

Technical Requirements Towards Products Act

Promulgated, State Gazette No. 86/1.10.1999, amended, SG No. 63/28.06.2002, amended and supplemented, SG No. 93/1.10.2002, effective 2.12.2002, amended, SG No. 18/25.02.2003, supplemented, SG No. 107/9.12.2003, effective 10.06.2004, amended and supplemented, SG No. 45/31.05.2005, supplemented, SG No. 77/27.09.2005, effective 27.09.2005, amended, SG No. 88/4.11.2005, SG No. 95/29.11.2005, effective 1.03.2006, SG No. 105/29.12.2005, effective 1.01.2006, SG No. 30/11.04.2006, effective 12.07.2006, supplemented, SG No. 62/1.08.2006, effective as from the date of entry into force of the Treaty concerning the Accession of the Republic of Bulgaria to the European Union - 1.01.2007, amended and supplemented, SG No. 76/15.09.2006, effective 1.01.2007, supplemented, SG No. 41/22.05.2007, amended and supplemented, SG No. 86/26.10.2007, amended, SG No. 74/15.09.2009, effective 15.09.2009, amended and supplemented, SG No. 80/12.10.2010, SG No. 38/17.05.2011, amended, SG No. 38/18.05.2012, effective 1.07.2012, SG No. 53/13.07.2012, effective 13.07.2012, SG No. 77/9.10.2012, effective 9.10.2012, supplemented, SG No. 84/2.11.2012, effective 2.01.2013, amended, SG No. 66/26.07.2013, effective 26.07.2013, SG No. 68/2.08.2013, effective 2.08.2013, SG No. 98/28.11.2014, effective 28.11.2014, SG No. 14/20.02.2015, SG No. 101/22.12.2015, amended and supplemented, SG No. 12/6.02.2018, amended, SG No. 77/18.09.2018, effective 1.01.2019, SG No. 1/3.01.2019, effective 3.01.2019, amended and supplemented, SG No. 54/16.06.2020, effective 16.06.2020, supplemented, SG No. 105/11.12.2020, effective 1.01.2021

Text in Bulgarian: Закон за техническите изисквания към продуктите

Chapter One

GENERAL PROVISIONS

Article 1

This Act regulates the following:

1. (amended, SG No. 93/2002) procedure for determining essential requirements towards products, which are intended for launch on the market and/or commissioning into operation;
2. (new, SG No. 86/2007) procedure for determining ecodesign requirements towards energy related products (ERP), which are intended for launch on the market and/or commissioning into operation;
3. (amended, SG No. 93/2002, renumbered from item 2, SG No. 86/2007) obligations of persons, launching products on the market and/or commissioning them into operation;
4. (supplemented, SG No. 45/2005, renumbered from item 3, supplemented, SG No. 86/2007) procedure for determining the rights and obligations of producers and persons, who carry out assessment of conformity of products to essential requirements and/or ecodesign requirements;
5. (new, SG No. 93/2002, supplemented, SG No. 45/2005, renumbered from item 4, supplemented, SG No. 86/2007, amended, SG No. 66/2013, effective 26.07.2013) supervision over products, launched on the market and/or commissioned into operation for which there are definite essential requirements and/or ecodesign requirements and construction products, launched/offered on the market pursuant to Regulation (EU) No. 305/2011 of the European Parliament and of the Council laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC (OJ, L 88/5, 4.4.2011), hereinafter referred to as "Regulation (EU) No. 305/2011";
6. (renumbered from Item 4, amended, SG No. 93/2002, renumbered from item 5, amended, SG No. 86/2007) technical supervision of compliance with technical requirements, rules and norms of structuring or assembly and of safe operation of installations of higher risk;
7. (new, SG No. 86/2007) conditions for issuance of licenses for conducting technical supervision of installations of higher risk;
8. (new, SG No. 86/2007) conditions for listing on a register of individuals performing maintenance, repair and re-engineering of installations of higher risk.

Article 2

This Act aims to:

1. (amended, SG No. 93/2002, supplemented, SG No. 45/2005) create conditions, guaranteeing launch on the market and/or commissioning into operation of products, which do not endanger life and health of humans, safety of livestock, interests of consumers and protection of environment and property when products are adequately installed, maintained and used for their intended purpose;
2. (supplemented, SG No. 45/2005) harmonise essential requirements towards products with the essential requirements, adopted in the European Union's New Approach directives, to ensure conditions for mutual recognition of the conformity assessment results and for integration in the European Union common market.
3. (new, SG No. 86/2007) guarantee the launch on the market and/or commissioning into operation of ERP, which conform to ecodesign requirements, thereby creating conditions for sustainable development by increasing energy efficiency and the level of environmental protection, as well as improving security of electricity supply.

Article 3

(Amended, SG No. 93/2002, SG No. 45/2005, supplemented, SG No. 86/2007)

Products for which essential requirements are defined in the ordinances under Article 7, hereinafter referred to as "essential requirements" or ERP, in regard to which ecodesign requirements were specified in the implementation measures under Article 26a, hereinafter referred to as "ecodesign requirements", may be launched on the market or commissioned into operation only if they meet those requirements.

Article 4

(Amended and supplemented, SG No. 93/2002, SG No. 45/2005, amended, SG No. 86/2007)

- (1) Each product, in regard to which essential requirements and/or ecodesign requirements were specified, shall be launched on the market and/or commissioned into operation after carrying out an assessment and certification of its conformity to the said requirements.
- (2) The obligation to assess and certify conformity of the products under paragraph 1 shall rest with the producer or other persons specified in the ordinances under Article 7 and/or the implementation measures under Article 26a.
- (3) The assessment and certification of conformity to essential requirements and/or ecodesign requirements shall be performed in accordance with the requirements of Title Three and/or Title Three "a" or of the legislation of another European Union Member State, whereby New Approach directives are being introduced.
- (4) Producers shall be entitled to authorise their representatives - individuals or legal entities, established in the territory of the European Union, to operate in their name in order to fulfil the obligations of producers, related to the launch on the market and/or commissioning into operation of products, hereinafter referred to as "authorized representatives". Such authorization shall be in writing and it must indicate the activities, which the authorized representative may conduct.
- (5) Importers shall be obliged to launch on the market only products, the conformity of which had been assessed and certified.

Article 4a

(New, SG No. 93/2002, amended, SG No. 45/2005)

- (1) (Supplemented, SG No. 86/2007) Producers, importers and/or other persons, when provided for in the ordinances under Article 7 and/or the implementation measures under Article 26a, are obliged to indicate their name and management address on the product and if that is not feasible - on its packaging and accompanying documentation.
- (2) (Amended, SG No. 86/2007) Persons under Paragraph 1 are obliged to provide products with instructions and/or directions for use in the Bulgarian language when such are required by the ordinances under Article 7 and/or the implementation measures under Article 26a.

Article 4b

(New, SG No. 93/2002, amended, SG No. 45/2005, supplemented, SG No. 86/2007)

Traders are obliged to offer only products, which according to the requirements of the ordinances under Article 7 and/or the implementation measures under Article 26a, bear:

1. the names and addresses of management of the persons under Article 4a, Paragraph 1;
2. (supplemented, SG No. 86/2007) markings of conformity and additional markings, where required by the ordinances under Article 7;
3. a declaration of conformity in cases when it is required for a declaration to accompany the product;
4. instructions and/or directions for use in the Bulgarian language.

Article 5

(Amended, SG No. 93/2002, SG No. 45/2005, amended and supplemented,

SG No. 76/2006, amended, SG No. 86/2007)

(1) Products, designed and manufactured according to the requirements of national standards of European Union Member States, by means of which harmonised European standards were introduced and the numbers of which were published in the Official Journal of the European Union, will be regarded as being in conformity with the essential requirements and/or ecodesign requirements, covered by these standards.

(2) (Amended, SG No. 66/2013, effective 26.07.2013) Construction products shall ensure fulfilment of the basic requirements towards construction works if they meet Bulgarian national requirements in regard to their envisaged use or uses and when harmonised European standards exist in regard to them, the numbers of which had been published in the Official Journal of the European Union or an European Technical Assessment (ETA) had been issued and the performance indicators in relation to the essential characteristics of construction products had been defined and declared pursuant to the requirements of Regulation (EU) No. 305/2011.

(3) (Amended, SG No. 38/2011) If technical specifications under paragraph 2 are unavailable, it is assumed that construction products can be used in construction sites depending on their intended use, where their user characteristics and the methods used in determining them are in compliance with:

2. statutory acts concerning the design, execution, control and maintenance of construction works, where these contain requirements to construction products;

2. national standards wherewith European or international standards were introduced;

3. Bulgarian national standards, or national standards containing methods and requirements equivalent to Bulgarian ones, if standards under paragraph 2 are unavailable;

4. Bulgarian technical approvals, if standards under paragraphs 2 and 3 are unavailable;

(4) (Supplemented, SG No. 38/2011) When applying the statutory acts and technical specifications under paragraph 3, the markings of conformity under Article 24 shall not be placed.

Chapter Two

PROCEDURE FOR DETERMINING ESSENTIAL REQUIREMENTS TOWARDS PRODUCTS

Article 6

(1) By special decision the Council of Ministers assign to ministers and other bodies of the executive branch the elaboration of ordinances, whereby essential requirements towards products are determined.

(2) (Supplemented, SG No. 93/2002) Essential requirements towards products determine the results, which must be achieved or the risks which must be avoided in order to ensure protection of life and health of humans, safety of livestock, protection of consumers, of the environment and of property.

Article 7

(1) At the proposal of the ministers and other bodies of the executive branch, determined in the decision under Article 6, the Council of Ministers adopt the respective ordinances, which define the following:

1. (supplemented, SG No. 45/2005) products or groups of products, for which essential requirements are being determined;
2. essential requirements towards products;
3. (amended, SG No. 93/2002) procedures for assessment of conformity to essential requirements and ways of certification of conformity;
4. (amended, SG No. 86/2007) documents required and procedure for obtaining permits for carrying out assessment of conformity, as well as the additional specific criteria relevant to persons assessing conformity and their obligations under procedures of assessment of conformity;
5. rules for placing markings of conformity;
6. (new, SG No. 38/2011) additional obligations of manufacturers, importers and traders, where such are determined by force of the relevant "New Approach" Directive of the EU.

(2) (Repealed, SG No. 93/2002).

Chapter Three

ASSESSMENT AND CERTIFICATION OF CONFORMITY OF PRODUCTS TO ESSENTIAL REQUIREMENTS. NOTIFIED BODIES

(Title amended, SG No. 86/2007)

Article 8

(Amended, SG No. 93/2002, SG No. 45/2005)

(1) The assessment of conformity of products with the essential requirements, hereinafter referred to as "assessment of conformity", is made in keeping with the procedures defined in the ordinances under Article 7.

(2) (New, SG No. 76/2006, amended, SG No. 38/2011) The ordinance under Article 7 on the essential requirements towards construction works and assessment of conformity of construction products determines the procedure for issuance of technical approval and for introduction of the Guidelines for European Technical approval.

(3) (Amended, SG No. 95/2005, renumbered from Paragraph 2, SG No. 76/2006, amended, SG No. 86/2007) Procedures of assessment of conformity defined in the ordinances under Article 7 and/or the implementation measures under Article 26a and applicable to a respective product, are implemented by producers or by bodies, notified to the European Commission, the identification numbers of which are listed in the Information system of bodies, notified and authorized in the areas of the New Approach directives.

Article 9

(Amended, SG No. 93/2002)

(1) (Amended, SG No. 95/2005) Permits for carrying out conformity assessment are issued by the Chairman of the State Agency on Metrological and Technical Surveillance.

(2) (Amended, SG No. 76/2006, SG No. 38/2011, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The Minister of Regional Development and Public Works shall:

1. function as the notifying authority pursuant to Article 40 and inform the European Commission in compliance with Article 42 of Regulation (EU) No. 305/2011;
2. designate a specialised directorate as Product Contact Point for Construction pursuant to Article 10 of Regulation (EU) No. 305/2011 and in compliance with Article 9, Article 10 and Article 11 of Regulation (EU) 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 authorisations to persons for conducting conformity assessment and assessment and verification of the consistency of performance indicators, for issuance of European Technical Assessments and Bulgarian technical approvals for construction products, in compliance with the requirements of Article 43 and Article 46 of Regulation (EU) No. 305/2011 and of Article 10 of this Act;
4. prescribe by order the Bulgarian national requirements towards construction products in regard to their envisaged use, including in the cases under Article 5 of Regulation (EU) No. 305/2011;
5. (amended, SG No. 101/2015) prescribe by ordinance the terms and procedure of using construction products in the construction sites as well as the terms and conditions for performance of the activities under items 1 - 4, including for control of the persons under item 3.

(3) (Amended, SG No. 95/2005, repealed, SG No. 86/2007).

(4) (New, SG No. 76/2006, amended, SG No. 38/2011, SG No. 66/2013, effective 26.07.2013) State fees shall be collected for the activities of the contact point under paragraph 2, item 2, when designated by the ordinance under paragraph 2, item 5 and the activities under paragraph 2, item 3, including for checking of documents, on-site inspections, annual scheduled inspections, in amounts determined according to tariff, approved by the Council of Ministers.

Article 10

(1) (Amended and supplemented, SG No. 45/2005, amended, SG No. 105/2005, SG No. 86/2007) Permits for carrying out assessment of conformity are issued to persons, which:

1. were listed in the commercial register or were established by a law or an act of the Council of Ministers;
2. (amended, SG No. 12/2018) possess the required staff, at least half of whom hired on the basis of termless employment contracts registered in accordance with the procedure established by Article 62 of the Labour Code;
3. were not involved, including the staff hired by them, in design, production, delivery and assembly of the products, which will be assessed, nor serve as official representatives of an organization, having performed any of those activities;
4. have hired staff, possessing:
 - a) professional experience and technical competency for assessment of conformity;
 - b) sufficient knowledge of requirements towards the activities undertaken and practical skills for their completion;
 - c) skills required for drawing up of protocols, reports and certificates, certifying the results of the activities carried out;
5. may guarantee impartiality and independence of their staff;
6. insurance covering damages that may arise as a consequence of failure to fulfil their duties with regard to assessment of conformity within the scope of each regulation, based on which application for authorization was filed, in an amount, corresponding to any damage, which the respective product may cause;
7. have no monetary obligations to the state or any municipality within the meaning of the Tax and Social Insurance Procedure Code ascertained by virtue of an effective act of a competent authority, or obligations to social insurance funds unless the competent authority allowed for the obligations to be rescheduled or deferred;
8. any of their staff are bound by an obligation to safeguard professional secrecy as regards information, received by them in the course of their activity;

9. has not been declared bankrupt or is not subject of bankruptcy or liquidation proceedings;

10. (new, SG No. 12/2018) possess technical means for performing tests as part of the procedures of assessment of conformity.

(2) (Amended, SG No. 93/2002) Specific criteria are determined in the ordinances under Article 7 as regards persons, depending on the procedures for assessment of conformity.

(3) (New, SG No. 76/2006, amended, SG No. 38/2011) Persons applying for permits to issue technical approvals must meet the requirements under paragraph 1 and the specific criteria, defined in the ordinance under Article 7.

