

Appendix № to contract/purchase order

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PROTOCOL OF AGREEMENT

in connection with article 18 of the Law for Health and Safe Labour Conditions and article 127-3 of the Regulations for Implementation of the Law of the Ministry of Internal Affairs

Regarding obligations and coordinated measures for ensuring health and safety, fire and emergency safety and protection of the environment during the work of external contractors on the territory of TPP "ContourGlobal Maritsa East 3"

Any activity of the Contracting Authority in connection with this protocol is an operative activity, incl. the control on the performed operative procedures and instructions on the territory of the Plant, and is carried out by "ContourGlobal Operations Bulgaria" AD,

I. GENERAL PROVISIONS

1. This protocol specifies the main requirements and obligations for ensuring health and safety, mutual informing for risks at work and coordination of the activities for protecting the working people, fire and emergency safety (FES) and protection of the environment with a view to preserve the life, the health and the working ability of the persons, who stay on the territory of the Plant and its adjoining territories, in connection with the performance of works as per a contract and to avoid damages on material valuables.
2. When carrying out the cited activities and operations, all regulatory documents on health and safety at work, incl. the labour safety regulations and the FES ordinances, as well as the requirements related to preservation of the environment, shall be compulsory for the Parties.
3. By signing this protocol, the Parties shall be obliged to meet all requirements, ensuing from the Environment and Health and Safety Management System. These requirements are stated in the Information brochure of the External Contractors and/or in the instructions which are given to the Contractor when concluding the contract.
4. The persons, who manage and are in charge of the production processes for each of the Parties, shall be obliged to ensure safe labour conditions and shall meet the FES requirements for the activities managed by them. They shall inform each other of the existing hazards and risks at work and shall take measures for their elimination.
5. The CONTRACTING AUTHORITY shall perform routine monitoring and control of the regulatory requirements for ensuring health and safety and protection of the environment or of such internal requirements of the Contracting Authority, of higher priority than the regulatory ones. The employees of the Regional service on fire safety and saving of the Plant control the observance of the FES rules as they issue compulsory instructions and recommendations when the regulatory requirements for ensuring HS and FES are violated.

II. OBLIGATIONS OF THE CONTRACTING AUTHORITY

1. To inform the Contractor of the requirements for ensuring HS and FES and environmental protection as the Contracting Authority gives the Contractor the following documents before the start of the contractual activity:
 - 1.1. Environment and Health and Safety Policy;
 - 1.2. Emergency Action Plan;

- 1.3. Information brochure, which contains a brief excerpt of the requirements of the Contracting Authority for the performance of operations or activities related to identified hazards and/or, respectively, instructions for particular operations depending on the subject of the contract between the parties.
- 1.4. Instruction for collection and transportation of waste on the territory of the Plant, with an attachment – Location of the sites for temporary storage of waste;
- 1.5. Instruction for removal of spillages of substances/preparations, which could contaminate the soil/ground water, and treatment of generated waste;
- 1.6. Ways for giving warning signals, claims and complaints, related to the safety at work and the protection of the environment.
2. To appoint a responsible official from his personnel – supervisor, who shall coordinate and control the activity, awarded to the Contractor;
3. To give the Contractor the necessary constructive and technical documentation concerning the performance of the awarded activity;
4. To provide power supply for the equipment of the Contractor as the Contractor on its part provides electric boards with RCD.
5. To show the Contractor the specified work sites and the access to them as well as the sites for temporary storage of waste.
6. To give the Contractor working and safe technical equipment in the cases when this has agreed in advance.
7. To give the Contractor along with protocols intact and passed technical inspection lifting equipment, where agreed in advance.
8. To organize an initial induction to the Contractor's personnel, who have permissions to work from the "National Security" State Agency regarding the matters of health and safety at work, the FES rules and the environmental protection in the Plant. An initial induction is made for the Contractor's personnel, who start to work for the first time on the territory of the Plant, and for employees, who have an interruption of such work for a period longer than 1 year.
9. Before the start of the initial induction, to check the presence and the actuality of the external personnel's certificates for acquired qualification group on the relevant regulations as well as other certificates for acquired competency conformable to the activity which will be carried out.
10. To carry out an induction at the work area to the responsible managers, the performers of the work and the members of brigades of the Contractor, with regard to:
 - Peculiarities of the technological scheme, the design and the operation of the machines and the facilities and the risks connected with them at the area of the workplaces.
 - The specific requirements for ensuring health and safety and FES.
 - Events from the failures elimination plan, as well as actions in case of fires, failures and natural disasters.
 - The requirements related to the environmental protection.
- An induction at the work area is not compulsory in the cases when the External personnel will work again at the work area where they have worked and the scheme has not been changed.
11. To issue the necessary work permits, acts and instructions.
12. To control the observance of the requirements for ensuring health and safety, the specified safety measures, FES and environmental protection.
13. To check whether the Contractor observes the specified technical safety measures.

