

ACT ON THE SAFE USE OF NUCLEAR ENERGY

Chapter One GENERAL PROVISIONS

Article 1

(Amended, SG No 80/2010) This Act covers the activities associated with the State regulation on the safe use of nuclear energy and ionising radiation and on the safety of radioactive waste management and spent fuel management. It specifies the rights and duties of licensees in conducting those activities, to ensure nuclear safety, radiation protection and physical protection.

Article 2

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

Article 3

(1) Nuclear energy and ionising radiation shall be used in compliance with nuclear safety and radiation protection requirements and principles with the aim of ensuring the protection of human life, health and living conditions of both present and future generations, the environment and property against harmful impact of ionising radiation.

(2) (Amended, SG No 80/2010) In the uses of nuclear energy and ionising radiation, and in radioactive waste management and spent fuel management nuclear safety and radiation protection shall have priority over all other aspects of the activity with the following fundamental principles being applied:

1. Responsibility for ensuring nuclear safety and radiation protection rests entirely with the persons responsible for facilities and activities (licensees) under this Act and may not be delegated to other persons;
2. Persons responsible for facilities and activities under this Act shall establish and sustain an effective safety management system;
3. Expected economic, social and other benefits shall outweigh the possible adverse consequences to which they give rise;
4. Measures for ensuring nuclear safety and radiation protection shall be optimized so as to provide the highest level of protection that can reasonably be achieved;
5. Occupational and public exposure to ionising radiation shall be restricted and kept as low as reasonably achievable;
6. The concept of “defence in depth” shall be applied and all practical efforts shall be made to prevent accidents and mitigate their consequences;
7. An effective system for emergency preparedness and response to nuclear or radiation accidents shall be established and sustained;
8. Protective actions to reduce existing and/or unregulated radiation risks shall be

justified and optimized;

9. Competent authority implementing the State regulation of the safe use of nuclear energy and ionising radiation shall be provided with human and financial resources sufficient to thoroughly fulfil its responsibilities.

Chapter Two
STATE REGULATION
Section I
NUCLEAR REGULATORY AGENCY

Article 4

(1) State regulation of the safe use of nuclear energy and ionising radiation, the safety of radioactive waste management and the safety of spent fuel management is carried out by the Chairman of the Nuclear Regulatory Agency (NRA), hereinafter referred to as "the Agency". The Chairman is an independent specialised authority of the executive power and is vested with competencies as specified by this Act.

(2) The NRA Chairman shall be designated by a decision of the Council of Ministers and shall be appointed by the Prime Minister for a period of five years and may be appointed for one additional term of office.

(3) In the exercise of the powers thereof, two Deputy-Chairmen shall assist the Chairman. The two deputies shall be designated by a decision of the Council of Ministers on a motion by the NRA Chairman, and shall be appointed by the Prime Minister.

Article 5

The NRA Chairman shall:

1. Manage and represent the Agency;
2. (Supplemented, SG No 80/2010) Issue, amend, supplement, renew, suspend and revoke licences and permits for the safe conduct of the activities under this Act and requires submission of any information necessary for demonstration of compliance with licences' and permits' conditions and with nuclear safety, radiation protection and physical protection requirements;
3. (Supplemented, SG No 80/2010) Supervise the fulfilment of safety requirements and standards related to the safe use of nuclear energy and ionising radiation, radioactive waste management and spent fuel management, and of conditions of licences and permits issued, including supervision of nuclear safety related high-risk equipment during commissioning, operation and decommissioning of nuclear power plants;
4. Issue and revoke individual licences for employment at nuclear facilities or with sources of ionising radiation;
5. Undertake enforcement measures and impose administrative penalties under the provisions of this Act;
6. Assign external expertise, research and studies related to nuclear safety and radiation protection in using nuclear energy and ionising radiation and in radioactive waste management and spent fuel management;
7. Carry out interactions with other competent authorities of the executive power vested with regulatory and control functions related to the use of nuclear

- energy and ionising radiation, and propose to the Council of Ministers measures for co-ordination of such activities;
8. Carry out the international co-operation on behalf of the Republic of Bulgaria in the fields of safe use of nuclear energy and ionising radiation and safety of radioactive waste management and spent fuel management;
 9. (Supplemented, SG No 80/2010) Provide the public, legal entities and state authorities with objective information on nuclear safety and radiation protection; the information shall be made public available in accordance with national legislation and international obligations;
 10. Submit annually to the Council of Ministers a report on the status of nuclear safety and radiation protection in the use of nuclear energy and ionising radiation and in radioactive waste management and spent fuel management, as well as on the activities of the Agency;
 11. Organise and co-ordinate the preparation and submit to the Council of Ministers the reports 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 80/2010) Organise and co-ordinate implementation of the obligations of the Republic of Bulgaria arising from 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, as well as from the Additional Protocol to the Agreement;
 13. Perform the functions of a competent authority and a contact point 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, contact point and a coordinator in fulfilment of the obligations under the Convention on the Physical Protection of Nuclear Material;
 15. (New, SG No 80/2010) Within the authorities under this Act, provide the competent institutions with the information required by the Treaty establishing the European Atomic Energy Community (EURATOM);
 16. (New, SG No 80/2010) Perform the functions of a competent authority and a contact point under the European Union system for early exchange of information in the event of a radiological emergency;
 17. (New, SG No 80/2010) Develop and submit to the Council of Ministers for adoption regulations on the application of this Act and propose amendments and supplements, when improvement of legal framework is appropriate, taking into account operating experience, insights gained from safety analyses, and the development of science and technology
 18. (Former p. 15, SG No 80/2010) Exercise other authorities as may be entrusted thereto by the national legislation.

Article 6

(1) Eligibility for assignment to the office of a Chairman or a Deputy-Chairman 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 a permanent address within the territory of Bulgaria;
3. Have working experience under a contract of employment and/or a civil-service relationship for not less than ten years in the field of nuclear energy, ionising radiation, nuclear waste management or spent fuel management, or in the field of state regulation of those activities;
4. Have not been sentenced to a term of imprisonment for an indictable offence.

(2) (Amended, SG No 42/2009) The Chairman and the Deputy-Chairmen are not allowed to occupy positions or perform activities under Article 19 (6) of the Act on the Administration.

(3) The compensation for the Chairman and for the Deputy-Chairmen shall be fixed as follows:

1. for the Chairman: 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 Statistics Institute;
2. for a Deputy-Chairman: 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 Statistics Institute.

Article 7

(1) The Chairman may be removed prior to the expiration of the term of office only on any of the following grounds:

1. resignation;
2. significant violation of this Act;
3. significant or repeated breaches of the official duties;
4. failure to meet any appointment requirements;
5. inability to perform the duties for a period exceeding six months;
6. (New, SG No 42/2009, amended No 97/2010) on entry into force of a decision establishing conflict of interests under the Conflict of Interest Prevention and Disclosure Act.

(2) In the case of removal of the NRA Chairman under Paragraph (1), as well as upon death or legal disqualification, the Council of Ministers shall designate a new Chairman, following the conditions and the procedure under Article 4 (2) and Article 6 (1), for the remainder of the term of office.

Article 8

(1) In the work thereof, the NRA Chairman shall be assisted by an Administration organised in the Nuclear Regulatory Agency.

- (2) The Agency shall be a legal entity, financed by the national budget and with headquarters in Sofia.
- (3) Agency structure, operation and work organisation, as well as number of staff shall be determined by Rules of Procedure to be adopted by the Council of Ministers on a motion by the NRA Chairman.
- (4) (Amended, SG No 42/2009, No 80/2010) Administration employees are obliged not to disclose any information constituting official, manufacturing or trade secret, which have been learned during or in connection with performance of their official duties.

Article 9

- (1) NRA Chairman shall establish:
1. Advisory Council on Nuclear Safety;
 2. Advisory Council on Radiation Protection.
- (2) Advisory Councils under Paragraph (1) shall include prominent scientists and experts in the field of nuclear energy and ionising radiation, radioactive waste management and spent fuel management.
- (3) NRA Chairman shall approve the composition of the Advisory Councils by an order.
- (4) Advisory Councils shall assist Chairman activities by giving expert advices on the scientific aspects of nuclear safety and radiation protection.
- (5) Advisory Councils shall adopt Rules of Procedure thereof and their meetings shall be chaired by the NRA Chairman or by an authorised person.

Section II

AGENCY FINANCING

Article 10

- (1) Operation of the Agency shall be financed by the national budget and by income from fees collected under this Act.
- (2) The Agency is administrator of the fees under this Act.

Article 11

- (1) The revenues on the Agency budget shall be raised from:
1. Fees collected under this Act and any accrued interest;
 2. Donations.
- (2) Priorities for the expenditure of Agency financial resources shall be as follows:
1. financing of studies, analyses and expertise associated with assessment of nuclear safety and radiation protection and financing of regulatory activities under this Act;
 2. (Repealed, SG No 38/2012, effective 1.07.2012);
 3. (Repealed, SG No 38/2012, effective 1.07.2012);
 4. (Repealed, SG No 38/2012, effective 1.07.2012).

Section III

COMPETENCIES OF OTHER STATE BODIES

Article 12

The state bodies, which by financing or in another manner are engaged with promotion or use of nuclear energy or sources of ionising radiation, shall not exercise any state regulatory functions with respect to nuclear safety and radiation protection.

Article 13

(Amended and supplemented, SG No 109/2007, amended No 74/2009, in force 15.09.2009, amended and supplemented No 80/2010) The Ministers of Health, Environment and Water, Interior, Defence, Agriculture and Food, Transport, Information Technology and Communications, Education, Youth and Science and the Chairman of the State Agency for National Security shall exercise specialised control in accordance with their competencies specified in the legislation.

Chapter Three

AUTHORISATION PROCESS

Section I

GENERAL PROVISIONS

Article 14

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

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

(3) (New, SG No 80/2010) Licensees and permit holders shall bear the overall responsibility for ensuring the safety of the facilities and activities as specified in the licence or the permit.

Article 15

(1) Licences and permits shall be issued, amended, suspended, and revoked by the NRA Chairman under conditions of legal equality and transparency.

(2) 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 ionising radiation for industrial, medical, scientific or process control purposes;

3. (Amended, SG No 80/2010) manufacture of sources of ionising radiation;
 4. (Amended, SG No 80/2010) handling of sources of ionising radiation for the purpose of maintenance, assembly, dismantling, measurement, construction, repair work and services;
 5. transport of radioactive substances;
 6. (Repealed, SG No 70/2004);
 7. specialised training;
 8. (New, SG No 80/2010) decommissioning of a nuclear facility;
- (4) A permit shall be issued for:
1. siting of a nuclear facility (site selection);
 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 to the safety of the nuclear facility;
 - (b) (Amended, SG No 80/2010) nuclear facility operating limits and conditions on which basis the operating licence has been issued;
 - (c) internal rules for carrying out the activity, including instructions, programmes, technical specifications, and other documents that are attached to the nuclear facility operating licence;
 6. (Repealed, SG No 80/2010);
 7. transport of nuclear material;
 8. (Repealed, SG No 80/2010);
 9. construction of a site with a source of ionising radiation, assembly and initial testing, conducted on the basis of a technical design and approved radiation protection measures;
 10. decommissioning of a site with radioactive substances;
 11. temporary storage of radioactive substances resulting from practices with sources of ionising radiation or associated with such practices;
 12. individual shipment of radioactive substances;
 13. (Amended SG No 11/2007, No 80/2010, SG No 26/2011, effective 30.06.2012) import and export of sources of ionising radiation where they do not constitute potential "dual-use" items within the meaning of the Defence-Related Products and Dual-Use Items and Technologies Export Control Act;
 14. commercial transactions involving nuclear facilities and nuclear material;
 15. import and export of nuclear material;
 16. transit of nuclear material, radioactive waste, spent fuel or other radioactive substances.
- (5) (Supplemented, SG No 80/2010) Individual licences shall be issued to individuals performing activities at nuclear facilities or with sources of ionising radiation, to

instructors at nuclear power plant full-scope simulators and to qualified experts in radiation protection.

