

REGULATIONS FOR THE IMPLEMENTATION OF THE TOBACCO, TOBACCO PRODUCTS AND RELATED PRODUCTS ACT (TITLE AMEND. AND SUPPL. - SG 77 OF 2016, IN FORCE FROM 04.10.2016)

Prom. SG. 18/1 Mar 1994, amend. SG. 99/2 Dec 1994, amend. SG. 86/11 Oct 1996, amend. SG. 18/28 Feb 1997, amend. SG. 100/31 Oct 1997, amend. SG. 60/2 Jul 1999, amend. SG. 114/30 Dec 1999, amend. SG. 62/13 Jul 2001, amend. SG. 78/11 Sep 2001, amend. SG. 96/9 Nov 2001, amend. SG. 3/10 Jan 2003, amend. SG. 69/6 Aug 2004, amend. SG. 71/13 Aug 2004, amend. SG. 78/30 Sep 2005, amend. SG. 100/13 Dec 2005, amend. SG. 83/13 Oct 2006, amend. SG. 26/7 Mar 2008, amend. SG. 39/26 May 2009, amend. SG. 93/24 Nov 2009, amend. SG. 47/22 Jun 2012, amend. SG. 40/2 Jun 2015, amend. and suppl. SG. 77/4 Oct 2016, suppl. SG. 19/28 Feb 2017

Chapter one. GENERAL PROVISIONS

Art. 1. (amend. SG 62/01) (1) The state policy in the field of tobacco and tobacco products shall be implemented by the national strategy for development of tobacco production.

(2) The national strategy for development of tobacco production shall be prepared on the basis of:

1. national objectives and interests, connected with the production, the buying out and the realisation of the tobacco and the tobacco products;

2. regional strategies for development of tobacco production, developed by the regional governors.

(3) The national strategy for development of tobacco production shall be submitted for discussion and approval by the management council (MC) of Fund "Tobacco".

(4) The Minister of Agriculture and Forests shall submit a proposal to the Council of Ministers for approval of the national strategy for development of tobacco production.

(5) The national strategy for development of tobacco production shall be developed for a period of 3 years.

Art. 2. (amend. SG 62/01) (1) (amend. and suppl. – SG 77/16, in force from 04.10.2016) Tobacco manufacturers shall be individuals and corporate bodies, entered in the register of the municipality under art. 6, para 1 of the Tobacco, Tobacco Products And Related Products Act (TTPRPA) and received quota for production of tobacco.

(2) (suppl. – SG 26/08, in force from 07.03.2008, amend. – SG 77/16, in force from 04.10.2016) The persons of para 1 shall submit application to the mayor of the municipality for areas and quantities of tobacco in types, origins and varieties according to the regions of art. 5, para 3 of the TTPRPA, whereas the natural persons shall indicate their full names, and the legal entities - the certificate of entering into BULSTAT register or in the commercial register.

(3) (suppl. – SG 26/08, in force from 07.03.2008) The persons of para 1 shall be entered in the municipal register of the tobacco producers by an official, determined with an order of the mayor. The register shall be maintained for natural persons by their full names, and for the legal entities – by Unified Identification Code (UIC) with BULSTAT or UIC, allocated by the Registry Agency.

Art. 3. (revoked – SG 62/01)

Chapter two. PRODUCTION OF TOBACCO

Art. 4. (1) The tobacco producers shall manufacture on their own or shall buy from other producers the seedlings, using for the purpose only the seeds of this type, origin and variety of tobacco, submitted by

the municipalities.

(2) (amend. SG 62/01) Every tobacco producer shall be obliged to destroy the unused seedlings not later than June 30 of the year of production.

(3) The control of the fulfilment of para 2 shall be performed by the municipalities.

Art. 5. (1) (amend. SG 62/01) Prohibited shall be the planting of tobacco mixed with other agricultural crops.

(2) The picking of the secondary leaves (shoots) is prohibited.

(3) The picking of secondary leaves (shoots) shall be allowed only in cases of hail, at the discretion and by an advance decision of the municipality.

(4) Every tobacco producer shall be obliged to uproot the tobacco stems in 30 days term after finishing the picking of tobacco except the tobacco stems on strongly inclined terrain.

Art. 6. (amend. SG 62/01) (1) (amend. – SG 77/16, in force from 04.10.2016) Every year till December 10, on the basis of the information of art. 5, para 5 and 7 of the TTPRPA the expert council for development of the tobacco production shall submit to the MC of Fund "Tobacco" proposal about the quantities, the regions, the types, the origins and the varieties for production of tobacco during the next year.

(2) Every year till January 10 the MC of Fund "Tobacco" shall make proposal to the Minister of Agriculture and Forests about the quantities, the regions, the types, the origins and the varieties for production of tobacco during the current year.

