

REPUBLIC OF BULGARIA  
COUNCIL OF MINISTERS

**DECREE No. 179  
of 20 September 1995**

**on Adoption of Rules on Implementing  
the Agricultural Producers' Protection Act**

*Promulgated State Gazette No. 85/22.09.1995  
Amended SG No. 90/1995*

**THE COUNCIL OF MINISTERS  
HAS DECREED:**

**Sole Article**

The Council of Ministers hereby adopts Rules on Implementing the Agricultural Producers' Protection Act (SG No. 57/1995).

**CONCLUDING PROVISION**

**Sole Paragraph**

These Rules have been adopted pursuant to § 12 of the Transitional and Concluding Provisions of the Agricultural Producers' Protection Act.

Chairman of the Council of Ministers: **Jean Videnov**  
For the Chief Secretary of the Council of Ministers: **Krasimir Nikolov**

**RULES  
on Implementing the  
Agricultural Producers' Protection Act**

**Chapter One  
GENERAL PROVISIONS**

**Article 1**

These Rules shall govern the social relations aimed at the attainment of the objectives defined in Art. 1 of the Agricultural Producers' Protection Act (APPA).

**Article 2**

- (1) The Council of Ministers, at the proposal of the Minister of Agriculture and Food Industries, shall endorse and submit for approval by the National Assembly the national agricultural development strategy for a five-year period.
- (2) The Minister of Agriculture and Food Industries shall submit the annual agricultural development programme for the subsequent year to the Council of Ministers before 15 July of the current year.

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## **Chapter Two**

### **PROTECTED PURCHASE PRICES. FORECAST PRICES**

#### **Article 3**

- (1) The Council of Ministers, at the proposal of the Minister of Agriculture and Food Industries, shall determine the protected purchase prices of staple agricultural products on an annual basis before 31 July of each year in accordance with the agricultural development programme for the subsequent farming year under Art. 2, para 2 of APPA.
- (2) The Minister of Agriculture and Food Industries shall hold consultations with the national representative organizations of agricultural producers with respect to the protected purchase pricing on an annual basis before 30 June of each year. The consultations may involve also representatives of the sectoral organizations of those engaged in the purchase and processing of agricultural products.

#### **Article 4**

- (1) Protected purchase prices shall be determined on the basis of the average production costs in the country plus a certain profit established on the basis of the approved profitability rates.
- (2) Average production costs shall be calculated on the basis of methods approved by the Minister of Agriculture and Food Industries, in consultation with the National Prices Commission at the Council of Ministers.
- (3) Profitability rates for individual types of agricultural products shall be established by the Council of Ministers with the programme under Art. 2, para 2 of APPA.
- (4) Protected purchase prices can not exceed 85 per cent of the BGL equivalent of the average export price of the respective types of staple agricultural products over the preceding three calendar years. Average export prices shall be calculated in US Dollars franco Bulgarian border or f.o.b. Bulgarian port. The BGL equivalent of the average export price shall be calculated on the basis of the central exchange rate of the US Dollar to the Bulgarian Leva determined by the Bulgarian National Bank on the date of the establishment of the protected purchase price but not later than 15 July of each year.
- (5) The restriction under para 4 shall not apply where the respective type of staple agricultural products has not been exported over the preceding three calendar years.

#### **Article 5**

- (1) The conditions under which the protected purchase price has been established shall be considered substantially changed within the meaning of the provisions of Art. 3, para 3 of APPA, where the actual level of inflation and the exchange rate or the basic interest rate determined by the Bulgarian National Bank have increased by over one-third of the levels at which the protected purchase price has been established.
- (2) In the cases under para 1, the Minister of Agriculture and Food Industries shall hold consultations with the national representative organizations of agricultural producers and submit to the Council of Ministers a proposal to change the protected purchase price within 45 days after the occurrence of the circumstances under para 1.

#### **Article 6**

Two protected purchase prices shall be established for cows' milk:

1. For the period of the autumn and winter (1 October through 30 April);
2. For the period of the spring and summer (1 May through 30 September).

#### **Article 7**

- (1) The Council of Ministers, at the proposal of the Minister of Agriculture and Food Industries, shall determine the forecast prices of staple agricultural products for which no protected purchase prices have been set and other agricultural products for the subsequent farming year on an annual basis before 31 July.

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- (2) Forecast prices shall be established, while taking into consideration the trends in the development of average production costs and international prices for the subsequent farming year as well as the supply and demand on the domestic market.
  - (3) The Minister of Agriculture and Food Industries shall hold consultations with the national representative organizations of agricultural producers before 30 June of each year in order to determine the forecast prices in due course. The consultations may involve also representatives of the sectoral organizations of those engaged in the purchase and processing of agricultural products.
  - (4) Where the average market price of the products for which a forecast price has been established is below 80 per cent of the forecast price for four consecutive weeks, the Ministry of Agriculture and Food Industries and the Ministry of Trade and Foreign Economic cooperation shall develop measures to change the terms and conditions for the trade in and processing of agricultural products and the regime for import and/or export of processed and unprocessed agricultural products, which measures shall be submitted for approval to the Council of Ministers. The proposal shall be submitted in the fifth week after the week in which the fall of prices under 80 per cent of forecast prices was registered.
  - (5) The Minister of Agriculture and Food Industries and the Minister of Trade and Foreign Economic Cooperation shall determine the regime for the registration of the alternations under para 4.

### **Chapter Three** **PURCHASE. CONTRACTS**

#### **Article 8**

- (1) The Minister of Agriculture and Food Industries shall determine the time frame for the conclusion of the contracts under Art. 4, para 1 of APPA between agricultural producers and the State Agricultural Fund for the sale of agricultural products from the subsequent farming season at protected purchase prices. Contracts shall be concluded not later than 30 September of the current year for the crops and 31 January of the subsequent year for the other agricultural products.
- (2) The terms and conditions for the competitive bidding for traders under Art. 4, para 5 of APPA shall be defined in regulations issued by the Minister of Agriculture and Food Industries.
- (3) The contracts under Art. 4, paras 1 and 4 of APPA shall be concluded between agricultural producers and traders under Art. 4, para 5 of the said Act in writing under general terms and conditions as determined by the Fund.
- (4) The contracts under Art. 4, paras 1 and 4 of APPA may be concluded also through the commodity exchanges in the country.

#### **Article 9**

- (1) The State Agricultural Fund shall pay the products contracted under Art. 4, para 1 of APPA directly to the account of the agricultural producer in advance in three tranches of up to 50 per cent of the contracted price.
- (2) The total amount of the advance payment per unit, the amount of the tranches and the time frame for effecting them shall be determined by the Board of Directors of the Fund.
- (3) In the case of default under the contracts with the State Agricultural Fund, agricultural producers shall not be entitled to conclude contracts with the Fund during the next two farming years and they shall reimburse the advance payments received together with the lawful interest accrued. The latter provision shall not apply where the reason for the default is wholly or in part a force majeure. Should any dispute arise, the default due to a force majeure shall be proved through the court of law. In such cases, agricultural producers shall pay the insurance compensation to the Fund. If the products are not insured, agricultural producers shall reimburse the advance payments or parts thereof, without paying any interest accrued thereon.
- (4) The termination of the contracts in pursuance of the provisions of Art. 4, para 3 of APPA prior to the expiration of its term shall not be considered to be a default under the contract. The lawful interest shall be due as of the date of the receipt of the advance payment.

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### **Article 10**

- (1) Where the average domestic market price falls below 95 per cent of the protected purchase price for four consecutive weeks, the Fund shall purchase the products offered by agricultural producers, for which no contracts under Art. 4, para 1 of APPA have been signed and which comply with the Bulgarian State Standards, at the protected purchase prices. the Fund shall discontinue the purchase where the average market price reaches 95 per cent of the protected purchase price.
- (2) The Fund shall sell the purchased agricultural products where the average domestic market price exceeds the established protected purchase price by 20 per cent. The selling price in this case may not exceed the protected purchase price by more than 20 per cent.
- (3) The beginning and the end of the purchase process under paras 1 and 2 shall be announced in at least two national dailies.

