

## INVESTMENT PROMOTION ACT

(Title amended, SG No. 37/2004)

Promulgated, State Gazette No. 97/24.10.1997, effective 24.10.1997, corrected, SG No. 99/29.10.1997, supplemented, SG No. 29/13.03.1998, effective 13.03.1998, amended and supplemented, SG No. 153/23.12.1998 effective 1.01.1999, amended, SG No. 110/17.12.1999, effective 1.01.2000, amended, SG No. 28/19.03.2002, amended and supplemented, SG No. 37/4.05.2004, effective 4.08.2004, corrected, SG No. 40/14.05.2004, amended, SG No. 34/25.04.2006, effective 1.01.2008 (\*)(\*\*), SG No. 59/21.07.2006 effective as from the date of entry into force of the Treaty of Accession of the Republic of Bulgaria to the European Union - 1.01.2007, amended, SG No. 65/11.08.2006, effective 11.08.2006, SG No. 82/10.10.2006, SG No. 86/24.10.2006, effective as from the date of entry into force of the Treaty of Accession of the Republic of Bulgaria to the European Union - 1.01.2007, amended and supplemented, SG No. 42/29.05.2007, effective 30.08.2007, amended, SG No. 69/5.08.2008, amended and supplemented, SG No. 41/2.06.2009, amended, SG No. 82/16.10.2009, effective 16.10.2009, supplemented, SG No. 18/5.03.2010, **effective 5.03.2010**

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

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

Text in Bulgarian: Закон за насърчаване на инвестициите

### Chapter One

#### GENERAL PROVISIONS

**Article 1.** (1) (Amended, SG No. 37/2004, redesignated from Article 1, SG No. 42/2007, amended, SG No. 41/2009) This Act regulates the terms and procedure for the promotion of investments in the territory of the Republic of Bulgaria, the operation of state bodies in the field of investment promotion, as well as protection of investments.

(2) (New, SG No. 42/2007) The principal purposes of this Act are:

1. (supplemented, SG No. 41/2009) to enhance the competitiveness of the Bulgarian economy through increase of investments in scientific research, innovations and technological development in production and services adding high value while observing the principles of sustainable development;

2. (amended, SG No. 41/2009) to improve the investment climate and to tackle regional disparities in social and economic development;

3. to create new and highly productive jobs.

**Article 2.** (Amended, SG No. 37/2004, SG No. 41/2009) Investment promotion under this Act shall be applied mainly through:

1. provision of administrative services in shorter deadlines and provision of individual administrative services, and

2. sale or establishing, against a consideration, of limited rights in rem over corporeal immovables - private state or private municipal property without an auction or competitive bidding, at market or lower prices;

3. sale or establishing, against a consideration, of limited rights in rem over sites without an auction or competitive bidding, at market or lower prices, with developed connecting technical infrastructure - public property;

4. financial assistance for the development of elements of the technical infrastructure;

5. financial support for training aiming at acquiring a professional qualification;

6. tax concessions under the Corporate Income Tax Act;

7. opportunities for other forms of state aid, institutional support, public-private partnership of establishing of joint companies for investment projects of high priority;

8. different types of transactions closed between the investor and a commercial company established for the purpose of construction and development of industrial zones.

**Article 2a.** (New, SG No. 37/2004, amended, SG No. 41/2009) (1) The provisions for promotion of investments in Chapter Three shall be in pursuance of the requirements 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 214/3 of 9 August 2008), hereinafter referred to as "Regulation (EC) No 800/2008".

(2) The measures for individual support for the promotion of investments shall be applied as a multi-sector regional aid scheme and training aid scheme, complying with all conditions set out in Chapter One, as well as all relevant conditions set out in Chapter Two of Regulation (EC) No 800/2008 for compatibility 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 notification in accordance with Article 88, paragraph 3 of the Treaty under the conditions of Article 3 of Regulation (EC) No 800/2008.

(3) The measures for individual support which do not satisfy the conditions specified in paragraph 2 shall be notified to the European Commission, hereinafter referred to as the "Commission" in accordance with Article 88 of the Treaty Establishing the European Community.

**Article 3.** (1) Should an international treaty whereto the Republic of Bulgaria is a party provide more favourable terms for the conduct of business by non resident persons, the more favourable terms shall apply as provided by the said international treaty.

(2) The provisions of this Act shall be wholly or partially inapplicable to investments made by any non resident persons whereof the countries of origin, as listed by the Council of Ministers, extend discriminatory treatment to Bulgarian corporations or citizens.

**Article 4.** (Repealed, SG No. 42/2007).

**Article 5.** (Repealed, SG No. 37/2004).

**Article 6.** (Repealed, SG No. 42/2007).

**Article 7.** (Amended, SG No. 34/2006, repealed, SG No. 42/2007).

**Article 8.** (Repealed, SG No. 37/2004).

**Article 9.** (Supplemented, SG No. 158/1998, effective 27.12.1998, repealed, SG No. 37/2004).

Chapter Two

## STATE POLICY IN THE FIELD OF INVESTMENTS

(Heading amended, SG No. 37/2004)

**Article 10.** (Amended, SG No. 37/2004) (1) The Minister of Economy, Energy and Tourism shall ensure the conduct of the state policy in the field of investments in interaction with the executive authorities.

(2) The Minister of Economy, Energy and Tourism shall perform the following functions:

1. elaborate a strategy for promotion of investments in Bulgaria in cooperation with the executive authorities and stake-holding non-governmental organizations, which shall be adopted by the Council of Ministers;

2. (supplemented, SG No. 42/2007, amended, SG No. 41/2009) prepare and implement programmes and measures for investment promotion in co operation with the bodies of the executive and interested non-governmental organisations;

3. elaborate and propose drafts of statutory instruments on promotion of investment activity in Bulgaria;

4. represent the Republic of Bulgaria at international organizations in the field of investments;

5. propose allocation of the resources required for investment promotion under this Act in the State Budget of the Republic of Bulgaria Act for the relevant year.

6. (new, SG No. 42/2007) award an investment class certificate and lay motions before the Council of Ministers for application of investment promotion measures according to the procedure established by this Act.

7. (new, SG No. 41/2009) put forward to the Council of Ministers proposals for the concluding of memoranda or agreements in accordance with Article 22f.

**Article 11.** (Amended, SG No. 37/2004, SG No. 42/2007) (1) Each Regional Governor shall perform the following functions:

1. ensure the conduct of the state policy of investment promotion within the territory of the administrative region;

2. organize the elaboration of investment promotion measures and coordinate the implementation thereof; any such measures shall be elaborated in accordance with the strategy referred to in Item 1 of Article 10 (2) herein and shall be included in the administrative-regional development strategy;

3. coordinate the work of the executive authorities and the administrations thereof within the territory of the administrative region under Items 1 and 2.

