

Energy Efficiency Act

Promulgated, SG No. 98/14.11.2008, effective 14.11.2008, supplemented, SG No. 6/23.01.2009, effective 1.05.2009, amended, SG No. 19/13.03.2009, effective 10.04.2009, supplemented, SG No. 42/5.06.2009, amended, SG No. 82/16.10.2009, effective 16.10.2009, supplemented, SG No. 15/23.02.2010, effective 23.02.2010, amended, SG No. 52/9.07.2010, SG No. 97/10.12.2010, effective 10.12.2010, amended and supplemented, SG No. 35/3.05.2011, effective 3.05.2011, amended, SG No. 38/18.05.2012, effective 1.07.2012, SG No. 15/15.02.2013, effective 1.04.2014, amended and supplemented, SG No. 24/12.03.2013, effective 12.03.2013, SG No. 59/5.07.2013, effective 5.07.2013, amended, SG No. 66/26.07.2013, effective 26.07.2013

*Note: An update of the English text of this Act is being prepared following the amendments in SG No. 22/11.03.2014

Text in Bulgarian: Закон за енергийната ефективност

Chapter One GENERAL DISPOSITIONS

Article 1. (1) This Act regulates the social relations associated with the implementation of the state policy for promotion of energy end-use efficiency and the provision of energy services.

(2) The Act shall apply to the energy end use by the armed forces, to the extent to which it does not conflict with the Defence and Armed Forces of the Republic of Bulgaria Act or another special law.

(3) The Act shall not apply to the end use of energy by:

1. the installations for the categories of industrial activities referred to in Article 131c of the Environmental Protection Act;

2. the means of transport in the air and water transport.

Article 2. The purpose of this Act is to promote energy efficiency as a major factor of improving the competitiveness of the economy, the security of energy supply and environmental protection by:

1. using a system of energy end-use efficiency improvement activities and measures;

2. (amended, SG No. 24/2013, effective 12.03.2013) developing the market for energy services and energy end-use efficiency improvement measures.

Chapter Two

STATE FUNCTIONS FOR ENERGY EFFICIENCY PROMOTION

Section I

Governing Bodies

Article 3. (1) The State shall exercise its functions for energy efficiency improvement through the National Assembly and the Council of Ministers.

(2) (Amended, SG No. 24/2013, effective 12.03.2013) The National Assembly shall adopt a National Energy Efficiency Strategy of the Republic of Bulgaria, which shall set the national energy savings target, the stages, the means and the measures for achieving this indicative target. The National Strategy shall be updated once every five years.

(3) The Council of Ministers shall formulate the state policy for promotion of energy end-use efficiency and provision of energy services, which shall be a component of the policy for sustainable development of the country.

(4) In carrying out its functions under Paragraph (3), the Council of Ministers:

1. (amended, SG No. 59/2013, effective 5.07.2013) shall put lay the National Strategy referred to in Paragraph (2) before the National Assembly for adoption on a motion by the Minister of Economy and Energy;

2. shall adopt national energy efficiency action plans;

3. shall approve annual reports on the implementation of the plans referred to in Item 2;

4. shall adopt the ordinances provided for in this Act;

5. (amended, SG No. 59/2013, effective 5.07.2013) shall adopt other acts as well related to energy efficiency improvement, on a motion by the Minister of Economy and Energy.

Article 4. (1) (Amended, SG No. 59/2013, effective 5.07.2013) The state policy for promotion energy end-use efficiency and provision of energy services shall be implemented by the Minister of Economy and Energy.

(2) (Amended, SG No. 59/2013, effective 5.07.2013) The Minister of Economy and Energy:

1. shall develop and propose to the Council of Ministers the National Strategy referred to in Article 3 (2);

2. shall develop and lay national energy efficiency action plans before the Council of Ministers for adoption;

3. shall present annually a report on the implementation of the national plans referred to in Item 2 for adoption by the Council of Ministers;

4. shall develop draft ordinances in the cases provided for in this Act and shall lay them before the Council of Ministers for adoption;

5. shall develop draft programmes for energy end-use efficiency improvement and provision of energy services and shall lay them before the Council of Ministers for adoption;

5a. (new, SG No. 24/2013, effective 12.03.2013) shall approve methodologies for evaluation of energy savings, prepared according to the requirements of the ordinance under Article 9, Paragraph (2) upon a proposal by the Executive Director of the Agency for Sustainable Development;

6. shall issue, independently or jointly with the respective ministers, the statutory instruments of secondary legislation related to energy efficiency within their competences under this Act;

7. shall interact with the other state authorities and with not-for-profit legal entities in regard to the implementation of the state policy for promotion of energy efficiency ;

8. shall organise the preparation of statutory instruments for harmonisation of Bulgarian legislation in the sphere of energy efficiency with Community law;

9. shall implement the international co-operation of the Republic of Bulgaria in the sphere of energy efficiency;

10. shall provide the competent institutions of the European Communities with the information provided for in Community law;

11. in accordance with his or her powers, shall approach the competent institutions of the European Communities with requests and notices on temporary derogation from the application of provisions of Community law and of transitional periods in the sphere of energy efficiency in the cases provided for in Community law;

12. shall exercise other powers in the sphere of energy efficiency as well, conferred thereon by other statutory instruments.

(3) The content, structure, terms and procedure for provision of the information referred to in Item 10 of Paragraph (2) shall be established by the ordinance referred to in Article 9 (4) of the Energy Act.

Article 4a. (New, SG No. 24/2013, effective 12.03.2013, amended, SG No. 66/2013,

effective 26.07.2013) The Minister of Regional Development shall:

1. pursue a state policy of energy efficiency in residential buildings as part of the National Housing Strategy of the Republic of Bulgaria, the National Housing Renovation Programme, and with strategic planning and programming of the country's regional development;

2. (amended, SG No. 59/2013, effective 5.07.2013) participate in the development of the national strategy under Article 3, Paragraph (2) and the national action plans for energy efficiency under Article 8, Paragraph (1), and shall provide annually to the Minister of Economy and Energy information about their fulfilment within his/her competences;

3. (amended, SG No. 59/2013, effective 5.07.2013) jointly with the Minister of Economy and Energy, shall develop, update and submit for adoption by the Council of Ministers, and shall notify to the European Commission a National plan for increasing the number of nearly zero energy buildings (buildings with near-to-zero energy consumption);

4. (amended, SG No. 59/2013, effective 5.07.2013) issue jointly with the Minister of Economy and Energy statutory instruments of secondary legislation under this Act dealing with energy efficiency in buildings.

Article 5. (1) (Amended, SG No. 35/2011, effective 3.05.2011) The activities for implementation of the state policy for promotion energy end-use efficiency and provision of energy services shall be implemented by the Executive Director of the Agency for Sustainable Energy Development, hereinafter referred to as "the Agency".

(2) (Amended, SG No. 59/2013, effective 5.07.2013) The Executive Director of the Agency shall be appointed and removed by the Minister of Economy and Energy in consultation with the Prime Minister.

(3) The Executive Director:

1. shall direct, manage and represent the Agency;

2. shall exercise control in the cases provided for by the law;

3. shall participate in the development of national energy efficiency action plans;

4. shall organise the implementation of activities and measures included in the national energy efficiency action plans;

5. (amended, SG No. 59/2013, effective 5.07.2013) shall submit annually to the Minister of Economy and Energy a report on the implementation of the national energy efficiency action plans;

6. shall confirm the amount of energy savings achieved as a result of the energy services rendered, by issuing energy savings certificates and by other energy efficiency improvement measures;

7. shall participate in the elaboration of drafts of statutory instruments in the sphere of energy efficiency;

8. shall organise the drawing up of model contracts for provision of energy services, intended to use various financial instruments by the purchasers of energy services and to implement other energy efficiency improvement activities and measures;

9. shall organise the elaboration of projects and shall conclude voluntary agreements;

10. shall perform monitoring of the voluntary agreements;

11. shall interact with the bodies of state power and with the local self-government authorities, with employer associations, with branch organisations, with consumer associations and with not-for-profit legal entities for the implementation of the energy efficiency improvement activities and measures;

12. shall organise the creation and maintenance of a national information system on the state of energy efficiency;

13. (amended, SG No. 24/2013, effective 12.03.2013) shall organise the creation and maintenance of the public registers referred to in Article 23a Paragraph (1) and Article 34a Paragraph (1);

14. shall provide assistance to the bodies of state power and to the local self-government authorities, as well as to the participants in the market for energy services, in the fulfilment of their obligations under this Act;

15. shall organise the promotion of energy efficiency improvement activities and measures;

16. shall facilitate the development of training in energy efficiency;

17. (amended, SG No. 24/2013, effective 12.03.2013) shall organise the creation and maintenance of a list of buildings, industrial systems, hot water boiler heating systems and air-conditioning systems which must be brought into conformity with energy efficiency requirements;

18. (new, SG No. 24/2013, effective 12.03.2013) shall participate in the development of methodologies for evaluation of energy savings;

19. (new, SG No. 24/2013, effective 12.03.2013) shall prepare, keep and publish on the Agency's website a list of financial mechanisms and schemes for promotion of energy efficiency, which shall be updated each three years;

20. (renumbered from Item 18, SG No. 24/2013, effective 12.03.2013) shall exercise other powers as well, conferred thereon by other statutory instruments.

(4) (New, SG No. 35/2011, effective 3.05.2011) Powers of the Executive Director of the Agency for Sustainable Energy Development with regard to the implementation of the state policy for promotion of production and consumption of electricity, heating, and cooling from renewable sources, production and consumption of gas from renewable sources, as well as the production and consumption of biofuels and energy from renewable sources in transport shall be determined by the Energy from Renewable Sources Act.

Article 6. (1) (Amended, SG No. 35/2011, effective 3.05.2011, SG No. 15/2013, effective 1.01.2014, SG No. 59/2013, effective 5.07.2013) The Agency for Sustainable Energy Development shall be a public-financed legal person, with a head office in Sofia, and shall enjoy the status of an executive agency under the Minister of Economy and Energy.

(2) For the implementation of its activities, the Agency shall set up territorial units in the regions referred to in Article 4 (3) of the Regional Development Act. The headquarters of the territorial units shall be determined by the Rules of Organisation referred to in Paragraph (3).

(3) The activities, structure and work organisation of the Agency shall be determined by Rules of Organisation adopted by the Council of Ministers.

(4) (Amended, SG No. 35/2011, effective 3.05.2011) The Agency for Sustainable Energy Development administers the proceeds from:

1. (amended, SG No. 15/2013, effective 1.01.2014) state budget subsidies;
2. own activities;
3. proceeds from fines and pecuniary penalties imposed by penalty decrees issued in the course of implementation of control according to the procedure established by this Act;
4. international programmes and agreements;
5. other sources determined by a statutory instrument of the Council of Ministers.

(5) (Repealed, SG No. 15/2013, effective 1.01.2014).

(6) (Repealed, SG No. 38/2012, effective 1.07.2012).

(7) (Repealed, SG No. 38/2012, effective 1.07.2012).

Section II

National Energy Efficiency Strategy and Energy Efficiency Action Plans

Article 7. The National Energy Efficiency Strategy shall define:

1. the state policy priorities and the long-term energy savings targets for achieving competitiveness of the national economy;

2. (amended, SG No. 24/2013, effective 12.03.2013) the national targets and the means for the achievement thereof;

3. (amended, SG No. 24/2013, effective 12.03.2013) the guidelines for achievement of the national targets, as well as the mechanisms, incentives and institutional, financial and legal frameworks to remove existing market barriers and imperfections that impede the efficient end use of energy;

4. the guidelines for creation of favourable conditions for the development and promotion of the market for energy services and for the delivery of other energy efficiency improvement measures to final consumers.

Article 8. (1) (Amended, SG No. 24/2013, effective 12.03.2013) The national energy efficiency action plans shall be developed on the basis of the National Strategy referred to in Article 7 and shall contain:

1. an analysis and evaluation of the implementation of the preceding national action plan;
2. the national energy savings target, including the national intermediate indicative energy savings target;
3. the individual energy savings targets, including the individual intermediate indicative energy savings targets
4. energy efficiency improvement activities and measures planned for implementation;
5. the obligations of the bodies of state power and the local self-government authorities in relation with the implementation of the measures planned;
6. the deadlines for implementation;
7. the sources of financing, as well as a list of financial mechanisms and schemes for promotion of energy efficiency in buildings;
8. the indicators for reporting the results achieved, as well as other necessary data.

(2) (Amended, SG No. 59/2013, effective 5.07.2013) The Executive Director of the Agency shall submit to the Minister of Economy and Energy the report referred to in Item 5 of Article 5 (3) by the 30th day of April of the year following the reporting year.

(3) (Amended, SG No. 59/2013, effective 5.07.2013) Not later than the 31st day of May of the respective year, the Minister of Economy and Energy shall lay the report referred to in Paragraph (2) before the Council of Ministers for adoption.

