

# **BULGARIA**

## **Act on the Safe Use of Nuclear Energy\***

**Adopted on 28 June 2002**

**as last amended on 29 December 2002**

### **Chapter 1**

#### **GENERAL PROVISIONS**

##### *Article 1*

This Act covers the activities associated with the State regulation of the safe use of nuclear energy and ionising radiation and with 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 and radiation protection.

##### *Article 2*

Nuclear energy and nuclear material shall be used solely for peaceful purposes and in compliance with this Act and with international treaties constitutionally ratified, 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 the harmful impact of ionising radiation.

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\* Unofficial translation established by the OECD secretariat.

- (2) In the use of nuclear energy or ionising radiation, and in the management of radioactive waste and spent fuel:
  1. nuclear safety and radiation protection shall have priority over all other aspects of the activity;
  2. occupational and public exposure to ionising radiation shall always be kept as low as reasonably achievable.

## **Chapter 2**

### 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 implemented by the Chairman of the Nuclear Regulatory Agency (NRA), hereinafter referred to as “the Agency”, which 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 entrusted to him, 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. issue, amend, modify, renew, suspend and revoke licences and permits for the safe conduct of the activities under this Act;
3. supervise the fulfilment of safety requirements and standards related to the safe use of nuclear energy and ionising radiation and the safety of radioactive waste management and spent fuel management, including the conditions of licences and permits issued;

4. issue and withdraw qualification certificates 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 during the use of nuclear energy and ionising radiation and the management of radioactive waste and spent fuel;
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 international co-operation on behalf of the Republic of Bulgaria in the fields of the safe use of nuclear energy and ionising radiation and the safety of radioactive waste management and spent fuel management;
9. provide individuals, legal entities and state bodies with objective information concerning the nuclear safety and radiation protection situation;
10. submit annually to the Council of Ministers a report on the status of nuclear safety and radiation protection, during the use of nuclear energy and ionising radiation and the management of radioactive waste and spent fuel, as well as on the activities of the Agency;
11. organise and co-ordinate the drafting and submission of reports to the Council of Ministers on the implementation of national obligations under the Convention on Nuclear Safety and the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management;
12. organise and co-ordinate implementation of the obligations of the Republic of Bulgaria arising from 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, 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. develop and submit regulations for the application of this Act to the Council of Ministers for adoption;
15. exercise other powers as may be entrusted to him by the national legislation.

### *Article 6*

- (1) Eligibility for appointment to the office of NRA Chairman or Deputy-Chairman shall be limited to Bulgarian citizens who:
  1. hold a Master's educational degree in natural or technical sciences, conferred 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, radioactive waste 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 offence of a general nature;
- (2) The following shall be ineligible for appointment as Chairman or Deputy-Chairman:
  1. any individual who is a sole trader, shareholder, member, managing director, managerial agent, consultant or member of a management body or supervisory body of a company or an organisation performing activities under this Act;
  2. any individual holding another employment contract, excluding lecturing or scientific activities.
- (2) The remuneration for the Chairman and the Deputy-Chairmen shall be fixed as follows:
  1. for the Chairman: at 95% of three average monthly wages of the persons hired under an employment and civil-service relationship in the public sector, in conformity with the data of the National Statistics Institute;
  2. for a Deputy-Chairman: at 90% of three average monthly wages of the persons hired under an employment and civil-service relationship in the public sector, in conformity with the data of the National Statistics Institute.

### *Article 7*

- (1) The Chairman may only be removed prior to the expiration of his term of office on one of the following grounds:
  1. resignation;
  2. significant violation of this Act;
  3. significant or repeated breaches of his official duties;
  4. failure to meet any appointment requirements;
  5. inability to perform his/her duties for a period exceeding six months.

- (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 his work, 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 its headquarters in Sofia.
- (3) The structure and activity of the Agency, as well as the organisation of its work and staff, shall be determined in the Organisational Statute to be adopted by the Council of Ministers on a motion by the NRA Chairman.
- (4) The disqualifications covered under Article 6(2)1 shall apply to any employee in the administration who carries out activities related to the granting of licences or permits or who exercises control over their application.

#### *Article 9*

- (1) The NRA Chairman shall establish:
  1. an Advisory Council on Nuclear Safety;
  2. an Advisory Council on Radiation Protection.
- (2) The 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) The NRA Chairman shall approve the composition of the Advisory Councils by an order.
- (4) The Advisory Councils shall assist the Chairman by giving expert advice on the scientific aspects of nuclear safety and radiation protection.
- (5) The Advisory Councils shall adopt rules of procedure, and their meetings shall be presided over by the NRA Chairman or by an authorised person.

## ***Section II***

### **Agency Financing**

#### ***Article 10***

- (1) The operation of the Agency shall be financed by the national budget and by proceeds from the fees collected under this Act.
- (2) The Agency shall administer fees under this Act.

#### ***Article 11***

- (1) The revenues on the budget of the Agency shall be raised from:
  1. the fees collected under this Act and any accrued interest;
  2. donations.
- (2) Order of priority for the expenditure of Agency financial resources shall be as follows:
  1. financing of studies, analyses and expertise associated with the assessment of nuclear safety and radiation protection and the financing of regulatory activities under this Act;
  2. capital expenditures on development of the Agency infrastructure;
  3. training and qualification of Agency staff;
  4. additional financial incentives to Agency personnel.

## ***Section III***

### **Competencies of other State Bodies**

#### ***Article 12***

State bodies, which by financing or in any other manner are involved with the 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***

The Ministers of Health, Environment and Water, the Interior, Defence, Agriculture and Forestry, Transport and Communications, and Education and Science shall exercise specialised control in accordance with their competencies specified in the legislation.

## **Chapter 3**

### **AUTHORISATION PROCESS**

#### ***Section I***

#### **General Provisions**

##### ***Article 14***

- (1) Individuals or legal entities may only use nuclear energy or sources of ionising radiation after obtaining a permit and/or a licence for the safe implementation of the relevant activity specified in this Act.
- (2) Legal entities may only perform radioactive waste management and spent fuel management after obtaining a permit and/or a licence for the safe implementation of the relevant activity specified in this Act.

##### ***Article 15***

- (1) Permits and licences shall be issued, amended, suspended, and revoked by the NRA Chairman under conditions of legal equality and transparency.
- (2) The licences and permits under this Act shall be individual administrative acts.
- (3) A licence may be issued for:
  1. operation of a nuclear facility;
  2. use of sources of ionising radiation for economic, medical, scientific or process control purposes;
  3. manufacture of sources of ionising radiation or parts of such sources;
  4. handling of sources of ionising radiation for the purpose of maintenance, assembly, dismantling, measurement, construction and repair work or other services to persons using or manufacturing sources of ionising radiation or parts of such sources;
  5. transportation of radioactive substances;
  6. import and export of sources of ionising radiation or parts of such sources;
  7. specialised training.

- (4) A permit may 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) nuclear facility structures, systems and equipment related to nuclear safety and radiation protection;
    - (b) limits and conditions for the safe operation of a nuclear facility, that provide the basis for issuing of the operating licence;
    - (c) internal rules for carrying out the activity and procedures, including instructions, programmes, technical specifications, and the instruments that are attached to the licence for operation of a nuclear facility;
  6. decommissioning of a nuclear facility;
  7. transportation of nuclear material;
  8. location of a facility with a source of ionising radiation;
  9. construction of a facility with a source of ionising radiation, assembly and initial testing, conducted on the basis of a detailed technical design and approved radiation protection measures;
  10. decommissioning of a facility with radioactive substances;
  11. temporary storage of radioactive substances resulting from practices with sources of ionising radiation or associated with such practices;
  12. non-reoccurring transportation of radioactive substances;
  13. import and export of sources of ionising radiation or parts thereof where they do not constitute potential “dual-use” goods within the meaning of the Act on the Control of Foreign Trade in Arms and in Potential “Dual-Use” Goods and Technologies;
  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) Qualification certificates for employment shall be issued to persons who perform activities at nuclear facilities or with sources of ionising radiation.



### *Article 16*

Licencees using nuclear energy or sources of ionising radiation or dealing with radioactive waste management and spent fuel management are required to:

1. comply with nuclear safety and radiation protection requirements, standards and rules while performing the relevant activity;
2. perform monitoring of the radiological characteristics of the site and the environment;
3. 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;
4. employ only those individuals who meet established statutory requirements for educational qualifications and competence for employment at nuclear facilities or with sources of ionising radiation;
5. employ only those individuals who meet the specific health requirements established by a regulation adopted by the Council of Ministers on a motion by the Minister of Health;
6. provide the public, state bodies and public organisations with objective information regarding nuclear safety and radiation protection;
7. carry out all measures and activities associated with the safe storage of nuclear material, radioactive substances, spent nuclear fuel and radioactive waste generated from their activities until delivery for management to a facility 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 nuclear material, radioactive substances and other sources of ionising radiation, and maintain systems for their accounting and control;
12. ensure the physical protection of nuclear facilities, nuclear material, radioactive substances and other facilities with a source of ionising radiation, in co-ordination with the competent authorities of the Ministry of the Interior, where this is provided for by legislation;
13. provide for personnel training, as well as for continuous improvement and control of their qualifications;
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 in science and technology and internationally acknowledged operating experience;
16. maintain a system to control the discharges of radioactive substances and the radiological parameters at the site, in the radiation protection area and in the monitoring area;
17. maintain insurance or other financial security against nuclear damage.