(2) Each municipality mayor shall perform the following functions:

1. ensure the conduct of the policy of investment promotion within the territory of the municipality upon the elaboration and implementation of the municipal development plan and the programme for the implementation of the said plan;

2. facilitate the application of investment promotion measures under this Act.

(3) The municipality mayor may empower the borough mayors and the mayoralty mayors to perform the functions covered under Paragraph (2).

**Article 11a.** (New, SG No. 37/2004) (1) There shall be established a Bulgarian Investment Agency, hereinafter referred to as "the Agency," which shall assist the Minister of Economy, Energy and Tourism in the implementation of the state policy in the field of investment promotion.

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

(3) The organization and operation of the Agency shall be regulated by Rules of Organization, adopted by the Council of Ministers.

(4) The annual State Budget of the Republic of Bulgaria Act shall allocate action resources for performance of investment marketing by the Agency.

(5) (Amended, SG No. 42/2007, SG No. 41/2009) Acting on a motion by the Executive Director of the Agency, the Minister of Economy, Energy and Tourism or an official empowered thereby shall designate officers of the Agency who are entitled to supplementary remuneration, as well as the specific amount of the said remuneration.

(6) The resources referred to in Paragraph (5) shall amount to 20 per cent of the annual wage bill under the budget of the Agency and shall be included in the State Budget of the Republic of Bulgaria Act for the relevant year.

**Article 11b.** (New, SG No. 37/2004, amended, SG 42/2007) The Agency shall perform the following functions:

1. provide information services to investors;
2. perform investment marketing, presenting and advertising abroad investment opportunities in Bulgaria;
3. provide individualized administrative services to investors according to the procedure established by this Act;
4. prepare an annual plan for attraction and servicing of investors and present the said report to the Minister of Economy, Energy and Tourism for approval not later than the 31st day of December of the last preceding year; the plan for the current year shall be updated on a quarterly basis;
5. prepare an annual report on investments in Bulgaria and on the conditions for investment promotion, and present the said report to the Council of Ministers care of the Minister of Economy, Energy and Tourism;
6. prepare quarterly reports on the activity thereof in connection with the annual plan referred to in Item 4, and present the said reports to the Minister of Economy, Energy and Tourism;
7. host an Internet site providing information on:
  - (a) the investment climate and business climate in Bulgaria;
  - (b) grounds and industrial zones for implementation of investments by functional region, with an economic and investment profile of the functional region;
  - (c) standard forms of applications for the award of an investment class certificate and for enjoyment of [investment] promotion measures according to the procedure established by this Act;
  - (d) other information.
8. (new, SG No. 41/2009) issue documents certifying the execution of the investment project upon a request by the investor or the corresponding competent local or central authority in connection with the applying of the corresponding promotion measure in accordance with this Act; where the issuing of such document is requested by a certified investor, the costs related to the preparation of accounting and audit reports shall be borne by this investor.

**Article 11c.** (New, SG No. 37/2004) (1) (Amended, SG No. 41/2009) The Agency shall keep and maintain for statistical purposes an information system for the purposes of statistics, pooling data on investments in Bulgaria.

(2) (Amended, SG No. 41/2009) For amplification of the information system, the Agency shall receive data from:

1. (supplemented, SG No. 41/2009) the National Statistical Institute: at the end of each quarter, in respect of any expenses incurred on acquisition of fixed tangible assets during the quarter;

2. the Bulgarian National Bank: at the end of each quarter, in respect of the foreign investments made in Bulgaria during the quarter;

3. (new, SG No. 41/2009) the Registry Agency: at the end of each quarter, in respect of the registrations in the Commercial Register;

4. (renumbered from Item 3, SG No. 41/2009) other central and local executive authorities: at the request of the Agency.

(3) The Agency shall provide consolidated data on investments to the Minister of Economy, Energy and Tourism, to other state bodies and interested parties according to a procedure established by the Rules of Organization of the Agency.

#### Chapter Three

### INVESTMENT PROMOTION

(Heading amended, SG No. 37/2004)

#### Section I

(New, SG No. 42/2007)

#### Investment Promotion Conditions and Measures

**Article 12.** (Amended, SG No. 28/2002 and SG No. 37/2004, SG No. 42/2007, SG No. 41/2009) (1) The procedure established by this Chapter shall apply to the promotion of investments in tangible and intangible fixed assets and the new jobs linked thereto and situated in the territory of the Republic of Bulgaria, in accordance with the requirements of Regulation (EC) No 800/2008.

(2) The investments referred to in Paragraph (1) must fulfil the following conditions:

1. they shall be related to the setting-up of a new enterprise, to the extension of an existing enterprise/activity, to diversification of the output of an enterprise/activity into new products or to a fundamental change in the overall production process of an existing enterprise/activity;

2. they shall be implemented in the economic activities specified in the Regulations for Application of this Act with the corresponding codes, identified in accordance with the extant Statistical Classification of Economic Activities in the European Community (NACE) and its direct application in the Republic of Bulgaria through the corresponding classification;

3. the income from the investment project implemented shall be at least 80 per cent of the total income of the enterprise of the investor for the period of time specified in Item 8;

4. the period of implementation of the investment shall not exceed three years from the date on which the work under the project started to the date of the completion of the project, including for large investment projects in the meaning of Article 13, paragraph 10 of Regulation (EC) No 800/2008;

5. within any single establishment, these must not be below the threshold amount fixed in the Regulations for Application of this Act, and the said amount may be:

(a) up to three times lower for the economically disadvantaged regions within the administrative boundaries of which the investment project will be entirely implemented;

(b) up to three times lower for investments in high technology activities of the industrial sector of the economy, specified in the Regulations for Application of this Act;

(c) up to five times lower for investments in high technology activities of the services sector, specified in the Regulations for Application of this Act.

6. at least 40 per cent of the eligible costs of the tangible and intangible investments shall be financed by the investor's own resources or by external financing in a form excluding public support;

7. they shall create and maintain employment which fulfils cumulatively the conditions set out in Article 12, paragraph 3 of Regulation (EC) No 800/2008:

a) the employment shall be directly related to the implementation of the investment project;

b) the investment project shall lead to a net increase in the number of employees in the establishment/organisation concerned, compared with the average number of employees over the previous 12 months;

c) 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 the case of SMEs;

8. the investment in the economic activity referred to in Item 2 shall be maintained in the corresponding area where it is located for at least five years, and in the case of SMEs II three years, reckoned from the date of its completion in the meaning of Article 13, paragraph 2 of Regulation (EC) No 800/2008;

9. the tangible and intangible fixed assets acquired shall be new and purchased at market conditions from third parties independent from the investor, in the meaning of Article 12, paragraph 1 of Regulation (EC) No 800/2008;

10. the other conditions set out in Chapter One and the special provisions of Chapter Two of

Regulation (EC) No 800/2008 shall be fulfilled with respect to the investment for granting support under Article 2a.

