

ENERGY EFFICIENCY ACT

In force from 15.05.2015

Prom. SG. 35/15 May 2015, amend. and suppl. SG. 105/30 Dec 2016

Chapter one. GENERAL PROVISIONS

Art. 1. (1) This Act shall regulate the social relations related to the implementation of the state policy for energy efficiency improvement.

(2) This Act shall apply to energy end-use by the armed forces, as far as it does not contravene the Act on the Defense and Armed Forces of the Republic of Bulgaria, or any other law in the field of national security.

Art. 2. The objective of this Act is to promote energy efficiency as a part of country sustainable development policy by:

1. applying a system of activities and measures for improvement of energy efficiency for the production, transfer and distribution, and also end-use of energy;
2. introduction of schemes of obligations for energy savings;
3. development of the market of energy efficiency services and encouragement of provision of energy efficiency services;
4. introduction of financial mechanisms and schemes supporting the fulfillment of national objective of energy efficiency.

Chapter two. GOVERNMENT CONTROL IN THE FIELD OF ENERGY EFFICIENCY

Section I. Governing Bodies

Art. 3. The state shall exercise its functions in the field of energy efficiency through the National Assembly and the Council of Ministers.

Art. 4. The National Assembly shall adopt a National Energy Efficiency Strategy of Republic of Bulgaria, which shall define the stages, means and measures for the achievement of national energy efficiency objective. The adopted Strategy shall be promulgated in State Gazette.

Art. 5. (1) The Council of Ministers shall define the state policy in the field of energy efficiency and a part of country sustainable development policy.

(2) While performing its functions under par. 1, The Council of Ministers upon a proposal of the Minister of Energy shall submit for adoption by the National Assembly the National Energy Efficiency Strategy of Republic of Bulgaria.

(3) The Council of Ministers shall adopt:

1. national action plans for energy efficiency;
2. national plan for buildings with nearly-zero energy consumption;
3. national plan for improvement of energy par. meters of heated and/or air conditioned building which are state property and are used by the public administration;
4. national long-term program for encouragement of investments for the implementation of measures for improvement of buildings energy par. meters which are part of the public and private national residential and business buildings fund;
5. (new – SG, 105/2016) national programme for accelerated gasification;

6. (former p. 5 – SG, 105/2016) annual reports on the implementation of national action plans for energy efficiency;

7. (former p. 6 – SG, 105/2016) acts of secondary legislation and also other acts in the field of energy efficiency in cases provided by this act.

(4) (amend. – SG, 105/2016) For the purposes of determination of the state policy in the field of energy efficiency governmental authorities and municipality mayors shall make provisions for providing information required for execution of the acts under par. 2 and par. 3, items 1 – 6.

(5) The information under par. 4 shall be submitted to the authorities referred to in Art. 6 and 11.

Art. 6. State energy efficiency policy shall be implemented by:

1. the Minister of energy – in the field of energy efficiency for the production, transfer and distribution of energy, and also of the end-use of energy;

2. the Minister of Economy – in the field of improvement of energy efficiency in small and medium enterprises, and also for energy consumption by industrial systems;

3. (amend. – SG, 105/2016) the Minister of Regional Development and Public Works – in the field of development and introduction of technical regulations and standards in the field of energy parameters of building, implementation of projects related to renewal of residential buildings fund and improvement of energy efficiency of residential buildings in Republic of Bulgaria;

4. the Minister of Transport, Information Technology and Communications - in the field of energy efficiency in transport sector.

Art. 7. (1) The Minister of Energy shall:

1. develop together with the Minister of Economy, Minister of Regional Development and Public Works and Minister of Transport, Information Technology and Communications and shall submit for approval by the Council of Ministers the National Energy Efficiency Strategy of Republic of Bulgaria;

2. develop together with the Minister of Regional Development and Public Works, Minister of Economy and Minister of Transport, Information Technology and Communications national energy efficiency action plans which shall be made available to the European Commission;

3. be involved together with the Minister of Regional Development and Public Works in the development and updating of the national plan for buildings with nearly-zero energy consumption and shall make the plan available to the European commission;

4. (amend. – SG, 105/2016) develop and update jointly with the Minister of Regional Development and Public Works and shall introduce for adoption by the Council of Ministers the national plan of improvement of energy parameters of heated and/or air conditioned buildings which are state property, used by the state administration;

5. (amend. – SG, 105/2016) develop and update jointly with the Minister of Regional Development and Public Works and shall introduce for adoption by the Council of Ministers a national long-term programme for encouragement of investments for implementation of measures for improvement of the energy characteristics of buildings of the public and private national home and trade buildings;

6. (amend. – SG, 105/2016) develop and introduce for adoption by the Council of Ministers a national programme for accelerated gasification;

7. (former p. 6 – SG, 105/2016) submit for adoption by the Council of Ministers the annual reports under Art. 5, par. 3, item 6 and shall make them available to the European Commission;

8. (former p. 7 – SG, 105/2016) co-operate with other governmental and local authorities and also with non-profit legal entities regarding the implementation of the state policy in the field of energy efficiency;

9. (former p. 8 – SG, 105/2016) develop regulatory documents for bringing into compliance of Bulgarian legislation in the field of energy efficiency with the European Union law;

10. (former p. 9 – SG, 105/2016) develop and submit for adoption by the Council of Ministers drafts of secondary legislative acts in cases provided in this act;

11. (former p. 10 – SG, 105/2016) issue independently or together with the respective ministers secondary legislative acts related to energy efficiency within the scope of their powers under this act;

12. (former p. 11 – SG, 105/2016) approve a methodology for assessment of the amount of contributions made by the obliged persons under Art. 14, par. 4 in Energy Efficiency and Renewable Resources fund and in other financial brokers, required for the achievement of their individual objectives upon proposal of the Executive Director of the Agency for sustainable energy development;

13. (former p. 12 – SG, 105/2016) approve methodologies for assessment of energy savings drawn up in compliance with the ordinance referred to in Art. 18, par. 2;

14. (former p. 13 – SG, 105/2016) provide to the competent European Union institutions the information provided in the European Union law;

15. (former p. 14 – SG, 105/2016) in compliance with their powers shall address to the competent European Union institutions requests and notices for provision of temporary releasing from application of provisions of European Union law and of transitional periods in the field of energy efficiency in cases provided by the European Union law;

16. (former p. 15 – SG, 105/2016) carry out international cooperation of Republic of Bulgaria in the field of energy efficiency;

17. (former p. 16 – SG, 105/2016) exercise also other powers in the field of energy efficiency assigned by a regulatory act thereto.

(2) (amend. – SG, 105/2016) The content, the structure, the terms and conditions and the procedure of provision of the information under par. 1, item 14 shall be determined by the Ordinance referred to in Art. 9, par. 3 of Energy Sector Act.

Art. 8. The Minister of Economy, within the scope of their competency, shall:

1. be involved in the development of a National Energy Efficiency Strategy of Republic of Bulgaria;

2. be involved in the development of national energy efficiency action plans and shall submit to the Minister of Energy on an annual basis by the 1st March of the year following the year subject to reporting, information about their fulfillment;

3. propose schemes for encouragement of carrying out energy surveys of small and medium enterprises under Art. 3 of the Small and Medium-sized Enterprises Act as well as application of the measures recommended as a result of surveys;

4. propose schemes for encouragement of carrying out measures for energy efficiency in industrial systems.

Art. 9. The Minister of Regional Development and Public Works within the scope of their competency shall:

1. be involved in the development of a National Energy Efficiency Strategy of Republic of Bulgaria;

2. be involved in the development of national energy efficiency action plans and shall submit to the Minister of Energy on an annual basis by the 1st March of the year following the year subject to reporting, information about their fulfillment;

3. develop and update in cooperation with the Minister of Energy and shall submit for adoption by the Council of Ministers the national plan for buildings with nearly-zero energy consumption;

4. (amend. – SG, 105/2016) participate in the development and updating of the national plan for improvement of energy par. meters of heated and/or air conditioned buildings, which are state property used by the public administration;

5. (amend. – SG, 105/2016) participate in the development and updating of the national long-term program for encouragement of investments for the implementation of measures for improvement of energy par. meters of buildings of public and private residential and business buildings

fund;

6. issue independently or in cooperation with the respective ministers acts of secondary legislation related to energy efficiency.

Art. 10. The Minister of Transport, Information Technology and Communications within the scope of their competency shall:

1. be involved in the development of a National Energy Efficiency Strategy of Republic of Bulgaria;

2. be involved in the development of national energy efficiency action plans and shall submit to the Minister of Energy on an annual basis by the 1st March of the year following the year subject to reporting, information about their fulfillment.

Art. 11. (1) The activities for the implementation of the state energy efficiency improvement policy shall be carried out by the Executive Director of Agency for Sustainable Energy Development, herein after referred to as "Agency".

(2) The Agency is a legal entity funded by the budget with a main office in Sofia and has got a status of an executive agency subordinated to the Minister of Energy.

(3) The activity, structure and organization of work of the Agency shall be set out in the Structural regulations adopted by the Council of Ministers.

(4) For carrying out their activity the Agency shall set out territorial units in the regions under Art .4, par. 3 of Regional Development Act. The head offices of territorial units shall be determined in the Structural regulations referred to in par. 3.

(5) The Executive Director of the Agency shall be appointed and discharged by the Minister of Energy in coordination with the Prime Minister.

(6) The Executive Director of the Agency shall:

1. manage and represent the Agency;

2. carry out control for compliance with the legislation in the field of energy efficiency;

3. cooperate with state and local authorities and also with legal entities in view of implementation of the state policy in the field of energy efficiency;

4. (amend. and suppl. – SG, 105/2016) organize preparation and submission on an annual basis to the Minister of Energy for approval the reports under Art. 5, par. 3, item 6;

5. publish on an annual basis by 31st March a list of buildings under Art. 27, par. 1, item 4 which as of 1 January of the respective year do not comply with the minimum requirements for energy par. meters determined by the ordinance under Art. 31, par. 4;

6. develop methodology of assessment of the amount of contributions by the obliged persons under Art. 14, par. 4 to the Energy Efficiency and Renewable Sources fund and to other financial brokers, required for the achievement of their individual objectives;

7. confirm the amount of energy savings as a result of provided energy efficiency services and of other measures for the improvement of energy efficiency by issuing energy saving certificates;

8. make provisions of the maintenance of national information system about energy efficiency status;

9. provide assistance to the state and local authorities and also to players on energy efficiency services market in the course of fulfillment of their obligations under this act;

10. make provisions for the promotion of actions and measures for energy efficiency improvement;

11. assist for the development of training in the field of energy efficiency and publish on the [Internet site](#) of the Agency the available qualification schemes;

12. organize the production and maintenance of a list of buildings, undertakings, industrial systems, outside artificial lighting systems, heating systems with water heating boilers and air conditioning systems, for which bringing into compliance with the requirements of this act is obligatory;

13. produce, maintain and publish on the Internet site of the Agency a list of financial

mechanisms and schemes for energy efficiency improvement, subject to updating on an annual basis;

14. participate in drawing up of regulatory documents, including of methodologies for energy savings assessment, for bringing into compliance of Bulgarian laws in the field of energy efficiency with the European Union law;

15. require in compliance with their powers information from the managing authorities on European Union operational programs related to provision of financing for the implementation of energy saving measures and recovery of energy from renewable sources, regarding the amount of investments made for the implementation of energy saving measures and recovery of energy from renewable resources, and also the levels of energy saving and of decentralized consumption of energy from renewable sources achieved as a result of these investments;

16. make arrangements for drawing up of sample agreements with guaranteed result (ESCO agreements) for provision of energy efficiency services for the implementation of measures for improvement of energy efficiency in building, industrial systems and outside artificial lighting systems;

17. carry out monitoring in the course of implementation of ESCO agreements in buildings which are state and municipal property;

18. carry out other powers in the field of energy efficiency assigned thereto by a regulatory act.

(7) The Agency is an administrator of the proceeds from:

1. state budget funds;

2. their own activity;

3. fines and proprietary sanctions, imposed subject to compliance with the provisions of this act;

4. international programs and treaties;

5. other sources, determined by a regulatory act of the Council of Ministers.

Art. 12. (1) State policy in the field of energy efficiency shall be implemented by all governmental and local bodies.

(2) For the purposes under par. 1 the governmental and local authorities shall develop and adopt energy efficiency programs corresponding to the objectives set out in the acts under Art. 4 and Art. 5, par. 3, items 1 – 4.

(3) The programs under par. 2 shall be drawn up in consideration of strategic objectives and priorities of regional development plans of the respective regions under Art. 4, par. 3 of the Regional Development Act and their perspectives for sustainable economic development.

(4) The resources for the implementation of the programs under par. 2 shall be provided within the frame of the budgets of governmental authorities and of municipalities.

(5) Governmental and local authorities shall submit on an annual basis to the Executive Director of the Agency reports on the implementation of programs under par. 2.

(6) The reports under par. 5 shall contain a description of the activities and measures, shall indicate the amount of the achieved energy savings and shall be submitted by 1 March of the year following the year of implementation of the respective activities and measures.

(7) The reports under par. 5 shall be drawn up in a standard form approved by the Executive Director of the Agency.

