

TECHNICAL REQUIREMENTS TO PRODUCTS ACT

Prom. SG. 86/1 Oct 1999, amend. SG. 63/28 Jun 2002, amend. SG. 93/1 Oct 2002, amend. SG. 18/25 Feb 2003, amend. SG. 107/9 Dec 2003, amend. SG. 45/31 May 2005, amend. SG. 77/27 Sep 2005, amend. SG. 88/4 Nov 2005, amend. SG. 95/29 Nov 2005, amend. SG. 105/29 Dec 2005, amend. SG. 30/11 Apr 2006, amend. SG. 62/1 Aug 2006, amend. SG. 76/15 Sep 2006, amend. SG. 41/22 May 2007, amend. SG. 86/26 Oct 2007, amend. SG. 74/15 Sep 2009, amend. SG. 80/12 Oct 2010, amend. SG. 38/17 May 2011, amend. SG. 38/18 May 2012, amend. SG. 53/13 Jul 2012, amend. SG. 77/9 Oct 2012, suppl. SG. 84/2 Nov 2012, amend. SG. 66/26 Jul 2013, amend. SG. 68/2 Aug 2013, amend. SG. 98/28 Nov 2014, amend. SG. 14/20 Feb 2015, amend. SG. 101/22 Dec 2015, amend. and suppl. SG. 12/6 Feb 2018, amend. SG. 77/18 Sep 2018

Chapter one. GENERAL PROVISIONS

Art. 1. This Act shall regulate:

1. (Amend., SG 92/02) the procedure for determining the essential requirements to products intended for placing on the market and/or commissioning;
2. (new – SG 86/07; amend. – SG 38/11) the procedure for determining ecodesign requirements to energy-related products (ERP) designated for putting on the market and/or commissioning;
3. (Amend., SG 93/02; prev. item 2 – SG 86/07) obligations of persons placing products on the market and/or putting them in operation;
4. (suppl. SG 45/05; prev. item 3, suppl. – SG 86/07) procedure for determining the rights and obligations of producers and persons who carry out the activities related to conformity assessment of products to the essential requirements and/or ecodesign requirements;
5. (New, SG 93/02, suppl. SG 45/05; prev. item 4 – SG 86/07, suppl.- SG 86/07; amend. – SG 66/13, in force from 26.07.2013) the supervision of the products put on the market and/or commissioned, for which there are defined essential requirements and/or ecodesign requirements of the released/submitted to the market construction products according to Regulation (EU) No. 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonized conditions for the marketing of construction products and repealing Council Directive 89/106/EEC (OJ of the EU, No. L 88/5 of 4 April 2011), herein after referred to as "Regulation (EU) No. 305/2011";
6. (Prev. para 4 - amend., SG 93/02; prev. item 5, amend. – SG 86/07) the technical supervision of compliance with technical requirements, rules and norms for design or installation and safe operation of high-risk facilities;
7. (new – SG 86/07) the conditions for granting licenses for carrying out technical supervision of high-risk facilities;
8. (new – SG 86/07) the conditions for entering into a register of persons, carrying out maintenance, repair and modification of high-risk facilities.

Art. 2. This Act aims at:

1. (Amend., SG 93/02, suppl. SG 45/05) creating conditions which guarantee the putting on the market and/or commissioning products which do not threaten the life and health of people, safety of the domestic animals, interests of consumers and environmental protection and property, when products are adequately installed, maintained and used for their designation;

2. (suppl. SG 45/05) harmonizing essential requirements to products with the essential requirements adopted by the Directives of the European Union by "New approach", and to ensure conditions for mutual recognition of the conformity assessment results and for integration in the European Union common market.

3. (new – SG 86/07; amend. – SG 38/11) guaranteeing putting on the market and/or commissioning of ERP, meeting the ecodesign requirements, thus creating conditions for sustainable development by increasing energy efficiency and environmental protection level as well as improving energy supplies security.

Art. 3. (Amend., SG 93/02, amend. SG 45/05; suppl. – SG 86/07; amend. – SG 38/11) Products for which defined essential requirements are set in the ordinances of art. 7, called hereinafter "the essential requirements" or ERP, for which ecodesign requirements are set in the measures of application of Art. 26a, herein after referred to as "ecodesign requirements" shall be put on the market and/or in operation only when they comply with these requirements.

Art. 4. (amend. – SG 86/07) (1) Each product for which essential requirements and/or ecodesign requirements are determined, shall be put on the market and/or commissioned upon assessment and certification of its conformity with these requirements.

(2) The obligation to assess and certify the conformity of the products under para 1 shall rest with the producer or other persons specified in the ordinances under art. 7 and/or in the implementation measures under Art. 26a.

(3) The assessment and certification of conformity with the essential requirements and/or with ecodesign requirements shall be carried out according to the requirements of Chapter Three and/or Chapter Three "a" or under the laws of another European Union Member State, introducing directives of "New approach".

(4) Producers shall be entitled to authorise their representatives -natural persons or legal entities, established in the territory of the European Union, to act on their behalf in order to fulfil the obligations of producers related to putting on the market and/or to commissioning products, called hereinafter "authorized representatives". Such authorizations shall be in writing and it should indicate the actions, which the authorized representative is entitled to carry out.

(5) Importers shall be obliged to place on the market only products which compliance is assessed and certified.

Art. 4a. (New, SG 93/02, amend. SG 45/05) (1) (suppl. – SG 86/07) Producers, importers and/or other persons, where this is provided for in the ordinances under art. 7 and/or in the implementation measures under Art. 26a, shall be obliged to indicate their name and address of management on the product and, where it is impossible - on its packaging and accompanying documentation.

(2) (amend. – SG 86/07) The persons referred to in para 1 shall be obliged to provide products with instructions and/or directions for use in Bulgarian language when such are required by the ordinances under art. 7 and/or by the implementation measures under Art. 26a.

Art. 4b. (New, SG 93/02, amend. SG 45/05; suppl. – SG 86/07) Traders shall be obliged to offer only products which according to the requirements of the ordinances under art. 7 and/or to the implementation measures under Art. 26a are provided with the following:

1. the name and address of management of the persons referred to in art. 4a, para 1;
2. (suppl. – SG 86/07) marking of conformity and additional marking, where such is required according to the ordinances or Art. 7;
3. a declaration of conformity in those cases where it is required to accompany the product;
4. instructions and/or directions for use in Bulgarian language.

Art. 5. (amend. - SG 86/07) (1) Products designed and produced according to the requirements of the national standards of the European Union Member States, which introduce harmonized European standards shall be regarded as being in conformity with the essential requirements and/or with ecodesign requirements covered by these standards.

(2) (amend. – SG 66/13, in force from 26.07.2013) Construction products shall ensure the fulfilment of the basic requirements to construction projects, where they comply with Bulgarian national requirements regarding the intended use or uses and where there are harmonised European standards, reference numbers of which are published in the "Official Journal" of the European Union or a European Technical Assessment (ETA) is issued, and operational parameters of the essential characteristics of construction projects are determined and declared subject to compliance with the requirements of Regulation (EU) No. 305/2011.

(3) (amend. – SG 38/11) Where no technical specifications under par. 2 are available, construction products shall be deemed suitable for use in construction for their intended use, if their operation features and methods of determining thereof meet the requirements of:

1. the legislation act regarding designing, carrying out, control and maintenance of constructions, when they contain requirements to the construction products, and/or
2. the national standards, with which European or international standards are being introduced,
3. Bulgarian national standards or the national standards containing methods and requirements equivalent to the Bulgarian, where standards of item 2 are not available;
4. Bulgarian technical approvals, where standards under item 2 and 3 are not available.

(4) (suppl. – SG 38/11) In case of application of normative acts and technical specifications under par. 3 no marking for conformity under Art. 24 shall be applied.

Chapter two.

PROCEDURE FOR DETERMINING ESSENTIAL REQUIREMENTS TO PRODUCTS

Art. 6. (1) The Council of Ministers shall assign by a decision to ministers and to other bodies of the executive authority the drafting of ordinances which shall determine the essential requirements to products.

(2) (Suppl., SG 93/02) Essential requirements to products shall determine the results to be achieved or the risks to be avoided in order to provide protection of the life and the health of people, the safety of the domestic animals, the protection of the consumers and the protection of the environment and belongings.

Art. 7. (1) The Council of Ministers shall adopt, at the proposal of the ministers and other bodies of the executive authority determined by the decision under Art. 6, the respective ordinances which shall determine the following:

1. (suppl. SG 45/05) products or groups of products for which essential requirements are determined;
2. essential requirements to products;

3. (Amend., SG 93/02) procedures for conformity assessment to the essential requirements and the ways of certifying the conformity;
 4. (amend. – SG 86/07) documents required and the procedure for obtaining permits for conformity assessment, as well as additional specific criteria for the persons who assess the conformity and their obligations regarding the conformity assessment;
 5. rules for placing the marking for compliance;
 6. (new – SG 38/11) additional obligations to manufacturers, importers and traders, when determined in the corresponding "New approach" directive of the European Union.
- (2) (Revoked, SG 93/02)

Chapter three.

ASSESSMENT AND CERTIFICATION OF CONFORMITY OF PRODUCTS TO ESSENTIAL REQUIREMENTS. NOTIFIED BODIES (Title amend. – SG 86/07)

Art. 8. (Amend., SG 93/02, amend. SG 45/05) (1) Conformity assessment of the product to essential requirements, called hereinafter "conformity assessment" shall be implemented according to the procedures determined in the ordinances under art. 7.

(2) (new – SG 76/06, in force from 01.01.2007; amend. – SG 38/11) The procedure of issuing European technical approvals and introduction of the Manuals for technical approvals shall be set forth by the ordinance under Art. 7 for the essential requirements to the constructions and the conformity assessment of construction products.

(3) (amend., SG 95/05, in force from 01.03.2006; prev. text of para 2 – SG 76/06, in force from 01.01.2007; amend. – SG 86/07) The conformity assessment procedures, determined by the ordinances of art. 7 and/or by the implementation measures under Art. 26a and which are applicable to the respective product, shall be performed by the producers or by the notified before the European Commission bodies, whose identification numbers are announced in the Information system of notified and empowered bodies in the field of "New approach" Directives.

Art. 9. (Amend., SG 93/02) (1) (amend., SG 95/05, in force from 01.03.2006) Permits for carrying out conformity assessment shall be issued by the Chairman of the State Agency for Metrological and Technical Surveillance.

(2) (Amend. – SG 76/06, in force from 01.01.2007; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The Minister of Investment Project Development and Public Works:

1. is a notified body under Art. 40 and shall inform the European Commission subject to compliance with Art. 42 of Regulation (EU) No. 305/2011;

2. shall nominate a specialized directorate to operate as a Product Contact Point for Construction according to Art. 10 of Regulation (EU) No. 305/2011 and subject to compliance with Art. 9, Art. 10 and Art. 11 of Regulation (EC) No. 764/2008 of the European Parliament and of the Council of 9 July 2008 laying down procedures relating to the application of certain national technical rules to products lawfully marketed in another Member State and repealing Decision No. 3052/95/EC;

3. issue permissions to persons to carry out conformity assessment and to carry out assessment and inspection of consistency of operation parameters of construction products, to issue a European Technical Assessment and of Bulgarian technical approvals of construction products, where they meet the requirements of Art. 43 and Art. 46 of Regulation (EU) No. 305/2011 and of Art. 10 of this law; to withdraw and the re-issue already issued permits, to expand and update their scope, to suspend and to limit their effect;

4. determine by an order Bulgarian national requirements to construction products regarding their intended purpose of use, including for the cases referred to in Art. 5 of Regulation (EU) No. 305/2011; the order shall be promulgated in State Gazette;

5. (amend. – SG 101/15) determine by an ordinance the terms and conditions for use of building materials in the constructions and also the terms and conditions for the procedure of implementation of activities under items 1 – 4, including for the control of the persons referred to in item 3.

(3) (amend., SG 95/05, in force from 01.03.2006; revoked – SG 86/07)

(4) (new – SG 76/06, in force from 01.01.2007; amend. – SG 38/11; amend. – SG 66/13, in force from 26.07.2013) State fees shall be collected for the activities of the contact point under para 2, item 2, where designated by the ordinance under para 2, item 5 and the activities under para 2, item 3, including for inspection of documents, on-site inspections, annual scheduled inspections, in amounts determined according to a tariff, approved by the Council of Ministers.

Art. 10. (1) (amend. – SG 86/07) Permits for carrying out conformity assessment shall be issued to a person who:

1. is registered in the Commercial register or is established by an Act or by Regulation of the Council of Ministers;

2. (amend. - SG 12/18) has the necessary personnel, at least half of which has been hired with permanent labour contracts, registered under the Art. 62 of the Labour Code;

3. has not participated, including the personnel hired by him, in the designing, the production, the supply and the assembly of the products whose assessment he shall carry out, neither is he an official representative of an organization, having carried out any of these activities;

4. has hired personnel which possesses:

a) professional experience and technical competence for conformity assessment;

b) sufficient knowledge of the requirements regarding the activities undertaken and the practical skills for their fulfilment;

c) skills required for working out written records, reports and certificates which certify the results from the performed activities;

5. can guarantee impartiality and independence of their personnel;

6. has insurance for the damages which could occur as a result from non-fulfilment of his responsibilities with regard to conformity assessment within the scope of each ordinance, under which he is applying for getting a permit, which shall be in the amount, covering the damages, that the respective product can cause;

7. has no pecuniary liabilities to the state or municipality in the sense of the Tax-insurance Procedure Code, established with entered into force act of competent body or liabilities to insurance funds unless the competent body has admitted deferring or delay of the liabilities.

8. has personnel bound with the obligation to safeguard professional secret regarding the information received by them in the course of their activity.

