

## **REGULATIONS FOR APPLICATION OF THE INVESTMENT PROMOTION ACT**

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### **Chapter One**

(Effective by 31.12.2013, see § 38 of the Transitional and Final Provisions to Council of Ministers Decree 55

of 6 March 2009 amending and supplementing the Regulations for Application of the Investment Promotion

Act – SG, No. 20 of 2009)

### **GENERAL DISPOSITIONS**

**Article 1.** (1) Previous Article 1, SG No. 20 of 2009, effective 17.03.2009) These Regulations prescribe the

terms and procedure for implementation of the Investment Promotion Act (IPA) regarding the promotion of

investments in the country, the activities of state bodies in the field of investment promotion, as well as the

protection of investments.

(2) (New, SG No. 20 of 2009, effective 17.03.2009) The provisions of the Regulations regarding investment

promotion shall be implemented in pursuance of Commission Regulation (EC) No 800/2008 of 6 August

2008 declaring certain categories of aid compatible with the common market in application of Articles 87 and

88 of the Treaty (General block exemption Regulation) (OJ, L 214 of 8 August 2008) hereinafter referred to

as “Regulation 800/2008.

**Article 2.** (Amended, SG, No. 20/2009, effective 17.03.2009) (1) (Amended, SG, No. 62/2010)

The

procedure established by these Regulations shall apply to the promotion of investments in the economic

activities covered under Article 12 (1) and Article 22f of the IPA, such as multi-sectoral regional development

schemes and training aid in accordance with the requirements of Regulation No. 800/2008.

(2) (Amended, SG, No. 62/2010) The economic activities referred to in Paragraph (1), identified according to

the Statistical Classification of Economic Activities in the European Community (NACE Rev. 2) and its direct

application in the Republic of Bulgaria through the Classification of Economic Activities, hereinafter referred

to as “CEA 2008”, by the corresponding codes, shall be:

1. (Amended, SG, No. 62/2010) of the industrial sector for Class A or Class B investments – processing

industry (Code C 10-33.2), except for the economic activities under Chapter I, Article 1, Paragraphs 2 and 3

of Regulation No. 800/2008:

2. (Amended, SG, No. 62/2010) of the services sector for Class A or Class B investments:

(a) activities in the sphere of information technologies and services (Codes J 62 and 63);

(b) scientific research and development and professional activities of head offices (Codes M 72 and 70.1);

(c) education (Code P 85);

(d) human health and residential care activities (Codes Q 86 and 87).

(\_) warehousing and support activities for transportation (Code H 52);

3. (New, SG, No. 62/2010) all economic activities related to priority investment projects under Article 22f of

the IPA and Chapter Eight herein, except for the economic activities under Chapter I, Article 1, Paragraphs

2 and 3 of Regulation No. 800/2008.

(3) The classification of activities under Paragraph (2), in which the investment is implemented, shall be

determined on the basis of the products (goods and services) planned to be produced, which must be at

least 80 per cent of the future total revenue resulting from implementation of the investment in the said

economic activities.

(4) The products referred to in Paragraph (3) shall be identified according to the effective European

Classification of Products by Activity (CPA) (with nomenclature PRODCOM/ NACE or nomenclature CPA for

projects in the services sector), respectively according to its direct application in the Republic of Bulgaria

through the Classification of Products by Economic Activity, hereinafter referred to as "CPEA 2008".

(5) Promotion shall not be extended to any investments in the production of products covered under Item 3

of Article 13a of the IPA and under Chapter I, Articles 1 and 3 of Regulation 800/2008 in pursuance of the

regional development scheme in aid of the following activities:

1. in the fishery and aquaculture sectors, as covered by Council Regulation (EC) No 104/2000 (OJ, L 17 of

21 January 2000);

2. primary production of agricultural products;

3. in the coal sector;

4. in the steel sector;

5. the shipbuilding sector;

6. in the production of synthetic fibres.

7. (New, SG, No. 62/2010) the activities referred to in Paragraph 6 and Article 58 herein.

(6) No aid shall be granted for promotion of investments in economic activities and production of products,

which pursuant to Chapter I, Article 1, Paragraph (3), Littera (c) of Regulation 800/2008 is aid favouring

activities in the processing and marketing of agricultural products, in the following cases

1. when the amount of the aid is fixed on the basis of the price or quantity of such products purchased from

primary producers or put on the market by the undertakings concerned; or

2. when the aid is conditional on being partly or entirely passed on to primary producers.

(7) The classifications of the economic activities and products covered under Paragraphs (2),

(4) and (5)

shall be published on the Internet site of the InvestBulgaria Agency, hereinafter referred to as "the Agency."

(8) (New, SG, No. 62/2010) Investments referred to in Paragraph 1 shall be promoted where they satisfy the conditions of Articles 13 and 13a of the IPA, as certified by the documents submitted in accordance with Articles 5 and 6 herein.

**Article 3.** (Amended, SG, No. 20 of 2009, effective 17.03.2009) (1) The threshold amount of investments

within a single establishment, referred to in Item 5 of Article 12 (2) of the IPA, shall be:

1. (Amended, SG, No. 62/2010) for Class A: BGN 20 million;
2. (Amended, SG, No. 62/2010) for Class B: BGN 10 million.

(2) The threshold amount of investments within a single establishment in the cases referred to in Item 5 (a)

of Article 12 (2) and in Item 10 (a) of § 1 of the Supplementary Provisions of the IPA, where the investment

is entirely implemented within the administrative boundaries of municipalities where the rate of unemployment for the year last preceding the current year is equal to or higher than the national average,

shall be:

1. (Amended, SG, No. 62/2010) for Class A: BGN 7 million;
2. (Amended, SG, No. 62/2010) for Class B: BGN 4 million;

(3) The threshold amount of investments within a single establishment in the high technology activities of the

industrial sector of the economy, referred to in Item 5 (b) of Article 12 (2) of the IPA, shall be:

1. (Amended, SG, No. 62/2010) for Class A: BGN 7 million;
2. (Amended, SG, No. 62/2010) for Class B: BGN 4 million.

(4) The threshold amount of investments within a single establishment in the high technology activities of the

services sector, referred to in Item 5 (b) of Article 12 (2) of the IPA, shall be:

1. (Amended, SG, No. 62/2010) for Class A: BGN 4 million;
2. (Amended, SG, No. 62/2010) for Class B: BGN 2 million.

(5) (Amended, SG, No. 62/2010) The high technology activities in the processing industry covered under

Paragraph (3) shall be the activities defined by Eurostat according to Litterra (a), Item 11 of § 1 of the

Supplementary Provisions of the IPA, which, with the designations of the items and codes under CEA 2008,

shall be:

1. manufacture of chemical products (Code C 20), except for manufacture of artificial and synthetic fibres

(code C 20.6), in connection with Article 2, Paragraph (5);

2. production of medicinal substances and products (Code C 21);

3. production of computer and communication equipment, electronic and optical products (Code C 26) and

the installation, repairs and maintenance related to them (Codes 33.13 and 33.20);

4. production and repairs of electrical facilities (Code C 27) and the installation, repairs and maintenance

related to them (Codes 33.14 and 33.20);

5. production of machinery and equipment for general and special use (Code C 28) and the installation, repairs and maintenance related to them (Codes 33.12 and 33.20);

6. production of cars, trailers and semi-trailers and other vehicles (Codes 29 and 30) and the installation, repairs and maintenance related to them (Codes 33.11-17 and 33.20), with the exception of construction and repair of vessels (Codes 30.1 and 33.15) including in connection with Article 2, Paragraph (5);

7. production, repair and maintenance of motor vehicles other than cars (Codes C 30, C 33.11-17 and 33.20), with the exception of construction and repair of vessels (Codes C 30.1 and C 33.15)

8. production of medical and dental instruments and devices (Code C 32.5) and the installation, repairs and maintenance related to them (Codes 33.12-14 and 33.20);

(6) (Amended, SG, No. 62/2010) The high technology and knowledge-intensive services covered under Paragraph (4), shall be the services defined by Eurostat according to Litterra (b), Item 11 of § 1 of the Supplementary Provisions of the IPA and shall be those listed in Article 2, Paragraph (2), subparagraph 2, Litterrae (a) – (d).

(7) Where an investment falls simultaneously under the cases referred to in Paragraphs (2) and (4), the investor shall have the right to choose an option of a threshold amount of the investment which is more favourable for the said investor.

(8) The list of the municipalities referred to in Paragraph (2) shall be proposed annually by the Minister of Labour and Social Affairs and shall be endorsed by an order of the Minister of Economy, Energy and Tourism. The said order shall be promulgated in the *State Gazette* and shall be made available on the internet site of the Ministry of Economy, Energy and Tourism and the internet site of the InvestBulgaria Agency.

## **Chapter Two**

### **INVESTMENT CLASS CERTIFICATE. INVESTMENT PROJECT**

#### **Section I**

##### **Application and Documents Attached Thereto**

**Article 4.** (1) (Supplemented, SG, No. 20 of 2009, effective 17.03.2009, SG, No. 62/2010) Any investor wishing to obtain an investment class certificate under Article 14, Paragraph 2 and Article 22f of the IPA shall submit an application to the Executive Director of the InvestBulgaria Agency prior to commencing any work related to the investment project.

(2) The application referred to in Paragraph (1) shall contain the following essential elements:

1. summary presentation of the information as per Article 9 herein;

2. title of the investment project and summary presentation of the information as per Article 10 herein, which

must state, as a minimum:

(a) (Amended, SG, No. 20 of 2009, effective 17.03.2009) purpose and amount of the investment: aggregate

for the period of implementation of the investment and disaggregated by year;

(b) performance schedule by year and period of maintenance of the investment;

(c) (Amended, SG, No. 62/2010) location of the investment: full address, administrative region, municipality,

nucleated settlement, information about the property and the ownership under Item 4 of Article 10 herein;

(d) (Amended, SG, No. 62/2010) main results from the production and marketing programme, including the

information referred to in Item 7 (a) and (d) of Article 10 herein;

(e) personnel, expected number of newly created jobs related to the investment during the period of the

implementation thereof; size of personnel after the date of implementation of the investment; requirements

to the professional qualification and planned costs of training, if any;

(f) (Repealed, SG, No. 20 of 2009, effective 17.03.2009)

(g) (Amended, SG, No. 20 of 2009, effective 17.03.2009, SG, No. 62/2010) main conclusion about the

economic stability and profitability of the investment project in accordance with Article 10, sub-paragraph 9,

Littera (d);

(h) brief description of the environmental impact of the investment;

(i) other specific characteristics of the project;

3. purpose, content and key parameters of the investor's intention to enjoy an investment promotion

measure or measures, as follows:

(a) shorter waiting time for administrative services in the cases covered under Article 21 of the IPA;

(b) individualised administrative services in the cases covered under Paragraph (1) of Article 22 of the IPA,

including the authorisation of persons of the Agency or the local executive authorities;

(c) location, size and requirements to the corporeal immovables for enjoyment of the measure in the cases

referred to in Article 22a of the IPA;

(d) the infrastructure elements in the cases referred to in Article 22b of the IPA, with an approximate amount

of the resources required, if such information is available;

(e) the envisaged size of personnel for training, in aggregate and disaggregated by principal group of

occupations and positions, the envisaged costs for a programme for attainment of qualification, including the

financial aid sought in the cases referred to in Article 22c of the IPA;

(f) the persons who are eligible to benefit from the measures referred to in Article 17 of the IPA, if any;

(g) (New, SG, No. 20 of 2009, effective 17.03.2009) the investor's intention to enjoy investment promotion

measures under other Acts in accordance with Article 15, Paragraph (2) of the IPA;  
(h) (New, SG, No. 62/2010) the investment promotion measures for priority investment projects under Article 66 herein;

4. (Amended, SG, No. 20 of 2009, effective 17.03.2009) brief information on the incentive effect of the measure under sub-paragraph 3, Littera (c), (d) and (e) in the meaning of Article 8, Paragraphs (2) and (3) of Regulation 800/2008;  
5. a list of the documents attached to the application, covered under Article 5 or 6 herein;  
6. mailing address and contact persons;  
7. investor's signature and seal.

**Article 5.** (1) (Amended, SG, No. 20 of 2009, effective 17.03.2009) In case the application referred to in Article 4 (1) herein is submitted by a legal person, a sole trader or a subsidiary wholly owned by a nonresident person, the following documents shall be attached to any such application:

1. an investment project;
2. documents proving the current status of the applicant, such as
  - a) in the event of registration under the Commercial Register Act the current status shall be officially checked in accordance with Article 23, Paragraph 4 of the Commercial Register Act on the basis of a specified UIC, or
  - b) certificate of current status – original of notarised copy, issued by the corresponding court not more than 3 months before the submission of the application, if Littera (a) is not applicable;
3. declaration in a standard form, that the person/entity has not entered into any out-of-court agreements with its creditors in the meaning of Article 740 of the Commerce Act, is not an undertaking which is subject to an outstanding recovery order following a previous Commission Decision declaring an aid illegal and incompatible with the common market, and is not an undertaking in difficulty in the meaning of Chapter I, Article 1, Paragraphs 6 and 7 of Regulation \_ 800/2008;
4. (Amended, SG, No. 62/2010) declaration in a standard form about the category of the undertaking – defined as a “small and medium-sized enterprise” based on the information about the financial year preceding the year of filing the application, pursuant to the provisions of Annex I of Regulation 800/2008; in the event of newly established undertakings the financial statement of which has still not been approved, the information is determined according to the value of the indicators for the current financial year;
5. documents certifying the financial position of the person, if the person is not registered in accordance with the Commercial Register Act and Paragraph 1, sub-paragraph 2, Littera (a) herein is not applicable;

(a) an analysis of the financial position, confirmed by a registered auditor or a specialising auditing entity within the meaning given by the Independent Financial Audit Act, for the current year and for the previous financial year;

(b) the full financial statement or, respectively, an interim financial statement, where the person has carried out activity for less than a year, shall be attached to the analysis referred to in Litterra (a);

6. (Repealed, SG, No. 20 of 2009)

6. (Previous sub-paragraph 7 – SG, No. 20 of 2009) documents certifying the capacities to finance the investment project and the sources of financing of the said project:

(a) own resources;

(b) loan contracts;

(c) bank guarantees and other guarantees;

(d) financial leasing contract in the meaning of Regulation 800/2008, containing an obligation for purchase of the asset after the expiry of the lease, taking into account the funds for the asset only during the 3-year period of implementation of the investment project;

(e) declaration of financing commitment whereby the owners of the capital undertake to finance the project, where applicable;

(f) other documents on financing or on furnishing security;

7. a declaration in a standard form of the origin of the financial resources;

8. (Amended, SG, No. 62/2010) a document certifying the non-incurrence of any pecuniary obligations to the State or the municipality under Article 13, Paragraph 1, Sub-paragraph 4 of the IPA, received by official correspondence from the National Revenue Agency at the request of the Agency;

9. a conviction status certificate, issued not more than 3 months before the deadline for its submission – original or notarised copy;

10. (Amended, SG, No. 62/2010) a declaration in a standard form whereby the person undertakes to notify the Minister of Economy, Energy and Tourism through the Executive Director of the Agency forthwith of the occurrence of any of the circumstances covered under Article 13 or 13a of the IPA and of any change in the circumstances covered under Article 12 of the IPA;

11. (New, SG, No. 62/2010) a declaration in a standard form that the person has submitted the application referred to in Paragraph 1 before the starting of the work on the investment project in the meaning of Item 8 of § 1 of the Supplementary Provisions of the IPA and in connection with Chapter I, Article 8, Paragraphs 2 and 3 of Regulation No. 800/2008;

12. (New, SG, No. 62/2010) a declaration in a standard form, by the virtue of which the person undertakes to submit to the Agency, on an annual basis, information in connection with Article 19a;

13. (New, SG, No. 62/2010) a declaration in a standard form that the investment project submitted is not being implemented in connection with privatisation or concession contracts or compensatory (offset) agreements in the meaning of Article 13a, Item 2 of the IPA;

14. (Renumbered from Item 11, SG No. 62/2010) a document certifying the rights of the investor in respect of a built-up or vacant land tract wherein the investment is to be implemented, if there as any such land tract.