Article 8a. (New, SG No. 24/2013, effective 12.03.2013) The national plan for increasing the number of nearly zero energy buildings under Article 4a, item 3 shall contain:

1. the national definition and technical parameters of nearly zero energy buildings, which shall reflect the domestic conditions;
2. the term of operation of the plan;
3. the national targets for increasing the number of nearly zero energy buildings depending on the classification of the types of buildings according to the Ordinance under Article 15, Paragraph 3;
4. the policies and mechanisms, including financial ones, for promotion of construction of the buildings under item 3.

Section III

Energy Savings Targets

(Title amended, SG No. 24/2013, effective 12.03.2013)

Article 9. (Amended, SG No. 24/2013, effective 12.03.2013) (1) The national energy savings targets, national intermediate indicative targets and the procedure for allocating these targets as individual energy savings targets, as well as the conditions for and procedure of updating the list of the persons and the individual targets set for them shall be established by an Ordinance of the Council of Ministers.

(2) (Amended, SG No. 59/2013, effective 5.07.2013) The allowable measures for increasing energy efficiency, the requirements to the methodologies for evaluation of energy savings after the performance of the allowable measures, the format and procedure for issuance of energy savings certificates, as well as the conditions and procedure for development and approval of the methodologies shall be established by an ordinance of the Minister of Economy and Energy.

Article 10. (Amended, SG No. 35/2011, effective 3.05.2011, SG No. 24/2013, effective 12.03.2013) (1) The national energy savings targets and the national intermediate indicative energy savings targets shall be allocated as individual energy savings targets and individual intermediate indicative energy savings targets with the action plans under Article 8 among:

1. the retail energy sales companies;
2. the owners of buildings referred to in Article 19;
3. the owners of industrial systems under Article 33 (2).

(2) In achieving the individual targets and individual intermediate indicative targets, the retail energy sales companies can ensure the offer of competitively priced energy services or can

contribute to the Energy Efficiency and Renewable Sources Fund or to other specialized funds, programmes, measures, schemes and mechanisms for financing energy end-use efficiency improvement measures, including to conclude agreements with beneficiaries.

(3) Retail energy sales companies shall be obligated to refrain from any activities that might impede the demand for supply to, and development of energy services and other energy efficiency improvement activities and measures.

(4) In achieving their targets the retail energy sales companies may implement horizontal energy end-use efficiency improvement measures, such as information and publicity campaigns.

(5) The persons under Paragraph 1 shall report the achievement of the individual energy savings targets after an evaluation made of these savings according to the procedure under Article 52.

Section IV

Energy Efficiency Plans and Programmes of the Bodies of State Power and the Local Self-government Authorities

Article 11. (1) The energy efficiency policy shall be implemented by the bodies of state power and the local self-government authorities by elaborating energy efficiency plans and programmes for their implementation for a specified programming period.

(2) The plans and programmes referred to in Paragraph (1) shall be elaborated in accordance with the National Strategy referred to in Article 7 and in conformity with the specific peculiarities of the regional development plans of the respective planning regions on the territory of the Republic of Bulgaria and their sustainable economic development prospects.

(3) The financial resources for implementation of the plans referred to in Paragraph (1) shall be provided for in the budgets of the bodies of state power and the local self-government authorities.

Article 12. (1) The bodies of state power and the local self-government authorities shall submit annually reports on the implementation of the plans to the Executive Director of the Agency.

(2) The reports referred to in Paragraph (1) shall contain a description of the activities and measures, shall indicate the amount of energy savings achieved, and shall be submitted not later than on the 31st day of March of the year following the year of implementation of the respective activities and measures.

(3) The reports shall be drawn up according to a model endorsed by the Executive Director of the Agency and shall constitute an integral part of the report on implementation of the respective national action plan.

Chapter Three

ENERGY EFFICIENCY IMPROVEMENT ACTIVITIES AND MEASURES AND PROVISION OF ENERGY SERVICES

Section I

Energy Efficiency Improvement Activities and Measures

Article 13. Energy efficiency improvement activities shall be the activities associated with:

1. (amended, SG No. 24/2013, effective 12.03.2013) energy efficiency certification of new buildings;
2. (amended, SG No. 24/2013, effective 12.03.2013) energy efficiency audit and certification of buildings in use;
3. energy audit of industrial systems;
4. (amended, SG No. 24/2013, effective 12.03.2013) inspection of the energy efficiency of hot water boiler heating systems and air-conditioning systems in buildings;
5. energy efficiency management;
6. (new, SG No. 24/2013, effective 12.03.2013) improvement of energy performance of outdoor lighting in street, park and other types.

Article 14. Energy efficiency improvement measures shall be the actions leading to verifiable, measurable or estimable energy efficiency improvement.

Section II

Energy Audit and Certification of Buildings

Article 15. (1) (Supplemented, SG No. 24/2013, effective 12.03.2013) Every development-project design for construction of a new building, redevelopment, major renovation, overhaul or remodelling of an existing building must conform to the energy efficiency requirements provided for in this Act and in the Spatial Development Act.

(2) (Amended, SG No. 24/2013, effective 12.03.2013) The development-project designs of new buildings under Paragraph (1) must be compliant with the technical, environmental and economic feasibility of high-efficiency alternative systems for use of:

1. decentralised systems for generation and consumption of energy from renewable sources sources;

2. combined heat and power generation;

3. district or block heating and cooling systems, as well as systems using fully or partially energy from renewable sources;

4. heat pumps.

(3) (Amended, SG No. 24/2013, effective 12.03.2013, SG No. 59/2013, effective 5.07.2013, SG No. 66/2013, effective 26.07.2013) The energy consumption indicators and the energy performance of the buildings and the energy consumption class scale shall be specified by an ordinance of the Minister of Economy and Energy and the Minister of Regional Development.

(4) (New, SG No. 24/2013, effective 12.03.2013) The minimum requirements to the energy performance of buildings, or of building units (separate parts of buildings), with a view to determining the cost-optimal levels, technical requirements and energy efficiency indicators, as well as the methods for determining the annual energy consumption in buildings, including in nearly zero energy buildings, shall be set forth in the ordinance under Article 169, Paragraph 4 in conjunction with Article 169, Paragraph 1, item 6, of the Spatial Development Act.

(5) (New, SG No. 24/2013, effective 12.03.2013, amended, SG No. 66/2013, effective 26.07.2013) The requirements to the energy performance of technical systems of buildings, including building heating, ventilation and cooling systems and hot water systems and lighting systems shall be set forth by ordinances of the Minister of Regional Development.

(6) (New, SG No. 24/2013, effective 12.03.2013) The requirements to energy performance shall be subject to review at regular intervals, which may not exceed 5 years, and shall be updated, where necessary, with a view to reflecting the technical progress in the building sector.

Article 15a. (New, SG No. 24/2013, effective 12.03.2013) (1) The energy performance of a new building before its commissioning shall be certified by a design energy performance certificate.

(2) The certificate under Paragraph 1 shall be issued based on the investment (executive) design of the building by the persons under:

1. Article 23, Paragraph 1;

2. Article 23, Paragraph 2 - only for buildings of fifth category, pursuant to Article 137, Paragraph 1, item 5 of the Spatial Development Act with the exception of buildings for public use of the same category.

(3) No certificate under Paragraph 1 shall be issued for:

1. places of worship of the legally registered religious denominations in Bulgaria;

2. temporary buildings with a planned time of use of two years or less;

3. farm buildings of agricultural producers, used for agricultural activity;

4. manufacturing buildings;

5. residential buildings which are intended to be used as such for less than four months of the year or are used for a limited period of time through the year and are with expected energy consumption less than 25 per cent of the one expected for a full- year use;

6. stand-alone buildings with a gross floor area less than 50 square metres.

Article 15b. (New, SG No. 24/2013, effective 12.03.2013) (1) The contracting authority/owner of the new building shall acquire a design energy performance certificate for the building prior to its commissioning.

(2) Owners of building units in a building shall have the right to obtain a notarized copy of the original design energy performance certificate of the building. The original certificate shall be kept by a person authorised by the owners.

Article 15c. (New, SG No. 24/2013, effective 12.03.2013) (1) Upon the sale of a new building as a whole, the seller shall provide to the purchaser the original design energy performance certificate.

(2) Upon the sale of building units within a new building, the seller shall provide to the purchaser a notarized copy of design energy performance certificate of the building.

(3) Upon renting a new building or building units therein, the landlord shall provide to the tenant a copy of the design energy performance certificate.

(4) Where a new building which is issued a design energy performance certificate, or a building unit therein, is announced for sale or rent, the indicator of specific annual consumption of primary energy - kWh/m², shall be specified in all announcements.

Article 15d. (New, SG No. 24/2013, effective 12.03.2013) The conditions of and procedure for issuance of a design energy performance certificate shall be set forth in the ordinance under Article 25.

Article 16. (Amended, SG No. 24/2013, effective 12.03.2013) (1) The energy performance of buildings in use shall be established by an energy efficiency audit.

(2) Energy efficiency audits of buildings in use shall seek to determine the level of energy consumption, to identify the specific opportunities for reducing the said energy consumption, and to recommend energy efficiency improvement measures.

(3) The audit shall be completed with a report to be prepared under the conditions and according to the procedure of the ordinance under Article 25.

Article 17. (1) (Supplemented, SG No. 24/2013, effective 12.03.2013) The energy efficiency certification of buildings in use shall seek to certify the current state of energy consumption in the buildings, the energy performance and the conformity thereof with the energy consumption class scale from the ordinance referred to in Article 15 (3).

(2) (Amended, SG No. 24/2013, effective 12.03.2013) The energy efficiency certification of buildings in use shall be performed based on a conducted energy efficiency audit of the building.

(3) (New, SG No. 24/2013, effective 12.03.2013) Owners of public service buildings with gross floor area over 500 square m, and from 9 July 2015 - with gross floor area over 250 square m, for which there is an issued energy performance certificate, shall be obligated to display the certificate in prominent location in the building.

Article 18. (Supplemented, SG No. 24/2013, effective 12.03.2013) Every building in use can be certified, with the exception of:

1. (amended, SG No. 19/2009, effective 10.04.2009, SG No. 24/2013, effective 12.03.2013) buildings and cultural values falling within the scope of the Cultural Heritage Act and the Protected Areas Act, as far as meeting certain minimum energy performance requirements would result in a damage of the architectural and/or artistic specifics of the building;

2. places of worship of the legally registered religious denominations in Bulgaria;

3. temporary buildings with a planned time of use of two years or less;

4. farm buildings of agricultural producers, used for agricultural activity;

5. manufacturing buildings;

6. residential buildings which are intended to be used as such for less than four months of the year;

7. stand-alone buildings with a gross floor area of less than 50 square metres.

Article 19. (1) (Repealed, SG No. 24/2013, effective 12.03.2013).

(2) (Amended, SG No. 24/2013, effective 12.03.2013) All other public service buildings, which are in use and whose gross floor area exceeds 500 square metres, and from 9 July 2015 - with gross floor area over 250 square m, shall be subject to mandatory certification.

(3) (Amended, SG No. 24/2013, effective 12.03.2013) The owners of any buildings referred to in Paragraph (2) shall be obligated to implement the energy efficiency improvement measures prescribed by the energy efficiency audit within three years after the date of acceptance of the results of the audit.

Article 20. (1) The contracting authorities, within the meaning given by Article 161 (1) of the Spatial Development Act, shall be obligated to obtain an energy performance certificate of the building according to the procedure established by this Act not earlier than three and not later than six years after the date of commissioning of the building.

(2) (Amended, SG No. 24/2013, effective 12.03.2013) Pending the issuing of the certificate referred to in Paragraph (1), the energy performance of the building shall be certified by a design energy performance certificate.

(3) (Repealed, SG No. 24/2013, effective 12.03.2013).

(4) The energy performance certificate of the building shall be updated whenever activities leading to an improvement of the overall energy performance of the building are implemented, such as:

1. redevelopment, major renovation, overhaul or remodelling of the building;
2. routine repair of net-bound systems of the building;
3. other activities.

(5) (Amended and supplemented, SG No. 24/2013, effective 12.03.2013) The energy performance certificate for a building unit of the building shall be issued on the basis of a common certificate of the whole building in the cases of buildings with a common heating and/or cooling system.

Article 20a. (New, SG No. 24/2013, effective 12.03.2013) (1) The measures for increasing energy efficiency, which are recommended in case of any redevelopment, major renovation, overhaul or remodelling of a building or parts of a building in use shall be evaluated in terms of technical and economic feasibility for using alternative systems under Article 15, Paragraph 2.

(2) After the implementation of the redevelopment, major renovation, overhaul of a building, its energy performance should be thus improved as to conform to the minimum regulatory requirements provided for in the ordinance under Article 15, Paragraph 4.

Article 21. (Amended, SG No. 24/2013, effective 12.03.2013) (1) Upon sale of a building under Article 19, the seller shall provide to the buyer the energy performance certificate of the building, and in the case of sale of a building unit in a building with a common heating and/or cooling system - a notarized copy of the energy performance certificate of the building.

(2) Upon renting of a building under Article 19 or a building unit in a building, the landlord shall provide to the tenant a copy of the energy performance certificate of the building.

(3) Where a building in use, for which a energy performance certificate is issued, or a building unit therein, is announced for sale or rent, the indicator of specific annual consumption of primary energy - kWh/m², shall be specified in all announcements.