**Article 13.** (Amended, SG No. 37/2004, SG No. 42/2007) (1) Promotion shall not be extended to the investment of any person:

1. who has been convicted by an effective sentence, unless rehabilitated;
2. which is the subject of pending bankruptcy proceedings, or has made an out-of-court arrangement with the creditors thereof within the meaning given by Article 740 of the Commerce Act;
3. which has been put into liquidation;
4. which incurs any pecuniary obligations to the State or to a municipality within the meaning given by Article 162 (2) of the Tax and Social-Insurance Procedure Code, established by an effective act of a competent authority, save as where a rescheduling or deferral of the said obligations has been allowed.

(2) Promotion shall not be extended to the investments of any non- resident person in respect of whom any of the circumstances covered under Paragraph (1) exist in the State of establishment thereof according to the national legislation thereof.

(3) The requirement referred to in Item 1 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 investors, and in case the said members are legal persons, to the representatives of the said persons on the relevant management body.

**Article 13a.** (New, SG No. 42/2007) Promotion shall not be extended to any investments:

1. (amended, SG No. 41/2009) in enterprises with regard to which the conditions specified in Article 1, paragraphs 5 and 6 of Regulation (EC) No 800/2008 are in place;

2. for implementation of privatization contracts or concession contracts under the Privatization and Post-privatization Control Act or, respectively, under the Transformation and Privatization of State-Owned and Municipal-Owned Enterprises Act as superseded (promulgated in the State Gazette No. 38/1992; amended and supplemented in No. 51/1994, Nos. 45, 57 and 109/1995, Nos. 42, 45, 68 and 85/1996; corrected in No. 86/1996; amended in Nos. 55, 61, 98 and 122/1997, No. 39/1998; corrected in No. 41/1998; amended in No. 70/1998, No. 12/1999; modified by Constitutional Court Judgment No. 8/1999, [promulgated in] No. 47/1999; amended in Nos. 56, 84 and 96/1999, Nos. 20, 99 and 108/2000, No. 42/2001, repealed in No. 28/2002) and the Concessions Act, and in implementation of compensatory (offset) arrangements;

3. (amended, SG No. 41/2009) in activities and economic sectors according to Article 1, paragraphs 2, 3 and 4 of Regulation (EC) No 800/2008.

**Article 14.** (Repealed, SG No. 153/1998, new, SG No. 37/2004, amended, SG No. 42/2007, SG No. 41/2009) (1) For investments which satisfy the requirements of Articles 12 II 13a a



certificate shall be issued under Item 1 of Article 20 (1), which shall give entitlement to using the measures specified in Article 15, paragraph 1.

(2) The investments specified in paragraph 1 shall be designated as Class A and as Class B on the basis of the criteria for a threshold amount of investments, referred to in Item 5 of Article 12 (2) herein

**Article 15.** (Repealed, SG No. 153/1998, new, SG No. 37/2004, amended, SG 65/2006, 82/2006, No. 42/2007) (1) (Amended, SG No. 41/2009) Investments which have been awarded certificates under Item 1 of Article 20 (1) shall be promoted for the implementation of the investment project through:

1. shortened waiting time for administrative services under the procedure of Article 21;
2. individualised administrative services needed for implementation of the investment project under the procedure of Article 22;
3. acquisition of a right of ownership or limited rights in rem to corporeal immovables under the procedure of Article 22a;
4. financial support for construction of physical infrastructure elements needed for the implementation of one or more investment projects under the procedure of Article 22b;
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.

(2) Investments shall furthermore be promoted according to the procedure established by the Corporate Income Tax Act, the Value Added Tax Act and the Employment Promotion Act, if they fulfil the conditions provided for in the said acts.

(3) The resources from the central government budget, required for the application of the measures referred to in Items 4 and 5 of Paragraph (1), shall be projected annually by the State Budget of the Republic of Bulgaria Act.

**Article 16.** (Repealed, SG No. 153/1998, new, SG No. 37/2004, amended, SG No. 42/2007, SG No. 41/2009) The investment promotion measures covered under Items 4 and 5 of Article 15 (1) herein shall be applied where:

1. the investor has submitted an application referred to in Article 18 (1) before the start of work on the investment project;
2. by the certificate referred to in Item 1 of Article 20 (1) herein, the Minister of Economy, Energy and Tourism has certified in writing:
  - (a) (amended, SG No. 41/2009) that the project meets in principle the conditions for eligibility of the regional aid scheme according to Regulation (EC) No 800/2008;

(b) (amended, SG No. 41/2009) that the said Minister intends to apply the measure subject to the condition that the measure is approved by the European Commission according to the procedure established by the State Aids Act in the cases where the said measure constitutes State aid which does not fall within the scope of group exemption, according to Regulation (EC) No 800/2008 with regard to regional aid;

3. (amended, SG No. 41/2009) the conditions under Article 2a for applying Regulation (EC) 800/2008 are fulfilled;

4. (amended, SG No. 41/2009) a favourable opinion by the relevant competent environment authority, or a favourable environmental impact assessment decision according to the effective legislation has been issued on the investment project.

**Article 17.** (Repealed, SG No. 153/1998, new, SG No. 37/2004, amended, SG No. 42/2007)  
 (1) The investment promotion measures may be applied in respect of legal persons wherein the investor, whose investment project is certified, holds not less than 75 per cent of the registered capital.

(2) The investor and the legal persons referred to in Paragraph (1) shall be jointly liable for fulfilment of the obligations thereof on implementation of the investment.

Chapter Four

(PRIORITY INVESTMENT PROJECTS)

(Heading deleted, SG No. 37/2004)  
 Section II

(New, SG No. 42/2007)

Procedure for Awarding of Certificates

(Heading amended, SG No. 41/2009)

**Article 18.** (Repealed, SG No. 153/1998, new, SG No. 37/2004, corrected, SG No. 40/2004, amended, SG No. 42/2007) (1) The investor shall submit an application to the Executive Director of the Agency for the award of an investment class certificate, stating therein the investment promotion measures covered under Article 15 (1) which the investor wishes to enjoy.

(2) The investor shall attach to the application thereof an investment project and the requisite documents as specified in the Regulations for Application of this Act.

