

# ROAD GOODS CARRIERS' HANDBOOK

Administrative and/or penal sanctions against foreign carriers in case of missing or non complying documents accompanying an international road transport operation

## BULGARIA

**Information provided by: Association of Bulgarian Enterprises for International Road Transport and the Roads (AEBTRI), Bulgaria**

### 1. ENFORCING AUTHORITIES

Foreign road vehicles may be checked on the territory of Republic of Bulgaria by:

- Traffic police (KAT);
- Customs Authority;
- Ministry of Transport – Executive Agency "Road Transport Administration" and its Regional Departments "Control Activity - State Vehicle Inspectorate" (DAI);
- Directorate of National Police-Department KOS;
- Agency of Nuclear Regulation;
- Regional Inspectorate of Environment, Protection and the Waters;
- Border police – Ministry of Internal Affairs;
- Public Prosecutor / Penalty District Court / Administrative Court.

Their competency in case of ascertained offences of the legislation in force are provided in:

- Road Traffic Act (RTA), published in State Gazette No. 20/1999, last amend. in No. 68/02.08.2013, in force on 02.08.2013
- Carriages by Road Act (CRA), State Gazette No. 82/17.09.1999, last amend. in No. 66/26.07.2013, in force on 26.07.2013
- Safe Use of Nuclear Energy Act (SUNEA), State Gazette No. 63/28.06.2002, last amend. in No. 68/02.08.2013, in force on 02.08.2013
- Weapons, Ammunition, Explosives and Pyrotechnical Articles Control Act (WAEPACA), State Gazette No. 73/17.09.2010, last amend. in No. 70/09.08.2013, in force on 09.08.2013
- Environmental Protection Act (EPA), State Gazette No. 91/25.09.2002, last amend. in No. 66/26.07.2013, in force on 26.07.2013
- Foreigners in Republic Bulgaria Act (FRBA), State Gazette No. 153/23.12.1998, last amend. in No. 70/09.08.2013
- Administrative Violations and Sanctions Act (AVSA), State Gazette No. 92/28.11.1969, last amend. in No. 17/21.02.2013
- Law on Commerce (LC), State Gazette No. 48/18.06.1991, last amendment in No. 20/28.02.2013
- Customs Code (CC), State Gazette No. 15/06.02.1998, last amendment in No. 66/26.07.2013, in force on 26.07.2013
- Penal Code (PC), State Gazette No. 26/02.04.1968, last amendment in No. 61/09.07.2013
- Administrative Procedure Code (APC), State Gazette No. 30/11.04.2006, last amend in No. 77/09.10.2012, in force on 09.10.2012
- Criminal Procedure Code (CPC), State Gazette No. 86/28.10.2005, last amend. in No. 71/13.08.2013
- Ordinance No.11 dated 31.10.2002 of the Minister of transport on international road transport of passengers and goods (Ordinance No.11/2002), State Gazette No. 108/19.11.2002, last amend. in No. 85/06.11.2012, in force on 06.11.2012

## 2. SANCTIONS IN CASE OF MISSING OR NON-COMPLYING DOCUMENTS

### 2.1 Foreign carrier's documents

#### 2.1.1 EU Licence, ECMT Authorisation, Bilateral or Transit Transport Authorisation; Authorisation for non liberalised passenger transport services

##### At the border crossing points

- person(s) sanctioned: driver
- sanctions: entry prohibited pending permit purchase at the border (see annexes 1 and 1A)
  1. For bilateral and transit goods transport authorisation – 1,500 €
  2. For third country goods transport authorisation – 3,000 €
  3. For passenger transport authorisation – 1,500 €
- compromise settlement: not foreseen
- other measures: not foreseen

