

Act on Administrative Regulation of Economic Activities Associated with Oil and Petroleum Products

Promulgated, SG No. 62/27.07.2018, effective 28.01.2019, amended and supplemented, SG No. 13/12.02.2019, effective 28.01.2019, amended, SG No. 17/26.02.2019, SG No. 83/22.10.2019, effective 25.10.2019, amended and supplemented, SG No. 9/31.01.2020, effective 25.01.2020, amended, SG No. 28/24.03.2020, effective 13.03.2020, SG No. 51/5.06.2020, effective 5.06.2020, amended and supplemented, SG No. 15/19.02.2021, effective 19.02.2021, amended, SG No. 102/23.12.2022, effective 1.01.2023, amended and supplemented, SG No. 8/25.01.2023, SG No. 86/13.10.2023, effective 13.10.2023

*Note: An update of the English text of this Act is being prepared following the amendments in SG No. 102/8.12.2023, effective 12.12.2023

Text in Bulgarian: Закон за административното регулиране на икономическите дейности, свързани с нефт и продукти от нефтен произход

Chapter One GENERAL PROVISIONS

Article 1. (1) This Act shall provide for the terms and conditions of registration and control of persons engaged in economic activities associated with oil and petroleum products.
(2) The Act aims at achieving certainty and predictability in the trade in oil and petroleum products and increasing the energy security of the country.

Article 2. (1) Within the meaning of this Act, economic activities associated with oil and petroleum products are as follows:

1. wholesale trade in oil and petroleum products;
2. retail trade in oil and petroleum products;
3. storage of oil and petroleum products originating outside of tax warehouses or storage facilities of registered recipients within the meaning of the Excise Duties and Tax Warehouses Act;
4. transport of oil and petroleum products;
5. filling of cylinders with liquefied petroleum gas (LPG) outside of tax warehouses;
6. distribution of cylinders with liquefied petroleum gas (LPG);
7. (repealed, SG No. 9/2020, effective 25.01.2020);
8. (new, SG No. 8/2023) production of energy products from oil and of petroleum products in facilities that are part of or adjacent to critical infrastructure within the meaning of Article 25a.

(2) Activities related to the following are not subject to this Act:

1. prospecting, exploration and extraction of petroleum and natural gas;
2. supplies under Article 24, paragraph 1, item 1 and Article 26, paragraph 2 of the Excise Duties and Tax Warehouses Act;
3. sales of cylinders with liquefied petroleum gas (LPG) by persons not registered under this Act, when they are performed under a contract with a registered person per paragraph 1, item 6;
4. the production of fuels by processing of used tires and plastic products;
5. (amended, SG No. 13/2019, effective 28.01.2019) solid petroleum products;
6. (new, SG No. 13/2019, effective 28.01.2019) temporary storage and/or filling from persons performing activities of collection, transportation and treatment of wastes pursuant to the Waste Management Act or the Environmental Protection Act, of own petroleum products outside of tax warehouses or storage facilities of registered recipients, within the meaning of the Excise Duties and Tax Warehouses Act, intended for own business, which are not subject to subsequent sale;

7. (new, SG No. 9/2020, effective 25.01.2020) temporary storage and/or filling from a farmer, registered pursuant to the Agricultural Producers Support Act, in storage containers and/or tanks with capacity not exceeding 50 m³ of his own petroleum products outside of tax warehouses or storage facilities of registered recipients, within the meaning of the Excise Duties and Tax Warehouses Act, intended for the farmer's own economic activity, which are not subject to subsequent sale; the storage containers and/or tanks shall be fitted with means for metering quantities withdrawn from them in accordance with the Ordinance under Article 118, Paragraph (4) of the Value Added Tax Act or under Article 118, Paragraph (10) of the same Act; the products are used for filling own, rented or used on another legal basis agricultural equipment, for which it is allowable to fill outside the farm holding by means of transport vehicles with capacity up to 1000 litres that are technically fit and provided with firefighting means.

Article 3. (1) (Supplemented, SG No. 8/2023) Any person who performs work under Article 2, paragraph 1, items 1 - 6 shall be subject to registration under this Act.

(2) Not subject to registration under this Act shall be state and local authorities for all activities carried out by them under Article 2, paragraph 1 in their capacity as an authority of the state or local government.

Article 4. (1) (Supplemented, SG No. 8/2023) The administrative regulation of economic activities associated with oil and petroleum products shall be provided by the Minister of Economy and Industry, who shall:

1. (amended, SG No. 9/2020, effective 25.01.2020, supplemented, SG No. 8/2023) issue certificates and orders pursuant to the Act, including pursuant to Article 27b(1);
 2. organize control under Chapter Two;
 3. organize the creation, maintenance and storage on paper and on electronic carrier of a public register of the registered persons;
 4. (supplemented, SG No. 8/2023) organize publishing on the website of the Ministry of Economy and Industry of information regarding the necessary documents for registration;
 5. determine the form and procedure for submission of information under this Act;
 6. ensure interaction with other central or local authorities of the executive branch;
 7. (amended, SG No. 17/2019) organize the administration of personal data in accordance with the requirements for their protection;
 8. (amended, SG No. 9/2020, effective 25.01.2020) organize the storage of documentation in connection with submitted registration applications and of the registered person for a time period of not less than 10 years from the date of deregistration;
 9. endorse the standard forms of the documents under this Act, including the register kept under Article 16, paragraph 1;
 10. (new, SG No. 8/2023) instructs the advisory council to carry out inspections in respect of the persons referred to in Article 2(1)(8) in accordance with the procedure laid down in Article 27a.
- (2) (Supplemented, SG No. 8/2023) In the performance of the functions under paragraph 1 the Minister of Economy and Industry shall be supported by a specialized unit which shall exercise the control under Chapter Two, as follows:
1. accept and consider the submitted applications and the documents attached thereto;
 2. carry out documentary checks for implementation of and compliance with the conditions for registration under this Act;
 3. carry out inspections on the site, where activities under Article 2 are performed to establish compliance with the requirements of the Act when filing an application for registration for pursuing activities under Article 2;
 4. draw up acts of established administrative violations in the cases provided for in this Act;
 5. (supplemented, SG No. 8/2023) provide the administrative and technical support of the activity of the Minister of Economy and Industry under this Act;
 6. keep the register under Article 16, paragraph 1.

(3) (Supplemented, SG No. 8/2023) Individual administrative acts of the Minister of Economy and Industry issued pursuant to this Act shall be subject to appeal pursuant to the Administrative Procedures Code. The appeal of the order under Article 27b(1) shall not suspend its enforcement.

(4) (Effective 27.07.2018 - SG No. 62/2018, supplemented, SG No. 8/2023) The Minister of Economy and Industry shall issued an ordinance, which shall provide for the terms and conditions of keeping the register under Article 16(1).

Article 5. (1) (Supplemented, SG No. 8/2023) For cooperation between public authorities and persons engaged in economic activities associated with oil and petroleum products, an Advisory Council to the Minister of the Economy and Industry shall be created.

(2) (Amended, SG No. 102/2022, effective 1.01.2023, supplemented, SG No. 8/2023) The Advisory Council shall be an advisory body comprising one representative each of the Ministry of Energy, Ministry of Finance, Ministry of Economy and Industry, Ministry of Agriculture, Ministry of Environment and Waters, Executive Agency "Automobile Administration" and Executive Agency "Railway Administration", General Directorate "Fire Safety and Protection of the Population" at the Ministry of Interior, General Directorate for Combating Organized Crime at the Ministry of Interior, State Agency "State Reserve and Wartime Stocks", State Agency for Metrological and Technical Surveillance, Bulgarian Institute of Metrology, Customs Agency, National Revenue Agency, Commission for Protection of Competition, State Agency for National Security and the representative industry organizations of persons engaged in economic activities under Article 2(1).

(3) (Supplemented, SG No. 8/2023) The Advisory Council shall be chaired by the Minister of Economy and Industry or a Deputy Minister authorized thereby.

(4) (Supplemented, SG No. 8/2023) The organizational and logistical support of the work of the Advisory Council shall be provided by the administration of the Ministry of Economy and Industry.

(5) (Supplemented, SG No. 8/2023) The Organization of work and the membership of the Advisory Council shall be determined by rules of procedure issued by the Minister of Economy and Industry. The names of the members of the Advisory Council shall be designated by an order of the Minister of Economy and Industry on a proposal by the heads of the respective institutions and of the representative industry associations, respectively.

Article 6. (1) The Advisory Council shall:

1. propose measures for optimization of control over the compliance with the Act, as well as measures for improving the interaction between the public institutions responsible for its implementation;

2. (new, SG No. 8/2023) propose to the Minister of Economy and Industry to appoint a special commercial manager in the cases covered by Article 27a(2);

3. (new, SG No. 8/2023) interact with government authorities, including bodies of the executive and the local self-government, as well as with institutions and non-governmental organisations;

4. (renumbered from item 2, SG No. 8/2023) make proposals for improvement of the joint work of the supervisory authorities for the implementation of the act;

5. (renumbered from item 3, SG No. 8/2023) discuss issues related to the application of the Act.

