

Safe Use of Nuclear Energy Act

Promulgated, State Gazette No. 63/28.06.2002, amended and supplemented, SG No. 120/29.12.2002, SG No. 70/10.08.2004, effective 1.01.2005, amended SG No.76/20.09.2005, effective 1.01.2007, SG, No. 88/4.11.2005, SG No. 105/29.12.2005, effective 1.01.2006, SG No. 30/11.04.2006, effective 12.07.2006, SG No. 11/2.02.2007, amended and supplemented, SG No. 109/20.12.2007, effective 1.01.2008, amended, SG No. 36/4.04.2008, SG No. 67/29.07.2008, amended and supplemented, SG No. 42/5.06.2009, amended, SG No. 74/15.09.2009, effective 15.09.2009, amended and supplemented, SG No. 80/12.10.2010, amended, SG No. 87/5.11.2010, SG No. 88/9.11.2010, effective 1.01.2011, SG No. 97/10.12.2010, effective 10.12.2010, SG No. 26/29.03.2011, effective 30.06.2012

Text in Bulgarian: Закон за безопасно използване на ядрената енергия

Chapter One GENERAL PROVISIONS

Article 1. (Amended, SG No. 80/2010) This Act regulates the social relations associated with the State regulation of the safe use of nuclear energy and ionizing radiation and with the safety of radioactive waste management and spent fuel management, as well as the rights and duties of licensees implementing these activities, to ensure nuclear safety, radiation protection and physical protection.

Article 2. Nuclear energy and nuclear material shall be used solely for peaceful purposes in accordance with this Act and with the international treaties which have been ratified according to a procedure established by the Constitution, which have been promulgated, and which have entered into force for the Republic of Bulgaria.

Article 3. (1) Nuclear energy and ionizing radiation shall be used in accordance with nuclear safety and radiation protection requirements and principles with a view to ensuring the protection of human life, health and the living conditions of the present and succeeding generations, the surrounding environment and property against the harmful impact of ionizing radiation.

(2) (Amended, SG No. 80/2010) In the use of nuclear energy and ionizing radiation, and in radioactive waste management and spent fuel management, nuclear safety and radiation protection shall enjoy a priority overriding all other aspects of this activity, with the following fundamental principles being applied:

1. the responsibility for ensuring nuclear safety and radiation protection rests entirely with the persons responsible for the facilities and the activities under this Act and may not be delegated to other persons;
2. the persons responsible for the facilities and activities under this Act establish and sustain an effective safety management system;
3. the expected economic, social and other benefits must outweigh the possible adverse consequences of the activity;
4. the measures ensuring nuclear safety and radiation protection must be optimized so as to guarantee the provision of the highest level of protection that can reasonably be achieved;
5. occupational and public exposure to ionizing radiation is reduced and kept to a level as low as reasonably achievable;
6. the 'defence in depth' concept is implemented, with all reasonably practical measures being taken to prevent accidents and to mitigate the consequences thereof;
7. effective arrangements for emergency preparedness and response for a nuclear or radiation accident are established and maintained;

8. the protective actions to reduce existing and/or unregulated exposure must be justified and optimized;

9. the competent authority, which implements state regulation of the safe use of nuclear energy and ionizing radiation, is provided with human and financial resources adequate to fulfil its responsibilities in full measure.

Chapter Two

STATE REGULATION

Section I

Nuclear Regulatory Agency

Article 4. (1) State regulation of the safe use of nuclear energy and ionizing radiation and of the safety of radioactive waste management and of spent fuel management shall be implemented by the Chairperson of the Nuclear Regulatory Agency, hereinafter referred to as "the Agency," who shall be an independent specialized executive authority and who shall be vested with competence as specified by this Act.

(2) The Chairperson of the Agency shall be designated by a decision of the Council of Ministers and shall be appointed by the Prime Minister for a term of five years and may be appointed to one more term of the same duration.

(3) In the exercise of the powers thereof, the Chairperson shall be assisted by two Deputy Chairpersons, who shall be designated by a decision of the Council of Ministers on a motion by the Chairperson of the Agency and shall be appointed by the Prime Minister.

Article 5. The Chairperson of the Agency shall perform the following functions:

1. manage and represent the Agency;

2. (Supplemented, SG No. 80/2010) issue, modify, supplement, renew, terminate and revoke licences and permits for safe conduct of the activities under this Act and require the information necessary to verify compliance with the conditions of the licences and permits as issued and compliance with the requirements for nuclear safety, radiation protection and physical protection;

3. (Supplemented, SG No. 80/2010) supervise compliance with the requirements and standards of safe use of nuclear energy and ionizing radiation, radioactive waste management and spent fuel management, and with the conditions of the licences and permits as issued, inter alia of the high-risk facilities which are relevant to nuclear safety upon the commissioning, operation and decommissioning of a nuclear plant;

4. issue and withdraw individual employment licences for work at nuclear facilities or for handling sources of ionizing radiation;

5. impose the coercive administrative measures and the administrative sanctions in the cases provided for under this Act;

6. commission the conduct of expert examinations, research and studies associated with nuclear safety and radiation protection upon use of nuclear energy and ionizing radiation and in radioactive waste management and spent fuel management;

7. interact with the executive authorities vested with competence to perform regulatory and controlling functions in the field of use of nuclear energy and ionizing radiation, and move to the Council of Ministers measures for coordination of such activities;

8. implement the international cooperation of the Republic of Bulgaria in the fields of safe use of nuclear energy, ionizing radiation and safety of radioactive waste management and spent fuel management;

9. (Supplemented, SG No. 80/2010) provide to individuals, legal persons and state bodies objective information regarding the state of nuclear safety and radiation protection. Any such information shall be made public in accordance with national legislation and international obligations;

10. submit annually to the Council of Ministers a report on the state of nuclear safety and radiation protection in use of nuclear energy and ionizing radiation and in radioactive waste management and spent fuel management, as well as on the activities of the Agency;

11. organize and coordinate the drafting, and submit to the Council of Ministers, reports in compliance with the national obligations under the Convention on Nuclear Safety and the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management;

12. (amended, SG No. 67/2008) organize and coordinate compliance with the obligations of the Republic of Bulgaria arising under the Agreement Between the Republic of Austria, the Kingdom of Belgium, the Kingdom of Denmark, the Republic of Finland, the Federal Republic of Germany, the Hellenic Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Portuguese Republic, the Kingdom of Spain, the Kingdom of Sweden, the European Atomic Energy Community (Euratom) and the International Atomic Energy Agency (IAEA) in implementation of Article III, (1) and (4) of the Treaty on the Non-Proliferation of Nuclear Weapons (78/164 Euratom, respectively IAEA INFCIRC 193) and Protocol Additional to the Agreement (1999/1888 Euratom, respectively IAEA INFCIRC 193 add. 8);

13. perform the functions of a competent authority and point of contact responsible for notification of an accident and for provision of assistance according to the Convention on Early Notification of a Nuclear Accident and the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency;

14. (Amended, SG No. 80/2010) perform the functions of a central authority, point of contact and coordinator for implementation of the obligations under the Convention on the Physical Protection of Nuclear Material;

15. (New, SG No. 80/2010) acting within the powers vested therein under this Act, transmit the information provided for in the Treaty establishing the European Atomic Energy Community (Euratom) to the competent institutions;

16. (New, SG No. 80/2010) perform the functions of a competent authority and point of contact within the arrangements of the European Union for early exchange of information in the event of a radiological emergency;

17. (New, SG No. 80/2010) draft ordinances on the application of this Act, and lay the said ordinances before the Council of Ministers for adoption and propose instruments amending and supplementing the said ordinances, where this is necessary for improvement of the statutory requirements, taking into account operating experience, the lessons learnt from safety research and the advances in science and technology;

18. (Renumbered from Item 15, SG No. 80/2010) exercise any other powers as may be entrusted thereto by statutory instruments.

Article 6. (1) Eligibility for appointment to the office of Chairperson and Deputy Chairperson of the Agency shall be limited to Bulgarian citizens:

1. who hold a Master's educational qualification degree in natural or technical sciences, conferred thereon upon graduation from a higher educational establishment;

2. who have a permanent address within the territory of Bulgaria;

3. who have worked under an employment and/or a civil-service relationship for not less than ten years in the field of the use of nuclear energy or ionizing radiation, nuclear waste management or spent fuel management, as well as in the field of State regulation of the safe conduct of these activities;

4. who have not been sentenced to deprivation of liberty for a publicly indictable offence.

(2) (Amended, SG No. 42/2009) The Chairperson and Deputy Chairpersons may not hold any office or perform any activities covered under Article 19 (6) of the Administration Act.

(3) The amount of remuneration of the Chairperson and of the Deputy Chairpersons shall be fixed as follows:

1. of the Chairperson: at 95 per cent of three average monthly wages of the persons hired under an employment and civil-service relationship in the public sector, in conformity with data of the National Statistical Institute;

2. of the Deputy Chairperson: at 90 per cent of three average monthly wages of the persons hired under an employment and civil-service relationship in the public sector, in conformity with data of the National Statistical Institute.

Article 7. (1) The Chairperson may be removed prior to the expiration of the term of office on any of the following grounds:

1. resignation;
2. commission of a gross violation of this Act;
3. commission of gross and/or systematic breaches of the official duties thereof;
4. occurrence of any disqualification from occupation of the office;
5. inability to perform the duties thereof for a period exceeding six months;

6. (new, SG No. 42/2009, ammended SG No. 97/2010, effective 10.12.2010) upon the entry into effect of an act whereby a conflict of interest is ascertained under the Conflict of Interest Prevention and Ascertainment Act.

(2) In the case of removal under Paragraph (1), as well as upon death or interdiction of the Chairperson of the Agency, the Council of Ministers shall designate a new Chairperson under the terms and according to the procedure established by Article 4 (2) and Article 6 (1) herein to serve for the remainder of the term of office.

Article 8. (1) In the work thereof, the Chairperson of the Agency shall be assisted by an administration organized at the Agency.

(2) The Agency shall be a public-financed legal person with a head office in Sofia.

(3) The structure, operation and organization of work of the Agency and the staff size thereof shall be determined in an Organizational Statute adopted by the Council of Ministers on a motion by the Chairperson of the Agency.

(4) (Amended, SG No. 42/2009, SG No. 80/2010) Staff members of the administration shall be obligated not to disclose any information constituting an official, industrial or trade secret, which has come to the knowledge thereof upon or in connection with the performance of the official duties thereof.

Article 9. (1) There shall be established with the Chairperson of the Agency:

1. an Advisory Council on Nuclear Safety;
2. an Advisory Council on Radiation Protection.

(2) The advisory councils covered under Paragraph (1) shall include prominent scientists and experts in the field of nuclear energy and ionizing radiation, radioactive waste management and spent fuel management.

(3) The Chairperson of the Agency shall issue an order designating the composition of the advisory councils.

(4) The advisory councils shall assist the work of the Chairperson, giving opinions on the scientific aspects of nuclear safety and radiation protection.

(5) The advisory councils shall adopt rules of procedure thereof, and the meetings thereof shall be presided over by the Chairperson of the Agency or by a person thereby authorized.

Section II

Nuclear Regulatory Agency Financing

Article 10. (1) The operation of the Agency shall be financed by the state budget and by the proceeds from the fees collected under this Act.

(2) The Agency shall administrate the fees under this Act.

Article 11. (1) The revenues on the budget of the Agency shall be raised from:

1. the fees collected under this Act and interest accruing thereon;
2. donations.

(2) The financial resources on the budget of the Agency shall be expended, on a priority basis, on:

1. financing the conduct of studies, analyses and expert examinations associated with nuclear safety assessment and radiation protection assessment and with the activities comprehended in regulatory control of nuclear safety and radiation protection under this Act;
2. capital expenditures on development of the Agency infrastructure;
3. continuing education of the Agency administration staff;
4. additional financial incentives to the Agency administration staff.

Section III Powers of Other Bodies

Article 12. The state bodies, which by financing or in another manner promote the use of nuclear energy or sources of ionizing radiation, may not exercise any State regulation functions in respect of nuclear safety and radiation protection in the course of conduct of such activities.

Article 13. (Amended and supplemented, SG No. 109/2007, amended, SG No. 74/2009, amended and supplemented, SG No. 80/2010) The Ministers of Health, of Environment and Water, of Interior, of Defence, of Agriculture and Food, of Transport, Information Technology and Communications, of Education, Youth and Science, and the Chairperson of the State Agency for National Security shall exercise specialized control in accordance with the powers conferred thereon by the law.

Chapter Three AUTHORIZATION PROCESS

Section I General Provisions

Article 14. (1) Natural or legal persons may use nuclear energy or sources of ionizing radiation solely after obtaining a permit and/or a licence for the safe conduct of the relevant activity in the cases specified in this Act.

(2) Radioactive waste management and spent fuel management shall be performed by legal persons solely after obtaining a permit and/or a license for the safe conduct of the relevant activity in the cases specified in this Act.

(3) (New, SG No. 80/2010) The responsibility for ensuring safety of the facilities and activities specified in the licence or in the permit shall rest entirely with the licensees and the permit holders.

Article 15. (1) Licences and permits shall be issued, modified, renewed, terminated or revoked by the Chairperson of

the Agency under terms of non discrimination and transparency.

(2) The licences and permits under this Act shall be individual administrative acts.

(3) A licence shall be issued for:

1. operation of a nuclear facility;

2. use of sources of ionizing radiation for economic, medical or scientific purposes or for process control;

3. (Amended, SG No. 80/2010) manufacture of sources of ionizing radiation;

4. (Amended, SG No. 80/2010) handling of sources of ionizing radiation for the purpose of maintenance, assembly, dismantling, measurement, construction and repair work and services;

5. transport of radioactive substances;

6. (Repealed, SG No. 70/2004);

7. specialist training;

8. (New, SG No. 80/2010) decommissioning of a nuclear facility.

(4) A permit shall be issued for:

1. selecting a location for a nuclear facility (siting);

2. design of a nuclear facility;

3. construction of a nuclear facility;

4. commissioning of a nuclear facility;

5. activities leading to modification of:

(a) (Amended, SG No. 80/2010) structures, systems and components important for the safety of the nuclear facility;

(b) (Amended, SG No. 80/2010) limits and conditions for operation of a nuclear facility, on the grounds of which the operating licence has been issued;

(c) internal rules for conduct of the activity, including instructions, programmes, technical specifications and other such, attached to the operating licence for a nuclear facility;

6. (Repealed, SG No. 80/2010);

7. transport of nuclear material;

8. (Repealed, SG No. 70/2004);

9. construction of an irradiation installation, assembly and pretesting, conducted proceeding from a schematic design and provisions for radiation protection;

10. decommissioning of a radioactive substances installation;

11. temporary storage of radioactive substances resulting from the performance of activities involving sources of ionizing radiation or associated with such activity;

12. non-recurring transport of radioactive substances;

13. (amended, SG No. 11/2007, SG No. 80/2010, SG No. 26/2011, effective 30.06.2012) import and export of sources of ionizing radiation in the cases where they do not constitute dual-use items within the meaning given by the Defence-Related Products and Dual Use Items and Technologies Export Control Act;

14. transactions in nuclear facilities and nuclear material;

15. import and export of nuclear material;

16. transit of nuclear material, nuclear waste, spent fuel or other radioactive substances.

(5) (Supplemented, SG No. 80/2010) Individual employment licences shall be issued to natural persons who perform activities at nuclear facilities or who handle sources of ionizing radiation, to instructors of full-scale simulators and to qualified experts in radiation protection.

(6) (New, SG No. 80/2010) A permit for transport of radioactive substances under Item 12 of Paragraph (4) shall be issued for the implementation of a particular transport, where the relevant activity is not included in a licence issued under Item 5 of Paragraph (3).

(7) (New, SG No. 80/2010) Clearance of the material and radioactive substances associated with the implementation of activities according to a licence or permit issued under this Act shall be granted in each particular case by an order of the Chairperson of the Agency at the request of the licensee or of the permit holder.

Article 16. Licensees using nuclear energy or sources of ionizing radiation or dealing with radioactive waste management and spent fuel management shall be obligated:

1. (Amended, SG No. 80/2010) to comply with nuclear safety, radiation protection and physical protection requirements, standards and rules in the course of implementation of the relevant activity and to develop and maintain an effective management system for the activities which gives priority to safety and ensures a strong safety culture;

2. to perform monitoring of the radiological characteristics of the working and surrounding environment;

3. (Supplemented, SG No. 80/2010) to perform nuclear safety assessment and radiation protection assessment and assessment of the sources of ionizing radiation, and to take action and measures for improvement of nuclear safety and radiation protection, taking account of the national and international operating experience and scientific advances in this field. The assessment shall furthermore include verification that measures are in place for prevention of accidents and mitigation of consequences of accidents, inter alia verification of the physical barriers and administrative procedures whose violation would lead to considerable harm to the workers and the population, caused by the impact of the ionizing radiation;

4. (Amended and supplemented, SG No. 80/2010) to admit to work solely persons satisfying the established statutory requirements as to educational attainment, qualification and certified competence for employment at nuclear facilities or for handling sources of ionizing radiation;

5. (Amended, SG No. 80/2010) to admit to work solely persons satisfying specific health requirements established by an ordinance issued by the Minister of Health;

6. to provide objective information to the public and to the state bodies and public organizations regarding the state of nuclear safety and radiation protection;

7. to provide for all measures and actions associated with the safe storage of nuclear material, radioactive substances, spent nuclear fuel, as well as of the radioactive waste generated by the activity thereof, until delivery for management to a person licensed to operate a radioactive waste management facility;

8. to take action for prevention of incidents and accidents and for mitigation of the consequences thereof;

9. to ensure sufficient financial resources for safe suspension of the activity thereof;

10. to create such conditions that, in the course of conduct of the activity, the generation of radioactive waste be at a level as low as reasonably achievable in terms of volume and radioactivity;

11. to measure, record and control parameters characterizing the nuclear material, the radioactive substances and the other sources of ionizing radiation, and to maintain systems for the accounting for and control of the said sources;

12. (Supplemented, SG No. 109/2007) to ensure physical protection of the nuclear facilities, nuclear material, radioactive substances and the other irradiation installations, inter alia in consultation with the competent authorities of the Ministry of Interior and of the State Agency for National Security, where so provided for in the law;

13. to provide for personnel training, as well as for continuing education and control of personnel qualifications;

14. to maintain a high level of quality of the activities performed thereby;

15. to apply systems and equipment, technologies and procedures in line with the advances of science and technology and of the internationally acknowledged operating experience;

16. (Amended, SG No. 80/2010) to maintain a system to control the discharges of radioactive substances and the radiation level on the site, in the precautionary action zone and in the supervised area;

17. to maintain insurance or other financial security against nuclear damage.

