



LAW on the use of atomic energy
for peaceful purposes

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Chapter one

GENERAL PROVISIONS

Art. 1 (1) Atomic energy in the Republic of Bulgaria is used solely for peaceful purposes.

(2) The use of atomic energy for production of nuclear weapons or other nuclear equipment, as well as of any other means for mass destruction, is prohibited.

(3) The Republic of Bulgaria shall cooperate with other States in respect to the use of atomic energy under terms which insure the observance of the non-proliferation treaty.

Art. 2 (Amended) (1) The special nuclear materials and the nuclear equipment shall be a State property.

(2) The remaining sources of ionising radiation may be property of:

1. the State;
2. legal entities;
3. Bulgarian citizens.

(3) The extraction, processing and production of nuclear materials, the transportation and marketing with special nuclear materials and the use of nuclear equipment shall be a State monopoly.

(4) The Council of Ministers shall determine the cases in which the persons under paragraph 2, items 2 and 3 might be the owners of ionising radiation sources, as well as the conditions and the procedure thereof.

(5) The conditions and the procedure of granting concessions by the State for the use of the nuclear materials and equipment shall be regulated by a special law.

Art. 3 (Amended) Atomic energy shall be used in compliance with the purposes and the principles of the nuclear and radiation safety, and the human and environmental protection shall be of first priority to the economic and other public needs.

Art. 4 and Art. 5 (repealed)

Art. 6. (1) (Amended) The legal entities and physical persons obtaining radioactive waste in result of their activities shall make instalments in the "Security and storage of radioactive waste" Fund and the legal entities using nuclear equipment - shall also make instalments in the "Putting nuclear equipment out of operation Fund.

(2) The amount of the instalments, the conditions and the manner for using these funds shall be determined by the Council of Ministers.

(3) The radioactive waste shall become a State property as of the time of its delivery by the persons under paragraph 1 who shall, till the moment of delivery insure the observance of the rules and regulations for nuclear and radioactive safety.

Art. 7. The State shall supervise the use of the atomic energy.

Art. 8. (Amended) The legal entities and physical persons using the nuclear materials, the nuclear equipment and other sources of ionising radiation, shall insure their physical protection in compliance with the normative acts.

Art. 9. Any examination of any individuals with ionising radiation shall be made only with their consent irrespective of the purpose of the examination.

Art. 10. (Amended) The State shall secure scientific, technical and other knowledge in respect of using the atomic energy.

Art. 11. In using the atomic energy the Republic of Bulgaria shall cooperate with other states and international organisations.

Chapter Two

CONTROL OVER THE USE OF THE ATOMIC ENERGY

Art. 12. (Amended) (1) The Use of the atomic energy for peaceful purposes Commission shall implement the State's policy for safety use of the atomic energy.

(2) The Use of the atomic energy for peaceful purposes Commission shall be a government body at the Council of Ministers. The Council of Ministers shall determine its members.

Art. 13. (Amended) (1) The Use of the atomic energy for peaceful purposes Commission:

1. participates in the working out of conceptions and programmes, co-ordinates and finances researches and developments in the field of atomic energy use;

2. determines the requirements for safety use of the atomic energy and the procedure for reporting, storage and transportation of the nuclear materials;

3. determines criteria and requirements for the training and the qualification of the personnel to be employed for the use of the atomic energy;

4. collects and discloses information to the respective bodies and organisations about the events related to the nuclear and radiation safety;

5. co-ordinates the monitoring of the safety use of the atomic energy;

6. specifies measures and supervises the restoration of areas affected by radioactive sources;

7. realises the international co-operation of the Republic of Bulgaria in the field of using the atomic energy and participates in the work of international organisations in this field.

(2) The activities under paragraph 1 shall be carried out jointly with the ministries and other departments within their competence.

Art. 14. (Amended) (1) The following consultative bodies shall be established at Committee on the use of atomic energy for peaceful purposes Commission:

1. Council of nuclear equipment safety - on matters concerning the safety of nuclear equipment and their licensing;

2. Council of radiation protection - on matters concerning the radiation protection on the territory of the Republic of Bulgaria.

(2) The members of the Council of nuclear equipment safety and the Council of radiation protection shall be determined jointly by the Chairman of Committee on the use of atomic energy for peaceful purposes Commission, the Minister of Environment and the Minister of Health and shall be approved by the Council of Ministers.