(6) (New, SG No 80/2010) Permit for transport of radioactive substances under Item 12 of Paragraph (4) shall be issued for a specific transport when the respective activity is not part of a licence, issued under Item 5 of Paragraph (3).

(7) (New, SG No 80/2010) Materials and radioactive substances connected with implementation of activities under a licence or permit issued on the basis of this Act shall be subject to clearance on the basis of a NRA Chairman order, issued for each individual case upon a request by the licensee or permit holder.

Article 16

Anyone using nuclear energy or sources of ionising radiation or involved in radioactive waste management and spent fuel management are required to:

1. (Amended, SG No 80/2010) comply with nuclear safety, radiation protection and physical protection requirements, standards and rules during the performance of the relevant activity and to establish and sustain an effective management system for the respective activities, giving priority to safety and ensuring high level of safety culture;
2. perform monitoring of radiological characteristics of the site and the environment;
3. (Supplemented, SG No 80/2010) perform assessment of nuclear safety and radiation protection at the nuclear facilities and sites with sources of ionising radiation and undertake actions and implement measures for the improvement of nuclear safety and radiation protection, taking into account national and international operating experience and scientific achievements in this field; the assessment shall also include verification that measures are in place for prevention of accidents and mitigation of their consequences, including verification of the protective physical barriers and administrative procedures, the failure of which could lead to significant damage to workers and the public, caused by the impact of ionising radiation;
4. (Amended and supplemented, SG No 80/2010) admit to work only individuals who meet established statutory requirements for educational attainment and qualification and possess individual licence for employment at nuclear facilities or work with sources of ionising radiation;
5. (Amended, SG No 80/2010) admit to work solely those individuals who meet the specific health requirements established by a regulation issued by the Minister of Health;
6. provide the public, state bodies and public organisations with objective information regarding nuclear safety and radiation protection;
7. provide for all measures and activities associated with the safe storage of the generated nuclear material, radioactive substances, spent nuclear fuel, and radioactive waste until delivery for management to a person having an operating licence for a radioactive waste management facility;
8. take actions for prevention of incidents and accidents and for mitigation of their consequences;
9. ensure sufficient financial resources for safe termination of the relevant activity;

10. create such conditions during the activity that the generation of radioactive waste be as low as reasonably achievable in terms of volume and radioactivity;
11. measure, record and monitor the parameters characterising the nuclear material, the radioactive substances and the other sources of ionising radiation, and maintain systems for their accounting and control;
12. (Supplemented, SG No 80/2010) ensure the physical protection of the nuclear facilities, nuclear material, radioactive substances and other sites with sources of ionising radiation, in co-ordination with the competent authorities of the Ministry of Interior and the State Agency for National Security, where so provided for in the law;
13. provide for personnel training, as well as for continuous improvement and control of the qualification;
14. maintain a high level of quality in all activities carried out;
15. apply systems and equipment, technologies and procedures in line with the latest developments of science and technology and internationally recognised operating experience;
16. (Amended, SG No 80/2010) maintain a system to monitor radioactive discharges and site radiological characteristics, in the precautionary action zone and in the surveillance zone;
17. maintain insurance or other financial guarantee against nuclear damage.

Article 17

The following activities shall be prohibited:

1. development, manufacture, transfer, trade (including internationally), storage, transport (including transit), acquisition, possession and detonation of nuclear weapons or other nuclear explosive devices, as well as circulating information on such installations and activities, where this is directed against national security, public order or public health;
2. (Amended, SG No 80/2010) addition of radioactive substances in manufacturing foodstuff, children toys, jewellery and cosmetic products, as well as importing and exporting such commodities and products;
3. unregulated exposure to ionising radiation;
4. import of radioactive waste, except:
 - (a) upon re-import of used sealed sources of ionising 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 to the Republic of Bulgaria or a Bulgarian legal entity.

Article 18

(1) The NRA Chairman shall issue a licence:

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

2. under Item 7 of Article 15 (3): within six months;
 3. (Amended, SG No 70/2004) under Items 2 through 5 incl. of Article 15 (3): within one month.
- (2) The NRA Chairman shall issue a permit:
1. (Amended, SG No 80/2010) under Items 1 through 4 incl., and 14 of Article 15 (4): within nine months;
 2. under Item 5 of Article 15 (4): within six months;
 3. under Items 7 through 13 incl. and 15 of Article 15 (4): within one month;
 4. (Amended, SG No 80/2010) under Item 16 of Article 15 (4): within one month.
- (3) The time limits for the issuance of a licence or a permit shall start as from the time of 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:
1. does not meet 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 a term of imprisonment for an indictable offence; for legal entities, this requirement shall apply to the members of the management and supervisory bodies of such entities.

Article 19

- (1) Any licence and permit shall specify:
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 ionising radiation to be used;
 4. (Amended, SG No 80/2010) the conditions for carrying out the activity connected with nuclear safety, radiation protection and physical protection, including the conditions for decommissioning of the facility or site, in accordance with the obligations pursuant to Article 16;
 5. the type, quantities, conditions and time periods for storage of the nuclear material, spent fuel, radioactive substances and other sources of ionising radiation and radioactive waste resulting from this activity, and the relevant information about them;
 6. the requirements to the individuals performing activities under the licence and permit;
 7. the requirements for providing of sufficient financial resources to ensure safety during the validity of the licence;
 8. the requirements to the licensee or permit holder for providing information to the Agency, including the requirements to notify the Agency in case of an event, incident or accident, under terms and according to a procedure provided for in a regulation adopted by the Council of Ministers on a motion by the NRA Chairman;

9. the requirements for admission of control and inspection at nuclear facilities, the entities with sources of ionising radiation 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 ionising radiation;
11. other requirements associated with national security and public order.

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

Article 20

- (1) A licence shall be issued for a term of validity not exceeding ten years.
- (2) Licence validity may be extended on the basis of nuclear safety and radiation protection reassessment and assessment of the actual status of the nuclear facility or the site with sources of ionising radiation.
- (3) Licence validity may be extended for a period not exceeding the period referred to in Paragraph 1. Licence shall be extended if the licensee fulfils all obligations and requirements under the licence and has submitted an extension request in writing prior to the expiration of the initial licence term or of any extension. The time limits for submission of a licence extension request shall be established by the regulation referred to in Article 26 (1).

Article 21

- (1) Any licence or permit may be amended at a request by the licensee, respectively the permit holder:
 1. in alteration of the statutory requirements for nuclear safety and radiation protection;
 2. occurrence of any new circumstances having substantial effect on nuclear safety and radiation protection, which require review and amendment of the licence or permit conditions;
 3. for reasons of national security and public order.
- (2) Within one month following occurrence of any circumstance covered under Paragraph (1), requiring licence or permit amendment, the licensee or permit holder is obligated to notify the NRA Chairman of the change in circumstances and to request the licence or permit modification.
- (3) Should the licensee or permit holder fail to request licence or permit amendment within the time limit referred to in Paragraph (2), the NRA Chairman shall notify the licensee or permit holder in writing of the existence of the circumstances covered under Paragraph (1) requiring licence or permit amendment.
- (4) (New, SG No 80/2010) The licence or permit may be amended by the NRA Chairman ex officio:
 1. if the licensee or permit holder has failed to apply for licence or permit amendment within fourteen days after the notification under Paragraph (3);

2. for cases covered under Item 3 of Paragraph (1) – upon a detailed request by the competent state authorities;
- (5) (New, SG No 80/2010) The licence or permit holder subjected to ex officio amendment procedure is entitled to give explanations or raise objections within fourteen days after being notified in writing of the amendment procedure initiation. The licence or permit may be amended on the basis of a detailed order after the expiration of the fixed term.

Article 21a

(New, SG No 80/2010)

- (1) In the case of transformation of a legal entity which is a licence or permit holder by take-over, merger, splitting, spinning off, spinning off of a sole-owner company, changing the legal form, transfer of commercial enterprise, or non-monetary contribution to the capital of another company, of assets – subject to licences or permits under this Act, a licence or permit issued may be amended upon prior request submitted by the person to take the decision on the transformation, the parties to the transaction for transfer of commercial enterprise, or the parties to take a decision for non-monetary contribution.
- (2) In the case of transfer of commercial enterprise or non-monetary contribution of assets involving real rights to a nuclear facility, the amendment of the permit or licence shall be made after the issuance of a permit for commercial transaction involving the nuclear facility according to the requirements of this Act.
- (3) The amendment shall be allowed if the person to perform the activity complies with the requirements for issuing the licence or permit envisaged by the law.
- (4) The amendment of the licence or permit shall enter into force from the date of the registration in the Commercial Register of the transformation, respectively the transfer of the commercial enterprise or increase of the registered capital by a non-monetary contribution.
- (5) The rights and obligations arising from any authorization issued under this Act to holders of preceding licences or permits shall be deemed to be binding on the new permit or licence holder under 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 entity;
 5. (New, SG No 80/2010) upon transformation of the legal entity – a licence holder, where the licence is not amended under Article 21a(1) at the time of the registration in the Commercial Register;
 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 a new licence holder.
- (2) A permit shall be terminated:
1. With the completion of the activity, subject to the permit or when the term of validity of the permit has expired;
 2. at the request of the permit holder;
 3. upon termination of the licence 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 entity – a permit holder, where the permit is not amended under Article 21a (1) at the time of the registration in the Commercial Register.
- (3) (Amended, SG No 80/2010) Upon termination of a licence, the former licensee shall be obligated to ensure nuclear safety, radiation protection and physical protection at the nuclear facility, nuclear material and other sources of ionising radiation until the issuance of a new licence to a new licensee or until the safe decommissioning of the relevant facility or site.

Article 23

- (1) The NRA Chairman shall revoke a licence or permit after a written notification with specified time period:
1. where the licensee or permit holder fails to comply with or violates:
 - (a) (Amended, SG No 80/2010) the obligations covered under Article 16 and/or any condition contained in the licence or permit;
 - (b) (Supplemented, SG No 80/2010) the prohibitions under Article 17, as well as directives of responsible authorities, or enforcement measures imposed under this Act;
 - (c) any condition or requirement contained in the licence under Item 7 of Article 15(3);
 2. where the licensee or permit holder has submitted any incorrect information which has served as basis for the issuing 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 of national security and public order, upon a detailed request of the competent state authorities.
- (2) Unless a licensee or permit holder requests a relevant amendment of the licence or permit within fourteen days after notification under Article 21 (3), the NRA Chairman may revoke the licence or permit.
- (3) By the decision on revocation of the licence, the NRA Chairman shall specify a time period during which the person shall be barred from applying for a new licence for the same activity. This period may not be longer than one year.
- (4) Upon determining any violation covered by Items 1 and 2 of Paragraph (1), the administrative sanctions or property sanctions provided for in this Act shall be imposed on the offenders.

Article 24

(Amended, SG No 80/2010)

Any administrative act, issued under this Act, including a tacit denial for issuing of the respective act, shall be subject to appeal before the Supreme Administrative Court unless otherwise provided for by this Act. The appeal against the respective administrative act shall not suspend its implementation.

Article 25

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

(2) Transit of radioactive substances through the territory of the Republic of Bulgaria shall take place after issuance of a permit by the NRA Chairman.

(3) A permit shall be issued to an applicant when:

1. the applicant has obtained consent or permission from the competent authorities of the state of origin and of the state of destination concerning the transportation, as well as consent for return of the shipment;
2. the means of transport and packaging conform to the requirements of relevant international treaties and conventions, and applicable Bulgarian legislation;
3. the applicant has ensured the physical protection of the shipment.

Article 26

(1) Licences and permits shall be issued, amended, renewed, suspended, revoked and regulated according to a procedure established under a regulation adopted by the Council of Ministers on a motion by the NRA Chairman.

