

Excise Duties and Tax Warehouses Act

Promulgated, State Gazette No. 91/15.11.2005, effective 1.01.2006, amended, SG No. 105/29.12.2005, effective 1.01.2006, SG No. 30/11.04.2006, effective 12.07.2006, amended, SG No. 34/25.04.2006, effective 1.01.2008 (*)(**), amended and supplemented, SG No. 63/4.08.2006, effective 4.08.2006, SG No. 81/6.10.2006, amended and supplemented, SG No. 105/22.12.2006, effective 1.01.2007, amended, SG No. 108/29.12.2006, effective 1.01.2007, SG No. 31/13.04.2007, effective 13.04.2007, SG No. 108/19.12.2007, effective 19.12.2007, amended and supplemented, SG No. 109/20.12.2007, effective 1.01.2008, amended, SG No. 36/4.04.2008, amended and supplemented, SG No. 106/12.12.2008, effective 1.01.2009, supplemented, SG No. 6/23.01.2009, effective 24.02.2009, SG No. 24/31.03.2009, effective 31.03.2009, amended and supplemented, SG No. 44/12.06.2009, SG No. 95/1.12.2009, effective 1.01.2010, SG No. 55/20.07.2010, effective 20.07.2010, SG No. 94/30.11.2010, effective 1.01.2011, SG No. 19/8.03.2011, effective 8.03.2011, SG No. 35/3.05.2011, effective 3.05.2011, SG No. 82/21.10.2011, effective 1.01.2012, SG No. 99/16.12.2011, effective 1.01.2012, supplemented, SG No. 29/10.04.2012, effective 10.04.2012, amended and supplemented, SG No. 54/17.07.2012, effective 17.07.2012, SG No. 94/30.11.2012, effective 1.01.2013, amended, SG No. 15/15.02.2013, effective 15.02.2013, amended and supplemented, SG No. 101/22.11.2013, effective 1.01.2014, SG No. 109/20.12.2013, effective 1.01.2014, SG No. 1/3.01.2014, effective 1.01.2014, SG No. 105/19.12.2014, effective 1.01.2015, supplemented, SG No. 30/24.04.2015, amended and supplemented, SG No. 92/27.11.2015, effective 1.01.2016, amended, SG No. 95/8.12.2015, effective 1.01.2016, amended and supplemented, SG No. 45/14.06.2016, effective as of the date of assignment of a permanent number to that scheme of state aid in the State aid register of the European Commission

(*) effective 1.07.2007 - amended, SG No. 80/3.10.2006, effective 3.10.2006

(**) effective 1.01.2008 - amended, SG No. 53/30.06.2007, effective 30.06.2007

Text in Bulgarian: Закон за акцизите и данъчните складове

Chapter One GENERAL PROVISIONS

Section I Scope of Application

Article 1. (Effective 1.07.2006 - SG No. 91/2005) (1) (Previous text of Article 1, SG No. 92/2015, effective 1.01.2016)
This Act shall govern excise duty taxation as well as control on production, use, storage, movement and securing of goods subject to excise tax.

(2) (New, SG No. 92/2015, effective 1.01.2016) The Director of the Customs Agency shall issue mandatory instructions for the officials from the Agency's structure concerning the uniform application of the excise legislation within the framework of the Agency's functions and powers under this Act following receipt of opinion from the Minister of Finance.

(3) (New, SG No. 92/2015, effective 1.01.2016) Mandatory instructions under paragraph 2 may also be issued by the

Section II

Object of Excise Taxation and Persons Subject to Excise Duty

Article 2. (Effective 1.07.2006 - SG No. 91/2005) Subject to excise tax shall be:

1. alcohol and alcoholic beverages;
2. tobacco products;
3. (supplemented, SG No. 105/2006) energy products and electricity;
4. (repealed, SG No. 109/2007);
5. (repealed, SG No. 44/2009, effective 1.01.2010).

Article 3. (Effective 1.07.2006 - SG No. 91/2005) (1) (Previous Article 3, SG No. 95/2009, effective 1.12.2009) Persons subject to excise duty shall be:

1. (amended, SG No. 105/2006) authorised warehousekeepers and persons registered under this Act;
2. (amended, SG No. 105/2006) persons for whom a liability has arisen under the customs legislation in respect of excisable goods;
3. (amended, SG No. 95/2009, effective 1.12.2009, repealed, SG No. 92/2015, effective 1.01.2016);
4. (supplemented, SG No. 105/2006) excise-exempt end users and temporarily registered recipients;
5. (new, SG No. 105/2006) tax representatives of VAT-registered persons in another Member State who supply excisable goods under the terms of distant selling within the Value Added Tax Act;
6. (new, SG No. 105/2006, amended, SG No. 95/2009, effective 1.12.2009) the persons who receive on the territory of the country excisable goods released for consumption in another Member State, except for the cases where the persons under item 5 have fulfilled their obligations under this Act;
7. (new, SG No. 109/2007, repealed, SG No. 44/2009, effective 1.01.2010).

(2) (New, SG No. 92/2015, effective 1.01.2016) Tax liable persons shall also be any persons outside the cases under paragraph 1 that have produced or have participated in the production of excisable goods, hold or have participated in the holding of excisable goods, dispose with or have disposed with excisable goods for which no excise duty has been paid or the excise duty has been partially paid.

(3) (New, SG No. 95/2009, effective 1.12.2009, amended, SG No. 105/2014, effective 1.01.2015, renumbered from Paragraph 2, SG No. 92/2015, effective 1.01.2016) Where several persons are liable for payment of one established excise duty debt, they shall be jointly and severally liable for such debt.

Section III

Terms

Article 4. (Effective 1.07.2006 - SG No. 91/2005) For the purposes of this Act:

1. "Excisable goods" shall be the goods specified in Article 2.
2. (Amended, SG No. 92/2015, effective 1.01.2016) "Authorised warehousekeeper" shall be a person, who in accordance with the provisions of this Act has obtained a license to manufacture and/or warehouse, to receive or forward excisable goods under an excise duty deferred payment arrangement.
3. "Tax warehouse" shall be the place where excisable goods under excise duty suspension arrangement are produced, stored, received or dispatched by an authorised warehousekeeper in accordance with the provisions of this Act.
4. "Excise duty suspension arrangement" shall be a set of rules applicable to production, storage and movement of goods under excise duty suspension arrangement.
5. (Amended, SG No. 105/2006) "CN code" shall be tariff codes according to the Combined Nomenclature as per Appendix I of Council Regulation No. 2658/87 (EEC) on the Tariff and Statistical Nomenclature and the Common Customs Tariff. For alcohol and alcoholic beverages the CN codes are according to the Combined Nomenclature applied at 31 December 1992, and for energy products and electricity according to the Combined Nomenclature applied at 1 January 2002.
6. "Selling price" shall be the price written on the excise label at which tobacco products are sold to end users, including production and distribution costs of the producer (importer), customs charges due, payments, fees, excise duty and value added tax.
7. (Supplemented, SG No. 94/2010, effective 1.01.2011) "Excise label" shall be a government security proving payment of excise duty due for excisable goods released for consumption, which shall be purchased from the Ministry of Finance and may not be subject to further transaction.
8. (Supplemented, SG No. 63/2006, amended, SG No. 81/2006, supplemented, SG No. 95/2009, effective 1.12.2009, amended, SG No. 92/2015, effective 1.01.2016) "Specialised small distillery" shall be a distillation unit that meets the following conditions simultaneously:
 - a) it shall be legally and economically independent from any other distillery and not operating under license obtained;
 - b) it shall be a distillation unit with total volume of the containers of up to 500 litres inclusive, where ethyl alcohol (rakiya) is produced from grapes and fruits - own production of natural persons, for their personal and family consumption up to 30 litres of ethyl alcohol (rakiya) per annum per family.
9. "Small producer of wine" shall be a unit where no more than 1,000 hectolitres are produced per annum.
10. (Amended, SG No. 63/2006) "Dual use energy product" shall be a product which is used both as heating fuel and for purposes other than as motor fuel and heating fuel; the use of energy products for chemical reduction and in electrolytic and metallurgical processes shall be regarded as dual use.
11. "Marking" shall be an action where a marker is added to gas oil and kerosene, which satisfies the requirements set down in the implementing regulation to this Act.
12. "Denaturation" shall be an action where poisonous substances or substances of unpleasant taste and flavour (mixtures) are added to ethyl alcohol, thereby making it dangerous for health or unfit for drinking.
13. "Technical specification" shall be a document of the producer containing a description of the product regarding the production technology and its intended use, technical requirements, rated values of particular indicators and methods of their testing, packaging and designation, storage and transportation.
14. (Amended, SG No. 105/2006, amended and supplemented, SG No. 92/2015, effective 1.01.2016) "Excise-exempt end user" shall be a person, entitled to receive energy products or ethyl alcohol, denatured by a special method, which are used for purposes exempt from excise duty based on a certificate of excise duty exemption.
15. (Amended, SG No. 94/2010, effective 1.01.2011, supplemented, SG No. 54/2012, effective 17.07.2012, SG No. 105/2014, effective 1.01.2015) "Private pleasure flying and sailing" shall be the use of a vessel or aircraft by its owner or by a

natural person or legal entity using it either rented or otherwise for purposes other than commercial ones and in particular other than transportation of passengers or goods against consideration or provision of services against consideration or for the needs of government authorities. The use of a vessel or aircraft for sporting and amusement purposes or for personal needs shall be treated as private pleasure flying and sailing.

16. (Amended, SG No. 105/2006, repealed, SG No. 44/2009, effective 1.01.2010).

17. "Repeated" violation shall be a violation committed within one year from entry into force of a penalty enactment by virtue of which the person had been penalized for the same type of violation.

18. (Amended, SG No. 63/2006) "Grave" violation shall be a violation for which a penalty enactment has been enforced with imposed property sanction exceeding BGN 15,000.

19. "Actual alcoholic strength by volume (alcoholic content)" shall be the volumes of pure ethyl alcohol contained at temperature of 20 °C in 100 volumes of product at the same temperature.

20. (Amended, SG No. 105/2006) "% vol" and "% mas" are designations of the alcoholic strength by volume and mass.

21. "Pure alcohol" is ethyl alcohol with actual alcoholic strength by volume 100 % vol (absolute alcohol).

22. "Biodiesel" is methyl ester derived from vegetable oils or animal fats, having the quality of diesel fuel used as motor fuel for diesel engines, derived from biodegradable fractions of products, waste and residues (including vegetable or animal substances) from agriculture, forestry, as well as biodegradable fractions from industrial or household waste.

23 (New, SG No. 81/2006) "Bioethanol" is ethanol, derived from biomass and/or from the biodegradable part of the waste, intended for use as biofuel.

23a. (New, SG No. 92/2015, effective 1.01.2016) "Ethers, produced from bioethanol": oxygenates (ethyl tertiary butyl ether or ETBE) produced from bioethanol, where the bio-ETBE percent in volume calculated as biofuel, is 47, biodimethylether: dimethylether produced from biomass, destined for use as biofuel and biomethyl tertiary butyl ether: fuel produced from biomethanol, where the biomethyl tertiary butyl ether percent in volume calculated as biofuel, is 36, destined for use in pure form or in blends with gasoline engine fuel.

24. (New, SG No. 105/2006) "Territory of the country" is the geographic territory of the Republic of Bulgaria, the continental shelf and the exclusive economic zone.

25. (New, SG No. 105/2006, amended, SG No. 54/2012, effective 17.07.2012) "Territory of a Member State" is the territory of every European Union Member State wherein the Treaty on the Functioning of the European Union applies, in conformity with Article 355 of said Treaty where:

a) excluded from said territory shall be:

aa) for Federal Republic of Germany: Isle of Heligoland and the Busingen territory;

bb) for Kingdom of Spain: Ceuta, Melilla and Canary Islands;

cc) for Republic of Italy: Livigno, Campione d'Italia and the Italian waters of Lugano Lake;

dd) (repealed, SG No. 108/2007);

ee) (amended, SG No. 95/2009, effective 1.04.2010) for United Kingdom of Great Britain and Northern Ireland: Anglo-Normand Isles;

ff) (amended, SG No. 105/2014, effective 1.01.2015) for the Republic of France: the French territories specified in Article 349 and Article 355, paragraph 1 of the Treaty on the Functioning of the European Union;

gg) (new, SG No. 95/2009, effective 1.04.2010) for the Republic of Finland: Aland Islands;

b) movement of excisable goods to or from:

aa) Principality of Monaco - will be treated as movement to or from the Republic of France;

- bb) Isle of Man - will be treated as movement to or from the United Kingdom of Great Britain and Northern Ireland;
- cc) Jungholz and Mittelberg (Kleines Walsertal) - will be treated as movement to or from the Federal Republic of Germany;
- dd) San Marino - will be treated as movement to or from the Republic of Italy.
- ee) (new, SG No. 95/2009, effective 1.04.2010) the United Kingdom Sovereign Base Areas of Akrotiri and Dhekelia are treated as movements originating in or intended for Cyprus;
26. (New, SG No. 105/2006, amended, SG No. 54/2012, effective 17.07.2012) "Union" and "Union territory" is the territory of the European Union Member States, under point 25.
27. (New, SG No. 105/2006) "Third country" or "third territory" is any territory other than the territory of Member States.
28. (New, SG No. 105/2006, amended, SG No. 95/2009, effective 1.12.2009) "Registered consignee" is a person who is entitled to receive under certain conditions excisable goods from another Member State under excise duty suspension arrangement. The registered consignee may not store or send excisable goods under excise duty suspension arrangement.
29. (New, SG No. 105/2006, amended and supplemented, SG No. 95/2009, effective 1.12.2009) "Temporarily registered consignee" is a person who is entitled to receive a one-off determined quantity of excisable goods within a two-month period from another Member State under excise duty suspension arrangement. A temporarily registered consignee may not store or send excisable goods under excise duty suspension arrangement.
- 29a. (New, SG No. 95/2009, effective 1.04.2010) "Registered consignor" is a person - importer of excisable goods, who is entitled to dispatch under certain conditions excisable goods admitted for free circulation simultaneously with their placement under excise duty suspension arrangement, intended for another Member State. The registered consignor may not store or receive excisable goods under excise duty suspension arrangement.
30. (New, SG No. 105/2006, amended, SG No. 54/2012, effective 17.07.2012) "Importer" is the person owing payment of import customs charges as well as the person who has received goods on the territory of the country from third territories which are part of the Union customs territory.
31. (New, SG No. 105/2006) "Standard tanks" (normal tank) shall mean:
- a) the tanks permanently fixed by the manufacturer to all motor vehicles and whose permanent fitting enables fuel to be used directly, both for the purpose of propulsion and, where appropriate, for the operation, during transport, of refrigeration systems and other systems; gas tanks fitted to motor vehicles designed for the direct use of gas as fuel and tanks fitted to the other systems with which the vehicle may be equipped shall also be considered to be standard tanks;
- b) the tanks permanently fixed by the manufacturer to all containers and whose permanent fitting enables fuel to be used directly for the operation, during transport, of refrigeration systems and the other systems with which special containers are equipped.
32. (New, SG No. 105/2006) "Special container" shall mean any container fitted with specially designed apparatus for refrigeration systems, oxygenation systems, thermal insulation systems or other systems.
33. (New, SG No. 105/2006, amended, SG No. 54/2012, effective 17.07.2012) "Mineralogical processes" shall mean the processes classified in the NACE Rev. 1.1 (General Statistical Classification of Economic Activities within the European Community), subsection DI 26 "Manufacture of other non-metallic mineral products" in Council Regulation (EEC) No. 3037/90 of 9 October 1990 on the statistical classification of economic activities in the European Community, hereinafter referred to as Regulation (EEC) No. 3037/90.
- 33a. (New, SG No. 54/2012, effective 17.07.2012) "Metallurgical processes" shall be the processes, classified according to NACE Rev. 1.1 (General Statistical Classification of Economic Activities within the European Community), subsection DJ 27 "manufacture of basic metals" of Regulation (EEC) No. 3037/90.
34. (New, SG No. 105/2006) "Cost of a product" shall be the value of the product within the meaning of the accountancy legislation. This cost shall be calculated per unit on average.
35. (New, SG No. 105/2006) "Cost of electricity" shall mean the actual purchase value of electricity or the cost of production of electricity if it is generated in the business.

36. (New, SG No. 105/2006) "Export" shall mean movement of excisable goods from the territory of the country to the territory of a third country or third territory.

37. (New, SG No. 109/2007, supplemented, SG No. 101/2013, effective 1.01.2014, amended, SG No. 92/2015, effective 1.01.2016) "Energy product for heating" shall mean a product involved in a process, related to release of heat, to be used directly or via a transmission medium. The energy product for heating shall include all cases of burning of energy products and use of the heat obtained therefrom, except for:

a) purposes other than those under items 10 and 33a;

b) purposes other than as motor fuel or heating fuel.

38. (New, SG No. 106/2008, effective 1.01.2009) "Independent small brewery" shall mean a tax warehouse which is legally and financially independent from any other brewery, does not use in any form premises or production facilities of another brewery, does not conduct its activity under a licensing agreement for production of beer or other malt products and its annual production does not exceed 200,000 hectolitres of beer. A legally and financially independent brewery shall be a company:

a) in the capital of which no other company producing or trading in beer participates or which does not participate in the capital of another company producing or trading in beer, or

b) in the management or control bodies of which no persons participate who also participate in the management or control bodies of another company producing or trading in beer, or

c) in the management or supervision bodies of which no persons participate who also participate in the management or supervision bodies of another company producing or trading in beer or in a third company, related to such a company for production of or trade in beer or with their relatives

Where two or more small breweries conduct joint activity and their total annual production does not exceed 200,000 hectolitres of beer, these breweries shall be regarded as a single small brewery.

Any producer of beer in connection with which it has been established that he/she has declared false information under this Act for the current or the previous year shall not be regarded as an independent small brewery.

38a. (New, SG No. 92/2015, effective 1.01.2016) "Legally and economically independent specialized small distillery" is a person under Article 57, paragraph 1 that is not a related party to a person, who is a producer of ethyl alcohol (rakiya).

39. (New, SG No. 95/2009, effective 1.12.2009) "Market price" is the amount net of value added tax and excise duty, which would have been paid under the same conditions for identical or similar goods in a transaction between persons who are not connected.

40. (New, SG No. 95/2009, effective 1.12.2009) "Computerised system" is a system for computerisation of the movement and control of excisable goods pursuant to Article 1 of Decision No. 1152/2003/EC of the European Parliament and the Council of 16 June 2003 on computerising the movement and surveillance of excisable goods.

41. (New, SG No. 95/2009, effective 1.12.2009, amended, SG No. 54/2012, effective 17.07.2012) "Supply of excisable goods under excise duty suspension arrangement" is a single movement of a specific quantity of excisable goods under excise duty suspension arrangement.

42. (New, SG No. 95/2009, effective 1.12.2009) "Sender" is an authorised warehousekeeper-sender or a registered consignor who dispatches excisable goods under excise duty suspension arrangement.

43. (New, SG No. 95/2009, effective 1.12.2009) "Recipient" is an authorised warehousekeeper, a registered consignee, a temporarily registered consignee or the persons under Article 21, Paragraph 1, items 1 and 3, who are indicated as the recipient in the electronic administrative document upon movement of excisable goods under excise duty suspension arrangement.

44. (New, SG No. 95/2009, effective 1.12.2009) "Registered electronic administrative document" is an electronic administrative document with a unique administrative reference code being assigned by the customs authorities.

45. (New, SG No. 55/2010, effective 20.07.2010, amended, SG No. 94/2010, effective 1.01.2011, supplemented, SG No.

54/2012, effective 17.07.2012, amended, SG No. 101/2013, effective 1.01.2014) "Place of direct supply" shall be the place of receipt and unloading of energy products by an authorised warehousekeeper or a registered consignee, other than the location of the tax warehouse, or the premises where the goods are received and unloaded.

46. (New, SG No. 94/2010, effective 1.01.2011) "Irregularity" shall be the occurrence of specific circumstances upon movement of excisable goods under excise duty suspension arrangement or released for consumption on the territory of another Member State, except for the cases of deficiencies and irreversible loss resulting from force majeure and losses caused from natural waste as a result whereof the total quantity of excisable goods or part thereof do not arrive at the place of delivery in accordance with the rules for movement of excisable goods.

47. (New, SG No. 99/2011, effective 1.01.2012) "Suspensive arrangement or customs-approved treatment or use" shall be each of the special procedures, provided for by Council Regulation (EEC) No. 2913/92 of 12 October 1992 establishing the Community Customs Code, concerning customs supervision, applied in regard to non-Community goods upon their introduction into the customs territory of the European Union, the temporary warehousing, free zones or free warehouses, as well as each of the procedures under Article 84, Paragraph 1, letter "a" of the said Regulation.

48. (New, SG No. 99/2011, effective 1.01.2012) "Import of excisable goods" shall be the introduction of excisable goods into the territory of the European Union, unless upon their introduction they had been placed under a suspensive arrangement or customs-approved treatment or use and also upon their release from that arrangement or customs-approved treatment or use.

49. (New, SG No. 54/2012, effective 1.04.2013) "Information system" shall be a centralized system of the Customs Agency for registration of the documents, submitted electronically.

50. (New, SG No. 54/2012, effective 1.04.2013) "Registered electronic excise tax document", "Registered electronic debit or credit statement" and "Registered electronic document of certification of purpose" shall be electronic documents, to which the customs bodies shall assign unique control numbers.

51. (New, SG No. 54/2012, effective 17.07.2012) "Household purposes" shall denote the consumption of electricity, liquefied petroleum gas (LPG) or natural gas by a natural person in its household.

52. (New, SG No. 54/2012, effective 17.07.2012) "Industrial purposes" shall be any consumption of electricity, liquefied petroleum gas (LPG) or natural gas, other than consumption for household purposes.

53. (New, SG No. 54/2012, effective 17.07.2012) "Retail sale" shall be any sale of excisable goods to individuals, who are not sole proprietors, as well as any sale to persons without written contract for delivery of excisable goods.

54. (New, SG No. 54/2012, effective 17.07.2012) "End product" shall be any product in its final qualitative and quantitative composition, having passed all stages of the production process, including its placing into the final package and labeling, in which it is offered on the market and accessible for end users.

55. (New, SG No. 105/2014, effective after a positive decision is issued by the European Commission on a notification procedure, undertaken by the Ministry of Finance under Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and rules for the information society services) "Measuring and control devices" shall be:

a) measuring devices simultaneously reporting the indicators for volume in litres, alcohol content and extract expressed in Plato degree during beer production, used by licensed warehousekeepers (except for the persons meeting the requirements for registration of an independent small brewery);

b) measuring devices reporting the volume in litres during beer production, by the persons meeting the requirements for registration of an independent small brewery, whereas the indicators alcohol content and extract expressed in Plato degree shall be determined in a laboratory;

c) counters reporting the number of packages on the spot of filling during beer production by persons meeting the requirements for registration of an independent small brewery, effecting only sales of beer for consumption on the spot;

d) measuring devices simultaneously reporting volume in litres, equalised to a comparative degree of 20 °C, and alcohol content calculated at a temperature of 20 °C during inflow, production and outflow of ethyl alcohol with alcohol content by volume equal to or exceeding 80 % vol (including bioethanol) with CN code 2207, distillates and ethyl alcohol with alcohol content by

volume of less than 80 % vol with CN codes 2208 90 91 and 2208 90 99;

e) calibrated vessels equipped with a device measuring the level of liquid at the places of storage of the goods under letter "d";

f) measuring vessels reporting volume in litres of alcohol (rakiya) produced by persons who have obtained a certificate of registration of a specialised small distillery, and the indicator for actual alcohol content calculated at a temperature of 20 °C is measured by an alcoholometer or calibrated tools and instruments used in laboratory analyses;

g) measuring devices reporting volume in litres during inflow and outflow in bulk of still wines, sparkling wines, other fermented beverages, interim products and alcoholic beverages with CN code 2208, and the indicator for alcohol content is determined in a laboratory;

h) metering vessels or calibrated vessels equipped with a device measuring the level of liquid at the places of storage of the goods under letter "g";

i) counters reporting the number of consumer packages of alcoholic beverages;

j) measuring devices reporting the mass in kilograms during input and output of raw materials for the manufacture of tobacco products;

k) measuring devices reporting mass in kilograms at the places where the raw materials used in the technological process pass in the production path in the form of finally formed and cut tobacco blend;

l) counters reporting the number of pieces in the manufacture of cigarettes;

m) electronic counting and identification systems (ECIS) reporting the number and identification during entry, storage of tobacco products manufactured at the unit and removal thereof, except for smoking tobacco where it is used as raw material for the manufacture of tobacco products;

n) measuring devices reporting volume in litres, equalised to a comparative degree of 15 °C, during inflow, production and outflow of petrol, gas oil, kerosene, biodiesel, energy products with CN codes 2710 11, other than those under Article 32 (1), energy products with CN codes 2707 10, 2707 20, 2707 30, 2707 50;

o) metering and calibrated vessels equipped with a device measuring the level of liquid at the places of storage of the goods under letter "n";

p) measuring devices reporting the volume in litres, during input, production and output of energy products with CN codes 2709 and from 2902 20 to 2902 44;

q) metering and calibrated vessels equipped with a device measuring the level of liquid at the places of storage of the goods under letter "p";

r) measuring devices reporting mass in kilograms during inflow, production and outflow of heavy fuel, liquefied petroleum gas (LPG) with CN codes from 2711 12 11 to 2711 19 00, energy products with CN codes 2901, 2711 29, 2902 11 and 2902 19, lubricants included in CN codes from 2710 19 71 to 2710 19 93, other lubricants and other heavy oils, other than lubricants included in CN code 2710 19 99, energy products with CN codes 2706, 2707 91, 2707 99 11, 2707 99 19, 2707 99 99, 2710 91 and 2710 99;

s) metering and calibrated vessels equipped with a device measuring the level of liquid at the places of storage of the goods under letter "r";

t) measuring devices reporting mass in kilograms during input, extraction, storage and output of coke or coal;

u) measuring devices reporting sold or consumed quantities of natural gas in the cases under Items 2 and 3 of Article 57a (1);

v) measuring devices reporting sold or consumed quantities of electricity in the cases under Items 2 and 3 of Article 57a (1);

56. (New, SG No. 105/2014, effective after a positive decision is issued by the European Commission on a notification procedure, undertaken by the Ministry of Finance under Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and rules for the information society services) "Measuring vessel" shall be:

a) a fixed vessel with total volume as specified in a document issued by a manufacturer for the volume of the stored product at a specific level of liquid or maximum filling volume;

b) a non-fixed vessel with total volume as specified in a document issued by a manufacturer or in a memorandum issued jointly with control authorities, or in a declaration by the person for the volume of the stored product at a specific level of liquid or maximum filling volume.

57. (New, SG No. 105/2014, effective after a positive decision is issued by the European Commission on a notification procedure, undertaken by the Ministry of Finance under Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and rules for the information society services) "Finally formed and cut tobacco blend" shall be an intermediate product - a raw material for the manufacture of tobacco products, having varying technological parameters and containing different tobacco types, origins and classes, veins and tobacco foil, extracts and essences, mixed in a strictly defined percentage content, specified in a formulation.

58. (New, SG No. 92/2015, effective 1.01.2016) "Energy from renewable sources" shall be energy from renewable non-fossil sources: wind, solar energy, energy stored in the form of heat in ambient air - aerothermal energy, energy stored in the form of heat below the surface of solid ground - geothermal energy, energy stored in the form of heat in surface waters - hydrothermal energy, ocean energy, hydroelectric power, biomass, gas from renewable sources, landfill gas and gas from waste water treatment plants.

59. (New, SG No. 92/2015, effective 1.01.2016) "Majority owner or shareholder" shall be a person who has a participating interest in excess of one third, respectively owns more than 33 percent of the shares of the company.

60. (New, SG No. 92/2015, effective 1.01.2016) "Outstanding public liabilities" shall be any established executable liabilities of the person, except for those that have been secured in full and for any rescheduled and deferred liabilities, collected by the customs authorities.

Chapter Two

EXCISABLE GOODS

Section I

Alcohol and Alcoholic Beverages

Article 5. (Effective 1.07.2006 - SG No. 91/2005) "Beer" shall be any product falling within CN code 2203 or any product which is a mixture of beer and soft drinks falling within CN code 2206, in both cases with actual alcoholic strength by volume exceeding 0.5 % vol.

Article 6. (Effective as of 1.07.2006 - SG No. 91/2005) (1) "Still wines" shall be products falling within CN codes 2204 and 2205, but outside the scope of paragraph 2, which have:

1. actual alcoholic strength by volume exceeding 1.2 % vol, but not exceeding 15 % vol, provided that the alcohol contained in the finished product is entirely of fermented origin, or
2. actual alcoholic strength by volume exceeding 15 % vol but not exceeding 18 % vol, provided that they have been produced without any enrichment and provided that the alcohol contained in the finished product is entirely of fermented origin.

(2) (Amended, SG No. 105/2006) "Sparkling wines" shall be all products falling within CN codes 2204 10, 2204 21 10, 2204

29 10 and 2205, which are:

1. in bottles with 'mushroom stoppers' held in place by ties or fastenings, or they have an excess pressure due to carbon dioxide in solution of three bar or more, and
2. actual alcoholic strength by volume exceeding 1.2 % vol, but not exceeding 15 % vol, provided that the alcohol contained in the finished product is entirely of fermented origin.

Article 7. (Effective 1.07.2006 - SG No. 91/2005) "Other fermented beverages" other than beer and wine shall be:

1. still fermented beverages falling within CN codes 2204 and 2205, but outside the scope of Article 6, as well as the products falling within CN code 2206, but outside the scope of item 2, which have:

- a) actual alcoholic strength by volume exceeding 1.2 % vol but not exceeding 10 % vol, or
- b) actual alcoholic strength by volume exceeding 10 % vol, but not exceeding 15 % vol, provided that the alcohol contained in the finished product is entirely of fermented origin;

2. (amended, SG No. 105/2006) sparkling fermented beverages falling within CN code 2206 00 91, as well as products falling within CN codes 2204 10, 2204 21 10, 2204 29 10 and 2205, but outside the scope of Article 6, which are:

- a) in bottles with 'mushroom stoppers' held in place by ties or fastenings, or they have an excess pressure due to carbon dioxide in solution of three bar or more, and
- b) with actual alcoholic strength by volume exceeding 1.2 % vol, but not exceeding 13 % vol, or with actual alcoholic strength by volume exceeding 13% but not exceeding 15% vol, provided that the alcohol contained in the finished product is entirely of fermented origin.

Article 8. (Effective 1.07.2006 - SG No. 91/2005) "Intermediate products" shall be all products with actual alcoholic strength by volume exceeding 1.2 % vol, but not exceeding 22 % vol, falling within CN codes 2204, 2205 and 2206, but outside the scope of Articles 5, 6 and 7.

Article 9. (Effective as of 1.07.2006 - SG No. 91/2005) "Ethyl alcohol (alcohol)" shall be any product:

1. (amended, SG No. 95/2009, effective 1.12.2009) falling within CN codes 2207 and 2208, with actual alcoholic strength by volume exceeding 1.2 % vol, even when such product is part of another product falling within another chapter of the Combined Nomenclature;
2. falling within CN codes 2204, 2205 and 2206, with actual alcoholic strength by volume exceeding 22 % vol;
3. (new, SG No. 63/2006) obtained from distillation and potable, containing other products, whether in solution or not.

Section II

Tobacco Products

Article 10. (Effective 1.07.2006 - SG No. 91/2005) (1) (Amended, SG No. 94/2010, effective 1.01.2011) "Cigars and cigarillos" shall be rolls of tobacco which are exclusively intended and fit to be smoked, given their properties and normal consumer expectations, and which:

1. have an outer wrapper of natural tobacco, or
2. have a threshed blend filler and an outer wrapper, of the normal colour of a cigar, of reconstituted tobacco, covering the product in full, including, where appropriate, the filter but not, in the case of tipped cigars, the tip, where the unit weight, not

including filter or mouthpiece, is not less than 2.3 g and not more than 10 g, and the circumference over at least one third of the length is not less than 34 mm.

(2) (Amended, SG No. 94/2010, effective 1.01.2011) "Cigars and cigarillos" are furthermore deemed to be products made partially of substances other than tobacco but meeting the requirements of Paragraph 1.

(3) (New, SG No. 105/2006) Items which do not contain tobacco and are used exclusively for medical purposes shall not be considered to be "cigars and cigarillos".

Article 11. (Effective 1.07.2006 - SG No. 91/2005) (1) "Cigarettes" shall be:

1. rolls of tobacco capable of being smoked which do not meet the requirements of for cigars and cigarillos under Article 10;
2. rolls of tobacco which, by simple non-industrial handling, are inserted into cigarette-paper tubes;
3. rolls of tobacco which, by simple non-industrial handling, are wrapped in cigarette paper.

(2) "Cigarettes" shall furthermore be considered to be products made partially or entirely of substances other than tobacco but meeting the requirements of Paragraph 1.

(3) (Amended, SG No. 94/2010, effective 1.01.2011) The smoking products referred to in Paragraphs 1 and 2 shall, for excise duty purposes, be considered as two cigarettes where, excluding filter or mouth piece, it is longer than 8 cm but not longer than 11 cm, as three cigarettes where, excluding filter or mouthpiece, it is longer than 11 cm but not longer than 14 cm, and so on.

(4) Products which do not contain tobacco and are used exclusively for medical purposes shall not be considered to be "cigarettes".

Article 12. (Effective 1.07.2006 - SG No. 91/2005) (1) "Smoking tobacco (for pipe and cigarettes)" shall be:

1. tobacco which has been cut or otherwise split, twisted or pressed into blocks and is capable of being smoked without further industrial processing;
2. (amended, SG No. 94/2010, effective 1.01.2011, SG No. 101/2013, effective 1.01.2014) tobacco refuse put up for retail sale, capable of being smoked and which does not fall under Article 10 and Article 11, where "tobacco refuse" shall be remnants of tobacco leaves and by-products obtained from tobacco processing or the manufacture of tobacco products;
3. (amended, SG No. 94/2010, effective 1.01.2011) fine-cut tobacco for the rolling of cigarettes meeting the requirements of items 1 and 2 in which more than 25 % by weight of the tobacco particles have a cut width of less than 1.5 mm.

(2) "Smoking tobacco" shall furthermore be items made entirely or partially of substances other than tobacco but meeting the requirements of the definition of smoking tobacco under Article 1.

(3) Items which do not contain tobacco and are used exclusively for medical purposes shall not be considered "smoking tobacco".

(4) (New, SG No. 101/2013, effective 1.01.2014) Tobacco refuse, which remains outside the scope of Paragraph 1, item 2, shall be;

1. (amended, SG No. 105/2014, effective 1.01.2015) destroyed or submitted for destruction to persons meeting the requirements of the Waste Management Act and the legal acts for its implementation;
2. (repealed, SG No. 105/2014, effective 1.01.2015);
3. (amended, SG No. 92/2015, effective 1.01.2016) input during industrial processing of tobacco or manufacture of tobacco products;
4. removed bound to another Member State, or

5. exported.

(5) (New, SG No. 101/2013, effective 1.01.2014) The activities under Paragraph 4 shall be undertaken by persons:

1. in the course of whose activity the refuse under Paragraph 4 is generated;
2. who introduce refuse under Paragraph 4 into the territory of this country from the territory of another Member State;
3. who import refuse under Paragraph 4;
4. (new, SG No. 105/2014, effective 1.01.2015) who acquire refuse under Paragraph 4.

(6) (New, SG No. 105/2014, effective 1.01.2015) The refuse under Paragraph 4 shall be destroyed only in units for which a permit, a combined permit or a registration document is issued under Article 35 of the Waste Management Act.

(7) (New, SG No. 101/2013, effective 1.01.2014, renumbered from Paragraph 6, SG No. 105/2014, effective 1.01.2015) The procedure and manner of transferring to persons, holding authorisation for waste collection, transportation and treatment under the Waste Management Act, for the purposes of destruction, inputting into the manufacture of tobacco products, importing, exporting, introducing into the territory of this country from the territory of another Member State or for removal bound to another Member State of the refuse under Paragraph 4, shall be laid down in the implementing regulation to this Act.

(8) (New, SG No. 105/2014, effective 1.01.2015) Destruction of refuse under Paragraph 4 shall be the activity for treatment thereof within the meaning of the Waste Management Act, aimed to prevent its use as a tobacco product or a raw material for the manufacture of tobacco products.

Section III

Energy Products and Electricity

(Title supplemented, SG No. 105/2006)

Article 13. (Effective 1.07.2006 - SG No. 91/2005, amended, SG No. 105/2006) (1) "Energy products" shall be products falling within:

1. CN codes 1507 through 1518, provided that they are intended for use as fuel for heating purposes or motor fuel;
2. CN codes 2701, 2702 and from 2704 through 2715;
3. CN codes 2901 and 2902;
4. CN code 2905 11 00, which are not of synthetic origin, if intended for use as fuel for heating purposes or motor fuel;
5. CN code 3403;
6. CN code 3811;
7. CN code 3817;
8. CN code 3824 90 99, including biodiesel, if intended for use as fuel for heating purposes or motor fuel.

(2) "Electricity" is a product falling within CN code 2716.

Article 14. (Effective 1.07.2006 - SG No. 91/2005 - SG No. 91/2005, amended, SG No. 63/2006, SG No. 105/2006) (1) The provisions of Chapter Four shall apply in respect of the following energy products:

1. falling within CN codes 1507 through 1518, if intended for use as fuel for heating purposes or motor fuel;

2. falling within CN codes 2707 10, 2707 20; 2707 30 and 2707 50;
 3. falling within CN codes 2710 11 through 2710 19 69; for energy products with CN codes 2710 11 21, 2710 11 25 and 2710 19 29 the provisions of the law regarding movement of excisable goods under excise duty suspension arrangement and supervision on them shall apply only where these are in draft condition;
 4. falling within CN codes 2711, excluding CN codes 2711 11, 2711 21 and 2711 29;
 5. falling within CN codes 2901 10;
 6. falling within CN codes 2902 20, 2902 30, 2902 41, 2902 42, 2902 43 and 2902 44;
 7. falling within CN code 2905 11 00, which are not of synthetic origin, if intended for use as fuel for heating purposes or motor fuel;
 8. falling within CN code 3824 90 99, if intended for use as fuel for heating purposes or motor fuel, including biodiesel.
 9. (new, SG No. 99/2011, effective 1.07.2012) falling within CN codes 3811 11, 3811 19 00 and 3811 90 00.
- (2) (Amended, SG No. 109/2007, SG No. 95/2009, effective 1.12.2009) The provisions of Chapter Four shall also apply on the territory of this country in respect of energy products for which an excise duty rate is specified.
- (3) (New, SG No. 55/2010, effective 20.07.2010) For energy products falling within CN codes 2710 91 and 2710 99 the provisions of chapter four shall apply on the territory of the country only by the persons who use or dispose of them within the meaning of the Waste Management Act.
- (4) (New, SG No. 109/2007, renumbered from Paragraph 3, SG No. 55/2010, effective 20.07.2010) Any energy product, falling within CN codes 2710 11 21, 2710 11 25 and 2710 19 29, shall be deemed in "draft condition" if it is unpackaged, transported in vessels, forming integral part of the means of transportation, as well as in cases, if its unpackaged, transported in vessels of a volume in excess of 210 lt.

Section IV

(Repealed, SG No. 109/2007)

Coffee

Article 15. (Effective 1.07.2006 - SG No. 91/2005, SG No. 91/2005, repealed, SG No. 109/2007).

Article 16. (Effective 1.07.2006 - SG No. 91/2005, SG No. 91/2005, repealed, SG No. 109/2007).

Article 17. (Effective 1.07.2006 - SG No. 91/2005, SG No. 91/2005, repealed, SG No. 109/2007).

Section V

(Repealed, SG No. 44/2009, effective 1.01.2010)

Automobiles

Article 18. (Effective 1.07.2006 - SG No. 91/2005, repealed, SG No. 44/2009, effective 1.01.2010).

Chapter Three

TAX LIABILITY

Section I

Incurrence of Excise Duty Liability

Article 19. (Effective 1.07.2006, amended, SG No. 105/2006) (1) The goods under Article 2 shall be subject to excise duty taxation, unless they are subject to excise duty suspension arrangement:

1. at their manufacturing on the territory of the country;
2. at their bringing into the territory of the country from the territory of another Member State;
3. at their importation on the territory of the country.

(2) (Repealed, SG No. 99/2011, effective 1.01.2012).

(3) (Repealed, SG No. 99/2011, effective 1.01.2012).

Article 20. (Effective 1.07.2006 - SG No. 91/2005) (1) The liability for excise duty payment shall arise from the date of release of excisable goods for consumption.

(2) Release for consumption shall be:

1. (supplemented, SG No. 95/2009, effective 1.12.2009, amended, SG No. 54/2012, effective 17.07.2012) bringing out excisable goods from a tax warehouse, unless the goods move under excise duty suspension arrangement from the moment of bringing them out in compliance with the terms and procedures of this Act;

1a. (new, SG No. 54/2012, effective 17.07.2012, supplemented, SG No. 101/2013, effective 1.01.2014, amended, SG No. 105/2014, effective 1.01.2015) bringing out excisable goods from a specialized small distillery and a small producer of wine, except where wine, produced by a small producer of wine, is delivered to an authorised warehousekeeper, registered consignee or a temporarily registered consignee in another European Union Member State, to an authorised warehousekeeper in the territory of this country, as well as in instances of export;

2. failure to meet the conditions for movement of excisable goods under excise duty suspension arrangement;

3. consumption of excisable goods in a warehouse, unless they have been input as raw materials for the production of excisable goods;

4. production of excisable goods not subject to excise duty suspension arrangement;

5. importation, including in violation of customs legislation, unless excisable goods are placed under excise duty suspension arrangement;

6. (supplemented, SG No. 94/2010, effective 1.01.2011, amended, SG No. 92/2015, effective 1.01.2016) bringing out from a tax warehouse of excisable goods affixed with an excise label, unless the goods are transported to another tax warehouse of the same authorised warehousekeeper and subject to approval by the Director of the Customs Agency in accordance with a procedure laid down in the implementing regulation to this Act;

7. (repealed, SG No. 95/2009, effective 1.01.2010);

8. (supplemented, SG No. 105/2006, amended, SG No. 54/2012, effective 17.07.2012, amended, SG No. 92/2015, effective 1.01.2016) establishing shortage of goods for which excise duty is due, including shortage of coal, coke, electricity, natural gas or biogas established in respect of the persons under Article 57a, Paragraph 1, items 1, 2, 3, 3a, 3b, 5 and 6;

9. termination of the validity of a license for tax warehouse management - for all goods which at the time of termination are subject to excise duty suspension arrangement.

10. (new, SG No. 105/2006, supplemented, SG No. 105/2014, effective 1.01.2015) deregistration of the persons or termination of the validity of the certificate of excise-exempt end user - for the stock of goods on which no excise duty has been charged;

11. (new, SG No. 105/2006, supplemented, SG No. 101/2013, effective 1.01.2014) receipt of excisable goods from a registered consignee under excise duty suspension arrangement, including receipt of energy products at a place of direct supply;

12. (new, SG No. 105/2006) receipt of excisable goods from a temporarily registered consignee under excise duty suspension arrangement;

12a. (new, SG No. 95/2009, effective 1.04.2010) bringing back of excisable goods into the territory of the country, sent by a registered consignor;

12b. (New, SG No. 55/2010, effective 20.07.2010) receipt of energy products by an authorised warehousekeeper under the conditions of direct supply;

13. (new, SG No. 105/2006, supplemented, SG No. 109/2007) receipt of excisable goods released for consumption in another Member State, except where such goods are deposited in a tax warehouse on the territory of this country;

14. (new, SG No. 105/2006) receipt of excisable goods under conditions of distant selling within the meaning of the Value Added Tax Act;

15. (new, SG No. 105/2006, amended, SG No. 54/2012, effective 17.07.2012) the sale of coal and coke to persons other than those registered under Article 57a, Paragraph 1, item 1;

16. (new, SG No. 105/2006) consumption of coke and coal by the persons under Article 57a Paragraph 1, item 1 for their own needs;

17. (new, SG No. 105/2006, supplemented, SG No. 99/2011, effective 1.01.2012, amended and supplemented, SG No. 54/2012, effective 17.07.2012, amended, SG No. 92/2015, effective 1.01.2016) the sale of electricity or natural gas to consumers of electricity, natural gas and biogas for household and business purposes, as well as the sale of natural gas or biogas for use as motor fuel, except for sales to persons, registered under Article 57a, Paragraph 1, items 2, 3, 3a, 5 and 6;

18. (new, SG No. 105/2006, amended, SG No. 92/2015, effective 1.01.2016) consumption of electricity, natural gas or biogas by the persons under Article 57a, Paragraph 1, items 3, 3b, 5 and 6 for their own purposes, except for the cases of electricity used to produce electricity and electricity used to maintain the ability to produce electricity;

19. (new, SG No. 105/2006, supplemented, SG No. 54/2012, effective 17.07.2012, amended, SG No. 105/2014, effective 1.01.2015, supplemented, SG No. 92/2015, effective 1.01.2016) consumption of energy products or ethyl alcohol, denatured by a special method, by excise-exempt end users for purposes, other than those specified in the certificate;

20. (new, SG No. 109/2007, repealed, SG No. 44/2009, effective 1.01.2010).