Art. 15. (Amended) The legal entities and physical persons who are using atomic energy:

1. shall organise the use of the atomic energy, including the research and development work and the introduction of efficient technologies and methods;

2. shall insure the compliance with the safety requirements and the qualification of the personnel working in the field of use of the atomic energy;

3. shall organise and carry out life-saving and restoration activities on their territories in case of emergency.

Art. 16. (Amended) The legal entities and physical persons projecting, constructing, delivering, building or producing equipment, installations and technologies and rendering services on sites where atomic energy is used, shall be bound in duty to observe the requirements for nuclear and radiation safety.

Art. 16a. (New) (1) The land near nuclear equipment and national depots for radioactive waste, the bowels of the earth underneath and the air-space above might be promulgated by law as zones with a special status. The rules for the determination of these zones and the regime of their use shall be determined in compliance with the rules and regulations for nuclear and radiation safety.

(2) In the zones having a special status the use of natural resources, the building up, repair and reconstruction of residential, economic and public buildings, the use or sale of properties might be restricted or prohibited, as well as for persons living in these zones to settle in another place if this is required in aid of the nuclear and radiation safety.

(3) In case of a trouble with a nuclear equipment or a national depot for radioactive waste, the resolutions on imposing the restrictions under paragraph 2 above shall be adopted by the Council of Ministers.

(4) The costs and expenses and all unfavourable consequences of the actions under paragraph 2 above when they are not a nuclear damage shall be refunded by the State."

Chapter Three

CONTROL BY THE STATE

Section I

General provisions

Art. 17. The control by the State over the safety use of the atomic energy and on the transportation, storage of and reporting on the nuclear materials shall be performed by Committee on the use of atomic energy for peaceful purposes

Commission through the Safety use of the atomic energy Inspection.

Art. 18. (Amended) The Safety use of the atomic energy Inspection:

1. controls all physical and legal entities to observe the established requirements for the safety use of the atomic energy and for the procedure of reporting, storage and transportation of the nuclear and radioactive materials;
2. issues licenses for carrying out activities in the field of the atomic energy use;
3. exercises an operative control over the safety use of atomic energy jointly with the specialised control bodies;
4. registers sources of ionising radiation;
5. assigns studies, researches, expertises and other activities to be carried out in relation to this control.

Art. 19. (Amended) (1) The legal entities and physical persons who take care of or are using nuclear materials, nuclear equipment, radioactive materials or other sources of ionising radiation shall be bound in duty to notify immediately Committee on the use of atomic energy for peaceful purposes for the operational changes and events that took place, as well as for the emergency cases related to the nuclear and radiation safety and related to the reporting of, storage and transportation of the nuclear materials.

(2) The Use of the atomic energy for peaceful purposes shall notify the competent departments for the events and the emergency cases related to the nuclear and radiation safety that took place.

Art. 20. (Amended) The Ministry of Health, the Ministry of Environment, the Ministry of Interior, the Ministry of Agriculture and other government authorities shall exercise specialised control within their powers.

Art. 21 repealed

Section II

Licenses and registration

Art. 22. (Amended) (1) The activities related to the use of the atomic energy shall be performed after issuance of licenses by the Safety use of the atomic energy Inspection.

(2) The ionising radiation sources shall be registered by the Safety use of the atomic energy Inspection upon acquisition or the import of the same by the owner or the user in the Republic of Bulgaria."

Art. 23. (Amended) (1) Licenses are required:

1. for choosing a site, projecting, putting into operation, the operation, putting out of operation and any corrections in the projects and changes of the constructions, delivery and service activities which are of importance to the nuclear equipment safety and the sites for production, work or storage of radioactive substances or intended for work with other ionising radiations;

2. for the acquisition, production, import, export, trading, storage and transportation of nuclear materials, radioactive substances and other sources of ionising radiation.

(2) All activities for which a license is issued may be combined and one joint license to be issued for them, as well as separate licenses to be issued.

(3) Separate activities related to the use of the atomic energy, or separate sources or group of sources of ionising radiation, might be released of issuance of a license or of registration under conditions provided for by the nuclear and radiation safety rules and regulations.

(4) The conditions, procedure and terms for issuance of licences and for registration or release thereof shall be determined by the Committee on the use of atomic energy for peaceful purposes.