(2) Nuclear safety and radiation protection requirements, standards and rules for use of nuclear energy and sources of ionising radiation, radioactive waste management and spent fuel management, regarding siting, design, construction, commissioning, operation and decommissioning of nuclear facilities and facilities with sources of ionising radiation, shall be established by regulations adopted by the Council of Ministers on a motion by the NRA Chairman.

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

(4) (Supplemented, SG No 80/2010) The conditions and procedure for transport of nuclear material, radioactive waste and radioactive substances shall be established by a regulation adopted by the Council of Ministers on a motion by the NRA Chairman and the Minister of Transport, Information Technologies and Communications.

(5) (New, SG No 80/2010) Activities involving materials containing increased concentrations of natural radionuclides (NORM), which cannot be neglected from radiation protection point of view, the requirements and radiation protection measures in performing those activities, shall be established by a regulation adopted by the Council of Ministers on a motion by the NRA Chairman and the Minister of Health.

(6) (New, SG No 80/2010) The types of related to nuclear safety facilities of high risk which shall be regulated by the NRA Chairman, as well as the rules, standards and technical requirements for their lay-out and safe operation and the procedure for exercising control shall be established by regulations adopted by the Council of Ministers on a motion by the NRA Chairman.

Article 27

(1) The Agency shall maintain public registers in which the following enactments issued by the NRA Chairman shall be recorded:

1. licences and permits, as well as their amendment, renewal, suspension or revocation;
2. individual licences for employment at nuclear facilities or with sources of ionising radiation.

(2) The information to be included in the registers and the recording procedure shall be specified by the regulation referred to in Article 26 (1).

Section II

FEES

Article 28

(1) Fees shall be collected for implementing regulatory activities under this Act in amounts established 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 the following activities:

1. review of a licence or permit application;
2. issuing of a licence or permit;
3. taking an examination before a qualification examination commission under Article 66 and for issuance of an individual licence for employment;
4. amendment of a permit and/or a licence;
5. extension of the term of validity of a permit or a licence.

Article 29

(1) (Redesigned from Article 29, SG 70/2004) Upon issuance of a permit under this Act, the permit holder shall pay a fee, covering the expenses on evaluation of the conformity of the data and circumstances as stated with the applicable nuclear safety and radiation protection requirements, the preparation and control over compliance with the permit conditions, specified depending on the type of the permit.

(2) (New, SG No 70/2004, amended No 80/2010) Permits for import or export of sources of ionising radiation shall be issued without charging a fee.

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, specified depending on the type of the licence and covering the expenses on evaluation of the conformity of the data and circumstances as stated with applicable nuclear safety and radiation protection requirements and the preparation of the licence;
2. annual fee: imposed for regulating implementation of licence conditions and for periodic review of the state of nuclear safety and radiation protection, specified depending on the type of licence.

(3) The annual fee shall be paid by the licensee each year during the term of validity, as well as for any period of extension.

(4) A fee amounting to 50 per cent of the fee referred to in Item 1 of Paragraph (2) shall be paid for licence amendment upon a licensee request and upon extension of term of validity of the licence.

Article 31

(1) The procedure for payment of fees under this Act shall be established by a regulation adopted by the Council of Ministers on a motion by the NRA Chairman.

(2) (New, SG No 70/2004) A fee amounting to 50 per cent of the initial and annual fees stipulated under Article 28 (1) shall be charged for the issuance of a licence involving use of radioactive substances and other sources of ionising radiation for medical purposes.

(3) (New, SG No 80/2010) A fee amounting to 20 per cent of the initial fee stipulated under Item 1 of Article 30 (2), and a fee amounting to 10 per cent of the annual fee stipulated under Item 2 of Article 30 (2) shall be charged for the issuance of a licence involving specialised training.

(4) (Renumbered from Paragraph 2, SG No 70/2004, renumbered from Paragraph 3, amended No 80/2010, effective 1.01.2011) The legal entities financed through the national budget shall plan annually the amounts of the recourses expected to be paid to recover the fees due under this Act in their budget or in the budget of their first-level spending units.

Article 32

(Amended, SG No 80/2010)

The fees for licences or permits shall be allowed as expenses deductible for taxation purposes and as economically justified costs for purposes of pricing.

Section III

NUCLEAR FACILITIES

Article 33

- (1) The NRA Chairman shall issue permits for:
 1. siting of a nuclear facility (site selection);
 2. design of a nuclear facility;
 3. construction of a nuclear facility;
 4. commissioning of a nuclear facility.

(2) The permits covered under Paragraph (1) shall be available prior the issuance of an operating licence for a nuclear facility under this Act and may be issued to a legal entity 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 organisational structure for meeting all nuclear safety, radiation protection and physical protection requirements, standards and rules.

(4) The site and selected technical design shall be approved by an order of the NRA Chairman when they meet all nuclear safety and radiation protection requirements, standards and rules established by the regulation referred to in Article 26 (2).

(5) (New, SG No 80/2010) A permit under Paragraph (1) and an order under Paragraph (4) may be issued for each separate stage of the activity if such necessity has been substantiated by the applicant through the documentation provided in respect of the issuance of the permit or order.

Article 34

(1) A permit for commissioning of a nuclear facility shall be issued to an applicant possessing a utilisation permit under the Spatial Development Act.

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

(3) If the commissioning of the nuclear facility is a multistage process, the NRA Chairman may issue a separate permit for each stage.

Article 35

(1) (Amended, SG No 80/2010) The NRA Chairman shall issue a licence for:

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

(2) (Amended, SG No 80/2010) A licence shall be issued to a legal entity registered in the Republic of Bulgaria that:

1. (Repealed, SG No 80/2010);
2. possesses financial, technical and material resources and organisational structure for maintaining a high level of safety for the entire lifetime of the nuclear facility, for radioactive waste management and for spent fuel management, as well as for safe decommissioning of the facility;
3. (Amended, SG No 80/2010) possesses sufficient number of qualified and competent personnel with the appropriate level of education and training for all activities performed under the respective licence;
4. (Amended, SG No 80/2010) has adopted a programme of measures, including internal rules, as necessary for ensuring and maintaining a high level of quality in all activities performed under the respective licence;
5. has ensured conditions for maintaining a high level of safety culture;

6. has approved emergency plans for response in the event of an accident;
7. has provided for necessary requisite physical protection measures;
8. possesses the necessary technical means and has made the appropriate arrangements to keep doses of occupational and public exposure to a level as low as reasonably achievable;
9. (Amended, SG No 80/2010) has ensured conformity of the installation and declared activity with the requirements, standards and rules of nuclear safety and radiation protection.

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

Article 36

(1) (Amended, SG No 80/2010) Any licence gives licensee the right to use the nuclear facility and to perform all activities in order to attain licence' objective while ensuring nuclear safety and radiation protection.

(2) (Amended, SG No 80/2010) Separate licences and separate permits for design, construction and commissioning shall be issued for each unit and for any other nuclear facility on the site of a nuclear power plant.

(3) The licences referred to in Paragraph (2) shall also specify the nuclear facility site boundaries and the special-statute areas.

Article 37

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

(2) (Amended, SG No 80/2010) In the cases under Article 22 (3), where the licensee does not possess sufficient financial resources to provide for the nuclear safety, radiation protection and physical protection, the resources needed for the termination of the activity shall be provided from the Nuclear Facilities Decommissioning Fund.

Article 38

(1) Permits shall be issued to a licensee for:

1. activities leading to modification of:
 - (a) (Amended, SG No 80/2010) structures, systems and components important to safety;
 - (b) (Amended, SG No 80/2010) limits and conditions for operation, that provide the basis for issuing of the operating licence;
 - (c) (Amended, SG No 80/2010) internal rules for conduct of licensee activities, including instructions, programmes, technical specifications and other documents attached to the licence;
2. (Repealed, SG No 80/2010);
3. (Repealed, SG No 80/2010);
4. (Repealed, SG No 80/2010).

(2) Permits covered under Item 1 of Paragraph (1) shall be issued if the requested modifications comply with nuclear safety and radiation protection requirements, standards and rules established by the regulation referred to in Article 26 (2).

(3) Where a permit issued under Item 1 of Paragraph (1) leads to amendment of licence conditions, the licence shall be amended by the NRA Chairman ex officio within the authorisation process, without charging a fee for the amendment.

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

Article 39

(Amended, SG No 80/2010)

(1) A licence for operation of a nuclear facility shall be issued solely to a legal entity that is the owner or holder of real rights to the nuclear facility.

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

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

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 commissioning permit or to a licensee under this section if the import or export is associated with the performed activity.

(2) A nuclear material import or export permit shall furthermore be issued to a sole trader or a legal entity if:

1. arrangements have been made for the transport of the nuclear material to be done by a licensee under this Act;
2. the consignee of the shipment holds the requisite licence or permit 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 commissioning permit or to a licensee under this section if the respective permit holder or licensee has ensured that transportation will occur with a packaging and by means of transport as specified in the regulation under Article 26 (4), and has provided for the physical protection of the nuclear material.

Article 42

(1) Commercial transactions involving nuclear facilities and nuclear material may be conducted after obtaining a permit from the NRA Chairman, subject to the condition that nuclear safety and radiation protection requirements, rules and standards are not violated.

(2) The NRA Chairman shall issue a permit for commercial transactions involving a nuclear facility only when the transferee under the transaction holds a licence for the relevant activity or fulfils the conditions for the issuance of such a licence.

Article 43

(1) Prospecting for, exploration for and extraction of ore containing uranium or thorium shall be regulated according to the procedure established under the Subsurface Resources Act.

(2) Issuance of permits and signing of concession contracts referred to in Paragraph (1), under the Subsurface Resources Act shall not override the requirement for obtaining the relevant permit or licence issued under this Act.

Article 44

(1) (Redesigned from Article 44, SG No 80/2010) The issue of permits under Article 33 shall not revoke the requirement for obtaining the necessary permits under the Spatial Development Act.

(2) (New, SG No 80/2010) In the cases where the same nuclear facility is involved, a succeeding permit under Article 33 (1), or a licence under Article 35 (1) shall be issued to the legal entity, which is a holder of a preceding permit or licence, to the successor in case of performed transformation, as well as to the legal entity exercising real rights over the assets used to perform the activity.

(3) (New, SG No 80/2010) The provision of Paragraph (2) shall be also applied in the cases where the procedure for issuing the permit or licence has been initiated by the holder of the preceding permit or licence if a prior consent in writing has been given.

(4) (New, SG No 80/2010) In the case of replacement of the permit or licence holder under Paragraphs (2) and (3), the rights and obligations arising from the authorizations issued under this Act to holders of preceding permits and licenses shall be binding upon the new holder.

Section IV

CONSTRUCTION AND OPERATION OF NUCLEAR POWER PLANTS

Article 45

(1) A nuclear power plant shall be built pursuant to a decision of the Council of Ministers.

(2) A proposal to construct a nuclear power 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 social and economic significance of the construction of a nuclear power plant for the nation or for particular regions;
3. radioactive waste and spent nuclear fuel to be generated, as well as their management.

(3) Where the operation of the nuclear power plant may impact the public and the environment of another country, the Minister of Foreign Affairs shall notify the competent authorities of that country. The Minister shall provide, if so requested, all information those authorities may need for evaluation and analysis of the potential impact of the plant on their territory regarding public safety and environmental protection. Any official statement from such authority received shall be attached to the proposal referred to in Paragraph (2).

(4) The Minister of Economy, Energy and Tourism shall organise a public discussion of the proposal for construction of a nuclear power plant with the participation of state bodies and bodies of the local governments, representatives of public organisations, private persons and legal entities concerned. Notice of this discussion shall be given through the mass media or in another appropriate manner not later than one month before the discussion. An assessment of discussion results shall be attached to the proposal referred to in Paragraph (2).

Article 46

(Amended, SG No 80/2010)

(1) Obtaining of a valid operating licence issued in accordance with this Act and of a valid licence for generation of electrical power and/or heating issued under the Energy Act shall be a prior condition for the commencement of the utilization of any nuclear power plant unit in order to attain the assigned purpose of the facility.