#### *Article 17*

The following activities are 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. the addition of radioactive substances to foodstuffs or other products with the aim of increasing their level of activity or the activation of such substances, except as provided for by a specialised law, as well as importing and exporting such commodities and products;
3. unregulated exposure to sources of ionising radiation;
4. import of radioactive waste, except:
  - (a) re-import of used sealed sources 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 to the Republic of Bulgaria or a Bulgarian legal entity.

#### *Article 18*

- (1) The NRA Chairman shall issue a licence:
  1. under Item 1 of Article 15(3): within nine months;
  2. under Item 7 of Article 15(3): within six months;
  3. under Items 2 through 6 incl. of Article 15(3): within one month.
- (2) The NRA Chairman shall issue a permit:
  1. under Items 1 through 4 incl., 6 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. under Item 16 of Article 15(4): within one month after adoption of a decision by the Council of Ministers in the cases referred to in Article 25(1).
- (3) The time limits for the issuance of a licence or a permit shall begin to run 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 fulfil the conditions established by this Act;
  2. has been adjudicated bankrupt or is subject to bankruptcy proceedings;
  3. is in liquidation;
  4. has been sentenced to a term of imprisonment for an offence of a general nature which, for legal entities, shall apply to the members of the management and supervisory bodies.

#### *Article 19*

- (1) Each licence or permit shall specify:
  1. the holder and the subject of the licence or permit;
  2. the validity of the licence or permit;
  3. the facility, including the technology and the nuclear material or sources of ionising radiation to be used;
  4. conditions for carrying out the activity on nuclear safety and radiation protection, including conditions for decommissioning of the facility, in accordance with the obligations pursuant to Article 16;
  5. 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. requirements for individuals performing activities under licences and permits;
  7. requirements in relation to the provision of sufficient financial resources to ensure safety during the validity of the licence;
  8. requirements of the licensee in relation to the provision of information to the Agency, including the requirement to notify the Agency in the 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 acceptance of control and inspection at nuclear facilities, facilities with a source of ionising radiation or 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) 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 a nuclear safety and radiation protection assessment and assessment of the status of the nuclear facility or the facility with a source of ionising radiation.
- (3) Licence validity may be extended for a period not exceeding the period referred to in Paragraph 1 if the licensee fulfils all obligations and requirements under the licence and has submitted an extension request in writing prior to the expiration of the initial licence term or of any extension thereof. 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 of the licensee or permit-holder in respect of:
  1. changes in the statutory requirements in nuclear safety and radiation protection;
  2. occurrence of any new circumstances having a substantial effect on nuclear safety and radiation protection, which require review and amendment of the licence or permit conditions;
  3. reasons of national security and public order.
- (2) Within one month following the occurrence of any circumstance covered under Paragraph (1), requiring licence or permit amendment, the licensee or permit holder is obliged 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 a 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.

## *Article 22*

- (1) A licence shall be terminated:
  1. by expiration of its term of validity;
  2. at the request of the licensee, in particular when at least one of the conditions covered under Article 56(2) or (3) occurs in the course of conducting the activity;
  3. by reason of revocation of the licence;
  4. upon dissolution of the legal entity;
  5. upon the death of the licensed person.
- (2) A permit shall be terminated:
  1. With the completion of the activity subject to the permit or when the term of the permit has expired;
  2. at the request of the permit holder;
  3. upon termination of the licence, where the permit has been granted to a licensee;
  4. by reason of revocation of the permit.
- (3) Upon termination of a licence, the licensee shall be obliged to ensure the nuclear safety, radiation protection and physical protection of 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.

## *Article 23*

- (1) The NRA Chairman shall revoke a licence or permit following a written notification comprising a specified time period:
  1. where the licensee or permit holder fails to comply with or violates:
    - (a) the obligations covered under Article 16 and/or any conditions included in the licence or permit associated with nuclear safety or radiation protection;
    - (b) any directives of responsible authorities, or any enforcement measure imposed under this Act; or
    - (c) any condition or requirement contained in the licence under Article 15(3)7 ;
  2. where the licensee or permit holder has submitted any incorrect information which has served as the basis for the issuance of the licence or permit and which is relevant to nuclear safety and radiation protection;

3. where the activity of the licensee is terminated through bankruptcy or liquidation proceedings;
  4. for reasons of national security.
- (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) In his 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 penaltys provided for in this Act shall be imposed.

#### ***Article 24***

The issuance of any licence or permit or of any amendment or denial (including an unrecorded denial) thereof by the NRA Chairman shall lead to delivery of the corresponding act, and the withdrawal of a licence or permit shall be subject to appeal before the Supreme Administrative Court. Any appeal against a decision by the NRA Chairman shall not suspend its implementation.

#### ***Article 25***

- (1) Transit of nuclear material, radioactive waste and spent fuel through the territory of the Republic of Bulgaria shall take place pursuant to a decision of the Council of Ministers and following the issuance of a permit by the NRA Chairman.
- (2) Transit of radioactive substances through the territory of the Republic of Bulgaria shall take place following the issuance of a permit by the NRA Chairman.
- (3) Such a permit may 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 applicable to the use of nuclear energy and sources of ionising radiation, radioactive waste management and spent fuel management, including siting, design, construction, commissioning, operation and decommissioning of nuclear facilities and facilities with a source of ionising radiation, shall be established by regulations adopted by the Council of Ministers on a motion by the NRA Chairman.
- (3) The basic standards for radiation protection 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) The conditions and procedure for transportation 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 and Communications.

#### *Article 27*

- (1) The Agency shall maintain public records in which the following acts issued by the NRA Chairman shall be recorded:
  1. licences and permits, as well as their amendment, renewal, suspension or revocation;
  2. qualification certificates for employment at nuclear facilities or with sources of ionising radiation.
- (2) The information to be included in the records 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 a qualification certificate 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*

Upon issuance of a permit under this Act, the permit holder shall pay a fee, covering the expenses of evaluating and conforming of data and circumstances as stated with applicable nuclear safety and radiation protection requirements, the preparation and control over compliance with conditions depending on the type of permit.

#### *Article 30*

- (1) Licensees under this Act shall pay licensing fees for each licence issued.
- (2) Licensing fees shall be of the following types:
  1. initial fee: payable upon the issuance of the licence, fixed depending on the type of the licence and covering the expenses of evaluating and conforming of data and circumstances as stated with applicable nuclear safety and radiation protection requirements, and of preparing the licence itself;
  2. annual fee: imposed for regulating implementation of licence conditions and for periodic review of the status of nuclear safety and radiation protection, 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% of the fee referred to in Item 1 of Paragraph (2) shall be paid for licence amendment upon request of the licensee and upon extension of the term of validity of the licence.

#### *Article 31*

- (1) The procedure for payment of fees under this Act shall be established by a regulation adopted by the Council of Ministers on a motion by the NRA Chairman.
- (2) Legal entities financed through the national budget shall be exempt from payment of fees under this Act.



### ***Article 32***

Fees for licences or permits shall be allowed as expenses deductible for taxation purposes and as economically justified costs for purposes of pricing according to the Energy and Energy Efficiency Act.

### ***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 issued, prior to the issuance of an operating licence for a nuclear facility under this Act, to a legal entity registered in the Republic of Bulgaria that:
  1. possesses a permit for the construction of a new capacity for generating electrical and/or thermal power according to the procedure established under the Energy and Energy Efficiency Act, if the nuclear facility is a nuclear power plant;
  2. is an investor in the construction of another nuclear facility.
- (3) The permit shall be issued if the applicant possesses the necessary financial, technical, material and human resources and a suitable organisational structure to meet all nuclear safety and radiation protection requirements, standards and rules established by the regulation referred to in Article 26(2).
- (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).

### ***Article 34***

- (1) A permit for commissioning of a nuclear facility shall be issued following the issuance of a utilisation permit under the Act on Territorial Structure.
- (2) Any modification of the nuclear facility commissioning programme shall only be made 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) A licence to operate a nuclear facility is issued only when all conditions of the commissioning permit are met.
- (2) A licence to operate a nuclear facility is issued to a legal entity registered in the Republic of Bulgaria that:
1. is the owner of, or the holder of property rights to, the nuclear facility;
  2. possesses the necessary financial, technical and material resources and a suitable organisational structure to maintain a high level of safety for the entire lifetime of the nuclear facility, in relation to radioactive waste management and spent fuel management, and for safe decommissioning of the facility;
  3. has a sufficient number of qualified and competent personnel with the appropriate level of qualifications and training for all activities related to the safe operation of the nuclear facility;
  4. has adopted a programme of measures, including internal rules, as necessary for ensuring and maintaining a high level of quality in all activities related to the operation of the nuclear facility;
  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 the necessary 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. has ensured conformity of the installation and the declared operating activity with the requirements, standards and rules of nuclear safety and radiation protection.
- (3) A licence to operate a nuclear facility shall be granted for a term not exceeding ten years.