(2) The Advisory Council may form expert groups on specific matters within the competence thereof.

Chapter Two

REGISTRATION

Section I

General Conditions for Registration

Article 7. (1) (Supplemented, SG No. 8/2023) In order to be registered to perform an activity under Article 2(1)(1) – (6) each person should meet the following special terms and conditions:

1. (amended, SG No. 9/2020, effective 25.01.2020) to be a merchant registered under the Commerce Act, the Cooperatives Act or under the legislation of another European Union Member State or another state – party to the European Economic Area Agreement;
 2. is not undergoing bankruptcy or liquidation proceedings;
 3. its registration under Article 176 of the Value Added Tax Act is not terminated;
 4. the sole owner, majority owners of capital, managers, procurators, members of the control or supervisory bodies of the person:
 - a) have no prior convictions of a premeditated criminal offence of general nature;
 - b) (supplemented, SG No. 9/2020, effective 25.01.2020) are not or have not been members of a managing or controlling body or unlimited liability partners in a company dissolved by insolvency in the recent two years, preceding the date of the judicial declaration of bankruptcy, if unsatisfied creditors have remained;
 - in) are not placed under complete or partial judicial disability;
 - d) were not the owners or members of the management or supervisory bodies in a company which at the time of submission of the application for registration and/or during the preceding year had outstanding obligations for the accumulation or storage of individually defined for it levels of stocks under the Crude Oil and Petroleum Products Stocks Act, established by an effective criminal decree;
 5. (amended, SG No. 9/2020, effective 25.01.2020) have no obligations under Article 87, Paragraph (6) of the Tax and Social Insurance Procedure Code;
 6. has no outstanding obligations for the accumulation or storage of individually set for it levels of stocks under the Crude Oil and Petroleum Products Stocks Act, established by an effective criminal decree, unless the same were paid at the time of submission of the application.
- (2) (Amended, SG No. 9/2020, effective 25.01.2020, supplemented, SG No. 8/2023) Persons registered pursuant to this Act shall carry out activities under Article 2(1)(1) – (6) only on sites, which are not included in the list under Article 23(7).

Section II

Special Registration Requirements

Article 8. (1) (Amended, SG No. 13/2019, effective 28.01.2019, SG No. 9/2020, effective 25.01.2020) In order to be registered to perform an activity under Article 2, Paragraph (1), Item 1, each person shall meet the following special terms and conditions:

1. to have assets or paid-in authorized capital in the amount, as follows:
 - a) BGN 50,000 – for a newly registered trader and a person with net income from sales in the previous calendar year up to BGN 5,000,000;
 - b) BGN 100,000 – for a person with net income from sales in the previous calendar year from BGN 5,000,000 to BGN 10,000,000;
 - c) BGN 200,000 – for a person with net income from sales in the previous calendar year from BGN 10,000,000 to BGN 20,000,000;
 - d) BGN 500,000 – for a person with net income from sales in the previous calendar year from BGN 20,000,000 to BGN 50,000,000;
 - e) BGN 1,000,000 for a person with net income from sales in the previous calendar year over BGN 50,000,000;
 2. if it is a company, the term for which it is incorporated shall be no less than two years and 6 months, as of the date of filing of the registration application.
- (2) In order to be registered to perform an activity under Article 2, paragraph 1, item 2, each person shall meet the following special terms and conditions:

1. (amended, SG No. 13/2019, effective 28.01.2019, SG No. 9/2020, effective 25.01.2020) it shall have paid-in authorized capital in the amount of not less than BGN 20,000 or shall have assets amounting to not less than BGN 20,000 for each site;
2. (amended, SG No. 9/2020, effective 25.01.2020) the site where the activity will be performed, when it is:
 - a) a petrol station, it shall be permanently attached to real property and:
 - aa) shall meet the requirements for commissioning into operation or for a tolerable construction within the meaning of the Spatial Development Act;
 - bb) shall satisfy the conditions under Article 118, Paragraph (6) of the Value Added Tax Act, which circumstance shall be established ex officio by the National Revenue Agency;
 - b) an internal site, it shall be permanently attached to real property or shall be movable and:
 - aa) (supplemented, SG No. 15/2021, effective 19.02.2021) shall meet the requirements for commissioning into operation or for tolerable construction, or for a movable site within the meaning of the Spatial Development Act, with the exception of the internal sites servicing construction sites of first, second and third category or deposit of subsurface resources and/or site for processing of subsurface resources within the meaning of the Subsurface Resources Act, or servicing the activity of a carrier within the meaning of the Carriage by Road Act, holding a license for carriage of passengers or goods on the territory of the Republic of Bulgaria, or holding a license for carrying out international carriage of passengers or goods – a Community license;
 - bb) shall satisfy the conditions under Article 118, Paragraph (8) of the Value Added Tax Act, which circumstance shall be established ex officio by the National Revenue Agency;
3. (amended, SG No. 13/2019, effective 28.01.2019, repealed, SG No. 9/2020, effective 25.01.2020).

(3) In order to be registered to perform an activity under Article 2, paragraph 1, item 3, each person shall meet the following special terms and conditions:

 1. (amended, SG No. 13/2019, effective 28.01.2019, SG No. 9/2020, effective 25.01.2020) shall have assets of paid-in authorized capital in the amount, as follows:
 - a) BGN 50,000 – for a newly registered trader and a person with net income from sales in the previous calendar year up to BGN 5,000,000;
 - b) BGN 100,000 – for a person with net income from sales in the previous calendar year from BGN 5,000,000 to BGN 10,000,000;
 - c) BGN 200,000 – for a person with net income from sales in the previous calendar year from BGN 10,000,000 to BGN 20,000,000;
 - d) BGN 500,000 – for a person with net income from sales in the previous calendar year from BGN 20,000,000 to BGN 50,000,000;
 - e) BGN 1,000,000 for a person with net income from sales in the previous calendar year over BGN 50,000,000;
 2. (new, SG No. 9/2020, effective 25.01.2020) if it is a company, the term for which it is incorporated shall be no less than two years and 6 months, as of the date of filing of the registration documents;
 3. (renumbered from Item 2, amended, SG No. 9/2020, effective 25.01.2020) to have at its disposal proprietary or leased containers and/or tanks for storage of oil and/or petroleum products;
 4. (renumbered from Item 3, amended, SG No. 9/2020, effective 25.01.2020) the storage site shall be permanently attached to real property and shall meet the requirements for commissioning into operation or for a tolerable construction within the meaning of the Spatial Development Act;
 5. (renumbered from Item 4, SG No. 9/2020, effective 25.01.2020) the activity under Article 2, paragraph 1, item 3 shall be performed only on sites:
 - (a) (amended, SG No. 9/2020, effective 25.01.2020) which are located on premises and/or in areas for performance of the activity owned or leased by the persons, which meet the security and control requirements laid down in Item 6;