(2) The termination of the licence for generation of electrical power and/or heating shall automatically suspend the right to use the respective nuclear power plant unit in order to attain the assigned purpose, derived from issued operating licence.

Article 47

(Amended, SG No 80/2010)

(1) Upon the request of the licensee or permit holder, the Council of Ministers may adopt a decision to declare a nuclear power plant or separate unit to be a radioactive waste management facility if the nuclear fuel has been completely removed from the facility. The decision of the Council of Ministers shall be adopted if an environmental impact assessment has been performed in the cases provided for by the Environmental Protection Act.

(2) The licensee shall submit to the NRA Chairman a decommissioning plan for the nuclear power plant, a separate unit or other nuclear facility at the site at least two years after the closure of the power plant for decommissioning, except where the NRA Chairman has determined a different time limit upon the request of the licensee or permit holder.

Section V

NUCLEAR FACILITIES DECOMMISSIONING FUND

(Effective as from January 1, 2003)

Article 48

A Nuclear Facilities Decommissioning Fund, hereinafter referred to as "the Fund," shall be established under auspices of the Minister of Economy, Energy and Tourism for the purpose of financing activities relating to decommissioning of nuclear facilities.

Article 49

(1) (Amended, SG No 80/2010) The revenues of the Fund shall be raised, accounted for and centralised in the Single Budget Account System through a separate transit account, opened in the name of the Ministry of Economy, Energy and Tourism within the Bulgarian National Bank, from the following sources:

1. (Amended, SG No 80/2010) contributions from nuclear facility operators, in amounts specified by the Regulation under Article 55 (1);
2. national budget resources, allocated annually pursuant to the National Budget Act for the relevant year;
3. interest accruing from management of the financial resources in the Fund and on overdue payments of contributions referred to in Item 1;
4. donations;
5. other revenues accruing from management of financial resources in the Fund.

(2) (Amended, SG No 80/2010, effective 1.01.2011) Legal entities financed by the national budget shall plan, allocate, and account the contributions under 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 considered as 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 revenue, which shall be assessed and collected by 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 under Item 1 of Paragraph (1) shall be determined in such a way as to ensure at the end of the operating period availability of sufficient financial resources for performing the decommissioning of the facility.

Article 50

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

1. (Amended, SG No 80/2010) the annual programme of the licensee – holder of a decommissioning licence;
2. expenses for the storage and disposal of radioactive waste generated as a result of decommissioning activities;
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 safe decommissioning, including where a nuclear power plant is

declared to be a radioactive waste management facility according to the procedure stipulated in this Act.

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

(3) Any unutilised portion of the financial resources accruing under Article 49, including resources from previous years, shall be separately 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 under Paragraph (3) shall be maintained within the frames of the control and management of the liquidity of the Single Account system.

(5) (New, SG No 80/2010) Where the implementation of a decommissioning project proves to be more expensive compared to the approved by the Management board of the Fund expenditure estimates, the last legal entity to operate the nuclear facility under an operating licence shall provide the additional required funding.

Article 51

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

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

(3) Any person who has been sentenced for an indictable offence or who is s 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 to any other member of the executive bodies of the Fund shall be ineligible for membership on the Management Board.

Article 52

(1) (Amended and supplemented, SG No 80/2010) The members of the Fund Management Board 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 NRA Chairman, one representative of each licensee operating a nuclear power plant, and the Director of the Institute of Nuclear Research and Nuclear Energy with the Bulgarian Academy of Sciences.

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

(3) The Management Board Chairman shall issue an order designating all members by name.

Article 53

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

(2) Any meeting of the Management Board shall be considered lawful if not less than two-thirds of its members are present.

(3) The Management Board shall take decisions by open ballot and by a simple majority of its total membership.

Article 54

(1) The Management Board shall:

1. adopt Rules of Organisation 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 implementation of decommissioning related activities and projects in accordance with the decommissioning programmes of the licensees;
4. (Amended, SG No 80/2010) control raising of revenue and administering the expenditure of the financial resources in the Fund;
5. (Repealed, SG No 80/2010)
6. submit an annual report of its activities to the Council of Ministers;
7. perform any other functions associated with management of the Fund, in compliance 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 group shall be determined by the regulation under Article 55 (1).

(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 National Budget Procedures Act.

(4) (New, SG No 80/2010) In case of licensee substitution and periodically, at least once in every 5-year period, the Management Board shall review the decommissioning costs estimates and, if necessary, shall revise the contribution amounts.

Article 55

(1) (Redesigned from Article 55, amended, SG No 80/2010) The procedure for assessment, collection, spending and control of the financial resources, as well as the amount of contributions due, shall be established by a regulation 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) On a motion by the Minister of Economy, Energy and Tourism, the Management Board of the Fund shall adopt a methodology for determining the amount of expenditures on financing the decommissioning, and, respectively, for determining the amount of contributions due. The methodology shall take into account the technological aspects and the nuclear safety and radiation protection requirements.

Section VI

PRACTICES WITH OTHER SOURCES OF IONISING RADIATION

Article 56

(1) (Amended, SG No 80/2010) Practices with sources of ionising radiation shall be conducted only on the basis of licenses or permits for safe implementation of such practices, issued by the NRA Chairman, except for cases covered under Paragraphs (2) to (4).

(2) (Amended, SG No 80/2010) No licenses and permits for practices with sources of ionising radiation shall be required where the probability of occurrence of harmful health effects is negligible, according to the criteria defined by the regulation under Article 26 (3).

(3) (Amended, SG No 80/2010) No licenses and permits for practices with sources of ionising radiation shall be required, either, where it has been proven that the probability of occurrence of harmful health effects is insignificant according to the criteria defined by the regulation under Article 26 (3). Any such practices shall be subject to control under this Act with the aim of ensuring compliance with the radiation protection requirements.

(4) (Amended, SG No 80/2010) No licences and permits shall be required for performing activities involving materials containing increased concentrations of natural radionuclides (NORM), which shall not be neglected from radiation protection point of view. Any such activities shall be subject to control with the aim of ensuring compliance with the radiation protection requirements.

Article 57

The NRA Chairman shall issue a permit for:

1. (Repealed, SG No 80/2010);
2. construction of a site with sources of ionising radiation, assembling and preliminary testing, conducted on the basis of design specification and provisions for radiation protection;
3. decommissioning of a site possessing radioactive substances;
4. temporary storage of radioactive substances generated during the performance of practices involving sources of ionising 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 ionising radiation, including items involving sources of ionising radiation if 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.

Article 58

(1) The NRA Chairman shall issue a licence for:

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

(2) A licence pursuant to Paragraph (1), items 1 to 3 shall be issued after commissioning of the site with sources of ionising radiation for operation if operation of such a site is provided for in the procedure established by the regulation referred to in Article 26 (1).

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

Article 59

(1) (Amended, SG No 70/2004) (Redesigned from Article 59, SG No 80/2010) A permit for import of radioactive sources shall be issued if:

1. the consignee of the shipment holds the requisite licence or permit to use or store the respective sources;
2. arrangements have been made to 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 sealed source belonging to Category 1, 2 or 3 and having radioactive half-life exceeding five years shall be issued on the condition that the requirements under Paragraph (1) are met and a return to the manufacturer is ensured after the termination of the utilization thereof.

Article 60

(1) A licence or permit shall be issued to a legally capable natural person or to a legal entity registered in the Republic of Bulgaria, that:

1. (Amended, and supplemented, SG No 80/2010) possesses sufficient financial, technical, material and human resources and an organisational structure to ensure safety, radiation protection and physical protection during implementation of the activity, including the safe discontinuance of the activity;
2. has ensured the measures as necessary for the quality assurance of the activity;
3. presents information justifying the necessity of conducting the activity;
4. presents an assessment of the nature and probability of each exposure to be caused by the activity, as well as of the expected exposure doses;
5. undertakes all necessary measures to ensure radiation protection of all categories of exposed individuals both under normal conditions and in the case of incidents and accidents;

6. provides for the requisite personnel possessing the required qualifications and competence;
7. submits all necessary internal rules, procedures, technical specifications, regulations and job descriptions, including those for conducting an appropriate monitoring and for making the results available to the exposed persons.

(2) (Amended, SG No 70/2004, No 76/2005) A licence for use of sources of ionising radiation for medical purposes shall be issued following official consent by the Minister of Health through the National Centre of Radiobiology and Radiation Protection. The licence shall enter into force after the natural person or the legal entity receives the necessary permits for provision of medical or dental care pursuant to the relevant special Acts.

(3) (New, SG No 70/2004) The official consent under Paragraph (2) shall be bound by the obligation for using the sources of ionising radiation for medical purposes.

Article 61

(Repealed, SG No 70/2004)

Article 62

(Supplemented, SG No 70/2004)

The licensee or permit holder is obliged within seven days after conclusion of a business transaction involving sources of ionising radiation to notify the NRA Chairman on the type of the transaction concluded, to specify the source of ionising radiation, and to provide information concerning the person wherewith this transaction was concluded.

Article 63

The issuance of a permit pursuant to Article 57 shall not revoke the requirement to issue the required permits pursuant to the Spatial Development Act.

Section VII

COMPETENCE AND SPECIALISED TRAINING

Article 64

(1) Safety related activities at nuclear facilities and with sources of ionising radiation may be performed solely by professionally qualified and licensed personnel.

(2) Individual employment licences shall be issued by:

1. the NRA Chairman to:

- (a) (Amended, SG No 80/2010) individuals implementing activities associated with ensuing and/or control of nuclear safety and radiation protection conducted in nuclear facilities;
- (b) (Amended, SG No 80/2010) instructors of full-scope simulators at nuclear power plants, and qualified experts in radiation protection;

2. (Amended, SG No 80/2010) licensee under this Act, possessing a licence to provide specialised training to individuals professionally engaged in practices within nuclear facilities and with sources of ionising radiation under Paragraph (1) other than those referred to in Item 1.
- (3) Individual licences shall be issued for a term of validity not exceeding five years.

Article 65

(1) A licence for specialised training shall be granted by the NRA Chairman to a sole trader natural person or to a legal entity registered in the Republic of Bulgaria that:

1. possesses financial, technical, material and organisational resources for implementation of the activity;
2. (Amended, SG No 80/2010) possesses sufficient number of 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) above;
 - (c) licensing procedures for issuing individual licence to the personnel specified in licence conditions;
 - (d) a system for ensuring that technical means for training correspond to the workplace equipment.

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

(3) (Amended, SG No 80/2010) Licences for specialised training shall be issued, amended, suspended, revoked and controlled under the conditions and according to the procedure established by a regulation adopted by the Council of Ministers on a motion by the NRA Chairman. The regulation shall also establish the requirements, conditions and procedure for issuing, amendment and revocation of individual employment licences.

(4) (New, SG No 80/2010) Any holder of a licence for specialised training is obliged to send to the Agency certified copies of the individual employment licences issued within seven days after the date of issue of the respective individual licences.

Article 66

(1) Except in cases where issued pursuant to another special Act, an individual licence shall be issued to a person who:

1. satisfies the medical and psycho-physiological requirements for the relevant activity, as determined by the Minister of Health;
2. satisfies the educational and qualification requirements as specified in the job description for the relevant position;
3. has completed a course of specialised training for the relevant activity;

4. has successfully passed an examination before a qualification examination commission.

(2) (Amended, SG No 80/2010) The NRA Chairman shall appoint the Agency qualification examination commission. The commission shall include representatives of the Agency, of the Ministry of Health, and other persons designated by the NRA Chairman who meet the requirements under Paragraph (4).

(3) (Amended, SG No 80/2010) The management bodies of the person licensed to deliver specialised training shall appoint qualification examination commissions. Any such commission shall include a representative of the Agency if so requested by the NRA Chairman.

(4) Eligibility for appointment as members of the qualification examination commissions 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 upon graduation from a higher educational establishment;
2. have not been sentenced to a term of imprisonment for publicly indictable offence;
3. have worked under a contract of employment and/or a civil-service relationship for not less than ten years in the field of use of nuclear energy or ionising radiation, nuclear waste management or spent fuel management, or in the field of State regulation of the safe implementation of these activities.