(2) The requirement referred to in Item 10 of Paragraph (1) shall apply to the sole owners of the capital, to the managing directors or to the members of the management bodies of the applicant, and in case such members are legal persons, to the representatives of the said legal persons in the relevant management body.

(3) Where the applicant is a non-resident person, a subsidiary wholly owned by a non-resident person or a joint company whereof a non-resident person is a part, the said applicant shall present the documents covered under Paragraph (1) issued by the relevant competent authority, or equivalent documents as issued by a judicial or administrative authority according to the legislation of the State in which the said applicant is established.

(4) Where the applicant is a joint company of any of the persons referred to in Paragraph (1) or (3), the documents covered under Paragraph (1) shall be presented for each of the participants in the said combination.

(5) Where any documents covered under Paragraph (1) are not issued in the relevant foreign State, or where any such documents do not cover all cases, or a declaration is required, the applicant shall present a declaration if such a declaration has legal relevance according to the law of the State in which the said applicant is established.

(6) Where the declaration has no legal relevance according to the respective national law, the applicant shall present a declaration made before a judicial or administrative authority, a notary, or a competent professional or commercial body in the State in which the said applicant is established.

**Article 6.** (1) In case the application referred to in Article 4 (1) herein is submitted by a natural person, the following documents shall be attached to the said application:

1. investment project;
2. a copy of the identity document;
3. (Repealed, SG, No. 20 of 2009, effective 17.03.2009)

4. documents certifying the capacities to finance the investment project and the sources of financing of the said project:

- (a) own resources;
- (b) loan contracts;
- (c) bank guarantees and other guarantees;
- (d) (Supplemented, SG, No. 20 of 2009, effective 17.03.2009) financial leasing contracts in the meaning of Regulation No 800/2008, containing an obligation for purchase of the asset after the expiry of the lease, taking into account the funds for the asset only during the 3-year period of implementation of the investment project;
- (e) letters of commitment whereby the owners of the capital undertake to finance the project;
- (f) other documents on financing or on furnishing security;

5. (Amended, SG, No. 20 of 2009, effective 17.03.2009) a declaration in a standard form of the origin of the financial resources;

6. (Amended, SG, No. 62/2010) a document certifying the non-incurrence of any pecuniary obligations under Article 13, Paragraph 1, Sub-paragraph 4 of the IPA, received by official correspondence from the National Revenue Agency at the request of the Agency, or of any pecuniary obligations related to payment of social insurance contributions or of taxes according to the legal standards of the State in which the applicant is established;

7. a conviction status certificate;

8. (Amended, SG, No. 62/2010) a declaration whereby the person undertakes to notify the Minister of Economy, Energy and Tourism through the Executive Director of the Agency forthwith of the occurrence of any of the circumstances covered under Article 13 or 13a of the IPA and of any change in the circumstances covered under Article 12 of the IPA;

9. a document certifying the rights of the investor in respect of a built-up or vacant land tract wherein the investment is to be implemented, if there as any such land tract.

(2) Where the applicant is a non-resident natural person, the said applicant shall present the documents covered under Paragraph (1) as issued by the relevant competent authority, or equivalent documents issued by a judicial or administrative authority according to the legislation of the State in which the said applicant is established.

(3) Where any documents covered under Paragraph (1) are not issued in the relevant foreign State, or where any such documents do not cover all cases, or a declaration is required, the applicant shall present a declaration according to the requirements established by Article 5 (5) or (6) herein.

**Article 6a.** (New, SG, No. 20 of 2009) (1) The application and the documents referred to in Articles 5 and 6 shall also be an application for aid with incentive effect for the implementation of the investment project, where the conditions in the meaning of Article 8, Paragraphs (2) and (3) of Regulation No 800/2008 are fulfilled.

(2) (Supplemented, SG, No. 62/2010) In the event that the applicant referred to in Article 4, Paragraph (1) is a natural person or an association of natural persons and/or legal entities, the documents referred to in Articles 5 and 6 shall be accompanied by a declaration that the applicant is obliged to incorporate a legal entity within the meaning given by Article 17 of the IPA, with the newly incorporated legal entity being bound by the application and the investment project as submitted by the natural person or by the association. The

newly-incorporated legal entity shall be entered in the certificate referred to in Article 16 herein.

(3) (Amended, SG, No. 62/2010) The declarations under Paragraph (2) and Articles 5 and 6 shall be filled in

by the applicant using a specific template approved by the Executive Director of the InvestBulgaria Agency.

The templates of the declarations shall be made public on the internet site of the Agency.

(4) (New, SG, No. 62/2010) The declarations under Paragraph (2) and Articles 5 and 6 can be verified

officially or the investor may be required to substantiate them with an appropriate document in the event of:

1. the implementation of the state aid schemes for investment promotion, including the monitoring under

Chapter I, Article 10 of Regulation No. 800/2008;

2. the conclusion of a contract in accordance with the procedure established by these Regulations and/or an

agreement/memorandum under Article 67 herein;

3. the exercising of control over the contracts concluded in accordance with the procedure established by

these Regulations;

4. the exercising of control over the investment projects implemented in accordance with the procedure of Articles 69 and 70 herein.

**Article 7.** (1) (Amended, SG, No. 62/2010) Investors shall provide documents and information to the

Executive Director of the Agency, the Minister of Economy, Energy and Tourism or another administrative

authority in one of the following manners:

1. on a paper-based and electronic medium or by electronic means without use of an electronic signature;

2. by electronic means using a universal electronic signature in accordance with the procedure set out in the

Electronic Documents and Electronic Signature Act;

(2) Electronic documents shall be submitted at the addresses specified in the official internet sites of the Agency, the Ministry of Economy, Energy and Tourism or another administrative authority, and their receipt and confirmation shall be done in accordance with the procedure set out in the Electronic Management Act.

(2) Any documents covered under Articles 5 and 6 herein, which are written in any language other than Bulgarian, shall be presented accompanied by a translation into the Bulgarian language.

## **Section II**

### **Investment Project**

**Article 8.** An investment project shall contain the following essential elements:

1. title of the project and designation of the applicant;
2. presentation of the investor as a legal entity and economic operator;
3. detailed characteristics and plan for implementation of the investment project.

**Article 9.** (1) The presentation of the investor as a legal entity, referred to in Item 2 of Article 8 herein, shall

contain the following essential elements:

1. legal status of the investor:

(a) business name, registered office, identification numbers and particulars identifying the investor and the

representative authority of the person who represents the said investor, where the investor is a resident

legal person or sole trader;

(b) particulars identifying the investor under the national legislation thereof, where the investor is a nonresident

legal person, and identification numbers of the subsidiary and of the non-resident person, where the investor is a subsidiary wholly owned by a non-resident person;

(c) personal data, where the applicant is a natural person;

2. presentation of the persons holding more than 10 per cent of the registered capital of the investor

company;

3. (Amended, SG, No. 20 of 2009, effective 17.03.2009) legal entity for implementation of the investment

project and enjoyment of the measures for investment promotion, including the persons referred to in Article

17 of the IPA;

4. in the event that the applicant is a natural person or an association of natural persons and/or legal

entities, the investment project shall mandatorily provide for incorporation of a legal entity within the

meaning given by Article 17 of the IPA, with the newly incorporated legal entity being bound by the

application and the investment project as submitted by the natural person or by the association.

(2) The presentation of the investor as an economic operator, referred to in Item 2 of Article 8 herein, shall

contain:

1. brief information on the economic activity of the applicant;

2. revenues from sales for the last three years: aggregate and disaggregated by principal market: separately

for the internal market of the Republic of Bulgaria, the Member States of the European Union, the countries of Central and Eastern Europe, and the rest of the country;

3. revenues from sales disaggregated by principal group of products and markets referred to in Item 2;
4. number of employees for the last three years;
5. (Repealed, SG, No. 20 of 2009, effective 17.03.2009)
6. consolidated data on an economic or another combination: in case the investor is part of any such combination;
7. (Amended, SG, No. 62/2010) information on implementation of investment projects commensurate to the project presented, if any;
8. other information, accompanied by copies of documents: quality certificates, innovation of products and technologies, competitive advantages and other such.

**Article 10.** The characteristics and plan for implementation of the investment project, referred to in Item 3 of

Article 8 herein, shall contain the following information:

1. (Amended, SG, No. 20 of 2009, effective 17.03.2009) type and designation of the investment in tangible and/or intangible assets:
  - (a) setting-up of a new undertaking, and/or
  - (b) extension of an existing undertaking/activity, and/or
  - (c) diversification of the output of an existing undertaking/activity by adding new products, and/or
  - (d) fundamental change in the overall production process of an existing undertaking/activity;
2. (Amended, SG, No. 20 of 2009, effective 17.03.2009) amount of the investment, expressed as a total value of the costs of material and immaterial fixed assets: aggregate for the period of implementation of the investment and disaggregated by year;
3. schedule for performance and maintenance of the investment:
  - (a) time limit for implementation of the investment within a three-year period, with expected start and end date (month) for completion of the project;
  - (b) time limit for maintenance of the investment in the relevant region by location, reckoned from the date of implementation of the said investment under Littera (a), in conformity with the requirements of Article 12, Paragraph (2), sub-paragraph 8 of the IPA;
4. location of the investment: determination of the site where the enterprise is to be constructed or the equipment positioned:
  - (a) reference to cadastral data on the locating of the enterprise, as well as the place of performance of the construction or of positioning of the equipment, which must contain an identifier and boundaries of the lots or, respectively, an identifier and outline of the building, if any such data are available;

(b) surface area in square meters and individualisation of the land tract where the construction is to be performed and the equipment positioned;

(c) (Supplemented, SG, No. 20 of 2009, effective 17.03.2009) ownership of the built-up or vacant site, attaching a document and/or enjoyment of the promotion measure referred to in Article 22a of the IPA and/or Article 22b;

(d) implementation of the project in a municipality referred to in Article 3 (2) herein;

e) (New, SG, No. 20 of 2009, amended, SG, No. 62/2010) in the event that an intention to enjoy the measure under Article 22a and/or 22b of the IPA has been declared by a large enterprise, the incentive effect of the aid shall be justified in accordance with one or more of the criteria specified in Article 8, Paragraphs (2) and (3) of the IPA, such as a material increase in the size, scope, total amount of the investment or the speed of completion of the project/activity concerned as a result of the aid, or that the project would not have been carried out as such in the region concerned (in the territory of the Republic of Bulgaria for non-resident investments and/or the corresponding municipality for Bulgarian investments) in the absence of the aid.

5. costs of acquisition of the fixed assets and resources disaggregated by source of financing: aggregate and for each year of the period of implementation of the investment project, in reference to Item 6 of Article 12 (6) of the IPA, with:

(a) (Amended, SG, No. 62/2010) the costs of acquisition of the fixed assets being presented disaggregated by principal type as a itemisation of the costs referred to in Item 2, including the eligible costs under Chapter Seven herein;

(b) the costs being presented disaggregated by year and type of the material or immaterial asset (land, buildings, machinery, plant etc.);

(c) the aggregate costs of acquisition of the fixed assets being compared, in a tabulated form, to the amount of resources from the sources of financing, as presented under Item 6, for the entire period of implementation of the investment and disaggregated by year;

(d) share of the eligible costs of the immaterial assets in the aggregate amount of the eligible costs of investments under the project;

6. planned amount of resources disaggregated by source of financing of the investment and by year for a five-year period in accordance with the documents presented under Item 7 of Article 5 (1) or Item 4 of Article 6 (1) herein, as follows:

(a) own financial resources;

- (b) participating interests in the capital;
  - (c) loans;
  - (d) State aid (from sources inside and outside the country, national or regional, with description);
  - (e) (Amended, SG, No. 20 of 2009, effective 17.03.2009) financial leasing, taking into account the funds within the triennial deadline for project implementation;
  - (f) other;
7. production and marketing programme for a five-year period:
- (a) economic activity and products produced under Article 2 (3) herein, stating a full code according to the classifications referred to in Article 2 (2) and (4) herein;
  - (b) other activity not included in the activity stated under Littera (a);
  - (c) planned volumes of production, disaggregated by type, product and year;
  - (d) sale of the products on the internal and external market, disaggregated by regional market;
  - (e) production and technology for implementation of the investment;
  - (f) description of the planned construction of new manufacturing buildings, warehouses, office buildings and other such, with presentation of the state of design completion and/or intention to purchase or lease existing buildings;
  - (g) description of the principal types of machinery, plant and equipment for implementation of the investment, with information on the new and previously used plant, including the date of manufacture, procured in the Republic of Bulgaria or abroad;
  - (h) description and attachment of documents on patent rights, licences, know-how, unpatented technical knowledge and other immaterial assets for implementation of the investment;
  - (i) stages of construction of the buildings and supply of the equipment disaggregated by year, with planned start and end date (month);
8. plan for employment and training of the personnel linked to the investment project:
- (a) size of the personnel hired for the newly created jobs for the period of implementation of the investment and the maintenance of the said investment in the relevant region where the investment is located in accordance with Item 7 of Article 12 (2) of the IPA, converted to full time, disaggregated by year and by principal group of occupations;
  - (b) key parameters of the personnel training project referred to in Littera (a) for a three-year period reckoned from the date of implementation of the investment, if any such training is envisaged: number of employees to be trained: aggregate and disaggregated by principal group of occupations and positions; training organisation or independent training; type of training, including estimated start and end dates (month, year) for the training, as well as other characteristics;
  - (c) eligible costs of the project for training for upgrading of the personnel qualification according to Chapter

Six herein, including the financial aid sought, if the measure under Article 22c of the IPA is applied for;

(d) planned amount of the average annual wage per person hired in the relevant economic activity wherein

the investment is implemented, and disaggregated by principal group of occupations, if the measure under

Article 22c of the IPA is applied for;

e) (New, SG, No. 20 of 2009, effective 17.03.2009) in the event of a declared intention to enjoy the measure

under Article 22c of the IPA by a large enterprise, the incentive effect of the aid shall be justified using one

or more of the criteria specified in Article 8, Paragraphs (2) and (3) of Regulation No 800/2008.

9. a financial and economic plan for a five-year period:

(a) an estimate of the expected revenues, disaggregated by principal product under Item 7, as well as

revenues from other products/services;

(b) an estimate of the expected operating costs and disaggregated by type of costs: personnel, financial and

other costs under Litterra (a);

(c) an estimate of the expected net cash flows under Litterrae (a) and (b);

(d) key conclusions regarding the economic stability and profitability of the investment project;

10. description of the environmental impact of the investment;

11. other specific characteristics of the project, such as organisational, management and production structure and other such.

### **Section III**

#### **Procedure for Assessment of Documents. Award of Certificate. Refusal to Award**

**Article 11.** (1) Upon receipt of the application and documents covered under Article 5 or 6 herein, the said

application and documents shall be filed at the records office of the Agency, noting the date of submission of

the application, the sequential number, the particulars of the applicant (business name/names, registered

office and address of the place of management/permanent address).

(2) (Supplemented, SG, No. 62/2010) The Executive Director or an official empowered by him shall

designate officers of the Agency to assess the application and the documents for conformity with the

requirements of the IPA and of these Regulations, in the event that this activity is not carried out by an

organisational structure according to the Structural Regulations of the InvestBulgaria Agency.

(3) The assessment referred to in Paragraph (2) shall furthermore include a verification for conformity of the

costs of the investment projects to the financial capacities of the investor and sources of financing, certified

according to the procedure established by Articles 5 and 6 herein, as well as to the terms established under

Article 12 and Items 2 and 3 of Article 13a of the IPA.

(4) (Amended, SG, No. 62/2010) In case the officers referred to in Paragraph (2) ascertain any nonconformities

and/or deficiencies in the application and the documents covered under Article 5 or 6 herein, the investor shall be notified in writing of the said non-conformities and/or deficiencies and shall be allowed up to two months from the submission of the application to cure the said non-conformities and/or deficiencies.