- b) on which metering and control devices are mounted, which allow for control of the incoming, stored and outgoing oil and/or petroleum products, meeting the requirements of the Measurements Act;
 - c) that use automated reporting systems for real-time control of the stored oil and/or petroleum products, including by their owner's identification data;
 - d) (repealed, SG No. 9/2020, effective 25.01.2020);
 - e) using metering devices meeting the requirements of the Measurements Act;
6. (renumbered from Item 5, SG No. 9/2020, effective 25.01.2020) the storage site:
- a) shall be separated, ensuring that its premises and facilities are not directly connected to such outside the tax warehouse;
 - b) shall have reliable physical security or security alarm equipment;
 - c) all exterior windows, gates and fences shall be provided with locking devices;
 - d) its premises must be properly marked by stating the types of activities carried out inside them;
 - e) it shall meet the special regulatory requirements for their operation, including the fire safety norms and rules;
 - f) the containers and tanks in the site must have permanent identification and marking on them of their total capacity and of the trade name of the product;
7. (renumbered from Item 6, SG No. 9/2020, effective 25.01.2020) it shall hold a license to carry out the activity, where such is required under another act.
- (4) In order to be registered to perform an activity under Article 2, paragraph 1, item 4, each person shall meet the following special terms and conditions:
- 1. (amended, SG No. 9/2020, effective 25.01.2020) for activities of carriage by road:
 - a) transport vehicles with which the activity will be performed shall meet the requirements of the Carriage by Road Act, which shall be certified ex officio by the Automobile Administration Executive Agency;
 - b) transport vehicles with which the activity will be performed shall be equipped with metering devices meeting the requirements of the Measurements Act and the regulatory acts for its implementation, which shall be certified ex officio by the Bulgarian Institute of Metrology, with the exception of transport vehicles used for filling without commercial payments;
 - 2. for rail transport activity: the requirements of the Rail Transport Act, which shall be certified ex officio by Executive Agency "Railway Administration".
- (5) In order to perform an activity under Article 2, paragraph 1, item 5, each person shall meet the following special terms and conditions:
- 1. (amended, SG No. 13/2019, effective 28.01.2019, SG No. 9/2020, effective 25.01.2020) it shall have paid-in authorized capital in the amount of not less than BGN 20 000 or shall have assets amounting to not less than BGN 20 000;
 - 2. (amended, SG No. 9/2020, effective 25.01.2020) the facility which is to perform the activity shall be permanently affixed to real property and shall meet the requirements for commissioning into operation or for a tolerable construction within the meaning of the Spatial Development Act;
 - 3. (new, SG No. 9/2020, effective 25.01.2020) the site from which the activities will be performed shall meet the requirements for safe operation of gas installations for liquefied hydrocarbon gases, which shall be certified ex officio by the State Agency for Metrological and Technical Surveillance.
- (6) In order to perform an activity under Article 2, paragraph 1, item 6, each person shall meet the following special terms and conditions:
- 1. (amended, SG No. 13/2019, effective 28.01.2019, SG No. 9/2020, effective 25.01.2020) it shall have paid-in authorized capital in the amount of not less than BGN 20 000 or shall have assets amounting to not less than BGN 20 000;
 - 2. (amended, SG No. 9/2020, effective 25.01.2020) it shall have a minimum of 1000 own cylinders for storage of liquefied petroleum gas (LPG);
 - 3. (amended, SG No. 9/2020, effective 25.01.2020) in the event that the person carries out the function of distribution of bottled liquefied petroleum gas (LPG), it shall present a contract for

filling cylinders with liquefied petroleum gas (LPG) with a person registered to carry out activities under Article 2, paragraph (1), item 5, or a person who has obtained a license for management of a tax warehouse within the meaning of the Excise Duties and Tax Warehouses Act, in which the filling is carried out.

(7) (Repealed, SG No. 9/2020, effective 25.01.2020).

Section III

Security

Article 9. (1) (Amended, SG No. 13/2019, effective 28.01.2019, SG No. 9/2020, effective 25.01.2020) When applying for registration, persons engaged in business activities associated with oil and petroleum products shall be obliged to provide security, with the exception of the activities under Article 2, Paragraph (1), Items 2 and 4.

(2) The security serves to cover outstanding payable obligations arising under this Act, the Crude Oil and Petroleum Products Stocks Act, the Clean Ambient Air Act, the Excise Duties and Tax Warehouses Act, and the Value Added Tax Act, with the exception of obligations for which security is provided on another legal grounds.

Article 10. (1) (Amended, SG No. 8/2023) The security under Article 9(1) may be provided as a cash deposit or an unconditional irrevocable bank guarantee. Where the security is provided in the form of funds, the person shall deposit the security in Bulgarian levs into an account of the Ministry of Economy and Industry.

(2) (Amended, SG No. 8/2023) Where the security is provided in the form of a guarantee, the bank undertakes unconditionally and irrevocably to pay at first request in writing by the Minister of Economy and Industry the amount stated in the request up to the amount of the guarantee.

(3) The period of validity of the security may not be less than one year from the date of filing of the application under Article 17, paragraph 1.

(4) Within 14 days prior to the expiry of the period under paragraph 3 the registered person shall be obliged to provide a new security. The amount of the new security shall be determined in accordance with Article 11.

(5) No interest shall be owed on the security provided as a cash deposit.

(6) The standard form of the bank guarantee shall be approved in the Ordinance under Article 4, paragraph 4.

Article 11. The amount of the security shall depend on the business activities associated with oil and petroleum products performed by the persons, for which the person applies:

1. (amended, SG No. 9/2020, effective 25.01.2020) for persons under Article 2, Paragraph (1), Items 1 and 3, as follows:

a) BGN 15,000 for a newly registered trader and a person with net income from sales in the previous calendar year up to BGN 5,000,000;

b) BGN 30,000 for a person with net income from sales in the previous calendar year from BGN 5,000,000 to BGN 10,000,000;

c) BGN 60,000 for a person with net income from sales in the previous calendar year from BGN 10,000,000 to BGN 20,000,000;

d) BGN 100,000 for a person with net income from sales in the previous calendar year from BGN 20,000,000 to BGN 50,000,000;

e) BGN 500,000 for a person with net income from sales in the previous calendar year over BGN 50,000,000;

2. (repealed, SG No. 13/2019, effective 28.01.2019);

3. for persons under Article 2, paragraph 1, item 5 – BGN 20, 000;

4. for persons under Article 2, paragraph 1, item 6 – BGN 100,000.

Article 12. In case of change in the circumstances that are relevant for determining the amount of the security, the person shall provide a new security and shall submit a new application within 7 days before the change, pursuant to Article 15, paragraph 1.

Article 13. (1) The security shall be released and the persons shall be deregistered from the Register under Article 16, paragraph 1 prior to expiry of the term under Article 10, paragraph 3 where the registration of the person under this Act is terminated and there are no outstanding obligations under Article 9, paragraph 2.

(2) (Amended, SG No. 8/2023) For the release of the security the person shall file an application to the Minister of Economy and Industry. The security shall be released within a 30-day term from receipt of the request in the cases where no inspection for establishing the existence or absence of outstanding obligations is ordered within the same term.

(3) (Amended, SG No. 8/2023) Where the security is provided in the form of a cash deposit, the Minister of Economy and Industry shall take actions to reimburse the amount into the person's designated bank account.

(4) (Amended, SG No. 8/2023) Where the security is provided in the form of an unconditional irrevocable bank guarantee, the Minister of Economy and Industry shall return the original of the guarantee to the person.

(5) Upon release of the security the person shall be deregistered from the register under Article 16, paragraph 1 on the day of release.

Article 14. (1) (Amended, SG No. 8/2023) Where there is an outstanding payable obligation under Article 9(2), upon a request of the respective state authority that has established the receivables under the regulatory acts stipulated in Article 9(2), the Minister of Economy and Industry shall order the specialized unit under Article 4(2) to pursue the required activities for forfeiture of the security. The forfeiture may be effected before the effectiveness of the act subject to implementation, where its provisional enforcement is permitted.

(2) The procedure of forfeiture of the security under paragraph 1 shall be provided for in the ordinance under Article 4, paragraph 4.

(3) Obligations still remaining outstanding after the forfeiture of the security provided under this Act shall be transferred for enforced collection to a public enforcement agent pursuant to the Tax and Social Security Procedure Code or a bailiff pursuant to the Code of Civil Procedure.

(4) In case of forfeiture, full or partial, of the security and where the conditions for registration under this Act are in place, the person shall submit new security within a 14-day term from its forfeiture. The new security shall be in the amount as per Article 11.

Article 15. (1) At the request of the registered person a security that was provided and registered may be replaced by equivalent security of another type in accordance with Article 10.

(2) (Amended, SG No. 8/2023) The person shall provide a new type of security by filing an application to the Minister of Economy and Industry.

(3) The period of validity of the new type of security may not be shorter than the remaining period of validity of the security the substitution of which is requested.

(4) After the new type of security is registered in the register under Article 16, paragraph 1, the replaced security shall be released in accordance with the procedure under Article 13.

Section IV

Registration Proceedings

Article 16. (1) (Supplemented, SG No. 8/2023) The Ministry of Economy and Industry shall keep a register of persons engaged in economic activities associated with oil and petroleum products.

(2) (Supplemented, SG No. 9/2020, effective 25.01.2020, SG No. 8/2023) Separate registrations of the person shall be made for each of the activities under Article 2(1)(1) – (6).

(3) (Supplemented, SG No. 8/2023) Upon registration of the persons engaged in business activities associated with oil and petroleum products in the Register, a certificate shall be issued by the Minister of Economy and Industry or by a Deputy Minister authorized thereby.

(4) (Amended, SG No. 9/2020, effective 25.01.2020, supplemented, SG No. 8/2023) The certificate under paragraph 3 shall contain: number and date of registration, name, seat and registered address of the applicant, applicant's identification data, type of the activity under Article 2(1)(1) – (6) for which it is registered, the sites from which the activity will be carried out and the vehicles that transport will be carried out with.

(5) A certified copy of the certificate under paragraph 3 shall be placed on display at the site, and for the transport vehicles it should be carried by the driver of each vehicle.