##### Inside the country

- person(s) sanctioned: driver, carrier
- sanctions: fine amounting to 1,500 BGN for first offence; 3,000 BGN for second offence; 6,000 BGN for systematic offences, committed by a driver, who carries out transport of passengers or goods without legally granted authorisation, EU Licence or other documents required by the law, CRA, article 93 (1)  
fine amounting to 500 BGN for a driver, carrying out transport of passengers or goods, who does not present authorisation or other documents required by the law in case of control, CRA, article 93 (2)  
fine amounting from 3,000 BGN to 5,000 BGN for a carrier in case of remising an authorisation to another company; uses an authorisation, issued to another company; not providing the required transport documents to the drivers article 96 (1) and (2). In case of repeated offence the fine is from 5,000 BGN up to 15,000 BGN and depriving of the licence, CRA, article 96 (3)
- compromise settlement: not foreseen
- other measures: vehicle immobilisation by preliminary taking away of the registration certificate and money guaranty, securing the payment of the imposed fines

#### 2.1.2 ADR permit

- person(s) sanctioned: carrier, driver, consignor
- sanctions: fine amounting to 3,000 BGN, CRA, article 103 (1)  
fine amounting from 1,000 up to 3,000 BGN in case of transport of explosives, weapons, ammunition and pyrotechnical articles without the required copy of the authorisation and breaking the conditions, for repeated offence the fine is from 2,000 up to 6,000 and depriving the authorisation for one year, WAEPACA, article 196 (1) and (2)

Depending on the different Bulgarian laws - fines from 100 BGN up to 10,000 BGN (in case of class 7 according to ADR Agreement references:

- depriving the right of driving for a period of 6 months or fine amounting from 200 up to 300 BGN in case of missing vocational competence for transport of dangerous goods, RTA article 176 (1). In case of repeated offences the depriving the right of driving for a period up to 1 year and a fine amounting from 300 up to 400 BGN, RTA, article 176 (2);
- fine amounting from 2,000 up to 7,000 BGN in case of inappropriate vehicle equipment, RTA, article 178 (1) p. 2;
- fine up to 50 BGN for the driver if the transport documents are missing or inappropriate, RTA, article 181 p. 3;
- the sanctions are applied in the cases of wrongful orders by the consignor or carrier, RTA, article 187;
- fine amounting to 1,500 BGN for first offence; 3,000 BGN for second offence; 6,000 BGN for systematic offences, committed by a driver who carries out transport of goods without other documents required by the law, CRA, article 93 (1);
- fine amounting to 500 BGN for a driver, carrying out transport of goods who does not present other documents required by the law in case of control, CRA, article 93 (2);
- fine amounting to 5,000 BGN in the case of wrongful orders by the consignor or carrier, CRA, article 96 (2);
- fine amounting to 5,000 BGN in the case of breaking the requirements for transport of dangerous goods for the carrier, CRA article 103 (1) and to 1,000 BGN for the driver, CRA, article 103 (2);
- fine of 2,000 BGN up to 10,000 BGN in the case of utilisation of nuclear equipment, without the required authorisation or licence for first infringement and 5 – multiple amount of the above mentioned fines for second infringement, SUNEА, article 138 (2), (3) and (4);
- fine of 500 BGN up to 2,000 BGN in the case of carrying out of activities without a certificate of legal capacity and 3 – multiple amount of the above mentioned fines for second infringement, SUNEА, article 143 (1) and (3);
- fine of 1,000 BGN up to 3,000 BGN in the case of interference with control measures for first infringement and 3 – multiple amount of the above mentioned fines for second infringement, SUNEА, article 146 (1) and (3) ;
- fine of 1,000 BGN up to 5,000 BGN in the case of negligence of another obligations required by the Law for first infringement and 2 – triple amount of the above mentioned fines for second infringement, SUNEА, article 147 (1) and (2);
- fine of 30,000 BGN up to 100,000 BGN in the case of negligence of conditions according to the permission for certain activities concerning the environment protection, EPA, article 166a in connection with article 104 (1).
  - compromise settlement: not foreseen
  - other measures: CRA, article 106a (1) p.1., provides vehicle immobilisation

