



REPUBLIC OF BULGARIA
Ministry of Economy

[REDACTED]
21 March 2018

To the attention of:

[REDACTED]
DG GROW/C3
European Commission
B-1049 Brussels, Belgium
[REDACTED]

Subject: *Regulation (EU) 2016/425 on personal protective equipment - Article 45 (Penalties)*

Dear [REDACTED],

Pursuant to Article 45 of the Regulation (EU) 2016/425 on personal protective equipment and repealing Council Directive 89/686/EEC regarding the notification by the Member States of penalties, please find enclosed to this letter the necessary information on behalf of Bulgaria.

In respect of the above mentioned we would like to point out that in Bulgaria the implementation of the provisions of Regulation (EU) 2016/425 on personal protective equipment and repealing Council Directive 89/686/EEC is ensured by the framework **Law on Technical Requirements for Products** (published in the State Gazette, No. 86/01.10.1999, last amended and supplemented, State Gazette, No. 12/06.02.2018) and the respective secondary legislation adopted under Article 7 of that Law – **Ordinance on the essential requirements and conformity assessment of the personal protective equipment** (published in the State Gazette, No. 6/16.01.2018, in force as from 21.04.2018).

The Law on Technical Requirements for Products is a **horizontal law** providing the necessary conditions for the implementation of all the EU product related harmonisation legislation in the field of New Approach. In particular, Chapter Six of that Law refers to the Administrative Penal Provisions that are directly applicable to infringements of its provisions as well as of the provisions of all the relevant secondary legislation within its scope (including the Ordinance mentioned above). Being a New Approach legislation, the Regulation on personal protective equipment itself is also subject to provisions of Chapter Six of that Law and there is no other separate national act dealing with penalties under Article 45 of Regulation (EU) 2016/425 in particular.

However, the application of rules concerning penalties in general should follow the procedure as provided for in the framework national act on penalties, i.e. the **Law on Administrative Violations and Sanctions** (published in the State Gazette, published SG, No. 92/28.11.1969, last amended and supplemented SG, No. 20/06.03.2018, in force as from 06.03.2018).

According to the requirements of Article 45 of Regulation (EU) 2016/425 the provisions of Chapter Six of the Law on Technical Requirements for Products concerning rules on

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Sofia 1052, Bulgaria

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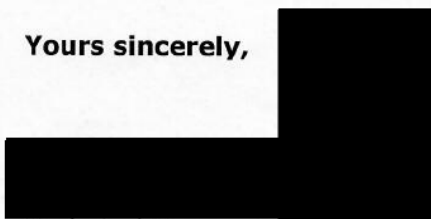
penalties applicable only to infringements by economic operators with reference to Regulation (EU) 2016/425 are given in Annex 1, both in Bulgarian and English language. Due to this the table in Annex 1 does not include references to the infringements by the notified bodies and related penalties.

The provisions of the Ordinance on the essential requirements and conformity assessment of the personal protective equipment, in Bulgarian language, are included in Annex 2 for information purposes only.

Enclosure: Annex 1: Information by Bulgaria on Article 45 (Penalties) of Regulation (EU) 2016/425

Annex 2: Ordinance on the essential requirements and conformity assessment of the personal protective equipment (in Bulgarian language).

Yours sincerely,

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*Technical Harmonisation and
Consumers Policy Directorate*