Article 67

An individual employment licence shall be personal and shall include all or part of the following conditions:

1. the positions as may be occupied or the activities as may be executed by the holder;
2. the time limit for completion of mandatory work experience by the holder prior to occupation of the position;
3. requirements for periodic training;
4. the term of validity of the individual licence;
5. other conditions pursuant to the law.

Article 68

(1) An individual 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 practice the licensed activity for a period exceeding one year;
3. (Repealed, SG No 80/2010);
4. upon withdrawal of the licence.

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

Article 69

- (1) An individual licence shall be withdrawn in the cases where the holder:
1. has submitted any untrue information which has provided the basis for the issuance of the licence;
 2. has committed a significant violation or systematically violates the nuclear safety and radiation protection requirements or licence conditions;
 3. ceases to satisfy the medical and psycho-physiological requirements for occupation of the position.
- (2) Upon identifying any circumstances covered under Items 1 to 3 of Paragraph (1), the NRA Chairman shall approach the person referred to in Item 2 of Article 64 (2), who has issued the individual licence, with a detailed request to withdraw the individual licence.

Article 70

- (1) An individual licence shall be withdrawn by an order of the NRA Chairman or of the management body of the person, licensed to deliver specialised training, as the case may be.
- (2) (New, SG No 80/2010) In the cases under Article 69 (2), if the person who has issued the individual licence fails to take the necessary actions for withdrawal of the licence within fourteen days, the NRA Chairman shall have the right to take those actions directly.
- (3) (Renumbered from Paragraph (2), SG No 80/2010) Upon withdrawal of an individual licence under Item 2 of Article 69 (1), the administrative penalties provided for under this Act may be imposed upon the holder.
- (4) (Amended SG No 30/2006, renumbered from Paragraph (3), No 80/2010) The order of licence withdrawal shall specify a time period during which the holder shall be barred from applying for a new individual licence to occupy the same or higher position. This period may not be shorter than six months and may not be longer than one year.

Article 71

The terms and procedure for obtaining of vocational qualifications, the occupational positions for which licence is required, and for the conduct of examinations shall be regulated by the regulation referred to in Article 65 (3).

Section VIII**ACCOUNTING AND CONTROL OF NUCLEAR MATERIAL, RADIOACTIVE SUBSTANCES AND OTHER SOURCES OF IONISING RADIATION****Article 72**

(1) (Amended, SG No 80/2010) Any person, that manufactures, processes, stores or uses radioactive substances and other sources of ionising radiation, or that manages radioactive waste, shall be obligated to:

1. (Amended, SG No 80/2010) take physical inventory and keep records of the radioactive substances and other sources of ionising radiation and of the radioactive waste;
2. provide periodic information on the records to the NRA Chairman;
3. (Amended, SG No 80/2010) appoint competent personnel to take charge of the internal control over the radioactive substances, other sources of ionising radiation, and of the radioactive waste; data concerning such personnel shall be provided to the Agency;
4. (Supplemented, SG No 109/2007, repealed SG No 80/2010)
5. (Amended, SG No 80/2010) report to the NRA Chairman any incident involving an actual or potential breach of the integrity of a source of ionising radiation;
6. (Amended, SG No 80/2010) assure access to the regulatory authorities under this Act and to provide them the requisite assistance.

(2) (Amended, SG No 80/2010) The terms and procedure for accounting of radioactive substances, other sources of ionising radiation, and radioactive waste, as well as for documentation management, provision of information and notification shall be established by the regulation under Article 26 (2).

(3) (New, SG No 80/2010) The conditions and the procedure for accounting and control of nuclear material shall be established by Chapter Nine.

Article 73

(1) Any nuclear material, radioactive substances and other sources of ionising radiation, radioactive waste and spent fuel for which the owner is unknown, shall constitute state property. The NRA Chairman shall designate the person to which such sources shall be provided and the relevant conditions for this provision.

(2) (Supplemented, SG No 109/2007, amended, SG No 80/2010, No 88/2010 r., effective 1.01.2011) Anyone to find or identify a loss, theft, or in another manner loses the actual control over nuclear material, radioactive substance or other source of ionising radiation, shall be obligated to immediately notify the NRA Chairman, the competent authorities for fire safety and public protection 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 NRA Chairman. The NRA Chairman shall designate the person to which nuclear material shall be provided and the relevant conditions for this provision.

Chapter Four
MANAGEMENT OF RADIOACTIVE WASTE AND SPENT FUEL
Section I
GENERAL PROVISIONS

Article 74

(1) (Amended, SG No 80/2010) The Council of Ministers shall adopt a strategy for spent 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 organise a public discussion of the strategy draft with the participation of representatives from state bodies, local governments, public organisations, persons and legal entities concerned. Notice of the discussion shall be provided through the mass media or in another appropriate manner.

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

(4) (New, SG No 80/2010) The decision under Paragraph (3) shall declare the repository to be a site of national significance within the meaning given by Item 62 of § 5 of the Supplementary Provisions of the Spatial Development Act.

(5) (New, SG No 80/2010) Activities leading to expropriation of real estate representing private property or part of such property, allocated for the construction of the repository under Paragraph (3), shall be performed on the basis of a decision taken by 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 conditions and according to the procedure established by the State Property Act. The decision shall be promulgated in the State Gazette.

Article 75

(1) Spent fuel management shall be conducted by a licensee possessing a nuclear facility operating licence under Article 35.

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

1. conditions exist for safe storage and disposal of the spent fuel in an appropriate repository;
2. the operating organisation has paid a one-time contribution to the Radioactive Waste Fund in an amount specified by the regulation referred to in Article 94 (1).

Article 76

(1) (Supplemented, SG No 80/2010) The Radioactive waste outside the place of generation shall be managed solely by the Radioactive Waste State-Owned Company.

(2) The NRA Chairman shall issue an operating licence for a radioactive waste management facility and the permits covered under Article 33 (1) solely to the

Radioactive Waste State-Owned Company if all licence and permit requirements under this Act are met.

(3) Permits covered under Article 33 (1) and a licence referred to in Article 35 for construction and operation of a radioactive waste management facility may furthermore be issued to a person, authorised 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) Licensees generating radioactive waste shall be obligated to deliver this waste to the Radioactive Waste State-Owned Company within the time limits established by the regulation referred to in Paragraph (3). Licensees shall be responsible for the safe management of radioactive waste from the period of its generation until its delivery to the Company.

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

(3) The terms and procedure for radioactive waste delivery to the Radioactive Waste State-Owned Company and the time limits for such delivery, including the radioactive waste not subject to delivery, shall be specified by a regulation adopted by the Council of Ministers on a motion by the NRA Chairman.

(4) The Radioactive Waste State-Owned Company shall be responsible for managing any radioactive waste imported into the Republic of Bulgaria territory from abroad and that cannot be retransferred.

Section II

RADIOACTIVE WASTE STATE-OWNED COMPANY

(Effective as from January 1, 2004)

Article 78

(1) A Radioactive Waste State-Owned Company shall be formed, hereinafter referred to as "the Company", which shall have the status of a state-owned enterprise under Article 62 (3) of the Commercial Code.

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

(3) The Company shall consist of:

1. a Head Office;
2. specialised divisions.

(4) The number, status and objectives of the specialised divisions shall be regulated by Company Rules of Organisation and Operation.

Article 79

(1) Company activities shall include:

1. radioactive waste management, including all activities related to 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 reconstruction of radioactive waste management facilities;
3. transport of radioactive waste off-site, provided that the Company has been issued transportation permit or licence 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 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 (1) only pursuant to a permit for siting, design, construction and commissioning or an operating licence for a radioactive waste management facility and in compliance with nuclear safety and radiation protection requirements.

(3) (New, SG No 80/2010) The Company shall implement the activities referred to in Items 4 of Paragraph (1) pursuant to a decommissioning licence issued by the NRA Chairman and in compliance with nuclear safety and radiation protection requirements.

(4) (New, SG No 80/2010) If there is a possibility of occurrence of an incident or accident involving radioactive sources, the Radioactive Waste State-Owned Company shall organise the transportation and acceptance as radioactive waste of the respective sources according to the conditions and time limits established by an order of the NRA Chairman.

Article 80

(1) The Company may perform activities and conclude transactions solely in implementation of its responsibilities under Article 79 (1).

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

(3) Without a decision of the Council of Ministers, the Company shall have no right to conclude contracts of credit with commercial banks or other financial institutions.

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

Article 81

(1) The Company shall manage the assets constituting public and private state property as allocated by the state.

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

(3) To implement Company activities, the Council of Ministers may adopt a decision allocating immovables and movables constituting public or private state property for management by the Company.

Article 82

Company management bodies shall include:

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

Article 83

The Minister of Economy, Energy and Tourism shall implement the state policy in the field of radioactive waste management and shall exercise the powers vested therein by this Act relating to 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 members for a term of three years.

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

1. have a higher education in natural or technical sciences and have worked under a contract of employment and/or a civil-service relationship for not less than five years in the field of use of nuclear energy or ionising radiation, nuclear waste management or spent fuel management, or in the relevant regulatory process;
2. have not been sentenced to a term of imprisonment for a publicly indictable offence;
3. have not been a sole trader, member of a management or supervisory body of any commercial corporation adjudicated in bankruptcy, or partner in any limited partnership adjudicated in bankruptcy leaving unsatisfied creditors;
4. 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 regarding any other member of Company bodies.

Article 85

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

(2) Management Board meeting shall be considered lawful if two-thirds of its members have been present.

(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:

1. (Amended, SG No 80/2010) draft Rules of Organisation and Operation of the Company and submit these Rules to the Minister of Economy, Energy and Tourism for approval;
2. (Amended, SG No 80/2010) draft Rules of Procedure of the Management Board and submit these Rules to the Minister of Economy, Energy and Tourism for approval;
3. adopt the drafts of an annual, triennial and long-term programmes for operation and the budget of the Company on a motion by the Executive Director;
4. approve the structure and staff number 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 report;
6. (Amended, SG No 80/2010) propose to the Minister of Economy, Energy and Tourism for authorisation, in each particular case, the participation of the Company in international organisations;
7. (Amended, SG No 80/2010) submit to the Minister of Economy, Energy and Tourism an annual report on Company operation for each year not later than the 31-st day of March in the succeeding year;
8. take decisions on sale or on liquidation of tangible fixed assets, on creation of real rights and on leasing to tenants of movables or immovables, take decisions under Article 49 (2) of the State Property Act on sale or renting of living quarters;
9. perform any other functions associated with radioactive waste management in accordance with the provisions of legislation in force.

(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 include a production programme, an investment programme, a repair programme, and a social programme.

(5) The Chairman of the Management Board shall organise 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 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 of the management contract;
2. sentencing to a term of imprisonment for indictable offence;

3. objective inability of the member to perform the duties for a period exceeding six months;
4. (Amended, SG No 80/2010) resignation;
5. death or incapacitation.

(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 person.

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 activities under the management contract.

Article 89

(1) The Executive Director shall:

1. (Amended, SG No 80/2010) organise and direct the operation of the Company in accordance with the adopted programmes and budgets;
2. conclude and terminate contracts of employment with 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 Company operation;
4. represent the Company before the courts of law, state bodies and third parties in Bulgaria and abroad;
5. (Amended, SG No 80/2010) report to the Management Board and to the Minister of Economy, Energy and Tourism on the performance of the activities.

(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 Organisation and Operation of the Company.

(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 as from January 1, 2003)

Article 90

Anyone generating radioactive waste as a result of performed activity shall meet all expenses incurred in connection with management of radioactive waste from its waste generation to its disposal, including monitoring of repositories after closure and the necessary tests and improvements by:

1. financing the activities associated with the safe storage of the radioactive waste generated by the activity, from the point of waste generation to the point of delivery to the Company, and
2. contributing 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 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 entities and natural persons conducting activities resulting in the generation of radioactive waste subject to delivery;
2. national budget resources, allocated annually by the National 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 contributions referred to in Item (1) above;
4. donations and other contributions;
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, accounted for and centralised 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 unutilised 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 under Paragraph (4) shall be managed within the framework of the control and management of the liquidity of the Single Account System.