14. To stop machines and facilities when there is a direct risk for the life and the health of the working people and after that to inform immediately the relevant officials with a view to take measures for eliminating the hazards and restoring the normal work.

III. OBLIGATIONS OF THE CONTRACTOR:

1. To appoint a person from the personnel who will be responsible for the safety at work and to submit an order for assigning the functions on safety to the official in the Health, safety and security department of the Contracting Authority. This person has to be on the territory of the Plant during the performance of the contract and has to supervise safety performance of the contracted activities.
2. To appoint a person from the personnel who will be responsible for the activities related to the environmental protection and will be on the territory of the Plant during the performance of the contract and to submit an order for assigning the functions on the official in the Environmental Department of the Contracting Authority.
3. To ensure the participation of the appointed official/s on health and safety and environmental protection at work or, if it is impossible on his/their part, of another authorized person from its personnel in the routine meetings on safety and environmental protection, where all aspects connected with health and safety at work and environmental protection according to the requirements of article 31 para 2 of the Law on Healthy and Safe Labour Conditions and the procedures of the Contracting Authority are discussed, and to sign the protocols of findings issued by the "Health, safety and security" department of the Contracting Authority in the event of violations of the safety rules set forth in paragraph. IV para. 7 of this document.
4. To meet the requirements of the Contracting Authority for ensuring health and safety and environmental protection and to describe the safe performance of the contracted activity in the method statements;
5. Before starting the work, to give the Contracting Authority a Work Plan (Method Statement), according to a model, with a detailed description of the agreed activity and the measures for ensuring HS. The following is attached to the plan:
 - List of the persons, who have to be issued a permission to work (in the cases when the persons do not have an issued permission),
 - List of the personnel who will work on the territory of TPP ContourGlobal Maritsa East 3, with indicated responsibilities according to the Safety Regulations.
 - List of the persons who will go through an initial induction.
 - Job safety analyses for the performed activity, according to a model.
 - Other documents in a model given by the Contracting Authority.
6. To provide the personnel, at its own expense, with working clothes with distinguishing signs (logo or name of the Contractor) as well as with the necessary protective equipment depending on the performed activity.
7. Shall not allow access to work in the Plant to persons, who:
 - 7.1. Are under 18 years old.
 - 7.2. Have not gone through a preliminary/ routine medical check or does not have suitability conclusions to perform the work.
 - 7.3. Are not certified and/or don't have the necessary qualification for the relevant work or activity.
 - 7.4. Do not have valid certificates for qualification group of safety at work.
 - 7.5. Do not have a permission to work by the "National Security" State Agency.
 - 7.6. Are not trained on the rules for ensuring health and safety, FES and environmental protection in the plant, such as first aid for injured people in case of accidents and emergency.
 - 7.7. Are not inducted on the nature of the work.

