

(GROW)

From: [REDACTED]@bg-permrep.eu>
Sent: 09 October 2018 09:59
To: GROW C4 MEETINGS
Cc: [REDACTED]
Subject: Bulgarian notification/Regulation (EU) 2016/1628/Art.57 and Art.5
Attachments: table-Notification_penalties_BG_NRMM.docx; BG_table_authorities_NRMM.doc
Importance: High

Dear colleagues,

Please find attached:

1. Confirmation of the scope of activities of the Bulgarian competent authority under Regulation (EU) No 2016/1268 (Art. 5, paragraph 2 and Art. 50)
2. Information about penalties for infringements under Article 57 of Regulation (EU) 2016/1628.

Kind regards,

[REDACTED]
BG Permanent representation

BULGARIA**Confirmation of scope of activities of competent authorities under Regulation (EU) No 2016/1268 (Art. 5, paragraph 2 and Art. 50)**

BG type-approval authority	BG market surveillance authority	Designated technical service
Minister of Agriculture, Food and Forestry 55, Hristo Botev Blvd. Sofia 1000 Bulgaria tel: 00359 2 985 11 858 Web page: www.mzh.government.bg/mzh	Minister of Agriculture, Food and Forestry 55, Hristo Botev Blvd. Sofia 1000 Bulgaria tel: 00359 2 985 11 858 Web page: www.mzh.government.bg/mzh	No

**Declaration of the Republic of Bulgaria with regard to the national penalty scheme for infringements
under Article 57 of Regulation (EU) 2016/1628 of the European Parliament and of the Council of 14 September 2016 on requirements relating to
gaseous and particulate pollutant emission limits and type-approval for internal combustion engines for non-road mobile machinery, amending
Regulations (EU) No 1024/2012 and (EU) No 167/2013, and amending and repealing Directive 97/68/EC**

Types of infringements which are subject to a penalty:	Short description penalty scheme in national legislation including concrete penalty levels and hierarchy of penalties	References to the national legal text
(a) making false declarations, in particular during the EU type-approval procedures, the procedures leading to a recall or the procedures relating to exemptions;	Infringement under Art. 57, para 2, letters a, b, c, d, e: - penalty from 1500 BGN to 3000 BGN for natural person; - penalty from 3000 BGN to 5000 BGN for legal person.	Law on Registration and Control of Agricultural and Forestry Machinery (SG 59/17.07.2018) Art. 21d, para.1 and para.2
(b) falsifying test results in relation to an EU type-approval or the monitoring of in-service engines;	Infringement under Art. 57, para 2, letters a, b, c, d, e: - penalty from 1500 BGN to 3000 BGN for natural person; - penalty from 3000 BGN to 5000 BGN for legal person.	Law on Registration and Control of Agricultural and Forestry Machinery (SG 59/17.07.2018) Art. 21d, para.1 and para.2
(c) withholding data or technical specifications which could lead to the recall of engines, or to the refusal or the withdrawal of an EU type-approval;	Infringement under Art. 57, para 2, letters a, b, c, d, e: - penalty from 1500 BGN to 3000 BGN for natural person; - penalty from 3000 BGN to 5000 BGN for legal person.	Law on Registration and Control of Agricultural and Forestry Machinery (SG 59/17.07.2018) Art. 21d, para.1 and para.2
(d) using defeat strategies;	Infringement under Art. 57, para 2, letters a, b, c, d, e: - penalty from 1500 BGN to 3000 BGN for natural person; - penalty from 3000 BGN to 5000 BGN for legal person.	Law on Registration and Control of Agricultural and Forestry Machinery (SG 59/17.07.2018) Art. 21d, para.1 and para.2
(e) refusing to provide access to information;	Infringement under Art. 57, para 2, letters a, b, c, d, e: - penalty from 1500 BGN to 3000 BGN for natural person; - penalty from 3000 BGN to 5000 BGN for legal person.	Law on Registration and Control of Agricultural and Forestry Machinery (SG 59/17.07.2018) Art. 21d, para.1 and para.2