#### *Article 36*

- (1) A licence to operate a nuclear facility shall include the right of the licensee to use a nuclear facility which from a technical and technological point of view, meets all nuclear safety and radiation protection standards, and to perform all activities, including decommissioning and temporary storage of spent nuclear fuel and radioactive waste, to attain the assigned purpose of the facility on condition that nuclear safety and radiation protection are guaranteed.

- (2) A separate operating licence shall be issued for any unit or 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) A licence to operate a nuclear facility shall be suspended at the request of the licensee from the date of the issuance of a new licence for the same activity to a new applicant.
- (2) Upon revocation of a licence, 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. changes leading to a modification of:
    - (a) nuclear safety and radiation protection related structures, systems and equipment;
    - (b) limits and conditions for safe operation on the basis of which the operating licence was issued;
    - (c) internal rules for conduct of licensee activities, including instructions, programmes, technical specifications and similar matters attached to the licence;
  2. decommissioning of a nuclear facility;
  3. import and export of nuclear material;
  4. transport of nuclear material.
- (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, on his own volition within the authorisation process, without charging a fee for the amendment.
- (4) A permit under Items 3 and 4 of Paragraph (1) shall be granted for each specific case of import, export or transport.

### ***Article 39***

- (1) A nuclear facility may only be decommissioned after the issuance of a permit by the NRA Chairman under Item 2 of Article 38 (1).
- (2) A permit may be granted if the licensee has submitted:
  1. an assessment of nuclear safety and radiation protection during decommissioning;
  2. a positive decision on environmental impact assessment;
  3. a decommissioning programme that complies with all nuclear safety and radiation protection requirements.
- (3) Where the decommissioning of the nuclear facility is a multistage process, the NRA Chairman may issue a separate permit for each stage.

### ***Article 40***

- (1) An import or export permit referred to in Item 3 of Article 38(1) may be issued to a licensee when the import or export is associated with the licensed activity.
- (2) A nuclear material import or export permit may be issued to a sole trader or a legal entity if:
  1. arrangements have been made to transport the nuclear material from a licensee or permit-holder under this Act;
  2. the consignee of the shipment holds the requisite licence or permit to use or store nuclear material.

### ***Article 41***

A permit for transport of nuclear material, under Item 4 of Article 38(1) is issued to a licensee if the licensee has ensured that transportation will occur with such packaging and means of transport as is specified in the regulation under Article 26(4), and has provided for 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 Underground Mineral Resources Act.
- (2) Issuance of permits and signing of concession contracts referred to in Paragraph (1), under the Underground Mineral Resources Act shall not override the requirement to obtain the relevant permit or licence under this Act.

#### ***Article 44***

The issue of permits under Article 33 shall not revoke the requirement to obtain the necessary permits under the Act on Territorial Structure.

#### ***Section IV***

#### **Specific Rules applicable to the Construction and Operation of Nuclear Power Plants**

#### ***Article 45***

- (1) A nuclear power plant shall be constructed 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 Energy and Energy Resources, 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 state, the Minister of Foreign Affairs shall notify the competent authorities of that state. 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 Energy and Energy Resources 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***

- (1) The designation of the applicant that shall construct and operate a nuclear power plant as a facility for generation of electrical power and/or heating shall take place pursuant to the procedure established by Chapter Three of the Energy and Energy Efficiency Act.
- (2) Obtaining of permits and licences under this Act shall be a prior condition for entry into force of the permits and licences under the Energy and Energy Efficiency Act.
- (3) The licence to operate a nuclear power plant shall be issued to an applicant possessing a licence for generation of electrical power and/or heating under the Energy and Energy Efficiency Act.

#### ***Article 47***

- (1) A licence to operate a nuclear power plant shall be suspended by the termination of the licence for generation of electrical power and/or heating issued under the Energy and Energy Efficiency 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 three years before the closure of the power plant for decommissioning.

#### ***Section V***

### **Nuclear Facilities Decommissioning Fund**

*(Effective as from 1 January 2003)*

#### ***Article 48***

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

#### ***Article 49***

- (1) The revenues of the Fund shall be raised, accounted for and centralised in the Single Budget Account System through a separate account, opened in the name of the Ministry of Energy and Energy Resources within the Bulgarian National Bank, from the following sources:
  1. contributions from nuclear facility operators, in amounts specified by the Council of Ministers;
  2. national budget resources, allocated annually pursuant to the National Budget Act for the relevant year;

3. interest accruing from management of 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) Legal entities financed by the national budget shall be exempt from payment of contributions referred to in Item 1 of Paragraph (1).
  - (3) 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 according to the Energy and Energy Efficiency Act.
  - (4) Contributions to the Fund referred to in Item 1 of Paragraph (1) shall be public state revenue, which shall be assessed and collected by the tax administration according to the procedure established by the Taxation Procedure Code.

#### *Article 50*

- (1) Financial resources of the Fund shall be expended solely for the purpose of financing nuclear facilities decommissioning activities, including:
  1. the annual programme of the licensee operating the nuclear facility being decommissioned;
  2. expenses for the storage and disposal of radioactive waste generated as a result of decommissioning activities;
  3. management of the Fund;
  4. other activities provided for in the law and associated with safe decommissioning.
- (2) Expenditures under Paragraph (1) shall be reserved annually for inclusion in the budget of the Ministry of Energy and Energy Resources and shall be administered through assignment of a separate 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) (as amended) The financial resources referred to in Item 3 are managed within the framework of the liquidity control and management of the Single Account system.

#### ***Article 51***

- (1) A Management Board consisting of nine members, including a Chairman, shall govern the Fund.
- (2) The Minister of Energy and Energy Resources shall chair the Management Board.
- (3) Any person who has been sentenced for an offence of a general nature or who is the spouse or a lineal or collateral relative up to the fourth degree of consanguinity of 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 of the Management Board.

#### ***Article 52***

- (1) Members of the Fund Management Board shall include the Deputy Minister of Finance, the Deputy Minister of Health, the Deputy Minister of Economy, the Deputy Minister of Environment and Water, the Deputy Minister of Regional Development and Public Works, the NRA Chairman, a representative of the licensees operating nuclear power plants, and the Director of the Institute of Nuclear Research and Nuclear Energy within the Bulgarian Academy of Sciences.
- (2) Ministers of the ministries listed under Paragraph (1) shall designate their 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) For a meeting of the Management Board to be considered lawful, at least two-thirds of its members must be 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 licensees;



4. control the proper expenditure of the financial resources of the Fund;
  5. conclude contracts for management of the financial resources of the Fund with the Bulgarian National Bank in co-ordination with the Minister of Finance;
  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 legislation in force.
- (2) The draft budget of the Fund, as adopted by the Management Board, shall be incorporated into the draft budget of the Ministry of Energy and Energy Resources and shall be submitted to the Ministry of Finance according to the procedure established by the National Budget Procedures Act.

#### *Article 55*

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 Energy and Energy Resources and the Minister of Finance.

#### *Section VI*

### **Practices with Other Sources of Ionising Radiation**

#### *Article 56*

- (1) Practices with sources of ionising radiation shall be conducted only on the basis of licences or permits for safe implementation of these practices, issued by the NRA Chairman, except in cases covered under Paragraphs (2) and (3).
- (2) Licences or permits for practices with radioactive substances shall not be required provided that at least one of the following conditions is present:
  1. at any time, for all the radioactive sources, the sum of the ratios of the activities of these sources and the activities of the respective radionuclides indicated as exempted in the basic safety standards in force is not greater than one;
  2. at any time, for all the radioactive substances, the sum of the ratios of the specific activities of these substances and the specific activities of the respective radionuclides indicated as exempt in the basic safety standards in force is not greater than one, and the practices are conducted with small quantities of radioactive substances containing a single artificial radionuclide or a mixture of artificial radionuclides.

- (3) Licences or permits for practices with a generator of ionising radiation shall not be required provided that at least one of the following conditions is present:
1. under normal conditions, at a distance of 0.1 m from each of the accessible surfaces of the generator of ionising radiation, the equivalent dose rate does not exceed 1 micro sievert per hour;
  2. the maximum energy of the generated source radiation does not exceed 5 kilo electron volts.
- (4) Licences or permits for practices with sources of ionising radiation shall be issued provided that the following conditions are present:
1. upon justification of the practice – a practice that results or could result in exposure of persons should only be carried out if it yields sufficient benefit to the exposed individuals or to society that outweighs the radiation injury it causes or could cause;
  2. individual doses, resulting from a combination of exposures from all relevant practices should not exceed the specified dose limits established in the basic safety standards in force; and individual doses must be kept as low as possible; this condition shall not apply to medical exposure;
  3. under the current prevailing circumstances, the best available protection and safety measures shall be applied for sources of ionising radiation and the devices in which they are used so that the exposure dose, possibilities of exposure and the number of individuals exposed be as low as reasonably achievable, taking into account economic and social factors with the exception of cases of medical therapeutic exposure.

