

## Penalties for infringements of the provisions of Regulation (EC) No 561/2006 and Regulation (EU) No 165/2014

Please find information about relevant penalties for each type of infringement described and their level of seriousness.

| Level of seriousness for infringements |                                 |                           |                         |
|--|---------------------------------|---------------------------|-------------------------|
| MSI = most serious infringements       | VSI = very serious infringement | SI = serious infringement | MI = minor infringement |

### 1. Groups of infringements against Regulation (EC) no 561/2006 for Bulgaria

National legislation for penalties related to infringements against Regulation (EC) 561/2006:

| EU LEGAL BASIS         | TYPE OF INFRINGEMENT  | LEVEL OF SERIOUSNESS |     |    |    | Type of penalty |           |          |
|------------------------|---|----------------------|-----|----|----|-----------------|-----------|----------|
|                        |   | MSI                  | VSI | SI | MI | Administrative  | Financial | Criminal |
| <b>Crew</b>            |   |                      |     |    |    |                 |           |          |
| Art 5.1                | Not respecting minimum ages for conductors                                    |                      |     | X  |    |                 |           |          |
| <b>Driving periods</b> |   |                      |     |    |    |                 |           |          |
| Art. 6.1               | Exceed daily driving time of 9h if possibilities to extend to 10h not allowed | 9h < ... < 10h       |     |    | X  |                 |           |          |
|                        |   | 10h ≤ ... < 11h      |     | X  |    |                 |           |          |
|                        |   | 11h ≤ ...            |     | X  |    |                 |           |          |
|                        | Exceed daily driving time of 9h by 50 % or more                               | 13h30 ≤ ...          | X   |    |    |                 |           |          |
|                        | Exceed extended daily driving time of 10h if                                  | 10h < ... < 11h      |     |    |    | X               |           |          |

|          |  |                            |   |   |   |   |      |         |  |
|----------|--|----------------------------|---|---|---|---|------|---------|--|
|          | extension allowed  | $11h \leq \dots < 12h$     |   |   | X |   |      |         |  |
|          |  | $12h \leq \dots$           |   | X |   |   |      |         |  |
|          | Exceed daily driving time of 10h by 50 % or more   | $15h \leq \dots$           | X |   |   |   |      |         |  |
| Art. 6.2 | Exceed weekly driving time   | $56h < \dots < 60h$        |   |   |   | X |      |         |  |
|          |  | $60h \leq \dots < 65h$     |   |   | X |   |      |         |  |
|          |  | $65h \leq \dots < 70h$     |   | X |   |   |      |         |  |
|          | Exceed weekly driving time by 25 % or more   | $70h \leq \dots$           | X |   |   |   |      |         |  |
| Art 6.3  | Exceed maximum total driving time during 2 consecutive weeks   | $90h < \dots < 100h$       |   |   |   | X |      |         |  |
|          |  | $100h \leq \dots < 105h$   |   |   | X |   |      |         |  |
|          |  | $105h \leq \dots < 112h30$ |   | X |   |   |      |         |  |
|          | Exceed maximum total driving time during 2 consecutive weeks by 25 % or more                           | $112h30 \leq \dots$        | X |   |   |   |      |         |  |
| Art. 6.5 | Lacking records for “other work” and “periods of availability”   |                            |   |   | X |   | Fine | BGN 500 |  |
| Art. 12  | Lacking indication of reasons for exceeding driving times in exceptional circumstances                 |                            |   |   |   | X | Fine | BGN 100 |  |
|          | Not taking a break of 30 minutes prior to additional driving of more than 1 hour and less than 2 hours |                            |   |   | X |   | Fine | BGN 300 |  |

|         |  |  |   |   |  |      |         |  |
|---------|--|--|---|---|--|------|---------|--|
|         | Exceeding daily and/or weekly driving by more than two hours in cases where an uninterrupted break of 30 minutes was taken immediately prior to the additional driving |  | X |   |  | Fine | BGN 500 |  |
| Art. 12 | No compensation of equivalent rest period for an extended driving time   |  |   | X |  | Fine | BGN 300 |  |