Article 11

(1) (Amended, SG No. 93/2002, supplemented, SG No. 45/2005, SG No. 86/2007) Persons applying for permits for carrying out assessment of conformity submit written applications, accompanied by documents specified in the respective ordinance under Article 7. Any person applying for a permit under more than one ordinance, must file separate applications, accompanied by the respective documents.

(2) (Amended, SG No. 93/2002, SG No. 45/2005, amended and supplemented, SG No. 54/2020, effective 16.06.2020) When persons applying for permits to perform conformity assessments hold valid accreditation certificates under the standards specified in the respective ordinance referred to in Article 7, these persons shall be regarded as having a functioning quality system that meets the requirements under Items 3, 5 and 8 of Article 10, Paragraph (1) and possessing the technical competence needed for the activities and products within the scope of the accreditation. The verification of the accreditation certificate shall be performed ex officio.

(3) (New, SG No. 93/2002, amended, SG No. 45/2005, supplemented, SG No. 105/2020, effective 1.01.2021) The compliance of the persons, who apply for obtaining a permit, with the requirements of Article 10 shall be established through inspections of documents and inspections on site, with the exception of the circumstance under Article 10, Paragraph 1, Item 7, which shall be established under the procedure of Article 87, Paragraph 11 of the Tax and Social Insurance Procedure Code.

(4) (New, SG No. 93/2003, repealed, SG No. 45/2005).

Article 12

(Amended, SG No. 93/2002, SG No. 45/2005)

(1) (Amended, SG No. 95/2005, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The Chairman of the State Agency on Metrological and Technical Surveillance, respectively the Minister of Regional Development and Public Works, organizes, upon the receipt of the application, a check-up of the documents to verify compliance with the requirements under Article 10. The check-up is conducted within two months and in the cases under Article 11, Paragraph 2 - within one month.

(2) (Amended, SG No. 95/2005, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) If the check-up of documents reveals a lack of compliance with the requirements under Article 10, the Chairman of the State Agency on Metrological and Technical Surveillance, respectively the Minister of Regional Development and Public Works, notifies, in writing, the applicant of the ascertained non-compliance, provides the latter with a copy of the check-up results and sets a time limit for remedying the non-compliance that should not be longer than two months. The period under Article 12a, Paragraph 5 ceases to run until the non-compliance is remedied.

(3) (Amended, SG No. 95/2005, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) When the non-compliance is not remedied within the established time limit, the Chairman of the State Agency on Metrological and Technical Surveillance, respectively the Minister of Regional Development and Public Works, denies a permit by a substantiated order.

Article 12a

(New, SG No. 45/2005)

(1) (Amended, SG No. 95/2005, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) In case of a positive outcome of the check-up under Article 12, the Chairman of the State Agency on Metrological and Technical

Surveillance, respectively the Minister of Regional Development and Public Works, designates, by an order, a commission to conduct an on-site inspection to ascertain the competence and capability of the applicant to comply with the announced procedures of assessment of conformity. Where the on-site inspection requires special skills, outside experts in the relevant field may be attracted as members of the commission.

(2) (Amended, SG No. 95/2005, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) Where the on-site inspection reveals non-compliance, the Chairman of the State Agency on Metrological and Technical Surveillance, respectively the Minister of Regional Development and Public Works, notifies, in writing, the applicant of the ascertained non-compliance and sets a time limit for remedying the non-compliance that should not be more than two months. The period under Paragraph 5 ceases to run until the non-compliance is remedied.

(3) (Amended, SG No. 95/2005, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) If the applicant does not remedy the non-compliance within the established time limit, the Chairman of the State Agency on Metrological and Technical Surveillance, respectively the Minister of Regional Development and Public Works, denies a permit by a substantiated order.

(4) (Amended, SG No. 95/2005, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The commission under Paragraph 1 submits a report to the Chairman of the State Agency on Metrological and Technical Surveillance, respectively the Minister of Regional Development and Public Works, on the outcome of the on-site inspection.

(5) (Amended, SG No. 95/2005, SG No. 86/2007, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) Within 6 months from the submission of the application and documents under Article 11, Paragraph 1, the Chairman of the State Agency for Metrological and Technical Supervision, respectively the Minister of Regional Development and Public Works, on the basis of the outcome of the document check-up and on-site inspection, makes a decision for issuance of permit or rejects to issues it by a substantiated order if the applicant does not meet the requirements under Article 10.

(6) (Amended, SG No. 86/2007) The applicant is notified in writing within seven days from the date of making a decision for issuance of permit or of the issuance of the rejection order.

(7) (New, SG No. 86/2007, amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The Chairman of the State Agency for Metrological and Technical Supervision, respectively the Minister of Regional Development and Public Works shall, within seven days of the notification under Paragraph 6, notify the persons approved for assessment of conformity to the European Commission and the Member States via the Information system of bodies, notified and authorized for the areas of the New Approach directives.

(8) (New, SG No. 86/2007) The identification numbers of persons for assessment of conformity, hereinafter referred to as "notified bodies", shall be determined by the European Commission.

(9) (New, SG No. 86/2007, amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The Chairman of the State Agency for Metrological and Technical Supervision, respectively the Minister of Regional Development and Public Works shall issue authorizations for assessment of conformity to the notified bodies under Paragraph 8.

Article 12b

(New, SG No. 45/2005)

(1) (Previous Article 12b, SG No. 38/2011) To extend the scope of the permit for assessment of conformity a new application is filed under Article 11.

(2) (New, SG No. 38/2011) For the purpose of updating or expansion of the scope of the permit for performance of conformity assessments of construction products and for issuance of technical approvals, a new application is filed as per Article 11.

(3) (New, SG No. 38/2011) The updating of permits issued to natural persons or legal entities for performance of conformity assessments of construction products and for issuance of technical approvals shall take place on the basis of amendments and supplements to technical specifications as per Article 5, paragraph 2 and/or paragraph 3, and of proven technical competence of considering those while assessing conformity.

Article 13

(Amended, SG No. 93/2002, repealed, SG No. 45/2005).

Article 14

The permits for carrying out assessment of conformity contain:

1. name and address of the issuing body;
2. (new, SG No. 86/2007) the identification number of the notified body, determined by the European Commission;
3. (renumbered from item 2, SG No. 86/2007) name/company, seat, management and representation address of the persons, to which the permits are issued;
4. (supplemented, SG No. 45/2005, renumbered from item 3, SG No. 86/2007) titles of products or groups of products and of procedures for assessment of their conformity;
5. (amended, SG No. 45/2005, renumbered from item 4, SG No. 86/2007) the date of issue of the permit.

Article 14a

(New, SG No. 45/2005, amended, SG No. 95/2005, SG No. 86/2007, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014)

Notified bodies are obliged to submit, to the State Agency for Metrological and Technical Supervision, respectively the Ministry of Regional Development and Public Works, an annual report on their activities containing information on the assessments of conformity performed by types of products and procedures, copies of the certificates and approvals issued, of the rejections to issue certificates and approvals, of any objections and claims made and the acts taken to resolve them.

Article 14b

(New, SG No. 45/2005, amended, SG No. 86/2007)

Notified bodies are obliged to notify the relevant authority under Article 9 within seven days from the date of occurrence of changes in:

1. their legal and accreditation status, structure, scope of activities and procedures of assessing conformity, as well as the contact persons, their telephone numbers and e-mail addresses;
2. their quality management system, management or personnel, affecting the implementation of the procedures of assessment of conformity;
3. the legal and accreditation status of the sub-contractors or their replacements, if any are employed;
4. the circumstances under Article 10, Paragraph 1, items 6, 7 and 9.

Article 14c

(New, SG No. 45/2005)

(1) (Supplemented, SG No. 86/2007) The authorities under Article 9 shall conduct annual scheduled inspections of compliance with the conditions under which the permit has been issued and the practical implementation of procedures for assessment of conformity as well as for maintaining the technical competence of personnel.

(2) (Amended, SG No. 86/2007) The authorities under Article 9 may conduct extraordinary on-site inspections of notified bodies in case of receiving information under Article 14b or in case of signals, complaints and claims related to their activities.

(3) (Amended, SG No. 95/2005, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The inspections under Paragraph 1 and 2 are conducted by a commission designated by an order of the Chairman of the State Agency for Metrological and Technical Supervision, respectively the Minister of Regional Development and Public Works.

(4) (Amended, SG No. 86/2007) Where the inspections reveal non-compliance with the requirements under Article 10 or omissions in the implementation of the procedures of assessment of conformity, the authority under Article 9:

1. issues an instruction with a deadline, not exceeding two months, for remedying any non-compliance and omissions, or
2. suspends the activities of assessment of conformity until any non-compliance and omissions are remedied, for up to three months and notifies the European Commission.

Article 15

(Amended, SG No. 93/2002, SG No. 45/2005, SG No. 86/2007)

(1) (Amended, SG No. 38/2011) The authority as per Article 9 that issued the permit for performance of conformity assessment shall cancel said permit or restrict its scope in cases where an inspection has established that the notified body:

1. does not meet any of the requirements under Article 10 any longer;
2. is not able to continue to implement the procedures of assessment of conformity;
3. does not implement the procedures of assessment of conformity in line with the requirements of relevant ordinances under Article 7;
4. has not fulfilled, within the established time limit, the instructions, issued upon inspections under Article 14c.

(2) (Repealed, SG No. 38/2011).

(3) (Amended, SG No. 38/2011) The authority under Article 9 informs in writing the notified body of any cancellation or restriction of the scope of the permit within 7 days of issuance of the order.

Article 15a

(New, SG No. 45/2005, amended and supplemented, SG No. 86/2007)

Any person, notified body, who was denied a permit for assessment of conformity under Article 12 and Article 12a or whose permit was withdrawn under Article 15, may file an application under Article 11, Paragraph 1 not earlier than one year from the date on which the order for denial or withdrawal of the permit takes effect.

Article 16

(Amended, SG No. 86/2007, SG No. 77/2018, effective 1.01.2019)

Any denial to issue a permit for carrying out assessment of conformity, as well as any order for withdrawal of the permit may be appealed against before the relevant Administrative Court under the procedure of the Code of Administrative Procedure within 14 days of their notification.

Article 17

(Amended, SG No. 93/2002, supplemented, SG No. 76/2006, amended, SG No. 38/2011)

For the purpose of issuance of permits for the performance of conformity assessments and for issue of technical approvals, for expansion of the scope of permits already issued, for updating or re-issue of those, as well as for inspection of documents, for on-site inspections, incl. annual scheduled inspections, stamp duty shall be collected the amount of which is to be determined by force of a tariff approved by the Council of Ministers.

Article 18

(Amended, SG No. 95/2005, repealed, SG No. 86/2007).

Article 19

(Amended, SG No. 95/2005, SG No. 38/2011)

(1) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The State Agency for Metrological and Technical Supervision, resp. the Ministry of Regional Development and Public Works, shall keep registers of the permits for performance assessment of conformity, which have been issued and canceled.

(2) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) Data from the register are published in the official bulletin of the State Agency for Metrological and Technical Supervision, resp. on the website of the Ministry of Regional Development and Public Works.

Article 20

(Amended, SG No. 93/2002, SG No. 45/2005, SG No. 86/2007)

The register contains the data under Article 14 and the identification numbers of notified bodies.

Article 20a

(New, SG No. 45/2005)

(1) (Amended, SG No. 86/2007) With a view to applying a uniform approach in the implementation of the procedures of assessment of conformity on a national level as well as harmonizing the national approach with the European Union approach, the notified bodies:

1. take part in national working groups based on the respective ordinance under Article 7 for coordination and cooperation on issues, concerning assessment of conformity with requirements;
2. maintain the competence of their personnel by participating in the national standardization work and informing themselves of any decisions and documents of the working groups under the European Commission on the "New Approach" directives and participating in the working groups of notified bodies of Member States.

(2) (Amended, SG No. 95/2005, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The State Agency on Metrological and Technical Surveillance and the Ministry of Regional Development and Public Works ensure:

1. an organizational and technical support to the work of the respective national working groups under Paragraph 1 and designate their own representatives to take part in them;
2. access of the national working groups to decisions and documents.

Article 21

(Amended, SG No. 93/2002)

(1) (Amended and supplemented, SG No. 86/2007) Conformity of each product to essential requirements is certified by markings of conformity, additional markings and by declarations of conformity, when required by the ordinances under Article 7 and by technical files.

(2) Requirements regarding the declarations of conformity and the technical files are determined by the ordinances under Article 7.

Article 22

(Amended, SG No. 93/2002, SG No. 45/2005, supplemented, SG No. 86/2007)

The producer or an authorized representative, or other persons specified in the ordinances under Article 7, affixes markings of conformity, additional markings and draws up a declaration of conformity in the Bulgarian language, where required by the ordinances under Article 7.

Article 23

(Amended, SG No. 93/2002 supplemented, SG No. 86/2007)

Products, having markings of conformity, additional markings and declarations of conformity, when such are required by the ordinances under Article 7, are regarded as being in conformity with essential requirements and their conformity as being

assessed under procedures, prescribed by the ordinances under Article 7.

Article 24

(Amended, SG No. 45/2005)

The Council of Ministers define by an ordinance the rules of making and graphically presenting the marking of conformity.

Article 24a

(New, SG No. 93/2002, repealed, SG No. 45/2005)

Article 25

(Amended, SG No. 93/2002, SG No. 45/2005)

The producer or an authorized representative or other persons specified in the ordinances under Article 7, are obliged to keep the technical file for not less than 10 years from the last manufacturing date of the product unless the respective ordinance provides otherwise.

Article 26

(Amended and supplemented, SG No. 93/2002, amended, SG No. 45/2005)

(1) The producer or an authorized representative, or other persons specified in the ordinances under Article 7 present, at the request of the supervising authorities, the technical file and declaration of conformity.

(2) (Amended, SG No. 86/2007) Where the producer is not established in the territory of the European Union and has no authorized representative, importers or traders, which launched the products on the Bulgarian market, are obliged to present, at the request of the market supervision bodies, a copy of the declaration of conformity and make the technical file available within up to 15 days from the date of receipt of the request.

(3) (New, SG No. 86/2007) Where the documents under Paragraphs 1 and 2 are made available in a foreign language, the market supervision bodies are entitled to request that the documents or parts thereof be accompanied by a legalized translation into Bulgarian language.

Chapter Three "a"

(New, SG No. 86/2007)

REQUIREMENTS IN REGARD TO ECODESIGN OF ENERGY RELATED PRODUCTS

Article 26a

(New, SG No. 86/2007)

(1) (Amended, SG No. 38/2011) Ecodesign requirements are determined by adopting implementation measures in accordance with Article 15 of Directive 2009/125/EC of the European Parliament and the Council, dated October 21st, 2009, Establishing a Framework for Setting of Ecodesign Requirements for Energy-Related Products (OJ, L 285/10 of October 31st, 2009), further in the text to be referred to as "the Directive".

