of natural gas, issued to BULGARTRANGAS – EAD shall be amended to a license for transmission of natural gas for the remaining term of validity of the license for

transit transmission.

(3) The licensees, whose licenses are subject to amendment shall be obliged to submit an application to the commission within 6 month term after the enforcement of this act.

(4) For the procedure of amendment of the licenses under Para. 2 and 3 no fees shall be due.

(5) For amendment of the licenses under Para. 2 and 3, no evidences shall be needed, which have already been produced for issuance of initial license, unless new circumstances are present.

(6) By the amendments of the licenses under Para. 2 and 3, the licensees shall carry out the activities, for which they are licensed. The contracts, signed in fulfilment of the license for transmission of electric power shall keep their action between the parties by issuance of a license for transmission of the operator of the electric transmission network. After issuance of the license the rights and obligations on the contracts shall pass – according to this act – to the operator of the electric transmission network, who replaces as a party of the contracts the National Electric Company – EAD.

(7) The regulation of the prices and/or the license regime shall be kept in relation to the producers of heat energy, possessing a power station with a total installed power up to 10MW and/or carrying out transmission of heat energy through the heat transmission network, to which power stations with total installed power of 10MW have been connected, where their sites are introduced into exploitation on the date of the enforcement of this act.

§ 193a. (new – SG 23/13, in force from 08.03.2013) Transfer of shares or stake of the equity of business companies – license holders, which is in fulfilment of an obligation under this Act for legal, organizational and financial separation or restructuring of businesses with regard to introduction of the requirements of Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the European Parliament and of the Council of the internal market in electricity and repealing Directive 2003/54/EC and of Directive 2009/73/EC of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC and represents intra-group restructuring, shall be carried out based on the book value of the shares or the stake as of the time of transfer.

§ 194. The issued permits by the time this act is enforced, for exceptions for applying provisions of the act for providing regulated access of third parties, shall keep it force.

§ 195 (1) Within the term of up to 6 months after the enforcement of this act, the commission shall issue instruction for formation of prices for access and transmission on the gas transmission network, of shall approve methods for defining prices for access and transmission on the gas transmission network, where on the date of the enforcement of this act such prices have not been defined or methods, in compliance with requirements of Regulation (EC) N 715/2009.

(2) BULGARTRANGAS – EAD within the term of up to 3 months after the issuance of the instruction under Para. 1 shall submit an application to the commission for confirmation of prices for access and transmission on the gas transmission network or shall define prices on the approved by the commission methods.

(3) The contracts for transmission of natural gas, signed before the enforcement of this act, on which BULGARTRANGAS – EAD is a party, shall be fulfilled by their finalization under the agreed conditions of the transmission tariffs.

§ 196. (1) The public supplier of electric power and the end suppliers of electric power shall submit applications for issuance of a license for supplier of last instance for the clients, connected to the transmission of to the distribution network on the territory of the acting licenses for a public supply and

provision from end supplier, who cannot be supplied by the public supplier and by the end suppliers in compliance with this act within the term of up to 2 months after the enforcement of this act.

(2) The public supplier of electric power and the end suppliers with electric power within 1 month term after the issuance of a license for supplier of last instance shall notify the clients under Para. 1 about the conditions and procedure for supply from last instance supplier and about the client's right within the term of up to 2 months after the notification to choose another supplier.

(3) By the time the term for choice of a supplier under Para. 2 expires, the licensees shall supply the clients at the time of the enforcement of this act under the current procedure.

(4) Where an enterprise has been supplied by an end supplier, without meeting the conditions for this, the supplies shall be paid to the last instance supplier as supplies, carried out by him/her.

§ 197 (1) The producers of electric power, who at the time of the enforcement of this act have not signed contracts for access with the operator of the electric transmission network and/or with the operator of the electric distribution network shall fulfil the requirements of Art. 84, Para. 2 within the term of up to 2 months after the enforcement of this act.

(2) In case of failure to implement Para. 1, the operator of the electric transmission network and/or the operator of the electric distribution network shall refer the commission, which shall define the conditions for access to signing a contract.

§ 198 (In force from 01.01.2012) (1) (amend. – SG 17/15, in force from 06.03.2015) The quantities combined electric energy of installations for combined production of electric and heat power, in exploitation to the date of the enforcement of this act, with approved by the commission investment programmes, after whose fulfilment the criteria for high effective production are reached, shall be bought at preferential prices for period, not longer than 3 years:

1. starting from 1 January - in beginning of fulfilment of the investment programme by the 1 July 2012;

2. starting from 1 January 2012 - in beginning of fulfilment of the investment programme after the 1 July 2012;

(2) With a commission decision, the purchase under Para. 1 shall not apply in case of failure to fulfil the terms, defined by the approved by the commission investment programmes.