### Breaks

|        |  |                 |  |   |   |   |  |  |
|--------|--|-----------------|--|---|---|---|--|--|
| Art. 7 | Exceed uninterrupted driving time of 4,5 hours before taking the break | 4h30 < ... < 5h |  |   |   | X |  |  |
|        |  | 5h ≤ ... < 6h   |  |   | X |   |  |  |
|        |  | 6h ≤ ...        |  | X |   |   |  |  |

### Rest Periods

|          |  |                      |  |   |   |   |  |  |
|----------|--|----------------------|--|---|---|---|--|--|
| Art. 8.2 | Insufficient daily rest period of less than 11h if reduced daily rest period not allowed | 10h ≤ ... < 11h      |  |   |   | X |  |  |
|          |  | 8h30 ≤ ... < 10h     |  |   | X |   |  |  |
|          |  | ... < 8h30           |  | X |   |   |  |  |
|          | Insufficient reduced daily rest period of less than 9h if reduce allowed                 | 8h ≤ ... < 9h        |  |   |   | X |  |  |
|          |  | 7h ≤ ... < 8h        |  |   | X |   |  |  |
|          |  | ... < 7h             |  | X |   |   |  |  |
|          | Insufficient split daily rest period of less than 3h + 9h                                | 3h + [8h ≤ ... < 9h] |  |   |   | X |  |  |
|          |  | 3h + [7h ≤ ... < 8h] |  |   | X |   |  |  |

|             |   |                        |  |   |   |   |      |         |  |
|-------------|---|------------------------|--|---|---|---|------|---------|--|
|             |   | $3h + [... < 7h]$      |  | X |   |   |      |         |  |
| Art 8.5     | Insufficient daily rest period of less than 9h for multi-manning  | $8h \leq \dots < 9h$   |  |   |   | X |      |         |  |
|             |   | $7h \leq \dots < 8h$   |  |   | X |   |      |         |  |
|             |   | $\dots < 7h$           |  | X |   |   |      |         |  |
| Art 8.6     | Insufficient reduced weekly resting period of less than 24 h  | $22h \leq \dots < 24h$ |  |   |   | X |      |         |  |
|             |   | $20h \leq \dots < 22h$ |  |   |   | X |      |         |  |
|             |   | $\dots < 20h$          |  | X |   |   |      |         |  |
| Art 8.6     | Insufficient weekly resting period of less than 45 h if reduced weekly resting period not allowed                           | $42h \leq \dots < 45h$ |  |   |   | X |      |         |  |
|             |   | $36h \leq \dots < 42h$ |  |   |   | X |      |         |  |
|             |   | $\dots < 36h$          |  | X |   |   |      |         |  |
| Article 8.6 | Exceeding 6 consecutive 24-hour periods following the previous weekly rest period   | $\dots < 3h$           |  |   |   | X |      |         |  |
|             |   | $3h \leq \dots < 12h$  |  |   |   | X |      |         |  |
|             |   | $12h \leq \dots$       |  | X |   |   |      |         |  |
| Art 8.6     | Compensation for two consecutive reduced weekly rest periods not taken <i>en bloc</i> with the following weekly rest period |                        |  | X |   |   | Fine | BGN 500 |  |
|             | Less than two regular weekly rest periods in any four consecutive weeks   |                        |  | X |   |   | Fine | BGN 500 |  |

|        |  |  |  |   |   |      |         |  |
|--------|--|--|--|---|---|------|---------|--|
| Art. 9 | Daily rest period interrupted more than twice by other activities or for a period of time exceeding one hour in total  |  |  |   | X | Fine | BGN 100 |  |
| Art. 9 | Weekly rest period interrupted more than twice by other activities or for a period of time exceeding one hour in total |  |  |   | X | Fine | BGN 100 |  |
| Art. 9 | Recording 'rest' for the time spent on ferry or train without having an access to a sleeper cabin, bunk or couchette   |  |  | X |   | Fine | BGN 300 |  |