(5) The legal entities and physical persons to whom licenses were issued should be entitled to sufficient rights, financial and material resources granted by the owner of the nuclear equipment, the nuclear material or other source of ionising radiation, and the respective structure and personnel, to perform their obligations to insure the extent of physical protection and nuclear and radiation safety determined by the rules, regulations and the conditions of the license so issued.

Art. 23a. (New) (1) Charges are collected for the issuance of a license, for activities related to the use of the atomic energy and the registration of sources of ionising radiation, for information and experimental data services.

(2) The charges under paragraph 1 above, the property sanctions and penalties under Chapter five, shall be paid in the "Nuclear Researches and nuclear and radiation safety" Fund monitored by the Committee on the use of atomic energy for peaceful purposes.

(3) The amount of the charges, the procedure and the conditions for disposal of the funds above shall be determined by the Council of Ministers.

(4) The legal entities supported by the budget shall be released of the charges under paragraph 1 above."

Art. 24. (Amended) (1) The license, or the refusal to issue a license, is subject to an appeal before the Chairman of Committee on the use of atomic energy for peaceful purposes through the Safety use of the atomic energy Inspection, within 7 days of the notification.

(2) Repealed

(3) Repealed

Art. 25. (Amended) (1) The issued licenses may be revoked, amended or temporarily to stay their effect, by an Order of the Director of the Safety use of the atomic energy Inspection when:

1. the requirements to insure a safety use are infringed upon;

2. the conditions provided for in the license are amended or not observed;

3. new circumstances which may affect the security arise.

(2) The Order under paragraph 1 above is subject to an appeal before the Chairman of the Committee on the use of atomic energy for peaceful purposes within 7 days of the notification.

(3) The appeal shall not cease the implementation of the Order.

Art. 26. (1) The license issued under Art. 23 shall not reverse the requirements for the other licenses provided for the same activities by other normative acts.

(2) The persons under Art. 2 might be owners of ionising radiation sources intended for medical purposes upon receiving a license issued by the Minister of Health.

(3) The terms and the procedure for issuance of licenses shall be established by Regulations by the Chairman of the Committee on the use of atomic energy for peaceful purposes and the Minister of Health.

Art. 28. (1) The control Inspectors are entitled to:

1. a free access at any time to the premises and the places where equipment is produced, nuclear equipment is built, put into operation, operated and put out of operation, or where radioactive substances or other sources of ionising radiation are acquired, used or stored, where nuclear materials are stored or transported;

2. check nuclear equipment and other sites of ionising radiation sources, project materials, test results, operation instructions and acts for tests made;

3. demand the necessary explanations and information related to the check-up by officials or citizens, in order to clarify the safety status;

4. make tests and carry out investigations and to demand carrying out of the same;

5. verify the capacity and the qualification of the personnel;

6. take samples and materials for analyses and tests in such quantity necessary for these analyses or tests.

(2) The government authorities, the legal entities, the officials and the citizens shall be bound in duty to render assistance to the Control Inspectors while exercising their rights under paragraph 1 above.

Art. 29. The control Inspectors are obligatory included in the commissions for establishing of the reasons for average caused in the use of atomic energy and liquidation of its consequences.

Art. 30. (Amended) (1) On the basis of the results from the verifications, the control Inspectors shall provide binding instructions for prevention or elimination of the infringements upon the requirements for safety use of the atomic energy and for the reporting, storage and transportation of the nuclear materials.

(2) The instructions shall be submitted to the directors or authorised competent representatives of the legal entities and the citizens who carry out activities in the field of the use of atomic energy.

(3) The persons under paragraph 2 above, to whom binding instructions have been given, shall notify the control Inspector of the implementation of the same in the fixed terms.

(4) The instructions under paragraph 1 are subject to an appeal before the Director of the Safety use of the atomic energy Inspection within seven days of the notification, who shall pass an Order within three days.

(5) The Order under paragraph 4 above is subject to an appeal before the Chairman of the Committee on the use of atomic energy for peaceful purposes within seven days of the notification.

(6) The appeal shall not cease the implementation of the instructions.

Art. 31. (Repealed)

Art. 32. (Repealed)

CIVIL LIABILITY FOR DAMAGES

Art. 33. (Amended) Civil liabilities for nuclear damages shall be defined in compliance with the provisions of the Vienna Convention.