(3) The proposal of para 2 for the tobacco producing regions shall be developed in compliance with the regions of the varieties in municipalities and settlements and it shall be approved by the Minister of Agriculture and Forests.

(4) In the variety structure of the tobacco production shall participate only varieties, included in the list "A" of the Official variety list of the Republic of Bulgaria.

(5) (amend. – SG 77/16, in force from 04.10.2016) Quantities for production of tobacco, bigger than these ordered by the buyers of art. 5, para 5 of the TTPRPA shall not be distributed.

(6) (amend. – SG 77/16, in force from 04.10.2016) In the cases when the quantities of tobacco, ordered by the buyers, are bigger than these proposed by the mayors of the municipalities according to art. 5, para 5 of the TTPRPA, the distribution shall be implemented up to the quantities, proposed by the mayor.

Art. 7. (amend. SG 62/01) (1) (amend. - SG 77/16, in force from 04.10.2016) The distribution of the quantities, regions, types, origins and varieties, determined under art. 5, para 1 of the TTPRPA, in the municipalities shall be implemented by Fund "Tobacco" according to the following criteria:

1. fulfilment of the quantities of types, origins and varieties in the municipalities for the previous three harvests;

2. achieved average annual production in the municipality in the previous three harvests;

3. the change of the total quantities of origins and types of tobacco in comparison with the quantity from the previous harvest;

4. quantity of bought out tobacco in comparison with the contracted out for the previous three harvests.

(2) The distribution of para 1 shall be approved by the Minister of Agriculture and Forests.

(3) In seven days term after the promulgation of the order of para 2 Fund "Tobacco" shall inform the municipalities and the buyers of tobacco about the distribution of the quantities, the types, the origins and the varieties in the municipalities.

Art. 8. (amend. SG 62/01) (1) The Minister of Agriculture and Forests can determine additional

quantities of types, origins and varieties upon proposal of the buyers, in co-ordination with the municipalities.

(2) The tobacco buyers shall in co-ordination with the municipalities make proposal to Fund "Tobacco" for distribution of additional quantities of tobacco of types, origins and varieties not later than February 10.

Art. 9. (amend. SG 62/01) (1) The quantities of the municipalities, determined with order of the Minister of Agriculture and Forests, shall be distributed with an order of the mayor to the persons, submitted application of art. 2, para 2, the quota of each of them being entered in the register of the tobacco producers.

(2) Upon a refusal of a quotas on behalf of tobacco producers the remainder shall be proposed to tobacco producers, registered till February 15.

(3) Every year till August 5 the mayor shall enter in the register of the tobacco producers the really planted areas and the expected quantity of tobacco for each tobacco producer. The quantities shall be determined on the basis of average counting of number of plants per decare.

(4) Every year till May 15 Fund "Tobacco" shall prepare account about the fulfilment of the quota for the previous harvest.

Art. 10. (amend. SG 62/01) (1) Till February 20 the mayor of the municipality shall issue a certificate for registration to each tobacco producer in two copies – blue and yellow in colour, where shall be entered the quota for production, distributed to him. The number of the certificate for registration shall correspond to the number of registration of the tobacco producer. The certificate shall be issued according to a model according to appendix No 1.

(2) The blue copy of the certificate shall be delivered to the buyer at concluding the contract for production and buying out of tobacco and it shall be an integral part of the contract.

(3) The yellow copy shall remain for the tobacco producer.

(4) The certificate for registration shall every year be printed and conceded to the municipalities by Fund "Tobacco".

Art. 11. (amend SG 62/01) (1) The quota for production of tobacco can be transferred only between spouses and relatives of direct line with a written notification to the mayor of the municipality, signed by the owner of the quota and the one, willing to receive it.

(2) The notification of para 1 shall be submitted till February 20.

(3) In seven days term after the date of submitting the notification the mayor of the municipality shall issue an additional order, reflect the changes in the register of the tobacco producers and inform about this in writing Fund "Tobacco" till March 1.

(4) Quotas, for which contracts have been concluded for production and buying out of tobacco cannot be transferred.

Art. 12. (amend. SG 62/01) (1) (amend. – SG 77/16, in force from 04.10.2016) The production of tobacco seeds shall be implemented under the conditions and by the order of art. 7, para 3 and art. 8 of the TTPRPA.

(2) Base for the production of the necessary seeds from origins and varieties shall be the quota for the previous harvest with two years reserve.

(3) (amend. – SG 77/16, in force from 04.10.2016) The individuals and the corporate bodies of art. 7, para 3 of the TTPRPA shall conclude with Fund "Tobacco" contracts for maintaining of the varieties and production of tobacco seeds.

(4) The prices, which Fund "Tobacco" pays for the seeds, shall be determined on the basis of the

expenses according to technological cards, included in technological instructions for production of seeds.

(5) Till February of the production year Fund "Tobacco" shall distribute and organise the supply of the tobacco seeds for the municipalities.