§ 199. (1) The acts of secondary legislation and the general administrative instruments on the application of the act shall be adopted or complied with this act within 1 year term after its enforcement.

(2) By the time the acts of secondary legislation and the general administrative instruments under Para. 1 or by their compliance with this act the current acts of secondary legislation and general administrative instruments shall apply, unless they contradict this act.

(3) (In force from 01.01.2012) The amendments of the ordinance under Art. 162, Para. 3 on installations with condensation turbines, working with energy boilers, using coals as basic fuel, where the total energy effectiveness of the used fuel is equal or larger than 80%, shall enter into force from 1 January 2012.

§ 200. The target date for building up of integrated internal market is 2015.

§ 201 (1) Independent transmission operator under Chapter Eight "a". Section II may be only an operator of transmission network, who on the date of the enforcement of this act is a part of a vertically integrated enterprise in relation to the transmission network, built up by the date of the enforcement of this act.

(2) vertically integrated enterprise, possessing transmission network may undertake measures for implementation of the requirements of Art. 81o.

§ 204. The act shall come into force from the day of its promulgation in the State Gazette, with the exception of:

Para. 23, § 121, § 189, p. 2, § 198 and § 199, Para. 3, which shall come into force from 1 January 1012;

2. Art. 81b, which shall come into force from 3 March 2013;

Art. 120. Para. 6, which shall come into force from 1 January 2014.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING SPATIAL DEVELOPMENT ACT

§ 149. The act shall enter into force in 30 days after it`s promulgation in "State Gazette" with the exception of § 16, § 35, item 2 and § 39, which shall enter into force on 1st of January 2016.

Transitional and concluding provisions
TO THE PUBLIC FINANCE ACT

(PROM. SG 15/13, IN FORCE FROM 01.01.2014)

§ 123. This Act shall enter into force on 1 January 2014 with the exception of § 115, which enters into force on January 1, 2013, and § 18, § 114, § 120, § 121 and § 122, which came into force on 1 February in 2013.

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

(PROM. SG 20/13, IN FORCE FROM 28.02.2013)

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

Concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE VALUE ADDED TAX ACT

(PROM. SG 23/13, IN FORCE FROM 08.03.2013)

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

Concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE ENERGY SECTOR ACT

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

§ 13. In the remaining provisions of 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 replaced respectively with “the Minister of Economy and Energy”, “Minister of Economy and Energy” and “the Ministry of Economy and Energy”

Concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE ENERGY SECTOR ACT

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

§ 14. The price/regulatory period ending on 30 June 2013 for the prices of the companies in Electrical power and Thermal power sectors may be extended by a period of up to one month as of the date of expiration of the period.

§ 15. (1) For approval of the prices of electrical and thermal power for the companies in Electrical power and Thermal power sectors the price/regulatory period of which is ending on 30 June 2013, the provisions of Chapter Four of Ordinance No. 1 for regulation of electrical energy prices (SG 33/13) and of Chapter Three of the Ordinance for regulation of thermal power prices (prom. SG 55/04, amend. SG 61/07 and SG 105/08) shall not apply.

(2) For approval of electrical and thermal power prices for the companies, the price/regulatory period of which is ending on 30 June 2013, the Commission, in a closed session, shall adopt a report of the work group and a draft decision, and also shall conduct in an open session public discussion on the same day and shall schedule a term for provision of opinions within three days. Upon accomplishment of the procedure of public discussion, in a closed session the Commission shall adopt a decision. The justifications to the decisions may be adopted within 10 days after the adoption of the respective decision.

§ 16. (1) The acts of secondary legislation and the general administrative acts related to the application of the Act shall be adopted and enforced subject to compliance with this act within three months after its entering into force.

(2) Until the adoption of the acts of secondary legislation and the general administrative acts referred to in par. 1 or until their adjustment to the provisions of this act, the current acts of secondary legislation, respectively the general administrative acts, shall apply, as far as they are not inconsistent with this act.

§ 17. Until 30 June 2015:

1. the last instance providers shall purchase electrical power only from the public supplier at freely agreed prices, calculated by the procedure, provided in the policies referred to in Art. 21, par. 1, item 12;
2. article 102 shall not apply to the last instance provides.