#### *Article 57*

The NRA Chairman shall issue a permit for:

1. siting of a facility with a source of ionising radiation;
2. construction of a facility with a source of ionising radiation, assembly and preliminary testing, conducted on the basis of design specification and provisions for radiation protection;
3. decommissioning of a facility with radioactive substances;
4. temporary storage of radioactive substances generated during practices using sources of ionising radiation or associated with such practices;
5. non-reoccurring transportation of radioactive substances;
6. import and export of sources of ionising radiation or parts thereof.

### ***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. manufacture of sources of ionising radiation or parts thereof;
  3. handling of sources of ionising radiation for the purpose of maintenance, assembly, dismantling, measurement, construction and repair or other services to persons using or manufacturing sources of ionising radiation or parts thereof;
  4. transport of radioactive substances;
  5. import and export of sources of ionising radiation or parts thereof.
- (2) A licence pursuant to Paragraph (1), Items 1 through 3 shall be issued after commissioning of the facility with a source of ionising radiation for operation if operation of such a facility is provided for in the procedure established by the regulation referred to in Article 26(1).
- (3) A licence shall be issued for a term of validity not exceeding five years.

### ***Article 59***

- (1) The NRA Chairman shall issue a permit for each import and export of sources of ionising radiation or parts thereof to a person holding a licence pursuant to Article 58, Paragraph (1), Item 5.
- (2) Permits pursuant to Paragraph (1) may be issued to applicants who do not hold a licence for the relevant practice.
- (3) Permits pursuant to Paragraphs (1) and (2) for import of sources of ionising radiation or parts thereof shall be issued if:
  1. the consignee holds the required licence or permit to use and/or store the sources or parts thereof;
  2. it is ensured that the transport of sources of ionising radiation will be carried out by a holder of a transport licence or permit issued pursuant to this Act.

### ***Article 60***

- (1) A licence or permit shall be issued to a legally able person or to a legal entity registered in the Republic of Bulgaria, that:
  1. possesses sufficient financial, technical, material and human resources and an organisational structure to ensure safety and radiation protection during implementation of the practice, including the safe discontinuance of the practice;

2. has ensured the measures as necessary for the quality assurance of the practice;
  3. presents information justifying the necessity of conducting the practice;
  4. presents an assessment of the nature and probability of any exposure to be caused by the practice, as well as the expected radiation doses;
  5. undertakes all necessary measures to ensure protection of all categories of exposed individuals from radiation, both under normal conditions and in the case of incidents and accidents;
  6. provides for the necessary personnel possessing the required qualifications and competence;
  7. submits all necessary internal rules, procedures, technical specifications, regulations and job descriptions, including those for conducting appropriate monitoring and for making results available to exposed persons.
- (2) A licence to use 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 and/or the national consultants on radiation therapy, nuclear medicine and radiology. The licence shall enter into force after the person or the legal entity receives the necessary permits for provision of medical or dental care pursuant to the relevant Laws.

#### *Article 61*

Types and essential characteristics of the sources of ionising radiation that may be used for medical purposes, the rules and procedures for prescription of medical exposure and the procedure for giving information to exposed persons, as well as the speciality and the other qualification requirements for persons entitled to assume medical responsibility, shall be established by a regulation adopted by the Council of Ministers on a motion by the Minister of Health.

#### *Article 62*

The licensee is obliged, within seven days after conclusion of a business transaction involving a source of ionising radiation, to notify the NRA Chairman of the type of transaction concluded and the specific source of ionising radiation, and to provide information concerning the person with whom this transaction was concluded.

#### *Article 63*

The issuance of a permit pursuant to Article 57 shall not dispense with the requirement to obtain the required permits pursuant to the Act on Territorial Structure.

## *Section VII*

### **Competence and Specialised Training**

#### *Article 64*

- (1) Safety related activities at nuclear facilities and with sources of ionising radiation, may only be performed by professionally qualified staff.
- (2) Qualification certificates shall be issued by:
  1. the NRA Chairman to:
    - (a) individuals implementing activities associated with the ensuring and/or control of nuclear safety and radiation protection conducted in the course of operation of a nuclear facility;
    - (b) individuals entrusted to provide specialised training for work with sources of ionising radiation;
  2. a licensee, licensed under the procedure established by this Act, to provide specialised training to individuals professionally engaged in practices with sources of ionising radiation.
- (3) Qualification certificates 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 or to a legal entity registered in the Republic of Bulgaria that:
  1. possesses the necessary financial, technical, material and organisational resources for implementation of the activity;
  2. has a sufficient number of qualified and competent personnel holding the relevant level of education, vocational training and competence 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 (a) above;
    - (c) licensing procedures for issuing qualification certificate to personnel, as specified in licence conditions;

- (d) a system to ensure that the 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) The procedure for the issuance of a licence for specialised training and a qualification certificate shall be regulated by a regulation adopted by the Council of Ministers on a motion by the NRA Chairman.

#### *Article 66*

- (1) Except in cases where it is issued pursuant to another special law, a qualification certificate shall be issued to a person who:
  - 1. satisfies the medical, mental and 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) The NRA Chairman, in consultation with the Minister of Health shall appoint the Agency qualification examination commission. The commission shall include representatives of the Agency, the nuclear facility operator, and the Ministry of Health, along with other persons designated by the NRA Chairman who meet the requirements under Paragraph (4).
- (3) The management bodies of the licensee, licensed to deliver specialised training, shall appoint a qualification examination commission, which shall include representatives of the Agency and the Ministry of Health.
- (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 degree in natural or technical sciences, conferred graduation from a higher educational establishment;
  - 2. have not been sentenced to a term of imprisonment for an offence of a general nature;
  - 3. have worked under a contract of employment and/or a civil-service relationship for not less than ten years in the field of nuclear energy or ionising radiation, radioactive waste or spent fuel management, or in the regulatory process concerning the safe implementation of these activities.

### ***Article 67***

A qualification certificate shall be personal and shall include all or part of the following terms:

1. the positions that may be occupied or the activities that may be carried out 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 certificate;
5. other conditions pursuant to the law.

### ***Article 68***

(1) A qualification certificate shall be terminated:

1. upon expiration of its term of validity;
2. in the case of inability of the holder to practice the activity for which the certificate was delivered for a period exceeding one year;
3. where the holder of the qualification certificate fails to occupy the relevant position for more than three months after receiving it;
4. upon withdrawal of the certificate.

(2) Certificates shall be renewed following the same procedure as for acquisition.

### ***Article 69***

(1) A qualification certificate shall be withdrawn in cases where the holder:

1. has submitted false information which has provided the basis for the issuance of the licence;
2. has committed a significant or recurrent violation or systematically violates the nuclear safety and radiation protection requirements or conditions attached to the qualification certificate;
3. ceases to satisfy the medical, mental and physiological requirements for occupation of the position.

(2) Upon identifying any circumstances covered under Items 1 through 3 of Paragraph (1), the NRA Chairman shall approach the person referred to in Item 2 of Article 64(2), who issued the qualification certificate, with a detailed request to withdraw said certificate.

### *Article 70*

- (1) A qualification certificate shall be withdrawn by an order of the NRA Chairman or of the management body of the licensee, licensed to deliver specialised training, as the case may be.
- (2) Upon withdrawal of a qualification certificate under Item 2 of Article 69(1), the administrative penalties provided for under this Act may be imposed upon the holder.
- (3) The order withdrawing the certificate shall specify a time period during which the holder shall be barred from applying for a new qualification certificate to occupy the same or higher position. This period may not be shorter than six months, nor longer than one year.
- (4) An order of withdrawal may be appealed according to the procedure established by the Administrative Procedure Act. An appeal shall not suspend the execution of any such order.

### *Article 71*

The terms and procedure to obtain vocational qualifications, the occupational positions for which a qualification certificate 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) Any person or organisation that manufactures, processes, stores or uses nuclear material, radioactive substances and other sources of ionising radiation or that manages radioactive waste or spent fuel, shall be obliged to:
  1. take a physical inventory and keep records of the nuclear material, radioactive substances and other sources of ionising radiation and of the radioactive waste and spent fuel;
  2. provide periodic information on the records to the NRA Chairman;
  3. appoint competent personnel to take charge of the internal control over the nuclear material, radioactive substances and other sources of ionising radiation, radioactive waste and spent fuel, as well as over the sources of ionising radiation and radioactive waste; data concerning such personnel shall be provided to the Agency;
  4. report immediately any accidental loss or theft of nuclear material, radioactive substances and other sources of ionising radiation, radioactive waste and spent fuel to the Regional Directorate or the Police Department of the Ministry of the Interior, the NRA Chairman and the Minister of Health;



5. report to the NRA Chairman on any incident involving an actual or potential breach of the integrity of the nuclear material or of a source of ionising radiation;
  6. assure access to the regulatory authorities under this Act and to provide them with the requisite assistance, including activities of inspectors of international organisations concerning nuclear material, radioactive substances and other sources of ionising radiation, radioactive waste and spent fuel.
- (2) The terms and procedure for accounting of nuclear material, other sources of ionising radiation, radioactive waste and spent fuel, and for documentation management, information and notification shall be established by a regulation adopted by the Council of Ministers on a motion by the NRA Chairman.

