

# BULGARIA

## 1. Provisions in place in the Member States on REACH penalties

The table below has been compiled on the basis of the information provided in the legislation sent by Bulgaria in its notification to the Commission. This table indicates briefly which REACH articles are covered in the national legislation.

Country Article	BULGARIA
5	X
6(1)	X
6(2)	
6(3)	X
7(1)	X
7(2)	X
7(3)	X
7(5)	X
8(1 and 2)	X (except 8(1))
9(2)	X
9(6)	X
10	
11(1 and 3)	X (except 11(3))
12(1)	
12(2)	
13(1-5)	X (except 13(4) and 13(5))
14(1)	X
14(6)	X
14(7)	X
17(1 and 2)	X (except 17(2))
18(1 to 3)	X (except 18(2) and 18 (3))
19(1 and 2)	X (except 19(2))
20(2)	
21(1)	
21(2)	
21(3)	
22(1)	X
22(2)	X
24(2)	X
25(1)	X
26(1)	X
27(1 to 3)	
27(4)	
27(6)	
28(1)	
28(6)	
29(3)	
30(2)	X
30(6)	X
31(1)	X
31(2-9)	X (except 31(4) and (6))
32(1)	X
32(2-3)	X
33(1 and 2)	X (except 33(2))
34	X
35	X
36(1)	X
36(2)	X
37(2)	X
37(3)	X
37(4)	X
37(5)	X
37(6)	X
37(7)	X
38(1)	X
38(2)	

Country Article	BULGARIA
38(3)	X
38(4)	X
40(4)	X
41(4)	X
46(2)	X
49(a)	X
50(2-3)	X
50(4)	X
53(1) to (3)	
53(4)	
55	
56(1)	X
56(2)	X
60(8)	
60(10)	X
61(1)	X
61(3)	
62 (4 and 5)	
63(3)	
65	X
66(1)	X
67(1)	X

## 2. Types of offences related to REACH in Bulgaria

This section gathers information on the REACH offences (administrative and/or criminal ones) pointed by the law in Bulgaria. We divided the offences in four groups:

- Offences related to the registration and evaluation requirements;
- Offences related to authorisation and restriction requirements;
- Offences related to the supply chain requirements;
- Offences related to the downstream user requirements;

	Administrative offences	Criminal offences
<b>Offences related to the registration and evaluation requirements</b>	<p><i>Major offences:</i></p> <ul style="list-style-type: none"> <li>- Failure to register before placing on the market of substances, in preparations or in articles (Article 5);</li> <li>- Failure to comply with obligations for registration of substances, in preparations or in articles of articles 7(3), 8(2), 9(6), 14(1), 14(6) and 14(7);</li> <li>- Failure to comply with the obligations related to testing of article 40(3) and provision of information for evaluation of article 50(4).</li> </ul> <p><i>Minor offences:</i></p> <ul style="list-style-type: none"> <li>- Failure to comply with obligations for registration of substances, in preparations or in articles of articles 6(1), 6(3), 7(1), 7(2), 7(5), 8(3), 9(2), 11(1), 13(1), 13(2), 13(3), 17(1), 18(1), 19(1), 22(1), 22(2), 22(4), 24(2);</li> <li>- Failure to comply with the obligations for data sharing and testing on vertebrate animals (Articles 25(1), 25(2), 26(1), 26(3), 30 (1), 30(2) and 30(6));</li> <li>- Failure to comply with the obligations related to evaluation of dossiers, substances and intermediate products (Articles 40(4), 41(4), 46 (2), 49, 50 (2) and 50(3)).</li> </ul>	N/A

<b>Offences related to authorisation and restrictions requirements</b>	<p><i>Major offences:</i></p> <ul style="list-style-type: none"> <li>- Failure to comply with the obligations for authorisation of chemical substances on their own, in preparations or in articles under articles 56(1), 56(2), 60(10) and 65;</li> <li>- Failure to comply with the obligations for restriction of manufacture, placing on the market and use of chemical substances on their own, in preparations or in articles under Article 67(1)</li> </ul> <p><i>Minor offences:</i></p> <ul style="list-style-type: none"> <li>- Failure to comply with the obligations for authorisation of chemical substances on their own, in preparations or in articles under articles breach of articles 61(1) and 66(1)</li> </ul>	N/A
<b>Offences related to the supply chain requirements</b>	<p><i>Major offences:</i></p> <ul style="list-style-type: none"> <li>- Failure to comply with the obligations for provision of documents and information within the supply chain under Articles 31(1-3), 31(7 and 9), 32(1), 32(3), 33(1), 34, 35,</li> </ul> <p><i>Minor offences:</i></p> <ul style="list-style-type: none"> <li>- Failure to comply with the obligations for provision of documents and information within the supply chain under Articles 31(5), 31(8), 32(2), 36(1) and 36(2);</li> </ul>	N/A
<b>Offences related to the downstream user requirements</b>	<p><i>Major offences:</i></p> <ul style="list-style-type: none"> <li>- Failure to comply with the obligations of the downstream users under Articles 37(4-7), 38(1), 38(3), 38(4), 39(1) and 39(2).</li> </ul> <p><i>Minor offences:</i></p> <ul style="list-style-type: none"> <li>- Failure to comply with the obligations of the downstream users under Articles 37(2 and 3).</li> </ul>	N/A

### 3. Sanctions applicable to legal persons in Bulgaria

This table mentions whether or not Bulgaria applies administrative or/and criminal sanctions to legal persons when REACH provisions are infringed and of a specific regime applies for legal persons in comparison to the regime applicable to natural persons.