### **Article 11**

- (1) The relations between traders and the State Agricultural Fund under Art. 10 shall be based on contract. The contract shall specify:
  1. the quantity and quality of the products to be purchased by each trader;
  2. the procedure for settling disputes with respect to quality issues;
  3. the places where the purchase will take place;
  4. the price for the storage and/or processing of the purchased products;
  5. the obligation of the trader to provide the Fund with daily information on: the quantities purchased, the selling producers, the numbers of the bank accounts of selling producers;
  6. the obligation of the trader to fulfill the Fund's instructions as to the beginning and end of the purchase of products which have not been contracted; the beginning and end of the sale of products;
  7. the remuneration of the trader for the activities performed.
- (2) The Fund shall transfer the amounts due as contracted under para 1 to the bank account of the agricultural producer. Agricultural producers who sign contracts shall indicate their bank accounts.

## **Chapter Four**

### **STATE AGRICULTURAL FUND**

### **Article 12**

- (1) The Board of Directors is the managing body of the State Agricultural Fund. The Board of Directors shall consist of nine members. The Minister of Agriculture and Food Industries shall be a member *ex officio* and Chairman of the Board of Directors. Four members of the Board of Directors shall be appointed by the Minister of Agriculture and Food Industries. The Minister of Finance, the Minister of Trade and Foreign Economic Cooperation and the Minister of Economic Development shall each appoint a Deputy Minister and the Governor of the Bulgarian National Bank shall appoint a Deputy Governor to sit on the Board of Directors.
- (2) The members of the Board of Directors shall participate in its activities in person and can not authorize other persons as substitutes. In the event of long-term absence, the Chairman and the other members of the Board of Directors shall be replaced by the persons authorized or designed to perform their functions during the period of their absence.
- (3) The Chairman shall convene and chair the meetings of the Board of Directors, and propose the agenda. Meetings may also be convened at the request of any member of the Board of Directors or at the proposal of the Chief Executive Officer of the Fund. Meetings shall be convened whenever necessary but at least on a quarterly basis.
- (4) The meetings of the Board of Directors are regular where at least two-thirds of its members are present. Decisions shall be made by a simple majority vote of the members present.

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### **Article 13**

- (1) The Board of Directors of the Fund shall appoint and dismiss the Chief Executive Officer of the Fund who shall be in charge of the operational management.
- (2) The Board of Directors of the Fund, at the proposal of the Chief Executive Officer, shall approve the administrative structure and the administrative and technical staff of the Fund.

### **Article 14**

- (1) The advisory board under Art. 9, para 3 of APPA is a consultative body at the Board of Directors of the Fund. It shall consist of two authorized representatives of each national representative organization of agricultural producers.
- (2) The National Agricultural Board shall participate in the work of the advisory board.
- (3) The advisory board shall have a chairman and deputy chairman who shall be appointed and dismissed by the Board of Directors of the Fund at the proposal of the advisory board.
- (4) The work of the chairman, the deputy chairman and the members of the advisory board shall be voluntary.

### **Article 15**

The relevant organizations shall apply to the Board of Directors of the Fund to be recognized as national representative organizations of agricultural producers. The Board of Directors shall make a decision on the application within three months. The following documents shall be attached to the application: a copy of the court decision on the registration of the legal entity under the Persons and Family Act, a copy of the Articles of Association, copies of the constituent protocols of the subdivisions, statements on the number of members and their capacity as agricultural producers. Penal liability under Art. 313 of the Penal Code shall be borne for untrue information in the statements.

### **Article 16**

The Board of Directors shall adopt internal rules for its activities and for the activities of the Fund. The internal rules for the activities of the advisory board shall be approved by the Board of Directors at the proposal of the advisory board.

### **Article 17**

The Board of Directors shall:

1. Manage and distribute the funds in accordance with the objectives of APPA and the state policy in agriculture and food industries;
2. Determine the terms and conditions for extending loans to agricultural producers;
3. Analyze and supervise the appropriate spending of the funds on a regular basis but not less than four times a year and undertake measures against inappropriate spending;
4. Organize and perform the current supervision of agricultural producers and traders who have signed contracts with the Fund with the assistance of the servicing commercial banks and the Ministry of Agriculture and Food Industries through its territorial subdivisions. Agricultural producers and traders shall present their accounting documents for inspection;
5. Approve the annual report under Art. 38, para 4 of the State Budget Preparation and Execution Act;
6. Be free to establish specialized expert's commission on specific issues to assist its work, and regional experts' commission to assess the projects of agricultural producers for funding under Art. 13, para 1, subparas 3, 4 and 5 of APPA. They shall be appointed by the Chairman of the Board of Directors;
7. Establish the general terms and conditions for the conclusion of contracts to which the Fund is a party;
8. Approve the staffing and budget of the Fund on an annual basis;