### ***Article 73***

- (1) Any nuclear material, radioactive substances and other sources of ionising radiation, radioactive waste and spent fuel, the owner of which is unknown, shall be state property. The NRA Chairman shall designate the licensee to which such sources shall be provided and the relevant conditions.
- (2) Anyone who loses or finds any nuclear material, radioactive substance or other source of ionising radiation, radioactive waste or spent fuel shall be obliged to immediately notify the NRA Chairman, the specialised state body for civil protection, or the specialised authorities of the Ministry of the Interior.
- (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 licensee to which nuclear material shall be provided and the relevant conditions.

## **Chapter 4**

### MANAGEMENT OF RADIOACTIVE WASTE AND SPENT FUEL

#### ***Section I***

#### **General Provisions**

### ***Article 74***

- (1) The Council of Ministers shall adopt a strategy for spent fuel management and for radioactive waste management on a motion by the Minister of Energy and Energy Resources.
- (2) The Minister of Energy and Energy Resources 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) The Council of Ministers shall take any decision on construction of a national repository for storage and/or disposal of radioactive waste.

#### *Article 75*

- (1) Spent fuel management shall be conducted by a licensee holding a licence to operate a nuclear facility 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 once-off contribution to the Radioactive Waste Fund in an amount specified by the regulation referred to in Article 94(1).

#### *Article 76*

- (1) The radioactive waste outside the place of generation shall be managed by the Radioactive Waste State-owned Company.
- (2) The NRA Chairman shall only issue a licence to operate a radioactive waste management facility and the permits covered under Article 33(1) 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 be issued to a licensee, subject to the condition that the radioactive waste management facility is located or will be constructed on the licensed site.

#### *Article 77*

- (1) Licensees generating radioactive waste shall be obliged 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 its generation until its delivery to the Company.
- (2) Radioactive waste shall become state property from the time 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 that can not be retransferred.

## ***Section II***

### **Radioactive Waste State-owned Company**

*(Effective as from 1 January 2004)*

#### ***Article 78***

- (1) A Radioactive Waste State-owned Company shall be formed, hereinafter referred to as “the Company”, and shall have the status of a state-owned enterprise under Article 62(3) of the Commercial Law.
- (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 responsibilities of the specialised divisions shall be regulated by Company Rules of Organisation and Operation.

#### ***Article 79***

- (1) Company responsibilities 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. transportation of radioactive waste off-site, provided that the Company has been issued with a transportation permit or licence under this Act.
- (2) The Company shall implement the activities referred to in Items 1 and 2 of Paragraph (1) only pursuant to a permit issued by the NRA Chairman for siting, design, construction and commissioning or licence to operate a radioactive waste management facility and in compliance with nuclear safety and radiation protection requirements.

#### ***Article 80***

- (1) The Company may only perform activities and conclude transactions 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 Energy and Energy Resources in a 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 responsibilities, the Council of Ministers, by a decision, may allocate property and real estate constituting public or private state property to the Company for administration and management.

#### *Article 82*

Company management bodies shall include:

1. the Minister of Energy and Energy Resources;
2. the Management Board;
3. the Executive Director.

#### *Article 83*

The Minister of Energy and Energy Resources shall implement state policy in the field of radioactive waste management and shall exercise the powers relating to operation of the Company which are vested in him by this Act.

#### *Article 84*

- (1) The Management Board of the Company shall consist of three members, including the Executive Director.
- (2) The Minister of Energy and Energy Resources 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 an offence of a general nature;
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. who are spouses or lineal or collateral relatives up to the fourth degree of consanguinity of, or relatives by marriage up to the third degree of affinity to, any other member of Company bodies.

#### *Article 85*

- (1) The Management Board shall meet at least once a month.
- (2) For a meeting of the Management Board to be considered lawful, at least two-thirds of its members must be present.
- (3) The Management Board shall take decisions by open ballot and by a simple majority of its total membership.

#### *Article 86*

- (1) The Management Board shall:
  1. draft Rules of Organisation and Operation of the Company and submit these Rules to the Minister of Energy and Energy Resources for approval;
  2. draft Rules of Procedure of the Management Board and submit these Rules to the Minister of Energy and Energy Resources for approval;
  3. adopt the drafts of an annual, triennial and long-term programme for the operational budget of the Company on a motion by the Executive Director;
  4. approve the structure and number of staff on a motion by the Executive Director;
  5. designate a registered certified public accountant or a specialised accounting office for an independent financial audit of the Company, and adopt the annual financial report;
  6. propose to the Minister of Energy and Energy Resources for authorisation, in each particular case, the participation of the Company in international organisations;
  7. submit to the Minister of Energy and Energy Resources an annual report on Company operation not later than the 31 March of the following year;

8. take decisions on sale or on liquidation of tangible fixed assets, on creation of real rights and on leasing to tenants of property or real estate, 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 the legislation in force.
- (2) The drafts of the programmes and the budget of the Company referred to in Paragraph 1(3) shall be approved by the Management Board of the Radioactive Waste Fund on a motion by the Minister of Energy and Energy Resources.
  - (3) The approved drafts of the triennial plans for operation of the Company shall be adopted by the Council of Ministers.
  - (4) The programmes referred to in Paragraph 1(3) 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 implement its decisions.

#### *Article 87*

- (1) 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 Energy and Energy Resources 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 an offence of a general nature;
  3. objective inability of the member to perform the duties for a period exceeding six months;
  4. resignation;
  5. death or incapacity.
- (2) In the cases covered under Paragraph 1, the Minister of Energy and Energy Resources 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 performing activities under the management contract.

### ***Article 89***

- (1) The Executive Director shall:
  1. organise and direct the operation of the Company in accordance with the programmes and budgets as adopted by the Council of Ministers;
  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 operations;
  4. represent the Company before courts of law, state bodies and third parties in Bulgaria and abroad;
  5. report to the Management Board and to the Minister of Energy and Energy Resources on his activities.
- (2) The Executive Director may delegate some of his powers under Paragraph 1(2-4) to other officers of the Company in accordance with the Rules of Organisation and Operation of the Company.
- (3) In the absence of the Executive Director, the Company shall be represented by one of the members of the Management Board designated by an order of the Executive Director.

### ***Section III***

#### **Radioactive Waste Management Financing**

*(Effective as from 1 January 2003)*

### ***Article 90***

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

1. reserving funds that would be necessary for waste generation to the expenditures as shall be necessary for safe storage of the radioactive waste 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 under the Minister of Energy and Energy Resources to finance activities associated with radioactive waste management as well as activities and maintenance expenses of the Company.

### ***Article 92***

- (1) The revenues of the Radioactive Waste Fund shall be raised from the following sources:
  1. contributions from legal entities and 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 Article 92(1)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 account, opened in the name of the Ministry of Energy and Energy Resources in the Bulgarian National Bank.
- (3) This item is repealed.
- (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) (as amended) The financial resources referred to in Item 4 are managed within the framework of the liquidity control and management of the Single Account system.

### ***Article 93***

- (1) The financial resources of the Fund shall be expended only for the purpose of financing:
  1. the operation and financial management of the Radioactive Waste Company;
  2. other activities involving radioactive waste management outside the activities of the Company, including research and scientific developments;
  3. decommissioning of radioactive waste management facilities;
  4. management of the Fund.



- (2) The expenditures covered under Paragraph 1 shall be included annually in the budget of the Ministry of Energy and Energy Resources and shall be assigned a separate payment code in the System for Electronic Budget Payments.

#### *Article 94*

- (1) 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 Energy and Energy Resources and the Minister of Finance.
- (2) Contributions to the Fund by legal entities and persons conducting activities resulting in generation of radioactive waste shall be considered to be operating expenses deductible for taxation purposes regarding the generation of such radioactive waste.
- (3) The contributions under Article 92(1)1 shall be public state revenues, which shall be assessed and collected by the tax administration according to the procedure established by the Taxation Procedure Code.
- (4) Legal entities financed by the national budget shall be exempt from payment of contributions under Article 92(1)1.