(3) The application and the documents referred to in Paragraphs (1) and (2) may alternatively be presented in electronic form, signed by a universal electronic signature, according to the procedure established by the Electronic Document and Electronic Signature Act.

(4) The requirements for the investment project shall be determined by the Regulations for

Application of this Act.

**Article 19.** (Repealed, SG No. 153/1998, new, SG No. 37/2004, amended, SG No. 42/2007)  
The Executive Director of the Agency:

1. shall evaluate the documents referred to in Article 18 herein as received according to a procedure established by the Regulations for Application of this Act;

2. shall notify the investor of any non-conformities and/or deficiencies in the documents referred to in Article 18 as ascertained and shall allow time for curing of the said non-conformities and/or deficiencies;

3. shall prepare, on the basis of the evaluation referred to in Item 1, a reasoned proposal to the Minister of Economy, Energy and Tourism to award or to refuse to award an investment class certificate;

4. shall transmit to the Minister of Economy, Energy and Tourism the proposal referred to in Item 3 together with the full set of documents referred to in Article 18 herein within thirty days after submission of the said documents.

**Article 19a.** (New, SG No. 42/2007) An investment class certificate shall not be awarded where:

1. the requirements covered under Article 18 herein are not complied with, or
2. the investment does not fulfil the conditions covered under Article 12 herein, or
3. any of the circumstances covered under Article 13a herein applies, or
4. the investment is of a person covered under Article 13 herein, or
5. the documents referred to in Article 18 herein are non-conforming and/or deficient, and the said non-conformities and/or deficiencies are not cured within six months reckoned from the date of submission of the application.

**Article 20.** (Repealed, SG No. 153/1998, new, SG No. 37/2004, SG No. amended, SG No. 86/2006, SG No. 42/2007) (1) The Minister of Economy, Energy and Tourism or an official empowered thereby:

1. shall award a certificate designating thereby the investment class, according to a procedure established by the Regulations for Application of this Act;

2. shall refuse to award a certificate in the cases covered under Article 19a herein;

3. shall notify the Minister of Finance and the Minister of Labour and Social Policy of the investments certified under this Act.

(2) At the request of the Minister of Economy, Energy and Tourism, the Minister of Finance and the Minister of Labour and Social Policy shall provide information on the investments certified under this Act, which are promoted according to the procedure established by Article 15 (2) herein.

### Section III

(New, SG No. 42/2007)

#### Application of Investment Promotion Measures

**Article 21.** (Amended and supplemented, SG No. 153/1998, amended, SG No. 37/2004, SG No. 42/2007) (1) Upon presentation of an investment class certificate, the central and local executive authorities shall provide administrative services to the investors within a waiting time that is one- third shorter than the waiting time provided for in the relevant statutory instruments, save in the cases covered under Paragraphs (2) to (5).

(2) Administrative services shall be performed by the competent authorities within five days after receipt of a request from the investor in the cases referred to in:

1. Article 140 (1) and Item 1 of Article 144 (3) of the Spatial Development Act;
2. Article 26 (3) of the Roads Act;
3. Article 112a of the Environmental Protection Act.

(3) Administrative services shall be performed by the competent authorities within fourteen days after receipt of a request by the investor in the cases referred to in:

1. (amended, SG No. 41/2009) proposition one of Article 141 (8) and Item 2 of Article 144 (3) of the Spatial Development Act;
2. Articles 111 and 112 of the Environmental Protection Act;
3. Article 62a (1) of the Water Act.

(4) (Amended, SG No. 41/2009) Administrative services shall be performed by the competent authorities within thirty days after receipt of a request by the investor in the cases referred to in Article 62a (3) and Article 96 (5) of the Spatial Development Act.

(5) (Amended, SG No. 69/2008) For performance of administrative services to investors who or which have been awarded an investment class certificate, the state sanitary control authorities and the authorities of the National Fire and Rescue Service, each acting within the competence vested therein, shall issue the requisite documents within fourteen days.

**Article 22.** (Corrected, SG No. 99/1997, repealed, SG No. 37/2004, new, SG No. 42/2007) (1) Individualized information services, needed for implementation of Class A investments, shall be implemented by officers of the Agency in dealing with all central executive authorities and, in

the rest of the cases, by the officials of the administration of the local executive authorities referred to in Article 22d (1) herein.

(2) For performance of individualized administrative services, the investor shall authorize the persons referred to in Paragraph (1) and shall provide the said persons with the requisite documents.

(3) Upon performance of individualized administrative services to an investor, the persons referred to in Paragraph (1) shall be obligated:

1. to provide the investor with full and accurate information on the required documents, time limits and fees under specific laws;

2. to facilitate the issuing and receipt, from the relevant competent authorities, of all documents required for implementation of the relevant investment and for conduct of the economic activity related thereto.

(4) The fees for the issuing of any documents referred to in Item 2 of Paragraph (3), as established by a statutory instrument, shall be for the account of the investor.

(5) The procedure for performance of individualized administrative services shall be established in the Regulations for Application of this Act.

**Article 22a.** (New, SG No. 42/2007) (1) At the request of an investor who or which has been awarded an investment class certificate, the relevant competent authority may:

1. effect a sale of a corporeal immovable constituting private state property in the location of the investment without conduct of an auction, after an appraisal and a written consent from the Minister of Economy, Energy and Tourism and from the Minister of Regional Development and Public Works and, in respect of any properties allocated for management to the Ministry of Defence, without conduct of an auction, after an appraisal and a written consent from the Minister of Economy, Energy and Tourism, the Minister of Regional Development and Public Works and the Minister of Defence, whereafter the Regional Governor shall issue an order on transfer of the right of ownership and shall conclude a contract with the investor;

2. effect a sale of a corporeal immovable constituting private municipal property in the location of the investment without conduct of an auction or a competitive bidding procedure, after an appraisal and a Municipal Council resolution; proceeding from the said resolution, the municipality mayor shall issue an order and shall conclude a contract with the investor;

3. create onerously a limited right in rem to a corporeal immovable constituting private state property in the location of the investment without conduct of an auction, after an appraisal and a written consent from the Minister of Economy, Energy and Tourism and from the Minister of Regional Development and Public Works, whereafter the Regional Governor shall issue an order on creation of a limited right in rem and shall conclude a contract with the investor;

4. create onerously a limited right in rem to a corporeal immovable constituting private

municipal property in the location of the investment without conduct of an auction or a competitive bidding procedure, after an appraisal and a Municipal Council resolution; proceeding from the said resolution, the municipality mayor shall issue an order and shall conclude a contract with the investor.