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9. Prepare and submit to the Council of Ministers the report of the Fund for the previous farming year through the Chairman of the Board of Directors within the time frame for the presentation of the programme under Art. 2, para 2 of APPA;
  10. Give opinion on the proposed protected purchase prices and forecast prices;
  11. Designate Acting Chief Executive Officer where the Chief Executive Officer is unable to perform his or her duties for more than one month.

#### **Article 18**

The advisory board shall:

1. Prepare substantiated opinions on the protected purchase prices and forecast prices under Art. 3, paras 4 and 5 of APPA proposed by the Minister of Agriculture and Food Industries;
2. Present to the Board of Directors the outstanding issues related to the agricultural production and suggest measures for their solution.

#### **Article 19**

The Chief Executive Officer of the Fund shall:

1. Organize the implementation of the decisions of the Board of Directors of the Fund;
2. Represent the Fund;
3. Prepare the meetings of the Board of Directors;
4. Participate in the meetings of the Board of Directors in a non-voting capacity;
5. Exercise the rights and duties of the Fund under the Labour Code as an employer of the administrative and technical staff of the Fund;
6. Sign contracts to which the Fund is a party, supervise their implementation and hold persons responsible for default;
7. Prepare the documents under Art. 28, para 2;
8. Perform other tasks assigned by the Board of Directors of the Fund.

#### **Article 20**

The Chairman of the Board of Directors of the Fund shall sign an employment contract with the Chief Executive Officer of the Fund on the basis of the decision taken under Art. 13, para 1.

### **Chapter Five FINANCIAL AND ECONOMIC ACTIVITIES OF THE STATE AGRICULTURAL FUND**

#### **Article 21**

(1) The Fund shall have the following sources:

1. The annual state budget subsidies equal to not less than 0.5 per cent of the Gross Domestic Product reported for the previous year;
2. 26 per cent of the proceeds from privatization process in pursuance of the provisions of Art. 6, para 1, subpara 3 of the State-Owned and Municipal Enterprises' Transformation and Privatization Act ( the Privatization Act);
3. The proceeds from the sale of the products purchased under Art. 4, paras 1 and 4 of APPA and sold on the domestic and external markets;
4. The allocations from insurance companies and institutes equal to 4 per cent of the insurance contributions for crops, livestock, agricultural machines, equipment and facilities. The allocations shall be effected within 15 days after the payment of the insurance contributions;
5. The proceeds from the management of the Fund's portfolio, including interest rates;
6. The export fees for processed and unprocessed agricultural products;
7. 50 per cent of the income from rented or leased state farmlands;

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8. Funds from local and foreign financial and other institutions;
  9. Donations and grants;
  10. The proceeds from the sale of state property run by the organizations under § 12 of the Transitional and Concluding Provisions of the Ownership and Use of Farmland Act (the Farmland Act);
  11. The proceeds from the sale of state-owned land under Art. 27, para 6, except for the proceeds from the sale of land in the State Forestry Stock;
  12. The amounts reimbursed by agricultural producers who have terminated their contracts under Art. 4, para 1 of APPA, together with the lawful interest rates accrued thereon;
  13. Proceeds under Art. 16, para 1 of APPA;
  14. The proceeds which were sources of the closed State Grain Fund;
  15. Other sources designated by law or an act of the Council of Ministers.
- (2) The end-of-year balance shall be transferred to the subsequent year.

## **Article 22**

- (1) The Fund shall keep its resources at an account with the Bulgarian National Bank, itemized by sources of income.
- (2) The number and names of the items shall comply with the sources under Art. 21, para 1.
- (3) The Bulgarian National Bank and the servicing banks shall provide information on the funds collected and spend on a quarterly basis and at the request of the Chairman of the Board of Directors of the Fund.
- (4) The Bulgarian National Bank shall pay interest on the Fund's deposit equal to the basic interest rate.

## **Article 23**

- (1) The Fund shall spend its resources for:
  1. costs for the purchase of products from agricultural producers under Art. 4, paras 1 and 4 of APPA;
  2. costs for the payment of traders under Art. 4, para 5 of APPA;
  3. costs for the encouragement of the export of agricultural and food products, as determined by the Board of Directors, in the form of export subsidies or export guarantees;
  4. payment of up to 20 per cent of financial investment costs in the cases under Art. 13, paras 1, 3 and 4 of APPA;
  5. costs for providing preferential loans under Art. 13, para 1, subparas 3 and 4 of APPA;
  6. costs for assisting the development of farming in mountainous and hilly areas under Art. 13, para 1, subpara 5 of APPA;
  7. costs for subsidizing the production of certain types of agricultural products in the form of direct subsidies per decare of cultivated land, number of livestock or agricultural output;
  8. costs for assisting agricultural producers in the event of damage caused by wild beasts where agricultural products have been insured. They shall be payable up to the extent of the balance between the actual damage and the insurance compensation received;
  9. costs for assisting agricultural producers in the event of damage caused by draught;
  10. costs for performing the activities of the Fund - salaries, social security payments, social activity costs, maintenance and repair of premises, current expenditures, business trips, stationery, furniture, fees paid to external experts, etc.;
  11. direct subsidy for the purchase of food grain to provide for the non-productive population;
  12. part of the material costs (diesel fuel, lubricants, mineral fertilizers and elite seeds) for the sowing and harvesting campaigns;
  13. costs to cover part of the rent paid for the storage of food grain;
  14. costs for the quality control and the supervision of the regime of grain exports and imports;

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15. other costs proposed by the Board of Directors and included in the Fund's annual accounts payable and receivable as approved by the Council of Ministers;
- (2) The payment of the respective part of the investments under para 1, subpara 4 shall be effected on the basis of competitive bidding among investors.
- (3) The interest rates on the preferential investment loans under para 1, subpara 5, where the Fund has provided credit resources to the servicing commercial banks, shall not exceed the basic interest rate of the Bulgarian National Bank by more than 30 per cent.
- (4) The Minister of Agriculture and Food Industries shall designate the areas and crops affected by the draught under para 1, subpara 9, while the Board of Directors of the Fund shall adopt the criteria for defining the damage caused by the draught for all agricultural producers on an equitable basis.
- (5) Persons who spend the funds for purposes different from those stated, shall reimburse them ahead of schedule in their full amount plus interest which is higher than the basic interest rate of the Bulgarian National Bank by 30 percentage points. The deviation shall be reported by the territorial subdivisions of the Ministry of Agriculture and Food Industries with the assistance of the servicing commercial banks.
- (6) The Fund shall collect its receivables in accordance with the terms and procedures for collection of government debts.

#### **Article 24**

The Fund shall not examine projects or guarantee protected purchase prices for agricultural producers who fail to provide the regional agricultural services with information about the activities during the subsequent farming year before 31 August of the current year.

#### **Article 25**

- (1) The Fund shall be serviced by commercial banks designated by the Board of Directors on the basis of competitive bidding with the following major criteria: proposed terms and conditions of service; number of agricultural producers who are their shareholders; guarantees for the targeted spending and repayment of the resources granted; the experience in lending to agricultural producers; the network of branches and offices in the country.
- (2) The relations between the State Agricultural Fund and commercial banks shall be based on contracts.

#### **Article 26**

The raising and spending of the Fund's resources shall be effected on the basis of accounts payable and receivable in Bulgarian Leva and in foreign currency. These accounts shall be subject to approval by the Council of Ministers at the proposal of the Board of Directors of the State Agricultural Fund on an annual basis.

### **Chapter Six INFORMATION SYSTEM**

#### **Article 27**

- (1) The Ministry of Agriculture and Food Industries shall establish and maintain an information system on the condition of production and the markets of agricultural products and the income of agricultural producers on nationwide and regional level for the purposes of management of agriculture and food industries in accordance with the functions and tasks of the Ministry.
- (2) The Ministry of Agriculture and Food Industries shall provide the information, computer, software and communication services to the State Agricultural Fund.
- (3) Information services shall cover the activities for collecting, processing, analyzing, storing and presenting the information needed for the activities of the State Agricultural Fund.
- (4) The Ministry of Agriculture and Food Industries shall provide direct access of the Fund to the information system under para 1.