Art. 34. (Amended) (1) The prescription to lodge a claim for indemnity for nuclear damages shall be five years and starts as of the date on which the sufferer has learned about or should have learned about the damages caused as well as who is the person operating the nuclear installation. This term cannot exceed the terms for lodging a claim envisaged by the Vienna Convention.

(2) The person who suffered nuclear damages caused by a nuclear average, caused entirely or partially intentionally or from neglect on his part, shall not be indemnified or the indemnity shall be decreased respectively.

Art. 35. (1) (Amended) The responsibility of the operator of a nuclear energy installation for damages caused by any nuclear average shall be limited to the equivalence in Levs of 15 millions special drawing rights of the International Monetary Fund. For the other types of nuclear installations this liability is limited to the equivalence in Levs of 5 million special drawing rights of the International Monetary Fund.

(2) Ten percents of the amount specified under paragraph 1 above shall be allocated for payment of awarded claims lodged one year following the date of the nuclear average.

(3) The State shall pay awarded claims for indemnity for nuclear damages lodged against the operator, by granting the necessary funds in such an amount which is insufficient for the insurance or other financial security of the operator to pay the sums claimed, but not exceeding the limit of responsibility specified under paragraph 1.

(4) The State shall indemnify the damages due to nuclear average directly caused by a grave natural calamity of extreme nature, up to the limit of responsibility specified under paragraph 1.

Art. 36. (Amended) Nuclear damages caused on the territory of a State which is not a signatory to the Vienna Convention, shall be indemnified only on the basis of an international treaty to which the Republic of Bulgaria is a signatory or on the principle of reciprocity.

Art. 36 a. (New) In distributing the indemnities for nuclear damages, the one related with death or physical injuries shall be paid with priority.

Art. 36.b. (New) The Council of Ministers shall determine:

1. the number of the nuclear installations;
2. the operator of the nuclear installation;
3. the exclusion of small quantities of nuclear materials from the application of the Vienna Convention;
4. the kind, conditions and terms of the financial security covering the operator's responsibility for nuclear damages.

Art. 37. (1) (Amended) On matters for which this law and the Vienna Convention do not provide otherwise, the tort rules and regulations shall apply.

(2) The tort rules and regulations shall apply also to liability for damages caused by other sources of ionising radiation irrespective of the location of these sources, including when used for medical needs, in so far as a special law does not stipulate otherwise."

Art. 38. (1) (Amended) Claims for nuclear damages shall be under the jurisdiction of the Bulgarian courts unless otherwise provided by the Vienna Convention. They shall be under the competence of the Sofia City court as the First Instance court.

(2) The court proceedings under this law shall be free of charge for the Bulgarian citizens and for foreigners - on the principle of reciprocity.

Art. 39. (1) (Amended) A penalty of 2000 up to 45 000 Levs shall be imposed on the official or the citizen who fails to fulfil an instruction under Art. 30

(2) A penalty of 2000 up to 45 000 Levs shall be imposed on the official or the citizen who impedes a Control Inspector from his control duties.

(3) (New) For infringements under paragraphs 1 and 2, property sanctions of 50 000 up to 500 000 Levs shall be applied to the legal entities.

(4) (New) The penalty shall be of 5000 up to 100 000 Levs if the infringement under paragraphs 1 and 2 is repeated.

(5) (New) Property sanctions of 100 000 up to 5 000 000 Levs shall be applied when:

1. the provisions of Art. 32 are not observed;
2. the infringement stipulated under paragraph 3 is repeated;
3. the infringement leads to infringement of an international treaty."

Art. 40. (Amended) On a worker or an employee who does not observe the rules and regulations for work with nuclear materials and equipment, or with other ionising radiations, a penalty of 2000 up to 50 000 Levs shall be imposed.

Art. 41. (Amended) A penalty of 2000 up to 50 000 Levs shall be imposed on an employer who fails to inform a worker or an employee about the radioactive situation at his working place, as well as about the inner or external irradiation he was treated with.

Art. 42. (Amended) A penalty of 2000 up to 45 000 Levs shall be imposed on an official or a citizen, who has infringed upon or has admitted another infringement of this law or of a normative act published in respect to its application, in case that the deed is not a crime.

Art. 43. (1) The infringements shall be determined by acts, drawn by the control Inspectors. The punitive measures shall be issued by the Chairman of the Committee on the use of atomic energy for peaceful purposes or by the Directors of the respective departments at which specialised control bodies are established, or by officials authorised by them.