Article 22. (Amended, SG No. 24/2013, effective 12.03.2013) The persons who perform the certification shall issue an energy performance certificate of the building, which shall be accompanied by a declaration on the non-existence of the circumstances referred to in Article 23 Paragraph (4).

Article 23. (Supplemented, SG No. 15/2010, effective 23.02.2012, amended, SG No. 35/2011, effective 3.05.2011, SG No. 24/2013, effective 12.03.2013) (1) Energy efficiency audits, certification of buildings, making evaluations of compliance of development-project designs and preparation of energy savings evaluations shall be performed by persons entered in the register under Article 23a, Paragraph 1, who or which:

1. are merchants within the meaning given by the Commerce Act or under the legislation of a Member State of the European Union or of another state - Contracting Party to the Agreement on the European Economic Area or the Swiss Confederation;

2. own the necessary technical devices specified by the ordinance referred to in Article 23a, Paragraph (9);

3. have the necessary personnel - energy efficiency consultants, designated by the ordinance referred to in Article 23a, Paragraph (9) who:

(a) have higher technical education acquired in the Republic of Bulgaria or in another Member State of the European Union, or in another state - Contracting Party to the Agreement on the European Economic Area, or in the Swiss Confederation;

(b) have acquired length of service in the relevant area - not less than two years for persons with a master's degree, and not less than three years - for persons with a bachelor's degree.

(c) have successfully passed an examination for acquiring the required qualification for performing the activities under Paragraph 1 at higher technical schools accredited according to the procedure established by the Higher Education Act or as per the procedure laid down by the relevant legislation of a Member State of the European Union or of a state - Contracting Party to the Agreement on the European Economic Area, or in the Swiss Confederation.

(2) Energy efficiency audits, certification of buildings, making evaluations of compliance of development-project designs and preparation of energy savings evaluations for buildings of fifth category pursuant to Article 137, Paragraph 1, item 5 of the Spatial Development Act, with the exception of buildings intended for public services of the same category, may also be performed by persons entered in the register under Article 23a, Paragraph 1, who:

1. are physical persons - energy efficiency consultants;

2. have at their disposal the necessary technical devices specified by the ordinance referred to in Article 23a, Paragraph (9);

3. have higher technical education acquired in the Republic of Bulgaria or in another Member State of the European Union, or in another state - Contracting Party to the Agreement on

the European Economic Area, or in the Swiss Confederation;

4. have acquired length of service in the relevant area - not less than two years for persons with a master's degree, and not less than three years - for persons with a bachelor's degree.

5. have successfully passed an examination for acquiring the required qualification for performing the activities under Paragraph 2 at accredited higher technical schools according to the procedure established by the Higher Education Act or as per the procedure laid down by the relevant legislation of a Member State of the European Union or of a state - Contracting Party to the Agreement on the European Economic Area, or in the Swiss Confederation.

(3) The qualification as an energy efficiency consultant is acquired in two levels:

1. level 1 - have competencies to perform the activities under Paragraph 1 for all categories of buildings pursuant to Article 137, Paragraph 1, item 5 of the Spatial Development Act and the nomenclature of building types by individual category, as provided for in the ordinance under Article 137, Paragraph 2 of the Spatial Development Act;

2. level 2 - have competencies to perform the activities under Paragraph 1 for buildings of fifth category pursuant to Article 137, Paragraph 1, item 5 of the Spatial Development Act, and the nomenclature of building types by individual category, as provided for in the ordinance under Article 137, Paragraph 2 of the Spatial Development Act, with the exception of public service buildings of the same category.

(4) The persons under Paragraph 1, including the personnel employed by them, as well as the persons under paragraph 2, shall have no right to make energy efficiency audits and certification and/or evaluations of compliance of development-project designs for buildings where they are:

1. the designers of the building;
2. developers and/or suppliers of machines, facilities and technological equipment;
3. participants in the operation of the building;
4. participants in the implementation of the energy saving measures in the building.

(5) The energy efficiency consultants under Paragraph 1, item 3 may participate in the teams of not more than two persons under Paragraph 1, item 1 and under Article 34, Paragraph 1, item 1.

Article 23a. (New, SG No. 24/2013, effective 12.03.2013) (1) The Agency for Sustainable Energy Development shall enter in a public register the persons under Article 23, Paragraphs 1 and 2 upon their own request.

(2) The following documents shall be attached to the request in writing:

1. documents certifying the circumstances under Article 23, Paragraph 1, items 1 and 3, and Paragraph 2, items 1, 3-5;

2. declaration on the circumstances under Article 23, Paragraph 1, item 2, Paragraph 2, item 2, and Paragraph 4;

3. declaration by the energy efficiency consultant - member of the merchant's personnel about the circumstances under Article 23, Paragraph 5.

(3) The Agency for Sustainable Energy Development shall issue certificates to the persons entered in the register against payment of the fee laid down in the Tariff of Rates under Article 51, Paragraph 1.

(4) The Agency for Sustainable Energy Development shall refuse to enter in the register persons not meeting the requirements under Article 23, Paragraph 1 or 2.

(5) The certificate of registration in the register or the reasoned refusal in writing to enter a person in the register shall be issued by the Executive Director of the Agency under the conditions and within the terms provided for in the Administrative Procedure Code.

(6) The term of validity of a certificate under Paragraph 5 shall be three years.

(7) After the expiry of the term under Paragraph 6, a new certificate shall be issued after a successfully passed examination under Article 23, Paragraph 1, item 3(c) and Paragraph 2, item 5.

(8) The refusal to enter a person in the register shall be subject to appeal pursuant to the Administrative Procedure Code.

(9) (Amended, SG No. 59/2013, effective 5.07.2013, SG No. 66/2013, effective 26.07.2013) The circumstances subject to entry under Article 23, the procedure for entry in the register and obtaining of information, as well as the conditions of and procedure for acquiring the qualification under Article 23, Paragraph 1, item 3(c) and Paragraph 2, item 5, shall be provided for in an ordinance by the Minister of Economy and Energy and the Minister of Regional Development.

Article 23b. (New, SG No. 24/2013, effective 12.03.2013) The Agency for Sustainable Energy Development shall delete from the register the persons granted certificates for the right to perform energy efficiency audits, where:

1. any of the conditions under Article 23, Paragraphs 1 and 2 is no longer effective;

2. untrue declarations under Article 23, Paragraph 1, item 2, Paragraph 2, item 2, and Paragraphs 4 and 5 have been submitted;

3. there is an effective penal degree for a violation perpetrated under this Act;

4. a procedure for declaring of a merchant in bankruptcy or liquidation has been initiated.

Article 23c. (New, SG No. 24/2013, effective 12.03.2013) (1) The persons under Article 23, Paragraphs 1 and 2 shall annually submit to the Agency not later than 31 January of the current calendar year, a list of the buildings for which they have performed the activities under Article 23, Paragraph 1 in the previous year.

(2) The list under Paragraph 1 shall be prepared according to a sample form approved by the Executive Director of the Agency, and shall be provided in hard print and electronic format.

Article 24. (1) The validity of an energy performance certificate of a building shall not exceed ten years.

(2) The term of validity referred to in Paragraph (1) shall start to run from the certificate's issuing date, but in the cases referred to in Items 18 and 19 of Article 24 of the Local Taxes and Fees Act it shall start to run from the beginning of the year following the certificate's issuing year.

Article 25. (Amended, SG No. 24/2013, effective 12.03.2013, SG No. 59/2013, effective 5.07.2013, SG No. 66/2013, effective 26.07.2013) The terms and procedure for performing an energy efficiency audit and certification of buildings, as well as the terms and procedure for preparation of energy savings evaluations, shall be specified by an ordinance of the Minister of Economy and Energy and the Minister of Regional Development.

Section III

Energy Efficiency for hot water boiler heating Inspection of Boilers and Air-Conditioning Systems in Buildings (Title amended, SG No. 24/2013, effective 12.03.2013)

Article 26. (Supplemented, SG No. 24/2013, effective 12.03.2013) The inspection of the energy efficiency of hot water boiler heating systems and air-conditioning systems in public services buildings seeks to determine the level of efficiency in their operation and to identify efficiency improvement measures.

Article 27. (Amended, SG No. 24/2013, effective 12.03.2013) (1) Hot water boiler heating systems with over 20 kW effective rated output for heating premises in public service buildings shall be subject to an inspection according to the procedure established by this Act:

(2) Depending on the installed capacity and the type of the energy used, the hot water boiler heating systems shall be subject to mandatory periodical energy efficiency inspections once per:

1. each 4 years - for hot water boiler heating systems fired by liquid or solid fuel of single rated output of 20 kW to 50 kW, inclusive;

2. each three years - for hot water boiler heating systems fired by liquid or solid fuel of single rated output of 50 kW to 100 kW, inclusive;

3. each two years - for hot water boiler heating systems fired by liquid or solid fuel of single rated output of more than 100 kW, inclusive.

4. each 4 years - for hot water boiler heating systems fired by natural gas of single rated output of more than 100 kW, inclusive.

(3) The inspection under Paragraph 2 shall include:

1. evaluation of the condition and operation of the accessible parts of building heating systems, including the hot water heating boilers, the heat supply control system and the circulation pump(s);

2. evaluation of the power factor of hot water heating boilers;

3. evaluation of the size of the of hot water heating boilers to correspond to the heating needs of the building.

(4) The evaluation under Paragraph 3, item 3, shall not be made if no changes have been made in the heating system or in the requirements to the heating of the building in period between two inspections.

(5) The inspection of the hot water boiler heating systems shall be made during the heating period while the hot water boiler heating systems are in operation.

(6) The first inspection of installed hot water heating boilers in new buildings shall be made within the scope of the energy efficiency audit of the building after its commissioning.

Article 28. (Amended, SG No. 24/2013, effective 12.03.2013) (1) Air-conditioning systems of an effective rated electric output of more than 12 kW in public service buildings shall likewise be subject to an inspection according to the procedure established by this Act.

(2) Air-conditioning installations shall be subject to a mandatory energy efficiency inspection on a regular basis once every four years, which shall include:

1. evaluation of the condition and operation of accessible parts of the air conditioning system;

2. evaluation of the power factor of the air conditioning system;

3. evaluation of the dimensioning of the air conditioning system to correspond to the cooling needs of the building.

(3) The evaluation under Paragraph 2, item 3 shall not be made if no changes have been made in the system or in the requirements to the cooling of the building - in the cases where the

system operates under a cooling regime, in the period between two inspections.

Article 29. (1) (Amended, SG No. 35/2011, effective 3.05.2011) The Agency for Sustainable Energy Development shall create and maintain a database on the condition of:

1. (amended, SG No. 24/2013, effective 12.03.2013) the hot water boiler heating systems referred to in Article 27 (1);

2. the air-conditioning systems referred to in Article 28 (1).

(2) (Effective 14.11.2009, amended, SG No. 24/2013, effective 12.03.2013) Within six months after the date of commissioning of the facilities referred to in Paragraph (1), their owners shall submit to the Agency a declaration completed in a standard form endorsed by the Executive Director of the Agency.

(3) The information referred to in Paragraph (2) shall be used for the creation and maintenance of the database referred to in Paragraph (1).

Article 30. (1) (Amended, SG No. 24/2013, effective 12.03.2013) For hot water boiler heating systems which are older than fifteen years, the energy efficiency inspection shall include recommendations to the owner for improvement of the efficiency, replacement of the boilers, modifications to the heating system, other alternative solutions.

(2) (Amended, SG No. 24/2013, effective 12.03.2013) The inspection referred to in Paragraph (1) shall be one-off.

Article 31. (1) (Amended and supplemented, SG No. 24/2013, effective 12.03.2013) The energy efficiency inspection of the hot water boiler heating systems referred to in Article 27 (1) and of the air-conditioning systems referred to in Article 28 (1) shall be performed by the persons referred to in Article 23 (1) and (2) and/or Article 34 (1).

(2) The inspection referred to in Paragraph (1) shall conclude with a report, which shall be drawn up under the terms and according to procedure established by the ordinance referred to in Article 32.

(3) (New, SG No. 24/2013, effective 12.03.2013) The report under Paragraph 2 shall be provided to the owner or the tenant of the building or to a person authorized by the owners of the building.

Article 31a. (New, SG No. 24/2013, effective 12.03.2013) (1) The persons under Article 23, Paragraphs (1) and (2) and Article 34 Paragraph (1) shall annually submit to the Agency not later than 31 January of the current calendar year, a list of the hot water boiler heating systems and air conditioning systems of which they have performed inspections in the previous year.

(2) The list under paragraph 1 shall be prepared according to a sample form approved by the Executive Director of the Agency, and shall be provided in hard print and electronic format

Article 32. (Amended, SG No. 24/2013, effective 12.03.2013, SG No. 59/2013, effective 5.07.2013) The terms and procedure for performing the energy efficiency inspection of the hot water boiler heating systems referred to in Article 27 (1) and of the air-conditioning systems referred to in Article 28 (1), the conditions and procedure for preparation of energy savings evaluations, as well as the terms and procedure for the creation, maintenance and use of the database referred to in Article 29, shall be specified by an ordinance of the Minister of Economy and Energy.

