

**Annex 1****Information by Bulgaria****in pursuance of Regulation (EU) 2016/425 on personal protective equipment - Article 45 (Penalties)**

Types of infringements which are subject to a penalty	References to the national legal text on the penalty scheme applied, including concrete penalty levels and hierarchy of penalties (both in English and Bulgarian)	
Short description	Specific provisions concerning penalties applicable to infringements by the economic operators according to Chapter Six of the 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)	Специфични разпоредби, свързани със санкциите, приложими при нарушения от страна на икономическите оператори съгласно Глава VI от Закона за техническите изисквания към продуктите (обн., ДВ, бр. 86/01.10.1999, последно изм. и доп., ДВ, бр. 12/06.02.2018 г.)
Placing products on the market and/or putting products into service without having complied with the requirements for conformity assessment of products	<b>Article 50</b> A person who violates the provisions of Article 3 or Article 4 shall be imposed a fine ranging from 1000 to 5000 BGN or a proprietary sanction of 5000 to 15 000 BGN.	<b>Чл. 50.</b> Лице, което нарушава разпоредбите на чл. 3 или 4, се наказва с глоба от 1000 до 5000 лв. или с имуществена санкция от 5000 до 15 000 лв.
Incorrect or false content of the declaration of conformity	<b>Article 51</b> A person who draws up and/or uses a declaration of conformity with contents not corresponding to the contents specified by the Ordinances referred to in Article 7 and/or to the implementing measures referred to in Article 26a, or to the New Approach Directives, shall be imposed a fine ranging from 300 to 1000 BGN or a proprietary sanction of 1000 to 5000 BGN unless the act does not constitute a crime.	<b>Чл. 51.</b> Лице, което състави и/или използва декларация за съответствие със съдържание, което не съответства на съдържанието, определено в наредбите по чл. 7 и/или в мерките по прилагането по чл. 26а, или с директивите от "Нов подход", се наказва с глоба от 300 до 1000 лв. или с имуществена санкция от 1000 до 5000 лв., ако с деянието не се извършва престъпление.
Incorrectly affixed conformity marking	<b>Article 51a</b> A person placing products on the market and/or putting products into service having been affixed with a conformity marking in violation of the Ordinance referred to in Article 24 shall be imposed a fine ranging from 300 to 800 BGN or a proprietary sanction of 500 to	<b>Чл. 51а.</b> Лице, което пуска на пазара и/или пуска в действие продукти с маркировка за съответствие в нарушение на наредбата по чл. 24, се наказва с глоба от 300 до 800 лв. или с имуществена санкция от 500 до 1000 лв.

Placing products on the market and/or putting products into service affixed with a marking and accompanied by a declaration of conformity but without having subject these products to conformity assessment.	1000 BGN. <b>Article 51b</b> A person placing products on the market and/or putting products into service affixed with a conformity marking and an additional marking, or with declaration of conformity, without having carried out conformity assessment with the essential requirements laid down in the Ordinances referred to in Article 7 and/or with the ecodesign requirements set out in the implementing measures referred to in Article 26a, shall be imposed a fine ranging from 3000 to 8000 BGN or a proprietary sanction of 5000 to 10 000 BGN.	<b>Чл. 51б.</b> Лице, което пуска на пазара и/или пуска в действие продукти с маркировка или с декларация за допълнителна маркировка или с декларация за съответствие, без да е оценено съответствието им със съществените изисквания, определени в наредбите по чл. 7 и/или с изискванията за екопроектиране, определени в мерките по прилагането по чл. 26а, се наказва с глоба от 3000 до 8000 лв. или с имуществена санкция от 5000 до 10 000 лв.
Lack of marking or missing declaration	<b>Article 51c</b> A person placing products on the market and/or putting products into service without a marking, without an additional marking or without a declaration of conformity, when required by the Ordinances referred to in Article 7, and/or according to the ecodesign requirements set out in the implementing measures referred to in Article 26a, shall be imposed a fine ranging from 500 to 800 BGN or a proprietary sanction of 1500 to 3000 BGN.	<b>Чл. 51в.</b> Лице, което пуска на пазара и/или пуска в действие продукти без маркировка, без допълнителна маркировка или без декларация за съответствие, когато такава се изисква от наредбите по чл. 7 и/или с изискванията за екопроектиране, определени в мерките по прилагането по чл. 26а, се наказва с глоба от 500 до 800 лв. или с имуществена санкция от 1500 до 3000 лв.
<ul style="list-style-type: none"> <li>- Non-fulfilment of the obligation of the relevant economic operators (as specified in the Ordinances adopted under Article 7 of the LTRP) for keeping the technical documentation for a period of not less than 10 years from the last date of product's manufacture;</li> <li>- Not providing the technical documentation and the declaration of conformity (or a copy of it) upon a request from the national market</li> </ul>	<b>Article 52</b> A person who fails to fulfil his/her obligations under Article 25 or Article 26, par. 1 or 2 shall be imposed a fine ranging from 500 to 1000 BGN or a proprietary sanction of 5000 to 10 000 BGN.	<b>Чл. 52.</b> Лице, което не изпълни задълженията си по чл. 25 или чл. 26, ал. 1 или 2, се наказва с глоба от 500 до 1000 лв. или с имуществена санкция от 5000 до 10 000 лв.