(f) placing on the market engines subject to EU type-approval without EU type-approval, or falsifying documents or statutory markings with the intention of doing so;	Infringement of Art. 57, para 2, letters from „f“ to „n“ - penalty from 2500 BGN to 5000 BGN for natural person; - penalty from 5000 BGN to 10000 BGN for natural person.	Law on Registration and Control of Agricultural and Forestry Machinery (SG 59/17.07.2018) Art. 21e, para.1 and para.2
(g) placing on the market transition engines and non-road mobile machinery in which such engines are installed in violation of the exemption provisions;	Infringement of Art. 57, para 2, letters from „f“ to „n“ - penalty from 2500 BGN to 5000 BGN for natural person; - penalty from 5000 BGN to 10000 BGN for natural person.	Law on Registration and Control of Agricultural and Forestry Machinery (SG 59/17.07.2018) Art. 21e, para.1 and para.2
(h) being in violation of the restrictions set out in Article 35(3) and (4);	Infringement of Art. 57, para 2, letters from „f“ to „n“ - penalty from 2500 BGN to 5000 BGN for natural person; - penalty from 5000 BGN to 10000 BGN for natural person.	Law on Registration and Control of Agricultural and Forestry Machinery (SG 59/17.07.2018) Art. 21e, para.1 and para.2
(i) placing on the market an engine modified in such a way that it is no longer in conformity with the specifications of its EU type-approval;	Infringement of Art. 57, para 2, letters from „f“ to „n“ - penalty from 2500 BGN to 5000 BGN for natural person; - penalty from 5000 BGN to 10000 BGN for natural person.	Law on Registration and Control of Agricultural and Forestry Machinery (SG 59/17.07.2018) Art. 21e, para.1 and para.2
(j) installing an engine in non-road mobile machinery for a use other than the exclusive use provided for in Article 4;	Infringement of Art. 57, para 2, letters from „f“ to „n“ - penalty from 2500 BGN to 5000 BGN for natural person; - penalty from 5000 BGN to 10000 BGN for natural person.	Law on Registration and Control of Agricultural and Forestry Machinery (SG 59/17.07.2018) Art. 21e, para.1 and para.2
(k) placing on the market a special purpose engine under Article 34(5) or (6) for use in non-road mobile machinery other than that provided for in those paragraphs;	Infringement of Art. 57, para 2, letters from „f“ to „n“ - penalty from 2500 BGN to 5000 BGN for natural person; - penalty from 5000 BGN to 10000 BGN for natural person.	Law on Registration and Control of Agricultural and Forestry Machinery (SG 59/17.07.2018) Art. 21e, para.1 and para.2
(l) placing on the market an engine under Article 34(7) or (8) and Article 58(9), (10) or (11) for use in machinery other than that provided for in those paragraphs;	Infringement of Art. 57, para 2, letters from „f“ to „n“ - penalty from 2500 BGN to 5000 BGN for natural person; - penalty from 5000 BGN to 10000 BGN for natural person.	Law on Registration and Control of Agricultural and Forestry Machinery (SG 59/17.07.2018) Art. 21e, para.1 and para.2
(m) placing on the market non-road	Infringement of Art. 57, para 2, letters from „f“ to „n“	Law on Registration and Control of Agricultural

mobile machinery in which engines subject to EU type-approval under this Regulation are installed, without such approval;	<ul style="list-style-type: none"> - penalty from 2500 BGN to 5000 BGN for natural person; - penalty from 5000 BGN to 10000 BGN for natural person. 	and Forestry Machinery (SG 59/17.07.2018) Art. 21e, para.1 and para.2
(n) placing on the market non-road mobile machinery that is in violation of a restriction regarding non-road mobile machinery set out in Article 34(8).	Infringement of Art. 57, para 2, letters from „f“ to „n“ <ul style="list-style-type: none"> - penalty from 2500 BGN to 5000 BGN for natural person; - penalty from 5000 BGN to 10000 BGN for natural person. 	Law on Registration and Control of Agricultural and Forestry Machinery (SG 59/17.07.2018) Art. 21e, para.1 and para.2