Section IV

Energy Efficiency Audit of Industrial Systems

Article 33. (1) The energy efficiency audit of industrial systems shall seek to identify the specific opportunities for reduction of the energy consumption in the industrial systems and to recommend energy efficiency improvement measures.

(2) (Amended, SG No. 24/2013, effective 12.03.2013) Each industrial system whose annual energy consumption exceeds 3,000 MWh shall be subject to a mandatory energy efficiency audit. The audit shall be performed at least once every five years.

(3) (Amended, SG No. 24/2013, effective 12.03.2013) All outdoor lighting systems - street, park and other types, shall be subject to mandatory auditing under the conditions and according to the procedure pursuant to the ordinance under Paragraph 8.

(4) (New, SG No. 24/2013, effective 12.03.2013) The owners of any industrial systems referred to in Paragraph (2) for whom individual energy savings targets were set shall be obligated to implement the measures prescribed by the energy efficiency audit, which would ensure energy savings in accordance with their individually set targets not later than 1 January 2016.

(5) (New, SG No. 24/2013, effective 12.03.2013) The owners of any industrial systems referred to in Paragraph (2) for whom no individual energy savings targets were set shall be obligated to implement the measures prescribed by the energy efficiency audit, which would ensure energy savings corresponding to at least 50 per cent of the potential determined by the audit not later than 1 January 2016.

(6) (New, SG No. 24/2013, effective 12.03.2013) The owners of any industrial systems subject to mandatory auditing under Paragraph 2 shall file annually with the Agency not later than 31 March a declaration, as per sample form, about the annual energy consumption in the previous calendar year.

(7) (New, SG No. 24/2013, effective 12.03.2013) An owner of any industrial systems who/which is a financially liable person under Article 10, Paragraph 1, item 3, whose energy consumption in the period of fulfilment of his/its individual energy savings target has decreased below 3,000 MWh per annum, shall be obligated within 31 March of the following calendar year to file with the Agency a declaration, as per sample form, about the annual energy consumption in the previous calendar year.

(8) (Renumbered from Paragraph 4 and supplemented, SG No. 24/2013, effective 12.03.2013, amended, SG No. 59/2013, effective 5.07.2013) The energy consumption indicators, the energy performance of industrial systems, as well as the terms and procedure for performing an energy efficiency audit of industrial systems and preparation of energy savings evaluations for industrial systems and/or individual facilities, shall be specified by an ordinance of the Minister of Economy and Energy.

Article 33a. (New, SG No. 24/2013, effective 12.03.2013) (1) The persons under Article 34, Paragraph 1, shall annually submit to the Agency by 31 January of the current calendar year a list of the industrial systems for which they have performed an audit in the previous year.

(2) The list under paragraph 1 shall be prepared according to a sample form approved by the Executive Director of the Agency, and shall be provided in hard print and electronic format.

Article 34. (Supplemented, SG No. 15/2010, effective 23.02.2010, amended, SG No. 35/2011, effective 3.05.2011, SG No. 24/2013, effective 12.03.2013) (1) The audit referred to in Article 33 shall be performed by persons entered in the register under Article 34a, Paragraph 1, who or which:

1. are merchants within the meaning given by the Commerce Act or under the legislation of a Member State of the European Union or of another state - Contracting Party to the Agreement on the European Economic Area;

2. own the necessary technical devices specified by the ordinance referred to in Article 23a (9);

3. have the necessary personnel - energy efficiency consultants who:

(a) have higher technical education acquired in the Republic of Bulgaria or in another Member State of the European Union, or in another state - Contracting Party to the Agreement on the European Economic Area, or in the Swiss Confederation;

(b) have acquired length of service in the relevant area - not less than two years for persons with a master's degree, and not less than three years - for persons with a bachelor's degree.

(c) have successfully passed an examination for acquiring the required qualification for performing energy efficiency audits of industrial systems at accredited higher technical schools according to the procedure established by the Higher Education Act or as per the procedure laid down by the relevant legislation of a Member State of the European Union or of a state - Contracting Party to the Agreement on the European Economic Area, or of the Swiss Confederation.

(2) The persons referred to in Paragraph (1) including the personnel employed by them shall not have the right to perform an energy efficiency audit of industrial systems if they:

1. have participated in the design and construction of the industrial system concerned;

2. are participants in the operation of the industrial system concerned;

3. are participants in the implementation of energy efficiency improvement measures for the industrial system concerned;

(3) The energy efficiency consultants under Paragraph 1, item 3 may participate in the teams of not more than two persons under Paragraph 1, item 1 and under Article 23, Paragraph 1, item 1.

(4) The circumstances under Paragraphs 1 - 3 subject of entry in the register, the procedure for entry in the register and for obtaining of information, shall be provided for in the ordinance under Article 23a, Paragraph 9.

Article 34a. (New, SG No. 24/2013, effective 12.03.2013) (1) The Agency for Sustainable Energy Development shall enter in a public register the persons under Article 34, Paragraph 1 upon their own request.

(2) The following documents shall be attached to the request in writing:

1. documents certifying the circumstances under Article 34, Paragraph 1, items 1 and 3;

2. declaration on the circumstances under Article 34, Paragraph 1, item 2, and Paragraph 2;

3. declaration by the energy efficiency consultant - member of the merchant's personnel about the circumstances under Article 34, Paragraph 3.

(3) The Agency for Sustainable Energy Development shall issue certificates to the persons entered in the register against payment of the fee set forth in the Tariff of Rates under Article 51.

(4) The Agency for Sustainable Energy Development shall refuse to enter in the register persons not meeting the requirements under Article 34, Paragraph 1.

(5) The certificate of registration in the register or the reasoned refusal in writing to enter a person in the register shall be issued by the Executive Director of the Agency under the conditions and within the terms provided for in the Administrative Procedure Code.

(6) The term of validity of a certificate under Paragraph 5 shall be three years.

(7) After the expiry of the term under Paragraph 6, a new certificate shall be issued after a successfully passed examination under Article 34, Paragraph 1, item 3(c).

(8) The refusal to enter a person in the register shall be subject to appeal pursuant to the Administrative Procedure Code.

Article 34b. (New, SG No. 24/2013, effective 12.03.2013) The Agency for Sustainable Energy Development shall delete from the register the persons granted certificates for the right to

perform energy efficiency audits, where:

1. any of the conditions under Article 34, Paragraph 1 is no longer effective;
2. untrue declarations under Article 34, Paragraph 1, item 2, Paragraphs 2 and 3 have been submitted;
3. there is an effective penal degree for a violation perpetrated under this Act;
4. a procedure for declaring of a merchant in bankruptcy or liquidation has been initiated.

Article 35. (Amended, SG No. 24/2013, effective 12.03.2013) The survey shall be concluded by a report, which shall be drawn up under the terms and according to the procedure established by the ordinance referred to in Article 33 (8) and which shall be accompanied by a declaration on the non-existence of the circumstances referred to in Article 34 (2).

Section V

Energy Efficiency Management in Buildings and Industrial Systems

Article 36. (1) (Supplemented, SG No. 6/2009, effective 1.05.2009) The owners of buildings referred to in Article 19 (2) and industrial systems referred to in Article 33 (2) shall be obligated to perform energy efficiency management.

(2) Energy efficiency management shall be performed by:

1. elaborating, on an annual basis, energy efficiency improvement plans and programmes in accordance with the reports referred to in Article 35;
2. implementing the measures envisaged in the plans and programmes referred to in Item 1;
3. submitting to the Agency information on the effect of the measures implemented and on the effect expected from the implementation of the measures envisaged in the plans and programmes referred to in Item 1;
4. designating at least one employee whose job description includes the task of compliance with the obligations referred to in Items 1 to 3.

(3) (Supplemented, SG No. 6/2009, effective 1.05.2009) The owners of buildings referred to in Article 19 (2) shall keep a logbook on the monthly consumption by type of energy, including dates, prices and supplied amounts, as well as identification numbers of the documents certifying the quality of the fuels supplied.

(4) The owners of industrial systems referred to in Article 33 (2) shall prepare, on a regular basis and at least once a year, analyses of the total and specific energy consumption.

(5) The persons referred to in Paragraphs (3) and (4) shall submit to the Agency annual reports on energy efficiency management.

(6) The reports referred to in Paragraph (5) shall contain a description of the activities and measures, shall indicate the amount of the energy savings achieved, and shall be submitted with a copy of the plans and programmes referred to in Item 1 of Paragraph (2) not later than on the 31st day of March of the year following the year of implementation of the respective activities and measures.

Section VI

Provision of Energy Services

Article 37. Energy services shall seek to combine energy delivery with energy efficient technology and/or with action which includes the operation, maintenance and control necessary to deliver the service and leads to verifiable, measurable or estimable energy efficiency improvement and/or primary energy savings.

Article 38. (1) Energy services shall be rendered on the basis of written contracts concluded with the final consumers of energy.

(2) Energy services shall include implementation of one or more energy efficiency improvement activities and measures as specified in the ordinance referred to in Article 9 (2).

(3) (Effective 15.05.2009) In order to ensure traceability of energy costs and of the energy savings levels achieved as a result of the rendering of energy services, the persons referred to in Article 39 (2) shall provide to final customers the following information with the invoices:

1. the current actual prices and the energy actually consumed;
2. the energy consumption for the current period, compared to the energy consumption for the same period in the previous year;
3. contact information for consumers' organisations, energy agencies or similar bodies, including website addresses, from which information may be obtained on available energy efficiency improvement measures.

(4) (Effective 15.05.2009) In order to ensure traceability and correction of energy consumption, the information referred to in Paragraph (3) shall be prepared on the basis of the actual consumption of energy for the respective period and shall be provided to the final customer on the respective day of the month following the month in which the meter readings were taken.

Article 39. (1) Energy services may be rendered by natural or legal persons who or which are merchants within the meaning given by the Commerce Act or within the meaning given by the legislation of a Member State of the European Union or of another Contracting Party to the Agreement on the European Economic Area.

(2) (Amended, SG No. 35/2011, effective 3.05.2011) Retail energy sales companies shall provide energy services or shall contribute to the Energy Efficiency and Renewable Sources Fund or to other existing or newly created energy efficiency funds for the provision of such services ensuring the achievement of the individual indicative targets allocated thereto.

(3) When the implementation of activities under Articles 16 and 33 is included in the scope of energy services referred to in Article 38 (2), the persons referred to in Paragraphs (1) and (2):

1. (supplemented, SG No. 24/2013, effective 12.03.2013) shall implement the activities on their own, in case they meet the requirements of Article 23 (1) and (2) and Article 34 (1);

2. (supplemented, SG No. 24/2013, effective 12.03.2013) shall assign the implementation of the activities to persons who meet the requirements of Article 23 (1) and (2) and Article 34 (1).

(4) (Supplemented, SG No. 24/2013, effective 12.03.2013) The retail energy sales companies jointly with the owners of the commercial metering devices for metering of energy supplied to final consumers may provide, as a competitively priced energy service for the purpose of ensuring traceability of energy costs by final customers the replacement of the existing devices (commercial metering devices) by intelligent metering and control systems which provide visual information on:

1. the current energy consumption;
2. carry-over current account;
3. momentary energy load;
4. deviations in the quality of the energy delivered;
5. other necessary information.

(5) The achieved energy efficiency improvement and the degree of compliance with other requirements envisaged in the contract for provision of the energy service shall be taken into account when determining the value of the energy services provided.

Chapter Four

AVAILABILITY AND ACCESSIBILITY OF INFORMATION

Article 40. (1) For the purpose of ensuring accessibility and availability of the information collected under the terms and according to the procedure established by this Act, a national information system on the condition of energy efficiency in the Republic of Bulgaria shall be created and maintained at the Agency.

(2) For the purpose of ensuring accessibility through the system referred to in Paragraph (1), information shall be provided on:

1. (amended, SG No. 24/2013, effective 12.03.2013) the national targets;
2. the implementation of activities and measures envisaged in the national energy efficiency action plans;
3. the annual energy savings achieved;
4. the condition of energy efficiency: at a national level and by sector;
5. the energy efficiency plans and programmes referred to in Article 11 (1);
6. the report on the implementation of the plans referred to in Article 12 (1) and the resources for their implementation envisaged under Article 11 (3);
7. the plans and programmes referred to in Item 1 of Article 36 (2);
8. the reports referred to in Article 36 (5);
9. the good practices in the sphere of energy efficiency;
10. (amended, SG No. 24/2013, effective 12.03.2013) the persons entered in the registers under Article 23a (1) and Article 34a (1).

(3) For the purpose of ensuring availability through the system referred to in Paragraph (1), information shall be collected on:

1. the achievement of the individual indicative targets;
2. the energy sales made to final customers during the previous calendar year;
3. the quantities of finished output and/or services rendered and value added during the previous calendar year and the energy used for this;
4. the implemented energy efficiency activities and measures;
5. the buildings subject to mandatory certification under Article 19;
6. the industrial systems subject to mandatory audit under Article 33 (2);
7. (amended, SG No. 24/2013, effective 12.03.2013) hot water boiler heating systems and air-conditioning systems under Article 27 (1) and Article 28 (1);
8. (supplemented, SG No. 35/2011, effective 3.05.2011) implemented projects for the achievement of individual indicative targets financed by the Energy Efficiency and Renewable

Sources Fund;

9. other activities associated with implementation of the law.