Article 93

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

1. the operation and financial management of the Radioactive Waste Company;
2. other activities involving in radioactive waste management outside the activities of the Company, 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 settlements in the area where a radioactive waste management facility is operated, or construction of such facility has been approved or authorised according to the procedure established by the Spatial Development Act and by this Act, are eligible for financing for

territory development projects and activities under the terms and according to the procedure established by the regulation referred to in Article 94 (1).

(2) (Amended, SG No. 80/2010) The expenditures covered under Paragraph (1) shall be reserved annually for inclusion in the budget of the Ministry of Economy, Energy and Tourism and shall be administered through 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 assessing, collecting, spending and control of the financial resources, as well as the amount of contributions due, shall be established by a regulation 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 entities and natural persons conducting activities resulting in generation of radioactive waste shall be allowed as running operating expense deductible for taxation purposes in respect of the activity regarding the generation of such radioactive waste.

(3) (Amended, SG No 105/2005) The contributions under Item 1 of Article 92 (1) shall be public state revenues, which shall be assessed and collected 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 legal entities financed by the national budget shall plan, allocate and account the contributions referred to in Item 1 of Article 92 (1) 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 Minister of Economy, Energy and Tourism shall chair the Management Board.

(3) (Amended, SG No 80/2010) The members of the Management Board shall be 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 a term of imprisonment for an 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 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 every two months.

(2) A Management Board meeting shall be considered lawful if not less than two-thirds of its members have been present, either in person or by proxy. A member present in

person shall act as proxy for not more than one absent member, and must be authorised in writing for each particular meeting.

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

Article 97

(1) The Management Board shall:

1. (Amended, SG No 80/2010) adopt Rules of Organisation and Procedure of Management Board of the Fund;
2. determine the allocation of financial resources for the operation of the Radioactive Waste State-Owned Company, as well as for other activities included in radioactive waste management;
3. (Amended, SG No 80/2010) control the management of the revenues of the Fund and proper expenditure of the financial resources;
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 co-ordination 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 Fund's activities 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 applicable 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 group shall be determined by the regulation under Article 94 (1).

(3) (Renumbered from Paragraph 2, SG No 80/2010) The draft budget of the Fund, as adopted by 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 National Budget Procedures Act.

Chapter Five

REGULATORY CONTROL

Article 98

(1) (Supplemented, SG No 80/2010) The NRA Chairman shall exercise regulatory control over nuclear safety, physical protection and radiation protection involving the use

of nuclear energy and ionising radiation and concerning radioactive waste management and spent fuel management.

- (2) The NRA Chairman shall carry out:
1. preventive regulatory control, in the issuance of licences and permits for activities under this Act and for issuing individual employment licences;
 2. current regulatory control over the implementation of the conditions of licences and permits as issued for activities under this Act and individual employment licences as issued;
 3. confirmatory regulatory control, to verify compliance with the recommendations or directives of control authorities.

Article 99

- (1) In executing of the controlling powers, the NRA Chairman shall:
1. conduct regular and special inspections through the authorised officials;
 2. notify the specialised control authorities specified under Article 13 with a view to undertaking actions within their competence;
 3. notify the prosecuting authorities if there is reason to believe that a criminal offence has been committed;
 4. amend or revoke the licences or permits or the individual employment licences;
 5. impose the administrative enforcement measures and administrative penalties as provided under this Act.
- (2) The NRA Chairman shall have the right to require provision of information or documentation from persons related to relevant activities and, if necessary, to request assistance from the specialised control bodies covered under Article 13.

Article 100

(1) (Amended and supplemented, SG No 80/2010) The NRA Chairman shall authorise designated officials of the administration of the Agency to exercise control under this Act and the secondary legislation on the application of the Act in accordance with the powers vested in these officials.

- (2) The officials referred to in Paragraph (1), hereinafter referred to as "the inspectors," shall have the right to:
1. (Supplemented, SG No 80/2010) free access at any time to the regulated licensees and sites, inter alia for inspection of nuclear safety, radiation protection, physical protection and the technical conditions at the nuclear facilities and sources of ionising radiation, as well as inspection for compliance with the conditions of the licences and permits issued;
 2. (Amended and supplemented, SG No 80/2010) require from the competent officers any data, reports, explanations and other information, including measurements and tests, as shall be necessary to clarify the technical status and the operating conditions of the facility, including personnel competence, as well as disclosure of any other nuclear safety, physical protection and radiation protection related information;
 3. issue written statements on administrative infractions under this Act;

4. (Supplemented, SG No 80/2010) propose amendment, suspension, termination and revocation of permits or licences, including individual employment licences, and application of administrative enforcement measures;
 5. (Supplemented, SG No 80/2010) issue mandatory written directives for ensuing of nuclear safety, physical protection and radiation protection.
 6. (New, SG No 80/2010) to carry out cross-checks and to require from third persons information and documents necessary for conduct of the inspections.
- (3) Inspectors' instructions, issued under their authority pursuant to this Act, shall be mandatory.

Article 101

- (1) The inspectors shall issue a protocol of findings on the results of their inspections, attaching the evidence collected and explanation, measurement and/or test results.
- (2) (Amended, SG No 80/2010) The protocol of findings shall be made available to the inspected licensee.
- (3) On the basis of the results of the examination, the inspectors may:
 1. issue mandatory directives to inspected licensees;
 2. issue written statements on administrative infractions;
 3. propose to the NRA Chairman the imposition of administrative enforcement measures.
- (4) (New, SG No 80/2010) The instructions under this Chapter, given by the inspectors, may not be of the same type as the administrative enforcement measures applied by the NRA Chairman and shall not contain obligations to perform particular technological operations.
- (5) (Renumbered from Paragraph (4), SG No 80/2010) The licensees who have received mandatory instructions shall report to the controlling inspector on the implementation of the instructions within the prescribed time limits.

Article 102

- (1) The Organisational Statute of the Agency shall specify the requirements for occupation of a position associated with the exercise of regulatory control under this Act.
- (2) The inspectors shall be bound by the obligation to respect any manufacturing and trade secrets coming to their knowledge in the course of, or with their activities.
- (3) The inspectors shall perform their activities independently or, where necessary, jointly with other specialised control bodies.

Article 103

State and municipal bodies and their administrations, as well as persons covered by this Act, shall be obliged to render assistance to the inspectors in implementing their regulatory functions.

Chapter Six

SPECIAL-STATUTORY AREAS

Article 104

- (1) Special-statutory areas shall be established around nuclear facilities and facilities with sources of ionising radiation, including the associated subsoil and airspace.
- (2) (Amended, State Gazette No 80/2010) Special-statutory areas shall be precautionary action zones and surveillance zones.

Article 105

- (1) (Amended, State Gazette No 80/2010) Precautionary action zones shall be established:
1. by an order of the Minister of Regional Development and Public Works, in co-ordination with the NRA Chairman;
 2. by a bilateral or multilateral international treaty, in the cases where the areas extend to any territories beyond the borders of the Republic of Bulgaria.
- (2) The areas referred to in Paragraph (1) shall be special protection areas based on their territorial structure within the meaning of the Spatial Development Act. The scope and the regime of their structure shall be determined by territory development schemes and plans.
- (3) A surveillance zone shall be established by an order of the NRA Chairman.
- (4) (Supplemented, State Gazette No 80/2010) The Council of Ministers, acting on a motion by the NRA Chairman, in co-ordination with the Minister of Transport, Information Technology and Communications and the Minister of Defence, may designate a flight-ban area above specific nuclear facilities, in which the use of the airspace for air navigation shall be restricted.

Article 106

(Repealed, State Gazette No 80/2010)

Article 107

- (1) (Amended, State Gazette No 80/2010) A precautionary action zone shall be established to limit public exposure in the event of accidents.
- (2) (Amended, State Gazette No 80/2010) A surveillance zone shall be an area outside the boundaries of the precautionary action zone in which the radiation protection related monitoring is exercised.
- (3) (Amended, State Gazette No 80/2010) With respect to specific facilities, depending on the nuclear safety and radiation protection factors, the precautionary action zone and the surveillance zone may be confined to the boundaries of the site, the building or the location where sources of ionising radiation are placed or used. In such cases, the special-statutory areas shall be established by the NRA Chairman by means of the relevant licence.

Article 108

(Amended, State Gazette No 80/2010)

The person who operates a nuclear facility or a site with sources of ionising radiation shall exercise constant control over the radiation parameters of the working premises and the environment in the precautionary action zone and the surveillance zone.

Article 109

(1) (Amended, State Gazette No 80/2010) Construction of residential and public buildings, kinder gardens, hospitals, health centres, restaurants, sites of industrial, social or cultural nature and other sites not associated with the purpose of the facility shall be prohibited to be erected in the precautionary action zone.

(2) (Amended, State Gazette No 80/2010) The Minister of Health, the Minister of Agriculture and Food, and the Minister of Environment and Water may impose restrictions on the use of land, forests and water within the precautionary action zone.

(3) (Amended, State Gazette No 80/2010) For the purpose of establishing a precautionary action zone, upon construction of a nuclear facility or of a site with sources of ionising radiation on land constituting state or municipal private property, the competent state or municipal bodies, acting on a motion by the Minister of Regional Development and Public Works, shall establish in favour of the owner of the facility, for a certain amount or free of charge, a right of use, correspondingly a building right without a tender or compensation.

(4) (Amended, State Gazette No 80/2010) If the bans pursuant to Paragraph (1) or the imposed restrictions under Paragraph (2) create a considerable obstacle for the use of a real estate which is private property, for the purpose of establishing a precautionary action zone during the construction of a nuclear facility or a site with a source of ionising radiation, the owner of the land may transfer the right of ownership of the facility or establish a right of use, correspondingly a building right to the owner of the respective facility or site. In case an agreement cannot be reached, an expropriation shall be carried out, pursuant to the State Property Act or the Municipal Property Act, resulting in the land becoming a private state or municipal property and a right of use or a building right on the expropriated property being established in favour of the owner pursuant to Paragraph (3).

(5) The owner of the facility or site shall assume all costs under Paragraphs (3) and (4).

Article 110

(Amended, State Gazette No 80/2010) Any damages inflicted by the imposition of restrictions upon private property in the precautionary action zones shall be subject to compensation by the person whose activity has brought about the introduction of the restriction.

Article 111

The terms and procedure for determining the size, boundaries and regime of the special-statutory areas, the prohibitions and restrictions covered under Article 109 (2), as well as

the methods for evaluation of the compensation for damage sustained under Article 110, shall be set forth in a regulation adopted by the Council of Ministers on a motion by the NRA Chairman, the Minister of Health, the Minister of Agriculture and Food, 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 ensured according to the requirements of the Convention on 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 their effectiveness 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 NRA Chairman 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 developed by the licensee on the basis of the assessment referred to in Paragraph (3) and shall be approved by an order of the NRA Chairman 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 regulation 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 NRA Chairman and the licensees on the changes that have occurred. Licensees shall be obligated to update the design basis threat and to modify accordingly the physical protection system in conformity with the updated assessment.

Article 113

(1) The physical protection of nuclear facilities, nuclear material and radioactive substances pertaining to the design, construction, commissioning, operation and decommissioning of nuclear facilities and upon the manufacture, import, export, transportation and storage of nuclear material or radioactive substances shall be ensured by licensees under this Act.

(2) The licensees engaged in operation of nuclear facilities, manufacturing, import, export, transport, usage and storage of 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 procedure for provision of physical protection of nuclear facilities, nuclear material and radioactive

substances during their use, storage and transport shall be specified by a regulation adopted by the Council of Ministers on a motion by the Minister of Interior, the Minister of Defence, the NRA Chairman and the Chairman of the State Agency for National Security.

