Energy Efficiency Act

Promulgated, SG No. 35/15.05.2015, effective 15.05.2015, amended and supplemented, SG No. 105/30.12.2016, supplemented, SG No. 103/28.12.2017, effective 1.01.2018, amended, SG No. 27/27.03.2018, amended and supplemented, SG No. 38/8.05.2018, effective 8.05.2018, amended, SG No. 83/9.10.2018, SG No. 21/13.03.2020, effective 13.03.2020, amended and supplemented, SG No. 21/12.03.2021, effective 12.03.2021

Text in Bulgarian: Закон за енергийната ефективност

Chapter One
GENERAL DISPOSITIONS

Article 1. (1) This Act regulates the social relations associated with the implementation of the State energy efficiency improvement policy.

(2) This Act shall apply to final energy consumption by the armed forces, to the extent that it does not come into conflict with the Defence and Armed Forces of the Republic of Bulgaria Act or with another law in the sphere of national security.

Article 2. The purpose of this Act is to improve energy efficiency as part of the national sustainable development policy by:

1. using a system of energy efficiency improvement activities and measures in energy production, transmission and distribution, as well as in final energy consumption;

2. setting up energy savings obligation schemes;

3. developing the energy efficiency services market and encouraging the delivery of energy efficiency services;

4. setting up financing mechanisms and schemes helping to reach the national energy efficiency target.

Chapter Two
STATE GOVERNANCE IN THE FIELD OF ENERGY EFFICIENCY

Section I
Governing Bodies

Article 3. (Supplemented, SG No. 38/2018, effective 8.05.2018) The State shall exercise the functions thereof in the field of energy efficiency through the National Assembly and the Council of Ministers according to the Strategy for Sustainable Energy Development of the Republic of Bulgaria and Article 3 (2) of the Energy Act.

Article 4. (Repealed, SG No. 38/2018, effective 8.05.2018).

Article 5. (1) The Council of Ministers shall determine the State energy efficiency policy as part of the national sustainable development policy.

(2) (Amended, SG No. 38/2018, effective 8.05.2018) In carrying out its functions under Paragraph (1), the Council of Ministers, acting on a motion by the Minister of Energy, shall lay the Strategy for Sustainable Energy Development of the Republic of Bulgaria before the National Assembly for adoption.

(3) The Council of Ministers shall adopt:

1. National Energy Efficiency Action Plans;

2. a National Plan for Nearly Zero-Energy Buildings;

3. a national plan for improvement of the energy performance of heated and/or cooled State-owned buildings occupied by the State administration;

4. a long-term national programme to encourage investments in implementing measures to enhance the energy performance of buildings of the public and private national residential and commercial building stock;

5. (new, SG No. 105/2016, amended, SG No. 21/2021, effective 12.03.2021) a national long-term strategy for support of renovation of the national building stock of residential and non-residential buildings until 2050;

6. (renumbered from Item 5, SG No. 105/2016) annual reports on the implementation of the National Energy Efficiency Action Plans;

7. (renumbered from Item 6, SG No. 105/2016) statutory instruments of secondary legislation, as well as other instruments in the field of energy efficiency in the cases provided for in this Act.

(4) (Amended, SG No. 105/2016) For the purposes of formulating the State energy efficiency policy, the State bodies and the municipality mayors shall ensure the provision of the information necessary for the drafting of the instruments referred to in Paragraph (2) and Items 1 to 6 of Paragraph (3).

(5) The information referred to in Paragraph (4) shall be provided to the authorities covered under Articles 6 and 11 herein.

Article 6. The State energy efficiency policy shall be implemented by:

1. the Minister of Energy: in the field of energy efficiency in energy production, transmission and distribution, as well as in final energy consumption;

2. the Minister of Economy: in the field of improvement of energy efficiency in small and medium-sized enterprises, as well as in energy use by industrial systems;

3. (amended, SG No. 105/2016, supplemented, SG No. 21/2021, effective 12.03.2021) the Minister of Regional Development and Public Works – in the field of development, harmonisation and implementation of technical rules and standard specifications for the energy performance of buildings, implementing projects and programmes related to renovation of the residential building stock and improvement of energy efficiency in residential buildings in the Republic of Bulgaria;

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

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

1. (repealed, SG No. 38/2018, effective 8.05.2018);

2. acting jointly with the Minister of Economy, the Minister of Regional Development and Public Works and the Minister of Transport, Information Technology and Communication, develop the National Energy Efficiency Action Plans and submit the said plans to the European Commission;

3. participate, jointly with the Minister of Regional Development and Public Works, in the development and updating of the National Plan for Nearly Zero-Energy Buildings and submit the said plan to the European Commission;

4. (amended, SG No. 105/2016) jointly with the Minister of Regional Development and Public Works, develop and update the national plan for improvement of the energy performance of heated and/or cooled State-owned buildings occupied by the State administration and lay the said plan before the Council of Ministers for approval;

5. (amended, SG No. 105/2016) jointly with the Minister of Regional Development and Public Works, develop and update the long-term national programme to encourage investments in implementing measures to enhance the energy performance of buildings of the public and private national residential and commercial building stock and lay the said programme before the Council of Ministers for approval;

6. (new, SG No. 105/2016, amended, SG No. 21/2021, effective 12.03.2021) develop jointly with the Minister of Regional Development and Public Works and submit to the Council of Ministers for adoption a national long-term strategy for support of renovation of the national buildings stock of residential and non-residential buildings until 2050;

7. (renumbered from Item 6, amended, SG No. 105/2016) lay the annual reports referred to in Item 6 of Article 5 (3) herein before the Council of Ministers for approval and submit the said reports to the European Commission;

8. (renumbered from Item 7, SG No. 105/2016) interact with the other State bodies and local authorities, as well as with not-for-profit legal entities with regard to the implementation of the State energy efficiency policy;

9. (renumbered from Item 8, SG No. 105/2016) draft statutory instruments to bring Bulgarian legislation in the field of energy efficiency into conformity with European Union law;

10. (renumbered from Item 9, SG No. 105/2016) elaborate drafts of statutory instruments of secondary legislation and lay the said drafts before the Council of Ministers for adoption in the cases provided for in this Act;

11. (renumbered from Item 10, SG No. 105/2016) acting independently or jointly with the competent ministers, issue the statutory instruments of secondary legislation related to energy efficiency, within the powers vested therein under this Act;

12. (renumbered from Item 11, SG No. 105/2016, amended, SG No. 21/2021, effective 12.03.2021) approve a list of the obligated parties under Article 14a, paragraph 4 and their individual energy savings targets;

13. (renumbered from Item 12, SG No. 105/2016) endorse methodologies for evaluation of energy savings, prepared according to the ordinance referred to in Article 18 (2) herein;

14. (renumbered from Item 13, SG No. 105/2016) submit the information provided for in European Union law to the competent institutions of the European Union;

15. (renumbered from Item 14, SG No. 105/2016) acting within the powers vested therein, approach the competent institutions of the European Union with requests and notifications for granting a temporary exemption from provisions of European Union law and transitional periods in the field of energy efficiency in the cases provided for in European Union law;

16. (renumbered from Item 15, SG No. 105/2016) implement the international cooperation of the Republic of Bulgaria in the field of energy efficiency;

17. (renumbered from Item 16, SG No. 105/2016) implement other powers as well in the field of energy efficiency, assigned thereto by a statutory instrument.

(2) (Amended, SG No. 105/2016) The content, structure, terms and procedure for the submission of information under Item 14 of Paragraph (1) shall be determined by the ordinance referred to in Article 9 (4) of the Energy Act.

Article 8. The Minister of Economy shall, acting within the competence thereof:

1. (repealed, SG No. 38/2018, effective 8.05.2018, new, SG No. 21/2021, effective 12.03.2021) provide information on the implementation of the policy and measures in the field of energy efficiency in industry to the Minister of Energy annually, not later than 31 December;

2. participate in the development of the National Energy Efficiency Action Plans and provide information on the implementation thereof to the Minister of Energy annually, not later than the 1st day of March of the year following the reporting year;

3. propose schemes to encourage the conduct of energy audits of small and medium-sized enterprises under Article 3 of the Small and Medium-Sized Enterprises Act, as well as the application of the measures recommended by the said audits;

4. propose schemes to encourage the implementation of energy efficiency measures in industrial systems.

Article 9. The Minister of Regional Development and Public Works shall, acting within the competence thereof:

1. (repealed, SG No. 38/2018, effective 8.05.2018, new, SG No. 21/2021, effective 12.03.2021) jointly with the Minister of Energy develop a national long-term strategy for support of renovation of the national building stock of residential and non-residential buildings until 2050;

2. participate in the development of the National Energy Efficiency Action Plans and provide information on the implementation thereof to the Minister of Energy annually, not later than the 1st day of March of the year following the reporting year;

3. jointly with the Minister of Energy, develop and update the National Plan for Nearly-Zero Energy Buildings and lay the said plan before the Council of Ministers for approval;

4. (amended, SG No. 105/2016) participate in the development and updating of the national plan for improvement of the

energy performance of heated and/or cooled State-owned buildings occupied by the State administration;

5. (amended, SG No. 105/2016) participate in the development and updating of the long-term national programme to encourage investments in implementing measures to enhance the energy performance of buildings of the public and private national residential and commercial building stock;

6. acting independently or jointly with the competent ministers, issue the statutory instruments of secondary legislation related to energy efficiency;

7. (new, SG No. 21/2021, effective 12.03.2021) annually by 31 December 31 December of the relevant year, provide to the Minister of Energy information on the implementation of the policy and measures in the field of energy efficiency in residential buildings and information on the implementation of energy efficiency measures in non-residential buildings, financed by public funds under operational programmes, which are organised, coordinated and controlled by him/her within his/her functional competency;

8. (new, SG No. 21/2021, effective 12.03.2021) annually by 31 December, provide to the Minister of Energy information on implementation of the policy for development and harmonization with the EU law of energy efficiency-related statutory instruments of secondary legislation issued independently or jointly with the respective ministers.

Article 10. The Minister of Transport, Information Technology and Communications shall, acting within the competence thereof:

1. (repealed, SG No. 38/2018, effective 8.05.2018, new, SG No. 21/2021, effective 12.03.2021) annually, not later than 31 December of the respective year, provide information on the implementation of the policy and measures for energy efficiency in the Transport Sector to the Minister of Energy;

2. participate in the development of the National Energy Efficiency Action Plans and provide information on the implementation thereof to the Minister of Energy annually, not later than the 1st day of March of the year following the reporting year.

Article 11. (1) The activities implementing the State energy efficiency improvement policy shall be carried out by the Executive Director of the Sustainable Energy Development Agency, hereinafter referred to as "the Agency".

(2) The Agency shall be a public-financed legal person with a head office in Sofia and shall enjoy the status of an executive agency under the Minister of Energy.

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

(4) For the implementation of the activity thereof, the Agency shall establish territorial units in the regions referred to in Article 4 (3) of the Regional Development Act. The headquarters of the territorial units shall be determined in the Rules of Organisation referred to in Paragraph (3).

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

(6) The Executive Director:

1. shall direct and represent the Agency;

2. shall exercise control over the observance of legislation in the field of energy efficiency;

3. shall interact with the State bodies and local authorities, as well as with not-for-profit legal entities, with regard to the implementation of the State energy efficiency policy;

4. (amended and supplemented, SG No. 105/2016) shall organize the preparation and submission annually, not later than the 31st of March to the Minister of Energy for approval of the reports referred to in Item 6 of Article 5 (3) herein;

5. (amended, SG No. 21/2021, effective 1.01.2022) shall publish annually, not later than 31 January, a list of the buildings referred to in Article 27, paragraph 1, item 4 herein that, as of 1 January of the relevant year, do not satisfy the minimum requirements for energy performance established by the ordinance referred to in Article 31, paragraph4 herein;

6. (amended, SG No. 21/2021, effective 12.03.2021) shall submit a list of the obligated parties under Article 14a, paragraph 4 and their individual energy savings targets to the Minister of Energy annually, not later than 15 March;

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

8. shall organize the maintenance of the national information system on the state of energy efficiency;

9. shall assist the State bodies and local authorities, as well as the participants in the energy efficiency services market, in the fulfilment of the obligations thereof under this Act;

10. shall organize the popularization of energy efficiency improvement activities and measures;

11. shall assist the development of training in the field of energy efficiency and shall publish the existing qualification schemes on the Internet site of the Agency;

12. shall organize the compiling and keeping of a list of buildings, enterprises, industrial systems, outdoor lighting systems, hot-water boiled heating systems and air-conditioning systems which must be mandatorily brought into conformity with the requirements of this Act;

13. shall compile, keep and publish on the Internet site of the Agency a list of energy efficiency promotion financing mechanisms and schemes, which shall be updated annually;

14. shall participate in the drafting of statutory instruments, including methodologies for energy savings evaluations, to bring Bulgarian legislation in the field of energy efficiency into conformity with European Union law;

15. require, in accordance with the powers vested therein, information from the managing authorities for operational programmes of the European Union related to ensuring financing for the implementation of energy-saving measures and utilization of energy from renewable sources, regarding the amount of investments made in the implementation of energy-saving measures and utilization of energy from renewable sources, as well as the levels of energy savings and of decentralized use of energy from renewable sources obtained as a result of these investments;

16. shall organize the drafting of model energy performance contracts (ESCO contracts) for the delivery of energy efficiency services for the implementation of energy efficiency improvement measures in buildings, industrial systems and outdoor lighting systems;

17. shall carry out monitoring of the implementation of ESCO contracts in State- and municipal-owned buildings;

18. (new, SG No. 21/2021, effective 1.01.2022) shall organize annually by 31 March the preparation and publishing of an analysis of the energy efficiency situation in this country and of the annual progress of implementation of the policy and measures for improving energy efficiency, including achieving of the target referred to in Article 14a, paragraph 1;

19. (new, SG No. 21/2021, effective 12.03.2021) shall participate in the development of a long-term national strategy for supporting the renovation of the national building stock of residential and non-residential buildings until 2050;

20. (new, SG No. 21/2021, effective 12.03.2021) shall organize the compilation of information on the progress of implementation of the policy and measures for improving energy efficiency for the purposes of reporting on the Integrated Energy and Climate Plan of the Republic of Bulgaria, as referred to in Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No. 663/2009 and (EC) No. 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No. 525/2013 of the European Parliament and of the Council (OJ, L 328/1 of 21 December 2018) and shall submit it to the Minister of Energy;

21. (renumbered from Item 18, SG No. 21/2021, effective 12.03.2021) implement other powers as well in the field of energy efficiency, assigned thereto by a statutory instrument.

(7) The Agency shall administrate the revenues from:

1. State budget resources;

2. own activities;

3. proceeds from fines and pecuniary penalties imposed according to the procedure established by this Act;

4. international programmes and agreements;

5. other sources determined by a statutory instrument of the Council of Ministers.

Article 12. (1) The State energy efficiency policy shall be implemented by all State bodies and local authorities.

(2) (Amended, SG No. 38/2018, effective 8.05.2018) For the purposes under Paragraph (1), the State bodies and local authorities shall develop and adopt energy efficiency programmes consistent with the objectives set in the instruments referred to in Article 5, paragraph 3, items 1 - 4.

(3) (Amended, SG No. 21/2020, effective 13.03.2020) The programmes referred to in Paragraph (2) shall be developed with regard to the strategic objectives and priorities set out in the integrated spatial development strategies for level 2 planning regions referred to in Article 4 (3) of the Regional Development Act and the prospects for sustainable economic development of said regions.

(4) The financial resources for implementing the programmes referred to in Paragraph (2) shall be provided within the budgets of the State bodies and of the municipalities.

(5) The State bodies and the local authorities shall submit annually reports on the implementation of the programmes referred to in Paragraph (2) to the Executive Director of the Agency.

(6) (Amended, SG No. 21/2021, effective 12.03.2021) The reports referred to in paragraph 5 shall describe the activities and measures, shall specify the amount of energy savings obtained, and shall be submitted not later than the 15th day of December of the reporting year.

(7) The reports referred to in Paragraph (5) shall be prepared according to a template endorsed by the Executive Director of the Agency.

(8) The report on the implementation of the National Energy Efficiency Action Plan shall include information on:

1. the fulfilment of the national energy efficiency target;

2. primary and final energy consumption;

3. final energy consumption and gross value added by sector;

4. disposable income of households;

5. gross domestic product;

6. electricity generation from thermal power generation;

7. electricity generation from combined heat and power;

8. heat generation from thermal power generation;

9. heat generation from combined heat and power plants, including industrial waste heat;

10. fuel input for thermal power generation;

11. passenger kilometres (pkm), if such information is available;

12. tonne kilometres (tkm), if such information is available;

13. combined transport kilometres (pkm + tkm), in case the information referred to in Item 11 and 12 is not available;

14. population of the country;

15. measures implemented during the previous year which contribute towards the national energy efficiency target, as well as the reported and/or expected effect of these measures;

16. the total building floor area of the buildings referred to in Article 23 (1) and (2) herein;

17. energy savings obtained through the energy savings obligation scheme;

18. volume of public spending on energy efficiency, including by sector.

(9) The reports referred to in Paragraph (5) shall be published on the Internet sites of the bodies and authorities referred to in Paragraph (1).

(10) The reports referred to in Paragraph (8) shall be published on the Internet site of the Agency.

Section II
Energy Efficiency Targets

Article 13. (Amended, SG No. 21/2021, effective 12.03.2021) (1) The national energy efficiency targets shall be set as an amount of savings in primary and in final energy consumption.

(2) The national energy efficiency targets shall be set out in:

1. the National Energy Efficiency Action Plan for the period from 1 January 2014 to 31 December 2020;

2. in the Integrated Energy and Climate Plan of the Republic of Bulgaria for the period from 1 January 2021 to 31 December 2030.

(3) In setting the national targets referred to in paragraph 2, account shall be taken of the estimated primary and final energy consumption by 31 December 2020, respectively by 31 December 2030, determined on the basis of:

1. the cost-effective energy-saving potential;

2. gross domestic product evolution and forecast;

3. changes of energy imports and exports;

4. changes in the energy mix, utilization of energy from renewable sources, use of nuclear energy, construction of carbon capture and storage facilities;

5. the effective energy efficiency improvement measures implemented during a prior period.

Article 14. (1) (Amended, SG No. 105/2016) An energy savings obligation scheme, as well as alternative measures, shall be set up in order to help reach the national energy efficiency target, which should ensure the achieving of a total cumulative target of energy savings in final consumption by the 31st day of December 2020.

(2) The total cumulative target referred to in Paragraph (1) for the 2014 - 2020 period shall be set as a cumulation of new energy savings each year of at least 1.5 per cent of the average annual value of the total volume of energy sales to final customers within the territory of the country in 2010, 2011 and 2012, excluding the volume of sales of energy used in the transport sector, under Eurostat Code B_101900.

(3) The target referred to in Paragraph (2) shall be reduced by up to 25 per cent by excluding the volume of sales of energy used in industrial activities listed in Annex 1 to the Climate Change Mitigation Act and by applying Items 1 and 2 of Paragraph (5) and Items 1 and 2 of Article 16 herein.

(4) (Amended, SG No. 105/2016) The difference between the total cumulative target under Paragraph 1 and the forecast energy savings from the application of the alternative measures shall be allocated as individual targets for energy savings amongst the following obligated parties:

1. end suppliers, suppliers of last resort, traders licensed for the business of trade in electricity, which sell more than 20 GWh of electricity annually to final customers;

2. heat transmission companies and heat power suppliers which sell more than 20 GWh of heat power annually to final customers;

3. natural gas end suppliers and traders which sell more than 1 million cubic metres annually to final customers;

4. traders of liquid fuels which sell more than 6,500 tonnes of liquid fuels annually to final customers, with the exception of fuels for transport purposes;

5. traders of solid fuels which sell more than 13,000 tonnes of solid fuels annually to final customers.