## 2.2 Driver's Documents (foreign vehicle)

### 2.2.1 Proof of ID

- person(s) sanctioned: driver
- sanctions: FRBA, article 49 (1) provides fine amounting up to 3,000 BGN in case of use of illegal ID documents by a foreigner; for repeated offence the fine is from 1,000 up to 6,000 BGN; for legal entities the fine is 20,000 BGN, FRBA, article 49 (2)
- compromise settlement: not foreseen
- other measures: entry prohibited in case of irregular travel documents, FRBA, article 48 (1)  
In case of missing visa, visa payable at the border, at the daily exchange rate

### 2.2.2 Driving permit

- person(s) sanctioned: carrier, driver, principal
- sanctions:
  - in case of missing driving permit: fine of 50 BGN, RTA, article 181 p. 3
  - in case of inappropriate permit [e.g. C instead of E(C) permit], when the permit is not extended further to a medical check-up or in case of non compliance with permit validity terms or in case the permit is invalid for the vehicle driven or in case when the permit has been cancelled, suspended, withdrawn: fine for the driver from 100 BGN up to 300 BGN, RTA, article 177 (1) p.p.1. and 2
  - in case of repeated offences: from 300 BGN up to 1,500 BGN, RTA, article 177 (4)
- compromise settlement: not foreseen
- other measures: not foreseen

### 2.2.3 AETR record sheet, tachograph discs, digital tachograph

- person(s) sanctioned: driver, carrier
- sanctions:
  - driver**  
1,500 BGN - in case during the check does not produce to the control officers the following documents for the current day and previous 28 days: all used tachograph discs and/or his driver card and/or manual entries and printouts and/or attestation of activities (Regulation 561/2006/EC or AETR), CRA, article 93B (17)
  - carrier**  
fine for carrier amounting to 5,000 BGN, CRA article 104 (7 and 4) who does not keep the tachograph's discs or other information recorded by the tachographs or in case of not providing the mentioned documents for control; in case of ordering or allowing transport of passengers or goods with a motor vehicle equipped with digital tachograph by a driver without driver card; who makes or allows alteration of the recorded and/or downloaded tachograph's information in case of repeated offences the fine is 8,000 BGN and depriving of the licence, CRA, article 104 (13)
- compromise settlement: not foreseen
- other measures: temporary withdrawal of the driver's licence, CRA, article 106a par.1 p.5 - until imposed fine is paid  
temporary vehicle immobilisation, CRA, article 106a par.1 p.3 lit.a - until imposed fine is paid and the due Bulgaria permit is issued

### 2.2.4 ADR training certificate

- person(s) sanctioned: carrier, driver
- sanctions:
  - driver**  
fine amounting from 200 BGN up to 300 BGN or depriving the right of driving for up to 6 months; for repeated offences the fine is from 300 up to 400 BGN and depriving the right of driving for a period of 3 months up to 1 year, RTA, article 176 (1) and (2)
  - fine from 500 BGN up to 2,000 BGN, SUNEА, article 143 (1) and (3)
  - fine in case of repeated infringement, from 1,500 BGN up to 6,000 BGN

**carrier**

fine from 1,000 BGN up to 5,000 BGN, SUNEA, article 143 (2) and (3)

fine in case of repeated infringement from 3,000 BGN up to 15,000 BGN

- compromise settlement: not foreseen
- other measures: not foreseen

2.2.5 Document from employer certifying driver's employment

The employment certificate is not required.