Article 17. It shall be prohibited:

1. to develop, manufacture, transfer, trade (including internationally), store, transport (including transit), acquire, possess and detonate nuclear weapons or other nuclear explosive devices, as well as to circulate information on such installations and activities, where this is directed against national security, public order or public health;

2. (Amended, SG No. 80/2010) to add radioactive substances in the production of foodstuffs, toys, personal ornaments and cosmetics, as well as to import and export such goods and products;

3. to irradiate with ionizing radiation outside the scope of regulatory control;

4. to import radioactive waste, except:

(a) upon re-import of used sealed sources of ionizing radiation manufactured in the Republic of Bulgaria;

(b) where the radioactive waste is generated as a result of the processing of materials performed as a service in favour of the Republic of Bulgaria or of a Bulgarian legal person.

Article 18. (1) The Chairperson of the Agency shall issue a licence:

1. (Supplemented, SG No. 80/2010) under Items 1 and 8 of Article 15 (3) herein: within nine months;

2. under Item 7 of Article 15 (3) herein: within six months;

3. (Amended, SG No. 70/2004) under Items 2 to 5 of Article 15 (3) herein: within one month.

(2) The Chairperson of the Agency shall issue a permit:

1. (Amended, SG No. 80/2010) under Items 1 to 4 and 14 of Article 15 (4) herein: within nine months;

2. under Item 5 of Article 15 (4) herein: within six months;

3. under Items 7 to 13 and 15 of Article 15 (4) herein: within one month;

4. (Amended, SG No. 80/2010) under Item 16 of Article 15 (4) herein: within one month.

(3) The time limits for the issuance of a licence or a permit shall begin to run as from the receipt of an application form accompanied by all requisite documents.

(4) A licence or a permit under this Act shall not be issued to any person who or which:

1. does not fulfil the conditions established by this Act;

2. has been adjudicated bankrupt or is subject to bankruptcy proceedings;

3. is in liquidation;

4. has been sentenced to deprivation of liberty for a publicly indictable offence (in the case of legal persons, this requirement shall apply to the members of the management and supervisory bodies thereof).

Article 19. (1) Any licence and permit shall state:

1. the holder and the subject of the licence or permit;

2. the term of validity of the licence or permit;

3. the facility by means of which the activity shall be implemented, including the technology and the nuclear material or sources of ionizing radiation to be used;

4. (Amended, SG No. 80/2010) the terms and conditions for conduct of the activity associated with nuclear safety, radiation protection and physical protection, including terms and conditions for decommissioning of the facility or installation, in accordance with the obligations covered under Article 16 herein;

5. the type, quantities, conditions and periods for storage of the nuclear material, spent fuel, radioactive substances and other sources of ionizing radiation and radioactive waste associated with the conduct of the activity, and identification data on the said sources;

6. the requirements to the persons performing the licensed or permitted activity;

7. the requirements to provide sufficient financial resources to ensure safety during the term of validity of the licence;

8. the requirements for the licensee or the permit holder to provide information to the Agency, including requirements to mandatorily notify the Agency in case of an event, incident or accident, under terms and according to a procedure provided for in an ordinance adopted by the Council of Ministers on a motion by the Chairperson of the Agency;

9. the requirements to afford access for the purpose of control and examination of the nuclear facilities, the irradiation installations or the means of transport and for verification of compliance with the conditions of the licence or permit;

10. the conditions associated with the accounting for nuclear material, radioactive substances and other sources of ionizing radiation;

11. other requirements associated with national security and public order.

(2) Depending on the type of licence or permit, all or part of the essential elements and terms and conditions covered under Paragraph (1) shall be entered in the document.

Article 20. (1) A licence shall be issued for a term of validity not exceeding ten years.

(2) The term of validity of a licence may be extended proceeding from a nuclear safety assessment and radiation protection assessment and assessment of the actual status of the nuclear facility and of the irradiation installation.

(3) The term of validity of a licence may be extended for a period not exceeding the period referred to in Paragraph (1), if the licensee fulfils all obligations and requirements under the said licence and has submitted a request in writing for extension prior to the expiration of the term of validity of the original licence or of any extension thereof. The time limits for submission of a request for extension of a licence shall be established by the ordinance referred to in Article 26 (1) herein.

Article 21. (1) Any licence or permit may be modified at the request of the licensee or the permit holder, as the case may be:

1. upon alteration of the statutory requirements for nuclear safety and radiation protection;
2. upon occurrence of any intervening circumstances of material relevance to nuclear safety and radiation protection, which require a review and modification of the conditions of the licence or permit;
3. for reasons involving national security and public order.

(2) Within one month after occurrence of any circumstance covered under Paragraph (1) necessitating modification of the licence or permit, the licensee or permit holder shall be obligated to notify the Chairperson of the Agency of the said occurrence and to request modification of the licence or permit.

(3) Should the licensee or permit holder fail to request modification of the licence or permit within the time limit referred to in Paragraph (2), the Chairperson of the Agency shall notify the said licensee or holder in writing of the existence of the circumstances covered under Paragraph (1) necessitating modification of the licence or permit.

(4) (New, SG No. 80/2010) A licence or a permit may be modified ex officio by the Chairperson of the Agency:

1. if the licensee or permit holder has failed to request the relevant modification within 14 days after being notified under Paragraph (3);
2. in the cases referred to in Item 3 of Paragraph (1): on the basis of a reasoned request by the competent state bodies.

(5) (New, SG No. 80/2010) A licence holder or permit holder in respect of which ex officio modification proceedings have been initiated may lodge objections or give explanations within 14 days after being notified in writing of the said initiation. The licence or permit may be modified by a reasoned order after the expiration of the said time limit.

Article 21a. (New, SG No. 80/2010) (1) Upon transformation of a legal person which is holder of a licence or permit through merger by acquisition, merger, division, spin-off, spin-off of a sole-owner commercial corporation, change of the legal form, upon transfer of a commercial enterprise or upon making a non-cash contribution to the capital of another corporation of any property which is subject to licences or permits under this Act, the licence or permit as issued may be modified on the basis of an advance request submitted by the person which has adopted a decision on the transformation or by the parties to the transaction for the transfer of the commercial enterprise or for making the non-cash contribution.

(2) Upon transfer of a commercial enterprise or upon making a non-cash contribution of property, where real rights to a nuclear facility are included, the permit or licence may be modified after obtaining a permit for a transaction with the nuclear facility in compliance with the requirements of this Act.

(3) Modification shall be admitted if the person which is to implement the activity fulfils the conditions provided for in the law for the issuance of the licence or permit.

(4) The modification of the licence or permit shall enter into effect as from the date of recording in the Commercial Register of the transformation or of the transfer of the commercial enterprise, as the case may be, or the increase of capital through a non-cash contribution.

(5) The rights and obligations arising from any acts issued under this Act to holders of preceding permits or licences shall be binding upon the new holder of a permit or licence referred to in Paragraph (1).

Article 22. (1) A licence shall be terminated:

1. by expiration of the term of validity;
2. (Amended, SG No. 80/2010) at the request of the licensee;
3. by reason of revocation of the licence;
4. (Amended, SG No. 80/2010) upon adjudication in bankruptcy or dissolution through liquidation of the legal person;
5. (New, SG No. 80/2010) upon transformation of the legal person which is holder, where, at the time of effecting the recording in the Commercial Register, the licence is not modified in accordance with Article 21a (1) herein;
6. (Renumbered from Item 5, SG No. 80/2010) upon the death of the licensed natural person;
7. (New, SG No. 80/2010) upon the issuance of a new licence for the same activity to the same or another holder.

(2) A permit shall be terminated:

1. upon completion of performance of the activity subject to the permit, or upon expiration of the term of validity wherefor the said permit has been issued;
2. at the request of the permit holder;
3. upon termination of the licence in the cases where the permit has been issued to the licensee;
4. by reason of revocation of the permit;
5. (New, SG No. 80/2010) upon transformation of the legal person which is holder, where, at the time when the recording in the Commercial Register is effected, the licence is not modified in accordance with Article 21a (1) herein;

(3) (Amended, SG No. 80/2010) Upon termination of a licence, the hitherto holder shall be obligated to ensure nuclear safety, radiation protection and physical protection of the nuclear facilities, nuclear material and other sources of ionizing radiation until the issuance of a new licence to a new holder or until the safe decommissioning of the relevant facilities or installations.

Article 23. (1) The Chairperson of the Agency shall revoke a licence or permit as issued after a written notice of a specific time period:

1. where the licensee or the permit holder fails to comply with or breaches:

(a) (Amended, SG No. 80/2010) the obligations covered under Article 16 herein and/or any conditions included in the licence or permit;

(b) (Supplemented, SG No. 80/2010) the prohibitions covered under Article 17 herein, as well as any instructions of control authorities, or any coercive administrative measures imposed under this Act;

(c) any terms, conditions or obligations included in the licence under Item 7 of Article 15 (3) herein;

2. where the licensee or permit holder has submitted any untrue information which has served as grounds for the issuance of the licence or permit and which is relevant to nuclear safety and radiation protection;

3. (Repealed, SG No. 80/2010);

4. (Supplemented, SG No. 80/2010) by reasons involving national security and public order, on the basis of a reasoned request by the competent state bodies.

(2) Unless a licensee or permit holder requests a relevant modification of the licence or permit within fourteen days after notification under Article 21 (3) herein, the Chairperson of the Agency may revoke the licence or permit.

(3) By the decision on revocation of the licence, the Chairperson of the Agency shall specify a time period during which the person shall be barred from applying for the issuance of a new licence for the same activity. The said period may not be longer than one year.

(4) Upon ascertainment of any breaches in the cases covered under Items 1 and 2 of Paragraph (1), the administrative sanctions or pecuniary penalties provided for in this Act shall furthermore be imposed on the offenders.

Article 24. (Amended, SG No. 80/2010) Any administrative acts issued by virtue of this Act, including a tacit refusal to issue any such act, shall be appealable before the Supreme Administrative Court unless otherwise provided for by a law. Any appeal of any such act shall not stay the enforcement thereof.

Article 25. (1) (Repealed, SG No. 80/2010).

(2) Radioactive substances shall be transited through the territory of the Republic of Bulgaria after issuance of a permit by the Chairperson of the Agency.

(3) A permit shall be issued to a person if:

1. the said person has obtained consent or authorization from the competent authorities of the State of origin and of the State of destination regarding the transport, as well as consent to the re-admission of the shipment;

2. the means of transport used for implementation of the transport, as well as the packaging, conform to the requirements under the international treaties and conventions for the relevant type of transport and packaging, as well as to the effective Bulgarian legislation;

3. the said person has ensured the physical protection of the shipment.

Article 26. (1) Licences and permits shall be issued, modified, renewed, terminated, revoked and controlled according to a procedure established by an ordinance adopted by the Council of Ministers on a motion by the Chairperson of the Agency.

(2) Nuclear safety and radiation protection requirements, standards and rules in the course of conduct of the activities comprehended in the use of nuclear energy and sources of ionizing radiation and radioactive waste management and spent fuel management, including the siting, design, construction, commissioning, operation and decommissioning of nuclear facilities and of irradiation installations, shall be established by ordinances adopted by the Council of Ministers on a motion by the Chairperson of the Agency.

(3) (Supplemented, SG No. 80/2010) The basic radiation protection standards and the clearance requirements, procedure and levels under this Act shall be established by an ordinance adopted by the Council of Ministers on a motion by the Minister of Health, the Minister of Environment and Water, and the Chairperson of the Agency.

(4) (Supplemented, SG No. 80/2010) The terms and a procedure for transport of nuclear material, radioactive waste and radioactive substances shall be established by an ordinance adopted by the Council of Ministers on a motion by the Chairperson of the Agency and the Minister of Transport, Information Technology and Communications.

(5) (New, SG No. 80/2010) Practices involving materials with an increased content of natural radionuclides, which cannot be disregarded from the radiation protection point of view, the measures and requirements for radiation protection upon implementation of these practices, shall be established by an ordinance adopted by the Council of Ministers on a motion by the Chairperson of the Agency and the Minister of Health.

(6) (New, SG No. 80/2010) The types of high-risk facilities which are relevant to nuclear safety, whereupon control is exercised by the Chairperson of the Agency, as well as the rules, standards and technical requirements for structure and safe operation and the procedure for exercise of the control shall be established by ordinances adopted by the Council of Ministers on a motion by the Chairperson of the Agency.

Article 27. (1) The Agency shall keep public registers wherein the following acts issued by the Chairperson of the

Agency shall be recorded:

1. any licences and permits, as well as any modification, renewal, termination and revocation thereof;
2. any individual licences for employment at nuclear facilities and for handling sources of ionizing radiation.

(2) The circumstances recordable in the registers and the procedure for the recording thereof shall be specified by the ordinance referred to in Article 26 (1) herein.

Section II

Fees

Article 28. (1) Fees shall be collected for implementation of regulatory control of the activities under this Act in an amount as shall be fixed in a rate schedule approved by the Council of Ministers.

(2) The fees referred to in Paragraph (1) shall be paid by the applicant or by the licensee or permit holder for:

1. consideration of an application for the issuance of a licence or permit;
2. issuance of a licence or permit;
3. sitting for an examination under Article 66 herein before a certifying examination board and for issuance of an individual employment licence;
4. modification of a permit and/or a licence;
5. extension of the term of validity of a permit or licence.

Article 29. (1) (Redesignated from Article 29, SG No. 70/2004) Upon issuance of a permit under this Act, the permit holder shall pay a fee for the permit, which shall cover the expenses on evaluation of the conformity of the data and circumstances as stated with nuclear safety and radiation protection requirements, the preparation of the permit and control over compliance with the permit conditions, fixed depending on the type of the permit.

(2) (New, SG No. 70/2004, amended, SG No. 80/2010) No fee shall be due for the issuance of a permit for import or export of any sources of ionizing radiation.

Article 30. (1) Licensees under this Act shall pay licensing fees for each licence issued.

(2) Licensing fees shall be of the following types:

1. initial fee: payable upon the issuance of the licence, fixed depending on the type of the licence and covering the expenses on evaluation of the conformity of the data and circumstances as stated with nuclear safety and radiation protection requirements and the preparation of the licence;

2. annual fee: charged for exercise of control over compliance with the conditions of the licence and for periodic review of the state of nuclear safety and radiation protection, depending on the type of the licence.

(3) The annual fee shall be paid by the licensee for every year of the term of validity of the licence, as well as for the term of the extension thereof.

(4) A fee amounting to 50 per cent of the fee referred to in Item 1 of Paragraph (1) shall be paid upon modification of the licence at the request of the licensee and upon extension of the term of validity of the licence.

Article 31. (1) The procedure for payment of fees under this Act shall be established by an ordinance adopted by the Council of Ministers on a motion by the Chairperson of the Agency.

(2) (New, SG No. 70/2004) The initial licensing fee for issuance of a licence for use of radioactive substances and other sources of ionizing radiation for medical purposes shall be at a rate of 50 per cent of the fees fixed under Article 28 (1) herein.

(3) (New, SG No. 80/2010) The initial licensing fee for issuance of a licence for specialist training shall be at a rate of 20 per cent of the fee fixed under Item 1 of Article 30 (2) herein, and the annual fee shall be at a rate of 10 per cent of the fee fixed under Item 2 of Article 30 (2) herein.

(4) (Renumbered from Paragraph (2), SG No. 70/2004, renumbered from Paragraph (3), amended, SG No. 80/2010, effective 1.01.2011) The public-financed legal persons shall plan annually the amount of the resources for payment of fees under this Act in the budget thereof or in the budget of the first-level spending units thereof.

Article 32. (Amended, SG No. 80/2010) The fees for permits and for licences shall be allowed as running operating expenses deductible for taxation purposes and as economically justified costs for the purposes of pricing.

Section III

Nuclear Facilities

Article 33. (1) The Chairperson of the Agency shall issue permits:

1. for selecting the location for a nuclear facility (siting);
2. for design of a nuclear facility;
3. for construction of a nuclear facility;
4. for commissioning of a nuclear facility.

(2) The permits covered under Paragraph (1) shall be issued prior to the issuance of an operating licence for a nuclear facility under this Act to a legal person registered in the Republic of Bulgaria:

1. (Repealed, SG No. 80/2010);
2. (Repealed, SG No. 80/2010).

(3) (Amended, SG No. 80/2010) A permit shall be issued if the applicant possesses financial, technical, material and human resources and an organizational structure for fulfilment of the obligations thereof to ensure conformity with nuclear safety, radiation protection and physical protection requirements, standards and rules.

(4) The site as selected and the schematic design as prepared shall be approved by an order of the Chairperson of the Agency if conforming to nuclear safety and radiation protection requirements, standards and rules established by the ordinance referred to in Article 26 (2) herein.

(5) (New, SG No. 80/2010) A permit under Paragraph (1) and an order under Paragraph (4) may alternatively be issued for a distinct separate stage of the activity if, together with the documents for the issuance of the permit or order the applicant has justified the necessity of the separate execution of the stage concerned.

Article 34. (1) A permit for commissioning of a nuclear facility shall be issued after the issuance of a use permit for the project under the Spatial Development Act.

(2) Any modification of a nuclear facility commissioning programme shall be made solely after modification of the permit as issued.

(3) In case the commissioning of the nuclear facility is a multistage process, a separate permit shall be issued by the Chairperson of the Agency for each stage.

Article 35. (1) (Amended, SG No. 80/2010) The Chairperson of the Agency shall issue licences for:

1. operation of a nuclear facility;
2. decommissioning of a nuclear facility.

(2) (Amended, SG No. 80/2010) Licences shall be issued to a legal person registered in the Republic of Bulgaria which:

1. (Repealed, SG No. 80/2010);

2. possesses financial, technical and material resources and organizational structure for maintenance of a high level of safety for the entire duration of operation of the nuclear facility and for the radioactive waste management and the spent fuel management, as well as for the decommissioning of the said facility;

3. (Amended, SG No. 80/2010) possesses sufficiently qualified and competent personnel holding the appropriate level of education and training for all activities under the licence;

4. (Amended, SG No. 80/2010) has adopted a programme of measures, including internal rules, as shall be necessary to assure and maintain the quality of all activities under the licence;

5. has ensured conditions to maintain a high level of safety culture;

6. has approved emergency plans for response in the event of an accident;

7. has provided for the requisite physical protection;

8. possesses the requisite technical means and has made the appropriate arrangements so that the doses of occupational and public exposure be kept to a level as low as reasonably achievable;

9. (Amended, SG No. 80/2010) has ensured conformity of the equipment and of the declared activity with nuclear safety and radiation protection requirements, standards and rules.