(2) (Amended and supplemented, SG No. 41/2009) The appraisals referred to in Paragraph (1) shall be conducted by at least two independent appraisers, and the end market price may not be lower than the arithmetic mean of the value arrived at by the independent appraisals as conducted. The authority 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.

(3) (Supplemented, SG No. 41/2009) Non-implementation of the investment project in respect of the period of implementation and amount of the investment shall be included in the relevant contract as grounds for cancellation. The failure to start work on the investment project within two years of the concluding of the contract referred to in Paragraph (1) shall also be grounds for cancellation.

(4) The contracts referred to in Paragraph (1) shall be concluded in writing and shall be recorded on an instruction by the recording magistrate exercising jurisdiction over the location of the property.

(5) The relevant competent authority referred to in Paragraph (1) shall transmit a copy of the contract to the Agency within seven days after the conclusion of the said contract.

(6) The information on the transactions effected in any corporeal immovables constituting private state and private municipal property, and the results of the performance of the contracts shall be provided in a timely fashion by the Agency to the Minister of Economy, Energy and Tourism and shall be included in the annual report referred to in Item 5 of Article 11b herein.

(7) (Amended, SG No. 41/2009) The investor and/or the person referred to in Article 17 may not dispose of the corporeal immovables acquired according to the procedure established by Paragraph (1) and may not transfer the limited rights in rem created to any such immovables prior to the expiry of the period referred to in Item 8 of Article 12 (2) herein.

(8) (Supplemented, SG No. 41/2009) The contracts referred to in Paragraph (1) shall be concluded under the conditions of the effective State aids legislation and according to the procedure laid down in the Regulations for Application of this Act.

(9) (New, SG No. 41/2009) Rights over the corporeal immovables referred to in Paragraph (1) may be transferred or established at prices lower than the market ones, where the price cannot be lower than the tax assessment of the corporeal immovable, for priority investment projects under Article 22f, provided that all conditions have been fulfilled for implementing the regional investment aid scheme under Regulation (EC) No 800/2008, as defined in the Regulations for Application of this Act.

(10) (New, SG No. 41/2009, supplemented, SG No. 18/2010, effective 5.03.2010) Sole proprietor companies with state or municipal participation, as well as commercial companies,

whose capital is owned by sole proprietor companies with state participation may sell, exchange or establish, against consideration, limited rights in rem to corporeal immovables without an auction or competitive bidding:

1. at the request of an investor who or which has obtained a certificate for a class of investment and following a written permission by the sole owner of the capital and written agreement by the Minister of Economy, Energy and Tourism; in such cases an appraisal shall be made in accordance with the procedure set out in Paragraph (2) and the requirements of Paragraphs (3) to (8) shall apply;

2. for priority investment projects referred to in Article 22f at prices lower than the market ones, where the price cannot be lower than the tax assessment of the corporeal immovable, following a written permission by the sole owner of the capital, provided that all conditions have been fulfilled for implementing the regional investment aid scheme under Regulation (EC) No 800/2008, as defined in the Regulations for Application of this Act.

(11) (New, SG No. 41/2009) Sole proprietor companies with state or municipal participation may let out their own corporeal immovables for priority investment projects referred to in Article 22f through direct negotiations following an appraisal by an independent appraiser and permission by the sole owner of the capital.

(12) (New, SG No. 41/2009) For sites II private state property and private municipal property, given by the corresponding competent authority under Article 22 (1), as well as for sites granted under the procedure of Item 2 of Article 10, no state fees shall be paid in the event of changing the land use for the purposes of implementation of priority investment projects. From the same rights shall benefit the investors and persons referred to in Article 22f, (1) and (4) with regard to sites necessary for the implementation of priority investment projects at the location of the investment, and this measure shall be part of the package of promotion measures under Article 22f (2).

**Article 22b.** (New, SG No. 42/2007) (1) (Amended, SG No. 41/2009) Acting on a motion by the Minister of Economy, Energy and Tourism, the Council of Ministers may allocate resources for financial support for the construction of physical-infrastructure elements - constituting public municipal or state property, from the nearest constructed infrastructure element to the property line:

1. for implementation of a Class A investment;

2. for implementation of two or more certified investment projects implemented within the territory of an industrial zone.

(2) The Minister of Economy, Energy and Tourism may propose to the Council of Ministers to allocate resources for financial support under Paragraph (1) when the requirements of Article 16 herein are complied with.

(3) The relationships in connection with the construction of the physical infrastructure under Paragraph (1) shall be regulated by the Regulations for Application of this Act according to the

effective State aids legislation.

(4) (Amended, SG No. 41/2009) The investments referred to in Paragraph (1), which are implemented in high technology activities or within the administrative boundaries of economically disadvantaged regions shall be promoted on a priority basis.

**Article 22c.** (New, SG No. 42/2007) (1) (Amended, SG No. 41/2009) Acting on a motion by the Minister of Economy, Energy and Tourism, the Council of Ministers may allocate resources for financial support for training for attainment of professional qualification of persons, including interns from the higher schools in Bulgaria, who are occupying the new jobs created upon implementation of a Class A and a Class B investment where:

1. (amended, SG No. 41/2009) the investment is implemented in high technology activities or entirely within the administrative boundaries of economically disadvantaged regions;

2. (amended, SG No. 41/2009) the new employment, created as a result of the investment, fulfils cumulatively the conditions specified in Item 7 of Article 12 (2);

3. (supplemented, SG No. 41/2009) the annual labour remuneration of the persons hired under an employment relationship at the enterprise is higher than the national average for the relevant economic activity in which the investment project is implemented, according to data of the National Statistical Institute for the period in which the employment is maintained in accordance with Item 7 of Article 12 (2).

(2) The employer investor may deliver training for upgrading of professional qualification through a training organization or independently within the limits of the resources referred to in Paragraph (1).

(3) (Amended, SG No. 41/2009) The relationships in connection with the training for attainment of professional qualification shall be regulated according to Regulation (EC) No 800/2008 to training aid.

(4) Resources for financial support for training for attainment of professional qualification of persons referred to in Paragraph (1), in respect of whom resources are provided or can be provided to the employer investor according to the procedure established by the Employment Promotion Act, shall not be allocated according to the procedure established by this Act.

**Article 22d.** (New, SG No. 42/2007) (1) Officials shall be designated at each central and local administration to perform administrative services to any investors who or which have been awarded an investment class certificate or to authorized representatives of any such investors in connection with the implementation of the investment projects thereof.

(2) All central and local executive authorities shall be obligated to cooperate with the officers of the Agency for performance of individualized administrative services to investors.