9. is not announced insolvent or is not in insolvency or liquidation procedure;

10. (new - SG 12/18) has technical means to carry out tests as part of the conformity assessment procedures.

(2) (Amend., SG 93/02) The ordinances of art. 7 shall determine specific criteria for the persons depending on the conformity assessment procedures.

(3) (new – SG 76/06, in force from 01.01.2007; amend. – SG 38/11) The persons, who apply for obtaining a permission for issue of technical approvals, must meet the requirements under para 1 and the specific criteria, specified by the ordinance under Art. 7.

Art. 11. (1) (Amend., SG 93/02, suppl. SG 45/05; suppl. – SG 86/07) Persons who apply for permits for carrying out conformity assessment shall file written applications accompanied by documents specified by the respective ordinance under Art. 7. Any person who applies for receiving permission under more than one ordinance shall submit separate applications with relevant documents attached.

(2) (Amend., SG 93/02, amend. SG 45/05) When persons who apply for permit for carrying out conformity assessment present valid certificates of accreditation according to standards pointed out in the respective ordinance under art. 7, these persons are regarded as having a functioning quality system, meeting the requirements under art. 10, para 1, items 3. 5 and 8 and having technical competence needed for the activities and products within the scope of the accreditation.

(3) (New, SG 93/02, amend. SG 45/05) The compliance of the persons applying for certificate with the requirements of art. 10 shall be established by checks of documents and checks on the spot.

(4) (revoked – SG 45/05)

Art. 12. (Amend., SG 93/02, amend. SG 45/05, amend., SG 95/05, in force from 01.03.2006) (1) (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The chairman of the State Agency for Metrological and Technical Surveillance, respectively the Minister of Regional Development and Public Works, after receiving the application shall organize the implementation of check of the documents for establishing the compliance with the requirements of art. 10. The term for implementing the check shall be two months and in the cases of art. 11, para 2 – one month.

(2) (amend., SG 95/05, in force from 01.03.2006; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) When at the check of the documents discrepancies are established with the requirements of art. 10 the chairman of the State Agency for Metrological and Technical Surveillance, respectively the Minister of Regional Development and Public Works, shall notify in writing the applicant about the established discrepancies, present to him the results of the check and determine term for removal of the discrepancies which must not be longer than two months. The term of art. 12a, para 5 shall stop till the removal of the discrepancies.

(3) (amend., SG 95/05, in force from 01.03.2006; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) When the discrepancies are not removed in the defined term the chairman of the State Agency for Metrological and Technical Surveillance, respectively the Minister of Regional Development and Public Works, shall with a motivated order refuse issuing of permission.

Art. 12a. (new – SG 45/05) (1) (amend., SG 95/05, in force from 01.03.2006; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) Upon positive result of the check of art. 12 the chairman of the State Agency for Metrological and Technical Surveillance, respectively the Minister of Regional Development and Public Works, shall with an order determine commission, which in one month term to implement check on the place for establishing the competence of the candidate and his ability to carry out the declared conformity assessment procedures. When the check on the place requires special knowledge in the commission may be attracted external experts in the respective field.

(2) (amend., SG 95/05, in force from 01.03.2006; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) When at the check on the place discrepancies are established the chairman of the State Agency for Metrological and Technical Surveillance, respectively the Minister of Regional Development and Public Works, shall in writing

notify the applicant about the established discrepancies and determine term for removal of the discrepancies which must not be longer than two months. The term of para 5 shall stop till the removal of the discrepancies.

(3) (amend., SG 95/05, in force from 01.03.2006; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) When the applicant does not remove the established discrepancies in the defined term the chairman of the State Agency for Metrological and Technical Surveillance, respectively the Minister of Regional Development and Public Works, shall with a motivated order refuse the issuing of permission.

(4) (amend., SG 95/05, in force from 01.03.2006; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The commission of para 1 shall present report to the chairman of the State Agency for Metrological and Technical Surveillance, respectively to the Minister of Regional Development and Public Works, about the results of the check on the place.

(5) (amend. – SG 95/05; amend. – SG 86/07; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) In 6 months term after submitting of the application and the documents of art. 11, para 1 the chairman of the State Agency for Metrological and Technical Surveillance, respectively the Minister of Regional Development and Public Works, shall, on the basis of the results of check of documents and the check on the place, take a decision for issuing permission or refuse its issuing with motivated order if the applicant does not meet the requirements of art. 10.

(6) (amend. – SG 86/07) The applicant shall be notified in writing within 7 days after taking the decision for the issuing of the permit or from issuing of the order for refuse.

(7) (new – SG 86/07; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The chairman of the State Agency of Metrological and Technical Surveillance, respectively the Minister of Regional Development and Public Works, within 7 days after the notification under par. 6 shall announce the approved persons for conformity assessment before the European Commission and the member states through the Information System of notified and empowered bodies in the field of "New approach" Directives.

(8) (new – SG 86/07) The identification number of the persons for conformity assessment, herein after referred to as "notified bodies", shall be determined by the European Commission.

(9) (new – SG 86/07; amend. – SG 66/13, in force from 26.07.2013) The chairman of the State Agency of Metrological and Technical Surveillance, respectively the Minister of Regional Development and Public Works, shall issue a permit for conformity assessment to notified bodies under par. 8.

Art. 12b. (new – SG 45/05; prev. text of Art. 12b – SG 38/11) New application under art. 11 shall be submitted for expanding the range of the permission for conformity assessment.

(2) (new – 38/11) A new application under Art. 11 shall be filed for updating and extending the scope of the permission for conformity assessment of construction products and for issue of technical approvals.

(3) (new – 38/11) The update of permissions issued to persons for conformity assessment of construction products and for issue of technical approvals shall be performed on the basis of amendments and supplementations to the technical specifications referred to in Art. 5, Para 2 and/or 3 and proved technical competency for reading them for the purposes of the conformity assessment.

Art. 13. (revoked – SG 43/05)

Art. 14. The permit for carrying out conformity assessment shall contain:

1. name of the body who has issued the permit;

2. (new – SG 86/07) identification number of the notified body, designated by the European Commission;
3. (prev. item 2 – SG 86/07) name/company, headquarters, address of management and representation of the person to whom the permit is issued;
4. (suppl. SG 45/05; prev. item 3 – SG 86/07) the name of the products or the groups of products and the conformity assessment procedures related thereto;
5. (amend. SG 45/05; prev. item 4 – SG 86/07) the date of issuance of the permit.

Art. 14a. (new – SG 45/05, amend., SG 95/05, in force from 01.03.2006; amend. – SG 86/07; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The notified bodies shall be obliged to present in the State Agency for Metrological and Technical Surveillance, respectively in the Ministry of Regional Development and Public Works, annual report about their activity containing information about the implemented conformity assessments by types of products and procedures, copies of issued certificates and approvals, refusals to issue certificates and approvals, the presented protests and claims and the undertaken activities for resolving them.

Art. 14b. (new – SG 45/05; amend. – SG 86/07) The notified bodies shall be obliged to notify the respective body of art. 9 within 7 days after the occurrence of changes in:

1. their legal and the accreditation status, the structure, the range of activity and the procedures for conformity assessment, and also of the contact persons, telephone numbers and e-mail addresses;
2. quality system, staff management, which influence the fulfillment of the procedures of conformity assessment;
3. legal and accreditation status of sub-contractors or their replacement, provided that such are used;
4. the circumstances of art. 10, para 1, item 6, 7 and 9.

Art. 14c. (new – SG 45/05) (1) (suppl. – SG 86/07) The authorities under art. 9 shall carry out annual planned checks for observing the conditions under which the permit has been issued and practical implementation of conformity assessment procedures, and for maintaining the technical competence of the staff.

(2) (amend. – SG 86/07) The authorities under art. 9 may conduct extraordinary on-site checks of the notified bodies at receiving information of art. 14b or upon signals, appeals and claims, connected with their activity.

(3) (amend., SG 95/05, in force from 01.03.2006; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The checks of para 1 and 2 shall be implemented by a commission, determined with an order by the chairman of the State Agency for Metrological and Technical Surveillance, respectively the Minister of Regional Development and Public Works.

(4) (amend. – SG 86/07) When during the checks discrepancies are established with the requirements of art. 10 or omissions and discrepancy in fulfillment of the conformity assessment procedures the body of art. 9:

1. shall give a prescription of a term not longer than two months for removal of the identified discrepancies and omissions, or
2. shall temporary suspend the conformity assessment activity until the removal of the discrepancies and omissions, but for no longer than three months, and shall notify the European Commission.

Art. 15. (Amend., SG 93/02, amend. SG 45/05; amend. – SG 86/07) (1) (amend. – 38/11) The authority under Para 9 that has issued the permit for conformity assessment shall be withdrawn or restricted by scope, when during the checks it is established that the notified body:

1. has stopped meeting any of the requirements of art. 10;
 - 2 is not in capacity to continue the fulfilment of the procedures for conformity assessment;
 3. does not fulfil the conformity assessment procedures according to the requirements of the respective ordinances of art. 7;
 4. has not fulfilled in the defined term the prescriptions given during the checks under art. 14c.
- (2) (revoked – 38/11)
- (3) (amend. – 38/11) The body of Art. 9 shall notify in writing the notified body about the withdrawal or restriction of the scope of the permit within 7 days after issuing of the order.

Art. 15a. (new – SG 45/05; amend. and suppl. – SG 86/07) A person, notified body, to whom issuing of permit for conformity assessment has been refused under art. 12 and 12a or whose permit has been divested under art. 15 may submit application of art. 11, para 1 not earlier than one year after the date of entering into force of the order for refusal or the divesting of the permit.

Art. 16. (amend. – SG 86/07, amend. - SG 77/18, in force from 01.01.2019) The refusal to issue permit for carrying out conformity assessment, as well as the order for withdrawal of the permit shall be subject to appeal before the relevant administrative court under the procedure of the Administrative Procedure Code within 14 days from the announcement.

Art. 17. (Amend., SG 93/02; suppl. – SG 76/06, in force from 01.01.2007; amend. – SG 38/11) For issuance of permits for conformity assessment and for issue of technical approvals, for extension of the scope of issued permissions, for their update and re-issue, for the check of documents, on-the-spot check, including the annual scheduled checks shall be collected state fees determined in a tariff approved by the Council of Ministers.

Art. 18. (amend., SG 95/05, in force from 01.03.2006; revoked – SG 86/07)

Art. 19. (amend. – 38/11) (1) (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The State Agency for Metrological and Technical Surveillance, respectively the Ministry of Regional Development and Public Works, shall keep registers of the issued and withdrawn permits for carrying out conformity assessment.

(2) (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The data of the registers shall be published in the official bulletin of the State Agency for Metrological and Technical Surveillance, respectively on the internet site of the Ministry of Regional Development and Public Works.

Art. 20. (Amend., SG 93/02, amend. SG 45/05; amend. – SG 86/07) The register shall contain the data under Art. 14 and the identification number of the notified body.

Art. 20a. (new – SG 45/05) (1) (amend. – SG 86/07) For application of a unified approach during the implementation of conformity assessment procedures at a national level and unification of the national approach with the approach in the European Union the notified bodies shall:

1. participate in national working groups on the respective ordinance of art. 7 for coordination and cooperation on issues referring to conformity assessment;

2. maintain the competence of the staff by participating in the activity for national standardization and being informed about decisions and documents of the working groups at the European Commission for the directives "New approach" and participate in working groups of notified bodies of the member states.

(2) (amend., SG 95/05, in force from 01.03.2006; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The State Agency for Metrological and Technical Surveillance and the Ministry of Regional Development and Public Works shall ensure:

1. organizationally – technically the work of the respective national working groups of para 1 and determine their representatives for participation in them;

2. access of national working groups to decisions and documents.

Art. 21. (Amend., SG 93/02) (1) (amend. and suppl. – SG 868/07) The conformity of each products with the essential requirements shall be certified by a marking for compliance, by an additional marking and by a declaration of conformity when required by the ordinances under Art. 7, and by a technical dossier.

(2) The requirements for the contents of the declaration of conformity and of the technical dossier shall be determined by the ordinances of art. 7.

Art. 22. (Amend., SG 93/02, amend. SG 45/05; suppl. – SG 886/07) The producer or his authorized representative or other persons, pointed out in the ordinances of art. 7, shall put marking for compliance, additional marking and compile in Bulgarian language declaration of conformity when this is required by the ordinances of art. 7.

Art. 23. (Amend., SG 93/02; suppl. – SG 86/07) For the products marked for compliance, have additional marking and declarations for compliance, when required by the ordinances of art. 7, it shall be considered that they comply with the essential requirements and their compliance has been assessed by procedures determined by the ordinances under Art. 7.

Art. 24. (amend. SG 45/05) The Council of Ministers shall determine by an ordinance the rules for putting and graphic inscription of the marking for compliance.

Art. 24a. (revoked – SG 43/05)

Art. 25. (Amend., SG 93/02, amend. SG 45/05) The producer or his authorized representative or other persons, pointed out in the ordinances of art. 7 shall be obliged to keep the technical dossier for no less than 10 years from the last date of production of the product unless the respective ordinance

stipulates another time period.

Art. 26. (Amend., SG 93/02, amend. SG 45/05) (1) Producers or their authorized representatives or other persons, pointed out in the ordinances under art. 7, upon request by market supervision authorities, shall submit the technical dossier and the declaration of conformity.

(2) (amend. – SG 86/07) When the producer is not established on the territory of the European Union and has no authorized representative the importers or traders, having put the products on the Bulgarian market, shall be obliged upon request by the bodies for market supervision to present a copy of the declaration of conformity and to ensure the technical dossier within a term not longer than 15 days after the date of receipt of the request.

(3) (new – SG 86/07) When the documents under par. 1 and 2 are provided in a foreign language, the market supervision bodies may require the documents or parts thereof to have a legalized translation into Bulgarian language attached.

Chapter three "a".