(2) Determination of the infringements, the passing of, appealing against and the implementation of the punitive measures shall be performed under the provisions envisaged by the Law on the administrative infringements and penalties.

ADDITIONAL PROVISIONS

§ 1. (Amended) Under the meaning of this law:

1. "source of ionising radiation" shall be an equipment, installation, device or radioactive substance which eliminates directly ionising elements (electrons, alpha-elements, protons, etc.) or indirectly ionising elements (photons, neutrons);

2. "radioactive substance" shall be a substance (material) containing unstable atomic nuclear which while turned eliminate ionising radiation]

3. "nuclear material" shall be any forming-up or special nuclear material."

4. (New) "forming-up material" shall be the uranium containing a composite of isotopes in proportions found in nature; uranium reduced by isotope 235; thorium; any of the above mentioned elements in the form of a metal, alloy, chemical compound or concentrate; any material containing one or more of the above mentioned elements with concentration specified by the rules and the regulations for nuclear and radiation safety;

5. (New) "special nuclear material" shall be plutonium-239; uranium-233; uranium concentrated with isotopes 235 or 233; any material containing one or more of the above mentioned elements;

6. (New) "uranium concentrated with isotopes 235 or 233" shall be the uranium containing isotopes uranium-235 or uranium-233 or both isotopes in such quantity in which the percentage proportion of the sum of those isotopes to the isotope uranium-238 is higher than the proportion in nature of the uranium-235 to the uranium-238;

7. "nuclear equipment" shall be a source of ionising radiation in which the chain reaction division is used or in which special nuclear material is stored or transported. "Nuclear installation" shall be determined under the Vienna Convention."

8. "radiation safety (radiation protection) shall be the combination of requirements, measures, means and methods for human and nature protection against the injurious effect of the ionising radiation;

9. "nuclear safety" shall be the condition and the quality of a nuclear equipment preventing from occurrence of an average by technical means and organisational measures;

10. "average" (to the effect of a nuclear and radiation safety) shall be a case of emergency which leads to, or may lead to exceeding the limits or to infringement of the conditions for the radiation effect over the individual or nature, which are determined by the rules and the regulations for nuclear and radiation safety."

11. (New) "radioactive waste" shall be the radioactive substances obtained by the processing and the use of radioactive materials, as well as of other sources of ionising radiation or their elements, the further use of which is not expected and which require special measures for their long storage and isolation from the biosphere envisaged by the rules and regulations for nuclear and radiation safety;

12. (New) "financial security" means the security granted by the State, an insurance company, bank or other person to the operator, which security insures the claim of the sufferer;

13. (New) "Vienna Convention" means the Vienna Convention on civil liability for nuclear damages (published State Gazette No. 76 of 1994; corrections in No. 91 of 1994) and the Co-Munites for application of the Vienna and the Paris Convention (published State Gazette No. 76 of 1994, corrections in No. 91 of 1994)."

c) the death of one or more persons with or without the consequences under letters "a" and "b",

the punishment shall be: under letter "a" - imprisonment up to five years; under letter "b" - imprisonment up to eight years; under letter "c" - imprisonment of three up to fifteen years.

Art. 356e. (1) Whoever infringes the rules for nuclear and radiation safety by admitting that a grave bodily injury or death of another person may follow, shall be punished by imprisonment up to three years.

(2) Whoever infringes the rules for nuclear and radiation safety and causes substantial property damages, bodily injury or death of another person with intent, shall be punished:

a) in case of substantial property damages caused - by imprisonment of five up to fifteen years;

b) in case of average or grave bodily injury of one or more persons with or without the consequences under letter "a" - by imprisonment of five up to twenty years;

c) in case of death of one or more persons with or without the consequences under letters "a" and "b" - by imprisonment of ten up to twenty years or death.

Art. 356f. When by the act with intent under the preceding Article are caused:

a) substantial property damages;

b) average or grave bodily injury of one or more persons with or without the consequences under letter "a";

c) the death of one or more persons with or without the consequences under letters "a" and "b",

the punishment shall be: under letter "a" - imprisonment up to five years; under letter "b" - imprisonment up to eight years; under letter "c" - imprisonment of three up to fifteen years.