(5) The investor shall be notified by the Executive Director of the Agency or by an official empowered thereby, with the notice being dispatched on a paper-based medium or by electronic means in one or several of the following manners:

1. registered letter with an addressee's acknowledgement of receipt;
2. on a paper-based medium according to the procedure established by Item 1 and via electronic mail without use of an electronic signature;
3. by electronic means with use of an electronic signature.

(6) If the notice is not accepted by the person at the address named thereby, the notification shall be considered effected by posting the said notice in a place expressly designated for this purpose at the building of the Agency.

**Article 12.** (1) (Amended, SG, No. 62/2010) Where, upon assessment of the application and the investment

project, it is incumbent to perform an evaluation within the competence of another body, the Executive

Director of the Agency shall forward the investment project and shall request presentation of an opinion in

the cases where:

1. a specific economic activity or products produced for implementation of the investment project have to be evaluated;
2. (Amended, SG, No. 62/2010) the possibilities for application of the investment promotion measures under Article 22, 22a or 22f, Paragraph (2) of the IPA have to be evaluated in advance;
3. the procedures under Chapter Three of the State Aids Act must be applied.

(2) The competent authorities shall present their opinions within fourteen days after receipt of the request,

with the exception of the cases where a special law provides otherwise.

**Article 13.** (1) (Amended, SG, No. 62/2010) After performance of an assessment of the application and the

documents covered under Articles 5 and 6 herein, the officers referred to in Article 11 (2) herein shall

prepare an opinion on award of an investment class certificate.

(2) On the basis of the opinion so prepared, the Executive Director or the official empowered thereby shall

provide the Minister of Economy, Energy and Tourism with a reasoned proposal to award or to refuse to

award a certificate within thirty days after receipt of the application.

(3) The proposal referred to in Paragraph (2) shall contain:

1. a full and accurate reasoned evaluation for the award of an investment class certificate in accordance

with the requirements of the IPA and of these Regulations, or

2. grounds for a refusal to award an investment class certificate under Article 19a of the IPA.

(4) The documents covered under Article 5 or Article 6 herein shall be attached to the application.

(5) Where any non-conformities and/or deficiencies are ascertained according to the procedure established

by Article 11 (4) herein, the time limit referred to in Paragraph (2) shall begin to run as from the date of the

curing of the said non-conformities and/or deficiencies.

(6) In the case of any non-conformities and/or deficiencies ascertained according to the procedure

established by Article 11 (4) herein, which are not cured within six months reckoned from the date of

submission of the application, the Executive Director shall notify the Minister of Economy, Energy and

Tourism of the expiry of the time limit according to the procedure established by Paragraph (2).

**Article 14.** (1) (Supplemented, SG, No. 20 of 2009, effective 17.03.2009, Amended, SG, No. 62/2010) The

Minister of Economy, Energy and Tourism or an official empowered thereby shall examine the proposal

referred to in Article 13 (2) herein and:

1. (Amended, SG, No. 62/2010) shall award or shall refuse to award a Class A or Class B certificate within

14 days of the receipt of the proposal, or

2. (New, SG, No. 62/2010) shall put the proposal forward before the Council of Ministers for issuing a

certificate for a priority investment project in accordance with the procedure set out in Article 68, Paragraph

(1) herein within 30 days of the receipt of the proposal, or

3. (Renumbered from Item 2, SG No. 62/2010) shall return the proposal and the documents attached

thereto for re-assessment in the cases of non-conformity with any of the requirements of the IPA and these

Regulations.

(2) The Minister of Economy, Energy and Tourism or an official empowered thereby shall refuse to award a

certificate according to the procedure established by the Administrative Procedure Code in the cases

covered under Article 19a of the IPA.

(3) (Amended, SG, No. 62/2010) The Minister of Economy, Energy and Tourism can extend by up to two

years the term of any certificate issued under Paragraph (1) in accordance with the requirements set out in

Article 22e of the IPA under the conditions and in accordance with the procedure of its issuing.

**Article 15.** (1) The officers of the Ministry of Economy, Energy and Tourism, of the Agency, as well as other

officials of the central and local executive authorities, performing administrative functions in connection with

the application of investment promotion measures, shall be obligated not to disclose the information which has come to their knowledge in connection with the performance of the official duties thereof related to the investment project and the documents attached to the application.

(2) The restriction referred to in Paragraph (1) shall not extend to any information regarding:

1. the general presentation of the investor and of the investment project, containing information on the amount and type of the investment;
2. the products and services produced, intended for the internal market or for external markets;
3. the location and time limits for performance of the project;
4. (Amended, SG, No. 62/2010) the number of jobs, as well as the number of people trained and the financial parameters of the training project;
5. the purposes, content and specific parameters of the investment promotion measures under the IPA in connection with the requirements for publicity and transparency of the aid granted for implementation of the investment project, arising from Community law and from the law of the Republic of Bulgaria in the State aid field;
6. the data referred to in Article 17 (3) herein.

#### **Section IV**

##### **Investment Class Certificate**

**Article 16.** (1) (Supplemented, SG, No. 62/2010) In respect of Class A and Class B investments and in respect of priority investment projects, a certificate shall be issued in a standard form proposed by the Executive Director of the Agency and endorsed by the Minister of Economy, Energy and Tourism or by an official empowered thereby.

(2) The certificate shall contain the following essential elements:

1. sequential number;
2. title and location of the investment project and the economic activity in which the said project is implemented;
3. the information referred to in Item 1 (a) and (b) of Article 9 (1) herein;
4. investment class;
5. (Amended, SG, No. 62/2010) the investor's rights to enjoy the promotion investment measures covered under Articles 21, 22a or Article 22f, Paragraph (2) of the IPA in the cases where the said investors *[sic]* have declared the intention thereof to enjoy such measures under Item 3 of Article 4 (2) herein;
6. date of award and period of validity;
7. grounds for award;
8. (Supplemented, SG, No. 62/2010) signature of the Minister of Economy, Energy and Tourism or of the official empowered thereby and seal for Class A or Class B investments, or signature and stamp of the

Minister of Economy, Energy and Tourism and another/other authorised person/s pursuant to the Council of Ministers decision referred to in Article 68, Paragraphs (1) and (2) herein for priority investment projects.

(3) The validity of the certificate may not exceed three years reckoned from the date of award, with the exception of the cases provided for in Article 22e of the IPA.

(4) (Amended and supplemented, SG, No. 20 of 2009, effective 17.03.2009) The certificate shall be issued

in two copies in the Bulgarian language: one copy shall be kept at the Ministry of Economy, Energy and

Tourism, and the other copy shall be provided to the investor. If the investor is a non-resident person or the

Bulgarian investor requests this, the certificate shall be issued in the English language as well.

**Article 17.** (1) (Supplemented, SG, No. 62/2010) The certificates as awarded shall be entered into an

electronic database of the Agency.

(2) The electronic database referred to in Paragraph (1) shall contain the following information:

1. number and date of the application for the award of a certificate;

2. number, date of award and period of validity of the certificate;

3. the information referred to in Item 1 (a) and (b) of Article 9 (1) herein;

4. amount of investment and investment class;

5. economic activities in which the investment is implemented, and principal products;

6. location of the investment;

7. investment promotion measures applied in conformity with the requirements for monitoring and

transparency in the State aid field;

8. other information covered under Article 9 or 10 herein.

(3) (Amended and supplemented, SG, No. 20 of 2009, effective 17.03.2009) The public part of the electronic

database referred to in Paragraph (1) shall be accessible to the general public on the Internet site of the

Ministry of Economy, Energy and Tourism and of the Agency and shall contain the information covered

under Article 16 (2) herein, including information on the measures applied under the IPA.

(4) The certificate as issued, the application, the documents covered under Articles 5 and 6 herein, and the

reasoned proposal referred to in Article 13 (2) herein shall be stored at the Ministry of Economy, Energy and

Tourism according to the requirements of the State Aids Act and the State Archival Collections Act.

(5) Certified copies of the documents covered under Paragraph (4) herein shall be stored at the Agency.

**Article 18.** (Amended, SG, No. 20 of 2009, effective 17.03.2009, SG, No. 62/2010) The electronic database

referred to in Article 17 (1) herein shall be maintained by officials designated by the Executive Director of the

Agency and/or by an organisational structure pursuant to the Structural Regulations of the InvestBulgaria

Agency, and the data shall be updated annually with the information received in accordance with Article 19a..

**Article 19.** (1) (Amended, SG, No. 62/2010) Upon any change in the circumstances entered into the electronic database, investors shall be obligated to submit an application to the Ministry of Economy, Energy and Tourism through the Agency within fourteen days after occurrence of any such change.

(2) The documents certifying the change shall be attached to the application referred to in Paragraph (1).

(3) Upon occurrence of a succession in respect of the enterprise or production which is subject to the

investment, the successor shall present the documents referred to in Paragraph (2), as well as:

1. (Amended, SG, No. 20 of 2009, effective 17.03.2009) the documents referred to in Items 2 to 11 of Article

5 (1) herein or in Items 2 to 9 of Article 6 (1) herein, as the case may be;

2. a declaration with a report and an analysis of the initially applied investment project.

(4) (Supplemented, SG, No. 62/2010) The change shall be entered in accordance with the procedure set out

in Articles 13 and 14 herein after an evaluation of the documents presented within fourteen days after

receipt of the application.

(5) Entry shall be effected subject to conformity with the requirements of Articles 13 and 13a of the IPA.

(6) Where the change in the circumstances entered into the electronic database entails a change in the

particulars entered in the certificate, a certificate shall be issued showing the circumstances changed. The

new certificate shall be provided after return of the previously issued certificate.

(7) In case the initially issued certificate is lost or destroyed, the Minister of Economy, Energy and Tourism

shall issue a replacement of the certificate after the investor submits an application attaching a written

declaration of the circumstances whereunder the certificate was lost or destroyed.

**Article 19a.** (New, SG, No. 20 of 2009, effective 17.03.2009) At the end of each year covered by the validity

of the certificate the certified investors shall submit to the Executive Director of InvestBulgaria Agency

information about the progress of their investment projects, including information about the amount of the

invested funds, according to their investment plans, the observance of the time-schedule, the jobs created,

the promotion measures under the IPA enjoyed and the state aid granted.

### **Chapter Three**

#### **PROCEDURE FOR INDIVIDUALIZED ADMINISTRATIVE SERVICES BY THE INVESTBULGARIA**

#### **AGENCY AND LOCAL EXECUTIVE AUTHORITIES**

(Title amended, SG No. 62/2010)

**Article 20.** (1) (Supplemented, SG, No. 62/2010) Individualised administrative services shall be provided by

officers of the Agency in dealings with the central government authorities at the request of an investor who

has received a Class A investment certificate or a certificate for a priority investment project.

(2) (Supplemented, SG, No. 62/2010) A request shall be submitted to the Agency by the investor or by a

person authorised thereby in accordance with the procedure set out in Article 7, Paragraph (1) herein.

(3) Any such request shall be filed in an incoming register, noting the date of receipt thereof.

**Article 21.** (1) (Supplemented, SG, No. 62/2010) Individualised administrative services shall be performed

by officers designated according to a list endorsed by the Executive Director of the Agency, in the event that

this activity is not carried out by an organisational structure(s) according to the Structural Regulations of the

InvestBulgaria Agency..

(2) In respect of each request filed, the Executive Director of the Agency shall designate the officers who will

provide the individualised administrative services as may be necessary for the implementation of the

relevant investment project.

**Article 22.** (1) (Amended, SG, No. 62/2010) Upon implementation of individualised administrative services,

the officers referred to in Article 21 (1) herein shall be obligated:

1. to provide investors with a clear, accurate, reliable and comprehensive information on issues within the

competency of the Agency and to provide assistance in solving the specific problems, which might arise in

the course of the implementation of the investment:

2. to answer queries in connection with the required procedures and to refer them to the administrative

authorities competent to address the relevant question;

5. to contact other executive and local authorities and to assist in the organisation of meetings between

investors and the relevant competent authorities.

(2) The investor may authorise the officers referred to in Article 21 (1) herein:

1. to submit to the relevant competent authorities and to receive therefrom all requisite documents for

implementation of the investment project, or

2. to participate, together with representatives of the investor, in all activities related to the submission to the

relevant competent administrative authorities and to the receipt therefrom of all requisite documents for

implementation of the investment project.

(3) The investor shall co-operate with the officers of the Agency by providing the necessary documents,

including documentary proof of payment of fees.

(4) Individualised administrative services shall be provided by the Agency free of charge. Any fees

established by a statutory instrument for the issuing of documents and/or for the performance of administrative services shall be for the account of the investor.

**Article 23.** (1) (Redesignated from Article 23, SG No. 62/2010)\_Except for the cases referred to in Article 20

(1) herein, individualised administrative services shall be provided by officials of the local executive authorities in dealings with the relevant competent authorities at the request of an investor who has received a Class A investment certificate or a certificate for a priority investment project.

(2) (New, SG, No. 62/2010) The request referred to in Paragraph (1) shall be submitted by the investor or by a person authorised thereby in accordance with the procedure set out in Article 7, Paragraph (1) herein through the Agency or directly to the corresponding local executive authority.

(3) (New, SG, No. 62/2010) Any such request shall be entered in an incoming register, noting the date of receipt thereof.

(4) (New, SG, No. 62/2010) Upon implementation of individualised administrative services, the officers referred to in Paragraph (1) shall be obligated:

1. to provide clear, accurate, reliable and comprehensive information on the procedures required for the

implementation of the project, which shall include:

a) accurate designation of the administration;

b) seat and address, as well as the addresses of the territorial units, if any;

c) contact details: telephone, electronic mail address and Internet site;

d) business hours of the administrative services unit at the administration;

e) regulatory framework relevant to the provision of the administrative service;

2. to answer queries in connection with the required procedures and to refer questions to the administrative

authorities competent to address the relevant question;

3. to clarify the requirements which the application or the request for implementation of the administrative

service, the complaint, protest, alert or proposal must meet under the relevant procedure;

4. To provide the investor with:

a) comprehensive and accurate information about the documents required, the deadlines and the fees

under the special laws;

b) standard forms of documents which must be completed for the provision of the administrative service;

c) information about the period of validity of the individual administrative act for the issuing of which an application is submitted;

5. to contact the relevant competent authorities and to assist the issuing and receipt therefrom of all

documents necessary for the implementation of the relevant investment and for carrying out of the economic activity related to the said investment.

(5) (New, SG, No. 62/2010) The Investor may authorise the officers referred to in Paragraph (1) and provide

the assistance required in accordance with the procedure set out in Article 22, Paragraphs (2) and (3)

herein.

**(6)** (New, SG, No. 62/2010) Individualised administrative services shall be provided by the local executive authorities referred to in Paragraph (1) free of charge. The fees set in statutory instruments for issuing of documents and/or for provision of administrative services shall be borne by the investor.

**Article 24.** (1) The Executive Director of the Agency shall notify the relevant local executive authority exercising competence over the location of the investment of the intention of the investor to use individualised administrative services specified in the application referred to in Article 4 herein. (2) The notification referred to in Paragraph (1) shall furthermore include a request to the relevant local executive authority to designate the officers who will implement the individualised administrative services to the investor.

(3). (Repealed, SG, No. 62/2010)

**Article 25.** (Amended, SG, No. 62/2010) All executive authorities shall be obligated to cooperate with the officers, providing individualised administrative services.

**Article 26.** (Supplemented, SG, No. 62/2010) Individualised administrative services shall be provided for the period of implementation of the Class A investment or the priority investment project and the economic activity related to the said investment, but the period of the said services may not exceed the period of validity of the certificate.

**Article 27.** Administrative services under this Section shall be implemented in compliance with the principles and procedure established by the Administration Act, the Administrative Procedure Code and the statutory instruments on the application thereof.