REQUIREMENTS FOR ECODESIGN OF ENERGY-RELATED PRODUCTS (NEW – SG 86/07; AMEND. – SG 38/11)

Art. 26a. (new – SG 86/07) (1) (amend. – 38/11) Ecodesign requirements are being determined by accepting implementing measures pursuant to Art. 15 of the Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of codesign requirements for energy-related products (OJ L 285/10 of 31/10/2009), hereinafter referred to as Directive 2009/125/EC.

(2) (amend. – 38/11; amend. - SG 14/15) Where the measures under par. 1 are directives or decisions, the Council of Minister upon proposal by the Minister of Economy shall adopt the respective ordinances.

(3) Where the measures under par. 1 are regulations, their implementation shall be carried out in compliance with the provisions of this present law. Provided that the respective regulations require additional measures for its implementation, they shall be adopted by an act of the Council of Ministers.

Art. 26b. (new – SG 86/07) (1) Ecodesign requirements shall not be applicable to transport vehicles for passengers and cargos.

(2) Ecodesign requirements shall be applied without violation of the requirements, arising out of directly applicable Community law and out of the national legislation related to chemicals, including in the field of fluorinated greenhouse gases and waste management.

Art. 26c. (new – SG 86/07) (1) (amend. – 38/11) Ecodesign requirements to ERP set the results, which have to be achieved in order to increase the effectiveness of end energy consumption and to optimize products environmental properties, without modifying their functional qualities.

(2) For some particular environmental aspects, having significant impact on the environment, specific codesign requirements shall be determined.

(3) (amend. – 38/11) Implementing measures under Art. 26a may not require determination of codesign requirements for specified ERP ecological parameters.

Art. 26d. (new – SG 86/07) Implementing measures under Art. 26a shall determine:

1. products or groups of products and ecodesign requirements to them;
2. environmental parameters, with regard to which ecodesign requirements are not applicable;
3. (amend. – 38/11) ERP installation requirements, when installation has a direct impact on their environmental performance;
4. measuring standards and/or methods;
5. conformity assessment procedure by ecodesign requirements and the ways of conformity certification;
6. the required documents and the procedure of obtaining conformity assessment permit, as well as additional specific criteria to the notified bodies and their obligations under the conformity assessment procedures;
7. rules of affixing of conformity marking;
8. requirements for provision of information by the manufacturers, required for conformity assessment.

Art. 26e. (new – SG 86/07) (1) (amend. – 38/11) Where required by the implementing measures under Art. 26a, ERP manufacturers shall users provide information in appropriate form concerning:

1. their contribution for sustainable consumption of the product;
2. product ecological profile and ecodesign benefits.

(2) (amend. – 38/11) Where required by implementing measures under Art. 26a, manufacturers or their authorized representatives, placing on the market and/or putting into service components and sub-assemblies, shall provide the manufacturers of an ERP with relevant information on the material composition and the consumption of energy, materials and/or resources of the components or sub-assemblies.

(3) (amend. – 38/11) Where required by implementing measures under Art. 26a, the ERP manufacturers shall provide other persons with information, which may influence the way of functioning, use or recycling of the product.

(4) (amend. – 38/11) The information under par. 3 shall be presented in Bulgarian language or in Bulgarian language and in one or more other official languages of the European Union institutions, taking into consideration:

1. whether the information can be supplied by harmonized symbols or recognized codes or other similar measures;
2. (amend. – 38/11) the type of user anticipated for the ERP and the nature of the information which is to be provided.

(5) The information under par. 3 shall be indicated on the product itself, wherever this is possible, and shall have to comply with the marking requirements pursuant to the Ordinance for the requirements to placing on the market of electrical and electronic equipment and treatment and transportation of electrical and electronic equipment waste (prom. - SG 36/06; amend. - SG 57/06).

(6) In the cases of par. 3 the information may contain data:

1. from the designer, related to the production process;
2. for the users regarding the essential environmental characteristics of the product and its performance, which are attached to the product, when it is placed on the market, enabling the users to compare these aspects of the product;
3. for the users regarding the way of installation, operation and maintenance of the product in order to minimize its impact on the environment and to ensure optimal life expectancy, as well as on how to return the product at end-of-life, and, where appropriate, information on the period of availability of spare parts and the possibilities of increase of products capacity;
4. for treatment facilities concerning disassembly, recycling or disposal of a product which is

out of use.

Art. 26f. (new –SG 86/07; amend. – SG 38/11) Energy-related products that was ecolabeled as set out in Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel (OJ L 27/1 of 30/01/2010) shall be deemed compliant with the requirements of the applicable measures on the implementation of Art. 26a, to the extent those requirements are covered by an EU ecolabel.

Art. 26g. (new – SG 86/07) (1) (amend. – 38/11) Conformity assessment of an ERP with the ecodesign requirements, herein after referred to as "conformity assessment", shall be carried out according to the requirements of the implementing measures under Art. 26a, whereas the manufacturer may chose between the procedures of "Design Internal control" and "Conformity control and assessment system".

(2) (amend. – 38/11) The conformity assessment procedure may be determined in the respective implementing measure and as one of the modules, described in Annex II of Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC (OJ L 218/82 of 13/08/2008).

(3) (amend. – 38/11) Where in other legislative documents for a particular ERP different conformity assessment procedures are laid down, the procedures defined in the implementing measure under Art. 26a will prevail.

Art. 26h. (new – SG 86/07) (1) Conformity assessment procedures, defined in the implementing measures under Art. 26a and which are applicable to the respective product, shall be carried out by the manufacturer or his/her authorized representative, or by persons under par. 4.

(2) (amend. – 38/11) Where the manufacturer is not established in the territory of the European Union and there is no an authorized representative, the importer of an EUP shall have the obligation to make sure and ensure that the ERP placed on the market meets all the requirements of the respective implementing measure under Art. 26a.

(3) (amend. – 38/11) In the absence of a manufacturer or of an importer, the person, who places the ERP on the market and/or puts them into service shall be regarded as a manufacturer.

(4) Where the conformity assessment procedures, defined in the implementing measures under Art. 26a, applicable to the respective product, provide that they should be implemented by persons, holding a permit for carrying out such procedures, the procedure of issuing, rejection, enlargement or withdrawal of the permit for conformity assessment to ecodesign requirements and according to Chapter Three and the specific requirements of the respective implementing measure under Art. 26a.

Art. 26i. (new – SG 86/07; amend. – SG 38/11) (1) If an ERP covered by implementing measures under Art. 26a is designed by an organization registered in accordance with Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC (OJ L 342/1 of 22.12.2009) and the "products design" function is included within the scope of that registration, the management system of that organization shall be deemed compliant with the requirements of the procedure "Conformity management and assessment system".

(2) If the organisation management system, designing the ERP, covered by the implementing

measures under Art. 26a, includes the "product design" function and complies with harmonized standards, which numbers are published in the Official Journal of the European Union, it shall be deemed compliant with the requirements of the procedure "Conformity management and assessment system" shall be valid.

Art. 26k. (new – SG 86/07) (1) Products conformity with ecodesign requirements shall be certified by a conformity marking, by a declaration of conformity and by a technical documentation file.

(2) The declaration of conformity shall contain the reference to the respective implementing measure and the following elements:

1. the name and address of the manufacturer or of its authorized representative;
2. (amend. – 38/11) a description of the ERP model sufficient for unambiguous identification;
3. where appropriate, the references of the harmonized standards applied;
4. where appropriate, the other technical standards and specifications used;
5. where appropriate, the reference to other legislative acts providing for the affixing of the CE mark that is applied;
6. name, position and signature of the person empowered to subscribe the declaration on behalf of the manufacturer or its authorized representative.

(3) (amend. – 38/11) The declaration of conformity and the technical documentation file shall be produced in one of the official languages of the European Union institutions.

(4) Where the documents under par. 3 are provided in a foreign language, the market supervision bodies may request documents or parts thereof to have an attached legalized translation into Bulgarian language.

(5) The content of the technical documentation file shall be defined in the implementing measures under Art. 26a.

Art. 26l. (new – SG 86/07) (1) Manufacturers or their authorized representatives or other persons, specified in the implementing measures under Art. 26a, shall affix the conformity marking and shall compile the declaration of conformity.

(2) The conformity marking shall be affixed according to the requirements of the Ordinance referred to in Art. 24.

Art. 26m. (new – SG 86/07) Products, having conformity marking and a declaration of conformity it shall be considered as such meeting the ecodesign requirements and as having their conformity tested according to procedures, defined in the implementing measures under Art. 26a.

Art. 26n. (new – SG 86/07) (1) (amend. – 38/11) Placing on the market and/or putting into service of an ERP cannot be prohibited, restricted or impeded on the grounds of ecodesign requirements relating to ecodesign parameters, which are covered by the implementing measure under Art. 26a, where this product complies with the relevant provisions of the applicable implementing measure and bears conformity marking, affixed in accordance with Art. 26l, par. 2.

(2) (amend. – 38/11) Placing on the market and/or putting into service of an ERP cannot be prohibited, restricted or impeded, when it has a conformity marking, affixed in accordance with Art. 26l, par. 2, on the grounds of ecodesign requirements with regard to ecodesign parameters, which are covered by the implementing measure under Art. 26a, for which this measure does not provide for ecodesign requirement.

26o. (new – SG 86/07) (1) (amend. – 38/11) The manufacturer or his authorized representative shall keep technical documentation file and declaration of conformity for a period of minimum 10 years after the last date of ERP manufacturing and upon request shall provide them for inspection to the market supervision bodies.

(2) Upon request by the market supervision bodies the manufacturer shall provide a copy of the technical documentation file within 10 days after the date of receiving if the request.

(3) (amend. – 38/11) Where the manufacturer is not established in the territory of the European Union and does not have an authorized representative, the obligations under par. 1 shall be of the ERP importer.

Art. 26p. (new – SG 86/07) (1) (amend. – 38/11) Where in the course of inspections under Chapter Four it is established, that harmonized standards, providing a presumption of conformity with the specific ecodesign of the implementing measures under Art. 26a, do not entirely satisfy those requirements, the State Agency of Metrological and Technical Surveillance shall immediately notify the Standing Committee, set up under Art. 5 of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services.

(2) (amend. – 38/11) Where there are grounded reservations about possible inconformity of an ERP, the State Agency of Metrological and Technical Surveillance shall as soon as possible publish in a relevant way a motivated assessment of ERP conformity, performed by a competent body, in order to enable timely undertaking of corrective measures, where appropriate.

Art. 26q. (new – SG 86/07) (1) (amend. – 38/11) As an alternative to the implementing measures under Art. 26a, the European Commission may decide the obligations relating to ecodesign requirements for particular ERP to be performed on the basis of voluntary agreements or other self-regulatory measures.

(2) The minimum criteria for acceptability assessment of the self-regulatory initiatives shall be:

1. open access to participation of operators from third parties both in the preparatory and in the implementation phases;

2. (amend. – 38/11) self-regulatory initiatives shall generate added value more than "business as usual" in terms of the improved overall environmental performance of the ERP;

3. industry and their associations taking part in a self-regulatory action shall represent a large majority of the relevant economic sector with minimizing the exceptions;

4. respect for competition rules;

5. setting quantified and staged objectives, starting from a well-defined baseline; if the self-regulatory initiative covers a long time-span, interim targets shall be included; it must be possible to monitor compliance with objectives and interim targets in an affordable and credible way using clear and reliable indicators; research information and scientific and technological background data shall be used for the development of these indicators.

6. ensuring transparency of self-regulatory initiatives by publishing them, as well as of the interim and final monitoring reports on them, including through the use of the internet and other electronic means of disseminating information; provision of an opportunity to all interested persons to express their standpoints on the proposed self-regulating initiatives;

7. (amend. – SG 86/07; suppl. – SG 38/11) Self-regulatory initiatives shall contain a detailed, transparent and objective monitoring system, defining responsibilities for industry and independent inspectors; the achievement of the objectives of the voluntary agreements and of the other self-regulatory measures shall be assessed by the European Commission on the grounds of monitoring

systems and of the reports of independent officers.

8. the cost of administering a self-regulatory initiative, in particular as regards monitoring, shall not lead to a disproportionate administrative burden as compared to the initiative objectives and to other used policy instruments;

9. (amend. – 38/11) the self-regulatory initiatives shall respond to the objectives set by the law and of the Directive 2009/125/EC and shall be consistent with the economic and social dimensions of sustainable development, including of protection of consumers' interests;

10. to provide compatibility of policies undertaken at a national level with the objectives of the voluntary agreements and the expected results of their fulfilment.

Chapter four. MARKET Surveillance

Art. 27. (Amend., SG 93/02) (1) (suppl. SG 45/05; suppl. – SG 86/07; suppl. - SG 84/12, in force from 02.01.2013) Market surveillance shall be carried out in order to ensure conformity of products placed on the market and/or commissioned with the requirements of the Act and the ordinances under art. 7 and 24 and/or the implementing measures under Art. 26a of this Act and/or the ordinance referred to in Art. 21e, Para 1 of the Act on Protection against the Harmful Impact Of Chemical Substances And Mixtures.

(2) (amend. SG 45/05, amend., SG 95/05, in force from 01.03.2006) Market surveillance shall be carried out by the Chairman of the State Agency for Metrological and Technical Surveillance through bodies for market supervision from the state agency.

(3) (amend., SG 95/05, in force from 01.03.2006; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) Surveillance of construction products on the market shall be carried out by the Chairman of the State Agency for Metrological and Technical Surveillance, jointly with the Minister of Regional Development and Public Works.

(4) Market surveillance of medical products shall be carried out by the order of an individual law.

(5) (new – SG 41/07) As regards to electronic communication facilities and radio-equipment, market surveillance shall be carried out by the Communications Regulation Commission in cooperation with the Chairman of the State Agency of Metrological and Technical Surveillance.