### 12-day rule derogation

|                       |   |                  |  |   |   |  |  |  |
|-----------------------|---|------------------|--|---|---|--|--|--|
| Art. 8.6a.            | Exceeding 12 consecutive 24-hour periods following a previous regular weekly rest                                 | ... < 3h         |  |   | X |  |  |  |
|                       |   | 3h ≤ ... < 12h   |  |   | X |  |  |  |
|                       |   | 12h ≤ ...        |  | X |   |  |  |  |
| Art. 8.6a.<br>(b)(ii) | Weekly rest period taken following 12 consecutive 24-hour periods   | 65h < ... ≤ 67h  |  |   | X |  |  |  |
|                       |   | ... ≤ 65h        |  | X |   |  |  |  |
| Art. 8.6a.<br>(d)     | Driving period, between 22.00 and 6.00, of more than 3 hours before the break, if the vehicle is not multi-manned | 3h < ... < 4,5 h |  |   | X |  |  |  |
|                       |   | 4,5 h ≤ ...      |  | X |   |  |  |  |

### Work organisation

|           |   |  |   |  |   |                 |  |  |
|-----------|---|--|---|--|---|-----------------|--|--|
| Art. 10.1 | Link between wage and distance travelled or amount of goods carried   |  | X |  |   |                 |  |  |
| Art. 10.2 | No or improper organisation of driver's work, no or improper instructions given to driver enabling him to comply with the law |  | X |  |   |                 |  |  |
| Art. 8.8  | Transport undertaking unable to prove the work organisation enabling a driver to  |  |   |  | X | Penalty payment |  |  |

|  |                                      |  |  |  |  |  |  |
|--|--------------------------------------|--|--|--|--|--|--|
|  | return 'home' at least every 4 weeks |  |  |  |  |  |  |
|--|--------------------------------------|--|--|--|--|--|--|

## 2. Groups of infringements against Regulation (EU) No 165/2014 of the European Parliament and of the Council (Tachograph) for Bulgaria

| National legislation for penalties related to infringements against Regulation (EU) 165/2014: |  |                      |     |    |    |                             |                            |          |
|---|--|----------------------|-----|----|----|-----------------------------|----------------------------|----------|
| EU LEGAL BASIS  | TYPE OF INFRINGEMENTS  | LEVEL OF SERIOUSNESS |     |    |    | Type of penalty             |                            |          |
|   |  | MSI                  | VSI | SI | MI | Administrative              | Financial                  | Criminal |
| <b>Installation of tachograph</b>   |  |                      |     |    |    |                             |                            |          |
| Art. 3.1 and Art. 22.2  | Not having type-approved tachograph installed and used ( <i>e.g.: not having a tachograph installed by fitters, workshops or vehicle manufacturers approved by the competent authorities of the Member States, using a tachograph without the necessary seals placed or replaced by an approved fitter, workshop or vehicle manufacturer or using a tachograph without the installation plaque</i> ) | X                    |     |    |    |                             |                            |          |
| Art. 3.4 and 3.4a   | Not having a smart tachograph version 2 installed and used by the specified deadlines  |                      | X   |    |    | Fine<br><br>Penalty payment | BGN 1 000<br><br>BGN 3 000 |          |
| <b>Use of tachograph, driver card or record sheet</b>   |  |                      |     |    |    |                             |                            |          |
| Art. 22.5   | Removed or broken seal of tachograph not replaced by an approved fitter or workshop within 7 days or by a control officer at the control   |                      | X   |    |    | Fine<br><br>Penalty payment | BGN 1 000<br><br>BGN 3 000 |          |
| Art. 23.1   | Using a tachograph not inspected by an approved workshop   |                      | X   |    |    |                             |                            |          |