#### *Article 95*

- (1) A Management Board consisting of nine members, including the Chairman, shall manage the Fund.
- (2) The Minister of Energy and Energy Resources shall chair the Management Board.
- (3) The members of the Management Board shall be representatives of the Ministry of Energy and Energy Resources, the Ministry of Regional Development and Public Works, the Ministry of Environment and Waters, the Ministry of Health, the Ministry of Finance, the Ministry of Economy, 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 for an offence of a general nature or who is a spouse or a lineal or collateral relative up to the fourth degree of consanguinity of, 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) For a Management Board meeting to be considered lawful, more than two-thirds of its members must be 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) Decisions of the Management Board shall be made by open ballot and by a qualified majority of two-thirds of the board members.

*Article 97*

- (1) The Management Board shall:

1. adopt Rules of Organisation and Operation 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. control the proper expenditure of the financial resources in the Fund;
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) The draft budget of the Fund, as adopted by Management Board, shall be incorporated into the draft budget of the Ministry of Energy and Energy Resources and shall be submitted to the Ministry of Finance according to the procedure established by the National Budget Procedures Act.

## **Chapter 5**

### **REGULATORY CONTROL OVER THE USE OF NUCLEAR ENERGY AND IONISING RADIATION AND APPLICABLE TO THE MANAGEMENT OF RADIOACTIVE WASTE AND SPENT FUEL**

#### ***Article 98***

- (1) The NRA Chairman shall exercise regulatory control over nuclear safety 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 qualification certificates;
  2. regular control over implementation of the conditions of licences and permits issued for activities under this Act and qualification certificates;
  3. confirmatory regulatory control, to verify compliance with the recommendations or directives of responsible bodies.

#### ***Article 99***

- (1) In executing his authority, the NRA Chairman shall:
  1. conduct regular and special inspections through the authorised officials;
  2. notify the other control bodies 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 licences or permits or qualification certificates;
  5. impose administrative enforcement measures and administrative penalties as provided under this Act.
- (2) The NRA Chairman shall have the right to require 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) The NRA Chairman shall authorise designated officials of the Agency to exercise regulatory control under this Act in accordance with his authorities.
- (2) The officials referred to in Paragraph 1, hereinafter referred to as “the inspectors”, shall have the right to:
  1. free access at any time to the regulated licensees and sites for inspection of nuclear safety and radiation protection and technical conditions at the nuclear facilities and sources of ionising radiation;
  2. require from the relevant officials any data, particulars, explanations, operating 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 qualifications, as well as disclosure of any other nuclear safety and radiation protection related information;
  3. issue written statements on administrative infractions under this Act;
  4. propose amendment, suspension, termination and revocation of permits or licences, including qualification certificates;
  5. issue mandatory written directives to ensure nuclear safety and radiation protection.
- (3) Inspectors’ directives 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 explanations, measurements and/or test results.
- (2) The protocol of findings shall be made available to the inspected licensee, who shall have the right to provide explanations and submit objections within seven days after service of the protocol.
- (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) The licensees who have received mandatory directives shall report to the inspector on implementation of the directive within the prescribed time limit.

### ***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) Inspectors shall be bound by the obligation to respect any manufacturing and trade secrets coming into their knowledge in the course of their activities.
- (3) 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 6**

### **SPECIAL STATUTORY AREAS**

### ***Article 104***

- (1) Special statutory areas shall be established around nuclear facilities and facilities with a source of ionising radiation, including the associated subsoil and airspace.
- (2) Special statutory areas shall be radiation protection areas or controlled areas.

### ***Article 105***

- (1) Controlled areas 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 Bulgaria.
- (2) The areas referred to in Paragraph 1 shall be special protection areas based on their territorial structure within the meaning of the Act on Territorial Structure. The scope and the regime of their structure are determined by structural patterns and plans.
- (3) A controlled area shall be established by an order of the NRA Chairman.
- (4) The Council of Ministers, acting on a motion by the NRA Chairman, in co-ordination with the Minister of Transport 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***

Special statutory areas shall be based on the design of the nuclear facility or of the facility with a source of ionising radiation.

#### ***Article 107***

- (1) A radiation protection area shall be established to limit public exposure in the event of design basis accidents at a nuclear facility.
- (2) A controlled area shall be an area outside the boundaries of the radiation protection area in which the control necessary for radiation protection is exercised.
- (3) With respect to specific facilities, depending on the nuclear safety and radiation protection factors, the radiation protection area and the controlled area 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 under the licence referred to in Article 58(1)1-3.

#### ***Article 108***

The person who operates a nuclear facility or a facility with a source of ionising radiation carries out constant control over the radiation parameters of the working premises and the environment in the radiation protection and controlled area.

#### ***Article 109***

- (1) Construction of residential and public buildings, kindergartens, hospitals, health centres, restaurants, sites of industrial, social or cultural nature and other sites not associated with the activities of the facility under consideration shall be prohibited in the radiation protection area.
- (2) The Minister of Health, the Minister of Agriculture and Forestry, and the Minister of Environment and Water may impose restrictions on the use of land, forests and water within the radiation protection area.
- (3) For the purpose of establishing a radiation protection area, upon construction of a nuclear facility or of a facility with a source 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, establish in favour of the owner of the facility, for a certain amount or free of charge, a right of use or of construction without auction or tender.
- (4) If the bans pursuant to Paragraph 1 or the imposed restrictions under Paragraph 2 create a considerable obstacle for the use of real estate which is private property, for the purpose of establishing a radiation protection area during the construction of a nuclear facility, the owner of the land may transfer the right of ownership of the facility or establish a right of use, or of construction to the owner of the facility. In case an agreement cannot be reached, an appropriation is carried out, pursuant to the State Property Act or by the Municipal Property Act, resulting in the land becoming private state or municipal property and a right of use or of

construction on the appropriated property is established in favour of the owner of the site with a source of ionising radiation pursuant to Paragraph 3.

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

#### ***Article 110***

Any damages inflicted by the imposition of restrictions upon private properties in the radiation protection areas 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 Forestry, and the Minister of Environment and Water.

### **Chapter 7**

#### **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) The NRA Chairman shall perform the functions of a central authority and a contact point having the responsibility for physical protection of nuclear material, according to Article 5(1) of the Convention on Physical Protection of Nuclear Material.

#### ***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) Licensees who operate nuclear facilities, manufacture, import, export, transport, use and store nuclear material or radioactive substances, shall prepare a physical protection plan, shall adopt internal rules and instructions on physical protection, and shall designate an officer in charge of physical protection.
- (3) The plan and the instructions referred to in Paragraph 2 shall be submitted to the Agency together with the application for a licence or a permit under this Act.

- (4) The terms and procedure for physical protection of nuclear facilities, nuclear material and radioactive substances pertaining to the use, storage and transportation of such facilities or materials shall be set forth in a regulation adopted by the Council of Ministers on a motion by the Minister of the Interior, the Minister of Defence and the NRA Chairman.

#### *Article 114*

- (1) Specific nuclear facilities, as well as the facilities associated technologically or serviced by them, may be determined as vital to physical protection by a decision of the Council of Ministers on a motion by the Minister of the Interior and the NRA Chairman.
- (2) Guarding of the facilities referred to in Paragraph 1 shall be provided by the Ministry of the Interior.

#### *Article 115*

- (1) Controlled access areas may be established for the physical protection of nuclear facilities or other facilities in which nuclear material or radioactive substances are used or stored.
- (2) The boundaries of the areas referred to in Paragraph 1 and the procedure for access to them shall be determined by the regulation referred to in Article 113(4).

#### *Article 116*

- (1) Any 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 obliged to comply with all physical protection requirements established by the licensee.
- (2) 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. The persons who are granted access to the protected area shall be subject to verification of their reliability.

### **Chapter 8**

#### EMERGENCY PLANNING AND PREPAREDNESS

#### *Article 117*

- (1) The state bodies and licensees implementing activities related to design, construction, commissioning, operation and decommissioning of nuclear facilities and to manufacture, 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 regulate the emergency planning areas and determine 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 facility with sources of ionising radiation (on-site emergency plan), which determine 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) The preparation, maintenance and co-ordination of the off-site emergency plan shall be organised by the specialised state bodies for civil protection and for protection of the public against disasters, accidents and catastrophes respectively, 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) Six months prior to the commissioning of a nuclear facility, licensees shall submit the on-site emergency plan to the NRA Chairman, to the Minister of Environment and Water and to the specialised state body for civil protection and protection of the public against disasters, accidents and calamities.
- (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*

Licensees and relevant permit holders shall be obliged 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 obliged 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***

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 specialised state body for civil protection and the NRA Chairman.

## **Chapter 9**

### **APPLICATION OF SAFEGUARDS**

### ***Article 124***

The NRA Chairman, in his capacity as organiser and co-ordinator of implementation of the obligations of the Republic of Bulgaria arising from the Treaty on the Non-Proliferation of Nuclear Weapons, 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, 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. collect and provide to the International Atomic Energy Agency the information, including through conduct of inspections of the installations subject to the Agreement and to the Additional Protocol;

3. provide for inspections within the territory of the Republic of Bulgaria by the inspectors of the International Atomic Energy Agency, including provision of access;
4. co-ordinate with the competent authority under the Foreign Trade in Arms and in Potential “Dual-Use” Goods and Technologies Control Act in connection with the exchange of information regarding the Agreement and the Additional Protocol;
5. maintain a central register of nuclear material.