(8) The report on the implementation of the national energy efficiency action plan shall include information about:

1. the fulfillment of the national energy efficiency objective;

2. the initial and the end energy consumption;

3. the end energy consumption and the gross added value by sectors;

4. the available income of households;

5. the gross national product;

6. the generation of electrical energy by thermal electrical plants;

7. the generation of electrical energy through co-generation of thermal and electrical energy;

8. the generation of thermal energy by thermal electrical plants;
 9. the generation of thermal energy by co-generation thermal electrical plants, including industrial waste heat;
 10. the consumption of fuel for the generation of thermal energy;
 11. passenger-kilometres (pkm) if such information is available;
 12. ton-kilometres (tkm), if such information is available;
 13. summarized transport kilometres (pkm + tkm), if the information referred to in items 11 and 12 is not available;
 14. the population in the country;
 15. the measures fulfilled in the preceding year, which have contributed for the achievement of the national energy efficiency objective, and also for the reported and/or the estimated effect of these measures;
 16. the full floor area of the buildings under Art. 23, par. 1 and 2;
 17. the achieved energy savings through the scheme of energy efficiency obligations;
 18. the amount of public expenditures for energy efficiency, including by sectors.
- (9) The reports under par. 5 shall be published on the internet sites of the authorities under par. 1.
- (10) The reports under par. 8 shall be published on the [Internet site](#) of the Agency.

Section II.

Energy efficiency objectives

Art. 13. (1) The national energy efficiency objective shall be determined as the amount of savings in the primary and in the end energy consumption by 31 December 2020.

(2) The national objective under par. 1 shall be defined in the national energy efficiency action plan.

(3) For the definition of the objective under par. 1 the estimated initial energy consumption until 31 December 2020 shall be taken into account, determined based on:

1. the potential for energy savings in an economically effective way;
2. the development of the gross national product and the forecasts thereof;
3. changes of quantities of imported and exported energy;
4. recovery of energy from renewable sources, use of nuclear energy, construction of facilities for carbon dioxide catching and storage;
5. the applicable measures for energy efficiency improvement, accomplished in a past period.

Art. 14. (1) (amend. – SG, 105/2016) For supporting the fulfillment of the national energy efficiency objective, a scheme of obligatory energy savings shall be introduced, as well as alternative measures, which shall secure the achievement of a common cumulative objective for saved energy with the final energy consumption by 31 December 2020.

(2) The total cumulative objective under par. 1 in the period 2014 – 2020 is determined as accumulation of new energy savings of minimum 1,5 per cent per year of the average annual amount of the total quantity of energy sales to end customers in the country in 2010, 2011 and 2012, except for the quantity of sales of energy used in the transport sector under the code "B_101900" as per Eurostat statistics.

(3) The objective under par. 2 shall be reduced by up to 25 per cent by excluding the quantities of energy sales used in industrial activities under Attachment No. 1 of the Act of Climate Change Control and by applying the provisions of par. 5, items 1 and 2 and Art. 16, items 1 and 2.

(4) (amend. – SG, 105/2016) The difference between the total cumulative objective under par. 1 and the prognosis energy savings from application of the alternative measures shall be distributed as individual energy saving objectives amongst the following obliged persons:

1. end merchants, last instance suppliers, traders holding a license for the business of "trading in electrical energy" selling electrical energy to end customers in quantities exceeding 20 GWh per year;
2. heat transfer enterprises and thermal energy suppliers selling thermal energy to end customers in quantities exceeding 20 GWh per year;
3. end merchants and traders in natural gas, selling to end users more than 1 mln. cubic meters per year;
4. traders in liquid fuels, selling to end customers more than 6,5 thousand tons of liquid fuels per year, except for the fuels for transport purposes;
5. traders in solid fuels selling to end customers more than 13 thousand tons of solid fuels per year.

(5) For the determination of the total cumulative amount under par. 1 the following values can be used for the calculation of energy savings, amounting to:

1. 1 per cent per year in 2014 and 2015;
2. 1,25 per year in 2016 and 2017;
3. 1,50 per year in 2018, 2019 and 2020.

(6) (new – SG, 105/2016) An alternative measure is any measure of policy, which leads to achievement of energy savings in the end consumption of energy, different from the scheme for obligations for energy saving.

(7) (new – SG, 105/2016) The alternative measures, which will be applied, the expected prognosis energy savings from them and the bodies, responsible for their implementation shall be indicated in the national action plans of energy efficiency, where one or more of the following policy measures may be applied:

1. energy taxes or taxes for carbon dioxide, whose effect is decreasing of the end energy consumption;
2. schemes and instruments for financing or fiscal stimuli, leading to application of energy effective technologies or techniques and whose effect is decreasing of the end energy consumption;
3. provision or voluntary agreements, leading to application of energy effective technologies or techniques and whose effect is decreasing of the end energy consumption;
4. standards and norms, aiming at improvement of the energy efficiency of the products and services, including buildings and motor vehicles with the exception of the standards and norms, which are obligatory and applicable in compliance with the EU law;
5. schemes for labeling of energy efficiency with the exception of the schemes, which are obligatory and applicable in compliance with the EU law;
6. education and training, including consultation programmes in the area of energy, leading to application of energy effective technologies or techniques and whose effect is decreasing of the end energy consumption.

(8) (new – SG, 105/2016) The national action plans on energy efficiency shall include one or more alternative measures, which shall meet the following criteria:

1. envisage at least 2 interim periods for accounting and the application of the measure shall contribute for achievement of the total cumulative objective for saved energy at the end energy consumption by 31 December 2020;
2. define the responsibilities of the executive power bodies, the participating and implementing persons;
3. define in a transparent way the energy saving, which must be achieved;
4. the volume of the energy saving, which must be achieved of a certain measure, shall be expressed in the form of end or initial energy consumption in coefficients of transfer under the Ordinance of Art. 18, Para. 1;
5. calculate the energy saving from the application of the measure in methods and principles, under the ordinance of Art. 18, Para. 2;

6. guaranty observation of the results and envisage suitable measures, where the progress is unsatisfactory;

7. envisage annual publication of the data for the annual tendencies in the energy savings.

(9) (new – SG, 105/2016) With the inclusion, the alternative measures must meet the following additional criteria:

1. for the measures under Para. 7, p. 2- 6 – it is envisaged the introduction of a control system, which shall include also independent check of a statistically substantial part of measures for improvement of the energy effectiveness;

2. for the measure under Para. 7, p. 3 – it is envisaged the participating persons to produce and communicate in public annual reports on the achieved energy savings, where applicable.

(10) (new – SG, 105/2016). The scope and assessment of the effect from the implemented alternative measures shall be indicated in the annual accounts on the implementation of the national action plans of energy effectiveness.

(11). (new – SG, 105/2016) Double accounting shall not be admitted of the energy savings from the implementation of the individual objectives of the obliged persons and from the application of alternative measures.

Art. 15. (1) Individual energy saving objectives are annual energy savings with the end customers from 1 January 2014 to 31 December 2020.

(2) (amend. – SG, 105/2016) Individual annual objectives under par. 1 are determined where the difference between the calculated annual value of the energy savings under Art. 14, Para. 3 and 5 and the assessment of the energy savings from alternative measures during the relevant year shall distribute between the obliged persons under Art. 14, Para. 4 proportionally to the sold by the relevant obliged person quantities of energy to end customers in the preceding year.

(3) (new – SG, 105/2016) Within the term of up to 15 March of the relevant year the Agency shall draw up and publish on its internet site a draft list of the obliged persons under Art. 14, para. 4 and their individual annual objectives.

(4) (former Para. 3 – SG, 105/2016) The list of obliged persons under Art. 14, par. 4 and their individual annual objectives shall be updated on an annual basis in compliance with the variation of quantities of sales of the respective obliged person in relation to the total quantity of sales of all obliged persons in the previous year.

(5) (new – SG, 105/2016). The individual annual objectives of the obliged persons under Art. 14, Para. 4, which have not submitted to the Agency information in the energy sales, carried out by them to end clients during the previous year, shall be determined on the basis of determined by the Agency quantities of sold energy under the conditions and procedure of the Ordinance of Art. 18, Para. 1.

Art. 16. For reporting of fulfilment of individual annual objectives the obliged persons under Art. 14, par. 4 can include, in addition to the saved energy quantities with end customers, also the saved energy quantities:

1. from measures implemented after 31 December 2008 which continue being applied until 31 December 2020;

2. from measures for energy efficiency improvement in generation, transfer and/or distribution of energy;

3. achieved in the previous 4 or the subsequent three years.

Art. 17. (amend. – SG, 105/2016) For the fulfillment of individual energy saving objectives the obliged persons under Art. 14, par. 4 can enjoy a reduction of the individual annual objective defined for them by one per cent against provision of the information under Art. 63, par. 5.

Art. 18. (1) (amend. – SG, 105/2016) Methodologies of defining of national energy efficiency objective and of the common cumulative objective for energy savings, the conditions and procedure for application of the scheme of obligations for energy savings, including for distribution of individual energy saving objectives between the obliged persons and accounting the effect of the implemented

alternative measures shall be determined by an Ordinance of the Council of Ministers.

(2) The allowed measures for implementation of energy savings in the end consumption, methods of proving of the achieved energy savings, the requirements to methodologies for their assessment and the methods of their confirmation shall be determined by an ordinance of the Minister of Energy.

(3) (amend. – SG, 105/2016) The conditions and procedure for the assessment of the energy savings, realized as a result of implemented measures for raising the energy efficiency in production, transfer and distribution of energy and for their confirmation shall be determined by an ordinance of the Minister of Energy.

Art. 19. (1) The list of obliged persons under Art. 14, par. 4 and the defined individual objectives for energy savings thereto shall be adopted by the Council of Ministers together with the national energy efficiency action plans.

(2) Updating of the list of obliged persons under Art. 14, par. 4 and their individual energy saving objectives shall be done together with the annual reports on the fulfilment of the national energy efficiency action plans.

(3) The Agency shall maintain on their Internet site information about the actual fulfilment of the individual energy saving objectives.

Art. 20. For the fulfilment of individual energy saving objectives obliged persons under Art. 14, par. 4 shall be obliged to:

1. implement measures for energy efficiency improvement, and also activities related to the implementation of these measures;

2. refrain from any actions, which might prevent the demand, offering and development of energy efficiency services and of the implementation of other activities and measures for energy efficiency improvement, including not to impede market competitors or to allow abuse of dominant position.

Art. 21. (1) Former text of Art. 21 – SG, 105/2016) For the fulfilment of individual energy saving objectives obliged persons under Art. 14, par. 4 can:

1. offer energy efficiency services at competitive prices through an energy efficiency services provider, and/or

2. (amend. – SG, 105/2016) make contributions to "Energy efficiency and renewable sources" fund or to other financial brokers for financing of energy efficiency activities and measures in the amount of investments required for the implementation of measures for the achievement of their individual objectives defined according to methodology referred to in Art. 7, par. 1, item 12 and/or

3. (amend. – SG, 105/2016) conclude agreements with energy efficiency services suppliers or other liable, or non-liable persons for transfer of energy savings by transferring certificates of energy savings under Art. 75, par. 3.

(2) (new – SG, 105/2016) In the cases under Para. 1, p. 2, the obliged persons, under Art. 14, Para. 4 shall negotiate with Energy Efficiency Renewable Sources Fund or with the relevant financial intermediary the conditions for transfer of the certificates for energy savings, achieved as a result of the financed by them measures for energy effectiveness.

Art. 22. Assessment of energy saving effect of completed measures for energy efficiency improvement for proving of fulfilment of individual energy saving objectives of obliged persons under Art. 14, par. 4 shall take place subject to compliance with the provisions of Art. 76.

Art. 23. (1) In order to support the fulfilment of the national energy efficiency objective in all heated and/or air conditioned buildings which are state property and are used by the public administration, measures for energy par. meters improvement on minimum 5 per cent of the total unfolded built-up area shall be taken on an annual basis.

(2) The objective under par. 1 shall be calculated based on the unfolded built-up area of buildings with unfolded built-up area exceeding 500 sq. m., and as from 9 July 2015 – exceeding 250 sq.

m. which as of 1 January of the respective year do not comply with the minimum requirements for energy par. meters determined in the ordinance under Art. 31, par. 4.

(3) The requirements under par. 1 shall not apply to:

1. buildings which are cultural valuable covered by the scope of Cultural Heritage Act, as long as the compliance with some minimum requirements for energy par. meters causes disturbance of architectural and/or aesthetic par. meters of the building;

2. buildings, which are property of armed forces or of the administration, which are used for the purposes of national defense, except for military dormitories or office buildings for armed forces officers and other officers hired by the national defense authorities.

(4) For the buildings under par. 1 following their priority order in the list referred to in Art. 27, par. 1, item 4 measures for improvement of their energy par. meters shall be applied.

(5) In case of achieved improvement of energy par. meters of more than 5 per cent of the total unfolded built-up area of the heated and/or air conditioned buildings which are state property and are used by the public administration, the surplus in a certain year can be transferred to every preceding year out of the last three ones or to every one of the subsequent three years.

Section III.

National strategy, national plans and programs

Art. 24. National energy efficiency strategy of Republic of Bulgaria shall define:

1. the priorities of the state policy in the field of energy efficiency;

2. the tools for fulfilment of national objective under Art. 13, par. 2, including the mechanisms, incentives and institutional, financial and legal frame for removal of the existing market barriers and defects, hindering the efficiency in production, transfer, distribution and consumption of energy;

3. mechanisms for stimulation of the development and encouragement of the market of energy efficiency services;

4. the tools for encouragement of changes in the behavior of energy consumers by advising them about the benefits from energy efficiency survey, application of energy efficiency measures and introduction of intelligent measuring systems.

Art. 25. (1) National energy efficiency action plans shall be drawn up on a standard form, adopted by the European Commission.

(2) The plans shall contain measures for energy efficiency improvement and the estimated or achieved energy savings, including the measures for energy transfer and distribution, and also for the end energy consumption, in view of fulfilment of national energy efficiency objective, determined by the national energy efficiency strategy of Republic of Bulgaria.

(3) The plans can include measures for priority implementation in poor in terms of energy households of in buildings for social accommodation.

(4) The plans shall be drawn up for a period of three years.