(6) The use of other seeds except these supplied by Fund "Tobacco" and distributed to the municipalities shall not be admitted.

Chapter three.

QUALIFICATION OF TOBACCO AT BUYING OUT

Art. 13. (amend. SG 62/01) (1) (amend. – SG 77/16, in force from 04.10.2016) The minimum quality requirements, determined in appendix No 2, shall be obligatory for the tobacco producers at the producer's preparation of the raw tobacco and for the persons of art. 21, para 1 of the TTPRPA at qualification and buying out of the tobacco from the tobacco producers.

(2) The quality classification of the raw tobacco shall be defined in three classes in compliance with section II "Quality classification" of appendix No 2.

(3) The moisture content of the tobacco, defined at the qualification and exceeding the one determined in appendix No 3, shall not be paid.

(4) The soil parts (soil and sand) stuck to the tobacco leaves shall not be paid and shall be deducted according to their real mass.

(5) The determining of the moisture content shall be implemented according to appendix No 4, and of sand – according to appendix No 5.

(6) Tobacco of section I "Quality restrictions" of appendix No 2 shall not be qualified and paid.

(7) Producer's packing shall not be subject to qualification as follows:

1. packed with artificial material;

2. containing:

a) leaves of section I of appendix No 2, when they exceed 5 percent of the total quality;

b) external non tobacco admixtures;

c) (revoked – SG 3/03)

d) (revoked – SG 3/03)

(8) The producer's packing of para 7 shall be qualified after their processing by the producers.

Art. 14. (amend. SG 62/01) The dried tobacco shall be qualified by producer's packing.

Chapter four.

BUYING OUT OF THE TOBACCO

Art. 15. (revoked – SG 62/01)

Art. 16. (1) (amend. and suppl. SG 62/01) Tobacco from types and origins shall be bought out dried, manipulated and packed by the producer's according to the minimum quality requirements of appendix No 2.

(2) (revoked – SG 62/01)

Art. 17. (amend. SG 62/01) (1) (amend. – SG 77/16, in force from 04.10.2016) In 7 days term after the elapse of the term of art. 11, para 8 of the TTPRPA the municipalities shall inform Fund "Tobacco" about quantities of tobaccos, produced under a contract, but not bought out, by types, origins and tobacco producers.

(2) The management council of Fund "Tobacco" shall organise the buying out of the tobaccos, produced under a contract, but not bought out till March 1 by the order of the Law for public orders.

Chapter five. BUY OUT PRICES

Art. 18. (1) (amend. SG 62/01) Every year till November 30 the scientific organisations for tobacco shall present to Fund "Tobacco" a development about the expenses for production of one kilogram raw tobacco for the current production year and a proposal for the amount of the expenses for production of one kilogram raw tobacco for the following production year.

(2) (amend. SG 62/01) The development and the proposal of para 1 shall be made for types and origins of tobacco according to technological cards and calculations, determined with the methodology for the minimum buy out prices of tobacco.

(3) (amend. SG 62/01, amend. – SG 77/16, in force from 04.10.2016) Within the term of para 1 the persons of art. 21, para 1 of the TTPRPA can present to Fund "Tobacco" motivated proposals about the amount of the buy out prices of one kilogram raw tobacco of types, origins and classes.

(4) (revoked – SG 62/01)

(5) (revoked – SG 62/01)

(6) (amend. SG 99/94, revoked – SG 62/01)

Chapter six. PREMIUMS FOR THE TOBACCO PRODUCERS (title amend. SG 62/01)

Art. 19. (amend. SG 62/01) (1) (amend. – SG 77/16, in force from 04.10.2016) Premium under art. 18a, para 1 and 2 of the TTPRPA can be conceded directly to the tobacco producers for produced and bought out tobacco.

(2) (amend. SG 96/01, amend. – SG 77/16, in force from 04.10.2016) The expert council for development of the tobacco production shall make proposals to the Management Council of Fund "Tobacco" about the extent, the terms and the way of payment of the premium of art. 18a, para 1 and 2 of the Tobacco, Tobacco Products And Related Products Act. The proposals shall be made for types and origins in levs for kilogram raw tobacco within the pecuniary funds, approved in the budget of Fund "Tobacco".

(3) (amend. SG 96/01, amend. – SG 77/16, in force from 04.10.2016) The Management Council of Fund "Tobacco" shall propose to the Council of Ministers for approval the extent, the kind and the conditions for conceding of premiums by the order of art. 18a, para 1 and 2 of the TTPRPA for one kilogram raw tobacco till:

1. October 31 – for tobacco of type "Virginia";

2. March 31 – for tobaccos of type "Oriental" and of type "Barley" for the harvest of the previous year.

(4) (amend. – SG 77/16, in force from 04.10.2016) The Management Council of Fund "Tobacco" can propose premium of art. 18a, para 2 of the TTPRPA only for tobacco class I and II.