Art. 28. (Amend., SG 93/02) (1) (suppl. – SG 86/07; suppl. - SG 84/12, in force from 02.01.2013) Market surveillance shall include monitoring, checking up the presence of conformity marking, additional marking and of an instruction and/or directions for use in Bulgarian language, when required by the ordinances of art. 7 and/or the implementing measures under Art. 26a of this Act and/or the ordinance referred to in Art. 21e, Para 1 of the Act on Protection from the Harmful Impact of the Chemical Substances and Mixtures, checking up of the declaration of conformity, checking up the part of the technical dossier regarding the compliance of the products, or through testing samples or specimens of the products put on the market and/or commissioned.

(2) Testing of products cannot be carried out by the persons who have participated in the conformity assessment of the same products.

Art. 29. (Amend., SG 93/02) Market surveillance bodies shall carry out the monitoring and the checkups:

1. in the trade sites and the other places of storing and presenting of the products placed on the

market;

2. in the production, storing and trading premises where the products are commissioned or used according to their purpose;
3. at the fairs, exhibitions and demonstrations in the cases of § 2 of the additional provisions.

Art. 30. (Amend., SG 93/02) (1) (amend. SG 45/05; suppl. – SG 86/07) On inspections the market surveillance bodies shall require from the persons of art. 26 and 26o declaration of conformity and/or technical dossier when there is no conformity marking or it has been made in violation of the requirements of the ordinance of art. 24.

(2) (amend. SG 45/05; amend. – SG 86/07; suppl. - SG 84/12, in force from 02.01.2013) Market surveillance bodies shall also require the declaration of conformity and/or the technical dossier for products with conformity marking and additional marking, where such is required by the provisions of Art. 7 of this Act and/or the ordinance referred to in Art. 21e, Para 1 of the Act on Protection from the Harmful Impact of the Chemical Substances and Mixtures in cases of doubt occurred as a result of monitoring the market, written complaints or warnings by other control bodies, citizens or mass media.

(3) (revoked – SG 43/05)

Art. 30a. (New, SG 93/02) (1) (amend. SG 45/05; amend. – SG 86/07; suppl. - SG 84/12, in force from 02.01.2013) Market surveillance bodies shall prohibit by a prescription the distribution and/or the using of products for which, as a result of the tests, it has been established that they do not comply with the essential requirements and/or with ecodesign requirements, and/or the requirements of the ordinance referred to in Art. 21e, Para 1 of the Act on Protection from the Harmful Impact of the Chemical Substances and Mixtures and shall prescribe to the producer, to his authorized representative, to the importer or to the trader to withdraw them from the market.

(2) (new – SG 86/07; suppl. - SG 84/12, in force from 02.01.2013) Market surveillance bodies shall prohibit by instruction the distribution and/or use of products, for which in case of an inspection carried out, visible incompliance with the essential requirements and/or with ecodesign requirements and/or the requirements of the ordinance referred to in Art. 21e, Para 1 of the Act on Protection from the Harmful Impact of the Chemical Substances and Mixtures has been established by measurement, visual inspection and/or organoleptic testing, and shall prescribe to producers, their authorized representatives, importers or traders to withdraw them from the market.

(3) (suppl. SG 45/05; prev. par. 2, suppl. – SG 86/07; suppl. - SG 84/12, in force from 02.01.2013) When any non-compliance with the essential requirements and/or with ecodesign requirements and/or the requirements of the ordinance referred to in Art. 21e, Para 1 of the Act on Protection from the Harmful Impact of the Chemical Substances and Mixtures can be removed technically, the products shall be placed on the market again and/or shall be commissioned upon conformity assessment thereof.

(4) (amend. SG 45/05; prev. par. 3, amend. – SG 86/07; suppl. - SG 84/12, in force from 02.01.2013) When the non-compliance with the essential requirements and/or ecodesign requirements and/or the requirements of the ordinance referred to in Art. 21e, Para 1 of the Act on Protection from the Harmful Impact of the Chemical Substances and Mixtures cannot be removed technically, the producer, his authorized representative, the importer or the trader shall destroy them for their account under a prescription of the bodies of market supervision. The procedure for destruction of products shall be determined by the ordinance of art. 30e.

(5) (new - SG 38/11) When the product presents a major risk, market surveillance authorities shall prescribe the consumers to stop using it and the manufacturer, importer or retailer - to recall the product. In cases where the risk can be eliminated technically, they shall prescribe destruction of the

product. The procedure for implementing these measures shall be determined in the ordinance referred to in Art. 30e.

(6) (new - SG 38/11) The provisions of Para 4 shall not apply to construction products.

Art. 30b. (New, SG 93/02; amend. – SG 86/07) (1) The expenses related to taking samples or specimens for testing shall be for the account of producers, their authorized representatives, importers or traders when the products do not comply with the essential requirements and/or with ecodesign requirements. When the products comply with the essential requirements and/or with ecodesign requirements the expenses shall be for the account of the market surveillance bodies.

(2) (suppl. - SG 84/12, in force from 02.01.2013) The expenses for taking samples or specimens and the expenses for their testing products without marking or without declaration of conformity when such are required by the ordinances of art. 7 and/or the implementing measures under Art. 26a of this Act and/or the ordinance referred to in Art. 21e, Para 1 of the Act on Protection from the Harmful Impact of the Chemical Substances and Mixtures, or without technical dossier shall be for the account of the producer, of his authorized representative, of the importer or of the trader, regardless the obtained results.

Art. 30c. (New, SG 93/02, amend. SG 45/05) (1) (amend. – SG 86/07; suppl. - SG 84/12, in force from 02.01.2013) Market surveillance bodies shall prescribe to producers, their authorized representatives, importers or traders to suspend temporarily the distribution and/or use of products without conformity marking, without additional marking, where this is required by the ordinances of Art. 7 of this Act and/or the ordinance referred to in Art. 21e, Para 1 of the Act on Protection from the Harmful Impact of the Chemical Substances and Mixtures, without declaration of conformity or without technical dossier, until conformity assessment and certification thereof is carried out.

(2) (amend., SG 95/05, in force from 01.03.2006; amend. - SG 30/06, in force from 12.07.2006; amend. – SG 86/07; amend. – SG 38/11) The prescription of para 1 and of art. 30a, para 1, 2, 4 and 5 shall be issued by the chairman of the State Agency for Metrological and Technical Surveillance and authorized by the latter officials and shall be subject to appeal by the order of the Administrative procedure code. The appeal shall not stop their fulfilment.

Art. 30d. (New, SG 93/02) In carrying out inspections the bodies of market supervision can request assistance from the bodies of the Ministry of Interior and from the competent bodies of the local independent government.

Art. 30e. (New, SG 93/02) The Council of Ministers shall determine by an ordinance the conditions and the procedure for carrying out market surveillance.

Art. 30f. (New, SG 93/02) In the cases of art. 30a the bodies of market supervision shall present to the mass media the following data for products:

1. type and quantity of the products;
2. trade mark;
3. the danger or risk related to the using of the products;
4. (new – SG 86/07) consumption of energy and environmental hazards;
5. (prev. item 4 – SG 86/07) the results from the inspection;

6. (prev. item 5 – SG 86/07) the taken measures;
7. (amend. SG 45/05; prev. item 6 – SG 86/07) producers, their authorized representatives or other persons who have placed them on the market and/or have commissioned them.

Art. 30g. (New, SG 93/02) (1) (amend. – SG 86/07) Market surveillance bodies shall be entitled to:

1. free access to the places referred to in art. 29, item 1 and 2;
2. (suppl. - SG 84/12, in force from 02.01.2013) require from producers, their authorized representatives, importers or traders declarations of conformity, technical dossiers and instructions and/or directions for use in Bulgarian language when required by the ordinances under art. 7 or by the implementing measures under Art. 26a of this Act and/or the ordinance referred to in Art. 21e, Para 1 of the Act on Protection from the Harmful Impact of the Chemical Substances and Mixtures;
3. take samples or specimens of the products to be tested;
4. require original accounting, commercial or other books and documents, as well as documents, related to business registration, unified identification code as per BULSTAT, business address of the inspected person, personal data and any other information relating to identification of the administrative violation under this Act, as well as to withdraw certified copies thereof.

(2) (amend. SG 45/05, amend., SG 95/05, in force from 01.03.2006) The employees of the State Agency for Metrological and Technical Surveillance who implement supervision of the market " shall be insured for the account of the budget of the agency against accident which may occur during or on occasion of fulfilment of their official duties.

(3) (amend. SG 45/05) Producers, their authorized representatives or other persons placing products on the market and/or commission products, as well as the entrepreneurs under art. 4b, shall be obliged to provide access to the places under art. 29, item 1 and 2 and to render assistance to the market surveillance bodies in fulfilment of their duties.

Art. 30h. (New, SG 93/02) Market surveillance bodies shall be obliged:

1. to use the documents and information received only for the purposes of market supervision;
2. to legitimise themselves in carrying out inspections.

Art. 30i. (New - SG 76/06, in force from 01.01.2007) (1) (suppl. – SG 86/07) The chairman of the State Agency for Metrological and Technical Surveillance shall issue an order for temporary suspension or a ban on release on the market or a ban on commissioning, or for withdrawal from the market of products with laid on marking for compliance and additional marking, where such is required by the ordinances of Art. 7 which are correctly installed, maintained and are used according to their purpose, however, regarding which it is proved that they may threaten the health or the safety of the consumers or third persons.

(2) (suppl. – SG 86/07) The State agency for Metrological and Technical Surveillance shall immediately inform the European commission and the other Member States of the order under para 1 and of the measures undertaken, and shall point out the reasons for the non-compliance of the products with the requirements of this Act and the acts for its implementation, which may be due to:

1. (suppl. – SG 86/07) non-fulfilment of the essential requirements and/or ecodesign requirements, specified in the ordinances under Art. 7 and/or the implementing measures under Art. 26a;
2. incorrect implementation of the standards under Art. 5;
3. defects in the standards under Art. 5.

Chapter five.
TECHNICAL SUPERVISION OF HIGH-RISK FACILITIES

Art. 31. (1) (Amend., SG 93/02, amend. SG 45/05) For ensuring safe exploitation of high-risk facilities technical supervision shall be implemented for observing the requirements, defined with ordinances of the Council of Ministers.

(2) (amend., SG 95/05, in force from 01.03.2006) Upon proposal by the State Agency for Metrological and Technical Surveillance the Council of Ministers shall approve the ordinances of para 1 with which defines:

1. the technical requirements, rules and norms for construction, mounting and safe exploitation of the facilities with increased danger for which there are no essential requirements, determined with the ordinances of art. 7;

2. (suppl. – SG 86/07) the requirements for installation and safe exploitation of the high-risk facilities for which there are essential requirements, determined with the ordinances under art. 7.

Art. 32. (suppl., SG 107/03; in force 6 months after the promulgation of the Act, amend. SG 45/05; amend. – SG 86/07) The types of high-risk facilities in the context of this Act are: boilers, vessels operating under pressure, pipelines for steam and hot water, gas installations, pipelines and installations for liquefied hydrocarbon gases, transfer pipelines, facilities, installations and devices for natural gas, acetylene plants, oil pipelines and petrol products pipelines, elevators, lifting facilities, overhead ropeways and ski rope lines with technical properties and parameters, defined by the ordinances of Art. 31.

Art. 33. (1) (Amend. and Suppl., SG 93/02, suppl. SG 45/05) High-risk facilities regarding which there are no ordinances under art. 7, shall be subject to technical supervision in their designing, assembly, maintenance, repair and operation for compliance with the technical requirements, the rules and the norms determined by the ordinances under Art. 31, para 2, item 1.

(2) (New, SG 93/02, amend. SG 45/05) High-risk facilities d for which there are no ordinances under art. 7 shall be subject, after their commissioning, to technical supervision for their compliance with their technical dossier and for compliance of their technical operation with the requirements determined by the ordinances of art. 31, para 2, item 2.

(3) (Amend., SG 63/02; Prev. para 2 - amend., SG 93/02; suppl. – SG 80/10) Subject to technical supervision pursuant to this Act shall not be the high-risk facilities located on the territory of nuclear power stations, which are specifically designed for nuclear use and are part of the constructions, systems and components of importance to nuclear safety, and in case of break-down of which it is possible that nuclear products are emitted, water and air navigation vehicles and in underground pits and mines.

Art. 34. (1) (Amend., SG 93/02, amend. SG 45/05, amend., SG 95/05, in force from 01.03.2006) Technical supervision of high-risk facilities shall be carried out by the chairman of the State Agency for Metrological and Technical Surveillance through the Chief Directorate "Inspection for state technical supervision" and by persons or structurally detached parts of enterprises or organizations having obtained licence for that by the chairman of the State Agency for Metrological and Technical Surveillance, called hereinafter bodies of technical supervision.

(2) (Amend., SG 93/02, amend. SG 45/05, amend., SG 95/05, in force from 01.03.2006) The

Council of Ministers shall determine by an ordinance the types of high-risk facilities whose supervision shall be carried out by the chairman of the State Agency for Metrological and Technical Surveillance and the types of high-risk facilities whose supervision shall be carried out by persons or structurally detached parts of enterprises or organizations having obtained licence for that, as well as the conditions and the order of issuing the licences.

(3) (New, SG 93/02) The persons having obtained licence to carry out technical supervision must have insurance for the damages they could inflict as a result of non-fulfilment of their duties to the owners or users of high-risk facilities or to third persons.

(4) (New, SG 93/02, amend. SG 45/05, amend., SG 95/05, in force from 01.03.2006; amend. – SG 86/07) The employees of Chief Directorate "Inspectorate for state technical supervision" shall be insured for the account of the budget of the State Agency for Metrological and Technical Surveillance for accident that may occur during or on occasion of fulfilment of their official duties.