(3) (Amended, SG No. 80/2010) Licences shall be issued for a term of validity not exceeding ten years.

Article 36. (1) (Amended, SG No. 80/2010) Licences shall include the right of the licensee to use a nuclear facility and to perform all activities for attainment of the purpose defined in the licence while ensuring nuclear safety and radiation protection.

(2) (Amended, SG No. 80/2010) A separate operating licence shall be issued for each generating unit and for any other nuclear facility on the site of a nuclear plant, as well as a separate permit for design, construction and commissioning.

(3) The licences referred to in Paragraph (2) shall furthermore specify the boundaries of the site appertaining to the nuclear facility and of the special status areas.

Article 37. (1) (Repealed, SG No. 80/2010).

(2) (Amended, SG No. 80/2010) In the cases referred to in Article 22 (3) herein, if the licensee does not possess sufficient financial resources to ensure the nuclear safety, radiation protection and physical protection upon suspension of the activity, the said resources shall be provided from the Nuclear Facilities Decommissioning Fund.

Article 38. (1) The licensee shall be issued permits for:

1. changes leading to modification of:

(a) (Amended, SG No. 80/2010) structures, systems and components important for the safety of the nuclear facility;

(b) (Amended, SG No. 80/2010) limits and conditions for operation, on the grounds whereof the operating licence has been issued;

(c) (Amended, SG No. 80/2010) internal rules for conduct of the activity of the licensee, including instructions, programmes, technical specifications and other such, attached to the licence;

2. (Repealed, SG No. 80/2010);

3. (Repealed, SG No. 80/2010);

4. (Repealed, SG No. 80/2010).

(2) The permits covered under Item 1 of Paragraph (1) shall be issued if the requested changes conform to nuclear safety and radiation protection requirements, standards and rules established by the ordinance referred to in Article 26 (2) herein.

(3) In the cases where the conditions of the licence as issued are altered as a result of a permit issued under Item 1 of Paragraph (1), the said licence shall be modified ex officio by the Chairperson of the Agency within the permit as issued, without charging a fee for the modification thereof.

(4) (Repealed, SG No. 80/2010).

Article 39. (Amended, SG No. 80/2010) (1) An operating licence for a nuclear facility shall be issued solely to a person which is the owner of or the holder of real rights to the nuclear facility.

(2) A decommissioning licence for a nuclear facility shall be issued to a person which is the owner of, or the holder of real rights to, the nuclear facility, or to a person which has the right to perform activities comprehended in decommissioning according to this Act.

(3) A licence under Paragraph (2) shall be issued provided there is a favourable environmental impact assessment decision.

Article 40. (1) (Amended, SG No. 80/2010) A permit for import or export of nuclear material shall be issued to a holder of a permit for commissioning or of a licensee under this Section, subject to the condition that the said import or export is associated with the activity of the said licensee.

(2) A permit for import and export of nuclear material shall furthermore be issued to a sole trader or a legal person subject to the condition that:

1. arrangements have been made for the transport of the nuclear material by a licensee or permit holder under this Act;

2. the consignee of the shipment holds the requisite licence or permit entitling the said consignee to use or store nuclear material.

Article 41. (Amended, SG No. 80/2010) A permit for transport of nuclear material shall be issued to a holder of a permit for commissioning or to a licensee under this Section if the said holder or licensee has arranged the transport to be carried out in a packaging and by means of transport whereof the types are specified in the ordinance referred to in Article 26 (4) herein, as well as if the said holder or licensee has ensured physical protection of the nuclear material.

Article 42. (1) Transactions in nuclear facilities and in nuclear material may be effected after obtaining a permit from the Chairperson of the Agency, subject to the condition that nuclear safety and radiation protection requirements, rules and standards are not breached.

(2) The Chairperson of the Agency shall issue a permit for a transaction for disposition of a nuclear facility solely subject to the condition that the transferee under the said transaction holds a licence for the relevant activity or fulfils the conditions for the issuance of such a licence.

Article 43. (1) The prospecting for, exploration for and extraction of ore containing uranium or thorium shall be regulated according to the procedure established by the Subsurface Resources Act.

(2) The issuance of permits and the conclusion of a contract of concession under the Subsurface Resources Act for the activities referred to in Paragraph (1) shall not override the requirement to issue the requisite permits or licences under this Act.

Article 44. (1) (Redesignated from Article 44, SG No. 80/2010) The issuance of permits covered under Article 33 herein shall not override the requirement to issue the requisite permits under the Spatial Development Act.

(2) (New, SG No. 80/2010) For one and the same nuclear facility, a succeeding permit under Article 33 (1) herein or a licence under Article 35 (1) herein shall be issued to the holder of a preceding permit or licence, to the successor to the said holder in case of an intervening transformation, as well as to a transferee of real rights to the property whereby the activity is to be performed.

(3) (New, SG No. 80/2010) Paragraph (2) shall furthermore apply where the permit or licence issuing proceedings have been initiated by the holder of the preceding permit or licence. In such case, the written consent of the said holder shall be required.

(4) (New, SG No. 80/2010) Upon change of the holder of a permit or licence referred to in Paragraphs (2) and (3), the rights and obligations arising from any acts issued under this Act to holders of preceding permits and licences shall be binding upon the new holder.

Section IV

Special Rules for Construction and Operation of Nuclear Plants

Article 45. (1) A nuclear plant shall be constructed by a decision of the Council of Ministers.

(2) A proposal for construction of a nuclear plant shall be submitted by the Minister of Economy, Energy and Tourism, accompanied by an assessment of:

1. nuclear safety and radiation protection, environmental impact and physical protection;
2. the socio-economic significance of the construction of a nuclear plant for the entire country or for particular functional regions;
3. radioactive waste and spent nuclear fuel to be generated as a result of the operation of the nuclear plant, and radioactive waste and spent fuel management.

(3) Where the operation of the nuclear plant may impact the public and the environment within the territory of another State, the Minister of Foreign Affairs shall notify the competent authorities of the said State and shall provide, if so requested thereby, the information as the said authorities may need for evaluation and analysis of the potential impact of the plant on their territory in terms of public safety and environmental protection. The official opinion received shall be attached to the proposal referred to in Paragraph (2).

(4) The Minister of Economy, Energy and Tourism shall organize a discussion of the proposal for construction of a nuclear plant with the participation of state bodies and bodies of local self-government, representatives of the public organizations, and natural and legal persons concerned. Notice of the said discussion shall be given through the mass communication media or in another appropriate manner not later than one month before the discussion. The assessment of the results of the said discussion shall be attached to the proposal referred to in Paragraph (2).

Article 46. (Amended, SG No. 80/2010) (1) The use of a generating unit of a nuclear plant according to the basic assigned use thereof shall commence after the entry into effect of an operating licence issued in accordance with this Act and provided there is an effective licence for production of electricity and/or heat, issued in accordance with the Energy Act.

(2) The right to use the facility according to the basic assigned use thereof, arising from an operating licence issued for a generating unit of a nuclear plant, shall terminate upon termination of the licence for production of electricity and/or heat.

Article 47. (Amended, SG No. 80/2010) (1) Acting on the initiative of the holder of an operating licence, the Council of Ministers may adopt a decision designating a nuclear plant or separate parts thereof a radioactive waste management facility,

if the nuclear fuel has been permanently removed from the facility. Any such Council of Ministers decision shall be adopted after conduct of an environmental impact assessment in the cases provided for in the Environmental Protection Act.

(2) The licensee shall submit to the Chairperson of the Agency a plan for decommissioning of a nuclear plant or of a separate generating unit or another nuclear facility not later than two years after closure of the facility for decommissioning, unless, acting on a proposal by the licensee, the Chairperson of the Agency has established another time limit.

Section V

Nuclear Facilities Decommissioning Fund

(Effective 1.01.2003)

Article 48. A Nuclear Facilities Decommissioning Fund, hereinafter referred to as "the Fund," shall be established with the Minister of Economy, Energy and Tourism to finance the activities comprehended in the decommissioning of nuclear facilities.

Article 49. (1) (Amended, SG No. 80/2010) The revenues of the Fund shall be raised, reported and centralized in the Single Account System through use of a separate transit account, opened in the name of the Ministry of Economy, Energy and Tourism with the Bulgarian National Bank, from the following sources:

1. (Amended, SG No. 80/2010) contributions from nuclear facility operators, in an amount fixed by the ordinance referred to in Article 55 (1) herein;

2. state budget resources, allocated annually by the State Budget Act for the relevant year;

3. interest accruing on the management of the financial resources raised in the Fund and on overdue payments of the contributions referred to in Item 1;

4. donations;

5. other revenues accruing as a result of management of the financial resources of the Fund.

(2) (Amended, SG No. 80/2010, effective 1.01.2011) The public-financed legal persons shall plan, provide and report the contributions referred to in Item 1 of Paragraph (1) as a transfer between on-budget accounts.

(3) (Amended, SG No. 80/2010) The contributions to the Fund, referred to in Item 1 of Paragraph (1), shall be allowed as running operating expenses deductible for taxation purposes and as economically justified costs for the purposes of pricing.

(4) (Amended, SG No. 105/2005) The contributions referred to in Item 1 of Paragraph (1) shall be public state receivables, which shall be ascertained and collected by the authorities of the National Revenue Agency according to the procedure established by the Tax and Social-Insurance Procedure Code.

(5) (New, SG No. 80/2010) The amount of the contributions referred to in Item 1 of Paragraph (1) shall be fixed in such a way so that the resources necessary to cover the costs of decommissioning be raised at the end of the operating phase.

Article 50. (1) The financial resources of the Fund shall be expended solely for the purpose of financing the activities comprehended in the decommissioning of nuclear facilities, including:

1. (Amended, SG No. 80/2010) the annual programme of the holder of a decommissioning licence;

2. expenses on the storage and disposal of radioactive waste generated as a result of activities comprehended in the decommissioning of nuclear facilities;

3. (Supplemented, SG No. 80/2010) management of the Fund, including administrative and financial expenses;

4. (Supplemented, SG No. 80/2010) other activities, provided for by the law, associated with the safe decommissioning,

including of nuclear plants designated as radioactive waste management facilities according to the procedure established by this Act.

(2) (Amended, SG No. 80/2010) The expenditures covered under Paragraph (1) shall be provided for annually on the budget of the Ministry of Economy, Energy and Tourism and shall be effected by means of assignment of a unique payment code in the System for Electronic Budget Payments.

(3) Any unutilized portion of the financial resources accruing under Article 49 herein, including resources brought forward, shall be accounted for as off-balance sheet items. Any such resources shall constitute an integral part of the Single Account and shall be expended solely in accordance with the provisions of this Act.

(4) (Amended, SG No. 120/2002) The financial resources referred to in Paragraph (3) shall be managed within the framework of liquidity control and management of the Single Account System.

(5) (New, SG No. 80/2010) Where the implementation of the decommissioning project proves costlier than the estimates of the expenditures approved by the Management Board of the Fund, the requisite additional expenditures shall be for the account of the person which last operated the nuclear facility, according to an operating licence as issued.

Article 51. (1) (Amended, SG No. 80/2010) The Fund shall be governed by a Management Board.

(2) (Amended, SG No. 80/2010) The Management Board shall be chaired by the Minister of Energy, Economy and Tourism.

(3) Any person, who has been sentenced for a publicly indictable offence or who is a spouse or a lineal or collateral relative up to the fourth degree of consanguinity or a relative by marriage up to the third degree of affinity inclusive to any other member of the executive bodies of the Fund, shall be ineligible for membership of the Management Board.

Article 52. (1) (Amended and supplemented, SG No. 80/2010) The members of the Management Board of the Fund shall include a Deputy Minister of Finance, a Deputy Minister of Health, a Deputy Minister of Economy, Energy and Tourism, a Deputy Minister of Environment and Water, a Deputy Minister of Regional Development and Public Works, the Chairperson of the Agency, one representative of each licensee operating nuclear plants, and the Director of the Institute for Nuclear Research and Nuclear Energy with the Bulgarian Academy of Sciences.

(2) The heads of the ministries covered under Paragraph (1) shall designate the representatives thereof to the Management Board of the Fund.

(3) The Chairperson of the Agency shall issue an order designating the members of the Management Board by name.

Article 53. (1) The Management Board shall meet at least once every three months.

(2) For the valid transaction of business at any meeting of the Management Board, not less than two-thirds of the members thereof shall have to be present thereat.

(3) The Management Board shall make decisions by open ballot and by a simple majority of the total number of members thereof.

Article 54. (1) The Management Board shall perform the following functions:

1. adopt Rules of Organization and Operation of the Fund;

2. adopt a draft budget, accompanied by a report and estimates specifying the particular revenues and expenditures of the Fund for each budget year;

3. distribute and allocate financial resources for conduct of activities and implementation of projects comprehended in decommissioning in accordance with the decommissioning programme of the licensees;

4. (Amended, SG No. 80/2010) control the management of the revenues of the Fund and the proper spending thereof;

5. (Repealed, SG No. 80/2010);

6. submit annually a report on the performance thereof to the Council of Ministers;

7. perform any other functions associated with the management of the Fund, in accordance with the effective statutory instruments.

(2) (New, SG No. 80/2010) For the purpose of assisting the work of the Fund, the Management Board may form an interagency working group. The working arrangements and the composition of the said group shall be determined by the ordinance referred to in Article 55 (1) herein.

(3) (Renumbered from Paragraph (2), amended SG No. 80/2010) The draft budget of the Fund, as adopted by the Management Board, shall be incorporated into the draft budget of the Ministry of Economy, Energy and Tourism and shall be submitted to the Ministry of Finance according to the procedure established by the State Budget Procedures Act.

(4) (New, SG No. 80/2010) Upon change of the licensee and periodically, at least once every five years, the Management Board shall review the estimates of the decommissioning expenditures and, where necessary, the amount of the contributions due shall be altered.

Article 55. (1) (Redesignated from Article 55, amended, SG No. 80/2010) The procedure for ascertainment, collection, spending and control of the financial resources, as well as the amount of contributions due, shall be established by an ordinance adopted by the Council of Ministers on a motion by the Minister of Economy, Energy and Tourism and the Minister of Finance.

(2) (New, SG No. 80/2010) Acting on a motion by the Minister of Economy, Energy and Tourism, the Management Board of the Fund shall adopt a methodology for determination of the expenditures on financing the decommissioning and, respectively, for fixing the amount of contributions due. The methodology must take into account the technological aspects and the nuclear safety and radiation protection requirements.

Section VI

Practices Involving Other Sources of Ionizing Radiation

Article 56. (1) (Amended, SG No. 80/2010) Practices involving sources of ionizing radiation shall be performed proceeding from licences or permits for the safe conduct of such practices, issued by the Chairperson of the Agency, save in the cases covered under Paragraphs (2) to (4).

(2) (Amended, SG No. 80/2010) No licences or permits for practices involving sources of ionizing radiation shall be required where the probability of health detriment is negligible according to the criteria established by the ordinance referred to in Article 26 (3) herein.

(3) (Amended, SG No. 80/2010) No licences or permits for practices involving sources of ionizing radiation shall be required, either, where it has been proved that the probability of health detriment is insignificant according to the criteria established by the ordinance referred to in Article 26 (3) herein. Any such practices shall be subject to control under this Act in respect of compliance with the requirements for ensuring radiation safety.

(4) (Amended, SG No. 80/2010) No licences or permits shall be required for practices involving materials with an increased content of natural radionuclides which cannot be disregarded from the radiation protection point of view. Any such practices shall be subject to control in respect of compliance with the requirements for ensuring radiation safety.

Article 57. The Chairperson of the Agency shall issue permits for:

1. (Repealed, SG No. 70/2004);

2. construction of an irradiation installation, assembly and pretesting, conducted on the basis of a schematic design and provisions for radiation protection;

3. decommissioning of a radioactive substances installation;
4. temporary storage of radioactive substances resulting from the performance of practices involving sources of ionizing radiation or associated with such practices;
5. non-recurring transport of radioactive substances;
6. (amended, SG No. 80/2010, SG No. 26/2011, effective 30.06.2012) import and export of sources of ionizing radiation, including items containing sources of ionizing radiation, in the cases where the said items do not constitute dual-use items within the meaning given by the Defence-Related Products and Dual Use Items and Technologies Export Control Act.

Article 58. (1) The Chairperson of the Agency shall issue a licence for:

1. use of radioactive substances and other sources of ionizing radiation for economic, medical or scientific purposes and for process control;
2. (Amended, SG No. 80/2010) manufacture of sources of ionizing radiation;
3. (Amended, SG No. 80/2010) handling of sources of ionizing radiation for the purpose of maintenance, assembly, dismantling, measurement, construction and repair work and services;
4. transport of radioactive substances;
5. (Repealed, SG No. 70/2004).

(2) A licence referred to in Items 1 to 3 of Paragraph (1) shall be issued after commissioning of the irradiation installation if operation of such an installation is provided for according to a procedure established by the ordinance referred to in Article 26 (1) herein.

(3) (Supplemented, SG No. 70/2004, amended, SG No. 80/2010) A licence shall be issued for a term of validity of not more than ten years.

Article 59. (Amended, SG No. 70/2004) (1) (Redesignated from Article 59, SG No. 80/2010) Permits for import of radioactive sources of ionizing radiation shall be issued if:

1. the intended holder of the said permit holds the requisite licence or permit entitling the said person to use and/or to store any such sources;
2. arrangements have been made for transport of the said sources by a person holding a licence or permit for transport under this Act.

(2) (New, SG No. 80/2010) A permit for import of a Category 1, 2 and 3 sealed source with a physical half-life longer than five years shall be issued if the requirements of Paragraph (1) are complied with and return to the manufacturer after suspension of the use of the said source is ensured.

Article 60. (1) A licence or permit shall be issued to a legally capable natural person or to a legal person registered in the Republic of Bulgaria, who or which:

1. (Supplemented, SG No. 80/2010) possesses financial, technical, material and human resources and an organizational structure sufficient to ensure the safety, radiation protection and physical protection in the course of conduct of the activity, including the safe suspension of the said activity;
2. plans measures as shall be necessary to assure the quality of the activity applied for;
3. presents information justifying the need to perform the activity;

4. presents an assessment of the character, the probability of each exposure as may result from the performance of the activity, as well as of the expected doses of exposure;

5. makes the requisite provisions for radiation protection of all categories of persons exposed both under normal conditions and in the case of incidents and accidents;

6. provides the requisite personnel possessing the required qualifications and competence;

7. submits the requisite internal rules, procedures and technical specifications and job descriptions, including such providing for conduct of an appropriate monitoring and making the results thereof available to the persons exposed.