**Article 22e.** (New, SG No. 42/2007, amended, SG No. 41/2009) (1) At the request of an investor, the Minister of Economy, Energy and Tourism may extend, on a single occasion, the



period of validity of the certificate referred to in Item 1 of Article 20 (1) by up to two years where:

1. the administrative services are not provided within the time limits specified in Article 21 herein for a reason beyond the control of the investor;

2. the measure under Article 22a is not implemented for a reason beyond the control of the investor;

3. the investment project is not fully or partially implemented as a result of force majeure, specified in a contract or an agreement with the investor under this Act or in the applicable law of the European Community.

(2) The period referred to in Items 1 and 2 of Paragraph (1) may not exceed the triennial period for implementation of the investment project specified in Item 4 of Article 12 (2).

#### Chapter Four

(New, SG No. 41/2009)

### PRIORITY INVESTMENT PROJECTS

**Article 22f.** (New, SG No. 41/2009) (1) Priority investment projects shall be investment projects which are related to all sectors of the economy in accordance with the requirements of Regulation (EC) No 800/2008 and are particularly important for the economic development of the Republic of Bulgaria or for the regions in Bulgaria. They shall satisfy one or more of the following requirements:

1. the amount of the investment shall exceed at least three times the threshold amount referred to in Item 5 of Article 12 (2) for Class A, as specified in the Regulations for Application of this Act;

2. the investment shall create employment in the meaning of Item 7 of Article 12 (2) through investments in disadvantaged regions or high technology activities, the minimum amount of new employees being specified in the Regulations for Application of this Act;

3. the investment shall envisage the development of industrial zones with the technical infrastructure necessary for attracting of investments under conditions and according to a procedure specified in the Regulations for Application of this Act;

4. the investment shall envisage development of high technology parks with the technical infrastructure necessary for attracting of investments in scientific research and/or education and/or information technologies, including innovative activities for technological renovation of production products and technologies under conditions and according to a procedure specified in the Regulations for Application of this Act.

(2) Priority investment projects can be promoted through a package of measures including:

1. the measures set out in Article 15, Paragraphs (1) and (2), including:

a) the financial support for construction of technical infrastructure referred to in Article 22b can also apply to other elements of the physical infrastructure, specified in the Regulations for Application of this Act;

b) other measures for regional aid defined as transparent aid in the meaning of Article 5 of Regulation (EC) No 800/2008;

2. the measures set out in Article 22a, Paragraphs (9) to (12);

3. institutional support or public-private partnership under Article 22g.

(3) The Minister of Economy, Energy and Tourism shall put forward to the Council of Ministers a proposal for signing a memorandum or agreement of understanding between the government of the Republic of Bulgaria and an investor the investment intentions of which meet the requirements specified in Paragraph (1).

(4) The proposal referred to in Paragraph (3) shall be put forward to the Council of Ministers in the basis of a received written request from an investor in the cases specified in Items 1 to 3 of Paragraph (1), and in the cases specified in Item 4 of Paragraph (1) IJ from an investor and a higher school or another academic organisation, as well as from interested authorities of the territorial executive administration and the local administration at the location of the investment.

(5) The promotion of priority investment projects shall be done under conditions and according to a procedure specified in the Regulations for Application of this Act, in accordance with Regulation (EC) No 800/2008 as a state aid scheme and/or in accordance with the requirements of the State Aid Act.

**Article 22g.** (New, SG No. 41/2009) (1) Upon a proposal of the Ministry of Economy, Energy and Tourism the Council of Ministers can establish an inter-departmental working group for the purposes of ensuring institutional support for a priority investment project. Representatives of the interested authorities of the central and territorial executive administration, of the academic community and of non-governmental organisations can participate in such working group.

(2) Sole proprietor companies with state or municipal participation and budgetary enterprises in the meaning of the Accountancy Act may be co-founders of commercial companies through direct negotiations with an investor under Article 22f upon a decision of the relevant competent authority.

Chapter Five

(Chapter repealed, SG No. 37/2004, effective 4.05.2004)

## RIGHTS TO CORPOREAL IMMOVABLES

**Article 23.** (Repealed, SG No. 37/2004, effective 4.05.2004, new, SG No. 42/2007) Any

foreign investment implemented prior to legislative revisions imposing statutory restrictions solely on foreign investments shall be governed by the legal provisions which were effective at the moment of implementation of the said investment.

**Article 24.** (Repealed, SG No. 37/2004, effective 4.05.2004, new, SG No. 42/2007) (1) Any non-resident person, who [or which] is entitled to carry on commercial business under the national legislation thereof, may establish trade representation offices in Bulgaria which must be registered at the Bulgarian Chamber of Commerce and Industry.

(2) The representation offices referred to in Paragraph (1) shall not be legal persons and may not carry out economic activity.

(3) The transactions, which any non-resident person shall conclude with any resident persons for the needs of a representation office registered by the said non-resident person under Paragraph (1), shall follow the procedure established for the conduct of transactions between resident persons.

**Article 25.** (Repealed, SG No. 37/2004, effective 4.05.2004, new, SG No. 42/2007) Any non-resident natural person or association which is not a legal person may register a wholly owned subsidiary, should the said person or association have been registered as entitled to carry on commercial business under the national law thereof. Any such subsidiary shall be entered in the Commercial Register with the Registry Agency.

**Article 26.** (Repealed, SG No. 37/2004, effective 4.05.2004).  
Chapter Six

(Amended, SG No. 110/1999, repealed, SG No. 37/2004)

#### SPECIAL PROVISIONS

**Article 27.** (Repealed, SG No. 37/2004).

**Article 28.** (Repealed, SG No. 37/2004).

**Article 29.** (Repealed, SG No. 37/2004).

**Article 30.** (Amended, SG No. 110/1999, repealed, SG No. 37/2004).

**Article 31.** (Repealed, SG No. 37/2004).

**Article 32.** (Repealed, SG No. 37/2004).

Chapter Seven

#### ADMINISTRATIVE PENALTY PROVISIONS

**Article 33.** (Repealed, SG No. 37/2004).

**Article 34.** (Amended, SG No. 37/2004) (1) (Amended, SG No. 42/2007) Any official, who breaches or derelicts any obligation referred to in Item 1 of Article 20 (1) and Article 21 herein, shall be liable to a fine of BGN 500, unless the act constitutes a criminal offence.

(2) (Amended, SG No. 42/2007) Any official, who violates Article 22 (3) and Article 22d (2) herein, shall be liable to a fine of BGN 1,000, unless the act constitutes a criminal offence.