Article 114

(1) (Amended and Supplemented, SG No 109/2007) Specific nuclear facilities, as well as the facilities associated technologically or serviced by them, may be determined as vital to the physical protection by a decision of the Council of Ministers on a motion by the Minister of Interior, the NRA Chairman and the State Agency for National Security Chairman.

(2) The security of the facilities 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 established for the physical protection of nuclear facilities or other installations in which nuclear material or radioactive substances are used or stored.

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

Article 116

(1) Any natural person who, by permission, is present within the protected area of a nuclear facility or of another facility in which nuclear material or radioactive substances are used or stored, shall be obligated to comply with all physical protection requirements established by the licensee.

(2) (Amended, SG No 80/2010) To ensure the physical protection of a nuclear facility or other facility in which nuclear material or radioactive substances are used or stored, a special access and security check procedure may be introduced for the personnel or visitors, as well as for their personal possessions and vehicles. The procedure may include use of special technical devices.

(3) (New, SG No 80/2010) The right to unescorted 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 PREPAREDNESS

Article 117

(1) The state bodies and the persons implementing activities related to design, construction, commissioning, operation and decommissioning of nuclear facilities and to manufacturing, transportation and storage of nuclear material or to practices with sources of ionising radiation shall establish measures for emergency planning and emergency preparedness.

(2) Emergency planning measures shall be established by the emergency plans:

1. for protection of the population (off-site emergency plan), which regulates the emergency planning areas and determines the actions to be taken by the competent authorities to protect the population, property and environment in the case of an accident;
2. for the nuclear facility or for the site with sources of ionising radiation (on-site emergency plan), which determines the actions to be taken by the licensee for accident mitigation and remediation of consequences in co-ordination with the off-site emergency plan.

Article 118

(1) (Amended, SG No 88/2010, effective 1.01.2011) The preparation, maintenance and co-ordination of the off-site emergency plan shall be organised, respectively, by the competent authorities for fire safety and public protection, 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 preparation of the off-site emergency plan, the provision of material, technical and human resources for its implementation, the maintenance of emergency preparedness and the application of the measures shall be financed by the national budget.

Article 120

(1) (Amended, SG No 88/2010, effective 1.01.2011) Six months prior to the commissioning of a nuclear facility, licensees shall submit the on-site emergency plan to the NRA Chairman, to the competent authorities for fire safety and public protection and to the Minister of Environment and Water.

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

(3) The NRA Chairman shall approve the off-site emergency plan prior to commissioning.

Article 121

The licensees and relevant permit holders shall be obligated to familiarise the personnel with the emergency plans and to conduct special training of the employees designated to perform functions in implementing the emergency plans.

Article 122

In case of an accident, licensees and relevant permit holders shall be obligated to:

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

Article 123

(Amended, SG No 88/2010, effective 1.01.2011) The terms and procedure for preparation of the emergency plans, the persons responsible for their implementation and their duties, the measures for mitigation and remediation of the consequences, the arrangements for warning of the public, as well as measures for testing emergency preparedness shall be established by a regulation of the Council of Ministers on a motion by the competent authorities for fire safety and public protection and the NRA Chairman.

Chapter Nine**APPLICATION OF SAFEGUARDS****Article 124**

(Amended, SG No 80/2010) The NRA Chairman, in the capacity as organiser and coordinator of implementation of the obligations of the Republic of Bulgaria arising from the Treaty on the Non-proliferation of Nuclear Weapons, 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 to this Agreement, shall:

1. verify the 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;
3. (Supplemented, SG No 80/2010) provide for 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) co-ordinate 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;
5. (Repealed, SG No 80/2010).

Article 125

(1) Anyone performing activities subject to the Agreement and the Additional Protocol shall be obligated to:

1. (Supplemented, SG No 80/2010) submit to the NRA Chairman and to the European Commission the information and data necessary for compliance with the undertakings of the Republic of Bulgaria arising under the Agreement and the Additional Protocol;
2. maintain a separate register of relevant activities and to preserve the manufacturing, commercial and transportation documents, as well as the information and data associated with these activities, including accounting and control of nuclear material relevant to the application of the safeguards, for a period of not less than ten years after termination of the activity;
3. inform in writing the NRA Chairman upon the occurrence of any circumstances actually or potentially leading to a breach of safeguards obligation;
4. (Supplemented, SG No 80/2010) provide access to the installation and to the necessary information, including the option of photographing and videotaping, taking samples, using devices to record radiation parameters, applying identification and anti-tampering seals, as well as rendering assistance to the inspectors of the International Atomic Energy Agency, to the inspectors of the European Commission and to the authorities of the Agency accompanying the 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 NRA Chairman information on any licensed transactions of nuclear material, equipment and materials subject to the Agreement and to the Additional Protocol.

(3) The ministries and other institutions 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 NRA Chairman, shall issue a regulation establishing the terms and a procedure for collection and provision of information and for maintaining registers on the activities pertaining to 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, to which 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 that 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 licensee that, 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 operator for nuclear damage.

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

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) Action ability for nuclear damage shall be extinguished after a period of five years, determined 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 from a nuclear accident, which is due in whole or in part either from an act or omission of the said person done with the intend to cause damage or from the gross negligence 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 96 million Bulgarian leva.
- (2) The operator shall be required to maintain insurance or other financial security, according to Article 129(1), covering its liability 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.
- (4) If the operator is a national budget entity, its liability for nuclear damage, as determined in Paragraph (1), shall be ensured through an annual provision of financial resources on the budget.
- (5) When satisfying claims for compensation for nuclear damage, claims for loss of life or physical injury shall be compensated with priority.
- (6) Ten per cent of the amount fixed in Paragraph (1) shall be set aside for payment of allowed claims lodged within one year following the date of the nuclear accident.
- (7) In case the amount fixed in Paragraph (1) proves inadequate to satisfy admitted claims, the amount of the compensation due on each of the admitted claims shall be reduced proportionately.

Article 133

- (1) The State shall pay admitted claims for compensation for nuclear damage by providing the necessary funds to such an extent to which the insurance or other financial security of the operator is inadequate to cover the payment of amounts under these claims, but not in excess of the limit of the liability established pursuant to Article 132(1).
- (2) The State shall compensate the damage due to a nuclear accident directly caused by a severe natural disaster of an extraordinary character up to the limit of the liability established pursuant to Article 132(1).
- (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 to which the Republic of Bulgaria is a party, or on the principle of reciprocity.

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 a regulation adopted by the Council of Ministers on a motion by the NRA Chairman.

Article 136

- (1) For issues on which the Vienna Convention and this Act do not otherwise provide, the rules under Bulgarian law shall be applied.
- (2) The rules of impermissible injury shall be applied under the Bulgarian law to the liability for any damage caused by other sources of ionising radiation, irrespective of the location of the sources, including for medical uses, except as otherwise provided by another Act.

Article 137

- (1) Actions for nuclear damage, except as otherwise provided by the Vienna Convention, shall be within the jurisdiction of Bulgarian courts. The Sofia City Court, as a court of first instance shall conduct any such actions.
- (2) No court costs shall be charged to Bulgarian citizens for any proceedings under this Chapter, and in respect to foreigners the principle of reciprocity shall apply.

Chapter Eleven

ADMINISTRATIVE PENALTY PROVISIONS

Section I

ADMINISTRATIVE LIABILITY

Article 138

- (1) Anyone using nuclear energy at a nuclear facility without a permit or a licence, where such is required, shall be liable to a property sanction of 20,000 Bulgarian leva or more but not exceeding 100,000 Bulgarian leva.
- (2) Anyone performing practices with sources of ionising radiation without a permit or a licence, where such is required, shall be liable to a fine of 2,000 Bulgarian leva or more but not exceeding 10,000 Bulgarian leva.
- (3) Where the violations referred to in Paragraph (2) are committed by a legal entity or a sole-trader, a property sanction of 5,000 Bulgarian leva or more but not exceeding 20,000 Bulgarian leva shall be imposed.
- (4) The fine or the property sanction for a repeated violation shall be equivalent to five times the amount of the penalty provided for in Paragraphs (1), (2) and (3).

Article 139

- (1) Anyone violating the conditions of a permit or a licence under Section III of Chapter Three, shall be liable to a property sanction of 3,000 Bulgarian leva or more but not exceeding 20,000 Bulgarian leva.

(2) Anyone violating the conditions of a permit or a licence for practices with sources of ionising radiation, shall be liable to a fine of 1,000 Bulgarian leva or more but not exceeding 5,000 Bulgarian leva or to a property sanction of 3,000 Bulgarian leva or more but not exceeding 10,000 Bulgarian leva.

(3) (New, SG No 80/2010) Anyone violating the conditions of a licence for providing specialised training shall be liable to a fine of 1,000 Bulgarian leva or more but not exceeding 5,000 Bulgarian leva or to a property sanction of 3,000 Bulgarian leva or more but not exceeding 10,000 Bulgarian leva.

(4) (Renumbered from Paragraph (3), amended, SG No 80/2010) The fine or the property sanction for a repeated violation under Paragraphs (1), (2) and (3) shall be equivalent to three times the amount of the penalty or the fine provided for in Paragraphs (1), (2) and (3).

Article 140

(1) Anyone who fails to provide information under this Act, or provide false, inaccurate or deficient information, will be liable to a fine of 500 Bulgarian leva or more but not exceeding 2,000 Bulgarian leva or to a property sanction of 2,000 Bulgarian leva or more but not exceeding 10,000 Bulgarian leva.

(2) Any responsible officer of a licensee or a permit holder under this Act, who fails to provide any required information or who provides false, inaccurate or deficient information, shall be liable to a fine of 1,000 Bulgarian leva or more but not exceeding 3,000 Bulgarian leva.

(3) The fine or the property sanction for a repeated violation under Paragraphs (1) and (2) shall be equivalent to three times the amount of the penalty or the fine provided for in Paragraphs (1) and (2).

Article 141

(1) (Supplemented, SG No 80/2010) Anyone violating nuclear safety, physical protection and radiation protection requirements and standards during operation of a nuclear facility will be liable to a property sanction of 3,000 Bulgarian leva or more but not exceeding 20,000 Bulgarian leva.

(2) (Supplemented, SG No 80/2010) Anyone violating radiation protection and physical protection requirements and standards during performance of practices with sources of ionising radiation, shall be liable to a fine of 1,000 Bulgarian leva or more but not exceeding 5,000 Bulgarian leva or to a property sanction of 2,000 Bulgarian leva or more but not exceeding 10,000 Bulgarian leva.

(3) The fine or the property sanction for a repeated violation under Paragraphs (1) and (2) shall be equivalent to three times the amount of the penalty or the fine provided for in Paragraphs (1) and (2).

Article 142

(1) (Supplemented, SG No 80/2010) Anyone who fails to ensure nuclear safety, physical protection and radiation protection at a nuclear facility upon termination or suspension of the activity, shall be liable to a property sanction of 20,000 Bulgarian leva or more but not exceeding 100,000 Bulgarian leva.

(2) (Supplemented, SG No 80/2010) Anyone who fails to ensure radiation protection and physical protection at a site with sources of ionising radiation upon termination or suspension of the activity, shall be liable to a fine of 2,000 Bulgarian leva or more but not exceeding 10,000 Bulgarian leva or to a property sanction of 5,000 Bulgarian leva or more but not exceeding 20,000 Bulgarian leva.

Article 143

(1) (Supplemented, SG No 80/2010) Anyone performing activities without an individual employment licence or violating the individual employment licence conditions, shall be liable to a fine of 500 Bulgarian leva or more but not exceeding 2,000 Bulgarian leva.

(2) Any responsible officer who has employed a person without an individual employment licence or any person who is not capable of performing radiation protection and safety related work, shall be liable to a fine of 1,000 Bulgarian leva or more but not exceeding 5,000 Bulgarian leva.

(3) The fine for a repeated violation under Paragraphs (1) and (2) shall be equivalent to three times the amount of the fine provided for in Paragraphs (1) and (2).

Article 144

(1) Anyone who fails to fulfil the obligations covered under Article 125(1) shall be liable to a property sanction of 2,000 Bulgarian leva or more but not exceeding 10,000 Bulgarian leva.

(2) Any responsible officer who has admitted a failure to fulfil the obligations covered under Article 125(1) shall be liable to a fine of 500 Bulgarian leva or more but not exceeding 5,000 Bulgarian leva.

(3) The fine or the property sanction for a repeated violation under Paragraphs (1) and (2) shall be equivalent to three times the amount of the penalty or the fine provided for in Paragraphs (1) and (2).

Article 145

(1) Anyone violating the prohibitions under Items 1 or 4 of Article 17 shall be liable to a fine of 30,000 Bulgarian leva or more but not exceeding 150,000 Bulgarian leva, unless the act constitutes a criminal offence.

(2) Anyone violating the prohibitions under Items 2 or 3 of Article 17 shall be liable to a fine of 1,000 Bulgarian leva or more but not exceeding 5,000 Bulgarian leva or to a property sanction of 3,000 Bulgarian leva or more but not exceeding 15,000 Bulgarian leva.

(3) The fine or the property sanction for a repeated violation under Paragraphs (1) and (2) shall be equivalent to three times the amount of the penalty or the fine provided for in Paragraphs (1) and (2).

Article 146

(1) Anyone who interferes with the performance of the duties of an inspector of the Agency under this Act shall be liable to a fine of 1,000 Bulgarian leva or more but not exceeding 3,000 Bulgarian leva, unless the act constitutes a criminal offence.

(2) Anyone who fails to follow a directive issued by an inspector of the Agency, shall be liable to a fine of 1,000 Bulgarian leva or more but not exceeding 3,000 Bulgarian leva or to a property sanction of 2,000 Bulgarian leva or more but not exceeding 10,000 Bulgarian leva, unless liable to a more severe punishment.

(3) In the event of a repeated violation under Paragraphs (1) and (2), the punishment shall be a fine or property sanction equivalent to three times the amount of the penalty or the fine provided for in Paragraphs (1) and (2).

Article 147

(1) (Supplemented, SG No 80/2010) Upon failure to fulfil any other obligation under this Act or under the statutory instruments of secondary legislation on its application, the offenders shall be liable to a fine of 500 Bulgarian leva or more but not exceeding 2,000 Bulgarian leva or to a property sanction of 1,000 Bulgarian leva or more but not exceeding 5,000 Bulgarian leva.

(2) In the event of a repeated violation under Paragraph (1), the fine or the property sanction shall be imposed in twice the amount.

Article 148

(1) Any violations under this Act shall be determined by written statements issued by the inspectors of the Agency.

(2) The penalty decrees shall be issued by the NRA Chairman or by an authorised official.

(3) The determination of violations, relevant issues, appeals against and execution of penalty decrees shall follow the terms and the procedure established by the Administrative Infractions and Penalties Act.

Section II

ADMINISTRATIVE ENFORCEMENT MEASURES

Article 149

(1) For the prevention and termination of administrative violations as well as prevention and termination of the consequences resulting from them, the NRA Chairman shall impose administrative enforcement measures.

(2) (Amended, SG No 80/2010) Administrative enforcement measures shall be imposed for violation of requirements for nuclear safety, radiation protection, physical protection and emergency preparedness, which pose or create an imminent threat of an accident.

Article 150

The following administrative enforcement measures may be imposed in cases referred to in Article 149:

1. termination or limitation of the activity for which the permit or licence has been originally issued;

2. suspension of the individual employment licence;
3. for carrying out the following activities:
 - (a) expert evaluations, inspections, tests of an installation, facility, products, parts, systems or components;
 - (b) alteration of established operating limits and conditions;
 - (c) modifications of design and structures relevant to nuclear safety, radiation protection, physical protection and emergency preparedness;
 - (d) supplementation or alteration of the curricula and training courses and delivery of additional training, including examination of knowledge and skills.

Article 151

- (1) (Amended, SG No 80/2010) The administrative enforcement measures shall be imposed by an order of the NRA Chairman based on a proposal by the inspectors of the Agency.
- (2) The administrative enforcement measures pursuant to Item 1 of Article 150(1) shall be imposed until elimination of the causes that have led to their imposition.
- (3) The order of application of enforcement measures shall establish an appropriate time limit for their execution.
- (4) The order of application of an enforcement measure shall be served on the person.

Article 152

(Amended, SG No 30/2006) Any order of application of administrative enforcement measures shall be appealable before the Supreme Administrative Court according to the procedure established by the Administrative Procedure Code. Any appeal shall not suspend the execution, unless otherwise ruled by the court.

SUPPLEMENTARY PROVISIONS

(Heading amended, SG No. 80/2010)

§ 1. Within the meaning given by this Act:

1. "Emergency preparedness" means 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" means 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" means 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" means the process during which the systems and components of a nuclear facility or another source of ionising radiation, 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 containing increased concentrations of natural radionuclides (NORM), which cannot be disregarded from the radiation protection point of view" means 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" means a source of ionising 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 the practices involving sealed sources, the said sources shall be classified into five categories:

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

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

10. "Closure" means 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" means an area designated for the purposes of physical protection and located within the site area of a nuclear facility or another site, in which are utilised or kept nuclear materials or radioactive substances, 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 obtaining special passes.

12. (Amended, SG No. 80/2010) "Controlled access area" means 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" means the process of selecting a suitable site for construction of a specific nuclear facility or a site with sources of ionising radiation, including appropriate assessment and definition of the related design bases.

14. "Decommissioning" means 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 ionising radiation" or "source" means any apparatus, radioactive substance, unit, product, installation, capable of emitting ionising radiation or of releasing radioactive substances (with the exception of nuclear facilities).

16. "Source material" means: 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" means 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. "Ionising radiation" means the transfer of energy in the form of particles or electromagnetic waves of a wavelength up to 100 nanometre 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" means a natural person possessing the necessary knowledge, training and technical skills which enable the respective person to carry out assessment of doses and to give consultations and advises in order to ensure radiation protection of personnel and the public, as well as the safety of nuclear facilities and sources of ionising radiation. The capacity to act as a qualified expert in radiation protection shall be recognised according to a procedure established in the relevant statutory instruments.

19a. (New, SG No. 80/2010) "Structures, systems and components important for the safety" means 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 the anticipated 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" means the exposure incurred: by patients as part of their own diagnosis or treatment involving use of sources of ionising radiation; by persons other than personnel who voluntarily help on 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" means 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. "Site with a source of ionising radiation" means 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" means the process of being exposed to ionising radiation.

26. "Public exposure" means the exposure incurred by members of the public as a result of licit or illicit activities involving sources of ionising 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). "Exemption" means a regulated activity under this Act, carried out by a licensee or permit holder for the purpose of future release of practices (disposal, recycling, reuse and other such) involving radioactive substances or material from the requirements of this Act and of the requirements of statutory instruments of secondary legislation on the application thereof.

27. "Spent nuclear fuel" or "spent fuel" means nuclear fuel that has been irradiated in a reactor core and that has been permanently removed wherefrom.

28. "Safety assessment" means a review of all aspects of the design and operation of a nuclear facility or another source of ionising 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" means 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" means the movement of 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" means the attributes and characteristics of potential insider and/or external adversaries who might attempt unauthorised removal of nuclear material or sabotage against which a physical protection system is designed and evaluated.

30. "Occupational exposure" means 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" means any violation which is committed within one year after the entry into force of a penalty decree whereby the offender was penalised for a violation of the same kind.

32. "Radiation protection" means a totality of organisational and technical measures intended to protect people from exposure to ionising radiation, including ensuring the safety of sources of ionising radiation and the activities with such sources, i.e. minimisation of the risk of unjustified 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" means a source whereof the properties to emit ionising radiation are attributable solely to the radionuclides contained therein.

34. "Radioactive waste" means 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" means 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 the personnel and the public or damage the environment by exposure to ionising radiation or release of radioactive substances.

35. "Self-sustaining chain nuclear reaction" means 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" means 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) "Specialised training" means post-graduate education and training in theory and practice, including on-the-job training and safety briefing of individuals for the purpose of performing specific activities or tasks at nuclear facilities or with sources of ionising radiation.

38. "Event" means any deviation from the specified 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 ungrounded public or occupational exposure, or to breach of nuclear safety or radiation protection requirements, rules and standards.

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

40. "Radioactive waste management facility" means any facility whereof the primary purpose is radioactive waste management, including also 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) "facilities of high risk which are relevant to nuclear safety" means boilers, pressure vessels, steam and hot water pipes, lifting devices which are part of the structures, systems and components important for safety and upon whose breakdown radioactive products may be released.

41. "Storage" means 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. "Severe natural disaster of an exceptional character" means a catastrophic, unforeseeable and unavoidable natural disaster.

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

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

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

46. "Uranium enriched in the isotope U-235 or U-233" means 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" means a set of all technical and organisational requirements, measures, means and methods intended to effectively prevent unauthorised tampering or interference with, or unauthorised removal of, nuclear material, nuclear facilities and radioactive substances (theft, intrusion into the site of a nuclear facility, unauthorised 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" means 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" means any installation containing nuclear fuel in such an arrangement that a self-sustaining chain nuclear reaction can occur therein without an additional source of neutrons.

50. "Nuclear accident" means an accident involving release of radioactive substances into the environment or potentially dangerous occupational or public exposure, caused by disturbance 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" means 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 ionising radiation of the nuclear facility.

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

53. (Amended, SG No. 80/2010) "Nuclear power plant" means 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" means any fissionable material capable of producing energy by a self-sustaining chain nuclear reaction.

55. "Nuclear facility" means a facility and its associated land, buildings and equipment in which radioactive material is produced, processed, used, handled, stored or disposed 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 NRA Chairman 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 NRA Chairman.

(3) The document 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 NRA Chairman 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 NRA Chairman.

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

(2) The information referred in the 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 NRA Chairman 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 ionising radiation in a volume specified by the regulations referred to in Item 8 of Article 19 (1) and Article 123 herein;

2. data on the radiation background at 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 ionising 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 NRA Chairman 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 NRA Chairman shall at least every ten years arrange a periodic self-assessment of the national legislative, regulatory and

organisational 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. 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 Organisational Structure 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 prevailing procedure.

§ 5. (1) Any permit or individual licence, issued by virtue 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 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 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 entities with sources of ionising radiation according to the procedure established by this Act proceeding from the designs for construction of the relevant entities 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 first 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 shall enter into force as from the first 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 first 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 expected 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 Chairman 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 of 2000), the words “the Committee on the Use of Atomic Energy for Peaceful Purposes” shall be replaced by “the Chairman 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 Chairman 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 Chairman 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)

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§ 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 Act on the Safe Use of Nuclear Energy

(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 or permit issuing proceedings initiated until the entry into force of this Act shall be completed according to the hitherto effective procedure.

§ 88. In the Act on Technical Requirements for Products (Promulgated, SG, No 86/1999; amended and supplemented No 63 and 93/2002, No 18 and 107/2003, No 45, 77, 88, 95 and 105/2005, No 30, 62 и 76/2006, No 41 and 86/2007 and No 74/2009) the following amendments shall be made:

1. In Article 33 (3) after the words „nuclear power plants“ the words „being developed especially for use in the nuclear engineering, are a part of the structures, systems and components important to nuclear safety and upon whose breakdown radioactive products may be released“ shall be added.

2. Paragraph 5 of the supplementary provisions is repealed.

§ 89. (1) Until the entry into force of the relevant regulations referred to in Article 26 (6) (of the Act on the Safe Use of Nuclear Energy), control upon the facilities of high risk 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 facilities of high risk than those referred to in Paragraph (1), control shall be exercised according to the procedure established by the Act on the Technical Requirements for Products.

(3) Within six months after the entry into force of this Act, control over the facilities of high risk 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 Act on the Safe Use of Nuclear Energy), 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 regulation referred to in Article 94 (1) (of the Act on the Safe Use of Nuclear Energy) 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 first day of January 2011.