Article 17. (1) (Supplemented, SG No. 8/2023) Persons engaged in economic activities associated with oil and petroleum products, shall be registered with the Ministry of Economy and Industry, by submitting an application for each activity under Article 2(1)(1) – (6) according to a standard form approved by the Minister of Economy and Industry, which shall contain:

1. applicant's identification data;
2. description of the activities for which registration is sought;
3. data of oil and petroleum products, with which the activity subject of registration will be performed, described in words and with codes current for the respective year Combined Nomenclature of the European Union as per Commission Implementing Regulation (EU) No. 1006/2011 of 27 September 2011 amending Annex I to Council Regulation (EEC) No. 2658/87 on the tariff and statistical nomenclature and on the common customs tariff (OJ L 282/1 of 28 October 2011), hereinafter referred to as the "Combined Nomenclature";
4. detailed information of all commercial activities and regimes, as a result of which oil and petroleum products will be acquired, sites of trade and storage, including imports and intra-Community arrivals (ICA);
5. (repealed, SG No. 9/2020, effective 25.01.2020);
6. type of the site for performance of retail trade, when applying for registration for carrying out of activities under Article 2, paragraph 1, item 2;
7. correspondence address, contact person, and in the case of three or more sites or transport vehicles – the relevant contact persons, phone, and email address.

(2) The following documents shall be attached to the application:

1. a document that identifies the person who represents the seller, in the event that the applicant is a person registered under the legislation of a Member State of the European Union or a State - party to the European Economic Area Agreement;
2. (repealed, SG No. 9/2020, effective 25.01.2020);
3. (amended, SG No. 9/2020, effective 25.01.2020) a certified copy of an ownership document or another document, certifying the existence of rights in rem or rights in personam for use of the premises, registered as the head office and registered office address;
4. (amended, SG No. 13/2019, effective 28.01.2019, SG No. 9/2020, effective 25.01.2020) a copy of the payment order for the amount paid/original bank guarantee depending on the type of security provided, except for the activities under Article 2, Paragraph (1), Items 2 and 4;
5. (amended, SG No. 9/2020, effective 25.01.2020) a list of identification data of the sites and facilities in which the activity will be carried out, respectively of the transport vehicles with which the activities under Article 2, Paragraph (1), item 4, and for the activities under Article 2, Paragraph (1), items 2 and 3 shall be carried out, and a flow diagram, which shows the numbered tanks, pumping stations, technological pipelines, installations for loading and unloading;
6. (amended, SG No. 9/2020, effective 25.01.2020) a declaration of compliance with the general conditions for registration under Article 7, Paragraph (1), items 1, 2, 4 and 6, and of the special conditions under Art. 8, Paragraph (3), items 5 and 6, as per a standard form approved with the ordinance under Article 4 Paragraph (4);

7. (amended, SG No. 9/2020, effective 25.01.2020) certified copies of documents for ownership or use and a layout schematic diagram of the land properties, specifying exact GPS coordinates of the sites, from which the activities under Article 2, Paragraph (1), Items 2, 3 and 5 will be performed;
8. (new, SG No. 9/2020, effective 25.01.2020, supplemented, SG No. 15/2021, effective 19.02.2021) a document certifying that the site corresponds accordingly of the requirements under Article 8, Paragraph 2, Item 2, letter "a", subsection "aa" and letter "b", subsection "aa", Paragraph 3, Item 4 or Paragraph 5, Item 2, issued by a competent authority, according to the Spatial Development Act, or a declaration by the applicant that the internal site is permanently attached to the land, where the same is servicing construction sites of first, second and third category or deposit of subsurface resources and/or site for processing of subsurface resources within the meaning of the Subsurface Resources Act, or servicing the activity of a carrier within the meaning of the Carriage by Road Act, holding a license for carriage of passengers or goods on the territory of the Republic of Bulgaria, or holding a license for carrying out international carriage of passengers or goods – a Community license;
9. (new, SG No. 9/2020, effective 25.01.2020) a declaration that in performing the activities under Article 2, Paragraph (1), item 4, with transport vehicles that are not equipped with metering devices meeting the requirements of the Measurements Act and the regulatory acts for its implementation, the same are not used for fillings, for which commercial payments are effected.
- (3) (Amended, SG No. 9/2020, effective 25.01.2020) The registration of more than one site or transport vehicle may be applied for with one application.
- (4) (New, SG No. 9/2020, effective 25.01.2020) The information under Art. 7, Paragraph (1), Item 3 shall be obtained ex officio from the register of the National Revenue Agency, and the information under Art. 7, Paragraph (1), Item 5 shall be required pursuant to Article 87, Paragraph (11) of the Tax and Insurance Procedure Code.
- (5) (New, SG No. 9/2020, effective 25.01.2020) The conditions and procedure for filing of the application under Paragraph (1) shall be laid down in the ordinance under Article 4, Paragraph (4).

Article 18. (1) Within 7 business days of receipt of the application under Article 17, paragraph 1, officials of the special unit under Article 4, paragraph 2 shall check the documents attached to it.

(2) Within 7 business days of the completion of the check, the officials under paragraph 1 shall notify the applicant in writing to eliminate the established deficiencies and/or inaccuracies in the documents presented. Within 14 business days of receipt of such notification, the applicant shall eliminate such deficiencies and/or inaccuracies.

(3) (Supplemented, SG No. 9/2020, effective 25.01.2020, amended, SG No. 8/2023) Within 10 business days of completion of the check under paragraph 1 or elimination of the deficiencies and/or inaccuracies under paragraph 2, the officials per paragraph 1 shall offer to the Minister of Economy and Industry or to a Deputy Minister authorized thereby to issue a certificate of registration in the register, respectively a reasoned order for refusal of registration.

(4) The certificate of registration in the register shall be received by the applicant in person or by a person authorized with a notarized Power of Attorney.

(5) (Amended, SG No. 8/2023) In the event of loss, theft or destruction of a certificate of registration in the register, the applicant shall submit an application to the Minister of Economy and Industry for the issuance of a duplicate.

Article 19. (1) (Amended, SG No. 8/2023) The Minister of Economy and Industry or a Deputy Minister authorized thereby shall refuse with a reasoned order the registration in the register of persons engaged in economic activities associated with oil and petroleum products:

1. provided the applicant does not meet the general or special condition for registration under Chapter Two, sections I and II of this Act;

2. in case of deficiencies and/or inaccuracies in the documents presented, which are not eliminated within the time limit under Article 18, paragraph 2.

(2) Refusal under paragraph 1 shall be communicated within a 7-day term from its issuance and may be appealed against in accordance with the procedure provided for in the Administrative Procedure Code.

Article 20. The arising rights from the entered registration may not be transferred or ceded, except in the case of transformation of a company under the Commerce Act or under the legislation of another Member State of the European Union or a State party to the European Economic Area Agreement, and provided that the person to whom the rights are transferred or ceded, fulfils the conditions for registration in the register under Article 16, paragraph 1.

Article 21. (1) (Amended, SG No. 8/2023) In case of change in the circumstances under Article 17, within 7 days of their occurrence the person who obtained registration shall submit an application to the Minister of Economy and Industry and shall attach to it the documents certifying the change.

(2) In case of change in the circumstances stated in the certificate of registration, the updated data of the applicant shall be entered, and as of the date of issue of the certificate the dates of amendments and/or supplements to the certificate shall also be entered.

(3) The registration of the changed circumstances or the refusal of such registration shall be made under the terms and conditions of Articles 17 through 19.

Section V

Public Register

Article 22. (1) (Supplemented, SG No. 8/2023) The register under Article 16(1) is public; it shall be kept in electronic form on the website of the Ministry of Economy and Industry and shall be kept according to a standard form established by the Ordinance under Article 4(4).

(2) The register referred to in Article 16 (1) shall also contain:

1. name and legal form of the legal entity or name of the natural person registered;
2. identification data;
3. seat and registered office, as well as the seats and registered offices of the branches, if any;
4. management bodies full names of the persons managing or representing them and the method of representation; if the members of the management bodies or the representatives are legal entities, their name, seat, registered office, UIC, as well as the full names of the persons who represent them shall be entered;
5. a term for which the company has been established.
6. (amended, SG No. 13/2019, effective 28.01.2019) amount of the paid-in authorized capital of the company or amount of the assets;
7. (supplemented, SG No. 8/2023) date of receipt of the registration application at the Ministry of Economy and Industry;
8. number and date of issue of the registration certificate;
9. (supplemented, SG No. 8/2023) the activities under Article 2(1)(1) – (6) for which registration has been made;
10. (amended, SG No. 9/2020, effective 25.01.2020) a list of identification data of the sites in which the respective economic activity will be carried out, including the type of sites to carry out the business of retail trade, transport vehicles and cylinders to be filled with liquefied petroleum gas (LPG);
11. (amended, SG No. 9/2020, effective 25.01.2020) data of oil and petroleum products, with which the activity subject to registration will be performed, described in words and with current codes according to a Combined Nomenclature in place for the respective year;
12. information of all commercial activities performed and regimes, as a result of which oil and petroleum products subject of trade and storage will be acquired, including imports and intra-Community arrivals (ICA);

13. date and number of the order for change in the circumstances of registration and number and date of the new registration certificate;
14. (amended, SG No. 9/2020, effective 25.01.2020) the date and number of the order for termination of registration;
15. type and amount of the security provided, and in the case of submission of an unconditional and irrevocable bank guarantee – also the date until which is valid.