Article 41. (1) The information referred to in Article 40 (2) and (3) shall be provided by:

1. the retail energy sales companies;

2. the owners of buildings and industrial systems;

3. (supplemented, SG No. 24/2013, effective 12.03.2013) the owners of hot water boiler heating systems and air-conditioning systems referred to in Article 27 (1) and Article 28 (1), respectively;

4. (supplemented, SG No. 35/2011, effective 3.05.2011) the Executive Director of the Energy Efficiency and Renewable Sources Fund;

5. other persons who provide energy services.

(2) The information referred to in Paragraph (1) shall be provided to the Agency not later than the 31st day of March of the year following the year of implementation of the respective activities and measures.

Article 42. (Amended, SG No. 59/2013, effective 5.07.2013) The content, structure, terms and procedure for collecting and providing the information referred to in Article 40 (2) and (3) shall be specified by an ordinance of the Minister of Economy and Energy.

Chapter Five

MECHANISMS FOR ENERGY EFFICIENCY IMPROVEMENT

(Title amended, SG No. 24/2013, effective 12.03.2013)

Section I

Types of Mechanisms

(Title amended, SG No. 24/2013, effective 12.03.2013)

Article 43. (Supplemented, SG No. 35/2011, effective 3.05.2011, amended, SG No. 24/2013, effective 12.03.2013) (1) Schemes and mechanisms can be applied for energy efficiency improvement, such as:

1. voluntary agreements;

2. guarantee of energy savings contracts;

3. financing from the Energy Efficiency and Renewable Sources Fund.
4. other national or European schemes and mechanisms for providing support.

(2) The schemes and mechanisms for promoting energy efficiency introduced pursuant to this Act shall be developed and implemented in compliance with the state aid legislation.

Section II

Voluntary Agreements

Article 44. The voluntary agreements shall seek to encourage reductions in energy consumption by:

1. provision of energy services and/or implementation of energy efficiency activities and measures by the retail energy sales companies;
2. energy efficiency audit and/or implementation of appropriate measures by the final consumers of energy.

Article 45. The voluntary agreements may be concluded between the Executive Director of the Agency and:

1. (repealed, SG No. 24/2013, effective 12.03.2013);
2. the owners of industrial systems under Article 33 (2);
3. the retail energy sales companies.

Article 46. (1) The voluntary agreements referred to in Article 45 shall state:

1. the specific obligations of the persons referred to in Article 45 for achievement of the targets referred to in Article 44;
2. the specific obligations of the Agency;
3. the mechanisms for monitoring and control of compliance;
4. the methodology for assessment of the energy savings achieved;
5. the procedures for modification and/or supplementation of the measures envisaged, where the targets have not been achieved or where there exist obstacles to their achievement;
6. other clauses.

(2) The drafts of the voluntary agreements shall be published in an appropriate manner

ensuring their discussion by the stakeholders.

Article 47. The Agency can participate in the voluntary agreements referred to in Article 45 by:

1. providing methodological assistance in connection with the opportunities for funding and implementation of an energy efficiency audit and/or measures prescribed by an audit as implemented;

2. organising training of the persons referred to in Item 4 of Article 36 (2).

Section III

Guarantee of Energy Savings Contracts

Article 48. (Amended, SG No. 24/2013, effective 12.03.2013) (1) Guarantee of energy savings contracts (ESCO contracts) shall have as their subject the implementation of energy efficiency improvement activities and measures in buildings and/or industrial systems, with the investments made and the payment of the remuneration owed to the contractor being recouped by the energy savings achieved.

(2) Final consumers of energy may be clients, and the energy service companies may be contractors under the contracts referred to in Paragraph (1). The contractors shall be persons who or which are merchants within the meaning given by the Commerce Act or within the meaning given by the legislation of a Member State of the European Union, or of another state - Contracting Party to the Agreement on the European Economic Area, or the Swiss Federation, with objects including performance of services under guarantee of energy savings contracts: ESCO services.

(3) The contractors under the contracts referred to in Paragraph (1) may not implement any activities under Articles 16 and 17 and Article 33 (1) for the building or the industrial system subject of the contract.

Article 49. (Amended, SG No. 24/2013, effective 12.03.2013) (1) Contracts with guaranteed energy savings shall be concluded after an energy savings audit is made and an energy performance certificate certifying the actual energy consumption status in the building is issued, or after an energy savings audit of the industrial system subject of the contract is made.

(2) The contracting authority under an ESCO contract shall provide to the contractor under the contract a summary of the report of an energy efficiency audit made of the building or the industrial system.:

(3) Contracts with guaranteed energy savings shall be concluded in writing and shall contain:

1. the normalised energy consumption established by an energy efficiency audit;

2. the guaranteed energy savings and the procedure for their measurement after the fulfilment of the contract;

3. the method of funding;

4. the method of payment of the remuneration;

5. other clauses.

(4) The contractors referred to in Article 48 (2) shall ensure the rendering of the service in whole or in part on their own financial resources and/or shall undertake to procure the financing thereof from a third party.

(5) The contractors referred to in Article 48 (2) shall incur the financial risk, as well as the technical and commercial risk associated with the implementation of the activities and measures envisaged in the contract for energy efficiency improvement and for attainment of the result guaranteed by the contract.

(6) The services under ESCO contracts shall ensure the achievement of the regulatorily required energy consumption class of the building - subject of the contract.

(7) For state-owned and/or municipality-owned buildings which are the subject matter of a contract under Article 48 (1), financial resources which, for the period of implementation of the contract, correspond to the normalised energy costs of these buildings, shall be planned and allocated in the budgets of the ministries, central-government departments and municipalities.

(8) (Amended, SG No. 59/2013, effective 5.07.2013) The terms and procedure for determining the amount of the financial resources planned under Paragraph (6), as well as the terms and procedure for their payment, shall be specified by an ordinance of the Minister of Economy and Energy and the Minister of Finance.

Section IV

Energy Savings Certificates

Article 50. The energy savings certificates shall seek to prove the contribution of the certificate holder to the implementation of energy efficiency improvement measures.

Article 51. (1) The certificates of energy savings achieved under Article 50 shall be issued by the Executive Director of the Agency to the persons referred to in Article 39 (2) and to the owners of buildings referred to in Article 19 and of industrial systems referred to in Article 33 (2) in consideration of a fee fixed according to a rate schedule adopted by the Council of Ministers.

(2) (Amended, SG No. 24/2013, effective 12.03.2013) The certificates issued to the persons referred to in Article 39 (2) and to the owners of buildings referred to in Article 19 and of industrial systems referred to in Article 33 (2) shall be used to confirm the achievement of the individual energy savings targets as allocated.

Article 52. (Amended, SG No. 24/2013, effective 12.03.2013) (1) The energy savings achieved shall be proved not earlier than one year after the implementation of the energy end-use efficiency improvement measures by means of:

1. an energy efficiency audit of buildings or industrial systems, inspection of hot water boiler heating systems and air-conditioning systems; or

2. applying the methodologies developed according to the requirements set in the ordinance under Article 9, Paragraph 2.

(2) In the cases under Paragraph 1, item 1, proving the achieved energy savings shall be done by the persons referred to in Article 23, Paragraphs (1) and (2) and Article 34, Paragraph (1) - and in the cases under Paragraph 1, item 2 - also by the liable persons.

(3) The methodologies used for assessing the effect of the various types of implemented energy efficiency improvement measures shall be verified by the Agency.

(4) The conditions, procedure and format for issuing of the certificates referred to in Article 50, shall be stipulated in the ordinance referred to in Article 9, Paragraph (2).

Article 53. (Amended, SG No. 24/2013, effective 12.03.2013) The rules for introduction of a market mechanism for energy efficiency improvement through the implementation of energy efficient activities and measures shall be laid down by an ordinance of the Council of Ministers.

Section V

Energy Efficiency and Renewable Sources Fund

(Title supplemented, SG No. 35/2011, effective 3.05.2011)

Article 54. (1) (Amended, SG No. 35/2011, effective 3.05.2011) The Energy Efficiency and Renewable Sources Fund shall fund the implementation of the activities and measures for increasing of the energy efficiency and promotion of the activities related to production and consumption of energy from renewable sources with the exception of the ones funded by the Government Budget.

(2) (Supplemented, SG No. 35/2011, effective 3.05.2011) The Energy Efficiency and Renewable Sources Fund, hereinafter referred to as "the Fund", shall be a legal person with a head office in Sofia.

Article 55. (1) (Supplemented, SG No. 35/2011, effective 3.05.2011) The Fund shall manage financial resources, provided for development-project designs for energy efficiency improvement and for projects for production of energy from renewable sources, in accordance with the priorities set in the National Strategy and in the national action plans as adopted by the Council of Ministers.

(2) (Amended, SG No. 15/2013, effective 1.01.2014) The Fund shall implement its activity in accordance with this Act and the agreements with donors and shall not be part of the consolidated fiscal program.

Article 56. In pursuit of its objectives, the Fund shall base its activity on the following principles:

1. transparency in the management of financial resources;
2. non-discrimination of all applicants for financing from the Fund;

3. (supplemented, SG No. 35/2011, effective 3.05.2011) partnership and co-operation with natural and legal persons who or which are merchants within the meaning given by the Commerce Act or within the meaning given by the legislation of a Member State of the European Union or of another Contracting Party to the Agreement on the European Economic Area, as well as with not-for-profit legal entities, for joint financing of energy efficiency projects and projects for production of energy from renewable sources.

Article 57. (1) The revenues of the Fund shall be raised from:

1. donations from international financial institutions, international funds, Bulgarian and foreign natural or legal persons;

2. interest on current accounts or bank deposits of the Fund;

3. loans or other financial instruments of a credit nature, contracted from international organisations and banks, as well as from natural and/or legal persons, registered as merchants, received exclusively for attainment of the objectives of the Fund;

4. contributions by the persons referred to in Article 39 (2);

5. (new, SG No. 35/2011, effective 3.05.2011) proceeds from sales of greenhouse gas emission allowances;

6. (renumbered from Item 5, SG No. 35/2011, effective 3.05.2011) other revenues compatible with the nature and activity of the Fund.

(2) The initially raised financial resources shall be deposited with a custodian commercial bank-depository licensed to operate within the national territory and selected through a competitive procedure.

Article 58. (Supplemented, SG No. 6/2009, amended, SG No. 35/2011, effective 3.05.2011) (1) Resources of the Fund shall be expended for:

1. funding against consideration of projects for development of energy efficiency;
2. funding against consideration of activities and projects for production of energy from

renewable sources;

3. guarantee activities under loans from financial and credit institutions, granted under projects as per items 1 and 2;

4. priority funding of projects for:

a) implementation of measures for increasing energy efficiency of ultimate consumption of energy;

b) use of energy from renewable sources in ultimate consumption of energy;

5. support of the Fund in accordance with the annual revenue and expense budget approved by the management board.

(2) (New, SG No. 59/2013, effective 5.07.2013) The funds from the proceeds of the sale of quotas for greenhouse gases are used to develop renewable energies to meet the commitment the European Union's 20 percent use of renewable energies by 2020, the development of technologies that contribute to the transition to a safe and sustainable low-carbon, help meet the commitment to increase energy efficiency and stimulate investment in production of electricity under the Energy from Renewable Sources Act resulting from obligations to society.

(3) (Renumbered from Paragraph (2), SG No. SG No. 59/2013, effective 5.07.2013) Users of electricity, heating, and natural gas in condominium buildings, incorporated as legal persons - partnerships of owners, in pursuance with the Condominium Management Act may apply for funding of projects for increasing energy efficiency and projects for setting up of installations using renewable sources from the Energy Efficiency and Renewable Sources Fund.

Article 58a. (New, SG No. 24/2013, effective 12.03.2013)

The bodies of the Energy Efficiency and Renewable Sources Fund shall be:

1. the general meeting of donors;

2. the Governing Board.

Article 58b. (New, SG No. 24/2013, effective 12.03.2013) (1) The general meeting of donors shall comprise physical and legal persons, including not-for-profit legal persons.

(2) The general meeting of donors shall:

1. approve rules governing the organisation of the work and activities of the Fund;

2. elect and release from office the members of the Governing Board of the Fund under Article 59, Paragraph 1, item 4;

3. make the decision to terminate the activities of the Fund;

4. make decisions on other issues it is granted competence over pursuant to an act.