(2) (Amended, SG No. 38/2011, SG No. 14/2015) Where the measures under paragraph 1 are Directives or Decisions, the Council of Ministers shall adopt respective ordinances upon proposal from the Minister of Economy.

(3) Where the measures under Paragraph 1 are Regulations, their implementation shall take place in accordance with the provisions of this Act. If the respective Regulation requires additional measures for its implementation, they shall be adopted by an act of the Council of Ministers.

Article 26b

(New, SG No. 86/2007)

(1) Ecodesign requirements shall not apply to passenger and cargo transportation means.

(2) Ecodesign requirements shall be applied without violation of any requirements, arising from directly applicable Community acquis and national law in the sectors of chemicals, including fluorinated greenhouse gases and waste management.

Article 26c

(New, SG No. 86/2007)

(1) In regard to ERP, ecodesign requirements are specifying the results, which must be achieved in order to improve efficiency of energy end-consumption and to optimize the environmental characteristics of products without altering their functional qualities.

(2) Specific ecodesign requirements are determined in regard to certain ecological aspects, which have a significant impact on the environment.

(3) The implementation measures under Article 26a do not necessitate determination of ecodesign requirements in regard to specific ecological parameters of ERP.

Article 26d

(New, SG No. 86/2007)

The following are determined by the implementation measures under Article 26a:

- 1 products or groups of products and ecodesign requirements in regard to them;
2. ecological parameters, in regard to which ecodesign requirements are not applicable;
3. requirements for mounting ERP, where it would have a direct impact on their environmental performance;
4. measurement standards and/or methods;
5. procedures for assessment of conformity to ecodesign requirements and methods for certification of conformity;
6. any documents required and the procedure for obtaining permit for assessment of conformity, as well as any additional specific criteria in regard to notified bodies and their responsibilities within the procedures for assessment of conformity;
7. rules on placing of markings of conformity;
8. requirements for submission of information by producers, as required for assessment of conformity.

Article 26e

(New, SG No. 86/2007)

(1) (Amended, SG No. 38/2011) Where required for the implementation measures under Article 26a, ERP manufacturers shall submit information for consumers in appropriate form concerning:

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

(2) (Amended, SG No. 38/2011) Where required for the implementation measures under Article 26a, manufacturers or their authorized representatives, which launch on the market and/or commission into operation components and assemblies, shall provide to ERP manufacturers information regarding the composition of materials and consumption of energy, materials and/or resources by such components and assemblies.

(3) (Amended, SG No. 38/2011) Where required for the implementation measures under Article 26a, ERP manufacturers shall provide to other parties information, which may have an influence on the mode of functioning, usage or recycling of the product.

(4) (Amended, SG No. 38/2011) The information under paragraph 3 shall be submitted in Bulgarian language or in Bulgarian

language and one or more of the other official languages of the institutions of the European Union, taking into account:

1. options for presentation using harmonized symbols or recognized codes or by other similar means;
2. (amended, SG No. 38/2011) types of expected ERP consumers and the nature of information, which should be provided.

(5) The information under Paragraph 3 shall be marked on the product itself, where feasible and must be aligned with the marking requirements in accordance with the Ordinance on requirements for launching on the market of electric and electronic equipment and treatment and transportation of waste from electric and electronic equipment (published, SG No. 36/2006, as amended, SG No. 57/2006).

(6) In the cases under Paragraph 3 such information may contain data:

1. from the designers, related to the production process;
2. for consumers in regard to significant ecological characteristics of the product and its presentation, which accompany the product, launched on the market, with the view to enable consumers to compare these aspects of the products;
3. for consumers in regard to the mode of assembly, usage and maintenance of the product with the view to minimize its impact on the environment and assure is optimal working life, as well as concerning the return of decommissioned products and, where required, information concerning the term of availability of spare parts and the option for expanding the capacity of products;
4. concerning any treatment facilities in the course of dismantling, recycling and disposal of a decommissioned product.

Article 26f

(New, SG No. 86/2007, amended, SG No. 38/2011)

Any energy-related product, eco-marked in accordance with 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 January 30th 2010), shall be presumed to conform to the requirements of the applicable implementation measures under Article 26a, so long as such requirements are covered by the relevant EU eco-marking scheme.

Article 26g

(New, SG No. 86/2007)

(1) (Amended, SG No. 38/2011) Assessment of conformity of ERP with ecodesign requirements, hereinafter referred to as "assessment of conformity", shall be performed in accordance with the requirements of the implementation measures under Article 26a and the manufacturer would be able to choose between the "Internal control over design" and "Management system for assessment of conformity" procedures.

(2) (Amended, SG No. 38/2011) The procedure for assessment of conformity may be defined in the respective implementation measure also as one of the modules described in Appendix II to Decision No. 768/2008/EC of the European parliament and the Council dated July 9th, 2008, regarding a common framework for the marketing of products and for repealing Decision 93/465/EEC (OJ, L 218/82 of August 13th, 2008).

(3) (Amended, SG No. 38/2011) Where in other regulatory acts different procedures for assessment of conformity are specified for a certain ERP, the procedures, specified in the implementation measures under Article 26a, shall prevail.

Article 26h

(New, SG No. 86/2007)

(1) Conformity assessment procedures, defined in the implementation measures under Article 26a and applicable to the respective product, shall be conducted by the manufacturer or its authorized representative, or by individuals under Paragraph 4.

(2) If the manufacturer is not established within the European Union territory and has no authorized representative, the ERP importer must verify and guarantee that any product, launched on the market, conforms to all requirements of the respective implementation measure under Article 26a.

(3) Absent a manufacturer or an importer, the person launching ERP on the market and/or commissioning them into operation, shall be treated as manufacturer.

(4) Where the conformity assessment procedures, defined in the implementation measures under Article 26a and applicable to the respective product, envisage that they will be performed by persons, holding permits to perform such procedures, the order of issuance, rejection, expansion or withdrawal of the license for performing assessment of conformity with ecodesign requirements shall be in accordance with Title Three and the specific requirements of the respective implementation measure under Article 26a.

Article 26i

(New, SG No. 86/2007, amended, SG No. 38/2011)

(1) In case where an ERP falling within the scope of the implementation measures under Article 26a has been 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 December 22nd, 2009), and the "product design" function is included within the registration scope, the management system of such an organization is presumed to be in compliance with the "Management system for assessment of conformity" procedure.

(2) In case where the management system of an organization that designs ERP falling within the scope of implementation measures under Article 26a includes the "product design" function and is in compliance with the harmonized European standards whose numbers have been promulgated in the Official Journal of the European Union, said management system shall be presumed to be in compliance with the "Management system for assessment of conformity" procedure.

Article 26j

(New, SG No. 86/2007)

(1) Conformity of products to ecodesign requirements shall be certified by a marking of conformity, a declaration of conformity and a technical file.

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

1. name and address of the manufacturer or its authorized representative;
2. (amended, SG No. 38/2011) description of the ERP model, sufficient for its unequivocal identification;
3. references to harmonized standards, where used;
4. other technical specifications and standards, where used;
5. references to other normative acts, requiring placing of conformity markings, where applicable;
6. name, position and signature of person authorized to sign the declaration on behalf of the manufacturer or of its authorized representative;

(3) (Amended, SG No. 38/2011) The declaration of conformity and the technical file shall be drawn up in one of the official languages of the institutions of the European Union.

(4) Where the documents under Paragraph 3 are submitted in a foreign language, the market supervision bodies may request that the documents or parts thereof be accompanied by a legalized translation into Bulgarian language.

(5) The content of the technical file shall be defined in the implementation measures under Article 26a.

Article 26k

(New, SG No. 86/2007)

(1) Manufacturers or their authorized representatives or other parties, indicated in the implementation measures under Article

26a, shall affix markings of conformity and draw up declarations of conformity.

(2) Markings of conformity shall be affixed in line with the requirements of the ordinance under Article 24

Article 26l

(New, SG No. 86/2007)

Products, carrying markings of conformity and declarations of conformity shall be treated as conforming to ecodesign requirements and as having their conformity tested under procedures, determined in the implementation measures under Article 26a.

Article 26m

(New, SG No. 86/2007)

(1) Launch on the market and/or commissioning into operation of ERP shall not be prohibited, restricted or prevented on grounds, related to ecodesign in regard to ecodesign parameters, covered by the implementation measures under Article 26a, if this product is in conformity with the respective provisions of the applicable measure and bears the marking of conformity, affixed in accordance with Article 26k, Paragraph 2.

(2) Launch on the market and/or commissioning into operation of ERP shall not be prohibited, restricted or prevented, if the same carries marking of conformity, affixed in accordance with Article 26k, Paragraph 2, on grounds, related to ecodesign in regard to ecodesign parameters, covered by the implementation measures under Article 26a and for which such measure does not envisage an ecodesign requirement.

Article 26n

(New, SG No. 86/2007)

(1) Manufacturers or their authorized representatives shall be obliged to store the technical files and declarations of conformity for at least 10 years from the last date of manufacture of the ERP and to make them available upon request by the market supervision bodies.

(2) Upon request by the market supervision bodies manufacturers shall make available a copy of the technical file within 10 days of receipt of such request.

(3) Where the producer is not established in the territory of the European Union and has no authorized representative, the obligations under Paragraph 1 shall be fulfilled by the ERP importer.

Article 26o

(New, SG No. 86/2007)

(1) (Amended, SG No. 38/2011) Where in the course of the inspections under Title Four it is established that the harmonized European standards, ensuring assumption of conformity to specific ecodesign requirements of the implementation measures under Article 26a, fail to assure full conformity to those requirements, the State Agency for Metrological and Technical Supervision shall notify without delay the Standing Committee, established in accordance with Article 5 of Directive 98/34/EC of the European Parliament and of the Council, dated June 22nd, 1998, Laying Down a Procedure for the Provision of Information in the Field of Technical Standards and Regulations and the Rules of Information Society Services.

(2) (Amended, SG No. 38/2011) Where reasonable doubts exist of possible non-conformity of the ERP, the State Agency for Metrological and Technical Supervision shall publish in an appropriate manner as soon as practicable an assessment of the conformity of such ERP, performed by a competent body, in order to enable timely application of corrective action, where required.

Article 26p

(New, SG No. 86/2007)

(1) (Amended, SG No. 38/2011) As an alternative to the implementation measures under Article 26a, the European

Commission may decide that the obligations in regard to ecodesign requirements for certain ERP would be fulfilled based on voluntary agreements or other self-regulation measures.

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

1. open access for participation of operators from third countries both in the preparatory, as well as in the implementation stage;
2. (amended, SG No. 38/2011) the self-regulation initiatives should create added value in excess of that "customary for the business" in terms of improvement of overall performance of ERP in regard to the environment;
3. enterprises and associations thereof, which take part in self-regulation initiatives shall, must represent the greater part of the respective economic sector, minimizing any exceptions;
4. adherence to the competition rules;
5. setting of quantified and phased objectives, starting with a clear definition of the base line; where the self-regulation initiative spreads over a lengthy period of time, interim objectives shall be included; an opportunity shall certainly be ensured for monitoring of conformity with the objectives and interim objectives in an accessible and clear way, using clear and reliable indicators; available scientific research information and source technical data shall be used for elaboration of such indicators;
6. ensuring conditions for transparency of the self-regulation initiatives by publishing them, as well as the interim and final monitoring report on them, including via Internet and other electronic means of dissemination of information; provision of opportunity for all stakeholders to state their positions in regard to any self-regulation initiatives proposed;
7. (supplemented, SG No. 38/2011) self-regulation initiatives must have a thorough, transparent and objective monitoring system, specifying the responsibilities of the industry and of the independent inspectors; achievement of the objectives of voluntary agreements and any other self-regulation initiatives shall be evaluated by the European Commission on the basis of the monitoring systems and the reports of the independent inspectors;
8. any expenses for administering self-regulation initiatives, more specifically the monitoring costs, must not impose a disproportionately great administrative burden in comparison to the initiative objectives and to the other policy instruments used;
9. (amended, SG No. 38/2011) the self-regulation initiatives must conform to the defined objectives of the Act and of Directive 2009/125/EC and correspond to the economic and social dimensions of sustainable development, including to protection of interests of consumers.
10. ensuring compatibility of policies, implemented on national level, with the objectives of voluntary agreements and the results, expected from their achievement.

Chapter Four

MARKET SUPERVISION

Article 27

(Amended, SG No. 93/2002)

(1) (Supplemented, SG No. 45/2005, SG No. 86/2007, SG No. 84/2012, effective 2.01.2013) Market supervision is applied with the view to ensure conformity of products, launched on the market and/or commissioned into operation, with the requirements of this Act and of the ordinances under Article 7 and Article 24 and/or the implementation measures under Article 26a of this Act or/and the requirements of Chapter Five "a" and of the ordinance under Article 21e Paragraph (1) of the Protection Against the Harmful Impact of Chemical Substances and Mixtures Act.

(2) (Amended, SG No. 45/2005, amended, SG No. 95/2005) The market supervision shall be exercised (effected) by the Chairman of the State Agency on Metrological and Technical Surveillance through the market supervision bodies of the State Agency

(3) (Amended, SG No. 95/2005, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) Market supervision for construction products is conducted by the Chairman of the State Agency on Metrological and Technical Surveillance jointly with the Minister of Regional Development and Public Works.

(4) Market supervision for medical products is effected under the procedure from a special law.

(5) (New, SG No. 41/2007) In respect of electronic communication terminal equipment and radio equipment, market surveillance shall be carried out by the Communications Regulation Commission jointly with the Chairperson of the State Agency for Metrological and Technical Surveillance.

Article 28

(Amended, SG No. 93/2002)

(1) (Supplemented, SG No. 86/2007, SG No. 84/2012, effective 2.01.2013) Market supervision includes monitoring, control of existence of markings of conformity, additional markings and of instructions and/or directions for use in Bulgarian language, when required by the ordinances under Article 7, and/or the implementation measures under Article 26a of this Act or/and of the ordinance under Article 21e (1) of the Protection Against the Harmful Impact of Chemical Substances and Mixtures Act, checks of the declarations of conformity, checks of such parts of the technical files, related to conformity of the products or through tests of samples and probes of the products, launched on the market and/or commissioned into operation.

(2) Testing of products may not be performed by persons, which have participated in assessment of conformity of the same products.

Article 29

(Amended, SG No. 93/2002)

Market supervision bodies carry out monitoring and control:

1. (amended, SG No. 45/2005) in commercial outlets and other locations for storage and provision of the products launched on the market;
2. in production, storage and commercial premises, where products are commissioned into operation or are used in accordance with their designations.
3. at fairs, exhibitions and demonstrations in the cases under § 2 of the Supplementary Provisions.

Article 30

(Amended, SG No. 93/2002)

(1) (Amended, SG No. 45/2005, supplemented, SG No. 86/2007) In the course of inspections, the market supervision bodies require, from persons under Article 26 and Article 26n, a declaration of conformity and/or a technical file where markings of conformity are missing or placed in breach of the requirements of the ordinance under Article 24.