Section VI

Termination of Registration and Deletion from the Register

Article 23. (1) (Supplemented, SG No. 8/2023) The Minister of Economy and Industry or a Deputy Minister authorized thereby shall issue an order for the termination of the registration and deletion from the register:

1. at the request of the registered person;
 2. (supplemented, SG No. 8/2023) where a registered person no longer fulfils the general or special condition for registration under Chapter Two, sections I and II; where the registered person no longer fulfils the special condition only in respect of specific activities under Article 2, paragraph 1, items 1 - 6 or an individual site, the registration shall be terminated only in respect of that activity/site;
 3. (new, SG No. 9/2020, effective 25.01.2020) in case of a violation committed under Article 25, paragraph (1); in such cases the registration shall be terminated only in respect of the site where the violation was committed.
- (2) (Amended, SG No. 9/2020, effective 25.01.2020) Within 14 days of the occurrence of the circumstances under Paragraph (1), Items 1 and 3, officials of the special unit under Article 4, Paragraph (2) shall prepare a report and shall propose to the authority under Paragraph (1), Items 1 and 3 to issue an order for the termination of the registration and deletion from the register.
- (3) (New, SG No. 9/2020, effective 25.01.2020) Within 14 days of finding of the circumstance under Paragraph (1), item 2, the special unit under Article 4, Paragraph (2) shall notify the registered person in writing of the non-compliance found. Within 14 days of receiving of the notification, the person shall be obligated to remedy the non-compliance. Where the non-compliance is not remedied within the set time, the special unit shall prepare a report and shall propose to the authority under Paragraph (1) to issue an order for invalidation of the registration and deletion from the register.
- (4) (Renumbered from Paragraph (3), amended, SG No. 9/2020, effective 25.01.2020) Within 14 days of receipt of the proposal under Paragraphs 2 or 3, the authority under Paragraph (1) shall issue an order for the invalidation of the registration and deletion from the register, that shall be subject to provisional enforcement, unless the Court directs otherwise.
- (5) (Renumbered from Paragraph (4), amended, SG No. 9/2020, effective 25.01.2020) The special unit under Article 4, Paragraph (2) shall immediately notify the State Reserve and Wartime Stocks State Agency of the unremedied non-compliance under Paragraph (3) and of the order issued for invalidation of the registration and deletion from the register of a person carrying out activities under Article 2, Paragraph (1), items 1 and 3.
- (6) (Renumbered from Paragraph (5), amended, SG No. 9/2020, effective 25.01.2020) The order under Paragraph (3) shall be subject to appeal according to the procedure established by the Administrative Procedure Code.
- (7) (New, SG No. 9/2020, effective 25.01.2020, supplemented, SG No. 8/2023) The Ministry of Economy and Industry shall publish on its website a list of sites, which may not be registered in the register under Article 16, Paragraph (1) for the term under Article 29, Paragraph (1) and Article 32, Paragraphs (1) and (3). The conditions and procedure for keeping the list shall be laid down in the ordinance under Article 4, Paragraph (4).

Chapter Three

SPECIAL PROVISIONS

Article 24. (Supplemented, SG No. 13/2019, effective 28.01.2019, amended, SG No. 9/2020, effective 25.01.2020) (1) Filling with petroleum products of road vehicles, non-road machinery or equipment of third parties through an internal site shall be prohibited.

(2) An internal site or a petrol station may not use common tanks and/or consumption/volume metering devices.

(3) Paragraph (1) shall not apply where the internal site:

1. services one or more concessions for production of subsurface resources within the meaning of the Subsurface Resources Act, the rights over which are owned by the same concessionaire on the territory of the same administrative district, and the relevant road transport vehicles, non-road machinery or equipment of third parties are used by them to carry out activities or provide services in favour of the concessionaire on the territory of the concession area or the site for processing of the subsurface resources produced.

2. is located within a concession territory within the meaning of the Concessions Act, or services a construction site of first, second or third category pursuant to the Spatial Development Act, and the relevant road transport vehicles, non-road machinery or equipment of third parties are used to carry out activities or provide services in favour of the person registered for performance of activities under Article 2, Paragraph (1), item 2 from the internal site under a contract signed in relation to the concession or construction site.

Article 25. (1) (Amended, SG No. 9/2020, effective 25.01.2020) It is prohibited to fill road vehicles or non-road machinery or equipment from other road vehicles, movable sites or movable tanks with petroleum products that have not been reported pursuant to the Value Added Tax Act and the ordinance under Article 118, Paragraph (4) of the same act.

(2) (Amended, SG No. 9/2020, effective 25.01.2020) It is prohibited to carry out activities for filling pressure containers with liquefied petroleum gas (LPG) outside of tax warehouses within the meaning of the Excise Duties and Tax Warehouses Act, as well as outside sites for carrying out activities under Article 2, Paragraph (1), item 5 registered under this Act.

(3) (New, SG No. 13/2019, effective 28.01.2019, amended, SG No. 9/2020, effective 25.01.2020) It is prohibited to fill with petroleum products sites included in the list under Article 23, Paragraph (7).

Article 25a. (New, SG No. 8/2023) Facilities of the critical infrastructure which are strategic facilities of importance for national security in the energy sector, intended for the production, processing, handling, storage and transfer of oil, including through pipelines, and of energy products, are subject to supervision in accordance with this Act by the Minister of Economy and Industry.

Chapter Four

SUPERVISION

Article 26. (1) (Amended, SG No. 8/2023) Control of compliance with the requirements of the Act shall be exercised separately or jointly by officials designated by the Ministry of Economy and Industry, Ministry of Interior, National Revenue Agency, Customs Agency, State Agency "State Reserve and Wartime Stocks", State Agency for Metrological and Technical Surveillance and the Bulgarian Institute of Metrology.

(2) When exercising their control functions, the employees under paragraph 1 shall have the right:

1. to free access to the administrative premises and facilities of the controlled persons;

2. to require from the inspected person documents, data, information, reports, and other information carriers, related with activities under Article 2, paragraph 1;
 3. to seal premises and facilities, when activities under this Act are performed in breach of any condition set out in Chapter Two, or without registration;
 4. to demand from third parties to provide information and documents required for the conduct of such inspections;
 5. to request written explanations from the persons subject to audits and inspections;
 6. (amended, SG No. 8/2023) to prepare written requests from the Minister of Economy and Industry for the submission of information by the competent authorities of other countries, needed for implementation of the control activity;
 7. (new, SG No. 9/2020, effective 25.01.2020) make inspections and, upon finding of non-compliances, prepare an act establishing an administrative violation within their competences;
 8. (new, SG No. 9/2020, effective 25.01.2020) to obtain assistance from the authorities of the Ministry of Interior, municipalities and mayoralities or in relation to carrying out their duties pursuant to this Act.
- (3) (Supplemented, SG No. 9/2020, effective 25.01.2020) The employees under Paragraph (1) shall prepare statements of findings on the results from the inspections within their competence.
- (4) The procedure and manner of interaction shall be established with a joint instruction of the heads of the relevant administrations.

Article 27. Authorities and employees to whom information, facts and circumstances have become known in the course or in relation to performing their official duties under this Act, shall be obligated to not to use it for any purposes other than for their direct performance, except in the cases where a written request is received from a state authority, where this is provided for in an act, or upon a request of the respective offices of the European Commission or of another EU member state.

Chapter Four "a" **(New, SG No. 8/2023)** **APPOINTING A SPECIAL COMMERCIAL MANAGER**

Article 27a. (New, SG No. 8/2023) (1) (Repealed, SG No. 86/2023, effective 13.10.2023).

(2) (Repealed, SG No. 86/2023, effective 13.10.2023).

(3) (Amended, SG No. 86/2023, effective 13.10.2023) When the Advisory Council finds circumstances that are a threat to national security, public order, supply of critical resources; distortion of competition in the case of a monopoly or dominant position, when said distortion is a threat to national security; or a violation of international restrictive measures or restrictive measures imposed by the European Union which are mandatory for the Republic of Bulgaria, the Security Council within the Council of Ministers shall propose to open a procedure for the appointment of a special commercial manager in a person operating facilities of the critical infrastructure within the meaning of Article 25a. A copy of the proposal shall be sent also to the President of the Republic of Bulgaria in cases related to national security.

Article 27b. (New, SG No. 8/2023) (1) (Amended, SG No. 86/2023, effective 13.10.2023) The special commercial manager shall be appointed by the Council of Ministers on a proposal of the Minister of Economy and Industry, after an opinion of the Security Council within the Council of Ministers, but no later than two weeks of the proposal. The special commercial manager shall be entered in the person's account in the Commercial Register and in the Register of Non-Profit Legal Persons.

