

**MINISTRY OF ENERGY AND ENERGY  
RESOURCES**

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**INVESTMENT PROCESS  
FOR WIND POWER  
PLANTS**

# **INVESTMENT PROCESS FOR WIND POWER PLANTS**

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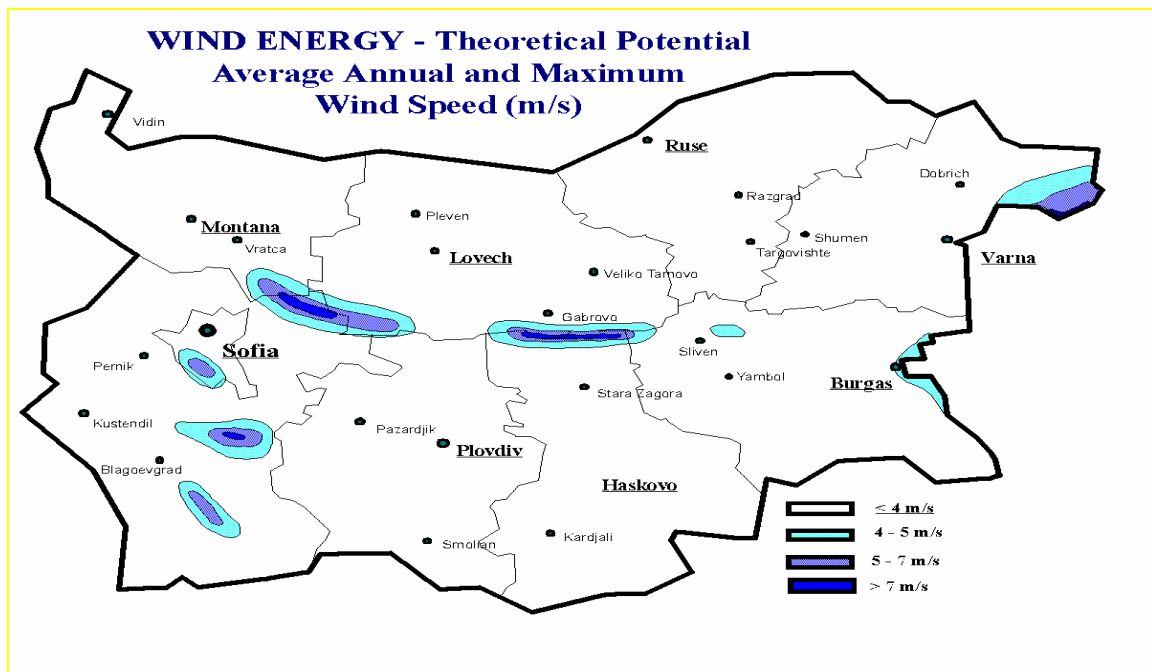
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# INVESTMENT PROCESS FOR WIND POWER PLANTS

## THEORETICAL POTENTIAL OF WIND ENERGY IN BULGARIA



## I. PARTICIPANTS IN THE INVESTMENT PROCESS

### 1. The participants in the investment process are:

- Assigner
- Constructor
- Designer
- Consultant
- Natural body exercising the technical control for part “Construction”
- Technical manager
- Engines, installations and equipment supplier

2. **The Assigner** is the property owner, the person that has been given the right for construction in else property, and the person that has the right to build in else property by the force of special law. The assigner or his authorized representative provides all that is needed in order to start the construction – art.161, para 1 of the Spatial Planning Act /SPA/ (Promulgated, State Gazette, issue 1 of 02.01.2001, forced on 31.03.2001, amended, issue 41

of 24.04.2001, issue 111 of 28.12.2001, issue 43 of 26.04.2002, amended and supplemented issue 20 of 4.03.2003, issue 65 of 22.07.2003, issue 107 of 9.12.2003, amended, issue 36 of 30.04.2004, amended and supplemented, issue 65 of 27.07.2004).

3. **The Designer** is natural or legal body, with natural bodies included in its staff, with required designer qualification– art.162, para 1 of SPA.

4. **The Constructor** is a natural or legal body, with natural bodies included in its staff, with required technical qualification, that under a signed contract with the assigner will execute the building in accordance with the issued documents for construction – art. 163, para 1 of SPA. The Constructor may assign to the sub-executor certain building and installation works or parts (stages) of the building – art. 163, para 4 of SPA.