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## **Article 28**

- (1) Information services shall be provided to the Fund on the basis of an annual contract between the Minister of Agriculture and Food Industries and the Chief Executive Officer of the Fund. The contract shall indicate the list of projects, indicators and activities which are subject to statistical observation, the time table for the collection and processing of information, and the content and volume of the existing data base.
- (2) The Chief Executive Officer of the Fund shall prepare and present to the Ministry of Agriculture and Food Industries the list of projects, indicators and activities which are subject to statistical observation, the time table for the collection and processing of information, and the content and volume of the existing data base relative to the activities of the Fund for the subsequent calendar year before 30 October of the current year.
- (3) The Minister of Agriculture and Food Industries shall present the agreed draft contract for the information services for the Fund to the Board of Directors of the State Agricultural Fund on an annual basis before 30 November of the current year.
- (4) Any additional tasks for the information services to be provided to the Fund beyond the contract shall be assigned to the information system only upon an order by the Minister of Agriculture and Food Industries.

## **Article 29**

(Amended, SG, No. 90 of 1995)

- (1) The Ministry of Agriculture and Food Industries shall maintain the contacts with the government authorities and institutions with a view of providing the information necessary to the Fund.
- (2) The National Statistical Office shall assist the information services to the State Agricultural Fund in pursuance of the provisions of Art. 9, para 5 of APPA and Art. 6, subparas 8 and 9 and Art. 17 of the Statistics Act.
- (3) The draft contact under Art. 28, para 1 shall be made agreed with the National Statistical Office.
- (4) The Customs General Directorate and the Computer Centre of the Ministry of Finance shall provide the monthly primary information on magnetic carriers about the export and import of agricultural products itemized in accordance with the Customs Tariffs of the Republic of Bulgaria in pursuance of the provisions of Art. 9, para 5 of APPA. The regime for the presentation, receipt, use and storage of the information shall be defined in the contract between the Ministry of Agriculture and Food Industries and the Ministry of Finance.

## **Article 30**

Agricultural producers, the subdivisions of the national representative organizations of agricultural producers, the contracts under Art. 4, paras 1 and 4 of APPA and the traders approved after the competitive bidding under Art. 4, para 5 of APPA shall be subject to registration with the regional agricultural services with a form approved by the Board of Directors of the Fund. Registration forms shall be included in the existing data base in the information system of the Ministry of Agriculture and Food Industries.

## **Article 31**

- (1) The agricultural development strategy, the agricultural development programme for the subsequent farming year, forecast prices, protected purchase prices, the rules, terms and conditions and time frames for the contracts and competitive bids, the agricultural market information as well as the decisions of the Fund's Board of Directors shall be published in the official bulletin of the Ministry of Agriculture and Food Industries and in two national dailies which are most widely disseminated among agricultural producers.
- (2) The dissemination of the information under para 1 and the agricultural market information among agricultural producers shall be carried out also by the National Research System at the Ministry of Agriculture and Food Industries and the regional agricultural services.

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## **Chapter Seven**

### **REGIONAL AGRICULTURAL SERVICES**

#### **Article 32**

Regional agricultural services for agriculture and food industries shall be established as elements of the national government system. They shall be territorial subdivisions of the Ministry of Agriculture and Food Industries.

#### **Article 33**

- (1) Regional agricultural services shall be territorial subdivisions of the Ministry of Agriculture and Food Industries for the implementation of the government policy in the field of agriculture and food industries. They shall also be assigned to implement the provisions of Art. 13, para 1, subparas 3, 4 and 5 of APPA.
- (2) Regional agricultural services shall be subordinated directly to the head of the agricultural service in the respective administrative region of the country.
- (3) The regions, the total number of staff of regional agricultural services and their support shall be determined by the Minister of Agriculture and Food Industries in consultation with the Minister of Finance.