#### *Article 125*

- (1) Any licensee performing activities subject to the Agreement and the Additional Protocol shall be obliged to:
  1. submit to the NRA Chairman 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 violation of safeguards implementation;
  4. 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 and to the authorities of the Agency accompanying the inspectors, for attainment of the objects of the inspection.
- (2) The authority under the Foreign Trade in Arms and in Potential “Dual-Use” Goods and Technologies Control Act shall submit to the NRA Chairman information on any licensed transactions in 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 10-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 10**

### **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) 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, terms and period of validity 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) Actionability 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 to intent on his/her part or his/her 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 (BGL).
- (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 appropriation of financial resources from 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 procedure for exclusion of small quantities of nuclear material from the application of the Vienna Convention pursuant to its terms 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 of the law of tort shall apply.
- (2) The rules of the law of tort shall apply 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 11**

### **ADMINISTRATIVE PENALTY PROVISIONS**

#### ***Section I***

#### **Liability for Administrative Penalties**

### ***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 penalty of 20 000 Bulgarian leva (BGL) or more but not exceeding BGL 100 000.
- (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 BGL 2 000 or more but not exceeding BGL 10 000.
- (3) Where the violations referred to in Paragraph 2 are committed by a legal entity or a sole-trader, a penalty of BGL 5 000 or more but not exceeding BGL 20 000 shall be imposed.

- (4) The fine or penalty 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 3, shall be liable to a penalty of BGL 3 000 or more but not exceeding BGL 20 000.
- (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 BGL 1 000 or more but not exceeding BGL 5 000 or to a penalty of BGL 3 000 or more but not exceeding BGL 10 000.
- (3) The fine or penalty 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 140***

- (1) Anyone who fails to provide information under this Act, or provides false, inaccurate or incomplete information, will be liable to a fine of BGL 500 or more but not exceeding BGL 2 000 or to a penalty of BGL 2 000 or more but not exceeding BGL 10 000.
- (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 BGL 1 000 or more but not exceeding BGL 3 000.
- (3) The fine or the penalty 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) Anyone violating nuclear safety and radiation protection requirements and standards during operation of a nuclear facility will be liable to a penalty of BGL 3 000 or more but not exceeding BGL 20 000.
- (2) Anyone violating radiation protection requirements and standards during performance of practices with sources of ionising radiation, shall be liable to a fine of BGL 1 000 or more but not exceeding BGL 5 000 or to a penalty of BGL 2 000 or more but not exceeding BGL 10 000.
- (3) The fine or the penalty 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) Anyone who fails to ensure nuclear safety and radiation protection at a nuclear facility upon termination or suspension of the activity, shall be liable to a penalty of BGL 20 000 or more but not exceeding BGL 100 000.

- (2) Anyone who fails to ensure radiation protection at a facility with a source of ionising radiation upon termination or suspension of the activity, shall be liable to a fine of BGL 2 000 or more but not exceeding BGL 10 000 or a penalty of BGL 5 000 or more but not exceeding BGL 20 000.

#### *Article 143*

- (1) Anyone performing activities without a qualification certificate, shall be liable to a fine of BGL 500 or more but not exceeding BGL 2 000.
- (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 BGL 1 000 or more but not exceeding BGL 5 000.
- (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 penalty of BGL 2 000 or more but not exceeding BGL 10 000.
- (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 BGL 500 or more but not exceeding BGL 5 000.
- (3) The fine or the penalty 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 Article 17, item 1 or 4 shall be liable to a fine of BGL 30 000 or more but not exceeding BGL 150 000, unless the act constitutes a criminal offence.
- (2) Anyone violating the prohibitions under Article 17, item 2 or 3 shall be liable to a fine of BGL 1 000 or more but not exceeding BGL 5 000 or a penalty of BGL 3 000 or more but not exceeding BGL 15 000.
- (3) The fine or penalty 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 BGL 1 000 or more but not exceeding BGL 3 000, 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 BGL 1 000 or more but not exceeding BGL 3 000 or a penalty of BGL 2 000 or more but not exceeding BGL 10 000, 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 penalty equivalent to three times the amount of the penalty or the fine provided for in Paragraphs 1 and 2.

#### *Article 147*

- (1) Upon failure to fulfil any other obligation under this Act unless liable to a more severe punishment, the offenders shall be liable to a fine of BGL 500 or more but not exceeding BGL 2 000 or a penalty of BGL 1 000 or more but not exceeding BGL 5 000.
- (2) In the event of a repeated violation under Paragraph 1, the fine or penalty 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 therefrom, the NRA Chairman shall impose administrative enforcement measures.
- (2) Administrative enforcement measures shall be imposed for violation of requirements for nuclear safety and radiation protection, physical protection and emergency preparedness, which 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 qualification certificate;
3. to carry out the following activities:
  - (a) expert evaluations, inspections, tests on 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) The administrative enforcement measures shall be imposed by an order of the NRA Chairman based on a protocol of findings issued by the inspectors of the Agency.
- (2) The administrative enforcement measures pursuant to Article 150(1)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 concerned.

### ***Article 152***

Any order of application of administrative enforcement measures shall be appealable before the Supreme Administrative Court according to the procedure established by the Supreme Administrative Court Act. An appeal shall not suspend the execution, unless otherwise ruled by the court.

## Supplementary Provisions

### *Paragraph 1*

Within the meaning of 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. “Accidental exposure” means exposure received by individuals during an emergency. (This type of exposure does not include exposure to persons undertaking actions to prevent or mitigate an accident.)
3. “Accident” means an unintended event that leads or may lead to exceeding the limits or to violation 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. “Activation” means the process of production of radionuclides by irradiation (induction of radioactivity in living and non-living matter).
5. “Nuclear power plant” means a power plant where energy is generated by one or more nuclear reactors and which may include the adjoining radioactive waste management facilities and spent nuclear fuel management facilities, as are on the same site, for which common physical security and emergency planning are provided.
6. “Vienna Convention” means the Vienna Convention on Civil Liability for Nuclear Damage.
7. “Commissioning” means the process during which systems and components of a nuclear facility or another source of ionising radiation, having been constructed, are made operational and verified to be in accordance with the design and to have met the required performance criteria.
8. “Generator of ionising radiation” means a device capable of generating ionising radiation if powered by an external energy source.
9. “Sealed source” means a source of ionising radiation that is capable of maintaining leaktightness under the condition of use and its structure is such as to prevent, under normal operating conditions any dispersion of contained radioactive substances into the environment. Spent nuclear fuel does not qualify as a sealed source.
10. “Closure” means the completion of all operations following 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 facility where nuclear materials or radioactive substances are stored which is under constant surveillance by guards or

electronic devices, which is surrounded by a physical barrier with a limited number of points of entry, and access to which is restricted to persons issued with special access.

12. “Controlled access area” means an area designated for the purposes of physical protection, enclosing an area around the protected area of a nuclear facility or another facility where nuclear materials or radioactive substances are stored, to which access is controlled.
13. “Siting” means the process of selecting a suitable site for construction of a specific nuclear facility or facility with a source 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, device, item, installation or facility 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 of 100 nanometers or less or a frequency of  $3 \times 10^{15}$  Hertz or more capable of producing ions directly or indirectly.
19. “Medical responsibility” means a responsibility attributed to a medical doctor or a dentist regarding the various aspects of individual medical exposures: justification, optimisation, clinical evaluation of the outcome, co-operation with other medical specialists in obtaining and providing information, giving the persons exposed information on the need and the risks of each exposure.
20. “Small quantities of a radioactive substance containing a single artificial radionuclide” means the number of kilograms of the substance for which there is a relation of equality between the activity indicated as released for the respective radionuclide in the Basic Radiation Protection Standards in force, and the activity of one kilogram of the substance.
21. “Small quantities of a radioactive substance containing a mixture of technogenic radionuclides” means the lowest value arrived at upon determination of the small quantity of radioactive substance corresponding to each radionuclide separately.

22. “Medical exposure” means the exposure incurred: by patients as part of their diagnosis or treatment with sources of ionising radiation; by persons other than personnel who voluntarily help in the support and comfort of patients during their diagnosis or treatment; and by healthy individuals or patients who voluntarily participate in programmes of medical or biomedical research involving exposure.
23. “Monitoring” 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. “Facility 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 the execution of any work with a source for the purpose of maintenance, assembly, dismantling, measurements, repairs or other services provided to users of sources, including storage of sources.
25. “Exposure” means the impact of ionising radiation in the course of passing through an exposed medium.
26. “Public exposure” means the exposure incurred by members of the public as a result of lawful or unlawful practices with 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.
27. “Spent nuclear fuel” or “spent fuel” means nuclear fuel that has been irradiated in a reactor core and that has been permanently removed from the core.
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.
30. “Occupational exposure” shall be all exposure incurred by persons occupationally engaged in activities subject to regulatory control under this Act, and in the activities associated with regulatory control.
31. “Repeated violation” means any violation be committed within one year after the entry into force of a penalty decree for which the offender was penalised for a violation of the same type.
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 unwarranted exposure, of the number of persons exposed, or of the exposure incurred by humans without exceeding the statutory dose limits, prevention of a radiation accident, and mitigation of its effects.