(2) (Amended, SG No. 70/2004, SG No. 76/2005) A licence for use of sources of ionizing radiation for medical purposes shall be issued after consultation, through official channels, with the Minister of Health care of the National Centre of Radiobiology and Radiation Protection and shall enter into effect after the natural or legal person obtains the requisite permits for provision of medical or dental care under the relevant special statutes.

(3) (New, SG No. 70/2004) Consultation through official channels under Paragraph (2) shall be performed subject to the obligation that the sources of ionizing radiation will be used for medical purposes.

Article 61. (Repealed, SG No. 70/2004).

Article 62. (Supplemented, SG No. 70/2004) Within seven days after conclusion of a transaction in sources of ionizing radiation, any licensee or permit holder shall be obligated to notify the Chairperson of the Agency of the type of transaction concluded, to specify the source of ionizing radiation, and to provide particulars of the person wherewith the said transaction was concluded.

Article 63. The issuance of a permit under Article 57 herein shall not override the requirement to issue the requisite permits under the Spatial Development Act.

Section VII

Competence and Specialist Training

Article 64. (1) Activities at nuclear facilities and practices involving sources of ionizing radiation, which are relevant to safety, may be performed solely by professionally qualified and licensed personnel.

(2) Individual employment licences shall be issued by:

1. the Chairperson of the Agency to:

(a) (Amended, SG No. 80/2010) natural persons implementing activities associated with provision and/or control of nuclear safety and radiation protection in nuclear facilities;

(b) (Amended, SG No. 80/2010) instructors of full-scale simulators and qualified experts in radiation protection;

2. (Amended, SG No. 80/2010) a person licensed according to the procedure established by this Act to deliver specialist training to persons professionally engaged in activities at nuclear facilities and in practices involving sources of ionizing radiation covered under Paragraph (1) other than those referred to in Item 1.

(3) An individual employment licence shall be issued for a term of validity not exceeding five years.

Article 65. (1) A licence for specialist training shall be issued by the Chairperson of the Agency to a sole-trader natural person or to a legal person registered in the Republic of Bulgaria who or which:

1. possesses financial, technical, material and organizational resources for implementation of the activity;

2. (Amended, SG No. 80/2010) possesses sufficiently qualified personnel holding the relevant level of education and

professional qualification for all activities associated with personnel training;

3. has drafted and adopted:

(a) curricula conforming to the functional characteristics of the relevant positions for which training is delivered;

(b) training courses corresponding to the curricula referred to in Littera (a);

(c) procedures for execution of the activities comprehended in the issuing of individual employment licences to the personnel specified in the conditions of the licence;

(d) a system ensuring the correspondence of the technical training aids to the workplace equipment.

(2) A licence for specialist training shall be issued for a term of validity not exceeding five years.

(3) (Amended, SG No. 80/2010) Licences for specialist training shall be issued, modified, terminated, revoked and controlled under terms and according to a procedure established by an ordinance adopted by the Council of Ministers on a motion by the Chairperson of the Agency. The said ordinance shall furthermore establish the requirements, the terms and procedure for the issuance, modification and withdrawal of individual employment licences.

(4) (New, SG No. 80/2010) The person licensed to deliver specialist training shall transmit to the Agency certified copies of the individual employment licences issued by the said person within seven days after the issuance of the said licences.

Article 66. (1) Save in the cases where issued in pursuance of another special statute, an individual employment licence shall be issued to a person who:

1. satisfies the medical and psychophysiological requirements for the relevant activity, as determined by the Minister of Health;

2. satisfies the requirements for attainment of a level of education and specialist qualifications as specified in the job description for the relevant position;

3. has completed a course of specialist training for the relevant activity;

4. has successfully passed an examination before a certifying examination board.

(2) (Amended, SG No. 80/2010) The certifying examination board of the Agency shall be appointed by the Chairperson of the Agency. The said board shall include representatives of the Agency, of the Ministry of Health, as well as other persons designated by the Chairperson of the Agency, who possess the qualifications covered under Paragraph (4).

(3) (Amended, SG No. 80/2010) The management bodies of the person licensed to deliver specialist training shall appoint a certifying examination board. At the request of the Chairperson of the Agency, any such board shall include a representative of the Agency.

(4) Eligibility for appointment as members of the examination certifying boards referred to in Paragraphs (2) and (3) shall be limited to Bulgarian citizens who:

1. hold a Master's educational qualification degree in natural or technical sciences, conferred thereon upon graduation from a higher educational establishment;

2. have not been sentenced to deprivation of liberty for publicly indictable offences;

3. have worked under an employment and/or a civil-service relationship for not less than ten years in the field of the use of nuclear energy or ionizing radiation, nuclear waste management or spent fuel management, as well as in the field of State regulation of the safe implementation of these activities.

Article 67. An individual employment licence shall be personal, and all or part of the following terms shall be entered

therein:

1. the positions as may be occupied or the activities as may be executed by the holder, as the case may be;
2. the time limit for completion of mandatory work experience by the holder prior to occupation of the position;
3. the requirements for periodic training;
4. the term of validity of the certificate;
6. other terms arising from the law.

Article 68. (1) The effect of an individual employment licence shall be terminated:

1. upon expiration of the term of validity of the licence;
2. in the case of inability of the holder to practise the activities for which the licence was issued for a period exceeding one year;
3. (Repealed, SG No. 80/2010);
4. upon withdrawal of the licence.

(2) Licences shall be renewed according to the procedure for acquisition.

Article 69. (1) An individual employment licence shall be withdrawn in the cases where the holder:

1. has submitted any untrue information which has served as grounds for the issuing of the said licence;
2. has committed a gross breach or systematically breaches the nuclear safety and radiation protection requirements under the conditions of the individual employment licence as issued;
3. ceases to satisfy the medical and psychophysiological requirements for occupation of the position.

(2) Upon ascertainment of any circumstances covered under Items 1 to 3 of Paragraph (1), the Chairperson of the Agency shall approach the person referred to in Item 2 of Article 64 (2) herein, who or which has issued the individual employment licence, with a reasoned request for withdrawal of the individual employment licence.

Article 70. (1) An individual employment licence shall be withdrawn by an order of the Chairperson of the Agency or of the management body of the person licensed to deliver specialist training, as the case may be.

(2) (New, SG No. 80/2010) Where the person who issued the individual employment licence fails to take the steps for withdrawal of the licence under Article 69 (2) herein within 14 days, the Chairperson of the Agency shall have the right to perform these steps directly.

(3) (Renumbered from Paragraph (2), SG No. 80/2010) Upon withdrawal of an individual employment licence under Item 2 of Article 69 (1) herein, the administrative sanctions provided for under this Act may furthermore be imposed upon the holder.

(4) (Renumbered from Paragraph (3), SG No. 80/2010) The order of withdrawal of a licence shall specify a time period during which the holder shall be barred from applying for the issuing of a new individual employment licence for occupation of the same position or a position of greater responsibility. The said period may not be shorter than six months and may not be longer than one year.

(4) (Amended, SG No. 30/2006, repealed, SG No. 80/2010).

Article 71. The terms and procedure for attainment of vocational qualifications, the positions wherefor competence is

required, and for the conduct of examinations shall be regulated by the ordinance referred to in Article 65 (3) herein.

Section VIII

Accounting for, and Control of, Nuclear Material, Radioactive Substances and Other Sources of Ionizing Radiation

Article 72. (1) (Amended, SG No. 80/2010) Any persons, who or which manufacture, process, store or use radioactive substances and other sources of ionizing radiation or who or which manage radioactive waste, shall be obligated:

1. (Amended, SG No. 80/2010) to take physical inventory and keep records of the radioactive substances and other sources of ionizing radiation and of the radioactive waste;

2. to provide periodic information on the records to the Chairperson of the Agency;

3. (Amended, SG No. 80/2010) to appoint competent persons to take charge of the internal control of radioactive substances, other sources of ionizing radiation and radioactive waste; particulars of the said persons shall be provided to the Agency;

4. (Supplemented, SG No. 109/2007, repealed, SG No. 80/2010);

5. (Amended, SG No. 80/2010) to report to the Chairperson of the Agency any incident involving an actual or potential breach of the integrity of a source of ionizing radiation;

6. (Amended, SG No. 80/2010) to afford the competent authorities under this Act access and to render them the requisite assistance.

(2) (Amended, SG No. 80/2010) The terms and procedure for accounting for radioactive substances and other sources of ionizing radiation and radioactive waste, for the manner of record-keeping, for the provision of information and notification shall be established by an ordinance referred to in Article 26 (2) herein.

(3) (New, SG No. 80/2010) Nuclear material shall be accounted for and controlled according to the procedure established by Chapter Nine herein.

Article 73. (1) Any nuclear material, radioactive substances and other sources of ionizing radiation, radioactive waste and spent fuel, whereof the owner is unknown, shall constitute state property. The Chairperson of the Agency shall designate the person whereto the said sources shall be provided and shall establish the terms for this provision.

(2) (Supplemented, SG No. 109/2007, amended, SG No. 80/2010, SG No. 88/2010, effective 1.01.2011) Any person, who or which finds or ascertains a loss, theft or otherwise loses actual control of nuclear material, radioactive substances and other sources of ionizing radiation, shall be obligated to notify immediately the Chairperson of the Agency, the competent authorities for fire safety and protection of the population of the Ministry of Interior and the competent authorities of the State Agency for National Security.

(3) Any nuclear material acquired in violation of the provisions of the law shall be seized by an order of the Chairperson of the Agency. The Chairperson of the Agency shall designate the person whereto any such nuclear material shall be provided and the terms for this provision.

Chapter Four

RADIOACTIVE WASTE MANAGEMENT AND SPENT FUEL MANAGEMENT

Section I

General Provisions

Article 74. (1) (Amended, SG No. 80/2010) The Council of Ministers shall adopt a strategy for spent nuclear fuel management and for radioactive waste management on a motion by the Minister of Economy, Energy and Tourism.

(2) (Amended, SG No. 80/2010) The Minister of Economy, Energy and Tourism shall organize a discussion of the draft strategy with the participation of state bodies and bodies of local self government, representatives of public organizations, and natural and legal persons concerned, and notice of the said discussion shall be given through the mass communication media or in another appropriate manner.

(3) (Amended, SG No. 80/2010) The Council of Ministers shall make decisions on construction of a national repository for storage of radioactive waste.

(4) (New, SG No. 80/2010) By the instrument referred to in Paragraph (3), the repository shall be designated a site of national importance within the meaning given by Item 62 of § 5 of the Supplementary Provisions of the Spatial Development Act.

(5) (New, SG No. 80/2010) The condemnation of corporeal immovables and parts of corporeal immovables constituting private property, assigned for construction of the repository referred to in Paragraph (3), shall be executed by a decision of the Council of Ministers on a motion by the Minister of Economy, Energy and Tourism, the Minister of Regional Development and Public Works and the Minister of Finance under the terms and according to the procedure established by the State Property Act. Any such decision shall be promulgated in the State Gazette.

Article 75. (1) Spent fuel management shall be implemented by a person licensed to operate a nuclear facility under Article 35 herein.

(2) The Council of Ministers may declare the spent fuel to be radioactive waste by a decision if:

1. conditions exist for safe storage and disposal of the spent fuel in the relevant repository;

2. the operator of the nuclear facility has paid a lump-sum contribution to the Radioactive Waste Fund in an amount fixed in the ordinance referred to in Article 94 (1) herein.

Article 76. (1) (Supplemented, SG No. 80/2010) Radioactive waste management outside the installations where the said waste is generated shall be implemented solely by the Radioactive Waste State-Owned Company.

(2) The Chairperson of the Agency shall issue an operating licence for a radioactive waste management facility and the permits covered under Article 33 (1) herein solely to the Radioactive Waste State-Owned Company if the requirements for the issuance of a licence and permits under this Act are complied with.

(3) Permits covered under Article 33 (1) herein and a licence referred to in Article 35 herein for construction and operation of a radioactive waste management facility may furthermore be issued to persons authorized or licensed to operate another nuclear facility, subject to the condition that the radioactive waste management facility is located or will be constructed on the same site.

Article 77. (1) Any licensees whereof the activity results in generation of radioactive waste shall be obligated to deliver the said waste to the Radioactive Waste State-Owned Company within the time limits established by the ordinance referred to in Paragraph (3). The said licensees shall be responsible for the safety of radioactive waste management from the point of generation of the said waste until the point of delivery thereof to the Company.

(2) Radioactive waste shall become state property as from the moment of the delivery thereof to Radioactive Waste State-Owned Company.

(3) The terms and a procedure for delivery of radioactive waste to the Radioactive Waste State-Owned Company and the time limits for such delivery, as well as the radioactive waste not subject to delivery, shall be specified by an ordinance adopted by the Council of Ministers on a motion by the Chairperson of the Agency.

(4) The Radioactive Waste State-Owned Company shall be responsible for the management of any radioactive waste which has been carried into the territory of the Republic of Bulgaria from abroad and cannot be returned.

Section II

Radioactive Waste State-Owned Company (Effective 1.01.2004)

Article 78. (1) There shall be formed a Radioactive Waste State-Owned Company, hereinafter referred to as "the Company," which shall enjoy the status of a state-owned enterprise under Article 62 (3) of the Commerce Act.

(2) The Company shall be a legal person with a registered office in Sofia.

(3) The Company shall consist of:

1. a Head Office;
2. specialized divisions.

(4) The number, status and objects of the specialized divisions shall be regulated by Rules of Organization and Operation of the Company.

Article 79. (1) The objects of the Company shall be:

1. radioactive waste management, which includes all activities associated with the handling, pre-treatment, treatment, conditioning, storage or disposal of radioactive waste, including the decommissioning of a radioactive waste management facility;

2. construction, operation, rehabilitation and remodelling of radioactive waste management facilities;

3. transport of radioactive waste off-site the relevant nuclear facility, provided that the Company has been issued a permit or licence for transport under this Act;

4. (New, SG No. 80/2010) decommissioning of nuclear facilities:

(a) where the Radioactive Waste State-Owned Company is the owner of, or the holder of real rights to, the facility;

(b) on the basis of a contract with the person which is the owner of, or the holder of real rights to, the facility.

(2) The Company shall implement the activities referred to in Items 1 and 2 of Paragraph (2) in compliance with nuclear safety and radiation protection requirements proceeding from permits for the siting, design, construction and commissioning and an operating licence for a radioactive waste management facility.

(3) (New, SG No. 80/2010) The company shall implement the activities referred to in Item 4 of Paragraph (1) in compliance with the requirements for nuclear safety and radiation protection on the basis of a decommissioning licence issued by the Chairperson of the Agency.

(4) (New, SG No. 80/2010) If there is a threat of an incident or an accident involving a radioactive source, the Radioactive Waste State-Owned Enterprise shall organize the transport and the acceptance of the said sources as radioactive waste under the conditions and within the time limits established by an order of the Chairperson of the Agency.

Article 80. (1) The Company may perform activities and conclude transactions solely in connection with the attainment of the objects thereof under Article 79 (1) herein.

(2) The Company may not participate in any commercial corporations or civil law companies.

(3) The Company shall have no right to conclude contracts of credit with commercial banks and other financial institutions without an express decision of the Council of Ministers to this effect.

(4) Upon realization of an annual profit, the said profit shall be credited in revenue to the budget of the Ministry of Economy, Energy and Tourism on the transit account of the Radioactive Waste Fund within fifteen days after the adoption of the annual report.

Article 81. (1) The Company shall steward and manage the assets constituting public and private state property as allocated thereto.

(2) The assets referred to in Paragraph (1) shall incorporate the existing radioactive waste management facilities constituting state property together with the appertaining infrastructure and the land thereof.

(3) For attainment of the objects of the Company, the Council of Ministers may adopt a decision allocating immovables and movables constituting public or private state property to the Company for stewardship and management.

Article 82. The Company shall be managed by:

1. the Minister of Economy, Energy and Tourism;
2. a Management Board;
3. an Executive Director.

Article 83. The Minister of Economy, Energy and Tourism shall conduct the state policy in the field of radioactive waste management and shall exercise the powers vested therein by this Act relating to the operation of the Company.

Article 84. (1) The Management Board of the Company shall consist of three members, including the Executive Director.

(2) The Minister of Economy, Energy and Tourism shall designate the members of the Management Board and shall conclude a management contract with each of the said members for a term of three years.

(3) Eligibility for designation as members of the Management Board shall be limited to persons who:

1. hold a higher education in natural or technical sciences and have worked under an employment and/or a civil-service relationship for not less than five years in the field of the use of nuclear energy or ionizing radiation, nuclear waste management or spent fuel management, as well as in the field of State regulation of the safe conduct of these activities;

2. have not been sentenced to deprivation of liberty for a publicly indictable offence;

3. have not been sole traders, members of a management or supervisory body of any commercial corporation adjudicated in bankruptcy, general partners in any partnership adjudicated in bankruptcy and leaving any creditor unsatisfied;

4. who are spouses or lineal or collateral relatives up to the fourth degree of consanguinity or relatives by marriage up to the third degree of affinity inclusive to any other member of the bodies of the Company.

Article 85. (1) The Management Board shall meet at least once a month.

(2) For the valid transaction of business at any meeting of the Management Board, not less than two-thirds of the members thereof shall have to be present thereat.

(3) Decisions shall be made by open ballot and by a simple majority of the total number of members.

Article 86. (1) The Management Board shall perform the following functions:

1. (Amended, SG No. 80/2010) draft Rules of Organization and Operation of the Company and submit the said Rules to the Minister of Economy, Energy and Tourism for endorsement;

2. (Amended, SG No. 80/2010) draft Rules of Procedure of the Management Board and submit the said Rules to the Minister of Economy, Energy and Tourism for endorsement;

3. adopt the drafts of an annual, triennial and long term programme for operation and the budget of the Company on a motion by the Executive Director;

4. approve the structure and the staff size on a motion by the Executive Director;

5. (Amended, SG No. 67/2008) designate a registered auditor for an independent financial audit of the Company and adopt the annual financial statement;

6. (Amended, SG No. 80/2010) propose to the Minister of Economy, Energy and Tourism to authorize, in each particular case, the participation of the Company in international organizations;

7. (Amended, SG No. 80/2010) submit to the Minister of Economy, Energy and Tourism a report on the operation of the Company for each year annually not later than the 31st day of March in the next succeeding year;

8. (Amended, SG No. 87/2010) make decisions on sale or on liquidation of tangible fixed assets, on creation of real rights and on leasing to tenants of movables or immovables, make decisions under Article 46 (2) of the State Property Act on sale of dwelling units and on the renting of dwelling units;

9. perform any other functions associated with radioactive waste management in accordance with the provisions of effective legislation.