Article 59. (1) (Amended, SG No. 35/2011, effective 3.05.2011) The Fund shall be managed by a Governing Board, consisting of 9 members, as follows:

1. (amended, SG No. 59/2013, effective 5.07.2013) a representative of the Ministry of Economy and Energy, designated by the Minister of Economy and Energy;

2. a representative of the Ministry of Environment and Water, designated by the Minister of Environment and Water;

2a. (new, SG No. 35/2011, effective 3.05.2011, amended, SG No. 66/2013, effective 26.07.2013) a representative of the Ministry of Regional Development, designated by the Minister of Regional Development;

3. the Executive Director of the Agency;

4. (amended, SG No. 35/2011, effective 3.05.2011) five representatives elected by the General Meeting of Donors of the Energy Efficiency and Renewable Sources Fund, as follows:

a) a representative of non-government organisations, the activities of which are focused on reducing the risk of global climate changes;

b) two experts with higher economic education with experience in funding of projects in the area of power generation;

c) an expert in the field of energy efficiency with higher engineering education;

d) an expert in the field of renewable sources with higher engineering education.

(2) The term of office of the members of the Governing Board shall be two years.

(3) The Chairperson of the Governing Board shall be elected from amongst the members of the Governing Board for a term of one year.

(4) Each member of the Governing Board, who held the position of Chairperson, shall complete the term of office thereof as member of the Board after vacating the position of Chairperson.

(5) (Repealed, SG No. 35/2011, effective 3.05.2011).

(6) (Amended, SG No. 35/2011, effective 3.05.2011, repealed, SG No. 24/2013, effective 12.03.2013) .

(7) (Repealed, SG No. 35/2011, effective 3.05.2011).

(8) Eligibility for membership of the Governing Board shall be limited to natural persons, as well as to representatives of legal persons, who:

1. has not been convicted of a premeditated indictable offence;
2. is not a spouse or a lineal or collateral relative up to the fourth degree of consanguinity to any other member of the Governing Board of the Fund, or an affine up to the third degree of affinity to any such member;
3. does not work under a civil-service relationship or under an employment contract in the administration, with the exception of the persons referred to in Items 1 to 3 of Paragraph (1).

(9) (New, SG No. 24/2013, effective 12.03.2013) Where any of the circumstances under Paragraph 8 occurs in relation to a member of the Governing Board, he/she shall be obligated within a 7-day term to notify the chairperson of the Governing Board.

(10) (New, SG No. 24/2013, effective 12.03.2013) The general meeting of donors shall make decisions on the release of a Governing Board member from office upon the occurrence of the circumstances under Paragraph 8.

Article 60. (1) The Governing Board shall manage the overall activity of the Fund.

(2) The Governing Board shall perform the following functions:

1. (amended, SG No. 24/2013, effective 12.03.2013) elaborate and propose for adoption by the meeting referred to in Article 58a, item 1 the rules of organisation of the work and operation of the Fund;

2. approve the financing and guarantee-furnishing policy of the Fund;

3. adopt a strategy for the activity of the Fund;

4. (amended, SG No. 35/2011, effective 3.05.2011) adopt the criteria for evaluation and selection of projects applying for financing from the Fund;

5. (amended, SG No. 35/2011, effective 3.05.2011) shall approve the financing of projects;

6. approve the contracts associated with the guarantee-furnishing activity of the Fund;

7. adopt the annual report on implemented projects for achievement of individual indicative targets of the persons referred to in Article 39 (2), financed through the Fund;

8. approve the budget revenues and expenditures and the annual activity report of the Fund, as prepared by the Executive Director;

9. elect and remove the Executive Director;

10. appoint an independent financial auditor and adopt the annual financial statement;

11. approve the staffing schedule of the Fund and fix the remuneration of the employees of the Fund;

12. adopt other measures as well, determined to be necessary for attainment of the objectives of the Fund.

Article 61. (1) The Fund shall be represented by an Executive Director, selected by the Governing Board through a competitive procedure.

(2) The relations with the Executive Director shall be regulated by a contract.

(3) The contract with the Executive Director shall be concluded for a term of validity of five years.

(4) The Executive Director of the Fund shall perform the following functions:

1. represent the Fund;

2. prepare a draft strategy for the activity of the Fund;

3. prepare the requisite documentation for financing and furnishing of guarantees of projects in accordance with the law and the agreements concluded with donors;

4. prepare a draft of the revenue and expenditure budget and ensure the implementation of the budget as approved by the Governing Board;

5. prepare an annual report on implemented projects for achievement of individual indicative targets of the persons referred to in Article 39 (2), financed through the Fund, submit the said annual report for approval by the Governing Board of the Fund, and submit the said annual report to the Agency not later than on the 31st day of March of the year following the reporting year;

6. prepare reports and other materials for review and approval by the Governing Board in accordance with the internal rules of the Fund;

7. make arrangements for the meetings of the Governing Board;

8. sign the contracts for financing and furnishing of guarantees of projects as approved by the Governing Board and as concluded with the Fund;

9. periodically brief the Governing Board on the level of implementation of the projects financed;

10. appoint and dismiss staff in accordance with the effective legislation;

11. be responsible for preservation of the property of the Fund;
12. perform other activities as well, assigned thereto by a decision of the Governing Board.

Article 62. (1) The contract with the Executive Director shall be terminated before expiry of the term of validity thereof:

1. by mutual consent;
2. at the request of the Executive Director by a prior notice of not less than three months;
3. upon entry into effect of a sentence for a premeditated offence;
4. upon systematic non-fulfilment of the obligations thereof;
5. upon injuring the interests of the Fund;

6. (new, SG No. 42/2009, amended, SG No. 97/2010, effective 10.12.2010) upon entry into force of an act which ascertains any conflict of interest under the Conflict of Interest Prevention and Ascertainment Act.

7. (renumbered from Item 6, SG No. 42/2009) in case of an objective inability to fulfil the obligations thereof for a period of more than six months;

8. (renumbered from Item 7, SG No. 42/2009) in case of death.

(2) The circumstances referred to in Paragraph (1) shall be established and the term of office shall be terminated by a decision of the Governing Board.

Chapter Six

ENERGY EFFICIENCY CONTROL

Article 63. The Executive Director of the Agency shall exercise control over the activity of:

1. the final consumers of energy in the cases where the implementation of energy efficiency improvement activities and measures according to this Act or other statutory instruments is mandatory;

2. (supplemented, SG No. 24/2013, effective 12.03.2013) the persons referred to in Article 23 (1) and (2) and Article 34 (1);

3. the persons referred to in Article 10 (1) in the achievement of the individual energy savings targets allocated thereto;

4. the contracting authorities referred to in Article 161 (1) of the Spatial Development Act as to compliance with their obligation under Article 20 (1);

5. (new, SG No. 24/2013, effective 12.03.2013) the bodies referred to in Article 12 - for the submission of reports on the performance of the annual plans.

Article 63a. (New, SG No. 24/2013, effective 12.03.2013) (1) Control over the activities of the persons under Article 23, Paragraphs 1 and 2 shall cover:

1. validity check of the input data of the building used to issue the energy performance certificate, and of the results stated in the certificate;

2. check of the input data entered in the energy performance certificate, and of the results, including of the prescribed measures for improving energy efficiency;

3. full check of the data, results and prescribed measures for improving energy efficiency by an on-site visit for the purpose of checking the correspondence between the data specified in the energy performance certificate and the certified building;

4. check of compliance with the requirements of the ordinance under Article 23a, Paragraph 9.

(2) Control over the activities of the persons under Article 34, Paragraph 1 shall include:

1. validity check of the input data of the industrial system, used for making the audit and of the results specified in the report;

2. validity check of the input data, and of the results, of the audit, as well as of the prescribed measures for improving energy efficiency;

3. full check of data, results and prescribed measures for improving energy efficiency by an on-site visit for the purpose of checking the correspondence between the results specified in the documents from the audit/inspection and the condition of the certified industrial system;

4. check of the compliance with the requirements of the ordinance under Article 23a, Paragraph 9.

Article 64. In exercising the control powers thereof, the Executive Director of the Agency:

1. shall conduct checks through employees empowered thereby;

2. (amended, SG No. 24/2013, effective 12.03.2013) shall perform verifications of audits by systematic or random sampling of the audited buildings and/or industrial systems through employees empowered thereby;

3. shall impose administrative sanctions provided for by this Act.

Article 65. (1) (Supplemented, SG No. 24/2013, effective 12.03.2013) The persons referred to in Article 64, who conduct checks and draw up written statements of ascertainment of

administrative violations, shall be designated by an order of the Executive Director of the Agency.

(2) The persons referred to in Paragraph (1) shall identify themselves by the order referred to in Paragraph (1) and by an identification card certifying the position occupied by them.

Article 66. (1) The persons referred to in Article 64 shall have the right:

1. to unimpeded access to the sites to be checked;
2. to demand from the persons checked to produce the documents required for the exercise of the control;
3. (amended, SG No. 24/2013, effective 12.03.2013) to perform verifications of audits.

(2) In respect of the buildings and industrial systems owned by the Ministry of Defence and the Ministry of Interior, the actions referred to in Paragraph (1) shall be implemented under terms and according to a procedure established in the respective special laws.

(3) The persons referred to in Article 64 shall be obligated to respect the confidentiality of any official and commercial secrets which have come to the knowledge thereof in the course of, or in connection with, the performance of the control activity.

Article 67. The person checked shall be obligated to ensure all conditions required for the normal conduct of the check and to co-operate with the persons referred to in Article 64 and, to this end:

1. provide a place for conduct of the check;
2. designate a representative thereof to liaise with and provide assistance to the officials who conduct the check;
3. provide access to office premises;
4. produce all documents required for exercise of the control.

Article 68. (1) The persons referred to in Article 64 shall draw up a memorandum of ascertainment on the results of the checks, attaching thereto the collected data, documents and explanations.

(2) The memorandum shall be provided the person checked, who shall have the right to give explanations and lodge objections within fourteen days after the date of service.

Article 69. (1) On the basis of the results of the check, the persons referred to in Article 64 may:

1. issue mandatory prescriptions to the persons checked to eliminate the violations

ascertained and establish a time limit for their implementation;

2. draw up written statements of ascertainment of administrative violations.

(2) The prescriptions, issued by the persons referred to in Article 64 in exercise of the powers vested therein under this Act, shall be mandatory.

(3) The persons who have been issued mandatory prescriptions shall notify the persons referred to in Article 64 of the compliance with the said prescriptions within the time limit set thereto.

Article 70. All state bodies, legal and natural persons shall be obligated to co-operate with the persons referred to in Article 64 in carrying out their functions.

Chapter Seven

ADMINISTRATIVE PENALTY PROVISIONS

Article 71. Any contracting authority of a building, who or which fails to fulfil the obligation thereof under Article 20 (1), shall be liable to a fine of BGN 1,000 or exceeding this amount but not exceeding BGN 10,000 or to a pecuniary penalty of BGN 5,000 or exceeding this amount but not exceeding BGN 50,000.

Article 72. Any person, who or which obstructs or tolerates the obstruction of the conduct of a check by the persons referred to in Article 64, shall be liable to a fine of BGN 500 or exceeding this amount but not exceeding BGN 1,000 or to a pecuniary penalty of BGN 2,000 or exceeding this amount but not exceeding BGN 3,000.

Article 73. Any person referred to in Article 64, who violates the provision of Article 66 (3), shall be liable to a fine of BGN 10,000.

Article 74. Any person, who or which fails to comply with a mandatory prescription under Item 1 of Article 69 (1), shall be liable to a fine of BGN 2,000 or exceeding this amount but not exceeding BGN 5,000 or to a pecuniary penalty of BGN 10,000 or exceeding this amount but not exceeding BGN 30,000.

Article 75. Any owner of a building and/or industrial system, who or which obstructs a person referred to in Article 64 upon the conduct of a check or a verification audit, shall be liable to a fine of BGN 2,000 or to a pecuniary penalty of BGN 5,000.

Article 76. Any contracting authority within the meaning given by Article 161 (1) of the Spatial Development Act, who or which fails to fulfil the obligation to update the energy performance certificate of a building in the cases referred to in Article 20 (4), shall be liable to a fine of BGN 1,000 or exceeding this amount but not exceeding BGN 3,000 or to a pecuniary penalty of BGN 5,000 or exceeding this amount but not exceeding BGN 10,000.

Article 77. (Amended, SG No. 24/2013, effective 12.03.2013) (1) Any owner of a building

under Article 19, who or which fails to implement the measures prescribed in the energy efficiency audit report within the time limit referred to in Article 19 (3) shall be liable to a fine from BGN 10,000 to BGN 30,000 or to a pecuniary penalty from BGN 50,000 to BGN 100,000.

(2) Any owner of an industrial system under Article 33 (3), who or which fails to implement his/its obligations under Article 33, Paragraph 4 or 5, shall be liable to a fine from BGN 10,000 to BGN 30,000 or to a pecuniary penalty from BGN 50,000 to BGN 100,000.

Article 78. (Supplemented, SG No. 24/2013, effective 12.03.2013) Any person referred to in Article 23 (1) and (2), who or which has issued an energy performance certificate of a building, without having performed an energy efficiency audit, shall be liable to a fine of BGN 50,000 or exceeding this amount but not exceeding BGN 100,000 or to a pecuniary penalty of BGN 200,000 or exceeding this amount but not exceeding BGN 300,000.

Article 79. (Amended, SG No. 24/2013, effective 12.03.2013) Any person referred to in Article 23 (1) and (2), who or which has failed to send the list under Article 23c, Paragraph 1 within the set term shall be liable to a fine from BGN 100 to BGN 500 or to a pecuniary penalty of BGN 1,500 to BGN 3,000.