- 7.8. Have not gone through an initial induction and an induction at the work area.
- 7.9. Are not provided with or do not use the required personal and other protective equipment.
- 7.10. Have counter-indicative illnesses or complaints concerning the work, which is assigned, or the conditions under which the work should be carried out.
- 7.11. Are licensed or have the relevant qualification but have been moved from another work area and have not gone through an induction regarding the safe performance of the work on the new work area.
- 7.12. Are not familiar with the failures elimination plan and with the instructions for acting in case of failures and fires.
- 7.13. Are women or protected persons – in the cases when the work, which is about to be carried out, is included in the List of harmful and heavy works, forbidden for fulfilment by women, according to Ordinance №7 for harmful and heavy works, forbidden for fulfilment by women.
- 7.14. Are in a state of intoxication and/or are under the influence of intoxicating substances.
- 7.15. Persons, who are not members of the brigade, as well as in the cases when they are not brought in according to the established routine.
- 7.16. Combine the duties of the persons, responsible for the safety at work according to the work permit, with the exception of the cases stated in article 61, para 1 and 2 of the Regulations on Safety at Work in Nonelectric Installations of Electrical and Thermal Plants and Heat Transferring Networks and in Water Engineering Works and those in article 63, para 1 and 2 of the Regulations on Health and Safety at Work in Electric Installations of Electrical and Thermal Plants and Electrical Networks.
- 8. The Contractor shall proceed with fulfilment of the work, awarded with the contract, only after the issuance of a work permit or work instruction and after coordination with the appointed supervisor.
- 9. When constructing scaffolding, the Contractor shall check the condition of the scaffolding and shall inform an authorized person on the part of the Contracting Authority for acceptance of the scaffolding. The Contractor shall not allow work on scaffolding which has not been accepted and identified according to the Scafftag system, adopted by the Contracting Authority.
- 10. Shall not let the brigade work when:
 - 10.1. The leader responsible for the work according to the work permit, the performer or the members of the brigade are sick, overtired, drunk, mentally distressed or are in other state, unsafe for work.
 - 10.2. The certificates for acquired qualification group on safety at work of the responsible leader, the performer of the work or the members of the brigade are missing or expired.
 - 10.3. Instead of the responsible leader, the performer of the work or members of the brigade, entered into the work permit, other persons appear.
 - 10.4. The work permit is not correctly issued and drawn-up.
 - 10.5. The safety measures at the work area, foreseen in the work permit, are not carried out precisely and in a sufficient volume.
 - 10.6. In the process of entering to work, an emergency, a calamity (flood, earthquake etc.), fire or an accident occurs.
- 11. To equip the work places with fire-extinguishing tools, equipment and devices. The type and the quantity of the fire-extinguishing tools, equipment and devices are specified in the effective regulations on fire safety and their location and designation shall be carried out in conformity with the effective standards.
- 12. To inform in advance the Regional service on fire safety and saving and the Medical Centre of forthcoming closing of particular road sections on the territory of the Plant, which prevents the passing of specialized vehicles.

13. To clean in advance the working areas from combustible, inflammable and explosive materials.
14. To supply the work areas with electric boards with RCD without changing the recommended power supply and without switching on load bigger than the one specified by the Contracting Authority.
15. To have as part of their staff the required by the ordinances under art. 31 of LTRP (Law on Technical Requirements for Products) competent officials responsible for safe operation and representatives to the bodies for technical supervision of high-risk facilities, where such will be used.
16. To use lifting devices that are registered, having passed initial and periodic technical inspections and checks, within legal terms and are documented as required by the regulations for safe operation and technical supervision of lifting equipment and marked as required by the Contracting Authority.
17. The responsible leader and the performer of the work according to the work permit of the Contractor, together with the permitting person from the operative personnel of the Contracting Authority, before letting the brigade work, shall be obliged to check the carrying out of the technical measures related to the readiness of the work places, as well as if they are sufficient.
18. Welding and other hot works shall be immediately stopped, if changes occur in the FES conditions during their carrying out or by order of an employee of the Regional service on fire safety and saving in the plant.
19. In the process of the work, the Contractor shall be obliged to observe the following:
 - 19.1. The start of work according to the work permit, with the exception of the cases of general and partial work permit, on a daily basis, shall be entered into the work permits log-book with the signatures of the permitting employee of the Contracting Authority and of the Contractor and by entering the time and the date. If another company is also allowed to work at the worksite with a work permit, the Contractor shall be obliged to take into consideration the performance of the works by observing the technical measures on safety and FES with this company.
 - 19.2. From the moment the brigade of the Contractor is given permission to work, the Contractor shall bear a full responsibility on the observance of the safety measures.
 - 19.3. To preserve the machines and the equipment of the Plant, those they have access to, as well as the fire-protection tools and devices against faults, pollution and destroying. If pollution, fault or destroying is caused, the same is removed at the expense of the Contractor.
 - 19.4. To use only standard, in good technical state and safe work equipment.
 - 19.5. It is not allowed to put wardrobes and lockers and to store materials and equipment in halls, fire-protection anterooms, staircases and on other evacuation routes.
 - 19.6. It is not allowed to stop and park transport vehicles as well as to store materials and equipment at a distance of 10 m before and after fire hydrants and on the sites designated for fire vehicles at fire reservoirs and water tanks.
 - 19.7. It is not allowed to violate the protected performance of the equipment (IP and Ex).
 - 19.8. To inform immediately the Regional service on fire safety and saving of a fire at their workplace. In the cases when the performers have used the available at the workplaces fire-extinguishing devices, owned by the Plant, the Contractors shall notify the Regional service on safety and saving or HSS department with the purpose of timely replacement or refill.