§ 18. Within one month after entering of this act into force the Commission shall adopt the policies referred to in Art. 21, par. 1, item 12 and in Art. 35, whereby the term for presentation of opinions shall be three days after the public discussion.

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

Transitional and concluding provisions

TO THE SPATIAL DEVELOPMENT ACT

(PROM. – SG 66/13, IN FORCE FROM 26.07.2013)

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

**Transitional and concluding provisions
TO THE SPATIAL DEVELOPMENT ACT**

(PROM. – SG 98/14, IN FORCE FROM 28.11.2014)

§ 117. 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 SUPPLEMENTATING THE ACT ON PROHIBITION OF
CHEMICAL WEAPONS AND ON CONTROL OF TOXIC CHEMICAL AGENTS AND THEIR
PRECURSORS**

(PROM. – SG, 14/2015)

§ 54. In the Energy Sector Act the words "the Minister of Economy and Energy" and "the Ministry of Economy and Energy" shall be replaced by "the Minister of Energy" and "the Ministry of Energy" everywhere.

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

(PROM. – SG 17/15, IN FORCE FROM 06.03.2015; SUPPL. - SG 48/15, IN FORCE FROM 30.06.2015)

§ 39. Within one month after entering of this act into force the National Assembly shall elect the Chair person and the remaining members of the Commission of Energy and Water Regulation. The mandate of the commission members acting as such at the time of entering of this act into force shall be terminated upon taking of office of the new members.

§ 40. Within one month after the election of the members, the Commission of Energy and Water Regulation shall adopt regulations on its activity.

§ 41. (1) The commission during the first mandate shall be renewed by draw. The Chair of the commission does not participate in the draw.

(2) Upon expiration of three years after its election, the commission shall be renewed with four members.

§ 42. (1) Within two months after entering of this act into force the end suppliers of electrical energy, end suppliers of natural gas, operators of electrical distribution networks and operators of gas distribution networks shall make a proposal to the Commission for amendment of the general terms and conditions of the contracts according to the provisions of Art. 38f – Art. 38h.

(2) Until the approval of the draft general terms and conditions under par. 1, the existing general terms and conditions shall apply.

(3) Within two months after entering of this act into force the customers may declare the method of notification under Art. 38h.

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§ 44. The issued acts by the State Commission of Energy and Water Regulation on the application

of the Energy Act, Energy from Renewable Sources Act and Act on regulation of water supply and sewage services shall maintain their effect.

§ 45. The ordinance under Art. 4, par. 2, item 21 shall be issued within 6 months after entering of this act into force subject to compliance with the requirements for the state aid.

§ 46. The provision of Art. 69a, par. 6 shall apply also to the non-paid installments under Art. 69a, par. 3 which the utility enterprises have been obliged to make within the period from 1 January 2013 until the entering of this act into force.

§ 47. The non-paid installments by the utility enterprises under Art. 69a, par. 3, due for the period from 1 January 2013 to 1 April 2014 shall be paid by the 31 December 2019 following the procedure determined by the ordinance under Art. 69a, par. 2.

§ 47a. (new - SG 48/15, in force from 30.06.2015) (1) Price / Regulatory period ending on June 30, 2015 regarding prices of companies in the "Electric Power" and "Thermal Power" sectors may be extended up to one month from the date of expiry.

(2) In case of an extension under para 1, the Commission shall decide on applications for approval of prices submitted by the energy companies prior to the entry into force of this Act. Where necessary, a public hearing or public debate shall be held within time limits set by the Commission.

§ 48. The license for electricity generation for own consumption only, granted to a producer before the entering of this act into force shall keep its effect until the expiration of the term, for which it has been granted, unless the licensee files a request for termination of the license.

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

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

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

§ 24. The evaluation referred to in Art. 4, Para 2, Item 11, Letter "a" of the Energy Sector Act shall be prepared and submitted to the European Commission by December 31, 2015. At the request of the European Commission the evaluation shall be updated every 5 years.

§ 25. By December 31, 2016 in buildings with a central source of heating/cooling or sourcing from a regional heating network or from a central source serving multiple buildings, shall be installed also individual measuring devices for metering the usage of heat and cooling energy or hot water for each unit where technically feasible, economically justified and such measuring devices have not been installed at the date of entry into force of this Act.