#### **Article 34**

Regional agricultural services shall:

1. Provide consultancy and methodological assistance in obtaining the resources under Art. 13, para 1, subparas 3, 4 and 5 of APPA;
2. Supervise the targeted appropriation and spending of the resources from the Agricultural Fund, whereby agricultural producers shall be obliged to present the necessary documents and information;
3. Provide assistance in signing the contracts under Art. 4, paras 1 and 4 of APPA;
4. Collect, summarize and present to the Ministry of Agriculture and Food Industries the information from agricultural producers on the activities during the subsequent farming year on an annual basis before 10 September of the current year.

## **Chapter Eight**

### **REGIME FOR THE EXPORT AND IMPORT OF AGRICULTURAL PRODUCTS**

#### **Article 35**

- (1) The terms and procedures for the export and import of agricultural products shall be determined by an act of the Council of Ministers at the proposal of the Minister of Agriculture and Food Industries and the Minister of Trade and Foreign Economic Cooperation.
- (2) The proposals of the Minister of Agriculture and Food Industries and the Minister of Trade and Foreign Economic Cooperation under para 1 shall be prepared in accordance with the conditions for the trade in and processing of agricultural products in the country.
- (3) The terms and procedures for the export and import of agricultural products for which forecast prices exist shall be altered by the Council of Ministers at the proposal of the Minister of Agriculture and Food Industries and the Minister of Trade and Foreign Economic Cooperation where the average domestic market price of the respective product falls below 80 per cent of the forecast price for four consecutive weeks.

#### **Article 36**

- (1) The regime under Art. 35, para 1 may include some temporary restrictions on the import or export of agricultural products which may be introduced for the purposes of:
  1. Protecting Bulgarian agricultural producers;

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2. Overcoming or preventing critical shortage of agricultural products of substantial importance for the country;
  3. Protecting consumers;
  4. Ensuring the national physical balances of agricultural products for which protected purchase prices and forecast prices exist.
- (2) Where such measures are introduced, their type and duration shall be indicated.

#### **Article 37**

The temporary tariff and non-tariff restrictions on the export and import shall apply in accordance with the international commitments of the country.

#### **Article 38**

- (1) The export and import of agricultural products shall be allowed under the terms and conditions envisaged in the Standardization Act and the Rules on its implementing as well as the regulations on the sanitary, veterinary and phytosanitary control.
- (2) Officials who are responsible for the observance of the provisions of para 1 shall be jointly liable with the exporters and importers for damage caused culpably to the life and health of people, plants and animals.
- (3) The liability under para 2 shall also be borne by customs officials who permit export and import of agricultural products without appropriate permission by the authorities for standardization, sanitary, veterinary and phytosanitary control.

#### **ADDITIONAL PROVISION**

- § 1. Within the meaning of These Rules, "agricultural products" are processed and unprocessed products included in Chapters One through Twenty-Four of the Customs Tariff of the Republic of Bulgaria (except for ocean fish and products thereof) as well as the following products by tariff items:

Manitol	290543
Sorbitol	290544 and 382360
Ethereal oils	3301
Albumen substances, starch, glues	from 3501 to 3505 incl.
Substances for final processing	380910
Raw hides	from 4101 to 4103 incl.
Raw tannery hides	4301
Raw silk and waste silk	from 5001 to 5003 incl.
Wool and animal hair	from 5101 to 5103 incl.
Raw cotton, waste cotton and carded and processed cotton	from 5201 to 5203 incl.
Raw flax	5301
Raw hemp	5302

#### **TRANSITIONAL AND CONCLUDING PROVISIONS**

- § 2. The average production costs under Art. 4, para 2 for the farming year of 1995/96 shall be defined without methodology approved by the Minister of Agriculture and Food Industries.
- § 3. The draft agricultural development programme for 1996 shall be submitted to the Council of Ministers by the Minister of Agriculture and Food Industries before 30 November 1995.
- § 4. The protected purchase prices and forecast prices for the farming year of 1995/96 shall be determined before 20 September 1995 without the opinion of the Board of Directors of the State Agricultural Fund.
- § 5. The information under Art. 8, para 3 of APPA shall be presented before 15 October 1995.
- § 6. These Rules are issued in pursuance of the provisions of § 12 of the Transitional and Concluding Provisions of APPA.