5. **The Technical manager** is a civil engineer or a construction technician that manages the construction works - art. 163, para 1 of SPA.

When the construction is executed by the assigner, he is obliged to provide a technical manager. In this particular case the technical manager is responsible for adherence to specifications under art.163, para 2 – art. 163a, para 2 of SPA.

6. The assigner may assign the supply and installation of technological and installation equipment of the site to supplier. **The Supplier** is responsible for the qualitative and promptly execution of the supplies and installation, as well as for the bounded adoption tests – art. 165 of SPA.

7. **The Consultant** under a signed contract with the assigner:

- a. Evaluates the accordance of the investment projects and/or exercises a building control;
6. May execute pre-investment projects, preparation of design process and coordination of the construction process till the operation of the site – art. 166, art. 167 of SPA.

The obligations of the participants in the investment process are regulated in art. 161, art. 162, art. 163, art. 165, art. 166, art. 167, art. 168 of SPA.

## II. INVESTMENT PROCESS STAGES:

- Investment design.

- Permits and licenses.
- Building and installing.
- Building termination. Permission for exploitation.

### **III. INVESTMENT DESIGN:**

#### **1. Investment project:**

The investor determines and assigns the design phases and project parts for each individual phase depending on the type and specificity of site. When assigning the project parts should be kept the requirements for obligatory minimal scope under art. 144, para 1, item 3 of SPA – art. 4 of Regulation № 4 of 21 May 2001 for the scope and content of investment projects (issued by the Minister of regional development and reconstruction, promulgated, State Gazette 51 of 5.06.2001, enforced 05.06.2001).

#### **2. Collection of the output data, documents and preparation of project terms of reference:**

##### **a) allotment of site for the construction of wind park:**

- **Clarifying the platform ownership, intended for the site under the reinvestment research.**

The right for ownership belongs to the State, municipalities, cooperative societies and other legal bodies or citizens – art.2, para 1 of Property Act (promulgated, iss.92 of 16.11.1951, enforced 17.12.1951, amend., iss. 12 of 11.02.1958., amend., iss. 90 of 8.11.1960.,SG, iss. 99 of 20.12.1963, suppl., iss. 26 of 30.03.1973, amend. iss. 27 of 3.04.1973, amend. iss. 54 of 12.07.1974 , enforced on 1.10.1974 , amend., iss. 87 of 8.11.1974 , enforced on 1.12.1974, amend., iss. 55 of 14.07.1978., iss. 36 of 8.05.1979, iss. 19 of 8.03.1985 , amend., iss. 14 of 19.02.1988, iss. 91 of 2.12.1988 , iss. 38 of 19.05.1989 , iss. 31 of 17.04.1990, amend., iss. 77 of 17.09.1991, amend., iss. 33 of 19.04.1996, enforced on 1.06.1996, amend., iss. 100 of 31.10.1997, iss. 90 of 15.10.1999, amend., iss. 34 of 25.04.2000, enforced on 1.01.2001, amend. iss. 59 of 21.07.2000, enforced on 21.07.2000).

Foreign citizens and foreign legal persons can not have ownership right on land of the country – art. 29, para 1 of the Property Act.

The prohibition under art. 1 shall not be applied when there is heritage by law – art. 29, para 2 of the Property Act.

Foreign citizens and foreign legal persons may gain rights on ownership of buildings or limited real rights on real estate in the country, unless it is not provided by law – art. 29, para 3 of the Property Act.

The agricultural lands can be owned by citizens, the State, municipalities and legal persons. 3, para 1 of the Ownership and the agricultural lands usage Act /OALUA/– promulgated State gazette, iss. 35 of 24.04.1996, amend., iss. 14 of 18.02.2000, suppl., iss. 26 of 29.03.2000, amend., iss. 28 of 23.03.2001, enforced on 23.03.2001, suppl., iss. 112 of 23.12.2003 , enforced on 1.01.2004).

Foreign states and foreign legal persons can not have ownership right on agricultural lands– art. 3, para. 3 of the OALUA.

Foreign citizens may have the right to acquire agricultural land only in case they have inherited it by law. They should be obliged in three-year term after the uncovering the heritage to devolve upon the persons under para 1 of art. 3 of OALUA – art. 3, para 4 of the same act.

Foreign legal persons and foreign citizens may receive the right to use agricultural land or others limited ownership rights on land under terms and circumstances, defined by law – art. 3, paragraph 5 of OALUA.