Article 80. Any person referred to in Article 34 (1), who or which allows a deviation by more than 10 per cent from the parameters of the verification audit when performing an energy efficiency audit of industrial systems, shall be liable to a fine of BGN 100,000 or exceeding this amount but not exceeding BGN 200,000 or to a pecuniary penalty of BGN 300,000 or exceeding this amount but not exceeding BGN 500,000.

Article 81. (Amended, SG No. 24/2013, effective 12.03.2013) Any person, who or which performs certification of buildings or an energy efficiency audit in violation of the provision of Article 23 (5) or Article 34 (2), shall be liable to a fine of BGN 50,000 or exceeding this amount but not exceeding BGN 100,000 or to a pecuniary penalty of BGN 100,000 or exceeding this amount but not exceeding BGN 200,000.

Article 82. (Amended, SG No. 24/2013, effective 12.03.2013) (1) Any owner of a hot water boiler heating system fired by liquid or solid fuel with an rated output of 20 kW to 100 kW, and who or which fails to fulfil the obligation thereof under Article 27 (2), shall be liable to a fine from BGN 150 to BGN 200 or to a pecuniary penalty from BGN 1,500 to BGN 2,000.

(2) Any owner of a hot water boiler heating system fired by liquid fuel, solid fuel or by natural gas of an rated output of more than 100 kW, who or which fails to fulfil the obligation thereof under Article 27 (2), shall be liable to a fine from BGN 1,500 to BGN 2,000 or to a pecuniary penalty from BGN 15,000 to BGN 20,000.

(3) Any owner of an air-conditioning system of rated output of more than 12 kW, who or which fails to fulfil the obligation thereof under Article 28 (2), shall be liable to a fine from BGN 1,500 to BGN 2,000 or to a pecuniary penalty from BGN 15,000 to BGN 20,000.

(4) Any owner of a hot water boiler heating system under Article 27 (1) or of an air-conditioning system under Article 28 (1), who or which fails to fulfil the obligation thereof

under Article 29 (2), shall be liable to a fine from BGN 150 to BGN 200 or to a pecuniary penalty from BGN 1,500 to BGN 2,000.

(5) Any owner of a hot water boiler heating system under Article 27 (1) or of an air-conditioning system under Article 28 (1), who or which fails to fulfil the recommendations made in the report of the energy efficiency inspection within a one-year term after the acceptance of the inspection results, shall be liable to a fine from BGN 150 to BGN 200 or to a pecuniary penalty from BGN 500 to BGN 1,500.

Article 83. (1) Any owner of a building referred to in Article 19, who or which fails to fulfil the obligation to submit reports to the Agency within the time limit referred to in Article 36 (6), shall be liable to a fine of BGN 500 or exceeding this amount but not exceeding BGN 1,000 or to a pecuniary penalty of BGN 3,000 or exceeding this amount but not exceeding BGN 5,000.

(2) Any owner of an industrial system referred to in Article 33 (2), who or which fails to fulfil the obligation to submit reports to the Agency within the time limit referred to in Article 36 (6), shall be liable to a fine of BGN 1,500 or exceeding this amount but not exceeding BGN 2,000 or to a pecuniary penalty of BGN 5,000 or exceeding this amount but not exceeding BGN 8,000.

Article 84. Any person referred to in Items 1 to 4 of Article 41 (1), who or which fails to submit information within the time limit referred to in Article 41 (2), shall be liable to a fine from BGN 20,000 to BGN 50,000 or to a pecuniary penalty of BGN 150,000 or exceeding this amount but not exceeding BGN 200,000.

Article 85. (Amended, SG No. 24/2013, effective 12.03.2013) Any retail energy sales company, owner of a building referred to in Article 19 and owner of an industrial system referred to in Article 33 (2), who or which fails to achieve the individual energy savings target allocated thereto within the time limits provided for in the national energy efficiency action plan, shall be liable to a fine from BGN 1,000 to BGN 5,000 or to a pecuniary penalty from BGN 5,000 to BGN 500,000.

Article 86. Any person, who or which fails to fulfil any other obligations under this Act, shall be liable to a fine of BGN 500 or exceeding this amount but not exceeding BGN 1,500 or to a pecuniary penalty of BGN 1,000 or exceeding this amount but not exceeding BGN 10,000.

Article 87. The written statements whereby administrative violations of this Act are ascertained shall be drawn up by officials designated by the Executive Director of the Agency.

Article 88. The penalty decrees shall be issued by the Executive Director of the Agency.

Article 89. The ascertainment of violations, the issuing, appeal against and execution of penalty decrees shall follow the procedure established by the Administrative Violations and Sanctions Act.

SUPPLEMENTARY PROVISIONS

§ 1. Within the meaning given by this Act:

1. "Energy" shall be all forms of commercially available energy: electricity, natural gas (including liquefied natural gas), liquefied petroleum gas, any fuel for heating and cooling (including district heating and cooling), coal and lignite, peat, biomass and transport fuels (excluding aviation and maritime bunker fuels).

1a. (New, SG No. 24/2013, effective 12.03.2013) "Energy efficiency in buildings" shall be providing and maintaining of the regulatory parameters of the microclimate in the buildings, heat preservation and savings of energy resources for the needs of the buildings with minimum financial costs.

2. (Amended, SG No. 24/2013, effective 12.03.2013) "Energy savings" shall be an amount of saved energy determined by measuring and/or estimating the energy consumption before and after implementation of energy efficiency improvement measures, by making adjustment and normalisation taking into consideration exogenous conditions influencing energy consumptions.

2. "Energy savings" shall be an amount of saved energy determined by measuring and/or estimating the energy consumption before and after implementation of energy efficiency improvement measures.

3. "Energy service" shall be any service which includes the implementation of activities and measures resulting in energy savings, physical benefit, utility or good derived from a combination of energy delivery with energy efficient technology and/or action, which may include the operations, maintenance and control necessary to deliver the service.

4. (Amended, SG No. 24/2013, effective 12.03.2013) "Energy performance" shall be an indicator of the measured amount of energy actually consumed or estimated to meet the different needs associated with a standardised use of a building, including heating, hot water heating, cooling, ventilation and lighting.

5. "Energy efficiency" shall be the ratio of performance, goods, service or energy, and an input of energy.

6. "Energy service company" shall be a natural or legal person that delivers energy services and/or other energy efficiency improvement measures in buildings or industrial systems, and accepts some degree of financial risk in so doing. The payment for the services delivered is based on the achievement of energy efficiency improvements and on the meeting of the other agreed performance criteria.

7. "Indicators for reporting the results achieved" shall be indicators of the specific data related to the results achieved.

8. "Air-conditioning system" shall be a combination of all components required to provide air treatment in which temperature is controlled, possibly in combination with the control of ventilation, humidity and air cleanliness.

9. "Verification energy efficiency audit" shall be an audit for verification of the results of a previous energy efficiency audit for the purpose of protection of the public interest.

10. "Boiler" shall be a facility which constitutes a combined boiler body and burner-unit designed to transmit to water the heat released from combustion.

10a. (New, SG No. 24/2013, effective 12.03.2013) "Energy end-use" shall be the use of energy products supplied for energy purposes to the manufacturing industry, mining, construction, transport, households, services, including public services, agriculture, forestry and fisheries.

11. "Final customer of energy" shall be any natural or legal person that purchases energy for his or its own end use.

11a. (New, SG No. 24/2013, effective 12.03.2013) "New building" shall be any newly constructed building which is commissioned for the first time.

12. "Rated output" shall be the maximum calorific output specified and guaranteed by the manufacturer as being deliverable during continuous operation.

13. "Normalised energy consumption" shall be the energy consumption necessary to ensure compliance with the statutorily required parameters of the microclimate in a building in its existing condition.

14. "Total energy consumption" shall be the total amount of energy purchased by the final consumer of energy for a period of one year.

15. "Energy efficiency audit" shall be a process based on a systematic procedure for determination and valuation of the energy flows and consumption in buildings and/or industrial systems, which defines the scope of the technical and economic parameters of the energy efficiency improvement measures.

16. "Energy efficiency improvement" shall be a result of the implementation of a measure or an activity which leads to a reduction of the ratio between the input of energy and the output of performance, goods, services or energy, without any deterioration of the quality or other characteristics.

16a. (New, SG No. 24/2013, effective 12.03.2013) "Effective rated output" shall be the maximum calorific output, expressed in kW, specified and guaranteed by the manufacturer as being deliverable during continuous operation while complying with the useful efficiency indicated by the manufacturer;

17. "Energy efficiency improvement programmes" means activities and measures addressed at the different groups of final consumers of energy which lead to verifiable, measurable or estimable energy efficiency improvement.

18. (Amended, SG No. 24/2013, effective 12.03.2013) "Industrial systems" shall be a totality of manufacturing buildings, facilities, technologies and auxiliary plants involved in the production of goods.

19. "Building" shall be a structure having walls and a roof, in which energy is used for regulating the internal temperature.

19a. (New, SG No. 24/2013, effective 12.03.2013) A "nearly zero energy building" shall be a building with very high energy performance, as determined in accordance with the approved national methodology. The nearly zero or very low amount of energy required should be generated to a significant extent from renewable energy sources, including sources located on-site or nearby.

20. (Amended, SG No. 24/2013, effective 12.03.2013) "Energy performance certificate of a building" shall be an official document issued by energy efficiency consultants within the scope of their competences according to an approved form and procedure, which includes the energy performance of a building calculated according to the methodology specified in the ordinance referred to in Article 15 (3).

21. "Specific energy consumption" shall be the total amount of energy divided by the output of goods or services produced over a period of one year.

21a. (New, SG No. 24/2013, effective 12.03.2013) A "certificate of design energy performance of a building" shall be an official document issued by energy efficiency consultants within the scope of their competences according to an approved form and procedure, which includes and evaluation of the design energy performance of a building calculated according to the methodology specified in the ordinance referred to in Article 15 (3).

21b. (New, SG No. 24/2013, effective 12.03.2013) "Energy efficiency promotion schemes" shall be any instrument, scheme, mechanism, which encourages energy efficiency enhancement.

21c. (New, SG No. 24/2013, effective 12.03.2013) "Technical system of a building" shall be any technical equipment for providing heating, cooling, ventilation, hot water, lighting or a combination thereof of a building or of a building unit.

21d. (New, SG No. 24/2013, effective 12.03.2013) "Cost-optimal levels" shall be energy performance specifics which result in the lowest costs during the projected economic lifecycle, whereas:

(a) the lowest costs shall be determined by taking the investment costs in relation to the energy, maintenance costs and operational costs, including the costs of energy and saved energy, the category of the respective building, revenues from the generated energy and the costs of decontamination, where applicable.

(b) the projected economic lifecycle shall be the remaining projected economic lifecycle of the building, where the energy performance requirements have been determined for the building as a whole, or the projected economic lifecycle of a building element, where the energy

performance requirements have been determined for the building elements.

Energy performance shall be consistent with the cost-optimal level where the cost-benefit analysis based on calculations for the projected economic lifecycle produces a positive result.

21e. (New, SG No. 24/2013, effective 12.03.2013) "Overhaul" shall be repair works of a building covering more than 25 per cent of the area of the building envelope.

22. "Heat pump" shall be a device or installation that extracts heat from air, water or earth and supplies the heat to the building.

23. (Amended, SG No. 24/2013, effective 12.03.2013) "Retail energy sales company" shall be a natural or legal person that is a final supplier, public supplier, trader holding a license for "trade in electric power", heat transmission enterprise, manufacturer and/or trader of liquid fuels of petroleum origin and natural gas and solid fuels, that sells to final customers more than the equivalent of 75 GWh energy per year or employs more than ten persons for the respective year or whose annual turnover and/or annual balance sheet total for the previous year exceeds BGN 4 million.

24. "Financial instruments for energy efficiency improvement" shall be all financial instruments such as funds, subsidies, tax rebates, loans, third-party financing, energy performance contracting, guarantee of energy savings contracts, outsourcing or other related contracts that are made available to the market place by public or private bodies in order to cover partly or totally the initial project cost for implementing energy efficiency improvement measures.

25. (New, SG No. 24/2013, effective 12.03.2013) "Horizontal measures" shall be provisions, tax relief measures, etc. the effect of which is to reduce final energy consumption, and also information campaigns promoting energy efficiency improvement.

26. (New, SG No. 24/2013, effective 12.03.2013) "District heating" or "district cooling" shall be supply of thermal energy in the form of steam, hot water or chilled liquid through a network with a central source of production to multiple buildings or other places to be used for heating or cooling of premises or processes.

§ 2. (Repealed, SG No. 35/2011, effective 3.05.2011).

§ 3. (Amended, SG No. 24/2013, effective 12.03.2013) This Act transposes the requirements of Directive 2006/32/EC of the European Parliament and of the Council of 5 April 2006 on energy end-use efficiency and energy services and repealing Council Directive 93/86/EEC and Directive 2010/31/EU of the European Parliament and the Council of 19 May 2010 on the energy performance of buildings (OJ, L 153/13 of 18 June 2010).