(2) (Amended, SG No. 80/2010) The drafts of the programmes and the budget of the Company referred to in Item 3 of Paragraph (1) shall be approved by the Management Board of the Radioactive Waste Fund on a motion by the Minister of Economy, Energy and Tourism.

(3) (Repealed, SG No. 80/2010).

(4) The programmes referred to in Item 3 of Paragraph (1) shall comprehend a production programme, an investment programme, a repair programme, and a social programme.

(5) The Chairperson of the Management Board shall organize and preside over the meetings of the Management Board and shall control the fulfilment of the decisions thereof.

Article 87. (1) (Amended, SG No. 80/2010) The management contract of a member of the Management Board may be terminated prior to the expiration of the term of validity of the said contract by the Minister of Economy, Energy and Tourism on any of the following grounds:

1. violation of the provisions of the law and/or breach of the management contract;

2. sentencing to deprivation of liberty for a publicly indictable offence;

3. objective inability of the member to perform the duties thereof for a period exceeding six months;

4. (Amended, SG No. 80/2010) an application submitted by the member concerned;

5. death or interdiction.

(2) (Amended, SG No. 80/2010) In the cases covered under Paragraph (1), the Minister of Economy, Energy and Tourism shall conclude a management contract with a new member to serve for the remainder of the term of office of the removed member.

Article 88. The members of the Management Board shall be bound by the obligation to respect the trade and official secrets of the Company in the course of performance of the obligations thereof under the management contract.

Article 89. (1) The Executive Director shall perform the following functions:

1. (Amended, SG No. 80/2010) organize and direct the operation of the Company in accordance with the programmes and budgets as approved;
2. conclude and terminate contracts of employment with the factory and office workers at the Company, and exercise the rights of an employer according to the Labour Code;
3. conclude contracts with third parties in connection with the implementation of the operation of the Company;
4. represent the Company before the courts of law, before the state bodies, and before third parties in Bulgaria and abroad;
5. (Amended, SG No. 80/2010) account for the performance thereof to the Management Board and to the Minister of Economy, Energy and Tourism.

(2) The Executive Director may delegate some of the powers thereof covered under Items 2 to 4 of Paragraph (1) to other officers of the Company in accordance with the Rules of Organization and Operation of the Company as adopted.

(3) (Amended, SG No. 80/2010) In the absence of the Executive Director, the Company shall be represented by one of the members of the Management Board.

Section III

Radioactive Waste Management Financing

(Effective 1.01.2003)

Article 90. Any licensees whereof the activity results in generation of radioactive waste shall meet the expenses incurred in connection with radioactive waste management from the point of generation of the waste to the point of disposal thereof, including monitoring of repositories after the closure thereof and the requisite tests and improvements by means of:

1. effecting the expenditures as shall be necessary for safe storage of the radioactive waste generated by the activity thereof, from the point of generation of the said waste to the point of delivery thereof to the Company, and
2. making contributions to the Radioactive Waste Fund, established by this Act.

Article 91. A Radioactive Waste Fund shall be established with the Minister of Economy, Energy and Tourism to finance the activities associated with radioactive waste management.

Article 92. (1) The revenues of the Radioactive Waste Fund shall be raised from the following sources:

1. contributions from legal and natural persons whereof the activity results in generation of radioactive waste subject to delivery;
2. state budget resources, allocated annually by the State Budget Act for the relevant year;
3. interest accruing on the management of the financial resources raised in the Fund and on overdue payments of the contributions referred to in Item 1;
4. donations and others;
5. other revenues accruing as a result of management of the financial resources of the Fund.

(2) The revenues of the Radioactive Waste Fund shall be raised, reported and centralized in the Single Account System through use of a separate transit account, opened in the name of the Ministry of Economy, Energy and Tourism with the Bulgarian National Bank.

(3) (Repealed, SG No. 120/2002).

(4) Any unutilized portion of the financial resources accruing under Paragraph (1), including resources brought forward, shall be accounted for as off-balance sheet items. Any such resources shall constitute an integral part of the Single Account and shall be expended solely in accordance with the provisions of this Act.

(5) (New, SG No. 120/2002) The financial resources referred to in Paragraph(4) shall be managed within the framework of liquidity control and management of the Single Account System.

Article 93. (1) The financial resources of the Fund shall be expended solely for the purpose of financing of:

1. the operation and maintenance of the Radioactive Waste Company;
2. other activities comprehended in radioactive waste management outside the activities of the specialized state-owned enterprise, including research and scientific developments;
3. decommissioning of radioactive waste management facilities;
4. (Supplemented, SG No. 80/2010) management of the Fund, including administrative and financial expenses;
5. (New, SG No. 80/2010) the municipalities and the nucleated settlements in the area whereof a radioactive waste management facility is operated or construction of any such facility has been approved or authorized according to the procedure established by the Spatial Development Act and by this Act, which is eligible for financing for spatial development projects and activities under terms and according to a procedure established by the ordinance referred to in Article 94 (1) herein.

(2) (Amended, SG No. 80/2010) The expenditures covered under Paragraph (1) shall be provided for annually on the budget of the Ministry of Economy, Energy and Tourism and shall be effected by means of assignment of a unique payment code in the System for Electronic Budget Payments.

Article 94. (1) (Amended, SG No. 80/2010, effective 1.01.2011) The procedure for ascertainment, collection, spending and control of the financial resources, as well as the amount of contributions due, shall be established by an ordinance adopted by the Council of Ministers on a motion by the Minister of Economy, Energy and Tourism and the Minister of Finance.

(2) The contributions to the Fund by legal and natural persons whereof the activity results in generation of radioactive waste shall be allowed as running operating expenses deductible for taxation purposes in respect of the activity resulting in generation of the said radioactive waste.

(3) (Amended, SG No. 105/2005) The contributions referred to in Article 92 (1) herein shall be public state receivables, which shall be ascertained and collected by the by the authorities of the National Revenue Agency according to the procedure established by the Tax and Social-Insurance Procedure Code.

(4) (Amended, SG No. 80/2010, effective 1.01.2011) The public-financed legal persons shall plan, provide and report the contributions referred to in Item 1 of Article 92 (1) herein as a transfer between on-budget accounts.

Article 95. (1) (Amended, SG No. 80/2010) The Fund shall be managed by a Management Board.

(2) (Amended, SG No. 80/2010) The Management Board shall be chaired by the Minister of Economy, Energy and Tourism.

(3) (Amended, SG No. 80/2010) The members of the Management Board of the Fund shall include representatives of the Ministry of Economy, Energy and Tourism, the Ministry of Regional Development and Public Works, the Ministry of Environment and Waters, the Ministry of Health, the Ministry of Finance, the Nuclear Regulatory Agency and the Bulgarian Academy of Sciences, designated by the competent ministers or governing bodies.

(4) Any person, who has been sentenced to deprivation of liberty for a publicly indictable offence at public law or who is

a spouse or a lineal or collateral relative up to the fourth degree of consanguinity or a relative by marriage up to the third degree of affinity inclusive to any other member of the executive bodies of the Fund and the Company, shall be ineligible for membership of the Management Board.

Article 96. (1) The Management Board shall meet at least once in two months.

(2) For the valid transaction of business at any meeting of the Management Board, not less than two-thirds of the members thereof shall have to be present thereat, either in person or by proxy. No member present in person shall act as proxy for more than one member absent, and must be authorized in writing for each particular meeting.

(3) Decisions shall be made by open ballot and by a qualified majority of two-thirds of members of the Management Board.

Article 97. (1) The Management Board shall perform the following functions:

1. (Amended, SG No. 80/2010) adopt Rules of Organization and Procedure of the Management Board of the Fund;
2. distribute the allocation of financial resources for implementation of the operation of the Radioactive Waste State-Owned Company, as well as for other activities comprehended in radioactive waste management;
3. (Amended, SG No. 80/2010) control the management of the revenues of the Fund and the proper spending thereof;
4. adopt a draft budget, accompanied by a report and estimates specifying the particular revenues and expenditures of the Fund for each budget year;
5. adopt a budget of the Company for each year;
6. approve annual and triennial plans for operation of the Radioactive Waste State-Owned Company;
7. conclude contracts for management of the financial resources of the Fund with the Bulgarian National Bank in consultation with the Minister of Finance;
8. adopt periodic and annual reports on the operation of the Radioactive Waste State-Owned Company;
9. submit annually a report on the performance thereof to the Council of Ministers;
10. perform any other functions associated with the management of the Fund and of the Radioactive Waste State Owned Company, in accordance with the effective statutory framework.

(2) (New, SG No. 80/2010) For the purpose of assisting the work of the Fund, the Management Board may form an interagency working group. The working arrangements and the composition of the said group shall be determined by the ordinance referred to in Article 94 (1) herein.

(3) (Renumbered from Paragraph (2), amended, SG No. 80/2010) The draft budget of the Fund, as adopted by the Management Board, shall be incorporated into the draft budget of the Ministry of Economy, Energy and Tourism and shall be submitted to the Ministry of Finance according to the procedure established by the State Budget Procedures Act.

Chapter Five

REGULATORY CONTROL DURING USE OF NUCLEAR ENERGY AND IONIZING RADIATION AND OVER RADIOACTIVE WASTE MANAGEMENT AND SPENT FUEL MANAGEMENT

Article 98. (1) (Supplemented, SG No. 80/2010) The Chairperson of the Agency shall exercise regulatory control over nuclear safety, physical protection and radiation protection during use of nuclear energy and ionizing radiation and over radioactive waste management and spent fuel management.

(2) The Chairperson of the Agency shall implement:

1. preventive regulatory control, when issuing licences and permits for activities under this Act and when issuing individual employment licences;
2. current regulatory control over fulfilment of the conditions of the licences and permits as issued for activities under this Act and of the individual employment licences as issued;
3. confirmatory regulatory control, to verify compliance with the recommendations or instructions given by the control authorities.

Article 99. (1) In execution of the controlling powers thereof, the Chairperson of the Agency shall:

1. conduct regular and special examinations (inspections) through the agency of authorized officials;
2. notify the specialized control authorities covered under Article 13 herein with a view to undertaking action within the competence thereof;
3. alert the prosecuting authorities if there is reason to believe that a criminal offence has been committed;
4. modify or revoke the permit or licence as issued or the individual employment licence as issued;
5. impose coercive administrative measures and administrative sanctions provided for by this Act.

(2) The Chairperson of the Agency shall have the right to require that the persons supply information on the activity thereof, produce documents in connection with the exercise of control and, if necessary, to request assistance from the specialized control authorities covered under Article 13 herein.

Article 100. (1) (Amended and supplemented, SG No. 80/2010) The Chairperson of the Agency shall authorize designated officials of the administrations of the Agency to exercise control under this Act and the statutory instruments of secondary legislation on the application thereof in accordance with the powers vested in the said officials.

(2) The officials referred to in Paragraph (1), hereinafter referred to as "the inspectors," shall have the right:

1. (Supplemented, SG No. 80/2010) to unimpeded access to the licensees and installations thereby controlled at any time, inter alia for examinations of the state of nuclear safety, radiation protection, physical protection and the technical status of the nuclear facilities and the sources of ionizing radiation, as well as for compliance with the conditions of the licences and permits as issued;

2. (Amended and supplemented, SG No. 80/2010) to require any data, facts, explanations and other information, including measurements and tests, as shall be necessary to clarify the technical status and the operating conditions of the installation, including personnel competence, from the competent officers, as well as disclosure of any other information associated with ensuring nuclear safety, physical protection and radiation protection;

3. to draw up written statements on administrative violations under this Act;

4. (Supplemented, SG No. 80/2010) to propose the modification, suspension, termination and revocation of permits, licences, or individual employment licences and the application of coercive administrative measures;

5. (Supplemented, SG No. 80/2010) to give mandatory written instructions for ensuring nuclear safety, physical protection and radiation protection;

6. (New, SG No. 80/2010) to carry out cross-checks and to require from third parties information and documents necessary for conduct of the checks.

(3) The instructions of the inspectors, given in execution of the powers thereof under this Act, shall be mandatory.

Article 101. (1) The inspectors shall draw up a memorandum of ascertainment on the results of the inspections, attaching thereto the evidence collected, the explanations and the results of the observation, measurement and/or test carried out.

(2) (Amended, SG No. 80/2010) Any such memorandum shall be brought to the notice of the licensee inspected.

(3) Proceeding from the results of the examination, the inspectors may:

1. give mandatory instructions to the licensees inspected;
2. draw up written statements on administrative violations;
3. propose the imposition of coercive administrative measures to the Chairperson of the Agency.

(4) (New, SG No. 80/2010) The instructions under this Chapter, given by the inspectors, may not be identical with the coercive administrative measures applied by the Chairperson of the Agency and may not contain obligations to perform particular technological operations.

(5) (Renumbered from Paragraph (4), SG No. 80/2010) The licensees who have been given mandatory instructions shall report the action undertaken on the said instructions to the controlling inspector within the time limit set for such action.

Article 102. (1) The Rules of Organization of the Agency shall specify the requirements for occupation of a position associated with the exercise of control under this Act.

(2) The inspectors shall be bound by the obligation to respect any manufacturing and trade secrets coming to the knowledge thereof in the course of, or in connection with, the exercise of control.

(3) The inspectors shall perform the activity thereof independently or, where necessary, jointly with other specialized control authorities.

Article 103. The state and municipal bodies and the administrations thereof, as well as the persons obligated to do so under this Act, shall be obligated to cooperate with the inspectors in the course of performance of the functions thereof.

Chapter Six

SPECIAL-STATUS AREAS

Article 104. (1) Special-status areas shall be established around the nuclear facilities and other irradiation installations, including the subsurface thereto appertaining and the airspace above.

(2) (Amended, SG No. 80/2010) The special-status areas shall be either precautionary action zones or supervised areas.

Article 105. (1) (Amended, SG No. 80/2010) Precautionary action zones shall be established:

1. by an order of the Minister of Regional Development and Public Works, in consultation with the Chairperson of the Agency;
2. by a bilateral or multilateral international treaty, in the cases where the areas extend to any territories beyond the borders of Bulgaria.

(2) The areas referred to in Paragraph (1) shall be special planning protection areas within the meaning given by the Spatial Development Act. The scope and the planning status of the said areas shall be determined by spatial development schemes and plans.

(3) A supervised area shall be established by an order of the Chairperson of the Agency.

(4) (Supplemented, SG No. 80/2010) The Council of Ministers, acting on a motion by the Chairperson of the Agency made in consultation with the Minister of Transport, Information Technology and Communications and the Minister of Defence, may designate an aircraft exclusion area above specific nuclear facilities, wherein the use of the airspace for air navigation shall be restricted.

Article 106. (Repealed, SG No. 80/2010).

Article 107. (1) (Amended, SG No. 80/2010) A precautionary action zone shall be established to limit public exposure in the event of accidents.

(2) (Amended, SG No. 80/2010) A supervised area shall be an area outside the boundaries of the precautionary action zone wherein the control necessary for the purposes of radiation protection is exercised.

(3) (Amended, SG No. 80/2010) In respect of specific installations, depending on the nuclear safety and radiation protection factors, the precautionary action zone and the supervised area may be confined to the boundaries of the site, building or premise of the installation. In such cases, the special status areas shall be established by the Chairperson of the Agency by means of the relevant licence.

Article 108. (Amended, SG No. 80/2010) The person operating a nuclear facility or an irradiation installation shall exercise constant control over the radiological characteristics of the working and surrounding environment in the precautionary action zone and in the supervised area.

Article 109. (1) (Amended, SG No. 80/2010) Construction of residential and public buildings, children's establishments, medical treatment and health-care facilities and mass-catering establishments, industrial, social and cultural projects and other projects unassociated with the activity of the installation shall be prohibited in the precautionary action zone.

(2) (Amended, SG No. 80/2010) Restrictions on the use of the land, forests and water bodies within a precautionary action zone may be imposed by the Minister of Health, the Minister of Agriculture and Food, and the Minister of Environment and Water.

(3) (Amended, SG No. 80/2010) For the purpose of establishment of a precautionary action zone upon construction of a nuclear facility or of irradiation installations on land constituting private state or private municipal property, the competent state or municipal bodies, acting on a motion by the Minister of Regional Development and Public Works, shall create a right of onerous or gratuitous use or a building right, as the case may be, in favour of the owner of the installation without auction or competitive bidding.

(4) (Amended, SG No. 80/2010) Should the prohibitions covered under Paragraph (1) or the restrictions imposed under Paragraph (2) impede materially the use of immovables constituting private property, for the purpose of establishment of a precautionary action zone upon construction of a nuclear facility or of irradiation installations, the owner of the land may transfer the said land or may create a right of use or a building right, as the case may be, in favour of the owner of the installation. In case no agreement on this can be reached, condemnation shall be effected according to the procedure established by the State Property Act or by the Municipal Property Act and, as a result of the condemnation, the land shall become private state or private municipal property, and a right of use or a building right to the condemned ground shall be created in favour of the irradiation installation according to the procedure established by Paragraph (3).

(5) All costs under Paragraphs (3) and (4) shall be assumed by the owner of the nuclear facility or of irradiation installations.

Article 110. (Amended, SG No. 80/2010) Any detriment inflicted by the imposition of restrictions on corporeal immovables constituting private property within precautionary action zones shall be subject to indemnification by the person whereof the activity necessitated the imposition of the restriction.

Article 111. The terms and procedure for determination of the sizes, boundaries and regime of the special-status areas, the prohibitions and restrictions covered under Article 109 (2) herein, as well as the methods for evaluation of the indemnities for detriment sustained under Article 110 herein, shall be regulated by an ordinance adopted by the Council of Ministers on a motion by the Chairperson of the Agency, the Minister of Health, the Minister of Agriculture and Food Supply, and the Minister of Environment and Water.

Chapter Seven

PHYSICAL PROTECTION

Article 112. (1) The physical protection of nuclear material and nuclear facilities shall be provided for according to the requirements of the Convention on the Physical Protection of Nuclear Material.

(2) (Amended, SG No. 80/2010) The system of physical protection of nuclear facilities, as well as the system of physical protection of nuclear material in transport, shall be designed and the effectiveness thereof shall be evaluated in accordance with the design basis threat.

(3) (New, SG No. 80/2010) The State Agency for National Security, in accordance with Article 33 of the State Agency for National Security Act, shall provide the licensee and the Chairperson of the Agency with a threat assessment for each particular nuclear facility or for the cases of transport of nuclear material.

(4) (New, SG No. 80/2010) The design basis threat shall be elaborated by the licensee on the basis of the assessment referred to in Paragraph (3) and shall be approved by an order of the Chairperson of the Agency after consultation with the State Agency for National Security. The terms and procedure for the development and approval of the design basis threat shall be established by the ordinance referred to in Article 113 (4) herein.

(5) (New, SG No. 80/2010) Annually or upon request, the State Agency for National Security shall update the assessment referred to in Paragraph (3) and shall notify the Chairperson of the Agency and the licensees of the changes that have occurred. Licensees shall be obligated to update the design basis threat and to modify accordingly the system of physical protection in conformity with the updated assessment.

Article 113. (1) The physical protection of nuclear facilities and nuclear material and radioactive substances upon design, construction, commissioning, operation and decommissioning of nuclear facilities and upon manufacture, import, export, transport and storage of nuclear material or radioactive substances shall be provided for by the licensees conducting an activity under this Act.

(2) Licensees who or which operate nuclear facilities, manufacture, import, export, transport, use and store nuclear material or radioactive substances, shall prepare a physical protection plan, shall adopt internal rules and instructions on physical protection, and shall designate an officer in charge of physical protection.

(3) The plan and the instructions referred to in Paragraph (2) shall be submitted to the Agency together with the application for a licence or a permit under this Act.

(4) (Amended and supplemented, SG No. 109/2007) The terms and a procedure for the provision of physical protection of nuclear facilities, nuclear material and radioactive substances upon the use, storage and transport thereof shall be regulated by an ordinance adopted by the Council of Ministers on a motion by the Minister of Interior, the Minister of Defence, the Chairperson of the Agency and the Chairperson of the State Agency for National Security.

Article 114. (1) (Amended and supplemented, SG No. 109/2007) Specific nuclear facilities, as well as the installations which are technologically connected therewith or which service them, may be designated as vital to the physical protection thereof by a decision of the Council of Ministers on a motion by the Minister of Interior, the Chairperson of the Agency and the Chairperson of the State Agency for National Security.

(2) Security of the installations referred to in Paragraph (1) shall be provided by the Ministry of Interior.

Article 115. (1) (Amended, SG No. 80/2010) Controlled access areas may be designated to ensure the physical protection of a nuclear facility or of another installation wherein nuclear material or radioactive substances are used or stored.

(2) (Amended, SG No. 80/2010) The areas referred to in Paragraph (1) shall be designated in accordance with the design basis threat according to a procedure established by the ordinance referred to in Article 113 (4) herein.

Article 116. (1) Any natural persons who, by permission, are present within the protected area of a nuclear facility or

of another installation wherein nuclear material or radioactive substances are used or stored, or activities are performed in the said area, shall be obligated to comply with the requirements for physical protection as established by the person operating the nuclear facility or installation.

(2) (Amended, SG No. 80/2010) A special procedure for access and checking, using special technical devices and other means, of the persons working at and visiting a nuclear facility or another installation wherein nuclear material or radioactive substances are used or stored, as well as of the personal possessions and transport vehicles of any such persons, may be introduced for the purpose of ensuring the physical protection of these installations.

(3) (New, SG No. 80/2010) The right to unaccompanied access to the protected area of a nuclear facility shall be limited to persons holding a permit to work or to perform a specifically assigned task in a strategic installation, obtained according to the procedure established by the State Agency for National Security Act.

Article 116a. (New, SG No. 80/2010) The information on the physical protection of nuclear facilities, nuclear material and radioactive substances shall constitute an official secret within the meaning given by the Classified Information Protection Act, unless classified as a state secret within the meaning given by the same Act.

Chapter Eight

EMERGENCY PLANNING AND EMERGENCY PREPAREDNESS

Article 117. (1) The state bodies and the persons implementing activities comprehended in the design, construction, commissioning, operation and decommissioning of nuclear facilities and in the manufacture, transport and storage of nuclear material or in performance of activities involving sources of ionizing radiation shall make provisions for emergency planning and emergency preparedness.

(2) The provisions for emergency planning shall be established by emergency plans:

1. for protection of the public (off-site emergency plan), which regulates the emergency planning areas and determines the actions to be taken by the competent authorities to protect the public, property and the environment in the case of an accident;

2. of the nuclear facility or of the irradiation installation (on-site emergency plan), which determines the actions to be taken by the licensee or by the permit holder to mitigate the accident and to eliminate the consequences thereof in accordance with the off-site emergency plan.

Article 118. (1) (Amended, SG No. 88/2010, effective 1.01.2011) The elaboration, maintenance and coordination of the implementation of the off-site emergency plan shall be organized, respectively, by the specialized state bodies for fire safety and protection of the population, as established by a law or by an act of the Council of Ministers.

(2) The off-site emergency plan shall be adopted by a decision of the Council of Ministers on a motion by the bodies referred to in Paragraph (1).

Article 119. The elaboration of the off-site emergency plan, the provision of material, technical and human resources for the implementation thereof, the maintenance of emergency preparedness and the application of the measures shall be financed by the state budget.

Article 120. (1) (Amended, SG No. 88/2010, effective 1.01.2011) Any person operating a nuclear facility shall submit the on-site emergency plan to the Chairperson of the Agency, to the specialized state body for fire safety and protection of the population, and to the Minister of Environment and Water six months prior to the planned commencement of the commissioning of the nuclear facility.

(2) The emergency plan shall be tested in practice prior to the commissioning of the nuclear facility and in the course of operation, and the separate parts of the said plan shall be tested and evaluated at fixed intervals.

(3) The Chairperson of the Agency shall coordinate the off-site emergency plan prior to the commissioning of the installation.

Article 121. Licensees and relevant permit holders shall be obligated to familiarize the personnel with the emergency plans and to deliver special training to the employees designated to perform functions according to the emergency plans.

Article 122. In case of an accident, licensees and permit holders shall be obligated:

1. to warn immediately the public and the mayors of the municipalities within the emergency planning areas and the other competent authorities;
2. to take action to mitigate and eliminate the consequences of the accident;
3. to control and regulate the exposure of the persons engaged in the mitigation and elimination of the accident;
4. to ensure continuous monitoring of the release of radioactive substances into the environment;
5. to participate in the activities included in the National Monitoring System, upon occurrence of an accident;
6. to perform any other obligations as may be established in the emergency plans and according to this Act.

Article 123. (Amended, SG No. 88/2010, effective 1.01.2011) The terms and a procedure for elaboration of the emergency plans, the persons applying the emergency plans, the duties thereof, the provisions to mitigate and eliminate the consequences, the arrangements for warning of the public, as well as measures for testing the emergency preparedness shall be established by an ordinance of the Council of Ministers on a motion by the specialized state body for fire safety and protection of the population and the Chairperson of the Agency.

Chapter Nine

APPLICATION OF THE SAFEGUARDS

Article 124. (Amended, SG No. 80/2010) The Chairperson of the Agency, in the capacity thereof as organizer and coordinator of fulfilment of the obligations of the Republic of Bulgaria arising from the Treaty on the Non-proliferation of Nuclear Weapons, the Agreement between the Republic of Austria, the Kingdom of Belgium, the Kingdom of Denmark, the Republic of Finland, the Federal Republic of Germany, the Hellenic Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Portuguese Republic, the Kingdom of Spain, the Kingdom of Sweden, the European Atomic Energy Community (Euratom) and the International Atomic Energy Agency (IAEA) in implementation of Article III(1) and (4) of the Treaty on the Non-proliferation of Nuclear Weapons, hereinafter referred to as "the Agreement", and the Additional Protocol thereto, shall:

1. verify implementation of the obligations, assumed in accordance with the Treaty, to prevent diversion of nuclear material to the manufacture of nuclear weapons;
2. (Amended, SG No. 80/2010) in the cases where so provided for by the Treaty establishing the European Atomic Energy Community (Euratom), by the Agreement and the Additional Protocol thereto, collect and submit to the International Atomic Energy Agency and to the European Commission the requisite information, inter alia through conduct of inspections according to the procedure established by Chapter Five herein;
3. (Supplemented, SG No. 80/2010) ensure the conduct of inspections within the territory of the Republic of Bulgaria by the inspectors of the International Atomic Energy Agency and the inspectors of the European Commission, including provision of access;
4. (Amended, SG No. 11/2007, SG No. 26/2011, effective 30.06.2012) interact with the competent authority under the Defence-Related Products and Dual Use Items and Technologies Export Control Act in connection with the exchange of information regarding the Agreement and the Additional Protocol thereto;
5. (Repealed, SG No. 80/2010).

Article 125. (1) Any licensee performing activities subject to the Agreement and the Additional Protocol thereto shall be obligated:

1. (Supplemented, SG No. 80/2010) to submit to the Chairperson of the Agency and to the European Commission the information and data as shall be necessary for compliance with the undertakings of the Republic of Bulgaria arising under the Agreement and the Additional Protocol thereto;

2. to keep a separate register of the said activities and to preserve the manufacturing, commercial and transport documents, as well as the information and data associated with the said activities, including such comprehended in the accounting for and control of nuclear material, relevant to the application of the safeguards, for a period of not less than ten years after suspension of the activity;

3. to inform in writing the Chairperson of the Agency upon occurrence of any circumstances actually or potentially leading to a breach of the terms of application of the safeguards;

4. (Supplemented, SG No. 80/2010) to provide access to the installation and to the requisite information, including a possibility to photograph and videotape, take samples, use devices to record radiation parameters, apply identifying and tamper indicating devices, as well as render assistance to the inspectors of the International Atomic Energy Agency, to the inspectors of the European Commission and to the control authorities of the Agency accompanying the said inspectors, for attainment of the objects of the inspection.

(2) (Amended, SG No. 11/2007, SG No. 80/2010, SG No. 26/2011, effective 30.06.2012) The authority under the Defence-Related Products and Dual Use Items and Technologies Export Control Act shall submit to the Chairperson of the Agency information on any licensed transactions in nuclear material, equipment and materials subject to the Agreement and to the Additional Protocol thereto.

(3) The ministries and central-government departments shall submit to the Agency plans for the forthcoming ten year period, associated with the development of the nuclear fuel cycle, as approved by the competent authorities.

Article 126. The Council of Ministers, acting on a motion by the Chairperson of the Agency, shall issue an ordinance establishing the terms and a procedure for collection and provision of information and for the keeping of registers on the activities comprehended in the application of safeguards.

Chapter Ten

CIVIL LIABILITY FOR NUCLEAR DAMAGE

Article 127. Civil liability for nuclear damage shall be determined according to the provisions of the Vienna Convention on Civil Liability for Nuclear Damage, whereto the Republic of Bulgaria is a Contracting Party, and this Act.

Article 128. For the purposes of the Vienna Convention, several nuclear installations of one operator which are located at the same site shall be considered as a single nuclear installation.

Article 129. (1) (Amended, SG No. 80/2010) The Council of Ministers shall designate the person which, within the meaning of the Vienna Convention, is an operator of the nuclear installation, and the type and conditions of the financial security covering the liability of the said operator for nuclear damage.

(2) The operator of the nuclear installation shall be solely liable for damage by a nuclear accident, except in so far as the Vienna Convention may provide to the contrary.

Article 130. (1) The rights of compensation for nuclear damage shall be extinguished if an action is not brought within the time periods established in Article VI of the Vienna Convention.

(2) Actionability for nuclear damage shall be extinguished by limitation after a period of five years, reckoned from the date on which the person suffering nuclear damage had knowledge or ought reasonably to have had knowledge of the damage and of the operator liable for the damage, provided that the periods within which an action may be brought under Paragraph (1) shall not be exceeded.

Article 131. Any person suffering nuclear damage which resulted wholly or partly either from an act or omission of the

said person done with intent to cause damage or from the gross negligence of the said person shall not be compensated, or the compensation shall be reduced accordingly.

Article 132. (1) The liability of the operator for damage caused by any one nuclear accident shall be limited to BGN 96 million.

(2) The operator shall be required to maintain insurance or other financial security, according to Article 129 (1) herein, covering the liability thereof for nuclear damage for the period of operation of the nuclear installation in the amount as specified in Paragraph (1).

(3) The rights under the contract of insurance against civil liability for nuclear damage shall be extinguished within the time limits referred to in Article 130 herein.

(4) Should the operator be a public-financed entity, the liability thereof for nuclear damage, as determined in Paragraph (1), shall be ensured by means of an annual provision of financial resources on the budget.

(5) Priority in the distribution of compensations for a damage caused by a nuclear accident shall be given to claims in respect of loss of life or personal injury.

(6) Ten per cent of the amount fixed in Paragraph (1) shall be set aside for payment of allowed claims lodged within one year after the date of the nuclear accident.

(7) In case the amount fixed in Paragraph (1) proves inadequate to satisfy allowed claims, the amount of the compensation due on each of the said claims shall be reduced proportionately.

Article 133. (1) The State shall pay allowed claims against the operator for compensation for nuclear damage, providing the requisite financial resources to the extent to which the insurance or the other financial security of the operator is inadequate to satisfy such claims, but not in excess of the limits of the liability as determined in Article 132 (1) herein.

(2) The State shall compensate a nuclear damage caused if the nuclear accident which caused the said damage was directly due to a grave natural disaster of an exceptional character, up to the limit of the liability as determined in Article 132 (1) herein.

(3) The State shall have a right of recourse against the operator for the amount of the financial resources paid by the State under Paragraph (1).

Article 134. Any nuclear damage caused within the territory of a State which is not a Contracting Party to the Vienna Convention shall be compensated solely pursuant to an international treaty which has been ratified, promulgated and has entered into force and whereto the Republic of Bulgaria is a party, or provided the Non-Contracting States affords equivalent reciprocal benefits.

Article 135. The terms and a procedure for exclusion of small quantities of nuclear material from the application of the Vienna Convention shall be established by an ordinance adopted by the Council of Ministers on a motion by the Chairperson of the Agency.

Article 136. (1) The rules of civil injury shall apply to any matters in respect of which the Vienna Convention and this Act do not provide otherwise.

(2) The rules of civil injury shall furthermore apply to the liability for any damage caused by other sources of ionizing radiation, irrespective of the whereabouts of the said sources, inter alia upon use for medical purposes, save in so far as otherwise provided by another law.

Article 137. (1) Jurisdiction over actions for nuclear damage, except as otherwise provided by the Vienna Convention, shall lie with the Bulgarian courts. Any such actions shall be triable by the Sofia City Court as a court of first instance.

(2) No court costs shall be charged from Bulgarian citizens for any proceedings under this Chapter, and in respect of foreigners the principle of reciprocity shall apply.

Chapter Eleven

ADMINISTRATIVE PENALTY PROVISIONS

Section I

Administrative Liability

Article 138. (1) Any person, which performs activities comprehended in the use of nuclear energy at a nuclear facility without permit or licence where such are required, shall be liable to a pecuniary penalty of BGN 20,000 or exceeding this amount but not exceeding BGN 100,000.

(2) Any person, who performs practices involving sources of ionizing radiation without permit or licence where such are required, shall be liable to a fine of BGN 2,000 or exceeding this amount but not exceeding BGN 10,000.

(3) Where the violations referred to in Paragraph (2) shall be committed by a legal person or by a sole-trader natural person, a pecuniary penalty of BGN 5,000 or exceeding this amount but not exceeding BGN 20,000 shall be imposed.

(4) In the event of a repeated violation, the fine or the pecuniary penalty shall be equivalent to quintuple the amount of the sanction provided for in Paragraphs (1), (2) and (3).

Article 139. (1) Any person, which breaches the conditions of a permit or a licence issued thereto under Section III of Chapter Three herein, shall be liable to a pecuniary penalty of BGN 3,000 or exceeding this amount but not exceeding BGN 20,000.

(2) Any person, who or which breaches the conditions of a permit or a licence issued thereto for performance of practices involving sources of ionizing radiation, shall be liable to a fine of BGN 1,000 or exceeding this amount but not exceeding BGN 5,000 or to a pecuniary penalty of BGN 3,000 or exceeding this amount but not exceeding BGN 10,000.

(3) (New, SG No. 80/2010) Any person, who or which breaches the conditions of a licence issued thereto for delivery of specialist training, shall be liable to a fine of BGN 1,000 or exceeding this amount but not exceeding BGN 5,000 or to a pecuniary penalty of BGN 3,000 or exceeding this amount but not exceeding BGN 10,000.

(4) (Renumbered from Paragraph (3), amended, SG No. 80/2010) In the event of a repeated violation under Paragraphs (1), (2) and (3), the fine or the pecuniary penalty shall be equivalent to treble the amount of the penalty or the fine provided for in Paragraphs (1), (2) and (3), respectively.

Article 140. (1) Any person, who or which fails to provide information in the cases covered under this Act, or who or which provides untrue, inaccurate or deficient information, shall be liable to a fine of BGN 500 or exceeding this amount but not exceeding BGN 2,000 or to a pecuniary penalty of BGN 2,000 or exceeding this amount but not exceeding BGN 10,000.

(2) Any official of a licensee or a permit holder under this Act, who fails to provide any required information or who provides untrue, inaccurate or deficient information, shall be liable to a fine of BGN 1,000 or exceeding this amount but not exceeding BGN 3,000.

(3) In the event of a repeated violation under Paragraphs (1) and (2), the fine or the pecuniary penalty shall be equivalent to treble the amount of the penalty or the fine provided for in Paragraphs (1) and (2), respectively.

Article 141. (1) (Supplemented, SG No. 80/2010) Any person, which fails to comply with nuclear safety, physical protection and radiation protection requirements and standards upon operation of a nuclear facility, shall be liable to a pecuniary penalty of BGN 3,000 or exceeding this amount but not exceeding BGN 20,000.

(2) (Supplemented, SG No. 80/2010) Any person, who or which fails to comply with the radiation protection and physical protection requirements and standards upon performance of practices involving sources of ionizing radiation, shall be liable to a fine of BGN 1,000 or exceeding this amount but not exceeding BGN 5,000 or to a pecuniary penalty of BGN 2,000 or exceeding this amount but not exceeding BGN 10,000.

(3) In the event of a repeated violation under Paragraphs (1) and (2), the fine or the pecuniary penalty shall be equivalent to treble the amount of the penalty or the fine provided for in Paragraphs (1) and (2), respectively.

Article 142. (1) (Supplemented, SG No. 80/2010) Any person, which fails to ensure nuclear safety, physical protection and radiation protection of a nuclear facility upon closure or suspension of the activity, shall be liable to a pecuniary penalty of BGN 20,000 or exceeding this amount but not exceeding BGN 100,000.

(2) (Supplemented, SG No. 80/2010) Any person, who or which fails to ensure radiation protection and physical protection of an irradiation installation upon closure or suspension of the activity, shall be liable to a fine of BGN 2,000 or exceeding this amount but not exceeding BGN 10,000 or to a pecuniary penalty of BGN 5,000 or exceeding this amount but not exceeding BGN 20,000.