21. (new, SG No. 95/2009, effective 1.12.2009) the production, holding or disposal of excisable goods for which in violation of this Act no excise duty has been paid or the excise duty has been partially paid;

22. (new, SG No. 95/2009, effective 1.12.2009) the receipt of excisable goods by the persons under Article 21, Paragraph 1, items 1 and 3.

(3) Where the moment of release for consumption cannot be established, such date shall be the date on which supervisory authorities establish the actions, facts and circumstances under Paragraph 2.

Section II

Exemption and Refunding

Article 21. (Effective 1.07.2006 - SG No. 91/2005) (1) Exempt from payment of excise duty shall be:

1. excisable goods designated for diplomatic missions and consulates and representations of international organizations and members of their staff;
2. (amended, SG No. 63/2006) excisable goods for which a duly ratified, promulgated and enacted international treaty provides for exemption from any tax, levy and other charges (payments, deductions) having the effect of indirect tax;
3. excisable goods designated for the armed forces of any other country which is a party to the North Atlantic Treaty Organisation, for use by such armed forces; for the needs of the civil staff accompanying them or for supply of relevant officer canteens or mess-rooms;
4. (amended, SG No. 105/2006, SG No. 106/2008, effective 1.01.2009) excisable goods imported by means of international postal and other parcels within the authorised duty-free import limits under the customs legislation;
5. (new, SG No. 105/2006, amended, SG No. 109/2007) tobacco products, alcohol and alcoholic beverages, purchased in another Member State by natural persons for personal purposes and transported by them in quantities laid down in the implementing regulation to this Act;
6. (new, SG No. 105/2006) excisable goods intended for the institutions of the European Community;
7. (new, SG No. 105/2006) import of or bringing from another Member State of electricity and natural gas;
8. (new, SG No. 105/2006) ethyl alcohol contained in products imported or brought into the territory of the country, which by their characteristics are not intended for consumption as food or drinks or which are not intended as additives in the production of food or drinks;
9. (new, SG No. 105/2006) import of or bringing from another Member State of coke or coal by persons under Article 57a Paragraph 1, item 1;
10. (new, SG No. 106/2008, effective 1.01.2009) export of coal or coke by the persons under Article 57a Paragraph 1, item 1;
- 10a. (new, SG No. 54/2012, effective 17.07.2012) sales of coal and coke to individuals, who are not sole proprietors;
11. (new, SG No. 106/2008, effective 1.01.2009) export of electricity, natural gas and power products different from those referred to in Article 14, paragraph 1;
12. (new, SG No. 106/2008, effective 1.01.2009) coal or coke, designated for another Member State - in the event that they are dispatched by the persons under Article 57a Paragraph 1, item 1;
13. (new, SG No. 106/2008, effective 1.01.2009) electricity, natural gas and power products different from those referred to in Article 14, paragraph 1, and designated for another Member State;
14. (new, SG No. 106/2008, effective 1.01.2009) excisable goods imported in the personal luggage of passengers provided that this import is exempt from value added tax.

(2) (New, SG No. 63/2006, supplemented, SG No. 109/2007) Where excise duty has been paid on the goods referred to in Items 1 and 3 of Paragraph (1), exemption shall be granted by a refund. The refund procedure shall be specified, as follows:

1. for those under Item 1 of Paragraph (1) - by ordinance of the Minister of Finance and the Minister of Foreign Affairs;

2. for those under Item 3 of Paragraph (1) - by ordinance of the Minister of Finance and the Minister of Defence.

(3) (Renumbered from Paragraph 2, SG No. 63/2006, amended, SG No. 109/2007) The procedure for implementation of Paragraph (1) shall be determined by the implementing regulation to this Act.

(4) (Renumbered from Paragraph 3, SG No. 63/2006, amended, SG No. 105/2006) No excise duty shall be due or the excise duty paid shall be refunded for motor vehicles which have been deforced or stolen and import customs charges on them are refunded or released under the customs legislation.

(5) (New, SG No. 44/2009) No excise duty shall be due in case of destruction of excisable goods confiscated and abandoned in favour of the state.

(6) (New, SG No. 95/2009, effective 1.12.2009) No excise duty shall be due upon destruction under customs authority control of excisable goods produced in the cases of Article 60a.

Article 22. (Effective 1.07.2006 - SG No. 91/2005) (1) (Amended, SG No. 63/2006) Completely denatured ethyl alcohol shall be exempted from levy of excise duty.

(2) (New, SG No. 63/2006, amended, SG No. 54/2012, effective 17.07.2012, SG No. 92/2015, effective 1.01.2016) Ethyl alcohol denatured by a special method, which is input into the manufacture of end products not for human use, shall be exempted from levy of excise duty.

(3) (Renumbered from Paragraph 2, SG No. 63/2006) Refunded shall be the excise duty paid on alcohol and alcoholic beverages where used for production of:

1. vinegar falling within CN code 2209;

2. (supplemented, SG No. 105/2006, amended, SG No. 31/2007) medicines within the meaning of the Medicinal Products in Human Medicine Act and veterinary medical products within the Veterinary Practices Act;

3. (amended, SG No. 105/2006) flavours with alcoholic strength not exceeding 1.2 % vol used as additives to foodstuffs and soft drinks;

4. (amended, SG No. 109/2007) foodstuffs (with filling or otherwise prepared), where the alcohol and alcoholic beverages were input directly of as ingredients in semi-finished products, provided that the alcoholic strength does not exceed 8.5 litres of pure alcohol per 100 kg of the chocolates, and 5 litres of pure alcohol per 100 kg of the other foodstuffs.

(4) (Renumbered from Paragraph 3, SG No. 63/2006) Refunded shall be the excise duty paid on alcohol and alcoholic beverages where used:

1. for medical treatment purposes in medical establishments and pharmacies;

2. as samples for analysis, for necessary production tests, or for scientific purposes;

3. for scientific research;

4. in a manufacturing process provided that the finished product does not contain alcohol.

(5) (New, SG No. 105/2006) Refunded shall be the excise duty paid on flavours with alcoholic strength exceeding 1.2% vol used as additives in the production of foodstuffs and soft drinks with alcoholic strength not exceeding 1.2 % vol.

(6) (Renumbered from Paragraph 4, amended, SG No. 63/2006, renumbered from Paragraph 5, amended, SG No. 105/2006, SG No. 92/2015, effective 1.01.2016) The excise duty paid under Paragraphs 3 to 5 shall be refunded after the sale of the manufactured products referred to in Paragraphs 3 and 5 or, respectively, after the use thereof under Paragraph 4.

(7) (New, SG No. 54/2012, effective 17.07.2012) For the purposes of application of Paragraph 3 and Paragraph 4, item 4, alcohol and alcoholic beverages, used as cleaning agents, shall not be treated as input or used in a production process.

Article 23. (Effective 1.07.2006 - SG No. 91/2005, amended, SG No. 105/2006) (1) The excise duty paid by the persons

under Article 76a, Paragraph 4 shall be refunded where the following conditions obtain simultaneously:

1. the persons have fulfilled their obligations under Article 76b;
2. the persons have the third copy of the simplified accompanying document, certified by the recipient in the other Member State;
3. (repealed, SG No. 109/2007).

(2) Refund under Paragraph 1 shall be carried out by filing a written request for excise duty refund to the competent customs authority under Article 76b, Paragraph 1, item 1.

(3) Attached to the request under Paragraph 2 shall be documents set out in the implementing regulation to this Act.

(4) The head of the competent customs authority shall, within 30 days from receipt of the request and the required documents, issue a motivated decision granting or refusing to grant the request, in whole or in part.

(5) The decision under Paragraph 4 may be appealed against under the procedure of the Tax and Social-Insurance Procedure Code.

Article 24. (Effective 1.07.2006 - SG No. 91/2005) (1) Exempt from excise duty shall be the energy products:

1. (amended, SG No. 94/2010, effective 1.01.2011) for filling aircraft and vessels with fuel (including for fishing), unless used for private pleasure flying and sailing, in accordance with the terms and procedure laid down in the implementing regulation to this Act;

2. (amended, SG No. 105/2006, supplemented, SG No. 106/2008, effective, 1.01.2009, amended, SG No. 44/2009) in standard tanks of motor vehicles and in containers for special use - upon the entry of the vehicles in the territory of the country;

3. (new, SG No. 105/2006, amended, SG No. 92/2015, effective 1.01.2016) with CN codes 2710 11 21, 2710 11 25, 2710 19 29, 2710 19 71 to 2710 19 93 and 2710 19 99 – in packages of up to 5 litres within the meaning of the Consumer Protection Act;

4. (new, SG No. 105/2006, amended, SG No. 95/2009, effective 1.12.2009) with CN codes 2705, 2707 40, 2707 60, from 2707 99 30 to 2708 20, 2712, 2713, 2714, 2715 from 2902 50 to 2902 90, 3403, 3811 21, 3811 29 where used for purposes other than as motor fuel or heating fuel.

(2) Exempt from excise duty shall be energy products:

1. (amended, SG No. 63/2006) with dual use for purposes;

2. used for injection into blast-furnaces for the purposes of chemical reduction as additive to carbonates used as basic fuel;

3. (amended, SG No. 105/2006, supplemented, SG No. 19/2011, effective 8.03.2011) used in electricity generation by persons, holding license for electricity generation, issued under the procedure of the Energy Act.

4. (new, SG No. 63/2006) used for purposes other than as motor fuel and heating fuel.

5. (new, SG No. 105/2006) used in mineralogical processes;

6. (new, SG No. 105/2006) used in a tax warehouse for production of energy products provided that the energy products used are produced in the same tax warehouse.

(3) (Supplemented, SG No. 106/2008, effective, 1.01.2009, SG No. 95/2009, effective 1.12.2009, amended, SG No. 55/2010, effective 20.07.2010, SG No. 94/2010, effective 1.01.2011, repealed, SG No. 54/2012, effective 17.07.2012).

(4) (Repealed, SG No. 54/2012, effective 17.07.2012).

(5) (Repealed, SG No. 54/2012, effective 17.07.2012).

(6) (Repealed, SG No. 54/2012, effective 17.07.2012).

(7) (New, SG No. 95/2009, effective 1.12.2009, repealed, SG No. 54/2012, effective 17.07.2012).

(8) (New, SG No. 95/2009, effective 1.12.2009, repealed, SG No. 54/2012, effective 17.07.2012).

Article 24a. (New, SG No. 54/2012, effective 17.07.2012) (1) (Supplemented, SG No. 92/2015, effective 1.01.2016) The exemption from excise duty under Article 22, paragraph 2, as well as the exemption from excise duty of energy products under Article 24, paragraph 2, items 1-5 shall apply only in regard to persons, to whom a certificate of excise-exempt end user had been issued.

(2) (Amended, SG No. 92/2015, effective 1.01.2016) Separate certificates of excise-exempt end user must be issued for each facility, where ethyl alcohol denatured by a special method or energy products are to be received and used by excise-exempt end users.

(3) Certificate of excise-exempt end user may be issued to any person, who:

1. is a merchant within the meaning of the Commerce Act or under the legislation of another European Union Member State or of another country which is a signatory to the European Economic Area Agreement;

2. is not undergoing a bankruptcy or liquidation procedure;

3. is represented by persons, who:

a) have not been convicted of an indictable offence;

b) have not served as members of managing or general partners in a company, dissolved due to bankruptcy, if unsatisfied creditors had remained;

4. (amended, SG No. 101/2013, effective 1.01.2014) have no public obligations, collected by customs bodies, tax obligations or obligations for compulsory social security contributions;

5. have not committed a serious or repeat offence under this Act except for the cases, where the administrative sanction procedure had been concluded by reaching a settlement;

6. (supplemented, SG No. 92/2015, effective 1.01.2016) has own or rented premises, where the ethyl alcohol denatured by a special method or the energy products are to be received and used;

7. (new, SG No. 92/2015, effective 1.01.2016) hold a license, authorisation or registration, when so required by law;

(4) (Supplemented, SG No. 92/2015, effective 1.01.2016) For the issuance of certificate of excise-exempt end user a request must be submitted to the head of the customs authority by domicile of the facility, where the ethyl alcohol denatured by a special method or the energy products are to be received and used.

(5) The request for issuance of certificate of excise exempt end user shall contain data concerning:

1. applicant - name, corporate seat, registered address, uniform identification code and e-mail address;

2. (supplemented, SG No. 92/2015, effective 1.01.2016) the precise location of the facility, where the ethyl alcohol denatured by a special method or the energy products are to be received and used by the end user;

3. (supplemented, SG No. 92/2015, effective 1.01.2016) the purposes, for which the ethyl alcohol denatured by a special method under Article 22, paragraph 2 or the energy products under Article 24, Paragraph 2, items 1-5 are to be used;

4. (amended, SG No. 92/2015, effective 1.01.2016) for the ethyl alcohol denatured by a special method or the energy products, which are to be used by the end user – the trade name and CN Code;

5. (amended, SG No. 92/2015, effective 1.01.2016) projected annual quantities of ethyl alcohol denatured by a special method or for energy products, which are to be received and used – by types of activities and for energy products - also by types of energy products;

6. (amended, SG No. 92/2015, effective 1.01.2016) manner of account of materials, which is to be kept by the end user - by

types of activities and for energy products - also by types of energy products;

7. maximum production capacity;

8. (supplemented, SG No. 92/2015, effective 1.01.2016) maximum capacity for warehousing any incoming ethyl alcohol denatured by a special method or the energy products;

9. trade names and CN Codes, types and capacities of end commercial packages of the goods manufactured;

10. (new, SG No. 92/2015, effective 1.01.2016) the forecast annual volumes of the goods manufactured by their intended uses - for sale in the territory of this country, for export or for another member state.

(6) The following shall be attached to the request for issuance of certificate of excise-exempt end user

1. declaration that the person is not undergoing a bankruptcy or liquidation procedure;

2. certificate of clean conviction record regarding the circumstances under Paragraph 3, item 3, littera "a" and where such persons are not Bulgarian citizens - a declaration;

3. declaration regarding the circumstances under Paragraph 3, item 3, littera "b";

4. declaration regarding the circumstances under Paragraph 3, item 5;

5. certificate of existence or absence of tax obligations and obligations for compulsory social security contributions;

6. plan of the facility with the locations and purposes of the premises and equipment shown;

7. document of ownership or lease contract for the facility;

8. copy of the permit for commissioning of the facility into regular operation;

9. list of suppliers;

10. (supplemented, SG No. 92/2015, effective 1.01.2016) license, authorisation or registration for conducting the activity, for which the ethyl alcohol denatured by a special method or the energy products are to be used, where required under the law;

11. (supplemented, SG No. 92/2015, effective 1.01.2016) production process flowchart, consumption norms, maximum values of technological losses, technical specification; in cases of cogeneration of heating and electricity the consumption norms must include separate data on the quantities of energy products, used for generation of heating power and the quantities of energy products, used for generation of electricity;

12. documents issued based on approved and generally available standard under the National Standardization Act.

(7) (New, SG No. 92/2015, effective 1.01.2016) Certificate of excise-exempt end user may not be issued to any person whose owners, managers, procurators, majority partners or shareholders are or had been at the moment when obligations were incurred owners, managers, procurators, majority partners or shareholders, members of management or supervisory bodies of persons having outstanding public liabilities, collected by the customs authorities.

(8) (Effective 1.04.2013 - SG No. 54/2012, renumbered from Paragraph 7, SG No. 92/2015, effective 1.01.2016) The request under Paragraph 4 may also be submitted electronically under procedure, in manner and format, determined in the implementing regulation to this Act.

Article 24b. (New, SG No. 54/2012, effective 17.07.2012) (1) The customs authority, to which the request under Article 24a, Paragraph 4 was submitted, shall verify fulfilment of the requirements for issuance of certificate of excise-exempt end user, to include as a minimum a check of:

1. production premises and of equipment;

2. (supplemented, SG No. 92/2015, effective 1.01.2016) all activities, for which the ethyl alcohol denatured by a special method or the energy products are to be used.

(2) In order to establish the quantity of excisable goods input into the end product and/or for determining the CN Code the customs authorities shall be entitled to take samples for laboratory analysis at each stage of the production process.

(3) (Supplemented, SG No. 92/2015, effective 1.01.2016) If irregularities would be found, which are capable of being rectified, the head of the customs authority shall notify the person in writing within 14 days of submission of the request, who then shall rectify any irregularities or provide additional information within 14 days of receipt of such notice. If in the course of the inspection existence of a circumstance under Article 24a, paragraph 7 would be found, the person shall be requested to provide security within 14 days of receipt of the notice in a value not less than the amount of the outstanding public liability.

(4) If during the check it would be found that the requirements had been fulfilled, the head of the customs authority shall issue a certificate of excise-exempt end user in a form, specified in the implementing regulation to this Act.

(5) If irregularities would be found during the check under Paragraph 1, which are incapable of being rectified, as well as in cases, where any irregularities had not been rectified in the term under Paragraph 3, the head of the customs authority shall refuse to issue a certificate of excise-exempt end user.

(6) The certificate under Paragraph 4 or the decision under Paragraph 5 shall be issued within 30 days if receipt of the request under Article 24a, Paragraph 4, respectively of the rectification of irregularities.

(7) The certificate under Paragraph 4 and the decision under Paragraph 5 may be appealed against under the procedure of the Administrative Procedure Code.

(8) The right to apply Article 24a, Paragraph 1 shall arise as of the date of handing over the certificate of excise-exempt end user.

Article 24c. (New, SG No. 54/2012, effective 17.07.2012) (1) In the event of change of any circumstances, under which any certificate under Article 24b, Paragraph 4 had been issued, the excise-exempt end user shall notify the competent customs authority within 14 days of occurrence of such change.

(2) In the event of change of any circumstances which must be reflected in the certificate under Article 24b, Paragraph 4, the person shall submit a request for issuance of new certificate.

(3) (Supplemented, SG No. 92/2015, effective 1.01.2016) In the cases under Paragraph 2 the procedure under Article 24b shall apply and on-the-spot checks may be performed by discretion, if the changes are related to circumstances, reflected in the Commercial Register.

(4) (Effective 1.04.2013 - SG No. 54/2012) The request under Paragraph 2 may also be submitted electronically under procedure, in manner and format, determined in the implementing regulation to this Act.

Article 24d. (New, SG No. 54/2012, effective 17.07.2012) (1) (Amended, SG No. 92/2015, effective 1.01.2016) The Customs Agency shall keep an electronic register of the certificates issued to excise-exempt end users.

(2) The form and content of the register under Paragraph 1 shall be determined in the implementing regulation to this Act.

Article 24e. (New, SG No. 54/2012, effective 17.07.2012) (1) (Amended, SG No. 92/2015, effective 1.01.2016) Based on certificate issued any excise-exempt end user shall be entitled to receive excisable goods free of excise duty at the facility, indicated in the certificate, where the goods shall be received, unloaded and used.

(2) (Amended, SG No. 92/2015, effective 1.01.2016) Any excise-exempt end user may use the excise goods received only for the purposes, indicated in the certificate, issued for the respective facility.

(3) Any excise-exempt end user who has used energy products for purposes, other than those indicated in the certificate issued shall pay the full amount of excise duty owed for the energy product at the rate, determined in Article 32. In cases, where no excise duty rate had been determined in Article 32, the highest excise duty rate for the respective fuel equivalent shall be applied.

(4) (New, SG No. 92/2015, effective 1.01.2016) Any excise-exempt end user who has used energy products for purposes,

other than those indicated in the certificate issued shall pay the full amount of excise duty owed for the energy product at the rate, determined in Article 31 (1).

Article 24f. (New, SG No. 54/2012, effective 17.07.2012) (1) The head of the customs authority shall terminate the effect of the certificate of excise-exempt end user:

1. upon request of the excise-exempt end user;
2. (amended, SG No. 101/2013, effective 1.01.2014) on transfer of the company of the sole trader or deregistration thereof or on dissolution of the legal entity except for transformation through a change of the legal status;
3. in the instances under Article 24c, Paragraph 2;
4. on own initiative:
 - a) (supplemented, SG No. 92/2015, effective 1.01.2016) in case the excise-exempt end user would cease to conform to the requirements under Article 24a, Paragraph 3 and 7;
 - b) if the requirement under Article 24c, Paragraph 2 would not have been complied with;
 - c) (new, SG No. 92/2015, effective 1.01.2016) in case the person had provided false data, which served as basis for issuance of the certificate of excise-exempt end user;
 - d) (new, SG No. 92/2015, effective 1.01.2016) in case the person would cease to comply with the requirements for exemption from excise duty under Article 22, Paragraph 2 or Article 24, Paragraph 2, items 1 - 5.

(2) The effect of the certificate of excise-exempt end user shall be terminated by decision of the head of the competent customs authority, which shall be subject to preliminary execution, unless a court would order otherwise.

(3) The decision under Paragraph 2 may be appealed against under the Administrative Procedure Code.

Article 24g. (New, SG No. 105/2006, renumbered from Article 24a, SG No. 54/2012, effective 17.07.2012) (1) Excise duty paid on electricity shall be refunded:

1. to persons using electricity for chemical reduction or in electrolytic, metallurgical or mineralogical processes;
2. to persons using electricity in the manufacture of products, provided that the cost of the electricity accounts for more than 50 per cent of the cost of the product;
3. (repealed, SG No. 105/2014, effective 1.01.2015).

(2) The refund under Paragraph 1 shall be made on the basis of a written request, to be submitted by 30 April in the year following the use of electricity under Paragraph 1.

(3) The request under Paragraph 2 shall be filed to the head of the customs authority by domicile of the persons under Paragraph 1.

(4) Enclosed to the request shall be documents set out in the implementing regulation to this Act.

(5) (Supplemented, SG No. 95/2009, effective 1.12.2009, amended, SG No. 92/2015, effective 1.01.2016) The head of the competent customs authority shall, within 60 days from receipt of the request and the required documents, issue a motivated decision granting or refusing to grant the request, in whole or in part. Upon established incompleteness or irregularities in the submitted documents the head of the competent customs authority shall set a 14-day term for their removal and until expiry of such term the term for issue of a decision under sentence one shall cease running.

(6) The decision under Paragraph 5 may be appealed against under the procedure of the Tax and Social-Insurance Procedure Code.

(7) (Amended, SG No. 99/2011, effective 1.01.2012, SG No. 92/2015, effective 1.01.2016) The excise duty shall be

refunded within 7 days from the date of entry into force of the decision under Paragraph 5 for the refund.

(8) (New, SG No. 54/2012, effective 17.07.2012) For the purposes of refunding excise duty paid on electricity the persons under Paragraph 1 shall be obliged to use metering and control devices, conforming to the Measurements Act and the normative acts on its implementation.

Article 25. (Effective 1.07.2006 - SG No. 91/2005) (1) (Amended, SG No. 105/2006, amended and supplemented, SG No. 95/2009, effective 1.01.2010) Until release for consumption of excisable goods authorised warehousekeepers and registered persons shall be exempt from excise duty upon:

1. (amended, SG No. 109/2007, SG No. 55/2010, effective 20.07.2010, SG No. 92/2015, effective 1.01.2016) destruction of excisable goods under the control of customs authorities, including where said goods are affixed with excise label, as well as upon retirement or destruction of excise labels under the terms of Article 64, Paragraphs 21 and 22;

2. shortages and irrecoverable loss of excisable goods as a result of force majeure, including where said goods are affixed with excise label;

3. losses from natural wastage resulting from changes in the physical and chemical properties during storage and transportation of excisable goods, within normal limits, corresponding to established allowances for maximum natural wastage according to the regulation under Paragraph 2;

4. (supplemented, SG No. 109/2007) technological rejects of excisable goods within the admissible norms laid down in the technological documentation for the relevant production or activity.

(2) The norms for maximum natural wastage of excisable goods shall be determined by an ordinance of the Minister of Finance.

(3) (New, SG No. 94/2010, effective 1.01.2011) The terms and procedure for destruction of excisable goods under Paragraph 1, item 1 shall be laid down in the implementing regulation to this Act.

Article 25a. (New, SG No. 24/2009, effective 31.03.2009, repealed, SG No. 55/2010, effective 20.07.2010).

Article 25b. (New, SG No. 94/2010) (1) The destruction of unfit for the production of tobacco products raw materials (unprocessed tobacco), stored in a tax warehouse, is allowed.

(2) Destruction under Paragraph 1 shall be performed under the supervision of the customs authorities under the terms and procedure laid down in the implementing regulation to this Act.

Article 26. (Effective 1.07.2006 - SG No. 91/2005) (1) (Renumbered from Article 26, amended, SG No. 105/2006, SG No. 105/2014, effective 1.01.2015) In the cases of export of excisable goods the excise duty paid to the state budget shall be refunded.

(2) (New, SG No. 105/2006, amended, SG No. 54/2012, effective 17.07.2012) Except for the cases of Article 24, Paragraph 1, item 1, supply of energy products for feeding of vessels and aircraft shall be considered export and the excise duty secured/paid on the goods shall be released/refunded according to a procedure and within time limits set out in the implementing regulation to this Act. This shall not apply to vessels and aircraft used for sports, private pleasure flying and sailing.

(3) (New, SG No. 55/2010, effective 20.07.2010, repealed, SG No. 94/2010, effective 1.01.2011).

Article 27. (Effective 1.07.2006 - SG No. 91/2005) (1) (Amended, SG No. 94/2010, effective 1.01.2011) Undue but paid excise duty or excise duty subject to refunding shall be refunded or offset for repayment of due and payable public obligations of the person, collected by the Customs Agency on the basis of a written request or at the initiative of the customs authorities.

(2) (Amended, SG No. 94/2010, effective 1.01.2011) The request under Paragraph 1 shall be filed to the head of the customs authority by domicile of the person or by location of the tax warehouse where the person is an authorised warehousekeeper, or

to the competent customs authority that has issued the registration certificate, Enclosed to the request shall be the documents laid down in the implementing regulation to this Act.

(3) (Amended and supplemented, SG No. 94/2010, effective 1.01.2011, amended, SG No. 99/2011, effective 1.01.2012) The authority under Paragraph 2, within 30 days from receipt of the request, removal of irregularities respectively, shall make a motivated decision on granting or refusing to grant the request - in whole or in part - and shall either refund or offset the amount subject to refund. Where no decision has been issued, this shall be deemed as a silent refusal of the request in whole.

(4) (Amended, SG No. 105/2006, SG No. 95/2009, effective 1.12.2009, SG No. 55/2010, effective 20.07.2010, supplemented, SG No. 54/2012, effective 17.07.2012, amended, SG No. 92/2015, effective 1.01.2016) The decision or refusal under Paragraph 3 or under Paragraph 13 may be appealed within 14 days before the director of the Customs Agency, who shall issue a decision within 45 days of receipt of the appeal. If no decision is issued within the said time limit, this shall be deemed as confirmation in whole of the decision in the appealed Article. The decision or absence of a decision of the director of the Customs Agency may be appealed against under the Tax and Social Insurance Procedure Code.

(5) (Amended, SG No. 92/2015, effective 1.01.2016) The excise duty shall be refunded within 7 days from entry into force of the statement of refunding.

(6) (Amended, SG No. 105/2006, repealed, SG No. 92/2015, effective 1.01.2016).

(7) (New, SG No. 105/2006, supplemented, SG No. 55/2010, effective 20.07.2010, repealed, SG No. 92/2015, effective 1.01.2016).

(8) (New, SG No. 105/2006, amended, SG No. 55/2010, effective 20.07.2010, repealed, SG No. 92/2015, effective 1.01.2016).

(9) (Renumbered from Paragraph 7, amended, SG No. 105/2006, repealed, SG No. 55/2010, effective 20.07.2010).

(10) (New, SG No. 105/2006, repealed, SG No. 55/2010, effective 20.07.2010).

(11) (New, SG No. 95/2009, effective 1.12.2009, repealed, SG No. 55/2010, effective 20.07.2010).

(12) (New, SG No. 55/2010, effective 20.07.2010, repealed, SG No. 92/2015, effective 1.01.2016).

(13) (New, SG No. 54/2012, effective 17.07.2012) In the instances under Article 22, Paragraph 4, item 4 the body under Paragraph 2 shall issue a motivated decision within 14 days of receipt of the request, respectively of rectification of any irregularities in it, whereby it shall grant or reject the request - entirely or in part, and refund or deduct the amount, subject to deduction. Any failure to respond within the term shall be treated as tacit rejection in full in regard to the request.

Article 27a. (New, SG No. 54/2012, effective 17.07.2012) (1) The requests under this section may also be submitted by the persons electronically under procedure, in manner and format, determined in the implementing regulation to this Act.

(2) (Repealed, SG No. 92/2015, effective 1.01.2016).

Section III

Tax Base

Article 28. (Effective 1.07.2006 - SG No. 91/2005) (1) (Previous text of Article 28, SG No. 92/2015, effective 1.01.2016) The tax base for excise duty purposes shall be as follows:

1. for beer - the number of hectolitres for Plato degrees;
2. for wine - the number of hectolitres per finished product;

3. for other fermented beverages - the number of hectolitres per finished product;
4. for intermediate products - the number of hectolitres per finished product;
5. (supplemented, SG No. 54/2012, effective 17.07.2012) for ethyl alcohol, including bioethanol - the number of hectolitres of pure alcohol measured at a temperature of 20 °C;
6. for petrol, gas oil and kerosene - the number of litres recalculated to a comparative temperature of 15°C;
7. (amended, SG No. 95/2009, effective 1.12.2009) for fuel oils, liquefied petroleum gas (LPG), lubricating oils falling within CN codes 2710 19 71 to 2710 19 93 and other lubricating oils falling within CN code 2710 19 99 - the quantity measured in tons;
8. (supplemented, SG No. 54/2012, effective 17.07.2012, SG No. 92/2015, effective 1.01.2016) for natural gas, liquefied biogas and biogas in vapoury form – the highest calorific capacity measured in gigajoules;
9. (repealed, SG No. 109/2007);
10. for cigars and cigarillos - the quantity of units per product;
11. (supplemented, SG No. 81/2006, amended, SG No. 54/2012, effective 17.07.2012) for biodiesel - the quantity of litres recalculated to a comparative temperature of 15 °C;
12. (new, SG No. 105/2006, amended, SG No. 109/2007) for coke and coal - the highest calorific capacity measured in gigajoules;
13. (new, SG No. 105/2006) for electricity - the quantity measured in megawatt hours.

(2) (New, SG No. 92/2015, effective 1.01.2016) In instances of use of energy products for cogeneration of heating power and electricity the tax base under Paragraph 1 for the heating power generated shall be determined in regard to 30 percent of the total quantity of energy products, used for cogeneration of heating power and electricity;

Article 28a. (New, SG No. 92/2015, effective 1.01.2016) For the purposes of application of Article 28, Paragraph 2 the excise-exempt end users shall submit to the competent customs authority within the deadlines for submission of the recapitulation declaration under Article 87a, Paragraph 1 monthly reports concerning the energy products consumed under procedure, manner and format, laid down in the implementing regulation to this Act.

Article 29. (Effective 1.07.2006 - SG No. 91/2005) (1) Excise duty on tobacco shall be calculated as a sum of a specific excise duty and a proportional excise duty. The tax base for calculating the specific excise duty on cigarettes shall be the quantity of units per product and of the proportional excise duty, the selling price.

(2) (Amended, SG No. 95/2009, effective 1.01.2010) The tax base for charging excise duty on smoking tobacco (for pipe and cigarettes) shall be the quantity of smoking tobacco measured in kilograms.

(3) (Amended, SG No. 95/2009, effective 1.01.2010) The selling price under Paragraph 1 shall be:

1. (amended, SG No. 105/2006) the price registered according to the prevailing established procedure under Article 20, Paragraph 2, items 1 - 5, 8 and 9;
2. (amended, SG No. 95/2009, effective 1.01.2010) the price written on the excise label - in the cases under Article 20, Paragraph 2, item 6;
3. (amended, SG No. 105/2006) the price registered according to the established procedure at the time of placing the goods under excise duty suspension arrangement respectively, except for the cases under Item 4;
4. (amended, SG No. 105/2006) the price registered according to the established procedure at the time of placing the goods under excise duty suspension arrangement or temporary storage respectively;
5. (amended, SG No. 105/2006, SG No. 95/2009, effective 1.01.2010) the price fixed in the implementing regulation to this

Act - in the cases where no selling price for the respective cigarette brand under Paragraph 1 has been registered according to the established procedure;

6. (amended, SG No. 105/2006) the price registered or laid down in the regulation at the time of supervisory authorities establishing violations under Chapter Nine.

Article 30. (Effective 1.07.2006 - SG No. 91/2005, repealed, SG No. 44/2009, effective 1.01.2010).

Section IV

Excise Rate

Article 31. (1) (Effective 1.07.2006 - SG No. 91/2005, previous Article 31, SG No. 99/2011, effective 1.01.2012) Excise rates on alcohol and alcoholic beverages shall be:

1. (supplemented, SG No. 106/2008, effective, 1.01.2009) for beer - BGN 1.50 per 1 hectolitre of Plato degree, except for the cases envisaged in item 7;
2. for wine - BGN 0 per 1 hectolitre;
3. for other fermented beverages - BGN 0 per 1 hectolitre of finished product;
4. for intermediate products - BGN 90 per 1 hectolitre of finished product;
5. for ethyl alcohol - BGN 1,100 per 1 hectolitre of pure alcohol;
6. (amended, SG No. 105/2006) for ethyl alcohol (rakiya) produced in a specialized small distillery - BGN 550 per 1 hectolitre of pure alcohol.
7. (new, SG No. 106/2008, effective 1.01.2009) for beer produced by independent small breweries - BGN 0.75 per 1 hectolitre of Plato degree,

(2) (New, SG No. 99/2011, effective 1.01.2012) The excise rate under Paragraph 1, item 7 shall also apply to beer, brewed by independent small breweries, registered on the territory of any other European Union Member State under conditions and procedures, determined by the Rules on implementation of this Act.

Article 32. (Effective 1.07.2006 - SG No. 91/2005) (1) (Supplemented, SG No. 81/2001, amended, SG No. 105/2006) Excise rates on motor fuels shall be as follows:

1. for leaded petrol falling within CN codes 2710 11 31, 2710 11 51, and 2710 11 59 - BGN 830 per 1,000 litres;
2. (amended, SG No. 109/2007, SG No. 94/2010, effective 1.01.2011) for unleaded petrol falling within CN codes 2710 11 31, 2710 11 41, 2710 11 45, and 2710 11 49 - BGN 710 per 1,000 litres;
3. (amended, SG No. 109/2007, SG No. 94/2010, effective 1.01.2011, SG No. 99/2011, effective 1.01.2012, SG No. 94/2012, effective 1.01.2013, SG No. 92/2015, effective 1.01.2016) for gas oil falling within CN codes 2710 19 41 through 2710 19 49 - BGN 646 per 1000 litres;
4. (amended, SG No. 109/2007, SG No. 106/2008, effective 1.01.2009, SG No. 95/2009, effective 1.01.2010, SG No. 99/2011, effective 1.01.2012, SG No. 94/2012, effective 1.01.2013, SG No. 92/2015, effective 1.01.2016) for kerosene falling within CN codes 2710 19 21 and 2710 19 25 - BGN 646 per 1000 litres;
5. (amended, SG No. 101/2013, effective 1.01.2014) for liquefied petroleum gas (LPG) falling within CN codes 2711 12 11 through 2711 19 00, including energy products falling within CN codes 2901, 2711 29, 2902 11 and 2902 19 - BGN 340 per

1,000 kilograms and for those falling within CN codes from 2902 20 to 2902 44 - BGN 340 per 1,000 liters;

6. (amended, SG No. 99/2011, effective 1.06.2012, SG No. 101/2013, effective 1.01.2014, repealed, SG No. 109/2013, effective 1.01.2014);

6a. (new, SG No. 109/2013, effective 1.01.2014) for natural gas falling within CN codes 2711 11 00 and 2711 21 00 - BGN 0.85 per 1 gigajoule;

7. (supplemented, SG No. 109/2007, amended, SG No. 95/2009, effective 1.12.2009, repealed, SG No. 55/2010, effective 20.07.2010);

8. (new, SG No. 109/2007, effective after the issuance of positive decision by the European Commission, amended, SG No. 94/2010, effective 1.01.2011, SG No. 35/2011, effective 3.05.2011, repealed, SG No. 92/2015, effective 1.01.2016);

9. (new, SG No. 109/2007, effective after the issuance of positive decision by the European Commission, amended, SG No. 94/2010, effective 1.01.2011, SG No. 35/2011, effective 3.05.2011, repealed, SG No. 92/2015, effective 1.01.2016);

10. (new, SG No. 95/2009, effective 1.12.2009, amended, SG No. 101/2013, effective 1.01.2014, SG No. 92/2015, effective 1.01.2016) for heavy ship fuels falling within CN codes from 2710 19 61 to 2710 19 69 – BGN 646 per 1000 kg;

11. (new, SG No. 92/2015, effective 1.01.2016) for biogas falling within CN codes 2711 19 and 2711 29 – BGN 0 per 1 gigajoule.

(2) (Amended, SG No. 63/2006, SG No. 81/2006, SG No. 105/2006, repealed, SG No. 95/2009, effective 1.01.2010).

(3) (New, SG No. 63/2006, repealed, SG No. 95/2009, effective 1.01.2010).

(4) (New, SG No. 63/2006, amended, SG No. 36/2008, repealed, SG No. 95/2009, effective 1.01.2010).

(5) (New, SG No. 63/2006, amended, SG No. 109/2007, repealed, SG No. 95/2009, effective 1.01.2010).

(6) (New, SG No. 63/2006, repealed, SG No. 95/2009, effective 1.01.2010).

(7) (New, SG No. 105/2006, amended, SG No. 109/2007, SG No. 95/2009, effective 1.01.2010, SG No. 94/2012, effective 1.01.2013) The excise rate on energy products falling within CN codes 2710 11, other than those under Paragraph 1, as well as for energy products falling within CN codes 2707 10, 2707 20, 2707 30, 2707 50, 2709 shall be BGN 710 per 1,000 litres.

(8) (New, SG No. 105/2006, amended, SG No. 109/2007, SG No. 95/2009, effective 1.01.2010, SG No. 94/2012, effective 1.01.2013, amended and supplemented, SG No. 92/2015, effective 1.01.2016) The excise rate for energy products falling within CN codes 2710 19, other than those under Paragraph 1, shall be BGN 646 per 1,000 litres or 1,000 kg, depending on the tax base specified.

(9) (New, SG No. 105/2006, amended, SG No. 109/2007, SG No. 94/2012, effective 1.01.2013) The excise rate on energy products intended for use as additives or extenders to motor fuels shall be the rate under Items 2 - 5 of Paragraph 1 depending on the type of the fuel to which they refer. Where the type of fuel for which they are intended cannot be determined, the rate for them shall be BGN 710 per 1,000 litres.

(10) (New, SG No. 19/2011, effective 8.03.2011, amended, SG No. 99/2011, effective 1.01.2011) Bioethanol, used for mixing with motor fuels, shall be denatured, including by a special method, under conditions and procedure, determined by the Rules on implementation of this Act.

(11) (New, SG No. 101/2013, effective 1.01.2014, repealed, SG No. 109/2013, effective 1.01.2014).

(12) (New, SG No. 109/2013, effective 1.01.2014) The excise duty rate under Paragraph 1, item 6a for natural gas falling within CN codes 2711 11 00 and 2711 21 00 shall be increased to BGN 5.10 per 1 gigajoule, in case the European Commission would issue an act establishing non-compatibility of the rules on state aid in the form of reduced excise rate for natural gas, used as motor fuel, from the date of issuance of such act.

Article 33. (1) (Amended, SG No. 63/2006, SG No. 105/2006) Excise rates on energy products for heating shall be as

follows:

1. (effective 1.01.2009, SG No. 109/2007, repealed, SG No. 106/2008, effective 1.01.2009, new, SG No. 95/2009, effective 1.01.2010, amended, SG No. 92/2015, effective 1.01.2016) for gas oil falling within CN codes from 2710 19 41 to 2710 19 49 - BGN 646 per 1000 litres;
2. (amended and supplemented, SG No. 95/2009, effective 1.01.2010, supplemented, SG No. 94/2012, effective 30.11.2012, amended, SG No. 92/2015, effective 1.01.2016) for fuel oils falling within CN codes 2710 19 61 through 2710 19 69, for other heavy oils other than lubricants, falling within CN code 2710 19 99 and for energy products falling within CN codes 2706, 2707 91, 2707 99 11, 2707 99 19, 2707 99 99 2710 91 and 2710 99 - BGN 400 per 1,000 kg;
3. (effective 1.01.2009 (**)) - SG No. 108/2006, SG No. 109/2007, amended, SG No. 92/2015, effective 1.01.2016) for kerosene falling within CN codes 2710 19 21 and 2710 19 25 - BGN 646 per 1,000 litres;
4. for liquefied petroleum gas (LPG) falling within CN codes 2711 12 11 through 2711 19 00 - BGN 0 per 1,000 kg;
5. (amended, SG No. 99/2011, effective 1.06.2012, SG No. 54/2012, effective 17.07.2012) for natural gas falling within CN codes 2711 11 00 and 2711 21 00 for household consumers of natural gas- BGN 0 per gigajoule;
6. (repealed, SG No. 55/2010, effective 20.07.2010, new, SG No. 99/2011, effective 1.06.2012, amended, SG No. 54/2012, effective 17.07.2012, SG No. 101/2013, effective 1.01.2014) for natural gas falling within CN codes 2711 11 00 and 2711 21 00 for industrial consumers of natural gas - BGN 0.60 per gigajoule;
7. (amended, SG No. 109/2007, SG No. 106/2008, effective 1.01.2009) for coal and coke falling within CN codes 2701, 2702 and 2704 - BGN 0.60 per gigajoule;
8. (new, SG No. 92/2015, effective 1.01.2016) for biogas falling within CN codes 2711 19 and 2711 29 – BGN 0 per 1 gigajoule.

(2) (Effective 1.07.2006, SG No. 91/2005, amended, SG No. 54/2012, effective 17.07.2012) The rate under Paragraph 1, item 4 shall apply to liquefied petroleum gas (LPG) in containers, meeting the requirements laid down in the implementing regulation to this Act.

(3) (New, SG No. 95/2009, effective 1.01.2010, amended, SG No. 54/2012, effective 17.07.2012, SG No. 94/2012, effective 1.01.2013, SG No. 92/2015, effective 1.01.2016) For the purposes of applying the rates under Paragraph 1, items 2 and 4 the excisable goods released for consumption shall be accompanied by a registered electronic document of certification of purpose under procedure, in manner and format, determined in the implementing regulation to this Act.

(4) (New, SG No. 95/2009, effective 1.01.2010, amended, SG No. 54/2012, effective 17.07.2012, SG No. 92/2015, effective 1.01.2016) The rates under Paragraph 1, items 2 and 4 shall apply provided the person who has released the excisable goods for consumption has obtained the document under Paragraph 3, certified by the person who will use the goods for the intended purpose, except for liquefied petroleum gas (LPG) in bottles for heating, brought out from a tax warehouse.

(5) (New, SG No. 95/2009, effective 1.01.2010, amended, SG No. 92/2015, effective 1.01.2016) The person who has released the excisable goods for consumption shall be charged for the difference between the relevant rate under Article 32, Paragraph 1 and the rates under Paragraph 1, items 2 and 4 except for the cases where the person has received the document under Paragraph 4 until the date of filing the excise declaration for the tax period.

(6) (New, SG No. 95/2009, effective 1.01.2010) Where the document under Paragraph 4 is received after the term under Paragraph 5 the person shall correct the amount of the due excise duty in accordance with the terms AND procedure laid down in the implementing regulation to this Act.

(7) (New, SG No. 54/2012, effective 17.07.2012) The excise duty rate under Paragraph 1, item 5 shall also apply to natural gas in containers meeting the requirements laid down in the implementing regulation to this Act.

Article 33a. (New, SG No. 95/2009, effective 1.12.2009) (1) (Amended, SG No. 55/2010, effective 20.07.2010) The excise rate for lubricating oils falling within CN codes from 2710 19 71 to 2710 19 93 and other lubricating oils falling within CN code 2710 19 99 shall be BGN 0 per 1,000 kg.

(2) In the cases where persons bring into the territory of the country the goods under Paragraph 1, the provisions of Article

76c, Paragraph 4, items 1, 2, 3 and 5 and Paragraph 5 shall apply.

(3) The rate under Paragraph 1 shall apply only where the goods are in consumer packings of up to 210 litres intended for sale on the territory of the country and/or will be used directly in activities other than production within the meaning of Article 59.

(4) (New, SG No. 55/2010, effective 20.07.2010) The excise rate under Paragraph 1 for lubricating oils containing gas oil as per technical specification, shall apply only if the gas oil is marked.

(5) (New, SG No. 55/2010, effective 20.07.2010, amended, SG No. 54/2012, effective 1.04.2013) For the purpose of application of Paragraph 4, the excisable goods released for consumption shall be accompanied by a registered electronic document of certification of purpose under procedure, in manner and format, determined in the implementing regulation to this Act.

(6) (New, SG No. 54/2012, effective 17.07.2012) The excise duty rate under Paragraph 1 shall also apply to additives for lubricating oils falling within CN Codes 3811 21 00 and 3811 29 00.

Article 34. (1) (Effective 1.07.2006, SG No. 91/2005, amended, SG No. 63/2006, SG No. 106/2008, effective 1.01.2009, supplemented, SG No. 95/2009, effective 1.12.2009, previous text of Article 34 - SG No. 55/2010, effective 20.07.2010, amended, SG No. 92/2015, effective 1.01.2016) For the purposes of implementation of Article 24, Paragraph 1, item 1, Paragraph 2, items 1-5 and Article 26, Paragraph 2 gas oil falling within CN Codes 2710 19 41 through 2710 19 49 and kerosene falling within CN Code 2710 19 25 0 shall be marked under terms and procedure, determined in the implementing regulation to this Act.

(2) (New, SG No. 55/2010, effective 20.07.2010, repealed, SG No. 101/2013, effective 1.01.2014).

Article 34a. (New, SG No. 105/2006) (1) (Amended, SG No. 109/2007, SG No. 106/2008, effective 1.01.2009, SG No. 95/2009, effective 1.01.2010) The excise rate for electricity falling within CN code 2716, except for the cases of Paragraph 2, shall be BGN 2.00 per megawatt hour.

(2) (Amended, SG No. 101/2013, effective 1.01.2014) The excise rate for electricity falling within CN code 2716 for consumers of electricity for household purposes shall be BGN 0 per megawatt hour.

Article 35. (Effective 1.07.2006 - SG No. 91/2005) (1) The energy products under Article 13 intended for use, offered for sale or used as heating fuel or motor fuel and for which no excise rate is fixed in Article 32, Paragraph 1 and Article 33, Paragraph 1 shall be charged at the rate set for the equivalent heating fuel or motor fuel.

(2) (Supplemented, SG No. 105/2006) Apart from the energy products under Article 13 and bioethanol, all other products intended for use, offered for sale or used as motor fuel, as additive or as extender of motor fuel shall be charged at the rate set for the equivalent motor fuel in Article 32, Paragraph 1.

(3) In addition to the energy products under Article 13 all other hydrocarbons, except peat, which are intended for use, offered for sale or used as heating fuel, shall be charged at the rate set for the equivalent heating fuel under Article 33, Paragraph 1.

Article 36. (Effective 1.07.2006 - SG No. 91/2005, SG No. 91/2005, repealed, SG No. 109/2007).

Article 37. (Effective 1.07.2006 - SG No. 91/2005) The excise rate on cigars and cigarillos shall be BGN 270 per 1,000 pieces.

Article 38. (Effective 1.07.2006 - SG No. 91/2005, amended, SG No. 95/2009, effective 1.01.2010, amended and supplemented, SG No. 94/2010, effective 1.01.2011) The excise rate on smoking tobacco (for pipe and cigarettes) shall be BGN 130 per kilogram, and from 1 January 2012 shall be BGN 152 per kilogram.

Article 39. (Effective 1.07.2006 - SG No. 91/2005, amended, SG No. 105/2006, SG No. 109/2007, SG No. 106/2008,

effective 1.01.2009, SG No. 95/2009, effective 1.01.2010, SG No. 105/2014, effective 1.01.2016) (1) (Amended, SG No. 92/2015, effective 1.01.2016) The excise rate on cigarettes shall be:

1. of the specific excise duty - BGN 70 per 1000 pieces;
2. of the proportional excise duty:
 - a) 38 per cent of the sale price - from 1 January 2016;
 - b) 40 per cent of the sale price - from 1 January 2017;
 - c) 42 per cent of the sale price - from 1 January 2018.

(2) The excise duty under Paragraph 1 shall not be less than:

1. BGN 161 per 1000 pieces as of 1 January 2016;
2. (Amended, SG No. 92/2015, effective 1.01.2016) BGN 167 per 1000 pieces as of 1 January 2017;
3. BGN 177 per 1000 pieces as of 1 January 2018.

Article 39a. (New, SG No. 55/2010, effective 20.07.2010, repealed, SG No. 92/2015, effective 1.01.2016).

Article 40. (Effective 1.07.2006 - SG No. 91/2005, repealed, SG No. 44/2009, effective 1.01.2010).

Section V

Calculation and Payment of Excise Duty

Article 41. (Effective 1.07.2006 - SG No. 91/2005) The amount of the excise duty due shall be calculated by multiplying the tax base by the excise rate.

Article 42. (Effective 1.07.2006 - SG No. 91/2005) In the cases under Article 20, Paragraph 2, item 5 the excise duty shall be determined and accounted for in accordance with the procedure laid down for the customs liability.

Article 43. (Effective 1.07.2006 - SG No. 91/2005) (1) (Amended, SG No. 105/2006) Outside the cases under Article 42 the excise duty shall be charged by:

1. (amended, SG No. 109/2007, SG No. 95/2009, effective 1.04.2010, SG No. 54/2012, effective 1.04.2013, amended, SG No. 92/2015, effective 1.01.2016) the authorised warehousekeeper, the persons under Article 3, Paragraph 1, items 4 and 6 and the registered persons under Article 57, Article 57b, Paragraph 4, and Article 57c and Article 58c on the date it becomes due - by issuing a tax document under Article 84, Paragraph 1;
2. (amended, SG No. 54/2012, effective 17.07.2012, SG No. 92/2015, effective 1.01.2016) the registered person under Article 57a, Paragraph 1, items 1 - 3b, 5 and 6 – by issuing a tax document in accordance with Article 84, Paragraph 1 under the procedure of Article 84, Paragraphs 8, 20 and 21 in regard to the goods on which the excise duty becomes due as per Article 20, Paragraph 2, items 15, 16, 17 and 18;
3. (amended, SG No. 54/2012, effective 17.07.2012) the registered person under Article 57a, Paragraph 1, items 1, 2 and 3 - on the date of establishing the shortage under Article 20, Paragraph 2, item 8 by issuing a tax document under Article 84, Paragraph 1.
4. (new, SG No. 95/2009, effective 1.12.2009) the persons under Article 60a, Paragraph 2 - on the date on which testing or

examination ends.

- (2) The persons under Paragraph 1 shall declare the excise duty charged for the tax period by filing an excise declaration.
- (3) The tax period shall cover one month and shall coincide with the calendar month.
- (4) The first tax period shall cover the time from the date of submitting the license or the certificate of registration under this Act until the last day of the calendar month in which licensing or registration is made.
- (5) (Supplemented, SG No. 54/2012, effective 17.07.2012) The last tax period shall cover the time from the beginning of the calendar month in which the license was terminated until the date of notification of the termination thereof.
- (6) (New, SG No. 92/2015, effective 1.01.2016) Outside the cases under Paragraph 3 the tax period for the persons under Article 57a, Paragraph 1, item 5 shall be of one year and coincide with the calendar year.
- (7) (New, SG No. 92/2015, effective 1.01.2016) The original tax period for the persons under Article 57a, Paragraph 1, item 5 shall comprise the time from the handing over of the certificate of registration under this Act to the last day of the calendar year and the last tax period shall comprise the time from the start of the calendar year till the date of communicating the decision to cancel the registration.

Article 44. (Effective 1.07.2006 - SG No. 91/2005) (1) (Amended, SG No. 105/2014, effective 1.01.2015) The excise duty due shall be paid to the state budget as follows:

1. (amended, SG No. 105/2006) in the cases under Article 20, Paragraph 2, item 5 - to the account or in cash at the tills of the competent customs authority by the importer within the time limits for payment of the customs liability laid down in the Customs Act where the debtor is a natural person other than a sole trader;
2. (amended, SG No. 105/2006) in the cases under Article 20, Paragraph 2, item 5 - to the account of the competent customs authority by the importer within the time limits for payment of the customs liability laid down in the Customs Act;
3. (new, SG No. 105/2006) in the cases under Article 20, Paragraph 2, items 12 and 13 - to the account of the competent customs authority by permanent address, domicile respectively, by the person who is the recipient of the goods, within 14 days from their receipt;
4. (new, SG No. 105/2006) in the cases under Article 20, Paragraph 2, item 19 - to the account of the competent customs authority by the excise- exempt end user within 14 days from use of the energy products for purposes other than those specified in the certificate;
5. (new, SG No. 105/2006, repealed, SG No. 44/2009, effective 1.01.2010);
6. (renumbered from item 3, SG No. 105/2006) in all other cases - to the account of the competent customs authority by the authorised warehousekeeper or the registered person within the time limit for filing the excise declaration;
7. (new, SG No. 95/2009, effective 1.12.2009) in the cases under Article 60a - within 14 days from issue of the excise tax document to the account of the competent customs authority by location of the unit, except where excisable goods are destroyed under the control of customs authorities;
8. (new, SG No. 105/2014, effective 1.01.2015) in the cases of established excise liabilities by tax assessment proceedings under Article 108 of the Tax and Social Insurance Procedure Code – to the account of the customs authority which has issued the tax assessment act, within the time limits set out in the Tax and Social Insurance Procedure Code.

(2) The excise duty may furthermore be paid by a person other than the person under Paragraph 1 with the written consent of the debtor.

(3) (Amended, SG No. 105/2014, effective 1.01.2015) The excise duty shall be deemed to have been paid to the state budget as from the date on which the amount is received on the account or at the tills of the competent customs authority under Paragraph 1.

(4) (Amended, SG No. 105/2014, effective 1.01.2015) Where the excise duty has not been paid to the state budget within the time limits set forth under this Article, the person obligated to pay it shall be the person under Paragraph 1.

(5) The customs authorities shall authorize release of the goods after payment or securing of the excise duty due according to the procedure laid down for the customs liability.

(6) (New, SG No. 109/2007, amended, SG No. 94/2010, effective 1.01.2011, SG No. 105/2014, effective 1.01.2015) In the cases under Article 64, Paragraph 2 the competent customs authority under Paragraph 1, item 2 shall be the customs authority, where the persons have applied for excise labels. This customs authority shall release the security provided by the importer subject to confirmation of payment of the excise duty to the state budget by the customs authority where the import clearance is performed.

Article 45. (Effective 1.07.2006, amended, SG No. 109/2007, repealed, SG No. 55/2010, effective 20.07.2010).

Section VI

(New, SG No. 101/2013, effective after the issuance of a decision of the European Commission for extending the term of application of an existing authorised scheme of state aid, repealed, SG No. 45/2016, effective 14.06.2016)

Special procedure for deducting excise tax against fuel vouchers in the form of state aid for the agricultural sector

Article 45a. (New, SG No. 101/2013, effective after the issuance of a decision of the European Commission for extending the term of application of an existing authorised scheme of state aid, repealed, SG No. 45/2016, effective 14.06.2016).

Article 45b. (New, SG No. 101/2013, effective after the issuance of a decision of the European Commission for extending the term of application of an existing authorised scheme of state aid, repealed, SG No. 45/2016, effective 14.06.2016).

Article 45c. (New, SG No. 101/2013, effective after the issuance of a decision of the European Commission for extending the term of application of an existing authorised scheme of state aid, repealed, SG No. 45/2016, effective 14.06.2016).

Article 45d. (New, SG No. 101/2013, effective after the issuance of a decision of the European Commission for extending the term of application of an existing authorised scheme of state aid, repealed, SG No. 45/2016, effective 14.06.2016).

Section VII

(New, SG No. 45/2016, effective as of the date of assignment of a permanent number to that scheme of state aid in the State aid register of the European Commission)

Special procedure for remittance of excise duty on purchased gas oil used in primary agricultural production

Article 45e. (New, SG No. 45/2016, effective as of the date of assignment of a permanent number to that scheme of state aid in the State aid register of the European Commission) (1) The Customs Agency shall remit the portion of the excise duty comprising the individual amounts of the State aid as set out under Chapter Four "a" of the Agricultural Producers Support Act. Remittance shall be made pursuant to the order and notification of the minister of agriculture and food under Article 47b, paragraph 5 of the Agricultural Producers Support Act.

(2) Remittance shall be made within 45 days of receipt of the documents under paragraph 1.

(3) The Director of the Customs Agency shall issue internal rules for establishing the procedure for remittance of the amounts

set out in the notification under Article 47b, paragraph 5 of the Agricultural Producers Support Act.

(4) The procedure and the manner of exchange of information between the Ministry of Agriculture and Food and the Customs Agency shall be defined in a joint instruction of the minister of agriculture and food and the director of the Customs Agency.

Article 45f. (New, SG No. 45/2016, effective as of the date of assignment of a permanent number to that scheme of state aid in the State aid register of the European Commission) Where unlawful remittance of excise duty to an agricultural producer is found, the said excise duty shall be remitted by the agricultural producer together with the legal interest from the date of receipt of the State aid until the date of payment to an account of the Customs Agency.

Chapter Four

EXCISE DUTY SUSPENSION ARRANGEMENT

Section I

General Provisions

Article 46. (Effective 1.07.2006 - SG No. 91/2005) (1) (Amended, SG No. 105/2006) Under excise duty suspension arrangement within the meaning of this Act excise taxation of goods shall be suspended temporarily on their production, bringing or importation into the territory of the country.

(2) Excise duty suspension arrangement shall be applied by an authorised warehousekeeper for:

1. production of excisable goods in a tax warehouse;
2. storage of excisable goods in a tax warehouse;
3. movement of excisable goods.

(3) Excise duty suspension arrangement shall not apply to the other tax liabilities of the person subject to taxation.

Section II

Licensing

Article 47. (1) (Renumbered from Article 47, SG No. 105/2006) An authorised warehousekeeper may be a person who:

1. (amended, SG No. 105/2006, supplemented, SG No. 92/2015, effective 1.01.2016) is a trader within the meaning of the Commerce Act or the legislation of another Member State or a country which is a signatory to the European Economic Area Agreement as well as a legal person set up on the grounds of a normative act - where the person is a producer of excisable goods, or is an equity commercial company with registered and fully paid-in capital of not less than BGN 500,000 - in the cases where that person is not a producer of excisable goods with the exception of the persons that warehouse, receive and consign only still and sparkling wines and/or other fermented beverages;
2. is not undergoing bankruptcy proceedings or liquidation;

3. is represented by persons who:

a) have not been convicted of a crime of general nature;

b) have not been members of a managing or controlling body or unlimited liability partners in a company dissolved by insolvency, if unsatisfied creditors have remained;

4. (amended, SG No. 54/2012, effective 17.07.2012, SG No. 101/2013, effective 1.01.2014) has no public obligations, collected by the customs authorities, tax obligations and obligations for compulsory social security contributions;

5. (amended, SG No. 63/2006, supplemented, SG No. 95/2009, effective 1.12.2009) has not committed a grave or repeated violation under this Act, except for the cases where the administrative penal proceedings have ended with the conclusion of an agreement;

6. has been granted a license or permit or have been registered to conduct the activity where this is provided for by another law;

7. (supplemented, SG No. 95/2009, effective 1.12.2009, SG No. 92/2015, effective 1.01.2016) has own or rented premises and/or areas for carrying out the activities under Article 46, Paragraph 2, which meet the security and control requirements laid down in the implementing regulation to this Act, where excisable goods will be received and unloaded;

8. (supplemented, SG No. 105/2014, effective 1.01.2015, SG No. 92/2015, effective 1.01.2016) uses automated reporting systems, allowing real-time control on raw materials, materials, excisable goods produced or stored, including by depositors, identified by unified identification code and ensuring that the person is capable of meeting the requirements of the arrangement;

9. (new, SG No. 95/2009, effective 1.12.2009, amended, SG No. 105/2014, effective 1.01.2015, supplemented, SG No. 92/2015, effective 1.02.2016) provides to customs authorities and the revenue bodies of the National Revenue Agency autonomously and at his expense Internet access to the automated reporting systems under item 8;

10. (new, SG No. 95/2009, effective 1.12.2009) uses measuring instruments and controlling, conforming to the requirements of this Act, the Measurements Act and the implementing regulations thereof.

(2) (New, SG No. 105/2006) Traders within the meaning of the legislation of another Member State or a country which is a signatory to the European Economic Area Agreement shall carry out activity as an authorised warehouse keeper through a branch in the Republic of Bulgaria.

(3) (New, SG No. 92/2015, effective 1.01.2016) A license for tax warehouse operation may not be issued to any person whose owners, managers, procurators, majority partners or shareholders are or had been at the moment when obligations were incurred owners, managers, procurators, majority partners or shareholders, members of management or supervisory bodies of persons having outstanding public liabilities, collected by the customs authorities.

Article 47a. (New, SG No. 92/2015, effective 1.01.2016) (1) Prior to the transfer of the ownership over excisable goods, introduced into a tax warehouse, which does not constitute release for consumption within the meaning of Article 20, Paragraph 2, the person-depositor must notify the authorised warehousekeeper and the National Revenue Agency within three days of the transfer of ownership over the excisable goods to a new person-depositor. The information for the National Revenue Agency shall be submitted electronically by qualified electronic signature under the procedure of the Tax Insurance Procedure Code via an electronic service in the e-services portal of the National Revenue Agency, which is available at the National Revenue Agency website.

(2) The information under Paragraph 1 for the authorised warehousekeeper and the National Revenue Agency shall contain the following data:

1. identification data concerning the person-depositor - full names or business name, uniform identification code from the Commercial Register, or uniform identification code from the BULSTAT Register, or PIN, or Alien's Personal Number;

2. registered address or domicile of the person under item 1;

3. identification data concerning the new person-depositor - full names or business name, uniform identification code from the Commercial Register, or uniform identification code from the BULSTAT Register, or PIN, or Alien's Personal Number;

4. registered address or domicile of the person under item 3;
5. types of excisable goods with their CN Codes and quantities.

(3) Following submission of the information under Paragraph 1 in case the ownership over the excisable goods would not be transferred to the new person-depositor, the person-depositor shall notify without delay under the procedure of Paragraph 1 the authorised warehousekeeper and the National Revenue Agency.

(4) Any person whose owners, managers, procurators, majority partners or shareholders are or had been at the moment when obligations were incurred owners, managers, procurators, majority partners or shareholders, members of management or supervisory bodies of persons having outstanding public liabilities, collected by the customs authorities and/or executable public liabilities, collected by the National Revenue Agency, shall be ineligible as person-depositor.

Article 48. (1) (Amended, SG No. 54/2012, effective 17.07.2012) To obtain a license for management of a tax warehouse a written request shall be filed to the Director of the Customs Agency, which shall contain:

1. description of the operations to be performed in the tax warehouse;
2. (supplemented, SG No. 95/2009, effective 1.12.2009) the type of excisable goods with CN codes to be produced or stored;
3. annual projected volume of excisable goods produced and/or stored under excise duty suspension arrangement according to the business plan under Paragraph 2, item 13;
4. annual projected volume of movement of excisable goods under excise duty suspension arrangement;
5. (supplemented, SG No. 105/2006) description of the systems under Article 47, Paragraph 1, item 8;
6. exact location, description and intended use of the tax warehouse premises;
7. type of security to be provided;
8. (supplemented, SG No. 95/2009, effective 1.12.2009, amended, SG No. 19/2011) names of employees, authorised to sign electronic administrative documents and specimens of their signatures;
9. (new, SG No. 55/2010, effective 20.07.2010) exact location of the place of direct supply.

(2) (Amended, SG No. 54/2012, effective 17.07.2012) The following documents shall be attached to the request under Paragraph 1:

1. (amended, SG No. 34/2006, supplemented, SG No. 95/2009, effective 1.12.2009, amended, SG No. 94/2010, effective 1.01.2011, repealed, SG No. 54/2012, effective 17.07.2012).
2. (supplemented, SG No. 105/2006) a conviction certificate of the circumstances under Article 47, Paragraph 1, item 3, littera "a", and where the persons are non-residents - a declaration;
3. (supplemented, SG No. 105/2006) a declaration of the circumstances under Article 47, Paragraph 1, item 3, littera "b";
4. a certificate of presence or absence of tax liabilities on compulsory social security payments;
5. (supplemented, SG No. 105/2006) a declaration of the circumstances under Article 47, Paragraph 1, item 5;
6. a license, permit or registration for conducting business where this is required by law;
7. (supplemented, SG No. 92/2015, effective 1.01.2016) title deed or rent contract for the premises and/or areas of the tax warehouse;
8. (supplemented, SG No. 109/2007) a current sketch of the real estate;
9. (supplemented, SG No. 95/2009, effective 1.12.2009) a layout of the tax warehouse premises with indicated location and intended purpose of the premises, facilities and containers with their volume, as well as location of measuring instruments;

10. (amended, SG No. 54/2012, effective 17.07.2012, repealed, SG No. 105/2014, effective 1.01.2015);
11. (amended, SG No. 54/2012, effective 17.07.2012) user's manual for the automated reporting systems;
12. a technological scheme of the production process, input norms, maximum values of technological losses, technical specification;
13. a business plan including information about:
 - a) the type of excisable goods to be produced or stored in the tax warehouse;
 - b) the monthly average quantity of excisable goods to be stored - by type of goods and excise rates;
 - c) the maximum projected quantity of excisable goods that will move simultaneously under excise duty suspension arrangement - by type of goods and excise rates;
 - d) the production capacity for excisable goods and the maximum warehouse capacity for storage of excisable goods - by type of goods and excise rates;
 - (e) (repealed, SG No. 94/2010, effective 1.01.2011);
 - (f) (new, SG No. 94/2010, effective 1.01.2011) the monthly average projected amount of the excisable goods released for consumption - by type of goods and excise rates;
 - (g) (new, SG No. 94/2010, effective 1.01.2011) the monthly average projected amount of the excisable goods during movement under excise duty suspension arrangement - by type of goods and excise rates;
14. (supplemented, SG No. 19/2011, effective 8.03.2011) specimens of the signatures of the persons under paragraph 1, item 8 and certificates of electronic signature;
15. (new, SG No. 105/2006, repealed, SG No. 54/2012, effective 17.07.2012).
16. (new, SG No. 106/2008, effective 1.01.2009) a declaration that the person is not subject to legal proceedings for insolvency or liquidation.
17. (new, SG No. 95/2009, effective 1.12.2009) annual indicative quantities of basic raw materials used in the production of excisable goods and input norms for obtaining an end-product;
18. (new, SG No. 95/2009, effective 1.12.2009) analysis of the financial condition confirmed by a registered auditor or a specialised audit enterprise within the meaning of the Independent Financial Audit Act where the person has carried out activity for more than one year.
19. (new, SG No. 55/2010, effective 20.07.2010) contract or another document with the person - recipient of energy products, in the cases of direct supply;
20. (new, SG No. 55/2010, effective 20.07.2010) layout of the place of direct supply with designated location of the devices for measuring the energy products received.
- (3) (Amended, SG No. 54/2012, effective 17.07.2012) One request may be filed to apply for licenses for management of more than one tax warehouse.
- (4) (New, SG No. 55/2010, effective 20.07.2010) The authorised warehousekeeper may request to receive energy products in a place or places of direct supply other than the location of the tax warehouse, under a procedure set out in the implementing regulation to this Act.
- (5) (New, SG No. 55/2010, effective 20.07.2010, supplemented, SG No. 94/2010, effective 1.01.2011) The persons under Paragraph 4 shall be obliged to use measuring and controlling devices meeting the requirements of Article 103a, in the place of direct supply.
- (6) (New, SG No. 54/2012, effective 17.07.2012, supplemented, SG No. 92/2015, effective 1.01.2016) The excisable goods shall be indicated in the business plan under Paragraph 2, item 13 using their respective CN Codes, quantities in the units

of measurement under Article 28, paragraph 1 and as regards alcohol and alcoholic beverages – in alcohol degrees or in Plato degrees and in the case of cigarettes – also as sale prices.

(7) (New, SG No. 54/2012, effective 1.04.2013) The request under Paragraph 1 may also be submitted electronically under procedure, in manner and format, determined in the implementing regulation to this Act.

Article 49. (1) (New, SG No. 105/2006, amended, SG No. 54/2012, effective 17.07.2012) Where the conditions for granting a license for management of tax warehouse are fulfilled and the documents submitted meet the requirements, the authority under Article 48, Paragraph 1 shall issue a decision on the request within one month from filing thereof.

(2) (Renumbered from Paragraph 1, SG No. 105/2006, amended, SG No. 54/2012, effective 17.07.2012, supplemented, SG No. 92/2015, effective 1.01.2016) Where the documents submitted under Article 48, Paragraph 2 do not meet the requirements or the information provided is insufficient, the authority under Article 48, Paragraph 1 shall notify the person having lodged the request within 14 days from receipt of the same and shall set a time limit to remove irregularities or provide additional information within 14 days from receipt of the notification. If in the course of the inspection existence of a circumstance under Article 47, paragraph 3 would be found, the person shall be requested to provide security within 14 days of receipt of the notice in a value not less than the amount of the outstanding public liability.

(3) (Renumbered from Paragraph 2, amended, SG No. 105/2006, SG No. 54/2012, effective 17.07.2012) Within the time limit under Paragraph 1 the person having lodged the request shall rectify any irregularities or submit additional required information and upon failure to fulfil this obligation the authority under Article 48, Paragraph 2 shall refuse granting the requested license.

(4) (Renumbered from Paragraph 3, amended, SG No. 105/2006, SG No. 54/2012, effective 17.07.2012) Within a month of rectification of the irregularities or provision of the required additional information the authority under Article 48, Paragraph 1 shall review the request and the documents attached thereto and shall issue a decision on the request.

(5) (New, SG No. 105/2014, effective 1.01.2015) Should it be necessary to clarify all important facts and circumstances for the granting of the license, the person who has submitted the request, within the time limit under Paragraph 2, may request the stay of the proceedings for the granting of the license within three months, specifying the reasons for the stay.

(6) (New, SG No. 105/2014, effective 1.01.2015) Where the clarification of important facts and circumstances for the granting of the license necessitates an opinion of another authority, the time limit under Paragraph 1 shall be deemed extended, but by no longer than three months.

(7) (New, SG No. 105/2014, effective 1.01.2015) In the cases under Paragraphs 5 and 6 the person shall be notified in writing.

Article 50. (1) (Amended, SG No. 105/2006) Within the time limits under Article 49 the Director of the Customs Agency shall issue a license for management of a tax warehouse for production and/or storage of excisable goods or a motivated refusal.

(2) A separate license shall be issued for every individual tax warehouse.

(3) (Amended, SG No. 92/2015, effective 1.01.2016) The license issued or the refusal for issuing a license may be appealed against under the Administrative Procedure Code. The absence of a decision within the time limit set shall be deemed to be a silent refusal for issuing a license.

Article 51. (1) The license shall contain:

1. the name of the issuing body;
2. the identification number of the authorised warehousekeeper;
3. the identification number of the tax warehouse;
4. factual and legal grounds for its issuance;

5. (amended, SG No. 34/2006, SG No. 63/2006) the company name, seat and registered address, the single identification code of the authorised warehousekeeper;
6. the address of the tax warehouse;
7. (supplemented, SG No. 95/2009, effective 1.12.2009) description of the activities to be performed in the tax warehouse and the type of excisable goods with CN codes;
8. the type and amount of security;
9. (amended, SG No. 19/2011, effective 8.03.2011) the full name and the personal identification number of the persons representing the authorised warehousekeeper as well as other persons authorised to sign electronic administrative documents;
10. the date of issue and signature of the person issuing the license;
11. (new, SG No. 55/2010, effective 22.07.2010) the exact address of the place of direct supply.

(2) (Amended, SG No. 105/2006) The license for management of a tax warehouse shall be delivered upon presentation of the security.

(3) The right to apply excise duty suspension arrangement shall arise from the date of the license delivery.

Article 52. (1) (Renumbered from Article 52, SG No. 105/2006) The authorised warehousekeeper shall be obliged:

1. (amended, SG No. 54/2012, effective 17.07.2012) not to allow the amount of the excise duty that has arisen or could arise upon application of the excise duty suspension arrangement to exceed the amount of the security provided;
2. (supplemented, SG No. 54/2012, effective 17.07.2012, amended, SG No. 92/2015, effective 1.01.2016) notify the Director of the Customs Agency in writing of any changes in the circumstances under which the license for management of the tax warehouse has been issued within 14 days of their occurrence by submitting the necessary documents;
3. ensure free access of customs authorities to all premises and the entire territory of the tax warehouse and shall ensure premises for conduct of the inspections;
4. observe all specific requirements for the production, storage and movement of excisable goods;
5. keep separate documentary records by type of activity and by type of excisable goods;
6. (new, SG No. 30/2015) use metering and control devices at the points of introduction and offloading energy products into and from the oil pipeline or oil product pipeline, forming part of the tax warehouse, to and from the production and/or storage locations, in case the tax warehouse would be located in the territories of more than one customs authority.

(2) (New, SG No. 30/2015) A single metering and control device may be used in instances of a common point of introduction and offloading energy products into and from the oil pipeline or oil product pipeline, forming part of the tax warehouse, to and from:

1. the production and/or storage locations, forming part of the tax warehouse, in the cases under Paragraph 1, item 6;
2. any other tax warehouse.

(3) (New, SG No. 54/2012, effective 1.04.2013) In the instances under Paragraph 1, item 2 the notice may also be submitted electronically under procedure, in manner and format, determined in the implementing regulation to this Act.

(4) (New, SG No. 105/2006, supplemented, SG No. 101/2013, effective 1.01.2014, renumbered from Paragraph 2, SG No. 30/2015) In the event of a change of the circumstances subject to recording in the license granted, the Director of the Customs Agency shall issue a decision within the terms under Article 49, which shall form an integral part of the license granted and delivered.

Article 53. (1) The validity of the license for management of a tax warehouse shall be terminated:

1. (supplemented, SG No. 95/2009, effective 1.12.2009, amended, SG No. 94/2010, effective 1.01.2011) on transfer of the company of the sole trader or deregistration thereof or on dissolution of the legal entity, except for transformation through a change of the legal status;
2. at a written request of the authorised warehousekeeper;
3. on revocation of the license;
4. (new, SG No. 92/2015, effective 1.01.2016) in case the person had provided false data, which served as basis for issuance of the license for management of a tax warehouse.

(2) The license for management of a tax warehouse shall be revoked where:

1. the authorised warehousekeeper no longer meets the requirements under Article 47, or
2. (amended, SG No. 101/2013, effective 1.01.2014) the security would cease to be valid.

(3) (Amended, SG No. 95/2009, effective 1.12.2009) The license shall be terminated by a decision of the Director of the Customs Agency, which shall be subject to preliminary execution, unless the court orders otherwise.

(4) (New, SG No. 95/2009, effective 1.12.2009) The decision under Paragraph 3 may be appealed against under the Administrative Procedure Code.

Article 54. (1) A register of the authorised warehousekeepers and tax warehouses shall be kept by the Customs Agency.

(2) The register shall contain:

1. the identification number of the authorised warehousekeeper;
2. the identification number of the tax warehouse;
3. (amended, SG No. 34/2006, SG No. 63/2006) the company name, seat and registered address, the single identification code of the authorised warehousekeeper;
4. the address of the tax warehouse;
5. the type of excisable goods that may be produced and/or stored in the tax warehouse;
6. (amended, SG No. 92/2015, effective 1.01.2016) the date of handing over of the license;
7. the date of termination of the validity of the license.

(3) Subject to entry in the register shall be any subsequent changes in the circumstances under Paragraph 2.

(4) The format of the register under Paragraph 1 shall be laid down in the implementing regulation to this Act.

Article 55. (Amended, SG No. 54/2012, effective 17.07.2012, repealed, SG No. 92/2015, effective 1.01.2016).

Article 55a. (New, SG No. 95/2009, effective 1.12.2009, amended, SG No. 54/2012, effective 17.07.2012) (1) The excise duty rate under Article 31, Paragraph 1, item 7 shall be applied by the persons under Article 4, item 38 who hold licenses issued for operation of tax warehouses and certificates issued for registration as independent small breweries.

(2) A request shall be submitted to the Director of the Customs Agency for issuance of a certificate of registration as independent small brewery.

(3) (Amended, SG No. 92/2015, effective 1.01.2016) Based on the request and the documents, attached to it the Customs Agency shall, within 14 days of receipt of the documents, respectively of the rectification of any irregularities therein, issue a certificate of registration as independent small brewery or refuse its issuance by a motivated decision. If a decision has not been passed within this timeline, this fact shall be considered a silent refusal of registration.

- (4) The refusal of registration may be appealed against under the procedure of the Administrative Procedure Code.
- (5) In the event of change of any circumstances, under which any certificate under Paragraph 3 had been issued, the licensed warehousekeeper shall notify the Director of the Customs Agency, by serving a notice within 14 days of occurrence of such change.
- (6) The effect of the certificate of registration as independent small brewery shall be terminated:
1. upon written request of the registered person;
 2. upon withdrawal of the certificate of registration under Article 110, Paragraph 2;
 3. upon termination of the effect of the license for operation of the tax warehouse;
 4. in case the independent small brewery would cease to conform to the definition under Article 4, item 38;
 5. if the term submission of the notice under Paragraph 5 would not be complied with.
- (7) (Effective 1.04.2013 - SG No. 54/2012) The request under Paragraph 2 or the notice under Paragraph 5 may also be submitted electronically under procedure, in manner and format, determined in the implementing regulation to this Act.
- (8) (New, SG No. 92/2015, effective 1.01.2016) The entitlement to apply the rate under Article 31, Paragraph 1. item 7 shall originate as of the date of handing over the certificate of registration.

Section IIa

(New, SG No. 101/2013, effective 1.01.2014)

Licensing in special cases

Article 55b. (New, SG No. 101/2013, effective 1.01.2014) The State Reserve and Wartime Stocks State Agency shall be entitled to conduct its activity as authorised warehousekeeper, provided that:

1. it holds license or authorisation, or is registered for engaging in the said activity, if so envisaged by another act;
2. it has available warehousing facilities, provided to it for operation, for carrying out the activities under Article 46, Paragraph 2, which meet the security and control requirements, determined by the implementing regulation to this Act, where the excisable goods are to be received and unloaded.
3. it uses measuring and controlling instruments, meeting the requirements of the Measurements Act the Technical Requirements towards Products Act and the implementing regulations thereof.

Article 55c. (New, SG No. 101/2013, effective 1.01.2014) (1) For the issuance of license for management of a tax warehouse a written request shall be submitted to the Director of the Customs Agency, containing:

1. description of the operations, which are to be performed at the tax warehouse;
2. the types of excisable goods with the CN codes indicated, which are to be warehoused;
3. the annual projected volume of excisable goods stored under excise duty suspension arrangement according to the information under Paragraph 2, item 5;
4. the annual projected volume for the movement of excisable goods under excise duty suspension arrangement;
5. precise location, description and purpose of the tax warehouse premises;
6. the names of the employees authorised to sign electronic administrative documents and specimens of their signatures.

(2) The following documents shall be attached to the request under Paragraph 1.

1. license, authorisation or registration for conducting the activity, where required under the law;
2. document certifying the warehousing facilities, provided for operation
3. current drawing of the real property;
4. layout of the tax warehouse premises with indicated location and intended purpose of the premises, facilities and containers with their volume, as well as location of measuring instruments;
5. information regarding:
 - a) (amended, SG No. 92/2015, effective 1.01.2016) the types of excisable goods with their CN codes, which are to be stored at the tax warehouse and the quantities, expressed in the unit of measurement under Article 28, paragraph 1;
 - b) the monthly average quantity of excisable goods to be stored - by type of goods and excise rates;
 - c) the maximum warehouse capacity for storage of excisable goods - by type of goods and excise rates;
 - d) the monthly average projected amount of the excisable goods released for consumption - by type of goods and excise rates;
 - e) the conditions and procedure of internal account pursuant to the normative acts, regulating the activity of the State Reserve and Wartime Stocks State Agency;
6. specimens of the signatures of the persons under Paragraph 1, item 6 and certificates of electronic signature;

(3) One request may be filed to apply for licenses for management of more than one tax warehouse.

(4) The request under Paragraph 1 may also be submitted electronically under procedure, in manner and format, determined in the implementing regulation to this Act.

Article 55d. (New, SG No. 101/2013, effective 1.01.2014) (1) Where the conditions for granting a license for management of tax warehouse are fulfilled and the documents submitted meet the requirements, the authority under Article 55c, Paragraph 1 shall issue a decision on the request within one month from filing thereof.

(2) Where the documents submitted under Article 55c, Paragraph 2 do not meet the requirements or the information provided is insufficient, the authority under Article 55c, Paragraph 1 shall notify the Chairman of the State Reserve and Wartime Stocks State Agency within 14 days from receipt of the request and shall set a time limit to remove irregularities or provide additional information within 14 days from receipt of the notification.

(3) Within the time limit under Paragraph 2 the Chairman of the State Reserve and Wartime Stocks State Agency shall rectify any irregularities or submit any additional information required and upon failure to fulfil this obligation the authority under Article 55c, Paragraph 1 shall refuse granting the requested license.

(4) Within a month of rectification of the irregularities or provision of the required additional information the authority under Article 55c, Paragraph 1 shall review the request and the documents attached thereto and shall issue a decision on the request.

(5) (New, SG No. 105/2014, effective 1.01.2015) Should it be necessary to clarify all important facts and circumstances for the granting of the license, the person who has submitted the request, within the time limit under Paragraph 2, may request the stay of the proceedings for the granting of the license within three months, specifying the reasons for the stay.

(6) (New, SG No. 105/2014, effective 1.01.2015) Where the clarification of important facts and circumstances for the granting of the license necessitates an opinion of another authority, the time limit under Paragraph 1 shall be deemed extended, but by no longer than three months.

(7) (New, SG No. 105/2014, effective 1.01.2015) In the cases under Paragraphs 5 and 6 the person shall be notified in writing.

Article 55e. (New, SG No. 101/2013, effective 1.01.2014) Within the time limits under Article 55d the Director of the Customs Agency shall issue a license for management of a tax warehouse for storage of excisable goods or a motivated refusal.

(2) A separate license shall be issued for every individual tax warehouse.

(3) (Amended, SG No. 92/2015, effective 1.01.2016) The license issued or the refusal for issuing a license may be appealed against under the Administrative Procedure Code. The absence of a decision within the time limit set shall be deemed to be a silent refusal for issuing a license.

Article 55f. (New, SG No. 101/2013, effective 1.01.2014) (1) The license shall contain:

1. the name of the issuing body;
2. the identification number of the authorised warehousekeeper;
3. the identification number of the tax warehouse;
4. the factual and legal grounds for its issuance;
5. the name, seat and registered address, the uniform identification code of the authorised warehousekeeper;
6. the address of the tax warehouse;
7. description of the activities to be performed in the tax warehouse and the type of excisable goods with CN codes;
8. the full names and the personal identification number of the Chairman of the State Reserve and Wartime Stocks State Agency and of other persons, authorised to sign electronic administrative documents;
9. the date of issue and signature of the person issuing the license.

(2) The right to apply excise duty suspension arrangement shall arise from the date of the license delivery.

Article 55g. (New, SG No. 101/2013, effective 1.01.2014) The authorised warehousekeeper shall be obliged:

1. to notify in writing the customs authorities of any changes in the circumstances under which the license for management of the tax warehouse has been issued within 14 days of their occurrence by submitting the necessary documents;
2. ensure free access of customs authorities to all premises and the entire territory of the tax warehouse and ensure premises for conduct of the inspections;
3. observe all specific requirements for the storage and movement of excisable goods;
4. keep separate documentary records by type of activity and by type of excisable goods.

(2) In the event of a change of the circumstances subject to recording in the license granted, the Director of the Customs Agency shall issue a decision, which shall form an integral part of the license granted and delivered.

(3) In the instances under Paragraph 1, item 1 the notice may also be submitted electronically under procedure, in manner and format, determined in the implementing regulation to this Act.

Article 55h. (New, SG No. 101/2013, effective 1.01.2014) (1) The validity of the license for management of a tax warehouse shall be terminated:

1. upon written request of the authorised warehousekeeper;
2. upon withdrawal of the license.

(2) The license for management of a tax warehouse shall be revoked if the authorised warehousekeeper would cease to meet the requirements under Article 55b.

(3) The license shall be terminated by decision of the Director of the Customs Agency, which may be appealed against under the Administrative Procedure Code.

Section III

Registration of Specialised Small Distilleries and Small Producers of Wine

Article 56. (1) Subject to compulsory registration under this Act shall be:

1. specialized small distilleries;
2. small producers of wine.

(2) The Customs Agency shall keep a register of the registered units under Paragraph 1, which shall contain the following information:

1. identification number of the unit;
2. (amended, SG No. 34/2006, SG No. 63/2006) name, seat and registered address, the single identification code of the person;
3. address of the unit;
4. (supplemented, SG No. 95/2009, effective 1.12.2009) the type of excisable goods with CN codes that may be produced;
5. (amended, SG No. 92/2015, effective 1.01.2016) the date of handing over of the certificate of registration;
6. date of termination of the registration.

(3) The format of the register under Paragraph 2 shall be laid down in the implementing regulation to this Act.

Article 57. (1) (Amended, SG No. 105/2006, SG No. 99/2011, effective 1.01.2012, amended and supplemented, SG No. 54/2012, effective 17.07.2012) The owners or tenants of facilities under Article 56, Paragraph 1 may be only persons, who have been registered under the Commerce Act, the Co-operative Societies Act or under the laws of another European Union Member State or of another country which is a signatory to the European Economic Area Agreement, as well as legal entities, established by virtue of a normative act.

(2) (Supplemented, SG No. 54/2012, effective 1.04.2013) The persons under Paragraph 1 may file a request for registration of the unit to the head of the customs authority by location of the unit before commencing activity. The request may also be submitted electronically under procedure, in manner and format, determined in the implementing regulation to this Act.

(3) The following shall be attached to the request under paragraph 2:

1. (amended, SG No. 34/2006, supplemented, SG No. 95/2009, effective 1.12.2009, repealed, SG No. 54/2012, effective 17.07.2012);
2. (amended, SG No. 81/2006) technical information on the opened and closed production units or warehouses, specifying the area and their location, full description of the technological equipment, including containers and their volume;
3. the original or a notary certified copy of a document certifying the unit's commissioning, issued in accordance with the Spatial Development Act;
4. (repealed, SG No. 105/2006);

5. (amended, SG No. 34/2006, SG No. 63/2006, repealed, SG No. 54/2012, effective 17.07.2012;
 6. a license, permit or registration, where this is required by law;
 7. a declaration that the unit meets the requirements of Article 4, items 8 and 9;
 8. a list of the full names and personal identification numbers of the persons that manage the production process (in charge of the units) AND comply with the requirements of the Wine and Spirit Drinks Act and the by-laws for its implementation.
- (4) (Amended, SG No. 92/2015, effective 1.01.2016) Based on the request and documents attached thereto under paragraph 3, the head of the customs authority, within 14 days from submission of the documents, removal of irregularities respectively, shall issue a certificate of registration or shall refuse to issue said certificate with a motivated decision. The absence of a decision within the time limit set shall be deemed to be a silent refusal for issuing a license.
- (5) The registered person shall notify in writing the head of the customs authority of any change in the data contained in the request within 14 days from occurrence thereof.
- (6) (New, SG No. 54/2012, effective 17.07.2012) In instances under Paragraph 5 a notice must be submitted of change in the circumstances, under which the certificate had been issued.
- (7) (New, SG No. 54/2012, effective 1.04.2013) The notice under Paragraph 6 may also be submitted electronically under procedure, in manner and format, determined in the implementing regulation to this Act.
- (8) (New, SG No. 92/2015, effective 1.01.2016) The entitlement to engage in the activity, for which the certificate of registration was issued, shall originate as of the date of its handing over.

Section IIIa

(New, SG No. 105/2006)

Compulsory Registration

Article 57a. (New, SG No. 105/2006) (1) Subject to compulsory registration shall be the persons:

1. who produce, import or bring into the territory of the country coke or coal, as well as the persons who initiate transactions in coke or coal;
 2. (amended, SG No. 54/2012, effective 17.07.2012) licensed under the Energy Act, who sell electricity to consumers of electricity for household or industrial purposes, as well as persons who sell natural gas for household or industrial purposes and for motor fuel;
 3. (amended, SG No. 54/2012, effective 17.07.2012) which consume own electricity or natural gas for own needs, licensed under the Energy Act to produce electricity, for transfer or distribution of electricity or natural gas, for trade in electricity, for public supply of electricity or natural gas or supply of end suppliers of electricity or natural gas, as well as persons extracting natural gas, which use natural gas for their own needs;
- 3a. (new, SG No. 92/2015, effective 1.01.2016) that sell own electricity, generated from renewable energy sources by a plant of a total installed capacity of up to 5 MW, to consumers for household and/or industrial purposes;
- 3b. (new, SG No. 92/2015, effective 1.01.2016) that consume their own electricity, generated from renewable energy sources for their own needs by a plant of a total installed capacity of up to 5 MW, with the exception of persons that consume their own electricity for household needs;
4. (amended, SG No. 95/2009, effective 1.12.2009) tax representatives of registered persons for VAT purposes in another Member State, who bring into the territory of the country excisable goods for supply under the terms of distant selling within the meaning of the Value Added Tax Act;

5. (new, SG No. 92/2015, effective 1.01.2016) that produce and sell biogas for industrial purposes, as well as persons that produce and consume biogas for own needs, with the exception of persons that consume their own biogas for household needs;

6. (new, SG No. 92/2015, effective 1.01.2016) that import or introduce into the territory of this country, consume their own or sell compressed or liquefied natural gas, as well as the persons that engage in activities of liquefaction of natural gas or re-gasification of liquefied of natural gas.

(2) (New, SG No. 54/2012, effective 17.07.2012, amended, SG No. 92/2015, effective 1.01.2016) Eligible to become a registered person under Paragraph 1, items 1 - 3b, 5 and 6 shall be any person, who:

1. is a merchant within the meaning of the Commerce Act or under the legislation of another European Union Member State or of another country which is a signatory to the European Economic Area Agreement;

2. is not undergoing bankruptcy or liquidation proceedings;

3. is represented by persons who:

a) have not been convicted of a crime of general nature;

b) have not been members of a managing or controlling body or unlimited liability partners in a company dissolved by insolvency, if unsatisfied creditors have remained;

4. (Amended, SG No. 101/2013, effective 1.01.2014) have no public obligations, collected by customs authorities, tax obligations or obligations for compulsory social security contributions;

5. have not committed a serious or repeat offence under this Act except for the cases, where the administrative sanction procedure had been concluded by reaching a settlement;

6. hold a license, authorisation or registration, when so required by law;

7. use metering and control devices, conforming to the requirements of this Act, the Measurements Act and the normative acts on their implementation.

(3) (New, SG No. 54/2012, effective 17.07.2012) Persons under Paragraph 1, items 2 and 3 shall be obliged to:

1. use automated reporting systems;

2. (amended, SG No. 105/2014, effective 1.01.2015) ensure by themselves and at own expense Internet access for the customs authorities to the automated reporting systems under item 1.

(4) (Renumbered from Paragraph 2, SG No. 54/2012, effective 17.07.2012, supplemented, SG No. 92/2015, effective 1.01.2016) The Customs Agency shall keep a public register of the persons registered under Paragraph 1, which shall contain the following information:

1. (supplemented, SG No. 95/2009, effective 1.12.2009) name, registered address and registered office, uniform identification code of the person or the full name and personal identification number (personal number of alien);

2. types of excisable goods subject to excise duty taxation by the person;

3. (amended, SG No. 92/2015, effective 1.01.2016) date of handing over and number of the certificate of registration;

4. date of deregistration and number of the decision on deregistration;

5. (supplemented, SG No. 54/2012, effective 17.07.2012) the competent customs authority which issued the certificate of registration;

6. (new, SG No. 54/2012, effective 17.07.2012) the precise location of the facility or network, from which sales of natural gas for household or industrial purposes and for motor fuel are performed on the territory of the respective competent customs authority.

(5) (New, SG No. 95/2009, effective 1.12.2009, renumbered from Paragraph 3, SG No. 54/2012, effective 17.07.2012) The

information under Paragraph 4, item 1 about the personal identification number (personal number of alien) shall be provided under the terms and procedure of the Personal Data Protection Act.

(6) (New, SG No. 54/2012, effective 17.07.2012) The provision under Paragraph 1 shall not apply in cases, where the persons hold license for operation of tax warehouse.

(7) (New, SG No. 94/2012, effective 30.11.2012) The persons under Paragraph 1, item 2, who sell natural gas used as motor fuel only, shall not be subject to mandatory registration under this Act.

(8) (New, SG No. 92/2015, effective 1.01.2016) Certificate of registration may not be issued to any person under Paragraph 1, items 1, 3, 3a, 3b, 5 and 6 whose owners, managers, procurators, majority partners or shareholders are or had been at the moment when obligations were incurred owners, managers, procurators, majority partners or shareholders, members of management or supervisory bodies of persons having outstanding public liabilities, collected by the customs authorities.

(9) (New, SG No. 92/2015, effective 1.01.2016) The persons under Paragraph 1, item 5 shall be obliged to meet the requirements under Paragraph 2, items 1 - 6.

Article 57b. (New, SG No. 105/2006) (1) (Supplemented, SG No. 54/2012, effective 17.07.2012, second sentence effective 1.04.2013) The persons under Article 57a, Paragraph 1, items 1 - 3 with the exception of persons, selling natural gas for household or industrial purposes and for motor fuel, shall submit a request for registration to the head of the customs authority by registered address and registered office before start up of activity. Such request may also be submitted electronically under procedure, in manner and format, determined in the implementing regulation to this Act.

(2) (New, SG No. 54/2012, effective 17.07.2012, supplemented, SG No. 92/2015, effective 1.01.2016) Persons selling natural gas for household or industrial purposes and for motor fuel, as well as persons under Article 57a, Paragraph 1, items 3a, 3b, 5 and 6, shall submit a request for registration to the head of the customs authority by location of the facility or network, from which sales are performed on the territory of the respective competent customs authority. The request may also be submitted electronically under procedure, in manner and format, determined in the implementing regulation to this Act.

(3) (Renumbered from Paragraph 2, SG No. 54/2012, effective 17.07.2012) The persons under Article 57a, Paragraph 1, item 4 shall file a request for registration to the head of the customs authority by permanent address, registered address and registered office of the tax representative respectively.

(4) (Renumbered from Paragraph 3, SG No. 54/2012, effective 17.07.2012) A tax representative of a non-resident person registered for VAT purposes in another Member State may be only a capable natural person with permanent address in the country or permanently residing therein or a resident legal person which is not undergoing liquidation or is not declared in bankruptcy and has no payable and unpaid tax liabilities and liabilities for insurance contributions collected by the National Revenue Agency.

(5) (Renumbered from Paragraph 4, SG No. 54/2012, effective 17.07.2012) The tax representative shall represent the non-resident person in all its/his tax legal relations which have arisen hereunder and shall be responsible jointly and severally and unlimitedly for the obligations of the registered non-resident person under this Act.

(6) (Supplemented, SG No. 95/2009, effective 1.12.2009, renumbered from Paragraph 5, amended, SG No. 54/2012, effective 17.07.2012) The following documents shall be attached to the request under Paragraphs 1 -3:

1. certificate of clean conviction record regarding the circumstances under Article 57a, Paragraph 2, item 3, littera "a" and where such persons are not Bulgarian citizens - a declaration;
2. declaration regarding the circumstances under Article 57a, Paragraph 2, item 3, littera "b";
3. certificate of existence or absence of tax obligations and obligations for compulsory social security contributions;
4. declaration regarding the circumstances under Article 57a, Paragraph 2, item 5;
5. declaration that the person is not undergoing a bankruptcy or liquidation procedure;
6. license, authorisation or registration, where required under the law;

7. user's manual concerning the automated reporting systems of the persons under Article 57a, Paragraph 1, items 2 and 3;
8. description of the precise location of the facility or network, from which sales of natural gas for household or industrial purposes and for motor fuel are performed on the territory of the respective competent customs authority, in regard to the persons under Paragraph 2;
9. plan of the facility or network, from which sales of natural gas for household or industrial purposes and for motor fuel are performed on the territory of the respective competent customs authority, with indications of the locations and purposes of premises, installations and containers with the volumes thereof, as well as the locations of metering devices, in regard to the persons under Paragraph 2.
- (7) (Renumbered from Paragraph 6, amended, SG No. 54/2012, effective 17.07.2012, SG No. 92/2015, effective 1.01.2016) Based on the request and documents attached thereto under paragraph 6, the head of the customs authority, within 14 days from submission of the documents, removal of irregularities respectively, shall issue a certificate of registration or shall refuse to issue said certificate with a motivated decision. If a decision has not been passed within this timeline, this fact shall be considered a silent refusal of registration.
- (8) (New, SG No. 105/2014, effective 1.01.2015) Should it be necessary to clarify all important facts and circumstances for the granting of the license, the person who has submitted the request, within the time limit under Paragraph 7, may request the stay of the proceedings for the granting of the license within three months, specifying the reasons for the stay.
- (9) (New, SG No. 105/2014, effective 1.01.2015) Where the clarification of important facts and circumstances for the granting of the license necessitates an opinion of another authority, the time limit under Paragraph 7 shall be deemed extended, but by no longer than three months.
- (10) (New, SG No. 105/2014, effective 1.01.2015) In the cases under Paragraphs 8 and 9 the person shall be notified in writing.
- (11) (Renumbered from Paragraph 7, SG No. 54/2012, effective 17.07.2012, renumbered from Paragraph 8, SG No. 105/2014, effective 1.01.2015) Refusal of registration may be appealed under the Administrative Procedure Code.
- (12) (Renumbered from Paragraph 8, amended, SG No. 54/2012, effective 17.07.2012, renumbered from Paragraph 9, SG No. 105/2014, effective 1.01.2015) The certificate of registration under Paragraph 7 shall be delivered to the tax representative upon submission of the security under Article 83a.
- (13) (Renumbered from Paragraph 9, SG No. 54/2012, effective 17.07.2012, renumbered from Paragraph 10, SG No. 105/2014, effective 1.01.2015) The registered person shall:
1. notify in writing the head of the competent customs authority of any change of the data in the request within 14 days of their occurrence;
 2. keep documentation and accounting in accordance with the requirements set out in the implementing regulation to this Act.
- (14) (New, SG No. 54/2012, effective 1.04.2013, renumbered from Paragraph 11, amended, SG No. 105/2014, effective 1.01.2015) In instances under Paragraph 13, item 1 the registered person shall submit a notice of change in the circumstances, under which the certificate had been issued. Such notice may also be submitted electronically under procedure, in manner and format, determined in the implementing regulation to this Act.
- (15) (New, SG No. 92/2015, effective 1.01.2016) If in the course of the inspection existence of a circumstance under Article 57a, paragraph 8 would be found, the person shall be requested to provide security within 14 days of receipt of the notice in a value not less than the amount of the outstanding public liability.
- (16) (New, SG No. 92/2015, effective 1.01.2016) The entitlement to engage in the activity, for which the certificate of registration was issued, shall originate as of the date of its handing over.

Section IIIb

(New, SG No. 105/2006)

Registered Consignees

Article 57c. (New, SG No. 105/2006) (1) (Amended, SG No. 95/2009, effective 1.12.2009) A registered trader may be a person who:

1. (supplemented, SG No. 92/2015, effective 1.01.2016) is an equity commercial company under the Commerce Act, with registered and fully paid in capital of not less than BGN 500,000, except for persons, that are to receive only still and sparkling wines and/or other fermented beverages;
2. is not undergoing insolvency or liquidation proceedings;
3. is represented by persons who:
 - a) have not been convicted of a crime of general nature;
 - b) have not been members of a managing or controlling body or unlimited liability partners in a company dissolved by insolvency, if unsatisfied creditors have remained;
4. (amended, SG No. 54/2012, effective 17.07.2012, SG No. 101/2013, effective 1.01.2014) who has no public obligations, collected by the customs authorities, tax obligations and obligations for compulsory social security payments;
5. (supplemented, SG No. 94/2010, effective 1.01.2011) has not committed a grave or repeated violation of this Act, except for the cases where the administrative penal proceeding has ended with the conclusion of an agreement;
6. (supplemented, SG No. 92/2015, effective 1.01.2016) has his own or rented premises and/or areas where excisable goods will be received and unloaded;
7. uses an automated reporting system which allows on-line control of received excisable goods;
8. (amended, SG No. 105/2014, effective 1.01.2015) provides to customs authorities autonomously and at his expense Internet access to the automated reporting systems under item 7;
9. (supplemented, SG No. 94/2010, effective 1.01.2011) uses measuring and controlling instruments meeting the requirements of this Act, the Measurements Act and the implementing regulations thereof;
10. (new, SG No. 92/2015, effective 1.01.2016) hold a license, authorisation or registration, when so required by law.

(2) (Amended, SG No. 95/2009, effective 1.12.2009) The person under Paragraph 1 shall file a request for registration to the head of the customs authority by location of the unit where excisable goods will be received and unloaded before start up of activity, which shall contain:

1. (supplemented, SG No. 95/2009, effective 1.12.2009, amended, SG No. 94/2010, effective 1.01.2011, repealed, SG No. 54/2012, effective 17.07.2012);
2. (repealed, SG No. 54/2012, effective 17.07.2012);
3. a license, permit or registration, where this is required by law;
4. (amended, SG No. 95/2009, effective 1.12.2009, supplemented, SG No. 54/2012, effective 17.07.2012) location and layout of the unit where the goods are received and unloaded, as well as a document of ownership or a rent contract for such unit;
5. (supplemented, SG No. 95/2009, effective 1.12.2009) type of excisable goods received with CN codes;
6. average monthly quantity of excisable goods supplied under excise duty suspension arrangement;
7. (supplemented, SG No. 95/2009, effective 1.12.2009, amended, SG No. 19/2011, effective 8.03.2011, amended and supplemented, SG No. 99/2011, effective 1.01.2012) a list with the full name and the personal identification number of the persons who are authorised to sign electronic administrative documents, specimens of their signatures and certificates of

electronic signature;

8. the type of the security provided;

9. (new, SG No. 95/2009, effective 1.12.2009) a conviction certificate of the circumstances under Paragraph 1, item 3, littera "a", and where the persons are non-residents - a declaration;

10. (new, SG No. 95/2009, effective 1.12.2009) a declaration of the circumstances under Paragraph 1, item 3, littera "b";

11. (new, SG No. 95/2009, effective 1.12.2009) a certificate of presence or absence of tax liabilities on compulsory social security payments;

12. (new, SG No. 95/2009, effective 1.12.2009) a declaration of the circumstances under Paragraph 1, item 5;

13. (new, SG No. 95/2009, effective 1.12.2009) a declaration that the person is not undergoing insolvency or liquidation proceedings;

14. (new, SG No. 95/2009, effective 1.12.2009, amended, SG No. 92/2015, effective 1.01.2016) a layout of the premises and/or areas with indicated location and intended purpose of the facilities and containers with their volume, as well as location of measuring instruments;

15. (new, SG No. 95/2009, effective 1.12.2009, amended, SG No. 54/2012, effective 17.07.2012) user's manual for the automated reporting systems used at the facility;

16. (new, SG No. 101/2013, effective 1.01.2014) the precise location of the place of direct supply;

17. (new, SG No. 101/2013, effective 1.01.2014) a contract or other document executed with the person - consignee of energy products, in instances of direct supply;

18. (new, SG No. 101/2013, effective 1.01.2014) the layout of the place of direct supply with designated location of the devices for measuring and control the energy products received.

(3) Where the conditions for registration are fulfilled and the documents submitted meet the requirements, the authority under Paragraph 2 shall issue a decision on the request within one month from its receipt.

(4) (Amended, SG No. 54/2012, effective 17.07.2012) Where the documents submitted under Paragraph 2 do not meet the requirements or the information provided is insufficient, the authority under Paragraph 2 shall, within 14 days from receipt of the request, notify the person, having lodged the same and set a 14-day time limit for removal of inconsistencies or provision of additional information effective as from receipt of the notification.

(5) (Amended, SG No. 54/2012, effective 17.07.2012) Within the time limit set under Paragraph 4, the person, having lodged the request shall remove any inconsistencies or provide the required additional information and should it fail to do so the authority under Paragraph 2 shall refuse to grant registration.

(6) Within one month from removal of inconsistencies or provision of the required additional information the authority under Paragraph 2 shall examine the request and the documents attached thereto and shall issue a decision.

(7) (New, SG No. 54/2012, effective 1.04.2013) The request under Paragraph 2 may also be submitted electronically under procedure, in manner and format, determined in the implementing regulation to this Act.

(8) (New, SG No. 101/2013, effective 1.01.2014) The registered consignee may request to receive energy products in a place or places of direct supply other than the location of the facility, where excisable goods are received and unloaded, under a procedure set out in the implementing regulation to this Act.

(9) (New, SG No. 105/2014, effective 1.01.2015) Should it be necessary to clarify all important facts and circumstances for the issuing of the registration certificate, the person who has submitted the request, within the time limit under Paragraph 4, may request the stay of the proceedings for the issuing of the registration certificate within three months, specifying the reasons for the stay.

(10) (New, SG No. 105/2014, effective 1.01.2015) Where the clarification of important facts and circumstances for the issuance of the certificate necessitates an opinion of another authority, the time limit under Paragraph 3 shall be deemed

extended, but by no longer than three months.

(11) (New, SG No. 105/2014, effective 1.01.2015) In the cases under Paragraphs 9 and 10 the person shall be notified in writing.

(12) (New, SG No. 92/2015, effective 1.01.2016) Certificate of registration may not be issued to any person whose owners, managers, procurators, majority partners or shareholders are or had been at the moment when obligations were incurred owners, managers, procurators, majority partners or shareholders, members of management or supervisory bodies of persons having outstanding public liabilities, collected by the customs authorities.

(13) (New, SG No. 92/2015, effective 1.01.2016) If in the course of the inspection existence of a circumstance under Paragraph 12 would be found, the person shall be requested to provide security within 14 days of receipt of the notice in a value not less than the amount of the outstanding public liability.

Article 57d. (New, SG No. 105/2006) (1) (Amended, SG No. 92/2015, effective 1.01.2016) In the time limits under Article 57c the head of the competent customs authority shall issue a certificate of registration to the registered consignee or shall refuse to issue it by a motivated decision. If a decision has not been passed within this timeline, this fact shall be considered a silent refusal of registration.

(2) Refusal of registration may be appealed under the Administrative Procedure Code.

(3) The certificate of registration shall be delivered to the person upon submission of the security under Article 83a.

(4) The right of the registered consignee to receive goods under excise duty suspension arrangement shall arise on the date of delivery of the certificate of registration.

Article 57e. (New, SG No. 105/2006) (1) (Previous Article 57e, SG No. 54/2012, effective 1.04.2013) The registered consignee shall:

1. (amended, SG No. 99/2011, effective 1.01.2012) keep separate document reporting of excisable goods received under excise duty suspension arrangement;

2. notify in writing the head of the customs authority of any change in the data in the application for registration within 14 days from its occurrence;

3. (amended, SG No. 109/2007) ensure free access of customs authorities to all premises and the entire territory of the facility and ensure them premises for conducting the checks;

4. not allow the full amount of the excise duty which has arisen or could arise upon application of the excise duty suspension arrangement exceed the amount of the security provided;

5. (new, SG No. 101/2013, effective 1.01.2014) use measuring and controlling instruments, which meet the requirements of Article 103a at the place of direct supply.

(2) (New, SG No. 54/2012, effective 1.04.2013) In instances under Paragraph 1, item 2 the registered person shall submit a notice of change in the circumstances, under which the certificate had been issued. Such notice may also be submitted electronically under procedure, in manner and format, determined in the implementing regulation to this Act.

Article 58. (Amended, SG No. 105/2006) (1) (Previous Article 58, SG No. 95/2009, effective 1.12.2009, amended, SG No. 54/2012, effective 17.07.2012) The authority under Article 57, Paragraph 2, Article 57b, Paragraphs 1 - 3 and Article 57c, Paragraph 2 shall terminate the registration:

1. (amended, SG No. 54/2012, effective 17.07.2012) upon request by the registered person;

2. (amended, SG No. 101/2013, effective 1.01.2014) on transfer of the company of the sole trader or deregistration thereof or on dissolution of the legal entity except for transformation through a change of the legal status;

3. at its initiative, where:

- a) the registered person does not meet the requirements of this Act, or
 - b) (supplemented, SG No. 92/2015, effective 1.01.2016) the registered consignee or tax representative fails to provide a new security within the time limits set, required where a new amount of the security is stipulated or where the security is no longer valid, or
 - c) (new, SG No. 92/2015, effective 1.01.2016) the person had provided false data, which served as basis for issuance of the certificate of registration.
- (2) (New, SG No. 95/2009, effective 1.12.2009) Registration is terminated by a decision of the head of the competent customs authority, which shall be subject to preliminary execution, unless the court orders otherwise.
- (3) (New, SG No. 95/2009, effective 1.12.2009) Upon a change of the circumstances subject to registration in the certificate issued, the authority under Paragraph 1 shall issue a decision which shall be an integral part of the certificate issued.
- (4) (New, SG No. 95/2009, effective 1.12.2009) The decisions under Paragraphs 2 and 3 may be appealed under the Administrative Procedure Code.

Section IIIc

(New, SG No. 105/2006)

Temporarily Registered Consignees

- Article 58a.** (New, SG No. 105/2006) (1) (Amended, SG No. 95/2009, effective 1.12.2009) A right to receive one-off a specific quantity of excisable goods under excise duty suspension arrangement from an authorised warehousekeeper in another Member State shall have a person who:
- 1. is a trader within the meaning of the Commerce Act, who is registered under the Value Added Act and who has obtained a permit under the procedure of this Section for every single supply of excisable goods and who:
 - a) is not undergoing insolvency or liquidation proceedings;
 - b) is represented by persons who:
 - aa) have not been convicted of a crime of general nature;
 - bb) have not been members of a managing or controlling body or unlimited liability partners in a company dissolved by insolvency, if unsatisfied creditors have remained;
 - 2. (amended, SG No. 54/2012, effective 17.07.2012, SG No. 101/2013, effective 1.01.2014) has no public obligations, collected by the customs authorities, tax obligations and obligations for compulsory social security contributions;
 - 3. (supplemented, SG No. 94/2010, effective 1.01.2011) has not committed a grave or repeated violation under this Act, except for the cases where the administrative penal proceeding has ended with the conclusion of an agreement;
 - 4. (supplemented, SG No. 92/2015, effective 1.01.2016) has his own or rented premises and/or areas where excisable goods will be received and unloaded;
 - 5. uses an automated reporting system which allows on-line control of received excisable goods;
 - 6. (supplemented, SG No. 94/2010, effective 1.01.2011) uses measuring and controlling instruments meeting the requirements of this Act, the Measurements Act and the implementing regulations thereof;
 - 7. (new, SG No. 92/2015, effective 1.01.2016) hold a license, authorisation or registration, when so required by law.
- (2) (Amended, SG No. 95/2009, effective 1.12.2009) To obtain a permit the person under Paragraph 1 shall file a request to the head of the customs authority by location of the unit where excisable goods will be received and unloaded not later than 30

days before the date of receipt of the goods, which shall contain:

1. (supplemented, SG No. 95/2009, effective 1.12.2009, amended, SG No. 94/2010, effective 1.01.2011, repealed, SG No. 54/2012, effective 17.07.2012);
2. (repealed, SG No. 54/2012, effective 17.07.2012);
3. a license, permit or registration, where this is required by law;
4. (supplemented, SG No. 54/2012, effective 17.07.2012) location and layout of the premises where the goods are received and unloaded as well as a document of ownership or a rent contract for such premises;
5. (supplemented, SG No. 95/2009, effective 1.12.2009) type and quantity of excisable goods received with CN codes;
6. contract for supply of the excisable goods;
7. a company name/name and identification number of the authorised warehousekeeper-sender;
8. (supplemented, SG No. 95/2009, effective 1.12.2009, amended, SG No. 19/2011, effective 8.03.2011, amended and supplemented, SG No. 99/2011, effective 1.01.2012) a list with the full name and the personal identification number of the persons who are authorised to sign electronic administrative documents, specimens of their signatures and certificates of electronic signature;
9. (new, SG No. 95/2009, effective 1.12.2009) a conviction certificate of the circumstances under Paragraph 1, item 3, littera "b", sub-littera "aa" and where the persons are non-residents - a declaration;
10. (new, SG No. 95/2009, effective 1.12.2009) a declaration of the circumstances under Paragraph 1, item 1, littera "b", sub-littera "bb";
11. (new, SG No. 95/2009, effective 1.12.2009) a certificate of presence or absence of tax liabilities on compulsory social security payments;
12. (new, SG No. 95/2009, effective 1.12.2009) a declaration of the circumstances under Paragraph 1, item 3;
13. (new, SG No. 95/2009, effective 1.12.2009) a declaration that the person is not subject to legal proceedings for insolvency or liquidation;
14. (new, SG No. 95/2009, effective 1.12.2009, amended, SG No. 92/2015, effective 1.01.2016) a layout of the premises and/or areas with indicated location of the facilities and containers with their volume, as well as locations of measuring instruments;
15. (new, SG No. 95/2009, effective 1.12.2009, amended, SG No. 54/2012, effective 17.07.2012) user's manual for the automated reporting systems used at the unit.

(3) Where the conditions for registration are fulfilled and the documents submitted meet the requirements, the authority under Paragraph 2 shall determine the amount of the excise duty due and shall notify the person thereof within 7 days from their receipt.

(4) (Amended, SG No. 92/2015, effective 1.01.2016) Where the documents submitted under Paragraph 2 do not meet the requirements or the information provided is insufficient, the authority under Paragraph 2 shall refuse to grant a permit within 7 days from receipt of the request. Failing to issue a decision within that term shall be considered a silent refusal to issue a permit.

(5) The refusal under Paragraph 4 may be appealed under the terms of the Administrative Procedure Code.

(6) (New, SG No. 54/2012, effective 1.04.2013) The request under Paragraph 2 may also be submitted electronically under procedure, in manner and format, determined in the implementing regulation to this Act.

(7) (New, SG No. 92/2015, effective 1.01.2016) A permit may not be issued to any person whose owners, managers, procurators, majority partners or shareholders are or had been at the moment when obligations were incurred owners, managers, procurators, majority partners or shareholders, members of management or supervisory bodies of persons having outstanding public liabilities, collected by the customs authorities.

Article 58b. (New, SG No. 105/2006) (1) Within 7 days from provision of the collateral or payment of the excise duty due the head of the competent customs authority shall issue a permit to the temporarily registered consignee= authorising the temporarily registered consignee to receive the specific quantity of excisable goods under excise duty suspension arrangement.

(2) The right of the temporarily registered consignee to receive excisable goods under excise duty suspension arrangement shall arise after the date of delivery of the permit.

Section III d

(New, SG No. 95/2009, effective 1.04.2010)

Registered Consignor

Article 58c. (New, SG No. 95/2009, effective 1.04.2010) (1) A registered consignor may be a person who:

1. is a trader within the meaning of the Commerce Act or under the laws of another Member State or a country which is a signatory to the European Economic Area Agreement and is an equity commercial company with registered and fully paid in capital of not less than BGN 500,000;
 2. is not subject to insolvency or liquidation proceedings;
 3. is represented by persons who:
 - a) have not been convicted of a crime of general nature;
 - b) have not been members of a managing or controlling body or unlimited liability partners in a company dissolved by insolvency, if unsatisfied creditors have remained;
 4. (amended, SG No. 54/2012, effective 17.07.2012, SG No. 101/2013, effective 1.01.2014) has no public obligations, collected by the customs authorities, tax obligations and obligations for compulsory social security payments;
 5. (supplemented, SG No. 94/2010, effective 1.01.2011) has not committed a grave or repeated violation of this Act, except for the cases where the administrative penal proceeding has ended with the conclusion of an agreement.
- (2) Traders within the meaning of the laws of another Member State or a country which is a signatory to the European Economic Area Agreement shall carry out activity as a registered consignor through a branch in the Republic of Bulgaria.
- (3) (New, SG No. 92/2015, effective 1.01.2016) Certificate of registered consignor may not be issued to any person whose owners, managers, procurators, majority partners or shareholders are or had been at the moment when obligations were incurred owners, managers, procurators, majority partners or shareholders, members of management or supervisory bodies of persons having outstanding public liabilities, collected by the customs authorities.

Article 58d. (New, SG No. 95/2009, effective 1.04.2010) (1) A written request shall be filed to the head of the customs authority by seat and registered office for issue of a certificate of registered consignor, which shall specify:

1. the type of excisable goods with CN codes which are to be sent;
2. average monthly quantity of the sent excisable goods under excise duty suspension arrangement;
3. the customs offices in which excisable goods will be admitted for free circulation;
4. the type of the security to be provided;
5. (amended, SG No. 19/2011, effective 8.03.2011) a list with the full names and personal identification numbers of the persons authorised to sign electronic administrative documents and specimens of their signatures.

(2) The following documents shall be attached to the request under Paragraph 1:

1. (amended, SG No. 94/2010, effective 1.01.2011, repealed, SG No. 54/2012, effective 17.07.2012) ;
2. a conviction certificate of the circumstances under Article 58c, Paragraph 1, item 3, littera "a", and where the persons are non-residents - a declaration;
3. a declaration of the circumstances under Article 58c, Paragraph 1, item 3, littera "b";
4. a certificate of presence or absence of tax liabilities and liabilities on compulsory social security payments;
5. a declaration of the circumstances under Article 58c, Paragraph 1, item 5;
6. (repealed, SG No. 54/2012, effective 17.07.2012);
7. a declaration that the person is not undergoing insolvency or liquidation proceedings;
8. (new, SG No. 99/2011, effective 1.01.2012) certificate of electronic signature.

(3) (New, SG No. 54/2012, effective 1.04.2014) The request under Paragraph 1 may also be submitted electronically under procedure, in manner and format, determined in the implementing regulation to this Act.

Article 58e. (New, SG No. 95/2009, effective 1.04.2010) (1) Where the conditions for registration are fulfilled and the submitted documents meet the requirements, the authority under Article 58d, Paragraph 1 shall issue a decision on the request within one month from the date of receipt thereof.

(2) (Supplemented, SG No. 92/2015, effective 1.01.2016) Where the submitted documents under Paragraph 1 do not meet the requirements or the presented information is incomplete, the authority under Article 58d, Paragraph 1 shall, within 14 days from receipt of the request , notify the applicant and shall fix a term for removal of the irregularities or for provision of additional information, which term shall start running from the day of receipt of the notification. If in the course of the inspection existence of a circumstance under Article 58c paragraph 3 would be found, the person shall be requested to provide security within 14 days of receipt of the notice in a value not less than the amount of the outstanding public liability.

(3) Within the term fixed under Paragraph 2 the applicant shall remove irregularities or provide the required additional information and on failure to fulfil this obligation the authority under Article 58d, Paragraph 1 shall refuse registration.

(4) Within one month from removal of irregularities or provision of the required additional information the authority under Article 58d, Paragraph 1 shall examine the request and the documents attached thereto and shall issue a decision thereon.

Article 58f. (New, SG No. 95/2009, effective 1.04.2010) (1) (Amended, SG No. 92/2015, effective 1.01.2016) Within the time limits under Article 58e the head of the competent customs authority shall issue a certificate of registered consignor or shall refuse registration with a motivated decision. If a decision has not been passed within this timeline, this fact shall be considered a silent refusal of registration.

(2) The refusal of registration may be appealed under the Administrative Procedure Code.

(3) The certificate of registration shall be delivered to the person upon provision of the security under Article 81b.

(4) The right of the registered consignor to send excisable goods under excise duty suspension arrangement shall arise from the date of delivery of the certificate of registration.

Article 58g. (New, SG No. 95/2009, effective 1.04.2010) (1) (Previous Article 58g, SG No. 54/2012, effective 1.04.2013) The registered consignor shall:

1. keep separate documentary reporting for the excisable goods under excise duty suspension arrangement;
2. notify in writing the head of the customs authority of any change of the data in the request for registration within 14 days from occurrence thereof;

3. not allow the total amount of the excise duty, which has arisen or which could arise when applying the excise duty suspension arrangement, exceed the amount of the provided security.

(2) (New, SG No. 54/2012, effective 17.07.2012) In the cases under Paragraph 1, item 2 the registered person shall submit notice of any changes to the circumstances, under which the certificate had been issued. The notice may also be submitted electronically under procedure, in manner and format, determined in the implementing regulation to this Act.

Article 58h. (New, SG No. 95/2009, effective 1.04.2010) (1) The authority under Article 58d, Paragraph 1 shall terminate the registration:

1. (amended, SG No. 54/2012, effective 17.07.2012) by request of the registered person;
 2. (amended, SG No. 101/2013, effective 1.01.2014) on liquidation of the legal entity except for transformation through a change of the legal status;
 3. at its initiative where:
 - a) the registered person does not meet the requirements of this Act; or
 - b) the registered consignor fails to provide within the time limits set a new security required in the cases where a new amount of the security is determined or where the security is no longer valid.
- (2) The registration shall be terminated by a decision of the head of the competent customs authority, which shall be subject to preliminary execution, unless the court orders otherwise.
- (3) The decision under Paragraph 2 may be appealed under the Administrative Procedure Act.

Section IV

Production of Excisable goods

Article 59. (Effective 1.07.2006 - SG No. 91/2005) (1) (Supplemented, SG No. 63/2006, amended, SG No. 95/2009, effective 1.12.2009) Production of alcohol, alcoholic beverages and tobacco products shall be any processing and reprocessing of any type of raw materials, as a result of which excisable goods are produced or packaged.

(2) (New, SG No. 95/2009, effective 1.12.2009) Processing of energy products shall be:

1. extraction of oil and natural gas;
2. reprocessing or refining of oil or bitumen minerals, natural gas and other hydrocarbons in gaseous form aimed at production of energy products;
3. other processing or reprocessing which requires available technological installation for production of energy products for which a specific excise rate is determined;
4. filling of liquefied petroleum gas (LPG) in bottles intended for use as fuel for heating;
5. packaging and re-packaging of energy products.

(3) (Amended, SG No. 109/2007, repealed, SG No. 44/2009, effective 1.01.2010).

(4) (New, SG No. 55/2010, effective 20.07.2010) An activity shall not be considered production of energy products wherein energy products are used outside a manufacturing enterprise or a tax warehouse together with other products or other materials, provided that:

1. the excise duty on the components has been already paid, and

2. the amount paid is not less than the amount that would be due on the end product obtained from the components.

(5) (Amended, SG No. 105/2006, renumbered from Paragraph 2, SG No. 95/2009, effective 1.12.2009, renumbered from Paragraph 4, SG No. 55/2010, effective 20.07.2010) Production of excisable goods shall furthermore be considered the production of goods which contain ethyl alcohol exceeding 1.2% vol (1% mas), intended by their characteristics for consumption as food and drinks or as additives in the production of food or drinks.

Article 60. (Effective 1.07.2006 - SG No. 91/2005) (1) (Amended, SG No. 105/2006, supplemented, SG No. 109/2007, amended, SG No. 95/2009, effective 1.12.2009, supplemented, SG No. 94/2010, effective 1.01.2011, SG No. 92/2015, effective 1.01.2016) Production under Article 59, except for extraction of natural gas and/or production of biogas, shall be carried out only in a tax warehouse for manufacture and storage.

(2) Alcoholic beverages falling within CN code 2208 (rakiya) may be produced in registered specialized small distilleries as well.

(3) Wine may be produced in registered units of small producers of wine as well.

(4) (Amended, SG No. 105/2006) Paragraphs 1 and 3 shall not apply to the production of wine and other fermented beverages from fruits and grapes - own production - intended only for personal consumption of the natural person or his family.

(5) (Repealed, SG No. 63/2006, new, SG No. 92/2015, effective 1.01.2016) Production of alcoholic beverages falling within CN code 2208 (rakiya) in registered specialised small distilleries may take place only during the period from 1 July till 31 December.

(6) (Repealed, SG No. 63/2006, new, SG No. 92/2015, effective 1.01.2016) Apart from the cases under Paragraph 5 production of alcoholic beverages falling within CN code 2208 (rakiya) in registered specialised small distilleries may be authorised following written notice to the director of the competent customs authority, submitted within 14 days prior to commencing the activity.

(7) (New, SG No. 109/2007, repealed, SG No. 95/2009, effective 1.12.2009).

Article 60a. (New, SG No. 95/2009, effective 1.12.2009) (1) Excisable goods may be produced outside a tax warehouse only in the cases where such production is related to testing or examination of machines, facilities or installations.

(2) (Supplemented, SG No. 54/2012, effective 1.04.2013) For the purposes of Paragraph 1 the persons who will carry out testing or examination shall send in advance a notification to the competent customs authority by location of the unit to ensure the presence of a customs officer. The notification may also be submitted electronically under procedure, in manner and format, determined in the implementing regulation to this Act.

(3) Testing or examination under Paragraph 1 shall be carried out in the presence of a customs officer and in accordance with the terms and procedure laid down in the implementing regulation to this Act. 7

(4) Due excise duty shall be paid on excisable goods produced during the testing or examination or they shall be destroyed under the control of customs authorities.

Article 61. (Effective 1.07.2006 - SG No. 91/2005) (1) (Amended, SG No. 95/2009, effective 1.12.2009) Producers of goods under Article 2 shall use in production measuring and controlling instruments meeting the requirements of this Act, the Measurements Act and the implementing regulations thereof.

(2) (Repealed, SG No. 95/2009, effective 1.12.2009).

Article 62. (Effective 1.07.2006 - SG No. 91/2005) (1) (Amended, SG No. 109/2007, SG No. 54/2012, effective 17.07.2012) For every batch produced the producers of petrol, gas oil, kerosene and biodiesel shall:

1. (supplemented, SG No. 95/2009, effective 1.12.2009) determine the volume in litres by means of measuring instruments and controlling, conforming to the requirements of this Act, the Measurements Act and the implementing regulations thereof;

2. issue analysis certificate, containing the indicator of density (in kg/m³) at 15°C.

(2) (Supplemented, SG No. 95/2009, effective 1.12.2009) In case of importation or bringing of goods under Paragraph 1 the analysis certificate under Paragraph 1, item 2 shall be submitted for each batch.

(3) The volume shall be recalculated to a comparative temperature of 15 °C by measuring the weight in kilograms and recalculating it in litres based on the density at a temperature of 15 °C.

(4) The density at 15 °C shall be determined in accordance with the methods BDS EN ISO 3675 or BDS EN ISO 12185 and the tables under BDS ISO 91-1.

(5) The values of the initial extract content expressed in Plato degrees of bottled and draft beer shall be certified by an analysis certificate.

Article 63. (Effective 1.07.2006 - SG No. 91/2005, repealed, SG No. 109/2007).

Article 64. (Effective 1.07.2006 - SG No. 91/2005) (1) (Supplemented, SG No. 44/2009, effective 1.01.2010) Producers of tobacco products and bottled alcoholic beverages falling within CN code 2208 with alcoholic content equal to and exceeding 15 % vol, intended for sale on the domestic market, shall affix excise labels on the consumer package. The excise label shall be affixed in the tax warehouse of the producer.

(2) The persons importing goods under paragraph 1 into the territory of the country shall ensure affixing of excise labels on the consumer package in the following manner:

1. with the producer - outside the country's territory, or

2. in a tax warehouse, or

3. (amended, SG No. 109/2007) in a bonded or customs warehouse within the meaning of the customs legislation.

(3) (New, SG No. 105/2006) The persons bringing into the territory of the country goods under Paragraph 1 from another Member State shall ensure that excise labels are affixed on the consumer package under the terms of Paragraph 2.

(4) (Renumbered from Paragraph 3, SG No. 105/2006, supplemented, SG No. 95/2009, effective 1.01.2010) The excise label shall be affixed on the consumer package in a manner displaying the information indicated thereon and ensuring that it is impossible to use the good without destroying the excise label by tearing it off.

(5) (Renumbered from Paragraph 4, SG No. 105/2006, amended, SG No. 109/2007) The excise label shall contain the series, number, other durable signs and symbols. The selling price shall also be indicated on the excise label of tobacco products. The excise labels of consumer packages of manually rolled cigars shall also indicate the number of pieces in the package, as well as their unit prices.

(6) (Renumbered from Paragraph 5, SG No. 105/2006, supplemented, SG No. 55/2010, effective 20.07.2010) The samples of excise labels shall be approved by an order of the Minister of Finance, to be promulgated in the State Gazette, not later than three months before the date of introducing the new sample of excise label.

(7) (Renumbered from Paragraph 6, SG No. 105/2006) The excise labels shall be ordered, printed, purchased, distributed and placed according to a procedure and manner determined by the Minister of Finance.

(8) (Renumbered from Paragraph 7, amended, SG No. 105/2006, SG No. 95/2009, effective 1.01.2010) The authorised warehousekeepers and the persons under Paragraphs 2 and 3 shall order the necessary number of excise labels to the competent customs authority. Within 30 days the competent customs authority shall deliver the excise labels to the applicants in the following numbers:

1. (amended, SG No. 101/2013, effective 1.01.2014) to authorised warehousekeepers and registered traders:

a) a number of excise labels not exceeding the average monthly quantity of excisable goods with affixed excise labels, released for consumption increased by 15 per cent;

b) in the cases where the person had not carried out activity - a number of excise labels not exceeding the average monthly indicative quantity of excisable goods released for consumption with affixed excise labels;

c) a number of excise labels outside the quantities under letter "a" not exceeding the average monthly indicative quantity of excisable goods released for consumption with affixed excise labels in the cases, where such person is an authorised warehousekeeper or registered consignee, who launches a new product on the market;

2. to non-registered traders - the number of excise labels shall not exceed the quantity of excisable goods specified in the licence under Article 58b;

3. to importers - the number of excise labels shall not exceed the number agreed with the non-resident person.

(9) (New, SG No. 95/2009, effective 1.01.2010, supplemented, SG No. 101/2013, effective 1.01.2014) Higher number of excise labels than those determined in Paragraph 8 shall be ordered upon a decision of the head of the competent customs authority, which shall be issued within 7 days from filing a motivated request for the need of receiving excise labels above the limit set. The decision of the head of the competent customs authority or the silent refusal may be appealed under the Administrative Procedure Code. The restrictions under this Paragraph shall not apply where the applicant is an authorised warehousekeeper or registered consignee, who launches a new product on the market under the procedure of Paragraph 8, item 1, letter "c".

(10) (New, SG No. 94/2010, effective 1.01.2011) Three months before the date of introduction of a new standard form of excise label the persons under Paragraph 8 may order a specific quantity of excise labels under the effective standard form, which shall not exceed the monthly average quantity of the excisable goods released for consumption and affixed with excise labels. In these cases the provisions of Paragraphs 8 and 9 shall not apply. The monthly average quantity shall be calculated by dividing the sum total of the quantities released for consumption by the person in every month of the year by 12.

(11) (New, SG No. 95/2009, effective 1.01.2010, renumbered from Paragraph 10, SG No. 94/2010, effective 1.01.2011, supplemented, SG No. 54/2012, effective 17.07.2012) In the cases where the goods under Paragraph 1 will be affixed with excise labels in a tax warehouse on the territory of the country or the goods would be deposited into a tax warehouse under excise duty suspension arrangement, the excise labels shall be ordered only by the authorised warehousekeeper to the competent customs authority by location of the tax warehouse where the goods will be affixed with excise labels or where they would be received.

(12) (New, SG No. 95/2009, effective 1.01.2010, renumbered from Paragraph 11, SG No. 94/2010, effective 1.01.2011, supplemented, SG No. 92/2015, effective 1.01.2016) The persons ordering excise labels, with the exception of authorised warehousekeepers, shall submit to the competent customs authority a report on the excise labels received under the terms and procedure laid down in the implementing regulation to this Act.

(13) (New, SG No. 95/2009, effective 1.01.2010, renumbered from Paragraph 12, amended, SG No. 94/2010, effective 1.01.2011, supplemented, SG No. 99/2011, effective 1.01.2012, amended, SG No. 54/2012, effective 1.04.2013, SG No. 92/2015, effective 1.01.2016) The reports concerning excise labels under Paragraph 12 shall be submitted by the persons within the time limit for filing the excise declaration with the exception of importers, who must submit the reports concerning excise labels prior to the release of the security provided. The reports may also be submitted electronically under procedure, in manner and format, determined in the implementing regulation to this Act.

(14) (Renumbered from Paragraph 8, SG No. 105/2006, renumbered from Paragraph 9, SG No. 95/2009, effective 1.01.2010, renumbered from Paragraph 13, SG No. 94/2010, effective 1.01.2011) Excise labels for tobacco products shall be ordered at the latest registered price according to the established procedure.

(15) (New, SG No. 109/2007, supplemented, SG No. 44/2009, effective 1.01.2010, renumbered from Paragraph 10, SG No. 95/2009, effective 1.01.2010, renumbered from Paragraph 14, SG No. 94/2010, effective 1.01.2011) The provisions of this article shall not apply in the cases under Article 21, Paragraph 1, items 1 - 6 and 14.

(16) (New, SG No. 94/2010, effective 1.01.2011) In the cases of introduction of a new standard form of excise label the authorised warehousekeepers and the persons under Paragraphs 2 and 3 may order excise labels under the new standard form not earlier than three months before the date of introduction thereof.

(17) (New, SG No. 54/2012, effective 1.04.2013) Ordering of excise labels may also take place electronically under procedure, in manner and format, determined in the implementing regulation to this Act.

(18) (New, SG No. 54/2012, effective 17.07.2012, supplemented, SG No. 105/2014, effective 1.01.2015, amended, SG No. 92/2015, effective 1.01.2016) In case of excise labels found missing an obligation to pay excise duty shall arise;

(19) (New, SG No. 105/2014, effective 1.01.2015) No excise label shall be affixed on the consumer package of nutritional supplements for maintenance of the good condition of the organism, containing ethyl alcohol, where the latter are in packages are up to 50 ml.

(20) (New, SG No. 92/2015, effective 1.01.2016) Excise labels ordered and received by the persons under Paragraphs 1 - 3 may be returned to the competent customs authority, provided that said excise labels have not been affixed on bottled beverages or tobacco products, and a written statement of ascertainment shall be executed, indicating the type, issue or serial number, total number, consecutive numbering as well as other specific features typical of respective excise labels.

(21) (New, SG No. 92/2015, effective 1.01.2016) Excise labels that have become defective in the process of production of tobacco products and bottled alcoholic beverages shall be retired by a bilaterally signed protocol between the persons and the competent customs authority and shall be handed over to the latter under the procedure and in the manner set out in the implementing regulation to this Act.

(22) (New, SG No. 92/2015, effective 1.01.2016) Where excisable goods under excise duty suspension arrangement cannot be released for consumption due to non-conformity with normative requirements or technical or quality standards of the manufacturer, including consumer packagings, the excise labels affixed on the packages shall be retired under the procedure and in the manner set out in the implementing regulation to this Act.

(23) (New, SG No. 92/2015, effective 1.01.2016) In the cases under Articles 20 - 22 the persons shall submit to the competent customs authority inventory lists of the excise labels to be returned, such inventory lists may also be submitted electronically under procedure, in manner and format, determined in the implementing regulation to this Act.

(24) (New, SG No. 92/2015, effective 1.01.2016) Retired excise labels under Paragraphs 21 and 22 shall be destroyed by the customs authorities under the procedure and in the manner set out in the implementing regulation to this Act.

Section V

Storage of Excisable Goods

Article 65. (Effective 1.07.2006 - SG No. 91/2005) (1) (Amended, SG No. 109/2007) Warehousing of excisable goods under excise duty suspension arrangement involves placing and storage of excisable goods in a tax warehouse for storage or in a tax warehouse for manufacture and storage.

(2) In a tax warehouse may be stored excisable goods, which:

1. have been produced in the same tax warehouse;
2. (amended, SG No. 63/2006) have been released for free circulation with simultaneous placing under an excise duty suspension arrangement;
3. (supplemented, SG No. 105/2006) have been transported under excise duty suspension arrangement from another tax warehouse to the territory of the country or from a tax warehouse on the territory of another Member State.
4. (new, SG No. 109/2007) introduced into this country's territory under the procedure of Article 76c.

(3) Storage is permitted only for excisable goods owned by:

1. a authorised warehousekeeper, or
2. a person - depositor, registered under the Value Added Tax Act;
3. (new, SG No. 101/2013, effective 1.01.2014) central structures for management of the reserves of other European Union

Member States in compliance with the Crude Oil and Petroleum Products Reserves Act;

4. (new, SG No. 101/2013, effective 1.01.2014) private state property pursuant to the Crude Oil and Petroleum Products Reserves Act and the State Reserve and Wartime Stocks Act.

(4) (New, SG No. 95/2009, effective 1.12.2009) No activities constituting manufacture of excisable goods within the meaning of Article 59 may be carried out in a tax warehouse for storage.

(5) (New, SG No. 95/2009, effective 1.12.2009) The following customary operations may be carried out in a tax warehouse:

1. which do not lead to a change of the CN code or a change of the excise rate, such as maintenance of the commercial appearance, improving quality or bringing in conformity with the requirements for norms and standards, filtering, ventilation, labelling, re-labelling, re-numbering of packagings, affixing of excise labels, adding additives for commercial and technical purposes, improving quality etc.;

2. (supplemented, SG No. 54/2012, effective 17.07.2012) such as denaturation of ethyl alcohol, marking of gas oil and kerosene, mixing of liquefied petroleum gases, mixing of bio fuels with fuels of oil origin, emptying/draining containers and removing deposits or waste from energy products containers and blending of energy products with the view of obtaining ship fuels;

3. (new, SG No. 54/2012, effective 17.07.2012, repealed, SG No. 105/2014, effective 1.01.2015).

(6) (New, SG No. 95/2009, effective 1.12.2009, amended and supplemented, SG No. 54/2012, effective 17.07.2012, sentence two effective 1.04.2013, amended, SG No. 105/2014, effective 1.01.2015) The operations under Paragraph 5, items 2 shall be carried out after a prior written notification to the competent customs authority by location of the warehouse under the terms and procedure laid down in the implementing regulation to this Act. The notification may also be submitted electronically under procedure, in manner and format, determined in the implementing regulation to this Act.

(7) (New, SG No. 54/2012, effective 17.07.2012, repealed, SG No. 105/2014, effective 1.01.2015).

(8) (New, SG No. 54/2012, effective 17.07.2012, repealed, SG No. 105/2014, effective 1.01.2015).

Article 66. (Effective 1.07.2006 - SG No. 91/2005 (1) (Amended, SG No. 95/2009, effective 1.12.2009) The authorised warehousekeeper shall store the goods, separating them by type and depositor.

(2) (Repealed, SG No. 106/2008, effective 1.01.2009, new, SG No. 44/2009, effective 1.01.2010) In the cases under Paragraph 1, when no physical separation of goods is possible due to their specific nature, separation of goods is done only in the material reporting.

(3) (New, SG No. 63/2006, amended, SG No. 95/2009, effective 1.12.2009, supplemented, SG No. 94/2010, effective 1.01.2011, SG No. 101/2013, effective 1.01.2014) Authorised warehousekeepers shall be obligated to use measuring and controlling instruments complying with the requirements of this Act, the Measurements Act and the statutory instruments on the application thereof. An authorised warehousekeeper under the procedure of Article 55c shall be obligated to use measuring and controlling instruments complying with the requirements of the Measurements Act the Technical Requirements towards Products Act and the implementing regulations thereof.

(4) (New, SG No. 63/2006, repealed, SG No. 95/2009, effective 1.12.2009).

(5) (New, SG No. 95/2009, effective 1.12.2009, supplemented, SG No. 54/2012, effective 1.04.2013, amended, SG No. 94/2012, effective 30.11.2012) The authorised warehousekeeper may store excisable goods with paid excise duty in extraordinary circumstances subject to a permit from the competent customs authority under the terms and procedure laid down in the implementing regulation to this Act. In order to obtain such authorisation the authorised warehousekeeper must submit a written request to the competent customs authority. The request may also be submitted electronically under procedure, in manner and format, determined in the implementing regulation to this Act.

(6) (New, SG No. 94/2010, effective 1.01.2011) Within three months before the introduction of the new standard form of excise label the authorised warehousekeeper may also store in the tax warehouse excisable goods affixed with the new standard form of excise label, differentiating them both in his inventory reporting and physically from the excisable goods affixed with the effective standard form of excise label.

(7) (New, SG No. 94/2010, effective 1.01.2011) Within three months from the introduction of the new standard form of excise label the authorised warehousekeeper may also store in the tax warehouse excisable goods affixed with the repealed standard form of excise label, differentiating them both in his inventory reporting and physically from the excisable goods affixed with the effective standard form of excise label.

(8) (New, SG No. 92/2015, effective 1.01.2016) Any excise goods with excise labels affixed, received from another warehouse of the same authorised warehousekeeper, shall be kept separate both in the stock records, as well as physically, from any other excisable goods, kept at the tax warehouse.

Section VI

(Repealed, SG No. 19/2011, effective 8.03.2011)

Movement of Excisable Goods

Article 67. (Effective 1.07.2006 - SG No. 91/2005, amended, SG No. 63/2006, SG No. 105/2006, supplemented, SG No. 44/2009, effective 1.01.2010, SG No. 55/2010, effective 20.07.2010, SG No. 94/2010, repealed, SG No. 19/2011, effective 8.03.2011).

Article 68. (Effective 1.07.2006 - SG No. 91/2005, amended and supplemented, SG No. 105/2006, amended, SG No. 109/2007, supplemented, SG No. 55/2010, repealed, SG No. 19/2011, effective 8.03.2011).

Article 69. (Effective 1.07.2006 - SG No. 91/2005, amended and supplemented, SG No. 105/2006, repealed, SG No. 19/2011, effective 8.03.2011).

Article 70. (Effective 1.07.2006 - SG No. 91/2005, amended, SG No. 105/2006, repealed, SG No. 19/2011, effective 8.03.2011).

Article 71. (Effective 1.07.2006 - SG No. 91/2005, amended, SG No. 105/2006, supplemented, SG No. 55/2010, repealed, SG No. 19/2011, effective 8.03.2011).

Article 71a. (New, SG No. 105/2006, repealed, SG No. 19/2011, effective 8.03.2011).

Article 72. (Effective 1.07.2006 - SG No. 91/2005, repealed, SG No. 19/2011, effective 8.03.2011).

Article 73. (Effective 1.07.2006 - SG No. 91/2005, repealed, SG No. 19/2011, effective 8.03.2011).

Section VIa

(New, SG No. 95/2009, effective 1.04.2010)

Movement of Excisable Goods with Electronic Administrative Document

Article 73a. (New, SG No. 95/2009, effective 1.04.2010) (1) Movement of excisable goods under excise duty suspension arrangement involves transportation of excisable goods:

1. (amended, SG No. 94/2010, effective 1.01.2011) from a tax warehouse on the territory of the country to another tax warehouse or a place of direct delivery specified by the authorised warehousekeeper on the territory of the country or to the persons under Article 21, Paragraph 1, items 1 and 3 on the territory of the country;
2. from a tax warehouse on the territory of the country to another tax warehouse on the territory of another Member State, to a registered consignee or a temporarily registered consignee or to the persons under Article 21, Paragraph 1, items 1 and 3 in another Member State;
3. from a tax warehouse on the territory of the country to a customs office of exit or to third territories - in the cases of export;
4. (supplemented, SG No. 55/2010, effective 20.07.2010) admitted for free circulation with simultaneous placement under excise duty suspension arrangement to a tax warehouse or to a place of direct supply indicated by the authorised warehousekeeper on the territory of the country;
5. (supplemented, SG No. 55/2010, effective 20.07.2010, SG No. 101/2013, effective 1.01.2014) from a tax warehouse or from a registered consignor on the territory of another Member State to a tax warehouse or to a place of direct supply indicated by the authorised warehousekeeper on the territory of the country, to a registered consignee or to a place of direct supply indicated by the registered consignee or to a temporarily registered consignee on the territory of this country or to the persons under Article 21, Paragraph 1, items 1 and 3;
6. admitted for free circulation with simultaneous placement under excise duty suspension arrangement from a registered consignor to a tax warehouse on the territory of another Member State, to a registered consignee or a temporarily registered consignee or to the persons under Article 21, Paragraph 1, items 1 and 3 in another Member State.

(2) Movement of excisable goods under excise duty suspension arrangement shall start in the cases of Paragraph 1, items 1, 2 and 3 - from the moment of departure of the excisable goods from the tax warehouse, and in the cases of Paragraph 1, items 4 and 6 - from the moment of their admission for free circulation and their simultaneous placement under excise duty suspension arrangement.

(3) (Amended, SG No. 54/2012, effective 17.07.2012) Movement of excisable goods under excise duty suspension arrangement shall end in the cases of Paragraph 1, items 1, 2, 4 and 5 where the recipient receives the excisable goods, and in the cases of Paragraph 1, item 3, where the excisable goods leave the territory of the Union.

Article 73b. (New, SG No. 95/2009, effective 1.04.2010) (1) Movement of excisable goods under excise duty suspension arrangement shall take place with a registered electronic administrative document.

(2) In the cases under Paragraph 1 the sender shall provide an electronic administrative document to the customs authorities via the computerised system under Article 4, item 40.

(3) An electronic administrative document shall be submitted by:

1. the authorised warehousekeeper-sender no earlier than 7 days before bringing the goods out of the tax warehouse on the territory of the country to:

a) (supplemented, SG No. 94/2010, effective 1.01.2011) another tax warehouse or a place of direct delivery on the territory of the country, or

b) another tax warehouse on the territory of another Member State, or;

c) a registered consignee in another Member State, or

d) a temporarily registered consignee in another Member State, or

e) the persons under Article 21, Paragraph 1, items 1 and 3;

2. the authorised warehousekeeper-sender no earlier than 7 days before bringing the goods out of the tax warehouse on the territory of the country for the purpose of export to a customs office of exit or to third territories;

3. (supplemented, SG No. 55/2010, effective 20.07.2010) the authorised warehousekeeper in whose tax warehouse or place of direct supply the goods will be received, which are owned by the holder of the excise duty suspension arrangement, or by

the registered consignor upon placement of the goods under admission for free circulation arrangement with their simultaneous placement under excise duty suspension arrangement. The customs authorities shall allow taking of the goods after their placement under excise duty suspension arrangement.

(4) The mandatory requisites of the document under Paragraph 3 shall be determined by Commission Regulation (EC) No. 684/2009 of 24 July 2009 implementing Council Directive 2008/118/EC as regards computerised procedures for movement of excise goods under suspension of excise duty (OJ, L 197/24 of 29 July 2009), hereinafter referred to as "Regulation (EC) No. 684/2009".

(5) Customs authorities shall carry out verification of the data in the electronic administrative document for conformity with the requirements of the Regulation under Paragraph 4 as well as for validity of the duly provided and accepted security. Upon conformity the customs authorities shall assign a unique administrative reference code to the document and shall notify the sender thereof without delay.

(6) Upon non-conformity of the data with the requirements under Paragraph 5 the customs authorities shall notify the sender thereof by a message via the computerised system.

(7) The sender shall provide to the person transporting the excisable goods a paper copy of the registered electronic document containing the entire information of the electronic administrative document, specifying clearly the unique administrative reference code.

(8) The document under Paragraph 7 shall accompany the excisable goods under movement of excise duty suspension arrangement and shall be presented to the competent authorities at their request during the movement under such arrangement.

(9) Upon movement of excisable goods under excise duty suspension arrangement to the persons under Article 21, Paragraph 1, items 1 and 3 the goods shall be accompanied also by a certificate of exemption from excise duty.

(10) (New, SG No. 101/2013, effective 1.04.2014 - amended, SG No. 1/2014, effective 1.01.2014) In cases of imports of excisable goods with simultaneous placement under excise duty suspension arrangement, where the customs authority competent for placing under the respective regime is part of the structure of the customs authority by domicile of the tax warehouse in the territory of this country, at which the excisable goods are to be received, the requirement of Paragraph 1 shall not apply, provided that:

1. the excisable goods, introduced into the customs territory of this country, would be transported forthwith under the procedure of the customs legislation of the person introducing them, to the tax warehouse in the territory of this country, at which they are to be received;

2. the excisable goods, transported in accordance with item 1, shall be presented before the customs authorities upon arrival at the territory of the tax warehouse by accounting for them via the measuring and controlling instruments;

3. for the purposes of admission of excisable goods into free circulation with simultaneous placement under excise duty suspension arrangement the authorised warehousekeeper, into whose tax warehouse in the territory of this country the goods are to be received, shall submit a report of receipt via the computer system of the competent customs authority of the admission into free circulation with simultaneous placement under excise duty suspension arrangement

4. excisable goods, admitted into free circulation with simultaneous placement under excise duty suspension arrangement, shall be entered into the warehouse stocks log immediately after their release for the purposes of the procedure.

(11) (New, SG No. 101/2013, effective 1.04.2014 - amended, SG No. 1/2014, effective 1.01.2014) The authorised warehousekeeper, into whose tax warehouse the excisable goods, admitted into free circulation with simultaneous placement under excise duty suspension arrangement are received, shall be liable for the excise duty on the imported goods, indicated in the single administrative document with the exception of the cases, where prior to the moment of notification to the liable person of the customs dues payable to the competent customs authority for admission into free circulation with simultaneous placement under excise duty suspension arrangement, a report would have been submitted under paragraph 10, item 3.

(12) (New, SG No. 101/2013, effective 1.01.2014) The requirement under paragraph 1 shall not apply in instances of transportation of energy products, intended for export, along petroleum pipelines and petroleum product pipelines, part of the respective tax warehouse, provided that:

1. the customs authority competent for placing under export procedure and the customs authority of exit would be the same and part of the customs authority by domicile of the tax warehouse in the territory of this country, from which the excisable goods are to be removed;
2. the excisable goods intended for export shall be removed from the territory of the tax warehouse by reporting them via the measuring and controlling instruments, approved by the customs authorities for the points of removal;
3. the excisable goods intended for export shall be deemed placed under export procedure as of the moment of their removal from the tax warehouse;
4. the data concerning the removal of the excisable goods, placed under export procedure, shall be entered into the warehouse stocks log immediately after their removal.

(13) (New, SG No. 101/2013, effective 1.01.2014) The authorised warehousekeeper, from whose tax warehouse the excisable goods, placed under export procedure were removed, shall be liable for the excise duty on the exported goods, indicated in the single administrative document with the exception of the cases, where pursuant to the provision of Article 796d, Paragraph 2 of Regulation (EEC) No 2454/93 the customs office of exit would have forwarded the "Exit results" message to the customs office of export or in regard to the cases indicated in Article 796da, Paragraph 2 of Regulation (EEC) No 2454/93 the evidence provided under Article 796da, Paragraph 2 of Regulation (EEC) No 2454/93 would be sufficient.

Article 73c. (New, SG No. 95/2009, effective 1.04.2010) (1) Where excisable goods are intended for a tax warehouse on the territory of another Member State, for a registered consignee or a temporarily registered consignee in another Member State, or for the persons under Article 21, Paragraph 1, items 1 and 3 on the territory of another Member State, the customs authorities shall send the electronic administrative document without delay to the competent authorities of the Member State of destination.

(2) (Supplemented, SG No. 94/2010, effective 1.01.2011) Where excisable goods are intended for a tax warehouse or a place of direct delivery on the territory of the country, the customs authorities shall send the electronic administrative document without delay to the authorised warehousekeeper-recipient.

(3) Where excisable goods are sent from a tax warehouse on the territory of another Member State, the customs authorities shall send the electronic administrative document received from the competent authorities of another Member State to the authorised warehousekeeper-recipient, the registered consignee or the temporarily registered consignee on the territory of the country.

(4) The procedure for notification of the persons under Article 21, Paragraph 1, items 1 and 3 shall be determined in the implementing regulation to this Act.

(5) Where excisable goods are intended for export, the customs authorities shall send the electronic administrative document to the competent authorities of the Member State in which the declaration of export is filed under Article 161, paragraph 5 of Council Regulation (EEC) No. 2913/92 establishing the Community Customs Code, where such Member State is different from the Republic of Bulgaria.

Article 73d. (New, SG No. 95/2009, effective 1.04.2010) (1) The sender may cancel the electronic administrative document before commencement of movement pursuant to Article 73a, Paragraph 2.

(2) During movement under excise duty suspension arrangement the sender may change the place of delivery by a message via the computerised system and specify a new place of delivery which shall be one of the places of delivery under Article 73a, except for the persons under Article 21, Paragraph 1, items 1 and 3.

(3) (New, SG No. 101/2013, effective 1.04.2014 - amended, SG No. 1/2014, effective 1.01.2014) The movement of energy products under excise duty suspension arrangement may be split by the consignor into two or more movements by submission of splitting operation message under the procedure of Article 6 of Regulation (EC) No 684/2009, provided that:

1. the total quantity of excisable goods would not be changed;
2. the splitting would be performed in the territory of a Member State which allows such a procedure;

3. the splitting would be applied in the Member State/s, indicated in the draft splitting operation messages based on destination of the excisable goods;
4. the competent bodies of the Member State, in the territory of which the splitting would take place, would have been notified of the location, where the splitting would take place;
5. the draft splitting operation message/s would have been submitted prior to submission of the report of receipt, envisaged in Article 24 of Council Directive 2008/118/EC concerning the computerised procedures for movement of excisable goods under excise duty suspension arrangement.

Article 73e. (New, SG No. 95/2009, effective 1.04.2010) (1) Receipt of excisable goods on the territory of the country shall be confirmed by the recipient by sending a message of receipt via the computerised system.

(2) The message of receipt shall be sent without delay and no later than 5 working days after completion of the movement. In emergency situations and at request of the recipient the competent customs authority may extend the time limit for sending the message of receipt.

(3) The terms and procedure for sending the message of receipt by the persons under Article 21, Paragraph 1, items 1 and 3 shall be laid down in the implementing regulation to this Act.

Article 73f. (New, SG No. 95/2009, effective 1.04.2010) The customs authorities shall verify the data in the message of receipt for compliance with the requirements of Regulation (EC) No. 684/2009.

Article 73g. (New, SG No. 95/2009, effective 1.04.2010) (1) Where the data is in compliance with Regulation (EC) No. 684/2009, in the cases under Article 73a, Paragraph 1, items 1 and 4 the customs authorities shall forward the message of receipt to the sender, and in the cases under Article 73a, Paragraph 1, item 5, to the competent authorities of the Member State of dispatch.

(2) Where the data is not in compliance with Regulation (EC) No. 684/2009, the customs authorities shall notify the recipient with a message via the computerised system.

(3) Where the customs authorities receive a message of receipt or a message of export from another Member State, they shall forward the message to the sender.

Article 73h. (New, SG No. 95/2009, effective 1.04.2010) (1) (Amended, SG No. 54/2012, effective 17.07.2012) In the cases under Article 73a, Paragraph 1, item 3 the competent customs authority shall complete a message of export based on the validation of the customs office of exit referred to in Article 793, Paragraph 2 of Council Regulation (EC) No. 2454/93 of 2 July 1993 laying down provisions for the implementation of the Council Regulation (EEC) No. 2913/92 establishing the Community Customs Code, or of the institution certifying that the excisable goods have left the territory of the Union.

(2) The customs authorities shall verify the data contained in the validation under Paragraph 1 and shall send the message of export to the sender or to the competent authorities of the Member State of dispatch.

Article 73i. (New, SG No. 95/2009, effective 1.04.2010) (1) The electronic administrative document shall be recorded in the "Warehouse Stocks Log" register in the tax period for which it is issued or received respectively.

Section VIb

(New, SG No. 95/2009, effective 1.04.2010)

Procedure for Movement of Excisable Goods Where the Computerised System is Unavailable

Article 73j. (New, SG No. 95/2009, effective 1.04.2010) (1) In case of extraordinary circumstances where the computerised system is unavailable, movement of excisable goods under excise duty suspension arrangement may begin upon a permit by the competent customs authority through validation of a paper document containing the data of the electronic administrative document.

(2) (Supplemented, SG No. 105/2014, effective 1.01.2015) When the availability of the computerised system is restored the sender shall submit within 7 days an electronic administrative document pursuant to Article 73b, Paragraph 2.

(3) After validation of the data the electronic administrative document shall replace the document under Paragraph 1.

(4) Until the data in the electronic administrative document is not validated, movement shall be deemed as movement under excise duty suspension arrangement, accompanied by the paper document under Paragraph 1.

Article 73k. (New, SG No. 95/2009, effective 1.04.2010) (1) The document under Article 73j, Paragraph 1 shall be issued in three copies by the sender and shall be certified by the competent customs authority.

(2) The first copy shall be kept by the sender, the second copy shall be kept by the competent customs authority and the third copy shall accompany the goods.

Article 73l. (New, SG No. 95/2009, effective 1.04.2010) (1) During the movement under excise duty suspension arrangement the sender may change the place of delivery and specify a new place of delivery upon a permit of the competent customs authority granted through certification of a paper document in two copies, containing the data of the message of change of the place of delivery.

(2) (Supplemented, SG No. 105/2014, effective 1.01.2015) When the availability of the computerised system is restored the sender shall send to the competent customs authority within 7 days an electronic administrative document and a message of a change of the place of delivery.

(3) After validation of the data the electronic administrative document shall replace the documents under Article 73j, Paragraph 1 and Article 73l, Paragraph 1.

(4) Until the data in the electronic administrative document is not validated, movement shall be deemed as movement under excise duty suspension arrangement, accompanied by the paper document.

Article 73m. (New, SG No. 95/2009, effective 1.04.2010) (1) In the cases of Article 73a, Paragraph 1, items 1, 4 and 5 where the message of receipt cannot be sent within the time limit under Article 73e, Paragraph 2, the recipient shall file to the competent customs authority a paper document containing the same data as the message of receipt, certifying thereby that movement has been completed.

(2) When the availability of the computerised system is restored or after completion of the procedures under Articles 73j, 73k and 73l the recipient shall send a message of receipt under the terms of Article 73e.

Article 73n. (New, SG No. 95/2009, effective 1.04.2010) The message of receipt under Article 73e or the message of export under Article 73h shall certify that movement of excisable goods has completed pursuant to Article 73a, Paragraph 3.

Article 73o. (New, SG No. 95/2009, effective 1.04.2010) (1) Regulation (EC) No. 684/2009 shall determine:

1. the structure and content of the messages exchanged for the purposes of Articles 73b - 73h between relevant persons and competent authorities in relation to movement of excisable goods under excise duty suspension arrangement;
2. the rules and procedures for exchange of messages under item 1;
3. the structure of the paper documents specified in Articles 73j, 73l and 73m.

(2) The cases in which the computerised system is deemed as unavailable shall be determined by the implementing regulation to this Act.

Article 73p. (New, SG No. 95/2009, effective 1.04.2010) (1) Where the message of receipt cannot be sent via the computerised system the customs authorities shall send a copy of the document under Article 73m, Paragraph 1 to the competent authorities of the Member State of dispatch under the terms and procedure laid down in the implementing regulation to this Act.

(2) Where the message of export cannot be sent via the computerised system the customs authorities shall send a paper document containing the requisites of the message of export to the competent authorities of the Member State of dispatch under the terms and procedure laid down in the implementing regulation to this Act.

Article 73q. (New, SG No. 95/2009, effective 1.04.2010) In the cases where the computerised system is unavailable the paper documents shall be recorded in the "Warehouse Stocks Log" register in the tax period for which they are issued or received respectively.

Section VIc

(New, SG No. 95/2009, effective 1.04.2010)

Other Provisions for Movement of Excisable Goods under Excise Duty Suspension Arrangement

Article 74. (Effective 1.07.2006 - SG No. 91/2005, amended, SG No. 105/2006, SG No. 109/2007, repealed, new, SG No. 95/2009, effective 1.04.2010, supplemented, SG No. 55/2010, effective 20.07.2010, amended, SG No. 19/2011, effective 8.03.2011) The authorised warehousekeeper - sender or the authorised warehousekeeper in whose warehouse or place of direct supply the goods owned by the holder of the free circulation admission arrangement will be received or the registered consignor shall owe excise duty on the goods sent or imported as specified in the electronic administrative document, except in the following cases:

1. (repealed, SG No. 19/2011, effective 8.03.2011);
2. (repealed, SG No. 19/2011, effective 8.03.2011);
3. (repealed, SG No. 19/2011, effective 8.03.2011);
4. upon movement of the goods under Article 73a, Paragraph 1, items 1, 2 and 4 - where up to 45 days following the bringing out of the goods from the warehouse the authorised warehousekeeper has received the message of receipt;
5. upon movement of the goods under Article 73a, Paragraph 1, item 3 - where up to 45 days following the bringing out of the goods from the warehouse the authorised warehousekeeper has received the message of export;
6. upon movement of the goods under Article 73a, Paragraph 1, item 6 - where up to 45 days following the dispatch of the goods to another Member State the registered consignor has received the message of receipt.

Article 74a. (New, SG No. 94/2010, effective 1.01.2011) (1) In case an irregularity occurs upon movement of excisable goods under excise duty suspension arrangement resulting in their being released for consumption, within the meaning of Article 20, Paragraph 2, items 2, 8, 11, 12 and 12a the obligation for payment of excise duty arises in the Member State where the irregularity has occurred.

(2) In the cases where the place of occurrence of the irregularity cannot be determined, it shall be deemed that the irregularity has occurred in the Member State of establishment and at the time of establishment thereof.

(3) In the cases under Paragraphs 1 and 2 the customs authorities shall notify the competent authorities of the Member State -

sender of the excisable goods released for consumption.

(4) In the cases where the excisable goods do not arrive at the place of receipt and no irregularity has been established during their movement resulting in their release for consumption, it shall be deemed that the irregularity has occurred in the Member State - sender from the moment of the start of the movement, unless evidence is submitted within 4 months to the competent authorities of the Member State - sender, proving the receipt of the excisable goods or the place of occurrence of the irregularity.

(5) In the cases under Paragraphs 2 and 4, if within three years from the date of the start of the movement of the excisable goods no evidence is submitted to the customs authorities that the place of occurrence of the irregularity is in another Member State, the provision of Paragraph 1 shall apply.

(6) In the cases under Paragraph 5 the customs authorities, after notification of the competent authorities of the Member State where the irregularity has occurred, shall exempt from excise duty the persons under Article 3, Paragraph 1, item 1 or shall refund the unduly paid excise duty under the terms of Article 27.

Article 75. (Effective 1.07.2006 - SG No. 91/2005, amended, SG No. 105/2006, repealed, new, SG No. 95/2009, effective 1.04.2010, amended, SG No. 19/2011, effective 8.03.2011) The recipients under Article 73a, Paragraph 1, item 5, except for the persons under Article 21, Paragraph 1, items 1 and 3, shall owe excise duty due on the received goods as specified in the message of receipt.

Article 75a. (New, SG No. 95/2009, effective 1.04.2010) (1) (Amended, SG No. 19/2011, effective 8.03.2011, SG No. 54/2012, effective 17.07.2012) In case of extraordinary circumstances where the message of receipt or the message of export would be missing, evidence that movement of excisable goods under excise duty suspension arrangement has been completed may be presented in the form of certification by the competent authorities of the Member State of receipt or the Member State in which the declaration of export was filed, certifying that the goods had left the territory of the Union.

(2) The manner and form of admitting the evidence under Paragraph 1 shall be laid down in the implementing regulation to this Act.

Article 76. (Effective 1.07.2006 - SG No. 91/2005, amended, SG No. 105/2006, repealed, new, SG No. 95/2009, effective 1.04.2010, supplemented, SG No. 55/2010, effective 20.07.2010, amended, SG No. 19/2011, effective 8.03.2011) Where the message of receipt would be received after the deadlines under Article 74, the authorised warehousekeeper - consignor or the authorised warehousekeeper in whose tax warehouse or place of direct supply the goods, owned by the holder of the free circulation admission arrangement would be received or the registered consignor shall adjust the amount of the excise duty due, which has arisen as a result of the application of Article 74 during the tax period in which he received the message of receipt, under the procedure and manner as laid down in the Rules on implementation of this Act.

Chapter Four "A"

(New, SG No. 105/2006)

MOVEMENT OF EXCISABLE GOODS RELEASED FOR CONSUMPTION ON THE UNION TERRITORY

(Title amended, SG No. 54/2012, effective 17.07.2012)

Section I

(New, SG No. 105/2006)

Movement of Excisable Goods Released for Consumption on the Territory of the Country

Article 76a. (New, SG No. 105/2006) (1) (Amended, SG No. 54/2012, effective 17.07.2012) Upon movement of excisable goods under Article 2, items 1 and 2 and Article 14 from the territory of the country to the territory of another Member State, which are released for consumption on the territory of the country, the goods shall be accompanied by a simplified accompanying document.

(2) Upon movement of fully denatured ethyl alcohol in accordance with European Commission Regulation No. 3199/93 from the territory of the country to the territory of another Member State the goods shall be accompanied by a simplified accompanying document.

(3) (Repealed, SG No. 109/2007).

(4) The simplified accompanying document under Paragraphs 1 and 2 shall be issued in three copies by the sender of the goods.

(5) The first copy shall be kept by the person under Paragraph 4, and the second and third copies shall accompany the goods.

(6) The person under Paragraph 4 shall have the right to refund the excise duty paid on the goods under Article 23.

(7) The standard form, the format and requisites of the simplified administrative document shall be determined by the implementing regulation to this Act.

(8) A simplified accompanying document may be issued when the goods are accompanied by a commercial document (invoice, document of delivery, transport document etc.) provided that said commercial document contains the requisites of the simplified accompanying document and said requisites correspond by content and number of the requisites in the simplified accompanying document.

(9) (Repealed, SG No. 109/2007).

Article 76b. (New, SG No. 105/2006) The person under Article 76a, Paragraph 4 shall be entitled to refund the excise duty paid on the goods where the following conditions obtain:

1. the person has notified in writing the competent customs authority by permanent address, registered address respectively, of its intention to send the excisable goods under Article 76a to another Member State before sending the excisable goods from the territory of the country;

2. the person has ensured free access of the customs authorities for possible examination;

3. the person has submitted to the competent customs authority a copy of a document certifying the payment or the securing of an excise duty in the Member State where the goods are sent.

(2) The written notification under Paragraph 1 shall contain:

1. name/company name, address, personal identification code of the person under Paragraph 1;

2. date of sending the excisable goods from the territory of the country;

3. description of the route from the territory of the country to the territory of the recipient Member State;

4. description of the types of excisable goods and their quantity;

5. name/company name and address of the recipient and the carrier;

6. place of receipt of excisable goods on the territory of another Member State;

7. the time limit in which the excisable goods are to be received on the territory of the other Member State.

(3) (New, SG No. 54/2012, effective 1.04.2013) The notification under Paragraph 2 may also be submitted electronically

under procedure, in manner and format, determined in the implementing regulation to this Act.

Section II

(New, SG No. 105/2006)

Movement of Excisable Goods Released for Consumption on the Territory of Another Member State

Article 76c. (New, SG No. 105/2006) (1) (Amended, SG No. 54/2012, effective 17.07.2012) Upon movement of excisable goods under Article 2, items 1 and 2 and Article 14 from the territory of another Member State to the territory of the country, which have been released for consumption on the territory of the other Member State, the goods shall be accompanied by a simplified accompanying document issued by the sender in the other Member State.

(2) Upon movement of fully denatured ethyl alcohol in accordance with European Commission Regulation No. 3199/93 from the territory of another Member State to the territory of the country, which has been released for consumption on the territory of the other Member State, the goods shall be accompanied by a simplified accompanying document issued by the sender in the other Member State.

(3) Upon movement under Paragraph 1 the excisable goods shall be also accompanied by the document under Article 83h, Paragraph 1.

(4) (Amended, SG No. 92/2015, effective 1.01.2016) The person under Article 3, Paragraph 1, item 6, which receives goods under items 1 and 2, shall:

1. before sending the excisable goods from the other Member State, notify in writing the competent customs authority by permanent address, registered address respectively, that the said person intends to receive excisable goods;
2. before sending the excisable goods from the other Member State, provide security or pay the amount of the excise duty due to the competent customs authority, except for the cases of exemption from excise duty under this Act;
3. receive the excisable goods within the time limits specified in the notification under item 1;
4. submit to the competent customs authority a copy of the third copy of the simplified accompanying document, certified by the recipient, not later than 7 days from receipt of the goods on the territory of the country, including the date of receipt;
5. inform immediately the competent customs authority if it does not receive the goods within the time limits specified in the notification, as well as of the reasons for the delay or non-receipt.

(5) The written notification under Paragraph 4, item 1 shall contain:

1. (amended, SG No. 99/2011, effective 1.01.2012) name/company name, address, uniform identification code of the person under Paragraph 4;
2. date of sending the excisable goods from the other Member State;
3. description of the route from the sending Member State to the Republic of Bulgaria;
4. description of the types of goods and their quantity;
5. name/company name and address of the sender and the carrier;
6. (supplemented, SG No. 54/2012, effective 17.07.2012) place of receipt and unloading of the excisable goods on the territory of the country;;
7. the time limit by which the excisable goods shall be received on the territory of the country.

(6) Within 7 days from receipt of the notification under Article 4, item 1, 7 days from removal of inconsistencies in it

respectively, the head of the competent customs authority shall determine the excise duty due and notify the person of its amount.

(7) (New, SG No. 109/2007, amended, SG No. 95/2009, effective 1.12.2009) The provisions of Paragraphs 1, 2 and 3 shall not apply in the cases of introduction of excisable goods into the territory of this country, which are not excisable on the territory of the Member State of dispatch.

(8) (New, SG No. 54/2012, effective 1.04.2013) The notice under Paragraph 4 may also be submitted electronically under procedure, in manner and format, determined in the implementing regulation to this Act.

(9) (New, SG No. 54/2012, effective 17.07.2012) In the cases under Paragraph 7 the movement of excisable goods shall be accompanied by copy of the written notice under Paragraph 4, item 1.

(10) (New, SG No. 92/2015, effective 1.01.2016) In case lubricating oils falling within CN Codes 2710 19 71 through 2710 19 93 and other lubricating oils falling within CN Code 2710 19 99 would be received in prepackaged forms in excess of 5 litres and up to 210 litres, the persons may submit one notice in regard to the total quantity of excisable goods, which are to be forwarded from another Member State within the same calendar month by one consignor.

(11) (New, SG No. 92/2015, effective 1.01.2016) The provisions of this article shall not apply in the cases under Article 24, Paragraph 1, items 3 and 4.

Article 76d. (New, SG No. 105/2006, amended, SG No. 109/2007, repealed, SG No. 44/2009, effective 1.01.2010).

Article 76e. (New, SG No. 94/2010, effective 1.01.2011) (1) In the cases where upon movement of excisable goods released for consumption on the territory of another Member State an irregularity occurs in a Member State other than the Member State in which the goods have been released for consumption, the goods shall be subject to excise duty in the Member State where the irregularity has occurred.

(2) In the cases where the place of occurrence of the irregularity cannot be determined it shall be deemed that the irregularity has occurred and the goods are subject to excise duty payment in the Member State of establishment and at the time of establishment thereof.

(3) In the cases under Paragraphs 1 and 2 the customs authorities shall notify the competent authorities of the recipient Member State of the excisable goods released for consumption.

(4) In the cases where an irregularity has occurred/has been established upon movement of excisable goods on the territory of another Member State, the person under Article 3, Paragraph 1, item 5 or item 6, or any other person that has participated in the irregularity shall be subject to payment of the excise duty due.

(5) In the cases where the excisable goods do not arrive at the place of receipt and no irregularity has been established upon movement thereof resulting in their release for consumption, it shall be deemed that the release for consumption has occurred in the Member State of receipt.

(6) In the cases of Paragraphs 2 and 5, if within three years from the date of release of the excisable goods for consumption the customs authorities have been provided with evidence that the place of occurrence of the irregularity is in another Member State, then the provision of Paragraph 1 shall apply.

(7) In the cases of Paragraph 6 the customs authorities, after notifying the customs authorities of the Member State where the irregularity has occurred, shall exempt the person under Article 3, Paragraph 1, item 5 or item 6 from the obligation for payment of excise duty or shall refund the unduly paid excise duty under Article 27.

Chapter Five

SECURITY

Section I

Security under Excise Duty Suspension Arrangement Payment Regime

Article 77. (Effective 1.07.2006 - SG No. 91/2005) (1) (Supplemented, SG No. 109/2007, amended, SG No. 94/2010, effective 1.01.2011, SG No. 101/2013, effective 1.01.2014) The authorised warehousekeeper shall provide security to the customs authorities to ensure payment of the excise duty.

(2) (Supplemented, SG No. 63/2006, amended, SG No. 54/2012, effective 17.07.2012, supplemented, SG No. 101/2013, effective 1.01.2014) The amount of the security shall be determined in such manner as to cover at any time the amount of the excise duty which has arisen, or may arise, or was established during implementation of the excise duty suspension arrangement, with the exception of the cases referred to in Article 78 (3) herein.

(3) (New, SG No. 101/2013, effective 1.01.2014) Only one security shall be provided for each tax warehouse.

(4) (New, SG No. 101/2013, effective 1.01.2014) The authorised warehousekeeper under Article 55b shall be exempted from the obligation to provide security.

Article 78. (Effective 1.07.2006 - SG No. 91/2005) (1) The amount of the security under Article 77 shall be calculated as a sum of:

1. (amended, SG No. 101/2013, effective 1.01.2014) twenty per cent of the amount of excise duty on the monthly average quantity of stored goods - by type of goods;

2. (amended, SG No. 101/2013, effective 1.01.2014) zero per cent of the of the amount of excise duty on the monthly average quantity of stored goods:

a) (amended, SG No. 105/2006, amended, SG No. 109/2007, SG No. 44/2009, effective 1.01.2010) for quantities of stored distillate, or

b) (amended, SG No. 15/2013, effective 15.02.2013) for mandatory quantities under the Crude Oil and Petroleum Products Stocks Act stored in a licensed tax warehouse;

3. (amended, SG No. 101/2013, effective 1.01.2014) one hundred per cent of the amount of excise duty due on the monthly average quantity of goods released for consumption;

4. twenty per cent of the amount of excise duty on the monthly average quantity of goods moving under excise duty suspension arrangement.

(2) The indicators "monthly average quantity of stored goods", "monthly average quantity of goods released for consumption", and "monthly average quantity of goods moving under excise duty suspension arrangement" shall be calculated according to a procedure laid down in the implementing regulation to this Act.

(3) (New, SG No. 63/2006, amended, SG No. 44/2009, effective 1.01.2010) The amount of the security for a tax warehouse of excisable goods may not exceed BGN 30 million.

(4) (Renumbered from Paragraph 3, SG No. 63/2006) At the request of the authorised warehousekeeper the amount of the security may be fixed at a higher amount than the one under Paragraph 1.

Article 79. (Effective 1.07.2006 - SG No. 91/2005) In the event of a change in the circumstances which materially affects the calculation of the amount of the security a new amount of the security may be determined.

Article 80. (Effective 1.07.2006) (1) (Amended, SG No. 105/2006, supplemented, SG No. 109/2007, amended, SG No.

55/2010, effective 20.07.2010) The security under Article 77 may be created by cash deposit and/or bank guarantee under the customs legislation. The form of the bank guarantee shall be determined in the implementing regulation to this Act.

(2) The security shall be accepted in Bulgarian lev.

(3) No interest shall accrue on the security created by cash deposit.

(4) (New, SG No. 101/2013, effective 1.01.2014) For the bank guarantee to be accepted it shall be required that the bank would undertake to pay unconditionally and irrevocably, jointly with the debtor, indicated therein, at the first written request of the Customs Head Office the amounts due up to the maximum amount, specified in the guarantee for any liabilities having arisen, which could arise or be established during the term of the bank guarantee, for payment of excise duty together with interest rate, as of the first day following the date of origination of the debt.

Article 81. (Effective 1.07.2006 - SG No. 91/2005) (1) A change of the type or amount of security shall be made by a decision of the Director of the Customs Agency, which shall form an integral part of the license for the warehouse management.

(2) (Supplemented, SG No. 105/2006, SG No. 95/2009, effective 1.12.2009) The authorised warehousekeeper shall provide the new security within 30 days from delivery of the decision under Paragraph 1, but not later than 14 days before the expiry of the validity of the previous security.

(3) (Amended, SG No. 105/2006, supplemented, SG No. 101/2013, effective 1.01.2014) The previous security shall be released by a decision of the Director of the Customs Agency within 30 days, effective from the date of provision of the new security under Paragraph 2, provided no liabilities for payment of excise duty would exist.

(4) (Amended, SG No. 105/2006) In cases of withdrawal of the license the security shall be released by a decision of the authority under Paragraph 1 after the liability for payment of excise duty has been discharged.

Article 81a. (New, SG No. 95/2009, effective 1.12.2009) (1) (Previous Article 81a, SG No. 105/2014, effective 1.01.2015) The authorised warehousekeeper shall provide a new security not later than 14 days before expiry of the term of validity of the previous security.

(2) (New, SG No. 105/2014, effective 1.01.2015) In the cases where the licensed warehousekeeper provides a new security, the previous security shall be released by a decision of the Director of the Customs Agency within 30 days, provided no liabilities for payment of excise duty exist.

Article 81b. (New, SG No. 95/2009, effective 1.04.2010) (1) The registered consignor shall provide a security to the customs authorities in order to secure payment of the excise duty that may arise for the goods sent under excise duty suspension arrangement.

(2) The amount of the security shall be determined so as to ensure that it covers at any time the full amount of the excise duty that may arise or has arisen upon application of the excise duty suspension arrangement.

(3) The amount of the security under Paragraph 1 shall be 100 per cent of the excise duty due on the average monthly quantity of sent excisable goods.

(4) At the request of the person the security may be determined in higher amount than the amount under Paragraph 3.

(5) Upon a change of the circumstances which are important for the determination of the amount of the security a new amount of the security may be determined.

(6) The security under Paragraph 1 may be established with a cash deposit or with a bank guarantee under the procedure of the customs legislation.

(7) Security shall be accepted in Bulgarian leva.

(8) No interest shall be due on the security established with a cash deposit.

(9) Determination of the amount of the security shall be made by a decision of the head of the competent customs authority by

registration of the person.

(10) A change of the type or amount of the security may be made by a decision of the authority under Paragraph 9.

(11) The decisions under Paragraphs 9 and 10 shall be issued within the time limits under Article 58e, Paragraph 4.

(12) The decisions under Paragraphs 9 and 10 shall be an integral part of the issued certificate of registration.

(13) Within 30 days from delivery of the decision under Paragraph 9 the person shall provide the new security, but not later than the expiry of the term of validity of the previous security.

(14) The previous security shall be released by a decision of the head of the competent customs authority within 30 days from the date of provision of the new security under Paragraph 13.

(15) In the cases of termination of registration the security shall be released by a decision of the head of the competent customs authority after payment of the excise duty obligation.

Section II

Security Provided upon Customs Arrangements or upon Receipt of Excise Labels

(Title amended, SG No. 105/2006)

Article 82. (Effective 1.07.2006 - SG No. 91/2005) (1) (Amended, SG No. 105/2006) Where goods are placed under excise duty suspension arrangement or temporarily stored the full amount of the excise duty payable shall be secured by cash deposit or bank guarantee according to the procedure for securing customs charges laid down in the customs legislation.

(2) Transit of goods shall be furthermore secured in the amounts and according to the procedure for securing customs charges.

(3) (Amended, SG No. 105/2006) A person licensed to open and manage a bonded warehouse (warehousekeeper) within the meaning of the customs legislation shall be liable jointly and severally with the depositor of the goods for the excise duty due in the event of deviation of the goods from the customs regime during their storage in the warehouse.

Article 83. (Effective 1.07.2006 - SG No. 91/2005) (1) The persons that have ordered excise labels for foreign goods shall provide a security to the customs authorities to the full amount of the excise duty before receipt of excise labels.

(2) The provision of Paragraph 1 shall not apply to authorised warehousekeepers.

(3) The security under Paragraph 1 may be created as cash deposit or bank guarantee. The security shall be accepted in Bulgarian lev.

(4) Where the security under Paragraph 1 is created by bank guarantee, the latter shall have validity of not less than 90 days effective from the date of receipt of excise labels.

(5) No interest shall accrue on the security provided in the form of cash deposit.

(6) (Amended, SG No. 95/2009, effective 1.01.2010) After expiry of 90 days from the date of receipt of the excise labels under Paragraph 1 the customs authorities shall take actions for utilization of the security provided in the amount of the due excise duty.

(7) (Supplemented, SG No. 54/2012, effective 17.07.2012) Within 30 days the security under Paragraph 1 shall be released upon payment of the full amount of the excise duty for the excise labels received and upon submission of the report on the excise labels received.

(8) (New, SG No. 105/2006, repealed, SG No. 55/2010, effective 20.07.2010).

Section III

(New, SG No. 105/2006)

Security Provided by Registered Traders or Tax Representatives

Article 83a. (New, SG No. 105/2006) (1) (Amended, SG No. 95/2009, effective 1.12.2009, SG No. 54/2012, effective 17.07.2012) Tax representatives under Article 57b, Paragraph 3 and registered traders under Article 57c shall provide security to the customs authorities to secure the payment of the excise duty which may arise for the goods sent by the non-resident person under Article 57a, Paragraph 4, item 4, the goods received under excise duty suspension arrangement respectively, from a tax warehouse on the territory of another Member State.

(2) The amount of the security shall be determined in a way so as to cover at any time the full amount of the excise duty on the goods received, which has arisen or might arise.

Article 83b. (New, SG No. 105/2006) (1) The amount of the security under Article 83a shall be 150 per cent of the amount of the excise duty due for the average monthly quantity of received goods.

(2) The indicator "average monthly quantity" shall be calculated under a procedure laid down in the implementing regulation to this Act.

(3) At the person's request a higher amount of the security than the one referred to in Paragraph 1 may be determined.

Article 83c. (New, SG No. 105/2006) In the event of a change in the circumstances instrumental to determining the amount of the security a new amount of the security may be determined.

Article 83d. (New, SG No. 105/2006) (1) (Amended, SG No. 55/2010, effective 20.07.2010) The security under Article 83a may be created by cash deposit and/or bank guarantee in accordance with the customs legislation.

(2) The security shall be accepted in Bulgarian lev.

(3) No interest shall accrue on the security created by cash deposit.

Article 83e. (New, SG No. 105/2006) (1) The amount of the security shall be determined by a decision of the head of the competent customs authority by registration of the person.

(2) A change of the type or amount of the security shall be made by a decision of the authority under Paragraph 1.

(3) (Amended, SG No. 54/2012, effective 17.07.2012) The decisions under Paragraphs 1 and 2 shall be issued within the time limits under Article 57b, Paragraph 7, Article 57c, Paragraphs 3 and 4 respectively, and shall be delivered to the persons.

(4) The decisions under Paragraphs 1 and 2 shall be an integral part of the issued certificate of registration.

(5) Within 30 days from delivery of the decision under Paragraph 2 the person shall provide the new security but not later than expiry of the validity of the previous security.

(6) (Supplemented, SG No. 101/2013, effective 1.01.2014) The previous security shall be released by a decision of the head of the competent customs authority within 30 days, effective from the date of provision of the new security under Paragraph 5, provided no liabilities for payment of excise duty would exist.

(7) In the cases of deregistration the security shall be released by a decision of the head of the competent customs authority after the liability for payment of excise duty has been discharged.

Section IV

(New, SG No. 105/2006)

Security Provided by Temporarily Registered Consignees or by Persons Receiving Excisable Goods on the Territory of the Country, Released for Consumption on the Territory of Another Member State

Article 83f. (New, SG No. 105/2006) (1) Temporarily registered consignees under Article 58a and the persons under Article 76c, Paragraph 4 shall provide security to the customs authorities or shall pay the full amount of the excise duty due for the goods which are released for consumption on the territory of another Member State and which will be received on the territory of the country.

(2) The security under Paragraph 1 shall be created by cash deposit in accordance with customs legislation.

(3) (Amended, SG No. 19/2011, effective 8.03.2011) The security, created by cash deposit, shall be accepted in Bulgarian lev and no interest shall be due on it.

(4) (New, SG No. 19/2011, effective 8.03.2011) In cases under Article 76c, Paragraph 4, where the person is an authorised warehousekeeper, the security may be created by a cash deposit or by a bank guarantee under the procedure of the customs legislation

Article 83g. (New, SG No. 105/2006) (1) The amount of the security as well as the amount of the excise duty that shall be paid shall be determined by a decision of the head of the competent customs authority within the time limits of Article 58a, Paragraph 3, Article 76c, Paragraph 6.

(2) The decisions under Paragraph 1 may be appealed under the Administrative Procedure Code.

Article 83h. (New, SG No. 105/2006) (1) After provision of the security or payment of the excise duty the head of the competent customs authority shall issue a document to the person, certifying that the excise duty on the goods to be received has been paid, secured or that the goods are exempt from payment of excise duty.

(2) The mandatory requisites of the document under Paragraph 1 shall be laid down in the implementing regulation to this Act.

Article 83i. (New, SG No. 105/2006) (1) (Supplemented, SG No. 54/2012, effective 17.07.2012) The security shall be released by a decision of the head of the competent customs authority within 30 days, effective from the date on which the liability for payment of excise duty has been discharged and upon submission of the report on the excise labels received.

(2) Where the amount of the excise duty for the goods received is lower than the amount of the excise duty paid under Article 83h, the unduly paid excise duty shall be refunded under the terms of Article 27.

Section V

(New, SG No. 92/2015, effective 1.01.2016)

Security Provided in Regard to Outstanding Public Liabilities upon Issuance of Licenses, Permits and Certificates

Article 83k. (New, SG No. 92/2015, effective 1.01.2016) Persons under Article 24a, Paragraph 7, Article 47, Paragraph 3, Article 57a, Paragraph 8, Article 57c, Paragraph 12 and Article 58c, Paragraph 3 shall provide security in a value not less than the amount of the outstanding public liability. The security may be provided in the form of a cash deposit or of a bank guarantee under the procedure of the customs legislation for a term of one year. The security, created by cash deposit, shall be accepted in Bulgarian lev and no interest shall be due on it.

Article 83l. (New, SG No. 92/2015, effective 1.01.2016) (1) The security may be released, if within one year after it was provided the reasons for its establishment would no longer be applicable.

(2) The security shall be released by decision of the competent customs authority within 7 days of the date of notification of settlement of the liability.

(3) Outside the cases under Paragraph 1 the security shall be absorbed up to the amount of the outstanding public liability up to 7 days prior to expiry of the one year term.

Chapter Six

DOCUMENTATION AND REPORTING

Section I

Tax Documents

Article 84. (Effective 1.07.2006 - SG No. 91/2005, supplemented, SG No. 95/2009, effective 1.12.2009, SG No. 105/2006, amended, SG No. 109/2007, 44/2009, effective 1.01.2010, SG No. 54/2012, effective 1.04.2013) (1) Tax documents within the meaning of this Act shall be:

1. an excise tax document or a registered electronic excise tax document;
2. a note of an excise tax document or a registered electronic debit or credit statement.

(2) Tax documents shall be private documents, issued by authorised warehousekeepers or by any person, registered under this Act, for certifying the arising of an obligation for charging and payment of excise duty.

(3) (Amended, SG No. 92/2015, effective 1.01.2016) Authorised warehousekeepers, persons, registered under this Act as well as persons under Article 3, Paragraph 1, items 4 and 6 shall issue registered electronic excise tax documents;

(4) (Amended, SG No. 92/2015, effective 1.01.2016) Persons under Article 24, Paragraph 1, items 3 and 4, Articles 57, 58c and 60a may be permitted to issue the respective document in hard copy in duplicate – one copy for the issuer and one for the recipient, without a requirement for registration in the information system of the Customs Agency.

(5) Any document, registered in the information system of the Customs Agency under procedure, in manner and format, determined in the implementing regulation to this Act, shall be treated as registered electronic excise tax document issued.

(6) (Amended, SG No. 95/2015, effective 1.01.2016) In addition to the requisites under Article 6 of the Accountancy Act the tax documents shall also mandatorily contain:

1. ten-digit number of the document, containing Arabic numerals only;
2. unique control number, assigned by the customs authorities;
3. place and date of issuance;

4. grounds for arising of the obligation to charge excise duty];
 5. issuer - identification data regarding the person, including UIC and identification number under this Act;
 6. depositor - identification data including UIC;
 7. consignee - identification data including UIC;
 8. carrier - identification data including UIC and vehicle registration number;
 9. (supplemented, SG No. 105/2014, effective 1.07.2015, SG No. 92/2015, effective 1.01.2016) data on the excisable goods – type of goods, quantity, transaction value, CN Code, unit of measurement, base for charging excise duty, volume of consumer package, number of consumer packages, selling price (for cigarettes), unit of measurement other than that indicated in Article 28, Paragraph 1, coefficient for re-calculation in regard to the tax base, excise duty rate, excise duty amount;
 10. precise address of the delivery and unloading location;
 11. identification number of the facility (petrol station, tank);
 12. name, surname and PIN of the consignee;
 13. type of payment;
 14. name and surname of the person drafting the excise tax document;
 15. the quantity, number/s and date/s of the document/s issued under Article 33, Paragraph 3 and Article 33a, Paragraph 5;
 16. number of the analysis certificate/protocol for the respective shipment;
 17. (new, SG No. 94/2012, effective 1.04.2013) grounds for exemption from excise duty;
 18. (new, SG No. 94/2012, effective 1.04.2013) unique identifier of the control point;
 19. (new, SG No. 94/2012, effective 1.04.2013) transaction number;
 20. (new, SG No. 94/2012, effective 1.04.2013) administrative reference code of e-AD or number of any other document, under which the excisable goods were received;
 21. (new, SG No. 94/2012, effective 1.04.2013) value of the increase/reduction of the excise duty.
- (7) (Supplemented, SG No. 92/2015, effective 1.01.2016) An excise tax document shall be issued on the date, on which the excisable goods would be released for consumption within the meaning of Article 20, Paragraph 2 for each consignee and for each vehicle, except for the cases under Article 20, Paragraph 2, item 5, item 15-18; In instances under Article 64, Paragraph 18 an excise tax document shall be issued on the date of establishment of excise labels missing.
- (8) In cases of release for consumption under Article 20, items 15-18, an excise tax document shall be issued by the 10-th day of the month, following the month in which the sales or consumption took place. The excise tax document shall be issued in regard to:
1. each consignee - sole proprietor or legal entity, as a total of all sales performed, respectively for the entire quantity of coke, coal, electricity or natural gas consumed;
 2. any quantities sold to natural persons, who are not sole proprietors, as a total of all sales performed, while in regard to natural gas the total quantities sold for household and for industrial purposes and for motor fuel shall be shown in separate lines.
- (9) Any persons, having released excisable goods for consumption, shall submit a hard copy of the registered electronic excise tax document of the consignee and the person, transporting the excisable goods.
- (10) Any tax documents issued shall certainly be reflected in the bookkeeping department and the registry of the issuer for the tax period, during which they were issued.
- (11) (Supplemented, SG No. 94/2012, effective 1.04.2013) Corrections and additions to tax documents may not be allowed.

Any tax documents drawn up in error or with corrections shall be cancelled before any goods would leave the tax warehouse or the facility of the registered person under terms and procedure, determined by the implementing regulation to this Act. Cancelled copies shall not be destroyed and all records and copies thereof shall be stored with the person having issued the document.

(12) In the cases under Paragraph 11 new tax documents shall be issued.

(13) (Amended, SG No. 92/2015, effective 1.01.2016) Any tax documents, issued under the procedure of this Act, shall be stored for a period of 5 years as of 1 January of the year following the year of expiry of the taxation period, to which they relate.

(14) In instances of theft, loss, damage to or destruction of tax documents in hard copy the person shall forthwith notify the competent customs authority of such circumstances.

(15) (Repealed, SG No. 94/2012, effective 1.04.2013).

(16) In cases where excisable goods, which are being removed from a tax warehouse, are the property of a person-depositor, in addition to the data of the authorised warehousekeeper also data on the person-depositor shall be recorded in the excise tax document.

(17) (New, SG No. 101/2013, effective 1.01.2014) The requisites of the tax documents shall be completed while taking into account the respective specifics of the excise goods.

(18) (New, SG No. 101/2013, effective 1.01.2014, supplemented, SG No. 105/2014, effective 1.01.2015, amended, SG No. 92/2015, effective 1.01.2016) If a court would stay the preliminary execution of the decision of the Director of the Customs Agency to terminate the validity of the license for management of a tax warehouse or an enforced court decision repeals the decision of the Director of the Customs Agency to terminate the validity of the license for management of a tax warehouse or the decision of the head of the competent customs authority to terminate the validity of the certificate of excise-exempt end user, the person shall cancel the excise tax document, issued under Article 20, Paragraph 2, items 9 and 10 under terms and procedure, determined by the implementing regulation to this Act.

(19) (New, SG No. 101/2013, effective 1.01.2014, amended, SG No. 92/2015, effective 1.01.2016) In the cases under Paragraph 18 in regard to goods, released for consumption from the date of issuance of the excise tax document under Article 20, Paragraph 2, items 9 and 10 until the date of its cancellation new excise duty documents shall be issued, wherein the number of the excise tax document cancelled shall be recorded.

(20) (New, SG No. 92/2015, effective 1.01.2016) In the cases of release for consumption under Article 20, Paragraph 2, items 17 and 18 the excise tax document shall be issued by persons under Article 57a, Paragraph 1, item 6 on the date of release of excisable goods for consumption. The excise tax document shall be issued for each recipient and for each transportation vehicle under the procedure of Paragraph 8.

(21) (New, SG No. 92/2015, effective 1.01.2016) An excise tax document shall be issued by persons under Article 57a, Paragraph 1, item 5 as an aggregate for all quantities of excisable goods released for consumption within the meaning of Article 20, Paragraph 2, items 17 and 18. The excise tax document shall be issued on the date of submission of the excise duty declaration, respectively on the date of communicating the decision to cancel the registration. An excise tax document may be issued in hard copy without a requirement for registration in the Customs Agency information system.

Article 85. (Effective 1.07.2006 - SG No. 91/2005 amended and supplemented, SG No. 95/2009, effective 1.12.2012, repealed, SG No. 54/2012, effective 1.04.2013)

Article 85a. (New, SG No. 54/2012, effective 1.04.2013) (1) In cases of emergency circumstances, where the information system of the Customs Agency would not be operational, it shall be allowed to issue tax documents in hard copy.

(2) As soon as the operation of the information system of the Customs Agency would be restored any persons, having released excisable goods using tax documents in hard copy, shall be obliged to register them in the information system of the Customs Agency within 7 days.

(3) The cases in which it would be deemed that the information system of the Customs Agency would not be operational, shall be defined by the implementing regulation to this Act.

Article 86. (Effective 1.07.2006 - SG No. 91/2005) (1) Modification of the amount of excise duty charged in an excise tax document issued shall be documented by a note to the document, specifying the grounds for modification. A note shall be given only to an excise tax document issued.

(2) The note shall be:

1. excise debit note - a tax document reflecting the increase of the excise duty charged in an excise tax document issued;
2. excise credit note - a tax document reflecting the decrease of the excise duty charged in an excise tax document issued.

(3) The requisites of the tax note shall be:

1. all mandatory requisites for the excise tax document;
2. additional indication "excise debit note" or "excise credit note";
3. grounds for modification as well as the number and date of the excise tax document for which the note is issued.

(4) (New, SG No. 54/2012, effective 1.04.2013) The registered excise duty debit or credit statement, relevant to a registered electronic excise tax document, shall be submitted electronically under procedure, in manner and format, determined in the implementing regulation to this Act.

(5) (New, SG No. 94/2012, effective 1.04.2013) In the cases under Article 21, Paragraph 1, item 13 where the documents, proving the intra-Community delivery of the excisable goods would be received prior to the submission of the excise declaration, a credit statement shall be issued with the registered electronic excise tax document, wherein the grounds for exemption from excise duty shall be stated and it shall be included in the tax period of the issued registered electronic excise tax document.

(6) (New, SG No. 94/2012, effective 1.04.2013) In the cases under Article 21, Paragraph 1, item 13 where the documents, proving the intra-Community delivery of the excisable goods would be received after the deadline under Paragraph 5, but at a time prior to submission of the excise declaration for the following tax period, a credit statement shall be issued with the registered electronic excise tax document, wherein the grounds for exemption from excise duty shall be stated and it shall be included in the period following the tax period of the issued registered electronic excise tax document.

(7) (New, SG No. 94/2012, effective 30.11.2012) The indication of quantities in the excise debit or credit statement shall serve only for the purposes of determining the increase or decrease of the excise duty charged under an excise tax document issued.

Section II

Other Documents

Article 87. (Effective 1.07.2006 - SG No. 91/2005) (1) The excise declaration is a document in which the authorised warehousekeeper or the registered person declares for every tax period specific information relating to his business, which is a ground for incurrence of rights and obligations.

(2) The declaration under Paragraph 1 shall be submitted for every tax warehouse, specialized small distillery or a small producer of wine to the competent customs authority by location of the warehouse or unit within 14 days from expiry of the tax period for which it refers.

(3) (New, SG No. 105/2006, amended, SG No. 95/2009, effective 1.12.2009) The declaration under Paragraph 1 for the registered persons under Articles 57a, Article 57c and 58c shall be filed to the competent customs authority which has issued

the certificate of registration within 14 days from expiry of the tax period for which it refers.

(4) (Renumbered from Paragraph 3, SG No. 105/2006) Authorised warehouse keepers and registered persons shall file furthermore an excise declaration in the cases where no excise duty has been charged for the tax period.

(5) (Renumbered from Paragraph 4, SG No. 105/2006, supplemented, SG No. 54/2012, effective 1.04.2013) In the presence of force majeure or at the request of the authorised warehousekeeper or registered person the competent customs authority may extend the term for filing the excise declaration until expiry of the next tax period. The request may be submitted electronically under procedure, in manner and format, determined in the implementing regulation to this Act.

(6) (New, SG No. 109/2007) In the cases under Article 20, Paragraph 2, items 12, 13 and 19, the excise declaration shall be filed within 14 days of receipt of excisable goods, respectively of consumption of energy products for purposes, other than those, indicated in the certificate.

(7) (New, SG No. 95/2009, effective 1.12.2009) In the cases of Article 60a, Paragraph 4 where due excise duty is paid, an excise declaration shall be filed within 14 days from issue of the excise tax document.

(8) (New, SG No. 94/2010, effective 1.01.2011, amended, SG No. 19/2011, effective 8.03.2011) An excise declaration may also be filed electronically under the terms and procedure, laid down in the Tax and Social Insurance Procedure Code.

Article 87a. (New, SG No. 92/2015, effective 1.01.2016) (1) The excise-exempt end users shall submit a recapitulation declaration concerning the excisable goods received and used within 14 days of expiry of the calendar month under the procedure and in the manner set out in the implementing regulation to this Act.

(2) The recapitulation declaration may also be submitted electronically under procedure, in manner and format, determined in the implementing regulation to this Act.

Article 88. (Effective 1.07.2006 - SG No. 91/2005) (1) (Amended, SG No. 105/2006) The authorised warehousekeeper shall keep a "Warehouse Stocks Log" register.

(2) (Supplemented, SG No. 54/2012, effective 1.04.2013) In the register under Paragraph 1 shall be recorded excisable goods produced and/or stored, goods moving under excise duty suspension arrangement and goods released for consumption. Any excisable goods - property of depositors, shall be indicated separately from other goods and be differentiated by types and depositors.

(3) (Amended, SG No. 101/2013, effective 1.01.2014) Together with the excise declaration for the tax period the authorised warehousekeeper shall submit the information from the register under Paragraph 2 on an electronic carrier according to parameters set out in the implementing regulation to this Act as well as a copy of the register under Paragraph 1, except in the cases provided for in the implementing regulation to this Act.

(4) (Amended, SG No. 63/2006, SG No. 94/2010, effective 1.01.2011, supplemented, SG No. 19/2011, effective 8.03.2011) In the cases under Article 87, Paragraph 8 the authorised warehousekeeper may also submit electronically the information from the register under Paragraph 2 for the relevant tax period under the terms and procedure, laid down in the Tax and Social Insurance Procedure Code.

(5) Data from the Warehouse Stocks Log shall be accounted for in accordance with the established procedure in the accounting system of the persons under Paragraph 1.

(6) (New, SG No. 105/2006, supplemented, SG No. 95/2009, effective 1.12.2009) The persons registered under this Act and excise-exempt end users shall keep reporting for the excisable goods, as laid down in the implementing regulation to this Act.

Article 88a. (New, SG No. 106/2008, effective 1.01.2009, supplemented, SG No. 54/2012, effective 1.04.2013) By 31 January each year independent small breweries shall submit to the competent customs authority by location of the tax warehouse information about the beer produced during the preceding year. The information shall be provided by Plato degrees and types of beer, following a template specified in the implementing regulation to this Act. The information may also be

submitted electronically under procedure, in manner and format, determined in the implementing regulation to this Act.

Article 88b. (New, SG No. 95/2009, effective 1.01.2010) (1) (Previous Article 88b, SG No. 105/2014) Natural persons who provide fermented material from grapes and fruits - own production for production of ethyl alcohol (rakiya), shall complete a statement-declaration according to standard form laid down in the implementing regulation to this Act, which shall be provided to them by the persons under Article 57, Paragraph 1.

(2) (New, SG No. 105/2014, effective 1.01.2015) A statement-declaration under paragraph 1 shall be completed before the beginning of the production process.

Article 89. (1) (Effective 1.07.2006 - SG No. 91/2005, renumbered from Article 89, SG No. 105/2006) The certificate of excise exemption is a document issued by the competent customs authority, certifying that a particular person is an excise-exempt end user.

(2) (New, SG No. 105/2006) The certificate of registration is a document issued by the competent customs authority, certifying that a specific person is registered under this Act.

(3) (New, SG No. 105/2006) The permit for incidental receipt of excisable goods under excise duty suspension arrangement shall be a document issued by the competent customs authority, certifying that a temporarily registered consignee has the right to receive incidentally a specific type and quantity of excisable goods under excise duty suspension arrangement from a authorised warehousekeeper in another Member State.

Article 90. (Effective 1.07.2006 - SG No. 91/2005) The sample, format and requisites under this Chapter shall be set out in the implementing regulation to this Act.

Chapter Six "a"

(New, SG No. 94/2010, effective 1.01.2011)

ISSUANCE OF LICENSES FOR TRADE IN TOBACCO PRODUCTS

Article 90a. (New, SG No. 94/2010, effective 1.01.2011) (1) The sale, storage and offering of tobacco products may be performed only by the persons that have been granted a permit for trade in tobacco products by the head of the customs office by location of the commercial warehouse or retail unit.

(2) The right to trade in tobacco products shall have a person who:

1. is a trader within the meaning of the Commerce Act;
2. (repealed, SG No. 19/2011, effective 8.03.2011);
3. is not undergoing bankruptcy or liquidation proceedings;
4. is represented by persons who:

a) have not been convicted of a crime of general nature;

b) have not been members of a managing or supervisory body or unlimited liability partners in a company dissolved by insolvency, if unsatisfied creditors have remained;

5. (amended, SG No. 54/2012, effective 17.07.2012, SG No. 101/2013, effective 1.01.2014) has no public obligations, collected by the customs authorities, tax obligations and obligations for compulsory social security contributions;

6. has not committed a grave or repeated violation of this Act save for the cases where the administrative penalty proceeding has ended with the conclusion of an agreement;

7. has own or rented premises for carrying out the relevant activity;

8. (supplemented, SG No. 105/2014, effective 1.01.2015, amended, SG No. 92/2015, effective 1.01.2016) has not traded in and/or warehoused tobacco products without a license for the last 24 months, unless the administrative penalty proceeding has ended with the conclusion of an agreement;

9. (repealed, SG No. 105/2014, effective 1.01.2015).

Article 90b. (New, SG No. 94/2010, effective 1.01.2011) (1) The sale, storage and offering of tobacco products may be performed in commercial warehouses and retail units - specialised stores for trade in tobacco products, stores for sale of food and non-food goods, stores for sale of wine and spirits, petrol stations, pavilions, restaurants, alcohol-serving establishments and bars.

(2) The commercial warehouses and retail units under Paragraph 1 shall meet the following conditions:

1. shall have the inscription in Bulgarian "Cigarettes" or "Tobacco products" put at a visible place for the consumers;

2. shall have separate premises or parts thereof allowing storage and sale of tobacco products independently or with admissible goods for joint storage and sale;

3. shall not be located on the territory of day nurseries, kindergartens, schools, boarding schools, medical and healthcare establishments and their adjacents areas;

4. shall not have separate self-service stands where tobacco and tobacco products are offered.

Article 90c. (New, SG No. 94/2010, effective 1.01.2011) (1) (Amended, SG No. 54/2012, effective 17.07.2012) For issuance of a permit for trade in tobacco products a written request shall be filed to the head of the customs office by location of the commercial warehouse or retail unit or to the nearest customs office.

(2) (Amended, SG No. 54/2012, effective 17.07.2012) Enclosed to the request under Paragraph 1 shall be documents laid down in the implementing regulation to this Act.

(3) (Amended, SG No. 54/2012, effective 17.07.2012) One request may be used for asking for issuance of permits for more than one commercial warehouse or retail unit on the territory of one customs office.

(4) (New, SG No. 54/2012, effective 1.04.2013) The request under Paragraph 1 may also be submitted electronically under procedure, in manner and format, determined in the implementing regulation to this Act.

Article 90d. (New, SG No. 94/2010, effective 1.01.2011) (1) (Amended, SG No. 54/2012, effective 17.07.2012, SG No. 101/2013, effective 1.01.2014) After conducting on-site inspection and where the conditions for issuance of a permit for sale of tobacco products are met and the submitted documents meet the requirements, the head of the customs office by location of the commercial warehouse or retail unit shall issue a decision on the request within 14 days from the date of receipt thereof.

(2) (Amended, SG No. 54/2012, effective 17.07.2012, SG No. 101/2013, effective 1.01.2014) Where the submitted documents do not meet the requirements or the provided information is insufficient, the head of the customs office by location of the commercial warehouse or retail unit, within 7 days from receipt of the request, shall notify the party having lodged the same and shall set a term of 14 days for removal of the irregularities or for provision of additional information effective from receipt of the notification.

(3) (Amended, SG No. 54/2012, effective 17.07.2012) Within the term set under Paragraph 2 the party having lodged the request shall remove the irregularities or submit the required additional information and on failure to meet this obligation the head of the customs office shall refuse to issue the requested permit.

(4) (Amended, SG No. 54/2012, effective 17.07.2012, SG No. 101/2013, effective 1.01.2014) Within 14 days of rectification of the irregularities or the provision of the requested additional information the head of the customs office shall examine the request and the documents enclosed thereto and shall issue a decision thereon.

- Article 90e.** (New, SG No. 94/2010, effective 1.01.2011) (1) (Amended, SG No. 92/2015, effective 1.01.2016) Within the terms under Article 90d the head of the customs office shall issue a permit for trade in tobacco products or shall issue a motivated refusal thereof. Failing to issue a decision within that term shall be considered a silent refusal to issue a permit.
- (2) The refusal to issue a permit for trade in tobacco products is subject to appeal under the Administrative Procedure Code.
- (3) A separate permit shall be issued for every commercial warehouse or retail unit.
- (4) (New, SG No. 92/2015, effective 1.01.2016) The entitlement to trade in tobacco products shall originate as of the date of handing over the permit.
- (5) (New, SG No. 92/2015, effective 1.01.2016) The Customs Agency shall keep a register of the authorisations issued for trading in manufactured tobacco.
- (6) (New, SG No. 92/2015, effective 1.01.2016) The form and content of the register under Paragraph 5 shall be determined in the implementing regulation to this Act.

- Article 90f.** (New, SG No. 94/2010, effective 1.01.2011) (1) (Previous Article 90f, SG No. 54/2012, effective 17.07.2012) The person who has been issued a permit for trade in tobacco products shall:
1. (amended, SG No. 54/2012, effective 17.07.2012) notify in writing the head of the customs office of any change in the circumstances, under which the permit for trade in tobacco products had been issued within 14 days from occurrence thereof;
 2. provide unobstructed access of the customs authorities for exercising control.
- (2) (New, SG No. 54/2012, effective 17.07.2012) In the cases under Paragraph 1, item 1 the person shall submit notice of change in the circumstances, under which the permit had been issued. The notice may also be submitted electronically under procedure, in manner and format, determined in the implementing regulation to this Act.

- Article 90g.** (New, SG No. 94/2010, effective 1.01.2011) (1) The authority under Article 90d, Paragraph 1 shall terminate the granted permit:
1. (amended, SG No. 54/2012, effective 17.07.2012) by request of the person;
 2. (amended, SG No. 101/2013, effective 1.01.2014) on transfer of the company of the sole trader or deregistration thereof or on dissolution of the legal entity except for transformation through a change of the legal status;
 3. (amended, SG No. 54/2012, effective 17.07.2012, SG No. 105/2014, effective 1.01.2015) on own initiative, where the person does not meet the requirements of Article 90a, Paragraph 2, items 1, 3-6 and 8;
 - 3a. (new, SG No. 54/2012, effective 17.07.2012) on own initiative, where the person does not meet the requirements of Article 90a, Paragraph 2, item 7;
 4. where the person has submitted untrue data which have served as a ground for issuing the permit, as well as for amending the issued permit;
 5. where the person performs sale of tobacco products in a unit for which no permit is issued;
 6. where the unit does not meet the requirements of this Act;
 7. where the person keeps in commercial premises tobacco products without excise labels or fixed with untrue or forged excise labels or with excise labels with expired validity, offers and sells them in the unit.
- (2) (Amended, SG No. 54/2012, effective 17.07.2012) In the cases under Paragraph 1, items 3a, 4, 6 and 7 the issued permit for the respective unit shall be terminated.
- (3) (Amended, SG No. 54/2012, effective 17.07.2012) In the cases under Paragraph 1, items 2, 3 and 5 all permits issued to the person shall be terminated by a decision of the competent authorities.

- (4) The permit shall be terminated by a decision of the head of the customs office by location of the unit, which shall be subject to preliminary execution, unless the court resolves otherwise.
- (5) In the event of changes in the circumstances which are subject to registration in the issued permit, the authority under Paragraph 1 shall issue a decision, which shall be an integral part of the issued permit.
- (6) The decisions under Paragraphs 2, 3 and 4 may be appealed under the Administrative Procedure Code.

Chapter Seven

RESTRICTIONS AND PROHIBITIONS

Article 91. (Effective 1.07.2006 - SG No. 91/2005) Production of excisable goods under Article 2, items 1, 2 and 3 outside a tax warehouse shall be prohibited, unless otherwise provided for by this Act.

Article 91a. (New, SG No. 109/2007, amended, SG No. 95/2009, effective 1.12.2009) (1) Production and storage in a tax warehouse of excisable goods under excise duty suspension arrangement not included within the scope of the tax warehouse operation license, shall be prohibited.

(2) Operations in a tax warehouse which are not included within the scope of the tax warehouse operation licence, except for customary operations related to maintenance of the commercial appearance of excisable goods, shall be prohibited.

Article 91b. (New, SG No. 95/2009, effective 1.12.2009) Unloading of excisable goods received under excise duty suspension arrangement by a authorised warehousekeeper shall be done in a tax warehouse and where such goods are received by a registered consignee or a temporarily registered consignee unloading shall be done only in the units indicated in the relevant certificate or permit.

Article 92. (Effective 1.07.2006 - SG No. 91/2005) (1) Retail sale of excisable goods from a tax warehouse shall be prohibited.

(2) (Amended, SG No. 105/2006) Paragraph 1 shall not apply to authorised warehousekeepers which feed in liquefied petroleum gas (LPG) in bottles other than bottles for gas equipment of automobiles, nor to authorised warehousekeepers which feed in liquefied petroleum gas (LPG) in gas equipment and heating systems and facilities in public, administrative, residential and office buildings fed in by containers of liquefied hydrocarbon gases with volume of up to 10m³.

(3) (New, SG No. 105/2006, repealed, SG No. 95/2009, effective 1.12.2009).

Article 92a. (New, SG No. 92/2015, effective 1.01.2016) Persons-depositors having outstanding public liabilities, collected by the customs authorities and/or executable public liabilities, collected by the National Revenue Agency, shall be prohibited from depositing excisable goods at tax warehouses.

Article 93. (Effective 1.07.2006 - SG No. 91/2005) (1) (Amended, SG No. 106/2008, effective 1.01.2009, supplemented, SG No. 95/2009, effective 1.12.2009, SG No. 55/2010, effective 20.07.2010, amended, SG No. 94/2010, effective 1.01.2011, SG No. 92/2015, effective 1.01.2016) Authorised warehousekeepers of energy products shall mark all types of gas oil falling within CN codes from 2710 19 41 to 2710 19 49 and kerosene falling within CN code 2710 19 25 0, which shall be exempt from excise duty.

(2) (New, SG No. 55/2010, effective 20.07.2010, amended, SG No. 54/2012, effective 17.07.2012) The provision of Paragraph 1 shall furthermore apply to all types of gas oil falling within CN codes from 2710 19 41 to 2710 19 49, where the

latter are earmarked for production of lubricating oils.

(3) (New, SG No. 55/2010, effective 20.07.2010, amended, SG No. 54/2012, effective 17.07.2012) The provision of Article 24, Paragraph 1, item 1, and Article 26, Paragraph 2 shall apply to gas oil and energy products containing gas oil for filling vessels, except for vessels for private pleasure sailings, provided that the gas oil is marked.

(4) (Renumbered from Paragraph 2 and amended, SG No. 55/2010, effective 20.07.2010, SG No. 94/2010, effective 1.01.2011, supplemented, SG No. 19/2011, effective 8.03.2011) Marking under Paragraphs 1, 2 and 3 on the territory of this country shall be carried out only in a tax warehouse and in cases of manual marking - also in the presence of a customs authority under the terms and procedure laid down in the implementing regulation to this Act.

(5) (New, SG No. 55/2010, effective 22.07.2010, amended, SG No. 54/2012, effective 17.07.2012, SG No. 92/2015, effective 1.01.2016) In the cases of Paragraphs 1, 2 and 3 in all commercial and primary accounting documents recorded shall be the inscription "marked fuel for vessels", "lubricating oils, containing marked gas oil" or "marked fuels for excise-exempt end user" and the number of the analysis certificate and/or protocol of the marking for the respective batch.

(6) (New, SG No. 94/2010, effective 1.01.2011, supplemented, SG No. 92/2015, effective 1.01.2016) Marked energy products and energy products under Article 33, Paragraph 1, item 2 shall be transported on the territory of the country only using:

1. transport vehicles on which the persons have installed a global positioning system (GPS) at their own expense.

2. vessels of transportation equipped with measuring and controlling devices meeting the requirements of this Act, the Measurements Act and the by-laws for their implementation.

(7) (New, SG No. 94/2010, effective 1.01.2011) Installation and use of the technical devices under Paragraph 6 shall be made in accordance with the terms and procedures laid down in the implementing regulation to this Act.

(8) (New, SG No. 105/2014, effective 1.01.2015) To meet the conditions laid down in Paragraph 6 a certificate of approved transportation vessel shall be issued by the head of the competent customs authority in accordance with a procedure laid down in the implementing regulation to this Act. The certificate shall be valid for the territory of the entire country.

(9) (New, SG No. 101/2013, effective 1.01.2014, renumbered from Paragraph 8, SG No. 105/2014, effective 1.01.2015, supplemented, SG No. 92/2015, effective 1.01.2016) The provisions of Paragraph 6 shall not apply in cases of transportation by military vehicles of marked energy products and energy products under Article 33, Paragraph 1, item 2 from the specialised depots for petroleum, oil and lubricants of the Ministry of Defence to the units or installations of the Bulgarian Army. The terms and procedure for transportation of marked energy products shall be set out in the implementing regulation to this Act.

(10) (New, SG No. 92/2015, effective 1.01.2016) Paragraph 6 shall not apply to excisable goods under Article 33, Paragraph 1, item 2, transported within the territory of this country for a deferred payment of excise duty procedure or transit customs procedure.

(11) (New, SG No. 92/2015, effective 1.01.2016) In instances under Paragraph 6 of transportation of energy products under Article 33, Paragraph 1, item 2 it shall be permitted for the transportation vehicles to be outfitted only with a global positioning system (GPS) and for measurement to take place only at the time of their loading.

Article 94. (Effective 1.07.2006 - SG No. 91/2005) (1) (Amended, SG No. 106/2008, effective 1.01.2009, SG No. 95/2009, effective 1.12.2009, supplemented, SG No. 55/2010, effective 20.07.2010) Fuel oils and marked gas oil and kerosene, regardless of the concentration or combination of marking substances, shall not be fed in:

1. the fuel tank of motor vehicles, private vessels and private aircrafts;

2. tanks of fuel filling stations, pumps for filling motor vehicles or private vessels and private aircrafts;

3. (new, SG No. 105/2014, effective 1.01.2015) the fuel tank of automotive machines and in the tanks of filling stations for automotive machines.

(2) (Repealed, SG No. 63/2006).

(3) (New, SG No. 55/2010, effective 22.07.2010, amended, SG No. 54/2012, effective 17.07.2012) Added to energy products shall not be any marker or colour other than those set out in European Union law or in the national legislation.

(4) (New, SG No. 54/2012, effective 17.07.2012) It shall be prohibited to blend marked gas oil with other energy products except in the cases, envisaged by the law.

Article 94a. (New, SG No. 105/2014, effective 1.01.2015) (1) (Amended, SG No. 92/2015, effective 1.01.2016) Persons who have no containers for storage or heating installations for use of energy products shall be prohibited to receive energy products under Article 33, Paragraph 1, items 2 and 4, and the supply of such products to places other than the exact address indicated in the document under Article 33, Paragraph 3 shall also be prohibited.

(2) It shall be prohibited to effect any transactions with the energy products under Paragraph 1 after their delivery at the address indicated in the document under Article 33, Paragraph 3, and confirmation of their receipt by the user.

(3) Storage or use for the intended purpose of the energy products under Paragraph 1 at a place other than the place indicated in the document under Article 33, Paragraph 3 shall be allowed in the cases of force majeure and provided that the person has notified in writing and in advance the customs authorities of the change and of the reasons therefor.

(4) The notification under Paragraph 3 shall be submitted immediately to the nearest customs office in case of change of the place indicated in the document under Article 33, Paragraph 3, and shall contain information about the reasons for the change. Not later than 7 days after the submission of the notification the person under Paragraph 3 shall also submit to the customs authorities an act of a competent authority which has ascertained the existence of the force majeure, where applicable.

(5) Certified copies of the documents under Paragraph 4 shall be stored at the place under Paragraph 3 and shall be provided to the customs authorities upon a check.

Article 95. (Effective 1.07.2006 - SG No. 91/2005) (1) Feeding liquefied petroleum gas (LPG) in bottles other than liquefied petroleum gas bottles in motor vehicle petrol stations shall be prohibited.

(2) Sale and storage of liquefied petroleum gas (LPG) in bottles other than the liquefied petroleum gas bottles in motor vehicle petrol stations shall be allowed only where the bottles have been fed in the relevant bottle filling plants and/or in independent authorised outlets for feeding liquefied petroleum gas (LPG) bottles outside the territory of motor vehicle petrol stations. The bottles shall be secured by thermo-shrinkable caps which shall be destroyed before use and shall have the brand name of the producer.

Article 96. (Effective 1.07.2006 - SG No. 91/2005) Any actions resulting in reduction or destruction of the effect of the marker shall be prohibited.

Article 97. (Effective 1.07.2006 - SG No. 91/2005) (1) (Amended, SG No. 63/2006, SG No. 105/2014, effective 1.01.2015, supplemented, SG No. 92/2015, effective 1.01.2016) Complete denaturing of ethyl alcohol and denaturing of ethyl alcohol by a special method, which is input into production the manufacture of end products, which are not for human use in the territory of this country, shall be performed at tax warehouses only.

(2) Denaturing under Paragraph 1 shall be carried out in the presence of customs authorities under the terms and procedure set out in the implementing regulation to this Act.

(3) The type and quantity of the substances for denaturing shall be laid down in the implementing regulation to this Act.

Article 98. (Effective 1.07.2006 - SG No. 91/2005) Extraction in whole or in part of denaturing substances as well as any other actions resulting in reduction or destruction of the effect of denaturing substances shall be prohibited.

Article 99. (Effective 1.07.2006 - SG No. 91/2005) (1) (Supplemented, SG No. 109/2007, amended, SG No. 94/2010, effective 1.01.2011) The following shall be prohibited:

1. (amended, SG No. 54/2012, effective 17.07.2012) affixing labels on, holding, carriage, transportation, marketing and sale of bottled alcoholic beverages falling within CN Code 2208 with excise labels indicating lower quantity of hectolitres of pure alcohol measured at a temperature of 20 °C than the actual volume of hectolitres of pure alcohol measured at a temperature of 20 °C in the respective bottle;

2. (amended, SG No. 54/2012, effective 17.07.2012) affixing labels on, holding, carriage, transportation, marketing and sale of bottled alcoholic beverages falling within CN Code 2208 with excise labels indicating a lower or higher nominal quantity in litres than the capacity of the respective bottle;

3. (amended, SG No. 54/2012, effective 17.07.2012) holding, carriage, transportation, marketing and sale of bottled alcoholic beverages falling within CN Code 2208 without excise labels where such labels are compulsory, affixed with untrue or forged excise labels or excise labels with expired validity.

4. (new, SG No. 54/2012, effective 17.07.2012) holding, carriage, transportation, marketing and sale of bottled alcoholic beverages falling within CN Code 2208 with DUTY FREE excise label.

(2) (Amended, SG No. 94/2010, effective 1.01.2011, SG No. 54/2012, effective 17.07.2012) It shall be prohibited to:

1. offer and sell tobacco products at a price differing from the selling price shown on the excise label;

2. hold, carry, transport, market and sell tobacco products without an excise label where such is compulsory, affixed with untrue or forged excise labels or excise labels with expired validity;

3. offer and sell tobacco products in bulk or in separate pieces and units and from open packages, except for the cases of manually rolled cigars.

4. hold, carry, transport, market and sell tobacco products with text, which certainly contains the phrase DUTY FREE;

5. (new, SG No. 92/2015, effective 1.01.2016) hold, carry and transport manually rolled cigars or cigarettes made of rough materials with filter in quantities in excess of 40 pcs.;

6. (new, SG No. 92/2015, effective 1.01.2016) hold, carry, transport, market and sell tobacco refuse other than smoking tobacco (for pipe and cigarettes), except in the cases and by the persons under Article 12, Paragraphs 4 and 5.

(3) Labelling of beer with labels indicating lower initial extract content measured in Plato degrees than the actual one shall be prohibited.

(4) (New, SG No. 94/2010, effective 1.01.2011) Excisable goods affixed with excise labels under the repealed standard form shall not be released for consumption after the date of introduction of the new standard form of excise label.

(5) (New, SG No. 54/2012, effective 17.07.2012) Paragraph 1, item 4 and Paragraph 2, item 4 shall not apply to excisable goods:

1. which are under excise duty suspension arrangement;

2. which are under customs supervision within the meaning of Council Regulation (EEC) No. 2913/92 of 12 October 1992 establishing the Community Customs Code in connection with their customs-approved treatment or use or the formalities have been performed for receiving customs-approved treatment or use;

3. for which the person has proven that the excise duty due had been paid or which at the moment of entry or importation into this country's territory would remain below the statutory quantitative thresholds.

Article 100. (Effective 1.07.2006 - SG No. 91/2005) (1) (Supplemented, SG No. 44/2009, effective 1.01.2010, amended, SG No. 54/2012, effective 17.02.2012) Bottled alcoholic beverages falling under CN code 2208 and with alcoholic strength by volume equal and exceeding 15% vol and tobacco products intended for the domestic market shall be marketed and sold only with excise label affixed.

(2) The procedure and manner of introducing excise labels shall be established by the Council of Ministers.

Article 100a. (New, SG No. 95/2009, effective 1.12.2009) (1) (Amended, SG No. 19/2011, effective 8.03.2011, supplemented, SG No. 54/2012, effective 17.07.2012) The sale, storage and offering of tobacco products by traders who do not hold permit for sale of tobacco products shall be prohibited, as well as outside the locations under Article 90b.

(2) (Repealed, SG No. 94/2010, effective 1.01.2011, new, SG No. 54/2012, effective 17.07.2012) Marketing and sale of tobacco products by individuals, who are not sole proprietors, shall be prohibited.

Article 100b. (New, SG No. 92/2015, effective 1.01.2016) (1) Removal of excisable goods with excise labels affixed from a tax warehouse and transportation thereof to another tax warehouse of the same authorised warehousekeeper shall take place only upon receipt of authorisation from the director of the Customs Agency.

(2) The loading and removal of excisable goods under Paragraph 1 shall take place in the presence of customs authorities, who must install technical devices for exercising control over the movement of the excisable goods.

(3) The customs authorities may provide escort of the transportation vehicles to any other tax warehouse of the same authorised warehousekeeper.

(4) In instances of transportation of excisable goods a copy of the authorisation under paragraph 1 and an inventory list of the excise labels, affixed on such excisable goods, shall be attached to the electronic administrative document.

(5) Receipt and unloading of the excisable goods shall take place in the presence of customs authorities, who will remove the technical devices under Paragraph 2.

(6) The customs authorities may perform checks of conformity of the information from the inventory list under Paragraph 4 when loading and unloading excisable goods. The Customs Agency shall not owe any compensation for damaged commercial appearance of the excise goods of the packages thereof.

(7) In case of finding non-conformity in the course of the check under Paragraph 6 when loading, the director of the Customs Agency may cancel the fulfilment of the authorisation issued.

Article 101. (Effective 1.07.2006 - SG No. 91/2005) (1) (Supplemented, SG No. 44/2009, effective 1.01.2010) Sale of draft (unbottled) alcoholic beverages falling within CN code 2208 and with alcoholic strength by volume equal and exceeding 15% vol shall be prohibited.

(2) The provision of Paragraph 1 shall not apply to sale of alcoholic beverages among authorised warehousekeepers.

(3) (Supplemented, SG No. 44/2009, effective 1.01.2010) Sale of alcoholic beverages falling within CN code 2208 and with alcoholic strength by volume equal and exceeding 15% vol in plastic packages (bottles) shall be prohibited.

(4) (Supplemented, SG No. 109/2007) The provision of Paragraph 3 shall not apply to sale of alcoholic beverages in packages (bottles) of up to 0.5 litres inclusive.

Article 101a. (New, SG No. 6/2009, effective 24.02.2009) Authorised warehousekeepers shall be forbidden to release for consumption fuel oil and heavy fuel containing over 1 percent of sulphur, without a primary accounting document presented to attest to the fee payment, as per the procedure of Article 31 of the Clean Ambient Air Act, transferred to the account of the Enterprise for Management of the Environmental Protection Activities.

Chapter Eight

CONTROL

Article 102. (Effective 1.07.2006 - SG No. 91/2005) (1) Control on excisable goods, including goods under excise duty suspension arrangement, shall be exercised by customs authorities.

(2) (Amended, SG No. 95/2009, effective 1.12.2009, supplemented, SG No. 105/2014, effective 1.01.2015) Control shall include inspections and audits of tax liable persons as well as inspections of all other persons holding or dealing with excisable goods.

(3) (Amended, SG No. 92/2015, effective 1.01.2016) In the process of exercising control the customs authorities shall be entitled to:

1. install technical devices to control movement and use of excisable goods;
2. conduct field tests or take samples for laboratory analysis.

(4) (Repealed, SG No. 92/2015, effective 1.01.2016).

(5) (New, SG No. 109/2007, effective 24.12.2007, amended, SG No. 15/2013, effective 15.02.2013) Control over stocks of crude oil and petroleum products in tax warehouses shall be exercised also by persons under Article 55(4) of the Crude Oil and Petroleum Products Stocks Act.

(6) (New, SG No. 92/2015, effective 1.01.2016) In order to exercise control the customs authorities, designated by order of the director of the Customs Agency, shall be entitled, in compliance with the Road Traffic Act, to intercept road vehicles and to inspect the documents, related to their operation and the carriage performed.

(7) (New, SG No. 92/2015, effective 1.01.2016) The activities under Paragraph 6 shall be performed only by customs officials, wearing clearly discernible and visible identification signs, including during the dark hours of the day, and clothing according to form, approved by order of the director of the Customs Agency.

Article 103. (Effective 1.07.2006 - SG No. 91/2005) (1) (Previous Article 103, SG No. 95/2009, effective 1.12.2009, amended, SG No. 105/2014, effective after a positive decision is issued by the European Commission on a notification procedure, undertaken by the Ministry of Finance under Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and rules for the information society services) Control shall be exercised through a physical check of the quantity and other important data and indicators for the excise taxation, of the accounting and commercial documentation of the inspected persons, and of the measuring and control devices data.

(2) (New, SG No. 95/2009, effective 1.12.2009) Collection, provision and judgement of the evidence under Paragraph 1 shall be done under the Tax and Social Insurance Procedure Code.

(3) (New, SG No. 92/2015, effective 1.01.2016) In cases of encountering obstructions of visual inspections, performed for checking evidence or certain facts and circumstances of importance to excise duty liabilities, the customs authorities shall demand from the bodies of the Ministry of Interior assistance for the lawful discharge of their official duties.

(4) (New, SG No. 92/2015, effective 1.01.2016) The customs authorities shall be entitled to require on-the-spot written information from employees of the person inspected, as well as from third persons, who took part in or attended at instances of collection of evidence.

(5) (New, SG No. 92/2015, effective 1.01.2016) When conducting a purchase by or under the supervision of a customs authority (control purchase) the goods purchased, which are not subject to collection as evidence, shall be returned to the person who received the payment and the amount paid shall be reimbursed forthwith. A protocol shall be drawn up in connection with the circumstances.

Article 103a. (New, SG No. 95/2009, effective 1.12.2009, amended, SG No. 82/2011, effective 21.10.2011, SG No. 101/2013, effective 1.01.2014, SG No. 105/2014, effective after a positive decision is issued by the European Commission on a notification procedure, undertaken by the Ministry of Finance under Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and rules for the information society services) (1) For the purposes of the control exercised by the customs authorities the taxable persons hereunder shall use measuring and control devices conforming to the requirements of this Act and the normative acts on its implementation and where the measuring and control devices are measuring devices within the meaning of the Measurements Act and they shall conform to the requirements of the Measurements Act and the normative acts

on its implementation.

(2) Data from measuring and control devices under Paragraph 1 shall be recorded in the persons' reporting.

(3) The minister of finance shall issue an ordinance establishing the specific requirements for the measuring and control devices and for registering and reporting of quantitative and physical and chemical indicators of the excisable goods and for the control exercised by customs authorities on the measuring and control devices used during entry, production, storage and removal of excisable goods.

(4) Data from the measuring and control devices under Paragraph 4 item 55, letters "a", "d", "i (for alcoholic beverages falling within CN Codes 2208)", "j - s" and "u" shall be sent electronically via the automated reporting systems of the persons.

(5) Data from the measuring and control devices under Paragraph 4, item 55, letters "a", "d", "i (for alcoholic beverages falling within CN Codes 2208)", "j - n", "p", "r", "u" (except for the persons removing natural gas for household purposes in a volume of less than 3 cub. m. per annum) and "v" shall be sent to the Customs Head Office in a manner, way and format determined by an order of the minister of finance. The order shall be published on the websites of the Ministry of Finance and the Customs Agency.

(6) Paragraphs 4 and 5 shall not apply to:

1. registered senders, excise-exempt end users and persons under Article 3, Paragraph 1, item 6;

2. the persons who:

a) only receive or send pre-packaged alcohol and alcoholic beverages of equal nominal quantities and with mass from 5 to 10 kg inclusive or with volume from 5 ml to 10 ml inclusive;

b) receive in advance a specific quantity of ready for use alcohol and alcoholic beverages, labelled, put in packages of any type, which they usually offer on the market, and the quantity contained in the package cannot be changed without breaking, opening or changing the package;

3. the persons who:

a) only receive or send pre-packaged energy products of equal nominal quantities and with mass from 5 to 10 kg inclusive or with volume from 5 ml to 10 litre inclusive;

b) receive in advance a specific quantity of ready for use energy product, labelled, put in packages of any type, which they usually offer on the market, and the quantity contained in the package cannot be changed without breaking, opening or changing the package;

c) receive pre-packaged lubricants falling within CN Codes from 2710 19 71 to 2710 19 93 and other lubricants included in CN Code 2710 19 99, conforming to the requirements of Article 33a;

4. in the cases of pre-packaged flavouring products with alcohol content whose mass is up to 10 kg inclusive and volume of up to 10 litres inclusive, and which are intended for input in the manufacture of tobacco products.

(7) Excisable goods not reported by the measuring and control devices may not be introduced, manufactured, stored and brought out from tax warehouses and units of registered persons.

Article 103b. (New, SG No. 105/2014, effective after a positive decision is issued by the European Commission on a

notification procedure, undertaken by the Ministry of Finance under Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and rules for the information society services) (1) Data from the measuring and control devices under Article 103a, Paragraph 1 shall be taken into account in determining the tax base for excise duty and public state receivables.

(2) In the proceedings under Article 104, Paragraph 1 the customs authorities may establish excise liabilities on a tax base determined thereby, if differences are found between:

1. the data from the reporting system of the person subject to taxation, and
 2. the actual stock established during the physical check under Article 103, and
 3. the data from the measuring and control devices, being measuring devices under the Measurements Act,
- which result in a reduction of the tax base for excise duty and a reduction of the excise liability respectively.

(3) The differences under Paragraph 2, established by the customs authorities, shall be deemed shortage of goods for which excise duty is due.

(4) When establishing circumstances under Paragraph 2, the customs authorities may take preliminary security measures on the receivables in accordance with the procedure of the Tax and Social Insurance Procedure Code.

Article 104. (Effective 1.07.2006 - SG No. 91/2005, amended, SG No. 105/2005) (1) (Supplemented, SG No. 95/2009, effective 1.12.2009, SG No. 55/2010, effective 20.07.2010) The conduct of inspections and the proceedings for establishing, securing and collecting excise duty liabilities shall be governed by the Tax and Social Insurance Procedure Code unless provided otherwise in this Act. Customs authorities shall have the powers of revenue authorities and in the cases of Article 121 and Article 153, Paragraph 5 of the Tax and Social Insurance Procedure Code, of public enforcement authority. Customs officers designated by an order of the Director of the Customs Agency shall have competence within the meaning of Article 7 of the Tax and Social Insurance Procedure Code on the territory of the country.

(2) For the purposes of Paragraph 1 customs authorities stipulated in the Customs Act shall have the competencies of territorial directorates of the National Revenue Agency, the Director of the Customs Agency shall have the powers of executive director of the National Revenue Agency and heads of customs offices shall have the powers of territorial directors.

(3) (Amended and supplemented, SG No. 55/2010, effective 20.07.2010, amended, SG No. 94/2010, effective 1.01.2011, supplemented, SG No. 101/2013, effective 1.01.2014) The powers under Article 112, Paragraph 2 of the Tax and Social Insurance Code shall be exercised by the head of the competent customs office or by the Director of the Customs Agency, or by persons, authorised by them.

(4) (Amended, SG No. 95/2009, effective 1.12.2009, supplemented, SG No. 101/2013, effective 1.01.2014) The powers of a decision-making body within the meaning of Article 152, Paragraph 2 of the Tax and Social Insurance Code shall be exercised by the Director of the Customs Agency or by persons, authorised by him.

(5) (New, SG No. 105/2014, effective 1.01.2015) Information about tax assessment acts issued by the customs authorities, determining excise duty liabilities, shall be sent on a monthly basis to the National Revenue Agency.

(6) (New, SG No. 101/2013, effective 1.01.2014, renumbered from Paragraph 5, SG No. 105/2014, effective 1.01.2015) In the cases under Article 77 of the Tax and Social Insurance Procedure Code the persons shall notify the head of the respective customs authority by the domicile of the trader. A certificate of the notice shall be issued by the head of the respective customs authority.

(7) (New, SG No. 101/2013, effective 1.01.2014, renumbered from Paragraph 6, SG No. 105/2014, effective 1.01.2015) In the cases under Article 77 of the Tax and Social Insurance Procedure Code the persons shall notify the Customs Agency.

Article 105. (Effective 1.07.2006 - SG No. 91/2005) Government and local authorities shall, at the request of a customs administration authority, provide timely assistance in the inspection and investigation of circumstances or establishing of facts directly related to the rights and obligations of the persons subject to tax duty under this Act.

Article 106. (Effective 1.07.2006 - SG No. 91/2005) (1) (Amended, SG No. 63/2006) The customs administration may use information from a revenue or customs administration of another country received in response to an official enquiry in determining the liabilities of persons dealing with excise goods as well as use this information as evidence in administrative and court proceedings.

(2) (Amended, SG No. 105/2005) The information collected under Paragraph 1 shall be considered a new circumstance in determining the rights and obligations of persons subject to excise duty under this Act and may be used in revising effective excise tax liabilities where the time limits for initiation of proceedings for issuance of a certificate of audit have not expired, provided for in the Tax and Social Insurance Code.

Article 106a. (New, SG No. 109/2007) (1) (Previous text of Article 106a, SG No. 92/2015, effective 1.01.2016) Excisable goods which have not been claimed within 20 days of drawing up the protocol of their finding by the customs authorities in the course of control exercised, nor documents concerning their ownership have been provided, shall be deemed abandoned in favour of the state.

(2) (New, SG No. 92/2015, effective 1.01.2016) Any excise goods, remaining unclaimed upon expiry of 45 days of notification of the administrative penal procedure or of the entry into effect of the penalty enactment, shall be deemed abandoned to the Exchequer.

Article 107. (Effective 1.07.2006 - SG No. 91/2005) The Minister of Finance shall issue an ordinance on sampling and analysis methods for the purposes of control on excisable goods.

Chapter Nine

ADMINISTRATIVE PENAL PROVISIONS

Section I

(New, SG No. 95/2009, effective 1.12.2009)

General Provisions

Article 107a. (New, SG No. 95/2009, effective 1.12.2009, supplemented, SG No. 54/2012, effective 17.07.2012) Customs authorities shall have the right to seize and detain based on inventory list drawn up goods which are subject of violation hereunder, as well as means of carriage, transport and other means and facilities having served and having been used for committing the violation, as well as goods and amounts for securing potential receivables in connection with the committed violation.

Article 107b. (New, SG No. 95/2009, effective 1.12.2009) (1) Until completion of the administrative penal proceedings and the penal proceedings the seized and detained goods, means and facilities shall be kept by the customs authority.

(2) Should it be impossible for the customs authority to keep the seized and detained goods, means and facilities, they shall be left for safekeeping with a protocol to the violator or to other persons who are responsible for them.

(3) For the purposes of Paragraph 2 the customs authorities shall seal the unit or part thereof in which the goods, as well as the means or facilities having served or having been used for committing the violation are left for safekeeping.

Article 107c. (New, SG No. 95/2009, effective 1.12.2009) (1) (Amended, SG No. 94/2010, effective 1.01.2011) Before completion of the administrative penal proceedings the customs authorities may dispose of the seized and detained excisable goods whose safekeeping incurs significant costs for the customs administration as well as where their safekeeping is impossible

or poses threats to human life, health and the environment.

(2) Goods whose safekeeping incurs significant costs to the customs administration are goods whose long-term safekeeping is economically unjustified or incurs costs in excess of their value. Costs for safekeeping the goods are the costs incurred by the customs authorities in relation to the detention and safekeeping of the goods, including costs for loading and unloading, transportation, storage, guarding, etc.

(3) (Amended, SG No. 94/2010, effective 1.01.2011) Disposal through assignment for re-processing or destruction and transportation of the goods under Paragraph 1 shall be carried out in accordance with a procedure laid down in the ordinance under Article 124, Paragraph 4.

Article 107d. (New, SG No. 95/2009, effective 1.12.2009) (1) For securing receivables under a statement of established violation hereunder the customs authorities may impose the following security measures:

1. distraint of movables and receivables of the debtor, including bank accounts;
2. distraint on goods in circulation;
3. interdiction of real estate.

(2) Security measures shall be imposed where collection of receivables under Paragraph 1 would not be possible or would be difficult.

(3) Security measures shall be imposed in accordance with the amount of the receivables.

(4) Security measures shall be imposed by an enactment of the head of the customs office in the area of which the violation has been established.

(5) For any matters not dealt with in this Article the provisions of Chapter Twenty Four of the Tax and Social Insurance Procedure Code shall apply.

Article 107e. (New, SG No. 95/2009, effective 1.12.2009) (1) Where the violator is unknown the statement of violation shall be signed by the person who has executed the statement of violation and by one witness and shall not be delivered. In this case a penal enactment shall be issued, which shall take effect from the date of issue thereof.

(2) Where the violator is known but is not found at the address specified upon delivery of the statement of administrative violation, or has left the country, or has specified only address abroad, the penal enactment shall not be delivered. The enactment shall be deemed legally effective two months after it has been issued.

Article 107f. (New, SG No. 95/2009, effective 1.12.2009) (1) The administrative enforcement authority shall issue a decision on confiscation in favour of the state of the goods which are the subject of violation hereunder as well as on confiscation of carriage, transport and other means and facilities having served or having been used for committing the violation where such a measure is provided for herein.

(2) Where the goods, means or facilities under Paragraph 1 are missing or are alienated, their value as determined at market price shall be adjudicated.

(3) The method and procedure for determination of the market price of the goods confiscated in favour of the state which are the subject of violation hereunder, as well as the carriage, transport and other means and facilities having served or having been used for committing the violation shall be laid down in the implementing regulation to this Act.

(4) The market price shall be determined at the time of committing the violation and should this be impossible, at the time of establishment thereof.

Article 107g. (New, SG No. 95/2009, effective 1.12.2009) (1) In the cases where for the goods which are the subject of violation hereunder a partial excise duty has been paid or no excise duty has been paid, including upon adjudication of their value determined at market price, an excise duty at a flat rate shall be due.

(2) Goods confiscated in favour of the state shall be deemed placed under excise duty suspension arrangement.

(2) (New, SG No. 54/2012, effective 17.07.2012) The amount of the excise duty under Paragraph 1 shall be determined by decision of the head of the competent customs authority, on the territory of which the violation was established.

(3) (New, SG No. 105/2014, effective 1.01.2015) The liability determined with the decision under Paragraph 2 shall be subject to voluntary payment within 14 days from service thereof. Upon expiry of the time limit for voluntary payment the decision shall be subject to preliminary execution, unless the execution is stayed under the Procedure of the Tax and Social Insurance Procedure Code.

(4) (New, SG No. 54/2012, effective 17.07.2012, repealed, renumbered from Paragraph 3, amended, SG No. 105/2014, effective 1.01.2015) The decision under Paragraph 2 may be appealed against under the Tax and Social Insurance Procedure Code.

Article 107h. (New, SG No. 95/2009, effective 1.12.2009) (1) (Amended, SG No. 54/2012, effective 17.07.2012) Until issue of the penal enactment but not later than 30 days from presentation of the statement of established violation hereunder an agreement on termination of the administrative penal proceedings may be reached between the administrative penal authority and the violator, unless the violation constitutes a crime.

(2) Established cases of administrative violations wherein the goods which are the subject of violation pose threats to human life or health or the environment or do not meet the requirements to the quality of the products may not be subject of an agreement.

(3) The agreement shall be drawn up in writing and shall reflect the agreement of the administrative penal authority and the violator on the following issues:

1. whether a violation has been committed, whether it is committed by the violator and through his fault, whether the violation is a violation of the excise legislation;

2. the amount and type of the penalty;

3. whether the goods subject of the violation are seized in favour of the state, as well as the carriage, transport and other means having served or having been used for committing the violation hereunder or whether they will be paid in an amount of not less than 40 per cent of their market value.

(4) The agreement may not determine:

1. a penalty other than that provided for by law for the specific administrative violation;

2. (amended, SG No. 94/2010, effective 1.01.2011) amount of the fine or the property sanction:

a) in the event of first violation - lower than the minimum amount prescribed for the specific administrative violation;

b) in the event of a repeated violation - lower than 60% of the maximum amount prescribed for the specific administrative violation;

c) in the event of every next violation - lower than the maximum amount prescribed for the specific administrative violation;

3. a lower amount than 40 per cent of the market price of the subject of the violation as well as of the carriage, transport and other means having served or having been used for committing the violation hereunder.

(5) The agreement shall be signed by the administrative penal authority and the violator or his representative explicitly authorised for reaching an agreement.

(6) Within 14 days from signing the agreement on termination of the administrative penal proceedings the Director of the Customs Agency or an official authorised thereby shall issue a decision on approval or refusal to approve the agreement. The decision on approval of the agreement on termination of the administrative penal proceedings shall be sent to the relevant prosecutor within 7 days from issue thereof.

(7) The agreement on termination of the administrative penal proceedings shall be approved subject to compliance with the legal requirements and provided that the public state receivables determined therein are paid or secured on the deposit account

of the relevant customs authority.

(8) The decision under Paragraph 6 may not be appealed, except for the decision on approval of an agreement on termination of the administrative penal proceedings against which the prosecutor may file a protest to the court regarding its conformity with law under the procedure of the Administrative Procedure Code. In this case the protest of the prosecutor shall not stop the execution of the decision.

(9) The time limits for issue of a penal enactment shall stop running from the date of initiation of the court proceedings on a protest by the prosecutor until completion thereof.

(10) In the cases where the agreement on termination of the administrative penal proceedings is not approved or the decision on its approval is repealed by the court, the administrative penal authority shall issue a penal enactment under the general procedure.

(11) The agreement on termination of the administrative penal proceedings shall take effect from the date of its approval. The agreement shall have the consequences of an effective penal enactment and shall be subject to enforcement under the Tax and Social Insurance Procedure Code.

Section II

(New, SG No. 95/2009, effective 1.12.2009)

Administrative Penalties

Article 108. (Effective 1.07.2006 - SG No. 91/2005) (1) Where a person subject to excise duty fails to register under this Act, he shall be subject to property sanction ranging from BGN 500 to BGN 3,000.

(2) In the cases under Paragraph 1 in addition to the penalty the person shall owe the amount of the uncharged excise duty on the excisable goods produced until the date of establishing the violation.

Article 108a. (New, SG No. 95/2009, effective 1.12.2009, amended, SG No. 55/2010, effective 20.07.2010, SG No. 54/2012, effective 17.07.2012)

(1) Whoever stores, offers or sells in commercial warehouses or stores tobacco products in violation of Article 100a shall be subject to a fine ranging from BGN 1,000 to BGN 3,000, and to a property sanction ranging from BGN 2,000 to BGN 5,000 respectively.

(2) In the event of a repeated violation the fine shall be from BGN 2,000 to BGN 5,000 and the property sanction shall be from BGN 4,000 to BGN 8,000.

Article 109. (Effective 1.07.2006 - SG No. 91/2005) (1) A person who violates the provision of Article 60 shall be subject to a fine ranging from BGN 1,000 to BGN 3,000 - for natural persons, and a property sanction ranging from BGN 2,000 to BGN 6,000 - for legal entities and sole traders.

(2) In the event of a repeated violation the fine shall range from BGN 2,000 to BGN 6,000 and the property sanction, from BGN 4,000 to BGN 12,000.

(3) (New, SG No. 35/2011, effective 3.05.2011) A person who blends biofuels with liquid fuels of crude oil origin outside tax warehouse, for which no excise duty was paid in full or in part, shall be penalized by a fine in the amount of BGN 10,000 to BGN 25,000 - for natural persons, and with penalty payment in the amount of BGN 25,000 to BGN 50,000 - for legal persons and sole proprietors.

(4) (New, SG No. 35/2011, effective 3.05.2011) In case of repeated violation under Paragraph 3 the fine shall be in the amount of BGN 20,000 to BGN 50,000, and the penalty payment - from BGN 50,000 to BGN 100,000.

(5) (Renumbered from Paragraph 3, amended, SG No. 35/2011, effective 3.05.2011) In the cases of Paragraphs 1, 2, 3 and 4 in addition to the penalty the person shall owe the amount of the uncharged excise duty on the excisable goods produced until the date of establishing the violation.

Article 109a. (New, SG No. 109/2007) (1) A person who violates the provision of Article 91a shall be subject to a fine ranging from BGN 500 to BGN 2,000 - for natural persons, and a property sanction ranging from BGN 1,000 to BGN 3,000 - for legal entities and sole traders.

(2) In the event of a repeated violation under Paragraph 1 the fine shall range from BGN 1,000 to BGN 4,000 and the property sanction, from BGN 2,000 to BGN 6,000.

Article 110. (Effective 1.07.2006 - SG No. 91/2005) (1) (Amended, SG No. 109/2007, supplemented, SG No. 106/2008, effective, 1.01.2009, amended, SG No. 44/2009, effective 1.01.2010, supplemented, SG No. 95/2009, effective 1.12.2009) A person who fails to pay the due excise duty within the time limit under Article 44 or fails to file an excise declaration within the time limit under Article 87 shall be subject to a property sanction ranging from BGN 500 to BGN 2,500 - for legal entities and sole proprietors, and a fine ranging from BGN 500 to BGN 1,500 - for natural persons.

(2) (New, SG No. 106/2008, effective, 1.01.2009, amended, SG No. 44/2009, effective 1.01.2010, SG No. 95/2009, effective 1.12.2009, SG No. 54/2012, effective 17.07.2012) A person who fails to submit within the deadline the information referred to in Article 88a, shall be subject to a property sanction ranging from BGN 500 to BGN 2,500 and withdrawal of the certificate of registration as an independent small brewery

(3) (Renumbered from Paragraph 2, supplemented, SG No. 106/2008, effective, 1.01.2009) In the event of a repeated violation under Paragraph 1 the property sanction shall range from BGN 1,000 to BGN 5,000, and the fine shall range from BGN 1,000 to BGN 3,000.

(3) (Repealed, SG No. 109/2007).

(4) (Repealed, SG No. 109/2007).

(5) (New, SG No. 92/2015, effective 1.01.2016) Any person holding certificate of excise-exempt end user that fails to submit a recapitulation declaration or the report under Article 28a within the term specified, shall be subject to a property sanction ranging from BGN 500 to BGN 2,500. In the event of a repeated violation, the property sanction shall range from BGN 1,000 to BGN 5,000.

Article 111. (Effective 1.07.2006 - SG No. 91/2005) (1) (Amended, SG No. 105/2006, supplemented, SG No. 109/2007) A person who fails to observe the time limit for notification in the event of changes in the circumstances, under which the tax warehouse operation license or the certificate of registration under this Act were issued, shall be subject to a property sanction ranging from BGN 500 to BGN 2,500.

(2) (New, SG No. 95/2009, effective 1.12.2009) A person who fails to comply with the provision of Article 65, Paragraph 6 shall be subject to a property sanction ranging from BGN 500 to BGN 2,500.

(3) (Renumbered from Paragraph 2, SG No. 95/2009, effective 1.12.2009, repealed, SG No. 54/2012, effective 17.07.2012).

(4) (Renumbered from Paragraph 3, amended, SG No. 95/2009, effective 1.12.2009, SG No. 54/2012, effective 17.07.2012) In the event of a repeated violation under Paragraphs 1 and 2 the property sanction shall range from BGN 1,000 to BGN 5,000.

Article 112. (Effective 1.07.2006 - SG No. 91/2005) (1) Where a person subject to excise duty fails to charge it, he shall be subject to a property sanction to the double amount of the uncharged excise duty but not less than BGN 500.

(2) In the event of a repeated violation under Paragraph 1 the property sanction shall be to the double amount of the uncharged excise duty but not less than BGN 1,000.

(3) In the event of violation under Paragraphs 1 and 2, where the person has charged the excise duty in the period following the period in which the excise duty should have been charged, the property sanction shall be 25 per cent of the excise duty but not less than BGN 200.

(4) (New, SG No. 95/2009, effective 1.12.2009) In the event of violation under Paragraphs 1 and 2, where the person has charged the excise duty in the period following the period under Paragraph 3, the property sanction shall be 50 per cent of the excise duty but not less than BGN 400.

Article 112a. (New, SG No. 105/2006) (1) Where a person subject to excise duty fails to issue a simplified accompanying document, he shall be subject to a fine, property sanction, respectively, in the amount of BGN 100.

(2) Upon a repeated violation under Paragraph 1 the amount of the fine/sanction shall be BGN 300.

Article 113. (Effective 1.07.2006 - SG No. 91/2005) (1) (Supplemented, SG No. 19/2011, effective 8.03.2011) A person who fails to account for or record a tax document or an accompanying administrative document/electronic administrative document in his books or in the Warehouse Stocks Log or in the excise declaration for the relevant tax period, or uses documents with incorrect content, forged or false documents in his accounting which result in determination of a lower excise duty due or higher refundable excise duty, shall be subject to a property sanction ranging from BGN 200 to BGN 10,000.

(2) In the event of a repeated violation under Paragraph 1 the property sanction shall range from BGN 500 to BGN 20,000.

Article 113a. (New, SG No. 54/2012, effective 17.07.2012, repealed, SG No. 94/2012, effective 1.04.2013).

Article 114. (Effective 1.07.2006 - SG No. 91/2005, amended, SG No. 55/2010, effective 20.07.2010, SG No. 105/2014, effective after a positive decision is issued by the European Commission on a notification procedure, undertaken by the Ministry of Finance under Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and rules for the information society services) (1) (Previous text of Article 114, SG No. 92/2015, effective 1.01.2016) A person who violates the provision of Article 103a, Paragraphs 1, 2, 4, 5 and 7, shall be subject to a property sanction ranging from BGN 5,000 to BGN 10,000, and in the event of a repeated violation - from BGN 10,000 to BGN 50,000.

(2) (New, SG No. 92/2015, effective 1.01.2016) In cases where the customs authorities ascertain that the measurement and control device is not sealed, any marks are missing or the seals or marks of certification of the results of metrological control upon the measurement and control device are damaged and/or the term of validity thereof has expired. the sanction under Paragraph 1 shall not be imposed, if the person would have notified the customs authorities under the procedure and in the manner, determined by the ordinance under Article 103a.

Article 114a. (New, SG No. 95/2009, effective 1.12.2009) (1) (Amended, SG No. 92/2015, effective 1.01.2016) A person who unloads at a place other than that referred to in Article 91b shall be subject to a property sanction in the double amount of the due excise duty, but not less than BGN 4,000.

(2) (Amended, SG No. 92/2015, effective 1.01.2016) In the event of a repeated violation under Paragraph 1 the property sanction shall be in the double amount of the uncharged excise duty, but not less than BGN 6,000.

Article 115. (Effective 1.07.2006 - SG No. 91/2005) A person who violates the provision of Article 92 shall be subject to a property sanction ranging from BGN 2,000 to BGN 5,000 and in the event of a repeated violation, from BGN 4,000 to BGN 10,000.

Article 115a. (New, SG No. 92/2015, effective 1.01.2016) (1) A person who violates the provision of Article 92a shall be subject to a fine ranging from BGN 1,000 to BGN 5,000 - for natural persons, and a property sanction ranging from BGN 3,000 to BGN 7,000 - for legal entities and sole traders.

(2) In the event of a repeated violation under Paragraph 1 the fine shall range from BGN 2,000 to BGN 10,000 and the property sanction, from BGN 6,000 to BGN 14,000.

Article 115b. (New, SG No. 92/2015, effective 1.01.2016) (1) A person-depositor, who fails to submit information under Article 47a, Paragraph 1, fails to submit it in due course, fails to indicate or indicates incorrectly the data under Article 47a, Paragraph 2, shall be subject to a fine ranging from BGN 1,000 to BGN 5,000 - for natural persons, and a property sanction ranging from BGN 3,000 to BGN 7,000 - for legal entities and sole traders.

(2) In the event of a repeated violation under Paragraph 1 the fine shall range from BGN 2,000 to BGN 10,000 and the property sanction, from BGN 6,000 to BGN 14,000.

Article 116. (Effective 1.07.2006 - SG No. 91/2005) A person who violates the provision of Article 93 shall be subject to a property sanction ranging from BGN 5,000 to BGN 10,000 and in the event of a repeated violation, from BGN 10,000 to BGN 50,000.

Article 117. (Effective 1.07.2006 - SG No. 91/2005) (1) (Amended, SG No. 95/2009, effective 1.12.2009, supplemented, SG No. 105/2014, effective 1.01.2015) A person who violates the provision of Articles 94 and 94a shall be subject to a fine ranging from BGN 100 to BGN 500 - for natural persons, and a property sanction ranging from BGN 5,000 to BGN 10,000 - for legal entities and sole traders.

(2) (Amended, SG No. 95/2009, effective 1.12.2009) In the event of a repeated violation under Paragraph 1 the fine shall range from BGN 200 to BGN 1,000, and the property sanction, from BGN 10,000 to BGN 50,000.

Article 118. (Effective 1.07.2006 - SG No. 91/2005) (1) A person who violates the provision of Article 95 shall be subject to a fine ranging from BGN 1,000 to BGN 3,000 - for natural persons, and a property sanction ranging from BGN 3,000 to BGN 10,000 - for legal entities and sole traders.

(2) In the event of a repeated violation under Paragraph 1 the fine shall range from BGN 2,000 to BGN 6,000, and the property sanction, from BGN 6,000 to BGN 20,000.

Article 119. (Effective 1.07.2006 - SG No. 91/2005) (1) A person who violates the provisions of Articles 96, 97 and 98 shall be subject to a fine ranging from BGN 100 to BGN 300 - for natural persons, and a property sanction ranging from BGN 3,000 to BGN 10,000 - for legal entities and sole traders.

(2) In the event of a repeated violation under Paragraph 1 the fine shall range from BGN 200 to BGN 600, and the property sanction, from BGN 6,000 to BGN 20,000.

Article 120. (Effective 1.07.2006 - SG No. 91/2005) (1) (Supplemented, SG No. 19/2011, effective 8.03.2011) A person who violates the provision of Article 99, Paragraph 1, Items 1 and 2 shall be subject to a property sanction ranging from BGN 5,000 to BGN 10,000, and in the event of a repeated violation - from BGN 10,000 to BGN 20,000.

(2) (Supplemented, SG No. 19/2011, effective 8.03.2011, amended, SG No. 92/2015, effective 1.01.2016) Any person who violates the provision of Article 99, Paragraph 2, items 1, 3, 5 and 6 shall be subject to a fine ranging from BGN 100 to BGN 500 - for natural persons, and a property sanction ranging from BGN 2,000 to BGN 10,000 - for legal entities and sole traders.

(3) (New, SG No. 105/2006) A person who violates the provision of Article 99, Paragraph 3 shall be subject to a property sanction ranging from BGN 2,000 to BGN 5,000, and in the event of a repeated violation - from BGN 5,000 to BGN 10,000.

(4) (Renumbered from Paragraph 3, SG No. 105/2006) In the event of a repeated violation under Paragraph 2 the fine shall range from BGN 200 to BGN 600, and the property sanction, from BGN 6,000 to BGN 20,000.

Article 121. (Effective 1.07.2006 - SG No. 91/2005) (1) (Amended, SG No. 105/2006, SG No. 109/2007) A person who violates the provision of Article 64, Paragraphs 1 - 4, shall be subject to a fine ranging from BGN 1,000 to BGN 3,000 - for natural persons, and a property sanction ranging from BGN 2,000 to BGN 6,000 - for legal entities and sole traders.

(2) In the event of a repeated violation under Paragraph 1 the fine shall range from BGN 2,000 to BGN 6,000, and the property sanction, from BGN 4,000 to BGN 12,000.

(3) A person who produces or imports excisable goods and affixes on them false or forged excise labels or excise labels with expired validity shall be subject to a property sanction to the double amount of the excise duty due, but not less than BGN 5,000, and in the event of a repeated violation - not less than BGN 10,000.

(4) A person who violates the procedure and manner of introducing excise labels shall be subject to a property sanction of BGN 2,000 and in the event of a repeated violation - BGN 4,000.

(5) (New, SG No. 109/2007) A person which affixes, stores, carries or transports used excise labels in violation of the requirements of this Act and of the normative acts on its implementation, shall be subject to a fine ranging from BGN 1,000 to BGN 3,000 - for natural persons, and a property sanction ranging from BGN 2,000 to BGN 6,000 - for legal entities and sole traders.

Article 122. (Effective 1.07.2006 - SG No. 91/2005) (1) A person who violates the provision of Article 101 shall be subject to a fine ranging from BGN 100 to BGN 300 - for natural persons, and a property sanction ranging from BGN 3,000 to BGN 10,000 - for legal entities and sole traders.

(2) In the event of a repeated violation under Paragraph 1 the fine shall range from BGN 200 to BGN 600, and the property sanction, from BGN 6,000 to BGN 20,000.

Article 122a. (New, SG No. 55/2010, effective 20.07.2010) A person who makes an attempt to manipulate or deinstall or manipulates or deinstalls the technical devices under Article 103, Paragraph 3 shall be subject to a fine to the double amount of the excise duty but not less than BGN 1,000 - for natural persons, and a property sanction to the double amount of the excise duty but not less than BGN 2,000 - for legal entities and sole traders.

(2) In the event of a repeated violation under Paragraph 1 the fine shall be to the triple amount of the due excise duty but not less than BGN 3,000, and the property sanction shall be to the triple amount of the excise duty but not less than BGN 6,000.

Article 123. (Effective 1.07.2006 - SG No. 91/2005) (1) (Amended, SG No. 109/2007, SG No. 94/2010, effective 1.01.2011) A natural person who keeps, offers, sells, transports or carries excisable goods without excise label where such excise label is mandatory, or excisable goods with affixed false or forged excise labels or excise labels with expired validity shall be subject to a fine to the double amount of the excise duty due but not less than BGN 1,000, and in the event of a repeated violation - not less than BGN 2,000.

(2) (Amended, SG No. 94/2010, effective 1.01.2011) A legal entity or a sole trader who keeps, offers, sells or transports excisable goods without excise label where such excise label is mandatory, or excisable goods with affixed false or forged excise labels or excise labels with expired validity shall be subject to a property sanction to the double amount of the excise duty due but not less than BGN 2,000, and in the event of a repeated violation - not less than BGN 4,000.

(3) (Amended, SG No. 94/2010, effective 1.01.2011) Paragraph 2 shall not apply to excisable goods without affixed excise labels under excise duty suspension arrangement.

(4) (Supplemented, SG No. 94/2010, effective 1.01.2011) Where a legal entity or a sole trader keeping, offering, selling or transporting excisable goods establishes upon receipt of the delivery excisable goods without excise label where such excise label is mandatory, or excisable goods with affixed false or forged excise labels or excise labels with expired validity or excise labels not meeting the requirements of Article 64, Paragraph 4, he shall take immediate inventory of the goods according to a sample approved by the Minister of Finance and shall notify in writing within three days from the day of acceptance or receipt of the goods the competent customs authority by location of the unit. In this case no sanction under Paragraph 2 shall be imposed on the person who has notified the customs authority.

(5) The sanctions under Paragraphs 1 and 2 shall be imposed on the person who keeps in a warehouse or transports excisable

goods without excise labels where such are mandatory, or excisable goods with affixed false or forged excise labels or excise labels with expired validity in the cases where the owner cannot be found.

(6) (Amended, SG No. 54/2012, effective 17.07.2012) Any person who holds, carries, transports, markets or sells alcoholic beverages and tobacco products affixed with the excise label DUTY FREE, respectively with an inscription which obligatorily must contain the words DUTY FREE, shall be subject to a fine or a property sanction, to the double amount of the excise duty due but not less than BGN 2,000 for individuals and not less than BGN 4,000 for legal entities and sole proprietors and in the event of a repeated violation - not less than BGN 6,000.

(7) (New, SG No. 109/2007, amended, SG No. 54/2012, effective 17.07.2012) Paragraph 6 shall not apply, if the excisable goods are under customs supervision within the meaning of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code in connection with their customs-approved treatment or use or the formalities have been performed for receiving customs-approved treatment or use or are subject of excise duty suspension arrangement or would remain below the statutory quantitative thresholds, or are being held, marketed and sold at retail outlets, licensed for duty free trade or when the excise duty due would have been paid for any excisable goods.

(8) (Renumbered from Paragraph 7, SG No. 109/2007) Upon establishing tobacco products without excise labels or with affixed false or forged excise labels or with excise labels with expired validity or with excise labels with the inscription under Paragraph 6 in vending machines for sale of tobacco products, the sanctions under Paragraphs 1 and 2 shall be imposed on the person who has been licensed for trade in tobacco products from such vending machines in accordance with the Bulgarian legislation.

Article 123a. (New, SG No. 105/2006) (1) A person who evades full or partial payment or security of the excise duty due under this Act shall be subject to a fine in the double amount of the evaded excise duty but not less than BGN 1,000, and a property sanction shall be imposed on legal persons and sole traders in the double amount of the evaded excise duty, but not less than BGN 2,000.

(2) Upon a repeated violation under Paragraph 1 the fine shall be in the triple amount of the evaded excise duty but not less than BGN 2,000 and the property sanction shall be in the triple amount of the evaded excise duty but not less than BGN 4,000.

Article 123b. (New, SG No. 101/2013, effective 1.01.2014) (1) In regard to established quantities of shortages of tobacco refuse under Article 12, Paragraph 4 and of failure to fulfill the obligation under Article 12, Paragraph 4 excise duty shall be payable at the rate, specified in Article 38 and such persons shall be sanctioned by a fine or a property sanction in the double amount of the payable excise duty, but not less than BGN 1,000 for individuals and not less than BGN 2,000 for legal entities and sole traders, and in case of a repeated violation not less than BGN 2,000 for individuals and not less than BGN 4,000 for legal entities and sole traders.

(2) Any person who keeps, offers, sells, transports or carries refuse under Article 12, Paragraph 4 shall be sanctioned by a fine from BGN 200 to BGN 1,000 or by a property sanction from BGN 500 to BGN 2,000 and in case of a repeated violation - by a fine from BGN 400 to BGN 2,000 or by a property sanction from BGN 1,000 to BGN 4,000.

(3) Paragraph 2 shall not apply, where refuse under Article 12, Paragraph 4 would be under customs supervision within the meaning of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code in connection with their customs-approved treatment or use or the formalities have been performed for receiving customs-approved treatment or use, or are subject of excise duty suspension arrangement, or are held or transported by persons under Article 12, Paragraph 4, item 1 and Paragraph 5.

Article 124. (Effective 1.07.2006 - SG No. 91/2005) (1) (Amended, SG No. 105/2006, SG No. 109/2007, SG No. 106/2008, effective 1.01.2009, amended and supplemented, SG No. 95/2009, effective 1.12.2009, supplemented, SG No. 55/2010, effective 20.07.2010, amended, SG No. 94/2010, effective 1.01.2011, SG No. 54/2012, effective 17.07.2012, supplemented, SG No. 92/2015, effective 1.01.2016) In the event of violations under Articles 108a, 114a, 115, 116, 117, 118 and Article 120, Paragraphs 1 and 2, Article 121, Paragraphs 1 - 3 and 5, Article 122, Article 123, Paragraphs 1, 2, 4 and 6, Article 123b, Paragraph 2 and Article 126, as well as in the cases where the violator is unknown the goods subject of the breach shall be confiscated in favour of the State, regardless of their ownership.

(2) (New, SG No. 105/2006, amended, SG No. 109/2007) The funds owned by the perpetrator, which have been used for violation of this Act, shall be confiscated in favour of the State unless their value does not correspond visibly to the gravity of the violation.

(3) (New, SG No. 109/2007, amended, SG No. 35/2011, effective 3.05.2011) All facilities employed in committing a breach under Article 109 shall be confiscated in favour of the State, regardless of their ownership.

(4) (Renumbered from Paragraph 2, SG No. 105/2006, renumbered from Paragraph 3, SG No. 109/2007, amended, SG No. 44/2009, SG No. 94/2010, effective 1.01.2011) The Minister of Finance shall issue an ordinance stipulating the terms and procedure for disposal and transportation of goods confiscated in favour of the state under Paragraph 1,2 and 3, Article 106a and the excisable goods under Article 107c.

(5) (New, SG No. 44/2009, amended, SG No. 95/2009, effective 1.12.2009, SG No. 94/2010, effective 1.01.2011, supplemented, SG No. 105/2014, effective 1.01.2015) Excisable goods seized and detained, confiscated and abandoned in favour of the state shall be under customs authorities control and subject to processing or destruction. Goods confiscated in favour of the state which are subject to reprocessing shall be deemed placed under excise duty suspension arrangement.

(6) (New, SG No. 44/2009, supplemented, SG No. 95/2009, effective 1.12.2009) In the cases of destruction of excisable goods detained, confiscated and abandoned in favour of the state the action is performed by the authority having detained them under customs authority control.

(7) (New, SG No. 44/2009, repealed, SG No. 95/2009, effective 1.12.2009).

(8) (New, SG No. 105/2014, effective 1.01.2015, supplemented, SG No. 92/2015, effective 1.01.2016) Energy products confiscated in favour of the state, which are fit for use and do not threaten human life and health or the environment, may be provided gratuitously to medical establishments, kindergartens, schools and social institutions, state and municipal agencies, as well as to people with disabilities or people in dire straights. The terms and procedure for the provision of such products shall be laid down in the ordinance under Paragraph 4.

(9) (New, SG No. 92/2015, effective 1.01.2016) Tobacco refuse under Article 123b, Paragraph 2 shall be destroyed.

Article 124a. (New, SG No. 95/2009, effective 1.12.2009) (1) (Amended, SG No. 94/2010, effective 1.01.2011) In the cases of Articles 108, 108a, 109, 114, 114a, 115, 117, 120, 121, 122, Article 123, Paragraphs 1, 2, and 6, Articles. 123a, and 126 the person shall be furthermore deprived of the right to carry out a specific activity or activities in the premises where the violation has been established for a term of one month.

(2) In the cases of repeated violation under Paragraph 1 the person shall be deprived of the right to carry out a specific activity or activities for a term of 2 to 6 months.

(3) (New, SG No. 55/2010, effective 20.07.2010) The sanction under Paragraphs 1 and 2 shall not be imposed in the cases where an agreement is entered into on termination of an administrative penal proceedings under the terms of Article 107h.

(4) (Renumbered from Paragraph 3, SG No. 55/2010, effective 20.07.2010, amended, SG No. 54/2012, effective 17.07.2012) Execution of the administrative penalty under Paragraphs 1 and 2 shall be terminated by the authority that has imposed it, at the request of the violator, after the latter proves that the fine or property sanction is paid in full.

Article 124b. (New, SG No. 95/2009, effective 1.12.2009) (1) (Amended, SG No. 92/2015, effective 1.01.2016) In the cases of imposing administrative penalty under Article 124a an enforcement administrative measure shall be furthermore imposed such as sealing of the unit or units where the violation has been established for a period of one month and in case of repeated violation - for a period from 2 to 6 months.

(2) The enforcement administrative measure under Paragraph 1 shall apply with a motivated order of the head of the competent customs authority or an official authorised thereby.

(3) The order shall be subject to preliminary execution, unless the court orders otherwise.

(4) The order under Paragraph 2 may be appealed under the Administrative Procedure Code.

(5) (Amended, SG No. 54/2012, effective 17.07.2012) The enforcement administrative measure shall be terminated by the authority that has imposed it, at the request of the administratively penalised person and after the latter proves that the fine or the property sanction is paid in full. Printing shall be done under obligation for assistance by the person.

Article 124c. (New, SG No. 95/2009, effective 1.12.2009) (1) Upon imposing the enforcement administrative measure under Article 124b, Paragraph 1 the violator shall be denied access to the unit or units and the available goods, except those being the subject of violation, shall be removed by the person or by a person authorised thereby within a time limit set by the authority which has imposed the enforcement administrative measure.

(2) (Amended, SG No. 99/2011, effective 1.01.2012) Where the removal involves significant difficulties and/or significant costs the authority which has issued the measure under Article 124b, Paragraph 1 may order the goods to remain in the unit or units on the offender's responsibility. The order shall not apply to the goods which are the subject of the violation.

(3) In the cases of Paragraph 1 where removal of the goods is not carried out within the time limit set, the customs authority shall remove them by placing them in front of the unit without the obligation to protect them, at the expense of the liable person, and shall not be liable for any damage, spoil or loss thereof.

Article 125. (Effective 1.07.2006 - SG No. 91/2005) (1) (Supplemented, SG No. 105/2006) An excise-exempt end user who has received energy products and has used them for purposes other than those stipulated in the certificate of excise exemption and who has not paid the excise duty due under this Act shall be subject to a property sanction to the double amount of the excise duty due on motor fuels of the relevant type, but not less than BGN 5,000.

(2) In the event of a repeated violation, the certificate shall be revoked and the property sanction under Paragraph 1 shall not be less than BGN 10,000.

(3) In the cases under Paragraph 2 the person shall pay the amount of the excise duty due on motor fuel of the respective type for the quantities available at the time of revocation of the certificate.

(4) (New, SG No. 63/2006, repealed, SG No. 95/2009, effective 1.01.2010).

Article 126. (Effective 1.07.2006 - SG No. 91/2005, supplemented, SG No. 109/2007, SG No. 95/2009, effective 1.04.2010, amended, SG No. 94/2010, effective 1.01.2011, SG No. 105/2014, effective 1.01.2015) A person who keeps, offers, sells or transports excisable goods without an excise document under this Act, or an invoice, or a customs declaration, or an accompanying administrative document/electronic administrative document or a paper document where the computerised system is unavailable, or another document, certifying the payment, charge or security of the excise duty, shall be subject to a fine - for natural persons, or to a property sanction - for legal entities and sole proprietors, in the double amount of the excise duty due but not less than BGN 1,000, and in the event of a repeated violation - not less than BGN 2,000.

Article 126a. (New, SG No. 105/2006) (1) (Previous Article 126a, SG No. 44/2009, supplemented, SG No. 95/2009, effective 1.12.2009) Any violation of the provisions of this Act and the implementing regulations thereof established by the customs authorities, unless provided otherwise, shall be subject to a fine ranging from BGN 200 to BGN 1,000 or to a property sanction ranging from BGN 500 to BGN 2,000.

(2) (New, SG No. 44/2009) Subject to same penalty shall be any person who fails to render assistance to or hinders the customs authorities in their exercising their powers, as also any person who is obligated under this Act to present to such authorities goods, documents and information, but refuses to do so.

Article 126b. (New, SG No. 105/2006, amended, SG No. 109/2007) (1) (Previous Article 126b, SG No. 54/2012, effective 17.07.2012) For minor cases of violation of articles 118, 122, 123, 126 and 126a, established upon their commitment, the customs authorities may impose a fine by issuing a ticket under the procedure and in the amounts set out in Article 39, Paragraph 2 of the Administrative Violations and Sanctions Act.

(2) (New, SG No. 54/2012, effective 17.07.2012) Minor cases under Paragraph 1 shall be those, where the double amount of excise duty on any goods involved in the violation, would not exceed BGN 50.

- Article 127.** (Effective 1.07.2006 - SG No. 91/2005) (1) A customs authority that fails to issue within 7 days a certificate of presence or absence of liabilities under this Act, shall be subject to a fine of up to BGN 250, and in the event of a repeated violation - up to BGN 500.
- (2) Statements of violations shall be drawn up by officials in the inspectorate to the Minister of Finance and penalty enactments shall be issued by the Minister of Finance.
- Article 128.** (Effective 1.07.2006 - SG No. 91/2005) (1) Establishment of violations, issuance, appeal and enforcement of penalty enactments shall be subject to the terms and procedures of the Administrative Violations and Sanctions Act.
- (2) The statements of violations shall be drawn up by the customs authorities and the penalty enactments shall be issued by the Director of the Customs Agency or an official authorised by him.
- (3) (New, SG No. 82/2011, effective 1.01.2012, amended, SG No. 54/2012, effective 17.07.2012) In cases where they would ascertain violations under Article 123, Paragraphs 1, 2 and 6 the police authorities within the Ministry of Interior shall draw up the acts of establishment of violations or the fiches under Article 126b, and the penalty enactments shall be issued by the Director of the Customs Agency or officials authorized by him.
- (4) (New, SG No. 92/2015, effective 1.01.2016) In cases of finding violations under Article 115a and 115b the statements of establishment of the violations shall be drawn up by bodies of the National Revenue Agency, while the penalty enactments shall be issued by the executive director of the National Revenue Agency or by officials authorised by him.

TRANSITIONAL AND CONCLUDING PROVISIONS

- § 1.** (1) (Effective 1.07.2006 - SG No. 91/2005) This Act shall repeal the Excise Tax Act (promulgated, State Gazette No. 19/1994; amended, SG Nos. 58/1995 and 70/1995, Nos. 21, 56 and 107/1996, No. 51/1997, Nos. 15, 89 and 153/1998, No. 103/1999, No. 102/2000, No. 110/2001, Nos. 45 and 118/2002; corrected, No. 9/2003; amended, Nos. 37, 103 and 112/2003, Nos. 53 and 113/2004), except for Article 11, Paragraphs 9 and 10, Article 12c, Article 17a, Paragraph 10, § 2, item 25 of the additional provisions, § 26 of the transitional and concluding provisions of the Act Amending and Supplementing the Excise Tax Act (SG No. 110/2001) and § 20 of the transitional and concluding provisions of the Act Amending and Supplementing the Excise Tax Act (SG No. 118/2002) which shall apply until adoption of a duty-free trade act.
- (2) (Effective 15.11.2005 - SG No. 91/2005) The persons under § 20, Paragraph 2 of the transitional and concluding provisions of the Act Amending and Supplementing the Excise Tax Act (SG No. 118/2002) the validity of whose permits has expired after 31 July 2005 shall continue to operate as duty-free operators until adoption of a duty-free trade act.
- (3) (Effective 1.07.2006 - SG No. 91/2005, repealed, SG No. 105/2006, effective as from the date of entry into force of the Treaty of Accession of the Republic of Bulgaria to the European Union - 1.01.2007).
- § 2.** (1) (Amended, SG No. 63/2006) Any proceedings for the establishment and collection of excise duty liabilities, initiated on or before the 30th day of June 2006, as well any proceedings for reimbursement of excise duty initiated until the said date, shall be completed by the National Revenue Agency authorities.
- (2) (Amended, SG No. 105/2005, SG No. 63/2006) The excise duty charged on or before the 30th day of June 2006 shall be declared and remitted according to the procedure and within the time limits established by the Excise Tax Act and the Regulations for Application thereof.
- (3) (New, SG No. 63/2006) The provisions of the Excise Tax Act shall apply to any excise duty liabilities which have arisen on or before the 30th day of June 2006, and the said liabilities shall be established, secured and collected by the National Revenue Agency authorities according to the procedure established by the Tax and Social-Insurance Procedure Code.
- (4) (New, SG No. 63/2006) The security furnished under the Excise Tax Act, furnished on or before the 30th day of June

2006, shall be released or utilized by the National Revenue Agency according to the procedure and under the terms established by the Excise Tax Act and the Regulations for Application thereof.

§ 2a. (New, SG No. 63/2006) (1) Authorised warehouse keepers shall have the right to reimbursement of the excise duty paid until the 30th day of June 2006 on:

1. ethyl alcohol (alcohol-containing raw materials) used in the production of alcoholic beverages;
2. gases intended for processing, falling within CN codes 2901 24 100, 2711 14 000, 2901 22 000 and 2901 21 000, which have undergone specific or chemical processing into excisable finished products;
3. heavy oils intended for processing, falling within CN codes 2710 19 710 and 2710 19 750, and for heavy fuel oils, falling within CN codes 2710 19 510 and 2710 19 550, which have under undergone specific or chemical processing into excisable finished products;
4. naphtha used in the production of ethylene;
5. ethylene used in the production of ethylene dichloride.

(2) Reimbursement shall be effected after release for consumption of the excisable goods in which the goods covered under Paragraph (1) are used or, respectively, after the sale of the ethylene dichloride, but not later than the 1st day of July 2007.

(3) (New, SG No. 109/2007) The term under Paragraph 2 shall not apply to excisable goods under Paragraph 1, item 1.

§ 2b. (New, SG No. 63/2006) The annual fuel consumption rate, referred to in Article 32 (3) herein, for 2006, shall be 44 liters per hectare of registered arable agricultural land.

§ 3. The documents in respect of which a sample is required under this Act shall be laid down in the implementing regulation to this Act.

§ 4. (Effective 15.11.2005 - SG No. 91/2005) The Minister of Finance shall issue an implementing regulation to this Act within 6 months from its promulgation in the State Gazette.

§ 5. (Amended, SG No. 63/2006) The ordinances under Article 21, Paragraph 3, Article 25, Paragraph 2, Article 107 and Article 124, Paragraph 2 shall be issued within three months from entry into force of this Act.

§ 6. The Minister of Finance:

1. (amended, SG No. 54/2012, effective 17.07.2012) shall determine by an order the information in the registers under Article 24d, Paragraph 1, Article 54, Paragraph 1 and Article 56, Paragraph 2, which shall be public;
2. may determine jointly with the Governor of the Bulgarian National Bank a special procedure for the tax payment.

§ 7. The Corporate Income Tax Act (promulgated, SG No. 115/1997; amended, No. 19/1998; amended, Nos. 21 and 153/1998, Nos. 12, 50, 51, 64, 81, 103, 110 and 111/1999, Nos. 105 and 108/2000, Nos. 34 and 110/2001, Nos. 45, 61, 62 and 119/2002, Nos. 42 and 109/2003, Nos. 18, 53 and 107/2004, No. 39/2005) shall be supplemented as follows:

1. Article 2d shall be created:

"Article 2d. (1) Persons organizing games of chance with gambling slot machines, bookmaking facilities for betting on horse or dog-racing results, roulette and other gaming equipment in gaming casinos, instead of the corporate profit tax and/or final tax under Article 2a on games of chance with gaming slot machines, bookmaking facilities for betting on horse or dog-racing results, roulette and other gaming equipment in gaming casinos, shall be charged with a final tax on the respective facility.

(2) The persons under Paragraph 1 shall accrue and pay the tax in the respective territorial tax directorate by place of its tax registration in advance quarterly instalments and shall send a copy of the payment order to the territorial tax directorate by location of the gambling hall, bookmaking facilities or the casino and to the gambling supervision authority. The instalments shall be paid for every object of gambling with a separate payment order specifying the location and address of the object. The persons under Paragraph 1 shall file a declaration for the respective quarter according to a sample approved by the Minister of Finance within the time limits for payment of the tax.

(3) The tax under Paragraph 1 shall be paid by 3 January for the first quarter of the calendar year, by 1 April - for the second quarter, by 1 July - for the third quarter, and by 1 October - for the fourth quarter of the calendar year.

(4) For any other activities taxation of the persons under Paragraph 1 shall be in accordance with the general procedure."

2. Article 46d shall be created:

"Article 46d. The amount of the tax under Article 2d shall be as follows:

1. for gambling slot machines or bookmaking facilities for betting on horse or dog-racing results -BGN 300 per quarter per facility;
2. for roulette in a casino for gaming table - BGN 18,000 per quarter per facility;
3. for other gaming facility in a casino - BGN 3,000 per quarter per facility."

3. Paragraphs 7, 8 and 9 are created in Article 67a:

"(7) A person who runs games of chance or uses gaming slot machines and gaming facilities under Article 2d without having paid the tax due shall be subject to a fine - for natural persons other than traders or to a property sanction - for legal persons and sole traders, to the double amount of the tax due but not less than BGN 3,000.

(8) In the event of a repeated violation under Paragraph 7 the amount of the fine or the property sanction shall be to the amount of the double tax due but not less than BGN 5,000.

(9) The sanctions under Paragraphs 7 and 8 shall apply regardless of the sanctions provided for in other acts and the gambling supervision authorities under the Gambling Act shall be notified within three days of establishing the violation."

§ 8. The Customs Act (promulgated, SG No. 15/1998; amended, Nos. 89 and 153/1998, Nos. 30 and 83/1999, No. 63/2000, No. 110/2001, No. 76/2002, Nos. 37 and 95/2003, No. 38/2004, Nos. 45 and 86/2005) shall be amended and supplemented as follows:

1. In Article 7, Paragraph 8 a second sentence shall be inserted: "Officials from the inspectorate to the Minister of Finance shall be entitled to access to any data and documents in the customs administration in connection with the inspections conducted by them."

2. In Article 17, Paragraph 1, item 6, first sentence, after the wording "provided for by law" shall be added "at the request of the officials from the inspectorate to the Minister of Finance".

§ 9. Until entry into force of the statement of issuance of a license for management of a tax warehouse or refusal for its issuance existing producers of excisable goods at 1 January 2006 who file a request for license by 1 March 2006 shall continue their activity as authorised warehousekeepers under the procedure of this Act.

§ 9a. (New, SG No. 105/2014, effective after a positive decision is issued by the European Commission on a notification procedure, undertaken by the Ministry of Finance under Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and rules for the information society services) Persons subject to excise duty who are obliged to use measuring and control devices under Article 4, item 55, letters "d", "k", "l" and "p" shall bring themselves in compliance within 6 months from issuance of the positive decision on the notification procedure by the European Commission, undertaken by the Ministry of Finance.

§ 10. The Tobacco and Tobacco Products Act (promulgated, SG No. 101/1993; amended, No. 19/1994, No. 110/1996, No. 153/1998, No. 113/1999, Nos. 33 and 102/2000, No. 110/2001, No. 20/2003, Nos. 57 and 70/2004) shall be amended and supplemented as follows:

1. Article 29 shall be amended as follows:

"Article 29. (1) Domestically produced or imported cigarettes shall be sold on the domestic market at prices, under terms and according to a procedure as laid down by the Council of Ministers.

(2) The terms and procedure for registration of prices of tobacco products, except those under Paragraph 1, domestically produced and imported, the trade in tobacco products and control on them shall be stipulated in a regulation of the Council of Ministers."

2. (Effective 15.11.2005) § 3a shall be created in the transitional and concluding provisions:

"§ 3a. By 1 January 2006 the Council of Ministers shall adopt the necessary amendments and supplements to the implementing regulations to this Act."

§ 11. Enforcement of this Act is assigned to the Minister of Finance.

§ 12. The Act enters into force on 1 January 2006 except for:

1. (amended, SG No. 63/2006) the provisions of Articles 1 to 31, Article 32, Items 2, 4, 5 and 6 of Article 33 (1) and Article 33 (2), Articles 34 to 46, Articles 59 to 128, § 1 (1) regarding the repeal of the Excise Tax Act , as well as § 1 (3), which shall enter into force as from the 1st day of July 2006;

2. the provisions of § 1, Paragraph 2 , § 4 and § 10, item 2, which shall enter into force on the date of promulgation of this Act in the State Gazette.

3. (**) (new, SG No. 63/2006, amended, SG No. 108/2006, SG No. 109/2007) the provisions of Items 1 and 3 of Article 33 (1), which shall enter into force as from the 1st day of January 2009.

The Act was passed by the 40th National Assembly on 2 November 2005 and the Official Seal of the National Assembly has been affixed to it.

TRANSITIONAL AND FINAL PROVISIONS

of the Administrative Procedure Code

(SG No. 30/2006, effective 12.07.2006)

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§ 21. Everywhere in the Excise Duties and Tax Warehouses Act (promulgated, State Gazette No. 91/2005, amended, SG No. 105/2005) the words "the Administrative Procedure Act" and shall be replaced by "the Administrative Procedure Code".

(*) Act to Amend the Commercial Register Act

(SG No. 80/2006, effective 3.10.2006)

§ 1. In § 56 of the Transitional and Final Provisions the words "1 October 2006" shall be replaced by "1 July 2007".

TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend the Excise Duties and Tax Warehouses Act

(SG No. 105/2006, effective 1.01.2007, amended, SG No. 55/2010, effective 20.07.2010)

§ 77. (1) The persons under Article 57a, Paragraph 1, items 1, 2 and 3 who carry out activity at the date of entry into force of this Act shall file request for registration within 14 days from its entry into force.

(2) Until delivery of the certificate of registration the persons under Paragraph 1 shall have all the rights and obligations of registered persons under this Act.

§ 78. For goods to which the circumstances under Appendix V, Chapter IV "Customs Union" of the Protocol to the Treaty of Accession of the Republic of Bulgaria to the European Union the provision of Article 19, Paragraph 1, item 3 shall apply at the date of completion of customs formalities.

§ 79. (Repealed, SG No. 55/2010, effective 20.07.2010).

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(**) Act to Amend the Commercial Register Act

(SG No. 53/2007, effective 30.06.2007)

§ 1. In § 56 of the Transitional and Final Provisions the words "1 July 2007" shall be replaced by "1 January 2008".

FINAL PROVISION

to the Act to Amend the Excise Duties and Tax Warehouses Act

(SG No. 109/2007, effective 1.01.2008)

§ 56. This Act shall enter into force as from 1 January 2008, except for the tax reliefs under § 12, Item 1, littera "e", constituting state aid, which shall enter into force upon issuance of positive decision by the European Commission.

ACT amending and supplementing the Excise Duties and Tax Warehouses Act

(SG No. 106/2008, effective 1.01.2009, amended, SG No. 55/2010, effective 20.07.2010)

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Additional Provision

§ 17. This Act introduces the provisions of Council Directive 2007/74/EC of 20 December 2007 on the exemption from value added tax and excise duty of goods imported by persons travelling from third countries (OJ, L 346/6 of 29 December 2007).

Final Provisions

§ 18. (Repealed, SG No. 55/2010, effective 20.07.2010).

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§ 20. This Act becomes effective on 1 January 2009.

FINAL PROVISION

to the Act to Amend the Excise Duties and Tax Warehouses Act

(SG No. 24/2009)

§ 2. The Act shall take effect as of the day when it is promulgated in the State Gazette.

FINAL PROVISIONS

to the Act to Amend the Excise Duties and Tax Warehouses Act

(SG No. 44/2009)

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§ 24. By 31 October 2009 the Council of Ministers shall make or propose changes in the respective normative acts to set the terms and procedures for compensating the decrease of revenues from the revoked automobile excise duty.

§ 25. Paragraphs 1 - 5 and § 8 shall enter into force on 1 January 2010.

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ACT to Amend and Supplement the Excise Duties and Tax Warehouses Act

(SG No. 95/2009, effective 1.01.2010, amended, SG No. 19/2011, effective 8.03.2011)

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Additional Provisions

§ 79. (Effective 1.04.2010 - SG No. 95/2009) This Act shall transpose the provisions of Council Directive 2008/118/EC of 16 December 2008 concerning the general arrangements for excise duty and repealing Directive 92/12/EEC (OJ, L 9/12 of 14 January 2009).

§ 80. (Effective 1.04.2010 - SG No. 95/2009) Everywhere in the Act the words "registered trader" and "the registered trader" shall be replaced accordingly by "registered consignee" and "the registered consignee", the words "non-registered trader" and "the non-registered trader" shall be replaced accordingly by "temporarily registered consignee" and "the temporarily registered consignee", and the words "registered or non-registered trader" and "the registered or non-registered trader" shall be replaced accordingly by "registered consignee or temporarily registered consignee" and "the registered consignee or the temporarily registered consignee".

§ 81. (Effective 1.12.2009 - SG No. 95/2009) (1) The Minister of Finance shall issue the ordinance under Article 103a, Paragraph 2 within 45 days from entry into force of this Act.

(2) Within three months from entry into force of the ordinance under Paragraph 1 authorised warehousekeepers and persons registered under this Act shall bring their activity in conformity with the requirements of the law and shall inform the Director of the Customs Agency, the head of the competent customs authority respectively.

(3) The persons under Paragraph 2 may continue their activity until entry into force of an act of the Director of the Customs Agency/the head of the competent customs authority of a change in the issued tax warehouse operation license/registration and/or of compliance with the legal requirements, but not later than 6 months from entry into force of the ordinance under Paragraph 1.

§ 82. (Effective 1.12.2009 - SG No. 95/2009) (1) The persons under Article 57c who have obtained a certificate of registration of a registered trader shall file a request for issue of a new certificate to the head of the customs authority by location of the unit where excisable goods are received or unloaded, within 14 days from entry into force of this Act.

(2) Existing certificates of registration of a registered trader shall be valid 45 days after entry into force of this Act.

§ 83. (Effective 1.04.2010 - SG No. 95/2009, repealed, SG No. 19/2011, effective 8.03.2011).

§ 84. (Effective 1.04.2010 - SG No. 95/2009, repealed, SG No. 19/2011, effective 8.03.2011).

§ 85. (Effective 1.04.2010 - SG No. 95/2009) The provisions of Chapter Four, Sections VIa and VIb, shall apply to any movement under excise duty suspension arrangement with an electronic administrative document, which begins or ends on the territory of this country.

§ 86. (Effective 1.12.2009 - SG No. 95/2009) Producers of energy products which were not subject to licensing as of the date of entry into force of this Act may, provided they file a request and the required documents for issue of a tax warehouse operation license by 28 February 2010, continue their activity under this Act until a decision is issued by the Director of the Customs Agency, but not later than 30 April 2010 in compliance with the provisions for the obligations of authorised warehousekeepers.

§ 87. (Effective 1.12.2009 - SG No. 95/2009) (1) The persons under Article 100a who at the date of entry into force of this Act have a permit for trade in tobacco products issued under the Tobacco and Tobacco Products Act, by 30 April 2010 shall file a request to the head of the customs authority by location of the commercial warehouse or store for issue of a new permit.

(2) Until receipt of the permit or the refusal for issue thereof the persons under Paragraph 1 shall continue to carry out their activity.

§ 88. (Effective 1.12.2009 - SG No. 95/2009) Within three months from entry into force of this Act the Minister of Finance shall issue an ordinance, stipulating the terms and procedure for electronic filing of documents.

§ 89. (Effective 1.04.2010 - SG No. 95/2009) Where the Member State of export is other than the Member State of dispatch, the provisions of Article 73c, Paragraph 5, Article 73g, Paragraph 3, and Article 73h, Paragraph 2 shall apply, provided the necessary conditions therefor are in place at community level.

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§ 96. This Act shall enter into force as from 1 January 2010, except for § 1, § 2, items 1, 3, 4 and 6, § 3 and 4, § 5, items 1 and 4, § 6, 7, 8, 10 and 11, § 13, item 1, "b" and "c", § 15 and 16, § 20, item 2, § 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35, 36, 37, 38, 39, 41, 42, 45, 46, 47, 50, 51, 52, 53, 54, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 78, 81, 82, 86, 87, 88, 90, 91, 92, 93, 94 and 95, which shall come into force on the day of promulgation of this Act in the State Gazette, and § 2, items 2 and 5, § 5, item 3, § 20, item 1, § 34, 43, 44, 48, 77, 79, 80, 83, 84, 85 and 89, which shall enter into force as from 1 April 2010.

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TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend the Excise Duties and Tax Warehouses Act

(SG No. 55/2010, effective 20.07.2010, supplemented,

SG No. 29/10.04.2012, effective 10.04.2012)

§ 39. For the excise labels under Article 27, Paragraphs 6, 7 and 8 returned to the competent customs authority before entry into force of this Act the excise duty shall be offset or refunded under the terms and procedure of the repealed Paragraphs 9, 10, and 11 of the same Article.

§ 40. For a started procedure on the repealed Article 25a, the paid excise duty shall be offset or refunded under the terms and procedure set out before entry into force of this Act.

§ 41. (1) The persons under Article 26, Paragraph 3 shall bring their activity in line with the requirements of this Act within three months from entry thereof and shall notify in writing the Director of the Customs Agency thereof.

(2) Outside the cases of § 81, Paragraph 2 of the Transitional and Final Provisions to the Act to Amend the Excise Duties and Tax Warehouses Act (SG No. 95/2009), the persons who have observed the time limit under § 2 of the Transitional and Final Provisions of Ordinance No. 3 of 2010 on the specific requirements and control exercised by customs authorities on devices for measuring excisable goods (SG No. 15/2010) shall bring their activity in line with the requirements of this Act and shall notify in writing the Director of the Customs Agency thereof within:

1. three months from the date of preparation of a protocol under Article 52, Paragraph 4 of the Ordinance;

2. 1 September 2010 - for the persons using devices for measuring and control, simultaneously reporting the indicators for volume, alcohol content and extract expressed in Plato degree.

3. The persons under Paragraph 2 may continue their activity until entry into force of the relevant act of the Director of the Customs Agency or the head of the competent customs office regarding a change of the issued license for tax warehouse management or registration and/or for conformity with the requirements of the law, but not later than three months after entry into force of this Act.

(4) (New, SG No. 29/2012, effective 10.04.2012) Persons under Article 47 holding a licence to operate a tax warehouse which, as at the time of this Act's entry into force, is located within a strategic site of importance to national security, shall fully align their activities to the requirements hereof on 1 June 2013 at the latest.

§ 41a. (New, SG No. 29/2012, effective 10.04.2012) In the cases referred to in § 41, Paragraph 4, the relevant persons shall continue to use the measuring and control devices in accordance with the procedure provided for by Article 52, Paragraph 5 of Ordinance No. 3 of 2010 on the specific requirements and control exercised by customs authorities on devices for measuring excisable goods (promulgated, SG No. 15/2010, amended, SG No. 68/2011 and SG No. 3/2012).

§ 42. (1) The provisions of Article 47, Paragraph 1, item 5, Article 57c, Paragraph 1, item 5, Article 58c, Paragraph 1, item 3 and Article 58c, Paragraph 1, item 5 shall not apply to committed violations until entry into force of this Act, unless the act

constitutes a crime, provided that the violator enters into an agreement under Article 107h within two months from entry into force of this Act.

(2) The provisions of Article 47, Paragraph 1, item 5, Article 57c, Paragraph 1, item 5, Article 58c, Paragraph 1, item 3 and Article 58c, Paragraph 1, item 5 shall not apply to committed violations in respect whereof there is an enforced penalty enactment until entry into force of this Act, unless the act constitutes a crime, provided that the imposed property sanction has been paid or will be paid within two months from entry into force of this Act.

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ACT to Amend the Excise Duties and Tax Warehouses Act

(SG No. 94/2010, effective 1.01.2011, amended, SG No. 19/2011, effective 8.03.2011, SG No. 54/2012, effective 17.07.2012, SG No. 105/2014, effective 1.01.2015)

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Additional Provisions

§ 43. This Act transposes the requirements of Council Directive 2010/12/EC of 16 February 2010 amending Directives 92/79/EEC, 92/80/EEC and 95/59/EC regarding the structure and rates of excise duty applied on manufactured tobacco, and Directive 2008/118/EC (OJ, L 50/1 of 27 February 2010).

§ 44. In the remaining texts of the Act the words "current certificate of registration in the Commercial Register" shall be replaced by "current status certificate".

§ 45. In the remaining texts of the Act after the words "measuring tools" the word "controlling" shall be added.

Transitional and Final Provisions

§ 46. (Amended, SG No. 54/2012, effective 17.07.2012, repealed, SG No. 105/2014, effective 1.01.2015).

§ 47. (1) Non-completed proceedings at the National Revenue Agency regarding excisable goods confiscated or abandoned in favour of the state for violations of this Act shall be completed by the Customs Agency under the procedure of the ordinance under Article 124, Paragraph 4.

(2) The ordinance under Article 124, Paragraph 4 shall furthermore be applied by the Customs Agency for non-minor cases of sale or keeping of excisable goods without excise labels, where such is required by law, and which are confiscated in favour of the state.

§ 48. (1) The ordinance under Article 124, Paragraph 4 shall furthermore apply to excisable goods seized or confiscated by the tax authorities as well as to excisable goods seized by the tax authorities whose owner is not known and has not claimed them within 9 months from seizure thereof.

(2) When the date of seizure of the excisable goods is not known, the date of seizure shall be the date of their initial recording by the tax administration.

(3) In the cases under Paragraph 1 the actions under the ordinance shall be performed by the executive director of the National Revenue Agency or by officials authorised thereby.

§ 49. (New, SG No. 19/2011, effective 8.03.2011) The provision of Article 93, Paragraph 6 shall not be applicable until 31 March 2011.

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TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend the Value Added Tax Act

(SG No. 19/2011, effective 8.03.2011)

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§ 8. Any movement of excisable goods under excise duty suspension arrangement, initiated prior to entry into force of this Act under the procedure of Chapter Four, Section VI, shall be completed under the same procedure by 31 March 2011.

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ACT to Amend the Excise Duties and Tax Warehouses Act

(SG No. 99/2011, effective 1.01.2012, amended, SG No. 54/2012, effective 17.07.2012)

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Additional Provisions

§ 18. This Act shall introduce the requirements of Commission Implementing Decision 2011/545/EU of 16 September 2011 concerning the application of the control and movement provisions of Council Directive 2008/118/EC to products falling within CN code 3811, in accordance with Article 20(2) of Council Directive 2003/96/EC (OJ, L 241/33 of 17 September 2011).

§ 19. The state aid, envisaged in Article 32(1) items 8 and 9 shall be provided upon issuance of positive decision by the European Commission concerning its compatibility with the internal market.

Final Provisions

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§ 21. (Amended, SG No. 54/2012, effective 17.07.2012) This Act shall enter into force as of 1 January 2012 with the exception of § 2 which shall enter into force as of 1 January 2013 and § 8, item 1, littera "c" and § 9, which shall enter into force as of 1 June 2012.

ACT to Amend the Excise Duties and Tax Warehouses Act

(SG No. 54/2012, effective 17.07.2012, amended, SG No. 94/2012, effective 30.11.2012)

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§ 75. In the other texts of the Act:

1. The phrase "customs obligations" shall be replaced by "public obligations, collected by the customs bodies".

2. The word "application" shall be replaced by "request".

Transitional and Concluding Provisions

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§ 78. (Amended, SG No. 94/2012, effective 30.11.2012) The persons under Article 57a, Paragraph 1, items 2 and 3 and the persons, having obtained certificate of registration for engaging in operations with natural gas after the entry into force of this Act shall bring their activity into compliance with the requirements of Article 57a, Paragraph 2, item 7 and Paragraph 3 by 31 December 2012 at the latest.

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§ 81. Within three months of entry into force of this Act the Minister of Finance shall introduce the respective amendments to the ordinance under Article 118(4) of the Value Added Tax Act.

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§ 85. This Act shall enter into force as of the date of its publication in State Gazette with the exception of:

1. § 83, which shall enter into force on 1 July 2012;

2. § 80, items 1 and 4, littera "b", which shall enter into force on 1 January 2013;

3. § 1, item 9, with respect to items 49 and 50, 3 6 with respect to Article 24a, § 7 with respect to Article 24c, Paragraph 4, § 11, § 13, item 3, § 14, item 1, § 15, item 1, littera "b", § 16, item 5, § 18, item 2, § 20 with respect to Article 55a, Paragraph 7, § 21, items 2 and 5, § 23, item 1, littera "b" and item 9, § 24, item 5, § 25, § 27, item 3, § 28, item 2, § 29, § 30, § 32, items 2 and 3, § 33, item 2, littera "b", § 34, § 40, § 41, item 3, § 47, 48, 49, 50, 51, 52, 53, § 54, item 4, § 56, item 2 and § 69, which shall enter into force on 1 April 2013.

ACT to Amend the Excise Duties and Tax Warehouses Act

(SG No. 101/2013, effective 1.01.2014, supplemented, SG No. 1/2014, effective 1.01.2014)

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Additional Provision

§ 36. Throughout the text of this Act the words "liquid and due and payable" shall be deleted.

Transitional and Concluding Provisions

§ 37. (1) In the cases where pending the entry into force of this Act a court would stay the preliminary execution of the decision of the Director of the Customs Agency to terminate the validity term of the license for management of a tax warehouse or the decision of the head of the competent customs authority to terminate the validity of the certificate of excise-exempt end user and credit notes would be issued based on the excise duty documents issued on the grounds of Article 20, Paragraph 2, items 9 and 19 in connection with the court ruling, it shall be deemed that the excisable goods are under an excise duty suspension arrangement, if they were not removed from the tax warehouse. Any excise duty documents issued on the grounds of Article 20, Paragraph 2, items 9 and 19 shall be deemed cancelled.

(2) In the cases where pending the entry into force of this Act a court would stay the preliminary execution of the decision of the Director of the Customs Agency to terminate the validity term of the license for management of a tax warehouse or the decision of the head of the competent customs authority to terminate the validity of the certificate of excise-exempt end user

and the excise duty documents issued on the grounds of Article 20, Paragraph 2, items 9 and 19 were cancelled in connection with the court ruling, it shall be deemed that the excisable goods are under an excise duty suspension arrangement, if they were not removed from the tax warehouse. New excise duty document shall be issued for the quantities of excisable goods removed, if one had not yet been issued.

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§ 39. (Supplemented, SG No. 1/2014, effective 1.01.2014) This Act shall enter into force from 1 January 2014 with the exception of § 9 and 38, which shall enter into force upon issuance of a decision of the European Commission for extending the term of application of an existing authorised scheme of state aid and § 21 in respect of paragraphs 10 and 11 and § 22, which shall enter into force as of 1 April 2014.

TRANSITIONAL AND CONCLUDING PROVISIONS

to the Act to Amend the Value Added Tax Act

(SG No. 105/2014, effective 1.01.2015)

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§ 35. (Effective after a positive decision is issued by the European Commission on a notification procedure, undertaken by the Ministry of Finance under Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and rules for the information society services - SG No. 105/2014) Persons subject to excise duty and using measuring and control devices under the Excise Duty and Tax Warehouses Act and meeting the requirements of the Act, following a positive decision by the European Commission on a notification procedure undertaken by the Ministry of Finance, shall be deemed brought in conformity.

§ 36. (1) Fuels of oil origin owned by the State Reserve and Wartime Stocks State Agency, with paid excise duty at the date of entry into force of this Act, may be mixed, in case of their release for use within the meaning of the State Reserve and Wartime Stocks Act and the Oil and Petroleum Products Stock or their replenishment, with biofuels in a tax warehouse in compliance with the Energy from Renewable Sources Act until they are fully exhausted.

(2) The energy products under Paragraph 1 shall be charged at the motor fuel rate laid down in Article 32, Paragraph 1 of the Excise Duties and Tax Warehouses Act at the time of bringing them out from the tax warehouse. The excise duty due shall be determined as the margin between the excise duty under Article 32, Paragraph 1 of the Excise Duties and Tax Warehouses Act and the amount of excise duty, paid for any petroleum-based fuels.

(3) The operations under Paragraph 1 shall be effected in accordance with the procedure laid down in Article 65, Paragraph 6 of the Excise Duties and Tax Warehouses Act.

§ 37. Proceedings for refund of excise duty under Article 24g, Paragraph 1, item 3 of the Excise Duties and Tax Warehouses Act, which have been initiated before the entry into force of this Act, shall be terminated.

§ 38. Proceedings under Article 107g of the Excise Duties and Tax Warehouses Act, which have been initiated before the entry into force of this Act, shall be completed in accordance with the hitherto effective procedure.

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§ 46. The Act enters into force on 1 January 2015, except for:

1. paragraph 17 in respect of Article 154, Paragraph 2 and Article 156, Paragraph 2, which shall enter into force on the date of promulgation of this Act in the State Gazette;

2. paragraph 39, item 7, littera "b", items 9 - 13 and item 19, litterae "a", "b", "c", "d", "e" and littera "f" in respect of items 71 - 74, and item 23, littera "a", and § 42, items 11 and 17, which shall enter into force on 1 January 2014;

3. paragraph 34, item 7, which shall enter into force on 1 January 2016, item 21, littera "a" (in respect of Article 84, Paragraph 6, item 9), which shall enter into force on 1 July 2015, and item 2, littera "c", items 30, 31, 32, 35 and 39 and § 35, which shall enter into force after a positive decision is issued by the European Commission on a notification procedure, undertaken by the Ministry of Finance under Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and rules for the information society services.

ACT to Amend and Supplement the Excise

Duties and Tax Warehouses Act

(SG No. 30/2015)

.....
Additional provision

§ 2. Customs authorities within the meaning of Article 52, paragraph 1, item 6 shall be the customs authorities under the Customs Act, established as at the date of entry into force of this Act.

Final provisions

§ 3. (1) In case prior to date of entry into force of this Act the National Customs Agency would have approved in regard to a tax warehouse, located in the territories of more than one customs authority the positions of the control points at the points of introduction and offloading energy products into and from the oil pipeline or oil product pipeline, forming part of the tax warehouse to and from the production and/or storage locations and there would be no change in the technological scheme, such control points shall be the locations under Article 52, paragraph 1, item 6.

(2) In case prior to date of entry into force of this Act the National Customs Agency would have approved the positions of the control points at the points of introduction and offloading energy products into and from the oil pipeline or oil product pipeline, forming part of the tax warehouse, to and from another tax warehouse after the combining of the tax warehouses, those control points shall be the locations under Article 52, paragraph 1, item 6.

§ 4. Within two months of entry into force of this Act the authorized warehousekeepers shall bring their activities in compliance with it.

§ 5. Within one month of the entry into force of this Act the Minister of Finance shall bring the Ordinance under Article 103a, paragraph 2 into conformity with it.

TRANSITIONAL AND CONCLUDING PROVISIONS

to the Act amending and supplementing Excise Duties and Tax Warehouses Act

(SG No. 92/2015, effective 1.01.2016)

§ 75. (1) The persons under Article 57a, Paragraph 1, items 3a, 3b, 5 and 6 shall submit applications for registration under Article 57b, Paragraph 1 within two months of the entry into force of this Act.

(2) Pending the entry into force of the act of issuance of certificate of registration under Article 57b, Paragraph 7 or of the refusal to issue such certificate the persons under Paragraph 1 shall continue to possess all right and obligations of persons registered under this Act.

§ 76. (1) The persons that would submit applications for issuance of certificate of excise-exempt end user on the grounds of Article 24a, Paragraph 4 in connection with Article 22, Paragraph 2, by 29 February 2016 at the latest, shall be entitled to reimbursement of the excise duty paid for ethyl alcohol, which was simultaneously specially denatured and input into production of end products, which are not for human consumption, in regard to ethyl alcohol quantities purchased from 1 January 2016 till 31 March 2016.

(2) Reimbursement under Paragraph 1 shall take place after the sale of the goods produced, into which specially denatured ethyl alcohol was input, based on requests submitted not later than 31 December 2016 under the terms and procedure, determined prior to the entry into force of this Act.

(3) Reimbursement of excise duty paid for ethyl alcohol which was simultaneously specially denatured and input into production of end products, which are not for human consumption, in regard to ethyl alcohol quantities purchased by 31 December 2015, shall take place based on requests submitted not later than 31 December 2016 under the terms and procedure, determined prior to the entry into force of this Act.

§ 77. (1) The provision of Article 57a, Paragraph 2, item 5 shall not apply to persons that hold license under Article 39, Paragraph 1, item 7 of the Energy Act in regard to any violations, for which penalty enactments have been issued or have entered into effect prior to the entry into force of this Act.

(2) The persons under Paragraph 1 shall bring their activity into conformity with this Act within six months of its entry into force.

§ 78. (1) Persons within the scope of Article 4, item 8, who prior to the entry into force of this Act owned containers of a total capacity of up to 500 litres inclusive may continue their operations, subject to submission of a declaration to the competent customs authority to the effect that they are legally and economically independent from any other distillery and are not operating under license provided.

(2) The declaration under Paragraph 1 must be submitted not later than three months as of the entry into force of this Act.

(3) Outside the cases under Paragraph 1 any persons, engaging in operations as a specialised small distillery with total volume of the containers of up to 1,000 litres inclusive, shall bring their activity into conformity with this Act within six months of its entry into force.

§ 79. The provisions of Article 24a, Paragraph 7, Article 47, Paragraph 3, Article 57a, Paragraph 8, Article 57c, Paragraph 12, Article 58a, Paragraph 7 and Article 58c, Paragraph 3 shall not apply to persons that hold certificates, licenses or authorisations, issued prior to the entry into force of this Act.

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§ 81. This Act shall enter into force on 1 January 2016 with the exception of § 26, item 1, littera "d", which shall enter into force on 1 February 2016.

TRANSITIONAL AND FINAL PROVISIONS

to the Act amending and supplementing the Agricultural Producers Support Act

(SG No. 45/2016, effective as of the date of assignment of a permanent number

to the scheme of state aid in the State aid register of the European Commission)

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§ 22. (Effective 14.06.2016 - SG No. 45/2016) The farmers that have received fuel vouchers under the state aid scheme, valid until 31 December 2014, entitled Reduced excise duty rate on gas oil, consumed in primary agricultural production, applying a system of fuel vouchers, may utilise them for purchase of gas oil in accordance with Article 32, Paragraph 1, item 3 of the Excise Duties and Tax Warehouses Act until 30 September 2016.

§ 23. (Effective 14.06.2016 - SG No. 45/2016) (1) The persons obligated under the Excise Duties and Tax Warehouses Act that have obtained fuel vouchers under the state aid scheme, valid until 31 December 2014, entitled Reduced excise duty rate on gas oil, consumed in primary agricultural production, applying a system of fuel vouchers, shall be entitled to subtract from the excise duty owed in accordance with the excise duty return under Article 87, paragraph 1 the nominal value of the vouchers. No fuel vouchers with compromised integrity or damaged security features will be accepted.

(2) The vouchers collected shall be handed over to the competent customs office by location of the taxable person not later than 5 days following submission of the excise duty return under Paragraph 1. Upon the transfer of the vouchers a handover protocol shall be drawn up according to template, specified by the Regulations for Application of the Excise Duties and Tax Warehouses Act (promulgated, SG No. 42/2006; amended, SG No. 61 and 70/2006, No. 8 and 33/2007, No. 4/2008, No. 28 and 100/2009, No. 24 and 78/2010, No. 16 and 44/2011, No. 7/2012, No. 25 and 110/2013, No. 12 and 28/2014, No. 49/2015 and No. 2/2016). Such protocol shall not certify the authenticity of the fuel vouchers. The number of that protocol shall be entered into the excise duty return under Paragraph 1.

(3) The National Customs Agency shall perform a verification of the authenticity of the fuel vouchers received and store them under procedure and manner, prescribed by the Regulations for Application of the Excise Duties and Tax Warehouses Act.

(4) In case of detection of any vouchers that are false or were tampered with any excise duty reduced in compliance with the excise duty return under Paragraph 1 by the taxable persons shall become payable together with any lawful interest, as of the payment due date of the excise duty, in accordance with Article 44 of the Excise Duties and Tax Warehouses Act.

(5) Any farmer, who would use not according to their approved purpose:

1. fuel vouchers;

2. gas oil, purchased using fuel vouchers,

shall be sanctioned by a fine in the amount from BGN 2,000 to 5,000, respectively by a property sanction in the amount from BGN 5,000 to 10,000.

(6) In cases under Paragraph 5 such farmer shall be obliged to refund the face value of the vouchers obtained, together with any lawful interest accrued from the date of receipt thereof.

(7) The acts concerning violations under Para. 5 shall be drawn up by officials from the respective regional directorate of the Agriculture State Fund, who have been assigned to conduct the checks. The penal ordinances shall be issued by the director of the respective regional directorate of the Agriculture State Fund or by officials, authorised by him.

(8) For the purposes of this Paragraph "Fuel voucher" shall mean a state security, which may be used as a non-monetary means of payment for the amount of excise duty indicated therein only by an farmer, registered under this Act and by persons, performing supplies/sales of liquid fuels from retail outlets including persons, performing supplies/sales of liquid fuels within the meaning of the Excise Duties and Tax Warehouses Act.

§ 24. (Effective 14.06.2016 - SG No. 45/2016) Within two months of publication of this Act the Council of Ministers shall bring into conformity with it the Rules of Organisation of the Certification Audit of Resources from European Agricultural Funds Executive Agency.

§ 25. This Act shall enter into force as of the date of assignment of a permanent number to the scheme of state aid in the State aid register of the European Commission with the exception of § 1, 2, 3, 4, 5, 6, 18, § 20, items 1 and 2, § 21, item 1, § 22, 23 and 24, which shall enter into effect as of the day of its publication in the State Gazette.