Art. 26. National plan for buildings with nearly-zero energy consumption shall include:

1. national determination and technical par. meters for buildings with nearly-zero energy consumption, reflecting national conditions;

2. national objectives for increasing of the number of buildings with nearly-zero energy consumption depending on the classification of the types of buildings according to the ordinance referred to in Art. 31, par. 4;

3. policies and mechanisms, including financial, for encouragement of construction of building with nearly-zero energy consumption;

4. the period of validity of the plan.

Art. 27. (1) National plan of improvement of energy par. meters of heated and/or air conditioned buildings which are state property and are used by public administration, shall contain:

1. national buildings fund revision;
2. determination of economically effective approaches for improvement of buildings energy par. meters in consideration of the type of buildings and climate zone;
3. policies and measures for encouragement of economically effective basic improvement of energy par. meters of buildings, including those being built by stages;
4. list of buildings which as of 1 January of the respective year do not comply with the minimum requirements for energy par. meters determined by the ordinance referred to in Art. 31, par. 4, prioritized respectively, where the building with the worst energy par. meters compared to the minimum requirements for energy par. meters are of the highest priority;
5. period of validity of the plan.

(2) The plan under par. 1 shall be submitted to the European Commission together with the national energy efficiency action plans.

Art. 28. (1) National long-term program of encouragement of investments for implementation of measures for improvement of energy par. meters of buildings of the public and private national residential and business buildings fund shall contain:

1. national building fund review based on statistical cross-sections;
2. determination of economically effective approaches for improvement of buildings energy par. meters in consideration of the type of buildings and the climate zone;
3. policies and measures for encouragement of economically effective basic improvement of energy par. meters of buildings, including those being built by stages;
4. setting up a financial frame for directing of investment solution to investors, construction industry and financial brokers;
5. forecast of estimated energy savings.

(2) The program under par. 1 shall be submitted to the European Commission together with the national energy efficiency action plans.

Chapter three.

ACTIONS AND MEASURES FOR ENERGY EFFICIENCY IMPROVEMENT AND PROVISION OF ENERGY EFFICIENCY SERVICES

Section I.

Activities and measures for energy efficiency improvement

Art. 29. The activities for energy efficiency improvement are:

1. reduction of the cost of energy for generation, transfer and distribution of energy, and also for end energy consumption;
2. training and acquiring of qualification in the field of energy efficiency of the persons providing energy efficiency services;
3. assessment of compliance of investment projects of buildings in terms of energy efficiency requirements;
4. survey and certification of buildings energy efficiency;
5. inspection for energy efficiency of heating systems with water heating boilers and of air conditioning systems in buildings;
6. energy efficiency survey of enterprises, industrial systems and outside artificial lighting systems;
7. energy efficiency management;
8. provision of energy efficiency services;
9. improvement of households awareness.

Art. 30. (1) Measures for energy efficiency improvement are actions, leading to controllable,

measurable and assessable energy efficiency improvement in the end energy consumption, and also in generation, transfer and distribution of energy.

(2) The allowable measures under par. 1 shall be determined by the ordinances under Art. 18, par. 2 and 3.

Art. 30a (new – SG, 105/2016) (1) With awarding a public procurement for supply at a value, equal or higher than the ones, indicated in Art. 20, Para. 1, p. 1, letter “b” and p. 2, letters “b” and “c” of the Public Procurement Act, the public contracting authority under Art. 5, Para. 2, p. 1 – 6, p. 7, proposal one, p. 10 – 13 and 17 of the same act shall buy the following products, related to consummation of energy:

1. products, meeting the criterion for belonging to the highest possible class of energy effectiveness, while considering the need of provision of sufficient competition in the cases, where the product is included in the subject of the Ordinance of Art. 12, p. 1 of the Act on Consumer Protection, the requirements for labeling and provision of standard information for products, related to energy consummation in relation and other resources;

2. products, corresponding to the indicators of energy effectiveness, where the product does not fall in the scope of p. 1, but has been included in the subject of a measure for application under the Ordinance for the additional measures, related to the application of regulations, adopted under Art. 15 of Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products (publ. – SG, 14/2015; amend. 35/2016);

3. office equipment, determined and meeting the requirements of Annex C of the Agreement between the USA Government and EU on coordination of programmes for labeling of energy efficiency of office equipment (OJ, L 63/7 of 6 May 2013);

4. car tires, which meet the criterion for higher class energy efficiency of consummation of fuels, as provided by Regulation (EC) No 1222/2009 of the European Parliament and of the Council of 25 November 2009 on the labelling of tyres with respect to fuel efficiency and other essential parameters (OJ, L 342/46 of 22 December 2009) called hereinafter: Regulation (EC) N 1222/2009.

(2) Para 1, p. 4 may not apply for safety reasons or for public health in buying tires of highest class of cohesion with wet grip or highest class of external noise in rotating under Regulation (EC) N 1222/2009.

(3) With awarding public procurement for service at value, equal or higher than those, indicated in Art. 20, para. 1, p. 1, letter “c” and p. 2, letters “b” and “d” of the Public Procurement Act, the public contracting authority under Para. 1 shall require from the contractor to use in implementation only products, meeting the requirements under Para. 1. The requirement shall apply only to new products, bought by the contractors, partially or completely for the objectives of implementing the services.

(4) Where a body, or a person under Par. 1 signs a contract for purchase or a contract for renting a building, it must meet the minimal requirements for energy characteristics, certified by a certificate for energy characteristics.

(5) Para. 4 shall not apply, where the purpose of the purchase is the building to be:

1. completely renovated or destroyed;

2. resold without being used for own needs;

3. preserved as a building of cultural value, included in the scope of the Act on Cultural Heritage.

(6) Para. 1, 3 and 4 shall not apply, if they contradict to the essence effectiveness, the economic practicability, sustainability in wider sense, technical adaptability, as well as available sufficient competition.

(7) Para. 1 – 4 shall not apply to contracts of armed forces, if they contradict to the nature and activity of armed forces.

(8) Para. 1 and 3 shall not apply in supply of military equipment and sensitive equipment in the

meaning of Para. 2, p. 2 or p. 65 of the Additional Provisions of the Public Procurement Act.

(9) The Minister of Economy shall draft and publish on the website of the Ministry of Economy a list of the products under Para. 1.

Section II.

Buildings survey and certification

Art. 31. (1) (Amend. – SG, 105/2016) The requirements for energy efficiency, as provided by this Act and the Spatial Development Act shall apply to every investment project for:

1. construction of a building;
2. reconstruction of a building, which changes its energy characteristics;
3. reconstruction, major renovation or major repair of a building, where more than 25% of the area of the external fencing constructions and elements of the building and its energy characteristics are changed.

(2) (amend. – SG, 105/2016) The investment projects of construction of buildings must be compliant with the technical, environmental and economic feasibility of alternative high-efficiency units and systems for using:

1. decentralized systems for generation and consumption of energy from renewable sources;
2. electricity and thermal energy co-generation plants;
3. central or local heating and air-conditioning systems, as well as such fully or partially using energy from renewable sources;
4. thermal pumps.

(3) The indicators for energy consumption and energy characteristics of the buildings and the scale of energy consumption classes for different categories of buildings in terms of their purpose of use shall be determined by an Ordinance of the Minister of Energy and the Minister of the Regional Development and Public Works.

(4) The minimum requirements to the energy characteristics of buildings or of parts thereof, in view of achievement of the optimum cost levels, the technical requirements and the energy efficiency parameters, as well as the methods/standards for determination of annual energy consumption in the buildings, including the buildings with nearly-zero energy consumption, shall be determined by an ordinance issued by the Minister of Regional Development and Public Works.

(5) The requirements to the energy characteristics shall be subject to obligatory regular inspection once every 5 years and, where required, shall be updated in order to bring them into compliance with the technological progress in the building sector.

Art. 32. (1) (amend. – SG, 105/2016) The energy parameters of a new building shall be attested by a certificate of design energy parameters. Parameters of a new building.

(2) (amend. – SG, 105/2016) Where individual parts in a newly constructed building have got different purpose of use and are separated as thermal zones and each zone has got an air-conditioned volume less than 90 per cent of the total air-conditioned volume of the building, a certificate under paragraph 1 shall be issued for each zone individually as per a scale corresponding to the purpose of use of the respective zone.

(3) In case of existing thermal zone with an air-conditioned volume equal to or larger than 90 per cent of the total air-conditioned volume of the building, the certificate under paragraph 1 shall be issued for the entire building in compliance with the scale for the category of buildings to which this zone belongs.

(4) The certificate under paragraph 1 shall not be issued on the grounds of building energy parameters from the investment engineering design of the building (as-built documentation) by the persons under:

1. Art. 43, paragraph 1;
2. Art. 43, paragraph 2 – only for buildings of fifth category according to Art. 137, paragraph 1, item 5 of

the Spatial Development Act, except for public servicing building of this category.

(5) The provision of par. 1 shall not apply to:

1. prayer houses of lawfully registered denominations in the country;
2. temporary buildings with intended duration of use of up to two years;
3. (amend. – SG, 105/2016) non-residential buildings of low consummation of energy, used for agricultural activities;
4. manufacturing buildings and parts of buildings with manufacturing purpose of use;
5. residential buildings used for their intended purpose of use up to 4 months per year or as an alternative for a limited period of time in the year and are with anticipated energy consumption of 25 percent of the estimated in case of full-year use;
6. (suppl. – SG, 105/2016) separate buildings with unfolded built-up area of up to 50 m².

Art. 33. (1) (amend. – SG, 105/2016) The employer within the meaning of Art. 161, par. 1 of Spatial Development Act of a newly constructed building shall be obliged to obtain a certificate of design energy characteristics of the newly constructed building before its commissioning.

(2) (amend. – SG, 105/2016) The owners of stand-alone facilities in a building shall be entitled to get a copy of the original of the certificate under Para. 1. The original of the certificate shall be kept by a person authorized by the owners.

Art. 34 (1) (amend. – SG, 105/2016) In case of sale of a new building in its entirety the seller shall provide to the buyer the original copy of the certificate under Art. 33, Para. 1.

(2) (amend. – SG, 105/2016) In case of sale of stand-alone facilities in a new building the seller shall provide to the buyer a copy of the certificate under Art. 33, Para. 1.

(3) (amend. – SG, 105/2016) In case of leasing a new building or of stand-alone facilities therein the lessor shall provide to the lessee a copy of the certificate under Art. 33, Para. 1.

(4) (amend. and suppl. – SG, 105/2016) Where a new building, for which a certificate of energy characteristics has been issued, or a stand-alone facility therein is offered for sale or for rent, the parameter of specific annual consumption of primary energy - kWh/m², indicated in the certificate, shall be mentioned in all offers. Before signing the purchase contract or rent, the seller or the rentor shall produce for information the certificate to the buyer or tenant.

Art. 35. (amend. – SG, 105/2016) The terms and conditions and the procedure of issuance of a certificate of design energy characteristics of a new building shall be determined by the ordinance referred to in Art. 48.

Art. 36. (1) The energy characteristics of buildings in operation shall be established by energy efficiency survey thereof.

(2) The energy efficiency survey of buildings in operation has got the objective to identify the level of energy consumption, to determine specific opportunities for its reduction, and to recommend measures for energy efficiency improvement.

(3) The survey shall be finalized with a report and with issuing a certificate of building energy characteristics. The report and the certificate shall be drawn up subject to compliance with the provisions of the ordinance referred to in Art. 48.

Art. 37. (1) The certification for energy efficiency of buildings in operations and of parts of buildings in operation has got the objective to verify the actual status of energy consumption in the buildings, energy characteristics and their compliance with the scale of energy consumption classes, determined by the Ordinance, referred to Art. 31, par. 3.

(2) The certification of energy efficiency of buildings in operation and of parts of buildings in operation shall be done based on a survey of energy efficiency.

(3) Where separate parts of the building in operation have got different purpose of use and are separated as thermal zones and each zone has got an air-conditioned volume which is less than 90 per cent of the total air-conditioned volume of the building, a certificate under Art. 36, par. 3 shall be issued separately for each zone as per a scale corresponding to the purpose of use of the respective zone.

(4) Where there is a thermal zone with an air-conditioned volume which is equal or more than 90 per cent of the total air-conditioned volume of the building, the certificate under Art. 36, par. 3 shall be issued for the entire building as per a scale for the category of buildings to which this zone belongs.

Art. 38. (1) (amend. – SG, 105/2016) The buildings for public service in exploitation with total built area above 25 sq. m. and the buildings in exploitation shall be subject to obligatory survey and certification, with the exception of:

1. prayer homes of legally registered denominations in the country;
2. temporary buildings with intended duration of use of up to two years;
3. (amend. – SG, 105/2016) non-residential buildings of low consummation of energy used for agricultural activities;
4. manufacturing buildings and parts of buildings with manufacturing purpose of use;
5. residential buildings used for their intended purpose of use up to 4 months per year or as an alternative for a limited period of time in the year and are with anticipated energy consumption of 25 percent of the estimated in case of full-year use;
6. (amend. – SG, 105/2016) separate buildings with unfolded built-up area of up to 50 m².

(2) Buildings which are cultural valuable covered by the scope of Cultural Heritage Act, can be surveyed for energy efficiency and can be certified as long as the compliance with some minimum requirements for energy par. meters does not disturb architectural and/or aesthetic par. meters of the building.

(3) (repealed – SG, 105/2016).

(4) (amend. – SG, 105/2016) Owners of buildings for public service shall be obliged to implement the measures for achievement of the minimum required energy consumption class, prescribed after the first survey within three years after the date of receiving the survey results.

(5) (amend. – SG, 105/2016) Owners of buildings with unfolded built-up area above 250 sq.m., for which there is an issued certificate of energy par. meters, shall be obliged to display the certificate in a visible place in the building.

Art. 39. (1) (amend. – SG, 105/2016) Before the issuance of a certificate of energy par. meters of a building in operation energy characteristics shall be verified by a certificate of energy par. meters of a new building.

(2) (amend. – SG, 105/2016) Owners of new buildings shall be obliged to acquire under the conditions and procedure, as provided by this Act a certificate of energy par. meters of a building in commissioning not earlier than within three and not later than 6 years after the date of its commissioning.

(3) (amend. – SG, 105/2016) The certificate of energy par. meters of the building in operation shall be updated in cases of performing the following activities, causing modification of energy characteristics of the building:

1. reconstruction;
2. major renovation or general repair, involving more than 25 per cent of the area of exterior enclosing constructions and elements of the building.

Art. 40. (1) The measures for energy efficiency improvement recommended for every reconstruction, general renovation, general repair of a building or parts of a building in operation shall be evaluated in terms of technical and economic feasibility of the use of alternative units and systems under Art. 31, par. 2.

(2) After the completion of a reconstruction, general renovation, general repair causing modification of energy characteristics of the building, the latter must meet the minimum standard requirements determined in the ordinance referred to in Art. 31, par. 4.

Art. 41. (1) (amend. – SG, 105/2016) In cases of sale of a building under Art. 38, par. 1 the seller shall submit to the buyer the certificate of energy par. meters of the building, and in case of sale of a stand-alone facility in a building – a certified copy of the certificate of energy par. meters of the

building.

(2) (amend. – SG, 105/2016) In case of leasing of a building under Art. 38, par. 1 or of a stand-alone facility in a building, the lessor shall submit to the lessee a copy of the certificate of energy par. meters of the building.

(3) (suppl. – SG, 105/2016) Where a building in operation with issued certificate of energy par. meters or a stand-alone facility therein is offered for sale or for lease, the par. meter specific annual consumption of primary energy – kWh/m², indicated in the certificate, shall be mentioned in all offers. Before signing the contract for sale or for lease, the seller or the lesser shall provide for information the certificate to the buyer or lessee.

Art. 42. (amend. – SG, 105/2016) Persons, carrying out survey and certification of buildings shall issue a certificate of energy par. meters of the building.

Art. 43. (1) The survey of the energy efficiency, building certification, compliance assessment of investment projects and preparation of energy savings assessment shall be carried out by persons registered in register under Art. 44, par. 1, who shall:

1. be traders within the meaning of Commerce Act or according to the laws of another EU Member State, or another state which is a party to the European Economic Agreement or the Confederation of Switzerland;

2. have got available necessary technical equipment, provided by the Ordinance, referred to in Art. 44, par. 9;

3. have got the required personnel – energy efficiency consultants, meeting the requirements of the ordinance referred to in Art. 44, par. 9 and:

a) (amend – SG, 105/2016) hold higher technical education, higher education or a similar scientific degree in an area of the higher education “Technical sciences”, finished or recognized in the republic of Bulgaria, or high school technical education, higher education or acquired scientific degree in equivalent area of the higher education in another European Union Member State or another state which is a party to the European Economic Area Agreement, or in the Confederation of Switzerland;

b) (amend – SG, 105/2016) have acquired practical experience in the profession after finishing the education - minimum 6 years for the persons having completed high technical school education, minimum 3 years for the persons with educational qualification degree of “Bachelor” and minimum 2 years for the persons with the educational qualification degree of “Master” and for the persons with scientific degree;

c) (amend. – SG, 105/2016) hold a certificate of successfully passed test for raising of the qualification for the activities under this par. graph in higher schools, teching in subjects in the area of higher education of Technical sciences, professional fields of "Energy", "Electrical Engineering" electronics and automation and "Architecture, civil engineering and land surveying", accredited according to the provisions of the Higher Education Act or in subjects of equivalent area of higher education and professional directions, sccredited under the applicable laws of another European Union Member States, or another state which is a party to the European Economic Area Agreement or of the Confederation of Switzerland.

(2) The survey of energy efficiency, buildings certification, compliance assessment of investment projects and the preparation of energy savings assessment of buildings of fifth category as referred to in Art. 137, Par. 1, Item 5 of the Spatial Planning Act, except for buildings intended for public service of the same category, may be carried out also by persons registered into the register referred to in Art. 44, par. 1, who shall:

1. be natural persons – energy efficiency consultants, meeting the requirements of the ordinance referred to in Art. 44, par. 9;

2. have got available necessary technical equipment, provided by the Ordinance, referred to in Art. 44, par. 9;

3. (amend. – SG, 105/2016) hold high technical education, higher education or acquired

scientific degree in the area of the higher education of “technical sciences, graduated or recognized in the Republic of Bulgaria, or high technical education, higher education or acquired scientific degree in equivalent area of higher education in another European Union Member State or another state, which is a party to the European Economic Area Agreement, or in the Confederation of Switzerland or completed high technical school education;

4. (amend. – SG, 105/2016) have acquired practical experience in the profession after finishing the education - minimum 6 years for the persons holding high technical education, minimum 3 years for the persons with "bachelor" educational and qualification degree and minimum 2 years for the persons having completed educational qualification degree of Master and the persons with scientific degree;

5. (amend. – SG, 105/2016) hold a certificate of successfully passed test for raising the qualification for the activities under this paragraph in higher schools, specialized in the area of higher education of Technical sciences, professional fields of "Energy", "Electrical Engineering" electronics and automation and "Architecture, civil engineering and land surveying", accredited according to the provisions of the Higher Education Act or in subjects in equivalent area of higher education and professional directions, accredited pursuant to the applicable laws of another European Union Member States, or another state which is a party to the European Economic Area Agreement or of the Confederation of Switzerland.

(3) The qualification of the energy efficiency consultants shall be obtained in two levels:

1. level 1 – shall be qualified to carry out the activities referred to in par. 1 for all categories of buildings under Art. 137, par. 1 of the Spatial Planning Act and the nomenclature of the types of constructions under the individual categories specified in the ordinance referred to in Art. 137, par. 2 of the Spatial Planning Act;

2. level 2 - shall be qualified to carry out the activities referred to in par. 1 for buildings of the fifth category under Art. 137, Par. 1, Item 5 of the Spatial Planning Act and the nomenclature of the types of constructions under the individual categories specified in the ordinance referred to in Art. 137, par. 2 of the Spatial Planning Act, except the public service buildings of the said category.

(4) The persons referred to in par. 1, including the staff hired by them, as well as the persons under par. 2 shall be prohibited from carrying out energy efficiency survey and certification and/or compliance assessment of the building projects, where they are:

1. designers of the building;
2. constructors and/or providers of machinery, facilities and process equipment of the building;
3. involved in building operation;
4. involved in the implementation of energy saving measures in the building.

(5) The energy efficiency consultants referred to in par. 1, Item 3 may participate in the teams of maximum two persons under par. 1, Item 1 and Art. 59, par. 1, Item 1.

(6) Energy efficiency consultants having surveyed building energy efficiency prior to implementation of energy saving measures prescribed by the survey, cannot carry out energy efficiency survey proving the implementation of prescribed measures, neither an assessment proving the achieved levels of energy savings as a result of implementation of these measures.

(7) A declaration on missing circumstances under par. 4 and 6 shall be attached to the survey report.

Art. 44. (1) The Agency shall register in a public register the persons referred to in Art. 43, par. 1 and 2 upon their written request.

(2) The written request referred to in par. 1 shall have attached:

1. for the persons under Art. 43, par. 1 - documents attesting the circumstances referred to in Art. 43, par. 1, items 1 – 3;
2. for the persons under Art. 43, par. 2:
 - a) documents attesting the circumstances referred to in Art. 43, par. 2, items 3 – 5;
 - b) declaration under Art. 43, par. 2, item 2;

(3) The Agency shall issue certificates to the persons registered in the register after payment of a fee determined in the tariff referred to in Art. 73, par. 1.

(4) The Agency shall refuse to register in the register the persons who fail to meet the requirements referred to in Art. 43, par. 1 or 2.

(5) The certificate of registration in the register or the justified refusal to make registration shall be issued by the executive director of the Agency subject to compliance with the terms and conditions and within the term provided in the Administrative Procedure Code.

(6) The term of validity of the registration certificate shall be 5 years.

(7) Upon expiration of the term of validity of registration certificate, a new registration certificate shall be issued upon submission of declaration, that there are no changes in the circumstances under par. 2, or of the respective documents in case of change of circumstances under par. 2.

(8) The refusal of registration in the register shall be subject to appeal as set out in the Administrative Procedure Code.

(9) The circumstances under Art. 43 subject to entry, the procedure of registration in the register and of obtaining of information, and the terms and conditions and the procedure of obtaining a qualification under Art. 43, par. 1, item 3, sub-item "c" and par. 2, item 5 shall be determined by an ordinance of the Minister of Energy and the Minister of Regional Development and Public Works.

Art. 45. The Agency shall delete from the register the persons having obtained certificates with the right to carry out energy efficiency survey where they:

1. do not comply anymore with any of the circumstances referred to in Art. 43, par. 1 or 2;

2. have submitted incorrect declaration under Art. 44, par. 2, item 2, sub-item "b";

3. have violate the provisions of Art. 43, par. 4, 5 or 6;

4. have been violating regularly the provisions of this act, which has been acknowledged by enforced penal decrees;

5. have been announced in insolvency or liquidation.

6. (new – SG, 105/2016) a request by the person has been received;

7. (new – SG, 105/2016) no issuance of a new certificate for entry in the register has been declared;

8. (new – SG, 105/2016) the legal person or a sole trader have been deleted from the trade register, and in the cases of Art. 43, Para. 2, p. 1 – in case of death or the natural person has been placed under prohibition.

Art. 46. (1) The persons referred to in Art. 43, par. 1 and 2 shall submit to the Agency on an annual basis, by 31 January of the current calendar year at the latest, a list of buildings in respect of which they have carried out activities under Art. 43, par. 1 and/or 2 during the preceding year.

(2) The list referred to in par. 1 shall be drawn up in a standard form approved by the executive director of the Agency, and shall be submitted in a hard copy or on an electronic carrier.

Art. 47. (1) The certificate of energy characteristics of a building in operation shall be valid for up to 10 years.

(2) Upon expiration of the term under par. 1 the building owner shall be obliged to get subject to the provisions of this act an updated certificate of energy characteristics of the building.

(3) The validity under par. 1 shall start elapsing as from the date of issue of the certificate, and in cases under Art. 24, items 18 and 19 of the Local Taxes and Fees Act – from the beginning of the year, following the year when the certificate was issued.

Art. 48. The terms and conditions and the procedure of energy efficiency survey and certification of buildings, of parts of buildings, as well as the terms and conditions and the procedure of energy savings assessment shall be determined by an Ordinance issued by the Minister of the Energy and the Minister of Regional Development and Public Works.

Section III.

ENERGY EFFICIENCY CONTROL OF HEATING ISYSTEMS WITH WATER-HEATING BOILERS AND AIR-CONDITIONING SYSTEMS IN BUILDINGS

Art. 49. The energy efficiency control of heating systems with water-heating boilers and air-conditioning systems in buildings has got the objective to ascertain the efficiency level of their operation and to identify measures for its improvement

Art. 50. (1) Subject of control according to the provisions of this act shall be heating systems with water-heating boilers with useful rated power for heating of premises above 20 kW.

(2) (amend. – SG, 105/2016) Depending on the installed power and the type of used energy the heating systems with water-heating boilers shall be subject to obligatory periodical inspections for energy efficiency once:

1. every 6 years - for heating systems with liquid- or solid fuel fires water-heating boilers with unit rated power from 20 to 100 kW inclusive;

2. every 4 years - for heating systems with liquid or solid-fuel fired water-heating boilers with unit rated power above 20 to 100 kW inclusive and of natural gas with unit rated nominal power above 100 kW;

3. every two years - or heating systems with liquid or solid-fuel fired water-heating boilers with unit rated power above 100 kW.

(3) The inspection referred to in par. 2 shall include assessment of:

1. the conditions and functioning of the accessible parts of the heating installations of buildings, including the water-heating boilers, the heat supply control systems and the circulation pumps;

2. the water-heating boilers efficiency factor – only for water-heating boilers with unit rated power more than 50 kW;

3. the sizing of water-heating boilers depending on the heating needs of the building.

(4) The assessment referred to in par. 3, item 3 shall not be carried out, if in the period between two inspections no changes of the heating system or heating requirements regarding building heating have taken place.

(5) The inspection of heating systems with water-heating boilers shall be carried out during the heating period with operating heating systems with water-heating boilers .

(6) The first inspection of installed water-heating boilers in new buildings shall be carried out within the scope of inspection of energy efficiency of the building after beginning commissioning.

Art. 51. (1) Subject to inspections, as provided by this Act shall be air conditioning systems with rated electric power above 12 kW.

(2) Air conditioning systems shall be subject to regular inspections for energy efficiency once every 4 years, which shall include assessment of:

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

2. air conditioning systems efficiency factor;

3. the sizing of air conditioning systems depending on the air conditioning needs of the building.

(3) The assessment referred to in par. 2, item 3 shall not be carried out, if in the period between two inspections no changes of the installation or the air conditioning requirements in the building have taken place, where the system works in cooling mode.

Art. 52. (1) The Agency shall generate and maintain data base for the condition of:

1. heating systems with water-heating boilers under Art. 50, par. 1;

2. air conditioning systems under Art. 51, Par. 1.

(2) Within 6 months after the date of commissioning of facilities under par. 1, their owners shall submit to the Agency a declaration in a standard form, approved by the Executive Director of the Agency.

(3) The information under par. 2 shall be used for generation and maintaining of the data base

under par. 1.

Art. 53. (1) For heating systems with water-heating boilers with operation time more than 15 years, the inspection for energy efficiency shall include recommendations to the owner for improvement of efficiency, replacement of boilers, modifications of heating systems, other modifications of the heating systems and/or other alternative solutions.

(2) The inspection under par. 1 shall take place just once.

Art. 54. (1) The inspection of energy efficiency of heating systems with water-heating boilers under Art. 50, par. 1 and of air conditioning systems under Art. 51, par. 1 shall be carried out by the persons under Art. 43, par. 1 and 2 and/or Art. 59, par. 1.

(2) The inspection under par. 2 shall be finalized by a report, to be drawn up in compliance with the terms and conditions and following the procedure of the Ordinance under Art. 56.

(3) The report referred to in par. 2 shall be submitted to the owner or the lessee of the building or to a person authorised by the owners of the building.

Art. 55. (1) On an annual basis by 31 January of the current year, the persons referred to in Art. 43, par. 1 and 2 and Art. 59, par. 1 shall submit to the Agency a list of heating systems with water-heating boilers and of air conditioning systems which have been inspected in the preceding year.

(2) The list referred to in par. 1 shall be drawn up in a standard form approved by the executive director of the Agency and shall be submitted on a hard copy and on an electronic carrier.

Art. 56. The terms and conditions for carrying out energy efficiency inspections of heating systems with water-heating boilers under Art. 50, par. 1 and of air conditioning systems under Art. 50, par. 1, the terms and conditions and the procedure of assessment of energy savings as well as the terms and conditions and the procedure of generation, maintenance and application of data base under Art. 52 shall be determined by an Ordinance issued by the Minister of Energy and the Minister of Regional Development and Public Works.

Section IV.

ENERGY EFFICIENCY SURVEY OF ENTERPRISES, INDUSTRIAL SYSTEMS AND EXTERIOR ARTIFICIAL LIGHTING SYSTEMS

Art. 57. (1) Energy efficiency survey of enterprises, industrial systems and exterior artificial lighting systems has got the objective of determining the specific opportunities for energy consumption reduction and recommending measures for energy efficiency improvement.

(2) Subject to obligatory energy efficiency survey shall be every:

1. manufacturing undertakings, which are not small and medium enterprises within the meaning of Art. 3 of Small and Medium Enterprises Act;

2. undertakings providing services, which are not small and medium enterprises within the meaning of Art. 3 of Small and Medium Enterprises Act;

3. industrial systems with annual energy consumption more than 3000 MWh;

4. outside artificial lighting systems located in a residential place with more than 20.000 residents.

(3) The survey under par. 1 shall be carried out minimum once every 4 years.

(4) (repealed – SG, 105/2016)

(5) The owners of undertakings, industrial systems and outside artificial lighting systems subject to obligatory survey under par. 2, shall file to the Agency on an annual basis by 31 January a declaration in a standard form, determined by the ordinance under par. 6.

(6) Energy consumption parameters, energy characteristics of enterprises, industrial systems and outside artificial lighting systems and the terms and conditions and the procedure of carrying out an energy efficiency survey and making an assessment of energy savings shall be determined by an ordinance issued by the Minister of Energy and the Minister of Economy.

(7) (amend. – SG, 105/2016) The enterprises under par. 2, items 1 and 2 and the owners of industrial systems under par. 2, item 3 applying energy or environment management system subject to certification by an independent authority for compliance with European or international standards shall be exempted from the requirements for obligatory energy efficiency survey, provided that the applied by them management system meets the minimal requirements for energy disasters, pursuant to the Ordinance under Para. 6.

(8) (New – SG, 105/2016) Persons under Para. 7 shall declare the application of a management system of energy or of the environment and shall produce evidences, that the applied by them management system meets the minimal requirements for energy surveys, provided by the Ordinance under Para. 6 within 1 month term from acquiring the certificate.

(9) (New – SG, 105/2016) The undertakings, carrying out production, transfer, distribution and supply of energy shall not be subject to obligatory supervision under Para. 1.

Art. 58. (1) Annually, by 31 January of the current calendar year, the persons referred to in Art. 59, par. 1 shall submit to the Agency a list of enterprises, industrial systems and outside artificial lighting systems having undergone a survey during the preceding year.

(2) The list referred to in par. 1 shall be drawn up in a standard form approved by the Executive Director of the Agency and shall be submitted on a hard copy and on an electronic storage device.

Art. 59. (1) The survey under Art. 57, par. 1 and energy savings assessments shall be carried out by persons entered in the register referred to in Art. 60, par. 1 who:

1. are traders within the meaning of the Commerce Act or the legislation of another EU Member State, or another state under the EEA Agreement or of Confederation of Switzerland;

2. have got available the required technical equipment, determined by the Ordinance under Art. 44, par. 9;

3. have got available the required staff – energy efficiency consultants meeting the requirements of the ordinance under Art. 44, par. 9 and:

a) (amend. – SG, 105/2016) hold high technical education, higher education or acquired scientific degree in an area of higher education Technical sciences, finished or recognized in the Republic of Bulgaria, or high technical education, higher education or acquired scientific degree in equivalent area of the higher education in another European Union Member State or in another state - party to the Agreement on the European Economic Area, or in the Confederation of Switzerland;

b) (amend. – SG, 105/2016) have got practical experience on the subject after finishing the education – minimum 6 years for persons with high technical education, minimum three years - for persons with "bachelor" and minimum 2 years with educational qualification degree Master and for persons with scientific degree;

c) (amend. – SG, 105/2016) have got a certificate of successfully passed test for raising the qualification for carrying out the activities on this paragraph in higher schools, teaching subject in the scope of higher education Technical sciences, professional direction Energy and "Electrical Engineering", electronics and automation and "Architecture, accredited according to the Higher Education Act or under subjects in equivalent areas of higher education and professional directions, accredited by the respective laws of an European Union Member State or another country which is a party to the Agreement on the European Economic Area, or of Confederation of Switzerland.

(2) The persons under par. 1, including the staff hired by them, shall not have the right to carry energy efficiency surveys of industrial systems, where they are:

1. design engineers of the industrial system;

2. involved in the construction and/or operation of the industrial system;

3. involved in the implementation of energy saving measures into the industrial system.

(3) The energy efficiency consultants referred to in Par. 1, item 3 may be members of the teams of maximum two persons under par. 1, item 1 and Art. 43, par. 1, item 1.

(4) The persons under par. 1 having carried energy efficiency survey of an industrial system,

prior to implementation of the prescribed by the survey energy saving measures, cannot carry out energy efficiency survey to prove the implementation of prescribed measures, neither an assessment proving the achieved energy saving levels as a result of implementation of these measures.

Art. 60. (1) The Agency shall enter into a public register the persons referred to in Art. 59, par. 1 upon their written request.

(2) The written request referred to in par. 1 shall have attached thereto documents, substantiating the circumstances under Art. 59, par. 1, items 1 – 3.

(3) The Agency shall issue certificates to the persons entered into the register against a paid fee determined by the tariff under Art. 75, par. 1.

(4) The Agency shall refuse to enter into the register persons who are not meet the requirements referred to in Art. 59, par. 1.

(5) The certificate of registration in the register or the justified written refusal of registration shall be issued by the executive director of the Agency subject to compliance with the terms and conditions and within the time limits specified in the Administrative Procedure Code.

(6) The term of validity of the certificate of registration shall be 5 years.

(7) After the expiration of validity term of registration certificate a new registration certificate shall be issued upon presentation of a declaration stating that no change of circumstances under par. 2 has occurred, or of respective documents in case of change of the circumstances under par. 2.

(8) The refusal to enter into the register shall be appealable subject to compliance with the provisions of Administrative Procedure Code.

Art. 61. The Agency shall delete from the register person, received certificates with the right to carry out survey for energy efficiency, where:

1. stop to meet any of the conditions under Art. 59, para. 1;
2. have violated the requirements of Art. 59, Para. 2, 3 or 4;
3. have committed repeated violations under this act, established by enforced penal decrees;
4. have been declared in insolvency or liquidation;
5. (new – SG, 105/2016) a request by the person has been received;
6. (new – SG, 105/2016) no issuance of a new certificate fore entry in the register has been declared;
7. (new – SG, 105/2016) the legal person or a sole trader have been deleted from the trade register.

Art. 62. The survey shall be finalized by a report, drawn up subject to compliance with the provisions of the Ordinance under Art. 57, par. 6 and shall have attached thereto a declaration of lack of the circumstances under Art. 59, par. 2.

Section V. ENERGY CONSUMPTION CONTROL

Art. 63. (amend. – SG, 105/2016) (1) Obligated persons under Art. 14, par. 3, building owners – public state or municipal ownership, owners of enterprises, industrial systems and outside artificial lighting systems under Art. 57, par. 2 shall be obliged to carry out control over energy efficiency.

(2) The energy efficiency control shall be carried out by:

1. making arrangements for the implementation of the programs under Art. 12, par. 2, and also of other measures, resulting in fulfillment of individual energy saving targets and achievement of the objectives, laid down in the acts under Art. 5, Para. 3, p. 1 – 4 – by owners of buildings – public state or municipal ownership and the owners of systems for external artificial lighting;

2. maintaining data bases about the monthly consumption and consumption in types of energies – by owners of undertakings and production systems;

3. drawing up on an annual basis of energy consumption analyses – by the obliged persons

under Para. 1;

4. drawing up monthly and annual energy balances, including the bought and sold energy and assessment of the implementation of assigned individual energy saving targets – by the obliged persons under Art. 14, Para. 4.

(3) Persons under par. 1 shall draw up annual reports on the management of energy efficiency

(4) The reports under par. 3 shall contain information about the compliance of actovotoes under par. 2 and shall be submitted to the Agency by 1 March of the year following the reference year.

(5) The obliged persons under Art. 14, par. 4 on an annual basis by 1 March shall submit to the mayor of the respective municipality information about the quantities of energy sold to end customers in the territory of the municipality in the preceding year.

(6) The reports under par. 3 of the governmental authorities and of municipality mayors shall be submitted to the Agency together with the reports under Art. 12, par. 5.

(7) The reports under Para. 3 shall be drawn up according to a standard form, confirmed by the Agency executive director.

Art. 64. Expert councils can be set up to the regional and municipal administrations for energy efficiency control in buildings which are state or municipal property for supporting the activity of regional governors and municipality mayors.

Section VI. PROVISION OF ENERGY EFFICIENCY SERVICES

Art. 65. The objective of energy efficiency services is to combine energy supply by energy efficient technology and/or by an act, covering the operation, maintenance and management, required for the provision of the service leading to controllable, measurable or assessable energy efficiency improvement and/or saving of primary energy resources.

Art. 66. (1) Energy efficiency services shall be provided based on written contracts, concluded with energy end-users.

(2) Energy efficiency services shall include carrying out one or more activities and measures for energy efficiency improvement, defined in the Ordinance under Art. 18, par. 2.

(3) In order to provide traceability of energy costs and of the achieved levels of energy savings as a result of provision of energy efficiency services, the persons under Art. 14, par. 4 shall provide together with the invoices to the end-users information about:

1. current real prices and actual energy consumption;

2. energy consumption by months in the expired one-year period, compared to the energy consumption by months in the previous one-year period;

3. the contact details of consumer organizations, energy agencies or other institutions, including internet addresses, where information may be obtained about the optional measures for energy efficiency improvement.

Art. 67. (1) Energy efficiency services may be provided by natural persons or legal entities who are traders within the meaning of the Commerce Act or according to the laws of another EU Member State, or of other state which is a party to the European Economic (EEA) Agreement or of the Confederation of Switzerland.

(2) Obligated persons under Art. 14, par. 4 shall provide energy efficiency services or make contributions to the Energy Efficiency and Renewable Sources Fund, or to other financial brokers.

(3) Where the scope of energy efficiency services under Art. 66, par. 2 cover the implementation of activities under Art. 36, par. 2 and Art. 57, par. 1, the persons under par. 1 and 2 shall:

1. carry out on their own the activities, if they meet the requirements of Art. 43, par. 1 and 2 or Art. 59, par. 1;

2. assign the implementation of activities to persons, meeting the requirements of Art. 43, par. 1 and 2 or Art. 59, par. 1.

(4) Obligated persons under Art. 14, par. 4 together with the owners of commercial measurement devices of the energy supplied to the end consumers, can provide as energy service at competition prices in order to provide traceability of the energy costs by the end-users replacement of the existing commercial measurement devices with intelligent measurement and control systems or other technical solution, providing visual information about:

1. the current energy consumption;
2. the transitional current bill;
3. moment energy load;
4. other relevant information

(5) For determination of the cost of provided energy efficiency services, the achieved energy efficiency improvement and the level of satisfaction of other requirements provided in the energy efficiency services agreement shall be taken into consideration.

(6) Obligated persons under Art. 14, par. 4 together with the owners of commercial measuring devices of the energy supplied to the end consumers shall be obliged:

1. at the time of installation of intelligent measurement systems for the consumers, to give appropriate advices and information about the full potential of these systems in terms of control over readings taking and energy consumption monitoring;
2. to guarantee the safety of intelligent measurement systems and data transfer;
3. in the course of data transfer to guarantee personal privacy of end customers subject to compliance with the laws in the field of personal data protection and personal privacy.

Section VII.

AVAILABILITY AND ACCESSIBILITY OF INFORMATION

Art. 68. (1) In view of providing accessibility and availability of information, collected under the terms and conditions and according to the provisions of this Act, a national information system about the status of energy efficiency in the Republic of Bulgaria shall be set up and maintained in the Agency.

