



Legal Office

PARASKEVA KISSEVA – Director Legal Office



History

With the setting up of SERC by a Decree of the Council of Ministers N: 181/10.09.1999:

- A Legal Division was set up within the general administration to provide its legal servicing;
- Experts with a law degree were appointed in the Permits and Licenses Division of the specialized administration to support the work of SERC in exercising its powers under EEEA.



In order to improve the conditions for the implementation of SERC functions under EEEA a new Structural Rules of SERC and its Administration were adopted by the Council of Ministers in April 2002 which :

- change the structure of the SERC administration, including
- concentration of all lawyers in a single Legal Office



Their work covers the legal aspects of SERC activities in:

- regulation of the three energy sub-sectors: power, heat and gas;
- management of administration.



Functions of Legal Office

The Office has 11 employees, all with a degree in Law. Its functions are in three directions:

- 2. Supports SERC in exercising its powers as a regulatory body in compliance with Bulgarian legislation
- 22. Provides the legal servicing of SERC administration
- 222. Represents SERC and its administration in court

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Functions of Legal Office

2. Supporting SERC in exercising its powers as a regulatory body by:

- 2.1. Preparatory legal work concerning issuance, amendment, supplementation, suspension, termination, revocation and rejection of permits and licenses for activities and installations in the energy sector;
- 2.2. Review and preparation of legal opinions on filed applications for issuance, amendment and supplementation of permits and licenses;

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Functions of Legal Office

- 2.3. Drafting SERC decisions on issuance, amendment, suspension, termination, revocation or rejection of permits and licenses;
- 2.4. Supporting preparation of tender documentation and taking part in tender procedures under EEEA.
- 2.5. Preparation of SERC decisions on the approval of general terms and conditions of contracts for sale of power, heat or natural gas to households and industry, proposed by energy companies;

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Functions of Legal Office

- 2.6. Preparation of legal opinions on general conditions of contracts for sale of power, heat or natural gas as to their compliance with the law;
- 2.7. Interaction with specialized authorities such as the Commission on the Protection of Competition and the Commission on the Protection of Consumers.

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Functions of Legal Office

I.8. Interaction with other SERC administration offices in supervising observance of conditions of permits and licenses by:

- taking part in periodic inspections of licensees;
- taking part in inspections requested by a party affected by claimed abuse of license conditions and responding to complaints;



Functions of Legal Office

².9. Legal support to the members of the Commission by providing opinions, advice and answers to specific questions for information and monitors compliance with the law of the acts issued by the Chairman and his authorized representatives.



Functions of Legal Office

22. Legal servicing of SERC administration

- 22.1. Participation in drafting or drafting on its own primary and secondary energy legislation and preparation of legal opinions on drafts received from other authorities for coordination. At present a new Energy Act is being drafted to introduce the legal framework of liberalized energy markets



Functions of Legal Office

- II.2. Monitoring compliance with the law of administrative deeds related to labor relations between the Commission and its employees
- II.3. Drafting of civil contracts concluded between the Commission and third parties
- II.4. Participation in procedures under Public Procurement Act



Functions of Legal Office

- II.5. Monitors compliance with the law of legal acts imposing sanctions and fines
- II.6. Supporting the Commission in its work towards harmonization of legislation with EU acquis by:
 - preparation of opinions and regular information for the European Commission on the degree of harmonization of legislation;
 - drafting SERC opinions on documents submitted to the EC related to the EU accession criteria.

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Functions of Legal Office

222. Representation in Courts

All employees of the Legal Office may represent SERC and its administration in courts. In doing so they:

- prepare written legal opinions on appeals of SERC administrative acts;
- participate in open hearings in courts as SERC counsel;
- undertake necessary legal actions to collect unpaid by licensees fees and charges

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