|                         |  |   |   |  |  |  |  |  |
|-------------------------|--|---|---|--|--|--|--|--|
| Art. 27                 | Driver holding and/or using more than one own driver card  |   | X |  |  |  |  |  |
|                         | Driving with a driver card that has been falsified<br>(considered as driving without driver card)  | X |   |  |  |  |  |  |
|                         | Driving with a driver card of which the driver is not the holder<br>(considered as driving without driver card)  | X |   |  |  |  |  |  |
|                         | Driving with a driver card which has been obtained on the basis of false declarations and/or forged documents<br>(considered as driving without driver card) | X |   |  |  |  |  |  |
| Art. 32.1               | Tachograph not correctly functioning (e.g.: tachograph not properly inspected, calibrated and sealed)  |   | X |  |  |  |  |  |
| Art. 32.1 and Art. 33.1 | Tachograph improperly used (e.g.: deliberate, voluntary or imposed misuse, lack of instructions on correct use, etc.)  |   | X |  |  |  |  |  |
| Art. 32.3               | Using a fraudulent device able to modify the records of the tachograph   | X |   |  |  |  |  |  |
|                         | Falsifying, concealing, suppressing or destroying data recorded on the record sheets or stored and downloaded from the tachograph and/or the driver card     | X |   |  |  |  |  |  |
| Art. 33.2               | Undertaking not keeping record sheets, printouts and downloaded data   |   | X |  |  |  |  |  |
|                         | Recorded and stored data not available for at least a year   |   | X |  |  |  |  |  |
| Art 34.1 and 34.6       | Incorrect use of record sheets/driver card   |   | X |  |  |  |  |  |
|                         | Unauthorised withdrawal of record sheets or driver card  |   | X |  |  |  |  |  |



|           |   |  |   |   |  |      |         |  |
|-----------|---|--|---|---|--|------|---------|--|
|           | which has an impact on the record of relevant data  |  |   |   |  |      |         |  |
|           | Record sheet or driver card used to cover a period longer than that for which it is intended and data is lost |  | X |   |  |      |         |  |
| Art. 34.2 | Use dirty or damaged record sheets or drivers card and data not legible                                       |  | X |   |  |      |         |  |
| Art. 34.3 | Not using manual input when required to do so   |  | X |   |  |      |         |  |
| Art. 34.4 | Not using correct record sheet or driver card not in the correct slot (multi-manning)                         |  |   | X |  |      |         |  |
| Art. 34.5 | Incorrect use of switch mechanism   |  | X |   |  |      |         |  |
| Art. 34.6 | Lacking records of symbols of countries where a driver started and finished the daily working period          |  |   | X |  | Fine | BGN 300 |  |
| Art. 34.7 | Lacking records of symbols of countries whose borders a driver crossed during the daily working period        |  |   | X |  | Fine | BGN 300 |  |

**Producing information**

|         |   |  |   |  |  |  |  |  |
|---------|---|--|---|--|--|--|--|--|
| Art. 36 | Refusing to be checked  |  | X |  |  |  |  |  |
| Art. 36 | Unable to produce records of current day and the previous 56 days                                   |  | X |  |  |  |  |  |
|         | Unable to produce records of the driver card if the driver holds one                                |  | X |  |  |  |  |  |
| Art. 36 | Unable to produce manual records and printouts made during the current day and the previous 56 days |  | X |  |  |  |  |  |
| Art. 36 | Unable to produce a driver card, if the driver holds one  |  | X |  |  |  |  |  |

| Malfunctioning                |   |  |   |  |  |  |  |  |
|-------------------------------|---|--|---|--|--|--|--|--|
| Art. 37.1<br>and Art.<br>22.1 | Tachograph not repaired by an approved fitter or workshop   |  | X |  |  |  |  |  |
| Art. 37.2                     | Driver not marking all required information for the periods of time, which are no longer recorded while tachograph is unserviceable or malfunctioning |  | X |  |  |  |  |  |

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