(2) (Amended, SG No. 45/2005, SG No. 86/2007, supplemented, SG No. 84/2012, effective 2.01.2013) Market supervision bodies require declarations of conformity and/or technical files also for products, bearing marking of conformity and additional marking, if required by the provisions under Article 7 of this Act or/and of the ordinance under Article 21e, Paragraph (1) of the Protection Against the Harmful Impact of Chemical Substances and Mixtures Act, in cases of doubt, resulting from market supervision, written complaints or signals of other control bodies, individuals or public media.

(3) (Repealed, SG No. 45/2005).

Article 30a

(New, SG No. 93/2002)

(1) (Amended, SG No. 45/2005, SG No. 86/2007, supplemented, SG No. 84/2012, effective 2.01.2013) Market supervision bodies prohibit by instruction the distribution and/or use of products, for which as a result of tests it has been established that they do not conform to essential requirements and/or ecodesign requirements or/and the requirements of the

ordinance under Article 21e (1) of the Protection Against the Harmful Impact of Chemical Substances and Mixtures Act, and issue instructions for the producer, its authorized representative, for the importer or the trader to recall them from the market.

(2) (New, SG No. 86/2007, supplemented, SG No. 84/2012, effective 2.01.2013) Market supervision bodies prohibit by instruction the distribution and/or use of products, for which as a result of a check performed a visible non-conformity had been found to essential requirements and/or ecodesign requirements or/and the requirements of the ordinance under Article 21e (1) of the Protection Against the Harmful Impact of Chemical Substances and Mixtures Act, established by measurement, external examination and/or organoleptic examination and issue instructions for the producer, its authorized representative, for the importer or the trader to recall them from the market.

(3) (Supplemented, SG No. 45/2005, renumbered from Paragraph 2, supplemented, SG No. 86/2007, SG No. 84/2012, effective 2.01.2013) When non-compliance with essential requirements and/or ecodesign requirements or/and the requirements of the ordinance under Article 21e (1) of the Protection Against the Harmful Impact of Chemical Substances and Mixtures Act, can be technically remedied, the products are launched again on the market and/or commissioned into operation after assessment of their conformity.

(4) (Amended and supplemented, SG No. 45/2005, renumbered from Paragraph 3, amended, SG No. 86/2007, supplemented, SG No. 84/2012, effective 2.01.2013) When non-compliance with essential requirements and/or ecodesign requirements or/and the requirements of the ordinance under Article 21e (1) of the Protection Against the Harmful Impact of Chemical Substances and Mixtures Act, cannot be technically remedied, the producer, its authorized representative, the importer or the trader shall destroy them at their own expense in accordance with the instruction of market supervision bodies. The procedure for destruction of the products shall be determined by the ordinance under Article 30e.

(5) (New, SG No. 38/2011) In case where a product presents a major risk, the market supervising authorities shall instruct its user to discontinue its use, and its manufacturer, importer or trader, to recall the product from retail. In cases where such risk cannot be eliminated by technical means, said authorities shall order the destruction of the product. The procedure of implementing such measures shall be determined by the Ordinance as per Article 30e.

(6) (New, SG No. 38/2011) The provisions of paragraph 4 shall not apply to construction products.

Article 30b

(New, SG No. 93/2002, amended, SG No. 45/2005, SG No. 86/2007)

(1) Any costs of extracting samples or probes and of testing are at the expense of the producer, its authorized representative, the importer or the trader, if products do not conform to essential requirements and/or ecodesign requirements. In cases when products conform to essential requirements and/or ecodesign requirements, costs are covered by the market supervision bodies.

(2) (Supplemented, SG No. 84/2012, effective 2.01.2013) Costs of taking samples or probes and costs of testing products lacking markings or declarations of conformity, where required by the ordinances under Article 7 and/or the implementation measures under Article 26a, of this Act or/and of the ordinance under Article 21e (1) of the Protection Against the Harmful Impact of Chemical Substances and Mixtures Act, or lacking a technical file, are at the expense of the producer, its authorized representative, the importer or the trader, regardless of the outcome.

Article 30c

(New, SG No. 93/2002, amended, SG No. 45/2005)

(1) (Amended, SG No. 86/2007, supplemented, SG No. 84/2012, effective 2.01.2013) Market supervision bodies order the producer, its authorized representative, the importer or the trader to suspend temporarily the distribution and/or use of products lacking markings of conformity, additional markings, where required by the ordinances under Article 7 of this Act or/and of the ordinance under Article 21e (1) of the Protection Against the Harmful Impact of Chemical Substances and Mixtures Act, declarations of conformity or technical files, pending assessment and certification of their conformity.

(2) (Amended, SG No. 95/2005, SG No. 30/2006, SG No. 86/2007, SG No. 38/2011) The prescriptions under paragraph 1 and Article 30a, paragraphs 1, 2, 4 and 5 are issued by the Chairman of the State Agency for Metrological and Technical Supervision or by officials duly authorized by him and are subject to appeal under the procedure of the Code of Administrative Procedure. The appeal procedure does not suspend their enforcement.

Article 30d

(New, SG No. 93/2002)

In the course of inspections market supervision bodies are entitled to request the assistance of the Ministry of Interior and the competent local self-government bodies.

Article 30e

(New, SG No. 93/2002)

The Council of Ministers prescribe by an ordinance the terms and procedure for implementing market supervision.

Article 30f

(New, SG No. 93/2002)

In the cases under Article 30a market supervision bodies provide to the public media the following data on products:

1. type and quantity of products;
2. their trademarks;
3. any dangers or risks, associated with the use of products;
4. (new, SG No. 86/2007) energy consumption and any hazards for the environment;
5. (renumbered from item 4, SG No. 86/2007) findings of inspections;
6. (renumbered from item 5, SG No. 86/2007) any measures taken;
7. (amended, SG No. 45/2005, renumbered from item 6, SG No. 86/2007) the producer, the authorized representative or other persons, having launched them on the market and/or commissioned them into operation.

Article 30g

(New, SG No. 93/2002)

(1) (Amended, SG No. 45/2005, SG No. 86/2007) Market supervision bodies are entitled to:

1. free access to locations under Article 29, items 1 and 2;
2. (amended, SG No. 45/2005, supplemented, SG No. 84/2012, effective 2.01.2013) require from the producer, its authorized representative, the importer or trader, declarations of conformity, technical files and instructions and/or directions for use in Bulgarian language, when required by the ordinances under Article 7 and/or the implementation measures under Article 26a of this Act or/and of the ordinance under Article 21e (1) of the Protection Against the Harmful Impact of Chemical Substances and Mixtures Act;
3. take product samples or probes for testing;
4. require original book-keeping, commercial and other ledgers and documents as well as documents, relevant to commercial registrations, the BULSTAT uniform identification code, the registered address of the person checked, personal data and other information, relevant to the establishment of administrative violations under this act, as well as to take certified copies thereof.

(2) (Amended, SG No. 45/2005, SG No. 95/2005) Employees of the State Agency on Metrological and Technical Surveillance exercising market supervision are insured at the expense of the appropriations of the Agency against accidents that may occur in the course of or in relation to the discharge of their official duties.

(3) (Amended, SG No. 45/2005) The producer, the authorized representative or other persons, launching products on the market and/or commissioning such into operation and traders under Article 4b are obliged to ensure access to locations under Article 29, Item 1 and 2 and to render assistance to market supervision bodies in the course of discharge of their duties.

Article 30h

(New, SG No. 93/2002)

Market supervision bodies are obliged to:

1. use any documents and information obtained only for market supervision purposes
2. prove their identity when carrying out inspections.

Article 30i

(New, SG No. 76/2006)

(1) (Supplemented, SG No. 86/2007) The Chairperson of the State Agency for Metrological and Technical Supervision shall issue orders for temporary suspension of or ban on placing on the market or commissioning for operation or for withdrawal from the market of products with conformity markings and additional markings, when required by the ordinances under Article 7, which are correctly installed, maintained and used according to designation, but for which it had been proven that they may threaten the health or safety of the users or third persons.

(2) (Supplemented, SG No. 86/2007) The State Agency for Metrological and Technical Supervision shall immediately inform the European Commission and the other Member States about the order under paragraph 1 and about the measures undertaken, also indicating the causes for inconformity of the products with the requirements of this Act and of its implementing acts, which may be due to:

1. (supplemented, SG No. 86/2007) failure to fulfil essential requirements and/or ecodesign requirements, specified in the ordinances under Article 7, and/or the implementation measures under Article 26a;
2. incorrect implementation of the standards as per Article 5;
3. deficiencies in the standards under Article 5.

Chapter Five

TECHNICAL SUPERVISION OF INSTALLATIONS OF HIGHER RISK

Article 31

(Amended, SG No. 93/2002, SG No. 45/2005)

(1) To ensure a safe operation of installations of higher risk, technical supervision is exercised to verify conformity with the requirements determined by ordinances of the Council of Ministers.

(2) (Amended, SG No. 95/2005) At the proposal of the Chairman of the State Agency on Metrological and Technical Surveillance, the Council of Ministers adopts the ordinances under Article 1 determining:

1. the technical requirements, rules and standards of structure, installation and safe operation of the installations of higher risk for which there are no essential requirements defined by ordinances under Article 7;
2. (supplemented, SG No. 86/2007) the requirements for assembly and safe operation of installations of higher risk for which there are essential requirements defined by ordinances under Article 7.

Article 32

(Supplemented, SG No. 107/2003, amended and supplemented,
SG No. 45/2005, amended, SG No. 86/2007)

The types of installations of higher risk within the meaning of this Act are: steam and water-heating boilers, vessels, operating under pressure, steam and hot water pipelines, gas installations, liquefied hydrocarbon gas pipelines and installations,

transmission and distribution gas pipelines, facilities, installations and appliances for natural gas, acetylene outfits, oil pipelines and oil product pipelines, elevators, lifting installations, rope-ways and rope-lines with technical characteristics and parameters, defined by the ordinances under Article 31.

Article 33

(1) (Amended and supplemented, SG No. 93/2002, supplemented, SG No. 45/2005) Installations of higher risk, for which ordinances under Article 7 are not in place are subject to technical supervision in the course of their design, assembly, maintenance, repair and operation in order to fulfil the technical requirements, rules and norms, determined by the ordinances under Article 31, Paragraph 2, Item 1

(2) (New, SG No. 93/2002, amended and supplemented, SG No. 45/2005) Installations of higher risk, for which ordinances under Article 7 exist, are, after they are commissioned into operation, subject to technical supervision regarding their conformity to technical files and conformity of their operation to the requirements, prescribed by the ordinances under Article 31, Paragraph 1, Item 2.

(3) (Amended, SG No. 63/2002, renumbered from Paragraph 2, amended, SG No. 93/2002, supplemented, SG No. 80/2010) Installations of higher risk, specially designed to serve the needs of nuclear engineering and which are a part of the constructions, systems and components critical for the nuclear safety and which in the event of failure can emit radioactive residues, located at the sites of nuclear plants, on vessels and aircraft and in underground collieries and mines are not subject to technical control pursuant to this Act.

Article 34

(1) (Amended, SG No. 93/2002, supplemented, SG No. 45/2005, amended, SG No. 95/2005) Technical supervision of installations of higher risk is carried out by the chairman of the State Agency on Metrological and Technical Surveillance through the State Technical Supervision Inspectorate General Directorate and by persons or structurally autonomous parts of enterprises or organizations, licensed for such purposes by the Chairman of the State Agency on Metrological and Technical Surveillance, hereinafter referred to as technical supervision bodies.

(2) (Amended, SG No. 93/2002, supplemented, SG No. 45/2005, amended, SG No. 95/2005) The Council of Ministers determine by an ordinance the types of installations of higher risk, supervision of which is carried out by the Chairman of the State Agency on Metrological and Technical Surveillance, the types of installations of higher risk, supervision of which is carried out by persons or structurally autonomous parts of enterprises or organizations, licensed for such purposes, as well as procedures and terms of authorisation of persons under Paragraph 1.

(3) (New, SG No. 93/2002) Persons, licensed to perform technical supervision, must hold insurance cover against damages, which may be caused as a consequence of failure by the owners or users of installations of higher risk as well as third parties, to fulfil their obligations.

(4) (New, SG No. 93/2002, amended, SG No. 45/2005, SG No. 95/2005) Inspectors of the State Technical Supervision Inspectorate General Directorate are insured at the expense of the appropriations of the State Agency on Metrological and Technical Surveillance against accidents that may occur in the course of or in relation to their official duties.

(5) (New, SG No. 38/2011) Technical checks, inspections and tests performed in the course of the operation of facilities presenting a higher risk can be carried out by notified bodies where so provided for by the ordinance as per Article 7 or Article 31. The ordinance as per paragraph 2 shall identify the facilities presenting a higher risk where technical checks, inspections and tests are to be performed by a notified body.

Article 34a

(New, SG No. 93/2002)

(1) (Amended, SG No. 45/2005, SG No. 95/2005) The Chairman of the State Agency on Metrological and Technical Surveillance issues licenses for performance of technical supervision of installations of higher risk to:

1. (amended, SG No. 45/2005) persons, carrying out supervision based on a contract with the user of installations of higher risk;
2. structurally differentiated parts of enterprises or companies, directly reporting to their manager - for implementing technical

supervision of installations of higher risk, owned by or used by the enterprise or organisation.

(2) (Supplemented, SG No. 45/2005) Persons under Paragraph 1, Item 1 applying to obtain a license, must:

1. (supplemented, SG No. 86/2007, SG No. 54/2020, effective 16.06.2020) be registered in accordance with the Commerce Act, respectively entered in the commercial register and the register of non-profit legal entities, or be established by a law, an instrument of the Council of Ministers or of another public authority;
2. not be declared insolvent or be undergoing an insolvency or liquidation procedure;
3. (supplemented, SG No. 45/2005, amended, SG No. 12/2018, SG No. 54/2020, effective 16.06.2020) have personnel hired on the basis of employment contracts, registered in accordance with the procedure established by Article 62 of the Labour Code, and possessing the education, qualification and/or legal capacity required to perform technical supervision of higher-risk installations, and at least one specialist having an MSc degree and at least 5 years of professional experience in a field, related to the design, manufacture, maintenance, repair, reengineering or technical supervision of higher-risk installations;
4. (supplemented, SG No. 45/2005) possess the material and technical conditions and means for carrying out technical supervision of installations of higher risk and procedures defining the organization and order of performing the supervision activities;
5. (supplemented, SG No. 86/2007) not have participated, including any personnel, hired by them, in design, production, delivery, assembly, use, repair or maintenance of the types of installations of higher risk, over which they exercise technical supervision;
6. not participate in the capital, management or control of commercial companies, engaging in activities under item 5;
7. (new, SG No. 86/2007) not include participation in their capital, management and control of persons, engaging in activities under item 5;
8. (new, SG No. 86/2007) have a quality management system, conforming to the requirements of BSS EN ISO/IEC 17020.

