

MINISTRY OF JUSTICE AND  
LEGAL EURO-INTEGRATION  
REGULATION No. 3

of 16 July 1999

ON PUBLIC WAREHOUSE REGISTER

Promulgated, State Gazette No. 66/23.07.1999

Article 1

(1) This Regulation shall provide for the way in which a warehouse register kept with every public warehouse, shall be organised, kept and safe-guarded.

(2) The warehouse depositary shall keep a warehouse register and shall record in it only information about the contracts for depositing merchandise with a public warehouse.

Article 2

(1) A warehouse register shall be a book which has been numbered, strung through and authenticated with the Ministry of Justice and Legal European Integration.

(2) Authentication shall be done by an official designated in an executive order of the Minister of Justice and Legal European Integration and shall consist of signing and affixing a seal on the last page of each volume, with the number of pages marked thereon.

(3) The register shall be authenticated provided that it complies with the requirements of this Regulation.

Article 3

The official under Article 2, paragraph 2 shall be empowered to monitor the keeping of the warehouse register and its compliance with this Regulation and to give instructions for eliminating the inadequacies ascertained.

Article 4

A special book shall be kept with the Ministry of Justice and Legal European Integration in which records shall be made of the court registration of the depositary, the date of authentication of the warehouse register and the number of pages certified.

Article 5

(1) The warehouse register shall be kept in volumes and accounts. Each contract shall be recorded under a separate account, consisting of such number of pages as is required.

(2) Each volume of the register shall be authenticated as per the provisions of Article 2, paragraph 2.

Article 6

Contracts shall be numbered serially, starting from the first day of the respective year. The number of a contract shall be a fraction wherein the numerator is the serial number in the warehouse register, and the denominator is the year of registration.

Article 7

An index shall be kept of the warehouse depositors wherein against their personal or trade name the number of the contract in the warehouse register shall be indicated.

Article 8

(1) The warehouse register and the index shall be kept by the warehouse depositary or by a person authorised by the warehouse depositary.

(2) The keeping of the register shall consist of:

1. entering data in the warehouse register under the provisions of this Regulation;
2. providing information and issuing documents for the data in the register;
3. safe-keeping the warehouse register and the index of depositors.

#### Article 9

- (1) The depositary shall record in the warehouse register the contracts for depositing merchandise with a public warehouse immediately after they have been concluded.
- (2) In the warehouse register shall also be recorded information concerning only the contracts for grain storage under Article 17, paragraph 2, subparagraphs 2 and 3 of the Grain Storage and Trade Act (SG, 93/1998).
- (3) In the warehouse register data shall be recorded concerning issued warehouse certificates, first endorsement and claims filed under pledge certificates, as well as information on the execution of contracts.
- (4) Warehouse registers shall be designed according to the sample form in the Annex.

#### Article 10

- (1) In case changes occur in the entered data, this shall be recorded in the register.
- (2) The depositor shall have the obligation to notify the warehouse depositary of any changes that have occurred to the registered data, in order for the changes to be recorded in the register.

#### Article 11

No deletion and crossing out shall be allowed in a warehouse register. Where corrections or additions are necessary, the person entering the data, shall make an explicit note thereof, and shall put the date and his signature.

#### Article 12

A warehouse certificate shall be issued on the request of a depositor and shall state data as per the warehouse register. The certificate issued shall be recorded immediately by the warehouse depositary in the respective account of the register.

#### Article 13

- (1) On the request of the depositor or of the legitimate endorsee, an aggregate warehouse certificate may be replaced by warehouse certificates for separate parts of the merchandise.
- (2) Where warehouse certificates are issued for separate parts of the merchandise, the turning in of the aggregate warehouse certificate and the issuance of warehouse certificates for separate parts of the merchandise shall be recorded in the register.
- (3) The sum of the quantities of merchandise indicated in the certificates issued for the separate parts thereof shall be equal to the quantity indicated in the aggregate warehouse certificate.

#### Article 14

- (1) The first endorsee under a pledge certificate shall have the obligation to request that the amount of the collateralised loan, the interest and the maturity thereof, as well as the name and address of the lender of the loan, are recorded in the warehouse register and in the commodity certificate.
- (2) Where no recording under paragraph 1 has been made, this shall be done upon request by a subsequent legitimate endorsee.
- (3) The recording in the warehouse register shall be indicated in the pledge certificate.

#### Article 15

- (1) In case a duplicate of a warehouse certificate is issued, the guarantee paid shall be registered.
- (2) The repayment of the guarantee shall be recorded in the register, with indication

of the number of the court ruling, the number of the file and the court which invalidated the destroyed or lost warehouse certificate.

#### Article 16

(1) Where no warehouse certificate has been issued, the deposited merchandise shall be delivered to the depositor wholly or in parts, against signature in the warehouse register.

(2) Where a warehouse certificate has been issued for the deposited merchandise, the latter shall be delivered to the legitimate person under the provisions of Article 582 of the Commerce Act.

#### Article 17

Anyone shall be entitled to receive promptly information or a document for the register data, upon request.

#### Article 18

(1) The warehouse depositary shall have the obligation to create conditions for the safe-keeping of the warehouse register, in such a way that the preservation of its integrity and the authenticity of the data contained therein, are ensured.

(2) The volumes of the warehouse register shall be kept by the warehouse depositary for a period of five years from the expiry or termination of the contracts registered therein.

#### Article 19

A warehouse register kept under the provisions of this Regulation may be used as evidence for the circumstances recorded therein pertaining to the relevant contracts.

#### Article 20

The warehouse depositary shall be liable for damages arising from failure to fulfil the obligation of keeping and safe-guarding the warehouse register as required by this Regulation, as well as for damages arising from failure to comply with the instructions under Article 3.

#### CONCLUDING PROVISIONS

§ 1. This Regulation has been issued on the authority of Article 574, paragraph 2 of the Commerce Act (promulgated, SG 48/1991, amended: 25/1992; 61 and 103/1993; 63/1994; 63/1995; 42, 59, 83, 86 and 104/1996; 58, 100 and 124/1997; 52 and 70 /1998; 33, 42 and 64/1999).

§ 2. This Regulation shall enter into force one month after its promulgation in the State Gazette.

Minister: V. Gotsev

#### Annex

to Article 9, Para 4

Public Warehouse Register

(volume No.)

(total number of accounts: to be filled in following completion of the volume)

Information about the warehouse depositary

(trade name of the warehouse depositary)

(court registration)

(BULSTAT registration) (tax number)  
(seat and head office address)

---

(location of the warehouse)

---

(name, signature and seal of the warehouse depositary)

CONTRACT FOR DEPOSITING MERCHANDISE IN A PUBLIC WAREHOUSE  
No. /

Trade/personal name of the warehouse depositor:

Registration:  
Court registration  
(passport data):

BULSTAT:

Tax No.:

Seat and head office address (residential address):

Type of packaging:

Quantity of merchandise:

Wastage amount (to be filled in only in case the merchandise has not been accepted in countable packages:

Term of safe-keeping of the merchandise:

Is it permissible for the merchandise to be mixed with other merchandise of the same type and quality:

Requirements to be complied with by the depositary for the purpose of safe-keeping the merchandise:

Data of insurance of the merchandise, if any, by whom, sum insured, risks:

Depositary's remuneration:

Other stipulated charges payable by the depositor:

Additional data in case of contracts for grain storage:

Location and No. of the grain- store:

Year of harvest:

Grain quality:

## EXECUTION OF THE CONTRACT

Returning of the merchandise (Commerce Act:):

Date:

Art. 582, para 1

Quantity:

Date:

Quantity:

Sale of the merchandise by the depositary

Date of sale:

(Commerce Act: Art. 582, para 2; Art. 585, para 2)

Quantity sold:

Price per unit of merchandise:

Amount of money received:

Amount of money deposited with the creditor's account:

Name of the bank and No. of the bank account:

## WAREHOUSE CERTIFICATE ISSUED

Date of issuance of an aggregate warehouse certificate

(Commerce Act: Art. 577, paras 1 and 2)

Date of turning in the aggregate warehouse certificates in case of replacement by warehouse certificates for separate parts of the merchandise:

Replacement of an aggregate warehouse certificate by warehouse certificates for separate

Quantity:

Quantity:

parts of the merchandise which bear the date of  
Quantity:

Quantity:

the aggregate warehouse certificate (Commerce  
Quantity:

Quantity:

Act: Art.577, para 3):

Quantity:

Quantity:

Date:

Date:

Quantity:

Quantity:

Warehouse certificates issued for separate parts

Date:

Date:

of the merchandise:

Quantity:

Quantity:

Date:

Date:

Quantity:

Quantity:

Date of entering in the register:

First endorsement of the pledge certificate (Commerce Act: Art.578, para 3):

Name and address of the endorsee:

Amount of the loan collateralised:

Interest:

Maturity:

Loan repayment (principal and interest) by the

Date:

holder of the commodity certificate

Amount:

(Commerce Act: Art.578, para 5; Art. 580, para 4)

Name of the bank and No. of the bank account (in case the amount has not been paid in cash)

Claim filed under the pledge certificate (Commerce Act: Art.579):

Date of filing the claim:

Name and address of the hold

er of the pledge certificate:

Sale of the merchandise for the purpose of

Date of sale:

satisfying the creditor under the pledge certificate

Quantity sold:

(Commerce Act: Art.580, para 3):

Price per unit of merchandise:

Amount of money received:

Issuance of duplicate of a destroyed or lost

Name and address of the applicant:

warehouse certificate (Commerce Act: Art.581, para 2):

Amount of the guarantee paid and method of its determination:

Date of repayment of the guarantee:

SOFITA