(2) In order to provide accessibility, through the system under par. 1, information shall be provided about:

1. the national energy efficiency target;
2. the implementation of activities and measures, provided in the national energy efficiency action plans under Art. 5, par. 3, item 1;
3. the achieved annual energy savings;
4. the condition of energy efficiency – at a national level and by sectors;
5. (amend. – SG, 105/2016) the acts under Art. 4 and art. 5, par. 3, items 1 – 6;
6. the programs under Art. 12, par. 2 and the provided in Art. 12, par. 4 means for their implementation;
7. (amend. – SG, 105/2016) the reports under Art. 63, par. 3;
8. good practices in the field of energy efficiency;
9. the persons, entered into the registers under Art. 44, par. 1 and Art. 60, par. 1;
10. financial instruments and promotional mechanisms of projects for the provision of energy efficiency services;
11. opportunity for involvement of financial brokers in financing of measures for energy efficiency improvement.

(3) For the provision of availability through the system under par. 1, information shall be collected about:

1. the implementation of the individual energy saving targets;

2. the actual sales of energy made by the obliged persons referred to in Art. 14, par. 4 to end-users during the previous calendar year and the energy consumed therefor;

3. the quantities of manufactured products and/or provided services and the added value during the previous calendar year and the energy used for this.

4. the carried out activities and energy efficiency measures;

5. the buildings, subject to obligatory certification under Art. 38, par. 1;

6. the heating systems with water-heating boilers and air conditioning systems under Art. 50, par. 1 and Art. 61, par. 1;

7. enterprises, industrial systems and outside artificial lighting systems subject to obligatory survey under Art. 57, par. 2;

8. completed projects for the achievement of individual energy efficiency targets, funded by the Energy Efficiency and Renewable Sources Fund or by other financial brokers;

9. other activities, related to the implementation of this act.

Art. 69. (1) The information under Art. 68, par. 2 and 3 shall be provided by:

1. obliged persons under Art. 14, par. 4;

2. building owners under Art. 38, par. 1;

3. owners of heating systems with water-heating boilers and air conditioning systems under Art. 50, par. 1 and Art. 51, par. 1;

4. owners of enterprises, industrial systems and outside artificial lighting systems under Art. 57, par. 2;

5. the Executive Director of the Energy Efficiency and Renewable Sources Fund and also by financial brokers;

5. other persons, providing energy efficiency services.

(2) The information under Art. 68, par. 2 and 3 shall be provided to the Agency by 31 March of the year, following the year of the implementation of the activities and measures concerned.

(3) The Agency shall guarantee the inviolability and confidentiality of the provided private and/or business sensitive information in compliance with the European Union laws.

(4) Where the provided information is categorized as classified, all actions related to its processing and storing, as well as provision of access thereto, shall be done in compliance with the Protection of Classified Information Act.

Art. 70. The contents, structure, terms and conditions and the procedure of collection and provision of information under Art. 68, par. 2 and 3 shall be determined by an Ordinance of the Minister of Energy .

Chapter four.

ENERGY EFFICIENCY PROMOTION SCHEMES

Section I.

Types of schemes

Art. 71. (1) For energy efficiency promotion schemes and mechanisms can be applied such as:

1. contracts with guaranteed result;

2. energy saving certificates;

3. funding from the Energy Efficiency and Renewable Sources Fund or by other financial brokers;

4. other national or European support schemes and mechanisms.

(2) Energy efficiency promotion schemes and mechanisms introduced subject to compliance with the provisions of this Act shall be drawn up and applied in compliance with the state aid legislation.

(3) For drawing up electrical power co-generation promotion schemes, power generation through highly effective power co-generation, effective recovery of waste heat for saving primary energy and the opportunity of reduction of process costs for the generation and transfer of thermal energy and in consideration of specifics of highly effective power co-generation is supported.

Section II.

Energy Performance Agreements

Art. 72. The objective of energy performance agreements (ESCO agreements) is implementation of energy efficiency improvement measures in buildings, enterprises, industrial systems and outside artificial lighting systems where the return on investments and payment of the remuneration due to the contractor are made at the account of energy savings.

(2) End customers can be employers under the agreements referred to in par. 1 and providers of energy efficiency services can be contractors within the meaning of the Commerce Act or pursuant to the laws of another European Union Member State, or another state which is a party to the European Economic Area Agreement or of Confederation of Switzerland with a scope of business including provision of services under energy performance agreements.

(3) Contractors to contracts under par. 1 cannot carry out activities under Art. 36 and 37 for the building or under Art. 57, par. 1 for the enterprise, industrial system or outside artificial lighting system – subject to the agreement.

Art. 73. (1) An energy performance agreement shall be concluded following a carried out energy efficiency survey and issued certificate of energy parameters, certifying the current condition of energy consumption in the building or following a carried out energy efficiency survey of the enterprise, industrial system or outside artificial lighting system subject to the agreement.

(2) The Employer under an ESCO agreement shall submit to the contractor under the agreement a summary of the report of the carried out energy efficiency survey of the building, enterprise, industrial system or outside artificial lighting system.

(3) Energy performance agreements shall be concluded in writing and shall contain minimum:

1. the normalized energy consumption, identified through energy efficiency survey;
2. list of efficiency measures to be carried out, including the steps which need to be undertaken for the implementation of measures, and where relevant – the associated expenses thereof;
3. guaranteed energy savings, the procedure and the deadlines for their establishment after the implementation of the measures under the contract, and also regulations for measuring and confirmation of the achieved energy savings, of the achiever guaranteed savings, quality inspections and warranties;
4. an obligation for complete implementation of the measures in the agreement and documenting of all carried out modifications during the project;
5. description of financial consequences of the project and distribution of both parties' share in the achieved financial savings;
6. methods of funding;
7. method of payment of remuneration;
8. other clauses, including provisions related to amendment of the frame terms and conditions in terms of agreement content and result, inclusion of equivalent requirements to all subcontracts with third parties, and also detailed information about the obligations of each contracting party and penalties for non-compliance therewith.

(4) The contractors under Art. 72, par. 2 shall guarantee the provision of the service, fully or partially, with their own resources and/or shall undertake the obligation to make provisions for their funding by a third party.

(5) The contractors under Art. 72, par. 2 shall bear the financial risk and also the technical and business risk for the completion of provided in the agreement activities and measures for energy

efficiency improvement and for the achievement of the result guaranteed by the agreement.

(6) Services under ESCO agreements shall provide for the achievement of required by the regulations energy consumption class of the building subject to the agreement.

(7) For buildings which are state and/or municipal property and are subject to an agreement under Art. 72, par. 1, budgets of governmental authorities and municipal budgets shall allocate and provide funds which for the period of implementation of the agreement shall correspond to the normalized energy consumption of these buildings.

(8) The terms and conditions and the procedure of determination of the amount of allocated funds under par. 7, and also the terms and conditions and the procedure of their payment shall be determined by an ordinance, issued by the Minister of Energy and the Minister of Finance.

Section III.

Energy saving certificates

Art. 74. The objective of energy saving certificates is to acknowledge the contribution of their holder in the implementation of measures for energy efficiency improvement.

Art. 75. (1) The energy saving certificates shall be issued by the Executive Director of the agency against a paid fee, determined by a tariff, adopted by the Council of Ministers.

(2) The energy saving certificates, issued to the obliged persons under Art. 14, par. 4 shall be used for confirmation of the fulfillment of the individual energy saving targets.

(3) For the purposes of fulfillment of individual energy saving targets, energy saving certificates can be transferred by:

1. a obliged person to another obliged person under Art. 14, par. 4 where the first obliged person has exceeded their determined individual energy saving target;

2. a non-obliged person to a obliged person under Art. 14, par. 4.

Art. 76. (1) (amend. – SG, 105/2016) The energy savings in end clients, achieved after the implementation of measures for energy efficiency improvement shall be proved through:

1. assessment of the achieved energy savings after energy efficiency survey of buildings, enterprises, industrial systems or outside artificial lighting systems, or after inspection of heating systems with water-heating boilers and air conditioning systems, where the survey or the check shall be carried out not earlier than 1 year after introduction of the measures, or

2. application of the methodologies drawn up according to the Ordinance referred to in Art. 18, par. 2.

(2) Attesting of the achieved energy savings shall be done by the persons under Art. 43, par. 1 and 2 and Art. 59, par. 1.

(3) The verification of applied methods of assessment of the effect of various types of implemented measures for energy efficiency improvement shall be carried out by the Agency.

(4) The terms and conditions, the procedure and the form of issuance of certificates shall be determined by the ordinance referred to in Art. 18, Par. 2.

Art. 77. The rules for the introduction of a market mechanism for energy efficiency improvement through implementation of energy efficiency activities and measures shall be determined by the Council of Ministers upon a proposal of the Minister of Energy.

Section IV.

Energy efficiency and renewable sources fund

Art. 78. (1) The Energy Efficiency and Renewable Sources Fund shall finance the implementation of activities and measures for energy efficiency improvement and promotion of activities for production and consumption of energy from renewable sources, with the exception of those financed by the state budget.

(2) The Energy Efficiency and Renewable Sources Fund, called hereinafter "the Fund" shall be legal person with a main office in Sofia.

Art. 79. (1) The Fund shall administer financial resources provided for investment projects for energy efficiency improvement and for projects for generation of energy from renewable sources according to the priorities set up in the national energy efficiency strategy of Republic of Bulgaria and in the national energy efficiency action plans.

(2) The Fund shall carry out their activity according to this Act and the agreements with the donors.

Art. 80. For the fulfillment of their objectives the Fund shall carry out their activity based on the following principles:

1. transparency of resource management;
2. equality of all applicants for financing by the Fund;
3. partnership and cooperation with natural persons and legal entities who are trades as provided by the Commerce Act or of the legislation of another European Union Member State, or of another state which is a party to the Agreement on the European Economic Area or of Confederation of Switzerland, as well as with non-profit legal entities for joint financing of energy efficiency projects and of projects for generation of energy from renewable sources.

Art. 81. (1) The revenues of the Fund shall be raised from:

1. donations by international financial institutions, international funds, Bulgarian and foreign natural persons or legal entities subject to compliance with the provisions of Art. 11 of the Act on measures against money laundering and upon attesting by the place of settlement of no tax liabilities in a European Union Member State, or of another state which is a party to the Agreement on the European Economic Area or of Confederation of Switzerland;
2. interests on current accounts or bank deposits of the Fund;
3. loans or other financial instruments of credit nature granted from international organisations and banks, as well as from natural persons and/or legal entities registered as traders, borrowed expressly for the accomplishment of objectives of the Fund;
4. (amend. – SG, 105/2016) contributions under Art. 21, par. 1, p. 2;
5. other revenues corresponding to the nature and the activity of the Fund.

(2) Fund resources shall be kept in minimum three depository banks, having a license to operate in the country, appointed through a competition.

Art. 82. (1) The resources of the Fund shall be spent for:

1. refundable financing of projects for energy efficiency development;
2. refundable financing of activities and projects for energy generation from renewable sources;
3. guarantees on credits granted by financial credit institutions allocated for projects referred to in items 1 and 2;
4. priority financing of projects for:
 - a) implementation of measures for energy efficiency improvement in case of end energy consumption;
 - b) use of energy from renewable sources for end energy consumption;
5. maintenance of the Fund according to the annual budget of revenues and expenditures approved by the Managing Board and by the General Meeting of donors.

(2) Consumers of electricity, thermal energy and natural gas in condominium buildings who have constituted legal entities - associations of owners under the Condominium Ownership Management Act, may apply for financing of projects for energy efficiency improvement and of projects for installation of systems, using renewable sources.

Art. 83. The bodies of the Fund shall be:

1. the general meeting of donors;
2. the managing board.

Art. 84. (1) The general meeting of donors shall include persons who are donors in the fund.

(2) The meeting of donors shall:

1. adopt rules on the work organisation and activities of the fund;
2. elect and dismiss members of the managing board of the fund referred to in Art. 85, par. 1, item 6;
3. take decisions for termination of the activity of the fund;
4. approve budget income and expenditures and the annual business report of the fund and shall adopt the annual budget for the next calendar year;
5. decide on other matters within their competence according to the law.

Art. 85. (1) The Fund shall be managed by a Managing Board consisting of 11 members as follows:

1. a representative of the Ministry of Energy appointed by the Minister of Economy and Energy ;
2. a representative of the Ministry of Economy, appointed by the Minister of Economy;
3. a representative of the Ministry of Environment and Waters appointed by the Minister of Environment and Waters;
4. a representative of the Ministry of Regional Development and Public Works, nominated by the Minister of Regional Development and Public Works;
5. the Managing Director of the Agency;
6. six representatives, elected by the general meeting of donors of the Fund, as follows:
 - a) a representative of non-governmental organizations, the activity of which is focused on reduction of global climate changes risk;
 - b) three experts with higher education in economics and experience in financing of projects in the energy field;
 - c) an expert in the field of energy efficiency with higher education in engineering;
 - d) an expert in the field of renewable sources with higher education in engineering.

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

(3) The chairman of the Managing Board shall be elected among the members of the Managing Board for a period of one year.

(4) Upon expiration of the term of office of the chairman, the member of the Managing Board, who has held this position, shall remain a member of the Managing Board by the end of the mandate.

(5) Member of the Managing Board may not be a natural person, as well as a representative of a legal entity who:

1. has been sentenced for deliberate crime of a general nature;
2. is a spouse or relative on the direct or collateral line up to fourth degree and by marriage - up to third degree including of another member of the Managing Board of the Fund;
3. holds a position in the civil service or under an employment agreement in the administration with the exception of the persons under par. 1, items 1 - 5.

(6) Where any of the circumstances referred to in par. 5 occurs for a member of the managing board, they shall be obliged to notify the chairman of the managing board within 7 days from the occurrence of the circumstance.