- 19.9. The personnel of the Contractor shall be obliged to carry an identification card, a certificate for qualification group on safety at work and a competence certificate, if the latter is necessary, all the time during their stay on the territory of the Plant and to show them on request of authorized employees of the Contracting Authority.
- 19.10. To inform immediately a representative of the Contracting Authority, if faults are noticed on the equipment that could put at risk the life and the health of the working people or could cause pollution of the environment.
- 19.11. To take all measures to avoid pollution of the environment when working with oils and other hazardous chemical substances.
- 19.12. Uses the containers for waste segregation according to their purpose.
20. When completing the work, the Contractor shall be obliged to observe the following:
- 20.1. Complete the work according to the work permit (with the exception of the general or the partial work permit) is completed for the day by means of the signatures of a representative of the Contractor and of the responsible person from the operative personnel of the Contracting Authority.
- 20.2. The Contractor requires from the responsible person of the operative personnel of the Contracting Authority a trial test of the repaired equipment before entirely completing the work on it, only provided that:
- The brigade has left the work area;
 - The work permit is given back by the contractor as both parties– the Contractor and the Contracting Authority – have registered the completion of the work.
 - The temporary signs, notices, fences, switching-on devices and supporting structures are removed and permanent signs, notices and fences etc. are placed.
- 20.3. The trial or the test of the separate components or sections of the equipment, during the total repair with a general work permit, is made in compliance with the requirements of the Regulations on safety at work in non-electric installations of electric and thermal plants and along heat-transferring grids and water engineering works.
- 20.4. The balancing of rotating mechanisms with electric actuation, as well as other works related to often switching on and off of the power supply, is done in compliance with the requirements of the Regulations on safety at work in non-electric installations of electric and thermal plants and along heat-transferring grids and water engineering works.
- 20.5. After the work day ends, the Contractor shall clean the workplaces, release the passages, the signs, the notices, the fences, the locking and supporting devices shall be put on their places and the work permit shall be given to the operative personnel of the Contracting Authority. When several Contractors work on the same site, the obligations for cleaning the work area are carried out jointly by all people.
- 20.6. After the final completion of the work, the collection of the materials and the tools and after the thorough cleaning of the work area, the Contractor registers the completion of the work in the work permit, signs it and gives it to the responsible leader.
- 20.7. The responsible leader, after carrying out an inspection of the work places and after eliminating the irregularities, if there are any, permits the removal of the temporary signs, boards, fences, locking and supporting devices etc., instructs the brigade to be brought out, registers the final completion of the work in the work permit, closes the work permit and certifies this with a signature, date and time.
21. The Contractor shall be obliged to observe the recommendations given by the responsible officials of the Contracting Authority, if infractions of the regulations on health and safety at work, on environmental preservation and FES are found out.

22. In case of an accident with a person from the Contractor's personnel, the Medical Centre and the Head of "Health, safety and security" Department of the Contracting Authority shall be immediately informed. Ascertaining the circumstances, in which the accident occurred, the investigation, the registration and its reporting is a responsibility of the Contractor. When an investigation is organized on behalf of the Contracting Authority, the Contractor shall be obliged to give full support. The Contractor shall be obliged to give the Head of Health, safety and security department all acts, written statements, reports and declarations prepared by the relevant officials and related to the accident.
23. The noticed "near misses" shall be immediately reported by the person, who has noticed the near miss, to his immediate superior, who on his part shall be obliged to inform the head of Health, safety and security department of the Contracting Authority. A sample form provided by the Contracting Authority is to be used.
24. The Contractor shall be obliged to use the equipment of the Plant given to him with the care of a good owner. The Contractor shall be obliged to inform the personnel of the Contracting Authority of noticed irregularities. The Contractor repairs, at his own expense, the damages caused by incorrect operation of equipment.