#### **Chapter Four**

### **SALE AND ONEROUS CREATION OF LIMITED RIGHT *IN REM* TO CORPOREAL IMMOVABLE CONSTITUTING PRIVATE STATE PROPERTY, PRIVATE MUNICIPAL PROPERTY OR PROPERTY OF SOLE PROPRIETOR COMMERCIAL COMPANIES WITH STATE OR MUNICIPAL PARTICIPATION**

(Title amended, SG No. 62/2010)

**Article 28.** (1) A sale or an onerous creation of a limited right *in rem* to a corporeal immovable constituting private state property under Article 22a of the IPA may be effected if the following conditions apply:

1. (Amended, SG, No. 62/2010) the investor has presented a request to the relevant competent authority referred to in Article 22a (1) or (10) of the IPA, and
2. (Amended, SG, No. 62/2010) the investor has been awarded a Class A or Class B investment certificate or a certificate for a priority investment project.

(2) (Amended, SG, No. 62/2010) The written request referred to in Item 1 of Paragraph (1) must contain the business name of the investor, the number and date of the investment class certificate and the corporeal immovable with the location identified in the investment project for which a certificate has been issued and the agreement/memorandum of understanding for a priority investment project approved by virtue of a Council of Ministers Decision.

(3) (Amended and supplemented, No. 20 of 2009, effective 17.03.2009) The investment project referred to in Article 8 herein, the documents referred to in Item 4 of Article 16 of the IPA and the corresponding documents specified in Article 5, Paragraph (1) regarding the legal entity incorporated in accordance with Article 17 of the IPA, if it has been registered, shall be attached to the written request referred to in Item 1 of Paragraph (1).

(4) Buildings and other establishments, which have been financed by resources of the European Union, may not be subject to the request referred to in Item 1 of Paragraph (1) and to the contract referred to in Article 31 herein, save in the cases where the request is submitted ten years after completion of the construction work.

(5) (New, SG, No. 62/2010) A sale or an onerous creation of a limited right *in rem* to a corporeal immovable for priority investment projects under Article 22a, Paragraphs (9) to (10) of the IPA and in the event of implementing the measure under Article 22a, Paragraph (11) of the IPA Act, shall be also effected by satisfying all conditions for regional aid in accordance with the requirements set out in Regulation No. 800/2008.

**Article 29.** (1) (Amended, SG, No. 62/2010) After obtaining a written consent from the authorities and persons referred to in Article 22a (1) or (10) of the IPA, the relevant competent authority shall empower officials to conduct negotiations with the investor on conclusion of a contract with the investor for sale or onerous creation of a limited right *in rem* to a corporeal immovable.

(2) Upon conduct of the negotiations, the relevant competent authority may require in writing from the investor additional information in connection with the application of the measure under Article 22a of the IPA, allowing a suitable time limit for provision of the said additional information.

(3) (New, SG, No. 62/2010) The authority or person referred to in Paragraph (1) may commission an assessment of the adequacy of the size of the property for the purpose of implementation of the investment

project, in accordance with Article 22a (2) of the IPA Act.

**Article 30.** (1) (Previous Article 30, SG No. 62/2010) The appraisal of the corporeal immovable or of the

limited right *in rem* shall be conducted in conformity with the following requirements:

1. prior to commencement of the negotiations referred to in Article 29 (1) herein, the procedure referred to in

Article 22a (2) of the IPA shall be applied for the purpose of arriving at a market price based on generally

accepted market benchmarks and standards for the appraisals, which shall be considered a minimum

purchase price;

2. (Amended, SG, No. 62/2010) the procedure referred to in Article 22a (2) of the IPA shall be applied by

independent appraisers having at least three years of professional experience in valuation of corporeal

immovables.

(2) (New, SG, No. 62/2010) Where properties are transferred or rights are established at prices lower than

the market prices for the purpose of promoting priority investment projects, the appraisal referred to in

Paragraph (1):

1. shall include the difference between the market price and the sale price, where the latter may not be

lower than the tax assessment of the property; the market appraisal and the tax assessment of the property

shall be valid as at the date of carrying out the disposal transaction involving the property as set out in

Article 31 herein;

2. the difference determined in accordance with Item 1 shall serve to calculate the gross grant equivalent for

the purposes of meeting the requirements for granting of regional aid under Article 53 herein.

(3) (New, SG, No. 62/2010) An appraisal by an independent appraiser shall also be carried out in the cases

of applying the measure for letting out as specified in Article 22a (11) of the IPA for priority investment

projects.

**Article 31.** (1) A contract for the sale of the onerous creation of a limited right *in rem* to a corporeal

immovable under Article 22a of the IPA and the implementation of the investment project shall be concluded

between:

1. the investor and/or the persons referred to in Article 17 (1) of the IPA, of the one part, and

2. (Amended, SG, No. 62/2010) the relevant competent authority referred to in Article 22a (1) or (10) of the

IPA, and

3. (Repealed, SG, No. 20 of 2009, effective 17.03.2009).

(2) (Amended, SG, No. 62/2010) The contract referred to in Paragraph (1) shall contain all requirements of

the IPA regarding the investment project and the investor, as well as the conditions and requirements for the

granting of state aid under the regional development scheme in the cases specified in Article 28 (5) herein:

1. subject matter of the contract;
2. contracting parties;
3. title of the investment project;
4. principal rights and obligations;
5. type and amount of the investment;
6. time limit for performance of the investment project and period for maintenance of the investment as specified in Item 8 of Article 12 (2) of the IPA;
7. description of the immovable subject to the sale or to the creation of a limited right *in rem*, according to the requirements of the Cadastre and Property Register Act;
8. price of the immovable or of the limited right *in rem*, and in the cases of sale at a price lower than the market price for priority investment projects, the difference, determined in accordance with Article 30 (2) herein, shall be mandatorily identified as state aid under the regional investment aid scheme;
9. time limit and conditions for transfer of the immovable or for creation of the right *in rem*;
10. prohibition to dispose of and to encumber the immovable with charges, as well as to transfer the limited right *in rem* to the corporeal immovable to another person in accordance with Article 22a (7) of the IPA;
11. creation of a mortgage in the event of a transfer of the immovable, and in the remaining cases - another security interest;
12. conditions for exercise of the rights to the mortgage;
13. manner and time period of reporting the performance of the investment project, taking into account the eligible investments under Article 54 herein;
14. type and amount of the liability incurrable for non-fulfilment of the obligations under the contract;
15. control over the fulfilment of the obligations by the parties;
16. methods of settlement of disputes between the parties;
17. grounds for early termination of the contract, including under the conditions of Article 22a (3) of the IPA, and rights of the party not at fault;
18. other elements on which the parties have reached agreement;
19. the amount of the aid related to the non-payment of state fees owed for the change of the land use for the implementation of priority investment projects under Article 22a (12) of the IPA and the beneficiary of the aid with a view to assessing the presence or absence of a state aid component under the regional aid scheme.

(3) The investment project shall constitute an integral part of the contract referred to in Paragraph (1).

(4) The contract referred to in Paragraph (1) shall be concluded in writing and shall be recorded by command of the recording magistrate exercising jurisdiction over the location of the immovable.

(5) The costs of the sale of the corporeal immovable or of the creation of the limited right *in rem* shall be for the account of the investor.

(6) (Amended, SG, No. 62/2010) The establishing of a mortgage shall be for a period of not less than 5 years for large enterprises and technological parks and 3 years for small and medium-sized enterprises, as from the date of implementation of the investment project, in accordance with the requirements of Article 22a (7) of the IPA.

(7) (New, SG, No. 62/2010) The co-ordination with the competent authorities under Article 22a (10) of the IPA shall be carried out after the appraisal referred to in Article 30 herein and the draft contract referred to in Paragraph 1 are provided together with all documents and evidence required for verifying the compliance with the requirements in the event of implementing the regional aid scheme to priority investment projects.

(8) (New, SG, No. 62/2010) The corresponding competent authority under Paragraph 1 shall send the contract to the Agency within 7 days of its conclusion in accordance with Article 22a (5) of the IPA.

(9) (New, SG, No. 62/2010) The competent authority under Paragraph 1, granting regional aid for priority investment projects, shall carry out the stipulated functions of an aid administrator in accordance with the procedure specified in the State Aid Act and the Regulations on its implementation.

**Article 31a.** (New, SG, No. 62/2010) For letting out of corporeal immovables by sole proprietor companies with state or municipal participation in accordance with Article 22a (11) of the IPA for the implementation of priority investment projects, a contract shall be concluded in accordance with the extant legislation by and between:

1. the investor and/or the persons referred to in Article 17 (1) of the IPA, implementing the priority project, on the one hand, and
2. the individuals representing the company.

**Article 32.** (1) Upon the sale or creation of a limited right *in rem* to a corporeal immovable by the contract referred to in Article 31 (1) herein, special obligations in the public interest may be stipulated in connection with the land and the buildings but not in connection with the buyer or with the commercial activity thereof, provided that each potential buyer is required to be in a position to fulfil the special obligations, regardless of whether the said buyer carries out any activity or regardless of the nature of the said activity.

(2) The resources necessary for fulfilment of the obligations of the owner of the corporeal immovable arising

from a law shall not be deducted from the selling price (such as: care of the land and the buildings and maintenance of the said land and buildings as part of the customary social obligations of the owners, payment of taxes and other such expenditures).

**Article 33.** (1) Where the competent local executive authorities have not complied with the conditions established by this Chapter, the said authorities shall notify the European Commission of the intention thereof to transfer the right of ownership or to create the limited right *in rem*.

(2) The notification referred to in Paragraph (1) shall be effected according to the procedure established by the State Aids Act.

### **Chapter Five**

(Effective by 31.12.2013, see § 38 of the Transitional and Final Provisions to Council of Ministers Decree 55 of 6 March 2009 amending and supplementing the Regulations for Application of the Investment Promotion Act – SG, No. 20 of 2009)

### **FINANCIAL SUPPORT FOR CONSTRUCTION OF PHYSICAL-INFRASTRUCTURE ELEMENTS**

**Article 34.** The Minister of Economy, Energy and Tourism shall lay before the Council of Ministers a motion

for promotion of one or more investment projects by the measure referred to in Article 22b of the IPA if the following conditions apply:

1. (Amended, SG, No. 62/2010) a request has been received at the Ministry of Economy, Energy and

Tourism in one of the manners specified in Article 7 (1) from:

(a) an investor who has been awarded a Class A investment certificate, or

(b) (Supplemented, SG, No. 62/2010) two or more investors who have been awarded an investment class

certificate, with an investment located within an industrial zone, hereinafter referred to as “the investor”, or

c) (New, SG, No. 62/2010) an investor implementing a priority investment project under Chapter Eight of

these Regulations;

2. (Supplemented, SG, No. 62/2010) a design (conceptual, schematic or working), approved by the owner of

the technical infrastructure and contracting authority under the Public Procurement Act, has been presented

with a bill of quantities for construction of the physical-infrastructure elements which, according to the

requirements of Article 142 of the Spatial Development Act, may serve for the issuing of a building permit

and for the award of a construction work under the Public Procurement Act;

3. (Supplemented, SG, No. 20 of 2009, effective 17.03.2009, SG, No. 62/2010) the documents referred to in

Item 4 of Article 16 of the IPA, the corresponding documents referred to in Article 5, Paragraph (1) regarding

the incorporated legal entity under Article 17 of the IPA, if such an entity has been registered, and a declaration in a special form, approved by the Executive Director of the Agency, about the state aid received during the last 3 years, including the current aid for the investor or the persons under Article 17 of the IPA, in the events outside Article 36 herein, have been presented;

4. (Supplemented, SG, No. 20 of 2009, effective 17.03.2009) an investment project has been approved for promotion after conduct of a competitive procedure under Article 35 herein, where applicable;

5. the conditions covered under Articles 36 to 38 herein have been verified.

**Article 35.** (1) The competitive procedure shall be held for assessment and selection of investment projects

for promotion on the basis of the documents covered under Items 1 to 3 of Article 34 herein.

(2) (Amended, SG, No. 62/2010) The assessment referred to in Paragraph (1) shall be performed at the beginning of each quarter in four sessions during a calendar year until the funds under the IPA, envisaged in

the State Budget of the Republic of Bulgaria Act for the corresponding year, are spent.

(3) (Amended, SG, No. 62/2010) The remaining portion of the resources planned under Paragraph (2) shall

be projected for each session of the assessment after deduction of the resources according to contracts

concluded or decisions made by the Council of Ministers for projects which are to be financed during the current year.

(4) The competitive procedure shall be held on the basis of a methodology for performance of the assessment, endorsed by the Minister of Economy, Energy and Tourism and published on the Internet site of the Ministry of Economy, Energy and Tourism.

(5) The assessment shall be performed on the basis of the following criteria and priorities:

1. amount of investments under the investment project to be implemented during a three-year period;

2. (Amended, SG, No. 20 of 2009, effective 17.03.2009) amount of State resources for construction of the physical infrastructure according to the design referred to in sub-paragraph 2 of Article 34 herein;

3. implementation of investments in high technology production and services covered under Article 3 (5) and

(6) herein;

4. implementation of investments in municipalities referred to in Article 3 (2) herein.

(6) The requests for promotion shall be ranked on the basis of the criteria and priorities covered under

Paragraph (5).

(7) The Minister of Economy, Energy and Tourism shall lay before the Council of Ministers a motion

according to the procedure established by Article 34 herein observing the order of the ranking, and the total

amount of the requests must be within the limits of the resources provided for under Paragraph (3).

(8) (Amended, SG, No. 62/2010) The motions which have dropped out of the ranking under Paragraph (7) shall be included in the next succeeding evaluation session, but may not be included in more than six such sessions.

(9) The motion shall be laid before the Council of Ministers according to the procedure established by Article 34 herein, without applying the procedure for selection and ranking solely in the cases where the total amount of all requests received is up to the amount of the resources under Paragraph (3).

(10) (Supplemented, SG, No. 62/2010) The evaluation and ranking of the requests shall be performed by officials empowered by the Minister of Economy, Energy and Tourism and/or by an organisational structure pursuant to the Structural Regulations of the Ministry of Economy, Energy and Tourism.

**Article 36.** (Amended, SG, No. 20 of 2009, effective 17.03.2009)

(1) Financial support is not state aid for enterprises in the meaning of § 1, sub-paragraph 1 of the Additional

Provision of the State Aid Act, provided that the following conditions are cumulatively fulfilled:

1. the financial support is intended for construction of elements of the public (state or municipal) technical

infrastructure to the boundaries of the property in which the investment is made;

2. (Amended, SG, No. 62/2010) the funds are granted to an executive authority, public undertaking or trader

in its capacity of owner of the infrastructure referred to in sub-paragraph 1, who is a client, according to the

procedure of Article 7 of the Public Procurement Act, of the design and construction of the infrastructure;

3. (Amended, SG, No. 62/2010) the public procurement is done by carrying out an open procedure under

the Public Procurement Act or open competition under the Ordinance on the Award of Small Public

Procurements, adopted with Council of Ministers Decree 249 of 2004 (promulgated, SG, No. 84 of 2004;

corrected, No. 93 of 2004; amended and supplemented, No. 59 of 2005, No. 53 of 2006, No. 83 of 2007 and

No. 3 and 34 of 2009);

4. the infrastructure is used not only by the person referred to in Article 34, sub-paragraph 1, but also by all

existing and potential consumers at equal and non-discriminative conditions.

**Article 37.** (1) (Amended and supplemented, No. 20 of 2009, effective 17.03.2009) The Minister of

Economy, Energy and Tourism or an official empowered thereby shall assess the conformity of each ranked

project for financial support for the construction of infrastructure with the requirements of Commission

Regulation (EC) No 1998/2006 of 15 December 2006 on the application of Articles 87 and 88 of the Treaty

to *de minimis* aid (OJ, L 379 of 28.12.2006).

(2) (Amended, No. 20 of 2009, effective 17.03.2009) In case the value of the financial support for each

undertaking does not exceed the lev equivalent of EUR 200,000, EUR 100,000 respectively for undertakings

operating in the "road sector" branch, for each triennial period, and the support fulfils all conditions of the

Regulation referred to in Paragraph (1), the Minister of Economy, Energy and Tourism shall lay the motion

under Article 34 herein before the Council of Ministers.