**2.3 Foreign vehicle's documents**

2.3.1 Registration certificate (grey card)

- person(s) sanctioned: driver
- sanctions: fine of 50 BGN, RTA, article 181, p.3
- compromise settlement: not foreseen
- other measures: not foreseen

2.3.2 Regular technical inspection

- person(s) sanctioned: carrier
- sanctions: fine of 50 BGN, RTA, article 181, p.3
- compromise settlement: not foreseen
- other measures: not foreseen

2.3.3 ECMT technical certificate

- person(s) sanctioned: driver, carrier
- sanctions: the vehicle is regarded as without authorisation (see p.2.1.1. above)  
fine amounting from 500 BGN up to 1,500 BGN for first offence; 3,000 BGN for second offence; 6,000 BGN for systematic offences, committed by a driver, CRA, article 93 (1)
- compromise settlement: not foreseen
- other measures: temporary vehicle immobilisation, CRA, article 106a (1) p.1

2.3.4 Compulsory nationality plate

- person(s) sanctioned: driver
- sanctions: fine from 50 BGN up to 200 BGN, RTA article 175 (1), p.1
- compromise settlement: not foreseen
- other measures: not foreseen

2.3.5 ADR certificate of approval

- person(s) sanctioned: carrier, driver
- sanctions: **driver**  
fine 50 BGN, RTA, article 181  
fine from 500 up to 6,000 BGN, CRA, article 93 (1)  
**carrier**  
fine from 1,500 BGN up to 3,000 BGN, CRA, article 96 (2)
- compromise settlement: not foreseen
- other measures: not foreseen

### 2.3.6 ATP certificate of compliance

Document non compulsory (no sanction foreseen).

### 2.3.7 Hired vehicles

A certified copy of the vehicle hire or leasing contract is required (Ordinance No. 11/2002, article 19 p.1 and article 60) to be on vehicle's board for control purposes (applicable procedure acc. AVSA article 36 ff.)

- person(s) sanctioned: carrier, driver
- sanctions: fine from 1,500 up to 6,000 BGN, CRA, article 93 (1)

## 2.4 **Transport documents on board foreign vehicles**

### 2.4.1 Consignment note / CMR international consignment note

The CMR international consignment note is required (acc. Ordinance No. 11/2002 article 19 p.3 and article 60) to be on vehicle's board for control purposes

- person(s) sanctioned: carrier, driver
- sanctions: fine from 500 up to 6,000 BGN, CRA, article 93 (1)

### 2.4.2 Loading list (groupage)

- person(s) sanctioned: carrier
- sanctions: fine amounting to 200 % of the value of the goods (Customs Code, articles 227-229)
- compromise settlement: not foreseen
- other measures: vehicle immobilisation

### 2.4.3 ADR transport document, consignor's declaration, ADR security instructions

- person(s) sanctioned: driver
- sanctions: fine of 50 BGN, RTA, article 181, p.3
- compromise settlement: not foreseen
- other measures: not foreseen

### 2.4.4 Container packing certificate

- person(s) sanctioned: driver, operator, carrier
- sanctions: **driver**  
fine 50 BGN / 500 BGN, RTA, article 181 (3) / CRA, article 93 (2)  
**operator**  
fine amounting to 3,000 BGN, CRA, article 96 (1)  
**carrier**  
fine amounting to 5,000 BGN, CRA, article 96 (2)
- compromise settlement: not foreseen
- other measures: not foreseen

### 2.4.5 Transfrontier movement of waste document (Basel Convention)

- person(s) sanctioned: carrier, driver, principal
- sanctions: **driver**  
fine from € 255,65 to € 1,022.58  
**carrier or principal**  
fine from 1,000 BGN up to 5,000 BGN, SUNEА, article 143 (1), (2), (3)
- compromise settlement: not foreseen

- other measures: not foreseen

## 2.5 Excess load of foreign vehicle

- person(s) sanctioned: driver
- sanctions: fine from 500 up to 3,000 BGN; in case of repeated offences the fine amount is from 1,000 BGN up to 5,000 BGN, RTA, article 177 (2) p.1 and (3)
- compromise settlement: not foreseen
- other measures: not foreseen

## 2.6 Third-party insurance

- person(s) sanctioned: driver, carrier, principal
- sanctions: **driver**  
fine 10 BGN, pending insurance certificate in case of missing Green Card
- compromise settlement: not foreseen
- other measures: taking away of the driving licence and temporary vehicle immobilisation until presentment of insurance certificate in case of missing Green Card, RTA, article 171 p.p.1.e and 2.c