TRANSITIONAL AND FINAL PROVISIONS

§ 4. This Act supersedes the Energy Efficiency Act (promulgated, SG No. 18/2004;

amended, No. 74/2006, No. 55/2007).

§ 5. (1) The owners of buildings subject to mandatory certification according to the procedure established by the Energy Efficiency Act as superseded, who or which have in their possession reports on an audit until the entry into force of this Act, shall be obligated to implement the energy efficiency improvement measures prescribed by the said audit within three years after the entry into force of this Act.

(2) The owners of industrial systems subject to a mandatory audit according to the procedure established by the Energy Efficiency Act as superseded, who or which have in their possession report on an audit performed until the entry into force of this Act, shall be obligated to start implementing the energy efficiency improvement measures prescribed by the said audit within two years after the entry into force of this Act.

§ 6. (Amended, SG No. 52/2010, SG No. 35/2011, effective 3.05.2011) (1) The Executive Director of the Agency for Sustainable Energy Development, jointly with the Executive Director of the Public Procurement Agency, shall issue instructions for the application of the requirements for energy efficiency and energy savings upon awarding public procurements for the supply of equipment and means of transportation with a view to minimisation of the costs for the term of their operation.

(2) The instructions referred to in Paragraph (1) shall be issued until 4 December 2010.

§ 7. (Amended, SG No. 24/2013, effective 12.03.2013) An ordinance on the introduction of a market mechanism for energy efficiency improvement through implementation of energy efficiency activities and measures shall be adopted within five years after the entry into force of this Act.

§ 8. The energy efficiency certificates issued according to the procedure established by the Energy Efficiency Act as superseded shall remain valid.

§ 9. (1) The second and third energy efficiency action plans, developed in implementation of Article 8, shall be adopted by the 30th day of May 2011 and by the 30th day of May 2014, respectively.

(2) The action plans referred to in Paragraph (1) shall be updated in the order of their adoption: by the 30th day of November 2011 and by the 30th day of November 2014, respectively.

(3) The ratio between the amount of national energy savings and the indicative target as adopted shall start to be reported as from the 1st day of January 2008.

§ 10. The persons, who have completed a course of training and have acquired qualification for energy efficiency audits and certification of buildings according to the procedure established by the Energy Efficiency Act as superseded, shall preserve their rights to perform energy efficiency audits of buildings and industrial systems and to certify buildings.

§ 11. (1) Energy performance certificates of any buildings, for which an energy efficiency audit was performed prior to the entry into force of this Act, shall be issued by the persons who performed the audit of the respective building within a one year after the entry into force of this Act.

(2) (Amended, SG No. 24/2013, effective 12.03.2013) In the cases referred to in Paragraph (1), where the person who performed the audit has been expunged in the register referred to in Article 23a (1), the energy performance certificate shall be issued by the Agency for Sustainable Energy Development on the basis of the results of the audit performed by the said person performed by the Agency for Sustainable Energy Development.

§ 12. In the Energy Act (promulgated, SG No. 107 of 2003; amended, No. 18 of 2004, Nos. 18 and 95 of 2005, Nos. 30, 65 and 74 of 2006, Nos. 49, 55 and 59 of 2007, Nos. 36 and 43 of 2008), there shall be inserted an Article 7a to read as follows:

"Article 7a. (1) For protection of the interests of consumers, there shall be established a Public Council under the Minister of Economy and Energy as an advisory unit for addressing problems within the special competence of the Minister as defined in this Act.

(2) Representatives of the Ministry of Economy and Energy, consumer associations, unions of scientists, trade union organisations and not-for-profit legal entities shall be included in the composition of the Public Council referred to in Paragraph (1).

(3) The Public Council referred to in Paragraph (1) shall be established by an order of the Minister of Economy and Energy.

(4) The order referred to in Paragraph (3) shall define the types of issues to be examined by the Public Council, as well as the terms and procedure for implementation of its activities."

§ 13. (1) The statutory instruments of secondary legislation on the application of this Act shall be adopted or, respectively, issued and brought into conformity within six months after its entry into force.

(2) Pending the adoption or, respectively, issuing of the statutory instruments of secondary legislation as provided for under this Act, the statutory instruments of secondary legislation issued for application of the Energy Efficiency Act as superseded shall apply insofar as they do not conflict this Act.

§ 14. The owner of any industrial system subject to a mandatory energy efficiency audit according to the procedure established by Article 33 (2) shall be obligated to ensure an energy audit of the facilities owned thereby by the 31st day of December 2011.

§ 15. (Amended, SG No. 59/2013, effective 5.07.2013) The Minister of Economy and Energy shall establish the Public Council referred to in Article 7a of the Energy Act within six months after the entry into force of this Act.

§ 16. In Article 142 of the Spatial Development Act (promulgated, SG No. 1/2001;

amended, Nos. 41 and 111/2001, No. 43/2002, Nos. 20, 65 and 107/2003, Nos. 36 and 65/2004, Nos. 28, 76, 77, 88, 94, 95, 103 and 105/2005, Nos. 29, 30, 34, 37, 65, 76, 79, 80, 82, 106 and 108/2006, Nos. 41, 53 and 61/2007, Nos. 33, 43, 54 and 69/2008), there shall be added Paragraph (9) to read as follows:

"(9) The conformity assessment under Item 6 of Article 169 (1) of development-project designs in the phases of schematic and working design shall be performed under a separate contract with the contracting authority by natural and legal persons who or which meet the requirements of the Energy Efficiency Act and who or which have been entered in the public register referred to in Article 23 (4) of that same Act."

§ 17. In the Transitional and Final Provisions of the Renewable and Alternative Energy Sources and Biofuels Act (SG No. 49/2007), § 3 (1) shall be amended to read as follows:

"(1) The mandatory purchase of electricity under Articles 16 and 17 shall be performed under purchase contracts. The term of the contracts shall be twenty-five years, applicable to electricity produced from geothermal and solar power, and fifteen years, applicable to electricity produced by hydroelectric power plants with an installed capacity of up to 10 MW, as well as to electricity produced from other types of renewable energy sources. The time limits for mandatory purchase shall start to run:

1. for the existing producers of electricity from renewable energy sources, with the exception of hydroelectric power plants with an installed capacity of more than 10 MW: after re-negotiation but not later than the 31st day of March 2009;

2. for all new producers of electricity from renewable energy sources, with the exception of hydroelectric power plants with an installed capacity of more than 10 MW: as from the start of production of electricity but not later than the 31st day of December 2015."

§ 18. The time limit referred to in Item 1 of § 3 (1) of the Transitional and Final Provisions of the Renewable and Alternative Energy Sources and Biofuels Act shall start to run as from the entry into force of this Act.

§ 19. (Amended, SG No. 59/2013, effective 5.07.2013) The implementation of this Act is entrusted to the Minister of Economy and Energy.

§ 20. This Act shall enter into force as from the day of its promulgation in the State Gazette, with the exception of the provision of Article 29 (2), which shall enter into force one year after the entry into force of the Act, and with the exception of the provisions of Article 38 Paragraphs (3) and (4), which shall enter into force six months after its entry into force.

This Act was passed by the 40th National Assembly on 30 October 2008 and the Official Seal of the National Assembly has been affixed thereto.

TRANSITIONAL AND FINAL PROVISIONS

to the Act amending and supplementing the Tourism Act

(SG No. 82/2009, effective 16.10.2009)

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§ 27. In the Energy Efficiency Act (Promulgated, SG No. 98/2008, amended, SG No. 6/2009, SG No. 19/2009 and SG No. 42/2009) everywhere the words "the Minister of Economy and Energy", "Minister of Economy and Energy" and "Ministry of Economy and Energy" shall be replaced respectively by "the Minister of Economy, Energy and Tourism", "Minister of Economy, Energy and Tourism" and "Ministry of Economy, Energy and Tourism"

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TRANSITIONAL AND FINAL PROVISIONS to the Energy from Renewable

Sources Act

(SG, No. 35/2011)

§ 15. In the Energy Efficiency Act (Promulgated SG No. 98/2008, amended No. 6, 19, 42 and 82/2009 and No.15, 52 and 97/2010.) the following amendments and supplements shall be made:

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16. Everywhere in the Act the wording "Energy Efficiency Agency" shall be replaced with "Agency for Sustainable Energy Development".

§ 16. (1) The Agency for Sustainable Energy Development is a successor of the activities, assets, liabilities, archives, as well as other rights and obligations of the Energy Efficiency Agency.

(2) Within two months from coming of the Act into force the Council of Ministers shall adopt Rules of Procedure of the Agency for Sustainable Energy Development.

Act to Amend and Supplement the Civil Servants Act

(Promulgated, SG No. 38/2012, effective 1.07.2012)

TRANSITIONAL AND FINAL PROVISIONS

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§ 84. (Effective 18.05.2012 - SG No. 38/2012) Within one month after the promulgation of this Act in the State Gazette:

1. the Council of Ministers shall bring the Classifier of Positions in the Administration into

conformity with this Act;

2. the competent authorities shall bring the organic acts of the respective administration into conformity with this Act.

§ 85. (1) The legal relationships with the persons of the administrations under the Radio and Television Act , the Independent Financial Audit Act , the Electronic Communications Act , the Financial Supervision Commission Act , the Access to and Disclosure of the Documents and Announcing the Affiliation of Bulgarian Citizens with the State Security Service and the Intelligence Services of the Bulgarian Popular Army Act , the Criminal Assets Forfeiture Act , the Conflict of Interest Prevention and Ascertainment Act , the Social Insurance Code , the Health Insurance Act , the Agricultural Producers Support Act and the Roads Act shall be settled under the terms established by § 36 of the Transitional and Final Provisions of the Act to Amend and Supplement the Civil Servants Act (State Gazette No. 24 of 2006).

(2) The act on appointment of the civil servant shall:

1. award the lowest rank designated in the Classifier of Positions in the Administration for occupation of the position, unless the servant holds a higher rank;

2. fix an individual monthly basic salary.

(3) The additional resources required for social and health insurance contributions of the persons referred to in Paragraph (2) shall be provided within the limits of the expenditures on salaries, remunerations and compulsory social and health insurance contributions under the budgets of the spending units concerned.

(4) The Council of Ministers shall effect the requisite modifications under the off-budget account of State Fund Agriculture arising from this Act.

(5) The governing bodies of the National Social Security Institute and of the National Health Insurance Fund shall effect the requisite modifications under the respective budgets arising from this Act.

(6) Any unused leaves under the employment relationships shall be retained and shall not be compensated by cash compensations.

§ 86. (1) Within one month after the entry into force of this Act, the individual monthly basic salary of the servant shall be fixed in such a way that the said salary, net of the tax due and the compulsory social and health insurance contributions for the account of the insured person, if they were due, would not be lower than the gross monthly salary received theretofore, net of the compulsory social and health insurance contributions for the account of the insured person, if they were due, and the tax due.

(2) The gross salary referred to in Paragraph (1) shall include:

1. the monthly basic salary or the monthly basic remuneration;

2. supplementary remunerations which are paid constantly together with the monthly basic salary or monthly basic remuneration due and which are contingent solely on the time worked.

§ 87. This Act shall enter into force as from the 1st day of July 2012 with the exception of § 84 herein, which shall enter into force as from the day of promulgation of the Act in the State Gazette.

Act to Amend and Supplement the Energy Efficiency Act

(SG No. 24/2013, effective 12.03.2013)

TRANSITIONAL AND FINAL PROVISIONS

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§ 71. The statutory instruments of secondary legislation for the implementation of this Act shall be brought into compliance with it within three months from its effectiveness.

§ 72. The Act shall come into effect from the day of its publication in the State Gazette.

TRANSITIONAL AND FINAL PROVISIONS to the Act on Amendment and Supplement the Energy Act

(SG No. 59/2013, effective 5.07.2013)

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§ 20. In the Energy Efficiency Act (promulgated, SG No. 98/2008, amended, SG No. 6, 19, 42 and 82/2009, SG No. 15, 52 and 97/2010, SG No. 35/2011, SG No. 38/2012, SG No. 15 and 24/2013) the following amendments:

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2. The words "the Minister of Economy, Energy and Tourism", "Minister of Economy, Energy and Tourism" and "Ministry of Economy, Energy and Tourism" is replaced by "the Minister of Economy and Energy", "Minister of Economy and energy" and "Ministry of Economy and Energy".

TRANSITIONAL AND FINAL PROVISIONS to the Act on Amendment and Supplement of Spatial Development Act

(SG No. 66/2013, effective 26.07.2013)

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§ 69. In the Energy Efficiency Act (promulgated, SG No. 98/2008, amended, SG No. 6, 19, 42 and 82/2009, SG No. 15, 52 and 97/2010, SG No. 35/2011, SG No. 38/2012, SG No. 15, 24 and 59/2013) everywhere the words "the Minister of Regional Development and Public Works," "The Minister of Regional development and Public Works" and "The Ministry of Regional development and Public Works "is replaced by" the Minister of Regional Development", "The Minister of Regional Development" and "The Ministry of Regional Development".

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