**Article 38.** (Amended, No. 20 of 2009, effective 17.03.2009) Where the conditions under Articles 36 and 37

herein do not apply, the Minister of Economy, Energy and Tourism or an official empowered thereby shall

assess the conformity of each ranked project for construction of infrastructure with the requirements of

Regulation No 800/2008 and with the terms established by Chapter Seven herein.

**Article 39.** (1) Where the conditions under Articles 36 to 38 herein do not apply, the Minister of Economy,

Energy and Tourism or an official empowered thereby shall prepare the information necessary for

notification to the European Commission of the intention to allocate financial support for construction of

physical-infrastructure elements according to the procedure established by Article 7 of the State Aids Act.

(2) Until a positive decision of the European Commission, the resources for financial support for construction

of physical-infrastructure elements shall not be provided.

**Article 40.** (1) (Amended, SG, No. 62/2010) The Council of Ministers shall adopt a decree on allocation of

resources from the executive budget under the project for construction of physical-infrastructure elements.

(2) In case the circumstances under Article 39 herein apply, the said decree shall be adopted and the funds

under Paragraph (1) shall be allocated after a positive decision of the European Commission on the

provision of the financial support.

(3) The funds under Paragraph (1) shall be allocated where at least 50 percent of the specified threshold

amount of the investment for issuing of the corresponding investment class certificate is implemented and

up to the third year from the start of the works / activities under the investment project.

(4) In the events where the investor or the owner of the public technical infrastructure has carried out at his

own expense the design and construction of the infrastructure in accordance with a design agreed in

advance and a contract with the Council of Ministers under this Chapter, the resources shall be reimbursed

within 60 days of the submission of the supporting documents required under the contract approved, and

provided that the requirements of Paragraph (3) are met.

**Article 41.** (1) (Supplemented, SG, No. 62/2010) The Council of Ministers shall adopt a decision approving the draft contracts and authorising the Minister of Economy, Energy and Tourism to conclude contracts:

1. with the investor and/or with the persons referred to in Article 17 (1) of the IPA, as well as
2. with the person who awards the designing and construction of the physical-infrastructure elements, related to the implementation of the investment design, up to the property line according to the procedure established by the Public Procurement Act and the Ordinance on the Award of Small Public Procurements.

(2) By the contract referred to in Item 1 of Paragraph (1), the investor shall undertake to perform the investment project, and the State shall undertake to provide resources for construction of physicalinfrastructure elements from the nearest constructed elements to the property border line according to the design referred to in Item 2 of Article 34 herein.

(3) The contract referred to in Item 1 of Paragraph (1) shall mandatorily contain:

1. subject matter of the contract;
2. contracting parties;
3. title of the investment project;
4. principal rights and obligations;
5. type and amount of the investment;
6. time limit for performance of the investment project and period for maintenance of the investment;
7. description of the infrastructure elements with characteristics and parameters;
8. time limit for construction of the infrastructure, disaggregated by stage, and provision of the resources;
9. type and amount of the security to be furnished for fulfilment of the obligations under the contract;
10. manner of reporting the performance of the investment project;
11. type and amount of the liability incurrable for non-fulfilment of the obligations under the contract;
12. control over the fulfilment of the obligations by the parties;
13. methods of settlement of disputes between the parties;
14. grounds for early termination of the contract and rights of the party not at fault;
15. other elements on which the parties have reached agreement.

(4) The investment project shall constitute an integral part of the contract referred to in Item 1 of Paragraph

(1).

(5) By the contract referred to in Item 2 of Paragraph (1), the relevant person shall undertake to ensure the designing and construction of the physical-infrastructure elements, as specified between the parties in the contract referred to in Item 1 of Paragraph (1), through conduct of procedures according to the procedure established by the Public Procurement Act and the Ordinance on the Award of Small Public Procurements.

(6) The contract referred to in Item 2 of Paragraph (1) shall mandatorily contain:

1. subject matter of the contract;
2. time limit for execution of the infrastructure facility;
3. stages of construction of the facility and pecuniary resources projected for each stage;
4. principal rights and obligations;
5. type and amount of the security to be furnished for fulfilment of the obligations under the contract;
6. type and amount of the liability incurrable for non-fulfilment of the obligations under the contract;
7. control over the fulfilment of the obligations by the parties;
8. methods of settlement of disputes between the parties;
9. grounds for early termination of the contract and rights of the party not at fault;
10. other elements on which the parties have reached agreement.

(7) The design referred to in Item 2 of Article 34 herein shall constitute an integral part of the contract

referred to in Item 2 of Paragraph (1).

(8) The contracts covered under Paragraph (1) shall enter into force after a positive decision of the

European Commission on provision of the financial support, if the circumstances under Article 39 herein

apply.

(9) (New, SG, No. 62/2010) Standard forms of contracts under Paragraph (1) shall be made available on the

internet site of the Ministry of Economy, Energy and Tourism on the basis of contracts for allocation of funds

approved by the Council of Ministers.

## **Chapter Six**

(Effective by 31.12.2013, see § 38 of the Transitional and Final Provisions to Council of Ministers Decree 55

of 6 March 2009 amending and supplementing the Regulations for Application of the Investment Promotion

Act – SG, No. 20 of 2009)

## **FINANCIAL SUPPORT FOR TRAINING FOR ATTAINMENT OF PROFESSIONAL QUALIFICATION**

### **Section I**

#### **Motion to Allocate Resources for Training**

**Article 42.** (1) The Minister of Economy, Energy and Tourism shall lay before the Council of Ministers a

motion to promote an investment project by the measure referred to in Article 22c of the IPA if the following

conditions apply:

1. (Amended, SG, No. 62/2010) a request has been received at the Ministry of Economy, Energy and

Tourism from an investor who has been awarded a Class A or Class B investment certificate or a certificate

for a priority investment project;

2. there is an investment project which:

(a) is performed in the high technology activities covered under Article 3 (5) or (6) herein, or

(b) is implemented in the municipalities referred to in Article 3 (2) herein, and

(c) satisfies the rest of the requirements under Article 22c (1) of the IPA;

3. (Supplemented, SG, No. 20 of 2009, effective 17.03.2009) a training project, including brief information about the incentive effect of the measure in the meaning of Article 8, paragraphs (2) and (3) of Regulation No 800/2008, has been presented;

4. (Supplemented, SG, No. 20 of 2009, effective 17.03.2009) the documents referred to in Item 4 of Article 16 of the IPA, the corresponding documents referred to in Article 5, Paragraph (1) regarding the incorporated legal entity under Article 17 of the IPA, if such an entity has been registered, and a declaration in a special form, approved by the Executive Director of the Agency, about the state aid received during the last 3 years, including the current aid for the investor or the persons under Article 17 of the IPA, have been presented;

5. (Supplemented, SG, No. 20 of 2009, effective 17.03.2009) an investment project has been approved for promotion after conduct of a competitive procedure according to the procedure established by Article 43 herein, where applicable.

6. (New, SG, No. 20 of 2009, effective 17.03.2009) the conditions covered under Sections II and III of this Chapter have been verified.

(2) The training project referred to in Item 3 of Paragraph (1) must satisfy the following requirements:

1. (Amended, SG, No. 62/2010) under Article 22c (1) of the IPA for attainment of professional qualification of not less than 50 persons, including trainees from the higher schools, who have occupied the new jobs created in the course of the implementation of the investment;
2. under Article 22c (4) of the IPA;
3. under Article 44 herein.

**Article 43.** (1) The competitive procedure for assessment and selection of investment projects for promotion by the measure referred to in Article 22c of the IPA shall be held on the basis of the documents covered under Items 1 to 4 of Article 42 (1) herein.

(2) The assessment shall be performed according to the procedure established by Article 35 herein.

(3) The assessment shall be performed on the basis of the following criteria:

1. amount of investments under the investment project to be implemented within a three-year period;
2. amount of State resources for implementation of the training project referred to in Item 3 of Article 42 (1) herein;
3. (Amended, SG, No. 62/2010) quality of the training project according to an opinion of the Minister of Education, Youth and Science in the cases where the professional qualification attained will be used not

only for the performance of the investment project and the document referred to in Article 44, Item 7 herein will be issued.

(4) The Minister of Economy, Energy and Tourism shall lay a motion before the Council of Ministers according to the procedure established by Article 42 herein observing the order of the ranking, and the total amount of the requests must be within the limits of the resources provided for under Article 35 (3) herein.

**Article 44.** (Amended, SG, No. 62/2010) The training project referred to in Article 42 (1), Item 3, and Article 42 (2) herein, applying for financial support for acquiring professional qualification, shall relate to specific training in the meaning of Article 38 of Regulation No. 800/2008 and shall contain information on:

1. the purpose and time limit of training, including expected start and end dates (month, year) for the training;
2. form of organisation and place of delivery of the training;
3. detailed curriculum, including subjects and number of periods;
4. number of factory/office workers: total and disaggregated by principal group of occupations and positions;
5. training organisation or independent training by the investor;
6. estimate of planned costs of the project: total and disaggregated by year;
7. a document of professional qualification, issued according to the Vocational Education and Training Act, if the training is delivered not only for performance of the investment project.

**Article 45.** (Amended, SG, No. 20 of 2009, effective 17.03.2009, SG, No. 62/2010) The Minister of

Economy, Energy and Tourism or an official empowered thereby shall agree the project for specific training

submitted by requesting a written opinion from:

1. the Minister of Education, Youth and Science, where the professional qualification attained is envisaged

to be used not only for the performance of the investment project and the document referred to in Article 44,

Item 7 will be issued;

2. the Executive Director of the Employment Agency for assessment of the compliance of the training project submitted with the requirements of Regulation No. 800/2008 and in connection with the follow-up control of the contract for the implementation of the training project and the obligations of the investor related to employment.

(2) The opinions referred to in Paragraph (1) shall be provided within 14 days of the date of receipt of the training project.

(3) The materials shall be deemed to have been agreed without comments, if no opinion is received within the deadline specified in Paragraph (2).

## **Section II**

### **Conditions for Exemption from Prior Notification to the European Commission**

(Heading amended, SG, No. 20 of 2009, effective 17.03.2009)

**Article 45a.** (New, SG, No. 20 of 2009, effective 17.03.2009) (1) The individual aid granted under an aid

scheme for training, which fulfils all conditions of Chapter I and Chapter II, Section VIII of Regulation No

800/2008, shall be compatible with the common market in the meaning of Article 87, Paragraph (3) of the

Treaty establishing the European Community and shall be exempted from the obligation for providing

information under Article 88, Paragraph (3) of the Treaty.

(2) Each measure for individual aid, granted under Regulation No 800/2008, shall explicitly contain a

reference to the specific provisions of Chapter II of Regulation No 800/2008 and to the national legislation

on which the individual aid is based and shall be reflected in the corresponding act for granting the aid under

Article 49 and in the contract with the beneficiary of the aid under Article 50, Paragraph (2).

(3) No aid shall be provided for promotion of investments which, pursuant to Chapter I, Article 1, subparagraph

2 of Regulation No 800/2008 are:

1. aid to export-related activities, namely aid directly linked to the quantities exported, to the establishment

and operation of a distribution network or to other current costs linked to the export activity;

2. aid contingent upon the use of domestic over imported goods.

**Article 46.** (1) The resources for financial support are allocated to cover the following eligible costs of the

training project:

1. trainers' personnel costs;

2. (Amended, SG, No. 20 of 2009, effective 17.03.2009) travel and subsistence expenses of the trainees

and trainers;

3. (Amended, SG, No. 20 of 2009, effective 17.03.2009) other current expenses, such as materials and

consumables directly related to the project;

4. depreciation of assets to the extent that they are used exclusively for the training project;

5. cost of management and consulting services with regard to the training project;

6. (Amended, SG, No. 20 of 2009, effective 17.03.2009) costs related to trained personnel and general

indirect costs (administrative expenses, rents, overhead expenses) up to the amount of the total of the

eligible costs referred to in Items 1 to 5; with regard to the costs related to trained personnel may be taken

into account only in respect of the hours during which the trainees actually participate in the training, after

deduction of any productive hours;

7. (New, SG, No. 62/2010) costs for audit of the project implemented, which may not exceed one percent of

the eligible costs of the training project.

(2) (Supplemented, SG, No. 20 of 2009, effective 17.03.2009) The costs covered under Paragraph (1) shall be taken before any deduction for taxation and fees.

(3) (Amended, SG, No. 20 of 2009, effective 17.03.2009, SG, No. 62/2010) The amount of resources for financial support under this Section may not exceed 25 percent of the eligible costs for specific training in connection with Article 39, Item 2, Littera (a) of Regulation No. 800/2008.

(4) (Amended, SG, No. 20 of 2009, effective 17.03.2009, SG, No. 62/2010) The intensity of the support

under Paragraph (3) can be increased:

1. by 10 percentage points if the aid is intended for training of workers with disabilities or disadvantaged workers;

2. by 10 percentage points if the aid is granted to medium-sized enterprises and by 20 percentage points if the aid is granted to small enterprises.

(5) (New, SG, No. 20 of 2009, effective 17.03.2009) In order to calculate the aid payable in several instalments, it shall be discounted to its value at the moment of granting of the said aid, using the reference interest rate used for state aid.

**Article 47.** The total amount of resources for financial support, received according to the procedure established by this Section and from financing by other State resources or Community resources in connection with the same eligible costs, may not exceed the amount covered under Article 46 (3) herein.

### **Section III**

#### **Financial Support Subject to Prior Notification to the European Commission**

**Article 48.** (1) (Amended, SG, No. 20 of 2009, effective 17.03.2009, SG, No. 62/2010) In case the resources for financial support for a training project, received in accordance with the procedure of this

Chapter and by way of financing with other state resources or Community resources, exceed the lev

equivalent of EUR 2 million, or the training project does not conform to the conditions under Section II, the

Minister of Economy, Energy and Tourism shall prepare a notification of the intention to allocate financial

support according to the procedure established by Article 7 of the State Aids Act.

(2) The resources for financial support shall be provided only after a positive decision on the part of the European Commission.

### **Section IV**

#### **Procedure for Allocation of Resources**

**Article 49.** (1) The Council of Ministers shall adopt a decree on allocation of resources under the training project.

(2) (Supplemented, SG, No. 62/2010) In case the circumstances under Article 48 herein apply, the said

decree shall be adopted and the funds shall be allocated after a positive decision of the European

Commission on the provision of the financial support.

(3) (New, SG, No. 62/2010) The funds shall be allocated if the following conditions are cumulatively met:

1. at least 50 percent of the specified threshold amount of the investment for issuing the corresponding

investment class certificate is implemented;

2. for reimbursement of the resources spent on the training carried out of at least 50 persons in accordance

with the training project under Article 44 herein and the contract/s concluded under Article 50 herein.

**Article 50.** (1) (Supplemented, SG, No. 62/2010) The Council of Ministers shall adopt a decision approving

the draft contracts and authorising the Minister of Economy, Energy and Tourism to conclude a contract/contracts:

1. with the investor and/or with the persons referred to in Article 17 (1) of the IPA, and/or

2. with a training organisation referred to in Article 22c (2) of the IPA, where the employer investor does not

perform the training project independently.

(2) By the contract referred to in Item 1 of Paragraph (1), the employer investor shall undertake to perform

the investment project and the training project, and the State shall undertake to provide resources for the

eligible costs of the training project under the terms established by this Chapter.

(3) (Supplemented, SG, No. 62/2010) The contract referred to in Item 1 of Paragraph (1) shall mandatorily

contain all requirements of the IPA regarding the investment project and the investor, as well as the

conditions and requirements for the granting of state aid under the state aid for training scheme:

1. subject matter of the contract;

2. contracting parties;

3. title of the investment project;

4. principal rights and obligations;

5. type and amount of the investment;

6. time limit for performance of the investment project and period for maintenance of the investment;

7. number of employees who are to be trained;

8. content of training and envisaged means to be used;

9. start date for training or retraining of the relevant number of employees;

10. amount of the costs of training;

11. type of costs and means provided;

12. amount and period for which financial aid is to be provided;

13. manner and time limit for spending of the resources for training;

14. obligation to restore the resources provided or part thereof if the said resources are not spent fully within

the agreed period or if more resources than necessary are provided, as well as the period and conditions for

restoration of the financial aid;

15. manner of reporting the performance of the training project;

16. type and amount of the security to be furnished for fulfilment of the obligations under the contract;

17. type and amount of the liability incurrable for non-fulfilment of the obligations under the contract;

18. control over the fulfilment of the obligations by the parties;

19. methods of settlement of disputes between the parties;

20. grounds for early termination of the contract and rights of the party not at fault;

21. other elements on which the parties have reached agreement.