(7) The general meeting of donors shall take a decision for dismissal of a member of a member of the managing board in case of occurrence of any of the circumstances referred to in par. 5.

Art. 86. (1) The Managing Board shall manage the overall activity of the Fund.

(2) The Managing Board shall:

1. draw up and propose for adoption by the general meeting rules of organization of the work and activity of the Fund;
2. approve the financing and guarantee policies of the Fund;
3. adopt a strategy of the activity of the Fund;

4. adopt assessment and selection criteria of projects, applying for financing by the Fund;
5. approve financing of projects;
6. approve contracts related to the Fund guarantee activity;
7. adopt the annual report on completed projects for achieving individual indicative targets of accountable persons under Art. 14, par. 4, financed through the Fund;
8. approve the budget income and expenditure and the annual business report of the Fund;
9. elect after a carried out competition a manager of the Fund which shall support the activity of the Managing Board and carry out Fund management;
10. appoint an independent financial audit and accept the annual financial report;
11. approve the staff schedule of the Fund and determine the remuneration of its employees;
12. adopt other measures necessary for the achievement of the Fund objectives.

Art. 87. (1) The Manager of the Fund shall support the activity of the Managing Board and shall carry out operational management of the Fund.

(2) The Manager of the Fund shall:

1. represent the Fund;
2. support the activity of the Managing Board by exercising their powers under Art. 86, par. 2, items 1 – 6;
3. draw up a draft strategy for the activity of the Fund;
4. draw up a business plan and a draft budget for income and expenditure and secure the implementation of the budget approved by the Managing Board;
5. prepare the required documentation for financing and guaranteeing of projects in compliance with the law and concluded agreements with donors;
6. prepare an annual report on completed projects for achieving the individual targets for energy savings of obliged persons under Art. 14, par. 4, financed through the Fund, and shall submit it to the Agency not later than 31 January of the year, following the reference year;
7. draft reports and other materials for consideration and approval by the Managing Board in compliance with the internal rules of the Fund;
8. publish on the [internet page](#) of the Fund the information under Art. 86, par. 1, items 7 and 8;
9. prepare the sessions of the Managing Board;
10. sign the contracts for financing and guaranteeing of projects concluded with the Fund and approved by the Managing Board;
11. inform regularly the Managing Board for the level of implementation of the financed projects;
12. appoint and release the employees of the Fund;
13. be responsible for the protection of the property of the Fund;
14. carry out other activities assigned to them by a decision of the Managing Board.

Art. 88. The relations with the Manager of the Fund shall be regulated by a Management Agreement for a period of 5 years according to the provisions of Art. 84, par. 2, item 1.

Chapter five.

ENERGY EFFICIENCY CONTROL

Art. 89. The Executive Director of the Agency shall exercise control over the activity of:

1. end-users in the cases where carrying out the activities and measures for energy efficiency improvement according to this Act or other regulatory acts is obligatory for them;
2. obliged persons referred to in Art. 14, par. 4 – for the fulfillment of the assigned individual targets for energy savings;
3. employers under Art. 161, par. 1 of the Spatial Development Act for the implementation of their obligations under Art. 39, par. 2;

4. the bodies referred to in Art. 12 - for submission of reports for implementation of programs under Art. 12;

5. the persons under Art. 43, par. 1 and 2 and Art. 59, par. 1.

(2) In the course of implementation of their control powers the Executive Director the Agency shall:

1. carry out inspections of the persons under par. 1 through employees authorized thereby;
2. carry out inspections of surveys by a systematic or a random selection of inspected buildings, enterprises, industrial systems and/or outside artificial lighting systems through employees authorized thereby;
3. impose administrative penalties, provided by this act.

Art. 90. (1) The control over the activities of the persons referred to in Art. 43, par. 1 and 2 shall be carried out by:

1. validity check of the input data of the building used to issue the energy characteristics certificate and the results stated in the certificate;
2. check of the input data and verification of the results indicated in the energy characteristics certificate, including the recommended measures for energy efficiency improvement;
3. full check of the input data, the results and the prescribed measures for energy efficiency improvement by visiting the site to check correspondence between specifications contained in the energy characteristics certificate and the certified building;
4. check of compliance with the requirements of the ordinance referred to in Art. 44, par. 9.

(2) The control over the activities of the persons referred to in Art. 59, par. 1 shall be carried out through:

1. validity check of the input data of the enterprises, industrial system and/or outside artificial lighting systems used to carry out the survey and of the results stated in the report;
2. check of the input data validity and verification of the results of the survey, including the recommended measures for energy efficiency improvement;
3. full check of the input data, the results and the prescribed measures for energy efficiency improvement by visiting the site to check correspondence between specifications contained in the survey/check documents and the conditions of the industrial system/installation;
4. check of compliance with the requirements of the ordinance referred to in Art. 44, par. 9.

Art. 91. (1) The persons carrying out inspections shall be appointed by an order of the Executive Director of the Agency.

(2) The persons under par. 1 shall prove their identity by the order and an official ID card certifying the position they are holding.

Art. 92. (1) The persons under Art. 91, shall have the right:

1. to free access to the inspected facilities;
2. to require from the inspected persons documents required for the inspection;
3. to carry out surveys, as determined by the orders under Art. 48 and Art. 57, par. 6;
3. to issue acts of identified administrative violations.

(2) Regarding the buildings, enterprises, industrial systems and outside artificial lighting systems which are property of the Ministry of Defence and the Ministry of Interior, the acts under par. 1 shall be carried out under the terms and conditions and following the procedure, determined in the relevant laws.

(3) The persons under Art. 91 shall be obliged not to disclose the official and the trade secret having become known to them in the course of or on occasion of the control activity.

Art. 93. The inspected person shall be obliged to provide all conditions for the normal conducting of the inspection and render assistance to the persons under Art. 91 by:

1. providing premises for carrying out the inspection;
2. appoint their representative as a contact person and provide assistance to the inspectors;

3. provide access to the office premises;
4. submit all documents required for carrying out the control.

Art. 94. (1) The persons referred to in Art. 91 shall draw up a certificate of findings with attached thereto collected data, documents and explanations.

(2) The certificate shall be signed by its producer, by the person subject to inspection, and in case of refusal – by two persons witnessing the refusal.

(3) The certificate shall be submitted to the inspected person who shall have the right to give explanations and file objections within 14 days from the date of its submission.

Art. 95. (1) On the grounds of the results from the inspection the persons under Art. 91 can:

1. give obligatory prescriptions to the inspected persons for remedy of the established violations and set time for bringing in compliance;
2. issue acts of established administrative offences.

(2) The persons to whom obligatory prescription have been given shall notify within the set time the persons under Art. 91 about their execution.

Art. 96. All governmental bodies, legal entities and natural persons shall be obliged to provide assistance to the persons under Art. 91 for carrying out their functions.

Chapter six.

ADMINISTRATIVE PENAL PROVISIONS

Art. 97. (amend. – SG, 105/2016) A obliged person under Art. 14, par. 4, who fails to fulfil the determined for them individual target for annual new energy savings in the amount referred to in Art. 14, par. 5 or fails to make the contribution under Art. 21, Para. 1, item 2 shall be imposed a fine from BGN1.000 to BGN5.000 or a proprietary sanction from BGN5.000 to BGN500.000.

Art. 98. An employer within the meaning of Art. 161, par. 1 of the Spatial Development Act who fails to fulfill their obligation under Art. 33, par. 1 shall be imposed a fine from BGN1.000 to BGN10.000 or a proprietary sanction from BGN5.000 to BGN50.000.

Art. 99. (1) (amend, and suppl. – SG, 105/2016) An owner of a building for public service, who fails to fulfill their obligation under Art. 38, par. 1 shall be imposed a fine from BGN1.0000 to BGN30.000 or a proprietary sanction from BGN50.000 to BGN100.000.

(2) An owner of a building who fails to fulfill the measures prescribed in the energy efficiency survey report within the term under Art. 38, par. 4 shall be imposed a fine from BGN10.000 to BGN30.000 or a proprietary sanction from BGN50.000 to BGN100.000.

Art. 100. An employer within the meaning of Art. 161, par. 1 of the Spatial Development Act who fails to fulfill their obligation for updating of certificate of building energy characteristics in cases referred to in Art. 39, par. 3 shall be imposed a fine from BGN1.000 to BGN3.000 or a proprietary sanction from BGN5.000 to BGN10.000.

Art. 101. A person referred to in Art. 43, par. 1 or 2 who has issued a certificate of building energy efficiency characteristics without having carried out an energy efficiency survey, shall be imposed a fine from BGN50.000 to BGN100.000 or a proprietary sanction from BGN200.000 to BGN300.000

Art. 102. A person referred to in Art. 43, par. 1 or 2 who has failed to submit within the set time the list under Art. 46, par. 1, shall be imposed a fine from BGN100 to BGN500 or a proprietary sanction from BGN1.500 to BGN3.000.

Art. 103. A person carrying out certification of buildings or energy efficiency survey in violation of the provision of Art. 43, par. 4 or 6 or Art. 59, par.2 and 4, shall be imposed a fine from BGN50.000 to BGN100.000 or a proprietary sanction from BGN100.000 to BGN200.000.

Art. 104. (1) (amend. and suppl. – SG, 105/2016) Any owner of a heating system with water-heating boiler operated on liquid or solid fuel, or natural gas with rated power from 20 to 100 kW

including, who fails to fulfill their duty under Art. 50, par. 2, shall be imposed a fine from BGN150 to BGN200 or a proprietary sanction from BGN1.500 to BGN2.000.

(2) Any owner of a heating system with water-heating boiler operated on liquid or solid fuel or natural gas with unit rated power exceeding 100 kW, who fails to perform his duty under Art. 50, par. 2, shall be imposed a fine from BGN1.500 to BGN2.000 or a proprietary sanction from BGN15.000 to BGN20.000.

(3) Any owner of an air-conditioning system with rated power exceeding 12 kW, who fails to fulfill their obligation under Art. 51, par. 2, shall be imposed a fine from BGN1.500 to BGN2.000 or a proprietary sanction from BGN15.000 to BGN20.000.

(4) Any owner of a heating system with water-heating a boiler under Art. 50, par. 1 or an air-conditioning system under Art. 51, par. 1, who fails to fulfill their duty under Art. 52, par. 2, shall be imposed a fine from BGN150 to BGN200 or a proprietary sanction from BGN1.500 to BGN2.000.

Art. 105. A person referred to in Art. 43, par. 1 or 2 or under Art. 59, par. 1 who fails to submit within the set time the list under Art. 55, par. 1, shall be imposed a fine from BGN100 to BGN500 or a proprietary sanction from BGN1.500 to BGN3.000.

Art. 106. Any owner of an enterprise, industrial system and outside artificial lighting system who fails to fulfill their duty under Art. 57, par. 2, shall be imposed a fine from BGN10.000 to BGN30.000 or a proprietary sanction from BGN50.000 to BGN100.000.

Art. 107. (amend. – SG, 105/2016) A person under Art. 63, par. 1 who fails to fulfill their obligation to submit to the agency the reports under Art. 63, par. 3 within the term under Art. 63, par. 4 shall be imposed a fine from BGN500 to BGN1.000 or a proprietary sanction from BGN3.000 to BGN5.000.

Art. 108. A person under Art. 69, par. 1 who fails to provide information within the term under Art. 63, par. 2 shall be imposed a fine from BGN20.000 to BGN50.000 or a proprietary sanction from BGN150.000 to BGN200.000.

Art. 109. A person who prevents or allows the prevention of carrying out of inspections under Art. 91, shall be imposed a fine from BGN500 to BGN1.000 or a proprietary sanction from BGN2.000 to BGN3.000.

Art. 110. A person under Art. 91, having violated the provision of Art. 92, par. 3 shall be imposed a fine of BGN10.000.

Art. 111. A person who fails to fulfill the obligatory prescription under Art. 95, par. 1, item 1 shall be imposed a fine from BGN2.000 to BGN5.000 or a proprietary sanction from BGN10.000 to BGN30.000.

Art. 112. A person who fails to fulfill other obligations, provided by this act, shall be imposed a fine from BGN500 to BGN1.500 or a proprietary sanction from BGN1.000 to BGN10.000.

Art. 113. The acts establishing administrative offences shall be produced by officials appointed by the Executive Director of the Agency.

Art. 114. The penal decrees shall be issued by the Executive Director of the Agency.

Art. 115. The establishment of offences, the issuance, the appeal and the execution of penal decrees shall be carried out under the provisions of the Administrative Violations and Penalties Act.

Additional provisions

§ 1. Within the meaning of this Act:

1. "Donor" is a natural person or legal entity, and also a state, having participated with donations in the initial accumulation of resources for the fund or donating, including contributions from the obliged persons under Art. 14, par. 4.

2. "Energy Efficiency Service Provider" is a natural person or legal entity providing services including implementation of activities and/or measures for energy efficiency improvement.

3. "Energy" are energy products, fuels, thermal energy, energy from renewable resources, electrical energy or any other form of energy according to the definition provided in Art. 2, item "d" of Regulation (EC) 1099/2008 of the European Parliament and the Council of 22 October 2008 on Energy Statistics (OJ, L 304/1 of 14 November 2008).

4. "Energy efficiency in buildings" is the provisions and maintenance of the normative parameters of the microclimate in the buildings, their heating savings and the saving of energy resources for the purposes of the building, at minimum financial costs.

5. "Energy saving" is the quantity of saved energy determined by measuring and/or assessment of energy consumption as a difference in the consumed quantities of energy and after application of measures for energy efficiency improvement with making corrections and normalization in view of outside conditions affecting energy consumption.