(3) (New, SG No. 45/2005) The structurally autonomous parts of enterprises or organizations under Paragraph 1, item 2 should:

1. include personnel who:

- a) (amended, SG No. 54/2020, effective 16.06.2020) possess the education, qualifications and/or legal capacity required for performing technical supervision of higher-risk installations and at least one specialist having a MSc degree and at least 5 years of professional experience in a field, related to the design, manufacture, maintenance, repair, reengineering or technical supervision of higher-risk installations;
 - b) do not take part in the management of or control over the enterprise or organization, and the designing, manufacturing, delivery, assembly, use, repair or maintenance of the installations of higher risk subject to technical supervision;
2. have the material and technical conditions and means of performing the technical supervision of installations of higher risk as well as procedures defining the organization and order of performance of the supervision activities;
3. (new, SG No. 86/2007) have a quality management system, conforming to the requirements of BSS EN ISO/IEC 17020.

(4) (New, SG No. 45/2005) The ordinance under Article 34, Paragraph 2 defines additional specific requirements for the said persons and structurally autonomous enterprises or organizations depending on the kind of installations of higher risk.

(5) (New, SG No. 45/2005, amended and supplemented, SG No. 86/2007, amended, SG No. 12/2018, amended and supplemented, SG No. 54/2020, effective 16.06.2020) In order to be issued a licence under Paragraph (1), applicants shall submit to the Chairperson of the State Agency for Metrological and Technical Supervision an application using a standard form, stating therein the unified identification code, the seat, the registered address and the name of the legal representative, accompanied by the documents set out in the ordinance referred to in Article 34, Paragraph (2). The Chairperson of the State Agency for Metrological and Technical Supervision shall issue the license or refuse by a substantiated order to issue it within two months of submission of the application.

(6) (New, SG No. 45/2005, amended, SG No. 86/2007, SG No. 54/2020, effective 16.06.2020) The officials of the

Inspectorate for State Technical Supervision General Directorate shall conduct an on-site inspection to verify compliance with the requirements under Paragraph (2) or Paragraph (3) and Paragraph (4), in the course of which they are entitled to have access to the premises and places where the activities are to be carried out and may require written and oral explanations from the personnel of the applicant for a licence.

(7) (New, SG No. 54/2020, effective 16.06.2020) Where in the process of review of the application and the documents submitted and/or during the on-site inspection irregularities and/or non-conformities to the requirements of Paragraph (2) or Paragraph (3) and Paragraph (4) would be established, the applicant shall be notified thereof in writing and a time limit for their correction of up to one month after receipt of the notification shall be imposed. The notification shall be effected according to the procedure established by the Administrative Procedure Code. The time limit referred to in Paragraph (5) shall be suspended until the irregularities and/or non-conformities are eliminated.

(8) (Renumbered from Paragraph 3, SG No. 45/2005, renumbered from Paragraph (7), SG No. 54/2020, effective 16.06.2020) The licenses contain;

1. (supplemented, SG No. 45/2005, SG No. 54/2020, effective 16.06.2020) the name, seat and the registered address of the licensee or the enterprise or organisation referred to in Item 2 of Paragraph (1);

2. (amended, SG No. 86/2007, SG No. 54/2020, effective 16.06.2020) Uniform identification code or the name of the instrument pursuant to which the respective entity was established;

3. numbers of the structural units, which are to implement technical supervision - in cases under Paragraph 1, Item 2;

4. types of installations of higher risk, for which the persons are being licensed to carry out technical supervision;

5. (amended, SG No. 45/2005, supplemented, SG No. 54/2020, effective 16.06.2020) number and date of issue of the license.

(9) (Renumbered from Paragraph 4, supplemented, SG No. 45/2005, amended, SG No. 95/2005, SG No. 30/2006, renumbered from Paragraph 8, supplemented, SG No. 54/2020, effective 16.06.2020) The Chairperson of the State Agency for Metrological and Technical Supervision shall refuse to issue licences, when persons or structurally autonomous units of enterprises or organisations referred to in Paragraph (1) do not meet any of the requirements under Paragraph (2) or Paragraph (3) and Paragraph (4) or have failed to eliminate the irregularities and/or non-conformities within the time limit under Paragraph (7) or have failed to pay the state fee under Article 43. The refusal to issue a licence shall be substantiated in writing and shall be subject to appeal under the procedure established by the Code of Administrative Procedure.

(10) (Renumbered from Paragraph 5, SG No. 45/2005, amended, SG No. 95/2005, supplemented, SG No. 86/2007, renumbered from Paragraph (9), SG No. 54/2020, effective 16.06.2020) The Chairman of the State Agency for Metrological and Technical Supervision revokes a license by motivated written order in cases of:

1. (supplemented, SG No. 86/2007) winding up and deletion of the trader or of the legal person;

2. (amended, SG No. 86/2007) changes, leading to non-conformity with the requirements under Paragraphs 2, 3 or 4;

3. lack of insurance pursuant to Article 34, Paragraph 3;

4. (supplemented, SG No. 45/2005, amended and supplemented, SG No. 86/2007) establishment by the officials of the State Technical Supervision Inspectorate General Directorate that the persons or structurally autonomous parts of enterprises, or organizations, that have obtained the license, systematically fail to fulfil their obligations according to this Act and its implementing Regulations or systematically fail to comply with the license scope;

5. (new, SG No. 86/2007) written request by the license holder;

6. (new, SG No. 54/2020, effective 16.06.2020) failure to submit an application for inspection under Article 34b and/or if a person under Article 34a, Paragraph (1) fails to provide access to the premises and to the locations, where the activity is performed, in two consecutive years.

(11) (New, SG No. 86/2007, renumbered from Paragraph (10), SG No. 54/2020, effective 16.06.2020) In case of transformation of traders or legal entities the licenses do not pass to the newly founded entities or successors and in the event of re-organizations of enterprises or organizations - to any re-organized or newly established structurally autonomous part.

(12) (New, SG No. 86/2007, renumbered from Paragraph 11, amended, SG No. 54/2020, effective 16.06.2020) In the cases under Item 2, 4 or 5 of Paragraph (10), the Chairperson of the State Agency for Metrological and Technical Supervision may, instead of withdrawing a licence, only limit its scope.

Article 34b

(New, SG No. 45/2005)

(1) (Amended, SG No. 95/2005, amended and supplemented, SG No. 86/2007) The Chairman of the State Agency for Metrological and Technical Supervision checks, once a year, through the State Technical Supervision Inspectorate General Directorate, on the licensed persons and structurally autonomous enterprises or organizations under Article 34a, Paragraph 1 to verify whether they observe the scope of the license issued and the conditions under which it has been obtained, whether they implement their obligations under this Act and the ordinances on its application, as well as for the application of the quality system.

(2) (New, SG No. 54/2020, effective 16.06.2020) For the purpose of performance of the inspection under Paragraph (1) the licensed persons and the structurally autonomous units of enterprises or organisations under Article 34a, Paragraph (1) shall be obliged to submit an application in standard form to the Chairperson of the State Agency for Metrological and Technical Supervision, accompanied by receipt for payment of the state fee under Article 43. Such application shall be submitted not earlier than 6 months and not later than 9 months from the date of the last inspection performed.

(3) (Amended and supplemented, SG No. 86/2007, renumbered from Paragraph (2), SG No. 54/2020, effective 16.06.2020) In the course of the checks under Paragraph 1, the officials of the State Technical Supervision Inspectorate General Directorate are entitled, in connection with their supervising activities, to have access to the premises and places where the activities are carried out, to ask the personnel to give explanations and make available the registers, files and all documents issued by the licensed persons or structurally autonomous parts of enterprises or organizations under Article 34a, Paragraph 1, as well the documents of the quality system.

(4) (Amended and supplemented, SG No. 86/2007, renumbered from Paragraph (3), SG No. 54/2020, effective 16.06.2020) If, in the course of the checks under Paragraph 1, it is established that the licensed persons or structurally autonomous parts of enterprises or organizations under Article 34a, Paragraph 1 do not observe the scope of the license or do not implement their obligations under this Act and the ordinances on its application, or fail to apply the quality system, the officials of the State Technical Supervision Inspectorate General Directorate may:

1. (amended, SG No. 54/2020, effective 16.06.2020) order measures for correction of the violations within a time limit, not exceeding one month;
2. to initiate proceedings for the purpose of imposing an administrative penalty.

(5) (Amended, SG No. 95/2005, renumbered from Paragraph (4), amended, SG No. 54/2020, effective 16.06.2020) Where the breaches established and referred to in Paragraph (4) are systematic, the Chairperson of the State Agency for Metrological and Technical Supervision may withdraw the licence or limit its scope by a substantiated order in writing at the proposal of the Director General of the Inspectorate for State Technical Supervision General Directorate.

Article 34c

(New, SG No. 86/2007)

(1) The licensed persons or structurally autonomous parts of enterprises or organizations shall be obliged to notify the Director General of the State Technical Supervision Inspectorate General Directorate, within 7 days of occurrence of any change in:

1. legal status, structure and scope of their activity;
2. quality procedures or manual;
3. management or personnel, which have an impact on the application of procedures for exercising technical supervision;
4. (repealed, SG No. 54/2020, effective 16.06.2020);
5. the settlements, where they have branches, subsidiaries or offices.

(2) In the cases under Paragraph 1, item 2 the licensed persons or structurally autonomous parts of enterprises or organizations shall be obliged to make available to the Director General of the State Technical Supervision Inspectorate General Directorate a copy of the quality procedures or manual, reflecting the changes made.

(3) Where any changes under Paragraph 1 lead to non-conformity with the requirements under Article 34a, Paragraphs 2, 3 or 4 the Director General of the State Technical Supervision Inspectorate General Directorate shall submit a motivated proposal to the Chairman of the State Agency for Metrological and Technical Supervision to withdraw the license or to restrict its scope.

(4) (Repealed, SG No. 54/2020, effective 16.06.2020).

Article 35

(1) (Amended, SG No. 93/2002, previous text of Article 35, SG No. 45/2005, supplemented, SG No. 54/2020, effective 16.06.2020) The technical supervision bodies shall certify the conformity to the technical requirements, rules and norms, determined by the ordinances under Article 31, as of the receipt of application in standard form, accompanied by the technical documentation and by receipt for payment of the state fee under Article 43, of:

1. (amended, SG No. 93/2002, supplemented, SG No. 54/2020, effective 16.06.2020) design and constructor documentation for production of installations of higher risk, for which ordinances under Article 7 are not in place;

2. (supplemented, SG No. 93/2003, amended, SG No. 45/2005, supplemented, SG No. 54/2020, effective 16.06.2020) the investment designs of construction works where higher-risk installations are to function, in the parts related to those installations, after conducting an expert examination of the designs within the following time limits:

a) 14 days - for designs of facilities, at which up to two such installations are to function;

b) 14 days - for designs of facilities, at which automobile gas supply stations, gas supply stations, filling stations for gas cylinders for liquified hydrocarbon gas and filling stations for compressed gases, liquified gases and gases dissolved under pressure are to function;

c) 14 days - for designs of facilities, at which a section of a gas distribution pipeline of a length of up to 5 km is to function;

d) 14 days - for designs of facilities, at which a section of a gas transmission pipeline of a length of up to 10 km is to function;

e) 14 days - for the design parts, related to the designing of the pipelines and the pumping stations for transportation of petroleum and petroleum products;

f) 14 days - for the designs of facilities, at which acetylene generating stations, filling stations for acetylene cylinders and the acetylene pipelines, serving them;

g) 21 days - for designs of facilities, at which from 3 to 5 such installations are to function;

h) 21 days - for designs of facilities, at which compressor stations are to function;

i) 28 days - for designs of facilities, at which more than 5 such installations are to function;

j) 30 days - for designs of thermal power plants, at which pressurised installations are to function (boilers, pressurised vessels and steam vapour and hot water pipelines);

k) 30 days - for designs of facilities, at which cableways are to function;

3. (amended, SG No. 93/2002, SG No. 45/2005, supplemented, SG No. 54/2020, effective 16.06.2020) the technical documentation for repair of the installations - within a time limit of 14 days.

(2) (New, SG No. 45/2005) Persons who manufacture and/or repair installations of higher risk, or build up construction projects where the installations of higher risk are to function, are required to perform these activities in accordance with the certified documentation and projects under Paragraph 1.

(3) (New, SG No. 54/2020, effective 16.06.2020) Investment projects of construction works, at which installation of elevators is envisaged, may not be certified.

Article 36

(1) (Amended, SG No. 93/2002, previous Article 36, amended, SG No. 45/2005, SG No. 95/2005) The activities of maintenance, repair and transformation of installations of higher risk are carried out by persons entered in the Register of persons engaged in such Activities and holding a certificate to that effect issued by the Chairman of the State Agency on Metrological and Technical Surveillance or from officials of the Inspectorate for State Technical Supervision General Directorate, authorised by it.

(2) (New, SG No. 45/2005) The certificate under Paragraph 1 is issued to persons who:

1. (amended, SG No. 86/2007, supplemented, SG No. 54/2020, effective 16.06.2020) are listed in the Commercial Register and in the Register of Non-Profit Legal Persons;

2. (supplemented, SG No. 12/2018) have the personnel hired on the basis of employment contracts, registered in accordance with the procedure established in Article 62 of the Labour Code, and possessing the education status, qualifications and/or authorization required for performance of that activity;

3. have the material and technical conditions and means for performing that activity;

4. (amended, SG No. 86/2007) have the regulatory acts, Bulgarian standards and operation procedures, required for that activity.

(3) (New, SG No. 45/2005) Persons under Paragraph 2 should also meet the additional requirements defined in the ordinances under Article 31 depending on the kind of the installations of higher risk that they are to maintain, repair or reconstruct.

(4) (New, SG No. 45/2005, amended, SG No. 86/2007, SG No. 12/2018, amended and supplemented, SG No. 54/2020, effective 16.06.2020) In order to be issued a certificate under Paragraph (2), applicants shall submit to the Chairperson of the State Agency for Metrological and Technical Supervision an application using a standard form, stating therein the unified identification code, the seat, the registered address and the name of the legal representative, accompanied by the documents set out in the relevant ordinance under Article 31. Within two months of submission of the application the Chairperson of the State Agency for Metrological and Technical Supervision or officials of the Inspectorate for State Technical Supervision General Directorate duly authorised thereby shall enter the person in the register, referred to in Paragraph (1) and issue a certificate of registration or shall refuse registration referring to the grounds for their decision.

(5) (New, SG No. 45/2005, amended, SG No. 86/2007, amended, SG No. 54/2020, effective 16.06.2020) The officials of the Inspectorate for State Technical Supervision General Directorate shall check the documents referred to in Paragraph (4) and verify the compliance with the requirements under Items 3 and 4 of Paragraph (2) and Paragraph (3) on the spot. In the

course of the on-the-spot inspection, officials shall be entitled to access to the premises where the activities are to be carried out and may require written and oral explanations from the personnel of the person applying for registration.

(6) (New, SG No. 54/2020, effective 16.06.2020) Where in the process of review of the application and the documents submitted and/or during the on-site inspection irregularities and/or non-conformities to the requirements of Paragraph (2) or Paragraph (3) would be established, the applicant shall be notified thereof in writing and a time limit for their correction of up to one month after receipt of the notification shall be imposed. The notification shall be effected according to the procedure established by the Administrative Procedure Code. The time limit referred to in Paragraph (4) shall be suspended until the irregularities and/or non-conformities are eliminated.

(6) (New, SG No. 45/2005, amended, SG No. 95/2005) Where the person meets the requirements under Paragraphs 2 and 3, the Chairman of the State Agency on Metrological and Technical Surveillance, or officials of Inspectorate for State Technical Supervision General Directorate, duly authorized to that end by the Chairman, enter the person in the Register under Paragraph 1 and issue an entry certificate to the latter; where the person does not meet the requirements they deny registration referring to the grounds for their decision.

(7) (New, SG No. 45/2005, amended, SG No. 95/2005, renumbered from Paragraph (6), supplemented, SG No. 54/2020, effective 16.06.2020) Where the person meets the requirements under Paragraph (2) and (3), the Chairperson of the State Agency for Metrological and Technical Supervision or officials of the Inspectorate for State Technical Supervision General Directorate duly authorised thereby shall enter the person in the register referred to in Paragraph (1) and issue a certificate of registration to it and where the person does not meet the requirements, or has failed to eliminate the irregularities and/or non-conformities within the time limit under Paragraph (6), or has failed to pay the state fee under Article 43, they shall refuse registration referring to the grounds for their decision.

(8) (New, SG No. 45/2005, amended, SG No. 95/2005, SG No. 30/2006, renumbered from Paragraph (7), SG No. 54/2020, effective 16.06.2020) Any refusals by the Chairperson of the State Agency for Metrological and Technical Surveillance to register the persons and any refusals by the empowered officials of the Directorate General of State Technical Surveillance Inspection shall be appealable within fourteen days after receipt of the said refusals according to the procedure established by the Code of Administrative Procedure.

(9) (New, SG 86/2007, renumbered from Paragraph (8), SG No. 54/2020, effective 16.06.2020) In the event of transformation of registered entities, the registration and the certificate of registration shall not be transferred to the newly established entities or successors.

Article 36a

(New, SG No. 45/2005)

(1) (Amended, SG No. 95/2005) The Chairman of the State Agency on Metrological and Technical Surveillance, through the Inspectorate for State Technical Supervision General Directorate, inspects, once a year, the persons who are entered in the Register and have obtained a certificate under Article 36, Paragraph 1, for observance of the scope of the certificate issued and the conditions under which they have obtained that certificate, and for implementation of their obligations under this Act and the ordinances on its application.

(2) (New, SG No. 54/2020, effective 16.06.2020) For the purpose of performance of the inspection under Paragraph (1) the persons, entered in the register and having received certificate under Article 36, Paragraph (1) shall submit an application in standard form to the Chairperson of the State Agency for Metrological and Technical Supervision or to persons authorised thereby, accompanied by receipt for payment of the state fee under Article 43. Such application shall be submitted not earlier than 6 months and not later than 9 months from the date of the last inspection performed.

(3) (Amended, SG No. 86/2007, renumbered from Paragraph (2), SG No. 54/2020, effective 16.06.2020) In the course of the inspections under Paragraph 1, the officials of the Inspectorate for State Technical Supervision General Directorate have the rights under Article 36, Paragraph 5 as well as the right to require the certified documentation under Article 35, on the basis of which the repairs or reconstruction of installations of higher risk are performed.

(4) (Amended, SG No. 86/2007, renumbered from Paragraph (3), SG No. 54/2020, effective 16.06.2020) Where in the

course of inspections under Paragraph 1 it is established that the person who was listed in the register and obtained a certificate under Article 36, Paragraph 1, does not observe the scope of the certificate issued or does not fulfil the obligations under this Act and the ordinances on its application, officials of the Inspectorate for State Technical Supervision General Directorate may:

1. (amended, SG No. 54/2020, effective 16.06.2020) order measures for correction of the violations within a time limit, not exceeding one month;
2. initiate proceedings to impose an administrative penalty;

(5) (Amended, SG No. 95/2005, supplemented, SG No. 86/2007, renumbered from Paragraph (4), amended, SG No. 54/2020, effective 16.06.2020) The Chairperson of the State Agency of Metrological and Technical Supervision, or officials authorized thereby, shall delete a person from the register under Article 36, Paragraph (1) and invalidate the certificate issued via a substantiated written order in the following cases:

1. the violations established under Paragraph (4) are committed systematically;
2. the person ceases to be in conformity with some of the requirements of Article 36, Paragraphs (2) and (3);
3. the person would fail to submit application for an inspection under Paragraph (2) and/or fail to provide access to the premises, where the activity is performed, in two consecutive years.
4. a written application was submitted by the registered person.

(6) (Amended, SG No. 95/2005, SG No. 30/2006, renumbered from Paragraph (5), amended, SG No. 54/2020, effective 16.06.2020) Any orders by the Chairperson of the State Agency for Metrological and Technical Surveillance, referred to in Paragraph (5) and any orders by the empowered officials of the Directorate General of State Technical Surveillance Inspection, referred to in Paragraph (5), shall be appealable within fourteen days after receipt of the said refusals according to the procedure established by the Code of Administrative Procedure.

Article 37

(Amended, SG No. 93/2002, SG No. 95/2005, repealed, SG No. 86/2007).

Article 38

(Amended, SG No. 45/2005)

Sellers of installations of higher risk should provide the buyer with the relevant documents for a safe assembly, operation, repair and maintenance of the installations required in the ordinances under Article 7 or the ordinances under Article 31, Paragraph 2, Item 1 as follows:

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

Article 39

(1) (Amended, SG No. 93/2002, SG No. 45/2005) Users of installations of higher risk must register them with technical supervision bodies and submit any technical documentation thereto.

(2) (New, SG No. 54/2020, effective 16.06.2020) The technical supervision body shall register the installation within 14 days of receipt of the application and the documents, provided the requirements of the respective ordinance under Article 31 would have been met.

(3) (Renumbered from Paragraph 2, SG No. 54/2020, effective 16.06.2020) The technical supervision bodies shall keep a register of the higher-risk installations according to the requirements and procedure determined by an ordinance issued by the Council of Ministers.

Article 40

(Supplemented, SG No. 93/2002, SG No. 45/2005, amended, SG No. 54/2020, effective 16.06.2020)

Higher-risk installations, for which ordinances under Article 7 are not in place, may be put into service only after the issuing of an act of initial technical inspection by the technical supervision bodies.

Article 41

(Amended, SG No. 93/2002, SG No. 45/2005, SG No. 54/2020, effective 16.06.2020)

The procedure of certifying the documents under Article 35, for issuing the certificates under Article 36, as well as the conditions and procedure of registration of the different types of higher-risk installations, shall be determined by the respective ordinances referred to in Article 31.

Article 41a

(New, SG No. 12/2018)

The applications under Article 34a, paragraph 5 and Article 36, paragraph 4 and the documents enclosed thereto can be submitted by electronic means in accordance with the Electronic Government Act and the Electronic Document and Electronic Trust Services Act.

Article 42

(1) (Amended, SG No. 93/2002, supplemented, SG No. 45/2005, SG No. 54/2020, effective 16.06.2020) The technical supervision bodies shall carry out initial, periodic and surprise examinations, checks and tests of higher-risk installations, as well as inspections of companies, premises and other facilities in which such installations are manufactured, assembled, maintained, repaired and operated, where this is provided for in the ordinances referred to in Article 31. The initial technical inspection shall be conducted within 14 days of submission of application.

(2) (New, SG No. 54/2020, effective 16.06.2020) Where the checks and examinations under Paragraph (1), except for the surprise ones, are performed by the Directorate General of State Technical Surveillance Inspection, the user shall submit an application in standard form, accompanied by receipt for payment of the state fee under Article 43.

(3) (Amended, SG No. 93/2002, renumbered from Paragraph (2), SG No. 54/2020, effective 16.06.2020) The procedure for carrying out the examinations, checks and tests under Paragraph (1) of the individual types of higher-risk installations shall be determined by the ordinances under Article 31.

Article 43

(Amended and supplemented, SG No. 45/2005, amended, SG No. 54/2020, effective 16.06.2020)

For issuing licences under Article 34a, conducting the inspections under Article 34b, Paragraph (1) and Article 36a, Paragraph (1), certifying documents under Article 35, issuing certificates under Article 36 and for technical examinations, inspections and testing of higher-risk installations under Article 42, Paragraph (1) carried out by the Inspectorate for State Technical Supervision General Directorate, state fees shall be collected based on a tariff approved by the Council of Ministers.

Article 44

(Amended, SG No. 93/2002, SG No. 45/2005, SG No. 86/2007, amended and supplemented, SG No. 54/2020, effective 16.06.2020)

Users of higher-risk installations are obliged to ensure that such installations are serviced and/or managed by personnel, possessing the necessary skills and/or qualification.

Article 45

(1) (Amended, SG No. 54/2020, effective 1.07.2021) Qualification for servicing and/or management of higher-risk installations shall be acquired after completion of training, organized by a training organization in accordance with the Vocational Education and Training Act.

(2) (Supplemented, SG No. 77/2005, amended, SG No. 95/2005, supplemented, SG No. 62/2006, amended, SG No. 74/2009, effective 15.09.2009, SG No. 68/2013, effective 2.08.2013, supplemented, SG No. 54/2020, effective 16.06.2020) On a proposal of the Chairperson of the State Agency for Metrological and Technical Supervision, the Minister of Education and Science and the Minister of Labour and Social Policy shall adopt ordinances concerning the terms and procedure for acquiring qualifications for practising professions related to servicing and/or management of higher-risk installations and recognising such qualifications acquired in a Member State of the European Union and the European Economic Area, in Switzerland and in third countries.

Article 46

(1) (Amended, SG No. 93/2002, SG No. 45/2005) Users of installations of higher risk are obliged to:

1. (amended, SG No. 45/2005) ensure safe and trouble-free operation of the installations by maintaining them according to technical requirements, norms and safety rules;
2. (amended, SG No. 45/2005, supplemented, SG No. 54/2020, effective 16.06.2020) develop operating instructions on the basis of the technical documentation and instructions for assembly and safe operation of the installations and in accordance with the specifics of the facility in which they are operated; the instructions shall define the tasks, functions and responsibilities of service personnel, the procedures for starting, servicing and/or management and stopping of the installations, the actions in cases of emergency stops, breakdowns and accidents;
3. ensure efficient control of the functioning of installations of higher risk and of the service personnel;
4. (amended and supplemented, SG No. 45/2005, supplemented, SG No. 86/2007) compile and keep a file for each installation, containing their technical documentation, drawings, calculations and records of repairs and re-engineering carried out, as well as all documents, issued by technical supervision bodies;
5. (amended, SG No. 86/2007) keep a book of inspections for each installation, if required by the ordinance under Article 31, wherein technical supervision bodies record the outcomes of the inspections made, and officials of the Inspectorate for State Technical Supervision General Directorate - also the instructions under Article 41, Paragraph 1, item 1;
6. (amended, SG No. 86/2007) apply and control enforcement of compulsory administrative measures under Article 49, Paragraph 1, items and 2;
7. notify the Inspectorate for state technical supervision general directorate and other state bodies based on their competency of each failure or accident, arising in the course of operation of installations of higher risk;
8. (new, SG No. 86/2007) prevent operation of higher risk installations, in relation to which ordinances under Article 7 exist and their conformity to essential requirements was not certified.

(2) (Amended, SG No. 93/2002, SG No. 45/2005) Users of installations of higher risk and service personnel are obliged to prevent operation of installations:

1. (amended, SG No. 45/2005, supplemented, SG No. 86/2007) which have been reconstructed in a way that is not in line with regulatory requirements or the manufacturer's technical documentation;
2. which show failures or malfunctions in the course of operation;
3. (amended, SG No. 45/2005) which have not been registered or commissioned into operation by the technical supervision bodies or have not been subjected to an initial and/or periodic technical examination under this Act or the ordinances on its application.

Article 47

(1) (Previous Article 47, SG No. 86/2007) The Inspectorate for state technical supervision general directorate examines and

analyses the causes and conditions for appearance of failures and accidents with installations of higher risk and adopts the required measures for prevention of failures.

(2) (New, SG No. 86/2007) With the view to ascertain the causes and conditions for occurrence of accidents involving higher risk installations, officials of the Inspectorate for State Technical Supervision General Directorate shall be entitled to assign performance of expert evaluations, including testing and/or examination of installations, of components thereof or of safety devices.

(3) (New, SG No. 86/2007) Costs of performance of expert evaluations under Paragraph 2 shall be at the expense of users of malfunctioning installations of higher risk.

Article 48

(1) (Amended and supplemented, SG No. 45/2005, previous Article 48, SG No. 86/2007) Technical supervision bodies exercising supervision under the ordinances under Article 31 have a right of access to installations of higher risk and the facilities, wherein these are produced, assembled, maintained, repaired and operated, regardless of the form of ownership, as well as to obtain from owners or users, employers, officials, workers, employees and other persons, all the necessary information, documents, ancillary materials and personnel, samples and materials for examination and testing.

(2) (New, SG No. 86/2007) Persons under Paragraph 1 shall be obliged to provide forthwith upon request from technical supervision bodies any data, documents, auxiliary means, personnel, samples or materials requested.

Article 49

(1) (Amended, SG No. 93/2002) In the event of failure to fulfil the requirements, established in this Title and the ordinances under Article 31, inspectors of the State Technical Supervision Inspectorate General Directorate apply the following compulsory administrative measures:

1. (amended and supplemented, SG No. 45/2005) to issue binding written instructions to owners or users, employers, officials or other persons;

2. (amended, SG No. 45/2005) to order in writing a halt of the operation of enterprises and/or installations of higher risk.

(2) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) In the event of failure to fulfil instructions to halt operation of enterprises or installations of higher risk, these are halted with the assistance of the bodies of the Ministry of interior and of the National construction control directorate within the Ministry of Regional Development and Public Works.

(3) (Amended, SG No. 30/2006) The compulsory administrative measures may be appealed against under the procedure of the Administrative Procedure Code. The appeal does not suspend enforcement of the measures.

Chapter Six

ADMINISTRATIVE AND PENAL PROVISIONS

Article 50

(Amended, SG No. 93/2002, SG No. 45/2005, SG No. 86/2007)

Any person, committing a violation of the provisions of Articles 3 or 4, is punishable by a fine between BGN 1000 and 5000 or a property sanction between BGN 5,000 and 15,000.

Article 51

(Amended, SG No. 93/2002, SG No. 86/2007)

Any person, drawing up and/or using a declaration of conformity of a content, not conforming to the content, prescribed by the ordinances under Article 7 and/or in the implementation measures under Article 26a or the New Approach directives, is punishable by a fine between BGN 300 and 1,000 or by a property sanction between BGN 1,000 and 5,000, unless such act

constitutes a crime.

Article 51a

(New, SG No. 93/2002, amended, SG No. 45/2005)

Any person, launching on the market or commissioning into operation products, bearing markings of conformity in violation of the ordinance under Article 24, is punishable by a fine between BGN 300 and 800 or by a property sanction between BGN 500 and 1,000.