(5) (new – 38/11) Technical inspections, checks and tests during operation of high-risk facilities may be carried out by notified bodies, where an ordinance under Art. 7 or Art. 31 provides so. In the ordinance referred to in Para 2 shall be determined the high risk facilities, which technical examinations, checks and tests shall be carried out by notified bodies.

Art. 34a. (New, SG 93/02) (1) (amend. SG 45/05, amend., SG 95/05, in force from 01.03.2006) The Chairman of the State Agency for Metrological and Technical Surveillance shall issue a licence for carrying out technical supervision of high-risk facilities to:

1. (amend. SG 45/05) persons carrying out the supervision on the grounds of contract with the user of high-risk facilities;

2. structurally separated parts of enterprises or organisations, directly subordinated to their chief - for carrying out technical supervision of high-risk facilities, which are owned or used by the enterprise or organisation.

(2) (suppl. SG 45/05) Persons under para 1, item 1 who apply for licence must:

1. (suppl. – SG 86/07) be registered according to the Commercial Law, respectively entered into the Commercial register, or be established by a law, an act of the Council of Ministers or of another state body;

2. not to be declared bankrupt or be under proceedings for declaring bankruptcy or in liquidation;

3. (suppl. SG 45/05, amend. - SG 12/18) have a personnel hired with legal relation of employment whose employment contracts are registered under the procedure of Art. 62 of the Labor Code and with education, qualification and/or legal capacity necessary for carrying out technical supervision of high-risk facilities and at least one specialist with education-qualification degree "master" and with at least 5 years practice in the specialty;

4. (suppl. SG 45/05) have material and technical conditions and means for carrying out technical supervision of high-risk facilities and procedures, determining the organization and the order for implementing the supervision activities;

5. (suppl. – SG 86/07) not participate, including the employed by them personnel, in the designing, production, supply, assembly, using, repair or maintenance of the types of high-risk facilities whose technical supervision they carry out;

6. not participate in the capital, management or control of trade companies carrying out the activities of item 5.

7. (new – SG 86/07) persons, participating in carrying out of activities under item 5 must not participate in the capital, management and control;

8. (new – SG 86/07) have a quality management system, meeting the requirements of BDS EN ISO/IEC 17020.

(3) (new – SG 45/05) The structurally autonomous parts of enterprises or organizations of para 1 and 2 must:

1. include staff that:

a) has education, qualification and/or legal capacity necessary for implementing technical supervision with increased danger and at least one specialist with education-qualification degree "master" and with at least 5 years practice in the specialty;

b) not participate in the control of the enterprise or the organization and in the designing, production, supply, mounting, use, repair or maintenance of the kinds of facilities with increased danger which technical supervision it implements;

2. dispose with material – technical conditions and means for implementing technical supervision of facilities with increased danger and procedures determining the organization and the order for implementing the supervision activity;

3. (new – SG 86/07) have a quality management system, meeting the requirements of BDS EN ISO/IEC 17020.

(4) (new – SG 45/05) In the ordinance of art. 34, para 2 shall be defined additional specific requirements to the persons and the structurally detached parts of enterprises or organizations depending on the kind of the facilities with increased danger.

(5) (new – SG 45/05, amend. - SG 12/18) To receive a license under para. 1 the applicants shall submit an application form to the Chairman of the State Agency for Metrological and Technical Surveillance in which they enter the unified identification code from the commercial register, seat, address of management and the name of the legal representative, accompanied by the documents specified in the Ordinance under the Art. 34, para. 2.

(6) (new – SG 45/05; amend. – SG 86/07) The employees of Chief directorate "Inspectorate for State Technical Supervision" may conduct checks on the place about the meeting of the requirements of para 2 or 3 and para 4 upon which they shall have right to access in the premises and at the places where the activity will be implemented, and to require written and verbal explanations from the staff of the candidate for receiving license.

(7) (prev. (3) – SG 45/05) The licence shall contain:

1. (suppl. SG 45/05) the name, headquarters and address of the licensed person or of the enterprise or the organization of para 1, item 2;

2. (amend. – SG 86/07) The unified identification code as per BULSTAT or the name of the act by which the body has been established;

3. the name, the structural unit to carry out technical supervision - in the cases of para 1, item 2;

4. the types of high-risk facilities for which the body is licensed to carry out technical supervision;

5. date of issuing of the licence.

(8) (prev. (4), suppl. SG 45/05, amend., SG 95/05, in force from 01.03.2006; amend. - SG 30/06, in force from 12.07.2006) The Chairman of the State Agency for Metrological and Technical Surveillance shall refuse to issue the licence when the persons or the structurally detached parts of enterprises or organizations of para 1 do not meet some of the requirements of para 2 or 3 and para 4. The refusal to issue a licence shall be motivated in writing and shall be subject to appeal by the order of the Administrative procedure code.

(9) (prev. (5) – SG 45/05, amend., SG 95/05, in force from 01.03.2006; suppl. – SG 86/07) The Chairman of the State Agency for Metrological and Technical Surveillance shall withdraw the licence by a motivated written order upon:

1. (suppl. – SG 86/07) termination and deletion of the sole entrepreneur or corporate body;

2. (amend. – SG 886/07) changes, resulting in inconformity with the requirements under par. 2, 3 or 4;

3. lack of insurance under art. 34, para 3;

4. (suppl. SG 45/05; amend. and suppl. – SG 86/07) establishing by the employees of the Chief Directorate "Inspection for state technical supervision" that the persons or the structurally detached parts of enterprises or organizations having obtained licence systematically do not fulfil their obligations according to the Act and the ordinances for its implementation or regularly disobey the scope of the license;

5. (new – SG 86/07) written claim by the license holder.

(10) (new – SG 86/07) In case of transformation of traders or legal entities the licenses shall not be transferable to the newly established entities or legal successors and in case of re-organization of enterprises or organizations – to the re-organized or newly established structurally independent part.

(11) (new – SG 86/07) In cases of par. 9, item 2, 4 or 5 the Chairman of the State Agency of Metrological and Technical Surveillance may, instead of withdrawing, just limit the scope of the license.

Art. 34b. (new – SG 45/05) (1) (amend., SG 95/05, in force from 01.03.2006; amend. and suppl. – SG 86/07) The chairman of the State Agency for Metrological and Technical Surveillance shall through Chief directorate "Inspectorate for state technical surveillance" check once in the year the licensed persons and the structurally detached parts of enterprises or organizations of art. 34a, para 1 for observing the range of the issued license and the conditions under which they have received, for fulfilment of their obligations under this Act and the ordinances for its implementation, and also for application of the quality management system.

(2) (amend. and suppl. – SG 86/07) At the checks of para 1 the employees of Chief directorate "Inspectorate for state technical supervision" shall have right in connection with their supervision activity to access in the premises and at the places where the activity is implemented, to require explanations from the staff and the conceding of the registers, the dossiers and all documents, issued by the licensed persons or the structurally detached parts of enterprises or organizations of art. 34a, para 1, and also the documents of quality management system.

(3) (amend. and suppl. – SG 86/07) When at the checks of para 1 it is established that the licensed persons or the structurally detached parts of enterprises or organizations of art. 34a, para 1 do not observe the range of the license or do not fulfill their obligations under this Act and the ordinances for its implementation or do not apply quality management system, the employees of Chief directorate "Inspectorate for state technical supervision" can:

1. prescribe measures for removal of the breaches in appropriate term;
2. give effect to procedure for imposing of administrative penalty.

(4) (amend., SG 95/05, in force from 01.03.2006) When the established breaches of para 3 are systematically implemented the chairman of the State Agency for Metrological and Technical Surveillance can upon proposal by the chief director of Chief directorate "Inspectorate for state technical supervision" withdraw the license or restrict its range with motivated written order.

Art. 34c. (new – SG 86/07) (1) The licensed persons and structurally independent parts of enterprises or organizations shall be obliged to notify the chief director of the Chief directorate "Inspectorate for state technical supervision" within 7 days after the occurrence of changes in:

1. the legal status, the structure and the scope of their activity;
2. the quality management procedures or instruction manual;
3. staff management, affecting implementation of procedures for carrying out technical supervision;
4. assets where technical supervision is carried out of portable facilities;
5. residential places, where they have branches, subsidiaries or offices.

(2) In cases of par. 1, item 2 licensed persons or structurally independent parts of enterprises or

organizations shall be obliged to submit to the chief director of the Chief directorate "Inspectorate for state technical supervision" a copy with the amendments to the procedures or to the quality management manual.

(3) Where the changes of par. 1 result in incompliance with the requirements of Art. 34a, par. 2, 3 or 4, the chief director of the Chief directorate "Inspectorate for state technical supervision" shall address a written proposal to the Chairman of the State Agency of Metrological and Technical Surveillance for withdrawal of the license or for limitation of its scope.

(4) The scope of the license may be limited with regard to the assets of par. 1, item 4, provided that any of them does not meet the requirements of Art. 34a, par. 2, 3 or 4.

Art. 35. (1) (Amend., SG 93/02, prev. art. 35, amend. SG 45/05) The bodies of technical supervision shall certify the compliance with the technical requirements, rules and norms determined by the ordinances under Art. 31 of:

1. (Amend., SG 93/02) the design and construction documentation for production of high-risk facilities, for which there are no ordinances under art 7, has not been carried out;

2. (Suppl., SG 93/02, amend. SG 45/05) the investment designs of the constructions in which high-risk facilities shall operate, in their part referring to this equipment;

3. (Amend., SG 93/02, amend. SG 45/05) the technical documentation for repair of the equipment.

(2) (new – SG 45/05) The persons who produce and/or repair the equipment with increased danger or construct the buildings where equipment with increased danger will function shall be obliged to fulfil this activity in compliance with the certified documents and designs of para 1.

Art. 36. (1) (Amend., SG 93/02, prev. art. 36, amend. SG 45/05, amend., SG 95/05, in force from 01.03.2006) The activities on the repair and reconstruction of the equipment with increased degree of hazard shall be carried out by persons who have been entered in the register of the persons implementing such activity and obtained certificate for that by the chairman of the State Agency for Metrological and Technical Surveillance or by officials from Chief Directorate "Inspection for state technical supervision" authorised by him.

(2) (new – SG 45/05) certificate of para 1 shall be issued to persons who:

1. (amend. – SG 86/07) are entered into the Commercial register;

2. (suppl. - SG 12/18) have at their disposal staff hired with legal relation of employment, whose employment contracts are registered under the procedure of Art. 62 of the Labour Code, having education, qualification and/or legal capacity, necessary for implementing the activity;

3. have material – technical conditions and means for implementing the activity;

4. (amend. – SG 86/07) have the necessary for the activity normative acts, Bulgarian standards and operating procedures.

(3) (new – SG 45/05) The persons of para 2 must also meet additional requirements determined in the ordinances of art. 31 according to the kind of the facilities with increased danger which they will maintain, repair or reconstruct.

(4) (new – SG 45/05, amend. - SG 12/18) To receive a license under para. 2 the applicants shall submit an application form to the Chairman of the State Agency for Metrological and Technical Surveillance in which they enter the unified identification code from the commercial register, seat, address of management and the name of the legal representative, accompanied by the documents specified in the Ordinance under the Art. 31.

(5) (new – SG 45/05; amend. – SG 86/07) The employees of Chief directorate "Inspectorate for state technical supervision" shall implement check of the documents of para 4 and check at the place the

meeting of the requirements of para 2, items 3 and 4 and para 3. At the field check the employees shall have right to access in the premises where the activity will be implemented and to require written and verbal explanations from the staff of the person applying for registration.

(6) (new – SG 45/05, amend., SG 95/05, in force from 01.03.2006) When the person meets the requirements of para 2 and 3 the chairman of the State Agency for Metrological and Technical Surveillance or the officials from Chief directorate "Inspectorate for state technical supervision" authorized by him shall enter the person in the register of para 1 and issue to him certificate for entering and when the person does not meet the requirements – refuse the registration with motives.

(7) (amend., SG 95/05, in force from 01.03.2006; amend. - SG 30/06, in force from 12.07.2006) The refusals of the chairman of the State Agency for Metrological and Technical Surveillance to register the persons and the refusals of the authorized officials from Chief directorate "Inspectorate for state technical supervision" shall be subject to appeal in 14 days term after receiving them by the order of the Administrative procedure code.

(8) (new – SG 86/07) In case of transformation of registered persons, the registration and the registration certificate shall not be transferable to the newly established persons or to the successors.

Art. 36a. (new – SG 45/05) (1) (amend., SG 95/05, in force from 01.03.2006) The chairman of the State Agency for Metrological and Technical Surveillance shall through Chief directorate "Inspectorate for state technical supervision" check once in the year the persons, entered in the register and received certificate under art. 36, para 1, for observing the range of the issued license to them and the conditions under which they have received it, and for fulfillment of their obligations under this Act and the ordinances for its implementation.

(2) (amend. – SG 86/07) At the checks of para 2 the employees of Chief directorate "Inspectorate for state technical supervision" shall have the rights of art. 36, para 5 as well as to require the certified documentation according to art. 35 according to which repair or reconstruction of the facilities with increased danger is implemented.

(3) (amend. – SG 86/07) When at the checks of para 1 is established that the person entered in the register and received certificate of art. 36, para 1, does not observe the range of the issued certificate or does not fulfill his obligations under this Act and the ordinances for its implementation the employees of Chief directorate "Inspectorate for state technical supervision" can:

1. prescribe measures for removal of the breaches in appropriate term;
2. give effect of procedure fir imposing administrative penalty.

(4) (amend., SG 95/05, in force from 01.03.2006; suppl. – SG 86/07) When the established breaches of para 3 are systematically implemented or the person stops to meet some of the requirements of art. 36, para 2 and 3 or upon a written request by the registered person the chairman of the State Agency for Metrological and Technical Surveillance or the officials authorized by him shall delete the person from the register of art. 36, para 1 and invalidate the issued certificate with motivated written order.