Art. 356g. In the cases under Art. 356c., paragraph 2, Art. 356d., letters "b" and "c", Art. 356e., paragraph 2 and Art. 356f., letters "b" and "c", the court shall deprive the guilty person of his rights under Art. 37, items 6 and 7."

§ 3. The Council of Ministers shall adopt Regulations for the application of this law.

§ 4. This law repeals the Decree on the State control over nuclear safety (State Gazette No. 54 of 1980).

§ 5. The implementation of this Law is assigned to the Council of Ministers.

FINAL PROVISIONS

§ 2. A new part in Chapter Eleven of the Special Part of the Criminal Code shall be formed as follows:

Part IV

Malfeasance in the use of atomic energy for peaceful purposes

Art. 356a. (1) An official who directs or admits an activity to be started or carried out without, or before issuance of, a license envisaged in the Law on the use of atomic energy for peaceful purposes or in diversion of the license shall be punished by imprisonment up to two years or by forced labour or a penalty of up to two thousand Levs.

(2) In the event that the crime under the preceding paragraph is repeated or a firsthand risk exists for the life or the health of another person, the punishment shall be imprisonment of up to three years.

Art. 356b. An official who appoints or admits a person without the necessary qualification to work with nuclear materials, equipment or other sources of ionising radiation, shall be punished to imprisonment up to one year or by forced labour or a penalty of up to one thousand Levs.

Art. 356c. (1) Whoever damages nuclear material, nuclear equipment or other source of ionising radiation and with this causes substantial property damages or damages the nature, or creates a risk for the life or health of somebody, shall be punished to imprisonment of five up to fifteen years.

(2) If in the cases under the preceding paragraph followed:

a) an average or grave bodily injury of one or more persons,
the punishment shall be imprisonment of eight up to fifteen years;

b) the death of one or more persons with or without the consequences under letter "a", the punishment shall be imprisonment of ten up to twenty years or death.

Art. 356d. When by the act under the preceding Article committed by carelessness were caused:

- a) substantial property damages;
- b) average or grave bodily injury of one or more persons with or without the consequences under letter "a";

Transitional and Final Provisions

The Committee on the use of atomic energy for peaceful purposes, in co-ordination with the interested ministries, shall adopt normative acts specifying the rules and regulations for nuclear and radiation safety and the other requirements for the safety use of the atomic energy.

The nuclear equipment which are not up to the requirements of the Law on the use of atomic energy for peaceful purposes, or of any normative act for its application, shall be set in compliance with the same on proposal of the interested government organisations in co-ordination with the Committee on the use of atomic energy for peaceful purposes.

In Art. 8 of the transitional provisions of the Law on the state taxes (published in "Izvestia" No 104 of 1951, amended and supplemented 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 and No. 100 of 1992) at the end of the first sentence shall be added "and the Law on the use of atomic energy for peaceful purposes".

This Law is passed by the 37th National Assembly on the 20th of July 1995 and sealed by the state seal.

Chairman of the National Assembly:
Blagovest Sendov

MOTIVES

to the Draft Law on Amendment and supplementing of The Law on the Use of Atomic Energy for Peaceful Purposes

The suggested Draft Law aims at the improvement of the legal regulation of the relations arising out of the use of the atomic energy and to co-ordinate the acting Law with the public-political and economic changes in the country.

The Law on the Use of Atomic Energy for Peaceful Purposes is in force since 1985 without amendments and supplements. The Demonopolization and the decentralisation, the termination of the principle of planning and the development of the market relations necessitated changes in the system of administration and control over the activities in the sphere of the use of the atomic energy. Currently the international organisations such as The European Community, The International Agency for Atomic Energy, etc. work for the preparation of international documents, such as nuclear protocol to the European Energy Chart, Convention on The Nuclear Safety, revision of the conventions for liability, revision of the instructions on safety of the International Agency on Atomic Energy, etc. which after enactment have to be reflected in the national legislations. This activity, however, shall continue a few more years. After its end there will be conditions for preparation of a new law, and may be few new laws regulating the use of atomic energy and the problems related therewith. All these processes shall cause the necessity of preparation and enactment of a new law regulating this matters and responding to the expectations of the international documents.