(5) In setting the total cumulative target under Paragraph (1), the following values may be used to carry out the calculation of energy savings amounting to:

1. 1 per cent annually for 2014 and 2015;

2. 1.25 per cent annually for 2016 and 2017;

3. 1.50 per cent annually for 2018, 2019 and 2020.

(6) (New, SG No. 105/2016, repealed, SG No. 21/2021, effective 12.03.2021).

(7) (New, SG No. 105/2016, repealed, SG No. 21/2021, effective 12.03.2021).

(8) (New, SG No. 105/2016, repealed, SG No. 21/2021, effective 12.03.2021).

(9) (New, SG No. 105/2016, repealed, SG No. 21/2021, effective 12.03.2021).

(10) (New, SG No. 105/2016, repealed, SG No. 21/2021, effective 12.03.2021).

(11) (New, SG No. 105/2016, repealed, SG No. 21/2021, effective 12.03.2021).

Article 14a. (New, SG No. 21/2021, effective 12.03.2021) (1) An energy savings obligation scheme and alternative measures, shall be set up in order to help reach the national energy efficiency target referred to in Article 13, paragraph 2, item 2, which should ensure achieving of a total cumulative target of energy savings in final energy consumption for the period from 1 January 2021 to 31 December 2030.

(2) The total cumulative target, referred to in paragraph 1, for the period from 1 January 2021 to 31 December 2030 shall be determined as accumulation of new energy savings of at least 0.8 per cent per annum of the annual final energy consumption average for the years 2016, 2017 and 2018.

(3) For a 10-year period after 2030, new annual energy savings shall be realised, which shall correspond to the total cumulative target, as set in paragraph 2.

(4) The difference between the total cumulative target under Paragraph 1 and the forecast energy savings from the application of the alternative measures shall be allocated as individual targets for energy savings amongst the following obligated parties:

1. end suppliers, suppliers of last resort, traders licensed for the business of trade in electricity, which sell more than 20 GWh of electricity annually to final customers;

2. heat transmission companies and heat power suppliers which sell more than 20 GWh of heat power annually to final customers;

3. natural gas end suppliers and traders which sell more than 10 million GWh annually to final customers;

4. traders in liquid fuels which sell more than 2000 tonnes of liquid fuels annually to final customers.

5. traders in solid fuels which sell more than 13,000 tonnes of solid fuels annually to final customers.

(5) The energy savings achieved through the implementation of Article 14, paragraph 1, after 31 December 2020 shall not be counted in the amount of the required energy savings for the period from 1 January 2014 to 31 December 2020.

(6) In setting the total cumulative target under paragraph 2, the following values may be used for the calculation of energy

savings amounting to:

1. 0.7 per cent annually for 2021 and 2022;

2. 0.75 per cent annually for 2023 and 2024;

3. 0.93 per cent annually for the period 2025 - 2030.

Article 14b. (New, SG No. 21/2021, effective 12.03.2021) (1) An alternative measure shall be any policy measure, which leads to attaining energy savings in final energy consumption and which is other than the energy savings obligation scheme.

(2) The alternative measures which will be applied, the expected forecast energy savings from them, and the authorities responsible for their implementation shall be specified in the National Energy Efficiency Action Plan and in the Integrated Energy and Climate Plan of the Republic of Bulgaria.

(3) The National Energy Efficiency Action Plan and the Integrated Energy and Climate Plan of the Republic of Bulgaria shall include one or more alternative measures, which shall meet the following requirements:

1. they shall envisage at least two interim periods for reporting on and applying the measure, which shall contribute to achieving the total cumulative target for saved energy in the final energy consumption until 31 December 2020 and in the period from 1 January 2021 to 31 December 2030;

2. they shall stipulate the responsibilities of the executive authorities, the participants and the implementing persons;

3. they shall stipulate in a transparent manner the energy savings which must be achieved;

4. the energy savings volume, which must be achieved from a specific measure, shall be expressed in the form of final or primary energy consumption by conversion coefficients according to the ordinance under Article 18 (1);

5. they shall calculate the energy savings from the application of the measure by methods and principles according to the ordinance under Article 18 (2);

6. they shall guarantee monitoring of the results and they shall envisage appropriate measures when the progress made in unsatisfactory;

7. they shall envisage the publishing on an annual basis of the data on the annual trends in energy savings;

8. a priority implementation of energy efficiency improvement measures is envisaged for vulnerable customers, including households affected by energy poverty and, where appropriate, included in day care social services, social and integrated health and social services for ensuring shelter.

(4) The alternative measures must also meet the following supplementary criteria:

1. they should envisage the introduction of a control system, which shall also include independent verification of a statistically significant share of the energy efficiency improvement measures – for the alternative measures, for which the requirements of paragraph 3, items 2 – 6 apply;

2. they should envisage for the participating persons to present and disclose publicly annual reports on the achieved energy savings, where applicable – for the alternative measures, for which the requirement of paragraph 3, item 3 applies;

3. implementation of energy efficiency measures results in achievement of energy efficiency.

(5) The scope and assessment of the effect of the implemented alternative measures shall be specified in the annual reports on the implementation of the national energy efficiency action plans, and for the period from 1 January 2021 to 31 December 2030 – in the analysis referred to in Article 11, paragraph 6, item 18.

(6) No double accounting of the energy savings from the implementation of the individual targets of the obligated parties and from the application of alternative measures shall be permitted.

(7) All realized energy savings resulting from national and European assistance schemes shall be deemed to be alternative measures.

Article 15. (1) (Amended, SG No. 21/2021, effective 12.03.2021) Individual energy savings targets shall be:

1. any annual energy savings at the final customers for the period from the 1st day of January 2014 to the 31st day of December 2020.

2. any annual energy savings at the final energy consumption for the period from 1st January 2021 to 31st December 2030.

(2) (Amended, SG No. 105/2016, supplemented, SG No. 21/2021, effective 12.03.2021) The individual annual targets under paragraph 1, item 1 shall be estimated by allocating the difference between the calculated annual energy savings value under Article 14, paragraphs 3 and 5 and the assessment of the energy savings from alternative measures during the respective year amongst the obligated parties under Article 14, paragraph 4 in proportion to the energy amounts sold by the respective obligated party to the end customers during the pervious year.

(3) (New, SG No. 105/2016) Within a time limit until 15th of March of the respective year, the agency shall prepare and publish on its web page a draft list of the obligated persons under Article 14 (4) and their individual annual targets.

(4) (Renumbered from Paragraph 3, SG No. 105/2016) The list of obligated parties under Article 14 (4) herein and the individual annual targets thereof shall be updated annually to take into account the change in the volume of sales by the obligated party concerned vis-a-vis the total volume of sales by all obligated parties for the previous year.

(5) (New, SG No. 105/2016) The individual annual targets of the obligated persons under Article 14 (4), who have not submitted to the agency any information on the sales of energy made by them to end customers during the previous year, shall be determined on the basis of the energy amounts sold under the terms and according to the procedure of the ordinance under Article 18 (1) as determined by the agency.

(6) (New, SG No. 21/2021, effective 12.03.2021) The individual annual targets under paragraph 1, item 2 shall be estimated by allocating the difference between the calculated annual energy savings value under Article 14a, paragraph 2 and the assessment of the energy savings from alternative measures during the respective year amongst the obligated parties under Article 14a paragraph 4 in proportion to the energy amounts sold by the respective obligated party to the end customers during the pervious year.

(7) (New, SG No. 21/2021, effective 12.03.2021) Within a time limit until 1st of March of the respective year, the Agency shall prepare and publish on its website a draft list of the obligated persons under Article 14a, paragraph 4 and their individual annual targets.

(8) (New, SG No. 21/2021, effective 12.03.2021) The list of obligated parties under Article 14a, paragraph 4 herein and the individual annual targets thereof shall be updated annually to take into account the change in the volume of sales by the obligated party concerned vis-a-vis the total final energy consumption for the previous year.

(9) (New, SG No. 21/2021, effective 12.03.2021) The individual annual targets of the obligated persons under Article 14a, paragraph 4, who have not submitted to the Agency any information on the sales of energy made by them to end customers during the previous year, shall be determined on the basis of the energy amounts sold under the terms and according to the procedure of the ordinance under Article 18, paragraph 1 as determined by the Agency.

(10) (New, SG No. 21/2021, effective 12.03.2021) The competent authorities shall make available the necessary information to the Executive Director of the Agency in view of his/her powers under Article 11, paragraph 6, Item 18.

Article 16. Reporting the fulfilment of the individual annual targets, the obligated parties under Article 14 (4) herein may count, in addition to amounts of energy saved among final customers, amounts of energy saved resulting:

1. from measures newly implemented since the 31st day of December 2008 that continue to have an impact until the 31st day of December 2020;

2. from energy efficiency improvement measures in energy production, transmission and/or distribution;

3. (amended, SG No. 21/2021, effective 12.03.2021) achieved in a particular year in the period from 1 January 2014 to 31 December 2020, which are reported for the previous four or the following three years within the same period.

Article 16a. (New, SG No. 21/2021, effective 12.03.2021) In counting the achievement of the individual annual targets, the obligated parties under Article 14a, paragraph 4 may include the energy saved at the final customers, achieved during the relevant year as being achieved for the previous four or the following three years, provided the measures were implemented in the period from 1 January 2021 to 31 December 2030.

Article 17. (Amended, SG No. 105/2016, SG No. 21/2021, effective 12.03.2021) To fulfil the individual energy savings targets for the period from 1 January 2014 to 31 December 2020 and from 1 January 2021 to 31 December 2030, the obligated parties under Article 14, paragraph 4 and Article 14a, paragraph 4 herein may benefit from a reduction of the individual annual target set thereto by 1 per cent upon submission of the information referred to in Article 63, paragraph 10.

Article 18. (1) (Amended, SG No. 105/2016) The methodologies for setting the national energy efficiency target, the setting of the total cumulative energy savings target, the terms and procedure for application of the energy savings obligation scheme, including for the allocation of the individual energy savings targets to the obligated parties and for accounting for the effect of the implemented alternative measures shall be determined by an ordinance of the Council of Ministers.

(2) (Amended, SG No. 21/2021, effective 12.03.2021) The eligible measures for obtaining energy savings in final consumption, the manner of proving the energy savings obtained, the requirements to the methods for evaluation of energy savings and the manner for confirming energy savings shall be determined by an ordinance of the Minister of Energy.

(3) (Amended, SG No. 105/2016, repealed, SG No. 21/2021, effective 12.03.2021).

Article 19. (1) The list of obligated parties under Article 14 (4) herein and the individual energy savings targets set thereto shall be adopted by the Council of Ministers together with the National Energy Efficiency Action Plans.

(2) The list of obligated parties under Article 14 (4) herein and the individual energy savings targets thereof shall be updated by the annual reports on the implementation of the National Energy Efficiency Action Plans.

(3) (New, SG No. 21/2021, effective 12.03.2021) The list of the obligated parties under Article 14a, paragraph 4 and their set individual targets for energy savings shall be approved by the Minister of Energy annually, not later than 31 March;

(4) (New, SG No. 21/2021, effective 12.03.2021) The updating of shall submit a list of the obligated parties under Article 14a, paragraph 4 and their individual targets for energy savings shall be carried out by the Agency not later than 1 March.

(5) (Renumbered from Paragraph (3), SG No. 21/2021, effective 12.03.2021) On its website, the Agency shall maintain information on the current fulfilment of the individual energy savings targets.

Article 20. (Supplemented, SG No. 21/2021, effective 12.03.2021) In fulfilling the individual energy savings targets, the obligated parties under Article 14, paragraph 4 and Article 14a, paragraph 4 herein shall be obligated:

1. to implement energy efficiency improvement measures, as well as activities related to the implementation of the said measures;

2. to refrain from any actions that may impede the demand for and development of energy efficiency services and the implementation of other energy efficiency improvement activities and measures, including foreclosing the market for competitors or abusing dominant positions;

3. (new, SG No. 21/2021, effective 12.03.2021) Energy efficiency improvement measures shall be implemented as a priority with regard to vulnerable customers, including households affected by energy poverty and,where appropriate, included in day care social services, social and integrated health and social services for ensuring shelter;

4. (new, SG No. 21/2021, effective 12.03.2021) shall demonstrate that the implemented energy efficiency measures result in achieving energy savings;

5. (new, SG No. 21/2021, effective 12.03.2021) shall implement energy efficiency improvement measures at final energy customers with financing by the user of the measures or through contracts with guaranteed results, as well as activities related to the implementation of the said measures.

Article 20a. (New, SG No. 21/2021, effective 12.03.2021) (1) Energy savings from measures implemented for achievement of individual energy savings targets of obligated parties, and also from alternative measures shall have to be additional to the savings, which would have been realized anyway without the activities of the obligated, participating or implementing parties or

of the executive authorities.

(2) Energy savings from measures resulting from the implementation of the EU legislation shall be deemed to be such measures that would have been realized anyway, and may not therefore be counted for the achievement of the individual energy savings targets of the obligated parties and from the alternative measures.

(3) For the achievement of the individual energy savings targets of obligated parties and of the alternative measures, only energy savings from measures exceeding the following shall be counted:

1. standards of the European Union concerning emissions from new passenger cars and for new light commercial vehicles resulting from the application of Regulation (EU) 2019/631 of the European Parliament and of the Council of 17 April 2019 setting CO2 emission performance standards for new passenger cars and for new light commercial vehicles, and repealing Regulations (EC) No. 443/2009 and (EU) No. 510/2011 (OJ, L 111/13 of 25 April 2019);

2. requirements of the European Union for withdraw from the market of some products related to energy consumption in compliance with implementation of measure for application in accordance with Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products.

(4) The energy savings related to renovation of existing buildings may be declared as energy savings for the purposes of Article 14, paragraph 1 and Article 14a, paragraph 1.

(5) The life-cycle of the measures and the rate of gradual decrease of the savings effect shall be taken into account in calculating the energy savings referred to in Article 14, paragraph 1 and Article 14a, paragraph 1. This calculation shall take into account savings to be achieved by each separate action within the period from the date of its implementation until 31 December 2020 or until 31 December 2030.

Article 21. (1) (Previous text of Article 21, SG No. 105/2016, supplemented, SG No. 21/2021, effective 12.03.2021) In fulfilling the individual energy savings targets, the obligated parties under Article 14 (4) herein may:

1. offer competitively priced energy efficiency services through an energy efficiency service provider, and/or

2. (amended, SG No. 105/2016, SG No. 21/2021, effective 12.03.2021) make contributions to the Energy Efficiency and Renewable Sources Fund or to other financial intermediaries for making investments in activities and measures for energy efficiency, and the amount of the contributions required for implementing measures for achieving their individual targets shall be agreed upon between the obligated party and the Energy Efficiency and Renewable Sources Fund or another financial intermediary;

3. (amended, SG No. 105/2016) conclude agreements with energy efficiency service providers or other obligated or non-obligated parties on transfer of energy savings by means of transfer of energy savings certificates under Article 75 (3) herein.

(2) (New, SG No. 105/2016, amended and supplemented, SG No. 21/2021, effective 12.03.2021) In the cases under paragraph 1, item 2, the obligated parties under Article 14, paragraph 4 and Article 14a, paragraph 4 shall negotiate with the Energy Efficiency and Renewable Sources Fund or with the respective financial intermediary the terms and conditions for acquisition of the respective energy savings achieved as a result of the energy efficiency measures financed by them.

Article 22. (Supplemented, SG No. 21/2021, effective 12.03.2021) The evaluation of the energy saving effect of implemented energy efficiency improvement measures in order to prove the fulfilment of the individual energy savings measures by the obligated parties under Article 14, paragraph 4 and Article 14a, paragraph 4 herein shall follow the procedure established in Article 76 herein.

Article 23. (1) To help reach the national energy efficiency target, measures to enhance the energy performance of at least 5 per cent of the total floor area shall be taken annually in all heated and/or cooled State-owned buildings occupied by the State administration.

(2) The target referred to in Paragraph (1) shall be calculated on the total floor area of buildings with a total floor area over 500 square metres and, as of the 9th day of July 2015, over 250 square metres, that, on the 1st day of January of each year, do not meet the minimum energy performance requirements set by the ordinance referred to in Article 31 (4) herein.

(3) The requirements of Paragraph (1) shall not apply to:

1. buildings of cultural merit, included in the scope of the Cultural Heritage Act, in so far as compliance with certain minimum energy performance requirements would alter the architectural and/or artistic character of the building;

2. buildings owned by the armed forces or the administration and serving national defence purposes, apart from single living quarters or office buildings for the armed forces and other staff employed by national defence authorities.

(4) Measures to improve the energy performance of the buildings referred to in Paragraph (1) shall be applied in the order of the prioritisation thereof on the list referred to in Item 4 of Article 27 (1) herein.

(5) Where an improvement of energy performance of more than 5 per cent of the total floor area of the heated and/or cooled State-owned buildings occupied by the State administration is achieved in a given year, the excess may be counted towards the annual improvement rate of any of the three previous or following years.

Section III

Long-term strategy for support of renovation of the national building stock of residential and non-residential buildings until 2050 and national plans and programmes (Title amended, SG No. 38/2018, effective 8.05.2018, SG No. 21/2021, effective 12.03.2021)

Article 24. (Repealed, SG No. 38/2018, effective 8.05.2018, new, SG No. 21/2021, effective 12.03.2021) The long-term strategy for support of renovation of the national building stock of residential and non-residential buildings until 2050 shall include:

1. review of the national building stock of residential and non-residential buildings (national building stock) on the basis of statistical sampling and expected share of the renovated buildings in 2020;

2. setting of cost-effective approaches for renovation, taking into consideration the type of buildings and climate zone, taking into account the appropriate timing for intervention, if any, in the life-cycle of the building;

3. policies and measures to stimulate cost-effective major renovation of buildings, including step-by-step major renovation;

4. review of policies and actions, directed to buildings with worst performance, to obstacles to allocation of incentives and weaknesses of the market and determining of adequate actions at national level, which contribute to decreasing energy poverty;

5. policies and actions directed to all public service buildings;

6. review of national initiatives for promotion of intelligent technologies in buildings and communities, as well as acquiring of skills and education in the sectors of construction and energy efficiency;

7. expected energy savings and benefits thereof, including benefits for health, safety and ambient air quality;

8. possibilities for creating conditions for investors' access to package solutions by pooling of projects, including by investment platforms or groups, and by consortia of small and medium enterprises;

9. mechanisms for mitigation of perceived risk for investors and natural persons in implementing energy efficiency measures;

10. possibilities for use of public financing for attracting additional investment from private sector or for overcoming specific weaknesses of the market;

11. possibilities for directing of investments aiming at achievement of energy efficient public building stock;

12. setting up of accessible and transparent tools for providing consultations, such as one-stop-shop system and consulting on matters in the energy field relating to measures for improvement of energy efficiency and funding instruments;

13. a roadmap for moving to achieving decarbonized building stock and facilitating cost-effective transformation of existing buildings with near-zero energy consumption, measurable progress indicators and milestones and targets for 2030, 2040 and 2050.

Article 25. (1) The National Energy Efficiency Action Plan shall be developed according to a template adopted by the European Commission.

(2) (Amended, SG No. 38/2018, effective 8.05.2018) The plans shall contain energy efficiency improvement measures and the expected or obtained energy savings, including measures in energy transmission and distribution, as well as in final energy consumption, with a view to reaching the national energy efficiency target set by the Strategy for Sustainable Energy Development of the Republic of Bulgaria.