(2) (Amended, SG No. 86/2023, effective 13.10.2023) The special commercial manager shall be appointed for a term of 6 months and this term can be extended once by the same period.

(3) The person who can be appointed as a special commercial manager must comply with the following conditions:

1. has not been convicted as an adult for an indictable offence, unless exonerated;
2. is not the spouse of a person participating in the management or in a supervisory body of a person operating critical infrastructure, and is not a linear relative of such person, a collateral relative up to the sixth degree, and a relative by marriage up to the third degree;
3. has no relations with the person operating critical infrastructure that give grounds for reasonable doubt as to his/her impartiality;
4. has a completed higher education in Economics with acquired academic qualification degree "Master" or higher education in Law;
5. has at least 5 years of professional management experience in the field of economic activities related to oil and petroleum products;
6. the measure under Article 65 (2)(11) of the Banking Act or under Article 103 (2)(16) of the Credit Institutions Act has not been applied in respect of him/her.

(4) The powers of the special commercial manager may be exercised by several persons, but not more than three persons. In this case, decisions shall be made unanimously, for which a protocol shall be drawn up, and actions shall be carried out jointly.

(5) (Amended, SG No. 86/2023, effective 13.10.2023) The candidates for a special commercial manager shall submit a 6-month detailed action plan to the Security Council within the Council of Ministers for approval. The action plan shall be an integral part of the managing contract of the chosen special commercial manager.

(6) (Amended, SG No. 86/2023, effective 13.10.2023) The implementation of the action plan under paragraph 5 shall be reported in writing each month to the parliamentary Economic Policy and Innovations Committee within one week after the end of the respective month. The Chairperson of the Economic Policy and Innovations Committee shall organise a discussion and adoption of the report under paragraph 5 within one week after the submission of the report.

(7) The special commercial manager is entitled to free access to the administrative premises and facilities in which activity is carried out, as well as to all documents, data, information, reports and other information carriers related to the activity.

(8) The special commercial manager shall perform his/her position in compliance with Article 27.

(9) The Minister of Economy and Industry shall declare for immediate entry in the person's account in the Commercial Register and in the Register of Non-Profit Legal Persons all circumstances subject to entry, respectively change or deletion of an entry.

(10) (New, SG No. 86/2023, effective 13.10.2023) In extraordinary situations where the National Assembly has been inactive for a period longer than 7 days, the special commercial manager shall report to the Council of Ministers.

Article 27c. (New, SG No. 8/2023) (1) The special commercial manager shall:

1. take over the operational management of the activity of the person operating critical infrastructure;
2. take action to remove the violations found by the Advisory Council;
3. take action to preserve the property acting with due commercial care.

(2) The special commercial manager shall commission the performance of an independent audit of the company's activities, and if sufficient circumstances are found pointing to the existence of violations of tax, customs or other legislation that are a threat to national security or public order, shall immediately notify the National Revenue Agency, the Customs Agency, the Prosecutor's Office or the relevant control authority so that they can carry out an inspection.

(3) The special commercial manager shall not have the right to dispose of or expropriate property of the company over which he/she exercises operational control, except within the framework of ordinary management activities, or to assume financial obligations on behalf of the person operating critical infrastructure, except within the framework of ordinary management activities and in the ordinary course of business.

(4) After the entry of the special commercial manager in the Commercial Register and in the Register of Non-Profit Legal Persons, the owners of the capital of the person operating critical infrastructure may exercise their rights, insofar as they do not hinder the activity of the special commercial manager.

Article 27d. (New, SG No. 8/2023) (1) During the period of operation of the special commercial manager, the inspected person has no right to alienate its property and to conclude preliminary contracts for the disposal of rights in respect of facilities of the critical infrastructure or parts thereof.

(2) After the entry of the special commercial manager in the Commercial Register and in the Register of Non-Profit Legal Persons, the management bodies of the inspected person operating critical infrastructure may act only with the consent of the special commercial manager.

(3) Transactions concluded in breach of the provisions of paragraphs 1 and 2 shall be null and void.

Chapter Five

ADMINISTRATIVE PENALTY PROVISIONS

Section I

Coercive Administrative Measures

Article 28. (1) (Amended, SG No. 9/2020, effective 25.01.2020) In case a person performs an activity under Article 1 Paragraph (2) in violation of a condition stipulated in Chapter Two, or without registration, officials, as laid down in Article 26, Paragraph (1), shall issue an order for discontinuation of the activity of the respective person and for sealing his/her enterprise pending full compliance with the respective condition for performing the activity or pending registration of the person for performing the activity, respectively.

(2) When the violation concerns a specific activity under Article 2, paragraph 1 or a specific site of the controlled person, only the specific activity shall be discontinued, respectively only the specific site shall be sealed.

(3) The order under paragraph 1 shall be issued and appealed in pursuance of the Administrative Procedure Code. Such an appeal shall not stay the execution of any such order, unless the court orders otherwise.

Section II

Administrative Liability and Penalties

Article 29. (1) (Supplemented, SG No. 9/2020, effective 25.01.2020) A person carrying out activities under Article 2, Paragraph (1) without registration, outside the registration scope, or in violation of a condition set out in Chapter Two, sections I and II, shall be punished by a fine in the amount from BGN 15,000 to BGN 100,000, or by a property sanction, respectively, in the amount from BGN 25,000 to BGN 250,000. Where the activities were carried out in a site that is not registered in the register under Article 16, Paragraph (1), this site may not be registered in the register for a period of two years as from the date of effectiveness of the penalty decree.

(2) The transported oil and petroleum products, the transportation vehicles and other facilities used for performing the activity under Article 2, paragraph 1, item 4 without registration, shall be confiscated in favour of the state, regardless of their ownership title.

(3) Where the oil and/or petroleum products confiscated in favour of the state constitute stocks for emergencies, their status shall remain unchanged until expiry of the period in which they should be maintained and stored as reserves for emergencies.

(4) A person who is a legal representative of a legal entity or of a sole proprietor and who has permitted a violation to be committed under paragraph 1 shall be punished by a fine from BGN 1,000 to BGN 10,000.

(5) (Supplemented, SG No. 9/2020, effective 25.01.2020) In the event of a repeated violation under Paragraph (1) the fine shall range from BGN 30,000 to BGN 200,000, the property sanction, respectively, shall range from BGN 50,000 to BGN 500,000.

Article 30. (Supplemented, SG No. 9/2020, effective 25.01.2020) A person pursuing an activity under Article 2, Paragraph (1) who submits a document with untrue, inaccurate or incomplete information or does not provide a document attesting to the security provided within the deadline under Article 10, Paragraph (4) and/or Article 12, if the act does not constitute a crime, shall be punished by a fine from BGN 2,000 to BGN 5,000, respectively by a property sanction from BGN 5,000 to BGN 10,000. For repeat offenders, the fine shall be in the amount from BGN 5,000 to BGN 15,000, respectively the property sanction shall be from BGN 5,000 to BGN 20,000.

Article 31. (1) (Supplemented, SG No. 9/2020, effective 25.01.2020) Whoever violates the prohibition under Article 24, Paragraph (1) and/or Paragraph (2) shall be punished by a fine from BGN 15,000 to BGN 100,000, respectively by a property sanction from BGN 25,000 to BGN 250,000.

(2) The oil and/or petroleum products, transportation vehicles, facilities and real estate properties subject of or used in committing the violation under paragraph 1 shall be confiscated in favour of the state, regardless of their ownership title.

Article 32. (Amended, SG No. 9/2020, effective 25.01.2020) (1) Whoever violates the prohibition under Article 25, Paragraph (1), shall be punished by a fine ranging from BGN 10,000 to BGN 100,000, respectively by a property sanction ranging from BGN 20,000 to BGN 200,000. The site where the violation was committed may not be registered in the register under Article 16, Paragraph (1) for a period of two years as from the date of effectiveness of the penalty decree.

(2) A person violating the provisions of Article 25, Paragraph (2) shall be punished by a fine ranging from BGN 5,000 to BGN 10,000, respectively by a property sanction ranging from BGN 10,000 to BGN 20,000.

(3) Within a two-year period from the date of effectiveness of the penalty decree under Paragraph (2), no registration may be done for activities under Article 2, Paragraph (1), item 5 on this site.

(4) A person violating the provisions of Article 25, Paragraph (3) shall be punished by a fine ranging from BGN 10,000 to BGN 100,000, respectively a property sanction ranging from BGN 20,000 to BGN 200,000.

(5) The oil and petroleum products, transportation vehicles and facilities subject of or used in committing the violation under Paragraphs (1) and (4) shall be confiscated in favour of the state, regardless of their ownership title.