IV. NON-COMPLIANCE RESPONSIBILITY OF OBLIGATIONS AND CAUSED MATERIAL DAMAGES

1. If there are ascertained violations made by persons of the Contractor's personnel, the employees of the Contracting Authority and the employees of the Regional service on fire safety and saving in the Plant shall have the right to require immediate removal of those persons from the workplace and to take away the work permit given to the Contractor for carrying out the work under the contract. The removal from the work place and the taking away of the work permit are immediately entered into the operative log-book and into the work permit. The Contractor bears the responsibility for non-compliance of the contractual terms as a result of the above-mentioned non-admission to the workplace.
2. Representatives of the Contracting Authority (operative personnel, the inspectors of the Health, safety and security department and of the Environmental Department, heads of structural units, supervisors and managers), as well as the employees of the Regional service on fire safety and saving, shall have the right to stop the work, during which infractions are found out, until the violations are removed.
3. The Contractor shall be obliged to restore, at his own expense, the damages on the fire protection equipment caused through his fault and in the cases of unproved performer – jointly with other companies, working on the relevant site.
4. The Contractor shall be obliged to restore, at his own expense, the damages caused through his fault to received from the Contracting Authority with protocols lifting equipment.
5. The Contractor shall be obliged to restore, at his own expense, the damages caused through his fault with respect to the environment (incl. the expenses for the disposal of waste generated as a result of this) and in the cases of unproved performer- jointly with other companies, working on the relevant site.
6. The losses caused from extending the terms for the performed works, due to a release of individual persons or due to a stop of the work of groups (brigades) because of committed infractions of the requirements of the regulatory documents and the instructions for safe work and FES, are at the expense of the Contractor.
7. If there are infractions of the requirements for safe work, fire and emergency safety or environmental protection, or non-compliance of the obligations under this protocol of agreement, the inspectors of healthy and safe labour conditions of the Contracting Authority, the employees of the Regional service of fire safety and saving and/or the Environmental

Department prepare an infraction report to the Contractor, which serves as grounds for imposing the following sanctions:

	Indicators	Sanctions	Points of punishment
1	Personal protective equipment not used - helmets, safety footwear, working clothes, gloves.	Up to 30- day suspension and sanction of BGN 300	3
2	Safety goggles not used - face mask, face shield during welding and metal cutting operations	Up to 30-day suspension and/or sanction of BGN 300	3
3	Breathing protection not used	Up to 7-day suspension and sanction of BGN 300	2
4	Hearing protection not used / ear plugs, hearing protectors/	Up to 7-days suspension and sanction of BGN 300	1
5	Missing or unused residual current protection panel or unauthorized connection to the electrical panels of the Owner or usage of faulty panels	Pecuniary sanction up to BGN 1000 and discontinuance of the works until the problem is resolved	5
6	Use of non-standard extension pieces or unsatisfactory state of the cables	Pecuniary sanction up to BGN 500 and suspension from work until the problem is resolved	5
7	Bad state /lack of safety/ of manual electric tools	Pecuniary sanction up to BGN 500 and suspension from work until the problem is resolved	5
8	Gas cylinders not properly supported, lack of caps, cylinders not certified	Pecuniary sanction up to BGN300 and discontinuance of the works until the problem is resolved	5
9	Bas condition and/or non-compliant with the statutory requirements hoses and equipment for flame cutting and welding of metals; lack of braces on gas welding equipment	Pecuniary sanction up to BGN300 and discontinuance of the works until the problem is resolved	5
10	Bad condition of pressure gauges, valves, burner, non return valves missing	Pecuniary sanction up to BGN 1000 and discontinuance of the works until the problem is resolved	5
11	Working with lifting equipment (auto crane, aerial platform, electric hoists, winch, etc.) that have not passed periodic technical inspection; Failure to present documents for relevant qualification or training and passed annual instruction and examination of knowledge on operators of cranes, electric hoists and shunters	Pecuniary sanction up to BGN 1000 and discontinuance of the works until the problem is resolved	5
12	Bas condition and/or non-compliance with the statutory requirements of lifting equipment	Pecuniary sanction up to BGN 500 and discontinuance of the works until the problem is resolved	5
13	Poor condition of the hook with pulley, lifting rope, switches and locks of the used lifting equipment	Pecuniary sanction up to BGN 1000 and discontinuance of the works until the problem is resolved	5