Article 51b

(New, SG No. 93/2002, amended and supplemented,
SG No. 45/2005, supplemented, SG No. 86/2007)

Any person, launching on the market or commissioning into operation products, which carry markings of conformity and additional markings or a declaration of conformity, without their conformity with the essential requirements defined in the ordinance under Article 7 and/or the ecodesign requirements, in the implementation measures under Article 26a being assessed, is punishable by a fine between BGN 3,000 and 8,000 or by a property sanction between BGN 5,000 and 10,000.

Article 51c

(New, SG No. 93/2002, amended and supplemented, SG No. 45/2005,
supplemented, SG No. 86/2007)

Any person, launching on the market or commissioning products into operation lacking markings, additional markings or without a declaration of conformity, when such are required by the ordinances under Article 7 and/or the ecodesign requirements, in the implementation measures under Article 26a, is punishable by a fine between BGN 500 and 800 or by a property sanction between BGN 1500 and 3000.

Article 51d

(New, SG No. 86/2007, amended, SG No. 38/2011)

Any entity that launches or commissions products marked in violation 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 February 13th, 2008), shall be punishable by a fine of BGN 3,000 to 8,000 or by a property sanction with a cash equivalent of BGN 5,000 to 10,000.

Article 52

(Amended, SG No. 93/2002, SG No. 45/2005, SG No. 86/2007)

Any person, failing to fulfil its obligations under Article 25 or 26, Paragraph 1, is punishable by a fine between BGN 500 and 1,000 and property sanction between BGN 5,000 and 10,000.

Article 52a

(New, SG No. 93/2002, amended, SG No. 45/2005, SG No. 86/2007)

Any person, launching products on the market or commissioning products into operation without its name and/or management address being indicated upon the products or without instructions and/or directions for use in Bulgarian language, is punishable by a fine between BGN 200 and 500 or by a property sanction between BGN 500 and 2,000.

Article 52b

(New, SG No. 93/2002, amended and supplemented, SG No. 45/2005, amended, SG No. 86/2007)

Traders, offering products without markings of conformity or additional markings, where such are required by the ordinances under Article 7 and/or the implementation measures under Article 26a, is punishable by a fine or a property sanction between

BGN 250 and 1,000.

Article 52c

(New, SG No. 93/2002, amended, SG No. 45/2005, amended and supplemented, SG No. 86/2007)

Any trader, offering products without a declaration of conformity where such is required by the ordinances under Article 7 and/or the implementation measures under Article 26a, is punishable by a fine or a property sanction between BGN 250 and 1,000.

Article 52d

(New, SG No. 93/2002, amended, SG No. 45/2005, SG No. 86/2007)

Any trader offering products without indication of the name and management address of the person, launching them on the market and/or commissioning them into operation, is punishable by a fine or a property sanction between BGN 250 and 1,000.

Article 52e

(New, SG No. 93/2002, amended, SG No. 45/2005, SG No. 86/2007)

Any trader offering products without instructions and/or directions for use in Bulgarian language, is punishable by a fine or a property sanction between BGN 250 and 1,000.

Article 52f

(New, SG No. 86/2007, amended, SG No. 38/2011)

Any trade, offering products with labeled in violation 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 punishable by a fine of BGN 250 or by a property sanction with a cash equivalent of BGN 1,000.

Article 53

(Amended, SG No. 93/2002, supplemented, SG No. 45/2005, amended, SG No. 86/2007, SG No. 38/2011)

In case of failure to fulfil or of violation of mandatory instructions according to Article 30a, paras 1, 2, 4 and 5 and Article 30c, paragraph 1, the persons responsible are punishable by a fine between BGN 300 and 1,000 or by a property sanction between BGN 500 and 2,000.

Article 53a

(New, SG No. 86/2007)

For other violations of the ordinances under Article 7 and/or the implementation measures under Article 26a, the persons responsible are punishable by a fine between BGN 300 and 1,000 or by a property sanction between BGN 1,000 and 5,000.

Article 54

(1) (Amended, SG No. 93/2002, SG No. 45/2005, SG No. 95/2005, amended and supplemented, SG No. 86/2007) The acts of ascertainment of violations under Articles 51a-51d, 52a-52f, 53, 53a and 56 are drawn up by officials designated by the Chairman of the State Agency for Metrological and Technical Supervision.

(2) (Supplemented, SG No. 45/2005, amended, SG No. 95/2005) Penal ordinances are issued by the Chairman of the State Agency on Metrological and Technical Surveillance or by officials duly authorized by the latter to that end.

(3) (New, SG No. 93/2002, amended and supplemented, SG No. 45/2005, repealed, SG No. 77/2012, effective 9.10.2012).

Article 55

(1) (Amended and supplemented, SG No. 93/2002) In cases of failure to fulfil or of violation of the provisions of Articles 36,

44, Article 46, Paragraph 1, Items 1, 6 and 7 and Paragraph 2 or failure to comply with the compulsory administrative measures under Article 49, Paragraph 1, natural persons are punishable by fines between BGN 500 and 10,000, and legal persons or sole proprietors - by property sanctions in the same amount.

(2) (Supplemented, SG No. 93/2002) For other violations of Title Five of this Act and of its implementing regulations the sanctions are fines or property sanctions between BGN 100 and 2,000.

Article 56

(Supplemented, SG No. 86/2007)

Any person, obstructing and failing to provide the documents under Article 30g, Paragraph 1, item 4 to the market supervision bodies and technical supervision bodies in the discharge of their official duties, is punishable by a fine between BGN 200 and 2,000.

Article 57

(Supplemented, SG No. 54/2020, effective 16.06.2020)

Where violations of this Act or of its implementing provisions are committed by persons servicing and/or managing higher-risk installations, the perpetrators may have the qualification acquired suspended for a term of between one month and two years.

Article 58

(1) (Supplemented, SG No. 45/2005, amended, SG No. 1/2019, effective 3.01.2019) Any violation of Chapter Five of this Act and of its implementing provisions shall be ascertained by acts drawn up by officials from the Inspectorate for State Technical Supervision General Directorate.

(2) (Amended, SG No. 95/2005) Penal ordinances are issued by the chairman of the State Agency on Metrological and Technical Surveillance or by officials, authorised by it.

(3) (New, SG No. 93/2002, repealed, SG No. 77/2012, effective 9.10.2012).

Article 58a

(New, SG No. 45/2005)

(1) (Amended, SG No. 86/2007) For failure to implement the obligations under Article 14a or Article 14b, a property sanction of BGN 600 is imposed.

(2) (New, SG No. 86/2007) In the event of repeat non-performance of the obligations under Paragraph 1, a property sanction or a fine is imposed of BGN 1,000.

(3) (Amended, SG No. 95/2005, renumbered from Paragraph 2, SG No. 86/2007, amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The acts of ascertainment of violations under Paragraph 1 are drawn up by the Chairman of the State Agency for Metrological, respectively the Minister of Regional Development and Public Works, officials of the respective administration. Penal ordinances are issued by the Chairman of the State Agency for Metrological and Technical Supervision, respectively the Minister of Regional Development and Public Works.

Article 59

Ascertainment of violations, issuance, appeal against and enforcement of penal ordinances are carried out under the procedure of the Administrative Violations and Sanctions Act.

Article 59a

(New, SG No. 86/2007)

(1) Should the offender fail to appear for drawing up the administrative violation act by the control bodies, the act shall be forwarded without delay for service by the municipality or mayoralty to the registered address of the legal entity or the sole proprietor. They shall be obliged to inform the offender against certificate of receipt of the act deposited and to hand it over

within 14 days of receipt. Should the offender fail to appear, the act shall be signed by an authorized official of the municipality or mayoralty and remain undelivered. Upon return of the act a penal ordinance shall be issued within two months, effective as of the date of issuance.

(2) Penal ordinances shall indicate that the fine or property sanction imposed, as well as any costs of sampling and testing of products, must be transferred to the budgetary account of the State Agency for Metrological and Technical Supervision and serve as invitation for voluntary compliance upon their entry into force.

(3) Where the offender is not found at the address, indicated at the time of handing over of the administrative violation act or would have left this country or indicated only an address abroad, the penal ordinance shall not be handed over. It shall be deemed in effect two months following its issuance.

(4) (Repealed, SG No. 38/2012, effective 1.07.2012).

SUPPLEMENTARY PROVISIONS

§ 1. (1) (Renumbered from § 1, SG No. 45/2005) Within the meaning of this Act:

1. "Product" is the material outcome of activities and processes, including technical means, processed materials etc.

2. (Amended, SG No. 45/2005, supplemented, SG No. 86/2007) "Harmonised European Standard" is an European standard, adopted by the European standardisation organisation acting on a mandate from the European Commission with the view to develop an European requirement, conformity with which would not be mandatory, the number and reference to directive of which are published in the Official Journal of the European Union.

2a. (New, SG No. 76/2006) "European technical approval" is a positive technical evaluation of the fitness for use of a construction product for the purpose it was designated for, which evaluation is based on the essential requirements for the construction works in which the product is used. The European technical approval is issued by an authority - member of the European Organization for Technical Approvals.

2b. (New, SG No. 76/2006) "Recognized national technical specification" is a national standard with respect to which, after consultations with EU member-states, it was proven before the European Commission that the products, produced in compliance with it, meet the essential requirements for construction works.

3. (Amended, SG No. 45/2005, SG No. 86/2007) "Launch on the market" is the offer of each individual product for end use, free or against payment, irrespective of the sales technique for the first time on the market of the European Union and of the states of the European Economic Area, whereby it passes from the stage of production or importation to the stage of distribution and/or use.

4. (Amended, SG No. 45/2005, SG No. 86/2007) "Commissioning into operation" is the start of the initial use of the product by the end user in the European Union.

5. (Amended, SG No. 45/2005, supplemented, SG No. 86/2007) "Producer" is any natural or legal person, responsible for designing and manufacturing a product and its conformity to the requirements of the law, with a view to launching the latter on the market and/or commissioning it in operation in his own name, or changing, substantially modifying and re-making the product, or manufacturing the latter for his own needs.

5a. (New, SG No. 45/2005, amended, SG No. 86/2007) "Importer" is any natural or legal person established in the European Union and importing products from third countries into the market of the European Union.

6. (Amended, SG No. 45/2005) "Assessment of conformity" is any activity to define, directly or indirectly, whether relevant requirements are satisfied.

6a. (New, SG No. 86/2007) "Notified body" is any entity, authorized to assess conformity, with proven competence to perform conformity assessment procedures, which has been notified to the European Commission and the European Union Member States; such notification includes the procedures it is competent to perform and the products, in regard to which it is entitled to apply them.

7. "Accreditation" is a procedure, whereby an authorised body formally recognises that a given body or person is competent to

fulfil certain tasks.

7a. (New, SG No. 45/2005) "Certificate of accreditation" is a document issued by the Bulgarian Accreditation Service Executive Agency or by a foreign accreditation body which is a party to an agreement on mutual recognition in an organization of which the Bulgarian Accreditation Service Executive Agency is a member.

8. "Market supervision" is the combination of methods, procedures and activities of institutions, required for ensuring that products on the market conform to applicable requirements, bear the respective marking and are accompanied by the required technical documentation.

9. (Amended, SG No. 93/2002, supplemented, SG No. 45/2005) "User" is the owner or any natural or legal person, making use of installations of higher risk by virtue of a contract or other legal grounds.

10. (New, SG No. 93/2003, amended, SG No. 45/2005) "Trader" is any natural or legal person participating in the process of realization of the products and offering the latter, for free or against payment, after they have already been launched on the market.

11. (New, SG No. 86/2007, amended, SG No. 38/2011) "Energy-related product (ERP)" shall designate any product marketed and/or commissioned into operation that, in the course of its use, affects energy consumption, including parts designated to be incorporated into energy-related products marketed and/or commissioned into operation as separate targeted at end users, the environmental performance of which can be assessed independently.

12. (New, SG No. 86/2007, amended, SG No. 38/2011) "Components and assemblies" are parts, intended for incorporation into ERP, which are not being launched on the market and/or commissioned into operation as separate parts for end users and in regard to which an independent evaluation of their environmental performance may not be conducted.

13. (New, SG No. 86/2007, amended, SG No. 38/2011) "Implementation measures" are acts, adopted in accordance with Directive 2009/125/EC, which define the ecodesign requirements in regard to particular ERP or certain ecological aspects, including also the ordinances under Article 26a, paragraph 2.

14. (New, SG No. 86/2007, amended, SG No. 38/2011) "Materials" are all materials, used over the entire ERP life cycle.

15. (New, SG No. 86/2007, amended, SG No. 38/2011) "Product design" is the aggregation of processes, which transform the safety requirements, the technical, functional, market, legal and other requirements, which any ERP must meet, into a technical specification of such ERP.

16. (New, SG No. 86/2007, amended, SG No. 38/2011) "Ecological aspect" is an element or function of a ERP, which may interact with the environment over its entire life cycle.

17. (New, SG No. 86/2007, amended, SG No. 38/2011) "Environmental impact" is each change of the environment, which is caused entirely or partly by any ERP during its life cycle.

18. (New, SG No. 86/2007, amended, SG No. 38/2011) "Life cycle" are the consecutive and interrelated stages of the ERP, from the input of raw materials until disposal of the same as waste.

19. (New, SG No. 86/2007, amended, SG No. 38/2011) "Repeat use" is each operation, whereby the ERP or any of its components, after having reached the end of their initial use, are used again for the purpose for which they were created, including continuing usage of the ERP, which had been returned to a collection point, to a distributor, a recycling entity or a producer, as well as repeat ERP usage following reconditioning.

20. (New, SG No. 86/2007) "Recycling" is processing in factory conditions of waste materials in order to use them for their original purpose or for other purposes, except for utilization of heat.

21. (New, SG No. 86/2007) "Utilization of heat" is the usage of fuel waste as a means for energy generation via direct combustion with or without other waste, where the heating power is utilized.

22. (New, SG No. 86/2007, amended, SG No. 53/2012, effective 13.07.2012) "Utilization" is each of the applicable procedures in regard to waste, envisaged in § 1, item 13 of the Supplementary Provisions of the Waste Management Act.

23. (New, SG No. 86/2007, amended, SG No. 53/2012, effective 13.07.2012) "Waste" is a substance or object of the

categories, indicated in § 1, item 17 of the Supplementary Provisions of the Waste Management Act, which its owner does, intends to or must dispose of.

24. (New, SG No. 86/2007, amended, SG No. 53/2012, effective 13.07.2012) "Hazardous waste" is waste under § 1, item 12 of the Supplementary Provisions of the Waste Management Act.

25. (New, SG No. 86/2007, amended, SG No. 38/2011) "Ecological profile" is a description in accordance with the implementation measures under Article 26a of ERP input and output elements (such as materials, emissions and waste), related to ERP over its entire life cycle, which are of significance from the point of view of environmental impact of the product and are expressed in physical quantities, which may be measured.

26. (New, SG No. 86/2007, amended, SG No. 38/2011) "Environmental performance" of ERP are the results of ERP ecological aspects management on the part of the producer, reflected in the product technical documentation.

27. (New, SG No. 86/2007, amended, SG No. 38/2011) "Improvement of environmental performance" is the process of increasing of ERP environmental performance in its following generations, but not necessarily in regard to all ecological aspects of the product at the same time.