(6) In case of repeated violation under paragraphs 1, 2 and 4, twice the amount of the fine or property sanction shall be charged.

Article 33. (1) (Renumbered from Article 33, SG No. 9/2020, effective 25.01.2020) Whoever obstructs or permits the obstruction of the performance of an inspection under this Act shall be punished by a fine from BGN 5,000 to BGN 10,000.

(2) (New, SG No. 9/2020, effective 25.01.2020) In case of failure to comply with the coercive administrative measures referred in Article 28, Paragraph (1), the persons shall be punished by a fine ranging from BGN 1,000 to BGN 5,000, respectively by a property sanction ranging from BGN 5,000 to BGN 10,000.

Article 34. Any person, who or which fails to fulfil any other obligations provided for in this Act, shall be punished by a fine from BGN 500 to BGN 5,000 or by a pecuniary penalty from BGN 1,000 to BGN 10,000.

Article 35. Persons having access to data, facts, and circumstances in the course of or in relation to the performance of their duties under this Act, who divulge, provide, publish, use or disseminate by other means, if not subject to a heavier penalty, shall be punishable by a fine in the amount from BGN 1,000 to 5,000, and for particularly serious cases - from BGN 5,000 to BGN 10,000.

Article 36. (1) (New, SG No. 9/2020, effective 25.01.2020) The acts establishing administrative offences under Articles 29 and 32, Paragraph (4) shall be drawn up by officials determined pursuant to Article 26, Paragraph (1), and penal decrees shall be issued by the head of the public authority, or by an official authorized thereby, the employee of which has drawn up the act establishing the administrative violation.

(2) (Renumbered from Paragraph (1), amended, SG No. 9/2020, effective 25.01.2020) The acts establishing administrative offences under Articles 31 and Article 32, Paragraph (1) and Article 33 shall be drawn up by the officials authorized by the Minister of Finance or the Minister of Interior, and penal decrees shall be issued by the head of the public authority or by an official authorized thereby, the employee of which has drawn up the act establishing the administrative violation.

(3) (Renumbered from Paragraph (2), SG No. 9/2020, effective 25.01.2020, amended, SG No. 8/2023) The acts establishing administrative offences under Articles 30 and 34 shall be drawn up by the officials authorized by the Minister of Economy and Industry, and penal decrees shall be issued by the head of the public authority or by an official authorized thereby, the employee of which has drawn up the act establishing the administrative violation.

(4) (Renumbered from Paragraph (3), amended, SG No. 9/2020, effective 25.01.2020) The acts establishing administrative offences under Article 32, Paragraph (2) and Article 35 shall be drawn up by the officials authorized by the Minister of Interior, and penal decrees shall be issued by the Minister of Interior or by an official authorized thereby.

(5) (Renumbered from Paragraph (4), SG No. 9/2020, effective 25.01.2020) Ascertainment of violations, as well as issuance, appeal and execution of penal decrees shall be effected under the terms and procedures prescribed in the Administrative Violations and Sanctions Act.

Article 37. (New, SG No. 9/2020, effective 25.01.2020) The control authorities under Article 36, Paragraphs (1) and (4), shall immediately notify the special unit under Article 4, Paragraph (2), upon the effectiveness of the penalty decree under Article 29, Paragraph (1) and Article 32, Paragraphs (1) and (2).

ADDITIONAL PROVISION

§ 1. Within the meaning of this Act:

1. "Petroleum products" means petroleum products such as gasoline, gas oil (diesel fuel), kerosene, heavy fuel oils, liquefied petroleum gas (LPG), as well as all other or mixed oil products intended for use as heating fuel or motor fuel.
2. (Amended, SG No. 51/2020, effective 5.06.2020) "Oil" is a concept as defined in Annex A, Chapter 3.4, point 3.4.1 of Commission Regulation (EU) 2017/2010 of 9 November 2017 amending Regulation (EC) No. 1099/2008 of the European Parliament and of the Council on energy statistics, as regards the updates for the annual and monthly energy statistics (OJ L 292/3 of 10.11.2017).
3. (Amended, SG No. 9/2020, effective 25.01.2020) "Storage of oil and petroleum products" is the physical storage and the activities related thereto of acceptance, transshipment and handover of oil and petroleum products at petrol depots, customs warehouses or other tanks, which are not registered as tax warehouses under the Excise Duties and Tax Warehouses Act, as well as in tanks and other storage containers, unless they are of industrial end-users or are intended to satisfy domestic and technological needs.
4. "Wholesale trade" is distribution, free of charge or for valuable consideration, of oil and/or petroleum product in the territory of the country, acquired, including through import and intra-

Community arrivals, produced, processed or extracted by the distributor, with the exception of retail trade.

5. "Retail trade" means:

(a) sale of oil and petroleum products to end consumers through petrol stations and/or

(b) (amended, SG No. 9/2020, effective 25.01.2020) filling of tanks of road vehicles or non-road machinery and equipment used for own needs, through an internal site, with the exception of filling from a farmer, registered pursuant to Article 2, Paragraph (2), item 7.

6. "Petrol station" is a site permanently attached to real property that meets the requirements of the Spatial Development Act, intended for immediate filling of road vehicles in the territory of the site.

7. (Amended, SG No. 9/2020, effective 25.01.2020) "Internal site" is a facility or site that is permanently attached to real property, or that is movable within the meaning of § 5, item 80 of the Additional Provisions of the Spatial Development Act, intended for filling of road vehicles, non-road machinery and equipment used for own needs.

8. (Amended, SG No. 15/2021, effective 19.02.2021) "Representative industry organization" is a non-profit association, which represents economic operators carrying out not less than 20 per cent of the market for trade in oil and petroleum products, both wholesale and retail, in the country, according to the official data of the National Statistical Institute, and whose members have fulfilled their obligations for the previous year, if any, to create emergency reserves for the meaning of the Crude Oil and Petroleum Products Stocks Act. The latter condition shall be certified by the State Reserve and Wartime Stocks State Agency, and in case of non-compliance the share of the respective member shall not be included in the total calculation of the market share of the operators, members of the association.

9. "Transport of petroleum products" is an activity of transportation of petroleum products, carried out by road and/or railway transport, in accordance with the requirements of the Carriage by Road Act and/or the Rail Transport Act.

10. (Amended, SG No. 9/2020, effective 25.01.2020) "Filling of cylinders with liquefied petroleum gas (LPG)" is filling of transportable storage vessels (cylinders) with liquefied petroleum gas (LPG) – owned by natural or legal persons, at gas supply stations or gas supply points.

11. "Distribution of bottled liquefied petroleum gas" is an activity of transportation, delivery and sale of cylinders with liquefied petroleum gas (LPG) to other dealers and end customers.

12. (Amended, SG No. 9/2020, effective 25.01.2020) "Permanently attached site" is a built structure that is fixed to a real property and cannot be removed without this disrupting its integrity, or a facility fixed to a real property that cannot be removed without this destroying the connections built with the site.

13. "Temporary storage and/or filling from a farmer, registered pursuant to Agricultural Producers Support Act" is an activity of storage of oil and petroleum products, which are owned by the farmer who stores them in his own, leased or used on another legal basis storage containers, with the purpose to use the products only for filling own, rented or used on another legal basis agricultural equipment.

14. "Agricultural equipment" is machines and vehicles used by the farmer for his agricultural activity.

15. "Repeated" violation is a violation committed within one year from entry into force of a penalty decree by virtue of which the person had been penalized for the same type of violation.

16. (New, SG No. 9/2020, effective 25.01.2020) "Industrial end user" is an end customer that is an industrial enterprise, which purchases oil or petrol products from a person registered under this Act, and which uses them for filling its own industrial plants, facilities and other industrial equipment.

17. (New, SG No. 8/2023) "Operational management" is the management of the trader's activity, including the ordinary commercial activity, assumption of obligations and exercising of rights within the framework of ordinary management activities.

TRANSITIONAL AND FINAL PROVISIONS

§ 2. (Effective from 28.07.2020 concerning the minimum storage capacity of tax warehouses for storage of liquified petroleum gas (LPG) - SG No. 62/2018) In the Excise Duties and Tax Warehouses Act (promulgated, SG No. 91/2005; amended, SG No. 105/2005, SG Nos. 30, 34, 63, 80, 81, 105 and 108/2006, SG Nos. 31, 53, 108 and 109/2007, SG Nos. 36 and 106/2008, SG Nos. 6, 24, 44 and 95/2009, SG Nos. 55 and 94/2010, SG Nos. 19, 35, 82 and 99/2011, SG Nos. 29, 54 and 94/2012, SG Nos. 15, 101 and 109/2013, SG Nos. 1 and 105/2014, SG Nos. 30, 92 and 95/2015, SG Nos. 45, 58, 95 and 97/2016, SG Nos. 9, 58, 63, 92, 97 and 103/2017 and SG No. 24/2018, a new paragraph 4 shall be added to Article 47:

"(4) A warehousekeeper of oil and petroleum products shall have at its disposal proprietary or leased containers for storage of liquid petroleum gas (LPG) with minimum capacity of the warehouse 50 m³, or shall have at its disposal proprietary or leased containers for storage of oil and petroleum products with minimum storage capacity of the storage facility 50 m³, with the exception of containers for storage of biocomponents and fuel quality improving additives, for which the minimum capacity of the warehouse must be 1,000 m³. The requirement shall not apply to persons engaged in activities linked to the production of fuels from reprocessing of used tires and plastic products."