§ 26. (1) The acts of secondary legislation on the implementation of the Energy Sector Act shall be adopted, respectively issued and made compliant with the present Act within 6 months form its entry into force.

(2) Before the adoption, respectively issue of the acts of secondary legislation under Para 1 shall apply the current acts of secondary legislation, as long as they do not contradict the Energy Sector Act.

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

Concluding provisions
TO THE ACT SUPPLEMENTING THE ENERGY SECTOR ACT

(PROM. - SG 48/15, IN FORCE FROM 30.06.2015)

§ 2. The Act shall enter into force as of June 30, 2015.

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

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

§ 14. Within 14 days of the entry into force of this Act the contracts under art. 97, para. 1, item 2 concluded before the entry into force of this Act together with all amendments and supplements thereto shall be sent to Commission by the parties. The Commission shall publish the contracts within 7 days of receipt thereof.

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

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

(2) As regards to Energy sites under Art. 24, item 3, letter "a" of the renewable energy sources which are applied for accession until the entry into force of this Act and are not put into operation, circumstances under Art. 18, para 7 of the aforementioned Act shall be justified with a request to the operator of the electricity distribution 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 the entry into force of this Act.

§ 21. From the date of entry into force of this Act until January 1, 2016 the State Energy and Water Regulatory Commission shall issue certificates to electricity producers for the origin of goods - electricity produced in high efficiency cogeneration of electric and thermal energy for a period of three months.

§ 22. Within three months of the entry into force of this Act the Minister of Energy shall issue the ordinance referred to in Art. 4 para 2, item 22.

§ 23. Inspections under Art. 80a shall be completed within one year from the entry into force of this Act.

§ 24. Paragraphs 3 and 12 shall enter into force as of January 1, 2016.

§ 25. 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 47/16)

§ 3. The proceedings which have started prior to this Act entering into force to regulate prices for the sale of heat energy and for determining the prices under art. 33, para. 1 shall be terminated in the presence of the conditions of art. 30, para. 4.

§ 4. 1) Within three months of the entry into force of this Act, the Council of Ministers shall bring the ordinance under Art. 36g in compliance with it.

(2) Until bringing this ordinance under Art. 36g in compliance with this Act, the operators of the electric transmission network, of the gas transmission network and the facilities of natural gas storage shall submit the information under Art. 36f, para. 2 into the "Security of the electric energy system" Fund and shall make the contributions to the Fund under terms and conditions determined by the Management Board of the Fund, as of the month following the month of entry into force of this Act.

Transitional and concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE ENERGY EFFICIENCY ACT

(PROM. - SG 105/16)

§ 39. Until adoption of the ordinance under Art. 163c, para. 3 of the Energy Sector Act, the ordinance under Art. 162, para. 4 of the same Act shall apply.

Transitional provisions

TO THE ACT SUPPLEMENTING THE ENERGY SECTOR ACT

(PROM. - SG 51/17)

§ 2. Procedures initiated prior to the entry into force of this Act for regulation of the prices for sale of heat energy and for determining the prices under Art. 33, Para. 1 shall be terminated when the conditions of Art. 30, Para. 4 are met.

Concluding provisions

TO THE ACT AMENDING THE ACT ON BULGARIAN FOOD SAFETY AGENCY

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

§ 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 ACT ON SAFE USE OF NUCLEAR ENERGY

(PUBL. – SG, 102/17, IN FORCE FROM 01.01.2018)

§ 39. The act shall come into force from 1 January 2018, with the exception of § 37, which shall come into force from the day of publication of the act in the State Gazette.

Transitional and concluding provisions

TO THE ACT, SUPPLEMENTING THE ACT ON RESTRICTION OF THE ADMINISTRATIVE REGULATION AND ADMINISTRATIVE CONTROL OVER THE ECONOMIC ACTIVITY

(PUBL. – SG, 103/17, IN FORCE FROM 01.01.2018)

§. 68, The act shall come into force from 1 January 2018.

Transitional and concluding provisions
TO THE ACT ON COUNTERACTING CORRUPTION AND ON SEIZURE OF ILLEGALLY ACQUIRED PROPERTY

(PROM. - SG 7/18)

§ 48. In the Energy Sector Act everywhere the words "Act on Prevention and Findings of Conflict of Interests" shall be replaced with the words "Act on Counteracting Corruption and on Seizure of Illegally Acquired Property".

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

(PROM. - SG 38 OF 2018, IN FORCE FROM 08.05.2018, AMEND. - SG 83/18)

§ 61. (1) The secondary legislation for the implementation of this Act shall be brought into compliance with this Act by June 30th, 2018.

(2) The methodology under Art. 224d, Para. 2 shall be adopted by the Energy and Water Regulatory Commission by June 30th, 2018.

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§ 67. (1) From 1st of July, 2018, the public provider, or end suppliers respectively, shall not buy out electricity at preferential prices from producers of high efficiency cogeneration produced by plants with a total installed capacity of 4 MW and above 4 MW.

(2) By 30th of June, 2018, the producers under Para. 1 shall conclude a premium-compensation contract with the "Electricity System Security" Fund.

§ 68. (1) By 31 October 2018, producers of electricity from renewable sources with a total installed capacity of 4 MW and over 4 MW of energy projects shall conclude with the "Electricity System Security" Fund a premium-compensation contract for the quantities of electricity produced by them up to the amount of their determined net specific electricity production, on the basis of which their preferential price has been set. The premium-compensation contracts 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 June 30th as a difference between the preferential price determined prior to the entry into force of this Act, respectively the updated preferential price of the site, and the estimated market price for the electricity energy for this period, produced from renewable sources depending on the primary energy source.

(3) The Electricity System Security Fund shall promptly notify the public provider of the date, from which the premium-compensation contract concluded with the respective producer is to take effect.

(4) The premium shall be granted up to the expiration of the term under the respective long-term purchase agreement or contract under § 7 of the Transitional and Final 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 require 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 shall declare the issuance of guarantees of origin, and shall transfer them to the Electricity System Security Fund.

(7) The Electricity System Security Fund shall, upon payment of a premium, transfer to the persons under Art. 36g, Para. 1, item 1 guarantees of origin for the respective month in proportion to the amount of

the funds due from those persons for the same month of 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 buy out agreement of the respective producer under Para. 1, concluded before the entry into force of this act, shall be considered terminated and the public provider, respectively, the end suppliers, shall not buy out at a preferential price the electricity produced by this producer.

(9) From 1 July 2018 until the entry into force of the contract under Para. 1, the public provider shall purchase electricity at preferential prices from the producers under Para. 1, connected to the electricity grid.

(10) From 1 July 2018 until the entry into force of the contract under Para. 1, the end supplier shall buy electricity at preferential prices from producers under Para. 1 connected to the power distribution network. The public provider shall promptly notify the end supplier of the date, from which the premium-compensation contract concluded with the respective producer comes into effect, according to the notification received from the Electricity System Security Fund.

(11) The end suppliers shall sell to the public provider the quantities of electricity under Para. 10 at the price, at which they bought it.

(12) The public provider shall sell on the stock market his electricity purchased under Para. 9 and 11.

(13) For the electricity purchased by each producer, the public provider shall receive compensation from the Electricity System Security Fund at the amount of the premium for that producer.

§ 69. The Energy Minister shall notify, by 30 June 2018, state aid schemes in the energy sector for the production of electricity from renewable sources and from high-efficiency cogeneration of heat and power.

§ 70. By 30 June 2018, traders and producers of electricity with facilities with a total installed capacity of 4 MW and over 4 MW shall deposit a bank guarantee or a deposit under Art. 36g, Para. 3 in the "Electricity System Security" Fund.

§ 71. Within 18 months of the entry into force of this Act, the Minister of Energy shall develop and submit for approval by the Council of Ministers a Strategy for Sustainable Energy Development of the Republic of Bulgaria.

§ 72. The term under Art. 36c, Para. 2 shall apply to the members of the Management Board of the "Electricity System Security" Fund, designated until the entry into force of this Act, and whose mandate is to start running from the day of its entry into force.

§ 73. (1) (amend. - SG 83/18) The long-term and temporary official legal relations of civil servants from the administration of the Energy and Water Regulatory Commission shall be transformed respectively into open-ended and fixed-term employment relationships, with employees being contracted. When the probation period expired until the transformation of the legal relationship under Art. 12 of the Civil Servants Act is less than 6 months, it shall be included in the probation period under Art. 70 of the Labour Code, and when the expired term exceeds 6 months, it shall be assumed that the probation period under Art. 70 of the Labour Code has expired.