(5) (amend. SG 96/01) The premiums of the tobacco producers shall be paid after the end of buying out in 60 calendar days after the decision of para 3.

(6) The determining of the premiums shall be implemented on the basis of the information, conceded by the buyers, about the bought out quantities of tobaccos of origins and classes from tobacco producers.

(7) The premiums of the tobacco producers shall be paid in the following way:

1. Fund "Tobacco" pays the premium directly to the tobacco producers – individuals through a bank

by:

- a) opening officially for its account to the name of each separate tobacco producer, who meets the conditions of art. 2, para 1, an account in the bank, servicing the respective municipality;
 - b) informing the tobacco producers about the payment of the premium by the mass media and by the municipal administrations;
 - c) closing officially the bank account 60 days after its opening and the resources shall be restored to Fund "Tobacco";
 - d) the bank account of the tobacco producers can be used only for payment of the premium;
2. the payment of the premium of the tobacco producers – sole entrepreneurs and corporate bodies, shall be implemented by a bank and on the basis of:
- a) (amend. – SG 26/08, in force from 07.03.2008) updated certificate of entering into the commercial register;
 - b) (revoked – SG 26/08, in force from 07.03.2008)
 - c) (revoked – SG 26/08, in force from 07.03.2008)
 - d) address and telephone for permanent contact;
 - e) the servicing bank, bank code, BIN and bank account.

Art. 20. (amend. SG 62/01) (1) (revoked - SG 47/12)

(2) (amend., SG 71/04; amend. - SG 47/12) The expenses for the activity of the expert councils of art. 4 and 18 of the ordinance for the terms and the order of issuing and withdrawal of permits for industrial processing of tobacco and for production of tobacco products, related to technical expert assessments, remuneration for participation in sittings of their members and exercising control shall be for the account of Fund "Tobacco".

(3) (revoked - SG 47/12)

Art. 21. (1) The management of fund "Tobacco" shall be performed by a managing council.

(2) The chairman of the management council of the fund shall be the Minister of Agriculture, representatives of the ministries under Art. 19, para 4 of the LTTP shall be deputy ministers, representative of the Bulgarian National Bank shall be under governor, and the producers and buyers of tobacco shall be represented by authorised persons.

(3) The members of the management council shall take part personally and may authorise other persons to substitute them.

(4) In the event of absence for a period longer than 30 days the chairman and the members of the management council shall be substituted by the persons who by virtue of their posts or by virtue of assignment perform their functions for the time of their absence.

Art. 22. The preservation, the industrial processing and the realisation of the tobacco, bought out with resources of the fund shall be made on contractual basis between the chairman of the management council and the persons entitled to these functions according to the LTTP under the conditions and by the order of Art. 17, para 4, 5, 6 and 7 of these Regulations.

Chapter seven.

ISSUING OF PERMITA (title amend. SG 62/01)

Section I.

Issuing of permits for industrial processing of tobacco and for the production of tobacco products (title amend. SG 62/01; revoked, SG 71/04)

Art. 23. (amend. SG 62/01, revoked, SG 71/04)

Art. 24. (amend. SG 62/01, revoked, SG 71/04)

Art. 25. (amend. SG 62/01, revoked, SG 71/04)

Art. 26. (amend. SG 62/01, revoked, SG 71/04)

Art. 27. (amend. SG 62/01, revoked, SG 71/04)

Art. 28. (amend. SG 62/01, revoked, SG 71/04)

Art. 29. (revoked – SG 62/01)

Art. 30. (revoked – SG 62/01)

Section II.

Commission of art. 21, para 3 of LTTP (revoked – SG 62/01)

Art. 31. (revoked – SG 62/01)

Section III.

Issuing of permits for trade with tobacco products (amend. SG 62/01, revoked – SG 77/16, in force from 04.10.2016)

Section III.

Issuing of permits for trade with tobacco products (amend. SG 62/01)

Art. 32. (amend. SG 62/01, revoked – SG 77/16, in force from 04.10.2016)

Art. 32a. (new – SG 62/01, revoked – SG 77/16, in force from 04.10.2016)

Art. 33. (amend. – SG 62/01, revoked – SG 77/16, in force from 04.10.2016)

Art. 34. (revoked – SG 77/16, in force from 04.10.2016)

Art. 34a. (revoked – SG 77/16, in force from 04.10.2016)

Art. 34b. (revoked – SG 77/16, in force from 04.10.2016)

Art. 35. (revoked – SG 77/16, in force from 04.10.2016)

Section IV.

Appealing (revoked – SG 62/01)

Art. 36. (revoked – SG 62/01)

**Chapter eight.
EXCISE BAND**

Art. 37. (revoked – SG 26/08, in force from 07.03.2008)

Art. 38. (revoked – SG 26/08, in force from 07.03.2008)

Art. 39. (revoked – SG 26/08, in force from 07.03.2008)

Art. 40. (revoked – SG 26/08, in force from 07.03.2008)

Art. 41. (revoked – SG 26/08, in force from 07.03.2008)

Art. 41a. (new, SG 71/04 – in force from January 1, 2005; revoked – SG 26/08, in force from 07.03.2008)

Art. 42. (revoked – SG 26/08, in force from 07.03.2008)

Art. 43. (revoked – SG 26/08, in force from 07.03.2008)

Art. 44. (revoked – SG 26/08, in force from 07.03.2008)

Art. 45. (amend. – SG 26/08, in force from 07.03.2008) (1) The producers, the importers and the individuals, introducing from another European Union Member State or from a state- a party to the Agreement on the European Economic Area, tobacco products shall be obliged to sell them on the local market:

1. with glued excise bands;

2. to individuals, having obtained a permit for marketing tobacco products.

(2) (amend. – SG 77/16, in force from 04.10.2016) The invoice for selling tobacco products, besides the obligatory prerequisites, should contain the merchant's UIC and the number and the date of the permit to trade in tobacco products.

Art. 46. (revoked – SG 26/08, in force from 07.03.2008)

Art. 47. (revoked – SG 26/08, in force from 07.03.2008)

Chapter eight "a".

**PROVISION OF DATA AND INFORMATION ON TOBACCO PRODUCTS (NEW - SG 77 OF
2016, IN FORCE FROM 04.10.2016)**

Chapter eight "a".

**PROVISION OF DATA AND INFORMATION ON TOBACCO PRODUCTS (NEW - SG 77 OF
2016, IN FORCE FROM 04.10.2016)**

Art. 47a. (1) (new - SG 77/16, in force from 04.10.2016) Manufacturers, importers or persons who bring tobacco products into the territory of the country from another Member State, shall present the Institute of tobacco and tobacco products information under Art. 35b, para. 1-2 TTPRPA under the terms and conditions of the Commission Implementing Decision (EU) 2015/2186 of 25 November 2015 establishing a format for the submission and making available of information on tobacco products (OJ, L 312/5 of 27 November 2015).

(2) Manufacturers, importers and persons who bring tobacco products into the territory of the country from another Member State, shall present annually by June 30th information under Art. 35e, para. 1, item 3 TTPRPA for the previous calendar year.

(3) The National Revenue Agency and/or the Customs Agency shall present annually by June 30th the information under Art. 35e, para. 3 TTPRPA for the previous calendar year.

Art. 47b. (New - SG 77/16, in force from 04.10.2016) Manufacturers, importers and persons who bring cigarettes and roll-your-own tobacco into the territory of the country from another Member State, shall also present the Institute of tobacco and tobacco products with information on additives established by the Commission Implementing Decision (EU) 2016/787 of May 18, 2016, on creating a priority list of additives contained in cigarettes and roll-your-own tobacco which are subject to obligations for advanced notification (OJ, L 131/88 of May 20, 2016).

Art. 47c. (New - SG 77/16, in force from 04.10.2016) (1) Manufacturers, importers and persons who bring novel tobacco products into the territory of the country from another Member State, shall indicate in the information under Art. 26a, para. 4, item 1 of the TTPRPA whether the product falls into the category of "tobacco products for smoking" or in the category of "smokeless tobacco products".

(2) When a novel tobacco product falls into the category of "smokeless tobacco products", the information under Art. 26a, para. 4 TTPRPA must include data and results from tests, performed through recognized scientific methods, which prove that in using the product in accordance with the user instruction of Art. 26a, para. 4, item 2 of the TTPRPA, it does not involve a combustion process of tobacco.

(3) Where manufacturers, importers and persons who bring a novel tobacco product into the territory of the country from another Member State and are willing to provide information to consumers about the level of risk from the use of this product compared to cigarettes or other tobacco products for smoking, in addition to the data and information under Art. 26a, para. 4 of the TTPRPA, shall accompany the notification under Art. 26a, para. 1 of the TTPRPA with the following:

1. the information they want to give to the users regarding the level of risk associated with the use of this product;

2. detailed description of the performed scientific studies, including:

a) assessment of the levels of emissions of toxic substances compared to cigarettes or other tobacco products for smoking, done with recognized scientific methods;

b) results of pre-clinical studies, performed in accordance with internationally recognized tests and in accordance with "Good Laboratory Practices" of the Organization for Economic Cooperation and Development, which show the level of toxicity compared to cigarettes or other tobacco products for smoking;

c) the results of clinical trials carried out according to the "Good Clinical Practice" on the exposure to harmful substances and/or emissions and the risk of morbidity in the use of the novel tobacco product compared to cigarettes or other tobacco products for smoking.

(4) Manufacturers, importers and persons who bring a novel tobacco product into the territory of the country from another Member State shall submit to the Ministry of Economy the information available on the impact of this product on the perception, behavior, health and consumption of consumers under normal conditions of use, including data on adverse effects.

(5) Manufacturers, importers and persons who bring a novel tobacco product into the territory of the country from another Member State shall present annually by June 30 the information under par. 4 for

the previous calendar year.

(6) After receiving the opinions of Art. 26a, para. 7 of the TTPRPA, the Ministry of Economy shall enter in the register under Art. 26b of the TTPRPA the information under Art. 26a, para. 1-4 of TTPRPA, except for any information which constitutes a trade secret.

Chapter eight "b".

NOTIFICATION OF ELECTRONIC CIGARETTES AND REFILL CONTAINERS (NEW - SG 77/16, IN FORCE FROM 04.10.2016)

Art. 47d. (New - SG 77/16, in force from 04.10.2016) (1) Manufacturers, importers and persons who bring electronic cigarettes and refill containers into the territory of the country from another Member State shall submit the notification under Art. 43a, para. 1 and the information under Art. 43a, para. 3 of TTPRPA under the terms and conditions of the Commission Implementing Decision (EU) 2015/2183 of 24 November 2015 establishing a common format for the notification of electronic cigarettes and refill containers (OJ, L 309/15 of 26 November 2015).

(2) Manufacturers, importers and persons who bring electronic cigarettes and refill containers into the territory of the country from another Member State shall provide annually by 30 June the information under Art. 43b, para. 1, item 1 of the TTPRPA for the previous calendar year.

Chapter eight "c".

NOTIFICATION OF INGREDIENTS OF SMOKING PRODUCTS OTHER THAN TOBACCO (NEW - SG 19/17, IN FORCE FROM 28.02.2017)

Art. 47e. (new - SG 19/17, in force from 28.02.2017) (1) Producers, importers and persons introducing to the territory of the country from another European Union Member State smoking products other than tobacco shall submit the information under Art. 43j, Para 1, item 1 and Para. 2 of TTPRPA through the EU Common Entry Gate (EU-CEG).

(2) The information under Art. 43j, Para 1, item 1 and Para. 2 of TTPRPA shall be submitted before placing on the market of a new or modified smoking product other than tobacco.

(3) Producers, importers and persons introducing to the territory of the country from another European Union Member State smoking products other than tobacco shall submit the declaration under Art. 43j, Para 1, item 2 before placing on the market of a new or modified product. The declaration under Art. 43j, Para 1, item 2 can be submitted electronically using an electronic signature of the declarant.

Art. 47f. (new - SG 19/17, in force from 28.02.2017) When submitting the information under Art. 43j, Para 1, item 1 and Para. 2 the producers, importers and persons introducing to the territory of the country from another European Union Member State smoking products other than tobacco shall indicate which part of it is considered to be a commercial secret.

Chapter nine.

TRADE WITH PROCESSED TOBACCO, TOBACCO PRODUCTS AND RELATED PRODUCTS (TITLE AMEND. SG 62/01, AMEND. AND SUPPL. - SG 77/16, IN FORCE FROM 04.10.2016)

Chapter nine.

TRADE WITH PROCESSED TOBACCO AND TOBACCO PRODUCTS (title amend. SG 62/01)

Art. 48. (revoked, SG 71/04 – in force from January 1, 2005)

Art. 49. (amend. SG 62/01; revoked, SG 71/04 – in force from January 1, 2005)

Art. 49a. (new – SG 62/01; revoked, SG 71/04 – in force from January 1, 2005)

Art. 50. (amend. SG 18/97, SG 62/01; revoked, SG 71/04 – in force from January 1, 2005)

Art. 51. (amend. SG 62/01; revoked, SG 71/04 – in force from January 1, 2005)

Art. 52. (amend. - SG 77/16, in force from 04.10.2016) (1) Each unit packet and each outside packaging of tobacco products must contain:

1. the relevant health warnings under Art. 35h, para. 1, Art. 35j, para. 1, Art. 35k, para. 1 and Art. 35l, para. 1 and 2 of the TTPRPA;

2. the number of pieces of cigarettes, cigars and cigarillos or the weight of roll-your-own tobacco, wastepipe tobacco, pipe tobacco, chewing tobacco and nasal tobacco;

3. the manufacturer and the importer, if tobacco product is imported.

(2) Unit packaging of tobacco products must be marked appropriately, so as to ensure identification of the place and time (date) of production of the respective product.

(3) When unit packets contain digital and/or letter code of the place and time (date) of production, as well as when changing this code, manufacturers, importers and persons who bring tobacco products from another Member State or from a country - party to the Agreement on the European Economic Area or from the Swiss Confederation, shall submit at the Ministry of Economy information about the numbers and/or letters of the code identifying the date of manufacture. Information shall be provided no later than 14 days before placing the tobacco products on the market.