§ 3. In the Carriage by Road Act (promulgated, SG No. 82/1999; amended and supplemented, SG No. 11/2002, amended, SG No. 45/2002, SG No. 99/2003, SG No. 70/2004, SG No. 88, 92, 95, 102, 103 and 105/2005, SG No. 30, 85, 92 and 102/2006, SG No. 42, 80 and 109/2007, SG No. 102/2008, SG No. 93/2009, SG No. 41/2010, SG No. 17/2011, SG No. 38, 50, 60, 99 and 103/2012, SG No. 15, 23, 66 and 109/2013, SG No. 11, 60, 98 and 107/2014 SG No. 14, 60, 81 and 100/2015, SG No. 32, 58 and 59/2016 and SG No. 9 and 93/2017), the following amendments and supplements shall be made in Article 103:

1. in paragraph 1 the figure "3,000" is replaced by "10,000";

2. in paragraph 2 the figure "3,000" is replaced by "5,000";

3. new paragraphs 4, 5 and 6 are added, to read as follows:

"(4) A repeated violation under paragraph 1 shall be punished by a pecuniary penalty of BGN 30,000.

(5) A repeated violation under paragraph 2 shall be punished by a fine of BGN 10,000.

(6) A repeated violation under paragraph 3 shall be punished by a fine of BGN 5,000."

§ 4. In the Road Traffic Act (promulgated, SG No. 20/1999, amended, SG No. 1/2000, SG No. 43 and 76/2002, SG No. 16 and 22/2003, SG No. 6, 70, 85 and 115/2004, SG No. 79, 92, 99, 102, 103 and 105/2005, SG No. 30, 34, 61, 64, 80, 82, 85 and 102/2006, SG No. 22, 51, 53, 97 and 109/2007, SG No. 36, 43, 69, 88 and 102/2008, SG No. 74, 75, 82 and 93/2009, SG No. 54, 98 and 100/2010, SG No. 10, 19, 39 and 48/2011; Judgment No. 1 of the Constitutional Court of 2012 - SG No. 20/2012, amended, SG No. 47, 53, 54, 60 and 75/2012, SG No. 15 and 68/2013, SG No. 53 and 107/2014, SG No. 14, 19, 37, 79, 92, 95, 101 and 102/2015, SG No. 13, 50, 81, 86, 98 and 101/2016, SG No. 9, 11, 54, 58, 77 and 97/2017 and SG No. 2, 7, 17 and 55/2018), in Chapter Two, section XX Article 106a shall be created, as follows:

"Article 106a. Drivers are required to refuel with fuel the road vehicles and/or self-propelled machines driven by them only at petrol stations equipped with tanks, which are permanently attached to real property."

§ 5. In the Crude Oil and Petroleum Products Stocks Act (promulgated, SG No. 15/2013, amended, SG No. 14/2015 and SG No. 85/2017) the following amendments shall be made:

1. A new paragraph 7 shall be added to Article 24, as follows:

"(7) In case of an order issued for the deletion from the register of a person performing economic activities under Article 2, paragraph 1, item 1 and item 2 of the Act on Administrative Regulation of Economic Activities Associated with Oil and Petroleum Products, as a result of the import and intra-Community arrivals carried out by it, the liable person shall be obliged to create conditions for accumulation and storage of the levels of emergency stocks set to him in accordance with the

injunction issued to him, as well as for the implementation of all other individual administrative acts issued under this Act."

2. In Article 38, paragraph 2, item 16 shall be added, as follows:

"16. A copy of the certificate for pursuing economic activities under Article 2, paragraph 1, item 3 of the Act on Administrative Regulation of Economic Activities Associated with Oil and Petroleum Products, or a copy of the license for management of a tax warehouse or a registration certificate of a recipient within the meaning of the Excise Duties and Tax Warehouses Act."

3. A new item 5 shall be added to Article 39, paragraph 1, as follows:

"5. In case of a notification received at the Agency under Article 23, paragraph 4 of the Act on Administrative Regulation of Economic Activities Associated with Oil and Petroleum Products."

§ 6. (Effective 27.07.2018 - SG No. 62/2018) Within three months from the date of promulgation of the Act the Council of Ministers shall amend the Rules of Procedure of the Ministry of Economy.

§ 7. (1) (Amended, SG No. 83/2019, effective 25.10.2019) Persons who, until the entry of this Act into force are carrying economic activities under Article 2, paragraph 1, shall apply for registration within six months of the entry into force of the Ordinance under Article 4, paragraph 4. (2) Pending the completion of the registration proceedings with a certificate of registration or by a final refusal of registration, the persons under paragraph 1 shall have the right to carry out the relevant activities under Article 2, paragraph 1 and shall have the status of registered persons if they satisfy the general and special conditions of the Act for the respective type of activity, except for the security as provided for in the Act.

§ 8. (Amended, SG No. 13/2019, effective 28.01.2019, SG No. 8/2023) The Minister of Economy and Industry shall issue the ordinance under Article 4, Paragraph 4 within 6 months of the entry into force of this Act.

§ 9. This Act shall enter into force within six months of its promulgation in the State Gazette, except for the following:

1. (Amended, SG No. 13/2019, effective 28.01.2019) Article 4, Paragraph 4 and § 6, which shall enter into force as of the day of its promulgation in the State Gazette.

2. Paragraph 2 on the minimum storage capacity of tax warehouses for the storage of liquefied petroleum gas (LPG), which shall enter into force two years after its promulgation in the State Gazette.

This Act was passed by the 44th National Assembly on 12 July 2018 and the official seal of the National Assembly has been affixed to it.

TRANSITIONAL AND CONCLUDING PROVISIONS

to the Act amending and supplementing the Act
on Administrative Regulation of Economic Activities
Associated with Oil and Petroleum Products
(SG No. 9/2020, effective 25.01.2020,
amended, SG No. 28/2020, effective 13.03.2020)

§ 24. (1) Registration procedures that have commenced but are not completed by the time of effectiveness of this Act shall be completed according to the new procedure.

(2) Security under this Act shall apply to registration procedures that have started and to those that are completed.

§ 25. (1) Within two months of the effectiveness of this Act, the Minister of Economy shall bring the ordinance under Article 4, Paragraph (4) into compliance with it.

(2) (Amended, SG No. 28/2020, effective 13.03.2020) Within four months of the effectiveness of the amendments to the ordinance under Paragraph (1), persons who have not filed an application for registration by the time of effectiveness of this Act shall apply for registration.

(3) Pending the completion of the registration proceedings with a certificate of registration or by a final refusal of registration, the persons under Paragraph (2) shall have the right to carry out the relevant activities under Article 2, Paragraph (1) and shall have the status of registered persons if they satisfy the general and special conditions of the Act for the respective type of activity, except for the security as provided for in the Act.

§ 26. Persons entered in the public register under Article 16, Paragraph (1), who are not subject to registration, shall be deleted, and the certificates issued shall be cancelled.

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TRANSITIONAL AND FINAL PROVISIONS

to the Act on the Measures and Actions during
the State of Emergency Declared by a Resolution
of the National Assembly of 13 March 2020
(SG No. 28/2020, effective 13.03.2020)

.....
§ 52. This Act shall enter into force on the 13th day of March 2020 with the exception of Article 5, § 3, § 12, § 25 – 31, § 41, § 49 and § 51 which shall enter into force as from the day of the promulgation of this State Gazette and shall be applicable until the abrogation of the state of emergency.

TRANSITIONAL AND CONCLUDING PROVISIONS

to the Act to Amend and Supplement the Act on Administrative Regulation
of Economic Activities Associated with Oil and Petroleum Products
(SG No. 15/2021, effective 19.02.2021)

§ 4. Registration procedures that have commenced but are not completed by the time of effectiveness of this Act shall be completed according to the new procedure.

.....
ACT

to Amending and Supplementing
the Act on Administrative Regulation
Activities Associated with Oil and
Petroleum Products
(SG No. 8/2023)

.....
§ 13. In the rest of the texts of the Act, the words "the Minister of Economy" and "the Ministry of Economy" shall be replaced by "the Minister of Economy and Industry" and "the Ministry of Economy and Industry", respectively.