(4) The investment project and the training project shall constitute an integral part of the contract referred to

in Item 1 of Paragraph (1).

(5) By the contract referred to in Item 2 of Paragraph (1), the training organisation, selected on a competitive

basis, shall undertake to perform the training project or part thereof.

(6) The contract referred to in Item 2 of Paragraph (1) shall mandatorily contain:

1. subject matter of the contract;

2. contracting parties;

3. title of the training project;

4. principal rights and obligations;

5. number of employees who are to be trained or retrained;

6. content of training and envisaged means to be used;

7. start date for training or retraining of the relevant number of employees;

8. amount of the eligible costs of the training project;

9. type of costs and means provided;

10. amount and period for which financial aid is to be provided;

11. manner and time limit for spending of the resources for training;

12. obligation to return the resources provided or part thereof if the said resources are not spent fully within

the agreed period or if more resources than necessary are provided, as well as the period and conditions for

return of the financial aid;

13. manner of reporting the performance of the training project;

14. type and amount of the security to be furnished for fulfilment of the obligations under the contract;

15. type and amount of the liability incurrable for non-fulfilment of the obligations under the contract;

16. control over the fulfilment of the obligations by the parties;

17. methods of settlement of disputes between the parties;

18. grounds for early termination of the contract and rights of the party not at fault;

19. other elements on which the parties have reached agreement.

(7) The training project shall constitute an integral part of the contract referred to in Item 2 of Paragraph (1).

(8) The contracts covered under Paragraph (1) shall enter into force after a positive decision of the

European Commission on provision of the financial support, if the circumstances under Article 48 herein

apply.

(9) (New, SG, No. 62/2010) Standard forms of contracts under Paragraph (1) shall be made available on the internet site of the Ministry of Economy, Energy and Tourism on the basis of contracts for allocation of funds approved by the Council of Ministers.

## **Section V**

### **Transparency and Monitoring**

**Article 51.** (Supplemented, SG, No. 62/2010) The investor shall certify the eligible costs of the training project incurred by means of supporting documents within three months after implementation of the training project or in accordance with the contract under Article 50 herein.

**Article 52.** (Amended, SG, No. 62/2010) (1) The control over the implementation of the contract/s under

Article 50 herein shall be exercised by:

1. an official authorised by the Minister of Economy, Energy and Tourism in accordance with Article 69

herein for the investment project;

2. an official authorised by the Minister of Labour and Social Policy in connection with the implementation of the training project and the fulfilling of the indicators of the investment project related to employment.

(2) The Minister of Economy, Energy and Tourism or the official authorised thereby in accordance with

Paragraph (1) shall maintain the register referred to in Article 12 (3) of the State Aid Act for the financial

resources granted under this Chapter, and the archive with the whole information for a period of 10 years

from the date on which the financing was granted.

## **Chapter Seven**

(Effective by 31.12.2013, see § 38 of the Transitional and Final Provisions to Council of Ministers Decree 55

of 6 March 2009 amending and supplementing the Regulations for Application of the Investment Promotion

Act – SG, No. 20 of 2009)

### **CONDITIONS FOR PROMOTION OF INVESTMENTS IN THE EVENT OF REGIONAL AID**

(Heading amended, SG, No. 20 of 2009, effective 17.03.2009)

#### **Section I**

##### **Conditions for Exemption from Prior Notification to the European Commission**

(Heading amended, SG, No. 20 of 2009, effective 17.03.2009)

**Article 52a.** (New, SG, No. 20 of 2009, effective 17.03.2009) (1) The regional investment aid scheme and

the regional employment aid scheme, which fulfils all conditions of Chapter I, Article 12 and Chapter II,

Section I of Regulation No 800/2008, shall be compatible with the common market in the meaning of Article

87, Paragraph (3) of the Treaty establishing the European Community and shall be exempt from the

obligation for providing information under Article 88, Paragraph (3) of the Treaty.

(2) Individual lump sum aid, which is used only to complement aid granted under the schemes referred to in Paragraph (1) and which does not exceed 50 percent of the total aid for the investment and fulfils the conditions of Regulation 800/2008, shall be compatible with the common market in the meaning of Article 87, Paragraph (3) of the Treaty establishing the European Community and shall be exempt from the obligation for providing information under Article 88, Paragraph (3) of the Treaty.

(3) Each measure for regional aid shall explicitly contain a reference to the specific provisions of Chapter II of Regulation 800/2008 and to the national legislation on which the individual aid is based and shall be reflected in the corresponding act for granting the aid and in the contract with the beneficiary of the aid.

**Article 53.** (Amended, SG, No. 20 of 2009, effective 17.03.2009) (1) The regional aid intensity, expressed in present gross grant equivalent, shall not exceed the regional aid ceiling in force as at the time of granting the aid to the corresponding region under Article 13, sub-paragraph 3 of Regulation No 800/2008, in accordance with the approved regional map for the period 2007 – 2013, to the amount of 50 per cent, where:

1. pursuant to Article 13, sub-paragraph 4 of Regulation No 800/2008 the base 50 percent intensity shall be increased by 20 percentage points for aid for investments awarded to small enterprises and by 10 percentage points for aid awarded to medium-sized enterprises, with the exception of the aid granted in favour of large investment projects and regional aid for the transport sector.

2. for the purpose of calculating the intensity of the aid all data used shall be taken into account before the deductions for taxes and other fees; where the aid is in the form other than a grant, the amount of this aid shall be the grant equivalent of the aid.

(2) (Supplemented, SG, No. 62/2010) The total amount of the gross equivalent of the regional aid from all sources, received in accordance with the procedure of this Section, may not exceed the individual threshold set in Chapter I, Article 6, sub-paragraph 1, Littera (a), and sub-paragraph 2 of Regulation No. 800/2008:

1. for SME – EUR 7.5 million per undertaking per investment project;

2. seventy five percent of the maximum aid amount, which an investment with eligible costs of EUR 1 million can receive by applying the standard aid threshold valid for large enterprises in the approved regional aid map as at the date on which the aid has been provided, under Paragraph (1).

**Article 54.** (1) The eligible material assets shall be limited to assets relating to land, buildings, machinery

and plant, and the eligible immaterial assets shall be limited to assets entailed by the transfer of technology

through the acquisition of patent rights, licences, know-how or unpatented technical knowledge.

(2) To be eligible, the costs of acquisition of immaterial assets must:

1. be used exclusively in the enterprise receiving the aid;

2. be regarded as amortizable assets;

3. (Supplemented, SG, No. 20 of 2009, effective 17.03.2009) be purchased from third parties under market

conditions, where the buyer is not in a position allowing him to exercise control over the seller in the

meaning of Article 3 of Council Regulation (EC) No. 139/2004 on the control of concentrations between

undertakings (OJ, L 24 of 29.01.2004), or vice-versa;

4. (Supplemented, SG, No. 20 of 2009, effective 17.03.2009) be included in the assets of the enterprise and

remain in the enterprise receiving regional aid for at least five years or in the event of SMEs – for at least

three years;

5. (Amended, SG, No. 62/2010) be new.

(3) For small and medium-sized enterprises, the full costs of investments in immaterial assets shall be taken

into consideration.

(4) (Amended, SG, No. 62/2010) For large enterprises, the costs referred to in Paragraph (2) shall be

eligible up to a limit of 50 per cent of the total eligible expenditure for the project.

(5) (New, SG, No. 62/2010) To be eligible, costs for acquisition of tangible assets must:

1. be used exclusively in the enterprise receiving the aid;

2. be purchased from third parties under market conditions, where the buyer is not in a position allowing him

to exercise control over the seller in the meaning of Article 3 of Council Regulation (EC) No. 139/2004 on

the control of concentrations between undertakings (OJ, L 24 of 29.01.2004), or vice-versa;

3. be included in the assets of the enterprise and remain in the enterprise receiving regional aid for at least

five years or in the event of SMEs – for at least three years;

4. be new.

(6) (New, SG, No. 62/2010) In the transport sector the costs on transport vehicles and facilities shall not be eligible assets.

**Article 55.** (1) The ceilings fixed under Article 53 (1) herein shall apply to the aid intensities calculated either

as a percentage of the eligible costs of material and immaterial assets covered under Article 54 herein or as

a percentage of the estimated labour remuneration costs of the persons hired, calculated over a period of

two years, for jobs directly created by the investment project.

(2) The two methods of calculation referred to in Paragraph (1) may be combined, provided the aid does not

exceed the most favourable amount resulting from the separate application of either method.

(3) Aid payable in several instalments shall be discounted to its value at the moment of granting of the said aid, using for discounting purposes a reference interest rate set by the European Commission at the time of grant of the aid.

**Article 56.** (1) The costs related to the acquisition of assets under lease, other than land and buildings, shall only be taken into consideration if the lease takes the form of financial leasing and contains an obligation to purchase the assets at the expiry of the term of the lease.

(2) The lease of land and buildings must continue for at least five years, or three years in the case of small and medium-sized enterprises, after the anticipated date of the completion of the investment project.

**Article 57.** (Amended, SG, No. 20 of 2009, effective 17.03.2009) (1) In the cases where the aid is calculated on the basis of labour remuneration costs, the employment shall comply cumulatively with the conditions of Chapter I, Article 12, Paragraph (3) of Regulation No 800/2008:

1. it shall be directly linked to the implementation of the investment project;
2. the investment project shall lead to a net increase in the number of employees in the undertaking/organisation concerned, compared with the average number of employees over the previous 12 months;
3. the employment created shall be maintained during a minimum period of five years in the case of large enterprise and a minimum period of three years in case of SMEs.

**Article 58.** This Section shall not apply in respect of the aid contingent upon the use of domestic preference to imported goods, as well as to investments in export-related activities towards third countries or towards other Member States of the European Union which are directly linked to the quantities exported, to the establishment and operation of distribution networks or to other current expenditures linked to the export activity.

## **Section II Cumulation**

**Article 59.** (1) The ceilings of aid fixed under Article 53 (1) herein shall apply to the total amount of public support for the aided project, regardless of whether the said support is financed from municipal, regional, national or Community sources.

(2) Regional investment aid, which satisfies the conditions under this Chapter, shall not be cumulated with any other State aid within the meaning given by Article 87 (1) of the Treaty or with other Community or national funding, nor with any *de minimis* aid within the meaning given by Item 3 of § 1 of the Supplementary Provision of the State Aids Act in respect of the same eligible costs, if such cumulation

would result in an aid intensity exceeding that fixed under Article 53 (1) herein.

### **Section III**

#### **Aids Subject to Prior Notification to the European Commission**

**Article 60.** (1) The aid granted in favour of large investment projects under this Chapter shall be subject to

prior notification if the total amount of the aid from all sources exceeds 75 per cent of the maximum amount

of aid which an investment project with eligible expenditure of the lev equivalent of EUR 100 million could

receive, applying the standard aid ceiling in force at the amount of 50 per cent.

(2) (Repealed, SG, No. 20 of 2009, effective 17.03.2009).

(3) (Amended, SG, No. 62/2010) Individual notification to the Commission under Paragraph (1) shall be

effected by the Minister of Economy, Energy and Tourism or the official authorised thereby under Article 69

(1) herein, or by another executive authority, granting the aid. The notification shall be made in accordance

with the procedure established by Article 7 of the State Aids Act.

### **Section IV**

#### **Transparency and Monitoring**

**Article 61.** (1) (Supplemented, SG, No. 62/2010) In the cases where regional investment aid is granted in

favour of large investment projects and the said aid is below the threshold for individual notification under

Article 60 (1) herein, information laid down according to the Annex hereto shall be prepared within three

days after the date on which the competent authority: the Minister of Economy, Energy and Tourism or the

Executive Director of the Agency, or another executive authority, granted the aid.

(2) The information referred to in Paragraph (1) shall be transmitted to the Commission according to the

procedure established by the State Aids Act and the Regulations for Application of the said Act.

(3) (Amended, SG, No. 62/2010) The Minister of Economy, Energy and Tourism or a person authorised

thereby, or another executive authority granting the aid shall maintain the register referred to in Article 12 (3)

of the State Aids Act in respect of the aids granted according to the procedure established by this Chapter,

including information on the status of the enterprise.

(4) The information referred to in Paragraph (3) shall be stored in the course of ten years from the date on

which the individual aid was awarded under such scheme.

(5) The competent authority specified in Paragraph (3) or an official empowered thereby shall prepare a

report regarding the application and implementation of the conditions under this Chapter for each complete

calendar year or part thereof, publishing the full text of the aid scheme and communicating to the

Commission the Internet address of the publication.

(6) The said report shall be transmitted to the Commission according to the procedure established by the State Aids Act.

### **Chapter Eight**

(New, SG, No. 62/2010)

#### **PRIORITY INVESTMENT PROJECTS**

**Article 62.** (New, SG, No. 62/2010) (1) Priority investment projects referred to in Article 22f (1) of the IPA

shall be implemented in all economic activities in accordance with Article 2 (2), Item 3 and Article 2 (5) – (6).

(2) The classification of economic activities under Paragraph 1 and the products manufactured as a result of the investment shall be determined in accordance with the procedure specified in Article 2, Paragraphs (3) and (4).

(3) Priority investment projects referred to in Paragraph (1) and investors applying for them shall meet the following requirements:

1. the threshold amount of the investment which meets the conditions of Article 12 of the IPA within any single establishment in the meaning of § 1, Item 7 of the Supplementary Provisions of the IPA shall be as specified in Article 63 herein, taking into account the possibilities for decreasing the investment by up to 50 percent in accordance with the conditions laid down in Article 64 herein;

2. they shall create and maintain employment, directly created as a result of the investment project, in accordance with Item 7 of Article 12 (2) of the IPA, with a minimum number of people employed defined in accordance with Article 64 (1) – (4) herein;

3. they shall meet the specific requirements related to investment projects for industrial zones and technological parks;

4. the investors applying for priority projects shall meet the requirements of Article 13 – 13a of the IPA and shall submit the documents under the conditions and in accordance with the procedure specified in Chapter

Two, Sections One and Two herein, also verifying the requirements set out in this Chapter;

5. for applying the measures for promoting investment projects, all conditions for eligible state aid under the training scheme and regional development scheme shall be met in compliance with the requirements of Regulation No. 800/2008.

**Article 63.** (New, SG, No. 62/2010) (1) The threshold amount of investments within a single establishment

shall be BGN 100 million, except for the cases set out in Paragraphs (2) – (5).

(2) The threshold amount of investments within a single establishment shall be BGN 50 million in the events

where the priority investment project is implemented:

1. within the administrative boundaries of municipalities where the rate of unemployment for the year last preceding the current year is equal to or higher than the national average, as defined in the list referred to in

Article 3 (8) herein;

2. within high technology activities in the processing industry, specified in Article 3 (5) herein;

(3) The threshold amount of investments shall be BGN 20 million within a single establishment in the field of

high technology and knowledge-intensive services specified in Article 3 (6) herein.

(4) The threshold amount of investments within a single establishment for a priority investment project for

the development of an industrial zone and its development into an industrial park through attracting of

investments shall be BGN 70 million, and:

1. the following shall be included in the amount of investments:

a) investments in the processing industry for a total amount of not less than 40 percent of the threshold

amount specified;

b) investments in land and technical infrastructure for the development of the industrial zone; expenditure on

the clearing and preparation of the building site in the event of unused old buildings or unfinished

construction, or environmental pollution, and for levelling of the site shall also be eligible;

c) investments in high technological and knowledge-intensive services specified in Article 3 herein shall also

be eligible;

d) other investments which serve as a top-up to achieve the threshold amount of investments, in an amount

not exceeding 10 percent of the threshold amount specified;

2. when the investments in economic activities and their combination for the development of an industrial

zone and its development into an industrial park are identified, the requirements for the development of

industrial territories defined as “purely industrial” of “primarily industrial” in accordance with the procedure of

Articles 24 and 25 of Ordinance No. 7 from 2003 on the rules and standards for the structure of individual

types of territories and development zones (promulgated, SG, No. 3/2004; amended and supplemented, No.