	Sanctions applicable to legal persons	Criteria	Sanctions applicable to other groups
<b>Bulgaria</b>	Y	Identical to natural persons <sup>1</sup>	N

### 4. REACH related administrative and criminal penalties in Bulgaria

This section gathers information regarding administrative and/or criminal penalties applicable for the infringement of REACH in Bulgaria. We divided the penalties in four groups:

- Penalties related to infringement of registration and evaluation requirements;
- Penalties related to infringement of authorisation and restriction requirements;

<sup>1</sup> Under Bulgarian legislation '*fine*' refers to a natural person while '*pecuniary sanction*' refers to a legal person. Despite of some opinions in the legal doctrine that the '*pecuniary sanction*' does not belong to the system of the administrative measures as only natural persons may hold administrative liability it should be noted that in both cases the penalty is of economic nature, respectively the consequences after imposing the penalty are identical.

- Penalties related to infringement of the supply chain requirements;
- Penalties related to infringement of the downstream users requirements;

	Administrative penalties	Criminal penalties
<b>Penalties related to infringement of registration and evaluation requirements</b>	<ul style="list-style-type: none"> <li>• Fine for natural persons (respectively a pecuniary sanction for legal persons) of 10 000 up to 100 000 BGN (5 113 to 51 129 EUR) for breach of articles 5, 7(3), 8(2), 9(6), 14(1), 14(6), 14(7), 40(3) and 50(4);</li> <li>and</li> <li>• Fine for natural persons (respectively a pecuniary sanction for legal persons) of 5 000 up to 50 000 BGN (2 557 to 25 565 EUR) for breach of articles 6(1), 6(3), 7(1), 7(2), 7(5), 8(3), 9(2), 11(1), 13(1), 13(2), 13(3), 17(1), 18(1), 19(1), 22(1), 22(2), 22(4), 24(2), 25(1), 25(2), 26(1), 26(3), 30(1), 30(2), 30(6), 40(4), 41(4), 46(2), 49, 50(2) and 50(3);</li> <li>• The penalty is doubled in case of recidivism.</li> </ul>	In general, submission of any false information to competent authorities is subject to imprisonment of up to 3 years or a fine of 100 to 300 BGN (51 – 153 EUR)
<b>Penalties related to infringement of authorisation and restriction requirements</b>	<ul style="list-style-type: none"> <li>• Fine for natural persons (respectively a pecuniary sanction for legal persons) of 10 000 up to 100 000 BGN (5 113 to 51 129 EUR) for breach of Articles 56(1), 56(2), 60(10), 65 and 67(1);</li> <li>and</li> <li>• Fine for natural persons, respectively a pecuniary sanction for legal persons, to the amount of 5 000 up to 50 000 BGN (2 557 to 25 565 EUR) for breach of articles 61(1) and 66(1)</li> <li>• The penalty is doubled in case of recidivism.</li> </ul>	N/A
<b>Penalties related to infringement of the supply chain requirements</b>	<ul style="list-style-type: none"> <li>• Fine for natural persons, respectively a pecuniary sanction for legal persons, to the amount of 10 000 up to 100 000 BGN (5 113 to 51 129 EUR) for breach of articles 31(1), 31(2), 31(3), 31(7), 31(9), 32 (1), 32(3), 33(1), 34 and 35;</li> <li>and</li> <li>• Fine for natural persons, respectively a pecuniary sanction for legal persons, to the amount of 5 000 up to 50 000 BGN (2 557 to 25 565 EUR) for breach of articles 31(5), 31(8), 32(2), 36(1) and 36(2);</li> <li>• The penalty is doubled in case of recidivism.</li> </ul>	N/A
<b>Penalties related to infringement of the downstream users requirements</b>	<ul style="list-style-type: none"> <li>• Fine for natural persons, respectively a pecuniary sanction for legal persons, to the amount of 10 000 up to 100 000 BGN (5,113 to 51 129 EUR) for breach of articles 37(4), 37(5), 37(6), 37(7), 38 (1), 38(3), 38(4), 39(1) and 39(2);</li> <li>and</li> <li>• Fine for natural persons, respectively a pecuniary sanction for legal persons, to the amount of 5,000 up to 50 000 BGN (2 557 to 25 565 EUR) for breach of articles 37(2) and 37(3)</li> <li>• The penalty is doubled in case of recidivism.</li> </ul>	N/A

## **5. Short description of REACH sanctions and related issues in Bulgaria**

Bulgaria does not provide specific criminal sanctions when REACH obligations are infringed. However, false statements before competent authorities are incriminated (such as declarations, false information in applications, etc.) and thus subject to criminal liability.

The competent authorities in Bulgaria responsible for enforcing compliance with the REACH obligations are the Regional Inspectorates of Environment and Water, Regional Inspectorates of Public Health Protection and the General Labour Inspectorate. The inspectors are entitled to access to premises, check of documentation, files, taking samples, etc. The Minister of Environment and Water has approved Instructions for carrying out inspections for compliance with the requirements of REACH. The Inspectors are obliged to fill in a report with their findings and recommend measures for achieving compliance if possible.

Administrative sanctions are determined taking into account the level of dangerousness of the infringement, all the negative impacts, all the circumstances when the infringement took place, the duration and repetition of the infringement within the minimum and maximum amount set out in the law. If the same person infringes REACH obligations for a second time the sanctions are doubled.

The preparatory work for implementing the requirements of REACH started at the Ministry of Environment and Water (MoEW) more than 2 years ago. The Ministry has worked in close collaboration with the industrial chambers, mainly Bulgarian Chamber of Industry and the Chemical industry chamber for awareness and training of target groups for their REACH obligations. All the guidance manuals and instructions for application of REACH are consulted with the industry prior to their adoption. Due to the preliminary registration carried out as a result of a wide campaign amount the industrial and commercial sector, the competent authorities have compiled a detailed database.