Art. 52a. (New - SG 77/16, in force from 04.10.2016) For roll-your-own tobacco in packages shaped as pouches, the general warning of Art. 35h, para. 1, item 1 and the information message of Art. 35h, para. 1, item 2 of the TTPRPA shall be placed in the terms and conditions set out in Commission Implementing Decision (EU) 2015/1735 of 24 September 2015 regarding the exact placing of the general warning and the information message on the roll-your-own tobacco marketed in pouches (OJ, L 252/49 of 29 September, 2015).

Art. 52b. (New - SG 77/16, in force from 04.10.2016) (1) Each unit packet and each outside packaging of tobacco products, intended for retail sale licensed for duty free trade, must:

1. meet the requirements of Art. 52, para. 1;

2. include information on cessation of tobacco consumption, which is part of the combined health warning under Art. 35j, para. 1 or of the general warning of Art. 35l, para. 1, item 1 of the TTPRPA.

(2) The information under par. 1, item 2 must direct consumers to consult a specialist of their choice or to seek help from available international sources of information about quitting smoking.

Art. 52c. (new – SG 62/01; amend., SG 71/04 – in force from 01.01.2005, amend., SG 100/05, in force from 01.01.2006; amend. – SG 83/06, in force from 13.10.2006, previous Art. 52a – SG/16, in force from 04.10.2016) Prohibited shall be the selling on the home market of tobacco products without registered and sale price, as well as of tobacco products without excise band stuck.

Art. 52d. (New - SG 77/16, in force from 04.10.2016) The import of tobacco products and related products shall, with respect to the requirements of the TTPRPA, be coordinated by:

1. the Ministry of Economy - regarding Art. 26a and 43a of the TTPRPA;

2. the Commission for Consumer Protection - regarding Art. 26c, Art. 30, para. 2, item 4, 6-7, 14-19, Art. 35f – 35n and Art. 43e - 43h of the TTPRPA;

3. the Institute of tobacco and tobacco products - about Art. 30, para. 2, item 17-18 and Art. 35a, para. 1 of the TTPRPA.

Art. 52e. (New - SG 77/16, in force from 04.10.2016) The manufactured, imported and brought into the country refill mechanisms for electronic cigarettes from another country – Member State, or from a country - party to the Agreement on the European Economic area, must comply with the technical standards established by the Commission Implementing Decision (EU) 2016/586 of 14 April 2016 on technical standards for refill mechanisms for electronic cigarettes (OJ, L 101/15 of April 16, 2016).

Art. 53. (revoked – SG 114/99, in force from January 1, 2000).

Additional provisions

§ 1. In the sense of this regulation:

1. (amend. SG 62/01) "Transport packing" is a packing, which is used for transport of tobacco products with land, water and air transport and ensures preservation of the consumer qualities and the external appearance of the products.

2. (amend. SG 62/01) "Admissible for joint preservation and selling goods" are these goods, which have been packed in a way not allowing emission of odours and permeation of liquids.

3. (amend. SG 62/01) "Restaurants, drink establishments and bars" are catering and entertainment establishments, pointed out in items I, III and V of appendix No 2 of art. 2 of Ordinance No 2 of 1998 for categorisation of the tourist sites, issued by the Minister of Trade and Tourism (SG 101/98).

Transitional and concluding provisions

§ 2. (amend. SG 62/01) The technological instructions for production of tobacco under art. 8 of LTTP shall be prepared by the scientific organisations for tobacco in 30 days term after this regulation enters into force and they shall be approved by the Minister of Agriculture.

§ 3. The persons already working in this sphere, under Art. 21, para 1 and Art. 24 of LTTP shall be obliged, within 30 days after this regulation enters into force, to present applications to the Minister of Finance for the issuing of permissions (licences).

§ 4. The persons who have received permissions (licences) under Art. 12, para 1 of the Ordinance for licensing the producers of wine, spirit and alcoholic beverages and the order of trading with wine, spirit and alcoholic beverages and tobacco products, adopted by DCM No. 192 of the Council of Ministers of 1993 (SG 90/93), shall preserve their rights if, within 30 days bring their trading places in compliance with the requirements of these regulation.

§ 5. The persons who have not presented applications or have not received permissions (licences) under § 3 and 4 shall be obliged to discontinue immediately their practice.

§ 6. The pending procedures for issuing of permissions (licences) under Art. 12, para 1 of the Ordinance for licensing the producers of wine, spirit and alcoholic beverages and the order of trading with wine, spirit and alcoholic beverages and tobacco products shall be finished by the order of this regulation.

§ 7. The regulation is issued pursuant to § 5 of the additional and concluding provisions of the Law for tobacco and tobacco products.

§ 8. (revoked – SG 78/01).

§ 9. (new – SG 78/01) The qualification and the buying out of tobacco – harvest 2001, shall be implemented by the order of art. 13 and 16 in their wording from 1994.