10/2005; Ruling No. 653 of the Supreme Administrative Court from 2005 – No. 11/2005; amended and

supplemented, No. 51/2005; Ruling No. 7028 of the Supreme Administrative Court from 2005 – No.

63/2005; amended and supplemented, No. 41/2008), shall be taken into account, in accordance with Item

12 of § 1 of the Supplementary Provisions of the IPA.

(5) The threshold amount of investments within a single establishment for a priority investment project for

the development of a technological park shall be BGN 30 million, and:

1. the following shall be included in the amount of investments:

a) not less than 30 percent investments in research and development, in information technologies and services, in education and human healthcare under Article 3 (6) herein, for transfer of technologies and innovations;

b) investments in start-up innovative enterprises in the production field in the sectors with Codes C, D and E, as well as in the other economic activities from the sector with Code J – “Professional Activities and Research”; Code M – “Development and broadcasting of information and creative products; telecommunications”, defined as high technology and knowledge-intensive services;

c) investments in land, buildings and technical infrastructure for the development of the technological park; expenditure on the clearing and preparation of the building site in the event of unused old buildings or unfinished construction, or environmental pollution, and for levelling of the site shall also be eligible;

2. when the investments in economic activities and their combination for the development of a technological park are identified, the requirements for the development of territories from the “high technological industrial zone” variety (technological parks and other similar) in accordance with the procedure of Articles 24 and 25 of Ordinance No. 7 from 2003 on the rules and standards for the structure of individual types of territories and development zones shall be taken into account, in accordance with Item 13 of § 1 of the Supplementary Provisions of the IPA.

(6) Where the investment in a certain priority project falls simultaneously within the cases specified in Paragraphs (2) – (5), the investor shall be entitled to choose the option for a threshold amount of investments which is more favourable for him, while also complying with the other conditions set out in Article 64 herein.

**Article 64.** (New, SG, No. 62/2010) (1) Priority investment projects shall create and maintain employment, and the minimum average annual number of people employed, as from the date of the completion of the investment, shall be:

1. two hundred people employed under Article 63 (1) herein;
2. one hundred people employed for investments in municipalities with high level of unemployment, hightech production and development of industrial zones under Article 63 (2) and (4) herein;
3. fifty people employed in high technology and knowledge-intensive services and for technological parks under Article 63 (3) and (5) herein.

(2) In the events where the investment project envisages employment, higher than that specified in Items 1

and 2 of Paragraph (1), for each 100 people employed the threshold amount of investments required shall be decreased by 10 percent. In this case the amount of investments cannot be lower than 50 percent of the threshold amount specified for these projects.

(3) In the events where the investment project envisages employment, higher than this specified in Item 3 of

Paragraph (1) and Paragraph (5), for each 50 people employed the threshold amount of investments required shall be decreased by 10 percent. In this case the amount of investments cannot be lower than 50 percent of the threshold amount specified for these projects.

(4) The employment created shall be maintained for a period of 5 years for large enterprises and technological parks and 3 years for medium-sized and small enterprises, as from the date of implementation of the investment project.

(5) The requirement of Paragraphs (1) and (4) related to employment shall not apply in the cases where employment is created for at least one year, defined as an average annual number of people employed over the three-year period of project implementation, as from the date of issuing of the certificate, and:

1. the threshold amount of the investment is BGN 100 million and more than 300 new jobs are created;

2. the threshold amount of the investment is BGN 50 million, more than 150 new jobs are created and the

investment is implemented entirely within the administrative boundaries of the municipalities in the list

referred to in Article 3 (8) herein.

(6) In the events where the investment project envisages employment, higher than this specified in

Paragraph (5), for each 100 people employed the threshold amount of investments required shall be

decreased by 10 percent. In this case the amount of investments cannot be lower than 50 percent of the

threshold amount specified for these projects.

**Article 65.** (New, SG, No. 62/2010) The investor applying for a certificate for a priority investment project

shall submit to the InvestBulgaria Agency all documents under the conditions and in accordance with the

procedure set out in Chapter Two herein, also verifying the requirements set out in Paragraphs (2) – (5).

(2) Applicants which are consortia of at least two entities, which are directly responsible for the implementation of the project activities and do not act in the capacity of intermediaries, shall be entitled to

apply for construction and development of technological parks or for construction and development of an

industrial zone into an industrial park.

(3) In the consortium referred to in Paragraph (2) for construction and development of a technological park

at least one of the entities listed below shall participate:

1. Bulgarian higher schools, which have been awarded a grade “good” during the last valid institutional accreditation in accordance with Chapter Ten of the Higher Education Act, or foreign higher schools;
2. the Bulgarian Academy of Sciences and its institutes and units;
3. the Agricultural Academy and its institutes;
4. foreign or Bulgarian experimental laboratories and/or research institutes under Article 60 of the Administration Act;
5. foreign or Bulgarian scientific organisations in the meaning of Item 1 of § 1 of the Supplementary Provision of the Scientific Research Promotion Act.

(4) The consortium referred to in Paragraph (2) can also include the interested local executive authorities in the location of the investment and/or sole proprietor companies with state or municipal participation.

(5) The consortia referred to in Paragraph (2) shall submit together with their applications a document, proving the establishing of a consortium – a company agreement in accordance with Article 357 of the Obligations and Contracts Act, a company agreement, statute or another applicable document of incorporation, setting out the objectives of the consortium established, the rights and obligations of the participants in connection with the implementation of the proposed project activities, including the rights of ownership of the project results and benefits.

(6) Each participant in the consortium referred to in Paragraph (2) shall ensure the continued operation of the consortium for a period of at least 5 years after the completion of the project and this circumstance shall be explicitly arranged in the applicable incorporation document under Paragraph (5).

(7) The consortium referred to in Paragraph (2) for construction and development of an industrial zone into an industrial park must contain an entity making investments in the processing industry.

**Article 66.** (New, SG, No. 62/2010) (1) Priority investment projects can be promoted through a package of measures specified in Article 22f, Paragraph (2) of the IPA, including

1. shortened waiting time for administrative services under the procedure of Article 21 of the IPA;
2. individualised administrative services needed for implementation of the investment project under the procedure of Article 22 of the IPA and Chapter Three of these Regulations;
3. acquisition of a right of ownership or limited rights *in rem* to corporeal immovables without a tender or a competition, including at prices, lower than the market ones – based on the tax assessment, as well as

exemption from state fees for changing the land use under the conditions and in accordance with the procedure of Article 22a and Chapters Four and Seven of these Regulations;

4. financial support for construction of physical infrastructure elements under the procedure of Article 22b and Chapter Five of these Regulations;

5. financial support for training for attainment of professional qualification of people, including interns from the higher schools in Bulgaria, who are occupying the new jobs related to the investments under the procedure of Article 22c and Chapter Six of these Regulations;

6. institutional support in accordance with Article 22g (1) of the IPA by establishing the inter-departmental working group for the purposes of ensuring administrative support for a priority investment project for the period of validity of the certificate, specified in the Council of Ministers Decision under Article 68 (3) herein.

7. public-private partnership with the administrative regions and municipalities, higher schools and other organisations in the academic community, as well as with sole proprietor companies with state or municipal participation or budgetary enterprises, which may be co-establishers of a commercial company in the meaning of Article 22g (2) of the IPA for the implementation of the current Chapter and, where applicable, Chapters Four and Seven of these Regulations;

8. providing a grant for priority investment projects in connection with Article 22f (2), Item 1, Littera (b) of the IPA in the following cases and under the following conditions:

a) up to 50 percent maximum aid intensity for investments in education and research (Codes P 85 and M 72 according to CEA 2008), where at least 25 percent of the threshold amount of the investment specified for priority projects under Article 63 (3) or (5) herein is implemented and up to the third year from the start of the works / activities under the investment project;

b) up to 10 percent maximum aid intensity for investments in the processing industry in accordance with Item 1 of Article 2 (2) and Articles 5 and 6 herein, where at least 50 percent of the threshold amount of the investment for priority projects specified under Article 63 (1) and (2) or (4) herein is implemented and up to the third year from the start of the works / activities under the investment project;

c) the intensity of the aid provided under Litterae (a) and (b) shall be calculated as a percentage of the eligible costs of tangible and intangible assets under Article 54 herein for the investment in accordance with the requirements set out in Article 13, Item 5 of Regulation No. 800/2008;

d) fulfilling all other conditions for providing of regional aid under the procedures of Chapters One and

Seven of these Regulations pursuant to the requirements of Regulation No. 800/2008.

(2) In the event of participation of Bulgarian legal entities under Item 7 of Paragraph (1), which are sole proprietor companies with state or municipal participation or budgetary enterprises under Article 22g (2) of the IPA, preliminary consent from the owner of the capital or a decision of the corresponding competent authority in accordance with the applicable legislation shall be required.

(3) The Council of Ministers shall define the priority investment projects and the measures under Paragraph

(1) for promoting them in the decision for the approval of the memorandum or agreement under the procedure of Article 67 herein.

(4) The resources from the executive budget, required for the implementation of the measures specified in Paragraph (1), shall be envisaged each year in the State Budget of the Republic of Bulgaria Act on the basis of the memoranda / agreements , approved by the Council of Ministers.

(5) Upon a proposal by the Minister of Economy, Energy and Tourism the Council of Ministers can allocate resources for applying the financial measures for promoting the priority investment projects under Items 4, 5 and 8 of Paragraph (1) in accordance with the approved memorandum or agreement referred to in Article 67 herein.

(6) The financial resources referred to in Paragraph (5) shall be provided within the framework of the annual planning of funds for applying the financial measures referred to in Article 15 (3) of the IPA after the carrying out of the competitive procedure under the conditions and in accordance with the procedure of Articles 35 and 43 herein; the methodology referred to in Article 35 (4) herein shall also include the cases set out in Item 8 of Paragraph (1) with quantifiable criteria.

(7) Priority investment projects shall also be promoted under the procedure of the Corporate Income Taxation Act, the Value Added Tax Act and the Employment Promotion Act, if they fulfil the conditions set out in these acts.

**Article 67.** (New, SG, No. 62/2010) (1) The Minister of Economy, Energy and Tourism shall put forward

before the Council of Ministers a proposal for approval of a memorandum or agreement of understanding

between the government of the Republic of Bulgaria and the investor applying for the implementation of a priority investment project.

(2) The memorandum or agreement referred to in Paragraph (1) shall contain:

1. parties to and subject matter of the memorandum/agreement;
2. title of the investment project;
3. principal rights and obligations;

4. type and amount of the investment;
5. time limit for performance of the investment project and period for maintenance of the investment;
6. description of the investment promotion measures;
7. size and parameters of the property referred to in Item 3 of Article 66 (1) herein with indicative values of the amount of state aid in accordance with Chapter Four herein, where regional aid is applicable, pursuant to the requirements of Regulation No. 800/2008;
8. indicative time limit and parameters of the project for development of infrastructure and providing the funds;
9. indicative time limit and parameters of the project for specific training for attainment of professional qualification of not less than 50 persons, including trainees from the higher schools, and indicative time limit for granting the funds, subject to fulfilment of all requirements for state aid for training pursuant to Chapter Six herein;
10. indicative values for the financial support under Item 8 of Article 66 (1) herein, the procedure and method for allocation of financial resources, subject to fulfilment of all requirements of the regional aid scheme according to the procedure set out in these Regulations;
11. type and amount of the collateral for fulfilment of the obligations;
12. manner of reporting the performance of the investment project;
13. type and amount of the liability incurrable for non-fulfilment of the obligations;
14. control over the fulfilment of the obligations;
15. methods of settlement of disputes between the parties;
16. grounds for early termination and rights of the party not at fault;
17. other elements on which the parties have reached agreement.

(3) The following shall be an integral part of the memorandum / agreement referred to in Paragraph (2):

1. the investment project;
2. draft contract/s as a basis for negotiations between the parties, if such contracts have been proposed by the parties.

(4) Standard forms of memoranda, agreements or contracts shall be made available on the internet sites of the Ministry of Economy, Energy and Tourism and the Agency.

**Article 68.** (New, SG, No. 62/2010) (1) On the basis of the memorandum or agreement approved by a

Council of Ministers Decision a certificate for a priority investment project shall be issued, including the requisites specified in Article 16 (2) herein.

(2) The certificate for a priority investment project shall be signed by the Minister of Economy, Energy and Tourism or another/other authorised person/s, including a Regional Governor or a Mayor, a representative

of an organisation from the academic community for technological parks, pursuant to the Council of

Ministers Decision referred to in Paragraph (1).

(3) In the case of a measure for institutional support under Item 6 of Article 66 (1) herein, the Council of

Ministers Decision shall also approve the order for the composition of the inter-departmental group with the

specific persons from the central and local executive authorities in the location of the investment, from the

academic community, including non-profit legal entities, incorporated and registered in accordance with the

Non-profit Legal Entities Act (NPLEA). In the cases of development of technological parks, the legal entities

under the NPLEA shall have their principal activities in the field of science, technique and technology

development.

### **Chapter Nine**

(New, SG, No. 62/2010)

### **CONTROL OVER THE IMPLEMENTATION OF INVESTMENT PROJECTS**

**Article 69.** (New, SG, No. 62/2010) The control over the implementation of investment projects, which have

received a Class A or Class B investment certificate, shall be exercised by:

1. the Minister of Economy, Energy and Tourism or a second-level spender of budgetary appropriations to it

authorised thereby, or another executive authority granting the aid;

2. an official authorised by the Minister of Labour and Social Policy in connection with the implementation of

the training project and the implementation of the parameters of the investment project, related to

employment.

**Article 70.** (New, SG, No. 62/2010) The control over the implementation of priority investment projects shall

be exercised by:

1. the authority designated by a Council of Ministers Decision, or

2. the Minister of Economy, Energy and Tourism or a second-level spender of budgetary appropriations to it

authorised thereby, or another executive authority granting the aid;

3. a person authorised by the Minister of Labour and Social Policy in connection with the implementation of

the training project and the implementation of the parameters of the investment project, related to

employment.

### **SUPPLEMENTARY PROVISIONS**

**§ 1.** Within the meaning given by these Regulations:

1. "Identification number" shall be:

(a) the Standard Identification Code under the Commercial Register: applicable to any persons recorded in

the Commercial Register;

(b) the Standard Identification Code under BULSTAT: applicable to any persons recorded in the BULSTAT

Register;

(c) the Standard Public Registry Personal Number or the Foreigner Personal Number:

applicable to any

natural persons who are not recorded in the Commercial Register or in the BULSTAT Register, as the case

may be;

(d) the service number referred to in Article 84 (3) of the Tax and Social-Insurance Procedure Code:

applicable to any persons other than the persons referred to in Litterae (a) to (c) and such who are obligated

persons under the Tax and Social-Insurance Procedure Code.

2. "Security" shall be any suretyship, bond, pledge, mortgage or declaration of will which secures the

fulfilment of an obligation under the contracts governed by these Regulations.

3. (Amended and supplemented, SG, No. 20 of 2009, effective 17.03.2009) "Large investment project" shall

be an investment in capital assets with an eligible expenditure above the lev equivalent of EUR 50 million,

calculated at prices and exchange rates on the date when the aid is granted; a large investment project shall

be considered to be a single investment project when the investment is undertaken within a period of three

years by the same enterprise or enterprises and consists of fixed assets combined in an economically

indivisible way. In order to define an investment as economically indivisible, the technical, functional and

strategic relations, as well as the immediate geographic proximity shall be taken into consideration.

4. "Aid intensity in present gross grant equivalent" shall be the discounted value of the aid expressed as a

percentage of the discounted value of the eligible costs, using for discounting purposes a reference interest

rate set by the European Commission at the time of grant of the aid.