(3) The plans may include measures to be implemented as a priority in households affected by energy poverty or in social housing.

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

Article 26. The National Plan for Nearly Zero-Energy Buildings shall contain:

1. the national definition and the technical parameters of nearly zero-energy buildings, reflecting the national conditions;

2. the national targets for increasing the number of nearly zero-energy buildings depending on the classification of the types of buildings according to the ordinance referred to in Article 31 (4) herein;

3. policies and mechanisms, including those of a financial nature, to stimulate the construction of nearly zero-energy buildings;

4. the period of operation of the plan.

Article 27. (1) The national plan for improvement of the energy performance of heated and/or cooled State-owned buildings occupied by the State administration shall contain:

1. an overview of the national building stock;

2. defining cost-effective approaches to improving the energy performance of buildings, relevant to the building type and climatic zone;

3. policies and measures to stimulate cost-effective deep improvement of the energy performance of buildings, including staged renovations;

4. a prioritised list of the buildings that, on the 1st day of January of the relevant year, do not meet the minimum energy performance requirements set by the ordinance referred to in Article 31 (4) herein, giving the highest priority to the buildings with the poorest energy performance against the minimum energy performance requirements;

5. the period of operation of the plan.

(2) The plan referred to in Paragraph (1) shall be submitted to the European Commission together with the National Energy Efficiency Action Plans.

Article 28. (1) The long-term national programme to encourage investments in implementing measures to enhance the energy performance of buildings of the public and private national residential and commercial building stock shall contain:

1. an overview of the national building stock based on statistical sampling;

2. defining cost-effective approaches to improving the energy performance of buildings, relevant to the building type and climatic zone;

3. policies and measures to stimulate cost-effective deep improvement of the energy performance of buildings, including staged renovations;

4. setting up a financial framework to guide investment decisions of investors, the construction industry and financial intermediaries;

5. a forecast of the expected energy saving.

(2) The programme referred to in Paragraph (1) shall be submitted to the European Commission together with the National Energy Efficiency Action Plans.

Chapter Three

ENERGY EFFICIENCY IMPROVEMENT ACTIVITIES AND MEASURES AND DELIVERY OF ENERGY EFFICIENCY SERVICES

Section I
Energy Efficiency Improvement Activities and Measures

Article 29. There shall be the following energy efficiency improvement activities:

1. (amended and supplemented, SG No. 21/2021, effective 12.03.2021) reduction of energy consumption and energy costs in energy production, transmission and distribution, as well as in final energy consumption;

2. (supplemented, SG No. 21/2021, effective 12.03.2021) training and attainment of qualification in the field of energy efficiency of persons delivering energy efficiency services; to person referred to in Article 43, paragraphs 1 and 2, and to persons referred to in Article 59, paragraph 1;

3. conformity assessment of development-project designs of buildings as regards energy efficient requirements;

4. energy efficiency audits and certification of buildings;

5. energy efficiency inspection of heating systems with hot-water boilers and air-conditioning systems in buildings;

6. energy efficiency audits of enterprises, industrial systems and outdoor lighting systems;

7. energy efficiency management;

8. delivery of energy efficiency services;

9. (amended, SG No. 21/2021, effective 12.03.2021) raising the awareness of the energy end users.

Article 30. (1) Energy efficiency improvement measures shall be the actions that lead to verifiable, measurable or estimable energy efficiency improvement in final energy consumption, as well as in energy production, transmission and distribution.

(2) (Amended, SG No. 21/2021, effective 12.03.2021) The eligible measures under paragraph 1 shall be determined by the ordinances referred to in Article 18, paragraph 2 herein.

Article 30a. (New, SG No. 105/2016) (1) In the case of assignment of a public procurement order for delivery of a value higher than or equal to those specified in Article 20, Paragraph 1, Item 1, Letter "b" and Item 2, Letters "b" and "c" of the Public Procurement Act, the public assignor under Article 5, Paragraph 2, Items 1 - 6, Item 7, proposition one, Items 10 - 13 and 17 of that same act shall purchase the following products related to the consumption of energy:

1. products meeting the criteria of belonging to the highest possible energy efficiency class, taking into consideration the need to ensure sufficient competition in the cases when the said product is included in the scope of the ordinance under Article 12, Item 1 of the Consumer Protection Act on the requirements for labelling and providing standard information about the products regarding their energy consumption as regards the consumption of energy and other resources;

2. products meeting the energy efficiency parameters, when the product does not fall within the scope of Item 1 but is included in the scope of the measure for application, according to the Ordinance, of supplementary measures related to the application of regulations adopted pursuant to Article 15 of Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 for Creating a Framework for Stipulation of the Requirements of the Eco Design of Products Related to Energy Consumption (promulgated, SG No. 14/2015; amended, SG No. 35/2016);

3. office equipment stipulated and meeting the requirements of Appendix "C" of the Agreement between the Government of the United States of America and the European Union on the Coordination of Programs for Labelling the Energy Efficiency of Office Equipment (OJ, L 63/7 of 6 March 2013);

4. automotive tyres which meet the criteria of belonging to the highest energy efficiency class of fuel use, as stipulated in Regulation (EC) No. 1222/2009 of the European Parliament and of the Council of 25 November 2009 Regarding the Labelling of Tyres as Regards the Fuel Efficiency and Other Significant Parameters (OJ, L 342/46 of 22 December 2009),

hereinafter referred to as "Regulation (EC) No. 1222/2009".

(2) Paragraph 1, Item 4 can be ignored and not be applied because of safety and public health considerations when purchasing tyres of the highest class of cohesion with wet road pavement or of the highest class of external rolling noise according to Regulation (EC) No. 1222/2009.

(3) When assigning a public procurement contract for a service the cost of which is equal to or greater than those specified in Article 20, Paragraph 1, Item 1, Letter "c" and Item 2, Letters "b" and "d" of the Public Procurement Act, the public assignor under Paragraph 1 shall require from the contractor to use in the implementation of the service only products meeting the requirements of Paragraph 1. This requirements shall be applied only to new products purchased from the contractors, in part or in full, for the purposes of implementation of the services.

(4) When an authority or a person under Paragraph 1 is concluding a contract for purchase or a contract for leasing a building, the said building must meet the minimum requirements as to energy performance, as certified by an energy performance certificate.

(5) Paragraph 4 shall not be applied, when the purpose of the purchase is for the building to be:

1. renovated thoroughly or demolished;

2. re-sold without being used for own needs;

3. preserved as a cultural heritage building included in the scope of the Cultural Heritage Act.

(6) Paragraphs 1, 3 and 4 shall not be applied, if they contradict the cost effectiveness, economic feasibility, broader sustainability, technical fitness, or the rules of sufficient competition.

(7) Paragraphs 1 - 4 shall not be applied to the contracts for the armed forces, if they contradict the nature and the operational specifics of the armed forces.

(8) Paragraphs 1 and 3 shall not be applied to deliveries of military equipment and sensitive equipment within the meaning of § 2, Item 2 and of Item 65 respectively of the Supplementary Provisions of the Public Procurement Act.

(9) The Minister of Economy shall draw up and publish on the web page of the Ministry of Economy a list of products under Paragraph 1.

Section II
Audits and Certification of Buildings

Article 31. (1) (Amended, SG No. 105/2016) The energy efficiency requirements envisaged in this Act and in the Spatial Development Act shall be applied to each and every investment project for:

1. building a building;

2. redevelopment of a building which alters the building's energy performance;

3. redevelopment, deep renovation or major renovation of a building, which encompass more than 25 percent of the area of the external fencing structures and components of the building and which alter the building's energy performance.

(2) (Amended, SG No. 105/2016, SG No. 21/2021, effective 12.03.2021) The investment projects referred to in paragraph 1 must meet the following requirements:

1. they should take into account the technical, environmental and economic feasibility of high-efficiency alternative installations and systems;

2. should provide a possibility for mounting self-regulation devices and for separate regulation of the temperature in each individual room or, where justified, in a specially designated heating space of the separate part of a building, where this is technically possible and economically viable;

3. should envisage designing of buildings with near to zero energy consumption, as of the date set in the ordinance referred to in

Article 4.

(3) (Repealed, SG No. 21/2021, effective 12.03.2021).

(4) (Amended, SG No. 21/2021, effective 12.03.2021) The energy consumption indicators and the energy performance characteristics of buildings, the minimum energy performance technical requirements of buildings or parts thereof, with a view to attaining the optimal cost levels, energy efficiency technical requirements, and the methodology/standards for determining energy expenditure in buildings, including of nearly zero-energy buildings, shall be determined by an ordinance of the Minister of Regional Development and Public Works.

(5) The energy performance requirements shall be subject to mandatory periodic verification every 5 years and, where necessary, shall be updated in order to reflect technological advances in the buildings sector.

(6) (New, SG No. 21/2021, effective 12.03.2021) The requirements to the energy performance of technical building systems, the proper installation and suitable sizing, adjustment and control of technical building systems in buildings shall be laid down in ordinances on the designing, performance, control and commissioning into operation of building sites, issued by the Minister of Regional Development and Public Works independently or jointly with the relevant competent ministers.

Article 31a. (New, SG No. 21/2021, effective 12.03.2021) (1) Public services buildings in operation with total floor area of 250 m2 with systems referred to in Article 49 – each of them with over 290 kW effective rated output for heating or cooling of spaces, shall be equipped with building automation and control systems, where this is technically possible and economically viable. The technical possibility and economical viability shall be substantiated in the investment design and/or in the energy performance audit of the building.

(2) The building automation and control systems referred to in paragraph 1 shall have the following functionalities:

1. monitor, register, analyse and provide a possibility for regulation of energy consumption;

2. perform comparative analysis of the energy performance characteristics of the building, report the decrease in the efficiency of the technical building systems and alert the person responsible for the equipment or for the technical management of the buildings of the possibilities of enhancing energy efficiency;

3. allow for communication with connected technical building systems or other equipment in the building and are interoperable with the technical building systems irrespective of the technologies used, devices and their manufacturers.

Article 32. (1) (Amended, SG No. 105/2016) The energy performance of a new building shall be certified by an energy performance certificate of the new building.

(2) (Amended, SG No. 105/2016) Where individual new building units have a different assigned use and constitute distinct thermal zones and the air-conditioned volume of each of the said zones is less than 90 per cent of the total air-conditioned volume of the building, a certificate under Paragraph (1) shall be issued separately for each zone according to a scale corresponding to the assigned use of the zone concerned.

(3) Where there is a thermal zone whereof the air-conditioned volume is equal to or greater than 90 per cent of the total air-conditioned volume of the building, the certificate under Paragraph (1) shall be issued for the entire building in accordance with the scale for the category of buildings to which the said zone belongs.

(4) The certificate referred to in Paragraph (1) shall be issued on the basis of the energy performance of the building according to the development-project design of the building (the executive documents) by the persons referred to in:

1. Article 43 (1) herein;

2. Article 43 (2) herein: only for Category Five buildings according to Item 5 of Article 137 (1) of the Spatial Development Act, with the exception of public-services buildings of this category.

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

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

2. temporary buildings with a planned time of use not exceeding two years;

3. (amended, SG No. 105/2016) non-residential buildings of low energy consumptions used for agricultural activities;

4. manufacturing buildings and parts of buildings with a productive assigned use;

5. residential buildings which are used as such for either less than four months of the year or, alternatively, for a limited annual time of use and with an expected energy consumption of less than 25 per cent of what would be the result of all-year use;

6. (supplemented, SG No. 105/2016) constitute buildings with a total floor area of less than 50 square metres.

Article 33. (1) (Amended, SG No. 105/2016) The assignor of a new building, within the meaning given by Article 161 (1) of the Spatial Development Act, shall be bound to obtain an energy performance certificate of the new building prior to the commissioning thereof.

(2) (Amended, SG No. 105/2016) The owners of stand-alone units in a building shall have the right to receive a copy of the original energy performance certificate under Paragraph 1. The original of the certificate shall be kept by a person authorized by the owners.

Article 34. (1) (Amended, SG No. 105/2016) Upon the sale of a new building as a whole, the seller shall provide to the purchaser the certificate in accordance with Article 33 (1).

(2) (Amended, SG No. 105/2016) Upon the sale of stand-alone units in a new building, the seller shall provide to the purchaser a copy of the certificate under Article 33 (1).

(3) (Amended, SG No. 105/2016) Upon the renting of a new building or of stand-alone units therein, the landlord shall provide to the tenant a copy of the certificate in accordance with Article 33 (1).

(4) (Amended and supplemented, SG No. 105/2016) Where a new building for which a energy performance certificate has been issued or a stand-alone unit therein is announced for sale or rent, the parameter "specific annual expenditure of primary energy" in kWh/m^2, stated in the certificate, shall be noted in all announcements. Prior to the conclusion of a contract for sale or lease, the seller or the lessor respectively shall provide to the purchaser or lessee respectively the certificate in order for them to acquaint themselves with it.

Article 35. (Amended, SG No. 105/2016) The terms and procedure for issuing an energy performance certificate of a new building shall be set forth in the ordinance referred to in Article 48.

Article 36. (1) The energy performance of buildings in use shall be established by an energy efficiency audit.

(2) The purpose of an energy efficiency audit of buildings in use shall be to determine the level of energy consumption, to identify the specific opportunities for reducing the said consumption, and to recommend energy efficiency improvement measures.

(3) The audit shall be completed with a report and with the issuing of an energy performance certificate of the building. The report and the certificate shall be drawn up under the terms and according to the procedure established by the ordinance referred to in Article 48 herein.

Article 37. (1) (Amended, SG No. 21/2021, effective 12.03.2021) The purpose of energy efficiency certification of buildings in use and of parts of buildings in use shall be to certify the current state of energy consumption in the buildings, the energy performance and the conformity thereof with the scale of energy consumption classes as defined in the ordinance referred to in Article 31 (4) herein.

(2) Energy efficiency certification of buildings in use and of parts of buildings in use shall be performed on the basis of an energy efficiency audit.

(3) Where individual new building units have a different assigned use and constitute distinct thermal zones and the air-conditioned volume of each of the said zones is less than 90 per cent of the total air-conditioned volume of the building, a certificate under Article 36 (3) herein shall be issued separately for each zone according to a scale corresponding to the assigned use of the zone concerned.

(4) Where there is a thermal zone whereof the air-conditioned volume is equal to or greater than 90 per cent of the total air-conditioned volume of the building, the certificate under Article 36 (3) shall be issued for the entire building in accordance

with the scale for the category of buildings to which the said zone belongs.

Article 38. (1) (Amended, SG No. 105/2016) All public services buildings in use with a total floor area of over 250 square metres and the buildings in use shall be subject to a mandatory audit and certification with the exception of:

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

2. temporary buildings with a planned time of use not exceeding two years;

3. (amended, SG No. 105/2016) non-residential buildings of low energy consumptions used for agricultural activities;

4. manufacturing buildings and parts of buildings with a productive assigned use;

5. residential buildings which are used as such for either less than four months of the year or, alternatively, for a limited annual time of use and with an expected energy consumption of less than 25 per cent of what would be the result of all-year use;

6. (amended, SG No. 105/2016) stand-alone buildings with a total floor area of less than 50 square metres.

(2) Buildings of cultural merit, included in the scope of the Cultural Heritage Act, may be audited for energy efficiency and may be certified in so far as compliance with certain minimum energy performance requirements would not alter the architectural and/or artistic character of the building.

(3) (Repealed, SG No. 105/2016).

(4) (Amended, SG No. 105/2016) The owners of any public-services buildings shall be bound to implement the measures prescribed by the first audit for achieving the minimum required energy consumption class within three years from the date of acceptance of the results of the audit.

(5) (Amended, SG No. 105/2016) The owners of public-services buildings with a total floor area over 250 square metres, for which an energy performance certificate has been issued, shall be bound to clearly display the certificate in the building.

Article 39. (1) (Amended, SG No. 105/2016) Pending the issuing of an energy efficiency certificate of a building in use, the energy performance shall be certified by an energy performance certificate of a new building.

(2) (Amended, SG No. 105/2016) The owners of new buildings shall be bound to obtain an energy performance certificate of the building according to the terms and procedure established by this Act not earlier than three and not later than 6 years from the date of commissioning of the said building.

(3) (Amended, SG No. 105/2016) The energy performance certificate of building in use shall be updated when any of the following activities are performed and result in altering the energy performance of the building:

1. re-modelling;

2. reconstruction, deep renovation or major renovation when more than 25 percent of the external fencing structures and components of the building are encompassed thereby.

Article 40. (1) The energy efficiency improvement measures, which are recommended upon each redevelopment, deep renovation or major renovation of a building or of part of a building in use, shall be assessed as to the technical and economic appropriateness for use of alternative installations and systems referred to in Article 31 (2) herein.

(2) Energy performance must conform to the minimum regulatory requirements defined in the ordinance referred to in Article 31 (4) herein, after the execution of a redevelopment, deep renovation or major renovation that lead to a change in the energy performance of the building.

Article 41. (1) (Amended, SG No. 105/2016) Upon the sale of a building under Article 38 (1) herein, the seller shall provide to the purchaser the energy performance certificate of the building, and upon the sale of a self-contained unit in a building, the seller shall provide to the purchaser a certified copy of the energy performance certificate of the building.

(2) (Amended, SG No. 105/2016) Upon the renting of a building under Article 38 (1) herein or of a stand-alone unit in a building, the landlord shall provide to the tenant a copy of the energy performance certificate of the building.

(3) (Supplemented, SG No. 105/2016) Where a building in use for which an energy performance certificate has been issued or a stand-alone unit therein is announced for sale or rent, the parameter "specific annual expenditure of primary energy" in kWh/m^2, stated in the certificate, shall be noted in all announcements. Prior to the conclusion of a contract for sale or lease, the seller or the lessor respectively shall provide to the purchaser or lessee respectively the certificate in order for them to acquaint themselves with it.

Article 42. (Amended, SG No. 105/2016) The persons performing an audit and certification of buildings shall issue an energy performance certificate of the building.

Article 43. (1) Energy efficiency audits, certification of buildings, preparing an assessment of conformity of development-project designs and preparing energy savings evaluations shall be performed by persons entered in the register referred to in Article 44 (1) herein, who or which:

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

2. have at their disposal the requisite technical devices, specified in the ordinance referred to in Article 44 (9) herein;

3. have at their disposal the requisite staff: energy efficiency consultants who meet the requirements of the ordinance referred to in Article 44 (9) herein and:

a) (amended, SG No. 105/2016) have secondary technical education, higher education or an acquired academic degree in field of Technical Sciences completed or recognized in the Republic of Bulgaria or secondary technical education, higher education or an acquired academic degree in the equivalent field of higher education in another member state of the European Union or in another state which is a party to the European Economic Area Agreements or in the Confederation of Switzerland;

(b) (amended, SG No. 105/2016) have acquired a length of service in the speciality after completion of the education - of not less than 6 years for holders of secondary technical education, not less than three years for holders of an educational qualification degree of Bachelor, and not less than two years for persons holding an educational qualification degree of Master or holding a science degree;

c) (amended, SG No. 105/2016) hold a certificate of successfully passed exam for raising their qualification for performing the activities under this paragraph in higher education institutions teaching their students in specialities in the field of Technical Sciences, professional profiles of Energy, Electrical Equipment, Electronic Equipment and Automation and Architecture, Construction and Geodesy accredited under the Higher Education Act or in specialities in equivalent fields of higher education and professional profiles accredited under the applicable legislation in another member state of the European Union, in a state which is a party to the European Economic Area Agreement or in Switzerland.