surveillance authorities.		
- Missing indication (on the products) of the name and the address at which the relevant economic operator can be contacted; - Missing instructions and/or directions for use in the Bulgarian language.	<b>Article 52a</b> A person placing products on the market and/or putting products into service without having indicated on them its name and/or the business address or without an instruction and/or directions for use in the Bulgarian language shall be imposed a fine ranging from 200 to 500 BGN or a proprietary sanction of 500 to 2000 BGN.	<b>Чл. 52а.</b> Лице, което пуска на пазара и/или пуска в действие продукти, без да е посочило върху тях наименованието и/или адреса си на управление или без инструкция и/или указание за употреба на български език, се наказва с глоба от 200 до 500 лв. или с имуществена санкция от 500 до 2000 лв.
Making available on the market of products without a marking	<b>Article 52b</b> An operator offering products without a conformity marking or an additional marking, when such is required by the Ordinances referred to in Article 7 and/or by the implementing measures referred to in Article 26a, shall be imposed a fine or a proprietary sanction of 250 to 1000 BGN.	<b>Чл. 52б.</b> Търговец, който предлага продукти без маркировка за съответствие или без допълнителна маркировка, когато такава се изисква в наредбите по чл. 7 и/или в мерките по прилагането по чл. 26а, се наказва с глоба или с имуществена санкция от 250 до 1000 лв.
Making available on the market of products without a declaration of conformity	<b>Article 52c</b> An operator offering products without a declaration of conformity , when required by the Ordinances referred to in Article 7 and/or by the implementing measures referred to in Article 26a, shall be imposed a fine ranging from 250 BGN or a proprietary sanction of 250 to 1000 BGN.	<b>Чл. 52в.</b> Търговец, който предлага продукти без декларация за съответствие, когато такава се изисква от наредбите по чл. 7 и/или от мерките по прилагането по чл. 26а, се наказва с глоба или с имуществена санкция от 250 до 1000 лв.
Making available on the market of products without an indication of the name and/or the business address of the relevant economic operator	<b>Article 52d</b> An operator offering products without an indication of the name or the business address of the person who places these products on the market and/or puts them into service shall be imposed a fine or a proprietary sanction of 250 to 1000 BGN.	<b>Чл. 52г.</b> Търговец, който предлага продукти без обозначение на наименованието или адреса на управление на лицето, което ги пуска на пазара и/или ги пуска в действие, се наказва с глоба или с имуществена санкция от 250 до 1000 лв.
Making available on the market of products without an instruction and/or directions for use in the Bulgarian language.	<b>Article 52e</b> An operator offering products without an instruction and/or directions for use in the Bulgarian language shall be imposed a fine or a proprietary sanction of 250 to 1000 BGN.	<b>Чл. 52д.</b> Търговец, който предлага продукти без инструкция и/или указание за употреба на български език, се наказва с глоба или с имуществена санкция от 250 до 1000 лв.
Non-fulfilment or violation of the mandatory prescriptions prohibiting the distribution and/or use of products, as	<b>Article 53</b> For non-fulfilment or for violation of the mandatory prescriptions referred to in Article 30a, para 1, 2, 4 and 5 and Article 30c, para 1 the offenders shall be	<b>Чл. 53.</b> За неизпълнение или за нарушение на задължителните предписания по чл. 30а, ал. 1, 2, 4 и 5 и чл. 30в, ал.1 виновните лица се наказват с

<p>follows:</p> <p><b>Article 30a(1) - to withdraw the products from the market</b> in cases where as a result of the checks and testing, it is established that they do not comply with the essential requirements.</p> <p><b>Article 30a(2) - to withdraw the products from the market</b> in cases of a check carried out it is established that they visually do not comply with the essential requirements.</p> <p><b>Article 30a(4) - to destroy the products</b> at the expenses of the relevant operators in cases where the non-conformity with the essential requirements cannot be technically removed.</p> <p><b>Article 30a(5) – to the users, to suspend the product’s use, or to the relevant economic operators – to recall these products</b>, in cases of a serious risk.</p>	<p>imposed a fine ranging from 300 to 1000 BGN or a proprietary sanction of 1000 to 5000 BGN.</p> <p><b>Article 53a</b> For other violations of the Ordinances referred to in Article 7 and/or of the implementing measures referred to in Article 26a, the offenders shall be imposed a fine ranging from 300 to 1000 BGN or a proprietary sanction of 1000 to 5000 BGN.</p>	<p>глоба от 300 до 1000 лв. или с имуществена санкция от 1000 до 5000 лв.</p> <p><b>Чл. 53а.</b> За други нарушения на наредбите по чл. 7 и/или на мерките по прилагането по чл. 26а виновните лица се наказват с глоба от 300 до 1000 лв. или с имуществена санкция от 1000 до 5000 лв.</p>
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Gazette, No. 6/21.01.2018, in force as from 21.04.2018).	<b>Article 56</b> Anyone who obstructs or fails to submit the documents referred to in Article 30g, par. 1, item 4 to the market surveillance authorities and the technical surveillance authorities so as to fulfil their official duties shall be imposed a fine ranging from 200 to 2000 BGN.	<b>Чл. 56.</b> Който пречи или не предоставя документите по чл. 30ж, ал. 1, т. 4 на органите за надзор на пазара и органите за технически надзор да изпълняват служебните си задължения, се наказва с глоба от 200 до 2000 лв.
Obstructing or not providing the necessary documents to the national competent authorities.	<b>Article 59</b> The establishment of violations, the issue, the appeal and the execution of penal provisions shall be made in accordance with the procedure laid down in the Law on Administrative Violations and Sanctions.	<b>Чл. 59.</b> Установяването на нарушенията, издаването, обжалването и изпълнението на наказателните постановления се извършват по реда на Закона за административните нарушения и наказания.
Standard clause making reference to the basic national act on penalties – the <b>Law on Administrative Violations and Sanctions</b> (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)		