5. "Market price" shall be the price at which the corporeal immovable should have been sold or the limited

right *in rem* should have been created by virtue of a private contract between the seller and the potential

buyer on the day of the appraisal, provided that the property was offered publicly, that the market conditions

allow a normal transfer, and a normal period of time is available for conduct of the negotiations on sale

consistent with the nature of the property.

6. "Specific training" shall be training involving tuition directly and principally applicable to the present or

future position of the factory or office worker in the assisted enterprise and providing qualifications which are

not or only to a limited extent transferable to other firms or fields of work.

7. "General training" shall be training:

(a) involving tuition which is not applicable only or principally to the present or future position of the factory

or office worker in the assisted enterprise, but which provides qualifications that are largely transferable to other firms or fields of work and thereby substantially improve the employability of the factory or office worker;

(b) which is jointly organised by different independent enterprises, or if factory or office workers of different enterprises may avail themselves of the training;

(c) which is recognised, certified or validated by public authorities or bodies or by other bodies or institutions

on which the Republic of Bulgaria has conferred the necessary powers.

8. (Amended, SG, No. 20 of 2009, effective 17.03.2009) "Small and medium-sized enterprises" shall be the

enterprises which satisfy the criteria defined in Annex I of Regulation No 800/2008.

9. (New, SG, No. 20 of 2009, effective 17.03.2009) "Large enterprises" shall be the enterprises which do not

satisfy the criteria defined in Annex I of Regulation No 800/2008.

10. (New, SG, No. 20 of 2009, effective 17.03.2009) "Undertaking in difficulty" shall be the undertaking in

the meaning of Chapter I, Article 1, paragraph 7 of Regulation No 800/2008.

11. (New, SG, No. 20 of 2009, effective 17.03.2009) "Aid intensity" shall mean the aid amount expressed as

a percentage of the eligible costs.

12. (New, SG, No. 62/2010) "Executive authorities", "central and local executive authorities" shall be these

specified in Article 19 of the Administration Act.

13. (New, SG, No. 62/2010) "Administrative Authority" shall mean the authority belonging to the system of

the executive, as well as each bearer of administrative powers, empowered on the basis of a law in the

meaning of Item 1 of § 1 of the Supplementary Provision of the Administrative Procedure Code.

14. (New, SG, No. 62/2010) "Investor" shall mean any natural person or organisation which applies for an investment class certificate or implements a project, which has received an investment class certificate in

accordance with the procedure established by the Investment Promotion Act.

15. (New, SG, No. 62/2010) "Organisation" shall mean a legal entity or a consortium of legal and natural

entities, which is organisationally independent, in the meaning of Item 2 of § 1 of the Supplementary

Provision of the Administrative Procedure Code.

16. (New, SG, No. 62/2010) The "average annual number of people employed" shall be determined in

accordance with the methodology of the National Statistics Institute.

17. (New, SG, No. 62/2010) For the purposes of calculating the state aid, payable in several instalments,

the aid shall be discounted to its value as at the time of the granting with the help of the reference interest

rate, used for state aid. The effective interest rate for state aid is stated at the following electronic address:

[http://www.stateaid-bg.com/finance/opencms/finance/eu\\_normi/drugi/index.html](http://www.stateaid-bg.com/finance/opencms/finance/eu_normi/drugi/index.html). Pursuant to the methodology for setting the reference interest rate in "Communication from the Commission on the revision of the method for setting the reference and discount rates" (OJ, C 14/02, 19.01.2008), to take account of significant and sudden variations, a periodic update shall be made.

**§ 2.** (Amended, SG, No. 20 of 2009, effective 17.03.2009) The economic activities identified according to the Statistical Classification of Economic Activities in the European Community (NACE Rev. 1.1), to which the National Classification of Economic Activities (NKID-2003) corresponds until the 1st day of January 2008 under § 7 herein, shall be:

1. manufacturing industry:

(a) (Supplemented, SG, No. 20 of 2009, effective 17.03.2009) manufacturing industry Section D (Divisions

DA to DN inclusive), high-technology activities under Article 3, Paragraph (5);

(b) manufacture of chemical products D 24;

(c) (Repealed, SG, No. 20 of 2009, effective 17.03.2009);

(d) manufacture of machinery, equipment and household appliances D 29;

(e) manufacture of office machinery and computers D 30;

(f) manufacture of electrical machinery and apparatus, not elsewhere classified;

(g) manufacture of radio, television and communication equipment D 32;

(h) manufacture of medical, precision and optical instruments, watches and clocks D 33;

(i) manufacture of motor vehicles, trailers and semi-trailers D 34;

(j) manufacture of transport equipment other than motor vehicles D 35, with the exception of building and

repairing of ships and boats 35.1;

(k) (Repealed, SG, No. 20 of 2009, effective 17.03.2009);

(l) (Repealed, SG, No. 20 of 2009, effective 17.03.2009);

2. production of electricity from renewable energy sources, identified by Code E 40;

3. (Supplemented, SG, No. 20 of 2009, effective 17.03.2009) of the services sector – high technology

activities under Article 3, Paragraph (6):

(a) computer and related activities K 72;

(b) research and development K 73;

(c) education M 80;

(d) human health activities N 85.1.

**§ 2\_.** (New, SG, No. 20 of 2009, effective 17.03.2009) Economic activities and products under Article 2,

Paragraphs (5) and (6) according to Regulation 800/2008 shall be:

1. "processing of agricultural products" - any operation on an agricultural product resulting in a product

which is also an agricultural product, except on-farm activities necessary for preparing an animal or plant

product for the first sale;

2. "marketing of agricultural products" - holding or display with a view to sale, offering for sale, delivery or

any other manner of placing on the market, except the first sale by a primary producer to resellers or processors and any activity preparing a product for such first sale; a sale by a primary producer to final consumers shall be considered to be marketing if it takes place in separate premises reserved for that purpose, where "agricultural product" shall mean:

a) (Amended, SG, No. 62/2010) the products listed in Annex I to the Treaty establishing the EC except

fishery and aquaculture products covered by Regulation (EC) No 104/2000;

b) products falling under CN codes 4502, 4503 and 4504 (cork products);

c) products intended to imitate or substitute milk and milk products, as referred to in Council Regulation (EC) No 1234/2007;

3. "activities in the steel sector", which are related to the production of one or more of the following products:

a) pig iron and ferro-alloys: pig iron for steelmaking, foundry and other pig iron, spiegeleisen (ferromanganese

alloys) and high-carbon ferro-manganese, not including other ferro-alloys;

b) crude and semi finished products of iron, ordinary steel or special steel: liquid steel cast or not cast into

ingots, including ingots for forging semi finished products: blooms, billets and slabs; sheet bars and tinplate

bars; hot-rolled wide coils, with the exception of production of liquid steel for castings from small and

medium-sized foundries;

c) hot finished products of iron, ordinary steel or special steel: rails, sleepers, fishplates, soleplates, joists,

heavy sections 80 mm and over, sheet piling, bars and sections of less than 80 mm and flats of less than

150 mm, wire rod, tube rounds and squares, hot-rolled hoop and strip (including tube strip), hot-rolled

products and sheets of 3 mm thickness and over, hot-rolled products for universal use of 150 mm and over,

with the exception of wire and wire products, bright bars and iron castings;

d) cold finished products: tinplate, terneplate, blackplate, galvanized sheets, other coated sheets, coldrolled

sheets, electrical sheets and strip for tinplate, cold-rolled plate, in coil and in strip;

e) tubes: all seamless steel tubes, welded steel tubes with a diameter of over 406.4 mm;

4. "production of synthetic fibres" shall mean:

a) extrusion/texturisation of all generic types of fibre and yarn based on polyester, polyamide, acrylic or

polypropylene, irrespective of their end-uses; or

b) polymerisation (including polycondensation) where it is integrated with extrusion in terms of the

machinery used; or

c) any ancillary process linked to the contemporaneous installation of extrusion/texturisation capacity by the

prospective beneficiary or by another company in the group to which it belongs and which, in the specific

business activity concerned, is normally integrated with such capacity in terms of the machinery used.

5. (New, SG, No. 62/2010) the activities in the coal sector shall be the activities specified in accordance with Council Regulation No. (EC) 1407/2002 pursuant to recital 13 of the Preamble of Regulation No. 800/2008;

6. (New, SG, No. 62/2010) the activities and products in the “shipbuilding sector” shall be the activities specified in the Framework on State Aid to Shipbuilding (OJ, C 317/2003) pursuant to recital 14 of the Preamble of Regulation No. 800/2008;

### **TRANSITIONAL AND FINAL PROVISIONS**

**§ 3.** (1) Any investment projects, which have been awarded an investment class certificate according to the procedure established by the repealed Regulations for Application of the Investment Promotion Act, shall be promoted for the shorter of the time remaining until implementation of the investment and three years reckoned from the date of award of the certificate.

(2) Any investment projects referred to in Paragraph (1), which have been awarded a First Class investment certificate, may be promoted by financial support for construction of physical-infrastructure elements according to the hitherto effective procedure if the said projects simultaneously satisfy the following conditions:

1. the request referred to in Item 1 of Article 34 herein has been submitted within three months after the entry into force of the Act to Amend and Supplement the Investment Promotion Act (*State Gazette* No. 42 or 2007);

2. (Amended, SG, No. 62/2010) the project must fulfil the requirements for granting aid of Commission Regulation (EC) No 800/2008 with regard to the regional aid scheme and the terms established by Chapter Seven herein, or;

3. an approval regarding the compatibility of the planned State aid must have been obtained from the European Commission according to the procedure established by the State Aids Act in the cases under Chapter Seven herein.

(3) Any investment projects referred to in Paragraph (1), which have been awarded a First Class investment certificate, shall be promoted by transfer of a right of ownership or by creation of a limited right *in rem* according to the hitherto effective procedure in compliance with the effective legislation in the State aid field.

**§ 4.** Any applications for the award of an investment class certificate, received prior to the entry into force of

the Act to Amend and Supplement the Investment Promotion Act (*State Gazette* No. 42 or 2007), shall be examined according to the hitherto effective procedure.

**§ 5.** All aids granted in violation of the State Aids Act and non-conforming to the conditions of the [EU]

Regulations specified in these Regulations, shall be subject to recovery according to the procedure

established by the Tax and Social-Insurance Procedure Code in accordance with Council Regulation (EC)

No 659/1999 of March 22<sup>nd</sup> 1999 laying down detailed rules for the application of Article 88 of the EC Treaty.

**§ 6.** (Amended, SG, No. 20 of 2009, effective 17.03.2009) The regional aid scheme pursuant to the

provisions of Commission Regulation (EC) No 1628/2006 on the application of Articles 87 and 88 of the

Treaty to national regional investment aid (OJ L 302 of 1.11.2006) shall be applied before the entering of the

Decree into force, and Commission Regulation (EC) No 68/2001 on the application of Articles 87 and 88 of

the EC Treaty to training Aid (OJ L 10, 13.1.2001) shall be effective until 31 December 2008.

**§ 7.** Until the entry into force on the 1st day of January 2008 of Regulation (EC) No 1893/2006 of the

European Parliament and of the Council of 20 December 2006 establishing the statistical classification of

economic activities NACE Revision 2 and amending Council Regulation (EEC) No 3037/90 as well as

certain EC Regulations on specific statistical domains (OJ L 393, 30.12.2006), the codes of section, division

and group stated in Articles 2 and 3 herein, shall be those of the Statistical Classification of Economic

Activities in the European Community (NACE Rev. 1.1), to which the National Classification of Economic

Activities (NKID-2003) corresponds, according to § 2 herein.

**§ 8.** Within three working days after the entry into force of these Regulations, the Minister of Economy,

Energy and Tourism shall prepare information regarding the training scheme under Chapter Six herein in

the form according to Annex 1 to Article 3 (2) of the Regulations for Application of the State Aids Act.

**§ 9.** Within three working days after the entry into force of these Regulations, the Minister of Economy,

Energy and Tourism or an official empowered thereby shall prepare summary information regarding the

investment promotion scheme in the form according to Annex 4 to Article 6 (2) of the Regulations for

Application of the State Aids Act.

**§ 10.** Within three months after the entry into force of these Regulations, the Minister of Economy, Energy

and Tourism shall endorse the methodology referred to in Article 35 (4) herein.

**§ 11.** These Regulations are adopted in pursuance of § 28 of the Act to Amend and Supplement the

Investment Promotion Act [*sic, must be Foreign Investments Act*] (State Gazette No. 37/2004).

**TRANSITIONAL AND FINAL PROVISIONS**

to Council of Ministers Decree 55 of 6 March 2009 amending and supplementing the Regulations for

Application of the Investment Promotion Act

(SG, No. 20 of 2009, effective 17.03.2009)

**§ 38.** The provisions of Chapters Five, Six and Seven herein shall be in force until the 31st day of December

2013, unless Commission Regulation (EC) No 800/2008 of 6 August 2008 declaring certain categories of

aid compatible with the common market in application of Articles 87 and 88 of the Treaty (General block

exemption Regulation) (OJ, L 214 of 8 August 2008) is amended by a new Regulation prior to that date.

**FINAL PROVISIONS** to Decree No 268 of the Council of Ministers of 12 November 2009 on the adoption of

Rules of Procedure of the Ministry of Economy, Energy and Tourism

(SG No 93/24.11.2009, effective 24.11.2009)

**§ 39.** Throughout the Regulations for Application of the Investment Promotion Act, as adopted by Decree

No 221 of the Council of Ministers of 2007 (promulgated, SG No 76/2007, amended and supplemented, SG

No 20/2009), 'Minister of Economy and Energy' shall be replaced by 'Minister of Economy, Energy and

Tourism', and "Ministry of Economy and Energy" shall be replaced by 'Ministry of Economy, Energy and

Tourism'.

(SG, No. 62/2010)

**§ 56.** Investors who have received Class A or Class B investment certificates in accordance with the

previously existing procedure can, for the period of validity of the certificates issued, apply the threshold

amounts of investments for projects in the economic activities, regulated in the Decree.

**§ 57.** After the entry of the Decree into force the Minister of Economy, Energy and Tourism shall prepare

information on the amendments concerning the regional aid under scheme No. X426/2009 and the training

aid under scheme No. X427/2009, notified to the European Commission in accordance with the procedure

and within the time limits set out in Article 9 of the State Aid Act in connection with Article 9 of Regulation

No. 800/2008.

**§ 58.** Within 3 months of the entry of the Decree into force the Minister of Economy, Energy and Tourism

shall endorse an updated methodology under Article 35 (4) herein including the evaluation procedure for

priority investment projects under Article 66 (6) herein.

*Annex*

*to Article 6 (1)*

**Form for the Provision of Summary Information Regarding Aids for Large Investments Projects,**

**where the Aid Does Not Exceed the Thresholds Referred to in Article 60 (1)**

1. Aid in favour of (name of the enterprise or enterprises receiving the aid).
2. Aid scheme reference number (state the reference number of the existing scheme or schemes, assigned by the Commission, under which the aid is awarded).
3. Public entity/entities providing the assistance (name and address of the granting public authority or authorities).
4. Member State where the investment takes place.
5. Region (NUTS 3 level) where the investment takes place.
6. Municipality (previously NUTS 5 level, now LAU 2) where the investment takes place.
7. Type of project (setting-up of a new establishment, extension of existing establishment, diversification of the output of an establishment into new additional products or a fundamental change in the overall production process of an existing establishment).
8. Products manufactured or services provided on the basis of the investment project according to PRODCOM (European System of Production Statistics for Mining and Manufacturing), or the Statistical Classification of Economic Activities in the European Community (NACE), or the European Classification of Products by Activity (CPA).
9. Short description of investment project.
10. Discounted eligible cost of investment project (in EUR).
11. Discounted aid amount (gross) in EUR.
12. Aid intensity (% in gross grant equivalent).
13. Conditions on which payment of the proposed assistance (if any) depends.
14. Planned start and end date of the project.
15. Date of award of the aid.