14	Working on non- approved scaffolding /without the green scafftag/	7 day suspension and pecuniary sanction up to BGN 1000	5
15	Integrity of the scaffold violated	The person to blame removed from site forever and pecuniary sanction of 3000 BGN	10
16	Work without safety harness	Up to 30 - day suspension and sanction of BGN 500	5
17	Lack of safety enclosure and warning signs / in case of hazard of falling from height , falling objects and so on/	Issuing a warning protocol	5
18	Failure to use a radio station when there is no visual contact	Issuing a warning protocol	2
19	Work materials scattered and disarranged on the working site	Pecuniary sanction up to BGN 500 and discontinuance of the works until the problem is resolved	2
20	Work sites not cleaned from waste	Pecuniary sanction up to BGN 1000;	3
21	Speeding of vehicles	Pecuniary sanction up to BGN 1000; and suspension of the driver for 7 days	1
22	Wrong support and arrangement of the load during transportation	Pecuniary sanction up to BGN 1000; and/or suspension of the driver for 7 days	3
23	Unauthorised use of the vehicle	30 - day suspension and sanction of BGN 300	5
24	Lack of qualification group certificate and other documents in accordance with the activities executed	7 - day suspension and sanction of BGN 100	5
25	Work without Permit to work and permission for execution of welding works	Pecuniary sanction up to BGN 1000 and suspension of the worker doing the works for 7 days	10
26	Fire fighting provisions /combustible materials not removed; lack, insufficient quantity, improper type or corrupt fire extinguishers, fire protection blankets and so on	Pecuniary sanction up to BGN 1000	5
27	Detected alcohol > 0,2 per thousand or bringing of alcohol on the territory of the TPP	Prohibit access to the TPP forever. Pecuniary sanction of BGN 1000	10
28	Smoking in unauthorized places	7-day suspension and sanction of BGN 100	3
29	Working with equipment out of order	Pecuniary sanction up to BGN 1000	5
30	Irregularly drawing up, noncovering or other irregularities with permits to work	Pecuniary sanction up to BGN 1000	5
31	Attempts for theft	Permanent suspension	10
32	Attempt for deception of the admission regime	Permanent suspension and sanction of BGN 5000	10
33	Disregard of the environmental operating instructions	3-month suspension and/or pecuniary sanction up to BGN 1000	10

34	Causation of oil spills, heavy oil spills and spills from other hazardous chemical substances	Pecuniary sanction up to BGN 1000 and discontinuance of the works until the problem is resolved	10
35	Non-use of waste containers and waste temporarily storage areas as intended	3-month suspension	5
36	Mixing of hazardous waste with non hazardous waste	3-month suspension and pecuniary sanction up to BGN 500	7
37	Use of Bib Bag type sacks with (red) mark for asbestos waste storage (AAA) for other purposes	Pecuniary sanction up to BGN 1000	8
38	Illegally or excessively use of water and electricity	Pecuniary sanction up to BGN 300	2
39	Use of cars, lorries and other vehicles in bad state of repair, resulting in oil spills, brake fluid spills and so on.	Pecuniary sanction up to BGN 500	4
40	Not informing of incident caused resulting in environmental pollution	Pecuniary sanction up to BGN 500 and 1-month suspension	10
41	Unregulated wastewater discharge into sewage	3-month suspension and pecuniary sanction up to BGN 500	3
42	Illegal discard of waste in places unauthorized for this purpose	3-month suspension and pecuniary sanction up to BGN 1000	6
43	Not covering of vehicle loads, bringing to environmental pollution	3-month suspension	2
44	Improper storage of chemicals.	Pecuniary sanction of BGN 300	3
45	Other violations not specified	At the discretion of the Contracting Authority and in accordance with the established violations other sanctions not listed in the table may be imposed, including removal of the responsible persons up to 30 days and pecuniary sanctions of up to 1000 I BGN	At Contracting Authority's discretion

Protocols for established violations shall be signed by representative of the Contracting Authority and representative of the Contractor (designated by an order under t.III para 3 of this document), after which the sanction specified in the protocol is imposed.

The present protocol of agreement is compiled in 2 (two) equal duplicates, one for the Contracting Authority and one for the Contractor.

CONTRACTING AUTHORITY:



CONTRACTOR: