

**REPUBLIC OF BULGARIA
COUNCIL OF MINISTERS**

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DECREE No. 329
Dated 08 of December, 2004

for adoption of the Ordinance of Conditions and Order of Permitted Smoking as an Exception in Separated Enclosed Areas of Indoor Public Places and Indoor Places of Employment

THE COUNCEL OF MINISTERS
HAS DECREED

Sole Article: Adopts the Regulations of Conditions and Order of permitted Smoking as an Exception in Separated Areas of Indoor Public Places and Indoor Working Premises.

Prime Minister: /signed/ Simeon Saxe Coburg

Secretary General at the Council of Ministers: /signed/ Sevdalin Mavrov

True
Director of Directorate
“Chancellery of Government”
Veselin Dakov

ORDINANCE
of Conditions and Order of Permitted Smoking as an Exception in Separated
Enclosed Areas of Indoor Public Places and Indoor Places of Employment

CHAPTER I
GENERAL PROVISIONS

Art. 1. The present Ordinance shall define the conditions and order under which smoking as an exception shall be permitted in separated enclosed areas of indoor public places, inclusive of means of public transport, and indoor places of employment.

Art. 2. No exceptions from the smoking prohibition shall be permitted in:

1. nursery schools, kindergartens, schools and places of extra-curriculum educational forms- clubs, circles, schools etc.;
2. Institutions of higher education;
3. Cultural institutions- cinemas, theatres, concert halls, galleries, cultural centers, libraries etc.
4. Internet clubs
5. Areas in premises for production and trade with foodstuffs in which preservation, preparation, production, cooking and trade with foodstuffs is being effected, exclusive of integrated halls for on-premises consumption.
6. Buses, trolley cars, trams, subway-cars , mini-buses for rout taxis and taxicabs both for the passengers and the driver of the vehicles;
7. subway terminals;
8. Bulgarian passenger airplanes;
9. Elevators in all buildings
10. Premises with separated places of work.

Art. 3. Indoor public places of smoking permitted as an exception in the separated enclosed areas, shall be the buildings of general access- administrative institutions, places of accommodation, means of shelter, halls of on-premises consumption in catering and entertainment establishments, medical and health institutions, sports, commercial and other facilities as well as some means of public transport.

CHAPTER II

Conditions and Order of Permitted Smoking as an Exception in Separated Enclosed Areas of Indoor Public Places and Indoor Places of Employment

Art.4. (1) Smoking in indoor public places under art. 3 shall be permitted provided it is done in the separated enclosed areas.

(2) Separated enclosed area in the sense of paragraph 1 shall be:

1. Specifically designated enclosed area provided mechanical ventilation and permanent sign on the door “Smoking place” is secured.

2. Part of the commercial area of catering and entertainment establishment of seating capacity less than 60 seats.

Art.5. (1) The areas under art.4, paragraph 2, section 1 must meet the following conditions:

1. they are to have mechanical ventilation providing 10 fold air exchange per hour through sucking in that shall continually work throughout the establishment’s working hours and as an exception, at technical impossibility for installing mechanical ventilation, natural ventilation shall be used.

2. they are to be designated by ordinance of the person using the establishment.

(2) The person using the establishment shall provide the effective functioning and maintenance of the mechanical ventilation.

(3) Corridors, lobbies, stairway platforms and sanitary and hygiene areas cannot be designated for smoking areas.

Art. 6. (1) In the smoking area, separated under art.4, para. 2, section 2, the number of seats shall not exceed half of the seating capacity in the catering and entertainment establishment.

(2) The tables in the area under art. 1 shall be designated with sign “Table for smokers”.

Art. 7. (1) In catering and entertainment establishments of more than 60 seats, smoking shall be permitted in the separated hall designated with permanent marking “Hall for smokers”.

(2) The number of smoking seats shall not exceed half of the seating capacity in the establishment.

Art. 8. Catering and entertainment establishments with separated smoking area, as well as smoking halls, must have mechanical inflow ventilation that is to provide fresh air exceeding 40 m³ per hour and that shall work continuously during the working hours of the establishment.

Art. 9. In the areas, separated under art. 4, para.2 and art. 7, para. 1, no person aged under 18 shall be allowed.

Art. 10. (1) In the places of accommodation and means of shelter smoking shall be permitted in less than half of the number of rooms.

(2) The doors of non-smoker rooms shall have permanent marking.

Art. 11. (1) In passenger trains less than half of the carriages may be designated as carriages of permitted smoking.

(2) A carriage for which the booking tickets are sold shall not be designated for smoker carriage if it is the only one.

(3) The non-smoker carriage shall bear permanent marking.

(4) In sleeping-cars and wagon lids, as well as in trains with only one carriage, compartments for smokers shall be designated and smoking shall be prohibited in the passages and sanitary and hygiene areas of the carriage.

(5) In the restaurant-cars an area under art.4, para.2, section 2 shall be separated as the number of seats in the smoking area must not exceed half of the total seating capacity.

Art. 12. Smoking is permitted at the railway terminals, sea ports and airports only in areas meeting the requirements under art. 5.

Art. 13. (1) Smoking in the enclosed areas of vessels is permitted only in areas meeting the requirements under art. 5.

(2) In the vessels, cabins for smokers shall be designated and they shall not exceed half of the total number of cabins.

Art. 14. In buildings with separated working places, the employers may designate special smoking areas meeting the requirements under art. 5 by ordinance.

Art. 15. (1) Persons who use establishments under art. 3 and employers under art. 14. shall secure the effectiveness measurement of the mechanical ventilation by an accredited laboratory.

(2) The measurement reports shall be kept at the site and shall be presented at the inspection to the state health inspectors.

Art. 16. The below persons shall bear the responsibility for observing the requirements of the present Ordinance:

1. persons keeping the establishments under art. 2 and 3;
2. Persons staying in the indoor public places;
3. Employers
4. Workers and officials in the indoor working premises.

ADDITIONAL PROVISION

§ 1. In the sense of the Regulations:

“separated working place” is the place in the premises at which the worker or official performs services or they have access to in connection with the executed work.

TRANSITIONAL AND FINAL PROVISIONS

§2. Persons using the existing as per 01 of January 2005 buildings under art. 3 and the employers under art. 14 shall undertake the required actions for measurement under art. 15, para.1 until 30 of June, 2005.

§ 3. The control of the Regulations obedience shall be carried out by the state health inspectors.

§ 4. The Regulations have been issued on the grounds of art. 56, para. 2 of Health Law.

§ 5. The Regulations shall come into force on 01 of January, 2005.