33. “Radioactive source” means a source whereof the properties to emit ionising radiation are attributable solely to the contained radionuclides.
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 for which the safe operating lifetime has ended according to the design documentation.
35. “Self-sustaining nuclear fission chain 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 these isotopes.
37. “Specialised training” means post-graduate education and training in theory and practice, including training of redundancy and safety briefing, of persons for the purpose of qualifying them to perform specific activities or tasks and to be admitted to an examination for certification of competence according to the procedure established by this Act.
38. “Event” means any deviation from the regulated mode of operation, including one or more equipment failures, operating error or errors and/or deficiency of instructions and procedures, which has led or could have led to release of radioactive substances into the working or surrounding environment or to unwarranted public or occupational exposure, or to breach of nuclear safety or radiation protection requirements, rules and standards.
39. “Spent fuel management facility” means any facility in which the primary purpose is spent fuel management.
40. “Radioactive waste management facility” means any facility in which the primary purpose is radioactive waste management, including a nuclear facility in the process of being decommissioned only if it is designated as a radioactive waste management facility according to a procedure established by this Act.
41. “Storage” the holding of nuclear material or radioactive substances, including spent fuel or radioactive waste, in a facility that provides for their containment, with the intention of retrieval.
42. “Grave natural disaster of an exceptional character” means a catastrophic, unforeseeable and unavoidable natural disaster.
43. “Artificial radionuclides” means radionuclides in which the presence or concentration in radioactive substances is attributable to human activity.
44. “Spent fuel management” means all activities that relate to the handling or storage of spent fuel, excluding off-site transportation. It may also involve discharges.
45. “Radioactive waste management” means all activities involved in the handling, pre-treatment, treatment, conditioning, storage and disposal of radioactive waste.

46. “Uranium enriched in the isotope  $^{235}\text{U}$  or  $^{233}\text{U}$ ” means uranium containing the isotope  $^{235}\text{U}$  or  $^{233}\text{U}$  or both in an amount such that the abundance ratio of the sum of these isotopes to the isotope  $^{238}\text{U}$  is greater than the ratio of the isotope  $^{235}\text{U}$  to the isotope  $^{238}\text{U}$  occurring in nature (isotopic ratio of 0.72%).
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, unlawful 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 suppression, 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. “Nuclear reactor” means any nuclear installation containing nuclear fuel in such an arrangement that a self-sustained nuclear fission chain reaction can occur in the installation 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 disruption of the control and management of a chain process of nuclear fission, a critical mass formation, disruption of the heat transfer from an irradiated nuclear material, or a nuclear material damage, including nuclear fuel.
51. “Nuclear safety” means the state and the capability of a nuclear facility and of its systems and personnel to prevent an uncontrollable process of nuclear fission or an inadmissible release of radioactive substances or ionising radiation into the working or surrounding environment, the prevention of incidents and accidents, and the mitigation of any effects.
52. “Nuclear installation,” according to the Vienna Convention, means a nuclear reactor (including sub-critical and critical assemblies); a research reactor; a nuclear power plant; a spent fuel management facility; a nuclear material conversion or enrichment plant; or a nuclear fuel fabrication plant or reprocessing facility.
53. “Nuclear plant” means a nuclear facility for generation of electric and/or thermal energy.
54. “Nuclear fuel” means any special fissionable material capable of producing energy by a self-sustaining nuclear fission chain reaction.
55. “Nuclear facility” means a facility and its associated land, buildings and equipment in which nuclear material is produced, processed, used, handled, stored or disposed of on such a scale that consideration of nuclear safety and radiation protection is required. Any radioactive waste management facility shall likewise qualify as “nuclear facility”.

## **Transitional and Final Provisions**

### ***Paragraph 2***

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

### ***Paragraph 3***

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

### ***Paragraph 4***

Any procedures for the issuing of permits and qualification certificates, initiated under the Act on the Use of Atomic Energy for Peaceful Purposes as superseded, shall be completed according to the prior procedure.

### ***Paragraph 5***

- (1) Any permit or qualification certificate, issued pursuant to the Act on the Use of Atomic Energy for Peaceful Purposes as superseded, shall remain in effect until expiration of its term of validity.
- (2) Permit holders and persons holding qualification certificates issued pursuant to the Act on the Use of Atomic Energy for Peaceful Purposes as superseded, may request extension of the validity of the permit or qualification certificate if it expires within one year after the entry into force of this Act. The term of validity of any such permit or qualification certificate may not exceed one year.
- (3) Persons or legal entities that at the time of entry of this Act into force are implementing any activity requiring a licence under Article 58(1)3, shall be obliged to apply for such a licence within one year after the entry of this Act into force. Should they fail to apply for a licence within this time limit, they shall be obliged to discontinue the relevant activity.

### ***Paragraph 6***

- (1) Within two years after the entry into force of this Act, special statutory areas shall be established around existing nuclear facilities and facilities with sources of ionising radiation according to the procedure established by this Act according to the design for construction of the relevant facilities.
- (2) The prohibition imposed under Article 109(1) shall not apply to buildings which at the time of entry into force of this Act are built or being built.



#### ***Paragraph 7***

- (1) Section V “Nuclear Facilities Decommissioning Fund” of Chapter Three and Section III “Radioactive Waste Management Financing” of Chapter Four shall enter into force as from the 1<sup>st</sup> of January 2003.
- (2) The accumulated financial resources for radioactive waste safety and storage and for decommissioning of nuclear facilities, including such brought forward, raised under Article 6 of the Act on the Use of Atomic Energy for Peaceful Purposes as superseded and in reference to Section 11 of the 2002 National Budget of the Republic of Bulgaria Act, shall be transferred to the accounts opened on behalf of the Ministry of Energy and Energy Resources.
- (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.

#### ***Paragraph 8***

- (1) The provisions of Section II “Radioactive Waste State-owned Company” of Chapter Four shall enter into force as from the 1<sup>st</sup> 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 property and real estate which are state property to the Radioactive Waste State-owned Company for attainment of its objectives.
- (3) One month after the entry into force of the provisions of Paragraph 1, the Minister of Energy and Energy Resources shall designate the Executive Director of the Radioactive Waste State-owned Company and the other members of the Management Board of the Company.

#### ***Paragraph 9***

- (1) Until the entry into force of the provisions of Section 8(1), radioactive waste management shall follow the previous procedure, with the financing of the activities comprehended in radioactive waste management following the procedure by Section 11 of the Transitional and Final Provisions of the 2002 National Budget of the Republic of Bulgaria Act and, as from the 1<sup>st</sup> day of January 2003, through the Radioactive Waste Fund under this Act.
- (2) After the entry into force of Section III of Chapter Four and until establishment of the Radioactive Waste State-owned Company, the financial resources of the Radioactive Waste Fund shall be expended solely for the purpose of financing the safety and storage of radioactive waste and the activities for construction and reconstruction of radioactive waste management facilities and on management of the Fund.

#### ***Paragraph 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”.

#### ***Paragraph 11***

In Article 2 of the Act to Ratify the Additional Protocol 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”.

#### ***Paragraph 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 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”.

#### ***Paragraph 13***

In Article 21 of the National 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.”

#### ***Paragraph 14***

In Section 2 of the Transitional Provisions of the State Revenue 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”.

#### ***Paragraph 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. a licence for operation of a nuclear facility, issued to the licensee under the Safe Use of Nuclear Energy Act, has been revoked by an administrative act in force.”

2. Chapter Nine “FUNDS” shall be repealed, effective as from the 1<sup>st</sup> of January 2003.

#### ***Paragraph 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 9 November 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”.

#### ***Paragraph 17***

The Concessions Act (promulgated in the *State Gazette* No. 92 of 1995; modified by Constitutional Court Judgement 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.

#### ***Paragraph 18***

The Technical Requirements to 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 “atomic power plants” shall be replaced by “nuclear power plants”.
2. Section 5 of the Supplementary Provisions shall be amended to read as follows:

“Section 5. The Chairman of the Nuclear Regulatory Agency or its officials thereby empowered shall exercise control over the technical safety of high-risk facilities on the site of nuclear power plants.”

#### ***Paragraph 19***

- (1) Within two years after the entry into force of this Act, the Council of Ministers shall adopt the acts of secondary legislation on its application.
- (2) Until the issuing of the acts of secondary legislation provided for under this Act, the acts 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 they do not conflict this Act.

#### ***Paragraph 20***

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