

DECREE 114 of the Council of Ministers of 10 June 2010 on the monitoring and control of the financial position of state-owned enterprises and companies with state participation in the capital in excess of 50 per cent and of the companies they control

Promulgated, SG No. 46 / 18.06.2010, effective 18.06.2010, Amended SG, No.49 / 04.06.2013.

THE COUNCIL OF MINISTERS

DECREED:

Art. 1. (1) Following shall be subject to special monitoring and control over financial results, financial discipline and fiscal risk:

1. State enterprises under Art. 62, paragraph 3 of the Commerce Act;
2. (Amended SG, **No.49 / 2013**) companies with state participation in the capital in excess of 50 per cent, including medical institutions;
3. (Amended SG, **No.49 / 2013**) the companies controlled by the enterprises and companies under items 1 and 2.

(2) (Amended - SG, **No.49 / 2013**) A list of the enterprises and companies under paragraph 1 shall be submitted to the Ministry of Finance by the Ministers and heads of respective institutions according to their sectoral competence and in case of amendments it shall be updated within the term under Art. 3, paragraph 2.

(3) Upon privatization of a company under paragraph 1, items 2 and 3, which has led to a decrease of the state participation below 50 per cent, the monitoring and control shall be suspended after the quarter following the reporting quarter before the privatization. After suspension of the control and monitoring, the list under paragraph 2 shall be updated, which shall be notified to the Ministry of Finance.

Art. 2. Monitoring and control under Art. 1, paragraph 1 shall be carried out by the bodies under Art. 1 paragraph 2 according to their sectoral competence.

Art. 3. (1) (Amended - SG, **No.49 / 2013**) Enterprises and companies under Art. 1, paragraph (1) shall be obliged to submit in electronic form to the body under Art. 2 quarterly and annual financial statements - balance sheet, profit and loss account, equity statement, statement of cash flows and their annexes, prepared in accordance with the Accountancy Act and applicable accounting standards, accompanied by an activity analysis and a financial situation

analysis. Annual reports and analyses shall be submitted by 25 April of the following year, and quarterly reports and analyses by the 25th day of the month following the respective reporting period.

(2) Bodies under Art. 2 shall submit to the Ministry of Finance reports under paragraph 1 in electronic form, annual reports and analyses respectively - by 30th of April of the following year, and quarterly reports and analyses - by the 30th day of the month following the respective reporting period .

(3) The Ministry of Finance shall publish on its official website the information under paragraph 2 within three working days of its receipt.

(4) (Revoked - SG, No. 49 /2013).

Art. 4. Authorities exercising the ownership rights of the state in the enterprises and companies under Art. 1, paragraph 1, shall include in the contracts for their management the obligation for submission of the information under Art. 3, paragraph 1.

TRANSITIONAL AND FINAL PROVISIONS

§ 1. Enterprises and companies under Art 1, paragraph 1 shall submit annual reports under Art.3 for 2009 and for the first quarter of 2010 until 25 June 2010, and bodies under Art. 2 - until June 30, 2010.

§ 2. This Decree is adopted on the grounds of Art.106 of the Constitution of the Republic of Bulgaria.

§ 3. Council of Ministers Decree No 87 of 2008 on monitoring the financial condition of state-owned enterprises and companies with state participation in the capital in excess of 50 per cent and of the companies they control (Promulgated, State Gazette, issue 46 of 2008, amended, issue 50 of 2008, amended, issue 93 of 2009) shall be repealed.

§ 4. The Decree shall enter into force on the day of its promulgation in the State Gazette.