Article 143. (1) (Supplemented, SG No. 80/2010) Any person, who performs activities without holding an individual employment licence or in breach of the individual employment licence, shall be liable to a fine of BGN 500 or exceeding this amount but not exceeding BGN 2,000.

(2) Any official, who has admitted to work any person who does not hold an individual employment licence or any person who is not in a position to perform work associated with radiation protection and safety, shall be liable to a fine of BGN 1,000 or exceeding this amount but not exceeding BGN 5,000.

(3) In the event of a repeated violation under Paragraphs (1) and (2), the fine shall be equivalent to treble the amount of the fine provided for in Paragraphs (1) and (2).

Article 144. (1) Any person, which fails to fulfil the obligations covered under Article 125 (1) herein, shall be liable to a pecuniary penalty of BGN 2,000 or exceeding this amount but not exceeding BGN 10,000.

(2) Any official, who suffers a non-fulfilment of the obligations covered under Article 125 (1) herein, shall be liable to a fine of BGN 500 or exceeding this amount but not exceeding BGN 5,000.

(3) In the event of a repeated violation under Paragraphs (1) and (2), the fine or the pecuniary penalty shall be equivalent to treble the amount of the penalty or the fine provided for in Paragraphs (1) and (2), respectively.

Article 145. (1) Any person, who violates the prohibitions imposed under Item 1 or 4 of Article 17 herein, shall be liable to a fine of BGN 30,000 or exceeding this amount but not exceeding BGN 150,000, unless the act constitutes a criminal offence.

(2) Any person, who or which violates the prohibitions imposed under Item 2 or 3 of Article 17 herein, shall be liable to a fine of BGN 1,000 or exceeding this amount but not exceeding BGN 5,000 or to a pecuniary penalty of BGN 3,000 or exceeding this amount but not exceeding BGN 15,000.

(3) In the event of a repeated violation under Paragraphs (1) and (2), the fine or the pecuniary penalty shall be equivalent to treble the amount of the penalty or the fine provided for in Paragraphs (1) and (2), respectively.

Article 146. (1) Any person, who interferes with the performance of the duties of an inspector of the Agency under this Act, shall be liable to a fine of BGN 1,000 or exceeding this amount but not exceeding BGN 3,000, unless the act constitutes a criminal offence.

(2) Any person, who or which fails to act on an instruction given by an inspector of the Agency, shall be liable to a fine of BGN 1,000 or exceeding this amount but not exceeding BGN 3,000 or to a pecuniary penalty of BGN 2,000 or exceeding this amount but not exceeding BGN 10,000, unless subject to a severer sanction.

(3) In the event of a repeated violation under Paragraphs (1) and (2), the sanction shall be a fine or pecuniary penalty in a treble amount.

Article 147. (1) (Supplemented, SG No. 80/2010) Upon non-fulfilment of any other obligation under this Act or under the statutory instruments of secondary legislation on the application thereof, the offending persons, unless subject to a severer

sanction, shall be liable to a fine of BGN 500 or exceeding this amount but not exceeding BGN 2,000, or to a pecuniary penalty of BGN 1,000 or exceeding this amount but not exceeding BGN 5,000, as the case may be.

(2) In the event of a repeated violation under Paragraph (1), the fine or the pecuniary penalty, as the case may be, shall be imposed in a double amount.

Article 148. (1) Any violations under this Act shall be ascertained by written statements drawn up by the inspectors of the Agency.

(2) The penalty decrees shall be issued by the Chairperson of the Agency or by an official thereby authorized.

(3) The ascertainment of violations, the issuance, appeal against and execution of penalty decrees shall follow the terms and the procedure established by the Administrative Violations and Sanctions Act.

Section II

Coercive Administrative Measures

Article 149. (1) The Chairperson of the Agency shall impose coercive administrative measures whereof the purpose shall be to induce the offender to cease and desist from administrative violations, as well as to prevent and eliminate the consequences of such violations.

(2) (Amended, SG No. 80/2010) Coercive administrative measures shall also be imposed in case of breaches of requirements for nuclear safety and radiation protection, physical protection and emergency preparedness which pose or create an imminent threat of causing an accident.

Article 150. The following coercive administrative measures may be imposed in cases referred to in Article 149 herein:

1. suspension or constraint of the authorized or licensed activity;

2. temporary withdrawal of the individual employment licence;

3. order to perform:

(a) expert examinations, checks, tests of an installation, facility, products, parts, systems or components thereof;

(b) alteration of established limits and operating conditions;

(c) modifications of designs and structures relevant to nuclear safety, radiation protection, physical protection and emergency preparedness;

(d) supplementation or alteration of the curricula and training and delivery of additional training, including testing of knowledge and skills.

Article 151. (1) (Amended, SG No. 80/2010) The coercive administrative measures shall be imposed by an order of the Chairperson of the Agency on a proposal by the inspectors of the Agency.

(2) The coercive administrative measures referred to in Item 1 of Article 150 (1) herein shall be imposed until elimination of the reasons leading to the imposition thereof.

(3) The order imposing coercive measures shall establish an appropriate time limit for the execution thereof.

(4) The order imposing a coercive measure shall be served on the person.

Article 152. (Amended, SG No. 30/2006) Any order imposing coercive administrative measures shall be appealable before the Supreme Administrative Court according to the procedure established by the Administrative Procedure Code. Any appeal shall not stay the execution, save as otherwise ruled by the court.

SUPPLEMENTARY PROVISIONS

(Heading amended, SG No. 80/2010)

§ 1. Within the meaning given by this Act:

1. "Emergency preparedness" shall be the capability to take immediate actions that will effectively mitigate the impact of a possible accident on human health, the environment and property.

2. (Repealed, SG No. 80/2010).

3. "Accident" shall be an unintended event that leads or may lead to exceeding the limits or to breach of the conditions of the radiological impact on humans and the environment as established in the nuclear safety and radiation protection standards and rules.

4. (Repealed, SG No. 80/2010).

5. (Repealed, SG No. 80/2010).

6. (Supplemented, SG No. 80/2010) "Vienna Convention" shall be the Vienna Convention on Civil Liability for Nuclear Damage and the Joint Protocol Relating to the Application of the Vienna Convention and the Paris Convention (promulgated in the State Gazette No. 76 of 1994; corrected in No. 91 of 1994), ratified by an Act ([promulgated in the] State Gazette No. 64 of 1994).

7. "Commissioning" shall be the process during which the systems and components of a nuclear facility or another source of ionizing radiation, having being constructed, are made operational and are verified to be in accordance with the requirements of the design and to have met the required performance criteria.

8. (Amended, SG No. 80/2010) "Practices involving materials with an increased content of natural radionuclides which cannot be disregarded from the radiation protection point of view" shall be work activities involving operations with and/or storage of materials or leading to the manufacture of residual materials which are not usually regarded as radioactive but which contain naturally occurring radionuclides, causing a significant increase in the exposure of workers and, where appropriate, members of the public.

9. (Supplemented, SG No. 80/2010) "Sealed source" shall be a source of ionizing radiation which is used without breaching the integrity thereof, and whose structure is such as to prevent, under normal conditions of operation, any dispersion of radioactive substances contained in the said source into the environment. Spent nuclear fuel does not qualify as a sealed source. Depending on the risk associated with practices involving sealed sources, the said sources shall be classified into five categories:

Category	1	2	3	4	5
A/D	$1000 \geq A/D$	$10 \geq A/D < 1000$	$1 \geq A/D < 10$	$0.01 \geq A/D < 1$	$A/D < 0.01$

where A is the activity of the source, and the values of D and the method of calculation are specified in the ordinance referred to in Article 123 herein.

10. "Closure" shall be the completion of all operations at some time after the emplacement of spent fuel or radioactive waste in a disposal facility. This includes the final engineering or other work required to bring the facility to a condition that will be safe in the long term.

11. "Protected area" shall be an area designated for the purposes of physical protection and located within the site area of a nuclear facility or another irradiation installation, which is under constant surveillance by guards or electronic devices, which is surrounded by a physical barrier with a limited number of points of entry, and access to which is restricted to persons issued with special passes.

12. (Amended, SG No. 80/2010) "Controlled access area" shall be an area designated for the purposes of physical protection which encloses an area around the protected area of a nuclear facility to which access is controlled and may be restricted for persons and transport vehicles.

13. "Siting" shall be the process of selecting a suitable site for construction of a specific nuclear facility or irradiation installation, including appropriate assessment and definition of the related design bases.

14. "Decommissioning" shall be all administrative and technical actions taken to allow the release of a nuclear facility from regulatory control under this Act, including closure of a radioactive waste disposal facility or of a spent nuclear fuel storage facility. These actions include the processes of decontamination and dismantling.

15. "Source of ionizing radiation" or "source" shall be any apparatus, radioactive substance, unit, product, installation or facility capable of emitting ionizing radiation or of releasing radioactive substances (with the exception of nuclear facilities).

16. "Source material" shall be: uranium containing the mixture of isotopes occurring in nature; depleted uranium; any of the foregoing in the form of metal, alloy, chemical compound, or concentrate; any other material containing one or more of the foregoing in a concentration and in quantities exceeding the values as a statutory instrument shall establish.

17. "Incident" shall be a technical event or anomaly which, although not directly or immediately affecting nuclear safety and/or radiation protection, is liable to lead to a subsequent re-evaluation of the provisions for nuclear safety and/or radiation protection.

18. "Ionizing radiation" shall be the transfer of energy in the form of particles or electromagnetic waves of a wavelength of 100 nanometer or less or a frequency of 3×10^{15} Hertz or more capable of producing ions directly or indirectly.

19. (Amended, SG No. 76/2005, SG No. 80/2010) "Qualified expert in radiation protection" shall be a natural person possessing the necessary knowledge, training and technical skills which enable him or her to carry out assessment of doses and to give consultations and advice in order to ensure radiation protection of personnel and the public, as well as the safety of nuclear facilities and sources of ionizing radiation. The capacity to act as a qualified expert in radiation protection shall be recognized according to a procedure established in the relevant statutory instruments.

19a. (New, SG No. 80/2010) "Structures, systems and components important for the safety" shall be those structures, systems and components:

(a) whose abnormal operation or failure may lead to an inadmissible occupational or personal exposure;

(b) which prevent the escalation of expected operational events into accidents;

(c) technical means intended to mitigate the consequences of abnormal operation or failure of structures, systems and components.

20. (Repealed, SG No. 80/2010).

21. (Repealed, SG No. 80/2010).

22. "Medical exposure" shall be the exposure incurred: by patients as part of their own diagnosis or treatment involving use of sources of ionizing radiation; by persons other than personnel who voluntarily help in the support and comfort of patients during their diagnosis or treatment; and by healthy individuals or patients who voluntarily participate in programmes of medical or biomedical research involving exposure.

23. "Monitoring" shall be the measurement of radiation or other parameters for reasons related to the assessment or control of exposure to radiation, as well as the interpretation of the results.

24. "Irradiation installation" shall be the place, together with the totality of protective devices, assigned for use of a source or for manufacture of a source, or for any handling of a source for the purpose of maintenance, assembly, dismantling, measurements, repairs or other services provided to users of sources, including storage of sources.

25. (Amended, SG No. 80/2010) "Exposure" shall be the process of being exposed to ionizing radiation.

26. "Public exposure" shall be the exposure incurred by members of the public as a result of licit or illicit activities involving sources of ionizing radiation, excluding any occupational exposure, medical exposure and the normal local natural background radiation typical of a specific working or living environment.

26a. (New, SG No. 80/2010) "Clearance" shall be a regulated activity under this Act, carried out by a licensee or a permit holder for the purpose of release of future practices (disposal, recycling, reuse and other such) involving radioactive substances or material from the requirements of this

Act and of the statutory instruments of secondary legislation on the application thereof.

27. "Spent nuclear fuel" or "spent fuel" shall be nuclear fuel that has been irradiated in a reactor core and that has been permanently removed therefrom.

28. "Safety assessment" shall be a review of all aspects of the design and operation of a nuclear facility or another source of ionizing radiation which are relevant to its safety and to the protection of persons, including an analysis of the provisions for nuclear safety and radiation protection and of the risks associated with normal operation and with accidents.

29. "Disposal" shall be emplacement of spent fuel or radioactive waste in an appropriate facility or a given location without the intention of retrieval at any time in the future.

29a. (New, SG No. 80/2010) "Transport" shall be the movement of a particular load containing nuclear material, spent fuel, radioactive waste and other radioactive substances from the place of origin of the load to the place of destination thereof. The activity of "transport" shall comprise all operations involved in the preparation of the load for shipment, the operations associated with the loading, carriage, unloading and receipt of the said load, including in-transit storage and temporary storage of the load, if necessary.

29b. (New, SG No. 80/2010) "Design basis threat" shall be the attributes and characteristics of potential insider and/or external adversaries who might attempt unauthorized removal of nuclear material or sabotage against which a physical protection system is designed and evaluated.

30. "Occupational exposure" shall be all exposure incurred by persons occupationally engaged in activities subject to regulatory control under this Act, and in the activities associated with the said regulatory control.

31. "Repeated violation" shall be any violation which is committed within one year after the entry into force of a penalty decree whereby the offender was penalized for a violation of the same kind.

32. "Radiation protection" shall be a totality of organizational and technical measures intended to protect people from exposure to ionizing radiation, including ensuring the safety of sources of ionizing radiation and the activities involving such sources, i. e. minimization of the risk of unwarranted exposure, of the number of persons exposed, or of the exposure incurred by humans without exceeding the statutory dose limits, prevention of a radiological emergency, and mitigation of the effects thereof.

33. "Radioactive source" shall be a source whereof the properties to emit ionizing radiation are attributable solely to the radionuclides contained therein.

34. "Radioactive waste" shall be a radioactive substance in a gaseous, liquid or solid form for which no further use is foreseen by the licensee or permit holder and which is controlled as radioactive waste by the Agency according to this Act, including a radioactive source whereof the safe operating lifetime has ended according to the design documentation.

34a. (New, SG No. 80/2010) "Sabotage" shall be any deliberate act directed against a nuclear facility or nuclear material

in use, storage or transport, which could directly or indirectly endanger the health and safety of personnel and the public or damage the environment by exposure to ionizing radiation or release of radioactive substances.

35. "Self-sustaining chain process of nuclear fission" shall be a series of nuclear reactions of fission of atomic nuclei which is sustained by neutrons liberated in the process of fission.

36. "Special fissionable material" shall be plutonium 239, uranium-233; uranium enriched in the isotope U-235 or U-233, and any other material containing one or more of the foregoing.

37. (Amended, SG No. 80/2010) "Specialist training" shall be post-graduate education and training in theory and practice, including training of back-up and replacement personnel and safety briefing, of natural persons for the purpose of performing specific activities or tasks at nuclear facilities or practices involving sources of ionizing radiation.

38. "Event" shall be any deviation from the statutory mode of operation, including one or more equipment failures, operating error or errors and/or deficiency of instructions and procedures, which has led or could have led to release of radioactive substances into the working or surrounding environment or to unwarranted public or occupational exposure, or to breach of nuclear safety or radiation protection requirements, rules and standards.

39. "Spent fuel management facility" shall be any facility whereof the primary purpose is spent fuel management.

40. "Radioactive waste management facility" shall be any facility whereof the primary purpose is radioactive waste management, including a nuclear facility in the process of being decommissioned only if it is designated as a radioactive waste management facility according to a procedure established by this Act.

40a. (New, SG No. 80/2010) "High-risk facilities which are relevant to nuclear safety" shall be boilers, pressure vessels, steam and hot-water pipes and hoists which are part of the structures, systems and components important for safety and upon whose breakdown radioactive products may be released.

41. "Storage" shall be the holding of nuclear material or radioactive substances, including spent fuel or radioactive waste, in a facility that provides for their containment, with the intention of retrieval.

42. "Grave natural disaster of an exceptional character" shall be a catastrophic, unforeseeable and unavoidable natural disaster.

43. (Repealed, SG No. 80/2010).

44. "Spent fuel management" shall be all activities that relate to the handling or storage of spent fuel, excluding off-site transport. It may also involve discharges.

45. (Supplemented, SG No. 80/2010) "Radioactive waste management" shall be all activities involved in the handling, pre-treatment, treatment, conditioning, storage and disposal of radioactive waste excluding off-site transport. It may also involve authorized discharges.

46. "Uranium enriched in the isotope U-235 or U-233" shall be uranium containing the isotope U-235 or U-233 or both in an amount such that the abundance ratio of the sum of these isotopes to the isotope U-238 is greater than the ratio of the isotope U-235 to the isotope U-238 occurring in nature (isotopic ratio of 0.72 per cent).

47. "Physical protection" shall be a set of all technical and organizational requirements, measures, means and methods intended to effectively prevent unauthorized tampering or interference with, or unauthorized removal of, nuclear material, nuclear facilities and radioactive substances (theft, intrusion into the site of a nuclear facility, unauthorized access to areas vital to the safety of the nuclear installation, sabotage, terrorist actions), their timely detection, and recovery of misappropriated nuclear material.

48. "Nuclear material" shall be source material, special fissionable material and other materials designated by an act of the Council of Ministers.

49. (Amended, SG No. 80/2010) "Nuclear reactor" shall be any installation containing nuclear fuel in such an

arrangement that a self-sustaining chain process of nuclear fission can occur therein without an additional source of neutrons.

50. "Nuclear accident" shall be an accident involving release of radioactive substances into the environment or potentially dangerous occupational or public exposure, caused by disruption of the control and management of a chain process of nuclear fission, criticality, disruption of the heat transport from an irradiated nuclear material, or malfunction of nuclear material, including nuclear fuel.

51. (Amended, SG No. 80/2010) "Nuclear safety" shall be the state and the capability of a nuclear facility and of the systems and personnel thereof to achieve proper operating conditions, prevent incidents and accidents and mitigate the consequences thereof, resulting in maximum protection of personnel and the population from ionizing radiation from the nuclear facility.

52. (Amended, SG No. 80/2010) "Nuclear installation", "nuclear incident", "nuclear material", "person" and "operator" in Chapter Ten herein shall be the notions defined in Article I of the Vienna Convention.

53. (Amended, SG No. 80/2010) "Nuclear plant" shall be an electric power plant where energy is generated by one or more nuclear reactors and which may incorporate the adjoining radioactive waste management facilities and spent nuclear fuel management facilities, located on a single site, for which common physical protection and emergency planning are provided.

54. (Amended, SG No. 80/2010) "Nuclear fuel" shall be any fissionable material capable of producing energy by a self-sustaining chain process of nuclear fission.

55. "Nuclear facility" shall be a facility and its associated land, buildings and equipment in which radioactive material is produced, processed, used, handled, stored or disposed of on such a scale that consideration of nuclear safety and radiation protection is required. Any radioactive waste management facility shall likewise qualify as "nuclear facility."