(3) Any person, who or which shall fail to provide information requested by the Agency in connection with services to an investment project, will be liable to a fine or a pecuniary penalty of BGN 200 or exceeding this amount but not exceeding BGN 2,000.

(4) Upon a repeated commission of any violation covered under Paragraphs (1) to (3), the fine or the pecuniary penalty shall be imposed in a double amount.

**Article 35.** (New, SG No. 37/2004) (1) Written statements ascertaining commission of any violations covered under Article 34 (1), (2) and (3) herein shall be drawn up by officials designated by the Executive Director of the Agency, and penalty decrees shall be issued by the Executive Director of the Agency.

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

#### SUPPLEMENTARY PROVISIONS

(New, SG No. 37/2004)

§ 1. (New, SG No. 37/2004) Within the meaning given by this Act:

1. "Non-resident person" shall be:

- (a) any legal person which is not registered in the Republic of Bulgaria;
- (b) any association which is not a legal person and which is registered abroad;
- (c) any natural-person foreigner with permanent residence abroad.

2. (Amended, SG No. 41/2009) "Independent valuer" shall be a person according to the Independent Valuers Act.

3. (Amended, SG No. 42/2007) "Individualized administrative services" shall be any activity performed by officers of the Agency or by designated officials of the administration of the local executive authorities, involving submission to and receipt from the competent authorities of all documents required under the effective legislation for implementation of a specific investment.

4. "Repeated" violation shall be any violation committed within one year after the entry into effect of a penalty decree whereby the offender was penalized for a violation of the same kind.

5. (Amended, SG No. 42/2007) "Information services" shall be provision by the Agency of oral and written information to a person interested in investing and wishing to be informed of the investment climate or to obtain information regarding potential partners in Bulgaria, as well as regarding all administrative procedures for implementation of the investment.

6. (Repealed, SG No. 41/2009).

7. (New, SG No. 42/2007) "Establishment" shall be an economically indivisible set of fixed assets, which are interconnected physically and functionally for production of a specific product or products.

8. (New, SG No. 42/2007, amended, SG No. 41/2009) "Starting work on an investment project" shall be the starting of construction activities or the ordering and delivery of tangible and intangible fixed assets, with the exception of preliminary feasibility studies.

9. (New, SG No. 42/2007, repealed. SG No. 41/2009).

10. (New, SG No. 42/2007, amended, SG No. 41/2009) "Economically disadvantaged regions" shall be:

(a) municipalities where the rate of unemployment is higher than the national average, or

(b) administrative regions where the gross value added per capita is lower than the national average.

11. (New, SG No. 42/2007, amended, SG No. 41/2009) "High technology activities" shall be the activities specified by EVROSTAT in the Statistical Classification of Economic Activities in the European Community (NACE), correspondingly its direct application in the Republic of Bulgaria through the Classification of Economic Activities, specified in the Regulations for Application of this Act, such as

a) High Tech economic activities in manufacturing Industries;

b) services defined as "Knowledge-intensive services" (KIS) and "High-tech KIS".

12. (New, SG No. 42/2007, amended, SG No. 41/2009) "Industrial zone" shall be one or several abutting lots with similar characteristics and prevailing use as areas for manufacturing activities, envisaged under an effective detailed development plan, in accordance with the Spatial Development Act.

13. (New, SG No. 42/2007, amended, SG No. 41/2009) "Technological park" shall be a park meeting the requirements for an industrial zone but with prevailing scientific research and development activities and/or education and/or information technologies and innovation activities for technological renovation of production products and technologies. Additional investment activities in processing industry or another industrial sector are admissible.

14. (New, SG No. 41/2009) "Force majeure" shall be circumstances of an extraordinary nature, which by exercising due care the investor could have not or should have not envisaged and avoided, including the financial and economic crisis for the period of action of the Communication from the Commission - Temporary Community Framework for State aid measures to support access to finance in the current financial and economic crisis (OJ, C 16/1 of 22 January 2009).

15. (New, SG No. 41/2009) "Aid scheme", "individual aid", "regional aid", "training aid",

"investment", "tangible and intangible assets", "large investment project", "eligible costs", "employment", "employment directly created by an investment project", "small and medium-sized enterprises" and "large enterprise" shall be notions within the meaning given by Regulation (EC) No 800/2008.

§ 2. (New, SG No. 37/2004, amended, SG No. 42/2007, repealed, SG No. 41/2009).  
TRANSITIONAL AND FINAL PROVISIONS

§ 3. (Renumbered from § 1, SG No. 37/2004) This Act shall supersede the Encouragement and Protection of Foreign Investments Act (promulgated in the State Gazette No. 8/1992; amended in Nos. 92 and 102/1995, No. 109/1996; corrected in No. 110/1996; amended in Nos. 55 and 58/1997).

§ 4. (Renumbered from § 2, SG No. 37/2004) The Statistics Act (promulgated in the State Gazette No. 25/1991; amended and supplemented in No. 64/1991 and No. 60/1992) shall be amended as follows:

1. In Article 21 the words "five hundred to one thousand" shall be replaced by "80,000 to 600,000."

2. In Article 22 the words "one thousand to one thousand and five hundred" shall be replaced by "600,000 to 2,000,000."

3. In Article 23 the words "one thousand to two thousand" shall be replaced by "1,000,000 to 2,000,000."

4. In Article 24 the worlds "five thousand to ten thousand" shall be replaced by "1,000,000 to 3,000,000."

§ 5. (Renumbered from § 3, SG No. 37/2004) Within two months after the entry of this Act into force, the National Statistical Institute shall develop a methodology for generation of statistical information on foreign investments in conformity with international standards.

§ 6. (Renumbered from § 4, SG No. 37/2004) Any corporation wherein a non-resident person holds an interest, which has effected import under the terms established by Article 15a of the Encouragement and Protection of Foreign Investments Act as indicated in § 1 herein, shall present to the customs authorities a judgment of court on inclusion of the non-cash asset into the capital of the corporation within six months after the entry of this Act into force.

§ 7. (New, SG No. 29/1998, renumbered from § 4a, SG No. 37/2004) In any instances other than such covered under the foregoing Section, Articles 14, 15 and 17 herein shall not apply to any goods which have placed under a customs procedure of temporary importation.

§ 8. (Renumbered from § 5, SG No. 37/2004) Where tax reliefs are enjoyed under other statutes, the provision of Article 20 herein shall apply during the remainder of the ten-year period.

§ 9. (Renumbered from § 6, SG No. 37/2004) Within two months after the entry of this Act into force, the Council of Ministers shall adopt Rules of Procedure of the Bulgarian Foreign Investment Agency.