The owner by his will may choose the way for land usage according its purpose. When land is used the owner is obliged to keep the sanitary-hygiene, fire and environmental norms – art.4, para 1 of OALUA.

The construction of sites and installations on lands is permitted, in connection with their use, in terms and circumstances stipulated by the SPA – art. 4, para 2 of OALUA.

The right for ownership on the forests and the forestry fund lands belongs to natural and legal bodies, the State and municipalities and can not be owned by foreign states, foreign citizens and foreign legal persons – art. 6, art. 10, para. 2 of the Forestry Act (FA) (promulgated., SG, iss. 125 of 29.12.1997, amend., iss. 79 of 10.07.1998, iss. 133 of 11.11.1998 , amend., iss. 26 of 23.03.1999, enforced on 23.03.1999, amend., iss. 29 of 7.04.2000, iss. 78 of 26.09.2000, amend, iss. 77 of 9.08.2002, amend., iss. 79 of 16.08.2002, iss. 99 of 22.10.2002, amend., iss. 16 of 18.02.2003, iss. 107 of 9.12.2003).

All forests and forestry fund lands are property of the state in case they are not owned by natural and legal bodies or municipalities – art. 7, para 1 of the FA.

Forests – exclusive state property are:

1. forests in protected territories, determined for exclusive state property by the Protected territory Act;
2. cross border river island;
3. forests in zones under close guard of waters and water-using equipment, seed-production gardens, geographical crops and dendrariums – art 7, para 2 of the FA.

Public state property is:

1. forests and land of the state forestry fund, submitted for management of departments in connection with their functions or state defense and safety, or for performance of health, educational or humanitarian activities;
2. forests and lands of forestry funds – state property in protected territories under the Protected territories Act;
- 3 forests and lands of state forestry funds, included in the territories for cultural historic defense under the Act for cultural monuments and museums, purposed by detailed structural plan;
4. forests in territories from 200 meters strip along R of Bulgaria’s borders excl. the cross border river islands along the shore terrace of Danube river;
5. protected forest belts;
6. forests for protection of engineering-technical installations – art. 7, para 3 of the FA.

Private state property is all other forests and lands from state forestry fund – art. 7, para 4 of the FA.

Municipal property are the forests and lands of forestry fund, with restored municipal property rights, as well as those acquired under the terms of Municipal property Act – art.8, para 1 of the Property Act.

Forests – public municipal property are:

1. forests and land of the municipal forestry fund, submitted for management of departments in connection with their functions or state defense and safety, or for performance of health, educational or humanitarian activities;
2. forests and lands of forestry funds – state property in protected territories under the Protected territories Act – municipal property;
3. forests and lands of municipal forestry funds, included in the territories for cultural historic defense under the Act for cultural monuments and museums, purposed by detailed structural plan;
4. forests for protection of engineering-technical installations – art. 8, para 2 of the FA.

Private property are the forests and lands of the forestry fund with restored property rights to the natural and legal bodies, as well as those acquired by legal deal, by legal prescription or by other methods of acquisition and are not state or municipal property – art.9 of the PA.

Foreign state, foreign citizens and foreign legal bodies may not possess the right of property for forests and land of forestry fund – art.10, para 2 of Forestry Act.

Foreign citizens may acquire forests and lands of forestry funds only by heritage through law. They are obliged in three-year term after the uncovering the heritage to devolve upon the persons under art.6 of Property Act – art. 10, para 3 of the same Act.

- **Acquisition of property right or land usage for construction of wind farms.**

On the lands beyond populated areas borders and the types of populated areas, the structure and possibly the built-up of different land property or groups of properties shall be defined if it is stipulated in common structural plan under art. 105 of SPA, in case it exists, and if a detailed structural plan for this property is approved under art. 109 or art.111 of SPA – art. 45, para 1 of Regulation № 7 of 22.12.2003 for rules and norms to the structure of individual territory types and structural zones, issued by the Minister of Regional Development and Reconstruction (promulgated, SG, iss. 3 of 13.01.2004, enforced on 13.01.2004).