28. (New, SG No. 86/2007, amended, SG No. 38/2011) "Ecodesign" is the integration of ecological aspects into the process of product design in order to improve the ERP environmental performance over its entire life cycle.

29. (New, SG No. 86/2007, amended, SG No. 38/2011) "Ecodesign requirement" is a requirement in regard to ERP or the process of ERP design, intended to improve its environmental performance or a requirement for providing information, related to the ERP ecological aspects.

The ecodesign requirements are:

a) "Generic ecodesign requirements" - each ecodesign requirement, based on the ERP ecological profile as a whole, not specifying the permissible limit values for the specific ecological aspects;

b) "Specific ecodesign requirements" - measurable, including in quantity terms, ecodesign requirements, related to specific aspects of the ERP ecological profile, such as energy consumption during use, calculated per unit of activity output.

30. (New, SG No. 86/2007) "Systematic" is the commitment of three or more violations of this Act or of the normative acts on its application within two calendar years.

31. (New, SG No. 86/2007) "New Approach directives of the European Union" are those directives, the provisions of which were introduced by the ordinances under Article 7.

32. (New, SG No. 86/2007) "Repeat" is an offence, committed within one year of entry into force of the penal ordinance, whereby a sanction was imposed on the offender for a violation of the same type.

(2) (New, SG No. 45/2005, amended, SG No. 86/2007) European technical approvals are issued by entities, notified to the European Commission for issuance of European technical approvals - members of the European Organization for Technical Approvals.

(3) (New, SG No. 45/2005, repealed, SG No. 86/2007, new, SG No. 38/2011) For the purposes of this Act, the definition of "forfeiture" as per Article 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 August 13th, 2008) shall apply.

§ 1a. (New, SG No. 45/2005, amended, SG No. 95/2005, repealed, SG No. 86/2007).

§ 2. (1) (Amended, SG No. 93/2002, supplemented, SG No. 86/2007) Persons, which display at fairs, expositions and demonstrations products, which have not been assessed for conformity with essential requirements and/or ecodesign requirements, must so declare in a visible place as well as the fact that these products are not being launched on the market and/or commissioned into operation pending achievement of such conformity and also must take the necessary measures, guaranteeing safety during presentation.

(2) (Amended, SG No. 93/2002) Market supervision bodies take action for establishing the fulfilment of obligations under

Paragraph 1.

§ 3. (1) (Amended, SG No. 95/2005, SG No. 86/2007) The titles and registration numbers of Bulgarian standards, by means of which harmonised European standards are being introduced, are published by the Bulgarian Institute for Standardization. The publication of standards must certainly show the references to the respective ordinances.

(2) (Supplemented, SG No. 93/2002) The standards under Paragraph 1 are introduced identically by publishing the text of the standards, translated into Bulgarian language or by approval for implementation as Bulgarian standards, following the procedure of the National Standardisation Act.

(3) (Amended, SG No. 93/2002, SG No. 86/2007, SG No. 38/2011) The application of the standards under Article 5(1) is voluntary within the scope of application of the ordinances under Article 7. The application of standards as per Article 5 (2), item 1 shall be mandatory in the field of application of the ordinance under Article 7, introducing Directive 89/106/EEC of the Council on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products, as amended by Directive 93/68/EEC.

(4) (New, SG No. 86/2007, amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) A list of the technical specifications under Article 5, Paragraph 3 is published by the Bulgarian Institute for Standardization in coordination with the Minister of Regional Development and Public Works.

§ 3a. (New, SG No. 93/2002) For the purposes of implementation of the Ordinance, which introduces EU Directive 73/23/EEC (OJ L 77 of 26.III.1973) on Harmonization of the Member States' Legal Provisions, Related to Electrical Facilities, Intended for Use within Specified Voltage Limits, amended by Directive 93/68/EEC (OJ L 220 of 30.VIII.1999) persons, which prepare expert reports on conformity, receive permits under the procedure of Title Three.

§ 4. (Supplemented, SG No. 93/2002, amended, SG No. 45/2005, SG No. 88/2005, SG No. 95/2005) Technical supervision of installations of higher risk at the Ministry of Defence, the Ministry of Interior and of the Ministry of Transport, is carried out under the procedure of this Act and its implementing regulations by their specialised bodies under the overall guidance of the chairman of the State Agency on Metrological and Technical Surveillance. The organisation, tasks and functions of these bodies are determined by statutes, issued by the respective ministers.

§ 4a. (New, SG No. 93/2002, amended, SG No. 88/2005)

(1) Technical supervision of installations of higher risk, mounted on railway rolling stock, regardless of their ownership, is carried out by the specialised body under § 4 of the Ministry of Transport.

(2) Rules, norms and requirements regarding the structure and safe operation of the facilities under Paragraph 1, for which no ordinances under Article 31 are in place, are specified by ordinances of the Minister of Transport.

(3) (Amended, SG No. 45/2005) Stamp taxes in accordance with a tariff, approved by the Council of Ministers at the proposal of the Minister of Transport, are collected for certification of the documents under Article 40, for technical inspections, checks and tests of installations of higher risk under Article 42, Paragraph 1, performed by the specialised body under § 4 of the Ministry of Transport.

§ 5. (Amended, SG No. 63/2002, repealed, SG No. 80/2010).

§ 6. (Repealed, SG No. 18/2003, new, SG No. 86/2007) (1) (Amended, SG No. 38/2011) The Chairman of the State Agency for Metrological and Technical Supervision applies market supervision in regard to usage of marking in accordance with 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) (Amended, SG No. 38/2011) The technical requirements in regard to office equipment are listed in Annex "B" to the Agreement between the government of the United States of America and the European Commission on coordination of energy efficiency labelling programmes for office equipment, approved by Decision 2006/1005/EC of the Council.

§ 6a. (New, SG No. 86/2007, amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) In regard to persons, applying for permits for assessment of conformity and issuance of Bulgarian technical approvals for products under Article 5, Paragraph 3, the provisions of Title Three apply, with the exception of their notification to the European Commission. The identification numbers of these persons shall be determined by the Minister of Regional Development and

Public Works.

§ 6b. (New, SG No. 86/2007, amended, SG No. 38/2011) Title Three "a" introduces the provisions of Directive 2009/125/EC of the European Parliament and the Council, dated October 21st, 2009, Establishing a Framework for Setting of Ecodesign Requirements for Energy-Related Products and Directives 96/57/EC and 2000/55/EC of the European Parliament and the Council.

CONCLUDING PROVISION

§ 7. This Act repeals:

- 1. Article 54, Article 199, Paragraph 2 and Article 201, Paragraph 7 of the Territorial and Urban Organisation Act (promulgated, SG No. 29/1973; amended, No. 32/1973; amended and supplemented, No. 87/1974, No. 3 and 102/1977, No. 36/1979, No. 3/1980, No. 45/1984, No. 19/1985, No. 36/1986, No. 14/1988, No. 31/1990; amended, No. 32/1990; No. 15/1991; amended and supplemented, No. 63/1995, No. 104/1996, No. 41 and 79/1998; amended, No. 89/1998; No. 124 and 133/1998, No. 26/1999).
- 2. Article 9 of the Health and Safety at Work Act (SG No. 124 of 1997).

ACT Amending and Supplementing
the Technical Requirements Towards Products Act
(SG No. 93/2002, effective 2.12.2002)

Additional Provision

§ 52. (Effective 9.11.2002) Throughout the Act the name State Agency on Standardisation and Metrology is replaced by State Agency on Metrology and Technical Supervision".

Transitional and Concluding Provisions

§ 53. Persons, having obtained permits for carrying out assessment of conformity before the entry into force of this Act, may continue to carry out assessment of conformity until the expiry of the terms of their permits.

§ 54. This Act enters into force two months after its promulgation in State Gazette, except for § 52, which becomes effective as of 9 November 2002.

TRANSITIONAL AND CONCLUDING PROVISIONS

of the Act Amending and Supplementing
the Technical Requirements Towards Products Act
(SG No. 45/2005)

§ 67. (1) Persons authorized, by 1 December, 2002, to perform technical supervision of installations of higher risk may exercise technical supervision until the expiry of the term of validity of the order of authorization.

(2) Persons under Paragraph 1 are subject of inspection by the State Agency on Metrology and Technical Supervision through the State Technical Supervision Inspectorate General Directorate under Article 34b and the authorization orders are withdrawn in the cases under Article 34a, Paragraph 9.

§ 68. (1) Persons who have obtained permits under Article 36 before the entry of the Act into force, may perform the activity for which they have obtained the permit until the expiry of the term of its validity.

(2) Persons under Paragraph 1 are subject of inspection by the State Agency on Metrology and Technical Supervision through the State Technical Supervision Inspectorate General Directorate under Article 36a and permits are withdrawn in the cases under Article 36a, Paragraph 4.

§ 69. Paragraph 47, Item 2 takes effect on 1 January, 2006.

TRANSITIONAL AND CONCLUDING PROVISIONS

of the Act Amending and Supplementing Spatial Development Act

(SG No. 76/2006, effective 1.01.2007)

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§ 8. The technical passports of the existing buildings in operation - state and municipal property - except for the cases under Article 176a, paragraph 1, shall be drawn up till 31 December 2011. The terms for drawing up technical passports for the separate categories of buildings shall be determined in the ordinance under Article 176a, paragraph 6.

§ 9. The ordinances under this Act shall be issued or adopted no later than 31 December 2006.

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ACT Amending and Supplementing

the Technical Requirements Towards Products Act

(SG No. 86/2007)

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Supplementary Provision

§ 74. Throughout the Act the word "inspectors" shall be replaced by "officials" and the phrase "State Agency for Metrology and Technical Supervision" - by the phrase "State Agency for Metrological and Technical Supervision".

Transitional and Concluding Provisions

§ 75. (1) Persons or structurally autonomous parts, having obtained prior to the entry into effect of this Act licenses to conduct technical supervision of installations of higher risk shall be obliged, within 9 months of its entry into force, to bring their activity into conformity with the requirements of Article 34a, Paragraphs 2 and 3.

(2) Where during the inspections under Article 34b, Paragraph 1 non-compliance with the requirement under Paragraph 1 is established and such non-compliance is not corrected after such an opportunity is provided, the Chairman of the State Agency for Metrological and Technical Supervision shall withdraw the license or restrict its scope.

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ACT Amending and Supplementing

the Technical Requirements Towards Products Act

(SG No. 38/2011)

§ 25. In all other provisions of this Act, the words "energy using products" and "EUP" shall be replaced with "energy-related products" and "ERP".

TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Civil Servants Act

(Promulgated, SG No. 38/2012, effective 1.07.2012)

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§ 84. (Effective 18.05.2012 - SG No. 38/2012) Within one month after the promulgation of this Act in the State Gazette:

1. the Council of Ministers shall bring the Classifier of Positions in the Administration into conformity with this Act;
2. the competent authorities shall bring the organic acts of the respective administration into conformity with this Act.

§ 85. (1) The legal relationships with the persons of the administrations under the Radio and Television Act, the Independent Financial Audit Act, the Electronic Communications Act, the Financial Supervision Commission Act, the Access to and Disclosure of the Documents and Announcing the Affiliation of Bulgarian Citizens with the State Security Service and the Intelligence Services of the Bulgarian Popular Army Act, the Criminal Assets Forfeiture Act, the Conflict of Interest Prevention and Ascertainment Act, the Social Insurance Code, the Health Insurance Act, the Agricultural Producers Support Act and the Roads Act shall be settled under the terms established by § 36 of the Transitional and Final Provisions of the Act to Amend and Supplement the Civil Servants Act (State Gazette No. 24 of 2006).

(2) The act on appointment of the civil servant shall:

1. award the lowest rank designated in the Classifier of Positions in the Administration for occupation of the position, unless the servant holds a higher rank;
2. fix an individual monthly basic salary.

(3) The additional resources required for social and health insurance contributions of the persons referred to in Paragraph (2) shall be provided within the limits of the expenditures on salaries, remunerations and compulsory social and health insurance contributions under the budgets of the spending units concerned.

(4) The Council of Ministers shall effect the requisite modifications under the off-budget account of State Fund Agriculture arising from this Act.

(5) The governing bodies of the National Social Security Institute and of the National Health Insurance Fund shall effect the requisite modifications under the respective budgets arising from this Act.

(6) Any unused leaves under the employment relationships shall be retained and shall not be compensated by cash compensations.

§ 86. (1) Within one month after the entry into force of this Act, the individual monthly basic salary of the servant shall be fixed in such a way that the said salary, net of the tax due and the compulsory social and health insurance contributions for the account of the insured person, if they were due, would not be lower than the gross monthly salary received theretofore, net of the compulsory social and health insurance contributions for the account of the insured person, if they were due, and the tax due.

(2) The gross salary referred to in Paragraph (1) shall include:

1. the monthly basic salary or the monthly basic remuneration;
2. supplementary remunerations which are paid constantly together with the monthly basic salary or monthly basic remuneration due and which are contingent solely on the time worked.

§ 87. This Act shall enter into force as from the 1st day of July 2012 with the exception of § 84 herein, which shall enter into force as from the day of promulgation of the Act in the State Gazette.

TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Spatial Development Act

(SG No. 66/2013, effective 26.07.2013)

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§ 58. The following amendments shall be introduced to the Technical Requirements towards Products Act (published, SG No. 86/1999, as amended, SG Nos 63 and 93/2002, Nos 18 and 107/2003, Nos 45, 77, 88, 95 and 105/2005, Nos 30, 62 and 76/2006, Nos 41 and 86/2007, No 74/2009, No. 80/2010, No. 38/2011, Nos 38, 53, 77 and 84/2012):

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4. In all other texts of the Act the phrases "Minister of Regional Development and Public Works", "the Minister of Regional Development and Public Works", "Ministry of Regional Development and Public Works" shall be replaced respectively by "Minister of Investment Planning", "the Minister of Investment Planning", "Ministry of Investment Planning".

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TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Spatial Development Act

(SG No. 98/2014, effective 28.11.2014)

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§ 58. In the Technical Requirements towards Products Act (published, SG No. 86/1999, as amended, SG Nos 63 and 93/2002, Nos 18 and 107/2003, Nos 45, 77, 88, 95 and 105/2005, Nos 30, 62 and 76/2006, Nos 41 and 86/2007, No. 74/2009, No. 80/2010, No 38/2011, Nos 38, 53, 77 and 84/2012, Nos 66 and 68/2013) everywhere in the text the words "Minister of Investment Planning", "the Minister of Investment Planning" and "the Ministry of Investment Planning" shall be replaced by "Minister of Regional Development and Public Works", "the Minister of Regional Development and Public Works" and "the Ministry of Regional Development and Public Works", respectively.

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CONCLUDING PROVISION

to the Act to Amend and Supplement the

Technical Requirements for Products Act

(SG No. 54/2020, effective 16.06.2020)

§ 17. This Act shall enter into effect on the day of its promulgation in the State Gazette with the exception of § 14, item 1 concerning Article 45, Paragraph (1), which shall enter into effect on July 1, 2021.