(5) (amend., SG 95/05, in force from 01.03.2006; amend. - SG 30/06, in force from 12.07.2006) The orders of para 4 of the chairman of the State Agency for Metrological and Technical Surveillance after receiving them and the orders of para 4 of the authorized officials of Chief directorate "Inspectorate for state technical supervision" shall be subject to appeal in 14 days term by the order of the Administrative procedure code.

Art. 37. (Amend., SG 93/02, amend., SG 95/05, in force from 01.03.2006; revoked – SG 86/07)

Art. 38. (amend. SG 45/05) The seller of high-risk facilities shall be obliged to submit to the buyer the necessary for the safe mounting, exploitation, repair and maintenance of the facility and the required by the ordinances of art. 7 or the ordinances of art. 31, para 2, item 1:

1. drawings and certificates;
2. instructions and other necessary documents in Bulgarian language.

Art. 39. (1) (Amend., SG 93/02, amend. SG 45/05) Users of equipment high-risk facilities shall be obliged to register it with the bodies of technical supervision and submit its technical documentation.

(2) The bodies of technical supervision shall keep a register of high-risk facilities according to the requirements and the order determined by an ordinance issued by the Council of Ministers.

Art. 40. (Suppl., SG 93/02, suppl. SG 45/05) High-risk facilities, for which there are no ordinances under art. 7 may be put in operation only upon issuance of written permit for that by the bodies of technical supervision.

Art. 41. (Amend., SG 93/02, amend. SG 45/05) The procedure for certifying the documents of art. 35, for issuing certificates under art. 36 and the conditions and the order for setting into operation under art. 40 and for registration of the separate kinds of facilities with increased danger shall be determined by the respective ordinances under art. 31.

Art. 41. (new - SG 12/18) Applications under Art. 34a, para. 5 and Art. 36, para. 4 and attached documents to them can be submitted electronically in accordance with the Electronic Government Act and the Electronic Document and Electronic Trust Services Act.

Art. 42. (1) (Amend., SG 93/02, suppl. SG 45/05) The bodies of technical supervision shall carry out initial, periodical and sudden inspections, check ups and tests of high-risk facilities, as well as inspections of the enterprises, the buildings and the other sites where the equipment is produced, assembled, maintained, repaired and operated, when this is provided in the ordinances of art. 31.

(2) (Amend., SG 93/02) The procedure for carrying out the inspections, check ups and tests of para 1 of the individual high-risk facilities shall be determined by the ordinances under Art. 31.

(3) (revoked – SG 43/05)

Art. 43. (amend. SG 45/05) For issuing of licenses under art. 34a, for implementing the checks of art. 34b, para 1 and art. 36a, para 1, certification of documents under art. 35, for issuance of certificates under art. 36 and permits under art. 40 and for technical inspections, check ups and tests of high-risk facilities under art. 42, para 1 carried out by officials from Chief Directorate "Inspection for state technical supervision" state fees according to a tariff approved by the Council of Ministers shall be collected.

Art. 44. (Amend., SG 93/02, amend. SG 45/05; suppl. – SG 86/07) The users of high-risk facilities shall be obliged to provide their servicing by personnel with the necessary qualification and/or legal capacity. The number of the personnel shall be determined by the designs of the buildings where the equipment will be mounted or by the bodies of technical supervision.

Art. 45. (1) Chief Department "Inspection for State Technical Supervision" shall:

1. coordinate the training programmes and plans for education in the schools and the courses for acquiring qualification for servicing high-risk facilities;
2. permit the courses under item 1;
3. issue documents for qualification for servicing high-risk facilities.

(2) (suppl. SG 77/05, amend., SG 95/05, in force from 01.03.2006; suppl. – SG 62/06, in force from the coming into effect of the Treaty concerning the Accession of the Republic of Bulgaria to the European Union; amend. – SG 74/09, in force from 15.09.2009; amend. – SG 68/13, in force from 02.08.2013) The Minister of Education and Science and the Minister of Labour and Social Policy, at the proposal of the chairman of the State Agency for Metrological and Technical Surveillance shall adopt ordinances for the conditions and the order of acquiring qualification for practising professions for servicing high-risk facilities and for recognition of such legal competence acquired in Member State of the European Union and the European Economic Area, in Switzerland and in third countries.

Art. 46. (1) (Amend., SG 93/02, amend. SG 45/05) Users of high-risk facilities shall be obliged to:

1. (amend. SG 45/05) provide safe and flawless exploitation of the equipment by maintaining them in compliance with the technical requirements, norms and rules for safety;
2. (amend. SG 45/05) work out instruction for work on the basis of the technical documentation and the instructions for assembly and safe operation of the equipment and according to the specifics of the site on which they are operated; the instruction shall determine the tasks, the functions and the responsibilities of the servicing personnel, the order of starting, servicing and stopping of the equipment, the activities during emergency stopping and in cases of accidents and failure;
3. provide effective control over the work of high-risk facilities and of the servicing personnel;
4. (amend. SG 45/05; suppl. – SG 86/07) work out and keep dossier for each equipment which must contain its technical documentation and the drawings, the calculations and the documents for carried out repairs and modifications, as well as all documents issued by the bodies of technical supervision;
5. (amend. – SG 86/07) keep audit book for every facility, where such is required by the ordinance of Art. 31, in which the bodies of technical supervision shall enter the results of accomplished inspections, and the employees of the Chief directorate "Inspection for state technical supervision"- also the prescriptions under Art. 49, par. 1, item 1;
6. (amend. – SG 86/07) exercise and control the fulfilment of the enforcement administrative measures under Art. 49, par. 1, item 1 and 2;
7. inform Chief Department "Inspection for state technical supervision" and other state bodies, according to their competence, about each failure or accident occurred during the operation of high-risk facilities;
8. (new – SG 86/07) not allow operation of facilities with higher hazard, for which there are ordinances under Art. 7, the conformity with the essential requirements of which is not certified.

(2) (Amend., SG 93/02, amend. SG 45/05) The user and the servicing personnel shall be obliged not to admit operation of equipment:

1. (amend. SG 45/05; suppl. – SG 86/07) with changes in the structure leading to non compliance with the normative requirements or with manufacturer's technical documentations;
2. which show damage or failure during operation;
3. (amend. SG 45/05) which have not been registered or have not been set into operation by the bodies for technical supervision or initial and/or periodical technical inspection has not been made under this Act or the ordinances for its implementation.

Art. 47. (1) (prev. Art. 47 – SG 86/07) Chief Department "Inspection for state technical supervision" shall investigate and analyse the reasons and the conditions for the occurrence of failures and accidents with high-risk facilities and shall undertake the necessary measures for prevention of accidents.

(2) (new – SG 86/07) For identification of causes and conditions for occurrence of accidents with facilities with higher degree of hazard, the employees of the Chief directorate "Inspection for state technical supervision" may assign execution of expert evaluation, including tests and/or studies of the facilities, their components or their safety units.

(3) (new – SG 86/07) The expenses for execution of expert evaluation under par. 2 shall be charged to the users of faulty facilities with higher degree of hazard.

Art. 48. (1) (amend. SG 45/05; prev. Art. 48 – SG 86/07) The bodies of technical supervision for implementing their supervision activity according to the ordinances of art. 31 shall have the right to access to high-risk facilities and the sites on which they are produced, assembled, maintained, repaired and operated regardless of the form of ownership, as well as to receive from the owners or the users, the employers, the officials, the employees and other persons all the information, documents, auxiliary devices and personnel, samples and materials for testing and necessary inspection.

(2) (new – SG 86/07) The persons of par. 1 shall be obliged upon request to provide immediately the technical supervision bodies with the requested information, documents, supplementary facilities, personnel, samples and materials.

Art. 49. (1) (Amend., SG 93/02; amend. – SG 86/07) In case of failure to fulfil the established requirements under this chapter and according to the ordinances of art. 31 the employees of Chief Directorate "Inspectorate for state technical supervision" shall apply the following compulsory administrative measures:

1. (amend. SG 45/05) issue obligatory written prescriptions to owners, employers, officials and other persons;

2. (amend. SG 45/05) order in writing the stopping of the operation of enterprises and/or high-risk facilities.

(2) (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) For failure to fulfil an order for stopping the operation of an enterprise or high-risk facilities they shall be stopped with the assistance of the bodies of the Ministry of Interior and of the Directorate for national construction control at the Ministry of Regional Development and Public Works.

(3) (amend. - SG 30/06, in force from 12.07.2006) The compulsory administrative measures can be appealed by the order of the Administrative procedure code. The claim shall not stop the fulfilment of the measures.

Chapter six. ADMINISTRATIVE PENAL PROVISIONS

Art. 50. (Amend., SG 93/02, amend. SG 45/05; amend. – SG 86/07) A person who violates the provisions of art. 3 or 4 shall be penalized with a fine from 1000 to 5000 levs or with a proprietary sanction from 5000 to 15 000 levs.

Art. 51. (Amend., SG 93/02) A person who draws up and/or uses declaration of conformity with contents not corresponding to the contents determined by the ordinances of art. 7 shall be fined by 3000 to 8000 levs or by a proprietary sanction of 5000 to 10 000 levs unless the act does not constitute a crime.

Art. 51a. (New, SG 93/02, amend. SG 45/05) A person who puts on the market or commissions products with a marking for compliance in violation of the ordinance of art. 24 shall be punished by a fine of 300 to 800 levs or by a proprietary sanction of 500 to 1000 levs.

Art. 51b. (New, SG 93/02, suppl. SG 45/05; suppl. – SG 86/07) A person who puts on the market or commissions products with a marking for compliance and additional marking or with declaration of conformity without a conformity assessment with the essential requirements determined in the ordinances of art. 7 and/or with ecodesign requirements, defined in the implementation measures under Art. 26a, shall be punished by a fine of 3000 to 8000 levs or by a proprietary sanction of 5000 to 10 000 levs.

Art. 51c. (New, SG 93/02, amend. SG 45/05; suppl. – SG 86/07) A person who puts on the market or commissions products without marking, without additional marking or without a declaration of conformity, when required by the ordinances of art. 7 and/or with ecodesign requirements, defined in the implementing measures under Art. 26a, shall be punished by a fine of 500 to 800 levs or by a proprietary sanction of 1500 to 3000 levs.

Art. 51d. (new – SG 86/07; amend. – SG 38/11) A person who puts on the market or commissions products with marking in violation of the requirements of Regulation (EC) No 106/2008 of the European Parliament and of the Council of 15 January 2008 on a Community energy-efficiency labelling programme for office equipment (OJ L 39/1 of 13.2.2008), shall be penalized with a fine from 3000 to 8000 levs or with a proprietary sanction of 5000 to 10 000 levs.

Art. 52. (Amend., SG 93/02, amend. SG 45/05; amend. – SG 86/07) A person who fails to fulfil his/her obligations under Art. 25 or Art. 26, par. 1 and 2 shall be penalized with a fine of 500 to 10 levs or with proprietary sanction from 5000 to 10 000 levs.

Art. 52a. (New, SG 93/02, amend. SG 45/05; amend. – SG 86/07) A person who puts on the market or commissions products without indicating on them the name and/or the address of management or without instruction and/or direction for use in Bulgarian language shall be punished by a fine of 200 to 500 levs or by a proprietary sanction of 500 to 2000 levs.

Art. 52b. (New, SG 93/02, amend. SG 45/05; amend. – SG 86/07) A trader offering products without marking for compliance or without additional marking, when such is required by the ordinances of art. 7 and/or by the implementing measures under Art. 26a, shall be punished by a fine or with a proprietary sanction of 250 to 1000 levs.

Art. 52c. (New, SG 93/02, amend. SG 45/05; amend. and suppl. – SG 86/07) An entrepreneur offering products without a declaration of conformity , when required by the ordinances of art. 7 and/or by the implementing measures under Art. 26a, shall be punished by a fine of 250 levs or by a proprietary sanction of 250 to 1000 levs.

Art. 52d. (New, SG 93/02, amend. SG 45/05; amend. – SG 86/07) An entrepreneur offering products without indication of the name or address of management of the person who has put them on the market or commissioned them shall be punished with a fine or with a proprietary sanction of 250 to 1000 levs.

Art. 52e. (New, SG 93/02, amend. SG 45/05; amend. – SG 86/07) An entrepreneur offering products without instruction and/or directions for use in Bulgarian language shall be punished with a fine or with a proprietary sanction of 250 to 1000 levs.

Art. 52f. (new – SG 86/07; amend. – SG 38/11) An entrepreneur, who offers products with marking in violation of the requirements of Regulation (EC) No 106/2008 of the European Parliament and of the Council of 15 January 2008 on a Community energy-efficiency labelling programme for office equipment, shall be penalized with a fine of 250 levs or with a proprietary sanction of 1000 levs.

Art. 53. (Amend., SG 93/02, suppl. SG 45/05; amend. – SG 86/07; amend. – SG 38/11) For non-fulfilment or for violation of the obligatory prescriptions of art. 30a, para 1, 2, 4 and 5 and art. 30c, para 1 the offenders shall be punished by a fine of 300 to 1000 levs or by a proprietary sanction of 1000 to 5000 levs.

Art. 53a. (new – SG 86/07) For other violations of the ordinances of Art. 7 and/or of the implementing measures under Art. 26a, the guilty persons shall be penalized with a fine of 300 to 1000 levs or with a proprietary sanction of 1000 to 5000 levs.

Art. 54. (1) (Amend., SG 93/02, amend. SG 45/05, amend., SG 95/05, in force from 01.03.2006; amend. – SG 86/07) The acts for establishing the violations under Art. 50, 51, 51a – 51d, 52, 52a – 52f, 53, 53a and 56 shall be issued by officials appointed by the chairman of the State Agency for Metrological and Technical Surveillance.

(2) (suppl. SG 45/05, amend., SG 95/05, in force from 01.03.2006) The penalty decrees shall be issued by the chairman of the State Agency for Metrological and Technical Surveillance or officials authorized by him.

(3) (New, SG 93/02, amend. SG 45/05; revoked - SG 77/12, in force from 09.10.2012)

Art. 55. (1) (Amend., SG 93/02) For non-fulfilment or violation of the provisions of Art. 36, 44, Art. 46, para 1, item 1, 6 and 7 and para 2 or for non-fulfilment of the compulsory administrative measures under Art. 49, para 1 the individuals shall be fined with 500 to 10 000 levs, and the corporate

bodies and sole entrepreneurs - by a proprietary sanction in the same size.

(2) (Suppl., SG 93/02) For other violations under Chapter Five of the law and of the ordinances for its implementation the penalty shall be a fine or a proprietary sanction from 100 to 2000 levs.

Art. 56. (suppl. – SG 86/07) Who obstructs or fails to submit the documents under Art. 30g, par. 1, item 4 to the bodies of market supervision to fulfil their official duties shall be fined with 200 to 2000 levs.

Art. 57. When the violations of this Act or the provisions for its implementation are committed by the persons who service high-risk facilities the offenders can be deprived of the acquired qualification for a period from one month to two years.

Art. 58. (1) (suppl. SG 45/05; amend. – SG 86/07) The violations under Chapter Five of the law and of the provisions for its implementation and the violations of art. 56 shall be established by acts issued by the employees from Chief directorate "Inspection for state technical supervision".

(2) (amend., SG 95/05, in force from 01.03.2006) The penalty decrees shall be issued by the chairman of the State Agency for Metrological and Technical Surveillance or by officials authorised by him.

(3) (New, SG 93/02; revoked - SG 77/12, in force from 09.10.2012)

Art. 58a. (new – SG 45/05) (1) (amend. – SG 86/07) For non fulfillment of the obligations of art. 14a or 14b shall be imposed proprietary sanction in extent of 600 levs.

(2) (new – SG 86/07) In case of a repeated non-fulfillment of the obligations under par. 1 a proprietary sanction or a fine of 1000 levs shall be imposed.

(3) (amend., SG 95/05, in force from 01.03.2006; prev. par. 2 – SG 86/07; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The acts for establishing the violations of para 1 shall be compiled by officials, determined by the chairman of the State Agency for Metrological and Technical Surveillance, respectively the Minister of Regional Development and Public Works, from the respective administration. The punitive decrees shall be issued by the chairman of the State Agency for Metrological and Technical Surveillance, respectively the Minister of Regional Development and Public Works.

Art. 59. The establishment of the violations, the issuance, the appeal of the penalty decrees shall be carried out by the order of the Administrative Violations and Penalties Act.

Art. 59a. (new – SG 86/07) (1) When the violator fails to appear for the drawing of the act of administrative violation up by the control bodies, the act shall be sent immediately for serving by the municipality or by the mayor office by the business address of the legal entity or the single trader. They shall be obliged to notify the violator with a notification against a receipt for the deposited act and within 14 days after the date of its receipt to serve it. In case of non-appearance of the violator, the act shall be subscribed by an authorized official from the municipality or the mayor office and shall not be served. After the return of the act within two months a penal decree shall be issued, which shall be enforced from the date of its issuance.

(2) The penal decrees shall contain an indication, which the imposed fine or proprietary sanction, as well as the cost of sampling and testing of samples for products, shall be deposited to the budget account of the State Agency for Metrological and Technical Surveillance and shall be deemed as an invitation for voluntary execution upon their enforcement.

(3) When the violator has not been found at the address, indicated at the time of serving of the act for establishment of administrative violation, or he/she has left the country, or he/she has indicated only an address abroad, the penal decree shall not be served. The decree shall be deemed enforced two months after its issuance.

(4) (revoked. - SG 38/12, in force from 01.07.2012)

Additional provisions

§ 1. (1) (prev. § 1. – SG 45/05) In the context of the law:

1. "Product" is a material result from activities or processes including technical devices, processed materials and others.

2. (amend. SG 45/05; suppl. – SG 86/07) "Approximated European Standard" is an European standard adopted by European organisation for standardisation in fulfilment of a mandate of the European Commission, whose number and connection with a directive shall be published in the Official Journal of the European Union in order to set up European requirement, the conformity with which shall not be obligatory.

2a. (new – SG 76/06, in force from 01.01.2007) "European technical approval" is a positive technical assessment of the fitness for use of certain construction product according to its purpose, based on the essential requirements to the constructions, for which the product is used. The European technical approval shall be issued by an authority – member of the European organization for technical approvals.

2b. (new – SG 76/06, in force from 01.01.2007) "Acknowledged national technical specification" is a national standard, with respect to which following a coordination with the Member States of the European Union, it is proved that the products, manufactured in compliance with it meet the essential requirements to the constructions.

3. (amend. SG 45/05; amend. – SG 86/07) "Putting on the market" is the submission of any separate product designated for end use, free of charge or against payment, irrespective of the selling technique, for first time on the market of the European Union and of the states of the European Economic area, whereupon it passes from the stage of production or import to the stage of distribution and/or using.

4. (amend. SG 45/05; amend. – SG 86/07) "Putting into operation" is the beginning of first using of the product by the end user in the European Union.

5. (amend. SG 45/05; suppl. – SG 86/07) "Producer" is every individual or corporate body who is responsible for the design and the production of a product and for its compliance with the requirements of the law, with regard to putting it on the market and/or putting into operation in his name or who changes, substantially modifies and remakes the product with the purpose of its putting on the market or for own needs.

5a. (new – SG 45/05; amend. – SG 86/07) "Importer" is any natural person or corporate body established in the European Union and who imports products from third countries on the European Union market.

6. (amend. SG 45/05) "Conformity assessment" is any activity determining directly or indirectly whether respective requirements are met.

6a. (new – SG 86/07) "Notified body" is a body in charge of conformity assessment having proven competency to carry out conformity assessment procedures, which is announced before the

European Commission and before the European Union Member States; the announcement includes the procedures, which it is competent to carry out and products, relating to which it can apply them.

7. "Accreditation" is a procedure through which an authorised body officially acknowledges that a certain body or a person is competent to fulfil certain tasks.

7a. (new – SG 45/05) "Certificate of accreditation" is document, issued by Executive Agency "Bulgarian Accreditation Service" or by foreign body for accreditation who is party to agreement for mutual recognition in an organization member of which is the Executive agency "Bulgarian office for accreditation".

8. "Market supervision" is a combination of the methods, the procedures and the activity of the institutions necessary to provide that the products on the market meet the requirements applicable for them, to have the respective marking and to be accompanied by the necessary technical documentation.

9. (Amend., SG 93/02, suppl. SG 45/05) "User" is the owner of every individual or corporate body using high-risk facilities by virtue of a contract or on other legal grounds.

10. (New, SG 93/02, amend. SG 45/05) "Trader" is every individual or corporate body participating in the process of realization of the products by offering them free of charge or against payment after they have already put on the market.

11. (new – SG 86/07; amend. – SG 38/11) "Energy-related product (ERP)" means any good that has an impact on energy consumption during use which is placed on the market and/or put into service, and includes parts intended to be incorporated into energy-related products which are placed on the market and/or put into service as individual parts for end-users and of which the environmental performance can be assessed independently;

12. (new – SG 86/07; amend. – SG 38/11) "Components and subassemblies" means parts intended to be incorporated into ERP, and which are not placed on the market and/or put into service as individual parts for end-users or the environmental performance of which cannot be assessed independently;

13. (new – SG 86/07; amend. – SG 38/11) "Implementing measures" means measures adopted pursuant to Directive 2009/125/EC laying down ecodesign requirements for defined ERP or for environmental aspects thereof;

14. (new – SG 86/07; amend. – SG 38/11) "Materials" means all materials used during life cycle of an ERP;

15. (new – SG 86/07; amend. – SG 38/11) "Product design" means the set of processes that transform legal, technical, safety, functional, market or other requirements to be met by an ERP into the technical specification for that ERP;

16. (new – SG 86/07; amend. – SG 38/11) "environmental aspect" means an element or function of an ERP that can interact with the environment during its life cycle;

17. (new – SG 86/07; amend. – SG 38/11) "Environmental impact" means any change to the environment wholly or partly resulting from an ERP during its life cycle;

18. (new – SG 86/07; amend. – SG 38/11) "Life cycle" means the consecutive and interlinked stages of an ERP from raw material use to final disposal;

19. (new – SG 86/07; amend. – SG 38/11) "Reuse" means any operation which an ERP or its components having reached the end of their first use, are used for the same purpose for which they were conceived, including the continued use of an ERP which is returned to a collection point, distributor, recycler or manufacturer, as well as reuse of an ERP following refurbishment;

20. (new – SG 86/07) "Recycling" means the reprocessing in a production process of waste materials for the original purpose or for other purposes but excluding energy recovery;

21. (new – SG 86/07) "Energy recovery" means the use of combustible waste as a means to generate energy through direct incineration with or without other waste but with recovery of the heat;

22. (new – SG 86/07; amend. – SG 53/12, in force from 13.07.2012) "Recovery" means any of the applicable operations provided for in § 1, item 13 of the Additional provisions of the Act of waste

management;

23. (new – SG 86/07; amend. – SG 53/12, in force from 13.07.2012) "Waste" means any substance or object in the categories set out in § 1, item 17 of the Additional provisions of the Waste Management Act, which its holder discards, intends to discard or has to discard;

24. (new – SG 86/07; amend. – SG 53/12, in force from 13.07.2012) "Hazardous waste" means any waste, according to § 1, item 12 of the Additional provisions of the Waste Management Act;

25. (new – SG 86/07; amend. – SG 38/11) "Ecological profile" means a description in accordance with the implementing measure applicable to the ERP, of the inputs and outputs (such as materials, emissions and waste) associated with an ERP throughout its life cycle which are significant from the point of view of its environmental impact and are expressed in physical quantities that can be measured;

26. (new – SG 86/07; amend. – SG 38/11) "Environmental performance" of an ERP means the results of the manufacturer's management of the environmental aspects of the ERP, as reflected in its technical documentation file;

27. (new – SG 86/07; amend. – SG 38/11) "Improvement of the environmental performance" means the process of enhancing the environmental performance of an ERP over successive generations, although not necessarily in respect of all environmental aspects of the product simultaneously;

28. (new – SG 86/07; amend. – SG 38/11) "Ecodesign" means the integration of environmental aspects into product design with the aim of improving the environmental performance of the ERP throughout its whole life cycle;

29. (new – SG 86/07; amend. – SG 38/11) "Ecodesign requirement" means any requirement in relation to an ERP, or the design of an ERP, intended to improve its environmental performance, or any requirement for the supply of information with regard to the environmental aspects of an ERP.

The ecodesign requirements are"

a) "generic ecodesign requirement" means any ecodesign requirement based on the ecological profile as a whole of an ERP without set limit values for particular environmental aspects;

b) "specific ecodesign requirements" means a quantified and measurable ecodesign requirements relating to a particular environmental aspect of an ERP, such as energy consumption during use, calculated for a given unit of output performance;

30. (new – SG 86/07) "Systematic" is performance of three or more violations of this Act or of legal acts for its application within two calendar years.

31. (new – SG 86/07) "New approach" Directives of the European Union" means the directives the provisions of which are introduced by the ordinances of Art. 7.

32. (new – SG 86/07) "Repeated" means the violation, performed within one year after entering into force of the penal decree, by which a penalty has been imposed to the perpetrator for the same violation.

(2) (new – SG 45/05; amend. – SG 76/06; amend. – SG 86/07) European technical approvals shall be issued by notified before the European Commission for issuing European technical approvals persons – members of the European organization for technical approvals.

(3) (new – SG 45/05; revoked – SG 86/07; new – SG 38/11) For the purposes of this Act shall apply the definition for "recall" referred to in Art. 2, paragraph 14 of Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218/30 of 13/08/2008)

§ 1a. (new – SG 45/05; revoked - SG 86/07)

§ 2. (1) (Amend., SG 93/02; suppl. – SG 86/07) The persons who present products at fairs, exhibitions and demonstrations which are not assessed for compliance with the essential requirements and/or with ecodesign requirements shall be obliged to announce it in a visible place, as well as that they are not put on the market and/or commissioned until such conformity is achieved and to undertake the necessary measures in order to guarantee the safety during the presentation.

(2) (Amend., SG 93/02) The bodies of market supervision shall undertake activities for establishing the fulfilment of the obligations under para 1.

§ 3. (1) (amend., SG 95/05, in force from 01.03.2006; amend. – SG 86/07) The names and the registration numbers of the Bulgarian standards introducing approximated European standards shall be published by the Bulgarian Standardization Institute. In publishing the standards the reference to the respective ordinance shall be indicated.

(2) (Suppl., SG 93/02) The standards under para 1 shall be introduced identically by publishing the text of the standard translated into Bulgarian, or by confirmation for application as Bulgarian standards by the order of the National Standardisation Act.

(3) (Amend., SG 93/02; amend. – SG 86/07; amend. – SG 38/11) The implementation of standards of Art. 5, par. 1 shall be voluntary in the field of implementation of the ordinances under Art. 7. The application of the standards of Art. 5, Para 2, Item 1 shall be obligatory in the scope of the ordinance of Art. 7, introducing the Directive 89/106/EEC of the Council on the approximation of laws, regulations and administrative provisions of the Member states relating to construction products, amended by Directive 93/68/EEC.

(4) (new – SG 86/07; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) List of technical specifications under Art. 5, par. 3 shall be published by the Bulgarian Standardization Institute in coordination with the Minister of Regional Development and Public Works.