Transitional and concluding provisions

DECREE No. 263 OF 6TH OF DECEMBER 2005 FO ADOPTION OF ORDIANNCE ON THE TERMS AND PROCEDURE FOR DETERMINATION OF THE PRICES OF THE CIGARETTES OF LOCAL PRODUCTION AND OF IMPORT ON THE HOME MARKET AND FOR THEIR SELLING (PROMULG., SG 100/05, IN FORCE FROM 01.01.2006)

§ 2. In the Regulations fro the Implementation of the Law of Tobacco and Tobacco Products, adopted with Decree No. 39 of the Council of Ministers of 1994 (promulg., 18/1994; amend., and suppl., 99/ 1994, 86/ 1996, 18 and 100 /1997, 60 and 114/ 1999, 62, 78 and 96/ 2001, 3/ 2003, 69 and 71/ 2004 and 78/ 2005), art. 52 a shall be amended as follows:

.....

§ 4. The decree shall enter into force from the date of its promulgation in the State Gazette, except § 2, which shall enter into force from 01.01.2006.

Transitional and concluding provisions

TO DECREE NO. 36 OF 27 FEBRUARY 2008 FOR AMENDMENT AND SUPPLEMENTATION OF THE REGULATIONS FOR APPLICATION OF THE LAW FOR THE TOBACCO AND TOBACCO PRODUCTS

(PROM. – SG 26/08, IN FORCE FROM 07.03.2008)

§ 10. The producers, the importers and the individuals, introducing from another European Union Member State or from a state – a party to the Agreement on the European Economic Area, tobacco products, within one month from the date of entering of the decree into force shall submit to the Ministry of Economy and Energy information on the digits and/or letters of the code on consumer’s packing of tobacco products, identifying the production date, for tobacco products, which as of the date of entering into force of the decree have been launched on the market.

§ 12. The decree shall enter into force from the day of its promulgation in the State Gazette.

Transitional and concluding provisions

TO DECREE NO. 116 OF 15 MAY 2009 FOR AMENDMENT OF REGULATIVE ACTS OF THE COUNCIL OF MINISTERS

(PROM. – SG 39/09, IN FORCE FROM 26.05.2009)

§ 3. The existing as of the date of entering of the Decree into force tobacco products which are meant for sale on the domestic market and are not labeled in compliance with its requirements, may be sold up to the exhaustion of the quantities, but not later than 31 December 2009.

§ 4. The Decree shall enter into force from the date of its promulgation in the State Gazette.

Concluding provisions

TO DECREE NO. 268 OF 12 NOVEMBER 2009 ON ADOPTING STRUCTURAL REGULATIONS OF THE MINISTRY OF ECONOMY, ENERGY AND TOURISM

(PROM. – SG 93/09, IN FORCE FROM 24.11.2009; CORR. - SG 95/09; AMEND. - SG 04/12)

§ 94. (corr. - SG 95/09; revoked by Decision No 15898 of 01.12.2011 of SAC in the part “except for § 93, Item 1, which shall enter into force on 01.11.2009” - SG 04/12) The present Decree shall enter into force from the day of its promulgation in the State Gazette.

Additional provisions

TO DECREE № 249 OF SEPTEMBER 27, 2016, ON AMENDING AND SUPPLEMENTING THE REGULATIONS FOR IMPLEMENTATION OF THE TOBACCO AND TOBACCO PRODUCTS ACT, ADOPTED BY DECREE № 39 OF THE COUNCIL OF MINISTERS OF 1994

(PROM. - SG 77/16, IN FORCE FROM 04.10.2016)

§ 13. Throughout the Regulations, the abbreviation "TTPA" is replaced by "TTPRPA".

Transitional and concluding provisions

TO DECREE № 249 OF SEPTEMBER 27, 2016, ON AMENDING AND SUPPLEMENTING THE REGULATIONS FOR IMPLEMENTATION OF THE TOBACCO AND TOBACCO PRODUCTS ACT, ADOPTED BY DECREE № 39 OF THE COUNCIL OF MINISTERS OF 1994

(PROM. - SG 77/16, IN FORCE FROM 04.10.2016)

§ 14. Manufacturers, importers and persons who bring into the country tobacco products from another country - Member State, shall provide by November 20, 2016, the information under Art. 35e, para. 1 of the TTPRPA for the year 2015.

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§ 16. The Decree shall enter into force on the day of its promulgation in the State Gazette.

Concluding provisions

TO DECREE № 41 OF FEBRUARY 23, 20167, ON SUPPLEMENTING THE REGULATIONS FOR IMPLEMENTATION OF THE TOBACCO AND TOBACCO PRODUCTS ACT, ADOPTED BY DECREE № 39 OF THE COUNCIL OF MINISTERS OF 1994

(PROM. SG 19/17, IN FORCE FROM 28.02.2017)

§ 4. The Decree shall enter into force on the day of its promulgation in the State Gazette.