(2) Energy efficiency audits, certification of buildings, preparing an assessment of conformity of development-project designs and preparing energy savings evaluations for Category Five buildings according to Item 5 of Article 137 (1) of the Spatial Development Act, with the exception of public-services buildings of this category, may also be persons entered in the register referred to in Article 44 (1) herein, who:

1. are natural-person energy efficiency consultants who meet the requirements of the ordinance referred to in Article 44 (9) herein;

2. have at their disposal the requisite technical devices, specified in the ordinance referred to in Article 44 (9) herein;

3. (amended, SG No. 105/2016) have secondary technical education, higher education or an acquired academic degree in field of Technical Sciences completed or recognized in the Republic of Bulgaria or secondary technical education, higher education or an acquired academic degree in an equivalent field of higher education in another member state of the European Union, in another state which is a party to the European Economic Area Agreements or in the Confederation of Switzerland;

4. (amended, SG No. 105/2016) have acquired a length of service in their speciality after completion of the education - of not less than 6 years for persons who have completed secondary technical education, not less than three years for holders of an educational qualification degree of Bachelor, and not less than two years for holders of an educational qualification degree of Master and for holders of an advanced scientific degree;

5. (amended, SG No. 105/2016) hold a certificate of successfully passed exam for raising their qualification for performing the activities under this paragraph in higher education institutions teaching their students in specialities in the field of Technical Sciences, professional profiles of "Energy", "Electrical Equipment, Electronic Equipment and Automation" and "Architecture, Construction and Geodesy" accredited under the Higher Education Act or in specialities in equivalent fields of higher education and professional profiles accredited under the applicable legislation in another member state of the European Union, in another state which is a party to the European Economic Area Agreement or in Switzerland.

(3) Energy efficiency consultants shall attain qualification at two levels:

1. level 1: competent to perform the activities under Paragraph (1) for buildings of all categories according to Article 137 (1) of the Spatial Development Act and the nomenclature of the types of construction works by individual category, established by the ordinance referred to in Article 137 (2) of the Spatial Development Act;

2. level 2: competent to perform the activities under Paragraph (1) for Category Five buildings according to Item 5 of Article 137 (1) of the Spatial Development Act and the nomenclature of the types of construction works by individual category, established by the ordinance referred to in Article 137 (2) of the Spatial Development Act, excluding public-services buildings of the same category.

(4) The persons referred to in Paragraph (1), including the staff hired thereby, and the persons referred to in Paragraph (2), shall not have the right to perform energy efficiency audits and certification and/or energy efficiency conformity assessment of the designs of a building where the said persons are:

1. designers of the building;

2. developers and/or suppliers of machines, facilities and technological equipment of the building;

3. participants in the operation of the building;

4. participants in the implementation of energy saving measures in the building.

(5) The energy efficiency consultants referred to in Item 3 of Paragraph (1) may participate in the teams of not more than two persons under Item 1 of Paragraph (1) and under Item 1 of Article 59 (1) herein.

(6) The energy efficiency consultants, who have performed an energy efficiency audit of a building, may not perform an energy efficiency audit before the implementation of the energy savings measures prescribed in the audit to prove the implementation of the measures prescribed, as well as an evaluation to prove the levels of energy savings obtained as a result of the implementation of the said measures.

(7) A declaration on non-existence of the circumstances referred to in Paragraphs (4) and (6) shall be attached to the audit report.

Article 44. (1) The Agency shall enter the persons referred to in Article 43 (1) and (2) herein in a public register upon a request in writing therefrom.

(2) (Amended, SG No. 21/2021, effective 12.03.2021) The following shall be attached to the request under paragraph 1:

1. applicable to the persons referred to in Article 43 (1) herein: documents certifying the circumstances referred to in Items 1 to 3 of Article 43 (1) herein;

2. applicable to the persons referred to in Article 43 (2) herein:

(a) documents certifying the circumstances referred to in Items 3 to 5 of Article 43 (2) herein;

(b) a declaration referred to in Item 2 of Article 43 (2) herein.

(3) The Agency shall issue certificates to the persons entered in the register in consideration of payment of a fee fixed by the rate schedule referred to in Article 75 (1) herein.

(4) The Agency shall refuse to enter in the register any persons who or which do not meet the requirements covered under Article 43 (1) or (2) herein.

(5) (Supplemented, SG No. 21/2021, effective 12.03.2021) The certificate of entry, or the reasoned refusal in writing of entry, into the register shall be issued by the Executive Director of the Agency under the terms and within the time limits provided for in the Administrative Procedure Code.

(6) The term of validity of the certificate of entry into the register shall be five years.

(7) After the expiry of the term of validity of the certificate of entry into the register, a new certificate of entry shall be issued after presentation of a declaration to the effect that the circumstances referred to in Paragraph (2) have not changed or of the relevant documents upon a change in the circumstances referred to in Paragraph (2).

(8) A refusal of entry into the register shall be appealable according to the procedure established by the Administrative Procedure Code.

(9) The circumstances subject to entry, covered under Article 43 herein, the procedure for entry into the register and for obtaining information, as well as the terms and procedure for the attainment of qualification under Item 3 (c) of Article 34 (1) and Item 5 of Article 43 (2) herein, shall be determined by an ordinance issued by the Minister of Energy and the Minister of Regional Development and Public Works.

Article 45. The Agency shall strike from the register the persons who or which have received certificates entitling them to perform energy efficiency audits where:

1. they cease to fulfil any of the conditions referred to in Article 43 (1) or (2) herein;

2. have submitted an untrue declaration under Item 2 (b) of Article 44 (2) herein;

3. have breached the requirements of Article 43 (4), (5) or (6) herein;

4. have committed systematic violations under this Act, ascertained by enforceable penalty decrees;

5. have been adjudicated in bankruptcy or wound up;

6. (new, SG No. 105/2016) have submitted a request;

7. (new, SG No. 105/2016) have failed to apply for a new certificate of registration in the register to be issued;

8. (new, SG No. 105/2016) when the legal entity or the sole proprietor have been deleted from the commercial register and in the cases under Article 43, Paragraph 2, Item 1 - upon death or judicial disability of the natural person.

Article 46. (1) Annually, not later than the 31st day of January of the current calendar year, the persons referred to in Article 43 (1) and (2) shall submit to the Agency a list of the buildings for which they performed activities under Article 43 (1) and/or (2) herein during the previous year.

(2) (Amended and supplemented, SG No. 21/2021, effective 12.03.2021) The list referred to in paragraph 1 shall be prepared in accordance with a standard form, approved by the Executive Director of the Agency, and shall be submitted electronically via the electronic services portal of the Agency or on hard copy and electronic media.

Article 47. (1) An energy performance certificate of a building in use shall have a term of validity not exceeding ten years.

(2) After the expiry of the term of validity referred to in Paragraph (1), the owner of the building shall be obligated to obtain an up-to-date energy performance certificate of the building according to the procedure established by this Act.

(3) The term of validity referred to in Paragraph (1) shall begin to run as from the issuing date of the certificate, and in the cases referred to in Items 18 and 19 of Article 24 of the Local Taxes and Fees Act, as from the beginning of the year following the year when the certificate was issued.

Article 48. (Supplemented, SG No. 21/2021, effective 12.03.2021) The terms and procedure for performing an energy efficiency audit and certification of buildings, parts of buildings, preparation of conformity assessment of the investment projects with the energy efficiency requirement, as well as the terms and procedure for preparing an energy savings evaluation, shall be established by an ordinance issued by the Minister of Energy and the Minister of Regional Development and Public Works.

Section III

Energy Efficiency Inspection of Heating Systems, Combined Heating and Ventilation Systems, and Air-Conditioning Systems in Buildings
(Title amended, SG No. 21/2021, effective 12.03.2021)

Article 49. (Amended, SG No. 21/2021, effective 12.03.2021) The purpose of energy efficiency inspection of heating systems, combined heating and ventilation systems, and air-conditioning systems in buildings shall be to establish the level of efficiency in the operation thereof and to identify measures for improvement of the said efficiency.

Article 50. (Amended, SG No. 105/2016, SG No. 21/2021, effective 12.03.2021) (1) Subject to inspection pursuant to this Act shall be heating systems and combined heating and ventilation systems in buildings with over 70 kW effective rated output for heating of spaces.

(2) Depending on the installed capacity and the type of energy used, the heating systems and combined heating and ventilation systems shall be subject to mandatory periodic energy efficiency inspection:

1. every 6 years: for heating systems fired by natural gas of a single rated output of more than 70 to 100 kW inclusive;

2. every 4 years: for heating systems fired by liquid or solid fuel of a single rated output of more than 70 kW to 100 kW inclusive and by natural gas of a single rated output of more than 100 kW;

3. every two years – for heating systems fired by liquid or solid fuel of a single rated output over 100 kW;

4. every four years – for combined heating and ventilation systems with effective rated output over 70 kW.

(3) The inspection under paragraph 2 shall include an assessment of:

1. the condition and functioning of the accessible parts of building heating systems, including the hot-water boilers, the heat supply control systems and the circulation pumps;

2. the efficiency factor of the hot water boilers – only for heating systems and combined heating and ventilation systems with single rated output over 70 kW;

3. the sizing of the hot-water boilers compared with the heating requirements of the building.

(4) The assessment referred to in Item 3 of Paragraph (3) shall not be carried out as long as no changes were made to the heating system or as regards the heating requirements of the building in the period between two inspections.

(5) The inspection of heating systems shall be performed during the heating period while the heating systems with hot-water boilers are in operation.

(6) The first inspection of heating systems and combined heating and ventilation systems in new buildings shall be performed within the scope of the energy efficiency audit of the building after the commissioning thereof.

(7) Public services buildings, which meet the requirements referred to in Article 31a shall not be subject to the inspection under paragraph 1.

Article 51. (1) (Amended, SG No. 21/2021, effective 12.03.2021) Air-conditioning systems in buildings of a rated output of more than 70 kW shall be subject to inspection according to the procedure established by this Act.

(2) Air-conditioning systems shall be subject to mandatory periodic energy efficiency inspection every four years, which shall include an assessment of:

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

2. the efficiency of the air-conditioning system;

3. sizing of the air-conditioning system compared to the cooling requirements of the building.

(3) The assessment referred to in Item 3 of Paragraph (2) shall not be carried out as long as no changes were made to the system or as regards the cooling requirements of the building in the period between two inspections.

Article 52. (1) The Agency shall build and maintain a database on the condition of:

1. (amended, SG No. 21/2021, effective 12.03.2021) heating systems and combined heating and ventilation systems, as referred to in Article 50, paragraph 1;

2. the air-conditioning systems referred to in Article 51 (1) herein.

(2) Within six months from the commissioning date of the facilities referred to in Paragraph (1), the owners thereof shall submit to the Agency a declaration completed according to a template endorsed by the Executive Director of the Agency.

(3) The information referred to in Paragraph (2) shall serve to build and maintain the database referred to in Paragraph (1).

Article 53. (1) (Amended, SG No. 21/2021, effective 12.03.2021) For heating systems which have been in operation for more than 15 years, the energy efficiency inspection shall include recommendations to the owner to improve the efficiency, to replace the boilers, to make changes in the heating system, other modifications to the heating system and/or other alternative solutions.

(2) The inspection referred to in Paragraph (1) shall be performed on a single occasion.

Article 54. (1) (Amended, SG No. 21/2021, effective 12.03.2021) The energy efficiency inspection of heating systems and combined heating and ventilation systems under Article 50, paragraph 1, and of air-conditioning systems under Article 51, paragraph 1 shall be performed by the persons referred to in Article 43, paragraphs 1 and 2 and/or Article 59, paragraph 1.

(2) The inspection referred to in Paragraph (1) shall be completed by a report, which shall be drawn up under the terms and according to the procedure established by the ordinance referred to in Article 56 herein.

(3) (Supplemented, SG No. 21/2021, effective 12.03.2021) The report referred to in paragraph 2 shall be provided to the owner or to the tenant of the building or to a person authorized by the owners of the building and to the Agency.

Article 55. (1) (Amended, SG No. 21/2021, effective 12.03.2021) Annually, not later than 31st January of the current calendar year, the persons referred to in Article 43, paragraphs 1 and 2 and Article 59, paragraph 1 herein shall submit to the Agency a list of the heating systems, combined heating and ventilation systems and air-conditioning systems of which they performed inspections during the previous year.

(2) (Amended and supplemented, SG No. 21/2021, effective 12.03.2021) The list referred to in paragraph 1 shall be prepared according to a standard form, approved by the Executive Director of the Agency, and shall be submitted electronically via the electronic services portal of the Agency or on hard copy and electronic media.

Article 56. (Amended, SG No. 21/2021, effective 12.03.2021) The terms and procedure for performing the energy efficiency inspection of heating systems and combined heating and ventilation systems under Article 50, paragraph 1 and of air-conditioning systems under Article 51, paragraph 1, the terms and procedure for preparing an energy savings evaluation, as well as the terms and procedure for the building, maintenance and use of the database referred to in Article 52 herein, shall be established by an ordinance issued by the Minister of Energy and the Minister of Regional Development and Public Works.

Section IV

Energy Efficiency Audits of Enterprises, Industrial Systems and Outdoor Lighting Systems

Article 57. (1) The purpose of an energy efficiency audit of enterprises, industrial systems and outdoor lighting systems shall be to identify the specific opportunities for reducing energy consumption and to recommend energy efficiency improvement measures.

(2) All of the following shall be subject to mandatory energy efficiency audit:

1. (supplemented, SG No. 21/2021, effective 12.03.2021) industrial systems and buildings that are not part of the industrial systems of production enterprises other than small and medium enterprises within the meaning of Article 3 of the Small and Medium-Sized Enterprises Act;

2. (supplemented, SG No. 21/2021, effective 12.03.2021) industrial systems and buildings that are not part of the industrial systems of services providing enterprises, other than small and medium enterprises within the meaning of Article 3 of the Small

and Medium-Sized Enterprises Act;

3. industrial systems with annual energy consumption exceeding 3,000 MWh;

4. outdoor lighting systems, located in a nucleated settlement with population exceeding 20,000 residents.

(3) The audit referred to in Paragraph (1) shall be performed at least every four years.

(4) (Repealed, SG No. 105/2016).

(5) Annually, not later than the 31st day of January, the owners of enterprises, industrial systems and outdoor lighting systems which are subject to mandatory audit under Paragraph (2), shall submit to the agency a declaration according to a template determined in the ordinance referred to in Paragraph (6).

(6) The indicators of energy expenditure, the energy performance of enterprises, industrial systems and outdoor lighting systems, as well as the terms and procedure for performing an energy efficiency audit and preparing an energy savings evaluation, shall be determined by an ordinance issued by the Minister of Energy and the Minister of Regional Development and Public Works.

(7) (Amended, SG No. 105/2016) The enterprises referred to in Items 1 and 2 of Paragraph (2) and the owners of industrial systems referred to in Item 3 of Paragraph (2), which and who implement an energy or an environmental management system subject to certification by an independent body for conformity to European or International Standards, shall be exempted from the requirements for mandatory energy efficiency audit, provided that the management system implemented thereby meets the minimum requirements to energy audits stipulated by the ordinance under Paragraph 6.

(8) (New, SG No. 105/2016) The persons under Paragraph 7 shall declare the implementation of an energy or environmental management system and shall submit pieces of evidence and proof that the management system implemented thereby meets the minimum energy audit requirements stipulated by the ordinance under Paragraph 6, within a 1-month time limit from acquiring the certificate.

(9) (New, SG No. 105/2016, repealed, SG No. 21/2021, effective 12.03.2021).

Article 58. (1) Annually, not later than the 31st day January of the current calendar year, the persons referred to in Article 59 (1) herein shall submit to the Agency a list of the enterprises, industrial systems and outdoor lighting systems of which they performed an audit during the previous year.

(2) (Amended and supplemented, SG No. 21/2021, effective 12.03.2021) The list referred to in paragraph 1 shall be prepared according to a standard form, approved by the Executive Director of the Agency, and shall be submitted electronically via the electronic services portal of the Agency or on hard copy and electronic media.

Article 59. (1) (Supplemented, SG No. 21/2021, effective 12.03.2021) The audit of industrial systems and outdoor artificial lighting systems, referred to in Article 57, paragraph 1, and preparation of evaluations of energy savings shall be performed by persons entered in the register referred to in Article 60, paragraph 1, who:

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

2. have at their disposal the requisite technical devices, specified in the ordinance referred to in Article 44 (9) herein;

3. have at their disposal the requisite staff: energy efficiency consultants who meet the requirements of the ordinance referred to in Article 44 (9) herein and:

a) (amended, SG No. 105/2016) have secondary technical education, higher education or an acquired academic degree in field of Technical Sciences completed or recognized in the Republic of Bulgaria or secondary technical education, higher education or an acquired academic degree in the equivalent field of higher education in another member state of the European Union or in another state which is a party to the European Economic Area Agreements or in the Confederation of Switzerland;

(b) (amended, SG No. 105/2016) have acquired a length of service in the speciality after completion of the education - of not less than 6 years for holders of secondary technical education, not less than three years for holders of an educational

qualification degree of Bachelor, and not less than two years for persons holding an educational qualification degree of Master or holding a science degree;

c) (amended, SG No. 105/2016) hold a certificate of successfully passed exam for raising their qualification for performing the activities under this paragraph in higher education institutions teaching their students in specialities in the field of Technical Sciences, professional profiles of "Energy", "Electrical Equipment, Electronic Equipment and Automation" and "Architecture, Construction and Geodesy" accredited under the Higher Education Act or in specialities in equivalent fields of higher education and professional profiles accredited under the applicable legislation in another member state of the European Union, in another state which is a party to the European Economic Area Agreement or in Switzerland.

(2) (Repealed, SG No. 21/2021, effective 12.03.2021).

(3) The energy efficiency consultants referred to in Item 3 of Paragraph (1) may participate in the teams of not more than two persons under Item 1 of Paragraph (1) and under Item 1 of Article 43 (1) herein.

(4) (Amended, SG No. 21/2021, effective 12.03.2021) The persons referred to in paragraph 1, who have performed an energy efficiency audit of an industrial system, before the implementation of the energy savings measures, prescribed in the audit, may not perform evaluation to prove the levels of energy savings obtained as a result of the implementation of the said measures.

(5) (New, SG No. 21/2021, effective 12.03.2021) The audit, referred to in Article 57, paragraph 1 and preparation of evaluations of energy savings of enterprises producing, transmitting, distributing and supplying energy, may be performed by the persons referred to in paragraph 1 or by experts of the respective enterprise.

Article 60. (1) The Agency shall enter the persons referred to in Article 59 (1) herein in a public register upon a request in writing therefrom.

(2) (Amended, SG No. 21/2021, effective 12.03.2021) Documents certifying the circumstances referred to in Article 59, paragraph 1, items 1- 3 herein shall be attached to the request in writing referred to in paragraph 1.

(3) The Agency shall issue certificates to the persons entered in the register in consideration of payment of a fee fixed by the rate schedule referred to in Article 75 (1) herein.

(4) The Agency shall refuse to enter in the register any persons who or which do not meet the requirements covered under Article 59 (1) herein.

(5) (Amended and supplemented, SG No. 21/2021, effective 12.03.2021) The certificate of entry, or the reasoned refusal of entry, into the register shall be electronic documents, and shall be issued by the Executive Director of the Agency under the terms and within the time limits provided for in the Administrative Procedures Code.

(6) The term of validity of the certificate of entry into the register shall be five years.

(7) After the expiry of the term of validity of the certificate of entry into the register, a new certificate of entry shall be issued after presentation of a declaration to the effect that the circumstances referred to in Paragraph (2) have not changed or of the relevant documents upon a change in the circumstances referred to in Paragraph (2).

(8) A refusal of entry into the register shall be appealable according to the procedure established by the Administrative Procedure Code.