§ 3a. (New, SG 93/02) For the purposes of applying the ordinance introducing the Directive of the European Union 73/23/EEC (OJ L 77 of March 26, 1973) for approximation of the legal provisions of the countries-members regarding electric appliances designated for use within definite limits of voltage amended by Directive 93/68/EEC (OJ L 220 of August 30, 1999) the persons working out an expert report for the compliance shall obtain permit by the order of chapter three.

§ 4. (Suppl., SG 93/02, amend. SG 45/05, amend. SG 88/05, amend., SG 95/05, in force from 01.03.2006) The technical supervision of the high-risk facilities in the Ministry of Defence, the Ministry of Interior and the Ministry of Transport shall be carried out by the order of this Act and the provisions for its implementation by their specialised bodies under the methodological supervision of the chairman of the State Agency for Metrological and Technical Surveillance. The organisation, the tasks and the functions of these bodies shall be settled by regulations issued by the respective ministers.

§ 4a. (New, SG 93/02) (1) (amend. SG 88/05) The technical supervision of high-risk facilities, mounted on a rolling stock, regardless of their ownership, shall be carried out by the specialised body under § 4 of the Ministry of Transport.

(2) (amend. SG 88/05) The rules, the norms and the requirements for the structure and the safe operation of the equipment under para 1, for which there are no ordinances under art. 31, shall be determined by an ordinance of the Minister of Transport.

(3) (amend. SG 45/05, amend. SG 88/05) For certification of the documents under art. 35, for issuance of permits under art. 40, for technical inspections, check ups and tests of high-risk facilities according to art. 42, para 1, carried out by the specialised body of the Ministry of Transport under § 4, shall be collected stamp duties according to a tariff approved by the Council of Ministers at the proposal of the Minister of Transport.

§ 5. (Amend., SG 63/02; revoked – SG 80/10)

§ 6. (revoked, SG 18/03; new – SG 86/07) (1) (amend. – 38/11) The chairman of the State Agency for Metrological and Technical Surveillance shall supervise the market for usage of marking according to the Regulation (EC) No 106/2008 of the European Parliament and of the Council of 15 January 2008 on a Community energy-efficiency labelling programme for office equipment.

(2) (amend. – 38/11) Technical requirements to office equipment are indicated in Annex "C" to the Agreement between the government of the United States of America and the European Commission for coordination of office equipment energy efficiency labeling program, approved by the Decision 2006/1005/EC of the Council.

§ 6a. (new – SG 86/07; amend. – SG 66/13, in force from 26.07.2013) For the persons , applying for obtaining a permit for conformity assessment and for issuance of a Bulgarian technical approval for the products under Art. 5, par. 3, the provisions of Chapter Three shall apply, except for their notification before the European Commission. Identification numbers of these persons shall be determined by the Minister of Regional Development and Public Works.

§ 6b. (new – SG 86/07; amend. – SG 38/11) Chapter Three "a" introduces the provisions of Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products.

Concluding provisions

§ 7. This Act revokes:

1. Art. 54, Art. 199, para 2 and Art. 201, para 7 of the Act on Territorial and Urban Development.

2. Art. 9 of the Healthy and Safe Conditions of Labour Act(SG, No 124 of 1997).

The Act was adopted by the 38th National Assembly on September 17 1999 and was affixed with the official seal of the National Assembly...

Transitional and concluding provisions

(SG 93/02)

§ 53. The persons having obtained permit for carrying out conformity assessment until the entry into force of the Act can carry out conformity assessment until the expiration of the validity of the permit.

§ 54. The Act shall enter into force two month after its promulgation in the State Gazette, with exception of § 52 which shall enter into force on November 9, 2002.

Transitional and concluding provisions
(SG 45/05)

§ 67. (1) The persons authorized till December 1, 2002 to implement technical supervision of equipment with increased danger may implement technical supervision till the elapse of the term of validity of the order for authorization.

(2) The persons of para 1 shall be checked by the State agency for Metrological and Technical Surveillance through Chief directorate "Inspectorate for state technical supervision" according to art. 34b and the orders for authorization shall be divested in the cases of art. 34a, para 9.

§ 68. (1) The persons, received till the Act enters into force permit under art. 36 can implement the activity for which they have received permit till the elapse of the term its validity.

(2) The persons of para 1 shall be checked by the State Agency for Metrological and Technical Surveillance through Chief directorate "Inspectorate for state technical supervision" according to art. 34a and the permits shall be divested in the cases of art. 34a, para 4.

§ 69. Paragraph 47, item 2 shall enter into force on January 1, 2006.

Transitional and concluding provisions
TO THE TAX-INSURANCE PROCEDURE CODE

(PROM. – SG 105/05, IN FORCE FROM 01.01.2006)

§ 88. The code shall enter in force from the 1st of January 2006, except Art. 179, Para 3, Art. 183, Para 9, § 10, item 1, letter "e" and item 4, letter "c", § 11, item 1, letter "b" and § 14, item 12 of the transitional and concluding provisions which shall enter in force from the day of promulgation of the code in the State Gazette.

Transitional and concluding provisions
TO THE ADMINISTRATIVE PROCEDURE CODE

(PROM. – SG 30/06, IN FORCE FROM 12.07.2006)

§ 142. The code shall enter into force three months after its promulgation in State Gazette, with the exception of:

1. division three, § 2, item 1 and § 2, item 2 – with regards to the repeal of chapter third, section II "Appeal by court order", § 9, item 1 and 2, § 15 and § 44, item 1 and 2, § 51, item 1, § 53, item 1, § 61, item 1, § 66, item 3, § 76, items 1 – 3, § 78, § 79, § 83, item 1, § 84, item 1 and 2, § 89, items 1 - 4§ 101, item 1, § 102, item 1, § 107, § 117, items 1 and 2, § 125, § 128, items 1 and 2, § 132, item 2 and § 136, item 1, as well as § 34, § 35, item 2, § 43, item 2, § 62, item 1, § 66, items 2 and 4, § 97, item 2 and § 125, item 1 – with regard to the replacement of the word "the regional" with the "administrative" and

the replacement of the word "the Sofia City Court" with "the Administrative court - Sofia", which shall enter into force from the 1st of May 2007;

2. paragraph 120, which shall enter into force from the 1st of January 2007;

3. paragraph 3, which shall enter into force from the day of the promulgation of the code in State Gazette.

Transitional and concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE VOCATIONAL EDUCATION AND TRAINING ACT

(PROM. SG 62/06)

§ 20. This Act shall enter into force from the coming into effect of the Treaty concerning the Accession of the Republic of Bulgaria to the European Union.

Transitional and concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE SPATIAL PLANNING ACT

(PROM. – SG 76/06, IN FORCE FROM 01.01.2007)

§ 10. This Act shall enter into force from the 1st of January 2007.

Additional provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE TECHNICAL REQUIREMENTS TO PRODUCTS ACT

(PROM. – SG 86/07)

§ 74. Everywhere in the Act the word "inspectors" shall be replaced with "employees", and the words "State Agency for Metrological and Technical Surveillance" shall be replaced with "State Agency for Metrological and Technical Supervision".

§ 75. (1) The persons and structurally independent parts, having obtained prior to enforcement of this Act a license for carrying out supervisions of facilities with higher degree of hazard, shall be obliged within 9 months after its entering into force to adjust their activity in compliance with the requirements of Art. 34a, par. 2 and 3.

(2) Where in the course of inspections under Art. 34b, par. 1 a non-fulfilment of the requirement of par. 1 is established and provided that the non-conformities are not repaired after granting an opportunity for their repair, the chairman of the State Agency for Metrological and Technical Supervision shall withdraw the license or shall limit its scope.

Concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE VOCATIONAL EDUCATION AND TRAINING ACT

(PROM. – SG 74/09, IN FORCE FROM 15.09.2009)

§ 48. This Act shall enter into force from the day of its promulgation in the State Gazette, except § 1, which shall enter into force from 15 September 2009, and § 47, which shall enter into force from 1 October 2009.

ACT AMENDING AND SUPPLEMENTING THE TECHNICAL REQUIREMENTS TO PRODUCTS ACT

(PROM. – SG 38/11)

§ 25. In the remaining texts of the Act the words "energy consumption products" and "ECP" shall be replaced respectively by "energy-related products" and "ERP".

Transitional and concluding provisions TO THE ACT AMENDING AND SUPPLEMENTING THE CIVIL SERVANTS ACT

(PROM. - SG 38/12, IN FORCE FROM 01.07.2012)

§ 84. (In force from 18.05.2012) Within one month from the promulgation of the Act in the State Gazette:

1. the Council of Ministers shall bring the Classifier of Administration Positions in compliance with this Act;
2. the competent authorities shall bring the statutory rules of the respective administration in compliance with this Act.

§ 85. (1) Legal relations with the persons from administrations under the Radio and Television Act, the Independent Financial Audit Act, the Electronic Communications Act and the Financial Supervision Commission Act, Act on Access to and Disclosure of the Documents and Announcing Affiliation of Bulgarian Citizens with the State Security Service and the Intelligence Services of the Bulgarian Popular Army, Confiscation by the State of Proceeds of Crime, Act on Prevention and Findings of Conflict of Interests, Code of Social Insurance, Health Insurance Act, Agricultural Producers Assistance Act and the Roads Act shall be regulated under the terms and following the procedure of § 36 of the Transitional and Final provisions of the Act Amending and Supplementing the State Servant Act (SG 24/06).

(2) By the act appointing the civil servant shall be:

1. awarded the minimum rank for the position occupied defined in the Classifier of Administration Positions, unless the civil servant has a higher rank;
2. determined the individual basic monthly salary.

(3) The funds additionally needed for insurance installments of the persons referred to in para 2 shall be provided within the costs for salaries, remuneration and insurance installments of the budgets of the respective budget credit spending units.

(4) The Council of Ministers shall carry out the changes required in the extra-budgetary account of State Fund Agriculture according to this Act.

(5) The managing bodies of the National Insurance Institute and the National Health Insurance Fund shall carry out the changes requires according to this Act in the respective budgets.

(6) Unused leaves under employment relationships shall be retained and may not be compensated by cash benefits.

§ 86. (1) Within one month from entry into force of this Act the individual basic monthly salary of the employee shall be determined in such a manner as to ensure that the said salary, reduced by the tax due and the mandatory insurance installments at the expense of the insured person, if they were due, is not lower than the gross monthly salary received hitherto, reduced by the mandatory insurance installments due at the expense of the insured person, if they were due, as well as by the tax due.

(2) The gross salary under para 1 shall include:

1. the basic monthly salary or basic monthly remuneration;
2. bonuses paid regularly along with the basic monthly salary or basic monthly remuneration due, which are related solely to the hours worked off.

§ 87. The Act shall enter into force from July 1, 2012 except for § 84, which shall enter into force from the date of its promulgation in the State Gazette.

Concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE ADMINISTRATIVE VIOLATIONS AND PENALTIES ACT

(PROM. - SG 77/12, IN FORCE FROM 09.10.2012)

§ 19. The Act shall enter into force from the day of its promulgation in the State Gazette.

Transitional and concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE ACT ON PROTECTION OF HAZARDEOUS IMPACT OF THE CHEMICAL SUBSTANCES AND MIXTURES

(PROM. – SG 84/12, IN FORCE FROM 02.01.2013)

§ 13. EEE which does not fall in the scope of Annexes N 1 and 2 to Ordinance for requirements for placing on the market of EEE and treatment and transportation of waste of EEE (publ. SG, 36/2006, amend. 57/2006, 53/3008, 5/2009 and 29/2011) but does not comply to the requirements of Chapter Five "a" and the ordinance under Art. 21e, Para. 1 may be provided on the market by 22 July 2019 if this is in compliance with § 12. p. 1-5.

§ 14 The Council of Ministers shall adopt the ordinance under Art. 21e, Para. 1 within 3-month term from the publication of this act in the State Gazette.

§ 15. This act shall come into force from 2 January 2013.

Transitional and concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE LAW FOR SPATIAL PLANNING

(PROM. – SG 66/13, IN FORCE FROM 26.07.2013)

§ 58. In the Technical Requirements to Products Act (prom. SG 86/99; amend. SG 63 and 93/02; SG 18 and 107/03; SG 45, 77, 88, 95 and 105/05; SG 30, 62 and 76/06; SG 41 and 86/07; SG

74/09; SG 80/10; SG 38/11; SG 38, 53, 77 and 84/12) the following amendments are made:

.....
4. In the remaining wording of the act the words "Minister of Regional Development and Public Works", "the Minister of Regional Development and Public Works" and "Ministry of Regional Development and Public Works" shall be replaced respectively with "Minister of Investment Project Development", "the Minister of Investment Project Development" and "Ministry of Investment Project Development".
.....

§ 117. The act shall enter into force from the day of its promulgation in State Gazette.

Concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE YOUTH ACT
(PROM. – SG 68/13, IN FORCE FROM 02.08.2013)

§ 55. The act shall enter into force from the day of its promulgation in State Gazette.

Transitional and concluding provisions
TO THE SPATIAL DEVELOPMENT ACT

(PROM. – SG 98/14, IN FORCE FROM 28.11.2014)

§ 117. The Act shall enter into force from the date of its promulgation in the State Gazette.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE ADMINISTRATIVE PROCEDURE
CODE

(PROM. - SG 77/18, IN FORCE FROM 01.01.2019)

§ 156. The Act shall enter into force on 1 January 2019, with the exception of:

1. paragraphs 4, 11, 14, 16, 20, 30, 31, 74 and § 105 item 1 on the first sentence, and item 2 which shall enter into force on 10 October 2019;

2. paragraphs 38 and 77, which shall enter into force two months after the promulgation of this Act in the State Gazette;

3. paragraph 79, items 1, 2, 3, 5, 6 and 7, § 150 and 153, which shall enter into force on the day of the promulgation of this Act in the State Gazette.