(2) In the transformation under Para. 1, the individual basic monthly salary under the Labour Code of the civil servants and the employees in employment relationships with the administration of the Commission for Energy and Water Regulation shall be so determined that the same, increased with the

additional remuneration for acquired work experience and professional experience, and reduced by the due tax and compulsory insurance contributions at the expense of the insured person, shall not be lower than the individual basic monthly salary received so far, reduced by the due compulsory insurance contributions at the expense of the insured person - if they were due - and payable tax.

(3) The unused leave in the employment relationships under Para. 1 shall be retained and are not to be compensated by cash benefits.

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

1. paragraphs 11, 14, 15, 16, 19, 22, 23, 24, 25, 32, 33, 35, 36, 39, 40, 41, 42 and § 64, concerning items 1-4, which shall enter into force from 1 July 2018;
2. paragraphs 63 and 66, which shall enter into force on 30 April 2018;
3. paragraphs 5, 6, 9, 10 and 73, which shall enter into force on 1 January 2019.

Concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING BULSTAT REGISTER ACT

(PROM. - SG 57/18, IN FORCE FROM 01.07.2018)

§ 10. This Act shall enter into force on 1 September 2018, with the exception of Article 9, which shall enter into force on 1 July 2018.

Transitional and concluding provisions

TO THE ACT SUPPLEMENTING THE PRIVATIZATION AND POST-PRIVATIZATION CONTROL ACT

(PROM. - SG 64/18, IN FORCE FROM 03.08.2018)

§ 5. Within 30 days from the entry into force of this Act, the traders and producers under Art. 36g, Para. 1 of the Energy Sector Act, having paid - 12 subsequent months prior to the enactment of this Act - the price and/or the component of price under Art. 30, Para. 1, item 17 of the Energy Sector Act, shall submit certificates to the "Electricity System Security" Fund for lack of obligations for the "obligation to society price", issued by the public provider. In this case, Art. 36g, Para. 6 of the Energy Sector Act shall apply, unless the conditions of Art. 36g, Para. 7 of the same Act have been fulfilled.

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§ 7. This Act shall enter into force as of its promulgation in the State Gazette, with the exception of § 1, 2 and 3, which are to enter into force within one year of the promulgation of the act in the State Gazette.

Transitional and concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE ADMINISTRATIVE PROCEDURE CODE

(PROM. - SG 77/18, IN FORCE FROM 01.01.2019)

§ 156. The Act shall enter into force on 1 January 2019, with the exception of:

1. paragraphs 4, 11, 14, 16, 20, 30, 31, 74 and § 105 item 1 on the first sentence, and item 2 which shall enter into force on 10 October 2019;
2. paragraphs 38 and 77, which shall enter into force two months after the promulgation of this Act in the State Gazette;
3. paragraph 79, items 1, 2, 3, 5, 6 and 7, § 150 and 153, which shall enter into force on the day of the promulgation of this Act in the State Gazette.

Relevant acts from the European legislation

Council Directive 2004/67/EC of 26 April 2004 concerning measures to safeguard security of natural gas supply (Text with EEA relevance)

Directive 2003/55/EC of the European Parliament and of the Council of 26 June 2003 concerning common rules for the internal market in natural gas and repealing Directive 98/30/EC

Directive 2003/54/EC of the European Parliament and of the Council of 26 June 2003 concerning common rules for the internal market in electricity and repealing Directive 96/92/EC

Directive 2001/77/EC of the European Parliament and of the Council of 27 September 2001 on the promotion of electricity produced from renewable energy sources in the internal electricity market

Directive 98/30/EC of the European Parliament and of the Council of 22 June 1998 concerning common rules for the internal market in natural gas

Directive 96/92/EC of the European Parliament and of the Council of 19 December 1996 concerning common rules for the internal market in electricity

Council Directive 90/547/EEC of 29 October 1990 on the transit of electricity through transmission grids

REGULATION (EC) No 1228/2003 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 26 June 2003 on conditions for access to the network for cross-border exchanges in electricity (Text with EEA relevance)

COMMISSION REGULATION (EC) No 2386/96 of 16 December 1996 applying Council Regulation (EC) No 736/96 of 22 April 1996 on notifying the Commission of investment projects of interest to the Community in the petroleum, natural gas and electricity sectors (Text with EEA relevance)

COUNCIL REGULATION (EC) No 736/96 of 22 April 1996 on notifying the Commission of investment projects of interest to the Community in the petroleum, natural gas and electricity sectors

Regulation (EC) No 1775/2005 of the European Parliament and of the Council of 28 September 2005 on conditions for access to the natural gas transmission networks (Text with EEA relevance)