§ 10. (Renumbered from § 7, SG No. 37/2004) Within one month after the entry of this Act into force, the Council of Ministers shall publish a list under Item 3 of Article 18 herein, which shall be updated annually.

§ 11. (Renumbered from § 8, SG No. 37/2004, amended, SG No. 42/2007) The implementation of this Act shall be entrusted to the Council of Ministers.

§ 12. (Renumbered from § 9, SG No. 37/2004) This Act shall enter into force on the date of promulgation thereof in the State Gazette.

Act to Amend and Supplement the Foreign Investments Act

Promulgated, SG No. 37/2004, effective 4.08.2004

§ 26. (1) The Bulgarian Investment Agency shall be a legal successor to the Bulgarian Foreign Investment Agency.

(2) Within one month after the entry of this Act into force, the Minister of Economy and Energy shall lay before the Council of Ministers a draft of a decree to amend the Rules of Organization of the Bulgarian Foreign Investment Agency.

§ 27. (Effective 4.05.2004) (1) Within one month after the entry of this Act into force, the heads of all administrations shall appoint or shall assign functions to one or more persons in the relevant administration to interact with the officers of the Agency and to assist the investors or authorized representatives thereof, who or which have received a certificate of investment class, and shall notified the Bulgarian Investment Agency of the persons so designated.

(2) The Executive Director of the Bulgarian Investment Agency shall designate officers of the Agency to provide individualized administrative services to investors and, within two months after the entry of this Act into force, shall submit a list of the names of the persons referred to in Paragraph (1) to the Minister of Economy and Energy.

§ 28. (Effective 4.05.2004) Within three months after the promulgation of this Act into the State Gazette, the Council of Ministers shall adopt Regulations for Application of this Act.

(\*) Act to Amend the Commercial Register Act

(SG No. 80/2006, effective 3.10.2006)

§ 1. In § 56 of the Transitional and Final Provisions the words "1 October 2006" shall be replaced by "1 July 2007"

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Act to Amend and Supplement the Foreign Investments Act

Promulgated, SG No. 42/2007, effective 30.08.2007,

amended and supplemented, SG No. 41/2009

#### TRANSITIONAL AND FINAL PROVISIONS

§ 34. Throughout the Act, after the words "the Minister of Economy" there shall be added "and Energy".

§ 35. (1) Any investment plans, which have been awarded an investment class certificate according to the hitherto effective procedure, shall be promoted until implementation of the investment for a period not longer than three years, reckoned from the date of award of the certificate.

(2) (Amended, SG No. 41/2009) The first class investment plans referred to in Paragraph (1) may be promoted according to the hitherto effective procedure of Article 20 [of the Investment Promotion Act] as amended by this Act if they fulfil the following conditions:

1. the investor has submitted an application to the Minister of Economy and Energy for enjoyment of the measure within three months after the entry into force of this Act;

2. (amended, SG No. 41/2009) the conditions of Regulation (EC) No 800/2008 with regard to the regional aid scheme under Article 22b are met for the granting of aid for construction of physical-infrastructure elements with resources from the executive budget;

3. (supplemented, SG No. 41/2009) an approval has been received from the European Commission for the compatibility of the planned State aid according to the procedure established by the State Aid Act for the granting of individual aid for construction of physical-infrastructure elements with resources from the executive budget.

(3) The first class investment plans referred to in Paragraph (1) shall be promoted according to the hitherto effective procedure of Article 18 [of the Investment Promotion Act] as amended by this Act according to the effective State aids legislation.

§ 36. The scope of economic activities referred to in Item 2 of Article 12 (2) [of the Investment Promotion Act] and the products produced as a result of implementation of investments in such activities shall be determined by the Regulations for Application of the [Investment Promotion] Act according to the classification of the National Statistical Institute in accordance with the Statistics Act.

§ 37. Any applications for the award of an investment class certificate, which have been received prior to the entry of this Act into force, shall be considered according to the hitherto effective procedure.

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§ 39. This Act shall enter into force three months after the promulgation thereof in the State



Gazette.

Act to Amend and Supplement the Investment Promotion Act

Promulgated, SG No. 41/2009

#### TRANSITIONAL AND FINAL PROVISIONS

§ 22. Investment projects which have been awarded with certificates for investment Class A or Class B under the procedures existing so far shall be promoted in accordance with the procedure laid down in this Act provided that the conditions of Regulation (EC) No 800/2008 are fulfilled.

§ 23. By 31 December 2010 temporary measures can be applied for state aid compatible with the common market in application of Article 88, paragraph 3, letter "b" of the Treaty Establishing the European Community, provided that the Commission is notified and that all conditions of Communication from the Commission - Temporary Community Framework for State aid measures to support access to finance in the current financial and economic crisis (OJ, C 16/1 of 22 January 2009) are fulfilled.

§ 24. (1) The provisions of Commission Regulation (EC) No 1628/2006 of 24 October 2006 on the application of Articles 87 and 88 of the Treaty to national regional investment aid shall be applied until the entry of this Act into force, and Commission Regulation (EC) No 68/2001 of 12 January 2001 on the application of Articles 87 and 88 of the EC Treaty to training aid shall be in force till 31 December 2008.

(2) Aid granted before 31 December 2008, with respect to which the conditions, set out in the Regulations referred to in Paragraph (1), are fulfilled, shall be compatible with the common market and shall be exempted from the obligation for notification in accordance with Article 88, paragraph 3 of the Treaty Establishing the European Community.

§ 25. After the entry into force of the training aid scheme and the regional investment aid scheme summarised information shall be prepared in accordance with Article 9, paragraph 1 of Regulation (EC) No 800/2008 in electronic format for the purpose of informing the European Commission through the developed system SANI.

§ 26. Within five months of the entry of this Act into force the Council of Ministers shall bring in line with it the secondary statutory instruments on its implementation.

#### TRANSITIONAL AND FINAL PROVISIONS

to the Act amending and supplementing the Tourism Act

(SG No. 82/2009, effective 16.10.2009)

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§ 37. In the Investment Promotion Act (promulgated, SG, No. 97/1997; corrected, No.

99/1997; amended, No. 29 and 153/1998, No. 110/1999, No. 28/2002, No. 37/2004; corrected, No. 40/2004; amended, No. 34, 59, 65, 80, 82 and 86/2006, No. 42 and 53/2007, No. 69/2008 and No. 41/2009) everywhere the words "the Minister of Economy and Energy", "Minister of Economy and Energy" and "Ministry of Economy and Energy" shall be replaced respectively by "the Minister of Economy, Energy and Tourism", "Minister of Economy, Energy and Tourism" and "Ministry of Economy, Energy and Tourism"

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