6. "Energy efficiency service" is material gain, benefit or good, obtained as a result of combination of energy with energy efficiency technology or with an action which may include operation, maintenance and management, needed for securing the service provided under an agreement and it is proven that under normal circumstances it results in controllable and measurable energy efficiency improvement and/or in primary energy savings.

7. "Energy characteristic" is a parameter indicating the measured quantity of the really consumed or calculated as needed consumption energy, used to meet different energy needs related to standard required parameters for a building including heating, hot water pre-heating, cooling, ventilation, and lighting.

8. "Energy efficiency" is the ratio between the input amount of produced goods, service or energy and the amount of used energy.

9. "Intelligent measuring system" is an electronic system able to measure energy consumption, with providing more information from a conventional measuring device and can transmit and receive data in a form of electronic communication.

10. "Air-conditioning system" is a combination of all components, needed for the provision of air treatment with temperature control with possible combination of air ventilation, moisture and purity control.

11. "Boiler" is a facility, which is a combination of a boiler body and a combustion part, engineered to reheat a media by the heat, discharged during the combustion.

12. "End energy consumption" is consumption of energy supplied for energy purposes of processing industry, mining, construction, transport, households, services, including public services, agriculture, forestry and fisheries. It shall exclude sector supplies for energy generation and the energy branches as such.

13. "End customers" is every natural person or legal entity purchasing energy for their own use.

14. (amend. – SG, 105/2016) "New building" is every newly constructed building up to 6 years from its commissioning for the first time.

15. "Normalized energy consumption" is consumption of energy, needed for the provision of required by the standard parameters of the building microclimate in its real state.

16. "Stand-alone part of a building" is a stand-alone part, floor or a flat in a building, engineered or modified in order to be used independently.

18. "General energy consumption" is the total quantity of energy purchased by the end customer for a period of one year.

19. "Energy efficiency survey" is a process, based on a systematic method of determination and valuation of energy flows and costs in buildings, enterprises, industrial systems and outside artificial lighting systems, determining the scope of the technical and economic parameters of the measures for energy efficiency improvement.

20. (repealed – SG, 105/2016)

21. "Waste heat" is the residual heat from a specific process which, where it is technically

feasible and economically justified, can be recovered.

22. "Energy efficiency improvement" is a result of implementation of a measure or activity, resulting in a reduction of the relation between the used quantity of energy and the final quantity of produced goods, service or energy without worsening of the quality or other characteristics.

23. "Effective rated power" is the maximum thermal power, 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 programs" are activities and measures, directed to groups of end customers, leading to controllable, measurable or assessable energy efficiency improvement.

25. (amend. – SG, 105/2016) "Industrial systems" is the complex of industrial buildings, facilities, technology equipment and supporting units, in the frames of which an undertaking carried out an activity for production of goods or provision of services.

26. "Optimum cost levels" are energy parameters giving the lowest costs during the estimated economic life cycle, where:

a) the lowest cost is determined taking into account energy-related investment costs, maintenance and operating costs, including energy costs and savings, the category of building concerned, earnings from energy produced and decontamination costs, where applicable;

b) the estimated economic lifecycle refers to the remaining estimated economic lifecycle of a building - where energy performance requirements are set for the building as a whole, or to the estimated economic lifecycle of a building element - where energy performance requirements are set for building components.

The energy parameters are considering the optimum cost level where the cost benefit analysis calculated over the estimated economic lifecycle is positive.

27. "Building" is a construction with walls and a roof, which uses energy for regulation of the inside temperature.

28. "Nearly zero-energy building" is a building that meets the following terms and conditions at the same time:

a) energy consumption of the building, determined as primary energy meets class A of the energy consumption scale for the respective type of buildings;

b) minimum 55 per cent of the consumed (supplied) energy for heating, cooling, ventilation, hot water for domestic use and lighting is energy from renewable sources, located on-site on a building level or nearby.

29. "Certificate of energy parameters of a building" is an official document issued by energy efficiency consultants within the scope of their competency in a form and according to a procedure, which includes energy parameters of a building, calculated according to the methodology, referred to in the Ordinance under Art. 31, par. 4.

30. (amend. – SG, 105/2016) "Certificate of design energy parameters of a new building" is an official document issued by energy efficiency consultants within the scope of their competency in an approved form and following a procedure, which includes assessment of the design energy parameters of a building, calculated according to the methodology, referred to in the Ordinance under Art. 31, par. 4.

31. "Energy efficiency improvement schemes" are every instrument, scheme or mechanism promoting energy efficiency improvement.

32. "Thermal pump" is a machine, facility or a plant, which transfers heat from the natural environment, such as air, water or soil, to buildings or industrial facilities by reversing the natural thermal flow in such a way so that it flows from a lower to higher temperature. For thermal pumps with reversible operation the heat can move also from buildings to the natural environment.

33. "Thermal zone" is a stand-alone part of a building, which includes areas in the building with identical functional purpose of use, heat- and/or air conditioning supply from a single system, identical

inhabitanacy regime, identical celestial orientation of outside enclosing components (in cases where air conditioning is required) and specific requirements for the provision of identical parameters of the microclimate in a heating and air-conditioning mode, where the temperature difference between the spaces in one regime is less than 4K.

34. "Financial instruments" are instruments such as funds, subsidies, tax exemptions, loans, funding by third parties, contracts for energy savings, energy saving contracts with guaranteed result, outsourcing or other similar contracts, which are offered on the market by state or private organizations for partial or complete covering if the initial project value for implementation of measures for energy efficiency improvement.

35. "Financial brokers" is a term within the meaning of Art. 2, item 34 of Regulation (EU) No. 651/2014 of the Commission of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty Text with EEA relevance (OJ, L 187/1 of 26 June 2014).

36. "Central heating" or "central air-conditioning" is the supply of thermal energy in the form of steam, hot water or chilled liquid through a network from a central production source to multiple building or other places to be used for heating or air-conditioning of premises or processes.

37. (new – SG, 105/2016) "Policy measure" is a regulated, financial fiscal or voluntary instrument or instrument of provision of information, officially introduced and applied in view to creation of assisting framework, requirement or stimulus for the players on the market to produce and buy energy services and undertake other measures for improvement of the energy efficiency.

38. (new – SG, 105/2016) "Non-residential buildings with low consumption of energy, used for agricultural activity" are buildings, which do not use energy for heating, ventilation or air cooling.

39. (new – SG, 105/2016) "Initial energy consumption" is the gross internal consumption, decreased by the end non-energy consumption.

§ 2. This Act implements the requirements of Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (OJ, L 315/1 of 14 November 2012) and of Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings (OJ L 153/13 of 18 June 2010).

Transitional and concluding provisions

§ 3. This Act shall repeal the Energy Efficiency Act (prom. - SG 98/08; amend. – SG 6, 19, 42 and 82/09; SG 15, 52 and 97/10; SG 35/11; SG 38/12; SG 15, 24, 59 and 66/13, SG 22, 33 and 98/14 and SG 14/15).

§ 4. (asuppl. – SG, 105/2016) Obligated persons under Art. 10, items 2 and 3 of the revoked Energy Efficiency Act shall fulfill the individual targets for energy savings by 31 December 2016, determined in compliance with the revoked Energy Efficiency Act.

§ 5. The employers within the meaning of Art. 161, par. 1 of Spatial Development Act of new buildings subject to obligatory certification according to the provisions of the revoked Energy Efficiency Act, which prior to entering of this act into force have not been commissioned, shall be obliged to acquire a certificate of design energy parameters of the building within one year after entering of this act into force.

§ 6. Inspection of heating systems with water heating boilers under Art. 53 shall take place within one year after entering of this act into force, unless by this date an inspection under Art. 30 of the revoked Energy Efficiency Act has been carried out.

§ 7. (1) Owners of buildings, subject to obligatory certification, as provided by the revoked Energy Efficiency Act, which before entering of this Act into force have got reports of carried out surveys, shall be obliged to implement the prescribed by the survey measures for energy efficiency

improvement within three years after the enforcement of this Act.

(2) (repealed – SG, 105/2016).

§ 8. (repealed – SG, 105/2016)

§ 9. Owners of enterprises, industrial systems and outside artificial lighting systems subject to obligatory survey under Art. 57, par. 2 shall be obliged to carry out energy survey within one year after entering of this Act into force, unless by this date an obligatory survey according to the provision of Art. 33 of the revoked Energy Efficiency Act has been carried out.

§ 10. Energy efficiency certificates, issued subject to compliance with the provisions of the revoked Energy Efficiency Act, shall keep their validity until the expiration of the term for which they have been issued.

§ 11. (1) Certificates of energy parameters of buildings for which energy efficiency survey has been carried out prior to entering of this act into force shall be issued by the persons having carried out the survey of the respective building within one year after its entering into force.

(2) In cases under par. 1 where the person having carried out the survey has been deleted from the register under Art. 23, par. 1 of the revoked Energy Efficiency Act the certificate of energy parameters shall be issued by the Agency on the grounds of results of the carried out survey.

§ 12. The persons who have completed training course and are qualified for surveying energy efficiency and certification of buildings, and for energy efficiency survey of industrial systems according to the provisions of the revoked Energy Efficiency Act shall keep their rights for carrying out activities for energy efficiency survey of buildings and industrial systems and for certification of buildings whereby the persons having acquired qualification for energy efficiency survey and certification of buildings shall enjoy the rights of first qualification degree energy efficiency consultants.

§ 13. (1) Issued certificates to be registered in the registers under Art. 23a, par. 1 and Art. 34a, par. 1 of the revoked Energy Efficiency Act shall keep their validity until the expiration of the term for which they have been issued.

(2) Issued certificates of successfully passed test under Art. 23, par. 1, item 3, sub-item "c" and par. 2, item 5 and Art. 34, par. 1, item 3, sub-item "c" of the revoked Energy Efficiency Act shall keep their validity and shall not expire.

§ 14. (1) The persons under § 10 of the transitional and concluding provisions of the revoked Energy Efficiency Act shall keep their rights for carrying out activities for energy efficiency survey and certification of buildings, and also for energy efficiency survey of industrial systems whereby the persons having acquired qualification for energy efficiency survey and certification of buildings shall enjoy the rights of first qualification degree energy efficiency consultants.

(2) The persons under par. 1 shall be obliged to get re-registered subject to compliance with the procedures laid down in this Act within 5 years after its enforcement.

(3) The persons under par. 1 failing to get re-registered within the term under par. 2 shall be deleted ex-officio from the public registers of the Agency.

§ 15. Voluntarily agreements, concluded according to the provisions of Chapter Five, Section II of the revoked Energy Efficiency Act shall keep their validity until the expiration of the term for which they have been concluded.

§ 16. Within 5 years after entering of this Act into force the Council of Ministers upon proposal of the Minister of Energy shall adopt a market mechanism for energy efficiency improvement through implementation of energy efficiency activities and measures.

§ 17. (1) National energy efficiency action plans shall be submitted to the European Commission every three years as from 30 April 2014.

(2) National energy efficiency target shall be reported to the European Commission in the first national plan.

§ 18. National plan for nearly-zero energy consumption shall be adopted by the Council of Ministers within 6 months after the enforcement of this Act.

§ 19. National plan of improvement of energy parameters of heated and/or air-conditioned buildings which are state property, used for the public administration shall be submitted to the European Commission as a part of the plans under Art. 5, par. 3, item 1 and shall be updated every three years as from 30 April 2014.

§ 20. The National long-term program for encouragement of investments for implementation of measures for improvement of energy parameters of buildings of the public and private national residential and business fund shall be submitted to the European Commission as a part of the plans under Art. 5, par. 3, item 1 and shall be updated every three years as from 30 April 2014.

§ 21. (1) Secondary legislative acts regarding the application of this Act shall be adopted, respectively issued and brought into compliance within 6 months after its enforcement.

(2) Until the adoption, respectively issuance of secondary legislative acts provided in this Act, the secondary legislative acts regarding the implementation of the revoked Energy Efficiency Act shall apply as long as they are not at variance with this act.

§ 24. The assessment under Art. 4, par. 2, item 11, sub-item "a" of Energy Act shall be prepared and submitted to the European Commission by 31 December 2015. Upon European Commission request the assessment shall be updated every 5 years.

§ 25. By 31 December 2016 in buildings with central heating/air conditioning source or these supplied from a regional heating network or from a central source, servicing multiple buildings, individual measuring devices shall be installed for recording of consumed heating and air-conditioning energy or of hot water for every unit, where this is technically feasible, economically justified and such measuring devices are not installed as of the date of enforcement of this Act.

§ 26. (1) Secondary legislative acts regarding the implementation of Energy Act shall be adopted, respectively issued and brought into compliance with the provisions of this Act within 6 months after its enforcement.

(2) Before the adoption, respectively the issuance of secondary legislative acts under par. 1, the applicable secondary legislative acts shall apply, as far as they do not contradict the Energy Act.

§ 31. The implementation of the Act shall be assigned to the Minister of Energy, Minister of Regional Development and Public Works, Minister of Economy and Minister of Transport, Information Technology and Communications.

§ 32. This Act shall come into force on the day of its publication in State Gazette.

This Act was adopted by the 43rd National Assembly, on 30 April 2015 and has been sealed by the official stamp of the National Assembly.

Transitional and concluding provisions

TO THE ACT, AMENDING AND SUPPLEMENTING THE ACT ON ENERGY EFFICIENCY

(PUBL. – SG, 105/2016)

§. 37. (1) Within 3 month term from the enforcement of this act, the Minister of Economy shall draw up and publish the list under Art. 30a, Para. 1.

(2) By the drawing up and publication of the list under Art. 30a, Para. 2, the current Instructions for application of the requirements for energy efficiency and energy savings shall apply in awarding public procurement for supply of equipment and vehicles and buying and/or leasing buildings with high indicators for energy efficiency, in view to minimalization of the costs for the term of their commissioning.