Under the circumstances of art. 45, para 1 of Regulation № 7 of 22.12.2003 for rules and norms to the structure of individual territory types and structural zone issued by the Minister of Regional Development and Reconstruction on the lands beyond populated areas borders may be constructed:

1. Agricultural sites;
2. Forestry enterprises;
3. Industrial and storehouse sites;
4. transport sites and equipment;
5. sites and equipment of the technical infrastructure;
6. recreational and tourist's sites
7. sport's sites and equipment;
8. commercial and service sites;
9. health sites;
10. sites of special purpose;
11. historic-memorial sites

In agricultural lands for construction of sites under art. 45, para 3 and 4 of Regulation № 7 of 22.12.2003 for rules and norms to the structure of individual territory types and structural zones issued by the Minister of Regional Development and Reconstruction is required a change in the agricultural lands purpose for non-agricultural needs under the terms of the Preservation of Agricultural Lands Act; on the grounds of the structural plan. When the land purpose is not intended to be changed sites can be constructed, which functions are conformable with the property purpose – art.46, para 1 of Regulation № 7 of 22.12.2003 for rules and norms to the structure of individual territory types and structural zones.

A change in the purpose of agricultural lands from state land fund or municipal land fund for the needs of natural and legal bodies shall be done after the person acquire property rights or in exchange for own land – art. 29 of the Preservation of Agricultural Lands Act /PALA/ (promulgated., SG, iss. 35 of 24.04.1996, amend., iss. 14 of 18.02.2000, suppl., iss. 26 of 29.03.2000, amended, iss. 28 of 23.03.2001, enforced on 23.03.2001, suppl., iss. 112 of 23.12.2003 enforced on 1.01.2004).

A change in the land purpose for non-agricultural needs is permitted depending on the productive quality of land or the aims of change by:

1. commissions to the regional directorates “Agriculture and forests” – when the required area is up to 50 decry and the land is in the territory of populated areas to the relevant region;
2. Agricultural lands commission – for the rest of the cases – art. 17, para 1 of PALA.

The agricultural land owners should address a request to the mayor of the municipality for its inclusion into the construction borders of populated areas and for the purpose change – art. 20a of PALA.

For every site, proposed for construction or extension on agricultural lands, shall be fixed the necessary ground or layout via a detailed structural plan and a positive decision for environmental impact assessment /EIA/, issued under the terms of Environmental Protection Act /EPA/ - art.21, para 1 of PALA.

Simultaneously with the main ground or layout shall be fixed the necessary auxiliary and additional grounds, communications, terrains for temporarily usage etc, in connection with site construction.

In case of lands from first to sixth category, for the sites are fixed at least two grounds or layouts, excl. the lands suggested for extraction of mineral resources.

The investor of the investment proposal shall inform in the earliest stage of his investment intention the competent bodies and affected community as announce it in written and provide for terms of reference for scope of EIA.

The investor consults the competent bodies for procedure of EIA decision with other expert departments and affected community as regards:

1. specific characteristics of the proposed construction, activity and technologies, development stages of project decision and its connection with existing or other planned construction, activities and technologies;
2. characteristics of surrounding and its components;
3. significance of the presumable impacts;
4. terms of reference for the scope and content of EIA;
5. research limits in connection with EIA;
6. alternatives for investment proposals;
7. affected community – interests and opinions;
8. sources of information;

9. forecast methodology and EIA;
10. measures for reduction of presumable negative impacts on environment – art. 95 of EPA.

The investor of the proposal under art. 81, para 1, item 2 submits to the competent body for making a decision report for EIA that contains: :

1. annotation of the investment proposal for construction, activities and technologies;
2. alternatives for location (with layouts and coordinates of typical points in the established coordinate system of the country) and/or assigner's alternatives of the proposed technology and motives for the choice, bearing in mind the impact on environment, incl. "zero alternative";;
3. description and analyze of the environment components and factors under art. 4 and 5 and the material and cultural heritage that will be affected at certain degree by the investment proposal, as well as the interaction between them;
4. description, analyze and assessment of the presumed comparative impacts on population and environment as a result of:
  - a) implementation of the investment proposal;
  - b) utilization of natural resources;
  - b) emissions of noxious substances in normal operation or in exceptional cases, waste generation and discomfort;
5. information about the used forecast methodology and EIA;
6. description of measures, foreseen for prevention, reduction or where possible to suspend the comparative harmful impacts on the environment, as well as plan for the implementation of these measures;
7. statements and opinion of the affected community, competent bodies and concerned states in cross-border context as a result of conducted consultations;
8. experts' conclusions when it is given in accordance with the requirements of art. 83, para 3;
9. non-technical resume;
10. description of the difficulties (of technical type, shortage or lack of data) in the process of collection of information for the drafting of EIA;
11. other information by the decision the competent body.

The cost for EIA is at the expenses of the investor of the proposal under art. 81, para 1, item 2.

The investor of the proposal under art. 81, para 1, item 2 provides the needed information for accomplishment of EIA, as well as any other additional information connected with the investment proposal – art. 96, para1, para 2 of EPA.

Building in forests and lands from forestry fund, beyond these in art. 81, para 1 of

Forestry Act /FA/ shall be permitted after a change in the purpose of forests and lands in forestry fund – art. 81, para 6 of FA.

Forests and lands from forestry fund shall be excluded when there is a change in their purpose for grounds aimed at construction of electric plants, dams or other hydrotechnical installations, extractions of mineral resources or other activities according to the decree under art. 14, par 1 of FA.

In case of site construction under the abovementioned decree as well as for establishment of new or extension of borders of separate existing regulated landed property beyond the urbanized territories (populated areas or types of populated areas), the owner or the stakeholder request the head of Forests National Management for preliminary concert about exclusion of the forests and land from forestry fund – art. 146, para 1 of FA.

For exclusion of forests and lands from forestry fund and their inclusion in construction borders of urbanized territories (populated areas or types of populated areas), mayor of the municipality request the head of Forests National Management for preliminary concert – art. 14b, para 2 of FA.

In aims of preliminary concert for forests and lands exclusion shall be offered a terms of reference, prepared in accordance with the decrees of SPA. The head of Forests National Management shall express an opinion together with motivated statement in one-month term after the request entrance – art. 14b, para 3 of FA.

Application for exclusion of forests and lands from forestry fund shall be handed by the owner or a stakeholder to the head of Forests National Management if there is an operating detailed structural plan for landed property or a plotting plan for certain layout – art. 14c, para 1 of FA.

- **Design visa**

Assigner or his authorized person may ask for a project visa. The visa is issued by the chief municipal architect within 14-day term after the entrance of the application – art. 140, para 1 of SPA.

### **3. Design terms of reference:**

The output data and documents of the design terms of reference according art. 12 of regulation №4 for the scope and content of the investment projects are as follows:

1. layout (visa) for design under art. 140 of SPA;
2. geological, seismological and geotechnical characteristic of region – when design item is hydrotechnical sites, as well as data for the specific building conditions, for example against earthquake etc.;
3. statements and data by the relevant operation companies for connection of inner grids and

installations of the site to the technical infrastructure grids for:

- a) water supply source and clarification of the main and auxiliary installations, the place for collection of waste waters with specification of water receiver category, necessity for construction of water purifying installations etc.;
  - б) electric supply source and the necessity of transformers construction;
  - в) source of heat supply;
  - г) source of gas supply and necessity of gas distribution stations construction;
  - д) location of the road connection to the relevant republic or municipal road;
  - e) connections with other technical infrastructure grids when it is imposed by the site specificity;
4. geodesic, map, plan and cadastral ground, incl. geodesic grids, outputs and references, that is necessary for the design and construction;
  5. supporting plan of immovable cultural monuments and extract from archeological cadastre (special map), in case there is such;
  6. preliminary (pre-investment) and/or volumetric-structural research of site, in case they are elaborated;
  7. other output data and documents, required via regulatory or administrative act.

The output data and documents shall be applied to the design terms of reference (design contract).

Design terms of reference, according art. 13. para 2 of Regulation №4 for the scope and contents of investment projects shall include:

1. main technical, economic, technologic, functional and planning composition parameters to the site.
2. main functional and composition parameters of site.

The design terms of reference for preliminary stage serves as a terms of reference for the next stage together with the project from preceding one – art. 14 of Regulation №4 for the scope and contents of investment projects.

The output data and documents should be applied to the design terms of reference (design contract).

#### **4. Design:**

##### **a) project idea:**

The project idea is elaborated in conformity to the layout (visa) for the design and the terms of reference for design ( the design agreement).

In case there is no terms of reference elaborated, the project idea is playing also the role of terms of reference for the next stage of the design.

The scope and contents of the project idea should be sufficient for its usage :

1. as a basis for the elaboration of the next design stage ;
2. for the selection of architectural – special solution, construction – building solution, installation and technological solutions, safety systems, etc. when such are required in conformity to the terms of reference for design ( the design agreement);
3. for the purposes of the coordination – at the conditions and the order of Art. 141 from the Spatial planning act . (Art. 15, para. 1 – art. 15 from Regulation № 4 for the scope and contents of the investments projects ).

The project idea is elaborated in accordance to Art. 15 ÷ 18 and concerns the following parts :

- architectural – elaborated under art .27 ÷ 31 from Regulation № 4 for the scope and content of the investment projects ;
- constructive – elaborated under art..45 ÷ 48 from Regulation № 4 for the scope and content of the investment projects ;
- installations and grids for the technical infrastructure - elaborated under art. 58 ÷ 62 from Regulation № 4 for the scope and content of the investment projects ;
- park-arrangement and urbanization - elaborated under art..93 ÷ 96 from Regulation № 4 for the scope and content of the investment projects ;
- geodesic - labored under art. .103 ÷ 106 from Regulation № 4 for the scope and content of the investment projects ;
- technological - elaborated under art..112 ÷ 115 from Regulation № 4 for the scope and content of the investment projects .

**b) technical project:**

- The technical project is worked out in conformity to art. 19÷21 from Regulation № 4 for the scope and content of the investment projects and contains the following parts;
- architectural – elaborated under art. 32 ÷ 35 from Regulation № 4 for the scope and content of the investment projects ;
- constructive – elaborated under art..49 ÷ 53 from Regulation № 4 for the scope and content of the investment projects ;
- electro technical- elaborated under art.. 63 ÷ 70 from Regulation № 4 for the scope and content of the investment projects ;
- water supply and sewerage - worked out under art. 71 ÷ 75 from Regulation № 4 for the scope and content of the investment projects ;
- heating. Thermal supply, ventilation and air conditioning - worked out under art. 85 ÷ 88 from Regulation № 4 for the scope and content of the investment projects ;
- thermal technical efficiency - elaborated under art. 89 ÷ 92 from Regulation № 4 for the scope and content of the investment projects ;
- park arrangement and urbanization - worked out under art. 98 ÷ 101 from Regulation №

4 for the scope and content of the investment projects ;

- geodesic – worked out under art. 111 from Regulation № 4 for the scope and content of the investment projects ;
- technological – worked out under art. 116 ÷ 119 from Regulation № 4 for the scope and content of the investment projects ;

**c) working project:**

The working project is worked out in conformity to art. 22÷26 from Regulation № 4 for the scope and content of the investment projects and related the following parts:

- architectural – worked out under art. 36 ÷ 40 from Regulation № 4 for the scope and content of the investment projects ;
- constructional – worked out under art. 54 ÷ 57 from Regulation № 4 for the scope and content of the investment projects ;
- electro technical - worked out under art.. 63 ÷ 70 from Regulation № 4 for the scope and content of the investment projects ;
- water supply and sewages - elaborated under art.. 76 ÷ 79 from Regulation № 4 for the scope and content of the investment projects ;
- thermal supply, heating, vent and air conditioning - elaborated under art. 85 ÷ 88 from Regulation № 4 for the scope and content of the investment projects ;
- thermal technical efficiency - elaborated under art. 89 ÷ 92 from Regulation № 4 for the scope and content of the investment projects ;
- park arrangement and urbanization - worked out under art.. 98 ÷ 101 from Regulation № 4 for the scope and content of the investment projects ;
- geodesic - worked out under art. 111 from Regulation № 4 for the scope and content of the investment projects ;
- technological – worked out under art. . 120 ÷ 123 from Regulation № 4 for the scope and content of the investment projects ;

The sites design must be coordinated also with the requirements of art. 124, art. 128, art. 130, art. 132, art. 134 and art. **150** from Regulation № 4 for the scope and content of the investment projects ;

## **IV. PERMITS AND LICENSES**

### **1. Written request for the study of conditions and way of connecting to the grid**

#### **1.1. To the electric grid:**

To connect a new wind power plant to the electric grid it is necessary the person, constructing the plant, to submit a written request for the study of conditions and the way of connecting – art. 49, p. 1 from the Regulation for connecting producers and users of electric

energy to the transmission and distribution electric grids. The study for connection is done after the issue of visa for design, in cases when the issue is obligatory under the regulations of the Spatial planning act.

According to art. 50 from the Regulation for connecting producers and users of electric energy to the transmission and distribution electric grids, for plants with installed power equal or less than 5 MW, the written application is submitted to the distribution company located near the place of the plant, while for plants with installed power more than 5 MW – to the regional sub-unit of the transmission unit located near the place of the plant. The study is financed under a pricelist of the services of the related transmission or distribution company.

The application form contains data and documents are attached , under art. 51, para 1 and para 2 from the Regulation for connecting producers and users of electric energy to the transmission and distribution electric grids .

The transmission and related distribution company prepares and **proposes preliminary agreement for connection** to the electric plant of the person , who has applied a request for connection conditions study, within the term of up to 30 days for the distribution and up to 90 days for the transmission company, considered since the date of the submitted request for conditions study – art. 56, para . 1 the Regulation for connecting producers and users of electric energy to the transmission and distribution electric grids.

**The preliminary agreement for connecting** is signed **before the elaboration of the investment project** – art. 2, para 2 from the Regulation for connecting producers and users of electric energy to the transmission and distribution electric grids.

## 2. COMMISSION LICENSES:

For generation of electric and/or heat energy by wind power plants with total installed electrical capacity over 5 MW and with total installed heat capacity over 5 MW (Except of cases where the heat energy is generated for own purposes only), the respective producer is to hold license according to Art. 39, paragraph 1, item 1 from the Energy Law.

The license issuing procedure is open by **written statement to the Commission** – Art. 2, item 1a under the Energy sector activities licensing Ordinance.

These statement samples are published in the Commission Internet bulletin and could be obtained from its Administration Office - Art. 3, Paragraph 1 under the Energy sector activities licensing Ordinance. According to Art. 3, Paragraph 2 from the same Ordinance, the needed statement and documents are applied before the Commission Registration Office or sent by registered ordinary Mail.

In cases where licenses are issued **prior to the energy facility construction**, they contain

the facility building conditions and the license activities period of time (Art. 39, Paragraph 3 from the Energy Law and Art. 19, Paragraph 1 under the energy sector activities licensing Ordinance).

The license application contains the needed basic data and documents according to Art. 19, Paragraphs 2 and 4 under the energy sector activities licensing Ordinance. This documentation, plus the needed fee paid, is applied before the Commission Registration Office or by Registered Mail.

The Commission decides upon applications in closed session - Art. 8, Paragraph 4 of the energy sector activities licensing Ordinance.

Licenses are issued for a term not exceeding 35 years (the energy facility construction period not included) in accordance with the respective license activity assets timing resource and after the applicant financial condition - Art. 11, Paragraph 2 of the energy sector activities licensing Ordinance.

At the energy facility commercial operation start using, the licensee is to apply documentation before the Commission, according to Art. 22, Paragraph 1 of the energy sector activities licensing Ordinance. Within one month after this documentation application, the Commission with its decision authorizes the license activities implementation, according to Art. 22, Paragraph 2, item 1 of the energy sector activities licensing Ordinance, and notifies in writing the respective licensee within 3 days from issuing the decision.

At the license demand and according to Art. 22, Paragraph 4 of the energy sector activities licensing Ordinance, the license activities implementation start using permit issuing procedure is feasible after the signature of acceptance protocol 15 from the Ordinance 3 / 2003 under the SPA on construction period acts and protocols issuing.

## **V. CONSTRUCTION AND INSTALLATION**

The Building up is disposition and construction of buildings, structures, grids and equipment in landed properties – Art. 12 from SPA.

### **1. Contracts between construction process participants.**

The interrelations between construction process participants are regulated by written agreements – Art. 160, Paragraph 2 from SPA.

Contractors / assigners conclude agreements with:

- The Designer – Art.. 162, Paragraph 2 from SPA;
- The Builder - Art. 163, Paragraph 1 from SPA;
- The Consultant - Art. 166, Paragraph 1 from SPA.

## 2. Building site opening and building line and level determining.

- *The Building site opening and the building line and level determining* – implemented by the person in charge with the building site survey, for special purpose sites related to the country defense and security - by the Minister of Defense, respectively by the Minister of Interior and authorized by them persons – Art. 157, Paragraph 1 from SPA
- For the purpose of the Building site opening and the building line and level determining a record is drawn up with the needed town-planning and leveling parameters, together with measures for safe traffic and safe and healthy working conditions, for protection of adjacent neighboring and own buildings, grids, equipment and valuable greenery to remain after the construction works - Art. 157, Paragraph 4 from SPA
- *The Construction kick-off* - in compliance with the construction permit issued, this is the day of drawing up the site opening and the building line and level determining Protocol, and if not required – this is the construction Order Book legalization date - Art. 157, Paragraph 1 from SPA.