Article 61. The Agency shall strike from the register the persons who or which have received certificates entitling them to perform energy efficiency audits where:

1. they cease to fulfil any of the conditions referred to in Article 59 (1) herein;

2. (amended, SG No. 21/2021, effective 12.03.2021) if they have violated the requirements of Article 59, paragraphs 3 or 4;

3. have committed systematic violations under this Act, ascertained by enforceable penalty decrees;

4. have been adjudicated in bankruptcy or wound up;

5. (new, SG No. 105/2016) have submitted a request;

6. (new, SG No. 105/2016) have failed to apply for a new certificate of registration in the register to be issued;

7. (new, SG No. 105/2016) the legal entity or the sole proprietor have been deleted from the commercial register.

Article 62. (Amended, SG No. 21/2021, effective 12.03.2021) The audit shall be completed by a report, which shall be drawn up under the terms and according to the procedure established by the ordinance referred to in Article 57, paragraph 6 herein.

Section V
Energy Demand Management

Article 63. (Amended, SG No. 105/2016) (1) (Amended, SG No. 21/2021, effective 12.03.2021) The owners of buildings which are public state or municipal property, owners of enterprises, industrial systems and outdoor artificial lighting systems referred to in Article 57, paragraph 2 shall be obliged to implement energy efficiency management.

(2) Energy efficiency management shall be implemented by means of:

1. (supplemented, SG No. 21/2021, effective 12.03.2021) organizing the implementation of the programs under Article 12, paragraph 2, of the measures under Article 23, paragraph 1, as well as of other measures which lead to energy savings and achievement of the targets incorporated in the acts under Article 5, paragraph 3, items 1 - 4 – by the owners of buildings that are public state or municipal property and by the owners of outdoor artificial lighting systems;

2. maintaining data bases on monthly generation and consumption by types of energies - by the owners of enterprises and industrial systems;

3. preparing annually energy consumption analyses - by the obligated parties under Paragraph 1;

4. (repealed, SG No. 21/2021, effective 12.03.2021).

(3) (Supplemented, SG No. 21/2021, effective 12.03.2021) Persons under paragraph 1 shall submit to the Agency annual energy efficiency management reports electronically or via the Agency's electronic services portal.

(4) (Amended, SG No. 21/2021, effective 12.03.2021) The reports referred to in paragraph 3 shall contain information on fulfilment of the activities under paragraph 2 and shall be submitted to the Agency not later than the 15th day of March of the reporting year.

(5) (Repealed, SG No. 21/2021, effective 12.03.2021).

(6) The reports referred to in Paragraph (3) of the State bodies and the municipality mayors shall be submitted to the Agency together with the reports referred to in Article 12 (5) herein.

(7) The reports referred to in Paragraph (3) shall be prepared according to a template endorsed by the Executive Director of the Agency.

(8) (New, SG No. 21/2021, effective 12.03.2021) The obligated parties referred to in Article 14, paragraph 4 and Article 14a, paragraph 4 shall prepare annual information on the fulfilment of the individual energy savings targets set thereto.

(9) (New, SG No. 21/2021, effective 12.03.2021) The information referred to in Article 8 shall include completed measures and achieved energy savings, methods of the their implementation in accordance with Article 21, paragraph 1, as well as conformity with Article 20, items 2 and 4 and Article 20a, paragraph 2.

(10) (New, SG No. 21/2021, effective 12.03.2021) Annually, not later than 15th day of February of the respective year, the obligated parties referred to in Article 14, paragraph 4 and Article 14a, paragraph 4 herein may provide to the Mayor of the municipality concerned information on the amount of energy sold to final customers within the territory of the municipality for the previous year.

(11) (New, SG No. 21/2021, effective 12.03.2021) The information referred to in Article 8 shall be prepared according to a standard form, approved by the Executive Director of the Agency, and shall be submitted to the Agency not later than 1 March of the year following the reporting year.

(12) (New, SG No. 21/2021, effective 12.03.2021) The documents proving the fulfilment of the individual targets shall be kept by the parties referred to in Article 14, paragraph 4 and Article 14a, paragraph 4 for the term of operation of the scheme of obligations and shall be provided to the Agency upon request within 14 days from receipt of the request.

Article 64. For energy efficiency management in State- or municipal-owned buildings, expert councils may be established with the regional and municipal administrations to assist the activity of regional governors and municipality mayors.

Section VI
Delivery of Energy Efficiency Services

Article 65. The purpose of energy efficiency services shall be to combine the supply of energy with an energy efficient technology and/or an action encompassing the operation, maintenance and management necessary for the delivery of the service, and leading to verifiable, measurable or estimable energy efficiency improvement and/or saving primary energy resources.

Article 66. (1) Energy efficiency services shall be implemented on the basis of written contracts concluded with final customers.

(2) Energy efficiency services shall include the implementation of one or more energy efficiency improvement activities and measures specified in the ordinance referred to in Article 18 (2) herein.

(3) (Supplemented, SG No. 21/2021, effective 12.03.2021) To ensure traceability of the energy costs and the levels of energy savings obtained as a result of the implementation of energy efficiency services, the persons under Article 14, paragraph 4 and Article 14a, paragraph 4 herein shall make available free of charge the following information to final customers with the bills:

1. the current actual prices and the energy actually consumed;

2. the energy consumption broken down by month for the past one-year period, compared to the energy consumption broken down by month for the previous one-year period;

3. contact information for consumer organizations, energy agencies or similar bodies, including website addresses, from which information may be obtained on available energy efficiency improvement measures.

Article 67. (1) Energy efficiency services may be implemented by natural or legal persons who or which are merchants within the meaning given by the Commerce Act or within the meaning given by the legislation of another Member State of the European Union, or of another State which is a Contracting Party to the Agreement on the European Economic Area, or of the Swiss Confederation.

(2) (Amended, SG No. 21/2021, effective 12.03.2021) The obligated parties referred to in Article 14, paragraph 4 and Article 14a, paragraph 4 shall provide energy efficient services on their own or in cooperation with persons offering energy efficient services, or shall make contributions to the Energy Efficiency and Renewable Sources Fund or to other financial intermediaries for implementation of energy efficiency improvement projects.

(3) Where the scope of energy efficiency services under Article 66 (2) herein includes the implementation of activities under Article 36 (2) and Article 57 (1) herein, the persons referred to in Paragraphs (1) and (2):

1. shall implement the activities themselves, in case they meet the requirements of Article 43 (1) or (2) or Article 59 (1) herein;

2. shall assign the implementation of the activities to persons who meet the requirements of Article 43 (1) or (2), or Article 59 (1) herein.

(4) (Supplemented, SG No. 21/2021, effective 12.03.2021) The obligated parties under Article 14, paragraph 4, items 1 - 3 and Article 14a, paragraph 4, items 1 - 3 herein, jointly with the owners of commercial metering devices of the energy supplied to final customers may provide, as a competitively priced energy service for the purpose of ensuring traceability of energy costs by final customers, replacement of the existing commercial metering devices by intelligent measurement and control systems or other technical solutions visualizing:

1. the current energy consumption;

2. the previous current bill;

3. the momentary energy load;

4. other necessary information.

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

(6) (Amended, SG No. 83/2018) The following requirements shall be complied with when intelligent metering systems are used and intelligent commercial metering devices for natural gas and/or electricity are introduced:

1. metering systems shall provide to the final customers information about the actual period of consumption, also taking full account of the energy efficiency objectives and the benefits to the final customer in formulating the minimum permissible functional characteristics of the metering devices and the obligations imposed on market participants;

2. the security of intelligent commercial metering devices and data transmission, as well as the privacy of final customers shall be ensured in compliance with personal data protection and privacy legislation;

3. at the request of the final customer, the opportunity shall be provided for commercial metering devices to show readings of the electricity delivered in the transmission network or the respective electricity distribution network from the site of the final customer;

4. an opportunity shall be provided, at the request of a final customer, for the data on the input and output of the electricity delivered to be provided to such customer or to a third party acting on behalf of the final customer in an easily understandable format allowing comparison of the commercial conditions on a similar base;

5. at the time of installation of intelligent metering systems the operator of the respective network shall give the final customers appropriate advice and information, in particular about the full potential of the devices with regard to meter reading management and the monitoring of energy consumption.

Section VII

Availability and Accessibility of Information

Article 68. (1) A national information system on the state of energy efficiency in the Republic of Bulgaria shall be established and maintained for the purpose of ensuring accessibility and availability of the information collected under the terms and according to the procedure established by this Act.

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

1. the national energy efficiency target;

2. the implementation of activities and measures envisaged in the National Energy Efficiency Action Plans referred to in Item 1 of Article 5 (3) herein;

3. the annual energy savings obtained;

4. the state of energy efficiency: at the national level and by sector;

5. (amended, SG No. 105/2016, SG No. 38/2018, effective 8.05.2018) the a referred to in items 1 - 6 of Article 5 (3) herein;

6. the programmes referred to in Article 12 (2) herein and the financial resources for implementing the said programmes, provided for under Article 12 (4) herein;

7. (amended, SG No. 105/2016) the reports under Article 63 (3);

8. the good practices in the field of energy efficiency;

9. the persons entered in the registers referred to in Article 44 (1) and Article 60 (1) herein;

10. the financial instruments and mechanisms to encourage projects for delivery of energy efficiency services;

11. the possibilities for participation of financial intermediaries in financing energy efficiency improvement measures;

12. (new, SG No. 21/2021, effective 12.03.2021) the reported or calculated energy consumption in the buildings referred to in Article 38, paragraph 1.

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

1. the fulfilment of the individual energy savings targets;

2. (supplemented, SG No. 21/2021, effective 12.03.2021) the energy sales made by the obligated parties under Article 14, paragraph 4, and Article 14a, paragraph 4 herein to final customers during the previous year;

3. the quantities of finished output and/or services rendered and value added during the previous year and the energy used for this;

4. the energy efficiency activities and measures implemented;

5. the buildings subject to mandatory certification under Article 38 (1) herein;

6. the heating systems with hot-water boilers and the air-conditioning systems under Article 50 (1) and Article 51 (1) herein;

7. the enterprises, industrial systems and outdoor lighting systems subject to mandatory audit under Article 57 (2) herein;

8. (amended, SG No. 21/2021, effective 12.03.2021) projects implemented to achieve the individual energy savings targets, financed by the Energy Efficiency and Renewable Sources Fund or by other financial intermediaries;

9. other activities related to the implementation of this Act.

(4) (New, SG No. 21/2021, effective 12.03.2021) Upon request, the Agency shall provide aggregated anonymized data, collected or kept pursuant to this Act, in compliance with the requirements for personal data protection, for statistical or research purposes, as well as to the owner of the building.

Article 69. (1) The information covered under Article 68 (2) and (3) herein shall be provided by:

1. (supplemented, SG No. 21/2021, effective 12.03.2021) the obligated parties referred to in Article 14, paragraph 4 and Article 14a, paragraph 4;

2. the owners of buildings referred to in Article 38 (1) herein;

3. (amended, SG No. 21/2021, effective 12.03.2021) the owners of heating systems, combined heating and ventilation systems, and air-conditioning systems, respectively according to Article 50,paragraph 1 and according to Article 51, paragraph 1, respectively;

4. the owners of enterprises, industrial systems and outdoor lighting systems referred to in Article 57 (2) herein;

5. the Executive Director of the Energy Efficiency and Renewable Sources Fund, as well as the financial intermediaries;

6. other persons delivering energy efficiency services.

(2) (Amended, SG No. 21/2021, effective 12.03.2021) The information referred to in Article 68, paragraph 3, item 2 shall be provided by 15 February of the respective year, and the information referred to in Article 68, paragraph 2 and paragraph 3, item 1, items 3 – 9 shall be provided to the Agency within the time limits laid down in this Act.

(3) The Agency shall guarantee the integrity and confidentiality of private and/or commercially sensitive information in

compliance with European Union law.

(4) Where the information provided is categorized as classified, all actions related to the processing and storage of the said information, as well as the granting of access to the said information, shall comply with the Classified Information Protection Act.

Article 70. The content, structure, terms and procedure for the collection and provision of information under Article 68 (2) and (3) shall be determined by an ordinance of the Minister of Energy.

Chapter Four
ENERGY EFFICIENCY PROMOTION SCHEMES

Section I
Types of Schemes

Article 71. (1) Schemes and mechanisms such as the following may be applied to encourage energy efficiency:

1. energy performance contracts;

2. energy savings certificates;

3. financing from the Energy Efficiency and Renewable Sources Fund or from other financial intermediaries;

4. other national or European support schemes and mechanisms.

(2) The energy efficiency promotion schemes and mechanisms introduced according to the procedure established by this Act shall be developed and applied in compliance with State aid requirements.

(3) Upon the development of schemes to encourage cogeneration, support shall be provided to high-efficiency cogeneration of electricity, the effective use of waste heat to achieve primary energy savings and the possibility to reduce technological losses in heat production and transmission and subject to the specificities of high-efficiency cogeneration.

(4) (New, SG No. 21/2021, effective 12.03.2021) Forecast or achieved energy savings shall be taken into account when developing schemes and mechanisms for promoting energy efficiency in buildings, whereas one or several of the following criteria shall be taken into consideration:

1. energy performance of equipment or materials used in implementation of measures for energy efficiency in the building, installation of the equipment or materials by persons in possession of the required professional qualifications for the purpose, acquired under the terms and procedures of the Vocational Education and Training Act;

2. standard values for calculation of energy savings in buildings;

3. comparative analysis of energy performance certificates, issued prior and after improvement of the energy performance of the building;

4. results from the energy efficiency audit or from another appropriate, transparent and proportionate method, which indicates improvement of energy performance.

(5) (New, SG No. 21/2021, effective 12.03.2021) Systems of measurement, control and verification, whereby a documentary check shall be performed of at least one representative sample of a statistically significant share of completed measures for improvement of energy efficiency shall be introduced when implementing national or European schemes and mechanisms for support, which provide for fulfilment of energy efficiency measures. The measurement, control and verification shall be performed by the authority, which administers the respective European support scheme or mechanism.

(6) (New, SG No. 21/2021, effective 12.03.2021) When implementing measures related to taxation, the provision of paragraph 5 shall not apply.

Section II
Energy Performance Contracts

Article 72. (1) (Amended, SG No. 21/2021, effective 12.03.2021) The energy performance contracts (ESCO contracts) shall have as subject matter the improvement of energy efficiency in buildings, enterprises, industrial systems and outdoor artificial lighting systems, and the investments for implementation of these measures shall be paid in accordance with the agreed guaranteed level of improvement of the energy efficiency or according to another agreed criterion related to energy performance.

(2) Final customers may be clients under the contracts referred to in Paragraph (1), and energy efficiency service providers may be contractors. The contractors shall be persons who or which are merchants within the meaning given by the Commerce Act or within the meaning given by the legislation of another Member State of the European Union, or of another State which is a Contracting Party to the Agreement on the European Economic Area, or of the Swiss Confederation, having objects including the implementation of services under energy performance contracts.

(3) (Repealed, SG No. 21/2021, effective 12.03.2021).

Article 73. (1) An energy performance contract shall be concluded after an energy efficiency audit has been performed and an energy performance certificate certifying the current state of energy consumption in the building has been issued, or after an energy efficiency audit of the enterprise, industrial system or outdoor lighting system subject to the contract has been performed.

(2) (Amended, SG No. 21/2021, effective 12.03.2021) In the cases where the energy efficiency audit has been performed by third parties,the client under an ESCO contract shall provide the contractor under the contract with a summary of the report on the energy efficiency audit performed of the building, enterprise, industrial system or outdoor lighting system.

(3) Energy efficiency contracts shall be concluded in writing and shall contain at least:

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

2. a list of the efficiency measures that will be implemented, including the steps to be performed to implement the measures and, where relevant, associated costs;

3. the guaranteed energy savings, the procedure and time limits for establishing the said savings after implementing the measures under the contract, as well as provisions on measurement and confirmation of the energy savings achieved, quality checks and guarantees;

4. obligation to fully implement the measures in the contract and documentation of all changes made during the project;

5. display of financial implications of the project and distribution of the share of both parties in the monetary savings achieved;

6. method of financing;

7. method of payment of the remuneration;

8. other clauses, including provisions related to changing framework conditions that affect the content and the outcome of the contract, inclusion of equivalent requirements in any subcontracting with third parties, as well as detailed information on the obligations of each contracting party and the penalties for their breach;

9. (new, SG No. 21/2021, effective 12.03.2021) methodology for evaluation of the energy savings.

(4) (Supplemented, SG No. 21/2021, effective 12.03.2021) The contractors and/or the clients referred to in Article 72, paragraph 2 herein shall ensure the implementation of the service, in whole or in part, on their own financial resources and/or shall undertake to procure the financing thereof from a third party.

(5) (Repealed, SG No. 21/2021, effective 12.03.2021).

(6) Services under ESCO contracts shall ensure the achievement of the standardized energy consumption class of the building subject to the contract.

(7) For State- and/or municipal-owned buildings which are a subject matter of a contract referred to in Article 72 (1) herein, financial resources which, for the period of implementation of the contract, correspond to the normalized energy consumption of these buildings, shall be planned and allocated on the budgets of the State bodies and municipalities.

(8) The terms and procedure for determining the amount of financial resources planned under Paragraph (7), as well as the terms and procedure for paying the said resources, shall be established by an ordinance issued by the Minister of Energy and the Minister of Finance.

Section III
Energy Savings Certificates

Article 74. (Supplemented, SG No. 21/2021, effective 12.03.2021) The purpose of energy savings certificates shall be to prove the contribution of the holder thereof to the implementation of energy efficiency improvement measures for the purposes of Article 75, paragraph 3.

Article 75. (1) Energy savings certificates shall be issued by the Executive Director of the Agency in consideration of payment of a fee fixed by a rate schedule adopted by the Council of Ministers.

(2) (Repealed, SG No. 21/2021, effective 12.03.2021).

(3) For the purposes of fulfilment of individual energy savings targets, energy savings certificates may be transferred by:

1. (supplemented, SG No. 21/2021, effective 12.03.2021) an obligated party to another obligated party under Article 14, paragraph 4 and Article 14a, paragraph 4 herein, where the former obligated party has overfulfilled the individual energy savings target set thereto;

2. (supplemented, SG No. 21/2021, effective 12.03.2021) an non-obligated party to an obligated party referred to in Article 14, paragraph 4 and Article 14a, paragraph 4 herein.

Article 76. (1) (Amended, SG No. 105/2016) The energy savings at the end customers attained after introduction of energy efficiency improvement measures shall be proven by:

1. (amended, SG No. 21/2021, effective 12.03.2021) an evaluation of the attained energy savings after an energy efficiency audit of a building, enterprise, industrial system or outdoor artificial lighting system and after an audit of a heating installation, combined heating and ventilation or an air-conditioning installation, where the audit or inspection shall be performed not earlier than one year after the introduction of the measures, or

2. applying a methodology developed according to the ordinance under Article 18 (2);

3. (new, SG No. 21/2021, effective 12.03.2021) applying measured energy savings, whereas the economies from the implementation of the respective measure or a package of measures shall be determined by registering the actual reduction of energy consumption, taking into consideration such factors as additionality, habitation, production volume and meteorological conditions, which may impact consumption, pursuant to the ordinance under Article 18, paragraph 2;

4. (new, SG No. 21/2021, effective 12.03.2021) applying values of energy savings according to the results of independent monitoring of previous energy efficiency measures in similar installations, developed pursuant to the Ordinance under Article 18, paragraph 2;

(2) (Amended, SG No. 21/2021, effective 12.03.2021) Achieved energy savings under paragraph 1, items 1 and 3 shall be proven by the persons under Article 43, paragraph 1 and 2 and Article 59, paragraph 1; the savings achieved by applying the methodology under paragraph 1, item 2 shall be evaluated by an obligated party under Article 14, paragraph 4 and Article 14a, paragraph 4, or by the parties under Article 43, paragraphs 1 and 2 and Article 59, paragraph 1, and under paragraph 1, item 4 by an obligated party under Article 14, paragraph 4 and Article 14a, paragraph 4.