§ 1a. (New, SG No. 80/2010) Council Regulation (Euratom) No 1493/93 of 8 June 1993 on shipments of radioactive substances between Member States shall apply upon transboundary shipments within the European Union of radioactive substances other than nuclear material or radioactive waste.

§ 1b. (New, SG No. 80/2010) (1) Upon transboundary shipments within the European Union, as well as upon import, export or transit through the European Union of spent nuclear fuel or radioactive waste, as the case may be, the Chairperson of the Agency shall issue, in addition to a licence under Item 5 of Article 15 (3) herein or a permit under Item 7, 12 or 16 of Article 15 (4) herein:

1. a document confirming the transboundary shipment: subject to the presence of a consent by the rest of the States associated with the international transport concerned, or

2. a document stating written consent to the shipment through the territory of the Republic of Bulgaria.

(2) The documents related to the transboundary shipment shall be drawn up in a standard form approved by an order of the Chairperson of the Agency.

(3) The documents covered under Paragraph (1) may be issued for:

1. each particular shipment;

2. more than one shipment for a period of not more than three years, provided that the terms for uniformity have been met as defined by the order under Paragraph (2)

(4) In the cases where written consent under Item 2 of Paragraph (1) is required, if the Chairperson of the Agency fails to reply within the established time limits, tacit consent for the shipment to be carried out within the territory of the Republic of Bulgaria shall be deemed to have been given.

(5) In the cases referred to in Item 2 of Paragraph (3) and Paragraph (4), the requirement to hold a licence under Item 5 of Article 15 (3) herein or a permit under Item 7, 12 or 16 of Article 15 (4) herein, as the case may be, shall not be waived.

(6) The conditions established by the licences and permits related to transboundary shipments under this Clause may not be more restrictive than the conditions established upon implementation of shipments of spent nuclear fuel or radioactive waste within the territory of the Republic of Bulgaria.

(7) Any refusal to issue the documents covered under Paragraph (1) shall be justified.

§ 1c. (New, SG No. 80/2010) In the cases of import into the Republic of Bulgaria or of export from the Republic of Bulgaria from or into a Member State of the European Union, respectively, the issuance of a permit under Items 13 and 15 of Article 15 (4) herein shall not be required.

§ 1d. (New, SG No. 80/2010) The list of specific facts, information and subjects constituting an official secret in the sphere of the regulation of the safe use of nuclear energy and radiation protection shall be determined by an order of the Chairperson of the Agency.

§ 1e. (New, SG No. 80/2010) (1) Any information, which has come to the knowledge of the Chairperson of the Agency, of the Deputy Chairpersons and of the employees of the Agency in connection with the performance of the functions thereof, shall constitute a protected secret and shall be made available according to the procedure established by this Act.

(2) The information referred to in Paragraph (1) shall be made available solely to the competent state bodies of the Republic of Bulgaria upon written request.

(3) Outside the cases referred to in Paragraph (2), the information referred to in Paragraph (1) shall be made available:

1. with the written consent of the relevant applicant, licensee or permit holder under this Act who has provided the information;

2. to applicants, licensees or permit holders under this Act, where this is necessary for the proper progress of the licensing process and for implementation of control activity under this Act;

3. in the cases where the Chairperson of the Agency commissions third parties to carry out expert examinations, research and studies associated with nuclear safety and radiation safety;

4. in fulfilment of obligations of the Republic of Bulgaria arising from international agreements;

5. on the basis of an enforceable judgment of court.

(4) The restrictions referred to in Paragraphs (1) to (3) shall not apply when the following is made available:

1. information on incidents and accidents at nuclear facilities or installations involving sources of ionizing radiation in a volume specified by the ordinances referred to in Item 8 of Article 19 (1) and Article 123 herein;

2. data about the status of background radiation within the territory of the Republic of Bulgaria;

3. data about radioactive contamination of the environment which may endanger the life and health of the population;

4. data about occupational and public exposure to ionizing radiation incurred.

§ 1f. (New, SG No. 80/2010) (1) This Act transposes the requirements of Council Directive 2009/71/Euratom of 25 June 2009 establishing a Community framework for the nuclear safety of nuclear installations (OJ, L 172/18 of 2 July 2009).

(2) Once every three years, the Chairperson of the Agency shall draft a report regarding the fulfilment of the requirements of the Directive referred to in Paragraph (1). The said report shall be submitted to the European Commission according to the procedure established for interaction with the institutions of the European Union. The specific time limits shall be established in accordance with the time limits for holding meetings to consider the reports submitted according to Article 5 of the Convention on Nuclear Safety.

(3) The first report under Paragraph (2) shall be submitted to the European Commission by the 22nd day of July 2014.

§ 1g. (New, SG No. 80/2010) The Chairperson of the Agency shall at least every ten years arrange a periodic self-assessment of the national legislative, regulatory and organizational framework on nuclear safety of nuclear installations and of the performance of the competent regulatory authority and shall invite an international peer review with the aim of continuously improving nuclear safety.

TRANSITIONAL AND FINAL PROVISIONS

§ 2. The Act on the Use of Atomic Energy for Peaceful Purposes (promulgated in the State Gazette No. 79 of 1985; corrected in No. 80 of 1985; amended in No. 69 of 1995 and No. 71 of 1998) is hereby superseded.

§ 3. Within one month after the entry of this Act into force, the Council of Ministers shall transform the Committee on the Use of Atomic Energy for Peaceful Purposes with the Council of Ministers into a Nuclear Regulatory Agency and shall adopt the Organizational Statute of the Agency.

§ 4. Any procedures for the issuance of permits and individual licences, initiated under the Act on the Use of Atomic Energy for Peaceful Purposes as superseded, shall be completed according to the hitherto effective procedure.

§ 5. (1) Any permit or individual licence, issued in pursuance of the Act on the Use of Atomic Energy for Peaceful Purposes as superseded, shall remain in effect until expiration of the term of validity wherefor the said licences or certificates have been issued.

(2) Holders of permits and of individual licences issued according to the procedure established by the Act on the Use of Atomic Energy for Peaceful Purposes as superseded may request extension of the term of validity of the permits or individual licences as issued thereto if the term of validity of the permit or individual licence expires within one year after the entry of this Act into force. The term of validity of any such permit and individual licence as issued may not be extended for a period exceeding one year.

(3) The persons who or which are conducting any activity which must be licensed under Item 3 of Article 58 (1) herein at the time of entry of this Act into force shall be obligated to apply for the issuance of such a licence within one year after the entry of this Act into force. Should any such persons fail to apply for the issuance of a licence within the said time limit, the said persons shall be obligated to suspend the conduct of the relevant activity.

§ 6. (1) Within two years after the entry of this Act into force, special-status areas shall be established around the existing nuclear facilities and irradiation installations according to the procedure established by this Act proceeding from the designs for construction of the relevant installations or nuclear facilities.

(2) The prohibition imposed under Article 109 (1) herein shall not apply to any construction works which have been completed or which have been commenced at the time of entry of this Act into force.

§ 7. (1) Section V "Nuclear Facilities Decommissioning Fund" of Chapter Three herein and Section III "Radioactive Waste Management Financing" of Chapter Four herein shall enter into force as from the 1st day of January 2003.

(2) The financial resources for safety and storage of radioactive waste and for decommissioning of nuclear facilities, raised under Article 6 of the Act on the Use of Atomic Energy for Peaceful Purposes as superseded in reference to § 11 of the 2002 State Budget of the Republic of Bulgaria Act, including such brought forward, shall be transferred to the transit accounts opened in the name of the Ministry of Economy, Energy and Tourism.

(3) The members of the Management Boards of the Nuclear Facilities Decommissioning Fund and the Radioactive Waste Fund shall be designated according to the procedure established by this Act within two months after the entry into force of the provisions of Paragraph (1).

§ 8. (1) The provisions of Section II "Radioactive Waste State-Owned Company" of Chapter Four herein shall enter into force as from the 1st day of January 2004.

(2) Within two months after the entry into force of the provisions of Paragraph (1), the Council of Ministers shall allocate movables and immovables constituting state property to the Radioactive Waste State-Owned Company for attainment of the

objects thereof.

(3) Within one month after the entry into force of the provisions of Paragraph (1), the Minister of Economy, Energy and Tourism shall designate the Executive Director of the Radioactive Waste State-Owned Company and the other members of the Management Board of the Company.

§ 9. (1) Until the entry into force of the provisions of § 8 (1) herein, radioactive waste management shall follow the hitherto effective procedure, with the financing of the activities comprehended in radioactive waste management following the procedure established by § 11 of the Transitional and Final Provisions of the 2002 State Budget of the Republic of Bulgaria Act and, as from the 1st day of January 2003, through the Radioactive Waste Fund under this Act.

(2) After the entry into force of Section III of Chapter Four herein and until establishment of the Radioactive Waste State-Owned Company, the financial resources of the Radioactive Waste Fund shall be expended solely for the purpose of financing the safety and storage of radioactive waste and the activities for construction and remodelling of radioactive waste management facilities and on management of the Fund.

§ 10. In Article 2 of the Act to Ratify the Vienna Convention on Civil Liability for Nuclear Damage and the Joint Protocol Relating to the Application of the Vienna Convention and the Paris Convention (State Gazette No. 64 of 1994), the words "the equivalent of fifteen million Special Drawing Rights of the International Monetary Fund" shall be replaced by "ninety-six million leva."

§ 11. In Article 2 of the Act to Ratify the Protocol Additional to the Agreement Between the People's Republic of Bulgaria and the International Atomic Energy Agency for the Application of the Safeguards in Connection with the Treaty on the Non-proliferation of Nuclear Weapons (State Gazette No. 80 of 2000), the words "the Committee on the Use of Atomic Energy for Peaceful Purposes" shall be replaced by "the Chairperson of the Nuclear Regulatory Agency".

§ 12. In Article 2 of the Act to Ratify the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management (State Gazette No. 42 or 2002), the words "the Committee on the Use of Atomic Energy for Peaceful Purposes" shall be replaced by "the Chairperson of the Nuclear Regulatory Agency".

§ 13. In Article 21 of the Public Health Act (promulgated in the State Gazette No. 88 of 1973; corrected in No. 92 of 1973; amended and supplemented in No. 63 of 1976, No. 28 of 1983, No. 66 of 1985, No. 27 of 1986, No. 89 of 1988, Nos. 87 and 99 of 1989, No. 15 of 1991; corrected in No. 24 of 1991; amended and supplemented in No. 64 of 1993, No. 31 of 1994, No. 36 of 1995; Nos. 12, 87 and 124 of 1997, Nos. 21, 70, 71 and 93 of 1998, Nos. 30, 62, 67, 90 and 113 of 1999, Nos. 10 and 36 of 2000), Item 7 shall be amended to read as follows:

"7. control the radiological characteristics of the working environment."

§ 14. In § 2 of the Transitional Provisions of the Stamp Duty Act (promulgated in Transactions of the Presidium of the National Assembly No. 104 of 1951; amended and supplemented in No. 89 of 1959, No. 21 of 1960; State Gazette No. 53 of 1973, No. 87 of 1974, No. 21 of 1975, No. 21 of 1990, No. 55 of 1991, No. 100 of 1992, Nos. 69 and 87 of 1995, Nos. 37, 100 and 104 of 1996, Nos. 82 and 86 of 1997, No. 133 of 1998, No. 81 of 1999, and No. 97 of 2000), the words "the Act on the Use of Atomic Energy for Peaceful Purposes" shall be replaced by "the Safe Use of Nuclear Energy Act".

§ 15. The Energy and Energy Efficiency Act (promulgated in the State Gazette No. 64 of 1999; amended in No. 1 of 2000 and No. 108 of 2001) shall be amended and supplemented as follows:

1. In Paragraph (1) of Article 52, the following new item shall be added:

"6. an operating licence for a nuclear facility, issued to the licensee under the Safe Use of Nuclear Energy Act, has been revoked by an effective administrative act."

2. Chapter Nine "FUNDS" shall be repealed, effective as from the 1st day of January 2003.

§ 16. In Article 14 (2) of the Measurements Act (promulgated in the State Gazette No. 45 of 1998; amended in No. 55 of 1999, No. 108 of 2001; superseded in No. 46 of 2002, effective November 9, 2002), the words "the Committee on the Use of Atomic Energy for Peaceful Purposes" shall be replaced by "the Chairperson of the Nuclear Regulatory Agency".

§ 17. The Concessions Act (promulgated in the State Gazette No. 92 of 1995; [modified by] Constitutional Court Judgment No. 2 of 1996, [promulgated in] No.16 of 1996; amended in No. 44 of 1996, Nos. 61 and 123 of 1997, No. 93 of 1998, Nos. 23, 56, 64 and 67 of 1999, Nos. 12, 64 and 97 of 2000, and No. 28 of 2002) shall be amended as follows:

- 1. In Article 4, Item 11 shall be repealed.
- 2. In Item 6 of Article 5, the words "radioactive products" shall be deleted.

§ 18. The Technical Requirements for Products Act (promulgated in the State Gazette No. 86 of 1999) shall be amended as follows:

- 1. In Paragraph (2) of Article 33, the words "nuclear power plants" shall be replaced by "nuclear plants".
- 2. § 5 of the Supplementary Provisions shall be amended to read as follows:

"§ 5. The Chairperson of the Nuclear Regulatory Agency or officers thereby empowered shall exercise control over the technical safety of high- risk facilities on the site of nuclear plants."

§ 19. (1) Within two years after the entry of this Act into force, the Council of Ministers shall adopt the statutory instruments of secondary legislation on the application thereof.

(2) Until the issuance of the statutory instruments of secondary legislation provided for under this Act, the statutory instruments of secondary legislation issued for the application of the Act on the Use of Atomic Energy for Peaceful Purposes as superseded shall be applied, insofar as the said instruments do not conflict with this Act.

§ 20. The implementation of this Act shall be entrusted to the Council of Ministers.

Act to Amend and Supplement the Telecommunications Act
(SG No. 88/2005)

TRANSITIONAL AND FINAL PROVISIONS

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§ 42. In the Safe Use of Nuclear Energy Act (promulgated in the State Gazette No. 63 of 2002; amended in No. 120 of 2002, No. 70 of 2004, No.76 of 2005), the words "Minister of Transport and Communications" shall be replaced passim by "Minister of Transport".

Act to Amend and Supplement the Fisheries and Aquaculture Act
(SG No. 36/2008)

TRANSITIONAL AND FINAL PROVISIONS

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§ 69. In the Safe Use of Nuclear Energy Act (promulgated in the State Gazette No. 63 of 2002; amended in No. 120 of 2002, No. 70 of 2004, Nos.76, 88 and 105 of 2005, No. 30 of 2006 and Nos. 11 and 109 of 2007), the words "Agriculture and Forestry" shall be replaced passim by "Agriculture and Food Supply".

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FINAL PROVISIONS

to the Act to Ratify the Agreement between the Republic of Austria, the Kingdom of Belgium, the Kingdom of Denmark,

the Republic of Finland, the Federal Republic of Germany, the Hellenic Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Portuguese Republic, the Kingdom of Spain, the Kingdom of Sweden, the European Atomic Energy Community (Euratom) and the International Atomic Energy Agency (IAEA) in implementation of Article III(1) and (4) of the Treaty on the Non-proliferation of Nuclear Weapons (78/164/Euratom, respectively IAEA INFCIRC/193) and of the Additional Protocol to the Agreement (1999/188/Euratom, respectively IAEA INFCIRC/193 add. 8)

(SG No. 67/2008)

.....

§ 2. The provision of § 1 shall enter into force as from the day of entry into force of the Agreement (78/164/Euratom, respectively IAEA INFCIRC/193) and of the Additional Protocol to the Agreement (1999/188/Euratom, respectively IAEA INFCIRC/193 add. 8).

Act to Amend and Supplement the Safe Use of Nuclear Energy Act

(SG No. 80/2010)

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§ 86. In the rest of the Act, the words "Energy and Energy Resources" shall be replaced by "Economy, Energy and Tourism".

TRANSITIONAL AND FINAL PROVISIONS

§ 87. Any licence- and permit-issuing proceedings initiated until the entry into force of this Act shall be completed according to the hitherto effective procedure.

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§ 89. (1) Until the entry into force of the relevant ordinances referred to in Article 26 (6) [of the Safe Use of Nuclear Energy Act], control upon the high-risk facilities which are relevant to nuclear safety, located on the site of commissioned nuclear plants, shall be exercised according to the hitherto effective procedure.

(2) In respect of any high-risk facilities other than those referred to in Paragraph (1), control shall be exercised according to the procedure established by the Technical Requirements for Products Act.

(3) Within six months after the entry into force of this Act, control over the high-risk facilities referred to in Paragraph (2) shall be exercised according to the hitherto effective procedure.

§ 90. Until the entry into force of a statutory instrument amending and supplementing the rate schedule referred to in Article 28 (1) [of the Safe Use of Nuclear Energy Act], the respective fees provided for operation of a radioactive waste management facility shall be collected for decommissioning of a nuclear facility.

§ 91. Within six months after the entry into force of this Act, the Council of Ministers shall consider the need to designate a pre-existing commissioned national repository for storage and/or disposal of radioactive waste for a site of national importance within the meaning given by the Spatial Development Act.

§ 92. The Council of Ministers shall adopt an instrument amending and supplementing as appropriate the ordinance referred to in Article 94 (1) [of the Safe Use of Nuclear Energy Act] within three months after the entry into force of this Act.

§ 93. The provisions of Item 2 of § 20, Item 2 of § 33 and § 58 herein shall enter into force as from the 1st day of January 2011.

TRANSITIONAL AND FINAL PROVISIONS

to the Act Amending and Supplementing the Ministry of Interior Act

(SG No. 88/2010, effective 9.11.2010)

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§ 110. The following amendments and supplements shall be made to the Safe Use of Nuclear Energy Act (Promulgated, State Gazette No. 63/2002, amended and supplemented, SG No. 120/2002, SG No. 70/2004, amended SG No. 76/2005, SG, No. 88/2005, SG No. 105/2005, SG No. 30/2006, SG No. 11/2007, amended and supplemented, SG No. 109/2007, amended, SG No. 36/2008, SG No. 67/2008, amended and supplemented, SG No. 42/2009, amended, SG No. 74/2009, amended and supplemented, SG No. 80/2010):

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§ 117. The Act shall become effective from the day of its promulgation in the State Gazette, except § 1 - 23, § 25, § 27 - 30, § 32 - 34, § 40, § 41, § 43 - 55, § 63 - 89 and § 91 - 114, which shall become effective from 1.01.2011.

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