## 3. Construction designing and building Insurance.

**The construction process participants – designer, consultant, builder and the building surveyor insure their professional liability for damages incurred to other participants in the building process and/or to third persons, due to illegal action or inaction, at, or in the occasion of their duties implementation - Art. 171, Paragraph 1 from SPA.**

Conditions and order for compulsory insurance of above persons, the insurance backing and excluded risks, the minimal insurance amounts and premiums inclusive are defined by the Council of Ministers Ordinance - Art. 171, Paragraph 2 from SPA.

## **VI. CONSTRUCTION COMPLETION. CONSTRUCTION USAGE PERMITS:**

### **1. Working plans:**

After the construction factual completion the respective working documentation is elaborated, reflecting nonessential deviations from the approved plans, realized by the

contractor or by a person pointed out by the assigner - Art. 175, Paragraph 1 from SPA.

The working documentation, containing full set of drawings on the actually implemented construction and installation works is certified by the assigner, builder and the persons in charge with the designer' survey, the technical survey for the Construction part and the construction survey. The construction acceptance is attested by the respective administration official stamping on all project drawing and textual materials. The working documentation is integral part of the construction documentation issued - Art. 175, Paragraph 2 from SPA.

After the construction factual completion the assigner, designer, builder and the person in charge with the construction survey draw up an execution statement to certify that the construction is executed in conformity to the approved investment projects, the endorsed working documentation, and the construction requirements under the Art. 169, Paragraphs 1 and 2 from SPA and the concluded construction agreement conditions. This statement includes machines and equipment successfully implemented single tests Protocols and serves to deliver the construction from the builder to the assigner - Art. 176, Paragraph 1 from SPA.

## **2. Installations suitability establishment:**

For constructions with production and other specific destination, in accordance with the signed respective agreements, the building completion is additionally certified by successfully implemented acceptance tests - Art. 176, Paragraph 2 from SPA.

In cases where construction works are implemented by several builders, every one of them is obliged to carry out tests after completion of their respective part of the construction - Art. 176, Paragraph 3 from SPA. In cases where these tests are not successful, the construction is deemed not terminated and the assigner is to have the rights under Art. 265 from the duties and agreements Law - Art. 176, Paragraph 4 from SPA.

After the construction, and its acceptance tests- if necessary, completion, the respective assigner registers its construction before the Administration issued the building permit, applying a final report under Art. 168, Paragraph 6 from SPA, together with connection agreements with operational companies' technical infrastructure grids and document issued by the Cadastre Agency, to comply with the requirement under Art. 175, Paragraph 5 from SPA - Art. 177, Paragraph 1 from SPA.

### **3. Connection to the electrical grid:**

**The equipment connection to the electrical grid is implemented by stages, according to Art. 63÷68 under the Ordinance 6 of 9.06.2004 for connection of electric energy producers and consumers to the transmission and distribution electrical grids issued by the Minister of energy and energy resources (State Gazette 74 / 24.08.2004).**

The above Ordinance Articles 48 to 81 regulate the energy facility assigner duties within

the connection process.

#### **4. Bringing into operation:**

**After the construction, and its acceptance tests- if necessary, completion, the respective assigner registers its construction before the Administration issued the building permit, applying a final report under Art. 168, Paragraph 6 from SPA, together with connection agreements with operational companies' technical infrastructure grids and document issued by the Cadastre Agency, to comply with the requirement under Art. 175, Paragraph 5 from SPA - Art. 177, Paragraph 1 from SPA.**

First, Second and Third category constructions are brought into operation with respective usage permit, issued by the National building control Department, under the Ordinance of the Minister of Regional Development and Public Works - Art. 177, Paragraph 2 from SPA.

Within 7-day period from the demand application, the Administration issued the building permit, registers the construction bringing into operation and delivers the respective certificate after reviewing the sufficiently supplied construction documentation - Art. 177, Paragraph 3 from SPA.

In cases where a defined technological period of time is necessary to check the energy facility construction & equipment project parameters in operation, the respective assigner is to register the construction bringing into test operation - Art. 177, Paragraph 4 from SPA.