## 2.7 Obligation to produce required documents

- person(s) sanctioned: driver
- sanctions: specific documents for passenger transport: fine of 3,000 BGN, FRBA, article 49(1)  
in case of refusal to produce required documents: fine from 50 BGN up to 200 BGN and depriving the right of driving for a period of 1 up to 6 months, RTA, article 175 (1) p.3  
in case of altered documents or document forgery: up to 20 years prison sentence (article 212 of the Penal Code)
- compromise settlement: not foreseen
- other measures: entry prohibited in case of irregular travel documents or missing visa; vehicle seizure

## 2.8 Obligation to submit to a decision to immobilise the vehicle

- person(s) sanctioned: driver
- sanctions: fine from 100 BGN to 300 BGN, RTA, article 177 (1), p.4
- compromise settlement: not foreseen
- other measures: not foreseen

## 3. APPEALS AGAINST SANCTIONS

### 3.1 Appeals against sanctions pronounced by enforcing agents (police, customs, other)

- authority with which the appeal should be lodged: Regional Court
- time-limit to lodge an appeal: 7 days, AVSA, article 59

### 3.2 Appeals against sanctions pronounced by an authority reviewing fines (minor offences)

- authority with which the appeal should be lodged: Administrative Court
- time-limit to lodge an appeal: 14 days, APC, article 149

**3.3 Appeals against sanctions pronounced by a court reviewing misdemeanours (serious offences subject to penal sanctions)**

- authority with which the appeal should be lodged: Supreme Administrative Court
- time-limit to lodge an appeal: 14 days, APC, article 211

**4. SANCTIONS IN CASE OF INCORRECT LOADING OR STOWAGE**

- person(s) sanctioned: driver
- sanctions: fine 20 BGN, RTA, article 183 (2) p.6
- compromise settlement: not foreseen
- other measures: temporary vehicle immobilisation if the carriage is of dangerous goods, CRA, article 106 (1) p.11

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October 2013



## TRANSPORT PERMIT AND AUTHORISATION REQUIREMENTS

In case of a lost, forgotten, outdated permit (if required according to bilateral and multilateral agreements) the vehicle shall be deemed without a transport permit and may enter the territory of Bulgaria, only after the purchase of such a permit at the crossing point.

***Tariff No. 5 for fees levied within the system of the Ministry of Transport and Communication State Gazette No. 41/19.05.2000, last amend. in No. 67/31.08.2012***

Article 99

(1) For issuing a permit to a foreign registered goods vehicle at border crossing point the following fees are levied:

1. for a bilateral or a transit transport operation: 1,500 €

2. for a transport operation from/to third country: 3,000 €

(2) For issuing of a permit to a foreign-registered bus or coach at a border crossing point: 1,500 €

If invalid permit is presented, it will be annulled and sent to the competent authority of the country of registration of the vehicle.

An authorisation of the Ministry of Environment is required only for the Import of all ADR goods, excluding Class 1.

According to the Weapons, Ammunition, Explosives and Pyrotechnical Articles Control Act (WAEPACA), article 108, an authorisation from the Ministry of Internal Affairs (Annex 1 a) and an armed escort are required for the transport of such goods through the territory of the country. In the event of an infringement, a fine of from 2,000 to 4,000 BGN and/or property penalty from 5,000 to 10,000 BGN (WAEPACA, articles 195-196) is to be imposed and the authorisation is to be deprived for one year.

## TRANSIT CARRIAGE OF EXPLOSIVE SUBSTANCES AND ARTICLES OF CLASS 1 THROUGH BULGARIA

For transit carriage of dangerous goods of Class 1 through Bulgaria, the driver must show, at the Bulgarian border checkpoint, an *Authorisation for the transit transport of explosive substances and articles* through the country, issued by the Directorate of the Bulgarian National Police. This document is required in addition to another document under the provisions of ADR. For the purpose of such a transit transport operation, the following has to be performed by the person concerned before forwarding the load to the country of destination through Bulgaria:

- The consignor, or consignee, or carrier, or forwarder has to apply a request (see attached sample in supplement 1) to the Director of the Head Directorate "National Police", 1 Alexander Malinov Bld., BG – 1715 Sofia, fax ++359 2 982 29 191, phone number ++359 2 982 99 77. In the request the following has to be indicated:
  - The name of the applicant (the consignor, or the consignee, or the carrier, or the forwarder) and full information about the applicant (address, phone, fax, data for legal registration of the firm, power of attorney etc.);
  - The name of the document requested (e.g. Authorisation for the transit of explosives – class 1, ADR);
  - The description of the load (UN number, name, class and compatibility group, item, quantity in kg, number of pallets and boxes);
  - The country of departure and country of destination (e.g. Germany – Turkey);
  - The border places of entry to and exit from Bulgaria (e.g. Orjahovo – Kapitan Andreevo);
  - The vehicle's data;
  - The driver's name, passport number, date and place of birth;
  - The security guard or driver's mate's name and his passport number;
  - The name of the person responsible for the transportation of the load and his address, passport number, position etc. This individual is authorized by the applicant to stand proxy for him and to act on the petitioner's behalf. The responsible person's name must be indicated in the instructions in writing (according to ch 1.1.3.6., ADR) which is attached to the transport document.
 

**NOTE:** The applicant can empower a physical or juridical person in Bulgaria (e.g. AEBTRI, an individual, etc.) to act for him in applying for the Authorisation. For this purpose, a power of attorney is needed.
  - The signature of enterprise's head and stamp.
- In addition to the request form, the following documents have to be attached to it:
  - The authorisation for import or transit into/through the next country after Bulgaria, issued by the competent authority of the next country;
  - The Vehicle Approval Certificate (Certificate B.3 of ADR);
 

**NOTE:** Certificate B.3 is not needed when the carriage is under the provision of 1.1.3.6.3 and 5.4.1.1.10 of ADR (respectively 1.1.3.6. of Restructured ADR – 2013).
  - The copy of Driver's ADR training certificate;
 

**NOTE:** Driver's ADR certificate is not needed when the carriage is under 1.1.3.6.3 and 5.4.1.1.10.1 of ADR (respectively 1.1.3.6 of Restructured ADR – 2013).

- The document showing that the fee for the Authorisation has been paid.

**NOTE:** The receipt for the payment is required by the police but this payment does not fit into the pattern of ADR. If the carrier has paid this fee, he can later officially lodge an appeal against that payment to competent Bulgarian authority, i.e. Ministry of Transport and Communications.

**NOTE:** When the load is assigned for Bulgaria, additional authorisations have to be obtained; they are issued by the Ministry of the Economy in accordance with the Law concerning the export control of products connected with defence and of goods and technologies of double usage, published in State Gazette No. 26/29.03.2011, last amend. in No. 93/27.11.2012.

Contact / Information: Mr Nikolay Kirkov: [mailto: kirkov@ttm.bg](mailto:kirkov@ttm.bg)

To

Head Directorate "National Police"  
1 Alexander Malinov Bld.  
1715 Sofia  
Bulgaria

Attn.: Head of Directorate

**REQUEST**

From.....  
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.....  
.....

Dear Mr. Director

We request an Authorisation for the transit transport of explosive substances/articles of Class 1 to be issued for our load.

The load contains the following: (*Description of the load*)

Forwarding country:

Assigned country:

Point of entry into Bulgaria:

Point of exit from Bulgaria:

Vehicle: (Reg. No., VIN, make, Certificate B 3, type)

Driver:

Driver's assistant (also employed as a guard):

Person responsible for the carriage:

(Town, date)

(Signature, Stamp)

(Name, position)