(3) (Amended, SG No. 21/2021, effective 12.03.2021) The methodologies referred to in paragraph 1 used to assess the effect of the various types of energy efficiency improvement measures implemented shall be verified by the Agency.

(4) The terms, procedure and form for issuing, transfer and revocation of energy savings certificates shall be established by the ordinance referred to in Article 18 (2) herein.

Article 77. (Repealed, SG No. 21/2021, effective 12.03.2021).

Section IV

Energy Efficiency and Renewable Sources Fund

Article 78. (1) The Energy Efficiency and Renewable Sources Fund shall finance the implementation of energy efficiency improvement activities and measures and the activities of energy production and use from renewable sources with the exception of those financed by the State budget.

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

Article 79. (1) (Amended, SG No. 38/2018, effective 8.05.2018) The Fund shall manage financial resources provided for energy efficiency improvement development-project designs and for projects for energy production from renewable sources, in accordance with the priorities set in the Strategy for Sustainable Energy Development of the Republic of Bulgaria and in the National Energy Efficiency Action Plans.

(2) The Fund shall implement the activity thereof according to this Act and the agreements with donors.

Article 80. In pursuit of the objectives thereof, the Fund shall base the activity thereof on the following principles:

1. transparency in managing the financial resources;

2. equal treatment of all applicants for financing from the Fund;

3. partnership and cooperation with natural and legal persons who and which are merchants within the meaning given by the Commerce Act or within the meaning given by the legislation of another Member State of the European Union, or of another State which is a Contracting Party to the Agreement on the European Economic Area, or of the Swiss Confederation, as well as with not-for-profit legal entities for joint financing of energy efficiency projects and projects for energy production from renewable sources.

Article 81. (1) The financial resources of the Fund shall be raised from:

1. (amended, SG No. 27/2018) donations from international financial institutions, international funds and resident and non-resident natural or legal persons, conforming with the provisions of the Measures against Money Laundering Act and certifying, at the place of establishment, that there are no outstanding tax liabilities in a Member State of the European Union, or in another State which is a Contracting Party to the Agreement on the European Economic Area, or in the Swiss Confederation;

2. interest income on current accounts or bank deposits held by the Fund;

3. loans or other financial instruments in the form of loans from international organizations and banks, as well as from natural persons and/or from legal persons registered as merchants, obtained exclusively for attaining the objectives of the Fund;

4. (amended, SG No. 105/2016) contributions under Article 21, Paragraph 1, Item 2;

5. other revenues compatible with the nature and activity of the Fund.

(2) The financial resources of the Fund shall be kept in at least three custodian banks licensed to operate within the national territory and selected through a competitive procedure.

Article 82. (1) The financial resources of the Fund shall be spent on:

1. onerous financing of energy efficiency development projects;

2. onerous financing of activities and projects for energy production from renewable sources;

3. furnishing guarantees on loans extended by financial and credit institutions for projects under Items 1 and 2;

4. priority financing of projects for:

(a) implementation of energy efficiency improvement activities in final energy consumption;

(b) utilization of energy from renewable sources in final energy consumption;

5. maintenance of the Fund according to the annual revenue and expenditure budget as approved by the Management Board and the Donors' General Assembly.

(2) Customers of electricity, heat and natural gas in condominium-project buildings, who have incorporated owners associations as legal persons according to the procedure established by the Condominium Ownership Management Act, may apply for financing from the Fund of energy efficiency improvement projects and of projects for building installations using renewable sources.

Article 83. The Fund shall have the following bodies:

1. a Donors' General Assembly;

2. a Management Board.

Article 84. (1) The Donors' General Assembly shall consist of the persons who are donors to the Fund.

(2) The Donors' General Assembly:

1. shall adopt rules of the working arrangements and operation of the Fund;

2. shall elect and release the members of the Management Board of the Fund under Item 6 of Article 85 (1) herein;

3. shall resolve on a termination of the activity of the Fund;

4. shall approve the revenues and expenditures on the budget and the annual activity report of the Fund and shall adopt the annual budget for the following calendar year;

5. shall address other matters as well which are placed within the competence thereof by a law.

Article 85. (1) The Fund shall be managed by a Management Board, which shall consist of eleven members as follows:

1. a representative of the Ministry of Energy, designated by the Minister of Energy;

2. a representative of the Ministry of Economy, designated by the Minister of Economy;

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

4. a representative of the Ministry of Regional Development and Public Works, designated by the Minister of Regional Development and Public Works;

5. the Executive Director of the Agency;

6. six representatives elected by the Donors' General Assembly as follows:

(a) a representative of non-governmental organizations active in global climate change risk reduction;

(b) three experts who have completed higher education in Economics and are experienced in energy project financing;

(c) an expert in energy efficiency who has completed higher technical education;

(d) an expert in renewable sources who has completed higher technical education.

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

(3) The Management Board shall elect a Chairperson from amongst the members thereof for a period of one year.

(4) The member of the Management Board, who held the position of Chairperson, shall complete the term of office thereof as member of the Board after the period for holding that position expires.

(5) The following natural persons, as well as representatives of a legal person, shall be ineligible for membership of the Management Board:

1. those convicted of an intentional publicly prosecutable offence;

2. the spouses or the lineal or collateral relatives up to the fourth degree of consanguinity and the affines up to the third degree of affinity to other members of the Management Board of the Fund;

3. those working in the administration under an employment relationship or under a civil-service relationship, with the exception of the persons referred to in Items 1 to 5 of Paragraph (1).

(6) Where any of the circumstances covered under Paragraph (5) occurs with regard to any member of the Management Board, the said member shall be bound to notify the Chairperson of the Management Board within seven days from the occurrence of any such circumstance.

(7) The Donors' General Assembly shall resolve on the release of a member of the Management Board upon the occurrence of any circumstance under Paragraph (5).

(8) (New, SG No. 103/2017, effective 1.01.2018) The information about the circumstances under Paragraph (5), item 1 in the cases under Paragraph (1), items 1 - 5 shall be requested and received by the administration of the relevant ministry or agency.

Article 86. (1) The Management Board shall manage the overall activity of the Fund.

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

1. draw up rules of the working arrangements and operation of the Fund and move the said rules to the General Assembly for adoption;

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

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

4. adopt the criteria for evaluation and selection of projects for financing from the Fund;

5. approve project financing;

6. approve the contracts related to the guarantee-furnishing activity of the Fund;

7. adopt the annual report on projects implemented to reach individual targets of the obligated parties under Article 14 (4) herein, financed through the Fund;

8. approve the revenues and expenditures on the budget and the annual activity report of the Fund;

9. elect, after conduct of a competitive procedure, a Fund Manager, who shall facilitate the activity of the Management Board and shall implement the management of the Fund;

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

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

12. adopt other measures as well, necessary to attain the objectives of the Fund.

Article 87. (1) The Fund Manager shall facilitate the activity of the Management Board and shall implement the day-to-day management of the Fund.

(2) The Fund Manager shall perform the following functions:

1. represent the Fund;

2. facilitate the activity of the Management Board in the exercise of the powers thereof under Items 1 to 6 of Article 86 (2) herein;

3. draw up a draft strategy for the activity of the Fund;

4. draw up a business plan and a draft revenue and expenditure budget and ensure the implementation of the budget as approved by the Management Board;

5. draw up the documentation necessary for financing projects and furnishing guarantees for projects in accordance with the law and the agreements concluded with donors;

6. (amended, SG No. 21/2021, effective 12.03.2021) prepare an annual report on implemented energy savings projects financed through the Fund, and provide it to the Agency not later than 31 December of the reporting year;

7. prepare reports and other materials to be reviewed and approved by the Management Board in accordance with the internal rules of the Fund;

8. publish the information referred to in Items 7 and 8 of Article 86 (2) herein on the Internet site of the Fund;

9. prepare the meetings of the Management Board;

10. sign the contracts for financing and furnishing guarantees for projects, concluded with the Fund, which have been approved by the Management Board;

11. periodically inform the Management Board of the level of implementation of the projects financed;

12. appoint and release the employees in the Fund;

13. be responsible for the conservation of the property of the Fund;

14. perform other activities as well, which have been assigned thereto by a decision of the Management Board.

Article 88. The relations with the Fund Manager shall be regulated by a management contract for a period of five years according to the rules referred to in Item 1 of Article 84 (2) herein.

Chapter Five
ENERGY EFFICIENCY CONTROL

Article 89. (1) The Executive Director of the Agency shall exercise control over the activity of:

1. the final customers, where the implementation of energy efficiency improvement activities and measures according to this Act or another statutory instrument is mandatory for them;

2. (supplemented, SG No. 21/2021, effective 12.03.2021) the obligated parties referred to in Article 14, paragraph 4 and Article 14a, paragraph 4 - upon the fulfilment of the individual energy savings targets set thereto;

3. the contracting authorities referred to in Article 161 (1) of the Spatial Development Act: as to the fulfilment of the obligation thereof under Article 39 (2) herein;

4. the authorities referred to in Article 12 herein: as to the submission of reports on the implementation of the programmes referred to in Article 12 herein;

5. the persons referred to in Article 43 (1) and (2) and Article 59 (1) herein.

(2) Exercising the control powers thereof, the Executive Director of the Agency:

1. shall conduct checks of the persons referred to in Paragraph (1) through employees empowered thereby;

2. (amended, SG No. 21/2021, effective 12.03.2021) shall perform systematic or random based checks;

3. shall impose the administrative penalties provided for by this Act;

4. (new, SG No. 21/2021, effective 12.03.2021) shall issue mandatory prescriptions for elimination of violations under this Act and the statutory instruments implementing them, and shall set time limit for their implementation.

Article 90. (1) Control over the activity of the persons referred to in Article 43 (1) and (2) herein shall be exercised by means of:

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

the certificate;

2. check of the input data entered in the energy performance certificate and verification of the results, including the recommendations made for energy efficiency improvement;

3. full check of data, results and measures prescribed for energy efficiency improvement by an on-site visit in order to verify the correspondence between the data stated in the energy performance certificates and the building certified;

4. check of the compliance with the requirements of the ordinance referred to in Article 44 (9) herein.

(2) Control over the activity of the persons referred to in Article 59 (1) herein shall be exercised by means of:

1. validity check of the input data of the enterprises, industrial systems and/or outdoor lighting systems used to perform the audit, and of the results stated in the report;

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

3. full check of data, results and of the measures prescribed for energy efficiency improvement by an on-site visit in order to verify the correspondence between the results stated in the audit/inspection documents and the condition of the industrial system/installation;

4. check of the compliance with the requirements of the ordinance referred to in Article 44 (9) herein.

Article 91. (1) The persons who conduct checks shall be designated by an order of the Executive Director of the Agency.

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

Article 92. (1) The persons referred to in Article 91 herein shall have the right:

1. to unimpeded access to the sites to be checked;

2. to demand from the persons checked to produce the documents required for the conduct of the check;

3. to verify the audits specified by the ordinances referred to in Article 48 and Article 57 (6) herein;

4. to draw up written statements ascertaining administrative violations.

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

(3) The persons referred to in Article 91 herein shall be bound to respect the confidentiality of any official and commercial secrets which have come to the knowledge thereof in the course of, or in connection with, the performance of the control activity.

Article 93. The person checked shall be bound to ensure all conditions required for the normal conduct of the check and to cooperate with the persons referred to in Article 91 herein and, to this end:

1. provide a place for the conduct of the check;

2. designate a representative thereof to liaise with and assist the officials conducting the check;

3. provide access to office premises;

4. produce all documents required for the conduct of the check.

Article 94. (1) The persons referred to in Article 91 herein shall draw up a memorandum of ascertainment on the results of the checks, attaching thereto the data, documents and explanations collected.

(2) The memorandum shall be signed by the person who drew it up, by the person checked and, upon refusal, by two

witnesses to the refusal.

(3) The memorandum shall be made available to the person checked, who shall have the right to give explanations and to lodge objections within fourteen days from the date of service.

Article 95. (1) On the basis of the results of the check, the persons referred to in Article 91 herein may:

1. issue mandatory directions to the persons checked to eliminate any violations ascertained and set a time limit for compliance with the said directions;

2. draw up written statements ascertaining administrative violations.

(2) The persons who have been issued mandatory directions shall notify the persons referred to in Article 91 herein of the compliance with the said directions within the time limit set.

Article 96. All State bodies, legal and natural persons shall be bound to cooperate with the persons referred to in Article 91 in the performance of the functions thereof.

Chapter Six
ADMINISTRATIVE PENALTY PROVISIONS

Article 97. (Amended, SG No. 105/2016, SG No. 21/2021, effective 12.03.2021) (1) Any obligated parties under Article 14, paragraph 4 and Article 14a, paragraph 4 herein, who or which fails to fulfil the individual target set thereto for new annual energy savings, shall be liable to a fine from BGN 1,000 to BGN 5,000 or to a pecuniary penalty from BGN 5,000 to BGN 25,000.

(2) A repeated violation under paragraph 1 shall be penalized by a fine from BGN 5,000 to BGN 25,000 or by a pecuniary penalty from BGN 50,000 to BGN 50,0000.

Article 98. (Repealed, SG No. 21/2021, effective 12.03.2021).

Article 99. (1) (Amended and supplemented, SG No. 105/2016) Any owner of a public service building, who or which fails to fulfil the obligation thereof under Article 38 (1) herein, shall be liable to a fine of BGN 10,000 or exceeding this amount but not exceeding BGN 30,000 or to a pecuniary penalty of BGN 50,000 or exceeding this amount but not exceeding BGN 100,000.

(2) Any owner of a building, who or which fails to implement the measures prescribed in the energy efficiency audit report within the time limit referred to in Article 38 (4) herein, shall be liable to a fine of BGN 10,000 or exceeding this amount but not exceeding BGN 30,000 or to a pecuniary penalty of BGN 50,000 or exceeding this amount but not exceeding BGN 100,000.

Article 100. (Repealed, SG No. 21/2021, effective 12.03.2021).

Article 101. Any person referred to in Article 43 (1) or (2) herein, who or which has issued an energy performance certificate of a building without having performed an energy efficiency audit, shall be liable to a fine of BGN 50,000 or exceeding this amount but not exceeding BGN 100,000 or to a pecuniary penalty of BGN 200,000 or exceeding this amount but not exceeding BGN 300,000.

Article 102. Any person referred to in Article 43 (1) or (2) herein, who or which fails to submit in due time the list referred to in Article 46 (1) herein, shall be liable to a fine of BGN 100 or exceeding this amount but not exceeding BGN 500 or to a pecuniary penalty of BGN 1,500 or exceeding this amount but not exceeding BGN 3,000.

Article 102a. (New, SG No. 21/2021, effective 12.03.2021) (1) Any person referred to in Article 59, paragraph 1 herein, who or which fails to submit in due time the list referred to in Article 58, paragraph 1 herein, shall be liable to a fine from BGN 100 to BGN 500 or to a pecuniary penalty from BGN 1500 to BGN 3000.

(2) In case of a repeated violation of paragraph 1 a fine shall be imposed from BGN 500 to BGN 2,500 or a pecuniary penalty from BGN 3,000 to BGN 6,000.

Article 103. (Amended, SG No. 21/2021, effective 12.03.2021) Any person, who or which performs certification of buildings

or energy efficiency audit in violation of the provision of Article 43 paragraphs 4 and 6 or Article 59 paragraph 4 herein, shall be liable to a fine of BGN 50,000 to BGN 100,000 or to a pecuniary penalty of BGN 100,000 to BGN 200,000.

Article 104. (Amended and supplemented, SG No. 105/2016, amended, SG No. 21/2021, effective 12.03.2021) (1) Any owner of a heating system or a combined heating and ventilation system under Article 50, paragraph 1 herein or of an air-conditioning system under Article 51, paragraph 1 herein, who or which fails to fulfil the obligation thereof under Article 52, paragraph 2 herein, shall be liable to a fine from BGN 150 to BGN 200 or to a pecuniary penalty from BGN 1,500 to BGN 2,000.

(2) Any owner of a heating system or combined heating and ventilation system of an effective rated output over 70 kW up to 100 kW inclusive, who or which fails to fulfil the obligation thereof under Article 50, paragraph 2 herein, shall be liable to a fine from BGN 150 to BGN 200 or to a pecuniary penalty from BGN 1,500 to BGN 2,000.

(3) Any owner of a heating system with single rated output of more than 100 kW, who or which fails to fulfil the obligation thereof under Article 50, paragraph 2 herein, shall be liable to a fine from BGN 1,500 to BGN 2,000 or to a pecuniary penalty from BGN 15,000 to BGN 20,000.

(4) Any owner of an air-conditioning system of rated output of more than 70 kW, who or which fails to fulfil the obligation thereof under Article 51 (2) herein, shall be liable to a fine of BGN 1500 or exceeding this amount but not exceeding BGN 2000 or to a pecuniary penalty of BGN 15,000 or exceeding this amount but not exceeding BGN 20,000.

(5) A repeated violation under paragraph 1 and paragraph 2 shall be penalized by a fine from BGN 200 to BGN 400 or a pecuniary penalty from BGN 2,000 to BGN 4,000.

(6) A repeated violation of paragraph 3 and paragraph 4 shall be penalized by a fine from BGN 2,000 to BGN 4,000 or a pecuniary penalty from BGN 20,000 to BGN 25,0000.

Article 105. Any person referred to in Article 43 (1) or (2) or article 59 (1) herein, who or which fails to submit in due time the list referred to in Article 55 (1) herein, shall be liable to a fine of BGN 100 or exceeding this amount but not exceeding BGN 500 or to a pecuniary penalty of BGN 1,500 or exceeding this amount but not exceeding BGN 3,000.

Article 106. (Amended, SG No. 21/2021, effective 12.03.2021) (1) Any owner of an enterprise, industrial system and outdoor lighting system, who or which fails to fulfil the obligation thereof under Article 57, paragraph 2 herein, shall be liable to a fine from BGN 1,000 to BGN 2,000 or to a pecuniary penalty from BGN 6,000 to BGN 10,000.

(2) In case of a repeated violation of paragraph 1 a fine shall be imposed from BGN 10,000 to BGN 30,000 or a pecuniary penalty from BGN 50,000 to BGN 100,000.

Article 107. (Amended, SG No. 105 /2016, SG No. 21/2021, effective 12.03.2021) (1) A fine from BGN 500 to BGN 1,000 or a pecuniary penalty from BGN 3,000 to BGN 5,000 shall be imposed on any person:

1. under Article 63, paragraph 1 who or which fails to fulfil the obligation for submission to the Agency of the reports, referred to in Article 63, paragraph 3 within the time limit referred to in Article 63, paragraph 4;

2. under Article 63, paragraph 8, who or which fails to fulfil the obligation for submission to the Agency of annual information referred to in Article 63, paragraph 8 within the time limit referred to in Article 63, paragraph 11;

(2) In case of a repeated violation under of paragraph 1 a fine shall be imposed from BGN 15,000 to BGN 35,000 or a pecuniary penalty from BGN 100,000 to BGN 150,000.

Article 108. (Amended, SG No. 21/2021, effective 12.03.2021) Any person referred to in Article 69q paragraph 1 herein, who or which fails to submit information within the time limits referred to in Article 69, paragraph 2 herein, shall be liable to a fine of BGN 20,000 to BGN 50,000 or to a pecuniary penalty of BGN 150,000 to BGN 200,000.

Article 109. Any person, who or which obstructs or connives with the obstruction of the conduct of a check by the persons referred to in Article 91 herein, shall be liable to a fine of BGN 500 or exceeding this amount but not exceeding BGN 1,000 or to a pecuniary penalty of BGN 2,000 or exceeding this amount but not exceeding BGN 3,000.

Article 110. Any person referred to in Article 91 herein, who violates the provision of Article 92 (3) herein, shall be liable to a fine of BGN 10,000.

Article 111. (Amended, SG No. 21/2021, effective 12.03.2021) (1) Any person, who or which fails to fulfil a mandatory prescription issued in implementation of the provisions of this Act shall be penalized by a fine from BGN 2,000 to BGN 5,000 or a pecuniary penalty from BGN 10,000 to BGN 30,000.

(2) In case of a repeated violation of paragraph 1 a fine shall be imposed from BGN 4,000 to BGN 10,000 or a pecuniary penalty from BGN 30,000 to BGN 90,000.

Article 112. Any person, who or which fails to fulfil any other obligations provided for in this Act, shall be liable to a fine of BGN 500 or exceeding this amount but not exceeding BGN 1,500 or to a pecuniary penalty of BGN 1,000 or exceeding this amount but not exceeding BGN 10,000.

Article 113. The written statements ascertaining the administrative violations shall be drawn up by officials designated by the Executive Director of the Agency.

Article 114. The penalty decrees shall be issued by the Executive Director of the Agency.

Article 115. The ascertainment of violations, the issuing, appeal against and execution of penalty decrees shall follow the procedure established by the Administrative Violations and Sanctions Act.

SUPPLEMENTARY PROVISIONS

§ 1. Within the meaning given by this Act:

1. (Amended, SG No. 21/2021, effective 12.03.2021) "Donor" shall be a natural or legal person, as well as a State, which have participated by donations in the initial raising of financial resources for the Fund or which make donations.

2. "Energy efficiency service provider" shall be a natural or legal person who or which renders services including the implementation of energy efficiency improvement activities and/or measures.

3. "Energy" shall be energy products, combustible fuels, heat, renewable energy, electricity, or any other form of energy, as defined in Article 2(d) of Regulation (EC) No. 1099/2008 of the European Parliament and of the Council of 22 October 2008 on energy statistics (OJ, L 304/1 of 14 November 2008).

4. "Energy efficiency in buildings" shall be ensuring and maintaining the regulatory parameters of the micro-climate in buildings, the heat preservation of buildings and saving of energy resources for the needs of the buildings at minimum financial costs.

5. "Energy savings" shall be an amount of save energy determined by measuring and/or estimating energy consumption as a different between the amounts of energy consumed before and after implementation of energy efficiency improvement measures, adjusting and normalizing for external conditions that affect energy consumption.

6. "Energy efficiency service" shall be the physical benefit, utility or good derived from a combination of energy with energy-efficient technology or with action, which may include the operation, maintenance and control necessary to deliver the service, which is delivered on the basis of a contract and in normal circumstances has proven to result in verifiable and measurable or estimable energy efficiency improvement and/or primary energy savings.

7. "Energy performance" shall be an indicator of the measured amount of energy that is actually consumed or calculated as necessary for consumption, used to meet the different energy needs associated with the standardized parameters of a building, including heating, hot water heating, cooling, ventilation and lighting.

8. "Energy efficiency" shall be the ratio of output of goods, service or energy produced to input of energy.

9. "Intelligent metering system" shall be an electronic system that can measure energy consumption, providing more information than a conventional meter, and can transmit and receive data using a form of electronic communication.

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

11. "Boiler" shall be a facility constituting the combined boiler body-burner-unit, designed to transmit to fluids the heat released from burning.

12. "Final energy consumption" shall be the consumption of energy supplied for energy purposes to the manufacturing industry, ore extraction, construction, transport, households, services, including public services, agriculture, forestry and fisheries. It excludes deliveries to the energy production sector and the energy industries themselves.

13. "Final customer" shall be any natural or legal person who purchases energy for own end use.

14. (Amended, SG No. 105/2016) "New building" shall be any newly-erected building, where less than 6 years have elapsed from its commissioning.

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

16. "Normalized energy consumption" shall be the energy expenditure necessary to ensure the standardized parameters of the micro-climate in a building as it exists.

17. "Building unit" shall be a section, floor or apartment within a building which is designed or altered to be used separately.

18. "Total energy consumption" shall be the total amount of energy purchase by the final customer for a period of one year.

19. "Energy efficiency audit" shall be a process based on a systematic procedure for determination and valuation of the energy flows and expenditure in buildings, enterprises, industrial systems and outdoor lighting systems, which defines the scope of the technical and economic parameters of the energy efficiency improvement measures.

20. (Repealed, SG No. 105/2016).

21. "Waste heat" shall be the residual heat from a given process which, if technically and economically feasible, can be recovered.

22. "Energy efficiency improvement" shall result from the implementation of a measure or activity leading to a reduction of the ratio of goods, service or energy produced, to input of energy without deterioration of quality or other characteristics.

23. "Effective rated output" shall be the maximum calorific output, expressed in kW, specified and guaranteed by the manufacturer as being deliverable during continuous operation while complying with the useful efficiency indicated by the manufacturer.

24. "Energy efficiency programmes" shall be activities and measures addressing the groups of final customers that lead to verifiable, measurable or estimable energy efficiency improvement.

25. (Amended, SG No. 105/2016) "Industrial system" shall be a stand-alone set of manufacturing buildings, facilities, technological equipment and auxiliary yards, within the boundaries of which the enterprise carries out an activity for manufacture of goods or for rendering of services.

26. "Cost-optimal level" shall be the energy performance level which leads to the lowest cost during the estimated economic lifecycle, where:

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

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

The cost-optimal level shall lie within the range of performance levels where the cost benefit analysis calculated over the estimated economic lifecycle is positive.

27. "Building" means a roofed construction having walls, for which energy is used to condition the indoor temperature.

28. "Nearly zero-energy building" shall be a building which simultaneously fulfils the following conditions:

(a) the energy consumption of the building, defined as primary energy, complies with Class A on the scale of energy

consumption classes for buildings of the relevant type;

(b) not less than 55 per cent of the energy consumed (supplied) for heating, cooling, ventilation, domestic hot water and lighting is energy from renewable sources produced on-site or near the building.

29. "Energy performance certificate of a building" shall be an official document issued by energy efficiency consultants within the scope of the competence thereof in a form and according to a procedure, which includes the energy performance of a building calculated according to the methodology specified in the ordinance referred to in Article 31 (4) herein.

30. (Amended, SG No. 105/2016) "Energy performance certificate of a new building" shall be an official document issued by energy efficiency consultants within the scope of the competence thereof in an established form and according to a procedure, which includes an assessment of the energy performance of a new building calculated according to the methodology specified in the ordinance referred to in Article 31 (4) herein.

31. "Energy efficiency promotion schemes" shall be any instrument, scheme or mechanism which encourages energy efficiency improvement.

32. "Heat pump" shall be a machine, a device or installation that transfers heat from natural surroundings such as air, water or ground to buildings or industrial applications by reversing the natural flow of heat such that it flows from a lower to a higher temperature. For reversible heat pumps, it may also move heat from the building to the natural surroundings.

33. "Thermal zone" shall be a building unit including spaces in the building which have the same functional purpose, heat and/or cool supply from a single system, the same mode of occupation, the same celestial orientation of the building envelope (for the cases where cooling is necessary) and specific requirements to ensure uniform micro-climate parameters in the heating and cooling mode where the temperature difference between the spaces in one and the same mode is smaller than 4K.

34. "Financial instruments" shall be instruments such as funds, subsidies, tax rebates, loans, third-party financing, energy savings contracts, energy performance contracts, outsourcing or other similar contracts that are offered on the market by public or private bodies in order to cover, in part or in whole, the initial project cost for implementing energy efficiency improvement measures.

35. "Financial intermediaries" shall be a term within the meaning given by Article 2, point 34 of Commission Regulation (EU) No. 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty (OJ, L 187/1 of 26 June 2014).

36. "District heating" or "district cooling" shall be the distribution of thermal energy in the form of steam, hot water or chilled liquids, from a central source of production through a network to multiple buildings or sites, for the use of space or process heating or cooling.

37. (New, SG No. 105/2016) "Policy measure" shall mean any regulatory, financial, fiscal or voluntary instrument or an instrument for providing information, which has been officially introduced and applied for the purpose of creating an auxiliary framework, requirements or incentive for the participants in the market to provide and purchase energy services and to undertaken other energy efficiency improvement measures.

38. (New, SG No. 105/2016) "Non-residential buildings of low energy consumption used for agricultural activities" shall be buildings which do not consume energy for heating, ventilation and cooling.

39. (New, SG No. 105/2016) "Primary energy consumption" shall be the gross internal consumption reduced by the final non-energy consumption.

40. (New, SG No. 21/2021, effective 12.03.2021) "Representative sample of a statistically significant share" shall be a subset which reflects accurately the statistical population of energy savings measures and allows for arriving at reasonably reliable conclusions in terms of confidence in the set of measures.

41. (New, SG No. 21/2021, effective 12.03.2021) "Technical building system" shall be technical equipment for heating of rooms, cooling of rooms, ventilation, hot water for household needs, indoor lighting, building automation and control, on-site electricity generation or a combination of such systems, including systems using energy from renewable sources, of a building or a separate part of a building.

42. (New, SG No. 21/2021, effective 12.03.2021) "Building automation and control system" shall be a system, which covers

all products, software and engineering services, which can support energy efficiently , economically and safely operation of the technical building systems by automatic control and facilitation of manual control of such technical building systems.

43. (New, SG No. 21/2021, effective 12.03.2021) "Heating system" shall be a combination of components needed for ensuring such manner of processing of indoor air, which allows for increase of temperature, with exception of building systems connected to a heat transmission network.

44. (New, SG No. 21/2021, effective 12.03.2021) A violation shall be "repeated" if committed within one year from the date on which a penalty decree whereby the person concerned was penalized for a violation of the same type has become enforceable.

§ 2. (Supplemented, SG No. 21/2021, effective 12.03.2021) This Act introduces the requirements of Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (OJ, L 315/1 of 14 November 2012) and of Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings (OJ, L 153/13 of 18 June 2010), of Directive (EU) 2018/2002 of the European Parliament and of the Council of 11 December 2018 amending Directive 2012/27/EU on energy efficiency (OJ, L 328/210 of 21 December 2018) and Directive (EU) 2018/844 of the European Parliament and of the Council of 30 May 2018 amending Directive 2010/31/EU on the energy performance of buildings and Directive 2012/27/EU on energy efficiency and Directive 2012/27/EU on energy efficiency (OJ, L 156/75 of 19 June 2018).

TRANSITIONAL AND FINAL PROVISIONS

§ 3. This Act supersedes the Energy Efficiency Act (promulgated in the State Gazette No. 98 of 2008; amended in Nos. 6, 19, 42 and 82 of 2009, Nos. 15, 52 and 97 of 2010, No. 35 of 2011, No. 38 of 2012, Nos. 15, 24, 59 and 66 of 2013, Nos. 22, 33 and 98 of 2014 and No. 14 of 2015).

§ 4. (Supplemented, SG No. 105/2016) The obligated parties under Items 2 and 3 of Article 10 of the Energy Efficiency Act as superseded shall fulfil the individual energy savings targets not later than the 31st of December 2016, set by the Energy Efficiency Act as superseded, until 2016.

§ 5. The contracting authorities within the meaning given by Article 161 (1) of the Spatial Development Act of new buildings subject to mandatory certification according to the procedure established by the Energy Efficiency Act as superseded, which were not commissioned until the entry into force of this Act, shall be bound to obtain a design energy performance certificate of the building within one year from the entry into force of this Act.

§ 6. The inspection of heating systems with hot-water boilers under Article 53 herein shall be performed within one year from the entry into force of this Act, unless an inspection according to Article 30 of the Energy Efficiency Act as superseded had been performed until that date.

§ 7. (1) The owners of any buildings subject to mandatory certification according to the procedure established by the Energy Efficiency Act as superseded, who or which have reports on an audit performed until the entry into force of this Act, shall be bound to comply with the energy efficiency improvement measures prescribed by the audit within three years from the entry into force of this Act.

(2) (Repealed, SG No. 105/2016).

§ 8. (Repealed, SG No. 105/2016).

§ 9. The owners of any enterprises, industrial systems and outdoor lighting systems, which are subject to mandatory audit under Article 57 (2) herein, shall be bound to perform an energy audit within one year from the entry into force of this Act, unless a mandatory audit according to Article 33 of the Energy Efficiency Act as superseded had been performed until that date.

§ 10. The energy efficiency certificates, issued according to the procedure established by the Energy Efficiency Act as superseded, shall retain the validity thereof until the expiry of the term for which they have been issued.

§ 11. (1) Energy performance certificates of buildings for which an energy efficiency audit has been performed before the entry into force of this Act shall be issued by the persons who performed the audit of the building concerned within one year from the

entry into force of this Act.

(2) In the cases under Paragraph (1), where the person who performed the audit has been stricken from the register referred to in Article 23a (1) of the Energy Efficiency Act as superseded, the energy performance certificate shall be issued by the Agency on the basis of the results of the audit performed by the person.

§ 12. Any persons, who have completed a training course and have attained a qualification to perform energy efficiency audits and certification of buildings, as well as energy efficiency audits of industrial systems according to the procedure established by the Energy Efficiency Act as superseded, shall retain the rights thereof to perform activities of energy efficiency audits of buildings and industrial systems and of certification of buildings, with the persons who have attained a qualification to perform energy efficiency audits and certification of buildings enjoying the rights of energy efficiency consultants at qualification level 1.

§ 13. (1) The certificates of entry into the registers under Article 23a (1) and Article 34a (1) of the Energy Efficiency Act as superseded shall retain the validity thereof until the expiry of the term for which they have been issued.

(2) The certificates on a successfully passed examination, issued under Item 3 (c) of Article 23 (1), Item 5 of Article 23 (2) and Item 3 (c) of Article 34 (1) of the Energy Efficiency Act as superseded, shall retain the validity thereof and shall acquire indefinite validity.

§ 14. (1) The persons referred to in § 10 of the Transitional and Final Provisions of the Energy Efficiency Act as superseded shall retain the rights thereof to perform energy efficiency audits and certification of buildings, as well as energy efficiency audits of industrial systems, shall retain the rights thereof to perform activities of energy efficiency audits and certification of buildings, as well as energy efficiency audits of industrial systems, with the persons who have attained a qualification to perform energy efficiency audits and certification of buildings enjoying the rights of energy efficiency consultants at qualification level 1.

(2) The persons referred to in Paragraph (1) shall be bound to re-register according to the procedure established by this Act within five years from the entry into force of this Act.

(3) The persons referred to in Paragraph (1), who fail to re-register within the time limit referred to in Paragraph (2), shall be stricken ex officio from the public registers of the Agency.

§ 15. The voluntary agreements, concluded according to the procedure established by Section II of Chapter Five of the Energy Efficiency Act as superseded, shall retain the validity thereof until the expiry of the term for which they have been concluded.

§ 16. Within five years from the entry into force of this Act, the Council of Ministers, acting on a motion by the Minister of Energy, shall adopt a market mechanism for energy efficiency improvement through the implementation of energy efficient activities and measures.

§ 17. (1) The National Energy Efficiency Action Plans shall be submitted to the European Commission once every three years, as of the 30th day of April 2014.

(2) The national energy efficiency target shall be reported to the European Commission with the first National Plan.

§ 18. The National Plan for Nearly Zero-Energy Buildings shall be adopted by the Council of Ministers within six months from the entry into force of this Act.

§ 19. The national plan for improvement of the energy performance of heated and/or cooled State-owned buildings occupied by the State administration shall be submitted to the European Commission as part of the plans referred to in Item 1 of Article 5 (3) herein and shall be updated once every three years, as of the 30th day of April 2014.

§ 20. The long-term national programme to encourage investments in implementing measures to enhance the energy performance of buildings of the public and private national residential and commercial building stock shall be submitted to the European Commission as part of the plans referred to in Item 1 of Article 5 (3) herein and shall be updated once every three years, as of the 30th day of April 2014.

§ 21. (1) The statutory instruments of secondary legislation for the application of this Act shall be adopted or, respectively, issued and brought into conformity with this Act within six months from the entry into force of this Act.

(2) Pending the adoption of, respectively, the issuing of the statutory instruments of secondary legislation as provided for under this Act, the statutory instruments of secondary legislation issued for the application of the Energy Efficiency Act as superseded

shall apply to the extent that they do not come into conflict with this Act.

§ 22. The Energy from Renewable Sources Act (promulgated in the State Gazette No. 35 of 2011; amended in Nos. 29 and 54 of 2012, Nos. 15, 59, 68 and 109 of 2013, No. 33 of 2014; Constitutional Court Judgment No. 13 of 2014 - No. 65 of 2014; amended in Nos. 14 and 17 of 2015) shall be amended as follows:

1. In Article 34 (5), the words "Article 51 (1)" shall be replaced by "Article 75 (1)".

2. In Article 47 (1):

(a) in Item 9, the word "2015" shall be replaced by "2018";

(b) in Item 10, the word "2016" shall be replaced by "2019".

§ 23. The Energy Act (promulgated in the State Gazette No. 107 of 2003; amended in No. 18 of 2004, Nos. 18 and 95 of 2005, Nos. 30, 65 and 74 of 2006, Nos. 49, 55 and 59 of 2007, Nos. 36, 43 and 98 of 2008, Nos. 35, 41, 42, 82 and 103 of 2009, Nos. 54 and 97 of 2010, Nos. 35 and 47 of 2011, Nos. 38, 54 and 82 of 2012, Nos. 15, 20, 23, 59 and 66 of 2013, No. 98 of 2014 and Nos. 14 and 17 of 2015) shall be amended and supplemented as follows:

1. In Article 4 (2), Item 11 shall be amended to read as follows:

"11. prepare and lay down before the Council of Ministers for approval:

(a) a comprehensive assessment of the potential for the application of high-efficiency cogeneration of heat and electricity and efficient district heating and cooling;

(b) a cost-benefit analysis as part of the comprehensive assessment referred to in Literati (a), covering an evaluation of programmes under Article 6 (1) herein and projects for establishing the most cost-effective and beneficial heating or cooling option; the said analysis may be part of the environmental assessment of the programme and the projects, if such assessment is envisaged;

(c) an analysis of the national potential as part of the comprehensive assessment referred to in Littera (a) and an assessment of the progress achieved in increasing the share of high-efficiency cogeneration in gross electricity consumption;

(d) measures for efficient district heating and cooling infrastructure to be developed and/or to accommodate the development of high-efficiency cogeneration and the use of heating and cooling from waste heat and renewable energy sources in accordance with the assessment and the analysis under Litterae (a), (b) and (c)."

2. In Article 13:

(a) in Paragraph (1), the words "the members" shall be replaced by "the total number of members or of the members of the relevant panel";

(b) in Paragraph (3), in the text before item 1, the words "the members" shall be replaced by "the total number of members or of the members of the relevant panel";

3. In Article 21 (1):

(a) there shall be inserted Items 19a and 19b:

"19a. require from electricity and gas network operators to make an assessment of the energy efficiency potentials of the networks concerned through reduction of technological losses; the said assessment shall include an analysis of transmission, distribution, loan management, network functioning and access possibilities for distributed energy generators;

19b. on the basis of the assessment referred to in Item 19a, require that network development plans include concrete measures and investments for energy efficiency improvement in the gas and electricity networks and a timetable for their introduction;"

(b) item 33 shall be amended to read as follows:

"33. control the fulfilment of the obligations to provide energy services customers with access to data on their consumption;".

4. In Article 23, there shall be added Items 14 and 15:

"14. promotion of the improvement of energy efficiency in energy and natural gas production, transmission and final consumption;

15. provision of incentives for transmission and distribution network operators to make available system services to final customers permitting them to implement energy efficiency improvement measures with the deployment of smart grids, taking into account the costs and benefits of each measures, while ensuring the security of the system."

5. In Article 31, there shall be added Items 9, 10, 11 and 12:

"9. electricity transmission and distribution prices do not restrict the improvement of energy efficiency in energy production, transmission and distribution and the participation of demand response in balancing markets and ancillary services procurement, as well as network tariffs that are cost-reflective of cost savings in networks achieved from demand-side and demand-response measures, distributed generation, lowering the cost of delivery or of network investment and a more optimal operation of the network;

10. electricity transmission and distribution prices allow final customer participation in an efficiency improvement of the grid system through demand response;

11. encouragement of transmission and distribution network operators to make available system services for electricity demand response measures, demand management and distributed generation on organised electricity markets and to improve efficiency in network design and operation, in particular:

(a) the shifting of the load from peak to off-peak times by final customers taking into account the availability of renewable energy, energy from cogeneration and distributed generation;

(b) energy savings from demand response of distributed generation sources through a combination of making available energy efficiency services and participation in the balancing market for electricity;

(c) demand reduction from energy efficiency measures undertaken by energy efficiency service providers;

(d) the connection and dispatch of electricity generation sources at medium and low voltage levels;

(e) the connection of generation sources from closer location to the consumption;

(f) the provision of access to the networks of energy storage facilities;

12. introduction of dynamic pricing for demand response measures by final customers by means of:

(a) time-of-use prices;

(b) critical peak pricing;

(c) real time pricing;

(d) peak time rebates."

6. In Item 5 of Article 35 (2), the words "Article 10 (1)" shall be replaced by "Article 14 (4) and Article 15".

7. In Chapter Three, the heading of Section VI shall be amended to read as follows: "Measures for Protection of Energy Services Customers".

8. In Article 38a (1):

(a) the text before Item 1 shall be amended to read as follows: "The contracts with energy services customers shall mandatorily state:";

(b) in Item 5, after the word "services", there shall be inserted "including upon a change of the contractual conditions and prices";

(c) in Item 7 at the end, there shall be added "within three months from the receipt of any such complaints".

9. In Article 38b:

(a) in Paragraph (1):

(aa) in the text before Item 1, the word "companies" shall be replaced by "companies parties to the contracts";

(bb) Item 3 shall be amended to read as follows:

"3. the actual quantities consumed and the value of the service provided in accordance with the agreed metering frequency at no additional cost of that service;"

(cc) there shall be added an Item 8:

"8. conditions for the provision of electronic billing information and electronic bills."

(b) there shall be inserted a new Paragraph (2) and Paragraph (3):

"(2) An energy or natural gas supplier shall provide customers with a wide choice of payment methods, including advance payment systems that are fair and adequately reflect the expected consumption.

(3) An energy or natural gas supplier shall make available details about the consumption of a household customer to another energy or natural gas supplier if this is expressly agreed between the customer and the energy or natural gas supplier.";

(c) the existing Paragraph (2) shall be renumbered to become Paragraph (4);

(d) there shall be added Paragraphs (5) and (6):

"(5) Billing information shall be made available at least once every three months or, where requested or where customers have opted to receive electronic bills, twice a year.

(6) The energy companies referred to in Paragraph (1) shall provide customers of energy services related to electricity or natural gas supply with additional information on:

1. cumulative data covering a period of at least three previous years or since the entry into effect of the supply contract if that is more recent; the data shall correspond to the intervals for which the billing information is provided;

2. detailed information on the consumption for every day, week, month and year where intelligent metering systems are used, by providing the final customers via the Internet or via the interface of the metering device with data for a period covering not less than 24 previous months or since the entry into effect of the supply contract if that is more recent."

10. In Article 38c:

(a) in Paragraph (1), the words "Article 38a (1)" shall be replaced by "Article 38b (1)";

(d) there shall be added Paragraphs (5), (6), (7) and (8):

"(5) The energy companies referred to in Article 38b (1) herein shall notify the domestic energy services customers thereof of each proposed change to the contractual conditions and prices of the services provided, as well as of the right of the customers to terminate the contract unilaterally within 30 days from the date of notification if they do not accept the new conditions and/or prices.

(6) Notification of an increase of prices shall be effected within the billing time limit after the entry into effect of the increase of prices.

(7) Where the Commission approves general conditions, notification of a change to the contractual conditions shall be presumed effected as from the date of publication of the general conditions as approved.

(8) Paragraphs (5) to (7) shall not apply to heat supply contracts."

11. In Article 38d, the words "Articles 38a and 38b" shall be replaced by "Articles 38a, 38b and 38c".

12. In Article 80a:

(a) Paragraph (2) shall be repealed;

(b) there shall be inserted a new Paragraph (5):

"(5) Electricity producers possessing a plant with total installed capacity of below 1 MW shall not be subject to control on an annual basis under Paragraph (4). Such producers shall be subject to a check by the authorities of the Public Financial Inspection Agency according to an endorsed annual plan on the basis of risk assessment under the following criteria:

1. commissioning date;

2. amount of the feed-in tariff for mandatory purchase of the electricity produced;

3. date of conclusion of the purchase contract with the end supplier;

4. type of the energy source and production technology.";

(c) the existing Paragraphs (5), (6), (7), (8), (9) and (10) shall be renumbered to become Paragraphs (6), (7), (8), (9), (10) and (11), respectively;

(d) the existing Paragraph (11) shall be renumbered to become Paragraph (12), and the words "Paragraph (10)" therein shall be replaced by "Paragraph (11)";

(e) the existing Paragraph (12) shall be renumbered to become Paragraph (13);

(f) the existing Paragraph (13) shall be renumbered to become Paragraph (14), the words "Paragraph (10)" therein shall be replaced by "Paragraph (11) and the words "Paragraph (11)" therein shall be replaced by "Paragraph (12)";

(g) the existing Paragraph (14) shall be renumbered to become Paragraph (15), and the words "Paragraph (10)" therein shall be replaced by "Paragraph (11)".

13. In Article 83 (1):

(a) in Item 4, after the words "for transmission of electricity over the electricity transmission network", there shall be inserted "including the access and dispatch priorities";

(b) in Item 5, after the words "for transmission of electricity over the electricity distribution networks", there shall be inserted "including the access and dispatch priorities";

14. In Article 105, there shall be added an Item 8:

"(8) Producers of energy from high-efficiency cogeneration may provide ancillary services to the transmission network operator in the cases referred to in Paragraph (7), where this is technically and economically feasible with the mode of operation of the generation source."

15. In Article 106:

(a) the existing text shall be redesignated to become Paragraph (1), and the words "Item 4" therein shall be replaced by "Item 5";

(b) there shall be added an Item 2:

"(2) Producers of energy from high-efficiency cogeneration may provide ancillary services to the distribution networks operators in the cases referred to in Paragraph (1), where this is technically and economically feasible with the mode of operation of the generation source."

16. Article 135 shall be amended to read as follows:

"Article 135. (1) The building supply systems of customers shall be connected to the heat transmission network by means of a connecting heating main and a subscriber sub-station.

(2) Where a new building is connected, a competitively priced individual heat meter shall be installed in each separate property in the building.

(3) Where an existing building is connected after major renovation and remodelling of the building heat-supply systems from

vertical to horizontal distribution, a competitively priced individual heat meter shall be installed in each separate property in the building."

17. In Article 140, there shall be added a new Item 6:

"(6) Where existing heat cost allocators are replaced, competitively priced individual heat meters shall be installed, in so far as it is technically possible or cost-efficient in relation to the potential energy savings."

18. Article 143 shall be amended to read as follows:

"Article 143. (1) Heat customers in a condominium-project building shall choose a method for determination of the quantity of heat off-take of a building supply system where a heat cost allocation system by means of individual heat cost allocators has been implemented according to the ordinance referred to in Article 125 (3) herein.

(2) Where heat customers in a condominium-project building do not choose a method for determination of the quantity of heat, the quantity of heat off-take of a building supply system where a heat cost allocation system by means of individual heat cost allocators has been implemented shall be determined by the person referred to in Article 139b (1) herein according to the methodology under the ordinance referred to in Article 125 (3) herein.

(3) The choice under Paragraph (1) shall be made by resolution of the general meeting of owners or of the association of owners according to the procedure established by the Condominium Ownership Management Act.

(4) The heat for heating the common parts of a condominium-project building with installed heating units, upon application of a heat cost allocation system by means of individual heat cost allocators shall be determined on the basis of:

1. the capacity of the heating units, or

2. the readings of the individual heat cost allocators installed on the said heating units.

(5) In the cases referred to in Paragraphs (1), (2) and (4), the heat shall be allocated among all customers in proportion to the design heated volume of the individual properties."

19. In Article 144 (3), the words "Article 143 (1) and Item 1 of Article 143 (2)" shall be replaced by "Article 143 (1), (2) and Item 1 of Article 143 (4)."

20. In Article 155:

(a) In Paragraph (1), Item 1 shall be amended to read as follows:

"1. in eleven equal monthly instalments and one closure account instalment;"

(b) there shall be inserted a new Paragraph (2):

"(2) The heat transmission company or the heat supplier shall bill the quantity of heat used on the basis of the actual consumption at least once a year.";

(c) the existing Paragraph (2) shall be renumbered to become Paragraph (3).

21. In Article 162, there shall be added an Paragraph (5):

"(5) The European Commission shall be notified of each refusal to recognize a certificate of origin."

22. In Article 162a:

(a) in Paragraph (1) at the end, there shall be added "on less burdensome procedures according to the ordinance referred to in Article 116 (7) herein";

(b) there shall be added a new Paragraph (4):

"(4) The electricity transmission network operator and the electricity distribution networks operators, complying with the criteria for security of operation established by the rules referred to in Items 4 and 5 of Article 83 (1) of this Act and Items 1, 2 and 4 of Article 18 (1) of the Energy from Renewable Sources Act, shall be bound to:

1. provide guaranteed access to the relevant network of electricity from high-efficiency cogeneration;

2. guarantee the transmission and distribution of electricity from high-efficiency cogeneration;

3. provide priority dispatch of electricity from high-efficiency cogeneration."

23. Article 163 shall be amended to read as follows:

"Article 163. The criteria which the comprehensive assessment, the cost-benefit analysis and the analysis of the national potential for high-efficiency cogeneration, referred to in Item 11 of Article 4 (2) herein must meet, shall be established by an ordinance issued by the Minister of Energy."

24. In Chapter Eleven, Section II, there shall be inserted an Article 163a:

"Article 163a. (1) Upon the development of investment projects, a cost-benefit analysis shall be carried out in accordance with the ordinance referred to in Article 163 herein for installations with a total thermal input exceeding 20 MW in the cases of:

1. a new thermal electricity generation installation with a total thermal input exceeding 20 MW is planned, in order to assess the cost and benefits of providing for the operation of the installation as a high-efficiency cogeneration installation;

2. substantial refurbishment of an existing thermal electricity generation installation with a total thermal input exceeding 20 MW, in order to assess the cost and benefits of converting it to high-efficiency cogeneration;

3. substantial refurbishment of an industrial installation with a total thermal input exceeding 20 MW generating waste heat at a useful temperature level, in order to assess the cost and benefits of utilising the waste heat to satisfy economically justified demand, including through cogeneration, and of the connection of that installation to a district heating and cooling network;

4. planning of a new district heating and cooling network; in an existing district heating or cooling network a new energy production installation with a total thermal input exceeding 20 MW is planned or an existing such installation is to be substantially refurbished, in order to utilise the waste heat from nearby industrial installations.

(2) The companies responsible for the operation of district heating and cooling networks, at the request of the persons carrying out a cost-benefit analysis under Paragraph (1), shall render assistance and provide the requisite information in the cases referred to in Items 3 and 4 of Paragraph (1).

(3) The fitting of equipment to capture carbon dioxide produced by a combustion installation with a view to its being geologically stored shall not be considered as refurbishment in the cases under Items 2, 3 and 4 of Paragraph (1)."

25. In Article 207b (1), the words "Article 38d" shall be replaced by "Articles 38d (1), 38e".

26. In § 1 of the Supplementary Provisions:

(a) there shall be inserted an Item 24c:

"24c. "Efficient district heating and cooling" shall be a district heating or cooling systems using at least 50 per cent renewable energy, 50 per cent waste heat, 75 per cent cogenerated heat or 50 per cent of a combination of such energy and heat.";

(b) there shall be added a new Item 25:

"25. "Substantial refurbishment" shall be a refurbishment whose cost exceeds 50 per cent of the investment cost for a new comparable unit.";

(c) in Item 41b (a), the words "from a provider providing services of general interest" shall be deleted.

§ 24. The assessment referred to in Item 11 (a) of Article 4 (2) of the Energy Act shall be prepared and notified to the European Commission not later than the 31st day of December 2015. At the request of the European Commission, the assessment shall be updated every five years.

§ 25. In buildings with a central heating/cooling source or supplied from a district heating network or from a central source serving multiple buildings, individual consumption meters shall also be installed by the 31st day of December 2016 to measure the consumption of heat or cooling or hot water for each unit where technically feasible and cost-efficient, unless such meters

have been installed by the date of entry into force of this Act.

§ 26. (1) The statutory instruments of secondary legislation for the application of the Energy Act shall be adopted or, respectively, issued and brought into conformity with this Act within six months from the entry into force of this Act.

(2) Pending the adoption or, respectively, the issuing of the statutory instruments of secondary legislation referred to in Paragraph (1), the statutory instruments of secondary legislation in force shall apply, to the extent to which they do not come into conflict with the Energy Act.

§ 27. In the Public Procurement Act (promulgated in the State Gazette No. 28 of 2004; amended in No. 53 of 2004, Nos. 31, 34 and 105 of 2005, Nos. 18, 33, 37 and 79 of 2006, No. 59 of 2007, Nos. 94, 98 and 102 of 2008, Nos. 24 and 82 of 2009, Nos. 52, 54, 97, 98 and 99 of 2010, Nos. 19, 43, 73 and 93 of 2011, Nos. 33, 38 and 82 of 2012, No. 15 of 2013, Nos. 35 and 40 of 2014, Nos. 8, 12, 14 and 17 of 2015), in Article 5 (4), after the word "Union", there shall be inserted "as well as for the service under ESCO contracts within the meaning given by the Energy Efficiency Act".

§ 28. In the Corporate Income Tax Act (promulgated in the State Gazette No. 105 of 2006; amended in Nos. 52, 108 and 110 of 2007, Nos. 69 and 106 of 2008, Nos. 32, 35 and 95 of 2009, No. 94 of 2010, Nos. 19, 31, 35, 51, 77 and 99 of 2011, Nos. 40 and 94 of 201, Nos. 15, 16, 23, 68, 91, 100 and 109 of 2013, Nos. 1, 105 and 107 of 2014 and Nos. 12 and 22 of 2015), in Article 55 (6), the words "the Energy Efficiency Act" shall be replaced by "the Energy Efficiency Act as repealed (promulgated in the State Gazette No. 98 of 2008; amended in Nos. 6, 19, 42 and 82 of 2009, Nos. 15, 52 and 97 of 2010, No. 35 of 2011, No. 38 of 2012, Nos. 15, 24, 59 and 66 of 2013, Nos. 22, 33 and 98 of 2014 and No. 14 of 2015.)".

§ 29. In the Local Taxes and Fees Act (promulgated in the State Gazette No. 117 of 1997; amended in Nos. 71, 83, 105 and 153 of 1998, No. 103 of 1999, Nos. 34 and 102 of 2000, No. 109 of 2001, Nos. 28, 45, 56 and 119 of 2002, Nos. 84 and 112 of 2003, Nos. 6,18, 36, 70 and 106 of 2004, Nos. 87, 94, 100, 103 and 105 of 2005, Nos. 30, 36 and 105 of 2006, Nos. 55 and 110 of 2007, Nos. 70 and 105 of 2008, Nos. 12, 19, 41 and 95 of 2009, No. 98 of 2010, Nos. 19, 28, 31, 35 and 39 of 2011; Constitutional Court Judgment No. 5 of 2012 - No. 30 of 2012; amended in Nos. 53, 54 and 102 of 2012, Nos. 24, 30, 61 and 101 of 2013, No. 105 of 2014 and No. 14 of 2015), in Items 18 and 19 of Article 24 (1), the words "Article 25" shall be replaced by "Article 48".

§ 30. The Spatial Development Act (promulgated in the State Gazette No. 1 of 2001; amended in Nos. 41 and 111 of 2001, No. 43 of 2002, Nos. 20, 65 and 107 of 2003, Nos. 36 and 65 of 2004, Nos. 28, 76, 77, 88, 94, 95, 103 and 105 of 2005, Nos. 29, 30, 34, 37, 65, 76, 79, 80, 82, 106 and 108 of 2006, Nos. 41, 53 and 61 of 2007, Nos. 33, 43, 54, 69, 98 and 102 of 2008, Nos. 6, 17, 19, 80, 92 and 93 of 2009, Nos. 15, 41, 50, 54 and 87 of 2010, Nos. 19, 35, 54 and 80 of 2011, Nos. 29, 32, 38, 45, 47, 53, 77, 82 and 99 of 2012, Nos. 15, 24, 27, 28, 66 and 109 of 2013, Nos. 49, 53, 98 and 105 of 2014) shall be amended as follows:

1. In Article 142 (11), the words "Article 23a" shall be replaced by "Article 44".

2. In Item 7 of Article 167 (2), the words "Article 23" shall be replaced by "Article 43".

§ 31. The implementation of this Act is entrusted to the Minister of Energy, the Minister of Regional Development and Public Works, the Minister of Economy and to the Minister of Transport, Information Technology and Communications.

§ 32. This Act shall enter into force as from the day of promulgation thereof in the State Gazette.

This Act was passed by the 43rd National Assembly on the 30th day of April 2015 and the Official Seal of the National Assembly has been affixed thereto.

TRANSITIONAL AND FINAL PROVISIONS

to the Act Amending and Supplementing the Energy Efficiency Act

(SG No. 105/2016)

§ 37. (1) With a 3-month time limit from the entry into force of this Act, the Minister of Economy shall draw up and publish the list under Article 30a (1).

(2) Pending the drawing up and publishing of the list under Article 30a (1) the existing Guidelines for implementation of the energy efficiency and energy savings requirements shall be applied upon the award of public procurements for the supply of equipment and vehicles, purchase and/or renting buildings with high energy-efficiency performance, for the purpose of minimizing the expenses over the time period of their operation.

.....

§ 39. Pending the adoption of the ordinance under Article 163c (3) of the Energy Act, the ordinance under Article 162 (4) of that same Act shall be applied.

TRANSITIONAL AND FINAL PROVISIONS

to the Act Amending and Supplementing the Energy Efficiency Act

(SG No. 21/2021, effective 12.03.2021)

§ 72. The requirements to technical building systems shall be laid down in the ordinances under Article 31, paragraph 6 by 1 January 2025.

§ 73. The information under Article 11, paragraph 6, item 20 shall be provided to the Minister of Energy for the first time by 31 January 2023.

.....

§ 78. This Act shall enter into force as from the date of promulgation thereof in the State Gazette, with the exception of § 7, items 1 and 3 regarding adding new item 18, and § 74, item 2, which shall enter into force as from 1 January 2022.