The variance between different provisions of the currently acting law and the Constitutional principles for restriction and establishing by virtue of a law of the State monopoly and for ensuring of the right of the citizens of healthy and favourable conditions necessitate until a new law is enacted certain urgent amendments and supplements of the acting Law for the Use of the Atomic Energy for Peaceful Purposes to be made. These amendments should reflect also the consequences of the development of the market relations as the regime on the use of the atomic energy is liberated and bigger possibilities to be created in this sphere for the new economic persons - the sole proprietors and the commercial companies. With the suggested amendment of Article 2 the text is made in accordance with the provision of Art. 18, para 1 and 4 of the Constitution. The exclusive state property is established only in respect of the nuclear material and the nuclear equipment, and the state monopoly is restricted to

obtaining, reprocessing, manufacturing and trade of nuclear material and use of nuclear equipment. Meanwhile the range of legal entities and natural persons that could be owners and to carry out activities with already arisen necessity is increased, and a new step to more close connection with the international practice is made.

The changes in Art. 3 aim to ensure the conditions for healthy and favourable environment in accordance with Art. 55 of the Constitution.

The changes in Chapter three, Section two and the new version of Art. 18, point 4 enact new system of control - registration of the sources of ionising radiation. The necessity to follow their movement is taken in mind, as far as they create certain stage of risk for the users and the others. The expansion of the area of the persons who could own and use them will bring bigger dynamic of the purchasing and selling of this objects. This circumstance gives reason for the necessity of their registration.

At the same time this gives guarantee that the registration is not going to cause useless bureaucratic complications. This text reflects the recommendation of IAEA to release from issuing of permissions and registrations different sources and activities for which the practice has proved that they could not be a danger because of the minimum radioactive content or the limited radiation - substantially under the relevant standards.

The activities in respect of which a permission is necessary are conducted in the whole territory of the country and concern large scale of the public practice. There are totally about 15,000 objects - nuclear equipment, industrial and exploration laboratories, medical institutions and other objects in which there are sources of ionising radiation. The issuance of permissions shall be preceded by a complicated study which shall be conducted by highly qualified specialists, the services of laboratories shall be used and analysis shall be made by exploration centres. The permission shall establish the conditions ensuring the safety use of the atomic energy. This brings the need of a serious prior study. Meanwhile the activity on granting the permissions is not single act - it goes with the process of the construction, exploitation and liquidation of the nuclear equipment. About 400 permissions are issued annually. This is a very expensive one hand, but a very necessary activity on the other hand. The economic persons should bear a part of the necessary expenses as for this purpose is suggested the adoption of relevant fees. The adoption of the market economy principles in this sphere will release to a certain extent the budget which currently totally bears the payment of such studies. This is the aim of the provision of Art. 23a.

The amendment of Art. 24 and Art.32 para 2 establish a procedure for the appeal of the orders and acts of the director and the inspectors from the Inspection on Safety Use of the Atomic Energy. The impossibility to appeal some of these acts stipulated by the Law is repealed and an unified procedure for appeal of all acts is established which is fully in compliance with the Law on Administrative Procedure.

The amendments of Chapter IV - Civil liability for damages is necessary because of the joining of Bulgaria to the Vienna Convention on civil liability for nuclear damage. In many cases the convention relates to the provisions of the national legislation in which there is some emptiness.

The basic new moments are the personal definition of the operating the nuclear installation, limiting the liability in time and extent, establishing of five years limitation period in respect of claims for indemnification of damages from nuclear average from the moment of the learning of the damage or the operation the limits of the terms stipulated by the Vienna Convention; establishing of liability of the State only for damages from nuclear average caused by a grave natural calamity of extreme nature, dividing of the liability without a fault from the liability for damages from radiation from sources of ionising radiation, regulated by the provisions for the tort.

The direct application of the Vienna Convention and the amendments in the Law regulate in a modern and internationally admitted way the civil liability in the sphere of atomic energy and remove substantial obstacles for beneficial international co-operation of Bulgaria with developed countries in this sphere.

The amendments of Chapter Five - Administrative and penalty provisions aim to make the amount of the penalties in compliance with the process of inflation. Property sanctions in substantial amounts are established for the legal entities which violate the rules for nuclear and radiation safety.

Together with these substantial amendments and supplements in the Draft are included others which arise from the changes in the economic life and the functions of the state bodies.

Based on the above mentioned motives we suggest to enter for debate the offered Draft on Law on Amendment and supplement of the Law on Use of the Atomic Energy for Peaceful Purposes.

PRIME-MINISTER: